

Case Report

1	Case Number	0088/11
2	Advertiser	Action for Alice
3	Product	Community Awareness
4	Type of Advertisement / media	Internet
5	Date of Determination	23/03/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

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 bandaids 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:

The last words of the ad ('help give these kids some hope') should be at the beginning and the ad could then indicate ways of giving the kids hope. Law and Order responses aren't solutions they perpetuate the problems. It isn't a race issue here though tragically Aboriginals are disproportionately part of the criminal justice system. Right round Australia State and Territory governments fall back on Law and Order measures for all offenders criminal or mentally ill, black or white.

To mention that we do not want another generation of "dysfunctional children" and to advocate a curfew is not the way to go. Here in Byron Bay we have children like this running amok at times and nobody calls for a curfew. More and better youth activities and programs are possibly a way to make the children feel more loved and accepted by society at large. Camp outs and Youth Activity Centres would be a way to go. Finding mentors for the children to teach them positive skills like scout leaders etc. The children are in the streets because their parents are at home too depressed to care. So we have to provide the children with some positive leadership not send them home to their stressed-out parents.

The ad is clearly racist. The people identified as criminal elements or threats are (almost) all black - they are mostly young Aboriginal people shown in the ad filmed from a distance while they play or talk. The ad gives the impression that black people are criminal and are a threat to safety. When the voiceover refers to 'our families' houses, businesses and streets' we are shown white people filmed in a comfortable looking street without menace. The ad clearly aims to present a story of white people under threat from Aboriginal people and calls on the NT Minister for Police to force police to act against Aboriginal people; by implication by locking them up.

I both object to stories like this being shown on TV (I'm informed that it is being screened on channel nine) and am offended by the racism in the ad.

This advertisement unfairly and racially targets Aboriginal youth.

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."

I am calling on you to knock the ads off the air for good.

The advertisement is racist. When law and order problems are spoken about the visual is Aboriginals when safety and protecting the community is spoken about the visuals are in busy public places dominated by white people.

Clearly they are looking for harsher punishment and administering of justice against Aboriginals!

I was offended by the advertisement because it represents Aboriginal people as violent criminals, it is derogatory and is likely to have the effect of inciting racial violence against Aboriginal people; it certainly promotes an agenda of racial vilification. It is also likely to offend and humiliate Aboriginal Australians in particular those resident in and around Alice Springs. It clearly implies that Aborigines 'are to blame' for property damage, damage to businesses and for the 'fear' of white residence when they are out in the streets at night. It is also likely to intimidate Aboriginal Australians - the red stamps of 'LAW and ORDER' demanding 'ZERO Tolerance' on the screen are threats, calls to the Attorney-General and the Minister for Police to act tough to be 'vigilant' in their punishment of 'Aborigines'.

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 believe the ad is racist and inflammatory. I believe it is offensive to most Aboriginal people and to most non Aboriginal people too.

The advertisements are racist. They could have a serious 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 a serious accusation against Aboriginal youth and has the effect of suggesting that Aboriginal youth in general go around terrorising locals and tourists. This fans racism and lowers self esteem for Aboriginal youth.

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-festerling-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, and incites racist hatred.

The Board reviewed the advertisement and noted the advertiser’s response.

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 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.

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 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 noted the advertiser's response that they will not be using these advertisements again, and that they did not authorize for the advertisements to be uploaded to YouTube and so will be requesting their removal from this site.

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.