



Case Report

1	Case Number	0087/11
2	Advertiser	Action for Alice
3	Product	Community Awareness
4	Type of Advertisement / media	TV
5	Date of Determination	23/03/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.2 - Violence Hooliganism-vandalism-graffiti
- 2.1 - Discrimination or Vilification Race

DESCRIPTION OF THE ADVERTISEMENT

Advertisement 1:

Commercial using footage shot over the past few weeks, of damaged property and youths roaming the streets at night, and damaging property. Voiceover says, "Attorney General Delia Lawrie, Alice Springs have the right to expect the courts to apply the laws in line with the legislation.

Gangs of youths from as young as 8 years old roam the streets at 3am damaging property and terrorising residents and tourists.

Alice Springs needs delivery on your promise of family responsibility orders.

We need a youth curfew to stop another generation of dysfunctional teenagers and young adults.

We don't need a court system that issues a slap on the wrist for serious offences.

We don't need you to patronise us with talk of "working tirelessly" when it's obvious- the government has failed to do its job.

Deliver what you promised and help give these kids some hope."

Advertisement 2:

Updated TVC with image of Carl Hampton, and a couple of new shots of footage shot over the past few weeks, of damaged property and youths roaming the streets at night, and damaging property. The voiceover says, "To the Minister for Central Australia Carl Hampton, are you content to let the crime rate and dysfunction in Alice Springs escalate out of control?"

Are you happy to let kids as young as 8 roam the streets, ultimately creating another generation of lawless teenagers and young adults to contend with?

If our criminals haven't yet hit puberty, what can we expect from the future?

Since Christmas, break-ins to five of the hundreds of businesses in Alice saw more than \$50,000 worth of damage.

The cost of the recent crime wave to personal freedoms and the business community in Alice Springs is unacceptable, and unsustainable.

This situation will not be solved by pretending that bandaid solutions will be effective.

Or is this the best we can expect from our elected leaders?"

Advertisement 3:

"Paul Henderson, Minister for Police. The residents of Alice Springs want action. The NT Government must comply with its most fundamental of obligations - enforcing law and order. We demand zero tolerance. Break the law - suffer the consequences. We demand the law is enforced in a fair and equal manner – not based on race not based on paternalism. We are entitled to feel secure in the knowledge that our families, houses, businesses and streets are safe. We demand that you stop fending off our concerns with spin and rhetoric and do the job you were elected to do. Anything less insults our intelligence and is a blatant denial of the reality that we live with every day." Superimposed text states at various points throughout: zero tolerance, law and order, protect our community, give these kids a chance, give these kids a future. The accompanying footage shows various youths on the streets of Alice Springs after dark, and various members of the community in the streets during the day.

THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

It is racist as I know there are many non-indigenous people doing the same as the Aboriginal people are doing.

I found this advertisement quite racist. Someone's going around and filming indigenous youth walking around at night and linking them with images of damaged property blaming them for a culture of fear in Alice Springs ignoring the fact that this simply reflects the culture of fear the intervention has started in the communities.

The ad has no suggestions and it only serves to perpetuate the culture of fear and racism among Imparja viewers. Unless Action for Alice can come up with some way to move forward (not backward into a culture of racist policing and punishment without rehabilitation and social improvement) these ads should not be shown especially in an area so full of racial tension as the one Imparja broadcasts to.

The Action for Alice advertisements are RACIST. The advertisements feature footage of Indigenous youth simply walking on footpaths and other public areas in Alice Springs. A voiceover claims that "gangs of youths from as young as eight years old roam the streets at 3am damaging property and terrorising residents and tourists". It also claims that the current generation of Indigenous teenagers are "lawless criminals" and calls for tougher policing and "zero tolerance". These claims vilify and defame Aboriginal people and put the sole blame on them for social problems in Alice Springs. Some of the Aboriginal youth in the ads can easily be identified. The footage captured is not criminal behaviour yet the voiceover and writing suggests these people are committing crimes and further that all Aboriginal youth in Alice Springs are criminals. The juxtaposition of images of white people in daytime

at the marketplace with red writing "Protect Our Community" is blatantly racist. These ads appear to have been made without people's consent and should be removed immediately. Finally, these ads are in breach of 2.1 of AANA code of ethics:

2.1 Advertising or Marketing Communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief.

The ad vilifies Aboriginal people especially young Aboriginal people as being criminals. People are identifiable.

The footage is deliberately grainy, shaky with splatter overlay and shot in a way which makes a normal streetscape appear menacing.

The voiceover makes direct comparisons of the people shown (Aboriginal youth) and the rise in crime in Alice Springs.

It is racist, vilifying and offensive.

It is unsubstantiated.

It will exacerbate racial tensions in the town and incite hatred against Aboriginal people.

The voice over makes generalised (and I believe racist) remarks such as "gangs of youth ... roam the streets at 3am damaging property and terrorising residents and tourists". They also claim that the current generation of Aboriginal teens are "lawless criminals". These comments play while footage of Aboriginal people in public places is shown. The ads depict all Aboriginal people as being lawless gang members.

I know for a fact that some of the young people filmed did not give their consent and at the time of filming a youth worker from our organisation asked the film crew to leave them alone as they were not doing anything wrong.

The impact these ads can have on Aboriginal people's self-esteem, self worth and mental health especially the youth can be devastating. I felt the ads took images of Aboriginal people out of their proper context and used them for the political goals of a small group of business owners. I felt the depiction of Aboriginal people in this region was appalling, divisive and damaging.

This ad is blatant racism towards indigenous Australians. It is calling for increased and tough police action whilst depicting images that are almost all of a particular race of Australian people: indigenous people. The text printed over the very different images of almost all white people at a market or in a city/town mall which says "Protect our community" demonstrates that the ad is saying that the other images (of indigenous people) are of people who are NOT part of "our community" and are a threat to the white community who needs to be protected from them. These 3 ads are a sickening throwback to attitudes of 50 years or more and I am shocked and outraged that they are allowed to air. Rather than fighting racism and showing images of a real community where everybody is an equal participant and calling for work towards that these ads demonise indigenous people as a whole race and they portray validate and encourage racism and negative stereotyping by of indigenous members of the public by non-indigenous members of the public.

I demand these ads be taken off air immediately and the people and organisation behind these ads be heavily reprimanded at the least and be examined and charged under the anti-discrimination act if appropriate.

When speaking of the disorder and violence on the streets of Alice only indigenous people were shown and then when speaking of protecting our communities all white Australians are in a mall or shopping centre. Total racism and separation.

The message seemed to suggest that:

Indigenous people need to have law enforced upon them

White Australian - the ones that need the protection.

The ad speaks of no bias regardless of race or creed however the pictures show otherwise. As a white Australian I am totally disgusted by these images.

RACIST

In regards to the 'Alice for Action' advertisements I believe these advertisements – by way of the imagery of groups of Aboriginal people at night combined with a voiceover emphasising Alice Springs' lawlessness – promotes an agenda of racial vilification. This breaches clause 2.1 of the AANA Code of Ethics that reads:

2.1 Advertising or Marketing Communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief.

I note that this advertisement also breaches the Commonwealth Racial Discrimination Act that states at s 18C (1):

It is unlawful for a person to do an act otherwise than in private if:

(a) the act is reasonably likely in all the circumstances to offend, insult, humiliate or intimidate another person or group of people and

(b) the act is done because of the race, colour or national or ethnic origin of the other person or some or all of the people in the group.

This breach of the Racial Discrimination Act also constitutes a breach of clause 1.1 of the AANA Code of Ethics that requires:

1.1 Advertising or Marketing Communications shall comply with Commonwealth law and the law of the relevant State or Territory.

Although not explicitly stated in the voiceover it is clear from the imagery that the message is "Aborigines are to blame". This message promotes racial division and sectarianism and it is a disgrace that this kind of agenda is being promoted in a public forum.

I look forward to your response.

It is racial vilification and unfairly targets Aboriginal young people as offenders. People shown in the ad can be clearly identified and most are not seen to be involved in any criminal activity but simply standing in a public place. It is demonising Aboriginal young people as criminals and violent offenders.

I was shocked to see that Channel 9 continues to air such racist propaganda. Unless acted upon swiftly an atmosphere of hate will subversively pervade our society and we could find ourselves responsible for the perpetration of crime.

It has happened before.

An Aboriginal Activist worried about the advertisement said:

"A serious repercussion of these advertisements is the effect on self-esteem and self-worth further fuelling deterioration in the mental health of Indigenous peoples particularly our youth. There is enough segregation within our society between Indigenous and non-Indigenous people... these advertisements just wedge that gap open even further." I agree.

These ads are offensive in that they vilify a group of people. They feature random Aboriginal people and paint all Aboriginal people in Alice Springs with the same brush.

Numerous complaints about the unfair racial targeting of Aboriginal youth were lodged with Imparja forcing the ads off air. However Channel 9 in Darwin is still regularly screening the same ads and they can be viewed online at: <http://www.youtube.com/user/AliceInCrisis>

A complaint to the Human Rights Commission lodged by Central Australian country music singer and Indigenous rights advocate Warren H Williams states:

"A serious repercussion of these advertisements is the effect on self-esteem and self-worth further fuelling deterioration in the mental health of Indigenous peoples particularly our youth. There is enough segregation within our society between Indigenous and non-Indigenous people... these advertisements just wedge that gap open even further."

This is racial vilification. It fosters racial discrimination, damages the self-image of Aboriginal Youth and justifies racially motivated targeting of Aboriginal youth by police.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

Background. In recent years there has been an ever-increasing amount of anti social behaviour in and around the town of Alice Springs. This is a matter of record and is well documented. This has been identified as an issue through numerous groups, including Lhere Aretepe Aboriginal Corporation who is the native titleholders for Alice Springs. This organisation run their own series of TVC's covering the same issues and asking "visitors" to respect the town. The Northern Territory Government have also funded the airing of these ads as a way to try and instill some sense of socially acceptable behaviour for those visiting and living within Alice Springs.

The issues of anti social behavior escalated dramatically in December 2010 with break in's to businesses and domestic dwelling reaching an all time high. Add to this the assembly of youth aged between 6 and 24 years old who were roaming the streets looking for trouble and you have a melting pot of despair and frustration from the town at large.

Post Christmas 2010 the anti social behaviour accelerated yet again, it was not race based it was random and rampant. The gangs of youths that congregated in the CBD after dark was a real concern in regards safety, for themselves and any one else who tried to walk the gauntlet. The break in's continued to accelerate, with the key targets being licensed premises and between the 26/12/ 2010 and the 16th of January 2011, between 4 licensed premises some 26 break inns occurred, with a damage bill of some \$55,000.

The Chamber of Commerce asked their members to complete a survey with a view to costs associated with crime over this period. As per the article published in the Advocate on Tuesday 22nd Feb, their report outlined costs of \$340,204.00

Despite pleas and numerous calls to police, politicians and council, no action was taken to curb the crime and behaviour that was fast becoming a trademark for the town.

A group of 15 concerned business leaders met to try and work a way through the mire and get the Northern Territory Government to act. The group invited Mr. Alistair Feehan the CEO of Imparja Television, an indigenous owned organisation, to produce a series of television commercials specifically aimed at the 3 relevant NT Government Ministers. The basis of the TVC's was to get the Ministers to take some action for the town.

The footage contained within the ads was shot around the CBD, over a 3 week period. The cameraman is an indigenous man, who was simply told to show a balanced view of who was on the streets between 10pm and 3 am, and to specifically target the younger children, as there is no reason a 6 to 8 year old boy or girl should be wandering the streets at that time of night.

The footage was taken on different nights and at differing times. The footage was and is a fair representation of who was on the streets.

The advertising campaign in question has been off air in Alice Springs since mid February and in Darwin from the 10th March. Action for Alice currently is dialog with Indigenous organizations (CLC / Lhere Aretepe) to work together towards improving the way of life for

all residents of our town. In fact, the campaign has brought together the community as a whole and together can provide solutions for Government to embrace. These ads will not be shown again through TV media that is authorized by Action for Alice. Action for Alice is clearly advocating Zero Tolerance. We are pressuring Government to make the necessary changes to the judicial system that targets criminals and re offending law breakers. Does this make us racists, I argue not. With regard to YouTube, Action for Alice was unaware that the ads had been uploaded and shown via this channel of media. We are currently investigating the source and will request for these ads to be removed.

LINKS

<http://www.theaustralian.com.au/news/nation/besieged-alice-springs-businesses-resort-to-razor-wire/story-e6frg6nf-1226009087102>

Ten News

http://www.youtube.com/watch?v=hO6nFwB2dqU&feature=youtube_gdata_player

Australian

<http://www.theaustralian.com.au/national-affairs/destroyed-in-alice/story-fn59niix-1226008040782>

Ted Egan

<http://www.theaustralian.com.au/national-affairs/ted-egan-sings-out-over-festering-camps/story-fn59niix-1226016168903>

<http://www.theaustralian.com.au/news/opinion/suffering-all-round-in-an-outback-town-on-the-brink/story-e6frg6zo-1226016118488>

ABC

<http://www.abc.net.au/news/stories/2010/02/05/2811603.htm>

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches section 2 of the Advertiser Code of Ethics (the “Code”).

The Board noted the complainants’ concerns that the advertisement is racist in its portrayal of Aboriginal people, incites racist hatred, is likely to intimidate Aboriginal Australians and breaches section 18(c) of the Racial Discrimination Act (Cth).

The Board reviewed the advertisement and noted the advertiser’s response. In particular the Board noted the advertiser’s response that the footage in the advertisement was shot by an indigenous Australian who was told to film a balanced view of what he saw at night on the streets of Alice Springs over a three week period, specifically focusing on younger children who should not be on the streets late at night.

The Board also noted the supporting statements from Alison Anderson MLA and Ian Conway Traditional Owner, Mpartwe. The Board noted that these supporting statements both agree that there is a serious problem in Alice Springs with children roaming the streets engaging in criminal and anti-social behaviour, and that the advertisements are true reflections of what is happening in Alice Springs and are not racist.

The Board also noted that the advertisements were produced by the local indigenous station, Imparja Television.

The Board noted that the three advertisements, whilst directed at different people (Law and Order Attorney General, Law and Order Minister Central Australia and Law and Order Minister of Police) all show the same footage of groups of youths of various ages on the streets of Alice Springs at night. The Board noted that the accompanying voice over states that the residents of Alice Springs want action and that the law should be enforced in a fair and equal manner and not based on race or paternalism. Zero tolerance. Superimposed text states ‘give these kids a chance. Give these kids a future.’

The Board considered whether the advertisement was in breach of section 2.1 of the Code. Section 2.1 of the Code states: “Advertising or Marketing Communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity...”

The Board noted the complainants’ concerns that when the voice over talks about crime and anti-social behaviour, the accompanying footage shows mostly indigenous youths, but when the voice over says, “we’re entitled to feel secure” the footage is of mostly white members of the community. The Board noted that the daytime crowd shots did include a variety of people and clearly included some indigenous people.

The Board noted that it is not its role to determine whether an advertisement breaches legislation – this is a matter for the relevant Courts. The Board’s role is to consider whether, based on its view of community standards, the advertisement discriminates against or vilifies a section of the community or person on account of that person’s race or ethnicity.

The Board considered that the advertisement’s focus is a plea to government to assist in maintaining or establishing law and order in the city of Alice Springs. The Board considered that a viewer would consider that the advertisement is attributing much of the problem with crime and disorder to young people in Alice Springs – with a large proportion of those young people being the Aborigines.

The Board agreed that some members of the community would consider that the advertisement was attributing lawlessness to indigenous people but in the Board’s view the more likely interpretation of the advertisement is that there is a problem in the community with youth of all racial backgrounds. The Board considered that the advertisement is not suggesting that lawlessness is a problem attributable solely to indigenous people – even with most of the night time images appearing to be indigenous youth.

The Board agreed that the issue of lack of enforcement and lawlessness and the suggestion of lack of facilities for young people are all controversial issues in the communities of Alice Springs, the Northern Territory and Australia more generally. However the Board considered that, although controversial, the advertisement does not present a negative depiction of indigenous people because of their Aboriginal race. The advertisement does depict a negative picture of youth in Alice Springs, primarily indigenous youth, but this is attributed to a lack

of services for young people in the community and a lack of appropriate action from law enforcement agencies.

The Board noted that all of the advertisements include pleas for government to give the youth of the city a future – although the third advertisement does this only with superimposed text and not in the voiceover.

The Board determined that, in this instance, the advertisement did not depict any material that discriminated against or vilified any person or section of society on account of their race or ethnicity. The Board determined that the advertisement did not breach Section 2.1 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.