

SETTING UP THE

Nyoongar Tent Embassy



A REPORT ON PERTH MEDIA

Thor Kerr & Shaphan Cox

edited by Robert Briggs, Niall Lucy & Steve Mickler

[Ctrl-Z]

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Ctrl-Z Press

Perth 2013

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ISBN 978-0-9875928-0-4

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Preface

On 12 February 2012, a Nyoongar Tent Embassy—representing Nyoongar sovereignty—was established on Heirisson Island in the Matagarup mud flats beneath the Causeway bridges on the eastern edge of Perth, Western Australia. Media coverage focussed on land and justice claims at first, but soon shifted to the alleged illegality of camping on the island. Citing the Embassy’s ‘unlawfulness’, City of Perth CEO Frank Edwards attempted to serve Embassy members with a council eviction notice on 17 February—to which Nyoongar representatives responded by visiting Council House and the Attorney General’s office the same afternoon and requesting a ‘nineteenth century document that would refer to the fact that the Nyoongar nation actually sold the entire southwest to the Crown’ (Item 20: [Tent Embassy](#)). By this time media reports were suggesting the Tent Embassy was a potential criminal nuisance, and early on the morning of Sunday 19 February 2012 a contingent of 50 police officers and council rangers was sent to dismantle the Embassy while members were still asleep inside. The Embassy endured, however, and on 21 February members marched to Government House to deliver a letter to the Governor of Western Australia seeking proof that the state had official jurisdiction over Aboriginal people. Two days later police and council rangers raided and once more dismantled the Embassy, and again the Embassy endured.

Throughout much of the period covered by this report, sections of the media (notably ABC1 television news, *PerthNow* and 6PR talkback radio) were seemingly as one in representing the Tent Embassy as a menacing Nyoongar threat, despite members’ demonstrated commitment to non-violent discussion and negotiation. A sense of impending violence was fuelled by the ways in which media and government framed the Tent Embassy as a law-and-order issue instead of a political and legal issue, and it peaked the day before the biggest police raid. Selective coverage of expert speakers including Premier Colin Barnett and Police Commission Karl O’Callaghan, in the marked absence of the reported views of other government experts such as the state and federal ministers for Indigenous Affairs—continued through to the day before the biggest raid. On 22 March a contingent of more than 50 riot police, mounted police and council rangers swept across the island to clean up the Embassy ‘once and for all’, in the words of Commissioner O’Callaghan (Item 77: [Island arrests](#)). Forced to surrender their tents and equipment to police, Embassy members were pursued across the island, taken down violently and arrested...

But still the Embassy endures ...

We would like to thank Curtin University for facilitating this research project through its Early Career Development Fellowships. Steve Mickler is owed our particular thanks for providing support throughout the project; he was a deep source of knowledge as an expert on Aboriginal representation in Western Australian media, and in many ways this study is a genealogical extension of his work. We are indebted to Suvendrini Perera in the School of Media, Culture & Creative Arts at Curtin for directing us to academic work on Aboriginal sovereignty and for early feedback on the project. Many other colleagues at Curtin have contributed to this study, including Joseph Fernandez, Roy Jones, Sean Gorman and members of the Growing Cities research cluster.

Our gratitude and respect must also be expressed to the dedicated people working at the Nyoongar Tent Embassy, who faced enormous risks in bringing important issues of Aboriginal sovereignty to the public's attention in early 2012. First we thank Helen Corbett for being our primary point of contact with the Embassy and for excusing our ignorance in the many questions we put to her. At the risk of not naming some of the many people who volunteered their time and knowledge to us, we thank Greg Martin for his enthusiasm and openness, Maureen, Vanessa, Len and Preston Culbong, Marriane MacKay, Herbert Bropho, Iva Hayward-Jackson and Charley Caruso. For feedback, we thank Robert Eggington of the Dumbartung Aboriginal Corporation and Dennis Eggington of the Aboriginal Legal Service.

Finally, we thank Ctrl-Z Press for its support and for enabling the free distribution of this research.

I think what is important here ... is the fact that unlike the protests in the past, Noonkanbah, the Brewery protests ... this particular gathering of Aboriginal people isn't blocking progress in terms of development. We're hardly in view of public sight as you can see for yourself. So my question would be, why would the police under the Perth City Council's request, in terms of that move-on notice, want to move a peaceful gathering on the ceremonial grounds of our ancestors and gaol us as you say it? Why, why, would they want to come in here and, and, and forcibly remove these young, young children and throw them into gaol?

— Robert Eggington, Director, Dumbartung
Aboriginal Corporation

INQUIRY

Overview

On 12 February 2012, people concerned with native-title negotiations between the government of Western Australia and the Nyoongar people gathered at Matagarup on Heirisson Island and, inspired by the 40th anniversary of the Aboriginal Tent Embassy in Canberra, established the Nyoongar Tent Embassy. News reports on the Nyoongar Embassy initially focussed on demands for justice and recognition of native title, but this focus soon shifted to the alleged illegality of camping at Heirisson Island, the threat of public nuisance and the force used by police in raids against the Embassy.

This report is intended to further understandings of popular media representations of the Nyoongar Tent Embassy at Heirisson Island and the actions taken by authorities to eradicate it. The report is based on an archive of 104 media texts produced by the electronic and print media in February and March 2012, which we put to close critical examination. We conclude that media reports, with few notable exceptions, positioned the Tent Embassy as a lawbreaking, menacing ‘Aboriginal protest camp’. This positioning—together with selective reporting practices—legitimised the repeated police raids against citizens gathering at what was in fact a state-listed Aboriginal heritage site for discussions on native title. Tent Embassy participants were arrested, subjected to violent police raids that had them fearing for the safety of their children and themselves, and had their possessions regularly seized for allegedly ‘camping illegally on a public reserve’. While police spokespeople, senior bureaucrats, politicians and journalists cited illegal camping as the justification for aggressive police action, in fact arrests were made not for ‘illegal camping’ but for obstructing police in the action of forcibly preventing Embassy participants from exercising rights to customary use as recognised under the *Aboriginal Heritage Act 1972* (WA). The apparent failure of the government to protect the rights of Nyoongar citizens at the Tent Embassy and the ways in which Perth news media failed to identify this neglect as a crucial component of the story are the critical issues at the centre of this report.

Media representation

Media coverage of the Nyoongar Tent Embassy across February and March 2012 tended to construct events as a ‘problem’ caused by Aboriginal ‘protesters’, a problem which therefore had to be policed. The popular representation of Indigenous public activity in terms of a threat to public order has a long history, and one of the conclusions of this report concerns the need to challenge the habitual conception of Aboriginal people as a social problem that requires policing. One of the key findings of this study thus concerns the construction of Nyoongar ‘nuisance’ and ‘criminality’, made possible by

- reducing the complex legal status of Heirisson Island—a recognised Aboriginal heritage site—to public land, on which camping could be declared illegal;
- representing Tent Embassy members as a threat to ordinary, law-abiding citizens;
- sourcing of comment from law enforcement officials to the exclusion of public or other authorities on native title and Aboriginal heritage protection;
- and placing responsibility for police action on Tent Embassy members rather than on state authorities.

To speak of the *construction* of Nyoongar ‘criminality’ here is to highlight the fact that representations of given events or states of affairs—representations offered in news coverage, for instance, although not only in the news—do not simply make those events visible to a wider population but also provide or privilege a particular way of making sense of them. The conditions for what became in effect a form of police entrapment were created by the media, and not only by the police, state and council authorities. Again, government authorities cited illegal camping as the justification for police raids; yet no one at the Embassy was arrested for illegal camping. Members were arrested instead for resisting forceful police attempts to remove tents and put out fires. The media’s role in the process by which issues associated with the Embassy were criminalised was sometimes obvious, but often subtle: one reporter, for example, asked Embassy members whether they would be prepared to be gaoled for what they believed in, despite there being no legal reason to send them to gaol (Item 16: [We’re spiritually imprisoned](#)). In this seemingly innocuous way, the reporter’s question inevitably, if perhaps unwittingly, encodes the actions of the Tent Embassy participants as a form of *lawbreaking* behaviour, regardless of the actual legal status of those actions and of Embassy participants’ rights of access to the island.

The subsequent mobilisation of police by the WA government and Perth City Council could easily be understood therefore as an attempt to restore order and authority at Matagarup, where ‘lawlessness’ was seen to reign. Indeed, this is precisely the understanding that served as the frame for much of the news coverage on the issue from the moment of the Embassy’s inception. It is precisely this *news frame* that constitutes the first and most significant step in ‘setting up’ the Embassy as a menacing Nyoongar threat, however much any given news report might subsequently succeed in avoiding ‘sensationalism’ or ‘bias’. It

should be noted that at least some instances of news reporting during the periods covered by this report presented relatively measured and impartial depictions of events, and provided more or less equal access to airtime and page space for Tent Embassy voices as for state authorities. But the *question* of the legality of the Embassy, the possibility that the Embassy was not illegal and that Tent Embassy members were pursuing a perfectly ordinary right—the right to sovereignty (Mickler, 1998, 286)—was rarely allowed to become the focus of media-initiated investigation. The media's repeated narrow sourcing of views from police and city council authorities not only legitimised but in a sense encouraged a state response to the Embassy in terms of law, order and criminality, while the island's legal status—at the time, still in dispute—as *public* rather than *Nyoongar* land was decided in that same act. From the outset, then, Aboriginal sovereignty and Nyoongar sovereign rights in particular were, on the basis of journalistic practices that might otherwise be seen as 'ethical' and 'professional', excluded as a political and legal impossibility. By the same token, the seeming 'obviousness' that the police were the appropriate state agency to approach for comment on the issue is testament to the extent to which Aboriginal 'criminality' has been naturalised in public discourse on the back of a long history of colonial relations with the Nyoongar people inhabiting the region eventually designated and settled as 'Perth'.

Early history

Aboriginal laws and Aboriginal sovereignty are rendered impossible, as Watson argues (2007, 24), by Australia's overarching nationhood and legal system. This 'impossibility' has its origins in the colonial era. Since 1828—when British naval officer James Stirling successfully deployed the lure of private financial returns on capital investment in land and the threat of French colonial competition as motives for immediately settling the coastal area in and around the town he named Perth (Stratham-Drew, 2003, 110–40)—Matagarup has been represented on maps and urban plans predominantly as 'Heirisson Island'. The colonial name of Heirisson Island (or 'Islands') for Matagarup was gradually imposed in reference to a draftsman, François-Antoine Boniface Heirisson, who recorded a chain of islands on a French naval chart in 1801 (Stratham-Drew, 2003, 60–61). The eviction—what might be called the discursive eviction—of Nyoongar people living in and around the area surveyed by Heirisson began, then, with the renaming of Matagarup in European terms, and with the cartographic colonising of the area. Physical eviction followed when the British military and settlers arrived. The discursive eviction of Indigenous people continues into the present as a result of the general exclusion of original Nyoongar words and names from European-drawn maps of the Swan River (Derbal Yarrigan), somewhat in sharp contrast to the naming of Perth suburbs with versions of Nyoongar words (Mickler, 1991, 72–74).

The 'improvement' of the land in terms of economic value (Stratham-Drew, 2003, 120) formed the basis of settler entitlement to land around Perth under British colonial rule, which dominated the organisation of global sea trade. The coastal plain around Perth was swiftly surveyed under Stirling's administration and then quickly occupied and enclosed by settlers backed by force of British arms and British symbols of entitlement, dispossessing and displacing Nyoongar people who lived there (ibid., 146–85). British men of demonstrable capital and favoured colonial officers were awarded initial occupation rights to land in Western Australia by Lieutenant Governor Stirling acting on behalf of the British Crown, which granted occupation to Stirling (through the Colonial Office in London) of 100,000 acres (ibid., 114), including 4,000 acres on the Swan River at Guildford (ibid., 336). Land grants were sold by some grantees as early as 1831, and by 1832 the land grant system had been replaced by the selling of Crown land in the area of Western Australia. British invaders, as they were referred to by Stirling on at least two occasions, ignored the land-occupation laws and spatial organisation of the Nyoongar people (Carter & Nutter, 2005, 4–98; Stratham-Drew, 2003, 74). The Colonial Office regarded the Swan River settlement as a site of private land speculation by capitalists (Stratham-Drew, 2003, 232) while providing sufficient funds and military support for it to endure; as Hunter (2012) points out, though, at times its survival was less than assured. Stirling asserted in his settlement proclamation that he could grant occupation rights to all 'unoccupied land', but this wording was soon replaced by the term 'wasteland' in official documents because the area was all too obviously inhabited—*occupied*—by Nyoongar people (Carter & Nutter, 2005, 4–28). Documents of the period include debate over the treatment of Aboriginal people and the benefits of entering into treaties and agreements for the purchase of Aboriginal land rather than continuing

the settlement practice in Perth of simply proclaiming ownership of land and thereafter denying Aboriginal people access to it (Hunter, 2012, 158–74).

The settlement's 1829 regulations allocated land grants to colonists in square-mile sections that could be converted to permanent, tradeable titles provided the grantee made capital improvements to the land (Stratham-Drew, 2003, 146). The Colonial Office did constrain Governor Stirling, however, from granting excessive river or sea frontage to himself or any one settler, because such land was to be reserved for the 'security, health or general convenience of the Public at large' (ibid., 424). But while claims for public convenience and private ownership concerning questions of land entitlement persist in the Perth area to this day, little attention has been paid to the Nyoongar experience of coping with incursion without conceding the final surrender of traditional lands (Carter & Nutter, 2005, 49). The practice of Nyoongar families inheriting and defending land areas in and around Perth from trespass was documented and publicised in the mid-1830s by Francis Armstrong (Hunter, 2012, 162–63), who was appointed as the settlement's Superintendent for Native Tribes after the Pinjarra massacre (ibid., 48–51; Stratham-Drew, 2003, 263–73). Hunter (2012, 160–69) describes early colonial arrangements for co-existing with Nyoongar peoples and argues that the settlement missed an opportunity to officially recognise Nyoongar ownership of the land. The more the colonists encroached on Nyoongar family lands, the more Nyoongar people struggled to reproduce their spatial and cultural practices. Nyoongar people responded to colonial encroachment in a number of ways: by trying to convince colonists not to abuse their hospitality, by tearing down fences and, ultimately, by taking up arms (Hunter, 2012, 40–162).

Stirling instituted colonial criminal law for the control of Aboriginal people in Western Australia in 1837 (ibid., 171), and Aboriginal people in Western Australia have been enmeshed in discourses of criminality ever since. Stephen Kinnane (2003, 20) argues that the primary concerns of police in northeast Western Australia in the early twentieth century, for example, were focussed on capturing, chaining and escorting Aboriginal men from the region who had been accused of spearing a small number of the tens of thousands of cattle that were run on land owned by colonial pastoralists, who enjoyed property rights, police protection and virtually free Aboriginal labour. In 1906, in the East Kimberly alone, 179 Aboriginal men were summarily convicted in relation to 58 reports of killing cattle. Many Aboriginal men, whose 'criminal' status was naturalised as much by the language of British 'settlement' as by the colonial legal system, were removed from their lands and exiled to concentration camps such as Rottneest Island (Kinsella & Lucy, 2012, 151–54), where at least 500 died (Mickler, 1990, 90–7), including 24 deaths on a single day in inhumane conditions described by Bates (1944, 117): 'chained in gangs on the island, in the heat and wet weather and biting cold, they worked in the salt lakes, or at road making... they were shepherded at night into the clammy cells of a low-roofed gaol, cells filthy and fever-ridden.' The criminalisation of Aboriginal people operates into the twenty-first century, with Aboriginal and Torres Strait Islander people representing 26% of Australia's prisoners and only 2% of the national population on an average day in the first quarter of 2011 (Australian Bureau of Statistics, 2011b, 5–24); almost 7% of Aboriginal men in Western Australia were in jail on any given day across the same period.

Nyoongar sovereignty

Aboriginal people in Perth know that when they assert their right to land and resources they are likely to run into trouble with the law and be incarcerated (Item 30: Elders pledge to stay after camp altercation). Colonisation brought with it a new set of laws while marginalising but never erasing preexisting social conventions. It also carried with it a perverse idealism that colonial law is superior to and more civilized than such conventions, despite the latter's local relevance and deep connection with place. Consequently, the notion of there being only one set of laws in Perth (Item 53: [Heirisson Island protesters return](#)) works to deny the existence of Nyoongar claims to space and resources. According to Jacobs (1996), and as encapsulated by the title of Bropho's book, *Fringedweller* (1980), a significant historical and ongoing obstacle for Nyoongar individuals and groups in Perth is their exclusion from the city. Thus, when an Aboriginal group on Heirisson Island challenged a proposed billion-dollar native-title extinguishment deal, the rights of that group 'being in place' were systematically denied ... despite such rights being recognised in law.

In 2006, that is, the Federal Court of Australia ruled that land and waters within the Perth metropolitan area were subject to native title, and 'the persons who hold the common or group rights and interests comprising the native title in the said land and waters (hereafter "the area") are the Noongar people' (*Bennell v Western Australia* [2006] FCA 1243). The ruling defined native-title rights as 'the rights [of Nyoongar people] to occupy, use and enjoy the area in the following way':

- (a) to access and live on the area;
- (b) to conserve and use the natural resources of the area for the benefit of the native title holders;
- (c) to maintain and protect sites, within the area, that are significant to the native title holders and other Aboriginal people;
- (d) to carry out economic activities on the area, such as hunting, fishing and food-gathering;
- (e) to conserve, use and enjoy the natural resources of the area, for social, cultural, religious, spiritual, customary and traditional purposes;
- (f) to control access to, and use of, the area by those Aboriginal people who seek access or use in accordance with traditional law and custom;
- (g) to use the area for the purpose of teaching, and passing on knowledge, about it and the traditional laws and customs pertaining to it;
- (h) to use the area for the purpose of learning about it and the traditional laws and customs pertaining to it.

The ruling resulted from Nyoongar claimants proving their cultural links to place against state claims that these cultural links no longer existed due to colonisation. In his reading of the decision, Owen (2009, xiv) points out what he calls a disturbing inference underpinning the state's position:

The inference from the State's submission was that the Swan River Colony and formative state of Western Australia had subjected

Noongar people to genocide, defined by the United Nations as acts 'committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group'. It is a disturbing and extraordinary irony that the Labor State government embraced a narrative of genocide in Perth to disprove Noongar Native Title while advertising and promoting protocols for acknowledging Noongar 'Traditional Owners' with 'Welcome to Country' ceremonies.

In 2008, on appeal, the Federal Court found that a retrial was required (*Bodney v Bennell* [2008] FCAFC 63). As a result, the Southwest Aboriginal Land and Sea Council (SWALSC) and the new State Coalition Government, headed by Premier Colin Barnett, agreed in 2009 to commence negotiations for an out-of-court settlement (Southwest Aboriginal Land and Sea Council, 2012). The purpose of negotiations was to arrive at certainty by extinguishing or confirming native-title areas within the southwest of Western Australia, suggesting a desire by some to 'fix' the representation of space. Western Australia's Attorney General, Christian Porter, articulated such a desire to parliament on 21 February 2012 in relation to the government's position on the native title negotiations:

The one significant symbolic measure in all of this would be an act, potentially of this Parliament, to recognize Nyoongah people as the traditional custodians and owners of the land, over which native title would, by agreement, be extinguished. (Hansard, 2012)

Extinguishing native title would be a symbolic act of purifying the space of Aboriginal sovereignty while leaving traces of Aboriginal prehistory. In the ongoing absence of such an agreement, however, local Aboriginal people continue to possess grounds to affirm native title over Heirisson Island. For Heirisson Island is a registered Aboriginal sacred site listed in the Aboriginal Heritage Inquiry System (AHIS) of the Department of Indigenous Affairs, and protected under the *Aboriginal Heritage Act 1972* (WA). Rights to access Aboriginal heritage sites, such as Heirisson Island, are also contained within the Act (see Appendix). The site is listed in the AHIS as having mythological significance and additional information includes its heritage usage as a 'meeting place, plant resource, camp, [and] hunting place' (AHIS, 2012). The status of Heirisson Island as an Aboriginal sacred site, coupled with its protection under a state government act, allows the Nyoongar community to engage with the state government from within the framework of state law and therefore to assert their right to be on the island.

The legal status of Heirisson Island is complex, in other words, and its standing as 'public' land is far from unqualified and uncontested. The very registration of Heirisson Island in the AHIS, moreover, testifies to the cultural significance of Matagarup for Nyoongar people, such that any potential or subsequent extinguishment of native title might well finalise conflict over Heirisson Island's legal status, but would do little to end Aboriginal people's continuing claims to and connections with place. An alternative to the demand to fix the status of the island would be to recognise space as open, relational and always in process (Massey, 2005, 59). This way of thinking would at least allow for an understanding of particular places in terms of *contested* rather than fixed meanings. It would also recognise that socially-constructed spatial boundaries are never really fixed and must be continually performed and reproduced. For instance, many alterations

have been made to Matagarup since the British stamped their town plan onto the adjacent land. Significant alterations cited in the City of Perth Heirisson Island Masterplan (Urbis, 2008) include a bridge built in 1843 and rebuilt in the 1860s; land infill in 1900 and 1930; and the landscaping and transformation of the consolidated island into parkland in 1970. These changes have been referred to in delegitimising Nyoongar claims of significant cultural attachment to Matagarup (Item 64: [Marianne MacKay speaks out](#)), yet these acts of delegitimation rely on an exclusion of Aboriginal people from the community in which these changes occur. Therefore, a genuine basis for approaching spatial relations as unfixed and contested requires a democratic acceptance of Nyoongar sovereign rights with respect to those spaces. Matagarup *remains* a site of memory, resistance and sacredness for Nyoongar people, that is, such that its social significance exceeds that implied by the City of Perth's representation of it as a 'public recreation reserve' (Item 70: [Police Commissioner wants action over protesters](#)).

Heirisson Island has been a site of the public demonstration of Aboriginal sovereignty, documented on at least two occasions in the 34 years prior to the formation of the Nyoongar Tent Embassy in 2012. In December 1978 Robert Bropho led the 'fringedwellers' from Lockridge to the island, where the group remained for three days. In 1984 a similar group comprising 'little children, nursing mothers and grandmothers' (Baines, 1988, 235) camped on the island for forty days and nights. The first gathering publicised the plight of Aboriginal people living on the fringes of Perth city and the second raised awareness about the desecration of sacred areas due to a gas pipeline proposed for the Bennett Brook and Lockridge area. The site clearly functions as a meeting place for important discussions and performances of Aboriginal sovereignty. Reflecting on the 1978 gathering, Bropho wrote: 'We feel that the public in general was taken by surprise that the fringedwellers had done the impossible again' (1980, 95). For him, in other words, the presence of Aboriginal people on Heirisson Island was all about making use of the space to disrupt the routine reproduction of Aboriginal sovereignty as an *impossibility*.

The registration of Heirisson Island as a state-protected sacred site may explain why the 1978 and 1984 gatherings were threatened but not forcefully evicted by authorities. But while engaging the question of Aboriginal rights from within state law may support the Nyoongar claim for being in place on Matagarup, it can also present significant challenges to Aboriginal people's attempts to enact that claim, given that the Minister for Indigenous Affairs has the power, under section 17 of the Act, to authorise actions that violate an Aboriginal heritage site. In the eyes of the Act, in other words, Aboriginal rights are a political concession that may be rescinded at the stroke of a ministerial pen—the line between legality and criminality being redrawn with it.

In this sense, the legal and political status of the Nyoongar people is something that continues to be rewritten, in part (although not entirely) in every state decision to recognise or to deny recognition of Aboriginal rights to occupy traditional lands. During the 2012 gathering at Heirisson Island, for instance, Minister for Indigenous Affairs Peter Collier—whose portfolio also included Energy and Education—was seemingly invisible to the media glare on the issue of authorities raiding the Nyoongar Tent Embassy despite its being his legislative responsibility to protect people practising their culture at a state-protected Aboriginal heritage site. Collier had the state-authorised power to protect the

Tent Embassy or to sign away its demolition, yet the Minister's position on the issue was absent from public representations of the 'debate'. As this instance alone suggests, therefore, the question of representation—what is written, how it is written, and by whom—continues to play a powerful role in determining not just the meaning, but also the possible avenues of appeal available to Aboriginal people in their quest to (re)claim their ordinary right to sovereignty.

Such sovereignty continues to be rewritten by the actions of Aboriginal activists, too, as evidenced by the three gatherings of sovereign Nyoongar people on Heirisson Island already cited. But that status is also subject to rewriting and revision in the public sphere—a space of representation that is underpinned by local news media, and over which Nyoongar people have little direct influence, except as objects of reporting. It is with an eye to the professional rules and procedures of such rewriting, then, that this report undertakes its analysis of Perth news media's coverage of what was roundly seen to be an instance of 'Aboriginal criminality', but which might otherwise have been understood as a case of Aboriginal people doing 'the impossible' again.

ANALYSIS

Summary of findings

Critical examination of over 100 media reports on the Nyoongar Tent Embassy in 2012 demonstrates the ways in which many of those reports enabled police spokespeople, city officials and senior politicians to legitimise repeated acts of state violence directed at eliminating a peaceful, legitimate gathering of Aboriginal people. From the moment that the Nyoongar Tent Embassy was established at the state-listed Aboriginal heritage site of Heirisson Island—within a federal court-listed native-title claim area—news reports generally presumed without question that managerial authority over the Embassy was held by police and City of Perth officials rather than by Tent Embassy participants themselves. The failure of the news media to contest this assumed authority led to the uncritical reporting of City of Perth’s Chief Executive Frank Edwards’ declaration that Tent Embassy members were breaching by-laws for camping and lighting fires. The media’s support for this declaration took the form (among other instances) of omitting the easily verifiable fact that Nyoongar people are empowered to do precisely that—to camp and light fires—at Heirisson Island (AHIS, 2012). The news reports routinely reduced the social-spatial complexity of Heirisson Island to a public park, erasing Nyoongar people’s right to be at this sacred site under Western Australian law.

The news media proceeded to place the Tent Embassy within a lawbreaker-protester news frame, relying heavily for comment on police spokespeople, senior politicians, city council officials and the ‘everyday citizen’ to stabilise the frame and produce a sense of popular consensus. Once the arguably defamatory lawbreaker-protester frame was in place, it was inevitable that the Tent Embassy became a ‘menace to society’ rather than the lawful site of a people’s cultural and political activity. Premier Colin Barnett, aided by generally heedless reporting, summonsed the public (Item 74: [Protestors out of time](#)) to support aggressive police action against a menace of the government’s and the media’s collective making. This construction was born of specific media reporting and editing techniques that had the effect of positioning Tent Embassy participants as threatening, violent, privileged and malfunctioning members of society. Police violence against the Embassy was thus effectively justified by media reporting in several ways:

- by framing events surrounding the establishment of the Tent Embassy in terms of law and order;
- by failing to source comment from an adequate range of native title and Aboriginal heritage experts and authorities;
- and—perhaps most effectively—by reducing the Embassy to an ‘illegal’ Aboriginal protest camp.

This routine reductionism—most consistently undertaken by news anchors, radio show hosts, news editors and off-site reporters—overlooked the Embassy’s main function of bringing together the Nyoongar people most likely to be affected by the government’s latest attempt at extinguishing native title in the Perth metropolitan area.

Scope

Many media texts were produced on events associated with the Embassy and its policing in the period covered by this report (February–March 2012), and many of these focus on moments of *crisis*. Since the reporting of ‘crisis’ is often indistinguishable from the *production* of ‘crisis’ (Fairclough, 1992), such reporting often relies on underlying assumptions, prejudices and systems of meaning that have been naturalised—that is to say, which have been so frequently reproduced as to seem ‘natural’ when in fact they represent *particular* views, positions and interests that are able to be challenged or refuted precisely because they are *not* natural, pre-given or absolute.

Our archive has been assembled from a range of popular media outlets: *The West Australian* newspaper; 7News, TEN News, ABC1 and Nine News television broadcasts; 6PR and 720 ABC radio broadcasts; and *PerthNow* and *ABC Perth* online news sites. Items were included in the archive if they remained publically available online or through public libraries or university database subscriptions in July 2012. The only exception to this rule was the ABC1 news broadcast on 21 March 2012, purchased from the ABC’s internal archive for the purpose of this report.

A further organising principle is as follows: an item was included in the archive if it was published or broadcast within one of two separate 15-day periods. The first period, from 12 to 26 February 2012, covers the physical establishment of the Tent Embassy on Heirisson Island, an event which media texts presented as an object of public concern. The second period, from 15 to 29 March 2012, covers the unsuccessful use of state policing and publicity resources to remove the Embassy from the island.

We have organised the 104 texts in our media archive (stored on an NVivo 9 server) into ten categories, indicating the original medium of each text’s production and its media outlet (Table 1). Some general features of the archive may be listed as follows.

The print news outlet with the greatest share of the Perth metropolitan news readership was *The West Australian* daily newspaper. It had a weekday and weekend circulation of 142,418 and 257,054 copies respectively, and a weekday and weekend readership of 401,000 and 590,000 respectively (*The West Australian*, 2012). The newspaper’s reach is significant given the population of 1.74 million for metropolitan Perth (Australian Bureau of Statistics, 2011a).

The most popular television news outlet was 7News with 22.9% share of the evening television audience (Oztam, 2012). It was followed by TEN News with a 12.1% share, ABC1 with 12.0% and Nine News with 11.1%.

For radio, 720 ABC and 6PR had 9.3% and 7.6% share respectively of the Perth afternoon drive-time audience (Commercial Radio Australia, 2012). Both were more popular among elderly listeners, with 6PR enjoying a 21.5% share of the daily audience aged 65-and-over, but only 0.4% of the 18 to 24-year-old segment, while 720 ABC had 24.9% and 1.9% shares respectively for these demographics.

Figures for Perth metropolitan Internet audiences are more difficult to determine. *ABC Perth* reported an average 14 million visitors worldwide each month for the 2010/11 fiscal year (Australian Broadcasting Corporation, 2010, 63). The *PerthNow* website, ‘powered by *The Sunday Times*’, is an Internet gateway targeting a Perth metropolitan audience while providing access to the contents

of News Corporation's Australian newspapers and other media interests (News Australia, no date). The website also co-hosts articles, photographs and video footage from the AAP media service, and some television news footage from the Nine television network.

The archive includes 53 print, radio, television and Internet texts produced between 12 and 26 February 2012 and 51 similar texts produced between 15 and 29 March 2012.

Source	Original medium	# texts
6PR	Radio	8
7News	Television	4
ABC1	Television	7
720 ABC	Radio	2
ABC Perth	Internet news article or photo gallery	14
Nine News	Television or Internet television	3
PerthNow	Internet news article, photo gallery or TV	35
TEN News	Television	3
The West Australian	Daily newspaper article, editorial or letter	28
TOTAL		104

Table 1: Composition of media archive

As we argue below, many of the items worked to delegitimise the Tent Embassy through claims that members were a violent nuisance or beneficiaries of a system which treated the non-Aboriginal majority unfairly. They also show how Tent Embassy members were arrested in the context of popular media reporting on violations of municipal by-laws that made no reference to the existence of Western Australian legislation on access to Aboriginal heritage sites, not to mention prior determinations of the Federal Court of Australia on native-title rights in the area. Such omissions, together with the tendency to edit out reporter empathy, constitute an important *meaning-making* feature of popular media representations of the police's treatment of 'nuisance' Nyoongars occupying Heirisson Island. Such omissions are necessary, in other words, to the explanation of the Tent Embassy as a *threat* to naturalised law and order, an explanation that precludes the possibility of understanding police actions in terms of the forced removal of Aboriginal people from their land.

Framing the issue

The Nyoongar Tent Embassy was (and remains) an essentially peaceful affirmation of native title to Nyoongar country and a legitimate Aboriginal use of a state-registered Nyoongar heritage site. The Tent Embassy participants did not prohibit general public access to and use of Heirisson Island; they did not block roads or pathways; they did not disrupt traffic; and they were not aggressive or prohibitive towards other users of the island. As we found from many visits to Matagarup, Tent Embassy members generally welcomed the interest of visitors and passers-by, with whom interactions were conducted in a spirit of goodwill. Such newsworthy facts, however, were routinely excluded from media reports framed—with few notable exceptions—around issues of law and order.

From the very first news item (12 February 2012; see Item 1) on the Nyoongar Tent Embassy, the police were visibly present. Once the Embassy had been categorised as a law-and-order matter, the police were authorised by journalists to speak about solving it. A police presence could be sensed also in the background of reports immediately following the first, although not all of these reports granted police authority to speak on the issue. For this native-title issue to become a law-and-order issue, however, it was necessary for authority over the space where the Tent Embassy was established to be granted to the City of Perth—and not to the state government's Department of Indigenous Affairs. The City's claim to govern this space could be disrupted by the Embassy's affirmation of the *Aboriginal Heritage Act 1972* (WA), if not by the principle of native title; whenever reporters lost sight of this affirmation, though, the City's claim was stabilised, municipal by-laws could be breached and police could take action. The City had strategies for claiming its authority over the space, most powerfully in the form of eviction notices that became a focus of media attention. Simultaneously, the bulk of media reporting shifted representation of the Tent Embassy from activists affirming Aboriginal rights to protesters defying the City's eviction notice. This shift in framework supported the visualisation of activists as lawbreakers who should be dealt with by police rather than by a government-agency expert in native-title grievances. It could then make sense that police officers and rangers would tear down the Tent Embassy at 6am on the Sunday of 19 February 2012, only one week after its establishment.

The law-and-order news frame took what might otherwise be lamented as an act of vandalism—an act of violent intimidation—against a peaceful affirmation of native title and transformed it into a normal, legitimate act of governance. News frames such as this one work to impose a pattern of reporting, but unlike the natural fact that night follows day, journalists and news editors have the power to exercise choices, to contest or accept the frame and its patterns. Undoubtedly, the 'naturalness' of the law-and-order frame has been cultivated over a long history of media reporting on 'Indigenous issues,' and so alternatives are perhaps not always immediately evident. But this is precisely why the choice to reflect on the appropriate frame is what distinguishes robust and intelligent journalism from lazy and uncritical work. In any case, both the reporting of the events that followed this early coverage *as well as the events themselves* were, in many ways, determined by this early *decision* to seek comment from police and City of Perth spokespeople rather than native-title experts or the Minister for Indigenous Affairs. While lines from an another possible news narrative—one telling a

story of Aboriginal heritage and sovereignty—thus worked their way into some reports on the Tent Embassy, this alternative story was largely blanketed by the broader editorial embrace of a law-and-order frame that made police action seem inevitable almost from the beginning.

Police were at the scene from the first news report on the Tent Embassy (Item 1: [‘Tent Embassy’ in central Perth](#)). They arrived in a television cut to archival footage of a native-title protest in Kings Park on 8 February 2012, following which the reporter granted police expert status on the Tent Embassy issue. Although this news item and many others maintained an apparent balance of Tent Embassy and opposing voices, police were often represented as experts on the issue. Only two sources were paraphrased in the 43 seconds of Item 1: firstly, ‘Aboriginal activists’; and secondly, ‘police’. The first source was understandable because of the Nyoongar Tent Embassy’s appearance in Perth. That was news. The second relied on an historically constructed association of Aboriginality with public disorder and potential criminality rather than with their title to land. This construction was reinforced in Item 1 with the reporter, Alexis Donkin, saying:

Now police say they won’t be moving anyone on down here. They are saying that this is a matter for the City of Perth.

Here the reporter grants police the authority to remove Nyoongar people from Nyoongar country despite the appearance that policing authority is being deferred to the City of Perth. Similarly, journalist Todd Cardy (Item 3: [Aboriginal activists to determine native title demands](#)) grants authority to the police in seeking a police solution to the Tent Embassy, which again appears deferred:

Police spokesman Insp Bill Munnee said the protest was a matter for the City of Perth because the rules governing camping or gathering on public land fell under the council’s by-laws.

‘It’s between the City of Perth and the people,’ Insp Munnee said. ‘It’s not an offence, it’s a local government issue so the police are not involved at all at this stage.’

Once police had licensed the City of Perth to deal with the Tent Embassy through its by-laws, reporters were quick to accept the claim as fact and to adjust reporting practices accordingly. Thus Perth CEO Frank Edwards became the highest government authority to be seen dealing with the Tent Embassy. On 17 February Edwards visited the Embassy and then ‘respectfully’ ordered members to remove equipment from Heirisson Island within two days. News reports subsequently focussed on the eviction notice deadline rather than on the Tent Embassy’s affirmation of native-title rights during what were complex negotiations over the native-title status of government-held land in Perth and the Southwest of Western Australia. Item 7 ([Aboriginal protestors to stay put](#)) was organised around the eviction deadline, with reporter Alexis Donkin saying in the middle of the report:

The CEO of the City of Perth has been out to speak to the protesters in person. They have been given two days to take down the tents, but the people here are telling me they are not going anywhere.

The City’s authority to issue this deadline is contested in a cut to ‘Activist Greg Martin’, saying ‘this is permanent now, it is, as I said, we, we reserve the

right to be here, enjoy our land.' It is also questioned within a statement from Edwards, saying its offer of allowing daytime access without equipment 'would allow the Nyoongars rightful access to their sacred land as a meeting place.' Such a 'concession' indicates the fragility of Edwards' presumed authority to control access to a Nyoongar sacred site, and presents an early, yet unavailed opportunity for the reporter to explore a critically important aspect of the story. In any case, if the City's authority over the Embassy's affirmation of native title appears tenuous in this report, the authority of the police does not. After Greg Martin's statement, the item cuts to a police car cruising around Heirisson Island's car park while Donkin normalises police presence in the background:

Police have kept watch. At this stage they're not involved unless they are called in by the City of Perth to move people on.

Police power is authorised typically in the second half of news items in this first week period. Generally, the first half of news reports, such as Item 7 above, tended to focus on Nyoongar people's grievances about their exclusion from native-title negotiations between the state government and the federal government-funded South West Aboriginal Land and Sea Council (SWALSC). Item 7—a 7News report for 14 February 2012—is typical in this regard. The scene opens with the camera tilting down from the tops of trees to a group of people seated and standing around a fire on Heirisson Island with the Swan River and city in the background. A 7News supertext reads: 'STAYING PUT' on the top line, 'ALEX DONKIN reports' on the line below, followed by 'Heirisson Island' on the bottom line.

DONKIN: Aboriginal activists meeting with their elders at Heirisson Island near the Causeway on the Swan River.

Scene cuts to a group of people holding up signs, the foremost saying 'NYOONGAR TENT EMBASSY', another saying 'WE RECLAIM SOVEREIGNTY OVER MATAGARUP (HEIRISSON ISLAND)'. The visual zooms in on a third, smaller sign saying 'NO DEAL BARNETT NO DEAL SWALSC'. It then cuts back to the first sign and thereafter to the Swan River in the foreground, with the Western Australian Cricket Association (WACA) stadium and a cluster of Perth buildings in the background.

DONKIN: They are calling it a 'tent embassy'. They are opposed to the Barnett government's billion-dollar offer to settle native-title claims over Perth and the Southwest.

Cut to head shot of 'Aboriginal Elder Ben Taylor'.

TAYLOR: Give us solidarity, where we can rule and have power, not money but land!

Cut to a group of people seated and standing around a fire on Heirisson Island.

DONKIN: Heirisson Island, they say, is part of the land that belongs to them.

The issues of native title and sovereignty are explored by reporter Jane Hammond in two articles (Items 2 and 8) published in *The West Australian* in the



Figure 1: 'Aboriginal activists meeting with their elders at Heirisson Island' (Item 7)

first week of the Tent Embassy, neither of which refers to police. Police are not introduced in *The West Australian's* reporting until the City of Perth's eviction deadline is issued and defied by 'protesters' (Item 13: Protesters refuse to move), with maintenance of the law-and-order frame relying on reports of 'protesters' defying the City of Perth's eviction notice. The two-day countdown to the deadline and its defiance by Nyoongars becomes the dominant news narrative between 14 and 18 February. The eviction deadline supports the transformation of Aboriginal 'activists' engaging in native-title negotiations into 'protesters' defiantly occupying public space, as can be seen in headlines of news reports and opinion pieces across that period:

- 'Tent Embassy' in central Perth (Item 1: 7News, 12 February)
- Activists pitch native title demands (Item 2: *The West Australian*, 14 February)
- Aboriginal Activists to determine native title demands (Item 3: *PerthNow*, 14 February)
- Federal contribution to native title questioned (Item 4: *ABC Perth*, 14 February)
- Noongar camp shows reverse discrimination (Item 5: *PerthNow*, 14 February)
- Noongar activists told to pack up camp and leave (Item 6: *ABC Perth*, 14 February)
- Aboriginal protestors to stay put (Item 7: 7News, 14 February)

An image of the defiant, if not disruptive, 'protester' was visualised in the countdown to the eviction deadline, in the reporting of its expiry and in subsequent police raids. Not only did the construction of the 'defiant' protester support the framing of the Nyoongar Tent Embassy as a law-and-order issue; it also worked to legitimise police raids (see section below, *Justifying violence*) through the reproduction of a Nyoongar menace (see section below, *Creating a nuisance*). The problem—which leads to police involvement—is the perception of the Nyoongar Tent Embassy as a protest in public space rather than a performance of sovereignty. The image of protesters defying the law is visualised from the opening lines in a report (Item 12: [Noongars vow to continue protest despite eviction notice](#)) by *PerthNow* journalist Katie Robertson on 16 February:

Two City of Perth officers were called 'mad white men' by protesters who are defying orders to leave Heirisson Island.

The eviction deadline set by the council for Aboriginal protesters camping on the island is looming, but those in the makeshift Embassy have vowed to stay put.

Protesters at the Noongar 'Tent embassy', set up on the island at [the] city's eastern gateway, have said they will not leave, despite being told by the council they must stop overnight camping tonight.

Controversy is constructed around the looming eviction deadline, pushing discussion of the expression of native title at the Matagarup sacred site out of the

news frame. *The West Australian's* article (Item 13: Protesters refuse to move) on 17 February by Taylssa Barone consolidates this construction and the framing work performed by its headline—'Protesters refuse to move'—through its opening paragraphs:

Noongar Tent embassy protesters were yesterday refusing to move despite a verbal request from the City of Perth.

Council rangers got an icy reception when they attempted to deliver a written notice to protesters requesting the removal of tents and vehicles from parkland on Heirisson Island.

The reporter visualises the protesters' reception as testing the patience of the council officers, and possibly threatening them:

The officials waited about 15 minutes until the ceremony ended. Protesters, chanting and clapping, then circled the officials.

Both men were touched on the chest by the protesters before choosing to leave without handing over the written request.

It is understood the council will decide what action to take today, which may include assistance from police.

This narrative of protesters encircling and physically resisting council rangers could work to make the event seem to be an ordinary protest requiring police attention—'police' being the article's final word. However, the defiant protester requiring police constraint is absent from the article's accompanying image in which Greg Martin and Robert Eggington have placed their right hands on the chests of council rangers at Matagarup. As much as they may look like protesters, they also appear as Nyoongar people facing an incursion into their space. The image caption reads: 'Unwelcome: Council officers face Noongar protesters.' The use of 'unwelcome' (in reference to the rangers) and the re-introduction of 'Noongar' in both the caption and image work against the reduction of this story to the single theme of protesters refusing to move.



Unwelcome: Council officers face Noongar protesters. Picture: Ian Munro

Figure 2: Managing and informing trouble-making visitors (Item 13)

Protesters refuse to move

The City of Perth's performance of authority is thus disrupted by the counter-performance of Aboriginal sovereignty, the right of Nyoongar people to govern themselves on Nyoongar country. This struggle over who governs in the space of Matagarup or Heirisson Island is similarly articulated in *PerthNow's* article by AAP (Item 15: [Noongar Tent Embassy campers vow to stay on Heirisson Island](#)) and 6PR's broadcast of a Nyoongar Tent Embassy press conference on 17 February.

The *PerthNow* article opens as follows:

Aboriginal activists who set up a ‘Tent embassy’ on Heirisson Island this week have asked the Premier to meet with them for a chat around the camp fire.

The request follows days of racial abuse, with police called to the site on Friday night to witness slurs coming from passing cars and boats.

The item goes on to give Embassy spokespeople the opportunity to take the initiative to define their space and demand that the public respect it. The first source is ‘Noongar Tent embassy spokesman Greg Martin’ saying he would like the Premier and the executive of SWALSC to ‘sit on the ground with us, sit around our campfire and talk things through’. Martin is quoted as saying that the group ‘were not protesters, but had a “legitimate claim”’. The article notes that in response to Perth CEO Frank Edwards delivering a move-on notice, the ‘Tent embassy delegation responded with their own notice’. The article is structured around a contest of spatial authority, demonstrated in its closing paragraphs:

Mr Edwards has told the protesters he respects their right to be on the land and to practise their culture but said they were camping illegally on a public reserve.

The tent embassy delegation has delivered a letter to the office of WA Attorney-General Christian Porter asking for evidence of a bill of sale that gave the WA government jurisdiction over the site.

It stated that Noongar people had never ceded sovereignty over their country.

Premier Colin Barnett said on Friday he hoped the campers would move on peacefully.

The proposed native title deal between the state government and the South-West Aboriginal Land and Sea Council involves \$1 billion in land transfers and cash advances in return for the extinguishment of all native title claims in the region.

The 6PR broadcast (Item 16: [We’re spiritually imprisoned](#)) of 17 February provides listeners with a sense of Nyoongar sovereignty and solidarity at Matagarup expressed in this apparently unedited recording of a press conference. Robert Eggington is the main speaker.

EGGINGTON: Well we’re on significant sacred ground here at Heirisson Island. This was the balka medicine site of Midgegooroo which during the time and the initial phase of colonisation was related directly to Yagan and Yellagonga. Where the Burswood casino stands today was the most powerful medicine site in the metropolitan area. We for 180 years in the south west here have been dispossessed of our land and what people need to understand is when Indigenous people and Aboriginal people are dispossessed from their land this also disinherited [them] religiously.

Eggington adds that over the past 180 years Indigenous people have been prevented from practising their religion and culture, which they are now ‘re-practising’ at Heirisson Island. He says there was no treaty signed to transfer the

land to white Australia: ‘Nyoongar people own this land’, the ‘Boodjar [country] is our mother’: ‘This land sustains our religion, our identity, our heritage and our culture.’ Eggington rejects the City’s move-on order as irrelevant, referring to how such orders are used against prostitutes, young Aboriginal kids and youths in inner-city Northbridge. Despite this elaboration of the complexity of issues in expressing native title in and around Heirisson Island, a reporter at the press conference cannot seem to get beyond the law-and-order frame.

REPORTER: Are you prepared to go to gaol, to be arrested for what you believe in here?

Such journalistic failure to go beyond this frame helps to lay a discursive trap by presaging the subsequent police raids. Eggington refuses to fall into the trap. Instead of the customary heroic reply in the affirmative—‘yes, we are prepared to go to jail’—he reminds the audience that Nyoongar people are already ‘doing time’ and are regularly brutalised by police and other state institutions. He turns the trap back on the reporter by asking why police would want to arrest Nyoongar people for gathering peacefully in their own country:

EGGINGTON: So my question would be, why would the police under the Perth City Council’s request, in terms of that move-on notice, want to move a peaceful gathering on the ceremonial grounds of our ancestors and gaol us as you say it? Why, why, would they want to come in here and, and, and forcibly remove these young [*other voices heard in background*] young children and throw them into gaol?

Despite the incongruity of the police raiding a peaceful gathering of Nyoongar people on sacred ancestral ground, reporters continued to authorise sources foreshadowing the inevitability of police raids. This authorisation appears under the guise of balanced reporting in *PerthNow* (Item 17: [Perth Tent Embassy campers vow to stay](#)) quoting Eggington extensively on the Tent Embassy’s right to be in the space, but then reauthorising police in governing this space by quoting Premier Colin Barnett:

BARNETT: They have made their point. They’ve been allowed to stay there for a few days but they will not be allowed to stay there on a continuing basis.

If they don’t move on, ultimately the police will move them on.

Barnett speaks as if the Tent Embassy participants have been treated reasonably here, by ‘allowing’ people to stay ‘a few days’ on their own land under threat of eviction. The head of the government normalises the subsequent forced removal of the Nyoongar people from a state-registered sacred site, his ‘reasonableness’ serving to legitimise an unreasonable government action. Crucially, this act of legitimisation relies on the journalist’s uncritical acceptance of Barnett’s referral of the issue to police rather than the Department of Indigenous Affairs, which regulates access to registered Aboriginal heritage sites. Barnett’s comments thus make his government’s use of police to enforce the closure of the Embassy seem to be the logical and appropriate way to deal with camping ‘protesters’ (Item 19: [Tent Embassy protestors defy move-on notice](#)):



Figure 3: Nyoongar Tent Embassy press conference (Item 18)

Premier Colin Barnett has also urged the protesters to move on. 'I would hope the people who have camped on Heirisson Island just simply move on in a peaceful way,' he said. 'They have made their point. They've been allowed to stay there for a few days but they will not be able to stay there on a continuing basis, so if they don't move on, ultimately the police will move them on.'

Barnett places responsibility for any subsequent police action on 'the protesters' rather than on his government, which ultimately controls and directs police action. As the most senior representative of the Western Australian government, Barnett's news function is to represent the Tent Embassy—within the first week of its establishment—as a protest camp in a municipal park requiring police intervention. The reinforcement of the policing frame was not subsequently challenged in the media by Labor Party leader Mark McGowan; instead, McGowan took the policing frame for granted in later news reports (items 69 and 81). Only Aboriginal people were seen as attempting to challenge this narrow policing frame, but even their voices and actions could be editorially cut and recontextualised to fit the journalistic script that police involvement was inevitable.

Nine News excelled at this practice. The evening edition of Nine News (Item 21: [Heirisson Island protest](#)) on 17 February blended past and current footage around a large group of Aboriginal people rejecting authorities' deadlines—'not once but twice'—to move off Heirisson Island. The item includes an excerpt from an online video of 'activist Marianne MacKay' calling for more people to join them, showing archival footage of MacKay protesting near police and the Premier's security detail in Kings Park. The representation includes a short quotation from Robert Eggington on gaoling Aboriginal people immediately after reporter Ebbeny Faranda's reference to Aboriginal defiance of the council order, suggesting that defiance leads to gaol:

FARANDA: This morning these protesters were issued with a move-on notice from the City of Perth but they refused to read it and instead ripped it up in front of council officials.

Cut to close-up of Robert Eggington.

EGGINGTON: Ah, they'll have to arrest the babies and the elders. They'll probably have to arrest every single person here.

Cut to Eggington leading a group of people with a Nyoongar flag up to Council House.

FARANDA: Protesters went to the City of Perth ...

Cut to mid-shot of Eggington talking to Frank Edwards in front of Council House.

FARANDA: ... this afternoon to reject the order.

Cut to shot of the Nyoongar Tent Embassy.

FARANDA: The council says it's considering its options.

Cut to close-up of Frank Edwards.

EDWARDS: But should we require the assistance of the West Australian Police then of course we would request that.

Cut to shot of Nyoongar Tent Embassy participants, some with fists in the air.

Eggington's statement was taken from a press conference in which he had gone to great lengths to explain the Embassy's peaceful affirmation of native title at this sacred site, and how move-on notices from Perth City Council were not relevant (Item 16: [We're spiritually imprisoned](#)): 'This is not a camping ground, this is us practising our culture and our ceremonies on our traditional land of our ancestors, our forefathers and on this boodjar we will remain.' By persistently asking Eggington about likely police action to follow the move-on notice, instead of enquiring about the history of Nyoongar dispossession and the sacredness of Matagarup, journalists generally maintained the law-and-order news frame rather than a native-title frame. Their questions suggest that journalists ignored everything Eggington had said about colonial violence, dispossession, hypocrisy, injustice and the importance of practising Nyoongar culture. A variation of the 'are you prepared to go to gaol?' question towards the end of the press conference (Item 16 by 6PR) led to the quotation used by Nine News above:

JOURNALIST: So Robert, just ah, just a simple question: if police move in today and start arresting people, how many people do you think are prepared to be arrested?

The Nine News item positions protesters within the police frame in a certain way by misleading audiences about the purpose of Eggington's visit to Council House, which was reported in TEN News (Item 20: [Tent Embassy](#)) an hour earlier:

REPORTER (NICK WAY): They have just delivered a letter of demand to Council CEO Frank Edwards, they have given him until 4 o'clock Monday ...

Shot fades to a document being held then zooms out to show a woman, wearing a t-shirt with the word Boodja, holding the document among people in front of Council House.

...to actually present written documentation that the council actually has jurisdiction over the area that ...

Shot cuts to Robert Eggington carrying a document, flanked by Herbert Bropho draped in an Aboriginal flag, and another man. They are followed by several people. Shot pans right as the group walks towards Council House.

... they call Matagarup, a sacred site on Heirisson Island.

The group walks to where they are met by Frank Edwards, who shakes hands with Eggington.

WAY: They have also gone down St Georges Terrace and presented

a letter to the office of the Attorney General demanding that he provide them with a bill of sale, presumably, ah, presumably, sorry, a nineteenth-century document that would refer to the fact that the Nyoongar nation actually sold the entire south west to the Crown.

The group turns and leaves.

Unlike the TEN News item, the Nine News report (Item 21: [Heirisson Island protest](#)) does not refer to Tent Embassy members' various cultural, spiritual and political reasons for being at Heirisson Island, beyond protesting the government's native-title deal. At the same time, the group's reasoned and formal *counter-claim* to managerial authority over Matagarup is reduced—by way of the statement that 'protesters went to the City of Perth this afternoon to reject the order'—to a simple *refusal to comply* with a specific City of Perth directive. In this way, the item evokes a sense of Aboriginal agitation against unquestionable state authority. The report simply ignores the questions of Aboriginal sovereignty and authority in the space of Matagarup, these being matters the audience ought to be informed about in order to make reasonable sense of the issue. *The West Australian's* report (Item 22: Noongar protesters refuse to budge) the following day, 18 February, consolidates the policing frame by suggesting a culminating potential conflict between protesters and the state. The opening paragraph reads:

With their numbers doubling during the day, protesters at the unofficial Noongar tent embassy defied orders to leave yesterday.

With this law-and-order frame firmly in place, it is not difficult to see how the dawn raid by 50 police officers at Heirisson Island on Sunday 19 February could be understood by readers and viewers to be inevitable and appropriate. The news of this police raid (Items 23 to 31), which supplied the element of visual high drama valued by television news, anchored the Embassy firmly within the law-and-order frame, and from this point the journalist's task became a simple one: to fill this frame with more news about police actions, police statements and protesters' defiance of eviction orders. Filling such a frame with incidents familiar to readers and viewers from a well-worn media repertoire of Nyoongar nuisance and potential criminality is a routine news practice that clouded what ought to have been the big story here: the denial of social justice to Nyoongar people who became the subject of state intervention for peacefully affirming native title at the state-registered sacred site of Matagarup.

Creating a nuisance

For the policing frame to be sustained as newsworthy across the many weeks covered by this report, Tent Embassy members needed to be rendered a public nuisance. This began as early as 14 February with talkback radio presenter Howard Sattler writing in *PerthNow* (Item 5: [Noongar camp shows reverse discrimination](#)), where he described the Tent Embassy as a nuisance designed ‘to screw improved native-title deals out of the Barnett government’:

Had any one of the rest of us who are non-Aboriginal tried such a stunt we would have been unceremoniously removed by the council’s rangers.

After suggesting the Nyoongar Tent Embassy had no good reason for being there, Sattler claimed it could provoke ‘more unsavoury demonstrations of civil disobedience’. Although the Tent Embassy had disrupted nothing more than perhaps the symbolic peace of an idealised socially harmonious city, *PerthNow* had begun rendering it as a public nuisance (Item 12: [Noongars vow to continue protest despite eviction notice](#) on 16 February):

PerthNow understands two City of Perth rangers visited the makeshift embassy today and watched a ceremony before leaving after protesters surrounded them and called them ‘mad white men’.

Item 12 is an alternative version of a previously published piece (Item 11: [Noongars vow to continue protest despite eviction notice](#)). Not exactly an update—Item 12 was published one minute after Item 11, and at the time of writing both versions remained available online—Item 12 presents a more aggressive rendering of the Tent Embassy as menacing. This second version adds to the text of Item 11 references to protesters harassing rangers, particularly the following phrase: ‘after protesters surrounded them and called them “mad white men”’. It also shifts the focus by adding a lead paragraph emphasising what Sattler had earlier described as ‘unsavoury demonstrations of civil disobedience’ (Item 5: [Noongar camp shows reverse discrimination](#)) over the eviction deadline:

Version 1 (Item 11)

The eviction deadline set by the City of Perth for Aboriginal protesters camping on Heirisson Island is looming, as those in the makeshift embassy vow to stay put.

Version 2 (Item 12)

Two City of Perth officers were called ‘mad white men’ by protesters who are defying orders to leave Heirisson Island.

As *PerthNow* stepped up its reporting of the Embassy as a public menace, similar sentiments began to be reproduced on *The West Australian*’s letters page. While such letters are not strictly news items in themselves, they often reproduce—and this is the critical point of interest here—arguments, positions and frames from previously reported media accounts of given events, thereby appearing to legitimise the continued use of these arguments, positions and frames in subsequent reporting. Five out of six letters in *The West* (Item 14) published on 17 February—under an image captioned: ‘Heirisson Island: Setting up the tent

embassy’—were positioned against the Embassy. One letter alleged ‘threatening behaviour’ and ‘intimidation’ by Aboriginal activists, and even suggested they were ‘carrying dangerous weapons.’ The dangerous Nyoongar menace was also rendered in news reporting of the Tent Embassy’s attempt to publicise native-title rights through its members’ marching to Government House to hand deliver a letter to the Governor of Western Australia on 21 February. This letter was read aloud by Maureen Culbong before being delivered through the wrought-iron gate to the grounds of Government House. Part of this reading was broadcast online by *PerthNow* (Item 41: [Tent Embassy Noongars protest march](#)):

Dear Governor McCusker,

The Nyoongar Tent Embassy would like to respond, request documents of a bill of sale authorizing the Queen, as a sovereign of Aboriginal people in the Southwest of Western Australia referred [to] as the Nyoongar country. These lands were neither conquered nor ceded as required under international laws regarding the doctrine of discovery. They were simply stolen.

In describing the delivery of this letter, *PerthNow* (Item 35: [Aboriginal protest march in Perth](#)) reported that ‘a dozen police officers were at the scene’—suggesting a crime scene at that moment when, in fact, there was none. However, the article did report an attempted assault earlier in the day on Tent Embassy members, including children—but apparently the incident did not warrant further journalistic comment:

As the protesters passed, a plastic bottle of water was thrown from an apartment block, narrowly missing children carrying an Aboriginal flag, before exploding on the road.

7News (Item 38: [Tents back up at Heirisson](#)) structured its report around protesters being a traffic nuisance in the city, focussing on an apparent lack of child supervision—but not mentioning residents hurling missiles at children:

REPORTER (ALEXIS DONKIN): Morning rush hour and protesters took to the city.

Cut to close-up shot of Vanessa Culbong chanting into the hand piece of a megaphone. To the right of screen is a boy. Behind them are two Aboriginal flags and a United Nations flag, held by several people. In the background are a road and trees.

VANESSA CULBONG (and other voices): Always was, always will be Aboriginal land.

Shot cuts to at least 17 adults and six children walking up Adelaide Terrace. The children are holding a small Aboriginal flag between them and the adults are holding a large Aboriginal flag. In the middle ground are another Aboriginal flag held aloft, cars, a truck, a bus, trees and buildings.

DONKIN: A group of about 30 marched ...

Cut to close-up of Vanessa Culbong holding a megaphone, behind her is an Aboriginal flag, then a group of people, some holding a United Nations flag. In the background are some vehicles, a road, traffic lights and trees.

... on the road. Young children ...

Shot cuts to at least four children, walking towards camera, holding an Aboriginal flag in foreground. In the background are adults, several holding flags. Vanessa Culbong is speaking into a megaphone and walking to the left, on the roadside, of the children.

... holding banners wandering in the road.

Cut to shot of at least 20 people holding flags and a banner, in the background are buildings, traffic lights and trees.

DONKIN: At times traffic was forced ...

Cut to shot of four children holding an Aboriginal flag walking towards camera in the foreground. In the middle ground are organisers and at least a dozen people involved in the march, several holding flags.

... to a standstill

Cut to close-up of two children holding the corner of an Aboriginal flag, a child is chanting with other voices in the background.

Structured this way, the report suggests a traffic hazard was caused by irresponsible parenting. The footage shows, however, that clearly visible protest organisers were always positioned between children and traffic. It is only when Tent Embassy participants are rendered a nuisance and as irresponsible parents that the report appears to justify the police presence. Police Inspector Bill Munnee is shown saying that his officers were concerned for the safety of these children, to which Marianne MacKay and Vanessa Culbong are visualised responding angrily and reported as being 'abusive' towards police:

Cut to mid-shot of Inspector Munnee in centre of screen, standing in front of a large Aboriginal flag. Other police officers are in the background. Tent Embassy participants and journalists can be seen partially in the foreground.

DONKIN: Officers were the target of abuse...

Cut to mid-shot of Marianne MacKay in centre of frame pointing at Munnee (shown partially in the foreground). Also in the frame are Maureen Culbong, Preston Culbong and several journalists and camera operators.

... by some angry protesters.

Cut back to mid-shot of Munnee, standing in front of a large Aboriginal flag. Other police officers are in the background. Tent Embassy participants and journalists can be seen partially in the foreground.

MUNNEE: Children walking on the road so we're concerned for your ...

MACKAY: Heh, I'm their mother. We're their parents.

Shot pans right to show Marianne MacKay and Vanessa Culbong amongst the group of police, Embassy participants and journalists.

VANESSA CULBONG: We're more concerned. You think we're not going to protect our children?

MACKAY: You think we're not gonna protect our kids?

This news report uncritically supports Inspector Munnee's justification that the large police contingent was there to protect the safety of Aboriginal children by discrediting as 'abuse' (hence as unreasonable) Embassy participants' insistence on their capacity to supervise their children. That MacKay and Culbong were angered by Munnee's presumption was not surprising, given that the same justification had historically been used by the WA Government to remove Aboriginal children from their families for cultural assimilation on a sweeping scale. However, Munnee was not alone in contending that children were put at risk by the behaviour of Tent Embassy participants: a similar presumption was made by state Labor Opposition Leader Mark McGowan in comments after the biggest police raid on the Tent Embassy on 22 March. McGowan was reported by *ABC Perth* (Item 81: [Police maintaining presence on Heirisson Island](#)) as positioning the Tent Embassy participants as bad parents and dole bludgers:

'I think it's up to Aboriginal leadership here to step in and tell the people on the island to go home and get on with their lives and worry about putting their kids into school, worry about getting employment and all of those sorts of things,' he said.

That the 'social democratic' party leader was reported to have made such a prejudicial statement about campaigning members from among the poorest and most oppressed people in the state might have been expected to spark serious journalistic questioning and follow-up. It didn't. Instead, such comments by political leaders and state officials were reproduced in the media without critical probing, not least about the obvious possibility that the members of the Nyoongar Tent Embassy were motivated in their campaign precisely out of deep concern for their children's education, well-being and future access to resources, such as native-title land.

The rendering of Nyoongar nuisance continued on 6PR radio (see Item 43) the following day, 22 February. 'Karl in Spearwood' was allowed on Paul Murray's morning program to ask Premier Colin Barnett why the state tolerates such nuisance:

KARL IN SPEARWOOD: Yeah, Premier, I was just wanting your opinion in regards to this Tent Embassy that is going on at the moment on Heirisson Island. Um, in regards to them putting up a tent, I thought that was, ah, illegal; in regards to them lighting fires, I thought that was illegal, um, I thought you need a permit to protest and walk down St Georges Terrace, um, if Joe Blow was to do that they'd be fined for it. Why aren't these people fined?

BARNETT: Ah, Karl, I think most people would agree with you and I would too....

Yet again the Premier availed himself of a media opportunity to defame the Tent Embassy as a public nuisance, instead of exercising his duty to inform the public about the rights of Nyoongar citizens and to defend those rights. Significantly, though, no one on the show challenged Barnett with the facts of the matter—that the Embassy represents an expression of native title and a legitimate use of the state-registered Aboriginal heritage site. The 6PR program was structured to shift conversation away from native-title issues towards illegal camping. This was achieved by authorising the everyday citizen to speak as an expert on Aboriginal rights. Rather than including an expert on native-title law or an expert on Aboriginal heritage, ‘Karl in Spearwood’ was allowed to frame the legal parameters of the problem, thus giving Barnett the opportunity to justify police raids against the Tent Embassy in his fortnightly radio slot on 6PR. Moreover, this structure allowed Barnett to appear patient and reasonable while warning of ‘a heavier approach’ by police towards those nuisance Nyoongars camped at Heirisson Island. No one raised the question of whether this police action was actually directed at Nyoongar people for their refusal to go along with the Barnett government’s native-title extinguishment project.

In a 6PR interview with Barnett on 22 March (Item 74: [Protestors out of time](#)), Murray called the Tent Embassy ‘a very embarrassing thing for Western Australia’:

MURRAY: ... this becomes a very embarrassing thing for Western Australia, I think, to have, eh, something like this on, eh, on the outskirts of the city.

But since Tent Embassy participants did not disrupt the routine flow of city life except for slowing traffic while marching to Government House (as was their democratic right) on 21 February, the march being no more disruptive than a cricket match at the nearby WACA ground—and since the Tent Embassy on Heirisson Island was barely visible from surrounding roads and paths—*why* was the Embassy such an ‘embarrassing thing for Western Australia’?

Murray wasn’t the first to feel embarrassed. On 19 March on 6PR (Item 61: [News crew attacked](#)), Howard Sattler had been moved to confide his growing sense of shame:

SATTLER: And now I’m getting embarrassed to be a resident of Perth. That wouldn’t be the case, I think, if that motley mob of rabble rousers had not occupied the city’s eastern gateway, that’s down on Heirisson Island, threatening, intimidating any outsiders who dare to set foot on the place. Their latest escapades have included assaulting and robbing news crews, we’ll find out about that in a minute, threatening to vandalise their camera equipment and hurling abuse at passing boat passengers and joggers. Foul-mouthed aggression is based on a misguided belief that they own the island.

Sattler was correct to the extent that many Nyoongar people believe that Matagarup belongs to them, along with many other places within the unceded

historical estate of the Nyoongar people. But there is no evidence in the 104 media texts that form the basis of this study to suggest that Tent Embassy members were other than reasonable in expressing their inheritance claims in the face of looming extinguishment because of the government's land deal. What is it about the Tent Embassy, then, that so embarrasses Sattler and Murray (Item 74)?

MURRAY: ... this becomes a very embarrassing thing for Western Australia, I think, to have, eh, something like this on, eh, on the outskirts of the city. Now, no one wants to stop people who have got a legitimate right to protest but I think when it gets to a stage like this it becomes highly divisive. I don't know if this group down there understand the damage that they are doing to the reconciliation process.

So, is the real embarrassment here the unsightliness of a history of land theft continuing in the present? In the above statement Murray denies the legitimate right of Nyoongar people to express native title at Heirisson Island, and diverts attention from this by focussing on apparently 'nuisance' Nyoongars and 'the damage that they are doing to the reconciliation process'. He provides the example of Aboriginal elder Ben Taylor being 'a good bloke' who was perhaps not 'being listened to by those wanting the confrontation'. Thus there are good Aboriginals and bad Aboriginals according to Murray's discussion with Barnett. A good Aboriginal, on Barnett's account, is a 'good man', a 'gentleman', a 'decent man' and a 'good leader of Aboriginal people'. A bad Aboriginal is a dissatisfied Nyoongar. The bad Aboriginal is a 'radical', 'looking for that confrontation' and 'looking for media publicity'. The bad Aboriginal is constructed as someone who is unhappy with current arrangements and is prepared to face a police confrontation if necessary in order to express this unhappiness. Given that (as we shall see) the real controller of police confrontation is the Barnett government, we should ask ourselves whether the unhappy citizen who voices his or her concerns in a reasonable manner is really such a 'bad' person. Rather, is not he or she an ideal democratic citizen?

We should also question whether it is a radical ('anti-social') act to demand public recognition of inheritance. The potential inheritance area is shown in black in Figure 4, including the Swan River and Matagarup areas (within the red oval marked on the map). This area would be *radically diminished* under the government-SWALSC deal (Figure 5's black areas show where native title would remain and grey areas where partial native-title rights could be enjoyed).



Figure 4: Yellow areas show where native title has been extinguished in Whadjuk people's country before the government-SWALSC deal (SWALSC, 2012, 14).



Figure 5: Yellow areas show extinguished native title in Whadjuk people's country after the proposed government-SWALSC deal (SWALSC, 2012, 13)

These maps help us to understand why people involved in the Nyoongar Tent Embassy have legitimate concerns about the proposed land deal. It is not the purpose of this report to endorse or oppose those concerns, but simply to acknowledge their *legitimacy*. The maps also help us to understand that the Tent Embassy is, or could be understood to be, a *conservative democratic response* to the *radical extinguishment* of Aboriginal title in the greater Perth metropolitan area.

We should also note here that the legal confirmation of native title relies on the respective Aboriginal group's demonstration of ongoing cultural practices in relation to native-title land. Instead of painting the Tent Embassy as an undemocratic, radical-action front, then, journalists could have sought to provide the public with an understanding of the extent of the proposed native-title extinguishment, particularly around the Swan River, including what this meant for Nyoongar people—many of whom support the proposed agreement with the government, and many of whom do not—and why it was important for the Tent Embassy participants to express traditional ownership through the articulation of cultural practice at Matagarup.

Instead, Perth readers and viewers were treated to a superficial rendering of a radical Nyoongar nuisance that potentially threatened the 'good' people of Perth with violence. Thus Murray and Barnett were allowed to position the Tent Embassy as a radical, undemocratic, unlawful and anti-social force that could no longer be tolerated. This construction was accompanied by Barnett's expression of a concern (Item 74: [Protestors out of time](#)) that the Tent Embassy 'was going to undermine wider public support for Aboriginal people and for the reconciliation of native title', as though Nyoongar people who choose to dissent from government native-title policy should be held to public account. The construction also plays on preexisting fears about Aboriginal people:

BARNETT: ... and what I fear perhaps most is, Paul, that this is going to undermine wider public support for Aboriginal people and for the reconciliation of native title. Ah, that's my fear because the vast majority of the Nyoongar people and their representatives are, you know, I think, being very brave and taking a bold step forward to secure their long-term future and to build respect for themselves, ah, throughout the community and this is undermining it.

MURRAY: Do do you think that group down there at Heirisson Island want a violent confrontation with police 'cause they want those images to go around the nation and around the world?

BARNETT: Yes I do and, ah, some of the people, probably most of them were the same people that, ah, mounted the protest a month or so ago at the state reception centre in Kings Park, you know, that banging on the glass and, and, ah, while I didn't have any sense of fear I could look around and I could see particularly the young girls working in there in the kitchens and serving food and coffee and so on, they were scared. And I don't want to see people scared in Western Australia.

MURRAY: So you're prepared to go through that. I mean it, 'cause it obviously won't, it never goes well, does it? You're, you're prepared to go through that process which may well be a violent one to get, to get this protest out of there?

Here we see the earlier protest demonstration at Kings Park, by people seeking to publicise their concerns about the proposed extinguishment of native title—of their inheritance—in response to the government–SWALSC deal, being used yet again to remind the public of violence associated with the Tent Embassy. So what was the alleged violence in this case? It consisted of up to a dozen people banging on the outside window of the state reception centre and shouting to get the attention of the authorities inside (Item 1: [‘Tent Embassy’ in central Perth](#)). Barnett admits he had nothing to fear from the protesters. He himself understood this, but why might others fear these Aboriginal people who were voicing their views on the radical act of native-title extinguishment? The suggestion of violent action by Nyoongar people here (rather than the fact of non-violent, if sometimes noisy, protest) is perpetuated in the media, as we can see in a continuation of the transcript above:

BARNETT: Ah, yep there will be performances for the cameras and it will get reported around Australia and probably elsewhere but we will not tolerate, ah, the continuation of this camp, the protest on Heirisson Island.

MURRAY: Yep, and and, and also, um, the prospect here that police officers are going to get injured. I mean certainly the breaking up of those paving slabs everywhere, I mean most people have drawn an assumption from that and that is that a confrontation was looming, ah, and what was happening here was a gathering of ammunition.

While it is questionable whether ‘most people’ had made this assumption, if they had done so they would have made it on the basis of Perth media reports.

The extent of this ‘danger’ was reported a day earlier—on 21 March 2012—by *PerthNow* (Item 65: [‘Clear out island tent camp’—Commissioner Karl O’Callaghan](#)).



Figure 6: Paul Murray's
'gathering of ammunition'
(Item 65)

This (Figure 6) is what Murray—in the hours before the biggest and most violent police raid against the Tent Embassy on 22 March—called a 'gathering of ammunition', presenting no evidence that it was anything more significant than a small pile of concrete rubble. *PerthNow* captioned its image as follows:

DANGEROUS SPLIT: Police are investigating broken kerbing on Heirisson Island as activists stage a protest on the island. PICTURE: Kerris Berrington Source: *PerthNow*

A few days earlier, on 19 March, a 6PR broadcast (Item 61: News crew attacked) suggested that the apparently indiscriminate violence of Tent Embassy participants could be turned against anyone, even journalists, if not for police maintaining order. Sattler's drive-time show included audio of Nine News reporter Simon Bailey and his cameraman apparently being evicted from the Tent Embassy after filming Marianne MacKay's children in the playground. Howard Sattler dehumanises Tent Embassy participants by giving unsupported opinion about the island being 'fouled', after reiterating the falsehood that the tents are illegal and before interviewing Simon Bailey about his unwelcome visit to Matagarup:

SATTLER: ... the Heirisson Island mob have now dug in for the long haul, their illegal tents are back and close to the road, in fact they're in three separate places on the island now, the once clean environment of that landmark entry statement has been fouled by them and their animals, so have your say about that if you want: 92211882. All right, Channel Nine went down to the island yesterday. Simon Bailey was the reporter. He joins me in the studio. G'day, Simon.

Bailey then describes his unwelcome reception and eviction from the Tent Embassy grounds:

BAILEY: ... the moment we started filming we were accosted by two men and then a third one joined in ... and before I know it we are surrounded by a dozen of the protesters screaming and carrying on, shoving me and grabbing me and grabbing our cameraman, West [Matteussen], who was bearing the brunt of it ... we are still retreating backwards trying to get back to our car filming everything that we can as well because that's our only line of defence ... at this stage, we are just worried about our safety, trying to get away from the protesters, and we are getting called everything under the sun, ignorant pigs and being told that we are trespassing on sovereign land so it was, eh, not the welcome reception we thought we might get.

Bailey and West were confronted for approaching the Tent Embassy while filming despite having been asked—civily, moments earlier, as Bailey later admits in the interview (see below)—to speak to Tent Embassy elders before starting to shoot. This unprofessional discourtesy was compounded by another—filming Nyoongar children at play without parental permission. If Bailey and West were at the Embassy to get a better understanding of Aboriginal perspectives on native title, they failed miserably. If, however, they went there to shoot pre-scripted footage of a ‘threatening group of Nyoongar people’, their provocative approach was quite successful. Footage was uploaded to a Nine News public Facebook page to promote its news service, and in the process produce a stream of demands for the violent arrest of Tent Embassy participants (Item 62: [EXCLUSIVE: What happens when a Nine News crew goes to Heirisson Island to do a story on the illegal campers](#)). It’s only by comparing the video and audio broadcasts that it becomes possible to see through Bailey’s suggestion that there is reason for the public to be fearful:

BAILEY: And luckily for us police happened to be driving by and did a U-turn and came and intervened and that’s when everything settled down and, and police said, look, you know, they want their tripod back and we got that back and, ah, and we left, but if the police hadn’t arrived it was, it was still escalating at that point.

Police solved this problem by respecting the concerns of Nyoongar people gathering at the sacred, state-registered Aboriginal heritage site. Like any institution managing its public relations, the Tent Embassy developed a system for handling media enquiries. This included press conferences being held within the Embassy circle, and at times keeping journalists away from the Embassy’s meeting circle. If it was not a convenient time for journalists to enter the Embassy circle, Embassy elders would make time to meet journalists in the adjacent car park. ABC radio journalist David Weber, for example, understood that journalists don’t have access to all institutional spaces at all times (Item 45: [Protesters don’t represent Noongar people: Premier](#)):

DAVID WEBER: I’m now at Heirisson Island, at the car park. There’s a sign on the whiteboard that says ‘this is a dry camp, no alcohol, no drugs allowed, all family feuds to be left at the gate.’

About 25 metres away, there’s a sectioned off camping area with several tents and signs saying ‘no deal’. There’s a smouldering campfire.

I’ve been told I’m not allowed to go in unless I’ve been invited, so I interviewed Noongar elder Ben Taylor by the car park.

BEN TAYLOR: Well, they’re asking for justice and they’re asking for a better deal than what the Land Council is giving. Where this Land Council is going to sign off on this deal that Aboriginal people don’t want. They haven’t spoken to everyone, especially us down here.

Weber understood that Heirisson Island was not just a public space. Similarly, one of the authors of this study understood that the ABC’s studio in East Perth was not just a public space when he was refused access to it by a receptionist,

despite the ABC being a public broadcaster. 'Public,' in Australian discourse, does not mean 'unconstrained access.' Yet Sattler contrived with Bailey to deny this fact in their construction of a menacing Nyoongar presence (Item 61) at Heirisson Island:

BAILEY: Well this is the thing, now I think this is the part that protesters got very angry about was that they told me I had to go and speak to an elder, and I was, we walked half way there ...

SATTTLER: On your way to speak to an elder.

BAILEY: ... and because I started getting some shots that's apparently not allowed ...

SATTTLER: It's a public place.

BAILEY: It's a public place and, um, and so when we started getting those shots that's when the, the men approached us and from that moment I mean, you know, there are obviously, it was eleven minutes of audio so you don't, we didn't hear everything then, but then there are moments when I say please calm down we're just here to get some vision, to ask you some questions and, um, but everything, it just escalated.

SATTTLER: Were you afraid for your own safety and the safety of your cameraman?

In creating the sense of menace here, Sattler and Bailey omitted three important facts (Item 61): 1) journalists do not have free access to shoot whenever and wherever they want within an institution—consider a church, gallery or business; 2) Heirisson Island is an Aboriginal sacred site recognised by state law, which regulates access to the site; and 3) 'public' does not mean 'unconstrained access'—consider public archives, public school grounds, public hospitals, public airports, etc. It is precisely on such omissions that the creation of a 'menace' relied.

Defining the public

The Sattler and Bailey recording (Item 61: News crew attacked) is an example of how 'the public' can be constructed to include some social conventions and exclude others. For instance, Bailey and his cameraman rely on a definition of public space to defend their right for unimpeded access to indulge in whatever pursuit they choose (filming other people's children in a playground). This approach allowed them to represent an otherwise understandably angry response as being inappropriate. Yet democracy is built upon a citizen's ordinary right to be respected and the obligation to reciprocate respect, despite differences among citizens. In approaching the Nyoongar Tent Embassy, the Channel 9 crew were respectfully asked to speak to the Embassy's elders before shooting. But they ignored that request and chose to start filming Embassy children. Had they not ignored the request, they could have produced an interesting story on the Embassy, its complex social structure, its function, its people and their aspirations. Instead, their reporting of irrational, angry Aboriginal people threatening the public precluded the possibility of such a story being told.

Thus it followed that Sattler and Bailey did not investigate MacKay's claim, later in the program, that Heirisson Island is an Aboriginal sacred site acknowledged by law (AHIS, 2012). Consciously or unconsciously, media workers lost sight of Heirisson Island as an Aboriginal heritage site. They lost sight of citizens' ordinary rights to be respected; they lost sight of the distinction between reporting and creating conflict (Item 61); and they lost sight of the [Commercial Television Industry Code of Practice](#), which states (at point 4 of an Advisory Note on The Portrayal of Aboriginal and Torres Strait Islander Peoples): 'You should respect local social protocols and codes of behaviour, and obtain any necessary permission before entering Aboriginal and Torres Strait Islander communities.'

But the Sattler-Bailey interview was by no means unique in this regard. Consider the following transcript of an exchange between Sattler and MacKay, later in the same program (Item 61):

SATTLER: What do you think of the behaviour of your friends down there?

MACKAY: What do I think or what I think of the behaviour of the media is the question, now ...

SATTLER: No it's not the question actually.

MACKAY: No, no, no, no, no Howard let me speak, you asked the question, let me answer it. Now that reporter, he needs to get his facts right, he didn't ask no one for permission, he came and set up a camera, set up the tripod, before he even asked the elders for permission. Now the one thing that is different about Heirisson Island is, it's not just a public space, it is a registered sacred site under section 17 of the *Aboriginal Heritage Act* so ...

SATTLER: Marianne, people don't have to ask permission to go on Heirisson Island ...

Later in the exchange, Sattler also argues that Bailey didn't need permission to film MacKay's children:

SATTLER: They don't have to get your permission if they're on the island.

MACKAY: They do have to get my permission because they are my children, they are my children.

SATTLER: It's a public place, Marianne.

MACKAY: And we don't know ...

SATTLER: Get real.

'Get real' is Sattler's instrument for persuading people that their perception of Heirisson Island as something other than 'a public place' is wrong. It is also his technique for making believe that anything goes in a public place, and for diverting attention from the complex social conventions and layered systems of governance operating at Heirisson Island.

Sattler was not alone in this kind of work, which relied on the construction of fake—yet real in terms of their consequences—'us' and 'them' binaries. He had the help of senior politicians and bureaucrats in producing these for media consumption. Before the first police raid on the Tent Embassy, Perth CEO Frank Edwards informed the media: 'I would hope that they would respect our laws the way they are asking us to respect their customary laws' (Item 20: [Tent Embassy](#)). This statement excludes Nyoongar people from the Perth community and its laws, although they have been a part of this community since its imposition on them. It was, in fact, Edwards who disrespected Western Australian law by not referring action on this issue to the Department of Indigenous Affairs, which has designated Heirisson Island an Aboriginal heritage site for use as a 'meeting place, plant resource, camp, [and] hunting place' (Aboriginal Heritage Inquiry System, 2012). In fact, the Tent Embassy participants were respecting Western Australian law by practising their culture at Matagarup and trying, in vain, to direct media workers to the state's *Aboriginal Heritage Act 1972* (see Appendix for select relevant selections).

The existence of this state legislation and its jurisdiction over land within the municipal boundaries of Perth indicates that spatial governance is not as simple as it may seem. Here are some facts about the complexity of Heirisson Island:

- (1) it is a special place held sacred by Nyoongar people;
- (2) the right of Nyoongar people to govern Heirisson Island as an Aboriginal heritage site is recognised by Western Australian law;
- (3) Heirisson Island is designated A-Class Reserve Crown land which can be recognised as Native Title land under Australian law;
- (4) the City of Perth has assumed management of Heirisson Island within its municipal boundaries.

Given this complexity, it is perfectly ordinary that Nyoongar people should gather on Heirisson Island to discuss the proposed extinguishment of native title, to affirm their native title, to be in a sacred place and to enjoy their heritage. In another instance, Edwards seemed to deny the operation of the *Aboriginal Heritage Act 1972* (WA) in relation to Aboriginal people practising their legal entitlement (Item 10: [Council asks Tent Embassy to remove camp](#)):

‘It’s just the fact that they’re camping on a public reserve. No-one else is allowed to do it; we’re all under the same rules. I’ve asked them to take the tents down and move their cars.’

The public—as represented by the media—is then licensed to react against the Tent Embassy’s presence. The letters page of *The West Australian* contained vehement reactions to the Embassy’s presence. Following the Embassy’s establishment, six letters were published on page 22 of *The West*’s Friday edition for 17 February. Under the heading ‘No one owns the land’ (Item 14), the letters were placed below the image of a child carrying a ‘NYOONGAR TENT EMBASSY’ sign near a tent with a group of Embassy participants in the background. The layout of this letters section reproduced a romantic notion of Aboriginal people belonging to rather than owning the land. Although the image and headline could be read as supporting Indigenous culture, a critical reading could also see this combination working to deny Nyoongar people their ordinary right to seek broader recognition of their entitlement to inherited lands. This critical understanding can be arrived at by imagining the same headline—‘No one owns the land’—below a picture of houses in suburban Perth. The published photograph, caption and headline also serve the idea that public open spaces are empty containers to be reserved for ideal forms of public recreation—such as the City of Perth’s plan to turn Heirisson Island into an internationally-renowned sculpture park (Urbis 2008). Further down these two columns, there is a heading of similar size—‘Have we been invaded?’—over a letter by Peter Gilet of Belmont. Gilet’s letter reduces the complexity of the Tent Embassy to a ‘foreign power’—excluding ‘Aboriginals’ from ‘we’ Australians—that should be smashed by the Australian army to ‘determine by force of arms who is actually supposed to own this land.’ *The West Australian* authorised the publication of this letter as a reflection of public opinion (and not necessarily as an endorsement of editorial policy), promoting not only violent neo-colonialism but also the determination of property ownership through practices of genocide. The letter works to normalise the violent seizure of the property belonging to those outside of ‘the’ Australian community. It also suggests that the ordinary citizen rights of Nyoongar people are extinguished by their exclusion from the Australian public.

The exclusion of Nyoongar people in this way is often achieved through their depiction as a privileged population outside the ordinary Australian public. A letter (Item 44) by Ash Forward of Shelley—under the heading, ‘CLEAR SOLUTION’—argued that ‘anyone other than Aboriginals’ would have



Figure 7:
I fought the law
(Item 52)

had their Tent Embassy ‘swiftly and emphatically ended’. The solution offered was a withdrawal of the ‘billion-dollar offer’ and the police or army called in to remove everyone and install a security presence to see that the Tent Embassy is not re-erected. Unfortunately, a version of the violent state action demanded by Gilet and Forward was then implemented by Western Australian Police Commissioner Karl O’Callaghan. Below Forward’s letter, a letter by Fran Dienelt of West Leederville distinguished Aboriginals from normal citizenry and, in doing so, presumed to know how they should act.

I agree that Aboriginals have the right to protest. But I have two questions about the protesters on Heirisson Island. Why are their children not in school and why are they allowed to have open fires in a total fire ban environment? Is there a law for some and not for others?

In presenting this seemingly simple objectivity, Dienelt ignored the complexity of Australia’s legal system, which now recognises native title and has provided for the regulation of religious and secular rituals—such as the engagement with Aboriginal heritage at Heirisson Island and the continual burning of an open flame at the War Memorial in Kings Park, Perth. Dienelt may have picked up this ‘two laws’ idea from Inspector Bill Munnee, who directed much of the police action against the Nyoongar Tent Embassy, and whose position on the issue was reported by *ABC Perth* (Item 52: [Heirisson Island protesters return](#)):

‘We’re not here to take sides, our job is to keep the peace and maintain law and order ... we have a job to do, the City of Perth has a job to do and as I’ve said before, we haven’t got two sets of laws, we’ve only got one law.’

In this self-representation of the police’s authority, Munnee portrays the police and Perth City Council as politically neutral and without discretion in regards to law enforcement, reducing the complex, multi-juridical and discretionary legal system to a simple binary: law-enforcers and lawbreakers. Not only did *ABC Perth* fail to directly question this self-representation, but it confirmed the perception of police neutrality by failing to access Tent Embassy participants on police actions to that point, leaving Munnee as the article’s only named source. Once authorised as commonsense in this way, the simple binary could be adopted by letter writers in opposition to Nyoongar people’s affirmation of native title.

Dienelt was not alone in such reductionism among *The West Australian’s* letter writers. Joe Bryant (Item 54) of Burswood argued—in the letter headed, ‘Two laws’—that there were two sets of laws operating around the Tent Embassy, one for law abiders and one for lawbreakers:

Why is the tent embassy on Heirisson Island still there? There are tents, cars, fireplaces, graffiti and flags. Railings have been blatantly removed to gain car access because the main carpark is blocked and signs defaced boldly showing how to drive on to the island. Soon structures will start to be erected.

Why are there two sets of laws, one for law-abiding people and one for law breakers? Years ago I, like many Australians, opposed apartheid and I still do, so why have we now two sets of laws based

on race? If we are not careful with this precedent, soon we will have three sets of law and then we will have no law.

It is illegal to park there, to camp there and stay there, so when is the City of Perth going to evict these people? Jail them and confiscate their cars, whatever, but please, City of Perth, get rid of them.

Bryant, just like talkback host Sattler, wants to make out that Nyoongar people are enjoying special privileges instead of their legal entitlements. He writes from within the information vacuum created by the failure of Perth journalism to inform the public about the status of Matagarup and the issue of Nyoongar sovereignty. Bryant also associates lawbreakers with Aboriginal people as the beneficiaries of a second set of laws. With almost 7% of Aboriginal men in Western Australia jails (Australian Bureau of Statistics, 2011b, 5–24), it seems more likely that Aboriginal people suffer from criminalisation and discretionary governance than benefit from any second set of laws.

Robert Halsey of Spearwood asked the ‘two laws’ question again in his letter (Item: 101) to *The West Australian* five days after the biggest police raid on the Tent Embassy that resulted in four arrests and the confiscation of all tents, law books, resources and equipment: ‘Is there one law for them and another for others?’ Halsey’s letter attempts to describe a privilege afforded to the Nyoongar Embassy participants that was denied to a ‘lone, white protester’:

It must have amused passers-by at the Bell Tower on the banks of the Swan River to see a lone white protester. If anyone looked more closely at him they would have found that he was not protesting at the indigenous protest on Heirisson Island so much as the six weeks it took the police to finally take action.

He has a point, nevertheless. He could be forgiven for being resentful, for being warned off and his protest ending so promptly, whereas his indigenous brothers and sisters were allowed six weeks to make their protests...

Halsey envisaged the ‘lone, white protester’, Emmett Haig, as belonging to a marginalised group rather than the mainstream. The writer sought to represent the ‘lone, white protester’ as more than just a novelty or a reactionary figure, arguing that white men were being treated unjustly by ‘the lads’, the police. In claiming that the ‘white protester’ had been treated unjustly, Halsey ignored the police harassments, warnings, move-on notices, raids, actions by riot police, property confiscations, arrests and court appearances endured by Tent Embassy participants throughout the six-week period he referred to. In the letter writer’s world of injustice, it doesn’t seem to matter that Aboriginal people receive more than 50 per cent of police move-on notices, despite making up less than 4 per cent of Western Australia’s population (Emerson, 2012).

Emmett Haigh was invited onto Sattler’s radio show to describe his experiences at the Bell Tower (Item 100: [Protesting the protestors](#)). In this interview, Haigh said he had been demonstrating a citizen’s right to camp on a public reserve. He described how he had packed up and left after receiving helpful ‘advice’ from police that he risked a permanent criminal record, a \$12,000 fine and a twelve-month prison sentence if he had persisted with his protest. He reasoned that

he could not afford a criminal record because: 'I'm a professional person, I'm a worker, I'm a tax payer, I'm a normal guy, I'm a small business owner'—the inference being that none of these categories would apply to the Nyoongar Tent Embassy participants to whom he compared himself. On the one hand, then, Haigh positioned himself as equal to the Tent Embassy participants for protesting on a public reserve, and on the other as 'more' than equal because he is a 'professional person', 'a worker', 'a tax payer' and 'a normal guy' ... in contrast (presumably) to the Tent Embassy protesters. It is precisely this positioning of the Tent Embassy as *outside* the limits of normal society that helped to legitimise police raids on the motivated professionals, workers, students, pensioners and others who volunteered their time in support of the Nyoongar sovereignty claim. For Sattler, though, Haigh was treated unfairly:

SATTLER: So are you going back?

HAIGH: I'll have a criminal conviction which is ...

SATTLER: So you can't go back and try it all over again?

HAIGH: Well technically I can.

SATTLER: Are you?

HAIGH: No.

SATTLER: 'Cause Emmett Haigh you're just a little bloke?

HAIGH: And the point's been made and, and, and why, why push a point forward but, like I said my argument's with the council and, and, and our shires and our premiers, even Barnett's got in there and spoke about it, and he's got a bit angry now, but nothing happens ... [two words unclear].

SATTLER: You just want equal, equal treatment to the people who are down on Heirisson Island?

HAIGH: Yeah, and I'm on public open space and that's a nature reserve.

SATTLER: Yeah, indeed you're right. OK Emmett, well all the best mate, let us know how you go?

HAIGH: Cheers mate.

Sattler highlights the demand for equal treatment at the hands of the law in regards to a protest camp, without disclosing the Tent Embassy's demand for equal treatment in regards to land inheritance and the right to gather and worship unimpeded at a sacred place recognised by the state government. Sattler renders Haigh a battler ('you're just a little bloke'), but does not extend this category to the Nyoongar people struggling to assert their rights in the face of a powerful government assisted by the local news media.

Although a critical review of Halsey's letter and Sattler's interview with Haigh easily exposes the claim of unequal treatment and racial privilege to be untrue, this was beyond other Perth media. *PerthNow* reported on Emmett Haigh's lone protest at the Bell Tower, and how police moved him on after twelve hours

but did not arrest him (Item 99: [Protestor protesting Heirisson Island dispute](#)). Rather than arguing the public right to be in place, the article suggested that Haigh—presumably not an Aboriginal person—was protesting for equal treatment as a free camper on a public reserve. The reporter made no reference to the possibility of public reserves being subject to native title, nor the possibility of Nyoongar people seeking the ordinary justice of land inheritance and the right to gather at a sacred place, recognised by Western Australian law.

On the letters page of *The West Australian* for 24–25 March 2012 (Item 96) after the biggest police raid, Margaret Ryan of Ballajura demanded to know why Heirisson Island protesters hadn't been jailed for staying on the island for more than six days, let alone for more than six weeks: 'Talk about discrimination.' The letter constructed a myth of privilege (see Mickler, 1998) through which 'the protesters should be jailed' for being allowed to start campfires and get away with 'blue murder'. This letter appeared with another letter—under the heading, 'CAN ANYONE PLEASE EXPLAIN?'—demanding more jail time for a drunk driver who crashed into a woman causing 'severe and permanent injuries'. The layout choices and lawbreaker framing worked to suggest a similarity between the harm-causing drunk driver and the harmless, motivated people seeking recognition of their entitlement to inherited land. The effect, perhaps, was to encourage public outrage over criminal behaviour by drawing on previous media coverage of the Tent Embassy.

On the morning of the biggest police raid (22 March 2012), Helen Pennington of Busselton's letter in *The West Australian* (Item 72) read:

I'm so excited. I just heard on the news that Heirisson Island still has campers holidaying there. Tomorrow I will hitch the caravan to the 4WD and join them, free of charge. Sounds like a cheap holiday spot for us. Will we able to stay or will we be removed, that is the question.

But perhaps the question for Helen ought to have been: Why not join the Tent Embassy and camp on Heirisson Island? If she had, of course, she would have been confronted that day by columns of riot and mounted police, perhaps charged with resisting arrest and had her 4WD confiscated. The paradox being that representations of racial privilege, like these, worked to conceal the continuation of state violence directed against Aboriginal people asserting their ordinary right to have their land inheritance in the city recognised.

CAN ANYONE PLEASE EXPLAIN?

Andrew Creed, 24, has been sentenced to four years in jail for the severe and permanent injuries to Eva Ellis (Sentence 'not tough enough,' 20/3).

Judge Simon Stone said that "he lost control because of speed and intoxication". Creed admitted that he was nine out of 10 drunk when he hit Mrs Ellis.

A month before he admitted to a string of charges, including a road rage attack where he reversed at speed into the front of a vehicle.

Creed has also been banned from holding a driver's licence for three years. I can hardly articulate how wrong this sentence seems to be. It seems a complete miscarriage of natural justice.

This repetitive drunk should never hold a driver's licence again. This is a privilege not a right and Creed has abrogated his privilege.

I find it difficult to agree with Judge Stone that "he did not deliberately run her down". Creed had not been invited to the party by

her family and by his actions showed his wrath when told to leave.

I feel that this sentence does not show a strong message to our community.

If anything it is a lenient sentence compared to a gun/weapon injury producing the same result.

The idea of banning Creed's driving licence for the same time as the jail sentence also seems wrong.

Robert Griffiths, Esperance

The Heirisson Island protesters have been there six weeks. Anyone else would have been jailed after six days — and these protesters should be jailed.

Also, as far as I know there is still a fire ban on so why are they allowed to have open camp fires going? Talk about discrimination.

They are getting away with blue murder that nobody else can get away with. People who want to camp at the beach are not even allowed to stay one night.

Margaret Ryan, Ballajura



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Figure 8: 'these protesters should be jailed' (Item 96)

Justifying violence

The media's framing of the Nyoongar Tent Embassy as a law-and-order issue and its reporting of it as a menace and a nuisance enabled the series of violent state raids directed at the Embassy to be represented as natural and appropriate. The public construction of Nyoongar nuisance and criminality relied on specific media techniques, which worked to cast the Tent Embassy and participants as threatening and violent. The particular case of Howard Sattler's 6PR interview on 19 March 2012 (Item 61) with Channel 9 reporter Simon Bailey epitomised this. The reporter couched himself and his cameraman simply as 'objective observers' despite their active journalistic construction of the Embassy as a threat (Item 61: News crew attacked).

We have seen how the connection between the Tent Embassy and criminal nuisance also relied on journalists and their sources diminishing the complexity of Heirisson Island's legal status; on the construction of Nyoongar 'privilege', and on the unreflective framing of events in terms of law and order. In this sense, the media, and not only the police, created the conditions for a form of entrapment, in which ordinary, legitimate and non-disruptive actions by Tent Embassy participants were construed as a menace warranting intervention by state authorities. But while authorities cited illegal camping as the official reason for state intervention, no one at the Embassy was arrested for illegal camping; instead, they were arrested for resisting aggressive policing actions to prevent them from engaging in activities which, under the *Aboriginal Heritage Act 1972* (WA), they had a legal right to undertake.

As we've seen, the media's role in this process was sometimes obvious but very often subtle, such as a reporter asking Tent Embassy members whether they would be prepared to go to gaol for their beliefs—despite there being no legal reason to imprison them (Item 16: [We're spiritually imprisoned](#)). The news media also tended to portray the police as neutral, when clearly the police were not—and could not be—'neutral' during the raids. As we shall see in this section, moreover, police violence was often legitimised by a range of editorial practices, including:

- the description of Tent Embassy members as 'protesters' and 'lawbreakers' rather than as people making claims for sovereignty;
- the attribution of 'confrontation' to Tent Embassy participants and the representation of Nyoongar defiance as the source of tension and violence associated with the police raids;
- and the use of interviewing, news narrative and visual composition techniques that implicitly encourage viewer identification with police and state authorities.

Before the first police raid, for instance, Premier Barnett said that responsibility for police action rested with the Tent Embassy participants (Item 17: [Perth Tent Embassy campers vow to stay](#)):

Premier Colin Barnett said he hoped the campers would move on peacefully.

‘They have made their point. They’ve been allowed to stay there for a few days but they will not be allowed to stay there on a continuing basis.

‘If they don’t move on, ultimately the police will move them on.’

This placement of responsibility was not only left unquestioned but was often supported by the media, through a failure to investigate the City of Perth’s authority over Matagarup, through a presumption of neutrality on the part of WA police officials in the lead up to the raids, and through the reduction of Tent Embassy participants’ legitimate right to gather on Matagarup to the status of a limited or arguably moral ‘right’ to protest.



Figure 9: Tent Embassy participant filming Inspector Munnee (Item 24)

Defying authority (the first two major raids)

The first police raid against the Tent Embassy involved 50 police officers arriving at Heirisson Island at 6:00am on Sunday 19 February 2012 (Item 23). Thirty of these officers marched through the Tent Embassy (Items 25 and 29) to separate Embassy participants from their equipment and resources, which were then removed by council rangers. The cause of this disciplined, military-style police action was reportedly the Tent Embassy's illegality. The media's lop-sided logic was maintained by calling the Tent Embassy participants 'protesters', by neglecting the Tent Embassy's peaceful affirmation of native title at a sacred Aboriginal heritage site, and by ignoring the state's decision-making processes for authorising this well-planned raid. For instance, *ABC Perth* (Item 24: [Police end Tent Embassy protest](#)) did not question the legality of police enforcing the City of Perth's dubious move-on notice, instead placing responsibility for the raid on the 'so-called' Tent Embassy by virtue of the protesters' 'refusal' to 'comply':

The City of Perth issued a move on notice asking the group to remove their camping gear and cars by close of business on Friday afternoon.

The group refused to comply and more than 50 police officers entered the camp on Sunday morning to enforce the order.

At issue here is the language of 'compliance' and 'cooperation', which leaves unexamined any dispute over the legitimacy of the move-on notice in favour of making Nyoongar 'defiance' the salient point of conflict, thereby normalising police enforcement of the 'order'. In the 'normal' order of things, that is, cooperation with public authorities is a mark of 'good citizenship' since it is by virtue of the proper, accountable workings of police and governmental agencies that we may enjoy our legally protected rights to freedom and the pursuit of interests. And so one agrees, for instance, to keep the stereo volume down after 10pm in acknowledgement of by-laws concerning noise limits. Or one temporarily interrupts one's television viewing to answer questions from police about a recent burglary in the neighbourhood.

But would one ordinarily be expected to 'comply' with a council fine, say, that was wrongly issued? Would one reasonably be expected simply to pay the fine without fuss, without any attempt to assert one's rights? What is to be done, in other words, when the 'cooperation' and 'compliance' demanded by authorities entails actively acquiescing to an open-ended negation precisely of one's legally protected right to freedom and the pursuit of interests—as was the case for the Tent Embassy participants called upon by police, state government and City of Perth officials to 'cooperate' by giving up their right to practise their culture on a state-listed heritage site? What is to be done, moreover, when the normal expectation of public accountability from such authorities—a central tenet of any ideal of democracy—is allowed to founder by virtue of the failure of news media to question the actions or motives of those same authorities?

In defiance of reasonable questions such as these, much of the reporting on the Tent Embassy legitimised the authority of the move-on notice and normalised police enforcement of that order precisely through the language of compliance. *ABC Perth* (Item 24: [Police end Tent Embassy protest](#)), for instance, assumed, in a report that failed to source a single protester or Nyoongar spokesperson, that

compliance on the part of the Embassy members was the proper, if not inevitable, course of action:

The protesters reluctantly, but noisily complied with police and removed their vehicles and equipment from the site, with some hurling abuse at officers.

Police have thanked the protesters and say while the order prohibits the group from camping on the reserve, it does not stop them from physically remaining at the site...

The City of Perth says while it is satisfied with the outcome, it is disappointed the activists did not co-operate sooner.

In reporting the same raid, Cortlan Bennett of *PerthNow* (Item 27: [WA ‘Tent Embassy’ remains defiant](#)) maintained similar assumptions about the legal authority of the move-on notice but did include some sources from the Tent Embassy—which were completely absent from the *ABC Perth* report:

Protesters at an Aboriginal ‘tent embassy’ in Perth have vowed to defy authorities following an early morning police raid that led to angry scenes when vehicles and tents were removed.

Police have warned they will return in force to the Heirisson Island site, on the central Swan River, if the protesters continue to camp there in breach of council by-laws.

About 50 armed officers enforced a City of Perth notice this morning, ordering the removal of tents and cars from the public reserve.

However, some protesters said they would re-erect their tents on the site, which they claim is sacred Aboriginal land.

Here the reported claim made by the ‘protesters’ is not explored in reference to the *Aboriginal Heritage Act 1972* (WA), the reporting of which would have challenged the authority of the City of Perth and those directing the police raid. Indeed, basing news reporting on the legal and governmental realities of Heirisson Island would not only have highlighted the accountability of the relevant public authorities; it would have told *an entirely different story*. This is to say that the language of compliance that is evident here is underpinned by the depiction of events in terms of a seemingly commonsense narrative of disruption and defiance. This narrative sets up a sequence of action and reaction as follows: Nyoongar ‘activists’ disrupt social order by setting up a Tent Embassy on ‘public land’; after weeks of forbearance the City of Perth issues a move-on notice in an attempt to restore order; Nyoongar activists, in defiance both of governmental authority and reasonable limits to ‘public goodwill’, refuse to comply with the order; the City of Perth calls in WA police to enforce the order; WA police, acting as a neutral instrument in the service only of legitimate authority, march onto Heirisson Island to remove disruptive protesters, with any resulting violence attributable to Nyoongar attempts to prevent police from doing their job and carrying out their legitimate orders.

However ‘commonsensical’ it may at first appear, this narrative of disruption and defiance is not a property of the reported events themselves. It constitutes a particular representational device—a widespread technique, to be sure, but one that is neither innocent nor, in the case of the police raids on the Heirisson Island

Tent Embassy, even the most reasonable. Within the standard journalistic frame of peaceful public protest, for instance, the more appropriate narrative would surely entail elaboration of events triggering the protest; detailing of protesters' grievances and their actions taken in the course of conducting the protest; and communication of responses from those agencies or organisations whose actions or decisions triggered the initial protests. In the case of the Heirisson Island Tent Embassy, such reporting would ordinarily be obliged to acknowledge that the conduct of Tent Embassy members prior to the first raid was peaceful and orderly; while certainly the Tent Embassy itself was newsworthy, the 'actions' of its members were not. To the extent that members' actions became newsworthy during and following the first raid, they did so only in response to conflicts and confrontations that were initiated by state authorities. More significantly, such reporting might reasonably be expected to inform the public of Heirisson Island's status as a state-listed heritage site, which, under the *Aboriginal Heritage Act 1972* (WA), would allow for local Aboriginal people to use the island as a 'meeting place, plant resource, camp, [and] hunting place' (AHIS, 2012).

Rather than report the Heirisson Island 'protest' in terms of a questionable narrative of disruption and defiance, in other words, coverage of the establishment and activities of the Tent Embassy could more reasonably have been based on the island's status as a traditional heritage site. In this narrative, the protesters' claims could be understood as having been made from a site they had a legal right to occupy, such that their acts of protest coincided with a *continuation* of social order rather than its disruption. While some early reports in particular cited Aboriginal 'claims' to the island being sacred land, these references tended to reduce the Embassy's presence simply to a local Aboriginal reaction to SWALSC negotiations over native title and its extinguishment—thereby eliding the existence of the legal rights granted to Nyoongar people to practise their culture on the island. Accordingly, such reports allowed for the *morality* of the protest to be affirmed or debated, but took the *illegality* of the Embassy itself as given. Thus Cortlan Bennett's article (Item 27: [WA 'Tent Embassy' remains defiant](#)) following the first major police raid on the Embassy provided an opportunity for informed readers to question whether the police raid was productive or politically neutral, but not to question whether it was legal:

Police today claimed a 'moral win' for their operation, which ended without violence, arrests or any charges.

However, there were angry scenes when flatbed trucks arrived to load up protesters' cars and two columns of police marched in.

Men, women and children protesters confronted the officers and hurled abuse, before eventually driving off.

Inspector Bill Munnee later said the protest 'may escalate, it may not, but we are prepared to go back again'.

'What we didn't want was to have a tent embassy there for the next 40 years like in Canberra—that was never going to happen,' he said.

Insp Munnee said police were not trying to intimidate the protesters and had not sought a confrontation.

'Our intent was always to let the City of Perth do their job and look for a peaceful resolution,' he said.

Similarly, a sidebar poll accompanying *PerthNow*'s article on the same event (Item 26: [Police swoop on island Tent Embassy](#)) offered three possible answers to the question, 'Were police right to remove protesters and their tents from Heirisson Island?' The options were as follows:

- Yes, they were breaking the law
- No, they should have left them there
- I don't care

Note that the poll contained a structural bias by not offering the option—'No, they were not breaking the law.' Its question could have been: 'Was it legal for police to raid the Nyoongar Tent Embassy at an Aboriginal heritage site?' The poll's third option would have been at least less offensive and potentially more insightful had it read: 'I have insufficient information to make this judgement.'

Again, *PerthNow*'s editors could have questioned whether Tent Embassy participants had in fact broken the law, and whether their presence at Matagarup was legitimate under state law. Instead, the general acceptance of the status of the 'protesters' as rule breakers enabled action against the Tent Embassy participants to appear legitimate and measured. The *PerthNow* article accompanying the online poll (Item 26: [Police swoop on island Tent Embassy](#)) stabilised the moral authority of police by reporting police affirmations of a moral right to protest while not only ignoring the particularity of Heirisson Island as a state-recognised sacred site where Nyoongar people are entitled to practise their culture, but also by silencing any potential challenge to that moral authority by neglecting to source comment from Tent Embassy spokespeople:

Police Insp Bill Munnee said police set out this morning with the goal of getting the tents taken down and the cars removed.

'We respect the cultural significance of the Noongar people as we respect the right of all members of the community to protest, but they must do so peacefully and lawfully,' he said.

'We were not there to take sides—we don't discriminate—we were there to maintain order and to keep the peace.

'Should they choose to go back there again, we'll be there again.'

City of Perth chief executive officer Frank Edwards said he was satisfied with the outcome of the operation but disappointed that protesters had not co-operated earlier.

'Considerable council and police resources have gone into dealing with this matter,' he said in a statement.

'The city dealt with the protesters in a patient and professional manner at all times and gave them every opportunity to comply with our verbal and written requests.'

With this seemingly incontestable moral authority in place, any questioning of the City of Perth's legal authority appeared unthinkable. Despite reporting the City's own admission that it 'did not have the power to move' the Embassy participants on, one *PerthNow* journalist continued to assume that unnamed authorities did have jurisdiction over the Tent Embassy (Item 32: [Protesters can stay, but no cars or tents—Perth City Council](#)). This representational manoeuvre was managed through the loose attribution of this assumption not to the journalist herself, but to participants, through the paraphrase: 'activists vowed

to defy authorities and remain on the island.' Similarly, *The West Australian* stabilised the City of Perth's authority over the Tent Embassy in the lead of its article (Item 43: Protesters put tents back up) on 22 February:

Protesters on Heirisson Island yesterday re-erected their tents in defiance of an order from the Perth City Council banning camping on the island.

Such simplistic renderings of events in terms of lawbreaking, rather than the establishment and reestablishment of an important Nyoongar gathering on an Aboriginal heritage site, worked to legitimise further rounds of escalating police violence.

PerthNow's coverage of the second major raid (Item 48: [Tents come down on Heirisson Island](#)), for instance, acknowledged the anger felt by Tent Embassy participants as public authorities extinguished what the report nevertheless repeatedly called the protesters' 'campfire':

Aboriginal protesters have angrily resisted police and council rangers who moved in on their 'tent embassy' to dismantle tents and put out a campfire.

More than 60 police and 10 rangers arrived at Heirisson Island at 5.30pm this afternoon to enforce a council order to move the tents and cars from a public reserve.

When the protesters refused to dismantle their tents, rangers moved in to take them down as dozens of police officers stood by to prevent them being hindered.

The tents were packed onto a flat-bed truck and as it was driven off under police escort, protesters chanted 'shame, shame' and accused officers of being racist.

An angry confrontation occurred when rangers next moved in to extinguish the main campfire as 30 police officers stood around them.

The implications of extinguishing 'a sacred fire' (see Item 77) at a state-listed sacred site were elided by the language of compliance, which positioned police actions as a reaction to protesters' 'refusal' to comply with a council order whose legitimacy was seemingly never in doubt.

Few journalists, in fact, found a way to incorporate opposing voices in an attempt to provide some 'balance' to police and City of Perth claims to moral and legal authority during the events leading up to and immediately following the first two major raids. One exception came in the form of an *ABC Perth* item, which reported an unnamed Embassy member's claim that police and council rangers 'had no jurisdiction to move the group on from the Aboriginal land' (Item 50: [Police try again](#)). A second instance could be found in *The West Australian's* reporting (Item 30: Elders pledge to stay after camp altercation) of the first raid on 19 February, which provided some space for Tent Embassy voices, quoting 'protester Greg Martin' as saying, 'There is a pattern of government forces using intimidation ... when we assert our right to land.' Such reports suggest that some media workers sensed that police were unjustifiably intimidating the participants. However, none of the news items covered in this report, with the exception of 7:30WA (Item 92), sought to investigate Embassy participants' claimed right to

gather at Heirisson Island by consulting authorities on native title, with the result that the general acceptance of the ‘protesters’ as ‘rule breakers’ worked to stabilise police action against Tent Embassy participants as legitimate and measured.

Indeed, while many visual representations of the first two police raids suggested a level of police presence somewhat disproportionate to the task of ‘moving on’ a peaceful group of people, the language of resistance and defiance used in the reporting of events often worked to legitimise the use of force as proportionate and justified. In this way, Police Inspector Bill Munnee’s defence of police action (cited above; see Item 26) on the basis of the need to ‘keep the peace’ and ‘maintain order’ was reported by *PerthNow*. The implication that the site was not a peaceful one was left untested, however, by virtue of the report’s failure to seek evidence in support of the claim or to include comment from sources other than police and City of Perth officials. Munnee is reported as saying, ‘We were not there to take sides—we don’t discriminate—we were there to maintain order and to keep the peace’, but it is difficult to see how the purpose of maintaining order could not be understood as ‘taking sides’ when that purpose required the assertion of one set of laws (City of Perth by-laws) over the authority of another (the state’s *Aboriginal Heritage Act 1972*), or given that there had been no reports of threatening behaviour or violence on the part of Embassy participants prior to the first two raids.

Certainly, had Perth journalists not been so intent on embracing the narrative and language of disruption and defiance, much of the footage and photographs associated with the police raids would have provided cause to seek explanation from police officials for the need for such a display of force. Figures 10, 11 and 12, for instance, paint a picture of a large contingent of armed police officers equalling if not outnumbering the small gathering of unarmed, evidently peaceful citizens that police were called in to ‘move on’.

Figure 10: ‘We were not there to take sides’ — Inspector Bill Munnee (Item 26)



Figure 11: Image 2 of Galleries: Tent embassy shutdown (Item 28)





Figure 12: Image 3 of Galleries:
Tent embassy shutdown
(Item 28)

Immediately following the second large-scale police raid, which began at about 5:30pm on 23 February, the 6pm edition of Nine News (Item 46: [Tent Embassy battles](#)) showed rangers confiscating Tent Embassy equipment under police guard and against the continual sound of an overhead helicopter. The reporter, Simon Bailey, suggested that police had arrived not just to ensure the removal of tents and cars, but also to remove the Tent Embassy participants from Heirisson Island. The threat of police violence—‘they are prepared to use force if the members of the tent embassy remain here on Heirisson Island and refuse to leave’—was excused in Bailey’s closing words: ‘But already we have seen protesters, um, arcing up to police, swearing and trying to stop their Tent Embassy being taken down.’ In a similar vein, the 7pm edition of ABC1’s news bulletin (Item 47: [Aboriginal protest shut down on Heirisson Island](#)) opened with the anchor saying:

For the second time in a week police and council officers descended on Heirisson Island to shut down the makeshift Nyoongar tent embassy. Fifty police officers including some on horseback and 10 City of Perth rangers surrounded the camp, but the dozens of protesters weren’t going to leave peacefully.

Privileging a police perspective from the start, this report lost sight of the fact that the Tent Embassy was peaceful, orderly and self-regulating prior to the police raid (see Item 45, recorded earlier in the day). Responsibility for any violence is thus placed with the Tent Embassy participants and not with the state institutions that authorised the raid. It inevitably follows from this that Tent Embassy participants are to be held responsible for social disruptions, such as the police closure of all roads around the island.



Figure 13: Police and council
rangers take down a tent on
23 February (Item 48)

Even so, images of the second raid had the potential to stabilise or destabilise police authority, with the details of action and reaction, of provocation and defence, often undercutting the order of events ordinarily suggested by the narrative of ‘defiance’. Isolated descriptions of events also hinted at an alternative narrative. The day after the second raid, for instance, *The West Australian* published an

article (Item 53: Police pull down Heirisson tents) that included an image of Len Culbong being manhandled and led towards the camera by two police officers. The caption read: 'Rising tension: Police detain a man at the Heirisson Island camp last night.' The lead paragraph referred to police taking 'their strongest actions yet against Noongar activists camped on Heirisson Island, dismantling tents, putting out campfires and arresting a man for obstructing officers.' As with the *PerthNow* article on the same event (Item 48: [Tents come down on Heirisson Island](#)), *The West Australian* report linked the 'tension' of the raid and the act of Nyoongar resistance to a specific act on the part of authorities:

Tensions boiled over when police extinguished the camp's main cultural fire and a scuffle broke out. Police allege officers were spat at and dirt was thrown at them.

One man was removed from the camp and charged with assaulting a public officer.

While the implications of extinguishing the Embassy's 'cultural fire' were again left unstated, this item, unlike the *PerthNow* report, sought at least to complicate the established narrative of lawbreaking and defiance, reporting that 'protesters "served" police with a "notice of rebuttal" detailing why they believe their actions were outside Australian legal jurisdiction.' Though once again this claim was left uninvestigated and unelaborated, the article nevertheless closed with a further challenge to the language of compliance, quoting Embassy spokeswoman Della Rae Morrison as saying, 'We are staying to continue our gathering and meetings because we have absolute right to be here as the original custodians of this country.'



Rising tension: Police detain a man at the Heirisson Island camp last night. Picture: Ben Crabtree

Figure 16: Len Culbong taken away from the Nyoongar Tent Embassy (Item 51)

Police pull down Heirisson tents

■ Tayissa Barone

Police last night took their strongest actions yet against Noongar activists camped on Heirisson Island, dismantling tents, putting out campfires and arresting a man for obstructing officers.

About 50 police, including members of the public order response group, joined 10 City of Perth rangers to serve members of the Noongar tent embassy with a notice requesting the immediate removal of vehicles and tents from the island.

Members were warned by police that anyone obstructing officers would be arrested.

About 10 vehicles were then moved off the camp voluntarily before protesters "served" police with a "notice of rebuttal" detailing why they believe their actions were outside Australian legal jurisdiction.

Authorities moved in to dismantle about half a dozen tents, with each structure and mattress bagged and put on a truck to be taken to a City of Perth holding area.

Tensions boiled over when police

extinguished the camp's main cultural fire and a scuffle broke out. Police allege officers were spat at and dirt was thrown at them.

One man was removed from the camp and charged with assaulting a public officer.

Last night activists erected another tent to "assert their rights".

Spokeswoman Della Rae Morrison said they had no intention of leaving the island. "We are staying to continue our gathering and meetings because we have absolute right to be here as the original custodians of this country," she said.

While some reports thus complicated the issue of culpability by contextualising Nyoongar resistance, the issue was subject to a strange kind of rewriting from other news outlets. Two hours after publishing its first report on the second police raid (Item 48, discussed above), *PerthNow* published another version of the article (Item 49: [Rangers cop abuse as they tear down tents](#)), which subtly shifted its portrayal of the nature of the event. The headline ‘Tents come down on Heirisson Island’ was changed to ‘Rangers cop abuse as they tear down tents’, helping to shift the story’s focus from police action to Nyoongar reaction and reserving the status of ‘victim’ for council officers rather than the Embassy participants who were the targets of police coercion. Notably, the wording of the lead paragraph—‘protesters have angrily resisted police’—was changed to ‘protesters have angrily confronted police’—transforming the sense of who were the aggressors. Otherwise, the article was the same as the original.

Such transformations were far from isolated or unprecedented, however, given the fact that a certain amount of editorial work is inevitable in the shaping of a news story (see also the analysis of Items 11 and 12 in *Creating a nuisance*). As the preceding analysis of the language of compliance and the narrating of events demonstrates, that is, dozens of decisions have to be made in the course of reporting even straightforward events. Such decisions extend beyond questions about which details to relay and whom to approach for comment, and include the perhaps less conscious choices made with regard to framing the issue and hence to determining the very meaning of the event. One *PerthNow* report on the first raid (Item 26: [Police swoop on island Tent Embassy](#)) shows better than any other both the routine, even habitual, nature of such editorial work as well as the potential for such work to drastically redefine the meaning of the events ostensibly ‘reported’:

Tensions ran high as angry Aboriginal protesters reluctantly pulled down their tents after 50 police descended on Heirisson Island.

Arriving at 6am, police gave protesters a final chance to pack up their tents, and move their cars or face being forcibly removed.

The Aboriginal activists have been camped on Heirisson Island since last Sunday, protesting against the State Government’s \$1 billion Native Title settlement offer.

By 9am they had pulled down their tents but were refusing to move the handful of vehicles which remained on the island.

Tow trucks were driven onto the island to remove the cars as a group of about 30 police confronted the protesters.

The Noongars hurled racist abuse at police, chanting ‘shame on you’ as police insisted the vehicles be moved.

While the Nyoongars are accused here of hurling racist abuse, perhaps picking up on Inspector Bill Munnee’s reported claim that police were subject to ‘racial abuse’ (see Item 30: Elders pledge to stay after camp altercation), four minutes of video footage of the event (Item 26: [Police swoop on island tent embassy](#)) contains no instances of racist abuse:

Shot of Marianne MacKay pointing in the direction of a senior police officer.

MACKAY: They have to show their badge numbers and identification.

Camera pans right and zooms in on a senior policeman being addressed by a woman in an Aboriginal-flag t-shirt. Several other people and police are in the background. As the scene unfolds Greg Martin is shown, as is Herbert Bropho. Background voices are unclear.

MACKAY: But they know they have to.

VANESSA CULBONG: Well they're breaking their own law.

Other voices unclear.

GREG MARTIN: The Premier of this state ...

SENIOR POLICEMAN AT CENTRE OF CROWD: Bring the staff up, bring the staff up.

Policeman with red armband beckons with right arm then camera pans right to show Inspector Munnee in front of a red car.

VOICE OF POLICEMAN: Move back, move back.

Voices unclear.

CHARLIE CARUSO (TENT EMBASSY MEMBER): We're waiting for our lawyer.

Cut to similar shot. Four police officers are in foreground. In the middle ground Greg Martin points to the right of camera.

GREG MARTIN: Here they come, the troops, the military.

Camera pans right to show two reporters, two cameramen and three lines of police starting to walk towards camera.

GREG MARTIN: Here they are.

At least a dozen police march into the foreground. Many voices chant 'shame shame shame' repeatedly and the timing of police marching becomes aligned with the chant.

UNKNOWN VOICE: Nyoongar boodjar.

Camera pans left following the marching police line. A 'shame' chant and 'move away' are heard at least twice. A large Aboriginal flag fills at least half the shot as a man in a black Aboriginal-flag t-shirt walks around in front of the police. Camera moves to the left. Camera moves back to the right to show police grouped in the centre of the frame in front of the red car. 'Shame' continues to be chanted and occasionally the words 'Nyoongar boodjar' can be heard throughout.

UNKNOWN VOICE: What, what are you telling us to move on for?

Police turn to look for source of unknown voice. The unknown voice is shown to be a man in a red cap.

MAN IN RED CAP: You move, you move, don't tell me to move, I live, I'm here all the time, I'm here all the time.

GREG MARTIN: This is our land, it's our land, it's our land.

MAN IN RED CAP: I'm here all the time.

Voices unclear, occasionally the words 'move back, move back' can be heard as well as 'move, move'. The police shepherd journalists and other people away from their column in front of the red car. Cut to shot of cars being moved away under police supervision. The shame chant continues. Cut to shot of police lines moving to a new position. A man in a black t-shirt outflanks the police holding aloft a large Aboriginal flag.

MARTIN: From Nyoongar boodjar ...

Camera pans right to show another police line and Greg Martin beginning to walk it. Herbert Bropho and a cameraman also come into shot in the foreground.

MARTIN: You're being evicted, move along. Move along, you are officially evicted. This is Nyoongar land, Nyoongar boodjar.

Inspector Munnee walks into frame next to Greg Martin, who continues his walk around the police line.

MARTIN: Move along, move along, move along you blacks. Hello, blacks move along. Airheads, move along airheads.

In reporting that Nyoongars 'hurled racist abuse at police' (Item: 26), Hayley Bolton seems to have missed the ironic point of Martin's provocation, 'move along you blacks'—a performance of the disrespect that white authority figures have historically shown towards Nyoongar people. Ultimately, such comments and the chant of 'shame' were the only resources that Tent Embassy participants had to defend themselves against the armed police action, yet apparently even these resources were too much for *PerthNow*. Perhaps the journalist and editors were confused by Martin's discursive challenge to the authority of police. Perhaps the restraint and sophistication of this performance so defied journalistic expectations of *unreasonable* aggression on the part of the Embassy participants that Martin's ironic challenge was literally incomprehensible to the *PerthNow* news team. Conversely, perhaps the reporter in question forgot to treat Munnee's *claims* of racial abuse as an *allegation*, and so accepted and reported the claim as a hard fact. Or perhaps the phrase 'hurling abuse' is simply such a journalistic cliché (as evidenced by its recurrence in Items 24, 27, and 62, among others) that its use here is less deliberate than unthinkingly habitual, with the qualifier 'racist' slipping in simply as an expected feature of the 'standard' language for describing incidents of Nyoongar 'defiance'. In any case, the transformation of Martin's ironic anti-racism into 'racist abuse' allowed the substance of his claims to be dismissed through their confinement to the news-room equivalent of the cutting-room floor.

As an example of the kind of editorial work routinely and inevitably performed by ostensibly detached journalism, moreover, this news report helps to illustrate the media's own contributions to 'maintaining order'. By means of nothing more sinister than routine 'professional' journalistic practice—though, arguably, a lack of journalistic curiosity and critical nous played its own part here—events

that were in themselves indeterminate, ambiguous, discordant or, at the very least, *contested* were made to conform to the prescribed features of established narratives, patterns of language use, and more fundamental expectations—or, rather, preconceptions—about the nature of events taking place as well as those to come. While the basis for another form of narrative and another kind of language—one which would tell a very different story about the Heirisson Island Tent Embassy—could therefore be glimpsed in reports on the first two police raids, it is debatable (to say the least) as to whether such moments appeared due to any challenge to the authority of journalistic convention and preconception.

Intensifying the menace

The sense of menace at Heirisson Island escalated in media reports between 18 and 21 March, before the largest police raid on 22 March. It grew from an incident on Saturday 17 March described by *ABC Perth* (Item 57: [Rocks hurled at passing Swan River boat](#)) as ‘a rock attack on a boat on the Swan River that left several men with minor injuries’. The boat was ‘being driven near Heirisson Island ... occupied by a group of Aboriginal protesters’. An accompanying picture showed rocks and broken glass by a blue cooler box, topped with a carton of Kirks lemonade.

ABC1 (Item 58: [Island investigation](#)) reported on this event, associating the attack with ‘the Aboriginal protest camp at Heirisson Island’ both in the news anchor’s introduction and throughout the story:



Figure 17: Australian lifestyle under attack (Item 57)

ANCHOR: The skipper and passengers on a recreational pontoon boat claim rocks were thrown at them as they passed the Aboriginal protest camp at Heirisson Island. Several people were injured while two windows on the boat were smashed.

Cut to shot of four men walking across grass towards camera, with many moored boats in the background.

REPORTER: The men claimed the first time they sailed past Heirisson ...

Cut to shot in the middle ground of picnic shelter with picnic equipment in the centre of frame, what appears to be a tent on the left and an Aboriginal flag hanging on a tree on the right in a bush setting with a body of water in the background.

... Island a group of people threw pebbles at them and used sling-shots.

Cut to close-up of complainant Jarod Flanagan speaking to several microphones in the foreground; in the middle ground is a grass area and many boats, and in the background high-rise buildings. The text ‘Jarod Flanagan’ is superimposed to the left of the image. He gestures expressively with his right arm.

FLANAGAN: They didn’t even hit the boat, they weren’t even close. So of course we yelled out, y’know, rack off whatever it might have been, went to East Perth, had a barbecue, a few beers.

Scene cuts to tents on Heirisson Island in a bushland scene with a body of water in the background.

REPORTER: But, on their way back the men say three people ...

Cut to close-up of three rocks and pieces of glass on a carpet.

... on Heirisson Island ...

Camera pans up from carpet to show a window with a smashed hole in it, behind which other boats can be seen.

... ran to the Causeway bridge with rocks in hand.

Cut to close-up of Flanagan speaking to several microphones in the foreground; in the middle ground is a grass area and many boats, and in the background high-rise buildings.

Figure 18: Jarod Flanagan
briefing the media
(Item 57)



FLANAGAN: And when we got within range, bingo! So one rock went straight through past my head, smashed the glass behind us.

Cut to Flanagan with his shirt off pointing to his shoulder. Camera zooms in to show what appears to be a mark on his shoulder. In the background are a reporter and another person.

REPORTER: Jarod Flanagan says a rock hit him in the back...

Cut to close-up of a shin with a large scrape covered with dried blood and presumably another person's toes among which one toenail is covered with blood.

... while his friends received cuts to their limbs ...

Cut back to close-up of broken window.

... and other rocks smashed windows.

Cut to bushland setting with an Aboriginal flag, chairs, tables and tents in the middle ground of a bushland setting with some buildings in the background.

REPORTER: But the Aboriginal protesters camped on Heirisson Island ...

Cut to shot of two signs in a bushland setting with a tent and a body of water in the background. The larger sign reads: 'Dry Camp, No Drugs, No Alcohol, No Family Feuds'.

... deny they had anything to do with it.

Interestingly, at this point in the report the only warrant for connecting the rock throwing with the Tent Embassy is a purely textual—literally *media-constructed*—association, in the form of images of the Tent Embassy being laid under references to Heirisson Island, with no source—neither the victims nor police investigators—shown to be making any allegations as to the perpetrators. The scene then cuts to two Aboriginal women with their faces pixelated for unexplained reasons, who deny the allegations and say that abuse was constantly being thrown at them from the river.



Figure 19: ABC1's pixelation of Maureen Culbong on 18 March (Item 58)



Figure 20: ABC1's representation of Culbong a month earlier (Item 39)

The item closes with the reporter saying that WA police were 'investigating the complaint'. This closing statement is set against a close-up of pebbles, rocks and pieces of broken glass on a blue carpet, followed by a cut to a long-shot of a deserted picnic area with people moving in the background shadows.

The item raises a question about ABC1's judgment of newsworthiness. Was this incident sufficiently important to warrant 1 minute and 19 seconds of coverage on ABC1's prime evening news slot? By comparison, ABC1's coverage on 23 February (Item 47: [Aboriginal protest shut down on Heirisson Island](#)) of the Embassy raid by at least 50 police on foot and horseback ran for only 50 seconds. Furthermore, *The West Australian* accorded the incident relatively minor news status (Item 59) with a four-paragraph story published on page 12 on 19 March under the heading 'Rocks flung from island'. The article opened with a dramatic lead about what happened to a 'group of mates':

A group of mates who claim they were pelted with rocks and pieces of concrete the size of a rockmelon as they sailed past Heirisson Island on a boat say they are lucky nobody was seriously injured.

Jared Flanagan and David Burke were among a group of eight men on the Swan River about 4:15pm on Saturday when they say they saw people throwing rocks at them.

Heirisson Island protester Maureen Culbong said she had no knowledge of the incident.

Police said officers did a patrol of the island but no people matching the descriptions of the rock throwers were found.

The same day *PerthNow* (Item 60: [People injured, windows smashed in Swan River boat rock attack](#)) sensationalised the event with three images from Nine News showing what appeared to be a houseboat with a smashed window, and rocks and broken glass by a blue cooler box. The caption read: 'ROCK ATTACK: People were injured and windows smashed in a rock attack on a boat on the Swan River.' Flanagan was paraphrased as saying that 'men were using slingshots to send small rocks towards the boat.' The reporter, Hayley Bolton, also reported Flanagan asserting the potentially fatal consequences of the incident:

‘If I had have been hit in the head ... it could’ve knocked me out, I could have fallen off the boat, it could have done anything ... it’s extremely dangerous.’

Police are investigating, but said on patrolling the area yesterday they found no one matching the description given.

The absence of any evidence linking the incident to the Embassy would ordinarily have diminished its newsworthiness. However, Nine News reporter Simon Bailey’s aggressive entrance to the Embassy later that day (see previous discussion of Item 61 above in *Creating a nuisance*) provided new impetus for reproducing the ‘menacing’ nature of the Tent Embassy. Howard Sattler’s drive-time radio show on 6PR (Item 61) on 19 March dedicated more than ten minutes to suggesting that the apparently indiscriminate violence of Tent Embassy participants could be turned against anyone, even journalists, if not for police maintaining order. Sattler’s suggestion was disrupted momentarily by Marianne MacKay, who provided an alternative perspective on harmful incidents not taken up in the media: ‘my eleven year-old son was assaulted by a boat-user who was naked and painted up in war paint.’ However, rather than engage in what could have been an interesting news story, Sattler quickly and aggressively steered the interview away from this and other allegations of assault and abuse directed at Tent Embassy participants and their children. He repeatedly cut in over the top of MacKay’s voice, asking whether these incidents had been reported to police. This singular demand served Sattler with a form of alibi for avoiding any investigation of alleged violence and threats against Tent Embassy participants:

SATTLER: Did you report that?

MACKAY: ... a metre from shore ...

SATTLER: Did you report that?

MACKAY: ... so you know what if they want to ...

SATTLER: Did you report that?

MACKAY: ... drive their boats near our Heirisson Island, they want to be racially vilifying, they want to assault our kids ...

The item concluded with Bailey, in conversation with Sattler, asserting that he and his cameraman had acted professionally and appropriately on the island, saying that ‘we were being objective observers.’

With the media’s ‘objective’ construction of a dangerous Nyoongar menace on Heirisson Island in place, *PerthNow* reported Police Commissioner Karl O’Callaghan (Item 65: [‘Clear out island tent camp’—Commissioner Karl O’Callaghan](#)) expressing his desire to clear out the ‘island tent camp’. This report was published on 21 March, a day before what would turn out to be the most violent police raid against the Nyoongar Tent Embassy:

‘Because, the longer this goes on, the higher the risk is of anti-social behaviour and possibly other offences as well.’

The *PerthNow* article opens with Commissioner O’Callaghan apparently expressing frustration that the City of Perth hadn’t given him the orders he

wanted to ‘clear them out’, manifestly contradicting earlier statements from police officials that the police’s role was not to ‘take sides’ (see Items 26 and 53):

Police Commissioner Karl O’Callaghan has weighed into the Heirisson Island Noongar protest calling for the activists to be ‘cleared out.’

‘What I think we need to see is the City of Perth move in, issue the orders and we’ll help to execute those orders and clear them out,’ the Commissioner told ABC radio.

While the lack of any orders from the City of Perth might suggest uncertainty among officials about the Embassy’s legal status, O’Callaghan envisaged that delayed police action could result in criminal behaviour. The media’s role in authorising such action becomes evident in O’Callaghan’s appeal to two ‘incidents’ that are said to justify police involvement: in ‘recent days there have been several violent incidents, including a pleasure boat being pelted with rocks and a news camera man allegedly being assaulted’ (Item 65). Given that the police’s own investigation was reported to have found no evidence to link the perpetrators of the rock attacks with the Tent Embassy (see Items 60 and 61), any connection the attacks might have to the Embassy could only be derived from their continuing *representation* as thus connected. In the second incident named by O’Callaghan, the media’s role in creating the subsequently reported menace is even more visibly active, as discussed earlier (see *Creating a nuisance*). In this way we can see that news reports, far from simply relaying information about events to a general public, came to function as testimony, at the expense of evidence to the contrary, for the view that the Tent Embassy on Heirisson Island was a menace and a danger to the public. With this view established by these textual means as *fact* (or effectively so), subsequent reporting could take the claims of public authorities as incontestable truth.

Take the use of photography, for example. Notwithstanding assumptions about the objective nature of news photography, there are many different ways to illustrate a story with documentary images. This is not to make some supposedly outrageous claim about the inevitable ‘subjectivity’ of journalism, but simply to acknowledge what is widely understood in the circles of professional photojournalism. Just as journalists must make choices about how to structure a story, which sources to approach for comment, what language to use to effectively communicate the key facts, so too must news photography—even ‘live-action’ photography—decide amongst a range of options concerning subject matter (who or what to photograph), framing, lighting, angle, depth of field, and so forth—and all this before we even get to the question of captioning those images. In a sense, then, a photojournalist has as much scope to tell ‘both sides of the story’ as a news writer does (albeit standard editorial practices rarely allow for news photography to aspire to this ideal by accompanying a given news story with more than one image). The necessarily *selective* nature of photojournalism (in the sense of having to choose what and how to photograph) is elided, however, by commonsense understandings of photographic objectivity, which grant news images the status of being direct, unpositioned and unconstructed depictions of events themselves.

Put simply, news images are routinely read as *documentations* of events when they are always (also) *illustrations* of stories. The two images included with *PerthNow*'s article on O'Callaghan's call to 'clear out' Heirisson Island (Item 65), for instance, work to solicit reader support for police action by appearing to illustrate claims by public authorities that the Embassy represented an eyesore and a menace. Shot as if spying from behind a tree, the first image (see Figure 21) intimates a distant threat lurking in the shadows—a reading supported by the image's positioning of a smoking drum in the middle ground and a patchwork of tarpaulin, cloth, flag and supplies in a clump of trees shadowing unidentifiable people in the background. The second image shows pieces of concrete rubble in the foreground, with the caption: 'DANGEROUS SPLIT: Police are investigating broken kerbing on Heirisson Island as activists stage a protest on the island' (see Figure 22). Such images provide little scope for seeing the Tent Embassy as a positive community contribution, say, or as a peaceful affirmation of Aboriginal heritage. As a consequence, and notwithstanding the inclusion of Tent Embassy voices in the article itself, the meaning and value of the Embassy is visually determined by the composition and selection of images that pick up on and reinforce the reported views of the WA Police Commissioner.



Figure 21: 'island tent camp' (Item 65)



Figure 22: 'DANGEROUS SPLIT' (Item 65)

By this point in reporting on the Tent Embassy, moreover, even statements from interested public officials could be simply accepted as statements of objective fact. The next source in the *PerthNow* report was Colin Barnett, paraphrased as saying that 'the actions of the Heirisson Island tent camp protesters was turning public opinion in WA against Indigenous people'. Here Barnett shifts responsibility for any public hostility towards Tent Embassy participants, and away from the state government and the media, who are rendered agentless despite their public influence. Items 5, 62, 67 and 68 demonstrate Howard Sattler's partisan role in reporting on the Embassy, yet no government or media representative in our archive held Sattler responsible for generating public hostility towards the Embassy.

The day before the largest police raid, *PerthNow* published Sattler's vilification of the Tent Embassy (Item 67: [Response to island occupants is gutless](#)). He addressed his readers as if he represented widely-held, 'ordinary' values by suggesting that all Perth residents should feel the same way about the 'menace' posed by Tent Embassy members who had been granted the 'privilege' of behaving as vandals:

I am embarrassed to be a resident of Perth.

That wouldn't be the case if a motley mob of rabble rousers had not occupied the city's eastern gateway, threatening and intimidating any outsiders who dare to set foot on Heirisson Island.

Their latest escapades have included assaulting and robbing news crews, threatening to vandalise their camera equipment and hurling abuse at passing boat passengers and joggers.

Their foul-mouthed aggression is based on a misguided belief that they own the island.

It doesn't stop there.

Last week they took over a Perth court room, having twice forced a female magistrate to vacate the bench for her own security.

They have stopped city traffic when they marched up Adelaide Terrace, without having obtained the mandatory police permit.

No wonder they think they own the joint!

Their outrageous behaviour has been allowed through the gutless reaction of the Perth City Council and the State Government.

Instead of applying the council's bylaws the PCC has adopted a soft option.

Where its rangers would normally apply heavy hands, Council Chief Executive Frank Edwards has respectfully fronted up to try to negotiate an end to the saga.

For his lot he has copped only abuse.

Emboldened by their victories over at least four arms of authority the Heirisson [sic] Island mob have dug in for the long haul.

The illegal tents are back and the once clean environment of Perth's landmark entry statement has been fouled by these people and their animals.

It's about time they were given a rude shock.

Sattler's campaign against the Tent Embassy continued that afternoon on 6PR (Item 68: [Perth councillors are fed up](#)). In his drive-time show, he expressed his frustration over the Perth City Council's lack of action against Heirisson Island protesters before introducing 'long-serving councillor of the city', Judy McEvoy:

MCEVOY: Oh it's a disgrace, Howard, it's just, I can't believe, you know it's now approximately, I think around about 37 days since this camp was set up. It should never ever have been allowed to get to this stage. From day one I made it very clear at council that if they were not removed immediately it would become an impossible situation, which it has become.

SATTLER: So the council's now hamstrung is it? I mean Frank Edwards keeps telling me he goes down there to respectfully negotiate, they show the council no respect at all.

MCEVOY: Well you can't negotiate with these people.

For McEvoy and Sattler, then, the Tent Embassy is *non-negotiable*: it simply should not be there. Yet it is precisely the Embassy's alleged failure to negotiate that McEvoy and Sattler see as evidence of an 'impossible situation'. Ironically, though, the councillor's words undermine Sattler's earlier attempt (see Item 61) to fix the meaning of Heirisson Island simply as a 'public space':

SATTLER: You've heard the commissioner, he wants the council to give him the nod and he'll go in there.

MCEVOY: Well, you know he says he is frustrated by the City. I'm sorry this is not, it's not just a City issue. I mean he's talking about, um, us giving them a move on notice—we don't have the power to do that. Plus, it is Crown land. It's only under our care and control. It's Crown land and it's not private property.

But instead of considering Heirisson Island's Crown land status in terms of native title (as enabled by Australia's *Native Title Act 1993*) or its being a registered Aboriginal site, Sattler shifted the conversation towards Nyoongar 'nuisance':

SATTLER: But Judy, it's an embarrassment to the city and an embarrassment to the people, any tourist coming in. We had an American bloke going for a jog the other day and he was assailed by these people. I mean what sort of message is going out about what Perth's like?

MCEVOY: Yeah well exactly, and we've been receiving emails, that's exactly along that line—people, visitors in Perth and people saying how disgraceful it is, it is a disgrace.

SATTLER: Well what needs to happen? Who can take any action?

MCEVOY: Well they've got to get them off, off the island.

SATTLER: Who?

MCEVOY: Well I mean they've got to, the police.

Here we see Sattler setting up a public demand for action a day before the most violent raid. The discussion continued with McEvoy saying that the Heirisson Island issue had not been discussed at a council meeting; and the next council meeting would be held in twelve days. That such a big media issue, shaped in part by City of Perth's spokespeople, was not discussed at council suggests that evicting the Tent Embassy was a personal preference of certain government elites, backed by media representation of a groundswell of public opinion. While the desire for action was represented as being discussed openly in the media, it was never actually tested within the democratic institutional space of a council chamber. Sattler concluded his report by reiterating the 'straight out vandalism' of the Tent Embassy (Item 68: [Perth councillors are fed up](#)).

Later that evening—about 20 hours before the biggest police raid—ABC1 framed an impending clash between authorities and the Tent Embassy (Item 69: [Island row](#)). This item ran for 1 minute and 43 seconds—the longest ABC1 news footage in the archive. The anchor described the Heirisson Island protest as an ‘awkward problem for authorities’, a perspective that was reproduced throughout the item, with no attempt made to balance the reporting of this perspective by seeking comment or counter-representation from the Embassy participants. Police Commissioner O’Callaghan is introduced as the first source, ‘whose patience is wearing thin’ in relation to protesters ‘living on the island for a month and a half’:

O’CALLAGHAN: I think we are at the stage now where we are saying this needs to be brought to a head and resolved today, tomorrow, or very soon.

This was backgrounded by two previous police and council operations to remove the Tent Embassy. In these scenes police are shown as orderly and assembling in disciplined positions, while the ‘protesters’ are shown as angry and agitated. The item was further backgrounded by the damaged boat (from Item 58), with a close-up of the broken window and rocks on the carpet laid under the reporter’s narration: ‘Last weekend the skipper of a boat cruising down the Swan river claimed rocks were thrown at him and his passengers as they passed the island.’ The scene cuts to the back of Jared Flanagan, emphasising a mark on his shoulder, and then to a close-up of a streak of blood on a person’s elbow followed by a shot of a grazed shin and bloody toe (from Item 58). This sequence of images constructs the Tent Embassy as a dangerous problem (as in Item 62), once again giving an aura of factuality to the unproven allegations of the boat passengers while omitting any reference to Tent Embassy members’ own claims that they and their children had been subject to abuse and attack from passersby. The item cuts back to O’Callaghan saying that ‘what we need is the City of Perth to go in, issue the order to, for these people to move on and then we can do our business.’ It then cuts to Frank Edwards saying: ‘The City of Perth has no power to move any people who are simply being on a public reserve.’ Once the Tent Embassy participants have been shown as unruly, wild and dangerous, but without any reasons given for the actions represented, the reporter paraphrases Opposition Leader Mark McGowan calling for ‘cool heads and common sense to prevail’. The complex nature of the ‘awkward problem’ of Heirisson Island, in other words, is neither explored nor developed in the item. Instead McGowan is visualised in the 720 ABC radio studio saying: ‘It’s very difficult to resolve without the people down there just going home.’ Hence there is an easy resolution to the ‘awkward problem’ of Nyoongar people being on Nyoongar land: they should pack up and leave. For public authorities, in other words, all the responsibility for resolution rested with the Tent Embassy. As McGowan put it: ‘my very strong and as friendly as I can advice to them, is give it up and just go home, um, because it’s not going to end well.’ The reporter closes by saying that ‘the City of Perth says it will move in with police to dismantle the camp for a third time but both the council and the commissioner can’t say what they can do to stop the protesters returning.’

Figure 23: O'Callaghan's
'patience wearing thin'



This representation was supported by *ABC Perth* later in the evening (Item 70: [Police Commissioner wants action over protesters](#)) in an item that opened as follows: ‘The Police Commissioner Karl O’Callaghan says he is fed up with the Aboriginal protesters at Heirisson Island and he wants the City of Perth to intervene.’ He is paraphrased as saying ‘the camp needs to be cleaned up once and for all’. O’Callaghan associated the Tent Embassy with ‘anti-social behaviour and possibly other offences’, overlooking the Embassy’s sense of purpose and solidarity in the face of repeated police raids. No credit is given to the Embassy for banning drugs and alcohol and its commitment to non-violent behaviour as described by Weber (Item 45: [Protesters don’t represent Noongar people: Premier](#)). The article then quotes O’Callaghan urging the City of Perth to take action so the police could ‘move the illegal campers off the island and diffuse the situation completely’. Frank Edwards is introduced as sharing ‘the Police Commissioner’s frustration’, if not also Sattler’s reading (Item 67) of the Embassy’s unsightliness:

‘It is an embarrassment to the people of Perth that this blight is occurring on a public recreation reserve which ordinary people are being denied the use of,’ he said.

‘There are allegations that rocks are being thrown at boats, that sling shots are being used against passersby.’

Mr Edwards says, however, the local government cannot move people on.

‘The council is frustrated in that we only have by-laws,’ he said.

Edwards may have over-represented the council’s frustration here, because—according to councillor McEvoy (Item 68)—the issue had not warranted discussion at a council meeting.

Mr Edwards says they can only fine people for camping or for lighting a fire but they have not even been able to do that.

‘The problem is identifying who has put up a tent or who has started a fire,’ he said.

What seems to be a lack of council jurisdiction in relation to a state-endorsed Aboriginal heritage site is thus explained away in terms of a lack of police surveillance—despite the fact that Western Australian police headquarters overlooks Heirisson Island. It could be that police did not arrest Tent Embassy members for camping or starting fires on Heirisson Island because Western Australian law (in the form of the state’s *Aboriginal Heritage Act 1972*) recognises that Nyoongar people have the right to do so. But if they could not be arrested for camping on Heirisson, they could certainly be arrested for resisting a policing action aimed at preventing them from practising those rights by removing them from the island.

On the morning of the heaviest police raid, *The West Australian* published a minor article on page 6 (Item 71: Police would help move island camp). The only named source is Karl O’Callaghan, paraphrased to say that ‘police were willing to help the City of Perth clean up the Aboriginal tent embassy.’ Surely the repeated reference (see Item 70) to the need for a ‘clean up’ implies that the Embassy must be dirty. The second-last paragraph referred to the Tent Embassy’s potential to disrupt order, a potential associated with criminality in the final paragraph.

Barnett joined the call for police action to get rid of the Tent Embassy while excusing his own responsibility for the police violence that it would take to achieve his goal (items 73 and 74). On 22 March *PerthNow* (Item 73: [Barnett says ‘Tent Embassy’ must go now](#)) opened its report as follows: ‘West Australian Premier Colin Barnett says an Aboriginal “Tent Embassy” in Perth will be dismantled with force if necessary no matter how embarrassing it may look for his government on a national and international scale.’ Barnett was paraphrased as saying that ‘protesters wanted a violent confrontation to make international headlines.’ Again, Barnett’s statement places responsibility for violence and any negative media coverage of Perth squarely on the Tent Embassy:

‘There will be performances for the cameras and it will get reported around Australia and probably elsewhere but we will not tolerate the continuation of this camp and protest on Heirisson Island,’ he said.

By highlighting the widespread reporting of questionable views expressed by WA Police Commissioner Karl O’Callaghan, Premier Colin Barnett, Opposition Leader Mark McGowan and City of Perth CEO Frank Edwards, we are not suggesting that these views must ‘therefore’ have been held by Perth’s media workers as well. The point, rather, is that such views were rarely subjected to any critical scrutiny or further investigation by news reporters. Indeed, by this stage in reporting on events, the lack in many reports of even the pretense at balance—by way of including Embassy voices—transformed the status of *comments* from public officials into statements of *fact*. In other words, what by all accepted standards of professional journalism should have been the reporting of a view as identifiably partisan and open to question became instead the reporting of that view as indisputable truth.

While, again, the media’s role in confirming the legitimacy and inevitability of police action may, in many instances, be attributed to a regrettable lack of professionalism on the part of some journalists rather than to partisan reporting as such, other media workers seemed willing to endorse a more openly partisan position. We have already discussed Howard Sattler’s call for state action against the Tent Embassy. 6PR’s Paul Murray (Item 74: [Protestors out of time](#)) provides another striking example of the part played by local media in lending credit to the inevitability of police intervention (and, indirectly, in representing public hostility towards ‘lawbreaking’ Tent Embassy participants in need of state policing), as can be seen from his open endorsement of Barnett’s position during one of their regular fortnightly conversations just hours before the raid (see Item 74). Barnett praises the City of Perth for using existing by-laws, which police had acted upon. Murray responds: ‘Well I think these people are just making the government and the police look impotent.’ Barnett says he would agree, if the Tent Embassy were allowed to continue. Murray: ‘This becomes a very

embarrassing thing for Western Australia.’ He adds that the Embassy’s existence had become ‘highly divisive’ and damaging to the ‘reconciliation process’, a view which Barnett endorses:

BARNETT: This is going to undermine wider public support for Aboriginal people and for the reconciliation of native title, that’s my fear.

Placing responsibility for violence on ‘that group’, Murray asks Barnett whether he thought they wanted a violent confrontation with police—and Barnett says he did. He suggests that many of the protesters were involved in the Kings Park protest, and that ordinary working Australians feared them:

BARNETT: You know the banging on the glass and, and, ah, while I didn’t have any sense of fear I could look around and see particularly the young girls working in there in the kitchens and serving food and coffee and so on, they were scared, and I don’t want to see people scared in Western Australia.

By representing community fear of Tent Embassy participants, Barnett and Murray could then offer police action as a solution not just for removing the Tent Embassy, but for removing fear itself—fear that was being produced by particular media representations of the Embassy:

MURRAY: Yep, and, and, and also um the prospect here that police officers are going to get injured, certainly the breaking up of those paving slabs everywhere. I mean most people have drawn an assumption from that and that is that a confrontation was looming, ah, and what was happening here was a gathering of ammunition.

Media workers apparently did not fear the Tent Embassy sufficiently to prevent about 20 of them assembling by the Causeway on Heirisson Island in anticipation of the arrival of a massive police contingent. Tent Embassy participants were preparing themselves for non-violent resistance while others were trying to contact lawyers, liaise with media and raise awareness of the violence and other injustices they were about to suffer at the hands of state authorities. Shortly before 2pm on Thursday 22 March 2012, columns of mounted police as well as a police bus, cars and other vehicles could be seen coming up the Causeway towards Heirisson Island.

Enforcing order (the third major raid)

By the time of the third police raid on the Tent Embassy, the story had become the raid itself, such that questions of native title or inheritance rights could now ‘legitimately’ be marginalised as ‘background information’, if reported at all. As can be seen from the preceding analysis, however, it didn’t have to be this way: far from being ‘inevitable’, police action on the Tent Embassy was *authorised* in part by the Perth news media’s decision in the early days of the Embassy’s establishment to frame the story of Aboriginal affirmation of state-recognised heritage rights in terms, instead, of law and order. Once the ‘illegality’ of the Tent Embassy had been established—on the basis of nothing more concrete than presumption on the part of ‘professional’ journalists—claims made by public authorities about the illegality of the Embassy and the need to remove the ‘campers’ from Heirisson Island could be reported as incontestable statements of legal fact rather than as positioned, self-interested views of the situation. With the legal authority of public agencies in place, coverage of the raid could rightfully be limited to the facts of the *event* of the raid itself. With no journalistic obligation to report the story as an *issue* (as distinct from an event), about which there may be competing opinions, news reports could be expected to focus simply on the facts as witnessed by detached journalists, with the only question up for debate concerning the comportment of each ‘side’ during the operation.

Even so, news reporting is underpinned by multiple decisions, and the known facts of a situation do not always paint a coherent picture. Accordingly, media reports on the third major police raid took varying shapes, even if they were as one in presuming the illegality of the Tent Embassy and the legal authority of the City of Perth and WA police. In discussing Perth media coverage of the police operation, then, we focus here on transcribing large sections of those reports and pointing out the ways in which they carry on or deviate from the reporting trends already identified, as well as those moments in reporting where a statement or image—in a word, a *fact*—could have prompted a question, a moment of critical investigation, on the part of journalists, and so, perhaps, could have allowed reporting on the police raids on the Tent Embassy to tell a very different story from that which had been told up to this point.

The raid was first reported at 3:15pm—on the same day, Thursday 22 March—by *PerthNow* (Item 75: [Four arrested in WA Tent Embassy eviction](#)). The insertion of ‘illegal’ before ‘Aboriginal tent embassy’ in its first sentence worked to legitimise the police raid and arrests—indeed, it may have been the only way for readers to make sense of such a massive deployment:

At least four people have been arrested during a police and City of Perth ranger operation to evict people from an illegal Aboriginal tent embassy.

This was backgrounded against previous police and City of Perth action against the camp, allegations of rock throwing ‘linked to the protest camp’ and Barnett’s call to end the Embassy.

It’s been alleged that a recent incident in which rocks were thrown from a nearby bridge at a boat—smashing windows and injuring people on board—was linked to the protest camp.

The eviction follows comments made by Premier Colin Barnett today that the actions of the protesters risked undermining wider public support for Aboriginal people and reconciliation efforts.

There were no Tent Embassy sources in this article. Police Commissioner Karl O'Callaghan was the last source to be quoted, saying he believed protesters were looking for confrontation:

'There's no doubt that if police are going to go in and they're going to conduct an action that there will be some confrontation,' he said.

The police commissioner said some protesters would inevitably be charged, because local by-laws made it illegal to camp on Heirisson Island.

No one, however, was charged with camping illegally on the island.

Figure 25: Len Culbong taken away under mounted guard (Item 76: [Heirisson Island](#)) after being handcuffed while filming police (Item 79: [Island Raid](#))



Running for 4 minutes and 46 seconds as the lead story on the 5pm edition of TEN News (Item 77: [Island arrests](#)), the raid was positioned as the most newsworthy issue of the day. Although the item is framed by a police perspective in the beginning, Tent Embassy perspectives soon dominate the coverage as Embassy members are shown to be 'caught up in violent clashes with riot squad officers':

ANCHOR (NARELDA JACOBS): Good evening and welcome to TEN News. First, ugly scenes have played out on Heirisson Island as dozens of police descended in a bid to break up the Tent Embassy. Protesters were caught up in violent clashes with police riot squad officers, leading to at least three arrests.

Cut to riot police walking beside white vans towards the left of camera. Camera pans left to show a column of at least a dozen riot police.

REPORTER (JESSICA BROWN): Riot squad officers pile out of dozens of police cars...

Cut to row of riot police officers standing in the car park of Heirisson Island with temporary barriers and the Causeway behind them. Camera pans right to show at least a dozen riot police officers and then pans left to show the extent of the line.

... at Heirisson Island just hours after a promise of action by the Premier and Commissioner.

Cut to line of riot police advancing as they are given the order to move forward.

RIOT POLICE: Police—move back, police—move back!

Camera pulls back to show riot police advancing. Cut to a close-up of a man carrying a large Aboriginal flag and other people including what appears to be a photographer who has fallen.

BROWN: Officers form a human barricade and are instantly confronted by protesters.

Cut to shot of woman in yellow singlet holding a camera phone and talking to journalists.

WOMAN IN YELLOW SINGLET: If you invade our space this is a declaration of war and this will be put to the international law courts.

Cut to overhead shot of Herbert Bropho surrounded by journalists and cameramen. Camera pans up to show line of riot police in front of him.

BROWN: Nyoongar Herbert Bropho standing his ground.

BROPHO: If bloodshed gonna be served today over stupid man's word let it be done.

Cut to Bropho walking towards the left of camera.

BROWN: Suddenly he led the group in a snap move ...

Cut to shot of Bropho, closely followed by Greg Martin leading a group of people towards camera with the WACA ground and Swan River in the background.

... to the other side of the island, the group marching to the sacred site housing the statue of Yagan.

Cut to woman in yellow singlet, Greg Martin, Marianne MacKay, Bropho and Vanessa Culbong standing in a row before Yagan's statue, which has been draped in an Aboriginal flag.

MARTIN: ... and we're asking all our ancestors for their spirits to come up through the ground and protect us from this attack.

Cut to scene of two council rangers unpegging and folding up a tent.

BROWN: Police and rangers dismantled the camp, tent by tent.

Cut to scene of mounted police cantering and riot police running away from camera.

BROWN: But on the southern side the confrontation turned ...

Cut to scene of a line of at least a dozen riot police running from right to left of camera with the WACA and Swan River in the background. A helicopter can be heard clearly in background.

... ugly, officers on foot and on ...



Figure 26: Police in hot pursuit of the Tent Embassy (Item 77)

Cut to scene of handcuffed man being escorted by at least three police officers who lead him to a paddy wagon and are about to put him inside.

... horseback rushing in. As protesters try to stop police it leads to pushing and shoving, eventually some are pinned to the ground and arrested. Three men ...

Cut to shot of Matthew Currie on the ground yelling and being handcuffed by at least two police officers.

... taken into custody for allegedly obstructing police and disorderly conduct.

Cut to Len Culbong being manhandled and tripped to the ground by two police officers.

LEN CULBONG: ... broke my arm [words unclear] ...

Cut to mid shot of Herbert Bropho and Vanessa Culbong and several other people.

BROWN: Campers claiming police brutality.

VANESSA CULBONG: Are you gonna report that?

BROPHO: [words unclear]

VANESSA CULBONG: Are you gonna report that? The horse almost stepped on the baby!

Cut to Shilo Harrison holding a baby and gesturing to her forehead, with a woman in a black shirt standing behind her.

WOMAN IN BLACK SHIRT: ... attacked a woman! ...

HARRISON: You think it's okay to do this? You think that's okay?

Cut to mid-shot of Len Culbong handcuffed being led by two police officers towards a police paddy wagon. Camera circles to right, revealing several police officers and two mounted policeman who appear to be circling the arresting police officers. Journalists are within the shot.

BROWN: The showdown ends five weeks of occupation by the Nyoongar group protesting the Barnett government's native title deal. The Premier this morning foreshadowing today's police action.

At this point the lawbreaker-protester frame is reasserted by a cut to Colin Barnett at Parliament House speaking to journalists, and by a subsequent cut to a police press conference by Karl O'Callaghan. The vision then switches to a line of marching riot police, and thereafter to the principal Tent Embassy participants near Yagan's statue. The reporter—who presumably was at Heirisson Island but may well have been in the studio—closes the frame by saying that the 'camp may be cleared for now, but the protesters are vowing to fight on', thereby discursively transforming passive resistance into a 'fight'.

6PR's extended coverage of this dramatic raid (Item 78: [Police clash with protestors](#)) provides some insight into the way that police violence was sensed by the reporter (Pip Moir) despite the attempts by the host (Howard Sattler) to ignore it and to shift responsibility for the violence onto Tent Embassy participants:

SATTLER: So they started to set up a tent embassy near Yagan's statue did they, one tent went up.

MOIR: That's right, oh as I look behind me now that tent has been dismantled. So police arrived about five minutes ago; there's not many of them, they arrived quite calmly, um, but they had a confrontation with a few protesters, and it seems as though the tent has been dismantled and police have gone in. The protesters were yelling at them *move, move*, I have, I will tell you three times to move or you are trespassing. Police didn't move; they moved in, they grabbed these protesters who are now lying face down on their front, on their tummies.

SATTLER: They've got police horses there too?

MOIR: Not horses at this end, um, the police arrived by bicycle and on foot, um, there's about half a dozen of them here, and so, um [word unclear], I think the riot squad are over at the other side of their former tent embassy, where I believe that's where Blake Johnson was, I believe that is being dismantled now. Ah, op [sic], the horses have just arrived...

SATTLER: Okay, and any of the protesters resisting?

MOIR: Um, well they, I... they did resist, but, um, there's two men that are lying down, oh my God now there's [noise unclear in the background] the, the horses have just moved in, Howard, and they're being quite forceful; they are telling everyone to move away, there's a woman with a child, holding a very young child in her arms, she almost got knocked over but, um, there's abuse being yelled at the police, the police are not... they are using quite a lot of force here, Howard.

SATTLER: Okay and, eh, how many protesters did you say are down there now?

At this point, Sattler shifts the conversation away from the victims of police aggression and follows with a question that positions the police as unarmed. Directing responsibility for the confrontation back onto 'the people', he suggests they had no right to be there in the first place. The conversation continues:

SATTLER: Are the police telling the people having the verbal confrontation, not the ones who have been arrested, are they telling them they've got to go too?

MOIR: The police actually aren't speaking, they aren't saying a word, they've formed a line [word unclear]... the protesters that are being the most vocal, I'm just going to move in. This... is, this is Herbie Bropho, Howard.

Towards the end of the extended coverage, the raid is summarised as follows:

SATTLER: Ah, let's go back to, ah, our Pip Moir who has been down at Heirisson Island risking her life and limb down there this afternoon; hi Pip.

MOIR: At times it has felt like that, Howard, ha... how you going?

SATTLER: You got your breath back?

MOIR: Yes, finally.

SATTLER: That's good, so what's happening now?

MOIR: Police have just held a conference down at headquarters; they've, ah, first of all I'll give you a rundown of the, um, ah, statistics, like how many arrests and such there were, police said, um, two vehicles have been impounded today from the tent embassy, 20 tents were removed, um, they were using 70 police officers, um, and with the help of 15 rangers from the City of Perth and made three arrests, one man for refusing to give details and obstruction, one man for obstruction who was the same man as, um, arrested last week, I believe, for assaulting...

SATTLER: Mr Culbong, yeah.

MOIR: ... police and, ah, another one for disorderly misconduct, so and there's one woman who, she hasn't, while she hasn't made an official complaint, police have been informed that she is considering it, um, I think it was, when I was on the phone to you Howard last time that she was holding a baby when the mounted police came in and she was knocked in the head by one of the horses and, um, she is considering making a complaint, um, for, ah, ah, excessive force of the police, so she's yet to do that but police said they've seen vision of the incident and are fairly happy that police acted as they should have, um, and but, you know, they've said she can go down to the nearest police station and make that complaint. Um, so police said that today's, what they did today, the action, that it was a success, um, but they've regretted that it came to this and they believe that it's not over, and they could be, police will be over there overnight and into the days to come, so we, you haven't seen the end of this for sure.

The transcript suggests that Moir was struggling to make sense of the violence of this police action, especially the experience of seeing mounted police run into a woman holding a baby. She attempts to make sense of it in her closing statement by recourse to a notion of *trespass*, reducing the complex status of Heirisson Island to land that was 'owned by the City of Perth' and therefore upon which 'these people are just breaking by-laws'.

At 6pm, 7News (Item 79: [Island raid](#)) focussed on violent confrontation, visualising the violence of people being taken down by police:

ANCHOR (RICK ARDEN): Good evening, there have been angry scenes on Heirisson Island as police moved in to clear a camp set up by Aboriginal protesters. Four men were arrested, police say the operation was a success but admit they'll have to go back again. David Cooper begins our coverage.

Cut to camera moving quickly and roughly through a smoke-filled tree-lined setting towards people and voices. Camera almost bumps a man in passing on way to film Len Culbong (who is apparently trying to film police with a mobile phone) being manhandled by three police officers. A woman comes in from behind to try to free Culbong from the officers' grip. The buzz of a helicopter can be heard in this and many subsequent scenes.

COOPER: After five and a half weeks of defiance from protesters on Heirisson Island, today police responded heavily.

Supertext: 'VIOLENT CONFRONTATION, DAVID COOPER reports, Heirisson Island'. Footage of Culbong almost falling backwards, regaining his ground and then being grabbed again by police. Camera pans right to show the woman moving away.

UNKNOWN VOICES: Move, move, move!

Camera swings back to show a police officer come from behind Culbong and grab both Culbong's arms from behind him, while three police officers handle him from front on. The back of Greg Martin's head appears in camera. Two officers run Culbong away. Three police officers remain in shot, two of whom push back Martin.

MARTIN: Leave him alone, leave him alone, he's on Nyoongar land, leave him alone!

Two more arrests are shown, continuing the evocation of a sense of intense physical violence. The item then narrates events leading up to the following scenes.

Cut to riot police, camera pans right revealing about 20 officers standing with hands clasped at their waste.

COOPER: Shortly after two o'clock this afternoon about 70 police ...

Cut to four mounted police trotting towards camera in two lines that part to go past either side of a man sitting in a chair. Cars move by in the background.

... swamped Heirisson Island.

UNKNOWN VOICE: [screams]

Cut to close-up of Herbert Bropho, covered in ash, walking towards a line of riot police, many media workers are in the background.

COOPER: What followed was a heated confrontation.

Cut to close-up of Bropho; Len Culbong (holding a camera phone) is standing behind Bropho; media workers in the background.

BROPHO: If you've come for violence, you'll get violence.

Cut to shot, over Bropho's shoulder, of line of riot police. Two mounted police are in the background.

BROPHO: And if bloodshed's going to be shed today ...

Cut to close-up of Bropho. Camera zooms out showing the backs of three of the riot police in a line.

... over a stupid man's word, let it be done.

Cut to riot police moving forward and pressing Culbong, other people and media workers backwards.

COOPER: Neither side would back down.

Cut to shot of a woman in yellow singlet speaking to riot police, who are gesturing for her to move back as the police line moves forward.

WOMAN IN YELLOW SINGLET: Where are your papers?

RIOT POLICEMAN: Please move back over there.

WOMAN IN YELLOW SINGLET: Where are your papers?

Cut to Greg Martin carrying an Aboriginal flag along a path, flanked by a line of police officers.

COOPER: After a tense stand off ...

The flag is snapped off the stick Martin is carrying. Camera pans right to show a riot policeman gathering up the flag and tossing it to the ground beside Martin.

RIOT POLICEMAN: Put your flag away.

Cut to many people and media workers, walking away from camera, apparently being led by someone carrying an Aboriginal flag, towards the Causeway bridge.

COOPER: ... protesters abandoned their camp ...

Cut to mid-shot of Bropho walking towards the left of camera with many media workers close by. Bropho raises his right hand holding two long sticks.

BROPHO: Over to Yagan. Let 'em have it.

Cut to shot of Bropho and many other people moving through an underpass towards the camera and away from the Tent Embassy site. A woman on the right is banging message sticks, the person in front carries an Aboriginal flag.

COOPER: ... and headed to the other side of the island.

Cut to shot of Vanessa Culbong carrying an Aboriginal flag leading a large group of women, men and children over a grassland setting.

MARTIN: We're going up to ...

Cut to Martin standing beside the Swan River, with many microphones and media workers by him. Martin is holding a pole, presumably with a flag.

... Yagan's statue. He's our first resistance leader in this part of the planet ...

Cut to Yagan statue draped in Aboriginal flags. A person squats near the base of the statue apparently helping to erect a tent.

... and he's our hero.

Cut to columns of riot police and council rangers marching steadily and purposefully forward towards camera.

COOPER: As they were doing that police and ...

Cut to city rangers packing up a tent under a police guard.

... fifteen City of Perth rangers began to dismantle ...

Cut to men lifting small table and plastic boxes up onto the bed of a truck.

... the camp. [Sound of goods crashing onto the truck bed]

Cut to car about to be winched up onto a truck by two men under police guard.

COOPER: Two cars were seized.

Cut to police press conference; close-up of Scott Higgins. Supertext reads: 'Superintendent SCOTT HIGGINS Central Metropolitan District'.

HIGGINS: We were hoping it wouldn't come to this, we were hoping that people would have their say, ah, make their point and then move on. Ah ...

Cut to replay of Len Culbong being grappled by at least three officers.

... we regret that it has come to this, we've got much more important things to be doing.

Cut to mid-shot of Yagan's statue draped in Aboriginal flags.

COOPER: Protesters tried to set up a new camp ...

Camera pans left to show Greg Martin, Len Culbong and others pitching a tent.

... that ...

Cut to mounted police cantering towards left of camera, with Swan River and CBD in the background.

... was quickly crushed.

Cut back to replay of Len Culbong being grappled by police.

COOPER: Protesters began occupying Heirisson Island more than a month ago, angry...

Cut to Len Culbong being held face down on the ground by a police officer, several other police officers and other people are standing by.

... over a billion dollar state government native title deal. It's the third...

Camera pans left to show Matthew Currie on the ground rolling over to be handcuffed by several police.

... time police have moved in.

MANY VOICES SHOUTING: [words unclear]

Cut to man in cap, apparently handcuffed, being escorted by two police officers walking towards left of camera. The camera pans left following him as a column of police run past them, towards and past the camera.

COOPER: Today was by far the strongest show of force, but protesters are adamant their fight isn't over.

The item closes with a wrap-up by reporter Blake Johnson on Heirisson Island: 'twenty to thirty protesters' were staying on the island with 'no tents and no camping gear'. Johnson then paraphrases O'Callaghan by saying that 'every time officers come to take away the tents on Heirisson Island it costs taxpayers about \$20,000, so it's not a cheap operation.' The cost to taxpayers and related commuter traffic disruption is associated with 'effort to keep people off the island'. Recalling the strategy of defining the public in ways that represent state interests, the item fails to consider the question of whether the policing action directed by senior government officials may represent a *waste* of taxpayers' money. The omission of any reference to the complex status of the site implies, once again, that responsibility for the policing action and the cost to taxpayers should be borne by Tent Embassy members.



Figure 27: State police (Item 79)

At 7pm, ABC1's headlines opened with the raid, but—after listing other headlines—the bulletin cut to 'breaking news' of police raiding a suspected gunman in France. While strictly unconnected to news of the Heirisson Island raid that was to follow, the coverage of the French police raid anchored the Heirisson Island raid in terms of the dangers police were faced with during raids. The Heirisson Island news report (Item 80: [Native title protesters flushed out](#)) is framed in terms of a police perspective on 'camp arrests' and the end of the 'Aboriginal campsite on Heirisson Island':

Cut to shot of a police helicopter flying through blue skies.

REPORTER (JAKE STURMER): Police had already ...

Cut to line of the back of at least a dozen riot police.

... tried ...

Cut to rangers packing up a tent guarded within a ring of riot police.

... to remove campers from Heirisson Island twice.

Cut to Herbert Bropho holding up an iPad or similar device, apparently to film police officers standing in front of him. On either side of Bropho are Tent Embassy participants.

STURMER: They're hoping this time ...

Cut to riot police embarking from vehicles.

... it's for good.

POLICE OFFICER: Move.

Framed this way, the raid is constructed as the solution to a simple problem of trespass. This may have been disrupted by subsequent scenes, but the problem of 'illegal camping' is soon reestablished:

WOMAN IN YELLOW SINGLET: This is our sanctuary where you have no jurisdiction whatsoever.

Cut to aerial shot of at least twelve city rangers dismantling a tent surrounded by a ring of at least 22 police.

STURMER: After police and the City of Perth ...

Cut to mid-shot of city rangers dismantling a tent surrounded by police.

... spent the week arguing over ...

Cut to mid-shot of City of Perth rangers packing up another tent guarded by riot police.

... who had the power to remove the activists ...

Cut to riot police and other police walking away from camera herding back Tent Embassy participants and media workers.

... it came to a standoff between police ...

Cut to line of riot police facing Tent Embassy participants.

... and the protesters as officers enforced a council ...

*Cut to back of line of at least ten riot police and several media workers.
Camera pans right along the back of police line, showing Herbert Bropho surrounded by media workers.*

... by-law preventing camping on the island.

The claim of the woman in the yellow singlet ('This is our sanctuary where you have no jurisdiction whatsoever') warrants no attention here and is not referred to in the voiceover. Footage shows media workers and Len Culbong moving backwards as lines of riot police moved forwards:

STURMER: The campers put up a brief ...

Cut to back of line of riot police herding people backwards.

... fight but the weight of police numbers soon ...

Cut to Herbert Bropho walking away from camera.

... had them on the run.

Again, the claim that the issue at hand had to do with questions of jurisdiction is left uninvestigated, and Sturmer refers to the Tent Embassy members simply as 'campers'. Without any reference to police and government responsibility, he describes the present incident as a 'protest' turning 'ugly'. In contrast to 7News footage (Item 79) of the event, which suggests that people, perhaps innocent people, were being taken down by police, the editing of this ABC1 report suggests that criminals were being arrested:

STURMER: But even as that began the protest turned ...

Cut to shot, from inside a tunnel looking out, of people running away from camera on Heirisson Island with Swan River on right.

... ugly, on the other side of the island nearly one kilometre away.

Police pass across the shot, running out of the tunnel and following the other people. Sound of police running. Cut to Len Culbong, apparently handcuffed, being escorted by five police officers and two mounted police. Media workers are milling around them.

STURMER: Four people have been arrested over ...

Cut to Matthew Currie apparently being loaded into a paddy wagon by a policeman.

... offences ranging from disorderly conduct to ...

Cut to close-up of a man's hands cuffed behind his back.

... obstructing a public officer.

Police are then afforded the representation of innocence via footage of a police press conference:

HIGGINS: We were hoping it didn't come to this, we were hoping that people would have their say, ah, make their point and then move on, ah, we regret it has come to this, we've got much more important things to be doing.

The suggestion that police were innocent or neutral, that they did not take sides, however, may be disrupted by the suggested reason for continued police presence on the island:

STURMER: Officers are expected to maintain a presence at the island ...

Cut to at least five police officers walking away from camera.

... for the next few days with ...

Cut to policeman straddling a bicycle, with a speedboat cruising the Swan River in the background. Another policeman cycles into frame.

... a water skiing competition due to be held nearby on Friday night.

ABC Perth helped to justify the raid through the context it provided and the comments it published: those of Superintendent Scott Higgins and Opposition Leader Mark McGowan (Item 81: [Police maintaining presence on Heirisson Island](#)). On the day of this most violent of police actions, McGowan not only supported the Premier's program but also called on Aboriginal leaders to 'tell the people on the island to go home and get on with their lives and worry about putting their kids into school, worry about getting employment and all of those sorts of things.' In other words, forget native title and Nyoongar heritage. Instead of using McGowan's statement to close the article, the ABC could have challenged its assumptions—assumptions the leader of the WA Labor Party appears to share with the conservative Barnett government.

Figure 28: Front page, front lines (Item 82)



The West Australian's coverage of the raid the following day, 23 March 2012, did not obscure the source of the violence—the police were 'ordered to remove Aboriginal demonstrators', according to its front-page photograph caption. Those who gave the orders, nevertheless, were left unnamed. *The West's* report also reproduced the by now standard reference to 'Aboriginal demonstrators' for the Nyoongar people and their guests staying at what could have been reasonably and accurately represented as a state-protected Aboriginal sacred site.

Inside this edition, a double-page spread (Item 83) on pages 4 and 5 sets out nine images and captions referring to Aboriginal people standing heroically and vulnerably in the face of organised action by well-equipped police on foot and horseback. The people were knocked or had fallen to the ground, but stood again (see Figure 29). The main article, notable for being one of few reports to eschew the clichéd description of verbal protest on the part of the Embassy participants as 'abuse', describes the clash of 70 police including 'riot squad police and officers from the mounted and dog sections' with protesters, in which a pregnant woman was injured by police:

The arrests sparked furious outbursts from protesters and as mounted police rushed to defuse the situation one horse bumped 28-year-old pregnant woman Shilo Harrison, who had a baby in her arms.

Ms Harrison received a cut above her left eye and almost dropped the 13-week-old girl as she stumbled.

The first named source is Superintendent Scott Higgins who justified 'tough action' and emphasised 'illegal camping':

'In recent days and again this morning there were instances of concern to police, including disorderly conduct, threats to members of the public and media, damage to public property and a fire lit earlier today,' Supt Higgins said. 'These protesters are welcome, like any, to legally publicise their cause. But in this case the City of Perth was dealing with illegal camping.'

Charges against the four men are listed as 'obstructing police, disorderly conduct and refusing to provide information to police.' Greg Martin is quoted as follows:

'We tried to avoid a confrontation so went to the other side of the island but they came after us and made the trouble,' he said. 'The police always intended to arrest someone.'

The next source is SWALSC chief executive Glen Kelly telling 6PR of his distress: 'We never wanted people to be arrested.' The final paragraph describes what happened at about 6:30pm after small fires had been lit:

Firefighters assessed the risk of fires to spread to be low and deemed that for 'cultural reasons' they would be permitted.

It is not until the very end of the article that this reference appears—the sole reference to Aboriginal heritage and the entitlements of Nyoongar people. Had it been introduced from the start, the representation of events could have been

Protest camp removed amid outrage, arrests

By Susan O'Connell, Gabrielle Knowles and Suzanne Thomas

Police have removed a makeshift protest camp on Heirisson Island after a week-long stand-off when about 19 police descended on the abandoned tent embassy yesterday afternoon.

The men were arrested when they tried to set up a second camp on the western end of the island after the removal of the original police and officers from the abandoned and one-sided tent embassy. City of Perth managers in the camp at Heirisson Island and about 100 protesters.

The arrests sparked furious outcries. Some protesters used an abandoned police truck to defend the campsite from police. Some protesters used a mounted police truck to defend the campsite from police. Some protesters used a mounted police truck to defend the campsite from police.



Taking a stand, Herbert Bropho makes a point to a City of Perth ranger. Picture: Lincoln Bailey



Look Clearing the site. Picture: Adam White

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But more charges including obstructing police, disorderly conduct and refusing to provide assistance to police. "We intend to assist a constructive way to the other side of the island but they came at us and made the trouble," he said. "The police always intended to arrest someone."

South West Aboriginal Land and Sea Council chief executive Chris Kelly said he had been alarmed by protesters' views. "We never wanted people to be arrested and for this sort of event to happen," he said. "The police always intended to arrest someone."

Aboriginal leader Thea Wilson said she was disappointed with the protesters' lack of agreement with contractors. "I think what we need to do for common sense to prevail and for both sides to get together," he said.

They said on a "Pulse" said 23 items, two cars, a display and other equipment were seized. Premier Colin Barnett said the protesters' actions raise questions about whether justice will be done for the protesters.



Respectful Shiba Heirisson stands and, right, Ms Heirisson with a baby. Picture: Alex Barbour



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Police renew push for stop, search laws

By David Emerson

WA POLICE ARE PUSHING FOR STOP AND SEARCH LAWS GRANTING THEM EXTRAORDINARY COMMONWEALTH POWERS TO SEARCH VEHICLES WITHOUT CONSENT.

The proposal is a response to a report by the Australian Law Reform Commission last year that recommended that Commonwealth powers be granted to police to search vehicles without consent.

Commonwealth Attorney-General George Brandis said the proposal was a response to a report by the Australian Law Reform Commission last year that recommended that Commonwealth powers be granted to police to search vehicles without consent.

No giving ground at camp

By Gabrielle Knowles and Luke Ellet

The tension built throughout the day. Counting the entrance of Heirisson Island, Aboriginal elder Herbert Bropho vowed to "fight until the last man standing."

Bropho was a target of police action as protesters tried to set up a second camp on the western end of the island after the removal of the original police and officers from the abandoned and one-sided tent embassy.

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Figure 29: Not just protesters (Item 83)

framed very differently; another story, in other words, might have been told. 'Framing' is thus not incidental to 'reporting', but inseparable from it.

The second article—headlined 'No giving ground at camp'—focuses on protesters being targeted by 'Bropho's aggression' and works to legitimise police action. The third article—'Police renew push for stop and search laws'—is about police seeking a permanent introduction of the extraordinary 'stop and search laws' they enjoyed during a recent Commonwealth Heads of Government Meeting in Perth. The article quotes a police review of the special powers, arguing that increased police powers are becoming more necessary in order to protect international conferences, sporting events and music festivals. While this item makes no reference to the Heirisson Island Tent Embassy, its placement alongside the two other items in the two-page spread helps to confirm the law-and-order frame employed in the accompanying reports.

PerthNow also provided extensive coverage of the previous day's raid. Its video (Item 84: [Tension rises on Heirisson Island](#)) shows a challenge to state authority as police attempt to seize a car (the police respond, it could be said, uncomfortably):



Figure 30: A question of jurisdiction (Item 84)

WOMAN IN YELLOW SINGLET: You have no jurisdiction over me. I have not given you authority. He is assaulting me now, number 14472 assaulted me [several words unclear] and he has assaulted me just then.

Woman in yellow singlet points at policeman while talking on the phone, policeman steps back.

WOMAN IN YELLOW SINGLET: And what court documents do you

guys have to do this action here in the front of our Embassy? What court documents do you have to rely on that gives you the authority to do anything in our Embassy?

Another video broadcast by *PerthNow* (Item 85: [Arrests made as police move in](#)) shows the Tent Embassy being dismantled, including some participant views of the raid:

REPORTER (RHYS WOOLF): All up 70 officers provided ...

Cut to circle of riot police guarding council workers as they pack up a tent.

... a human shield for council workers ...

Cut to close-up of council workers loading camping equipment on a truck.

... to take down camping gear. The place many Indigenous people ...

Cut to a council worker handing a bundled up Aboriginal flag to Robert Eggington.

... had been calling home for months. While that ...

Cut to Herbert Bropho addressing a line of police officers.

... take down was relatively incident free, it was on the western side of the island where tension mounted.

Cut to close-up of Herbert Bropho gesturing to police and media, in the background Vanessa Culbong is also speaking and gesturing.

BROPHO: [several words unclear] ... they came here looking for a fight.

CULBONG: They forced that arrest.

Cut to close-up of Shilo Harrison with red marks visible on her forehead.

WOOLF: This woman claimed she was hit ...

Cut to shot of two mounted police.

... by one of the mounted officers whilst holding a baby.

Cut back to Shilo Harrison.

HARRISON: A member of the WA police ... who deliberately directed their horse into my face and my body while I was holding a newborn baby.

Cut to shot of a line of riot police peeling off and marching to the left of camera.

WOOLF: Police say arrests were made for obstructing a public officer ...

Cut to shot of Herbert Bropho speaking with media workers and Tent



Figure 31: Shilo Harrison
(Item 85)

Embassy participants in the middle ground.

... refusing to give details ...

Cut to shot of police helicopter in the sky.

... and for disorderly conduct.

The sensationalism of the raid provided viewers a glimpse of the humanity of Tent Embassy participants and their courage in the face of overwhelming police might. This view had the potential to unsettle the representation of a menace emanating from the Tent Embassy, but it did not have the power to disrupt the lawbreaker-protester frame by which the Embassy was defined according to media workers as well as police, council and state spokespeople.

Indeed, the lawbreaker-protester frame was reinforced after the biggest police raid through the reporting of official explanations for police action as well as the media's own contextualisation of events. Overnight, *PerthNow* (Item 86: [Tensions rise as Barnett says Heirisson Island camp must go](#)) put together a long article on the raid. Although this article references some agents in favour of the Embassy, these are set against the appearance of dramatic threats of violence emanating from the Tent Embassy:

Police say the four arrested included a 33-year-old man for obstructing a public officer, a 28-year-old man for refusing to give his details and obstructing a public officer and a 20-year-old man for disorderly conduct.

Late today, police confirmed that a fourth person had been arrested on the island and that one move on notice was issued. They could not confirm the age of the fourth person who was arrested.

The first source for this article was 'former Fremantle Docker Scott Chisholm,' indicating how a celebrity, in this case a Nyoongar sportsman, can be accessed by the media as a source on a complex social issue, to interesting effect:

'These people are sovereign people, they have every right to be here,' he said.

'This [the land] was claimed under Native Title, this land always was and always has been since day one.

'The Government are saying this is a public area; that was before, this is now, it's 2012.

'We know the truth, we want to get it right out there.

'People are going to start learning and talking about this.'

The interview with Chisolm undermines the putative appeals to anti-racism made by Colin Barnett and others seeking closure of the Tent Embassy. Later in the article, Barnett is quoted as claiming the anti-racist position—to support the arguably racist act of ending the practice of Nyoongar sovereignty:

'It has gone on for too long—it needs to come to an end—and I'm disturbed by racial vilification going both ways.

'This is divisive at a time when the whole community is working hard to improve the condition of Aboriginal people, and to have a greater cohesiveness in our society.'

Mr Barnett said peaceful negotiation with the protesters had failed, and it was now time for police action.

‘When an issue goes on and starts to become violent and divisive, at some point the state government takes a greater role, along with the police, and that’s happening now,’ he said.

The Embassy had to be shut down, then, because it was not contributing to ‘a greater cohesiveness in our society’—even though the very existence of the Embassy could be said to draw attention to the fact that society was not cohesive, but coercive. If members of the Embassy did not feel coerced into giving up their rights—if in fact they felt they belonged to a cohesive society—there would be no reason to protest *to* that society about their experience of social injustice. But if, in any case, Perth society is not cohesive but ‘divisive’, according to the Premier, how could the ‘divisive’ nature of Perth society be used as a justification for police action?

The article’s subsequent source, Greens MLC Robin Chapple, takes a different view from the Premier:

‘I call on the Premier and City of Perth to respect the right of peaceful protest, and allow the Tent Embassy activists to continue to gather and practice culture on Heirisson Island.

‘Heirisson Island is a public park of significant cultural importance, and particularly at this time while the State Government is in negotiation about settlement of Noongar native title, it is important that the government does not silence these voices.

‘The Tent Embassy has been a peaceful gathering, drug and alcohol free by the activists’ insistence. There is no pressing reason why the Tent Embassy should be cleared.

‘Allegations of rock throwing is a separate matter, and should be dealt with as any other complaint to the police is handled, it doesn’t require the forceful disbanding of the Tent Embassy.’

Under the next subheading relating to the Fire and Emergency Services Authority—‘POLICE, FESA CALLED AFTER FIRE’—a summary of events is given in which the ‘island campers’ were said to have been armed, abusive and potentially dangerous. No source is provided:

PerthNow understands that FESA officers refused to attend an early morning fire call-out at the island without police back-up.

When firefighters and police arrived, one protester armed with a machete confronted the crew, but the fire was quickly extinguished and nobody was injured.

About 11.15am, police prevented a blue Ford being driven by a woman with several children on board, from leaving the island.

They asked the woman to get out of the car and took her keys, which prompted a volley of abuse from Noongar camp member Herbert Bropho, who claimed the woman was ‘taking her kids to school.’

The subheading that follows, 'ABUSE OF JOURNALISTS', positions Bropho as a threat to journalists and police:

He [Bropho] approached the media throng of about 15 journalists and camera crew brandishing a radio, shouting to know which of them was talking to 6PR.

'Who was the person talking on the radio? Who was the f..king dog, are you fellas going to condone violence or what?

'Do you want to see bloodshed, are you f..king scared to ask a question?'

Earlier today a passerby reported 'trees were on fire' near the Noongar camp on Heirisson Island after seeing smoke billowing from among the trees, just after 8am.

Neither fire nor danger, however, is represented in the image below or in the *PerthNow* video (Item 84), but still the point of the article was to portray a public crisis requiring strong police action.

Figure 32: 'Who was the person talking on the radio?' (Item 86)



A photographic series by *PerthNow* (Item 88: [Protesters back Heirisson Island camp after being 'moved on'](#)) suggests a narrative of police officers being on guard against an Aboriginal threat. Five images are included, showing police in control. The caption for the first image (a policeman in foreground and Aboriginal flag in background) reads: 'DIGGING IN: A police officer stands in front of an Aboriginal flag at the Heirisson Island camp today.' The caption for the second image (six police and a woman at the Tent Embassy) reads: 'DIGGING IN: Police officers at the Heirisson Island camp today.' The third caption (for an image of four well-armed policemen walking away from camera, with guns in low-slung holsters and hands dangling by them, reminiscent of a Western film) reads: 'ON PATROL: Officers patrol Heirisson Island, where about 10 protesters have returned today.' The caption for the fourth image (Herbert Bropho apparently yelling at a police officer) reads: 'MAKING A POINT: Aboriginal activist Herbert Bropho makes himself heard at the Heirisson Island camp yesterday.' The fifth image (Len Culbong being pushed to the ground by two police officers) is captioned: 'UNDER ARREST: Police arrest a man at the Heirisson Island camp yesterday.'



Figure 33: Police tackle Len Culbong (Item 88)

PerthNow's related article (Item 87: [Protesters back at Heirisson Island camp after being 'moved on'](#)) describes 'a smaller group of Noongar' people having returned to 'Heirisson Island just a day after dozens of police dismantled their camp and arrested four people.' It envisages police officers acting calmly in contrast to the 'tension and confrontation, which culminated in the police action which dismantled the camp', thus legitimising the raid by tacitly attributing the action of 'confrontation' to the Tent Embassy participants. Superintendent Scott Higgins described the police action as a planned response to an 'escalation in violent incidents.' So how much of this planning went into preparing media audiences before the raid? The article defines the raid as a success from the point of view of police:

Police said the raid had been planned for a number of days and described it as a 'success', saying 21 tents, two cars, a boat and other equipment had been confiscated by Perth rangers in contravention of local by-laws prohibiting camping on the public reserve.

Understandably, Scott Chisholm was 'upset by the way the protesters were being portrayed': 'It's not even a protest. It's people making a stand for their rights.' This important fact, however, was frequently disregarded in the framing of news stories on the Nyoongar Tent Embassy.

The news anchor's opening statement on 720 ABC radio (Item 89: [Aboriginal protesters vow to return to Heirisson Island](#)) reported the police justification of the previous day's violent scenes in terms of being an appropriate response to 'disorderly conduct, threats and damage to property':

Men, women and children had been camping on the island, protesting against a Native Title offer.

Police say they had to move on after a series of incidents including disorderly conduct, threats and damage to property.

Figure 34: 'Heirisson Island protest' (Item 89)



Police spokesman Higgins' statements were later used to close the frame as follows:

'People are more than happy for people to protest peacefully but when you become violent, disorderly and antisocial then the police will move in.'

The very structure of the ABC's news frame suggests Higgins' statement was true, despite much visual evidence in other news items to indicate the contrary. This framing of the violent protester was commonly deployed by anchors but often disrupted by the news scenes themselves. For example, TEN's report on 23

March begins with the anchor naturalising police action on Heirisson Island as an appropriate response to a menace (Item 91: [Island protest](#)). The use of the term 'protesters' suggests that Tent Embassy participants were responsible for the 'ugly showdown' and at least partly responsible for 'the fight'. By contrast, the reporter at the scene uses a more neutral term, 'the island group', and the report shows a series of short scenes supported by a narrative of violent police action in an otherwise peaceful place. The scenes are ordered as follows:

Cut to picnic area in bushland setting. One person is seated among several picnic chairs, a bicycle and an Aboriginal flag ...

Cut to close-up of a small fire burning within a circle of rocks ...

Cut to several police officers shoving and pushing back Len Culbong and Herbert Bropho ...

Figure 35: Bicycle police shove
Len Culbong and Herbert
Bropho (Item 91)



Cut to man in black cap apparently being handcuffed by three police officers ...

Cut to advancing line of riot police with mounted police in background ...

Cut to rangers carrying away a dismantled tent ...

Cut to Herbert Bropho and other people facing police officers who circle them to get to Matthew Currie ...

Cut to Matthew Currie on ground with police standing over and handling him ...

Cut to two police officers pushing Len Culbong to the ground, kneeling on his back and handcuffing him as Greg Martin walks into frame. The statue of Yagan draped in Aboriginal flags is in the background. A helicopter can be heard in the background ...

Cut to at least four police officers grabbing Len Culbong, who tries to stand his ground while apparently filming with a mobile phone. At least two Tent Embassy participants try to support Culbong ...

Cut to still frame of Shilo Harrison apparently yelling while holding a baby as a police horse stands over her and police officers surround her. Shot zooms in on Shilo, the baby and the horse ...

Towards the end, after Scott Higgins has placed responsibility for the violence on Tent Embassy participants, police are shown in a mopping-up operation. The police are shown filming, taking notes, standing over and questioning outnumbered Tent Embassy participants.

Such scenes also disrupted the interviewer's naturalisation of the police response to 'protesters' on ABC1's 7:30WA report on 23 March (Item 92: [Head of the](#)

[ALS says the protestors have a legitimate claim](#)). News anchor Andrew O'Connor's first words suggest that police had preempted some kind of potential threat:

Police were taking no chances this week as they moved in to move on the Aboriginal protesters occupying Heirisson Island on the Swan River.

This suggestion is disrupted by footage and audible voices of the Tent Embassy participants being raided by police a day earlier, mixed with previous news items showing silent police officers pushing participants away, pushing them to the ground, handcuffing them, escorting them away. The silence of the police contrasts with attempts by Tent Embassy members to voice their grievances:

Cut to Herbert Bropho covered in ash, holding sticks and surrounded by media workers, and Len Culbong facing a line of riot police.

UNKNOWN FEMALE VOICE: Shame, shame, shame, shame!

BROPHO: You're just like the damn fellas that came over.

UNKNOWN FEMALE VOICE: Shame on you!

BROPHO: Hey, You've come to shed blood!

UNKNOWN FEMALE VOICE: Shame on you!

BROPHO: Do youse ...

UNKNOWN FEMALE VOICE: [words unclear] ... have to go home to their wives and husbands [words unclear] ...

UNKNOWN MALE VOICE: They've forgotten how to talk.

BROPHO: Yeah, these are the racist ones, they don't talk back.

Cut to silent column of riot police embarking from vehicles.

WOMAN IN YELLOW SINGLET: We are original sovereigns standing on our own land.

Cut to row of riot police advancing.

UNKNOWN VOICE [probably a policeman]: Can you step aside please, thank you.

Cut to mounted police.

WOMAN IN YELLOW SINGLET: We are original ...

Cut back to Herbert Bropho facing a line of riot police. Len Culbong is in the background filming with his mobile phone, amongst media workers and Tent Embassy participants.

RIOT POLICEMAN: Drop those.

BROPHO: Why?

RIOT POLICEMAN: I consider, well, they are weapons.

The first paragraph of the editorial describes authorities being patient for ‘six weeks’ as about 30 people ‘camped illegally on a public reserve, while the City of Perth, police and the State Government more or less tolerated their presence.’ This paragraph is closely linked to the cartoon’s heading: ‘6 weeks ago, some unwelcome guests arrived...in our ceiling.’ The cartoon shows a suburban couple disturbed by ‘unwelcome guests’—represented as nuisance black possums or rodents—in the ceiling of their house. The second paragraph of the editorial—matched by the first three cartoon frames—portrays the nuisance as follows: ‘there were complaints about the group, alleging disorderly conduct, threats to members of the public, damage to public property and fires being lit illegally.’ Having already represented Nyoongar Tent Embassy participants as the villains, the editorial’s third paragraph describes the ‘commendable patience’ of authorities for not wanting ‘a violent confrontation in which they would be seen as the villains’. (This ‘soft’ approach is represented in frames three and four of the cartoon by the man placing a domestic cat in the ceiling.) After arguing that the Tent Embassy excludes others from the island, the editorial defends the mounted police officer who had run into a pregnant woman while she was holding a baby, by arguing that she shouldn’t have been on the island:

It is reasonable to ask why a pregnant woman with a 13-week-old baby was involved in such a situation in the first place.

But this disregards what should have been an obvious fact: the Nyoongar Tent Embassy was a peaceful gathering until the police crashed it. The assault on Shilo Harrison is justified in paragraph five: ‘Police had to use force to move the group on.’ Frame five of the cartoon has the man of the house saying, ‘Right!!... No more Mr nice guy.’ Frame six shows the man running in make-shift armour and carrying a sledge hammer as the woman smugly reads a book while advising the man on pest eradication (Figure 37). The cartoon closes with the man leaning over a fence (black rodents can be seen in a tree next to the damaged house) and saying to his neighbour: ‘It took a few weeks, but it’s sorted.’ The neighbour replies: ‘... You reckon they’ll be back?’

The editorial closes by placing responsibility on the protesters (represented in the cartoon as rodents and flies) to confine their activities to working through SWALSC and to appreciate the ‘generous’ government offer in settling ‘a long-running and divisive issue’, otherwise their ‘fruitless protest’ would ‘undermine public goodwill’. The editorial’s apparently neutral appeal for an end to divisiveness contrasts with the cartoon’s representation of stereotypical suburban folk smashing the ‘unwelcome guests’—animal pests standing in for Nyoongar people. Cartoon and editorial—storyboard and script—nevertheless work together in denying legitimacy to the Tent Embassy. This mutual reinforcement (a standard newspaper practice) promotes a division between Nyoongar people, who were peacefully affirming their claim to land entitlement, and other citizens, perhaps even inciting readers to take ‘the law’ into their own hands. Later that day, Greg Martin is reported in *PerthNow* (Item 98: [Protesters head back to Heirisson Island](#)) describing ‘physical abuse coming from river craft and vehicles... We have had rocks and beer bottles hurled at us.’ On 29 March, 6PR’s reference to ‘tent watcher’—in relation to yet another police raid—may have given comfort to anyone inclined to spy on the Tent Embassy (Item 102: [Rangers clean out protestors](#)).



Figure 37: 'Get a BIGGER HAMMER'
(Item 94)

While *The West's* cartoon and editorial for 24–25 March may seem extreme, they are nevertheless representative of some of the most problematic media practices used in the reporting of events and issues associated with the Tent Embassy. Some of the media's most significant failures (exemplified by the 24–25 March cartoon and editorial in *The West Australian*) may be listed as follows:

- the failure to recognise Nyoongar Tent Embassy participants as fellow citizens, co-equal members of the 'Perth community' who were engaged positively with important issues;
- the failure to recognise Nyoongar Tent Embassy participants as being at home at a state-listed Aboriginal heritage site within a native-title claim area;
- the failure to recognise participants' repeated efforts to engage in direct dialogue with state and city authorities;
- the failure to recognise the complex social organisation—the very order—of the Tent Embassy and its respect for family, community, peace and tradition;
- and the failure to recognise that the Tent Embassy was open to the public—albeit according to reasonable protocols for managing flows of visitors and media workers—and that the Embassy actively promoted engagement with the wider community.

Instead, media reports frequently represented Nyoongar Tent Embassy members in negative or problematic ways:

- reducing them to protesters;
- silencing them;
- excluding them from the ordinary right to seek recognition of entitlement;
- turning them into lawbreakers;

- holding them responsible for social divisions created by senior politicians and bureaucrats;
- and holding them responsible for state acts of violence and their consequences.

Of particular concern is the Australian public broadcaster's naturalisation of state violence against Nyoongar Tent Embassy participants. The ABC's evening news legitimised police violence towards participants in several ways—in the amount of time given to envisaging the threat of Nyoongar nuisance and criminality before the main police raid (Items 59 and 69); in the anchoring and structuring of news stories (Item 80); in source selection (Items 69 and 80 compared to other news services such as Item 77 by TEN News); and in the details of visual selection which suggested criminals under arrest (Item 80 compared to 7News' representation of people being forcibly taken down by police in Item 79).

Recognising sovereignty

The exercise of Nyoongar sovereignty at Matagarup in 2012 provided an opportunity for examining popular media practices that work to criminalise and disenfranchise Aboriginal people. These practices have been described in previous sections; here we turn to a discussion of some alternatives.

The reporting by Nick Way of TEN News stood out for respecting people outside of positions of state authority, for endeavouring to understand and communicate the complexity of issues around the Nyoongar Tent Embassy and for resisting the temptation to simply frame news stories in terms of lawbreaking. Way didn't disregard the fact that the Tent Embassy was set up at a state-recognised sacred site within a native-title claim area. His coverage problematised the reductive claims reportedly made by police spokesmen and Perth CEO Frank Edwards (Item 20: [Tent Embassy](#)):

WAY: They [Tent Embassy representatives] have just delivered a letter of demand to council CEO Frank Edwards, they have given him until 4 o'clock Monday to actually present written documentation that the council actually has jurisdiction over the area that they call Matagarup, a sacred site on Heirisson Island.

Such paperwork was still being requested from authorities by Embassy participants as lines of police marched through the Tent Embassy on 22 March (Item 79). That the paperwork apparently never eventuated did not seem to be an issue for other local media workers. On the day of the biggest police raid, TEN News framed the raid—most likely from the distance of a studio—as being a 'fight' by 'protesters'. But when its reporter, Nick Way, was provided an opportunity to speak from the scene, he resisted the news anchor's invitation to refer to Tent Embassy participants simply as protesters. More often than not, he called them 'locals' undertaking legitimate cultural activities, gave them adequate time to contextualise events and shifted responsibility for 'tension' back to the police (Item 77: [Island arrests](#)):

Cut to mid shot of reporter Nick Way standing in front of a group of children, women and men, some holding banners and Aboriginal flags. After a few seconds, text is superimposed saying, 'LIVE HEIRISSON ISLAND, NICK WAY REPORTING.' To Way's left is Scott Chisholm. In the background glimpses of police can be seen.

WAY: ... ah, it's fair to say there's still a large degree of tension here—you might even be able to hear one of the police dogs barking in the background. Now police have been hailing this a success but there are still 70 officers here, the same 70 who arrived here about three hours ago ...

Cut to two cycling police in the foreground, six police officers encircled around Herbert Bropho who has his back to a police van. More police can be seen in the background amongst trees.

... and, ah, started pulling down the tents. Now just a few minutes ago ...

Cut to two riot police in foreground, behind them a smoking fire which is being attended to by a woman in a Nyoongar T-shirt while someone is squirting water on the fire; in the background can be seen several police, council rangers and other people, in a bushland picnic-like setting.

... Bropho, a long-term protester here at the Tent Embassy ...

Cut to close-up of a fire, framed between two riot police officers' thighs; the fire is being tended to, apparently, by a woman with a branch while the fire is continually being extinguished by the squirting water.

... was actually arrested on suspicion of assault.

Cut to two people hugging, embracing and apparently consoling each other in the foreground, among reporters, cameramen and many police. A City of Perth logo on a vehicle can be seen in the background.

He's been taken into custody and that was ...

Cut to fire completely extinguished in a pool of water, while water continues to be squirted onto it.

... a few minutes after what the locals would call a sacred ...

Cut to shot of council ranger pulling a sign down from a tree, as he is flanked by two police officers who hand the sign to a woman in a green cap. The camera pans right following the woman in the green cap as she walks away with the sign.

... fire was put out by a council fire truck, a very sort of symbolic act of, ah, absolutely putting that out and, ah ...

Cut back to shot of Nick Way with the people behind as described above.

... really, really upsetting the locals here, signs were also taken down. Now one of the people who have been taking a stand here for the past, ah, almost six weeks, is AFL star, former AFL star, Dockers and Demons star, Scottie Chisholm. Scott, why do we need and why do you want to meet with the Premier tomorrow?

CHISHOLM: You know, meet my sovereign people ...

Shot moves back to show a larger group as Chisholm gestures back to children and people behind him.

... the sovereign people of this land to start off with. You know, I think it's time, the Dreamtime is awakening. But it's very important, but, that the Premier meets these people. Just to see what's on the table, and what have they got, you know, what understanding they do have of their movement. You know, everybody has the right, and we gotta do this properly, men's business to men's business, and that's the way it is, you know. This is native-title land, it's been claimed under native title, so respect the people, it's not about black and white, it's about the truth, and we've got to find the truth, you

know there's a hundred and a hundred thousand generations, ah, here, not six generations or four generations, so we've gotta start respecting these people, you know. We can take, take, take all we want, but, you know, it's time to give, and this is, you know, this land is probably public, but hey, let's give it to the people, they want to take charge of their sovereign rights because they found it, they found that the truth was hidden from them, come on, let's all stand up together and unite.

WAY: Okay, Scott, well thanks very much for that....

Applause in the background as Nick Way turns to see people clapping. The group has grown during Chisholm's address and several are holding their fists up in a salute.

...I have just been speaking to the Premier's office; he says that meeting is, oh well a spokesman for him says that meeting is very unlikely. He's, ah, wanting to simply negotiate with the South West Aboriginal Land and Sea Council, so it looks like this could, ah, run for quite a while yet. Back to you, Craig [Smart, news anchor].

In short, Nick Way allowed people engaged in events to speak at length. His work also conveyed an atmosphere of peace and friendship at the Nyoongar Tent Embassy, which posed no threat to media workers. This might have been expected as a routine reporting practice, but instead it was the exception.

Figure 38: Scott Chisholm: 'This is native-title land' (Item 77)



Way granted Chisholm the opportunity to explain what could and should have been the news frame—native title discussions at Matagarup—had the media in general not created the conditions for government to invade the space. However, once the lawbreaker-protester frame was stabilised, it became difficult to bring the news back to native-title discussions at Matagarup. The Chief Executive Officer of the Aboriginal Legal Service, Dennis Eggington, attempted to negotiate his way through the protester frame after the largest police raid (Item 92: [Head of the ALS says the protestors have a legitimate claim](#)):

REPORTER (ANDREW O'CONNOR): There were some very tense scenes between the police and protesters. Were you surprised that there wasn't more trouble?

Cut to full screen.

EGGINGTON: No. Look, um, that doesn't surprise me at all, Andrew, um, history is just repeating itself and, ah, quite honestly if this country was true to itself it would know that every time that, ah, government want to deal with Aboriginal people they bring in the police, either to remove [word unclear] them or remove us from our country....

Cut to O'Connor.

O'CONNOR: Now you said politicians on both sides have mishandled the native-title claim of Nyoongar people to the land in the south-west; in what way?

Cut to Eggington.

EGGINGTON: Well, ah, Andrew when the first Federal Court's determination proved that Nyoongar people had native title, why didn't the state government be respectful, honest and open and fair and sit down and negotiate with Nyoongar people at that stage? Why did they leave it until, um, our backs were against the wall.... Liberal and Labor have both supported the settlement now, but they should have done that when the Federal Court first brought down native title instead of challenging it and saying that we didn't have native title. They should have done it then if they were serious.

Cut to O'Connor.

O'CONNOR: But could this protest realistically change any of that now?

Cut to Eggington.

EGGINGTON: No, but the protest is more than that, the protest is not just a Perth thing, the push for sovereignty is a national protest. It's Aboriginal people in this country asserting their rights to our, you know, sovereign sovereignty. That's a bigger question and it's one that can be resolved; it doesn't have to be something that can't be resolved. It's a matter of governments sitting down in a fair dinkum way and drawing up a proper treaty or partnership but as equals, as equal people in this country. Not as subservient to some kind of state government or Commonwealth government.

A summary of the interview was published by *ABC Perth* (Item 97: [ALS calls for Indigenous treaty with Commonwealth](#)) where Eggington's response is compressed as follows: 'a treaty between the Commonwealth and Indigenous people could help resolve situations like the protest on Heirisson Island in Perth.' Much of the reporting from ABC1's television news team and other ABC media platforms, however, presumed that Nyoongar Tent Embassy participants had been engaged



Figure 39: Denis Eggington
(Item 92)

in some kind of illegal protest. But herein lies the problem: how can discussing native title in a native-title claim area while abiding by the registered proper uses of Heirisson Island under the *Aboriginal Heritage Act 1972* (WA) be an illegal protest?

On the night before the most sensational police raid, the main news item on ABC1 was about the pressing need for police to end Nyoongar menace on Heirisson Island. The reporter's closing statement (Item 69) suggested that extraordinary methods of policing were required to finally remove the Tent Embassy. The media, and not just the government and police, created the conditions by which Tent Embassy participants were effectively to be entrapped. Before the raid, Police Commissioner O'Callaghan (Item 75) reportedly said 'some protesters would inevitably be charged, because local by-laws made it illegal to camp on Heirisson Island.' Although there were four arrests in this raid, no one at the Tent Embassy was arrested for illegal camping. Frank Edwards (Item 70) said the problem was identifying who had put up a tent or started a fire. However, surveillance should not have been a problem given the steady flow of police through the site and given that the police headquarters overlooked Heirisson Island. Nyoongar Tent Embassy participants at Heirisson Island were not arrested for camping or starting fires, because the law endorsed their right to do so. But they were arrested for resisting the authorities' violent constraints of their sovereignty within that sacred space.

It didn't have to be that way, and wouldn't have been had the media recognised the legitimacy of Nyoongar people's participation in the Tent Embassy. It wouldn't have been that way had the media recognised Nyoongar people's sovereign authority, or at least understood that what they were witnessing was the manifestation of the as yet unresolved consequences of British colonialism—the unsettled legal and sovereign claims of the descendants of formerly free and self-governing people who were colonised without their consent (Watson, 2007, 24–34). For example, TEN News recognised the question of Nyoongar sovereignty in several ways on 17 February—by giving Nyoongar spokespeople time and space to explain the purpose of the Embassy (as discussed above), by reporting the Tent Embassy's demand for a bill of sale proving the City of Perth's ownership of Heirisson Island (Item 20: [Tent Embassy](#)), and by capturing the inefficacy and emptiness of Frank Edwards' attempt to serve a council notice on the Embassy. This last scene began with Frank Edwards flipping out a document from behind his back as he walked towards Greg Martin at the Tent Embassy:

Figure 40: 'Warra, warra, warra ["Bad, bad, bad"]. You are illegally on our land' (Item 20)



Frank Edwards tosses the document to the ground a metre in front of himself, about two metres in front of Greg Martin.

MARTIN: You are illegally ...

UNIDENTIFIED VOICE: Illegally ...

MARTIN: ... on our land.

UNIDENTIFIED VOICE (shouting): [unclear words] ...

As camera moves right, Martin and another Tent Embassy participant hold out their palms towards Edwards and another council official.

EDWARDS: I am leaving this here for you.

MARTIN: No, you are illegally on our land.

Martin reaches down, picks up and flicks away the document.

VOICES: Warra, warra, warra.

EDWARDS: I have served the notice on you.

Edwards gestures with his right hand out of camera. Martin walks out of camera in the same direction.

MARTIN: No you haven't.

The item closes with a close-up of shredded paper among gum leaves and twigs on the ground beneath a Tent Embassy banner. Such imagery of Nyoongar sovereignty ultimately destabilises the claims of council and police spokespeople. While Nyoongar sovereignty seemed acceptable to some reporters (Item 1) when practised in the bushland setting of Heirisson Island, it became intolerable when practised in the CBD (Item 39). The exception here is again TEN News' coverage of the demand for a bill of sale (Item 20)—though the uncanniness of *PerthNow's* photographs of Tent Embassy participants in the city is also notable for suggesting that Nyoongar sovereignty is a genuine and unthreatening reality even in the heart of the metropolis (Item 36: [Tent Embassy protesters](#)). The photograph of Len Culbong (Item 55: Activist plans to return to 'his island') raising his fist in a black-power salute outside the magistrates' court to celebrate the lifting of a bail condition restricting his access to Heirisson Island is similarly suggestive of Aboriginal sovereignty and solidarity in the city. It recalls popular images of defiant pride such as that associated with the famous photograph of Nicky Winmar pointing to the colour of his skin in front of a hostile Collingwood crowd at Victoria Park in Melbourne, 1993. Symbolic victories such as these are able to be celebrated by all citizens, but of course may also be represented as problems by some.

A critical reading of popular news media's representation of the Tent Embassy reminds us that Nyoongar people did not cause the problem of their sovereignty in Perth. That Aboriginal sovereignty continues to appear *as* a problem, however, has a great deal to do with standard journalistic techniques for representing Aboriginality within the public sphere. Such techniques—for instance, those concerning the framing of an issue, the definition of the public, the selection and questioning (or not) of sources, the contextualisation of action and reaction,

the researching (or failure to do so) of the issues—are not simple, unambiguous means for directly and transparently representing reported events. Rather, as we have seen throughout this study, such techniques play a critical role in determining both the significance and the reality of those events. Imagine what the story of the Heirisson Island Tent Embassy could have been, for instance, had Perth's news media sought to give credence to the Embassy participants' claim to sovereignty rather than assessing their presence in terms of law and order from the outset. Imagine what reporting on Aboriginal matters could look like if, when 'confronted' by Nyoongar affirmation of native title or the right to practise Nyoongar heritage, news journalists thought to approach a native-title expert for official comment on the action, or the Minister for Indigenous Affairs ... and not the WA Commissioner of Police.

In view of the repeated failure of much of the Perth news media to recognise the legitimacy of the Tent Embassy, and in view of the unquestioned privileging of the lawbreaker-protester news frame, our key conclusion is this: the Tent Embassy problem requires aggressive action in the realm of journalistic representation, and not in the place of Heirisson Island.

Appendix

Extracts from the Western Australia *Aboriginal Heritage Act 1972*

Western Australia

Aboriginal Heritage Act 1972

An Act to make provision for the preservation on behalf of the community of places and objects customarily used by or traditional to the original inhabitants of Australia or their descendants, or associated therewith, and for other purposes incidental thereto.

Part II — Application and traditional use

5. **Application to places**

This Act applies to —

- (a) any place of importance and significance where persons of Aboriginal descent have, or appear to have, left any object, natural or artificial, used for, or made or adapted for use for, any purpose connected with the traditional cultural life of the Aboriginal people, past or present;
- (b) any sacred, ritual or ceremonial site, which is of importance and special significance to persons of Aboriginal descent;
- (c) any place which, in the opinion of the Committee, is or was associated with the Aboriginal people and which is of historical, anthropological, archaeological or ethnographical interest and should be preserved because of its importance and significance to the cultural heritage of the State;
- (d) any place where objects to which this Act applies are traditionally stored, or to which, under the provisions of this Act, such objects have been taken or removed.

6. **Application to objects**

- (1) Subject to subsection (2a), this Act applies to all objects, whether natural or artificial and irrespective of where found or situated in the State, which are or have been of sacred, ritual or ceremonial significance to persons of Aboriginal descent, or which are or were used for, or made or adapted for use for, any purpose connected with the traditional cultural life of the Aboriginal people past or present.
- (2) Subject to subsection (2a), this Act applies to objects so nearly resembling an object of sacred significance to persons of Aboriginal descent as to be likely to deceive or be capable of being mistaken for such an object.
- (2a) This Act does not apply to a collection, held by the Museum under section 9 of the *Museum Act 1969*, which is under the management and control of the Trustees under that Act.

- (3) The provisions of Part VI do not apply to an object made for the purpose of sale and which —
 - (a) is not an object that is or has been of sacred significance to persons of Aboriginal descent, or an object so nearly resembling such an object as to be likely to deceive or be capable of being mistaken for the same; or
 - (b) is an object of the kind referred to in paragraph (a) that is disposed of or dealt with by or with the consent of the Minister.

7. Traditional use

- (1) Subject to subsection (2), in relation to a person of Aboriginal descent who usually lives subject to Aboriginal customary law, or in relation to any group of such persons, this Act shall not be construed —
 - (a) so as to take away or restrict any right or interest held or enjoyed in respect to any place or object to which this Act applies, in so far as that right or interest is exercised in a manner that has been approved by the Aboriginal possessor or custodian of that place or object and is not contrary to the usage sanctioned by the Aboriginal tradition relevant to that place or object; or
 - (b) so as to require any such person to disclose information or otherwise to act contrary to any prohibition of the relevant Aboriginal customary law or tradition.
- (2) Nothing in subsection (1) authorises any person, or group of persons, to dispose of or exercise any right or interest, or any purported right or interest, in a manner which is, in the opinion of the Minister, detrimental to the purposes of this Act.

8. Availability for traditional use

Where the Committee is satisfied that a representative body of persons of Aboriginal descent who usually live subject to Aboriginal customary law has an interest in a place or object to which this Act applies that is of traditional and current importance to it, and which is in the custody or control of the Minister, the Minister after consultation with the Committee shall make that place or object available to that body as and whenever required for purposes sanctioned by the Aboriginal tradition relevant to that place or object.

9. Traditional custodians

- (1) Where the Committee is satisfied that a representative body of persons of Aboriginal descent has an interest in a place or object to which this Act applies that is of traditional and current importance to it the Minister may, by notice in the *Gazette*, authorise a person or persons nominated by that body and named in the notice to exercise such of the powers of the Minister and to perform such of the Minister's duties in relation to that place or object as are set out in that notice, and any such authorisation may in the like manner be varied or revoked.
- (2) For the purposes of Part VII, and in any proceedings, a reference to the Minister shall be deemed to include a reference to a person or

persons lawfully acting under the authority of the Minister pursuant to subsection (1).

Part III — Administration

10. Duty of the Minister

- (1) It is the duty of the Minister to ensure that so far as is reasonably practicable all places in Western Australia that are of traditional or current sacred, ritual or ceremonial significance to persons of Aboriginal descent should be recorded on behalf of the community, and their relative importance evaluated so that the resources available from time to time for the preservation and protection of such places may be coordinated and made effective.
- (2) The duty of the Minister extends to Aboriginal cultural material of traditional or current sacred, ritual or ceremonial significance whether such material is now located at or associated with any particular place, or otherwise.

Part IV — Protection of Aboriginal sites

17. Offences relating to Aboriginal sites

A person who —

- (a) excavates, destroys, damages, conceals or in any way alters any Aboriginal site; or
- (b) in any way alters, damages, removes, destroys, conceals, or who deals with in a manner not sanctioned by relevant custom, or assumes the possession, custody or control of, any object on or under an Aboriginal site,

commits an offence unless he is acting with the authorisation of the Registrar under section 16 or the consent of the Minister under section 18.

19. Protected areas

- (6) An Aboriginal site may be declared to be a protected area whether or not it is on land that is in the ownership or possession of any person or is reserved for any public purpose.

Part V — Aboriginal Cultural Material Committee

38. Register of places and objects

The Registrar shall, so far as practicable, maintain, in such manner and form as the Minister may determine, a register of —

- (a) all protected areas;
- (b) all Aboriginal cultural material; and
- (c) all other places and objects to which this Act applies,

whether within the State or elsewhere.

39. Functions of the Committee

- (1) The functions of the Committee are —
 - (a) to evaluate on behalf of the community the importance of

- places and objects alleged to be associated with Aboriginal persons;
 - (b) where appropriate, to record and preserve the traditional Aboriginal lore related to such places and objects;
 - (c) to recommend to the Minister places and objects which, in the opinion of the Committee, are, or have been, of special significance to persons of Aboriginal descent and should be preserved, acquired and managed by the Minister;
 - (e) to advise the Minister on any question referred to the Committee, and generally on any matter related to the objects and purposes of this Act;
 - (ea) to perform the functions allocated to the Committee by this Act; and
 - (f) to advise the Minister when requested to do so as to the apportionment and application of moneys available for the administration of this Act.
- (2) In evaluating the importance of places and objects the Committee shall have regard to —
- (a) any existing use or significance attributed under relevant Aboriginal custom;
 - (b) any former or reputed use or significance which may be attributed upon the basis of tradition, historical association, or Aboriginal sentiment;
 - (c) any potential anthropological, archaeological or ethnographical interest; and
 - (d) aesthetic values.
- (3) Associated sacred beliefs, and ritual or ceremonial usage, in so far as such matters can be ascertained, shall be regarded as the primary considerations to be taken into account in the evaluation of any place or object for the purposes of this Act.

Part VI — Protection for Aboriginal objects

43. Restrictions on dealing with Aboriginal cultural material

- (1) A person shall not —
- (a) sell, exchange or otherwise dispose of;
 - (b) take, or cause or permit to be taken, out of the State; or
 - (c) wilfully damage, destroy, or conceal, any object that is classified as Aboriginal cultural material unless —
 - (d) he is a person of Aboriginal descent acting in a manner sanctioned by relevant Aboriginal custom; or
 - (e) he has first, in writing, offered that object for sale to the Minister, and has been advised, in writing, by the Minister that he does not wish to purchase it; or
 - (f) the object has previously been offered for sale to the Minister pursuant to this subsection, and when it was so offered the Minister advised that he did not wish to purchase it; or
 - (g) he is expressly authorised by the Minister so to do.

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