



Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Ad Standards Limited
ACN 084 452 666

Case Report

1. Case Number :	0225-21
2. Advertiser :	Australian Bureau of Statistics
3. Product :	Community Awareness
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	11-Aug-2021
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

DESCRIPTION OF ADVERTISEMENT

This television advertisement provides information on the 2021 Australia Census and what the collected information is used for. The advertisement includes the phrase "Understanding languages used at home links migrants to community services like English lessons".

THE COMPLAINT

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

My complaint is regarding the current Australian Bureau of Statistics advertising campaign to support the rollout of 2021 Census. I would like to object to the part of the advert pertaining to the language spoken at home, where it says "It is important to us that we know what language you speak at home so we can direct you to relevant community services such as "English lessons". I consider this another example of institutionalised racism; by implication learning to speak English is a requirement of being a member of the Australian Community. Given the diversity of Ethnic backgrounds and languages spoken in Australia I find this disappointing.

THE ADVERTISER'S RESPONSE



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

SUMMARY

It is the view of the Australian Bureau of Statistics (ABS) that the 60-second television advertisement for the 2021 Census campaign does not breach any aspect of Section 2 of the AAB Advertiser Code of Ethics. While this response addresses all sub-sections, it focuses on 2.1 – Discrimination or vilification – as this appears to be the basis for the Complainant’s concerns.

Concept and message testing undertaken with culturally and linguistically diverse, Aboriginal and Torres Strait Islander and mainstream audiences found the advertisement to be inclusive and engaging.

The broader campaign was subject to rigorous independent and government approvals. This included review by the Independent Communications Committee in June 2020 against the Guidelines on Information and Advertising Campaigns by non-corporate Commonwealth entities, and approvals from a sub-Committee of Cabinet.

ABS subject matter experts, legal advisors, the Deputy Australian Statistician responsible for the Census, and the Australian Statistician reviewed and confirmed the information and messages in the campaign were accurate and independently verifiable.

BACKGROUND

The Census is the ABS’s largest statistical collection. The Census and Statistics Act 1905 requires the Australian Statistician conduct a Census every five years. The next Census is 10 August 2021, and the ABS is aiming for a 95 per cent response rate.

Census data provides a snapshot of the nation, and gives us important information about our economic, social, and cultural make-up. Data is also used to guide services for individuals, families, and communities.

One element of this is the collection of statistics on CALD communities. The 2016 Census recorded over 190 different countries of birth; 300 different languages spoken at home; 100 religions; and 300 ancestries. It found that over a quarter (26 per cent) of Australia’s population was born overseas. It is in the ABS’s interest to ensure diversity is represented in both its 2021 Census operations and communication approach, to ensure accurate data is collected.

The Census Program has a dedicated CALD strategy. This includes having specialist Engagement Managers; support in areas with a high concentration of CALD communities, including through migrant resource centres and libraries; procedures for field staff on how to approach households if there is a language barrier; and cultural awareness training for field staff.

CAMPAIGN STRATEGY



The campaign is based on the idea that the Census isn't just numbers, but what those numbers tell us – every stat tells a story. The campaign includes advertising, public relations, and operational activities.

Advertising is running in phases across television, cinema, radio, print, outdoor channels, digital and social media. Through July, advertising focused on the stories of how Census data is used by local communities and organisations. From late July through mid-August, advertising encourages people to start their Census as soon as they get instructions. From mid-August to September, advertising will remind people to complete their Census.

Media placement in CALD outlets was developed with a specialist CALD agency and the whole-of-government media buyer, Universal McCann. Media includes translated advertising in up to 29 languages across selected television, press, digital, social media, radio and limited out-of-home.

CREATIVE DEVELOPMENT

Advertising materials, including messaging in the 60-second television advertisement referred to by the Complainant, were developed with a specialist CALD agency and tested by Kantar | Public Division to ensure cultural appropriateness.

Participants described materials as communicating to everyone, including special audiences such as migrants, the elderly, and those in remote locations. There were no elements of message that were disliked, or found confusing.

Materials were seen to deliver key information about the Census, including its purpose and valid reasons why people should participate. The use of case studies was considered relatable and realistic and, in conjunction with the messaging, their breadth was described as appropriate for a topic that needs to be inclusive of all Australians. For example – 'Local birth rates help plan local playgroups that connect families' and 'understanding languages used at home links migrants to community services like English lessons.'

INDEPENDENT ASSURANCE

The campaign was subject to a rigorous assurance process via the Independent Communications Committee (ICC). It considered the formative research, communication strategy, media plan, media strategy and a response to Principles 1-4 of Guidelines on Information and Advertising Campaigns by non-corporate Commonwealth entities.

In June 2020 the ICC agreed the campaign could comply with these principles, including Principle 2 – which states that '...where information is presented as a fact, it should be accurate and verifiable.'



The message in the 60-second television advertisement that ‘...understanding languages used at home links migrants to community services like English lessons’ is based on a 2018 case study about the Australian Migrant Resource Centre (AMRC) in Naracoorte. The case study includes an interview with multicultural community service coordinator, Jenny Stirling, who used Census data on ancestry, religion, languages other than English and other Census data to inform local AMRC services. The reference to “English lessons” is based on a) the AMRC’s use of Census data to apply for a funding grant to develop a conversational English class for newly settled women from Afghanistan and b) 2020 reforms to the Commonwealth Government’s Adult Migrant English Program (AMEP), which will “continue to improve English language skills”. The word ‘migrant’ and phrase ‘like English lessons’ was approved by the Settlement Branch at the Department of Home Affairs in February 2021.

Along with other advertising materials, the 60-second television advertisement was also reviewed by an independent legal advisor to ensure its compliance with Principle 5 of the Guidelines. Principle 5 requires confirmation that the campaign complies with all relevant laws and relevant codes of practice. The advice considered offence to people from a culturally and linguistically diverse background or provocation based on ethnic origin, race or religion and did not identify any material of concern.

GOVERNMENT APPROVALS

Advertising materials, including all creative and messaging, were approved at various stages of development by a sub-Committee of Cabinet. Final materials were approved in May 2021.

RESPONSE TO OTHER SECTION 2 SUB-SECTIONS

- *2.2 – Exploitative or degrading: not present in any advertisement.*
- *2.3 – Violence: not present in any advertisement.*
- *2.4 – Sex, sexuality, and nudity: not present in any advertisement.*
- *2.5 – Language: no issues present in any advertisement.*
- *2.6 – Health and Safety: no issues present in any advertisement.*
- *2.7 – Distinguishable as advertising: advertisements include an authorisation statement to identify them as such, as required by laws with respect to broadcasting and media. As agreed by government, this statement is ‘Authorised by the Australian Bureau of Statistics, Canberra.’*

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 an example of institutionalised racism, through the suggestion that migrants should get English lessons.



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

Section 2.1: Advertising or Marketing Communication 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, gender, age, sexual preference, religion, disability, mental illness or political belief.

The Panel noted the AANA Practice Note which provides guidance on the meaning of:

- Discrimination - unfair or less favourable treatment
- Vilification - humiliates, intimidates, incites hatred, contempt or ridicule
- Race - viewed broadly this term includes colour, descent or ancestry, ethnicity, nationality, and includes, for example, ideas of ethnicity covering people of Jewish or Muslim origin

Does the advertisement portray material in a way which discriminates against or vilifies a person on account of race?

The Panel acknowledged that there is a historical basis and a negative narrative in Australian relating to institutions forcing migrants to learn English, and that migrants should learn English to become part of Australian society, however considered that this narrative is not a part of this ad.

The Panel noted that the reference to English lessons in the advertisement is in the context of an example of a service that may be of use to migrants, and not a negative suggestion that all migrants need to access English lessons.

The Panel considered that the advertisement is about the ability of people to access this service where there is a need, and there is nothing in the language that is negative or suggests that migrants who cannot speak English are deserving of unfair or less favourable treatment, or which humiliates, intimidates or incites hatred, contempt or ridicule of anyone who cannot speak English.

Section 2.1 conclusion

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

Conclusion

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