



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
ACN 084 452 666

Case Report

1. Case Number :	0179-20
2. Advertiser :	Localsearch
3. Product :	Employment
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	10-Jun-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

DESCRIPTION OF ADVERTISEMENT

This television advertisement depicts various scenes of people in their workplaces (retail store, office, outdoor, warehouse). The voiceover states “Have a go, it’s in our DNA, it’s what makes us who we are. The ability to dust off ourselves, get back on the saddle, to roll up our sleeves, [and] just get on with the job. Nothings too hard, it’s the way we got this country started, hard work, resilience, we get on with things. We’re Aussies”.

THE COMPLAINT

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

I object to the narrator making the statement that "hard work is what this country was built on" with the images that are shown in conjunction with this. I just feel that this is dismissive of our Aboriginal history. It feels like they are saying that this country didn't really exist until colonisation by the British and that they then did the "hard work" which now encapsulates our culture. Australia was a country long before this, and to say that their actions "built" our country I think is both disrespectful and inaccurate. Perhaps this wasn't the intention of what is being said in the advertisement, but I have raised this with others who have felt the same way, so whether or not it was intentional - that is the message that is being communicated.



THE ADVERTISER'S RESPONSE

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

Please find below our response to Ad Standards case reference number 0179-20 in accordance with the attached letter dated 26/5/2020.

Our response relates to the specific complaint as follows:

"I object to the narrator making the statement that "hard work is what this country was built on" with the images that are shown in conjunction with this. I just feel that this is dismissive of our Aboriginal history. It feels like they are saying that this country didn't really exist until colonisation by the British and that they then did the "hard work" which now encapsulates our culture. Australia was a country long before this, and to say that their actions "built" our country, I think is both disrespectful and inaccurate. Perhaps this wasn't the intention of what is being said in the advertisement, but I have raised this with others who have felt the same way, so whether or not it was intention, that is the message that is being communicated."

And it's compliance under Section 2.1 of the Code of Ethics, which states:

"Prohibits discrimination or vilification against people within certain groups based on race, ethnicity, nationality, gender, age, sexual preference, religion, disability or political belief. Discrimination described unfair or lessfavourable treatment and vilification described content which humiliates, intimidates or incites hatred, contempt or ridicule. A negative depiction of a group of people in society may be found to breach section 2.1, even if humour is used."

Description of Localsearch's 'Let's Get Back to Business' Campaign

In late April 2020, Localsearch launched the 'Let's Get Back to Business' campaign. The central theme of the campaign was to show our support to our regional communities and local businesses during the COVID-19 crisis.

The advertisement featured video clips of actual Localsearch clients and business owners; including A1 SuperCheap Tyres, ASAP Glass, T&A Mechanical, Cabba Auto Electrics and SPL Security.

Due to COVID-19, we were unable to film new content for an advertisement aligning with the easing of business restrictions, so footage from past advertisements was used.

As outlined above, the intention of the advertisement was to show our support for our local communities and businesses with the commencement of easing of restrictions for



Australian businesses. This is summarised with the message to remind Australians to “Stay local, buy local” and support the local Australian business community. To further support this message, we display a link to localsearch.com.au, Localsearch’s own online directory website, which is Australian owned, to encourage this support of Australian businesses.

Localsearch’s Response to Complaint

Localsearch references the term “We’re Aussies” in our advertisement. The general acceptable definition of “Aussie” is an informal, collective, adjective term referring to a person from Australia.

This is clearly our intent in the advertisement. The collective and generalised use of the term “Aussie” in our advertisement, a person from Australia, makes no mention of any race, ethnicity, nationality, gender, age, sexual preference, religion, disability or political belief.

The complaint makes mention of a specific narration of the advertisement “It’s what this country was built on.” Our collective and generalised reference to “Aussies” is intended to include all Australians , all people from Australia, in this proud and motivating statement.

The complaint also references the use of the selected images in conjunction with the narrative. These images are video clips of actual Localsearch clients and business owners who consented to their use.

“With respect to the opinion of the complainant that “I have raised this with others who have felt the same way”, implying that the wider community would share a similar view, Localsearch confirms that we have not received any other negative complaints or communication with regards to the advertisement, and based on our direct community feedback, we believe the view of the complainant is not a representation of how the wider community has interpreted our advertisement.”

Localsearch is proud of its 25 year history serving our regional communities and local businesses and this is the first time we have received a complaint from Ad Standards. We believe the complaintive has unfortunately had a false interpretation of the advertisement and it is very clear the intent and integrity of our advertisement.

THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).



The Panel noted the complainant's concern that the advertisement is dismissive of Indigenous history and suggests that the country didn't exist until colonisation by the British.

The Panel viewed the advertisement and noted the advertiser's response.

The Panel considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.'

The Panel noted the Practice Note to Section 2.1 provides the following definitions:

"Discrimination – unfair or less favourable treatment.

Vilification – humiliates, intimidates, incites hatred, contempt or ridicule."

The Panel noted the advertiser's response that the footage in the advertisement was collated from previous advertisements as new footage cannot be filmed due to COVID19 restrictions.

The minority of the Panel considered that the advertisement features only Caucasian people, and that monocultural imagery in conjunction with the phrase "it's the way we got this country started" indicated an overall impression of the advertisement that positioned Australia as being built once it was colonised. The minority considered whether unintentional or otherwise, this theme was exclusive of Indigenous Australians and was insensitive to the extent that it would breach the Code.

The majority of the Panel also noted this view and considered that by such exclusion the advertisement may be insensitive to some members of the community. However, the majority of the Panel considered that the Code provides that an advertisement must be discriminatory or vilifying of a person or a group of people in order to breach the Code. The majority considered that by omission the content of the advertisement was exclusive of some segments of the community, but that the advertisement did not depict material which humiliates, intimidates, incites hatred, contempt or ridicule of Indigenous Australians or depicts them receiving unfair or less favourable treatment and therefore could not be found to breach the terms of the Code.

The majority of the Panel noted that it is only able to make determinations within the provision of the Code, and noted that Section 2.1 specifically states "advertisements must not *portray or depict* material..."[emphasis added]. The majority of the Panel considered that unless a segment of the population are actually shown or referenced within the advertisement, an advertisement cannot be found to breach the Code only on the basis of excluding that segment of the community (i.e., not appearing/referenced in the advertisement at all).



Overall the Panel considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race and determined that the advertisement did not breach Section 2.1 of the Code.

Finding that the advertisement did not breach any other section of the Code, the Panel dismissed the complaint.