

## Chapter VI

### The Politics of Regulation

“Though not an easy product to sell, the continent’s heart deserves better than laughable campaigns to tame or belittle it” (Peel, 1979: 50).

While its geographical location of Uluru is fixed, the political position of Uluru has at times been anything but stable. The September 1992 *Heart To Heart* car rally from Sydney to Uluru highlighted the tension and unease simmering below the surface of day-to-day park activities involving the Northern Territory Government, Park Management, various commercial interests and the Mutitjulu community.

The Variety Club’s *Heart To Heart* children’s charity car rally, sponsored by Kellogg Australia amongst other companies, breached an agreement not to enter the Uluru National Park. The rally, involving some 400 cars officially ended at Yulara, outside the Park. Some 100 cars, led by two Northern Territory conservative politicians, forced their way through entry boom gates and demanded to see the Rock. After a standoff with police and Park rangers, the cars were allowed entry in the interest of public safety. The 1992 incident followed a series of earlier breaches in 1988, including the desecration of sacred sites, firing of firecrackers on the Rock, and uncontrolled off-road driving by rally participants. The northern director of ANPWS, Dr Tony Press, was quoted in the *Sydney Morning Herald* (14 September) as saying that the day’s events could have implications for future access to Uluru National Park. The Northern Territory Government responded by saying that if they controlled the Park instead of the Federal Government, then permission to drive around Uluru would have been granted to the rally organisers.

The pressure to conduct commercial ventures at Uluru, from a wide range of interests, is unrelenting. Issues of regulation concerning commercial activities in the Park and, specifically, the use of Uluru in advertising, are best discussed with some knowledge of the Land Rights struggle that resulted in the much-publicised handback of Uluru to Anangu in 1985. The handback brought with it a new Plan of Management and an updated set of regulations and guide-lines concerning filming for commercial purposes.

#### 6.1 1985: The Handback.

The politics of regulating commercial access to and use of Uluru Kata Tjuta sites is circumscribed by the colonisation of Anangu nomenclature. The shifts in political attitudes towards Anangu and Uluru Kata Tjuta can be clearly demonstrated by the historical shifts in imaging and controlling the park.

In 1911 the Northern Territory ceased to be part of South Australia and came under the jurisdiction of the Commonwealth. During the 1920s, great central reserves were created as sanctuaries to isolate and

contain the nomadic peoples of the interior. Uluru was included in the South Western Reserve. In 1940, a large chunk of this reserve was excised for the purposes of gold exploration.

In 1958 the Uluru Kata Tjuta area was in turn excised from the South Western Reserve and reserved under Section 103 of the *Northern Territory Crown Lands Ordinance 1931-57* for the purpose of a national park, to be known as *Reserve Number 1012, Ayers Rock-Mount Olga National Park*. The Park was committed to the care, control and management of the then Northern Territory Reserves Board under section 13 of the *National Parks and Gardens Ordinance 1955*. As a result of the increase in tourism and the resultant abuse to Anangu sacred sites, pressure was successfully applied to fence off one area (Warayuki) in 1974. Anangu formally became an incorporated body in December 1975 for the purpose of fighting for control of their land. An inquiry set up under the Whitlam Government and headed by Mr Justice Woodward recognised traditional Anangu land rights and recommended that land be granted to Anangu.

The Aboriginal Land Rights (Northern Territory) Act (1976) passed by the Fraser Government meant in practice “the entire former reserve area west of the Park automatically became Aboriginal freehold land” (Plan of Management, 1986: 16). The Act also provided for the right of traditional owners to claim unalienable Crown land. Then, in 1977, the Park was taken out of the hands of the Northern Territory Government and placed under the control of the National Parks and Wildlife Service. The name of the Park was changed to the *Uluru (Ayers Rock-Mt. Olga) National Park* under the *National Parks and Wildlife Conservation Act 1975*. By 1979 the claim was amended to include the area of the National Park and the claim title was amended to *Uluru (Ayers Rock) National Park and Lake Amadeus/Luritja Land Claim*. Subsequently in 1979, the Aboriginal Land Commissioner, Justice Toohey, made a finding that the Park was alienated Crown Land and thus was excluded from any claim. Approaches were immediately made to the then Prime Minister, Malcolm Fraser, for a direct grant of title to the Park, along similar lines to Kakadu National Park.

The Commonwealth, in conjunction with the Northern Territory Government, proposed title as part of a package of reforms to the Aboriginal Lands Rights Act. Anangu would receive title under an act of the Northern Territory Parliament and hold a majority voice on a board of management. The traditional owners for three principal reasons eventually rejected this proposal. Firstly, the proposal did not offer any real control over their lands. Secondly, the offer was conditional upon a package of other changes, seen to be detrimental to Anangu. Thirdly, Anangu were adamant that they wanted inalienable freehold title to their land. (ANPWS, 1986: 17)

Following a change of government in November 1983, Prime Minister Hawke announced that it was intended that title would be granted with a leaseback of the area to the National Parks and Wildlife Service. The Northern Territory opposed the transfer of title. On the 2nd of September 1985 the *Aboriginal Land Rights (Northern Territory) Amendment Act 1985* and the *National Parks and Wildlife Conservation Amendment Act 1985* which had been passed by Parliament in August were assented to.

Anangu gained freehold title to Uluru on the 26 October 1985. The Uluru-Kata Tjuta Land Trust, established under the Aboriginal Land Rights (Northern territory) Act 1976, holds inalienable freehold title to the park on behalf of all the Yankunytjatjara, Ngaanyatjara and Pitjantjatjara people (Anangu). The Trust then leased the Park to the Director of Australian National Parks and Wildlife (ANPWS) for a period of 99

years at a rental of \$75,000 per annum and 20% of entrance fees collected. The lease can be reviewed every five years but its term cannot be reduced. These amendments provided for the area of the Park to be granted as inalienable freehold land and established the new procedures necessary to establish a Board to manage the Park in conjunction with a Director.

Two things were acknowledged at the handback ceremony on the 28th October 1985 by the Governor General, Sir Ninian Stevens: firstly, that Anangu hold ownership of what has been since known as the *Uluru National Park* and, secondly, that the value of their land was seen as a park of national and international importance.

One of the purposes of the park is, as stated in the Plan of Management Guidelines, to “protect and sustain the rich cultural traditions of Anangu with respect to the Park lands and to provide a focus for exchanges of cultural experiences and perspectives” (ANPWS, 1986: 18). The Plan also requires that commercial images must “present and interpret to people of this and succeeding generations a landscape of outstanding beauty and significance, especially its combination of cultural and natural elements” (ANPWS: 18). Uluru is caught in the common tourist burn out cycle whereby the very attributes of a site such as its unique and fragile environment or its connection to Anangu culture are progressively eroded by increased exposure to the public as studies by Varcoe, Preston and Bryne (1985) and Pearce (1988) have demonstrated. Tourists have strong expectations about level of facilities, naturalness of attractions and degree of contact with object of desire. The object of tourist desire often literally wears out through over use. The general tendency on the part of management is to create on site virtual realities through simulations, films, television, interactive multimedia booths and other displays. All the senses are catered for on site since: “smell, taste, kinesthetic senses and touch are peculiarly relevant to the tourist since they provide the additional information unavailable to the armchair traveler” (Pearce, 1988: 209). The gap between the real environment and virtual world seems to be widening as technology improves and ecological and environmental conditions deteriorate. Within *virtual tourism* emphasis is placed on constructing *mental souvenirs* and the provision of *multisensory information packages* that have an exclusiveness attached to the experience of these packaged realities. The level of sophistication of the virtual reality tourist experience is in itself a tourist attraction as was first demonstrated at Disneyland.

The prospect of Uluru being subject to even more restricted access for tourists and commercial interests as a result of the handback agreement, inflamed those interests who feared that their access to the natural resource would diminish under Anangu control. In the months leading up to the handback there was a considerable campaign waged by conservative politicians, some media, and prominent businessmen such as John Elliot, to stop the ownership of Uluru passing into Anangu hands. The Australian Mining Industry Council launched an anti-Land Rights campaign in Canberra. The campaign included television and newspaper advertisements and aimed at softening any Land Rights legislation proposed by state governments or the Federal Government. The decision to use television advertisements followed the positive public response to the campaign on the transfer of the Ayers Rock title. The director of the AMIC, Mr James Strong, was quoted in the *Sun* newspaper as saying that the Federal Government’s preferred land rights model “promoted unnecessary and time-consuming litigation between Aboriginal groups and the mining industry” (*Sun* 4/11/85). During the handover ceremony a low flying plane trailed a banner reading “Ayers Rock for all Australians.” The Country Liberal Party of Northern Territory produced a sticker featuring a picture of Uluru with the logo *Ayers Rock. Every Australian’s Dreamtime. Let’s keep*



6.1 1985. - "The Rock belongs to all Australians!" Newspaper advertisement.



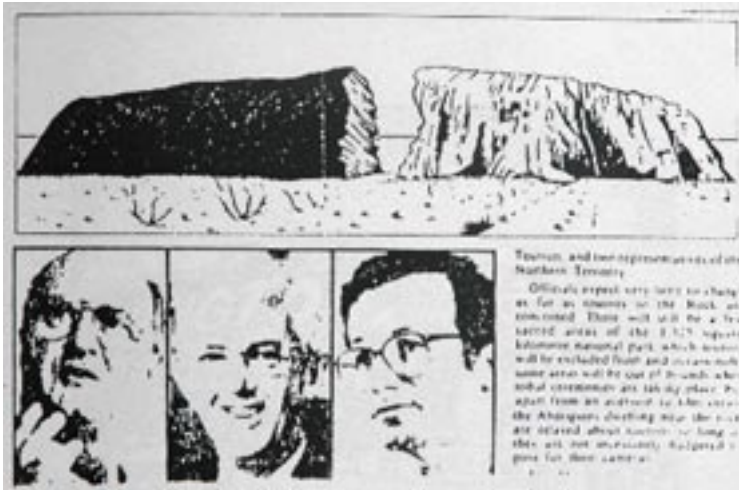
6.2 1985. - Cartoon by George Haddon. Published in *Beyond a Joke: An Anti-Bicentenary Cartoon Book*. Compiled by Kaz Cooke.

*Australia free for all Australians.* A large advertisement (**Fig. 6.1**) with the headline "The Rock belongs to all Australians!" was also placed in a number of major newspapers around the country. Mr Bell, the Labor member for MacDonnell was quoted in the *Centralian Advocate* as saying that he thought the sticker was "deeply offensive [and] implied the Aboriginal traditions surrounding Ayers Rock were similar to the curiosity of tourists. Such a view is ignorant and ethnocentric" (*Centralian*, 28/8/85). Paul Everingham, as Chief Minister for the Northern Territory (Country Liberal Party) Government lodged a claim against the Land Council claim saying "granting of the claim would cause substantial detriment to the Australian community." Everingham was quoted as saying that: "we believe that seeing it [Ayers Rock] is the best known national landmark apart from the Barrier Reef, it should be administered for the benefit of the whole community. No single group should have a veto on who goes there and sees it and who does not" (Austin & Snow, 1979:42). Alister Thorpe wrote in 1985 that:

The full-page advertisements expressing the Northern Territory Government's "concern" regarding the handing over of Uluru (Ayers Rock) is an indictment of the integrity and the intelligence of white Australians. To suggest the Mutitjulu traditional owners have no legitimate right to be on their homelands is discriminatory and inflammatory in the extreme, given the largest percentage of land ownership in the NT is registered to foreign and interstate interests (*The Sun*, 24/10/85).

Thorpe noted that interstate and foreign companies owned 28.71 per cent of the Northern Territory. Thirty per cent of the non-Aboriginal rural population held 52.6 per cent of the NT. All land held by interstate and foreign companies was viable pastoral property and represented 51.67 per cent of all pastoral land. Aborigines, who were 25 per cent of the total Territory population and 75 per cent of the rural population, owned 28.32 per cent of the land, of which only 5.82 per cent was suitable for pastoral production. Most of the land given back to Aborigines was arid, inhospitable desert, or waterlogged wetlands, which, Thorpe found, Europeans had never settled and had little interest in. Yet the handback of Uluru seemed to divide the entire nation. The question that kept cropping up was: who owned the Rock and therefore, who owned Australia? (**Fig. 6.2**) At one point during 1985, jokes were circulating about splitting the Rock in half. The





6.3 1985. - Cartoon in the Sydney Morning Herald (October 26).



6.4 1985. - Cartoon by Dean in The Northern Territory News (October 10).

cartoon showing the Rock split between black and white interests in the *Sydney Morning Herald* (**Fig. 6.3**) visually illustrated the fears and anxieties many people were feeling. The real battle however was between Territory Government (and NTTC) and business interests, on the one hand, and the Aborigines and Federal Government (and ANPWS) on the other. The Northern Territory saw Canberra as the enemy trying to steal control of the Rock and tourist profits away from them and hand it over to the Aborigines who would make life difficult for any investors. **Fig. 6.4** by Dean in *The Northern Territory News* graphically reflected such fears of the control of the Rock being shifted from the Northern Territory to Canberra overnight.

In 1983, after the Hawke Government announced that it would make the grant, Paul Everingham had called a snap election in the NT, which he won convincingly, campaigning against the Federal Government decision using “the race issue” as his platform. It was again, in 1985, the strategy of the Territory Government, to use racial arguments to win back control of the Rock, which they had thrown away earlier through a combination of poor management and a lack of understanding regarding Aboriginal interests. The two major newspapers of the Northern Territory, *The Northern Territory News* and the *Centralian Advocate*, ran vigorous campaigns involving articles and cartoons concerning the handback. The politically more conservative *Advocate* used its resident cartoonist, Peverill to take a particularly hard line as demonstrated by **Fig. 6.5** showing the Rock covered in pro-ANPWS graffiti (Ovington was the Director) and Anangu Mutitjulu community living in mansions built by the Federal Government. Dean of the *Northern Territory News* also contributed some less aggressive cartoons (**Fig. 6.10**). The Royal couple, Prince Charles and Lady Diana, who later visited Australia for the Bicentennial celebrations, were chosen by Peter Nicholson in his cartoon (**Fig. 6.6**) to jokingly represent an English colonial viewpoint on Australia seen as one big Rock island leased to the Federal Government, which in turn is sub-letting the smaller Uluru to the Aborigines.

Lease arrangements can be broken by either party, and the record of land leases involving indigenous peoples has been a particularly poor one on the part of most colonising powers. During the last hundred years there have been a number of cases around the world of handing back sacred mountain sites to indigenous peoples with varying degrees of success. In the United States of America for example, the Pueblo people lost control of Taos (Pueblo Peak) in 1551 to the invading Spaniards. In 1906 the Forest

Service took over the management of the mountain. Over the next few decades this sacred site was largely desecrated by tourists, hunters and developers. After 64 years of constant lobbying, the US Congress returned 50,000 acres to the Pueblo people under the condition that it be kept as a *wilderness park*. Not far away, Black Mesa Mountain, sacred to the Navajo and Pueblo, was strip-mined for coal, while Pike's Peak in Colorado, sacred to a number of tribes (Arapaho, Kiowa, Cheyenne and Ute) was used as a beacon for waves of gold prospectors and wagon trains during the 19th century. Today, Pike's Peak is used as a racecourse and sports a gravel mine at its summit. Perhaps the most graphic example of a leased back mountain falling foul of interests outside the wishes of the indigenous inhabitants is Cheyenne Peak. This mountain has recently been hollowed out and now houses the operations centre of the North American Air Defense Command.

Uluru has also been considered as a nuclear installation. Margot O'Neill commented in *The Age* a few months after the handback that there had been a plan at one time to hollow out Uluru and use it for a nuclear waste storage pit (*The Age*, 12/2/85). Such proposals did not help the level of confidence on the part of some Anangu affected by the lease arrangement. The real benefits in terms of improved housing, better jobs and camping rights for Anangu, were proving harder to achieve than was hoped.

Koori poet and activist Burruga Gutya noted in 1988 "the plain fact that the whole nation belonged to our people and that the returning of Uluru was only symbolic, was completely lost by the mainstream media" (Gutya, 1988: 1). The Northern Territory media in particular, seemed to fear the politically symbolic gesture more than the reality of the day to day management of the Park that only appeared to make life easier for the tourist and advertising industries, not harder.

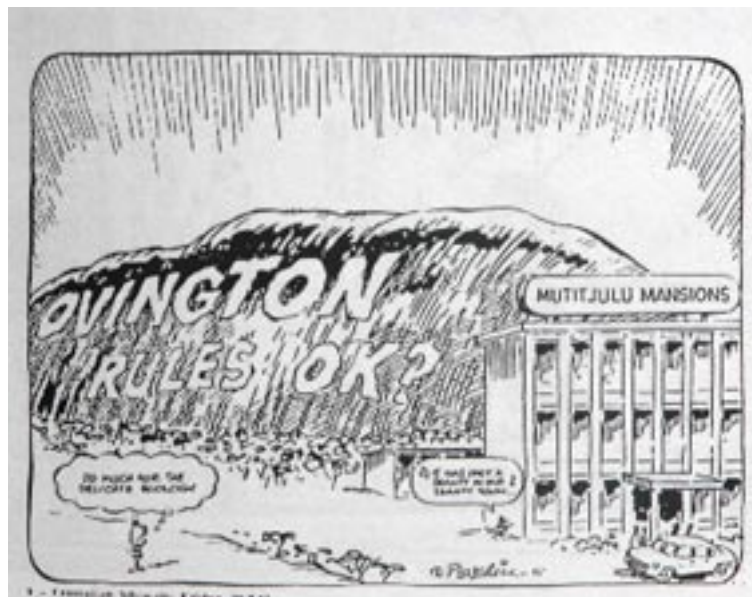
Aboriginal activist, Burnam Burnam, was also unhappy with the terms of the leased back arrangement to the National Parks. Burnam Burnam felt that Anangu had been let down by their "white advisers" and that the park should really be run and controlled by Anangu (Brands & Irby, 1985: 3). Radio personality, John Laws, was also outraged by the handback, saying that Anangu would not be able to manage the Park because "the part that is controlled by the black people apparently is an abortion, a mess of filth and old cars left lying around, drunk people, slobbering people and generally a view that is fairly unpleasant to the average tourist" (Chamberlin, 1991: 8). The anti-landrights activist, Peter English, a former Territory journalist, dismissed the handback as "the greatest hoax of all" in his book *Storm Over Uluru* (1986). English sought to discredit the handback process with the hope that a legal challenge could be launched by the Territory Government against the lease arrangement. The Premier of Queensland in 1985, Joh Bjelke-Petersen, launched the Peter English book and in so doing vowed to break the lease agreement if the Liberals and Nationals won the next election. In the months leading up to the ceremony in October, the Northern Territory Chief Minister, Ian Tuxworth, launched a \$200,000 advertising campaign against the handback. On the day of the handback, Tuxworth held a press conference at Yulara and stated that Federal Liberal Government would also take the Rock back when it came to power. The then leader of the Federal Liberals, John Howard, gave Tuxworth a commitment to "rectify the situation" when he became Prime Minister (Mellor, 1985: 2).

The Northern Territory Government had committed some \$300 million in guarantees to the Yulara Resort project and directly poured in around \$14 million. The government was already nervous about seeing any return on their investments. Indications were that the Resort was not living up to income expectations

as first hoped. The fear surrounding the handback was that profits would fall rapidly as a result of Anangu controls on access to Uluru and Kata Tjuta. Tourists would stop coming and Yulara Corporation and the Northern Territory Government would be left with a so-called white elephant. These fears proved unfounded. In a poll taken by the *Northern Territory News* (11/10/85), most tourists surveyed at Yulara were happy with the handback arrangement. Those visitors who were not happy were mostly over 60 years old and therefore were considered set in their ways. Never-the-less, key conservative politicians and their supporters mounted a major advertising and public relations campaign against the handback. The corporate tycoon behind Fosters Beer and IXL jams, John Elliot, continued during 1985 to be one the more vocal critics of the handback and the regulations regarding commercial filming at Uluru. (**Fig. 6.7**) Elliot, who popularised the catch-cry “Ayers Rock for all Australians,” was supported by the *Northern Territory News* in his protests:

Advertisers cannot use Ayers Rock as a backdrop for their products. Imagine the outcry if the Prime Minister banned Aborigines from photographing or entering Parliament House. Or if the Sydney Harbour Bridge were out of bounds for blacks. (*NTN*, 8/9/88)

The underlying tensions surrounding the ownership of Uluru hung on non-Aboriginal rights to exploit Uluru as a commercial and tourist resource. In August 1986, the Northern Territory inflamed the debate by making a submission to drill for oil within the park. The park was also submitted for listing as a World Heritage site in January 1987 and subsequently accepted by UNESCO. Tensions stretched to breaking point in 1987 with the result that all filming of advertisements inside the park was banned by the Mutitjulu Board of Management.



6.5 1985. - Cartoon by Peverill in the *Centralian Advocate* (August 30).

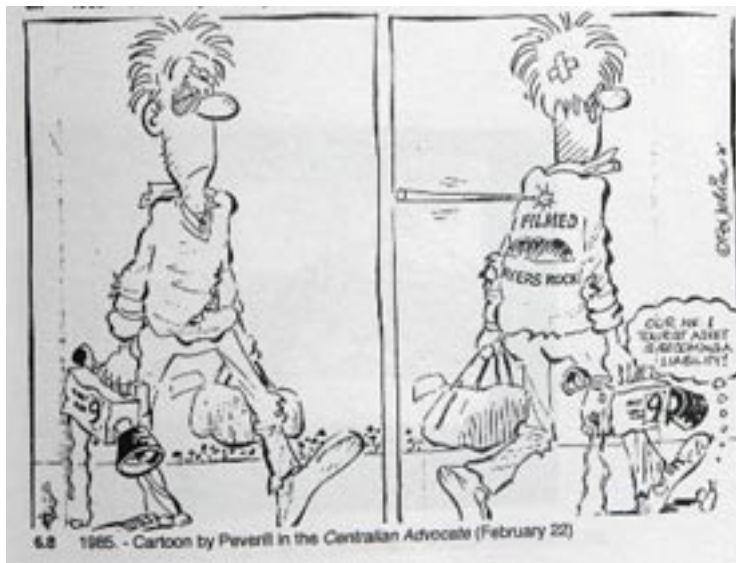


6.6 1988. - Cartoon by Peter Nicholson. Published in *Beyond a Joke: An Anti-Bicentenary Cartoon Book*. Compiled by Kaz Cooke.





6.7 - 1988. - Cartoon by Wicking in The Northern Territory News (September 8).



6.8 1985. - Cartoon by Peverill in the Centralian Advocate (February 22)

## 6.2 1987: Advertising Banned from The Rock

Since the park came under the control of the Australian National Parks and Wildlife Service in 1977, commercial filming within the park has become a subject of growing concern for both Anangu and advertisers. After the introduction of the initial filming guidelines of 1984, two incidents occurred which precipitated the banning. The first major breach involved a TV current affairs film crew in February 1985. As a result of increasing demands and repeated advertising breaches, a second banning was declared on the 9 September 1987.

On the one side of the camera, commercial photographers and film companies want quick and easy access to Uluru and, on the other side of the camera, Anangu have sought to restrict the onslaught of demands on both them and Uluru. The film guidelines set in place on the 22 of May 1984 stated that no filming was to be allowed of sacred sites or in the homes of members of the Mutitjulu community. In February 1985 a film crew from TV current affairs program *Willesee* on Nine Network entered the community and allegedly bribed, insulted and scuffled with Anangu before leaving the Park. (**Fig. 6.8**) The cartoon published by the Centralian Advocate suggests that the ANPWS and Anangu stabbed the film





6.9 1985. - Cartoon by Tony Dean in The Northern Territory News (December 15).



6.10 1984. - Cartoon by Tony Dean in The Northern Territory News (March 22).



6.11 1985. - Cartoon by Peverill in the Centralian Advocate (October 24).

crew in the back. The purpose of the *Willesee* program (screened on 14th and 15th February) was allegedly to contrast the conditions of disused motels next to Uluru and the new Yulara development. The TV crew led by the reporter Michael Munro was accused by the Mutitjulu community of trying to denigrate the Aborigines' competence as responsible managers of the Park (Feneley, *NTN* 15/2/85). This episode led to the Mutitjulu community suspending permission for filming until the Federal Government guaranteed that the 1984 guidelines were enforced. The Mutitjulu community took legal action and later a public apology from Willesee was sort under a Supreme Court of NSW Order. The banning prevented other filming parties

to visit the rock, including the BBC Val Doonican show (**Fig. 6.9 -6.10**). Uluru was depicted as a battle zone or military camp.

The advertising and media industries felt on many occasions that the regulations were overly protective. The ANPWS were represented as dictatorial and opposed to anyone including tourists rather than towards “inappropriate” behaviour by commercial interests. The Territory media made a meal of the divisions between the Park, conservative political parties and commercial pressure groups. (**Fig. 6.11**) In the words of one photographer, Gunter Deichmann of Darwin: “It’s easier to photograph the Red Square in Moscow than it is photograph Kakadu” (Richards, 1986: 3). Gerard McManus of *The Advocate* was angered by the regulations requiring him to be accompanied by an ANPWS warden. The ban on filming carried a possible fine of \$2000 and McManus tested the ban by publishing a photo of Uluru in the paper (20/3/85) with the headline “publish and be damned.” The newspaper was outraged at the ban:

Ridiculous laws are made to be broken and we have published the picture to point out just how ridiculous are the regulations associated with the national Parks and Wildlife Act, vigorously administered by the National Parks and Wildlife Service which, heaven help us, is to have management control of the Ayers Rock national park (*The Advocate*, 20/3/85: 4).

The great realisation on the part of commercial ventures was that unfettered access would no longer be given to commercial interests. Chip Morgan, a Park Superintendent, announced that advertising film crews could “no longer use Ayers Rock as a backdrop to sell products ... to use it for modeling clothes, car advertisements, or making it look like a hamburger... film crews do a great deal of damage to the park and to its culture” (Doogue, 10/9/87 SMH: 3). The community co-ordinator, Susan Woenne-Green stressed that the ban had been put into place to “preserve the park’s cultural values” (Doogue 10/9/87 SMH: 3). Morgan and Woenne-Green were accused in the Northern Territory News (10/9/87) of being “self-appointed left-wing guardians of the environment and Aborigines.” A major concern for the newspaper was that “visitors no longer can light a barbecue while they watch the sunset.” The restrictions on filming were equated to “Parisians banning the Eiffel Tower to advertise Perrier water or the Vatican stopping sightseers in the Sistine Chapel.” Yet the actual ban was not of primary concern for the paper’s editors. Under the banner of “Stop raping the Territory,” the editors felt that the ban was a sign that the entire Territory was “being closed under a Berlin Wall of regulations, prohibitions, restrictions and constraints.” In most cases however, companies had little trouble photographing what they wished to, outside the sacred site areas. The vast majority of applications sought to reproduce a cliché sunset profile image of Uluru with their product or service set in front of it. The conditions of access were no less restrictive than the privacy laws regarding any other members of the general public. The attacks on the ban appear to stem more from the fear of Anangu having control over Uluru and their own lives in any shape or form. Dave Richards quoted the Labor opposition leader Brian Ede’s reaction to the Liberal attacks on Anangu:

Needless to say, the very thought of Aborigines making a quid for themselves and escaping from dependence on the hand-out of a less than generous Country-Liberal regime is anathema to Mr Poole (*Advocate*, 25/9/87: 1).

The amount of money earned by Anangu from film ventures is small compared to the huge profits gained by agencies and commercial interests using Uluru and Anangu as advertising props. Analysing both the

ANPWS, Mutitjulu and media reports regarding the question of profits gained from fees, it appears that Anangu value their privacy over profits if it is at the expense of lifestyle. Privacy within a tourist park is a difficult commodity to hold onto. In the video titled *Minga*, produced by the Australian Film, Television and Radio School during the Bicentennial, an Anangu elder was asked what he thought the impact of tourism was doing to his community way of life:

I am an initiated black man, the people you know live here, traditional owners, caretakers of this place and we want to keep our ceremonies the same, the ceremonies for the old place, you know, the old land with all its law. I've not been able to do much looking after business because the whites have been flooding the place out. And white fella might be coming up out of sight and seeing things, making things tough for us. (AFTRS, 1988)

In the first decade of tourist agency development at Uluru, those regular visitors such as Frank Flynn and Ray Ericksen were making the criticisms against increased access and numbers. Ironically it was the writings of these outback travelers and journalists that encouraged, in part, the popularity of Uluru as a tourist site. Flynn mourned the disappearance of what he called "Oolera" since "the white man has taken over, roaring to and fro in his planes and cars, clicking camera shutters by the thousand; littering the weird, humped crest with picnic debris and scrawled initials" (Flynn, 1964: 71). Ericksen at least included himself amongst those tourists who "descend on these sacred places like illiterate vandals rampaging through a great library, without respect for what we cannot share and with brash impatience" (Ericksen, 1972: 180). The problem of tourist *burnout* mentioned above can also apply to the advertising and marketing of an attraction. Advertising can over cultivate its recourse through the relentless repetition of symbolic images. Over exposure can exhaust the ability of the image to attract and hold the reader's interest. This *advertising fatigue* problem is alluded to in a Federal Government Report tabled in 1973:

The rapid upsurge in the number of tourists visiting the area and the expansion of tourist facilities within the National Park, have seriously lessened the use made of the area by the Aborigines and resulted in the desecration of features of Aboriginal significance. Furthermore, the capacity of the more popular features to sustain tourism is being so seriously exceeded as to cause environmental degradation and place in jeopardy features attractive to tourists (House of Representatives. 1973: 22).

The impact of representational *exhaustion* caused by the over exploitation by advertising, tourism and media images is also becoming apparent to the management of major tourist and commercial sites around the world. If the object of desire is over taxed for the pleasures it gives then the flow of profits arising from the exploitation of that object will eventually dry up since commercial interests and tourists alike will tire of the repeated image turn cliché. As Uluru loses its appeal commercial interests have begun to turn their gaze towards Kata Tjuta or Purnululu (The Bungle Bungles) in search of new signifiers to hang their product benefits on. This has already begun to happen as shown by the latest Marlboro billboard campaign located at Kata Tjuta (1993) and the Mitsubishi Pajero Four Wheel Drive Wagon driving through Purnululu (1993) in the last year or two. This repetition burnout phenomenon has been well known within the advertising industry for many decades (see Ogilvy & Mather, 1985) while the tourist industry has taken longer to recognise the same syndrome in relation to site attractions (Boorstin, 1972; Young, 1973).

The regulation of commercial photography has become increasingly important for Anangu culture, linked as it is to Uluru and other tourist sites. The issue of regulation regarding the representation of a natural object such as Uluru is culturally problematic and is legally connected to definitions of property and copyright. A natural object cannot be copyrighted.

### 6.3 Regulating Commercial Images of Uluru

More than 300 applications are received each year by the Mutitjulu Community to film Uluru. The Regulations to the National Parks and Wildlife Conservation Act (1984) provide that all commercial operations within a National Park require a permit from the Director of the National Parks and Wildlife (see appendix for film guide-lines). Filming is only approved if the advertisement “enhances or promotes the values and objectives of the Park.” As a result of increasing pressure from commercial interests, the Mutitjulu community called a meeting in 1984, between all parties including government and commercial interests, to fix new guidelines for filming within the park. This was done in response to a series of incidents by companies that angered the community. Cassidy Uluru, then Chairman of the Mutitjulu Community, stated at the meeting “some film companies have been mucking us around or have not been complying with reasonable conditions about filming” (Mutitjulu Meeting Minutes, 22/5/84). Commercial filming or photography is defined in the filming guide-lines (1988) as “carrying out an activity with an intent for reward or the possibility of future reward.” A variety of reasons are cited for refusing permission for commercial filming. The reasons are broad and vague and the decision finally rests with the Mutitjulu community. Advertising products which “lack empathy” with the park and “activities considered incompatible with national parks” are listed. The regulations seem to be only partly successful in stopping breaches. A number of cases are cited in the ANPWS files that suggest that film crews and photographers have simply carried on filming until they are caught (Commercial Filming Report, 1986: 3). There is no policy against advertising agencies using existing photographs of Uluru showing sacred sites in close-up or connecting Uluru to products that are deemed inappropriate in the guide-lines (drinks, 4WD vehicles).

Richards quotes Ross Johnson, the Park Ranger at the time, as saying that the commercialisation of Uluru would be stopped: “It’s an Australian landmark but in the future the only crews allowed in here will be those presenting the place in its proper context. People are not going to be allowed to use the Rock or the Olgas for advertising commercial products” (*Centralian*, 22/10/86). Terry Piper, Acting Superintendent with the ANPWS in 1989, stated that Anangu must see ANPWS as protecting the Rock, that is, controlling the image of the Rock in ads. Under the present park regulations, long shot (distant) views of Uluru present no problem to the ANPWS. Close-up views do come inside the regulation guidelines and so can pose problems.

There is no doubt that the ANPWS sees Uluru as a resource that needs to be managed. This management policy necessarily involves how Uluru is depicted as a national landmark and heritage site. Given that the guide-lines were brought in to protect both the interests of Anangu as well as of ANPWS, questions of not only the image-making process, that is, the conditions of producing images within the park, but also how, where and when images of Uluru are fed into the public sphere, that is the marketing and circulation of such commercial images of Uluru.

Currently, a situation exists whereby the number of applications to film commercials inside the



park boundaries is decreasing while the number of advertisements and other commercial promotions using Uluru has increased. Anybody can set-up a camera on the park boundary and film Uluru as a backdrop for whatever product or purpose she or he desires. There is also a large bank of images circulating in slide and photo libraries which show details of sacred men's and women's sites fenced off from the public gaze inside the park. Even if all filming inside the park was effectively stopped, there would be little the Anangu could do to stop the exploitation of Uluru for commercial gain. Companies and institutions continue to appropriate Aboriginal place names for their products.

To cite one recent example, the School of Humanities at the University of Technology, Sydney, adopted the name *Uluru* for the red colour of its graduation gown in 1991. This action can be read as a statement of some symbolic support for Aboriginal culture or as an appropriation of indigenous nomenclature as a means of lending some authenticity to a new University anxious to develop a favourable public image. The danger is, however, that such actions can back fire upon the good intentions of those parties who commit them. That is, the appropriation of the place name *Uluru* is seen as a stealing of power from Anangu who hold that name sacred as demonstrated by Anangu laws of utterance.

Sol Worth, an American anthropologist who worked with the Navajo, argues that the control of the symbolic environment is as important as the control of our physical, biological and social environments. Worth suggested in the 1960s that "whereas in earlier times power and control were seen as being involved with natural and technological resources and with the control of labour and man's production from that labour, political power now seems to be tied more and more to the control of information" (Worth, 1969: 358). Ayers Rock is not the setting or screen upon which advertisements are staged or projected. Rather Ayers Rock is a part of the fiction constituted by and through the advertising process.

The need for greater regulation, due to the adverse effects of tourism and advertising, has been cited on many occasions over the last fifty years in government reports and by various commentators. The volume of such calls has steadily grown louder in proportion to the numbers of tourists and applications for commercial access. Appendix 2 shows the dramatic rise in film applications over the last decade. To date the number of applications peaked in 1984 just prior to the handback in 1985. The reason for this can be attributed to the fear that all commercial access to Uluru would be cut off by the Mutitjulu Board of Management. However as can be seen by the steady rise again in figures from 1985-1987 that this fear was proved to be unfounded. However the drop in applications during 1988 was due, in part, to the banning controversy of 1987 and the subsequent introduction of the new Park Filming Guidelines - Appendix 6. The filming guidelines of 1984 and 1988 have done much to soften the impact of such commercial forces.

A new set of stricter guidelines were brought out in 1991 in the revised Plan of Management. In these guidelines it clearly states that one of the objectives of the park is to safeguard the "Aboriginal heritage of the Park, including Anangu values and perceptions of the landscape" (ANPWS, 1991: 51). This statement is a recognition of the importance of what has become known as the *cultural landscape* of Uluru as witnessed by the World Heritage Listing. This statement is also a recognition that the importance of symbolic construction of Uluru by commercial interests needs to be more strongly recognized by the general public. Indigenous land rights are hamstrung if the people have to suffer the violence of seeing (witnessing the display of) inappropriate of their sacred sites (see ANPWS, 1987: 11).

There is also a new paragraph in the 1991 Plan relating to advertising which states that “Photography which is used for advertising of such things as motor vehicles, fashion, food and drink, electric goods, furniture, banking and investment corporations and the like will not be permitted” (ANPWS, 1991:56). These directives have meant that advertisers and clients have on occasions such as the Variety Club Bash incident, tried to gain entry as tourists, in order to take photographs of their products in front of the Rock (Haines, 1994:34).

It is also fair to say that Anangu also wish to share in the profits from such ventures and have gone out of their way to help companies and the media in achieving their aims and goals. The number of advertisements produced with the active support of the Mutitjulu Board of Management has been small compared to the bulk of campaigns that have appropriated the image of Uluru outside the park without consultation or active involvement of Anangu (see appendix 3, 5). Yet directly or indirectly, the citing of Uluru in Australian advertising, tourism and popular culture, since World War II, has gained currency, in most cases, by its association with Anangu culture.

## **6.4 Current Advertising Policy**

This thesis argues therefore that the advertising industry has an ethical responsibility towards indigenous culture (as “the talent” they use in campaigns), which extends to sacred sites since they also exist as living icons within traditional law. For Anangu, Uluru is not simply an object it is also a collection of subjects, and deserves to be treated as such. Anangu have expressed their wish to have some say in how Uluru is featured in the service of selling products and services, given that in the past a number of advertisements (already cited in this thesis) have proved offensive to Anangu cultural beliefs. The Anangu hand has been extended and it is now up to the advertising industry to come to the party with a set of guidelines of its own regarding the inclusion of sacred sites, subjects and cultural imagery in advertisements. Many agencies are indeed sensitive to Aboriginal law and seek permission especially when questions of copyright are at stake.

Yet, at present, there still exists no regulatory policy within the advertising industry or media industries governing the size of indigenous cultural material in advertisements. The Australian Federation of Advertisers has to their credit recognized the need for such guidelines and has scheduled the matter to be discussed in the second half of 1995 under the umbrella of multicultural advertising. Given that within Federal and State Governments there is a recognition that indigenous cultures have special needs given their direct cultural connections to the land, it would seem appropriate that the advertising and tourist industries also make provision for policy to cover the commercial impact of promotions on indigenous cultures.

The advertising industry is self regulated with the help of an Advertising Code of Ethics and individual advertisements are examined for discriminatory content by the Advertising Standards Council on a one-by-one basis. The Code only covers advertisements submitted for publication or broadcast by constituent members of the Media Council of Australia. Importantly, the Code is assessed in terms of:

The probable impact, taking its content as a whole, upon a reasonable person within the class of those to whom the advertisement is directed and also taking into account its probable impact on persons within other classes to whom it is likely to be communicated (Article 1, Media Council, 1993: 1).

There are also other relevant articles of the Code (namely 5 and 6) relating to “unlawful discrimination”; to demeaning the “dignity of men women or children” and causing “serious offence to the community or significant section of the community”. Yet there is no specific article relating to indigenous cultures, which at present do not seem to constitute a “significant section of the community”. Article 2 of the Code states that advertisements must “comply with Commonwealth law and the law of a relevant State or Territory”. The relevant Act relating indirectly to the exploitation of indigenous imagery is the *Aboriginal and Torres Strait Islander Heritage Act 1984*. Section 12 relating to Declarations in Relation to Objects states that when the Federal Government Minister receives an application from an Aboriginal person or group seeking protection of an object from injury or desecration, and is satisfied, and then the Minister can act to protect that object. The Act is bound to definitions of what an object is and was designed mainly to protect Aboriginal remains.

The *Aboriginal and Torres Strait Islander Heritage Protection Amendment Act 1987* for the preservation of cultural heritage in Victoria is broader in scope however. It also covers “Aboriginal cultural property” covering “Aboriginal folklore – meaning traditions, oral histories, songs, rituals, art, dances, customs and spiritual; beliefs,” and “places” under its interpretations.

While it could be argued that the Heritage Acts are referred to under Article 2 of the Advertising Code of Ethics, there is little evidence of any practical effects arising from the Government Acts. The general belief within the Australian Advertising industry appears to be that the market will reject exploitative advertising and this pressure will force agencies to change their attitudes towards indigenous cultures. In isolated instances this may indeed prove to be the case. However, in the majority of cases resistance has proved to be strong towards building an inclusive industry code that addresses the wishes of indigenous peoples who are the recognized legal custodians sacred sites such as Uluru.

There are many voices within the advertising industry that actively resist any notion of regulation. The prominent market researcher and author of the best selling book *Reinventing Australia*, Hugh Mackay, argues that regulation kills freedom:

It will be a pity if Australians decide that laws, rules, regulations and codes are the only satisfactory way of defining a new set of bearings...if choices are subject to regulation, they are no longer free choices. The very imposition of regulation reduces freedom and, by definition, reduces the need for individuals to exercise moral judgment” (Mackay: 1993:257)/

Mackay echoes here the sentiments of many advertising agency executives. Creative directors like to feel that they are creative free agents, yet the vast majority of campaigns are highly political compromises between clients, market surveys, account service heads and creative directors. In a very real practical sense the mythology of free choice for creative free spirits is part of the public relations rhetoric metered out to the media whenever the issue of exploitation or regulation is raised. Historical evidence has shown on the case of cigarettes that regulation coupled with a positive educational, advertising and public relations campaign, can radically and rapidly change the thoughts and actions of a large part of the community. This does not mean to say that regulations or codes of ethics are always good things. Oppressive regulations, laws or

codes have tended to be quickly challenged by vocal lobby groups as was witnessed by the conservative Tasmanian Government's anti-homosexual laws.

In his *Framing Culture: Criticism and Policy in Australia*, published at the same time as Mackay's book. Stuart Cunningham argues that the most effective means of affecting policy changes within advertising is through consumer lobby groups applying pressure on agencies to change their ways;

The best model of practical reformism in relation to advertising is the modern consumer movement (Cunningham, 1992:102).

Historically however, political actions by consumers via lobby groups have had limited success in achieving long-term changes in attitudes or policies. Individual advertisements may be taken out of circulation after concerted outcries from consumers, particularly if the media has been involved. This does not worry advertisers overly since the time delays involved in such actions means that the ads have largely achieved their purpose of drawing attention to their product, brand or service. The number of upheld cases against sexist or racist advertising campaigns each year through the Advertising Standards Council is a very small percentage (less than 5%) of the number of applications. There is no doubt that when ever and wherever possible a consultative approach to reform is the preferred option rather than restrictive regulative codes or laws. However, there is a strong case for the introduction of a code of ethics relating to indigenous cultural representations in advertising given the findings of this research.

## **6.5 Conclusion and Recommendation**

The conclusion of this thesis is that, by and large, the promotional image of Australia's most famous tourist icon, Ayers Rock has become commercially fatigued. The argument has been made that the increasing pressures in tourist and advertising terms no longer serve the best interests of either indigenous (Anangu) or non-indigenous cultures.

Over the last few decades the image of Ayers Rock has been reduced, for a variety of historical, cultural, economic and political reasons, to a two dimensional marketing cliché that now does little more than function like a roadside billboard to attract passing tourists. It is also fair to say that the majority of advertisements featuring Ayers Rock have done little to enhance the Anangu cultural values of the Park. Anangu have rarely been consulted in the process of constructing images nor have they enjoyed many of the economic benefits from such commercial campaigns. The tired repetition of mythological and ideological viewpoints fixing the Rock within the discourse of advertising has not been helped by the marginalization of Anangu ways of seeing at the creative level.

The recent trend in naming the Rock as Uluru rather than as Ayers Rock perhaps signals also a way of reinvigorating the site in a more multidimensional way. The risk is that this becomes a token gesture in naming alone rather than in cultural understanding of Anangu ways of seeing and respect for land.



It is in the best interests of all parties involved with this symbolic construction to now rethink how such a culturally and environmentally delicate and complex site is to be promoted to the hundreds of thousands of tourists who continue to flock there every year. As has been shown in this thesis, Ayers Rock has played an important role within the discourse of tourism and advertising both locally and internationally. The danger is that the very thing that attracts the river of tourist dollars will be so exploited that it will gradually be emptied of its value to all concerned. The last thing anyone wants is for Uluru to be lost through the actions of Ayers Rock.

This cultural and economic process of “loving your park to death” through unfettered commercial interests has been well illustrated in the case of Stone Mountain park outside of Atlanta, Georgia in the USA. Once a sacred site for the local indigenous tribes this big rock has been turned into a commercial Big Thing with a restaurant on top, trolley car service, steps, car parks, golf course and a bevy of services stores and entertainment parlors. At various times over the last fifty years all these “improvements” have also been suggested for Ayers Rock. To their credit the Uluru Kata Tjuta Board of Management made up of members from the Australian National Parks and Wildlife Service, Mutitjulu Community, Yulara resorts and others have sought to minimize the impact of such developments on the Rock. The recent World heritage Committee relisting of Uluru Kata Tjuta as a cultural Landscape (one of only two in the world) may also have the result of further discouraging tourists from climbing the Rock. Working against such culturally sensitive preservationist intentions are a host of interests such as the incumbent Northern Territory conservative government who has vowed to seize back control of the park and open it up to wider commercial interests. The Northern Territory Chief Minister, Marshall Peron is on the record as saying that he has “commitments from both the national and Liberal Parties to grant the Territory full State-like powers. This means control of Kakadu and Uluru will be handed to the Territory by a future Coalition Government” (media release, red, 11/9/92:2) Even though it would be highly unlikely that the lease agreement would be broken by a Federal Coalition Government, there is no formal protection of these land rights as there is in the Kakadu lease agreement whereby if the lease is broken the land returns to Aboriginal control again (Willis, 1992; 166). Hence, threats to the Park remain ever present. Nothing is fixed in stone when it comes to National Park’s politics. Even the current World heritage Listing could be revoked if the area’s qualities are deemed lost or damaged.

This thesis has demonstrated empirically and critically that advertising continues to play a major role in constructing popular mythologies of Ayers Rock and Uluru and that in many cases these two visions of the rock are in conflict. The challenge for the advertising industry is to develop a more flexible and sensitive relationship with Anangu perspectives on Uluru rather than remain locked into a two-dimensional cardboard cutout view of Ayers Rock. A more rounded, multi-faceted image of Uluru can only be made possible with the active support of the ANPWS and the Mutitjulu community. The future prospects for advertising at Uluru depend largely on the willingness on the part of advertising agencies and clients to work with Anangu in an interactive and co-operative relationship. The benefits for Anangu, advertisers, clients and the public would be a more sensitive, responsive and dynamic view of Uluru and Kata Tjuta that goes beyond the narrow vision of Ayers Rock that has become ossified over the last century. Historically, indigenous cultural welfare has taken a back seat to environmental and ecological preservation within National Parks. Indeed, in the recent past Aboriginal presence within National parks has been seen as a hindrance to the preservation process particularly with reference to traditional hunting and burning customs not to mention

Western influenced social practices. In the case of Uluru Kata Tjuta National Park however, there has been recognition through the input of Anangu members that an important part of national park management concerns the sustainable development of imaging rights.

Uluru Kata Tjuta National Park offers an excellent opportunity for the realisation of an economically and culturally sustainable policy that would safe guard the rights of all parties concerned in constructing images of these national icons. While tourists and advertisers would be encouraged to develop an understanding and respect for Anangu values, so to would Anangu be able to acquire a deeper understanding of the tourist and advertising gazes and methodologies of constructing signs in the commercial field.

Uluru is in many ways a test case as regards cultural and environmental tourism management. As the last place to be colonized and the first to be handed back to its traditional owners, all eyes are on Uluru and it's current managers who have a difficult task in front of them. The task involves commending the respect of all parties concerned rather than relegating the best interests of those people whose participation in promotion images at least is most keenly sought. Uluru is a meeting place for political and cultural differences as well as tourists. A cynical view might state that academic studies such as this one and policy statements on Uluru come and go faster than tourist buses. However, Uluru is also famous as a historical meeting place (for men's and women's business) – a site where people are initiated, new deals entered into and everyone enjoys each others company beside one of the worlds great natural wonders.

### **Recommendation**

This thesis recommends that the best way foreword for the advertising industry is the use of an *integrated regulatory model*. To this affect the following article should be included into the Advertising Code of Ethics:

“Advertisements shall not exploit the cultural heritage or property of indigenous persons or communities.”

An integrated regulatory model means in practice that representatives from industry bodies (such as the AFA, ASC), government agencies (such as ATSIC), indigenous communities or their representatives (such as land Councils or the recently formed national Indigenous Arts Advocacy Association) and consumer lobby groups such as the Australian Consumer's Association would come together for the purpose of making a policy amendment. The aim of such an amendment to the code of Ethics would be to primarily encourage

consultation between indigenous community representatives and advertisers, inform and educate advertisers in matters relating to the representation and to establish direct links for the purpose of gaining permission to use material including folklore, images, of sacred sites, objects, cultural property, places and peoples names bound by custom or images of living or dead people, in promotions and advertisements.

If after these processes have been exhausted, the wishes of indigenous subjects regarding the representation of the above are ignored then recourse is possible through the normal legal means (under the relevant Government Acts, and Laws of copyright, discrimination and defamation).

If Uluru is to remain a viable cultural site then it is imperative that tourist and other commercial interests listen to, talk with and act on advice from Anangu on how best to maintain the delicate symbiotic relationship between cultural interests, economic rewards and fragile environmental concerns. As a significant player within any park management structure, advertising has the power to promote the images that can help make the difference between a living icon and a dying relic.