

# 'TRUTH INTEGRITY & a little gossip'

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Alan McKee and John Hartley

## *Magazine coverage of Aboriginality and the law in Australia*

What's the 'Alternative' in the *Alternative Law Journal*? Certainly it is an alternative journal about the law; but this article suggests another alternative, one which becomes apparent when inter-disciplinary work is invited. Written from a position within a department of Media Studies, from a perspective which might be labelled Cultural Studies, this consideration of coverage of Aboriginal people and issues in Australian magazines involves several quite distinct understandings of 'law'. As has been made clear by previous writing in the area, the coverage (and invention) of crime stories has formed an important part of the construction of Aboriginality in Australian media.<sup>1</sup> In this sense, Australian criminal law is closely caught up in media representations of Aboriginality. Similarly, introduction of legislation around native title gained much coverage in 1993 and 1994; another example of law relevant to Aboriginality.

But more than these commonsensical examples, those which might instantly appear to be of interest to a law journal (alternative or otherwise), there are other laws. In addressing Aboriginality, in particular, there are at least Two Laws (as Cavadini and Strachan suggest in their 1981 documentary of that title); the term is a meaningful one in anthropological vocabularies. In talking about Aboriginal Australia, law is not only 'Australian legal institutions which have affected [Aboriginal] lives in a wide variety of ways', nor does the application of the term to Aboriginal cultures imply 'Aboriginal modes of action which are analogous to legal institutions'. Rather, the introduction of the term 'law' to Aboriginal cultures, a process effected within the academic disciplines of anthropology and ethnography, has produced quite particular histories for that word. Gathered together in this 'law' are areas of culture quite distinct from those institutions understood to function as white law:

Aboriginal Law is religious in character. At its centre lie songs, myths and rituals which follow ancestral events. The right way to perform a ceremony is a matter of law . . . ancestors are also credited with setting down the proper form of institutions such as marriage, or formal aspects of the relations between brother and sister.<sup>2</sup>

This anthropologically derived use of the term 'law' is obviously distinct from the contemporary (secular) understandings of settler legal institutions. In this context it makes sense to say: 'A law, if it was anything at all, was surely . . . something to which one might anchor one's spiritual life'.<sup>3</sup> It is the way in which anthropological discourses have mapped Aboriginal culture which give Aboriginal 'law' such dimensions.

These different 'laws' — different understandings of 'law' — are closely tied up with representations of Aboriginality in settler culture. To these can be added another. Writing in the area of Cultural Studies suggests models for understanding the dynamics of cultural systems; and in doing so, the term 'law' resurfaces, with yet another set of meanings.

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This article addresses cultural texts — magazine articles — and the way in which they construct ideas of Aboriginality. In discussing the way in which texts contribute to the formation of senses of culture, it is useful to make a distinction between 'law formation' and the 'catalogue of anomalies'.<sup>4</sup> Taken from the Russian semiotician Yuri Lotman, this distinction marks the difference between those items which seek to assert a sense of community and belonging — a 'we-dom'<sup>5</sup> — and those which mark the boundaries of a culture, pointing towards those who are excluded from our community (they-dom). Texts involved in the first category, 'law formation', deal with what is known and predictable. They provide accounts of, and themselves function as, ceremonies and rituals. They are the predictable and secure centres of a culture. This is the genre of 'soft' news: of women's and hobby magazines, of reassuring stories at the end of the news bulletin. By contrast, texts in the second category function at the limits of what is known and expected: this 'catalogue of anomalies' involves 'chance events, crimes, disasters . . . anything which is thought of as a violation of some established order'.<sup>6</sup> This second category contains those stories usually thought of as hard ('real') news: the threats, violence and manly concerns of politics which form the main body of evening news broadcasts.

### Soft news

The media provide an account of the interaction of white law institutions with Aboriginality. This media coverage has been well explored in academic writing, in studies of representation which make clear the reliance of news stories on criminality as a dominant trope of Aboriginality.<sup>7</sup> However, the move to an alternative law, the 'law formation' mentioned above, allows for the interaction of Aboriginality and media to be understood — and perhaps celebrated — in ways which have not previously been possible. The media texts of 'law formation' are those which are unsurprising, reliable and unthreatening: they are weather reports, announcements of marriage, horoscopes, diets and recipes. By focusing only on 'hard' news, such media representations have been effectively ignored by previous writers. They have been dismissed as trivial and unworthy of attention. It is not surprising, then, that many writers find that Aboriginality is often linked to crime: in looking only at hard news, a choice has already been made that these are the sorts of stories which will be found.

This article is based on information produced as part of an Australian Research Council funded project entitled 'The Reporting and Reception of Aboriginal Issues in Australian Media: news values, professional practices and public policies for social equality'. As well as garnering information on the institutional practices of media and journalism educators, and enabling Aboriginal audiences to comment on their representation, the project involves detailed analysis of media texts from three periods of one week each, in the years 1994, 1995 and 1996. During these periods, a wide range of material is sampled: texts from radio, television, newspapers and magazines. The last of these categories has proven particularly instructive. Unlike television,<sup>8</sup> newspapers<sup>9</sup> and even radio,<sup>10</sup> magazines have not previously been the focus of any attention with regard to the reporting and representation of Aboriginal people. Yet the different functions served by magazines compared to newspapers make it unsurprising that Aboriginal issues would be covered in different ways in these media. Newspaper stories, 'hard news', dealing with (for example), the discussions of secret/sacred knowledge in relation to the Hindmarsh case focus on the (pre-

cisely) 'newsworthy' events: day to day revelations, disruptions and challenges. By contrast, magazines are not so concerned with this 'catalogue of anomalies'. They offer rather the space for 'law formation' — for articles in which the concern is not those serious, 'hard' news issues which seem to threaten 'our' community but with those which are people-centred, concerned with the structures within our society, with family and with memory. In this way, looking at a different medium (the women's magazine) makes visible quite different stories about Aboriginality — stories which can be characterised as 'law formation'.

### Three women of Hindmarsh

An example of the different emphasis which emerges with such a shift of attention can be seen in one magazine's coverage of the issues around Aboriginal secret/sacred information connected with Aboriginal land rights at Hindmarsh Island.

*Who Weekly* prints an article entitled 'Troubled Waters' (17 July 1995, p.24). Immediately, the different emphasis which will be noted in this magazine is apparent in the felt need to justify such a choice of object. This is not a 'serious' magazine. It is not *The Independent*, or *Time Australia*, or even *The Bulletin*. It is a lifestyle magazine, an entertainment magazine, even (the unforgivable sin for serious academic attention) a women's magazine. As Joke Hermes suggests, such texts are 'easily put down', in every sense of that phrase:

Women's magazines are not a much discussed genre. Their focus on feelings and emotions and issues pertaining to private life rather than to public life, in our society restricts the ranges of places in which they might be discussed.<sup>11</sup>

The discussion of women's magazines in law journals, for example, has not been much attempted. This *Who Weekly* article takes the form of a series of personal (women's) testimonies: from Doreen Kartinyeri, the Aboriginal woman who is the main proponent of Hindmarsh Island's sacred site status; Wendy Chapman, one of the white couple who are hoping to develop the island as a leisure resort; and Dulcie Wilson, who represents a group of Aboriginal women contesting Kartinyeri's account of the area.

The focus of the article is not the legislation which has made it possible for the development of a resort to be halted on the basis of Aboriginal secret/sacred knowledge; nor is it primarily addressed to the ways in which such knowledge enters governmental processes. The structures and institutions of white law-making and law-administration are not central to this account. Rather, an 'alternative law' centres *Who Weekly's* account of the Hindmarsh situation: the 'law formation' of an Australian community.

The first important point about this article is that it does not present an adversarial binarism<sup>12</sup> in which two sides are set in confrontation, with the expressed aim of discovering 'truth'. 'Troubled Waters' rather presents three points of view. Each is presented with a degree of sympathy by the magazine:

When 19 year old Doreen Kartinyeri glimpsed a map of Adelaide's Hindmarsh Island for the first time one afternoon in December 1964, the young Aborigine with a deep interest in her ancestry was paralysed with excitement: 'I was stunned', recalls Kartinyeri . . . [p.24]

This is the opening paragraph of the article. It is printed underneath a photograph of Kartinyeri, standing before an 'Aboriginal' dot painting, staring at the camera with her arms crossed. The language used is informal, structured as a generically typical introduction to a story in popular journalism. "I was stunned", recalls Kartinyeri' claims a moment of

powerful emotion, and suggests an interest on the reader's part in that emotion. Kartinyeri's reminiscences and feelings offer a way into the story. 'Though she is now sixty, and her bespectacled eyes are surrounded by wrinkles, she has a clear vision of the day when she first saw the map.'

The article goes on to introduce the couple who are hoping to develop the island from Kartinyeri's point of view: 'Four decades on, Kartinyeri is leading the fight against developers who have big plans for the land'. To begin with, these 'developers' are figures in Kartinyeri's personal narrative, their timescale introduced in terms of her life experiences; while the language of 'leading the fight' makes clear that there is a certain heroism understood to rest with the Aboriginal woman.<sup>13</sup> However, later in this story, the developers — or rather, and significantly, the female developer — are given a chance to speak for themselves. Wendy Chapman's story is introduced with a similarly sympathetic sentence: 'Meanwhile, Adelaide developers Tom and Wendy Chapman have watched their life's dream ebb away . . .' (p.24). "'We have no income, no assets, no nothing", says Wendy Chapman' (p.25). In this language is obvious a sympathy for this woman also; part of the granting of sympathy to her point of view is the invocation of 'dreaming' to describe her situation (it is she who has a 'life's dream') — a use of language which is suggestive in the context of a story about Aboriginal information and rights.

The third position given a voice and a legitimated point of view in this story is the group of Aboriginal woman represented by Dulcie Wilson. "'The State government is only listening to one side", Wilson says'. These viewpoints are spoken as a counterpoint to Kartinyeri's throughout the story — "'There's no such thing as women's business and no such thing as men's business", says Ngarrindjeri elder Dulcie Wilson' — but the distribution of sympathy between three stances (represented by three women) prevents the article from being structured as a simple binarism: right/wrong. The search for 'truth' seems to be less important than the understanding that each side requires some sympathy. Nobody is simply wrong, nobody is the obvious threat. As is suggested above, it is difficult to see how this story would be read as a part of the 'catalogue of anomalies' whereby the external threat to 'us' is denounced. While, for a predominantly settler-oriented magazine the potency of Aboriginal secret knowledge could easily be presented as a threat (it challenges the Australian dream of home and land ownership — and indeed, it turns out that the Chapmans 'now owe Westpac Banking Corporation \$15.5 million in principal and interest', the nightmare of the mortgage gone wrong), the story refuses this possibility. The Chapmans are equally a threat, against whom an elderly Aboriginal woman is 'leading the fight'. There are no obvious bad guys, the boundary of society is not being simply policed; this is not part of a 'catalogue of anomalies'.

### Law formation

*Who Weekly's* treatment of the Hindmarsh case is involved in 'law formation'. In refusing to take a primary interest in the processes of (white) law, nor even to insist on uncovering the truth of Aboriginal 'law' with regard to the area's sacred status, the article rather turns to those aspects of culture which Yuri Lotman refers to as 'law'. The 'truth' value of each of the positions offered is judged not by external, objective and reproducible 'facts', but by personal reminiscence and experience; and in particular by appeals to the potent categories of childhood and the family.

This is generically suitable for an article in *Who Weekly*. The advertising slogan of the magazine is: 'truth, integrity

and a little gossip'. The term 'post-truth journalism' has been coined to account for journalistic practices where the category of 'truth' is no longer the simple, non-negotiable area of hard, objective, public (and masculine) facts that it once was perceived to be.<sup>14</sup> In *Who Weekly*, the 'little gossip' is not a binary opposite of 'truth', but a necessary component of it. So the 'truth' which is sought in 'Troubled Waters' is not adversarial and publicly pronounced, but discovered in private, domestic and non-confrontational ways: ways which have traditionally been marked as 'feminine'. The authenticity of speakers, the guarantee that they have a right to speak on these issues, comes in the article with an insistence that they belong within private and domestic arenas: childhood and the family. So for Wendy Chapman (and it is she, not her husband, who is here allowed to speak), 'It's plunged the whole family into the darkest years of our lives'. The issue is of Wendy and her children and how the events have affected them.

This tendency, moving away from public rights and wrongs to private experiences, is most obvious in the account given of the two Aboriginal women's points of view. No academic voices are called in to judge between the two women's accounts: rather, each is allowed to present a story whose criterion for judgment of truth value is their personal effect:

'The government took me away and put me in a Salvation Army girl's home at Fullarton . . .' says Kartinyeri, exhaling cigarette smoke in the lounge room of a friend's home . . . 'When I was thirteen I got expelled . . . I knew I had lost my chances at a European education, so I was determined to learn everything I can about my Aboriginal people, which is what I've done.' [p.26]

So it becomes important that Kartinyeri learned the secret/sacred knowledge which is in dispute 'while Terry and Uncle Nat went shooting or running the net or fishing on the beach'.

Similarly, Dulcie Wilson and the Aboriginal women who oppose Kartinyeri's claims are allowed to make an appeal to this space of truth validated by membership of childhood and family. 'Ironically, the leaders of the rival female factions grew up on the same settlement . . . [Kartinyeri's story] is nonsense according to some Ngarrindjeri women who grew up on Point McLeay Mission alongside Kartinyeri' (pp.26, 27). There is no voice, government or 'expert' called on to provide a judgment on these competing claims. Rather, they take the form of personal accounts, in domestic and private terms. The construction of the family as a primary social unit is an important area for 'law formation'. On the page immediately preceding 'Troubled Waters' in *Who Weekly*, for example, a Campari advert is headed, 'Here's to the family': 'There's something about a family business', the advertisement claims, with a black and white photograph of a mother, father and son standing together:

Caph's restaurant and bar . . . is a family concern in all senses of the word . . . Even now, things haven't changed. Like the high ceilings, the leadlight, the bar that serves as a meeting place . . . [p.23]

The family is the site of tradition, of stability and coherence, of 'law formation' at the symbolic centre of a culture. The word itself ('in all senses of the word'), as in 'family values', or 'family entertainment', can stand for precisely these qualities. In 'Troubled Waters', it is in these terms, these domestic and private terms, that the different points of view are to be judged: not in terms of judicial 'truth', but personal authenticity.

In this way, *Who Weekly* offers 'gossip' as the mode in which truth is negotiated. To talk about families, about childhood experiences, aunts, uncles and sitting on the beach together, this is 'to gossip'. The term suggests the exchange

of information; but more than this, it inflects such exchange in particular ways. It is the information of law formation, of the private and personal domestic spaces, which is exchanged in the act of gossip. For gossip is a feminine act — and is trivialised as such: 'Gossip among women has been devalued in much the same way that other cultural forms valued by women are critiqued.'<sup>15</sup> Again, this lack of attention bears no relation to the importance of the form.

The photograph of Dulcie Wilson and 'her supporters' which illustrates the story shows them sitting in a group around a kitchen table. This has various implications for different readings. It may be, for example, that some Aboriginal cultures would find in this social position a validation of their 'witnessed' statements, as opposed to the isolated image and voice of Kartinyeri. By contrast, a traditional Western reading would rather privilege the individual authorial stance of Kartinyeri over the group voice of the other women. Important for this work, however, is the setting at the kitchen table. Dulcie Wilson and her supporters are shown in the traditional sphere of women's talk, of gossip. The kitchen table, situated not only in the feminised space of the domestic interior, but at the very heart of a woman's place — indeed, in the kitchen — this is the site at which the negotiations of 'truth' in *Who Weekly* take place.

In this magazine's coverage of a 'law' issue (Hindmarsh), its generic status as women's magazine and its avowed commitment to 'truth, integrity and a little gossip', allow Aboriginality to be written into law-formation, rather than just 'the law'. Hindmarsh becomes a source of gossip, of family and domestic issues. The public, governmental and institutionally 'legal' aspects of the case take up one paragraph in a three-page story. Other writings of Aboriginality and law are given primacy.

### Law affirmation

In looking for examples of texts which are 'law affirming and normalising',<sup>16</sup> we turn to those which are familiar and predictable. They are concerned with 'not one-off exceptional events, but events which are out of time and endlessly repeated'.<sup>17</sup> There can be few more obvious examples of texts which are 'endlessly repeated' in Australian society than those which are concerned with sport. Cyclical and regular, with well-known and predictable seasons, these events do not occur at the edge of society. They are not crime, though they are often violent; they are not wars, although they feature a fight between opposing sides. Sports rather serve social functions both as games and as rituals,<sup>18</sup> working simultaneously to separate people out (the winners from the losers) and to bring people together (the supporting communities in particular, the sport-loving community more generally). The distinction present in the umbrella term 'news and sport' makes clear that these are not the same thing, but also that they are closely connected. The sports segment which follows the news broadcast on each of Australia's commercial television channels provides a series of texts which are involved, once again, in 'law formation': not challenging the edges of who is allowed into our community, but celebrating the very centre of our culture.

Whereas the gossip of *Who Weekly* is law formation in a feminised space, sport provides a primarily masculinised version of the same work. Once again, the largely neglected arena of magazine journalism provides examples of Aboriginality and law being written into 'law formation'. *Inside Sport* (July 1995) offers an article on 'Michael Long's True Colours' (pp.69-77). Dealing with Michael Long's experi-

ence of being racially abused during a game of Australian Rules football, the focus of the article is once again Long's personal feelings about the experience. Although contemporary legislative issues (the introduction of a Racial Vilification Bill) might have been regarded as relevant, in fact this governmental (legal) response to the situation is not mentioned in the course of the extensive interview.

Part of the focus is individualised — the personal reaction of Michael Long to the abuse: 'Even though they say these things, they don't really know how it feels to a person. You react to it', Long suggests (p.73). Once again, it also becomes an issue of family. Not only does Long make clear that 'I wouldn't like my kids to play in the AFL and have to put up with the sort of stuff I have' (p.74), but he turns to personal experience to make clear once again the importance of these issues:

Some people will never understand where I come from, or where my family come from... They were taken away from their families — they didn't have a choice, and didn't have a say. [p.74]

Again, it is the arena of childhood, and personal reminiscence of this state, which informs Long's arguments:

As a kid it doesn't cross your mind what colour the other kids are, so it's probably the way you're brought up. It's probably things you hear at school or in the streets... [p.75]

Or at football matches. It is these spaces of law-formation — the family, and reminiscences of childhood — which are appealed to by Long to explain his personal reaction to racial abuse. However, he also calls upon the function of sport as a central ritual place for the formation of community as he suggests just why he finds it so dangerous:

[Racial taunts] are not part of football... These are the nineties... [Mal Brown] is saying that sort of thing in the media while kids are looking to him as a role model, so what effect is this having on kids? [p.75]

Football, and sport more generally, provide a focus for the formation of community sensibility. Texts representing and celebrating sport function in the process of law-formation. The magazine *Inside Sport* refuses a discussion of the 'law' in regard to racial vilification — there is no discussion, for example, of whether Long feels making such talk illegal is a useful move (although he does refer to it in passing as a 'crime'). Rather, this article of law formation focuses on Michael Long's personal responses, appeals to family and memories of childhood, and an acknowledgment of the place of sport in forming communities.

### Conclusion

Traditional work in media studies on Aboriginality and the law has focused on the serious genre of hard news. In doing so, a particular landscape has been mapped; one where the primary point of interaction between Aboriginality and law is that where Aboriginal people encounter the criminal justice system, usually as perpetrators of crime. However, looking at other forms of journalism allows a different account to be written. These non-serious, non-news examples show less interest in the institutions of white law. Rather, another form of the relationship between 'law' and Aboriginality is constructed: one where Aboriginal people are allowed to function in space of 'law formation'. Involved in these central spaces of stabilising communities, this space of Aboriginal interaction with 'law' provides a useful comparison with the academic work which has previously suggested journalism can only allow 'negative' representations of Aboriginality.

*References on p.23.*

the broad community acceptance of the claims and the procedure under the Act and to ensure that respect is given to the confidentiality which may be required under Aboriginal law. What is needed is an inquiry process which both establishes the existence of Aboriginal customs, traditions and observances, and respects the confidentiality which they disclose. If this cannot be done, the significance of this material will be reduced to mere evidentiary status.

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