MASTER OF PUBLIC POLICY
CAPSTONE PROJECT

Examining the Role of Electoral Systems in the Policy Influence of Aboriginal Populations:
A Comparative Analysis of the Canadian, Australian, and New Zealand Cases

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Capstone Executive Summary

In the 2015 federal election, a surprising emphasis was placed on Canada's electoral system. In fact, Justin Trudeau committed to making 2015 the last federal election decided under the Single-Member-Plurality (SMP) system. While much of the criticism around SMP in Canada has been centered on the fact that the winner-take-all system leads to many votes being inconsequential, less attention has been devoted to how this system often fails to represent minority peoples and communities. However, despite this disconnect in motivations to change the SMP system, both shortfalls could potentially be rectified under more proportionate voting rules.

This paper examines the Aboriginal populations of Canada, Australia, and New Zealand in order to determine what effect more proportional electoral systems have on the well-being of these populations as well as the resulting policy influence they enjoy. Available data on education, health, housing, and income are analyzed in order to compare the well-being of Aboriginal and non-Aboriginal populations, as well as identify any gaps in positive outcomes.

This data is then compared to levels of political engagement and voter turnout under each nation's electoral system. Australia currently uses the Full Preferential Vote and Single Transferable Voting systems while New Zealand uses a Mixed Member Proportional (MPP) system to determine election results. Although data regarding Aboriginal voter participation in Canada and Australia is limited, data shows that Māori participation in New Zealand's federal electoral system is fairly high. However, Aboriginal voter turnout has fallen since the introduction of MPP to New Zealand in 1993, which calls into question the real effect on minority representation under more proportional systems.

Despite this, analysis of newspaper coverage and government agency news releases show that the Māori appear to be the most influential of the three Aboriginal populations as it relates to influencing specific Aboriginal policies. The Canadian Aboriginal population also enjoys substantial influence, although much of this appears to stem from the legal obligations that the Canadian federal government has to Canadian Aboriginal peoples. The lack of Constitutional recognition of the Australian Aboriginal people appears to have stifled the policy influence held by the population, despite using electoral systems that often allow for a greater degree of minority representation and influence. I conclude that a combination of proportionate voting rules as well as legal recognition of Aboriginal communities is needed to create the optimal conditions of policy influence.

1 INTRODUCTION

Justin Trudeau was elected on a platform commitment to change Canada's Single-Member-Plurality (SMP) electoral system. He also made a commitment to work nation-to-nation with Aboriginal communities in order to continue the process of reconciliation. This suggests that any major reform to the Canadian electoral system should thoroughly consider the potential effects on Aboriginal[1] communities. This requires a balance between acknowledging the right to self-government that these communities hold, while also recognizing that they are significant stakeholders in Canadian policy.

This is challenging, given that there is a strong tension between the Canadian values of multiculturalism and participation in the democratic system and Aboriginal concerns of assimilation, alienation, and the legitimacy of the Canadian state in the affairs of Aboriginal life. The nation-to-nation construct of Canadian-Aboriginal relations is meant to address this tension; however, it is difficult to ascertain the balance that exists between self-government and the political representation of Aboriginal Canadians in Canada's federal government.

Furthermore, it must be acknowledged that this balance will likely be different between and within Aboriginal communities, meaning that any electoral reform must take into account the differences between Aboriginal communities across the country. This includes different attitudes toward the Canadian government, different levels of federal

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[1] Indigenous and Northern Affairs Canada, "Aboriginal Peoples and Communities," last modified September 1, 2016, https://www.aadnc-aandc.gc.ca/eng/1100100013785/1304467449155. The term "Aboriginal" includes all First Nations, Inuit, Métis, and non-Status Indians, as outlined by Indigenous and Northern Affairs Canada.

and Aboriginal political participation, and differences between rural and urban Aboriginal populations.

This urban and rural dimension is particularly interesting, as in each location, Aboriginal individuals and communities are likely to face varying, though overlapping, challenges in representation. In an urban setting, Canadian laws and policies heavily influence city life, which complicates the concept of self-government. In this sense, it is important to ask whether the electoral system provides the opportunity for these Canadians to be represented, should they choose to participate. Additionally, it could be argued that institutional structures of Aboriginal governance, such as the Assembly of First Nations (AFN), are better suited for representing rural populations. This is demonstrated by the fact that reserve-based chiefs across Canada elect the leader of the AFN. The AFN states that there are 634 First Nation reserves which have First Nations governments that are represented in the AFN.[2] Indigenous and Northern Affairs Canada (INAC) states that there are currently over 120 urban reserves across the country.[3] This title is given to reserves that exist within or adjacent to urban centres. However, even if all 120 urban reserves were represented by the AFN, the ratio of rural to urban representation would still be over 5:1.

So, while the experiences of urban Aboriginal Canadians and the challenges they face are certainly significant, the experiences of rural communities are equally important. For instance, a 2013 United Nations investigator described Canadian reserves as being in a

[2] Assembly of First Nations, "Description of the AFN," accessed February 29, 2016, http://www.afn.ca/en/about-afn/description-of-the-afn.
[3] Indigenous and Northern Affairs Canada, "Backgrounder - Urban Reserves: A Quiet Success Story," last modified September 15, 2010, https://www.aadnc-aandc.gc.ca/eng/1100100016331/1100100016332.

"crisis" situation, citing high on-reserve suicide rates and poor housing conditions.[4] This suggests that while institutions of Aboriginal governance may be better suited for the rural context, they have not necessarily been successful in improving the well-being of these communities. It is clear that self-governance is complicated in both urban and rural environments.

This capstone will address the question of whether or not the current structures of governance available to Aboriginal Canadians encourage Aboriginal participation in Canadian politics; specifically, if participation is used to influence policy outcomes. This question is addressed in three stages. First, the current balance between self-government and participation in the federal electoral system for Aboriginal-Canadian citizens is explored, along with how community location may effect this balance. Second, through an analysis of existing data on indicators of well-being among Aboriginal-Canadians, I determine whether the current balance between modes of governance has been effective in promoting the well-being of these populations. Lastly, I will explore what types of electoral reform could have the potential to facilitate this balance in a way that would better address the needs of different Aboriginal communities. To answer these questions, I examine Aboriginal participation in both forms of governance in Canada, as well as attitudes towards political participation in both rural and urban environments. I then compare this to the experiences of Aboriginal populations in Australia and New Zealand with different electoral systems to determine whether this has an effect on political participation and outcomes associated with well-being for Aboriginal populations.

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[4] Christina Commisso, "Canada Faces a 'Crisis' on Aboriginal Reserves: UN Investigator," *CTV News,* October 15, 2013, http://www.ctvnews.ca/canada/canada-faces-a-crisis-on-aboriginal-reserves-un-investigator-1.1497612.

This capstone is comprised of six sections, following the introduction. The first section takes a brief look at why electoral systems matter for representation as well as Canadian attitudes towards what is desirable in an electoral system. The second section examines existing data on the Canadian Aboriginal population, and will attempt to break this data down into the categories of urban, rural, on reserve, and off reserve in order to explore differences between communities. Data on current demographics will be presented along with data regarding various indicators of well-being in order to ascertain likely policy opportunities exist within Aboriginal populations. The third section looks at the available data on Aboriginal political participation in Canada, how Aboriginal Canadians are represented in the Canadian government, as well as attitudes held towards governance systems. The fourth and fifth sections are case studies on Australia and New Zealand, respectively, two nations that also have significant Aboriginal populations, but markedly different federal electoral processes. These sections will explore similar data as the Canadian case. The final section will be a comparative analysis of the well-being, participation, attitudes, and policy aims and outcomes of the Canadian, Australian, and New Zealand cases. Through comparing the available data, this section aims to determine if the electoral process and available pathways to representation influence the ability of Aboriginal populations to use political participation as a means to influence policy decisions and outcomes.

I conclude that formal inclusion in the institutions of federal governance, such as guaranteed Aboriginal seats in New Zealand's parliament, provide a significant platform for policy influence. However, it is also possible that this guaranteed representation, or even proportional representation, is not necessary if there is an existing legal framework of

obligations between Aboriginal populations and government. In the absence of both of these tools, however, Aboriginal populations may experience difficulty in meaningful inclusion in the policy-making process, as in the Australian case.

2   WHY ELECTORAL SYSTEMS MATTER

Before exploring the different case studies, it is important to understand why it is that a nation's choice of electoral system matters. In simple terms, the way that votes are counted in any given electoral system will necessarily effect the way that those votes are translated into seats, and therefore, how the electorate is represented in government. In order to demonstrate this point, the 2015 Canadian federal election will be used to show how the same votes, when counted differently, lead to different outcomes.

Table 2.1 shows the popular vote won by each party in the Canadian 2015 election, as well as how this popular vote did and would translate into seats in 3 different systems. For the moment, what these systems are and how they work is not of importance. The purpose is simply to demonstrate the wide range in seats that can be won by the same popular vote under different electoral rules. For instance, the Liberal Party of Canada, with a popular vote of 40 per cent, could be awarded between 136 and 217 seats – a difference of over 80 seats – depending on the way votes are counted and seats are awarded. Further, while this 81-seat difference would certainly be significant even for an already successful party such as the Liberals, the variation is perhaps even more important for smaller parties. With three per cent of the popular vote, the Green Party is capable tripling its seats under different electoral rules. While this gain in seats would still leave the Green Party as a minority in parliament, three seats are certainly more influential than one.

Table 2.1: 2015 ELECTION SEATS WON UNDER DIFFERENT ELECTORAL SYSTEMS

	Liberal Party of Canada	Conservative Party of Canada	New Democratic Party	Bloc Québécois	Green Party of Canada
POPULAR VOTE	**40%**	**32%**	**20%**	**5%**	**3%**
SMP SEATS (CURRENT)	184	99	44	10	1
Per cent of seats	54	30	13	3	0.3
ALTERNATIVE VOTE	202	83	46	6	1
Per cent of seats	60	25	14	1.7	0.3
PARTY LIST PROPORTIONAL REPRESENTATION	144	108	67	16	3
Per cent of seats	43	32	20	4.7	0.9

Source: Data from Fairie (2016).

The Goals of an Electoral System

While it is clear that the choice of electoral system will affect the result of elections, it is less clear which system is theoretically preferable. This is because any preferences regarding electoral systems will be predicated on ideas about what the goals of these systems should be. In their article on preferences towards electoral systems amongst academics, Shaun Bowler and David M. Farrell explore why some experts on electoral systems prefer one system over others, as well as what priorities these preferences embody. As seen in Table 2.2, the academics who study electoral systems believe that different strengths can be found in different systems, and that no one system is unequivocally preferable over the others. For instance, an overwhelming majority of respondents ranked the SMP system as among the best at creating conditions for effective government, accountability, constituency service, and cohesive parties; however, it does so at the expense of proportionality and minority representation. Similarly, while the Party

List system scores 100 per cent in the top ranking for proportionality, it falls significantly short on the accountability and constituency service criteria.

These differences in the strengths and weaknesses of electoral systems illustrate the fact that any choice of electoral system involves a trade-off. Table 2.3 shows respondents' preferences between certain potential outcomes of electoral systems. When analyzing these preferences, the difficulty in finding the right system becomes evident. For example, while a lower proportion of respondents agreed with the statement that "more agreement and working together between parties" should be prioritized, a majority of respondents, at the same time, agreed that "it is important for a government to gain stability through consensus." These priorities appear to be somewhat incompatible, and demonstrate the difficulty in determining what is truly desirable in an electoral system.

While it is interesting to see how those who study electoral systems attempt to balance these preferences and priorities, it is more important to look at the preferences of the electorate itself to determine what is desirable in a system; this is because the choice to reform the electoral system would likely be decided through a national referendum.[5] Several polls and studies have been undertaken in order to determine what Canadians think is important in an electoral system and whether or not the current system should be changed. Table 2.4 shows that over 80 per cent of those surveyed by Abacus Data in 2015 thought that some change was needed in the electoral system, with most respondents believing that minor changes are required. Table 2.5 outlines the top five responses of the goals of a voting system as perceived by Canadians. The top section of the table shows the

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[5] Patrice Dutil, "Without a Referendum, Electoral Reform is Unconstitutional," *The Globe and Mail,* June 23, 2016, http://www.theglobeandmail.com/opinion/without-a-referendum-electoral-reform-is-unconstitutional/article30571341/.

responses given by all respondents, while the bottom section shows the difference in

responses given by those respondents who also responded that the Canadian system of

voting needs to be changed. While many goals remain the same between both groups, it

appears that those who desire change do not think the current system meets the goal of

ensuring that seats won in Parliament closely reflect parties' levels of nation-wide support.

Table 2.2: PER CENTAGES OF RESPONDENTS RATING SYSTEMS AS BEING IN THE TOP, MIDDLE, AND BOTTOM THIRD OF ELECTORAL SYSTEMS FOR PERFORMANCE ON GIVEN CRITERIA

		ELECTORAL SYSTEM			
CRITERION	RANKING	Single Member Plurality	Single Transferable Vote	Mixed Member Plurality	List
PROPORTIONALITY	Top	5	97	89	100
	Middle	14	1	9	
	Bottom	81	2	2	
EFFECTIVE GOVERNMENT	Top	84	**47**	71	*60*
	Middle	7	**24**	16	*5*
	Bottom	10	**29**	13	*32*
ACCOUNTABILITY	Top	85	**52**	*62*	**47**
	Middle	7	**19**	*15*	**13**
	Bottom	8	**29**	*24*	**40**
CONSTITUENCY SERVICE	Top	87	63	*66*	**40**
	Middle	9	9	*13*	**6**
	Bottom	5	27	*21*	**51**
MINORITY REPRESENTATION	Top	15	95	93	97
	Middle	14	4	5	2
	Bottom	7		2	1
COHESIVE PARTIES	Top	76	**42**	84	81
	Middle	10	**16**	9	8
	Bottom	14	**41**	6	11

Source: Reproduced from Bowler and Farrell (2008, table 4).
Note: Figures in bold represent properties where agreement is shared by 50 per cent or fewer respondents. Figures in italic represent properties where agreement is shared by 60-70 per cent of respondents.

Table 2.3: PAIRS OF ANTAGONISTIC PRIORITIES OR POLITICAL OUTCOMES AND HOW RESPONDENTS RATE THEIR IMPORTANCE, IN PERCENTAGES

	STRONGLY AGREE/PREFER			NEUTRAL		STRONGLY AGREE/PREFER		
	1	**2**	**3**	**4**	**5**	**6**	**7**	
Clear difference between parties	14	31	17	13	12	9	4	More agreement and working together between parties
One party in government	10	15	12	29	12	12	9	Two or more parties in government
It is important for a government to be strong and stable even if it means it sometimes rides roughshod over all opposition	3	7	18	12	27	24	9	It is important for a government to gain stability through consensus even if this means sometimes problems take a very long time to solve
Allow individual candidates to run personal campaigns and cultivate a personal vote	5	8	26	12	24	24	10	Ensure that parties are central actors in the campaign

Source: Reproduced from Bowler and Farrell (2008, table 8).
Note: Question asked was "different electoral systems often imply different kinds of trade-offs, or provide for the possibility of different kinds of political outcomes. We're interested in knowing which kinds of priorities matter more for you in an electoral system.

Table 2.4: CANADIAN RESPONDENTS' BELIEFS ON THE NECESSITY OF ELECTORAL REFORM

NEED FOR CHANGE	PERCENTAGE OF RESPONDENTS
The system needs to be changed completely	9
The system needs major changes	33
The system needs minor changes	41
The system works well and does not need to be changed	17

Source: Data from Coletto and Czop (2015, 4).
Note: Question was, "based on what you know and feel about the way we elect members of Parliament, which of the following statements comes closest to your view?"

Table 2.5: TOP FIVE GOALS OF VOTING SYSTEMS, ACCORDING TO CANADIANS, 2015

ALL RESPONDENTS Goal	PROPORTION OF RESPONDENTS RANKING THE GOAL IN THEIR TOP 5
The ballot is simple and easy to understand	55%
The system produces stable and strong governments	51%
The system allows you to directly elects MPs who represent your community	46%
The system ensures that the government has MPs from each region of the country	43%
The system ensures that the number of seats held by a party in Parliament closely matches their actual level of support throughout the country	41%
AMONGST RESPONDENTS WHO WANT TO CHANGE THE SYSTEM (Major and minor changes)	
The system ensures that the number of seats held by a party in Parliament closely matches their actual level of support throughout the country	50%
The ballot is simple and easy to understand	49%
The system produces stable and strong governments	46%
The system ensures seats in Parliament reflect the proportion of the vote a party receives nationally	46%
The system makes it easy to get rid of governments that are out of sync with the population	42%

Source: Data from Coletto and Czop (2015, 9-10)
Note: Question asked was "please choose five of the goals of a voting system that are most

important to you personally."

One possible response provided as a goal for a voting system was that "the system makes it easier to elect more women and people from diverse backgrounds to Parliament."[6] However, only 22 per cent and 24 per cent of all respondents and those who want change, respectively, chose this statement as one of their top five goals. This suggests that, while some Canadians do want to transition to a system which is more representative of the popular vote, they are not expressly concerned with doing so as a way to increase minority representation. Therefore, it is possible Canadians would be supportive of an electoral system that allows for, or even guarantees, a significant degree of Aboriginal participation. However, it is also possible that Canadians are more interested in this result as a by-product of electoral reform rather than an express goal of it.

3   THE CANADIAN ABORIGINAL POPULATION

This section provides an overview of the available data regarding the Canadian Aboriginal population including demographic trends and indicators of well-being. The data is compared to that of the non-Aboriginal Canadian population in order to identify the differences between these populations as well as existing gaps in areas including education, health, housing, and income. This data is analyzed alongside statements from prominent Aboriginal organizations, including the AFN and the National Aboriginal Economic Development Board (NAEDB), to determine potential policy goals of Aboriginal political organizations and communities.

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[6] David Coletto and Maciej Czop, *Canadian Electoral Reform: Public Opinion on Possible Alternatives*, (Ottawa: Abacus Data, 2015), 9-10, https://d3n8a8pro7vhmx.cloudfront.net/broadbent/pages/4770/attachments/original/1448994262/Canadian_Electoral_Reform_-_Report.pdf?1448994262.

The Canadian Aboriginal Population: Key Demographics and Trends

Data from the 2011 National Household Survey (NHS), as displayed in Tables 3.1 and 3.2, shows that in 2011, 4.3 per cent of the Canadian population, or 1,400,685 individuals claimed an Aboriginal identity.[7] Of this number, 60.8 per cent of the Aboriginal population identified as First Nations, 32.3 per cent identified as Métis, and 4.2 per cent identified as Inuit.[8] These groups represent 2.6. 1.4, and 0.2 per cent of the total Canadian population, respectively.[9] While comprising a relatively small share of the total Canadian population, the Aboriginal population increased by 20.1 per cent between 2006 and 2011; this is significantly higher than the 5.2 per cent growth seen in the non-Aboriginal population.[10] It must be noted, however, that some of this recent growth is often attributed to an increase in self-reporting of Aboriginal identity or Aboriginal ancestry.[11]

While there are many dimensions of difference across Canadian Aboriginal groups, a useful distinction to make is place of residence. According to the 2011 NHS, almost on half of Registered First Nations[12] people lived on a reserve or settlement.[13] Despite this, Canadian Census data shows that off reserve Aboriginal individuals have been the fastest

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[7] Statistics Canada, 2011a, *Aboriginal Peoples in Canada: First Nations People, Métis and Inuit,* Statistics Canada, catalogue no. 99-011-X, last modified December 23, 2015, https://www12.statcan.gc.ca/nhs-enm/2011/as-sa/99-011-x/99-011-x2011001-eng.cfm. According to Statistics Canada, "Aboriginal identity" is held by those Canadians who report being an Aboriginal person (including First Nations, Métis, or Inuit), and/or a Registered or Treaty Indian under the *Indian Act* of Canada, and/or a member of a First Nation or Indian band.

[8] Statistics Canada, 2011a, *Aboriginal Peoples in Canada.*

[9] Ibid.

[10] Ibid.

[11] Ibid. Statistics Canada defines Aboriginal ancestry as reporting an Aboriginal group as an ethnic origin, of which a person may have more than one.

[12] Those First Nations individuals who are registered with the federal government as per the Indian Act are considered to be Registered First Nations. They are also sometimes referred to as Status Indians.

[13] Statistics Canada, 2011a, *Aboriginal Peoples in Canada.*

growing segment of Canadian society from 1996-2011.[14] According to INAC, Aboriginal

populations have a high level of mobility, and frequently "churn: to, from, and within

cities."[15] This level of mobility, however, will certainly be different for different Aboriginal

communities.

Table 3.1: URBAN AND RURAL ABORIGINAL POPULATIONS BY HERITAGE GROUP

	FIRST NATIONS (ON RESERVE)	FIRST NATIONS (OFF RESERVE)	FIRST NATIONS (TOTAL)	INUIT	MÉTIS	ABORIGINAL (TOTAL)	NON-ABORIGINAL
Canada	**320,030**	**531,525**	**851,560**	**59,440**	**451,800**	**1,400,685**	**31,451,635**
Rural	278,080	119,255	397,340	33,400	130,730	571,290	5,626,540
Urban	41,950	412,270	454,220	26,040	321,070	829,395	25,825,095
PERCENTAGES OF TOTAL CANADIAN POPULATION							
Canada	0.97%	1.62%	2.59%	0.18%	1.38%	4.26%	95.74%
Rural	0.85%	0.36%	1.21%	0.10%	0.40%	1.74%	17.13%
Urban	0.13%	1.25%	1.38%	0.08%	0.98%	2.52%	78.61%
PERCENTAGES OF CANADIAN ABORIGINAL POPULATION							
Canada	22.85%	37.95%	60.80%	4.24%	32.26%		
Rural	19.85%	8.51%	28.37%	2.38%	9.33%	40.79%	
Urban	2.99%	29.43%	32.43%	1.86%	22.92%	59.21%	

Source: Data from the National Aboriginal Economic Development Board (2015, table 35).

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[14] Indigenous and Northern Affairs Canada, "Urban Aboriginal Peoples," last modified December 1, 2014, https://www.aadnc-aandc.gc.ca/eng/1100100014265/1369225120949.
[15] Ibid.

Table 3.2: ABORIGINAL AGE DEMOGRAPHICS AND POPULATION GROWTH

	ABORIGINAL POPULATION	NON-ABORIGINAL POPULAT
POPULATION GROWTH		
2006-2011	20.10%	5.20%
2011 POPULATION	1,400,685	31,451,635
AGE DEMOGRAPHICS		
14 and under	392,105	5,200,695
Per cent of population	28	17
15-24	254,515	4,069,550
% of population	18%	13%
25-64	671,375	17,712,545
% of population	48%	56%
65 and over	82,685	4,468,850
% of population	6%	14%
MEDIAN AGE	27.7	40.6

Source: Data from Statistics Canada (2011b).

Another dimension of difference to consider with regard to residence is whether communities are located in a rural or urban environment. This can be difficult to ascertain, as different definitions of "urban" and "rural" are often used for the purpose of data collection. In 2011, Statistics Canada transitioned to using "population centres."[16] A population centre is defined as "as an area with a population of at least 1,000 and a density of 400 or more people per square kilometre," and all areas outside of this are considered to be rural.[17] While this change was intended to add a level of consistency to the data collected, it does not appear to have been adopted consistently by other government agencies, such as INAC, or by non-governmental organizations. Despite this problem in terminology, it is clear that the urban Aboriginal population is growing quickly, and has surpassed the rural population. According to 2011 NHS data, as displayed in Table 3.1, close to 60 per cent of Aboriginal peoples live in urban locations.

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[16] Statistics Canada, 2011c, "From Urban Areas to Population Centres," *Definitions, Data Sources, and Methods,* last modified April 2, 2015, http://www.statcan.gc.ca/eng/subjects/standard/sgc/notice/sgc-06.
[17] Ibid.

An additional important demographic dimension of the Canadian Aboriginal population is age. As shown in Table 3.2, the Aboriginal population is much younger than non-Aboriginal Canadians.[18] This is important as it suggests that the policy needs of Aboriginal Canadians likely vary from non-Aboriginal populations, simply based on the differences in age demographics and the corresponding social services required for these age groups. Further, the young age demographic of the Aboriginal population suggests that the high rate of population growth over the period 2006-2011 cannot be solely attributed to an increase in claims of Aboriginal identity.

The challenges in the collection of national data on Aboriginal populations must be acknowledged; one of the more significant is "incompletely enumerated reserves" that occur as a result of enumeration being not permitted or interrupted.[19] In the 2011 NHS, for instance, 36 out of 863 inhabited reserves were incompletely enumerated.[20] Because many of the people living on these incompletely enumerate reserves are First Nations individuals, the data on First Nations peoples resulting from these surveys is somewhat incomplete.[21] Despite this, Statistics Canada data is a useful starting point for understanding basic demographic trends and changes, especially when supplemented with other sources.

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[18] Statistics Canada, 2011a, *Aboriginal Peoples in Canada.*
[19] Ibid.
[20] Ibid.
[21] Ibid.

The Canadian Aboriginal Population: Key Indicators

Community Well-Being

INAC uses NHS data to construct Community Well-Being (CWB) indexes to measure and compare the well-being of specific communities by examining and scoring indicators of socio-economic well-being. These indicators include education, labour force activity, income, and housing.[22] From 1981 to 2011, the CWB scores received by First Nations communities rose from 47 to 59, out of a possible 100 points.[23] Over this same period, the CWB scores for non-Aboriginal communities rose from 67 to 79.[24] So, while the scores of both groups have been rising at about the same rate, the gap between First Nation and non-Aboriginal communities has not narrowed. In 2011 the lowest First Nations WCB scores were in the Prairie Provinces, and the highest scores were in Yukon communities.[25] This demonstrates regional disparities within Aboriginal communities, which add another dimension of difference.

Education

Data from the 2012 Aboriginal People's Survey (APS)[26] shows that while the percentage of the Aboriginal population with a high school diploma or equivalent was lower than the 89 per cent rate for the non-Aboriginal population, there was significant

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[22] Indigenous and Northern Affairs Canada, "The Community Well-Being (CWB) Index," last modified February 8, 2016, https://www.aadnc-aandc.gc.ca/eng/1100100016579/1100100016580.
[23] Indigenous and Northern Affairs Canada, "The Community Well-Being Index: Summary of Trends in First Nation Communities, 1981-2011," last modified April 2, 2015, https://www.aadnc-aandc.gc.ca/eng/1345831790207/1345831913077/.
[24] Ibid.
[25] Ibid.
[26] Responses gathered from the NHS are used to target those with Aboriginal identity or ancestry in order to provide a sample for the Aboriginal Peoples Survey (APS). The APS is a national survey though INAC that targets Aboriginal people aged six and above who are living off-reserve. The survey aims to gather information on subjects such as education, income, gender, health, and labour force participation, and data is often compared to that of the non-Aboriginal population from the NHS.

variation between Aboriginal groups.[27] The high school completion levels among First Nations, Métis, and Inuit populations were 72 per cent, 77 per cent, and 42 per cent, respectively.[28] Furthermore, those First Nations and Métis people who completed their high school education made $10,000 more per year than those who did not; this number was $20,000 for Inuit respondents.[29] Table 3.3 shows various levels of educational attainment for the Aboriginal and non-Aboriginal populations. The most significant gaps between the populations appear in the levels of university degrees earned (9.8 per cent compared to 26.5 per cent) and the proportion of populations with no certificate, diploma, or degree (28.9 per cent compared to 12.1 per cent).

Table 3.3: EDUCATIONAL ATTAINMENT LEVELS, ADULTS AGED 25-64

	ABORIGINAL	NON-ABORIGINAL
Number of adults aged 25-64	**671,375**	**17,712,545**
Per cent of population with post-secondary qualifications	**48.4**	**64.7**
Trades certificate	14.4	12
College diploma	20.6	21.3
University certificate/diploma below Bachelors level	3.5	4.9
University degree	9.8	26.5
Per cent of population with high school diploma or equivalent as highest qualification	**22.8**	**23.2**
Per cent with no certificate, diploma, or degree	**28.9**	**12.1**

Source: Data from Statistics Canada (2011d).

The 2008-2010 Regional Health Survey (RHS), executed by the First Nations Information Governance Centre (FNIGC), contains data on the educational status of on

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[27] Statistics Canada, 2013, "The Education and Employment Experiences of First Nations People Living Off Reserve, Inuit, and Métis: Selected Findings from the 2012 Aboriginal Peoples Survey," *The Daily*, November 25, http://www.statcan.gc.ca/daily-quotidien/131125/dq131125b-eng.htm.
[28] Ibid.
[29] Ibid.

reserve Aboriginal populations.[30] It also links these educational outcomes with reasons for moving away from reserve communities. For all ages, employment and education are significant drivers for moving away from reserves; further, men tend to move for employment reasons, while education is more of a factor for women.[31] This need to move away from reserves to pursue an education may help to explain why 48 per cent of on reserve respondents aged 18 to 29 possess a level of educational achievement lower than a high school diploma.[32] Further, the proportion of on reserve respondents with less than a high school level of education increase by around 20 per cent when you move from an urban to a remote community, suggesting that the lack of educational opportunities is even more acute in remote settings.[33] While the survey does not ask where these individuals move, it is reasonable to infer that the lack of educational and employment opportunities on reserve are contributing factors for the urbanization of the Canadian Aboriginal population as well as the lower rates of educational achievement.

Health

Table 3.4 shows self-reported health responses into very good or excellent and fair or poor, leaving out the respondents from all populations that report "good" health and

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[30] The First Nations Information Governance Centre has been collecting data of on reserve First Nations communities since 1997 through the First Nations Regional Health Survey. The survey was developed on the premise that information on the wellness of Aboriginal communities would continue to be unreliable so long as the First Nations communities themselves were excluded from the design and execution of the process. In the 2008-2010 Phase 2 of the Regional Health Survey, 21,757 individuals and 216 communities participated across eight provinces and two territories.

[31] First Nations Information Governance Centre, Regional Health Survey 2008/10a, *Main Reasons FNs Adults Moved Away from their First Nations Community by Age Group and Gender,* FNIGC Data Online, accessed May 6, 2016, http://data.fnigc.ca/online.

[32] First Nations Information Governance Centre, Regional Health Survey 2008/10b, *Educational Achievement of First Nations Adults by Age and Gender*, FNIGC Data Online, accessed May 6, 2016, http://data.fnigc.ca/online.

[33] First Nations Information Governance Centre, Regional Health Survey 2008/10c, *Highest Level of Education by Community Remoteness,* FNIGC Data Online, accessed May 6, 2016, http://data.fnigc.ca/online.

instead reports the extremes. This is done because, often times, the "good" responses are

grouped either alongside the very good and excellent responses or the fair and poor

responses in a way that makes the results appear either overwhelmingly good or bad. By

leaving out these responses, the data shows the proportions of each population that have

placed themselves in either the top two or bottom two tiers of health. The data presented

in the table confirms that the general Canadian population is more likely to perceive their

health positively (in the top two tiers) and less likely to perceive their health negatively (in

the bottom two tiers) than on-reserve and urban Aboriginal populations. However, it

should be noted that the available data was collected in different years and in some cases

included different age groups in the measure.[34]

Table 3.4: PERCEPTIONS OF PHYSICAL AND MENTAL HEALTH

	PERCEIVED PHYSICAL HEALTH Very good or excellent	Fair or poor	PERCEIVED MENTAL HEALTH Very good or excellent	Fair or poor
PERCENTAGE OF CANADIAN RESPONDENTS (2012) (a)	59.9	10.9	71.7	5.7
PERCENTAGE OF ABORIGINAL RESPONDENTS (2012) (b)	-	-	58.4	11.4
On Reserve (2008/10)(c)	44.1	23.1	-	-
Urban (2010) (d)	46	22	-	-

Sources: Data from (a) Statistics Canada (2014a); (b) Statistics Canada (2012); (c) First
Nations Information Governance Centre (2008/10d); (d) Environics Institute (2010, 114).

For on reserve respondents, those reporting "good/fair/poor" health were over 13

and 18 per cent higher, for males and females, respectively, than those respondents of the

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[34] For the general Canadian population data, responses were gathered from the population aged 12 and over.
For the Aboriginal population, responses were gathered from those aged 18 and over.

general Canadian population.[35] This suggests a small but significant decrease in perceived health for on-reserve Aboriginals when compared to the general Canadian population. For urban populations, the Urban Aboriginal Peoples Survey (UAPS)[36] shows that those reporting better health are overwhelmingly younger Aboriginal people, have a university education, and have higher incomes.[37]

With regards to mental health, six in ten urban respondents claimed to be "very happy," and only 5 per cent of participants were "not very" or "not at all" happy.[38] However, urban populations were found to be challenged by feelings of discrimination and negative stereotyping; this was described by the study as the most "single urban Aboriginal experience," which did not change from city to city or between Aboriginal groups.[39] These feelings were also found in on-reserve populations. When asked about psychological distress, 63.6 per cent of respondents reported moderate of high levels of destress due to experiencing racism, and 71.8 and 69.8 per cent reported the same stress due to physical and verbal aggression, respectively.[40] Table 3.4 shows that Aboriginal respondents are twice as likely as the general Canadian respondents to perceive their own mental health negatively.

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[35] First Nations Information Governance Centre, Regional Health Survey 2008/10d, *Self-reported Health, by Age, among FNs Adults,* FNIGC Data Online, accessed May 6, 2016, http://data.fnigc.ca/online.

[36] The study is aimed at the Urban Aboriginal population, and 2,614 First Nations, Métis, and Inuit individuals living in 11 Canadian cities have participated in interviews. The study used 2006 Census data to target adult individuals based on Aboriginal identity, age, gender, and education. The survey focuses mainly on themes including community, culture, education, work, health, justice, political engagement, discrimination, and individual aspirations.

[37] Environics Institute, *Urban Aboriginal Peoples Study: Main Report,* (Toronto: Environics Institute, 2010), 114, http://www.uaps.ca/wp-content/uploads/2010/03/UAPS-Main-Report_Dec.pdf.

[38] Ibid., 105.

[39] Ibid., 10.

[40] First Nations Information Governance Centre, Regional Health Survey 2008/10e, *Proportion of FNs Adults Reporting Moderate or High Levels of Psychological Distress, as a Function of Past-Year Exposure to Racism or Aggression*, FNIGC Data Online, accessed May 6, 2016, http://data.fnigc.ca/online.

Housing

Whereas 65.5 per cent of general Canadian households require only regular or no housing maintenance, the 2008/10 RHS data shows that 70.8 per cent of reserve homes need major or minor repairs.[41] Further, the survey shows a lack of household amenities and community services, as reflected in the eight per cent of respondent households in 2008-10 without a septic tank or sewage system, and the 18.5 per cent without garbage collection services.[42] This data arguably corroborates the 2013 claim of a United Nations investigator who described Canadian reserves as being in a "crisis" situation, citing poor housing conditions as an indicator of this.[43] Table 3.5 shows the proportion of crowded dwellings and dwellings requiring major repair for Aboriginal, on and off reserve First Nations, and the non-Aboriginal Canadian populations. The table shows that while all Aboriginal groups experience major housing repair need much higher than the non-Aboriginal population, First Nations households living on reserve are particularly affected.

However, no information is given on whether these households are urban, rural, or remote. Information gathered on housing within the urban population focuses more on access to and experiences with housing services than with the quality of housing. There is a desire within urban Aboriginal communities (81 per cent of respondents) for Aboriginal-specific services, including housing services.[44] This may be because the affordability of

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[41] First Nations Information Governance Centre, Regional Health Survey 2008/10f, *Condition of Homes and Need for Repairs*, FNIGC Data Online, accessed May 6, 2016, http://data.fnigc.ca/online.

[42] First Nations Information Governance Centre, Regional Health Survey 2008/10g, *First Nations Adults Living in Homes without Household Amenities or Community-based Services*, FNIGC Data Online, accessed May 6, 2016, http://data.fnigc.ca/online.

[43] Christina Commisso, "Canada Faces a 'Crisis' on Aboriginal Reserves."

[44] Environics Institute, *Urban Aboriginal Peoples Study,* 85.

housing is the most prominent factor (29 per cent) in the choice of neighborhood for urban

Aboriginal peoples.[45]

Table 3.5: PERCENTAGE OF RESPONDENTS LIVING IN OVERCROWDED DWELLINGS AND DWELLINGS IN NEED OF MAJOR REPAIR

	ABORIGINAL	FIRST NATIONS On reserve	Off Reserve	NON-ABORIGINAL
Crowding	11.4	27.7	6.8	4
Home in need of major repairs	21.7	42.9	15.4	6.8

Source: Data from Statistics Canada (2016a).
Note: crowding is defined as having more than one person per room. Homes in need of major repairs include those with plumbing, electrical, and structural issues.

Income

It is widely acknowledged that significant income disparity exists between

Aboriginal Canadians and the general Canadian population. As demonstrated in Table 3.6,

this disparity varies both within and between heritage groups as well as on and off reserve.

Further, Table 3.6 reports the median income of Aboriginal heritage groups as compared to

the non-Aboriginal Canadian population. In 2005, Aboriginal groups had median incomes

between 19.3 and 56.8 per cent lower than their non-Aboriginal counterparts. In 2010, this

gap had grown smaller for all groups, but still lingered between 13.3 and 56.3 per cent.

Additionally, the gap between the median income of the on-reserve First Nations

population and the non-Aboriginal population made little progress, decreasing by only 0.4

percentage points between 2005 and 2010.

Table 3.7 shows the difference between average hourly and weekly wages earned by

the Aboriginal and non-Aboriginal Canadian populations aged 15 and over from 2011 to

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[45] Ibid., 39.

2015. While there is a small gap between the average hourly wages of the groups, they have

risen at similar rates over the five-year period. The same is true of average weekly wage

rate, and in 2015 the Aboriginal population earned 93.13 per cent of the average weekly

wage rage of the non-Aboriginal population. It should not be surprising that an analysis of

average wages result in less disparity between Aboriginal and non-Aboriginal groups than

one of median incomes, as a small group of Aboriginal high wage earners would have the

ability to skew the average.

Table 3.6: MEDIAN INCOME BY HERITAGE GROUP

	FIRST NATIONS (ON RESERVE)	FIRST NATIONS (OFF RESERVE)	FIRST NATIONS (TOTAL)	INUIT	MÉTIS	ABORIGINAL (TOTAL)	NON-ABORIGINAL
Benchmark: 2005 median annual income	$11,223	$17,464	$14,477	$16,969	$20,935	$16,752	$25,955
% Difference with non-Aboriginals	56.80%	32.70%	44.20%	34.60%	19.30%	35.50%	
2010 median annual income	$13,182	$21,521	$17,903	$20,961	$26,173	$20,701	$30,195
% Difference with non-Aboriginals	56.30%	28.70%	40.70%	30.60%	13.30%	31.40%	
Change in gap: 2005 to 2010 (percentage points)	-0.4	-4	-3.5	-4	-6	-4	

Source: Data from National Aboriginal Economic Development Board (2015, table 4).

Table 3.7: AVERAGE ABORIGINAL AND NON-ABORIGINAL WAGES

ABORIGINAL POPULATION	2011	2012	2013	2014	2015	% OF NON-ABORIGINAL POPULATION LEVELS (2015)
Average hourly wage rate (current $)	20.47	21.46	21.96	22.46	23.31	92.35%
Average weekly wage rate (current $)	759.63	795.98	816.32	831.56	860.69	93.13%
Average usual weekly hours	35.4	35.5	35.6	35.3	35.5	100.57%
NON-ABORIGINAL POPULATION						
Average hourly wage rate (current $)	22.94	23.61	24.13	24.56	25.24	
Average weekly wage rate (current $)	838.16	864.9	883.47	899.4	924.14	
Average usual weekly hours	35.2	35.3	35.3	35.3	35.3	

Source: Data from Statistics Canada (2015).

The Canadian Centre for Policy Alternatives, in its study of relative incomes of Aboriginal-Canadians and the rest of Canada finds that the income gap is actually higher in urban than in rural settings by about $2500 per year.[46] However, it is noted that accounting for incomes is more complicated in rural situations, where individuals have other non-monetary sources of income such as farming and hunting which are not accounted for in census data.[47] Further, the difficulty in estimating the cost of living in rural settings is

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[46] Daniel Wilson and David Macdonald, "The Income Gap between Aboriginal Peoples and the Rest of Canada," (Ottawa, Canadian Centre for Policy Alternatives: 2010), 3 http://ywcacanada.ca/data/research_docs/00000121.pdf.
[47] Ibid., 11.

acknowledged, due to the fact that this will differ greatly depending on the degree of community isolation.[48]

The study also examines income disparities of Aboriginal and non-Aboriginal populations on reserves. The study found that non-Aboriginal people make up 44 per cent of those working on urban reserves, and that they earn 34 per cent more than the Aboriginal workers on these reserves.[49] Furthermore, on rural reserves, while the non-Aboriginal working population makes up only nine per cent of the total, this population makes 88 per cent more than the corresponding Aboriginal workers.[50] These data demonstrate the pervasiveness of the income disparity, as well as the challenges in addressing it.

Finally, the link between education and income must be acknowledged. Table 3.8 shows the per cent return to earnings for a grade 10 and Bachelors level education as compared to a high school level. For each level of education, Aboriginal males in particular earned lower returns compared to males of British origin. Given the lower rate of high school completion among Aboriginal groups as outlined above, it is clear why many existing policies surrounding increasing economic opportunity in Aboriginal communities heavily emphasize education and skills training. While this is certainly important, Table 3.8 suggests that promoting education alone may not completely close the gap in economic opportunity.

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[48] Ibid., 11-12.
[49] Ibid., 13.
[50] Ibid., 13.

Table 3.8: PER CENT RETURN TO EARNINGS FOR SELECTED LEVELS OF EDUCATION RELATIVE TO HIGH SCHOOL COMPLETION, 2000

	Grade 10 vs. High School		Bachelors Degree vs. High School	
IDENTIFICATION	Male	Female	Male	Female
British origin Registered First Nations	-18%	-28%	55%	88%
On reserve	-22%	-31%	79%	93%
Off reserve	-33%	-32%	36%	77%
Non-Status	-16%	-30%	58%	92%
Métis	-27%	-31%	39%	108%

Source: Indigenous and Northern Affairs Canada (2013, table 1).

Summary: The Canadian Aboriginal Population and Key Policy Concerns

Several policy areas have been identified as priorities by Aboriginal groups such as the AFN and the NAEDB. In its 2014 pre-budget submission entitled "Strategic Investments for First Nations Children, Families and Communities," the AFN outlines seven main areas of priority. These include educational funding, child protection and welfare, health and wellness, skills development, economic participation, addressing violence against women and girls, and community healing.[51] The 2015 Aboriginal Economic Progress Report, put forth by the NAEDB, suggests policies aimed at reserves (including closing gaps, treaty rights, maintaining culture and history, and revenue sharing), education, employment, skills training, community development (including infrastructure and health), business development, youth, and data collection.[52]

Another way to identify policy concerns of Aboriginal populations would be to determine why individuals move to or from certain locations and conditions. As outlined above, the RHS found that employment and education are highly significant factors for leaving traditional communities, while family and community are central to why many

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[51] Assembly of First Nations, "Strategic Investments for First Nations Children, Families and Communities," (Ottawa: 2014), 1-7, http://www.afn.ca/uploads/files/afn_pbs_2014.pdf.
[52] The National Aboriginal Economic Development Board, *The Aboriginal Economic Progress Report,* 1-81.

individuals choose to return.[53] Therefore, policies aimed at creating conditions of educational and economic opportunity while allowing individuals to remain with their families and in their communities would likely be considered optimal for many Aboriginal Canadians.

Additionally, the RHS asked respondents about what challenges their communities face, and whether they perceived that progress was being made in addressing the challenges. Again, employment and education surfaced as significant community obstacles, as seen in Table 3.9. For instance, almost 66 per cent of respondents viewed employment as a challenge, and of those who did, over 81 per cent also believed the employment situation was either not getting any better or way actually getting worse. These responses support the idea that employment and education opportunities are significant barriers to on reserve Aboriginal populations, and that these barriers often encourage mobility away from reserves.

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[53] First Nations Information Governance Centre, Regional Health Survey 2008/10h, *Reasons for Returning to First Nations Community by Gender*, FNIGC Data Online, accessed May 6, 2016, http://data.fnigc.ca/online.

Table 3.9: TOP COMMUNITY CHALLENGES IDENTIFIED BY ON-RESERVE FIRST NATIONS ADULTS

	PER CENT OF POPULATION WHO VIEW AS A CHALLENGE	PER CENT OF POPULATION WITH PERCEPTIONS OF "NO PROGRESS OR WORSENING" OF THE CHALLENGE
Alcohol and Drug Abuse	82.6	84.2
Housing	70.7	69.6
Employment or Number of Jobs	65.9	81.4
Education and Training Opportunities	57.5	63.1
Funding	55.8	80.3

Source: First Nations Information Governance Centre (2008/10i).

Similarly, to address motivations for moving to urban areas, the UAPS asked respondents to report the most important reason for relocation. The most frequently reported reason was to be closer to family (38 per cent), followed by educational opportunities and employment opportunities (both 37 per cent).[54] This data corresponds quite closely with the RHS findings of why Aboriginal individuals leave reserves.

The UAPS provides some useful insights to urban Aboriginal communities and individuals' sense of belonging. Despite strong links to ancestral communities, even those who most strongly identify as having Aboriginal identity consider the city their home.[55] Further, six in ten respondents said they belonged to either an "equally" or "mostly" Aboriginal community, suggesting that cities do not cause a sense of community isolation among urban Aboriginal populations.[56] This sense of community is also supported by the

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[54] Environics Institute, *Urban Aboriginal Peoples Study,* 32.
[55] Ibid., 8.
[56] Ibid., 9.

fact that 52 per cent of respondents said that they do not play to go back to their community of origin.[57] These responses add some nuance to what is suggested by the RHS above; while community is important, it may not necessarily be important to many Aboriginal Canadians to remain in their traditional community locations. Instead, policies that facilitate and assist community building and a sense of belonging in any location may be more desirable.

Additionally, the UAPS respondents were not concerned about the loss of their culture, and that by a significant margin, respondents thought that their culture had been strengthened rather than weakened over the previous five-year period.[58] Further, Aboriginal and Canadian identities were complimentary among respondents, and that seven in ten respondents said they were "very proud to be Canadian."[59]

Finally, policy concerns of urban Aboriginal Canadians are ascertainable from UAPS responses regarding "hopes for the future."[60] The study asked respondents in which ways they hoped future generations' lives would be different from their own. The top 3 responses were "learn the importance of education/finish school" (20 per cent), "be more aware/involved/connected to cultural community" (18 per cent), and "live in society without racism/discrimination" (17 per cent).[61] From this, it can be inferred that policies that allow Aboriginal Canadians to acquire an education at levels matching the general Canadian population, regardless of location, would be desirable. Furthermore, these responses support that idea that community building in all locations, urban, rural, and on

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[57] Ibid., 35.
[58] Ibid., 9.
[59] Ibid., 10.
[60] Ibid., 113.
[61] Ibid., 113.

and off reserve, may be more effective in achieving and increased sense of belonging, preservation of culture, and decreased discrimination.

Given the priorities of Aboriginal organizations as well as the above outlined data, it can be concluded that desirable policies would be aimed towards giving all Aboriginal Canadians a sense of both belonging and opportunity; this includes the ability to live and thrive in whatever physical location desired and regardless of Aboriginal or non-Aboriginal community makeup. In addition, policies should aim to close existing gaps in income, education, skills, health, and infrastructure, with a focus on community building and healing and an emphasis on youth. These policies would act as the foundation to ensure that Aboriginal Canadians and communities would experience well-being similar to the Canadian population regardless of urban, rural, on reserve or off reserve locations. Finally, it is desirable that policies be informed by increased data collection, preferably designed and implemented through Aboriginal communities themselves in order to ensure that policies fit each unique community and are designed as much as possible by them rather than simply for them.

4   ABORIGINAL PARTICIPATION IN THE CANADIAN POLITICAL SYSTEM

This section seeks to determine what avenues are available to the Canadian Aboriginal population for political engagement and participation, as well as to determine the challenges faced in doing so. First, the history of Aboriginal political engagement is outlined in order to explore how Aboriginal institutions attempt to represent the whole of the Canadian Aboriginal population as well as specific Aboriginal communities. Second, the legislative framework of Canada's electoral system is detailed in order to place Aboriginal institutions and individuals within the context of the Canadian federal system of

government. Finally, data regarding voter turnout, participation rates, and attitudes towards Aboriginal and Canadian governments are presented in order to examine the balance that exists between the two systems of government and potential for increased participation and influence.

Aboriginal Political Engagement

In the document "Our Story," the AFN outlines the history of First Nations institutional representation in Canada. The document begins by exploring the challenges faced by First Nations communities and leaders with respect to political participation. These challenges are important, as they can help to inform potential factors which influence participation rates, such as distrust in the Canadian government and the difficulty in uniting a single "Aboriginal" voice.

For instance, the 1927 Indian Act prohibited the formation of political organizations by First Nations people.[62] The law established the "band council" system, still in existence, and forbade traditional First Nations governments.[63] Due to this ban, the first national representative group for First Nations was not formed until after World War I; the League of Indians was formed alongside the League of Nations, but both Leagues failed to gain traction.[64] Then, after World War II, the North American Indian Brotherhood (NAIB) was established as a national lobby group.[65] However, this organization also failed due to "a

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[62] Assembly of First Nations, "Assembly of First Nations – Our Story," accessed May 18, 2016, 1 http://caid.ca/AFNHis2010.pdf.
[63] Ibid., 1.
[64] Ibid., 2.
[65] Ibid., 2.

lack of nation-wide support and suppressive government actions," and was disbanded in the 1950s.[66]

The next attempt at political representation came in 1961 with the formation of the National Indian Council (NIC), which was formed to represent Treaty and Status Indians, Non-status Indians, and Métis peoples.[67] In Canadian law, Treaty and Status Indians are either registered with the government under the *Indian Act* or belong to a band which has signed a treaty with the Crown.[68] They are also referred to as Registered First Nations. Non-status Indian is the term for any First Nations person who is not registered or is not part of a band which has signed a treaty.[69] Métis people are of both First Nations and European ancestry.[70] While the NIC group sought "unity among all Indian people," it split in 1968 due to the difficulty of representing the diverse interests of various Aboriginal communities.[71] The National Indian Brotherhood (NIB), which later evolved to become the AFN, was formed by the Status and Treaty First Nation groups of the NIC.[72]

The NIB achieved significant successes in advocating for Aboriginal rights, including the defeat of the Statement of the Government of Canada on Indian Policy White Paper in 1969. The 1969 White Paper sought to achieve the "full, free and non-discriminatory participation of the Indian people in Canadian society," and stated that this could only be achieved when "the Indian people's role of dependence be replaced by a role of equal

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[66] Ibid., 2.
[67] Ibid., 2.
[68] Indigenous and Northern Affairs Canada, "Terminology," last modified October 1, 2012, http://www.aadnc-aandc.gc.ca/eng/1100100014642/1100100014643.
[69] Ibid.
[70] Ibid.
[71] AFN, "Our Story," 2.
[72] Ibid., 2.

status, opportunity and responsibility."[73] In order to achieve the aforementioned aims, the

White Paper set out 6 points, which together, were to comprise the framework for the new

Indian Policy in Canada. First, any discrimination present in legislation or the *Constitution*

was to be removed.[74] Second, all Canadians were to recognize the important contribution

that Indian culture has made to Canadian society.[75] Third, all services for every Canadian

were to be delivered through the same channels.[76] Fourth, those in need of the most help

were to receive the most government support.[77] Fifth, all "lawful obligations" were to be

recognized.[78] Finally, Indian peoples themselves were to take on all control over Indian

lands.[79]

On the surface, the points in the framework may not seem explicitly problematic for

Aboriginal Canadians. However, the federal government also laid out 4 steps to implement

the framework; these steps help to clarify what the framework would actually mean for

Aboriginal Canadians, and help to identify some of the problems with the assumptions that

the framework makes. The first step was to repeal the *Indian Act,* and to take legislative

steps to allow Indians to acquire title over Indian land.[80] The second step was to transfer

the responsibility over Indian Canadians to the provinces, and have this responsibility to be

the same as for any other citizen.[81] This was to be accompanied by a transfer of the federal

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[73] Indigenous and Northern Affairs Canada, "Statement of the Government of Canada on Indian Policy (The White Paper, 1969)," last modified September 15, 2010, http://www.aadnc-aandc.gc.ca/eng/1100100010189/1100100010191#chp5.
[74] Ibid.
[75] Ibid.
[76] Ibid.
[77] Ibid.
[78] Ibid.
[79] Ibid.
[80] Ibid.
[81] Ibid.

funds usually used towards Indian programs.[82] The third step was to make funds available in the interim for Indian economic development.[83] The last step was to abolish the part of the Department of Indian Affairs and Northern Development that dealt with Indian affairs by transferring any responsibilities not taken on by the provinces to other suitable federal departments.[84]

The NIB responded to the federal government in June of 1970 by presenting a position paper written by the Indian Chiefs of Alberta entitled "Citizens Plus," but commonly referred to as the Red Paper. Spanning over 90 pages, the critique of the White Paper was expansive, thoroughly researched, eloquently argued, and ultimately caused the Canadian government to back away from its proposed policy. In the preamble, it criticizes the government as having "devised a scheme whereby within a generation… our people would be left with no land and consequently the future generation would be condemned to the despair and ugly spectre of urban poverty in ghettos."[85] The document goes on to debate the White Paper point by point, but a few points can help demonstrate the challenge that the White Paper posed to Aboriginal rights. First, it is asserted that the recognition of Indian status is not discriminatory, but essential in order to achieve the differential treatment that may be required to achieve equality in fact, rather than just in law.[86] Second, it is stated that the Indians, not the government, are the actual owners of Indian lands, and that it is simply the legal title over the lands that are held by the Crown in order to make

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[82] Ibid.
[83] Ibid.
[84] Ibid.
[85] Indian Chiefs of Alberta, "Foundational Document: Citizens Plus," *Aboriginal Policy Studies* 1, (2011): 189, doi: 10.5663/aps.v1i2.11690.
[86] Ibid., 192-3.

sure it is not sold.[87] Further, the report says, the title must stay in trust with the Crown in order to ensure that it is available for future generations.[88] This, it claims, can be done by changing the *Indian Act* to give Indians control over the lands without changing the title.[89] Finally, a large emphasis is placed on the importance of recognizing the treaties, modernizing where necessary, and entrenching them in the *Constitution.*[90] While the government did not make use of the counter-proposal, it was enough to stop the policies as outlined in the White Paper from becoming a reality.

Another success of the NIB came with the publication of the Indian Control of Indian Education policy paper in 1972. The paper argues that, in Indian tradition, the parents and family play a large role in the education of children in order to prepare them for a good life.[91] This, the NIB argued, involved teaching children to be proud of themselves, to try to understand others around them, and to live harmoniously with nature.[92] In order to achieve this, the paper states, it is integral that school programs "respect cultural priority and are an extension of the education which parents give children from their first years."[93] The NIB asserted that the educational principles of Parental Responsibility and Local Control of Education should be recognized in Indian education, and that the federal government partner with Indian bands and provincial/territorial school jurisdictions in order to reorient Indian education policy to suit Indian needs.[94] In 1973, the Minister of

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[87] Ibid., 198.
[88] Ibid., 198.
[89] Ibid., 198.
[90] Ibid., 198-99.
[91] National Indian Brotherhood, "Indian Control of Indian Education: Policy Paper presented to the Minister of Indian Affairs and Northern Development," (Ottawa: 1972), 1-38, http://www.oneca.com/IndianControlofIndianEducation.pdf.
[92] Ibid., 1.
[93] Ibid., 2.
[94] Ibid., 3-5.

Indian Affairs and Northern Development approved the proposals outlined in the policy paper, and made a commitment to the NIB they would be implemented by the Department of Indian Affairs and Northern Development.[95] This was significant not only because the NIB was successful at directly influencing federal policy, but also because the policy in question affirmed a substantial degree of Aboriginal self-determination.

However, perhaps one of the most significant successes of the NIB as it related to political participation and policy formation was the establishment of the Joint Cabinet/National Indian Brotherhood Committee in 1974. Sally Weaver describes the Committee as a "unique experiment" which "embodied the principles of pressure group access at the executive level of government, in a formal, on-going structure, at an early pre-cabinet stage in the policy-making process."[96] The formal inclusion in an institutional policy-making mechanism carried the implication that the government of Canada was beginning to recognize the necessity of partnership with Aboriginal political groups in a way that simple consultation often does not provide.

Despite the promise of influence that such an arrangement had for Aboriginal communities, the Committee collapsed in 1978 and never produced any joint policy plans or agreements. Weaver outlines several weaknesses of the NIB itself that she cites as contributing to the failure of the Committee, many of which stem from the difficulties related to any federal system in which provincial counterparts must be consulted and must ultimately reach consensus.[97] Ultimately, Weaver argues that the provincial components of

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[95] Ibid., iii.
[96] Sally Weaver, "The Joint Cabinet/National Indian Brotherhood Committee: A Unique Experiment in Pressure Group Relations," *Canadian Public Administration* 25, no. 2, (1982): 212, doi: 10.1111/j.1754-7121.1982.tb02073.x,
[97] Ibid., 214.

the NIB were too strong on their own to allow for meaningful national consensus on policy

issues given the diversity of Canada's Aboriginal communities.[98] When such consensus

cannot be reached, it ultimately raises questions, as Weaver explains, about whether or not

such a national body is truly representative; moreover, once the representative legitimacy

of such a group is questioned, governments may be anxious to accept any demands put

forth.[99]

These structural challenges are still relevant today, despite the 1982 transition of

the NIB from being an "organization of representatives from regions" to being the

"Organization of First Nations Government Leaders" as represented by the AFN.[100] The new

structure of the organization aimed to make First Nations government leaders more

directly responsible to their communities, and to have this community voice represented in

the administrative body of the AFN.[101] The AFN National Executive is comprised of a

National Chief, 10 Regional Chiefs, and the chairs of the councils of Elders, Women, and

Youth.[102] The National Chief advocates both nationally and regionally on behalf of the First

Nations as directed by the Chiefs-in-Assembly of the various bands.[103] There are currently

634 First Nations communities with First Nations governments that are represented by the

AFN.[104] However, the shift from regional counterparts to community counterparts does not

sidestep the tension that exists between representing one's own First Nations community

and interests and representing the interest of the entire Canadian First Nations population,

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[98] Ibid., 214.
[99] Ibid., 214.
[100] AFN, "Our Story," 3.
[101] Ibid., 3.
[102] Assembly of First Nations, "Description of the AFN," accessed May 15, 2016, http://www.afn.ca/en/about-afn/description-of-the-afn.
[103] Ibid.
[104] Ibid.

and it can be argued that many of the weaknesses of the NIB as outlined by Weaver are still relevant to the AFN.

Therefore, there are three significant challenges that are faced by Aboriginal governance institutions and mechanisms. First, significant government opposition, both federally and regionally, have the potential to make it difficult for Aboriginal organizations to gain traction and have meaningful influence. Second, and related to the first, as a force outside of the Canadian government, the AFN must work from the outside-in. The failure of the Joint Committee has not spurred any further attempts at formal and regular inclusion of Aboriginal institutions in policy formation. While the AFN has been successful in being involved in several important matters of Canadian Aboriginal policy, it is not a requirement of the Canadian government to meaningfully involve the AFN, as the nation-to-nation relationship exists between the federal government and individual First Nations themselves. This means that the relationship between Aboriginal and Canadian government institutions is sometimes distrustful and oppositional, hindering collaborative potential. Finally, internal differences within organizations make it challenging to truly represent all needs of unique Aboriginal communities, which often leads to either conflict or a lack of policy influence due to the absence of consensus. Further, the most prominent organization, the AFN, does not represent two of the three Canadian Aboriginal groups: the Métis and Inuit. Therefore, even if consensus were to be reached by the AFN on a matter of Aboriginal policy, it would do so without the input of many Aboriginal Canadians.

Aboriginal Participation within the Canadian Context

Participation in the Canadian electoral system can be seen as an additional tool for Aboriginal Canadians to seek to influence Canadian policies which may affect their

resources, ways of life, and overall well-being. Such participation can take place on an individual basis and requires no consensus within or amongst Aboriginal communities. In recent years, the AFN has begun to encourage Aboriginal populations to vote in Canadian federal elections rather than insisting on an explicitly nation-to-nation dynamic. However, the "First-Past-the-Post," or the Single-Member-Plurality (SMP) system that Canada operates its elections under has been criticized by many, including organizations such as Fair Vote Canada[105] as well as by political parties themselves including the Liberals[106] and New Democrats.[107] Criticisms are often centred on the idea that SMP does not provide proper representation to minority communities; this is due to fact that the candidate receiving the most votes in a given riding wins, and all other votes, even if they make up a majority, have no effect on the outcome of the election. Therefore, in ridings where Aboriginal Canadians do not make up a majority (or a large enough minority), it is unlikely that their votes will have much of an impact on election results.

To understand the challenges in addressing these potential barriers to minority representation, it is necessary to understand the legislation that buttresses Canada's electoral system. First, section 51 of the *Constitution Act 1867* lays out the formula for the representation of the provinces. This is viewed by many as being the greatest hurdle to electoral reform; adding any seats to Parliament outside of these guidelines or allocating seats across provincial boundaries requires amending the constitution.[108] As demonstrated

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[105] Fair Vote Canada, "Fair Vote Canada: Make Every Vote Count," June 2013, http://www.fairvote.ca/wp-content/uploads/2015/07/FVC-Tabloid.pdf.

[106] Liberal Party of Canada, "Electoral Reform," accessed August 1, 2016, https://www.liberal.ca/realchange/electoral-reform/.

[107] New Democratic Party of Canada, "NDP Secures Collaborative Process on Electoral Reform," July 7, 2016, https://www.ndp.ca/news/ndp-secures-collaborative-process-electoral-reform.

[108] *Constitution Act, 1982*, Schedule B to the *Canada Act 1982* (UK), 1982, c 11, Canlii. Part V of the *Constitution Act 1982* details the amending formula in ss. 38-49. It outlines the need for two thirds of the Canadian

by the failure of the Meech Lake (1987) and Charlottetown (1992) Accords, reaching a

nation-wide consensus on amendment is no simple task.

Second, the *Canada Elections Act (CEA) 2000* legislates the details of the SMP system.

Section 68(1) of the Act states that a party may only allow one candidate to run in a given

district.[109] This single member system is reinforced by section 313(1), which describes that

the winner of a district is the candidate with the largest number of votes.[110]

Finally, the *Electoral Boundaries Readjustment Act (EBRA) 1985* is also important; in

order to implement a different electoral system, such as the Mixed-Member-Plurality, the

creation of larger, multi-member districts from the small, single member districts of SMP

are required. Section 14(1) of the Act explains the rules for calculating how many members

of the House of Commons are to be assigned to each province by the Electoral Boundaries

Commission, and notes that this must comply with section 51 of the *Constitution Act 1867*.

However, section 15(2) of the *EBRA* goes on to allow conditions under which it may be

"necessary or desirable" to depart from the standard calculations when considering a

"community of identity" or sparsely populated area, so long as the departure does not

result in more than a 25 per cent population disparity between electoral districts.[111]

Therefore, the Act itself suggests that in some cases, the reformation of districts may be an

important part of promoting minority representation.

There have been attempts in Canada to determine ways to work within this legislative

framework in order to make the Canadian electoral system more representative of

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provinces representing at least 50 per cent of the population to agree to the amendment, as well as the
passing of resolutions in the Senate and House of Commons.
[109] *Canada Elections Act*, SC 2000, c 9, Canlii.
[110] Ibid.
[111] *Electoral Boundaries Readjustment Act*, RSC 1985, c E-3, Canlii.

Aboriginal peoples. In 1991, the Committee for Aboriginal Electoral Reform (CAER) proposed the creation of Aboriginal Electoral Districts (AEDs) in Canada. Under the AED system, Aboriginal seats were not to be guaranteed, but instead their creation would depend upon 85 per cent or more of the provincial quotient[112] registering on Aboriginal voting lists.[113] If this quotient was reached, a province-wide AED would be created and a seat would be allocated from the provincial share. Therefore, an AED system could be established without changing the provincial representation as outlined in the *Constitution* or violating the provincial boundaries of the *EBRA.*

As an example, Elections Canada states that in 2011, the population of Alberta was 4,537,321 and that the province held 42 seats.[114] Therefore, the provincial quotient in 2011 would have been 108,031. If the 85 per cent rule were used, then 91,826 Aboriginal Albertans would need to have registered on an Aboriginal voting list in order for an AED to have been created. In 2011, 220,695 Aboriginal Canadians were living in Alberta.[115] However, not all of this population would be of voting age, and it cannot be guaranteed that every Aboriginal adult would wish to register on the Aboriginal list, or at all.

Senator Nick Sibbeston estimates that between six and eight AEDs could be created; one each in Quebec, Manitoba, Saskatchewan, and Alberta, and at least one or potentially two in Ontario and British Columbia.[116] However, a huge challenge to this system is that it requires not only that Aboriginal Canadians register on a separate list, but also that the

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[112] The quotient in each province would be calculated by dividing the population of the province by the number of seats that the province holds.
[113] Nick Sibbeston, "Guaranteed Parliamentary Representation for Aboriginal Peoples," Parliament of Canada, accessed November 10, 2015, http://sen.parl.gc.ca/nsibbeston/new_page_1.htm.
[114] Elections Canada, "House of Commons Seat Allocation by Province," last modified March 12, 2012, http://www.elections.ca/content.aspx?section=res&dir=cir/red/allo&document=index&lang=e.
[115] Statistics Canada, 2016b, "Aboriginal Peoples: Fact Sheet for Alberta," Statistics Canada Catalogue 89-656-X, http://www.statcan.gc.ca/pub/89-656-x/89-656-x2016010-eng.htm.
[116] Nick Sibbeston, "Guaranteed Parliamentary Representation."

number of those registered amount to 85 per cent of the provincial quotient; as Senator

Sibbeston points out, in Atlantic Canada there are simply not sufficient Aboriginal

populations to create any AEDs, even if the threshold were lowered to a 50 per cent

quotient.[117] This illustrates the difficulty in implementing meaningful changes within the

SMP system to allow for greater Aboriginal representation.

Participation Rates and Attitudes towards Government and Political Engagement

Aboriginal and non-Aboriginal Participation

According to Elections Canada data, in the 2000 federal election, the turnout rate for

296 polling stations located on-reserve was 16 percentage points lower than the national

turnout rate, at just 48 per cent.[118] However, it is important to note that voter turnout is

highly variable across First Nations communities, and in some communities, turnout rates

are higher than the national turnout rate.[119] Table 4.1 outlines the national, on-reserve and

provincial turnout rates for federal elections from 2004 to 2011. There are low levels of

turnout on reserve for all four elections. An Elections Canada study by Jean-Sébastien

Bargiel found that, between 2004 and 2011, on reserve polling stations have consistently

lower turnouts than the rest of the country by an average of 17.4 percentage points.[120]

However, Bargiel also found that over this period, the fluctuations in on-reserve voter

turnout mirrored the fluctuations in general Canadian population turnout, "suggesting that

the same factors are at play among electors living on reserve and in the general

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[117] Ibid.

[118] Daniel Guérin, "Aboriginal Participation in Canadian Federal Elections: Trends and Implications," *Electoral Insight* 5, no. 3 (2003): 12.

[119] Elections Canada, "Aboriginal People and the Federal Electoral Process: Participation Trends and Elections Canada's Initiatives" January 2004, http://www.elections.ca/content.aspx?section=res&dir=rec/part/abor&document=index&lang=e.

[120] Jean-Sébastien Bargiel, "Research Note: Federal Voter Turnout in First Nations Reserves (2004–2011)," Elections Canada (2012); 5, http://www.elections.ca/res/rec/part/fvt/fvt_en.pdf.

population."[121] This assertion is supported by Table 4.2, which outlines the profiles of those

who vote and do not vote in both the Aboriginal and non-Aboriginal populations. In both

populations, those who do not vote tend to be younger, earn less, and are often not

registered to vote. These similarities support Bargiel's assertion that both Aboriginal and

non-Aboriginal turnout is affected by the same factors.

Table 4.1: ON RESREVE FEDERAL TURNOUT BY PROVINCE AND TERRITORY, 2004-2011

PROVINCE/TERRITORY	2004 (%)	2006 (%)	2008 (%)	2011 (%)
NATIONAL	**60.9**	**64.7**	**58.8**	**61.1**
ON RESERVE	**40.3**	**48.8**	**42.4**	**44.8**
Newfoundland	29.6	45.6	25.8	31.3
Prince Edward Island	48.9	73.2	63.5	58.2
Nova Scotia	29.9	44.4	48.4	49.5
New Brunswick	36.1	45.6	43.6	44.5
Quebec	26.2	26.6	27	30.2
Ontario	42.3	52	42	46.3
Manitoba	36.9	51.5	37.6	37.6
Saskatchewan	44.6	58.2	39.7	46.4
Alberta	32.9	45.6	30.8	32.8
British Columbia	54.2	52.7	48	48.6
Yukon	N/A	50.2	46.8	69.2
Northwest Territories	47.6	51.6	43.2	46.7
Nunavut	-	-	-	-

Source: Data from Bargiel (2012, table 2).

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[121] Ibid, 2-3.

Table 4.2: PROFILE OF AVERAGE VOTERS AND NON-VOTERS, 2004-2011

	NON-ABORIGINAL NON-VOTERS	NON-ABORIGINAL VOTERS	ABORIGINAL NON-VOTERS	ABORIGINAL VOTERS
Registered	69%	93%	49%	87%
Living on reserve	-	-	52%	37%
Age	35-44	45-54	35-44	45-54
Education	College	College	Some high school	Completed high school
Income	$40K-$60K	$60K-$80K	$20K-$40K	$40K-$60K
Political Resources (> midpoint)	33%	73%	24%	64%
Agree that voting is a duty	74%	96%	68%	90%

Source: Fournier and Loewen (2011, chart 1).
Note: Political resources are defined as political knowledge and information.

The recent 2015 election saw significant jumps in Aboriginal voter turnout. In some communities, voter turnout was up by as much as 270 per cent.[122] Part of this may be due to an increased effort by the AFN to encourage Aboriginal peoples to vote, given the widespread anti-Harper sentiment over issues including environmental protection, Aboriginal funding, and the missing and murdered Aboriginal women. AFN Chief Perry Bellegarde identified fifty-one swing ridings in which Aboriginal voters could influence whether the winning government would be a majority or a minority.[123] In fact, an Aboriginal candidate ran in each of these ridings, with a record 10 being elected. Twenty-

[122] Chinta Puxley, "Voter Turnout up by 270 Per Cent in Some Aboriginal Communities," *The Toronto Star,* October 25, 2015, https://www.thestar.com/news/federal-election/2015/10/25/voter-turnout-up-by-270-per-cent-in-some-aboriginal-communities.html.
[123] CBC News, "Perry Bellegarde, AFN Chief, Urges People to Vote, Even If He Doesn't," September 2, 2015, http://www.cbc.ca/news/politics/canada-election-2015-assembly-first-nations-bellegarde-1.3212551.

two Aboriginal candidates ran for the NDP, 18 for the Liberal Party, 10 for the Green Party, and two for the Conservative Party. Of the 10 elected Aboriginal candidates, eight represent the Liberal Party and two the NDP.

It should also be noted that general turnout was also higher in the 2015 election, rising from 61.1 per cent in 2011 to 69.1 per cent.[124] This supports Bargiel's thesis that on-reserve turnout may simply rise with general Canadian turnout. However, when the election results are compared using data from the 2011 NHS, in the top 10 per cent of ridings with the greatest proportions of populations claiming Aboriginal identity, voter turnout increased by an average of 35 per cent, higher than the 13 per cent national increase.[125] Additionally, in ridings where the majority of the population held Aboriginal identity, turnout increased by an average of 36 per cent.[126] While this says nothing about on-reserve turnout specifically, and therefore does not refute Bargiel's hypothesis, it does suggest that specific issues in the 2015 election made participation more important to those holding Aboriginal identity, and that there was more going on than an overall rise in Canadian voter turnout.

Despite this rise in Aboriginal turnout, Table 4.3 shows that for those who chose not to vote in the 2015 election, both Aboriginal and non-Aboriginal, very similar reasons were given for not participating. This gives further support to the idea that factors influencing participation are likely not distinct to Aboriginal communities and may be part of a greater Canadian trend.

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[124] Eric Grenier, "Indigenous Voter Turnout was Up — And Liberals May Have Benefited Most," *CBC News,* December 16, 2016, http://www.cbc.ca/news/politics/grenier-indigenous-turnout-1.3365926.
[125] Ibid.
[126] Ibid.

Table 4.3: REASONS FOR NOT VOTING IN THE 2015 FEDERAL ELECTION

	NON-ABORIGINAL POPULATION	ABORIGINAL POPULATION
Everyday life or health reasons	**48%**	**41%**
Too busy	24%	21%
Out of town	12%	10%
Illness or disability	13%	11%
Political Reasons	**39%**	**43%**
Not interested in politics	32%	35%
Electoral process-related reasons	**8%**	**9%**
All other reasons	**5%**	**6%**

Source: (Statistics Canada, 2016c).

Different Turnout for Different Levels of Government

While there is not much data on the turnout rates for band and AFN elections, there is some comparative analysis of on reserve voter turnout rates for federal, provincial, and band elections. For instance, Bedford collected the on-reserve voter turnout for the aforementioned three levels of government in Nova Scotia between 1962 and 1993 and in New Brunswick between 1962 and 1991.[127] He found that on reserve turnout for band elections was significantly higher than for provincial or federal elections; band turnout dipped below 80 per cent only twice in Nova Scotia and never in New Brunswick over the nearly 30 year period.[128] Federal and provincial elections, however, had turnout rates ranging between 15 and 90 per cent.[129] While these results do not explain why First Nations peoples choose to participate differently in different levels of governance, they do suggest that participation in Aboriginal elections may be a more common aspect of on-reserve community political engagement.

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[127] David Bedford, "Aboriginal Voter Participation in Nova Scotia and New Brunswick," *Electoral Insight* 5, no. 3, (2003), http://www.elections.ca/content.aspx?section=res&dir=eim/issue9&document=p4&lang=e.
[128] Ibid.
[129] Ibid.

There is the possibility that this higher level of participation in band elections could be part of a Canada-wide trend in higher participation levels in more local levels of politics. Table 4.4 tests this theory by comparing the rates of those Canadians aged 25 and over who expressed that they either voted or were eligible to vote but did not in the most recent election for each level of government. Interestingly, participation rates actually get higher for the general Canadian population as you move up levels of government, and the proportional of eligible voters who choose not to vote simultaneously decreases.

Table 4.4: SELF-REPORTED VOTER PARTICIPATION IN THE MOST RECENT ELECTION, CANADIANS AGED 25 AND OVER

	VOTED	ELIGIBLE, BUT DID NOT VOTE
Municipal Level (a)	61.1%	28.2%
Provincial Level (b)	74.6%	16.8%
Federal Level (c)	76.4%	15.7%

Source: (a) Statistics Canada (2104b); (b) Statistics Canada (2014c); (c) Statistics Canada (2014d).

Another study on Aboriginal voting was done by Barsh et al in which provincial and federal voting data for three Alberta Aboriginal communities, the Blood Tribe, Peigan Nation, and Four Nations, was collected and analyzed for the period 1956-1993. The authors found four main trends in the data for these communities. First, they found that Aboriginal participation over the period fell faster than for Alberta overall, although general turnout also fell.[130] Second, participation in federal elections was higher than for provincial elections amongst these communities.[131] Third, both provincially and federally, the vote had been shifting leftward from the Tories to the Liberals and New Democrats.[132]

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[130] Barsh et al, "The Prairie Indian Vote in Canadian Politics 1965-1993: A Critical Case Study from Alberta," *Great Plains Research* 7, (1997): 10, http://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1309&context=greatplainsresearch.
[131] Ibid., 15.
[132] Ibid., 15.

The opposite shift was found in the general population.[133] Finally, when an Aboriginal

candidate ran for election, it not only increased Aboriginal turnout in the particular riding,

but also increased levels of Aboriginal support for the party which the candidate ran.[134]

The authors conclude that these trends "indicate a loss of confidence in federal elections,

and an even greater loss in confidence in provincial elections, as well as a growing degree

of part polarization" between Aboriginal and non-Aboriginal voters in Southern Alberta.[135]

Attitudes towards Aboriginal Politics

The UAPS explores questions of engagement in both Aboriginal and Canadian

politics and contains data and analysis on the engagement of urban Aboriginal peoples. It

was found that 57 per cent of respondents pay either a great deal of attention or some

attention to Aboriginal politics.[136] Further, it was found that this attention is more common

amongst older individuals, university educated individuals, those earning higher incomes,

and those who expressed a deep connection to their heritage and know their own family

history.[137] Additionally, the study finds that 30 per cent of urban Aboriginal respondents

were either a member of an Aboriginal political organization or attend meetings of such

organizations at least occasionally.[138]

The UAPS also asked respondents about their turnout in Aboriginal elections, as

well as reasons for not participating. The study found that 61 per cent of respondents

rarely or never vote in Aboriginal elections, but that 22 per cent vote often.[139] The same

factors that increased the attention paid to Aboriginal politics were found to increase the

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[133] Ibid., 15.
[134] Ibid., 15.
[135] Ibid., 15.
[136] Environics Institute, *Urban Aboriginal Peoples Study,* 87.
[137] Ibid., 87-88.
[138] Ibid., 88.
[139] Ibid., 88.

likelihood of election turnout. Those who responded that they do not pay attention to Aboriginal politics and do not participate were asked why, and the most common response (32 per cent) was a lack of interest.[140] The second most common response (20 per cent) was that Aboriginal politics are too complicated or too difficult to become involved in.[141] Interestingly, eight per cent of respondents expressed that they do not get involved due to the perception that "Aboriginal politics does not concern off-reserve and non-status Aboriginal peoples."[142]

Attitudes towards Canadian Politics

The UAPS found that 58 per cent of respondents pay either "a great deal of" or "some" attention to some level of Canadian politics.[143] Further, it was found that those respondents who paid attention to Aboriginal politics were much more likely to also pay attention to Canadian politics.[144] It was also found that, similar to Aboriginal politics, attention increases with age, income, level of education, and ancestral knowledge.[145] However, this attention does not translate into direct participation in Canadian political parties, as only one in ten respondents belonged to a party.[146] As with attention, participation tends to be complimentary; almost half of those who are Canadian party members are also members of an Aboriginal political organization.[147] This supports the idea that Aboriginal and Canadian politics are not viewed as opposing institutions to the urban Aboriginal population.

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[140] Ibid., 89.
[141] Ibid., 89.
[142] Ibid., 89.
[143] Ibid., 89.
[144] Ibid., 90.
[145] Ibid., 90.
[146] Ibid., 90.
[147] Ibid., 90.

When asked how often they vote in any level of Canadian election, only 42 per cent of respondents vote "often," with 16 per cent voting "occasionally," 14 per cent voting "rarely," and 28 per cent claiming to vote "never."[148] Despite how low these numbers seem, those claiming to vote often in Canadian elections are greater than the 22 per cent who claim to vote often in Aboriginal elections.[149] However, this may be because Aboriginal elections are often limited to certain bands and are therefore sometimes less inclusive.[150] The UAPS report acknowledges that self-reported estimates of voting tend to produce higher results than actual voting levels. Notwithstanding this, the study provides some insights into the attitudes held by urban Aboriginal populations towards the Canadian political process.

There is not a corresponding survey on rural or on-reserve Aboriginal populations regarding attitudes towards Canadian politics. However, the First Nations Information Governance Centre (FNIGC) Regional Health Survey (RHS) does contain general questions about community aspects and challenges from which some conclusions can be ascertained. For instance, both funding and control over decisions were identified by 55.8 per cent and 37.9 per cent, respectively, of on-reserve First Nations adults as community challenges.[151] When asked how the community was doing in overcoming these challenges, 80.3 per cent and 80.6 per cent of respondents felt that there was either "no progress or worsening" of the challenge.[152] While this does not explicitly reveal attitudes about Canadian politics, it

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[148] Ibid., 90.
[149] Ibid., 90.
[150] Ibid., 90.
[151] First Nations Information Governance Centre, Regional Health Survey 2008/10i, *Community Challenges Identified by FNs Adults,* FNIGC Data Online, accessed May 6, 2016, http://data.fnigc.ca/online.
[152] First Nations Information Governance Centre, Regional Health Survey 2008/10j, *Perceptions of 'No Change or Worsening' of Community Aspects (Of Those Who Viewed These as Being Challenges to the Community),* FNIGC Data Online, accessed May 6, 2016, http://data.fnigc.ca/online.

does suggest that there is a significant concern over funding and decision making, of which it is believed not much progress is being made. Considering that these are both areas in which the Canadian government is heavily involved, and are therefore substantially influenced by Canadian politics, it can be inferred that these institutions may not be viewed in an overwhelmingly positive way.

It is clear that attitudes towards Aboriginal and Canadian politics vary within and amongst Aboriginal communities, and that the influences on participation, or a lack thereof, are difficult to determine. However, it seems as though it is possible that there is less tension between the Aboriginal and Canadian political institutions than might be expected, and that Canadian political participation is increasingly encouraged as a way to influence policy outcomes.

5 CASE STUDY I: AUSTRALIA'S ABORIGINAL POPULATION AND POLITICAL PARTICIPATION

This section explores the Aboriginal population of Australia, including its demographics, relationships with the Australian federal government, and data on political participation. Australia is chosen as a case study for four reasons. First, as detailed below, the Aboriginal population displays some similar demographic trends and gaps in indicators of well-being to Canada's. Second, the Australian Aboriginal population receives significantly less formal recognition than in Canada. This provides an opportunity to explore whether or not a formal relationship with and recognition by the state aids in policy influence and outcomes. Third, despite this lack of acknowledgement, there are several different types of organizations which advocate on behalf of Aboriginal interests in which Aboriginal Australians can become involved, some of which contain similarities to

Canadian organizations. Finally, Australia uses two different electoral systems from Canada, both of which are allegedly more inclusive to minorities than the SMP system. Therefore, the Australian case contains some important overlaps in terms of characteristics of the Aboriginal population and opportunities for participation in Aboriginal organizations, and it can be analyzed how this potentially similar population has responded to these different federal systems.

The Australian Aboriginal Population: Key Demographics and Trends

Prior to colonization, there were about 600 different Aboriginal nations living in Australia.[153] Many of these had their own distinct languages, and today these often help to distinguish between groups along with geographical location.[154] Currently, 90 per cent of Australia's Indigenous population identifies as Aboriginal, six per cent as Torres Strait Islander, and four per cent as both Aboriginal and Torres Strait Islander.[155] While these categories are in themselves and also contain within them distinct communities, the term Aboriginal will be used here to refer to the entire Aboriginal Australian population, including the Torres Strait Islander population.

The Australian Bureau of Statistics (ABS) draws on data from the 2006 and 2011 Census of Population and Housing in order to estimate the population and demographics of Australia's Aboriginal population.[156] Currently, Aboriginal peoples make up three per cent of Australia's population.[157] The ABS found that those identifying as Aboriginal increased

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[153] ACME et al, "Australian Indigenous Cultural Heritage," Government of Australia, last modified March 31, 2015, http://www.australia.gov.au/about-australia/australian-story/austn-indigenous-cultural-heritage.
[154] Ibid.
[155] Australian Bureau of Statistics, 2011a, *Estimates of Aboriginal and Torres Strait Islander Australians, June 2011,* cat. no. 3238.0.55.001, last modified January 27, 2016, http://www.abs.gov.au/ausstats/abs@.nsf/mf/3238.0.55.001.
[156] Ibid.
[157] Ibid.

by 29.6 per cent between the 2006 and 2011 censuses, growing from 517,000 to 669,900 individuals.[158] Further, the ABS found that a large percentage of this growth (90 per cent) occurred in non-remote areas.[159] Additionally, the ABS concluded that it was likely that a change in "people's propensity to identify as being of Aboriginal and/or Torres Strait Islander origin is found to be a significant contributor to the increase in counts."[160] However, there were also 67,400 children aged zero to four years in the 2011 Census, the highest number yet, suggesting that despite the increasing tendency to self-identify as Aboriginal, that this is also a young and growing population.[161] This is comparable to Canada's case where it has been found that the Aboriginal population is growing, especially in urban areas, and that some of this growth can be attributed to increasing declaration of Aboriginal identity.

The Australian Aboriginal population is also comparable to Canada's with regards to its age structure. Like Canada, the Australian Aboriginal population is significantly younger than the non-Aboriginal population; the median age was found to be 21.8 years for the former and 37.6 years for the latter in 2011.[162]

The ABS has five different measures for remoteness: major city areas, inner regional, outer regional, remote, and very remote. As of 2011, almost 35 per cent of Aboriginal Australians live in major city areas.[163] Nearly 44 per cent live in either inner or

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[158] Ibid.

[159] Australian Bureau of Statistics, 2011b, *Census of Population and Housing: Understanding the Increase in Aboriginal and Torres Strait Islander Counts, 2006-2011*, cat. no. 2077.0, last modified September 17, 2013, http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/2077.0main+features22006-2011.

[160] Ibid.

[161] Ibid.

[162] Australian Bureau of Statistics, 2011a, *Estimates of Aboriginal and Torres Strait Islander Australians*.

[163] Ibid.

outer regional areas.[164] Slightly less than eight per cent of the Aboriginal population live in remote areas, and almost double – nearly 14 per cent – live in very remote areas.[165] As seen in Table 5.1, like Canada, it is only in more remote areas that Aboriginal peoples make up a significant share of the population, despite the fact that most Aboriginal peoples do not live in these areas.

Table 5.1: POPULATION DISTRIBUTION BY HERITAGE GROUP AND REMOTENESS AREA

	PER CENT OF ABORIGINAL POPULATION	PER CENT OF NON-ABORIGINAL POPULATION	PER CENT OF TOTAL AUSTRALIAN POPULATION	PER CENT OF POPULATION THAT IS ABORIGINAL
Remoteness Area				
Major City Areas	34.8	71.3	70.2	1.5
Inner Regional	22	18.3	18.4	3.7
Outer Regional	21.8	8.7	9.1	7.5
Remote	7.7	1.2	1.4	17.0
Very Remote	13.7	0.5	0.9	47.3

Source: Data from Australian Bureau of Statistics (2011a).

The Australian Aboriginal Population: Key Indicators

The ABS also conducts the National Aboriginal and Torres Strait Islander Social Survey (NATSISS) every six years. In the 2014-15 version, 11,178 respondents identifying as Aboriginal were asked to self-report on various dimensions of social well-being. Responses related to education, health, housing, employment, and income are detailed below, and draw comparisons to data on the non-Aboriginal or general Australian population.

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[164] Ibid.
[165] Ibid.

Education

Table 5.2 compares education levels between Aboriginal and non-Aboriginal populations, the proportion of Aboriginal individuals who have an education level of Year 11 or below, which is less than a high school education, is more than double than that for the non-Aboriginal population. Further, a much lower proportion of the Aboriginal population has attained a bachelor degree or higher, just 5.4 per cent, compared to the non-Aboriginal level of 23.7 per cent. There are also smaller, but significant gaps between the Aboriginal and non-Aboriginal populations for Year 12 and Certificate or Diploma levels, but the gap in educational attainment is most pronounced in the lowest and highest levels of education.

Table 5.2: HIGHEST LEVEL OF EDUCATION ATTAINED, AGES 15-64

	YEAR 11 OR BELOW	YEAR 12	CERTIFICATE III, IV, DIPLOMA, OR ADVANCED DIPLOMA	BACHELOR DEGREE OR HIGHER
Per cent of Non-Aboriginal population	28.5	20.3	27.4	23.7
Per cent of Aboriginal population	58	16	20.5	5.4

Source: Data from Australian Bureau of Statistics (2014).

Health

With regards to health, there is some variation between reported levels both by gender and location. Table 5.3 breaks down self-reported health by gender and remoteness, and there are slightly higher levels of excellent, very good, and good health reported by both males and females in remote locations. Additionally, both males and

females in remote locations and less likely to report fair or poor health. When compared to the non-Aboriginal population, Table 5.4 shows that generally, the Aboriginal population is about 11 per cent more likely to report fair or poor health, and therefore about 11 per cent less likely to report good, very good, or excellent health.

Table 5.3: SELF-REPORTED HEALTH BY SEX AND REMOTENESS

	ABORIGINAL NON-REMOTE	ABORIGINAL REMOTE
Excellent/ very good		
Male	42%	45%
Female	36%	39%
Good		
Male	32.8%	33.7%
Female	34.5%	41.9%
Fair/poor		
Male	25.7%	21.1%
Female	28.8%	19.5%

Source: Data from Australian Bureau of Statistics (2014-15a)*.*

Table 5.4: SELF-REPORTED HEALTH, AGES 15-64

	PER CENTAGE OF ABORIGINAL RESPONDENTS (a)	PER CENTAGE OF NON-ABORIGINAL RESPONDENTS (b)
Reporting fair or poor health	34%	11.80%
Reporting good, very good, or excellent health	76%	88.20%

Sources: (a) Australian Bureau of Statistics (2012-13); (b) Australian Bureau of Statistics (2011-12).

Housing

Significant proportions of both non-remote and remote Aboriginal populations, as shown in Table 5.5, live in housing with major structural problems, which can include major cracks, termites, rot, electrical or plumbing problems, or foundation issues.[166] Additionally, data from the NATSISS shows that a substantial share of remote housing lacked at least one basic facility (such as those that help to wash individuals, bedding, waste removal, and those that help to safely store and cook food).[167] Finally, close to four in 10 remote Aboriginal homes were overcrowded, which is defined as needing at least one additional bedroom to be appropriate for the occupancy level.[168] The table shows that it is particularly remote Aboriginal communities who disproportionately suffer poor housing conditions.

Table 5.5: ABORIGINAL HOUSING CONDITIONS BY REMOTENESS

	ABORIGINAL NON-REMOTE	ABORIGINAL REMOTE
Major structural problems	25%	36%
Lacking basic facilities	11%	28%
Overcrowded	13%	38%

Source: Data from Australian Bureau of Statistics (2014-15b).

Income

Table 5.6 contains data on median weekly income and the unemployment rate for the Aboriginal and non-Aboriginal populations. The unemployment rates of Aboriginal

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[166] Australian Bureau of Statistics, 2014-15c, *National Aboriginal and Torres Strait Islander Social Survey,* 'Housing,' cat. no. 4714.0, last modified April 27, 2015, http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4714.0~2014-15~Main%20Features~Housing~9.
[167] Ibid.
[168] Ibid.

populations as a proportion of the labour force are significantly higher than for non-

Aboriginal Australians over all age groups. In addition to this, median weekly incomes are

significantly lower, especially for those aged 25-44, where the non-Aboriginal income is

almost double. This data suggests that not only are Aboriginal Australians in a

disadvantaged position in finding employment, but also to benefit economically from being

employed.

Table 5.6: EMPLOYMENT AND MEDIAN INCOME BY AGE AND HERITAGE GROUP

	ABORIGINAL	NON-ABORIGINAL
Unemployment Rate (a)		
Aged 15-24	31.8%	16.7%
Aged 25-34	19.2%	5.2%
Aged 35-44	18.2%	3.9%
Aged 45-54	10.8%	2.7%
Aged 55+	6.2%	3%
Weekly Income (b)		
Aged 15-24	$191	$209
Aged 25-44	$374	$684
Aged 45-64	$283	$420

Sources: (a) Australian Bureau of Statistics (2014-15c); (b) Australian Bureau of
Statistics (2006).

Aboriginal Political Engagement

The Australian Aboriginal population is different from Canada's in the sense that

Australia's Aboriginal history receives no recognition in the Australian Constitution.

Further, the Constitution makes no mention of Tory Strait Island peoples, and only

included references to Aboriginal peoples in a discriminatory matter, until these references

were removed through a referendum in 1967.[169] Due to this lack of constitutional

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[169] RECOGNISE, "Why Recognition," accessed June 6, 2016, http://www.recognise.org.au/why/why-recognition/.

recognition and protection, there is a significantly smaller degree of formal institutional

engagement with the Aboriginal populations by the Australian government. Despite this,

the Australian government has established different pathways for Aboriginal engagement,

including the Council for Aboriginal Reconciliation, which then became Reconciliation

Australia in 2010. However, despite being a non-governmental organization, Reconciliation

Australia also cannot be characterized as a truly Aboriginal organization.

One example of a representative Aboriginal body is the Kimberly Land Council,

which is one of the 15 Native Title Representative Bodies (NTRB)[170] in Australia. The

Council, located in the Kimberley region of northern Western Australia, was established in

1978 as a political land rights organization.[171] The Council aims to "get native title

recognition, protect and enhance the high biodiversity values of the region, pursue cultural

enterprise development and work to improve our socioeconomic circumstances."[172] While

it is clear that this group aims to influence policy, it cannot be mistaken as an institution of

governance. It is a community organization, rather, that does not aim to represent any

Australian Aboriginal group outside of those residing in the Kimberley region. Other

groups are represented by other regional councils, and the National Native Title Council is

the overarching body which represents the interests of the various Councils in forums and

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[170] Government of Western Australia, "Land, Approvals, and Native Title Unit: Frequently Asked Questions," last modified May 28, 2016, https://www.dpc.wa.gov.au/lantu/WhatIsNativeTitle/Pages/FAQs.aspx. A Native Title Representative Body is a regional organization appointed under the *Native Title Act 1993* in order to assist Indigenous people with native title claims. Native title recognises the ties that Aboriginal peoples hold with the land that they inhabit, and give title holders the right to be compensated if governments use the land over which title is held. The process of claiming Native title requires significant time and resources, and these groups assist in preparing claims, appear in court, resolve disputes, provide consultation, and negotiate on behalf of claimants.
[171] Kimberley Land Council, "About Us," accessed June 1, 2016, http://www.klc.org.au/about-us.
[172] Ibid.

submissions to government.[173] As the individual councils are made up of members of the Aboriginal communities, these bodies could be considered to be representative, but they lack the decision-making power than a formal governing body would enjoy.

Additionally, there are other Aboriginal organizations that are not expressly concerned with seeking or helping others in seeking Native Title. Some of these groups already have title over land, and others do not. They aim simply to represent and advocate for their communities in matters of interest, and sometimes involve the banding together of several communities- such as in the case of the Far West Coast Corporation, which is made up groups including the Wirangu, Mirning, Kokatha, Maralinga Tjarutja, and Yalata People. Groups vary in their aims, but many are concerned with land use, environmental conditions, protecting and maintaining traditional culture, and community well-being.

In 2016, South Australia launched its Aboriginal Regional Authority (ARA) Policy after three years of consultation and development. According to the South Australia Minister of Aboriginal Affairs and Reconciliation, Kyam Maher, the ARA Policy establishes a "Leader to Leader relationship between State Government and Aboriginal leaders," and "seeks to create a network of Aboriginal governing bodies charged with representing and advocating for their communities, and driving regional priorities and economic growth."[174] The Policy involves establishing Aboriginal organizations as ARAs, which are recognized as partners with the State government.[175]

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[173] National Native Title Council, "About Us," June 1, 2016, http://nntc.com.au/about-us/.
[174] Department of State Development, "South Australian Aboriginal Regional Authority Policy," (Adelaide: Government of South Australia, 2016); 3, http://www.statedevelopment.sa.gov.au/upload/aard/ara/ara-policy.pdf.
[175] Ibid., 3.

In order to become an ARA, an Aboriginal organization must apply through an Expression of Interest, which are reviewed by the Minister on a yearly basis. Up to two ARAs may be appointed by the Minister each year, under consultation with a Panel, and recognition is granted through a Recognition Agreement. These Agreements detail the areas of mutual interest and partnership as well as the mechanisms by which the ARA and the State will work cooperatively. Interestingly, in situations where there are overlapping potential ARAs within a given boundary, they either must come together to form one ARA or come up with a plan to show how they will work together in their overlapping spheres of influence; each community and organization is not guaranteed its own unique representation, but instead, cooperation and collaboration is encouraged.[176] This can be seen in the case of the Far West Coast Aboriginal Corporation, mentioned above, which was one of the first three organizations to be granted ARA status in 2016.

Finally, in 2010, the National Congress of Australia's First Peoples was established under leadership from the Aboriginal and Torres Strait Islander Social Justice Commissioner. This body is independent from government and seeks to produce a unified voice with which to advocate on behalf of Australian Aboriginal groups. However, there are two components to the National Congress. First, the group operates as both a company, with a board, ethics council, and congress staff.[177] Second, it operates as a forum for its three chambers, one of existing Aboriginal bodies and national organizations, another of other non-national organizations, and a third of individuals.[178] Members of the Congress elect the directors, organizations, and individuals who make up both branches of the

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[176] Ibid., 5.
[177] National Congress of Australia's First Peoples, "About Us," accessed July 15, 2016, http://nationalcongress.com.au/about-us/.
[178] Ibid.

Congress, making the Congress a representative organization.[179] Although the Congress

meets yearly to discuss challenges, priorities, and produce policy positions, it states that it

does not fund programs, deliver services, or "depend upon the good will of parliament or

the government of the day,"[180] a statement which infers that there may not be significant

alignment between the Congress and the Australian government that would allow for

substantial policy influence.

Therefore, while there are a range of ways in which Aboriginal communities may seek

to advocate on behalf of their interests or seek specific actions by government, not all

organizations are equal in their influence. Some, like the Native Title Representative

Bodies, have specific mandates and functions and therefore a specific relationship with the

Australian government. Other organizations, such as the Far West Coast Aboriginal

Corporation, have a more flexible role. The recent developments at the state level by South

Australia have given organizations such as these a significant opportunity to work as

partners in policy development and influence policy direction. However, this commitment

made by a state government appears to exceed that which currently exists between the

federal government and groups such as the National Congress. While the Congress was

established partly due to government efforts, there was no formal commitment upon its

creation regarding cooperation and consultation on mutual policy interests.

Aboriginal Political Participation within the Australian Context

The Australian electoral process involves two different electoral systems. The House

of Representatives is elected using Full Preferential Voting. Under this method, candidates'

names are placed in a column in a random order with an empty box beside each name, and

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[179] Ibid.
[180] Ibid.

the voter must mark each box with his corresponding number (preference), starting with the number 1, until all boxes are filled.[181] If a candidate receives more than 50 per cent of the number 1 votes cast, the candidate is elected; if no candidate receives more than 50 per cent, however, the candidate with the fewest number 1 votes is excluded from the count, and this candidate's votes are transferred to the remaining candidates according to the second preference on the ballot.[182] This process continued until a candidate has more than 50 per cent of the total number of votes.

The Senate, however, is elected using the Proportional Representation method of the Single Transferable Vote. Proportional Representation aims to produce results in which the proportion of seats won is roughly equal to the proportion of votes received.[183] This ballot can be voted "above the line" of "below the line."[184] Party names are placed above the line on these ballots, and a voter may choose to simply write the number 1 in one of these party boxes and leave all other boxes blank.[185] Below the line, the parties list their candidates' names. If voting below the line, the voter must fill out every candidate box in order of preference.[186] Under this model, each Australian state and territory is its own multi-member district. In order to be elected, candidates must receive a certain quota of votes, determined by taking the number of votes cast, dividing it by the number of candidates, and adding one.[187] On a ballot in which the vote was above the line, preferences

[181] Scott Bennet and Rob Lundie, "Australian Electoral Systems," *Politics and Public Administration Section* 5, (Parliament of Australia, 2007,) accessed May 31, 2016 http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/RP 0708/08rp05.
[182] Ibid.
[183] Ibid.
[184] Ibid.
[185] Ibid.
[186] Ibid.
[187] Ibid.

are allocated according to the order of candidate names on a Group Voting Ticket issued by the party.[188] Candidates who receive votes in surplus of the quota needed transfer these surplus votes to the second preference on the ballot.[189] This is a complicated process which involves looking at all ballots in which the candidate over quota was awarded first preference, and then giving each second preference candidate a share of these surplus votes.[190]

An important detail is that voting is compulsory for Australian citizens under section 245(1) of the *Commonwealth Electoral Act 1918.* According to the Australian Electoral Commission, this was introduced due to the decline in turnout from 71 per cent in the 1919 federal election to 60 per cent in 1922.[191] Following its introduction, turnout rose to 91 per cent in 1925.[192] However, when Australian Aboriginal peoples were given the vote in 1949, voting remained voluntary for these populations.[193] In 1984, compulsory voting was expanded to Aboriginal peoples as well.[194] Turnout has not fallen below 90 per cent for the general Australian population since 1924.[195]

Participation Rates and Attitudes towards Government and Political Engagement

Australia's Joint Standing Committee on Electoral Matters, in its *Report on the Conduct of the 2007 Federal Election and Matters Related Thereto,* explains the difficulty of measuring actual participation rates of Aboriginal electors. Because electors are not identified as Aboriginal on the electoral roll, the Committee tries to determine Aboriginal

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[188] Ibid.
[189] Ibid.
[190] Ibid.
[191] Tim Evans, "Compulsory Voting in Australia," Australia Electoral Commission, last modified February 14, 2011, http://www.aec.gov.au/About_AEC/Publications/voting/index.htm.
[192] Ibid.
[193] Ibid.
[194] Ibid.
[195] Ibid.

participation by examining voting divisions in which a significant share of the population is known to have Aboriginal heritage.[196] For instance, the divisions of Lingiari and Solomon, both located in the Northern Territory, have significant Aboriginal populations, amounting to 43.5 and 10.3 per cent of total population, respectively.[197] When the Committee analyzed the voter turnout for the House of Representatives elections for the period of 1993 to 2007, it found that Northern Territory turnout was consistently significantly lower over the period.[198] In 2007, national turnout was 94.76 per cent.[199] In the Northern Territory, it was only 86.53 per cent.[200] The gap was the greatest in 2004, with 10.07 percentage points separating the National and Northern Territory turnout rates, and the smallest in 1998, with a 4.66 percentage point difference.[201]

Additionally, the Committee points to the difficulty in engaging with remote electors as part of the difficulty in engaging with Aboriginal electors.[202] The Australian Electoral Commission estimated that in 2007, voter turnout in remote areas of Australia was around 77 per cent, compared to the 95 per cent national turnout.[203] Given that a high proportion of those living in remote areas are Aboriginal, as outlined in Table 4.3.4.1 above, this suggests that despite the difficulty in measuring Aboriginal turnout, it is likely lagging behind non-Aboriginal levels.

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[196] Joint Standing Committee on Electoral Matters, "Increasing the Participation of Indigenous and Homeless Electors," chap. 6 in *Report on the Conduct of the 2007 Federal Election and Matters Related Thereto*, (Canberra, Commonwealth of Australia: 2009), 147.
[197] Paul Nelson, "Electoral Division Rankings: Census 2006 Second Release," *Parliamentary Library Research Paper* 23, (Canberra, Parliament of Australia: 2008), 132.
[198] Joint Standing Committee, "Increasing Partiipation,"146.
[199] Ibid., 146.
[200] Ibid., 146.
[201] Ibid., 146
[202] Ibid., 148.
[203] Ibid., 148.

Aboriginal representation in parliament itself has been minimal. There have been only five Aboriginal Senators, and only a single Aboriginal individual has been elected to the House of Representatives. Sarah Maddison, based on interviews with Australian politicians with Aboriginal heritage, suggests that Aboriginal candidates are usually elected through one of the two major political parties, and that it is the Labour Party that is often the party of choice due to its reputation for "represent[ing] the poor and isolated."[204] Maddison also details the tension that exists for these Aboriginal politicians between representing their parties, their constituents, and their Aboriginal communities.[205] Despite these difficulties, she notes that there has been no major effort to form a party based on Aboriginal identity or for Aboriginal organizations to put forth candidates as independents.[206] An unfortunate result of this is that, as Maddison confirms through interviews, these Aboriginal representatives often first state their Aboriginal heritage, and then assure the Australian public that they are racially neutral.[207]

6   CASE STUDY II: NEW ZEALAND'S ABORIGINAL POPULATION AND POLITICAL PARTICIPATION

This section explores the Aboriginal population of New Zealand, the Māori peoples. It includes information on population demographics, outlines the history of the Māori relationship with the New Zealand state, and outlines the available data on political participation and representation. There are four aspects of the New Zealander case which make the Māori a useful population for Canadian comparison. First, while the Māori are

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[204] Sarah Maddison, "White Parliament, Black Politics: The Dilemmas of Indigenous Parliamentary Representation," *Australian Journal of Political Science* 4, (2010): 669, doi: 10.1080/10361146.2010.517180.

[205] Ibid., 670-1.

[206] Ibid., 667-8.

[207] Ibid., 672.

also a young and growing population, and exhibit a similar gap in outcomes associated with well-being as the Canadian case, the Māori population is overwhelmingly urban. Even in remote areas, the Māori do not make up significant shares of the population. This allows for an analysis on whether or not geographical dispersion is an important factor of political representation, and what effect different electoral systems might have on this supposed importance. Second, the presence of the influential Treaty of Waitangi in New Zealand has provided the Māori with an important legal document on which to refer to when Māori interests and state interests overlap. Third, the Treaty has had the effect of developing Māori governance institutions in close proximity to state institutions. These parallel structures and close working relationships may have had an effect on the way the electoral system was developed over the years to include Māori representation. Finally, New Zealand's Mixed Member Proportional (MMP) electoral system with guaranteed Māori seats is distinctly different from the Canadian system, and data regarding the transition to this system allows for a before and after analysis of Māori participation and the resulting representation.

The New Zealander Aboriginal Population: Key Demographics and Trends

In the case of New Zealand, data is not collected in a way to allow for direct Aboriginal and non-Aboriginal comparisons as in Canada and Australia. Instead of focusing on gaps between the Māori and non-Māori populations, much more data is gathered regarding differences between the different major ethnic identities[208] or between different

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[208] This information on ethnicity is measured by Statistics New Zealand for five broad ethnic groups, including European or Other, Māori, Pacific peoples, Asian, and Middle Eastern/Latin American/African. As ethnicity is self-perceived, an individual can identify with any number of these groups at the same time. When this occurs, the individual is included in the count of each group with which they identify.

Māori Iwi.[209] However, the data collected for the five ethnic identity groupings can be used in some instances to allow for Māori and non-Māori[210] population comparison. In situations where this is not possible, Māori data has been compared to that of the general New Zealand population. Table 6.1 outlines the prevalence of each major ethnic identity group as well as the growth in these groups between 2006 and 2013. Table 6.2 outlines the differences between the age demographics of the groups, more specifically, the percentages of the population under 15 and over 65 years of age and the median age. While this data suggests that the Māori population is young and growing, it also shows that it is not unique from the other non-European ethnic groups. Therefore, the tables suggest that it is most appropriate to compare Māori data to the general population data (even though this group includes the Māori themselves), as the lower median age and slightly younger age structure, when compared to the large European ethnic group, is more representative of the entire non-Māori population of New Zealand.

Table 6.1: NEW ZEALAND ETHNIC IDENTITY GROUPS

	EUROPEAN	MĀORI	ASIAN	PACIFIC	MIDDLE EASTERN/LATIN AMERICAN/ AFRICAN
Per cent of respondents that identified with ethnicity	74	15	12	7	1
Per cent increase in ethnic identity since 2006	14	6	33	11	35

Source: Data from Statistics New Zealand (2013a).

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[209] Iwi is the term used to describe pre-European Māori political groupings. They usually consist of several familial groups, and some Iwi fit into larger groups of Iwi.

[210] This measure of non-Māori population was found by subtracting the Māori ethnic population of the given year from the general population count of that year. It is important to note that this measure is not perfect, as individuals can be counted in several different ethnic identity groups.

Table 6.2: AGE STRUCTURES BY ETHNIC GROUP

	EUROPEAN	MĀORI	ASIAN	PACIFIC	MIDDLE EASTERN/LATIN AMERICAN/ AFRICAN	GENERAL POPULATION (ALL ETHNIC GROUPS)
Under 15 years	**583,149**	**202,317**	**97,200**	**105,513**	**11,982**	**865,635**
Per cent of population	19.6	33.8	32.8	22.4	25.5	20.4
Over 65 years	**508,506**	**32,184**	**13,947**	**27,309**	**1,551**	**607,029**
Per cent of population	17.12	5.38	4.71	5.79	3.30	14.31
Median Age	**41**	**23.9**	**30.6**	**22.1**	**28.6**	**38**

Source: Data from Statistics New Zealand (2013b).

According to New Zealand Census data, nearly 15 per cent of those living in New Zealand in 2013 stated a Māori ethnic identity, an increase of 5.9 per cent from the previous census.[211] Similar to the Canadian Aboriginal population, the Māori are a quickly growing segment of New Zealand's population. As shown in Table 6.3, the Māori population is growing at a rate faster than the non-Māori population; between 1991 and 2013, the former grew by nearly 38 per cent, over 12 percentage points more than the latter.[212]

However, in contrast to the Canadian context, the Māori population, like the non-Māori population, is overwhelmingly urban. As Table 6.4 displays, by 2006, nearly 85 per cent of Māori individuals lived in an either major, satellite, or independent urban area. Further, from 2001 to 2006, all but one type of rural area, that being rural areas with a high

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[211] Statistics New Zealand, 2013c, *Census and Ethnic Group Profiles: Māori,* "Profile and Summary Reports," accessed July 15, 2016, http://www.stats.govt.nz/Census/2013-census/profile-and-summary-reports/ethnic-profiles.aspx?request_value=24705&tabname=Populationandgeography.
[212] Ibid.

urban influence, decreased as a share of the Māori population. Finally, as Table 6.5 outlines, there is no profile area in which Māori people comprise a significant percentage of the population; the Māori population share does not reach even 20 per cent in either an urban or rural area type.

Table 6.3: MĀORI AND NON-MĀORI POPULAITON GROWTH, 1991-2013

YEAR	NUMBER	PERCENTAGE CHANGE
Māori ethnic group population (a)		
1991	435,618	--
1996	524,034	20.3
2001	527,067	0.6
2006	566,496	7.5
2013	599,865	5.9
Total growth 1991-2013	164,247	37.7
Non-Māori ethnic group population (b)		
1991	2,999,331	--
1996	3,157,512	5.3
2001	3,293,682	4.3
2006	3,576,786	8.6
2013	3,753,336	4.9
Total growth 1991-2013	754,005	25.1

Sources: (a) Data from Statistics New Zealand (2013d); (b) Data from Statistics New Zealand (2013e).

Table 6.4: MĀORI AND NON-MĀORI POPULATIONS IN NEW ZEALAND URBAN/RURAL AREAS

URBAN/RURAL PROFILE AREA	2001		2006	
	MĀORI POPULATION	NON-MĀORI POPULATION	MĀORI POPULATION	NON-MĀORI POPULAITON
Main urban area				
# of persons	335145	2319915	365604	2527206
% of population	63.68	72.25	64.67	72.99
Satellite urban area				
# of persons	22179	95430	23757	104337
% of population	4.21	2.97	4.20	3.01
Independent urban area				
# of persons	84825	346788	88038	354222
% of population	16.12	10.80	15.57	10.23
Rural area with high urban influence				
# of persons	11928	97017	13452	110793
% of population	2.27	3.02	2.38	3.20
Rural area with moderate urban influence				
# of persons	22041	121458	23415	131553
% of population	4.19	3.78	4.14	3.80
Rural area with low urban influence				
# of persons	38565	175647	39504	180966
% of population	7.33	5.47	6.99	5.23
Highly rural/remote area				
# of persons	11514	53613	11487	52695
% of population	2.19	1.67	2.03	1.52
Area outside urban/rural profile				
# of persons	84	1119	72	843
% of population	0.02	0.03	0.01	0.02
Total, all areas	526281	3210996	565326	3462621

Source: Data from Statistics New Zealand (2006, tables 4b and 4c).

Table 6.5: MĀORI AND NON-MĀORI MAKEUP OF URBAN/RURAL AREAS

URBAN/RURAL PROFILE AREA	PERCENTAGE OF POPULATION	
	MĀORI	NON-MĀORI
Main urban area	12.64	87.36
Satellite urban area	18.55	81.45
Independent urban area	19.91	80.09
Rural area with high urban influence	10.83	89.17
Rural area with moderate urban influence	15.11	84.89
Rural area with low urban influence	17.92	82.08
Highly rural/remote area	17.90	82.10
Area outside urban/rural profile	7.87	92.13

Source: Data from Statistics New Zealand (2006, table 4c).

New Zealand's Aboriginal Population: Key Indicators

Education

Table 6.6 outlines educational achievements of the Māori population in comparison to the general population of New Zealand. While the achievement of higher levels of education amongst the Māori increased between 2006 and 2013, they still lag behind general population levels. In 2013, twice as many bachelors (or higher) degrees were held by the general New Zealand population than by the Māori. This may be a contributing factor in the differences in median income as outlined in Table 6.9.

Table 6.6: HIGHEST EDUCATIONAL QUALIFICATION BY ETHNICITY

Highest Qualification	PER CENT OF MĀORI POPULATION		PER CENT OF GENERAL POPULATION	
	2006	2013	2006	2013
No Qualification	39.9	33.3	25	20.9
Certificate (a)	46.6	49.9	43.6	43
Diploma (b)	6	6.3	9.5	9.3
Bachelors degree or higher (c)	7.1	10	15.8	20

Source: Data from Statistics New Zealand (2013f).
Notes: (a) National certificates require at least four months of full-time study and are designed to teach individuals specific skills for a given area of work. Certificates can be earned through on-the-job training; (b) Diplomas usually require a minimum of one year's worth of full-time study. They may build on a certificate, but this is not always required. They also focus on practical skills; (c) A bachelors degree is an undergraduate degree and requires at least three years of full-time schooling. Higher levels of education include postgraduate certificates, postgraduate diplomas, masters degrees, and doctorates.

Health

Some key indicators from the New Zealand Health Survey are displayed in Table 6.7 for the Māori and general populations. Good to excellent self-perceived health is quite high for both groups, and increased at nearly the same rate over the period. Despite this, good to excellent self-perceived health among Māori is slightly lower than that of the general population. Additionally, the Māori population is more likely to suffer from psychological distress, but also less likely to suffer from a diagnosed mood or anxiety disorder, suggesting that mental health is somewhat similar between the two populations. However, the cost of medical treatment is a more significant obstacle for the Māori population. This is especially true in the case of prescription medications. Lastly, there is somewhat less confidence in doctors amongst the Māori population.

Table 6.7: HEALTH INDICATORS BY ETHNICITY

INDICATOR	MĀORI		GENERAL POPULATION ADULTS, 15 YEARS AND OVER	
	Percent of respondents (2012/13)	**Percent 2013/14**	Percent 2012/13	**Percent 2013/14**
Excellent, very good or good self-rated health	84.2	**87.1**	89.6	**91.4**
Mood or anxiety disorder(diagnosed)	15.7	**17.3**	16.3	**18.4**
Psychological (mental) distress	9.6	**9.3**	6.1	**6.1**
Unmet need for general practitioner due to cost	25.1	**21.5**	14.5	**14**
Unfilled prescription due to cost in the last 12 months	14.6	**12.6**	6.1	**6.1**
Definitely had confidence and trust in general practitioner	76.1	**76**	81.4	**80.5**

Source: Data from New Zealand Ministry of Health (2014, tables 3 and 4).

Housing

Given the similarity in urban and rural residence locations among the Māori and non-Māori populations, it could be hypothesized that the condition of housing would be much the same as well. Table 6.8 breaks down housing satisfaction levels of the two groups between those respondents who perceive a major housing problem in their own place of

residence and those who do not. When considering total responses for housing satisfaction, outcomes are quite similar for each group, with Māori populations being only slightly less likely to be very satisfied or satisfied (81.41 per cent compared to 87.14 per cent) with their housing. However, Māori respondents are nearly 17 percentage points more likely to perceive major housing problems in their place of residence, suggesting that the actual condition of Māori housing, despite high satisfaction, may be poorer.

Table 6.8: HOUSING PROBLEMS AND SATISFACTION BY ETHNICITY

| HOUSING SATISFACTION | MĀORI POPULATION | | | | NON-MĀORI POPULATION | | |
	Total	No perceived major housing problems present	Perceived major housing problems present	Perceived major housing problems present	Total	No perceived major housing problems present	Perceived major housing problems present
Total							
Number of persons	441,000	225,000	216,000		3,018,000	2,077,000	941,000
Per cent of respondents	100.00	51.02	48.98		100.00	68.82	31.18
Very satisfied/ satisfied							
Number of persons	359,000	211,000	148,000		2,630,000	1,971,000	660,000
Per cent of respondents	81.41	47.85	33.56		87.14	65.31	21.87
Neither satisfied or dissatisfied							
Number of persons	32000	8000	24000		173000	72000	101000
Per cent of respondents	7.26	1.81	5.44		5.73	2.39	3.35
Dissatisfied/ very dissatisfied							
Number of persons	49000	5000	44000		216000	36000	180000
Per cent of respondents	11.11	1.13	9.98		7.16	1.19	5.96

Source: Data from Statistics New Zealand (2012).

Income

The median income of Māori males and females are over 25 and 13 per cent lower, respectively, than those of the general male and female populations. Further, this difference

increased significantly from 2006 to 2013, as shown in Table 6.9. It should also be noted that while this difference is smaller for women, this is likely because the median incomes of women are significantly lower in general in New Zealand. Furthermore, as shown in Table 6.10, the Māori population has an unemployment rate over double that of the general population and is growing at a faster rate.

Table 6.9: MEDIAN INCOME BY ETHNICITY AND SEX

		MĀORI (a)		GENERAL (b)	
		Male	Female	Male	Female
Yearly Median Income					
	2006	$25,900	$17,800	$31,500	$19,100
	2013	$27,200	$19,900	$36,500	$23,100
Per cent growth (2006-2013)		5.02	11.80	15.87	20.94
Per cent difference from general population					
	2006	17.8	6.8		
	2013	25.5	13.9		

Sources: Data from (a) Statistics New Zealand (2013d); (b) Statistics New Zealand (2013g)

Table 6.10: UNEMPLOYMENT RATES BY ETHNICITY, AGED 15 YEARS AND OVER

	MĀORI (a)		GENERAL (b)	
	2006	2013	2006	2013
Per cent of population unemployed	10.4	15.6	5.1	7.1

Sources: Data from (a) Statistics New Zealand (2013d); (b) New Zealand (2013h).

Traditional Māori Governance and the Relationship with the New Zealand State

The Treaty of Waitangi

In 1840, the Treaty of Waitangi was signed between representatives of the British Crown and nearly 300 Māori representatives from across much of New Zealand. This

Treaty continues to inform much of the relationship between what is now the New Zealand state and the Māori people. However, the Treaty of Waitangi is unique in the fact that it actually has two texts, one in Māori and one in English, and that these texts actually differ in their language and emphasis.[213] For instance, while the English preamble emphasizes establishing order through government and protecting Māori interests while providing area for British settlement, the preamble of the Māori text emphasizes ensuring Māori land ownership and tribal rangatiratanga.[214]

This tension in meaning runs through much of the two versions of the Treaty. While the British version of Article 1 highlights the ceding of sovereignty to the British, the Māori version instead grants the British "kawanatanga," or the right of governance.[215] Some of the discrepancy is caused by the fact that some words used by the British, such as sovereignty, had no equivalent in Māori languages.[216] Article 2 is similarly complicated, as the British text guarantees "undisturbed possession"[217] of property while the Māori version promises "rangatiranga," which is used to describe authority held over land and belongings.[218]

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[213] Waitangi Tribunal, "Meaning of the Treaty," last modified June 19, 2016, accessed July 29, 2016, http://www.waitangitribunal.govt.nz/treaty-of-waitangi/meaning-of-the-treaty/.

[214] Richard S. Hill, *State Authority, Indigenous Autonomy: Crown-Māori Relations in New Zealand/Aotearoa 1900-1950*, (Wellington: Victoria University Press, 2004), 13, http://nzetc.victoria.ac.nz//tm/scholarly/tei-HillStat.html. In his work on Crown-Māori relations in New Zealand, Richard S. Hill describes the term rangatiratanga as having several interpretations, including "chieftainship, tribal control of internal affairs, self-determination. ...Māori sovereignty, governance, independence, devolved control by the state, self-management, Māori nationalism, tribal or pan-tribal self-government, and so forth." He goes on to argue that perhaps the best definition is autonomy, and that the word expresses a desire of the Māori to "manage its own affairs, members and possessions."

[215] Waitangi Tribunal, *Te Tiriti o Waitangi: The Treaty of Waitangi*, Wellington: Archives New Zealand, accessed August 12, 2016, 5-6 http://archives.govt.nz/sites/default/files/users/carterba/te_tiriti_o_waitangi-ebook.pdf.

[216] Waitangi Tribunal, "Meaning of the Treaty," last modified June 19, 2016, http://www.waitangitribunal.govt.nz/treaty-of-waitangi/meaning-of-the-treaty/.

[217] Waitangi Tribunal, *Te Tiriti o Waitangi*, 5-6.

[218] Ibid., 5-6.

Finally, Article 3, in both texts, promises the Māori the same rights and protection as British subjects.[219]

The differences between these two versions of the Treaty, and what each version contains, is important as it has been the foundation of much of New Zealand's Aboriginal policy as well as of Māori political activism. Currently, New Zealand's Waitangi Tribunal is given the duty of interpreting the Treaty as claims are made. The Tribunal tries to settle claims by considering the "expressed intention of the parties," while also giving "considerable weight" to the fact that the overwhelming majority of Māori signatories signed the Māori version.[220] If the Treaty is to grant Māori people rangatiranga, then is seems necessary for the Māori people to have considerable involvement in government decisions, regardless of the kawanatanga that might have been given up.

Māori Political Movements

The advancement in the participation and representation of the Māori population was accomplished in part due to the efforts by many Māori political movements and organizations dating back to the 1800s. In his article on Crown-Māori relations, Richard S. Hill traces Māori political movements back to the Kingitanga movement of the 1850s.[221] At this time, Māori Kingism structures were beginning to explore the idea of unity across tribes in order to protect all Māori from settler encroachment.[222] In Hill's words, Kingitanga sought "a form of autonomy involving a unified Maoridom that operated alongside the British Crown for some purposes and under its umbrella for others."[223] It managed to

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[219] Ibid., 5-6.
[220] Waitangi Tribunal, "Meaning of the Treaty."
[221] Richard S. Hill, *State Authority, Indigenous Autonomy,* 34.
[222] Ibid., 34.
[223] Ibid., 34.

establish a Council of Chiefs in 1892, but failed to receive any recognition from the British Crown.[224]

As Kingitanga remained fairly uninfluential, a new movement, Kotahitanga, emerged. Similar to Kingitanga, Kotahitanga sought cooperation between Māori tribes, but also sought to organize this unification in a federal manner which would complement the existing British parliamentary system.[225] In 1892, the Māori Parliament was established, claiming authority and autonomy based on Article 2 of the Treaty of Waitangi.[226] While the Māori Parliament did produce and enforce its own laws, it failed to receive official recognition from the Crown.[227] However, two Māori MPs, Hone Heke and Henare Kaihau, brought Māori issues into mainstream political conversation in the 1890s. In 1893, Heke introduced draft legislation that would give some powers to the Māori Parliament.[228] Then, in 1896, Kaihau sought to establish a Māori Council under the guidance of the Māori King.[229] While these ideas, as Hill notes, were not necessarily supported by either the Crown or many Māori tribes, they were influential in that they opened up a period of negotiations regarding what powers Māori organizations should have or were entitled to.[230]

This spirit of negotiation and cooperation between the Crown and Māori was embodied by the Young Māori Party. The Party believed that the best thing for Māori was to combine the best of the European and Māori cultures, and to work within existing state

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[224] Ibid., 35.
[225] Ibid., 35.
[226] Ibid., 39.
[227] Ibid., 41.
[228] Ibid., 41.
[229] Ibid., 41.
[230] Ibid., 41.

structures.[231] In 1900, the Māori Land Councils were established as local government

organizations for the Māori.[232] Hill suggests that this may have been a way to quell national

Māori movements and encourage assimilation rather than to truly grant local autonomy.[233]

The Councils were soon "abandoned as a vehicle that could be used by Māori leaders," as

despite some beneficial outcomes in areas such as health, many Māori felt that the Councils

were too vulnerable to Crown control to be truly Māori institutions.[234] Only six general

conferences between the Councils were ever held.[235]

Later, anti-tribal movements such as Ratana rose to prominence. This movement,

founded by the faith healer Tahupotiki Wiremu Ratana, with Christian roots, saw it

necessary to supersede tribal organizations, and to instead come together as individual

Māori.[236] The Ratana movement had close ties with the Labour Party. However, prior to

Labour's success in reaching office, Ngatism was the Māori movement with the most

institutional presence.[237] A continuation of the Young Māori Party, Ngatism continued to

advocate for kotahitanga-type methods in which pan-tribal collaboration was sought and a

combination of Western and Māori culture was considered ideal.[238] When the Labour Party

gained office in the 1930s, Ratanism began to have more of a national political presence.[239]

These ties between the Māori and the Labour Party have continued into the modern

political landscape. In 2004, the Māori Party was established by a former Labour Party

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[231] Ibid., 44-5.
[232] Ibid. 50.
[233] Ibid., 55.
[234] Ibid., 58-9.
[235] Ibid., 62.
[236] Ibid., 140.
[237] Ibid., 146.
[238] Ibid., 146-7.
[239] Ibid., 160.

member. Its creation was spurred by the controversy over the alleged ownership of New

Zealand's foreshore and seabed.[240]

Māori Participation in New Zealand's Electoral System

In his article on New Zealand's electoral system, Andrew Geddes details the history

of the relationship between the Māori people and the New Zealand Government. [241] Geddes

explains that, under the original voting rules as set out in the *New Zealand Constitution Act*

1852, essentially all Māori were excluded from voting due to stipulations regarding land

ownership. Despite the fact that the Māori did in fact own a large share of land, this

ownership was regarded as communal under British law, which did not meet the criteria

for voting as set out in the Act.[242] This exclusion was rationalized, says Geddes, by the belief

that the "advance in civilization" of the Māori would lead to the acquisition of property, and

therefore inclusion in the electoral system.[243]

However, according to Geddes, growing tensions between the Māori and settler

populations, as well as concerns amongst some parliamentarians and administrators over

the lack of Māori representation led to the creation of the *Māori Representation Act 1867.[244]*

The Act guaranteed four seats in Parliament to the Māori people, but was intended to be a

temporary measure until a greater proportion of the Māori population was able to

participate under the existing electoral rules as outlined in the Constitution.*[245]* Despite this

intention, the legislation was extended in 1872, and then made permanent in 1876 as many

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[240] *New Zealand Herald,* "Tariana Turia to Resign and Force Byelection," April 30, 2004,
http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=3563652.
[241] Andrew Geddis, "A Dual Track Democracy? The Symbolic Role of the Māori Seats in New Zealand's
Electoral System," *Election Law Journal* 5, no. 4 (2006): 351, doi:10.1089/elj.2006.5.347.
[242] Ibid., 351.
[243] Ibid., 352.
[244] Ibid., 352.
[245] Ibid., 352.

Māori were still unable to meet the Constitutional requirement of land ownership.[246]

Geddes notes that, while the four seats were better than no Māori representation, that the

Māori population at this time was an estimated forty or fifty thousand; therefore, the Māori

ratio of representation was about one seat for every 11,250 persons, whereas the non-

Māori population at the time had one seat for every 3,055 persons.[247]

Another important aspect of the *Māori Representation Act* is that participation was

determined solely by ancestry; those who were "pure descent" Māori had to vote in the

Māori electorate, and those with less than 50 per cent ancestry had to vote in the European

electorate.[248] There was no concern over which electorate an individual identified with,

unless the individual had equal Māori and European ancestry.[249] Do to practices such as

this, Geddes describes the history of Māori parliamentary representation as being "stained

with the distinctive patina of second-class citizenship."[250] However, in 1975, enrollment on

the Māori roll became voluntary, and the definition of Māori was untied from any measure

of ancestry.[251] This meant that any individual who is able to prove any degree of Māori

ancestry was able to choose between either the Māori or the general electoral roll. The

other major development in Māori representation was two-fold, and came in 1993.

First, the Mixed Member Proportional (MMP) electoral system was adopted by New

Zealand, arguably making representation more likely for all minority groups. Under the

MMP system, each individual votes twice: once for a political party, and once for the

candidate that he wishes to represent the electorate in which he resides. The first vote, the

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[246] Ibid., 352.
[247] Ibid., 352.
[248] Ibid., 353.
[249] Ibid., 353.
[250] Ibid., 353.
[251] Ibid., 354.

party vote, determines the number of seats that each party will hold in parliament, and the proportion of votes received will roughly reflect the proportion of seats won. The second vote, the electoral vote, determines regional representation in parliament. If a party wins a share of the party vote that is greater than the proportion of electoral votes won by individual candidates, the party fills the remaining seats won according to a party list.[252] The current rule in New Zealand is that any party that wins at least five per cent of the party vote or one electorate seat is to receive a share of parliamentary seats that is roughly equal to their share of the party vote.[253]

Second, the number of Māori seats was changed from being fixed at four seats to being calculated every five years on the same population basis as general electoral seats, and is based on how many individuals register on the Māori roll. To calculate electorates, they are first broken down into three groups: South Island General electorates, North Island General electorates, and Māori General electorates.[254] The Electoral Act of 1993 fixed the number of South Island General electorates at 16, so in order to find the population of all General electorates in a given year, the South Island General electoral population is divided by 16.[255] Once the population quota per electorate is determined in this way, the North Island General electoral population is divided by this quota to determine the number

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[252] For example, suppose parliament has 100 seats. Party A wins 40 per cent of the party vote, but Party A's candidates only win 30 seats through the electoral vote. This would result in Party A filling it's remaining 10 parliamentary seats with the first 25 names on the party list.
[253] Electoral Commission New Zealand, "MMP Voting System," last modified October 20, 2014, http://www.elections.org.nz/voting-system/mmp-voting-system.
[254] Electoral Commission New Zealand, "How Electorates are Calculated," last modified March 12, 2013, http://www.elections.org.nz/voting-system/electorates/how-electorates-are-calculated.
[255] Ibid.

of electorates to be formed.[256] Finally, the number of Māori electorates is determined by dividing the Māori electoral population by the same quota.[257]

The General electoral populations of the North and South are calculated using census data and subtracting the Māori electoral population.[258] The Māori electoral population is calculated using a statutory formula which accounts for those registered on the Māori roll, a percentage of Māori who are not registered, and a percentage of Māori under the voting age.[259] However, an individual may only change his chosen roll during the Māori Electoral Option (MEO), a four-month period held every five years, during which those who have identified as Māori in the census are mailed paperwork with which to do so.[260] Despite this unaccommodating process, there are now seven Māori seats guaranteed in the New Zealand parliament.

The result of New Zealand's system is that, even if an individual's choice of electorate candidate does not win, the individual still has a say in the party composition of parliament through the party vote. Further, this need to win party votes in order to secure a significant proportion over overall parliamentary seats is sometimes said to make parties more sympathetic to minority interests. This is especially true due to the relatively low threshold set, either 5 per cent party vote or one electorate seat, needed to secure a proportion of parliamentary seats equal to the party vote won. For instance, in 2008, the Green Party failed to win any electoral seats. However, the party did manage to win 6.7 per cent of the party vote. This resulted in the Green Party being awarded nine List seats,

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[256] Ibid.
[257] Ibid.
[258] Ibid.
[259] Ibid.
[260] Geddis, "Dual Track Democracy," 355.

roughly seven per cent of the 122 available seats in the 49th New Zealand Parliament.

Therefore, minority interests need not be regionally concentrated in order to influence

election results. This means that Māori populations, which do not comprise more than 20

per cent of total population in any urban or rural area, can not only register for their own

Māori electorate, but can also influence election outcomes through the nation-wide party

vote. This means that political parties cannot simply ignore Māori interests, as their votes

will have influence beyond their own electorates.

Māori Participation, Representation, and Attitudes towards Government

According to the New Zealand government, the current Parliament contains 25 MPs

who identify as having Māori heritage, making up 20.7 per cent of the Parliament.[261] This is,

in fact, greater than the 18 per cent share of the population that identified as Māori in the

2013 census.[262] Of the seven Māori electoral districts, six were won by members of the

Labour Party, and one by the Māori Party.

In 2014, 92.9 per cent of the estimated Māori identity population was enrolled to

vote in the election, with 54 per cent choosing the Māori roll and 46 per cent choosing the

general roll.[263] The enrollment of the general voting age population in New Zealand was

only slightly higher, at 92.6 per cent.[264] However, actual turnout was significantly lower for

the Māori roll at 65.1 per cent.[265] General turnout was 72.1 per cent.[266] This significant gap

in turnout levels is demonstrated by the fact that the lowest turnout rate in a general

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[261] New Zealand Parliamentary Library, "The 2014 New Zealand General Election: Final Results and Voting Statistics," *Parliamentary Library Research Paper*, (Canberra, Parliament of Australia: 2015), 9 https://www.parliament.nz/resource/en-nz/00PLLawRP2015011/1cb65e1e0919e68b3048392636652383f18cd7c1.
[262] Ibid., 9.
[263] Ibid., 12.
[264] Ibid., 11.
[265] Ibid., 12.
[266] Ibid., 12.

electoral district in 2014 was still higher than the turnout in the Māori electoral district with the highest turnout.[267]

Interestingly, it has been suggested that the MMP system has not actually increased voter participation for those registered on the Māori roll. A Parliament Library research paper on the 2014 election results states that from 1981-1993, around 75 per cent of the Māori roll voted in First Past the Post (FPP) elections, compared to the 65 per cent average turnout for the MPP elections from 1996-2014.[268] A 2006 study by UMR Research for Electoral Commission of New Zealand concluded that there appeared to be "disengagement from politics rather than dissatisfaction with it" for both Māori and non-Māori populations.[269] In particular, 23 per cent of Māori and 35 per cent of non-Māori non-voting respondents had no preference between MMP and FPP systems.[270] The similar lack of opinion found towards politicians supports the idea that there is a lack of interest rather than a dislike of either system.[271]

Table 6.11 outlines UMR's measures on satisfaction with government performance. Overall, there is little difference between Māori and non-Māori or voter and non-voter responses. However, the large percentage of respondents who either somewhat approve or somewhat disapprove reinforces the idea that it is more likely to be an overall lack of engagement in the political process that has limited participation in voting. It does not, however, appear to suggest that strong negative feelings held towards government are a significant driver in reduced voter turnout.

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[267] Ibid., 12.
[268] Ibid., 12.
[269] UMR Research, "Māori Electoral Engagement: A Review of Existing Data," (Wellington, Electoral Commission of New Zealand: 2006), 14, http://www.elections.org.nz/sites/default/files/plain-page/attachments/Māori%20Electoral%20Engagement.pdf.
[270] Ibid., 14.
[271] Ibid., 15.

Table 6.11: MĀORI AND NON-MĀORI PERCEPTIONS OF GOVERNMENT PERFORMANCE

	PER CENTAGE MĀORI NON-VOTERS	PER CENTAGE MĀORI VOTERS	PER CENTAGE NON-MĀORI NON-VOTERS	PER CENTAGE NON-MĀORI VOTERS
Strongly approve	11	18	11	13
Somewhat approve	54	52	52	51
Somewhat disapprove	18	17	19	21
Strongly disapprove	10	11	9	13
Unsure	7	3	9	2
Total approve	65	70	63	64
Total disapprove	28	28	28	34
Strongly approve or disapprove	21	29	20	26
Somewhat approve or disapprove	72	69	71	72

Source: Data from UMR Research (2006).

The New Zealand case is interesting for several reasons. First, despite guaranteed representation, there continues to be gaps in indicators of well-being between the Māori and non-Māori or general populations. Second, New Zealand demonstrates that the regional concentration of minorities is not necessary for representation under certain electoral rules. Third, the decrease in Māori turnout under these more potentially representative electoral rules, as well as an overall disengagement from politics itself, calls into question whether the electoral system is seen as an important factor to minority populations at all. Finally, this disinterest in voter participation may suggest that the

availability of a legal document, like the Treaty of Waitangi, to protect Aboriginal interests in policy matters may be more important, and potentially useful, than direct participation in elections as a means of influencing policy.

7   WHAT CAN BE LEARNED? COMPARING AUSTRALIA AND NEW ZEALAND TO THE CANADIAN CASE

There are many aspects by which the Aboriginal populations of Canada, Australia, and New Zealand can be considered comparable. Table 7.1 summarizes important demographics and trends found in these populations. The information displayed in Table 36 is a compilation of many sources that use different measures, years, and categories of analysis, and has been assembled to produce a general profile based on the information available.

The Canadian and Australian Aboriginal populations make up very similar proportions of total population. Further, total national populations and population per square km for Canada and Australia are roughly comparable, at least more so than Canada and New Zealand. Although the Māori population in New Zealand is significantly higher than Aboriginal populations in Canada and Australia, all three populations are similar in the sense that they are growing populations with a much younger makeup compared to their non-Aboriginal counterparts.

Another general similarity that can be drawn between these Aboriginal populations is that there are definite gaps between Aboriginal and non-Aboriginal populations for indicators such as education, housing, health, and income. Based on the available data on these metrics, Australian Aboriginal populations appear to face the biggest challenges: they

have the lowest levels of high school education credentials as well as the highest levels of unemployment.

This is particularly interesting given the fact that voting in Australia is compulsory, and that Australia's Preferential Voting and Single Transferable Vote electoral systems are usually considered to allow a greater degree of minority representation. However, it is also important to remember that Aboriginal Australians have a less institutionalized relationship with the government than in either Canada or New Zealand, and are given no recognition or protection under the Australian Constitution. Therefore, political participation may not be enough to influence policy and outcomes in a context in which Aboriginal-government relations are strained, informal, and top-down.

New Zealand, however, is appearing to be closing the gaps in Māori and general population well-being. Aboriginal New Zealanders have the highest level of high school credentials and the lowest level of unemployment. Despite these positive outcomes, voter participation in New Zealand is not particularly high; while registration rates are very high, actual turnout is lower than for the general population. Furthermore, turnout has decreased by around 10 percentage points since the switch from FPP to MMP. This mismatch between participation rates and indicators of positive policy outcomes, similar to the Australian case, may support the idea that participation and representation may be less important than the relationship between Aboriginal governments and the state. While New Zealand does not have an entirely harmonious relationship with the Māori people, and there is still considerable disagreement over Māori policy and politics, New Zealand does have a powerful and revered Treaty on which it bases its relationship with the Māori

people, and this Treaty is centered on principles of responsibility towards and respect for

the Māori.

Table 7.1: COMPARATIVE PROFILES OF CANADA, AUSTRALIA, AND NEW ZEALAND

	CANADA	AUSTRALIA	NEW ZEALAND
Population (a)	34.34 million (2011)	22.34 million (2011)	4.47 million (2013)
Population per square km (b)	4 (2011)	3 (2011)	17 (2013)
Per cent of national population that is Aboriginal	4.3 (2011)	3 (2011)	17 (2013)
Per cent growth of Aboriginal population	20.1 (2006-2011)	29 (2006-2011)	6 (2006-2013)
Median Age of Aboriginal population	27.7 (2011)	21.8 (2011)	23.9 (2013)
Per cent of Aboriginal population under 15 years of age	28 (2011)	37 (2011)	34 (2013)
Per cent of Aboriginal population with no high school credentials	28.9 (2011)	58 (2011)	33 (2013)
Aboriginal Median Income	$20, 701 (15 years and older, 2010)	$18,824 (15 years and over, 2011)	$22, 500 (15 years and older, 2013)
Aboriginal Unemployment Rate	15% (15 years and older, 2011)	17.2% (aged 15-64 years, 2011)	15.6% (15 years and older, 2013)
Aboriginal voter turnout	44.1% (on reserve, 2011) (c)	Too difficult to measure	65.1% (Māori roll, 2014) (d)

Sources: Data from (a) World Bank (2016a); (b) World Bank (2016b); (c) Bargiel (2012);

(d) New Zealand Parliamentary Library (2015). Remaining data has been compiled from

the above sections.

Additionally, the 2014 election left New Zealand with more members of Parliament who claim an Aboriginal heritage than in either Canada or Australia, both as an absolute number and as a proportion of all MPs. This increased direct participation in government may explain the progress being made in Māori socioeconomic indicators despite decreasing voter participation. Another explanation is the simple fact that the New Zealander Aboriginal population, although still a minority, makes up a significantly larger proportion of the total national population than in the other countries. This may make Māori policy issues more visible in the New Zealand political landscape. When combined with a greater parliamentary presence, this may affect policy decisions.

Canada, then, seems to fall somewhere in between the experiences of Australia and New Zealand. Canada, like New Zealand, does have a formal relationship with its Aboriginal communities, which provides a foundation for policy collaboration and accountability. However, Canada's Aboriginal governance structures remain separate from Canadian parliament. While New Zealand has institutionalized Māori participation within government, Canada continues to operate on a "nation-to-nation" basis with Aboriginal communities with no formal representation in Parliament. While this gives Aboriginal institutions the ability to advocate for their own policy positions independent from the rest of the Canadian population, it does not guarantee that these positions will be considered by the Canadian government.

While Canadian Aboriginal voter turnout is hard to determine due to a lack of data, the on-reserve national average and self-reported levels among urban Aboriginal people are quite low. Despite this, the recent 2015 election saw significant increases in many ridings containing a high proportion of Aboriginal individuals. Further, 2015 saw the

highest ever level of Aboriginal MPs elected. If Canada were to transition from SMP to a system allowing for greater minority representation, it is possible that this Aboriginal presence in parliament could continue to increase. However, as shown in New Zealand, more inclusive voting systems are not necessarily followed by higher turnout. And additionally, as seen in Australia, even extremely high levels of turnout do not guarantee desirable policy outcomes.

Measuring Policy Influence

While indicators can be used to measure policy outcomes, it is more difficult to measure policy influence. However, one way to attempt to quantify policy influence is to look at the media coverage given to certain subjects, events, and organizations. While this media coverage may not directly translate into policy influence, it can be argued that news coverage is influential in the sense that it raises public awareness, which in turn has the power to put pressure on government. To measure this influence, terms related to Aboriginal policy, representation, and organization, and specific policies were searched on the Factiva database for news publications produced in the respective countries over two eight-year periods (January 1, 2000- December 31, 2008 and January 1, 2009- August 31, 2016). The total number of publications is recorded on Tables 7.2-7.4, as well as the top five subjects that these publications were filed under by the Factiva database. This format not only shows the themes of the publications for each search term, but also the change in themes over time and between countries. Also included is a count on "page-one" or front-page stories. It is likely that stories featured on the front page of newspapers have a wider reach and are more influential than those that are not featured on the front page. For each

country, the results relating to elections are highlighted in yellow, and other unique or significant subjects are highlighted for each country.

Analysis of these news results are then compared to publications by each nation's respective government agencies concerning Aboriginal policy. This is used as a tool to help determine policy influence by seeing if the subjects of newspaper coverage are similar to government actions and announcements. Further, the subjects of government policy announcements will be explored to help determine which actors are involved in driving significant policy decisions.

Canada

Over both periods, Aboriginal subjects received significant newspaper coverage. In addition to the two general searches used for all countries, those relating to policy and representation, the terms "Assembly of First Nations" and "Truth and Reconciliation Commission" were chosen. The former was chosen because it is the most prominent and generally recognizable Canadian Aboriginal organization, and the latter was chosen because it is perhaps one of the most significant developments in Canadian Aboriginal policy in recent years, in which many actors were involved. From 2000-2008, there were hundreds of front-page articles regarding Aboriginal policy and the Assembly of First Nations. By 2008, hundreds of front-page stories had been written regarding all search terms, and all total story counts grew by at least 1,500 stories- and some by up to 10,000. With regard to prominent subjects, the overwhelming theme beyond politics and general news is "Crime/Legal Action" (highlighted in purple). Elections were among the top five subjects in some cases, but it appears as though newspaper coverage tended to frame Aboriginal policies and issues in a legal manner.

This legal focus is confirmed by many of the news releases put out by INAC. Previous releases include Canada becoming a full supporter of and implementing the United Nations Declaration on the Rights of Indigenous Peoples,[272] a Memorandum of Understanding regarding the fiscal relationship with the AFN,[273] advancing Treaty and self-government negotiations,[274] the inquiry into missing and murdered Indigenous women,[275] and eliminating sex-based discrimination in the *Indian Act.*[276] While these are certainly matters of Aboriginal policy, they are also framed in a way that accentuates the government of Canada's legal obligations to Aboriginal peoples rather than simply stating policy goals and corresponding programs.

Further, this emphasis on legal obligations would suggest that Canadian Aboriginal populations and organizations have actually been fairly influential drivers of some major Aboriginal policy decisions, even if only because of the legal framework surrounding Aboriginal-federal government relations. While the government of Canada surely has its own interests in promoting the interests of all Canadians, including those of Aboriginal communities, it seems unlikely that many of these conversations around legal issues would

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[272] Indigenous and Northern Affairs Canada, "Canada Becomes a Full Supporter of the United Nations Declaration on the Rights of Indigenous Peoples," May 10, 2016, http://news.gc.ca/web/article-en.do?nid=1063339&tp=1.

[273] Indigenous and Northern Affairs Canada, "Signing a Memorandum of Understanding on a New Fiscal Relationship with the Assembly of First Nations," July 12, 2016, http://news.gc.ca/web/article-en.do?nid=1097599&tp=1.

[274] Indigenous and Northern Affairs Canada, "Government of Canada Supports Advancing Treaty and Self-Government Negotiations in the Northwest Territories through Ministerial Special Representative Appointments," July 19, 2016, http://news.gc.ca/web/article-en.do?nid=1100909&tp=1.

[275] Indigenous and Northern Affairs Canada, "Government of Canada Launches Inquiry into Missing and Murdered Indigenous Women and Girls," December 8, 2015, http://news.gc.ca/web/article-en.do?crtr.sj1D=&crtr.mnthndVl=12&mthd=advSrch&crtr.dpt1D=6680&nid=1023999&crtr.lc1D=&crtr.tp1D=1&crtr.yrStrtVl=2015&crtr.kw=&crtr.dyStrtVl=1&crtr.aud1D=&crtr.mnthStrtVl=1&crtr.page=1&crtr.yrndVl=2015&crtr.dyndVl=31&_ga=1.43712485.1331787912.1414688327.

[276] Indigenous and Northern Affairs Canada, "The Government of Canada takes action to eliminate known Sex-Based Discrimination in the Indian Act," July 28, 2016, http://news.gc.ca/web/article-en.do?nid=1105479&tp=1.

be instigated by the government alone. This is especially true of topics such as the inquiry into missing and murdered Aboriginal women, as it went unrecognized by the government for such a long time.[277] While this may mean that policy influence is slow, and may require a high degree of pressure on government for a sustained period of time, it also means that it is possible, especially when framed as a legal matter. Examples of such influence exercised through the courts system can be seen in several recent Supreme Court of Canada cases, including *Canada v Daniels*[278] and *Tsilhqot'in Nation v British Columbia,*[279] both of which were unanimously decided in favour of the Aboriginal parties.

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[277] Alan Freeman, "The Mystery of 1.000 Missing and Murdered Indigenous Women in Canada," *The Washington Post,* August 4, 2016,
https://www.washingtonpost.com/news/worldviews/wp/2016/08/04/the-mystery-of-1000-missing-and-murdered-indigenous-women-in-canada/.

[278] Canada (Indian Affairs) v. Daniels, 2014 FCA 101 CanLii. The Supreme Court of Canada held that non-Status First Nations and Métis are included in the definition of "Indians" under s.91(24) of the *Constitution Act, 1867.* This is significant in that it expands the federal government's responsibilities and obligations to a significant number of Aboriginal peoples who were previously excluded.

[279] Tsilhqot'in Nation v. British Columbia, [2014] 2 SCR 257, 2014 SCC 44 CanLii. This decision by the Supreme Court of Canada recognized Tsilhqot'in Nation's Aboriginal title over lands held outside of their reserve. This decision suggests that Aboriginal peoples have title over ancestral lands unless signed away in treaties, even if the land is outside of a reserve.

Table 7.2: NUMBER OF NEWSPAPER ARTICLES, CANADA, 2000-2016

CANADA
PERIOD 01/01/2000-31/12/2008

SEARCH TERM(S)	"Aboriginal" and "Policy"	"Aboriginal" and "Representation"	"Assembly of First Nations"	"Truth and Reconciliation Commission"
	TOTAL (8563)	TOTAL (1273)	TOTAL (6516)	TOTAL (676)
TOP 5 SUBJECTS	Domestic Politics (2783)	Domestic Politics (446)	Domestic Politics (2525)	Domestic Politics (169)
	Political/General News (1555)	Political/General News (225)	Political/General News (1371)	Crime/Legal Action (112)
	Corporate/Industrial News (1163)	Crime/Legal Action (158)	Crime/Legal Action (936)	Political/General News (107)
	Crime/Legal Action (799)	Elections (158)	Corporate/Industrial News (777)	Religion (81)
	Elections (581)	Arts/Entertainment (153)	Health (447)	Arts/Entertainment (70)
	Page-One Stories (504)	**Page-One Stories (55)**	**Page-One Stories (291)**	**Page-One Stories (27)**

PERIOD 01/01/2009-31/08/2016

SEARCH TERM(S)	"Aboriginal" and "Policy"	"Aboriginal" and "Representation"	"Assembly of First Nations"	"Truth and Reconciliation Commission"
	TOTAL (18651)	TOTAL (3797)	TOTAL (16177)	TOTAL (8178)
TOP 5 SUBJECTS	Domestic Politics (5723)	Domestic Politics (1029)	Domestic Politics (5326)	Domestic Politics (2119)
	Commentaries/Opinions (1569)	Crime/Legal Action (383)	Ethnic Minorities (2166)	School (1064)
	Political/General News (1061)	Murder/Manslaughter (248)	Press Releases (1134)	Education (919)
	Press Releases (998)	Commentaries/Opinions (244)	Political/General News (1080)	Political/General News (797)
	Crime/Legal Action (907)	Elections (241)	Commentaries/Opinions (1075)	Commentaries/Opinion (676)
	Page-One Stories (824)	**Page-One Stories (203)**	**Page-One Stories (543)**	**Page-One Stories (468)**

Australia

While a considerable amount of articles were written between 2000 and 2008 on Aboriginal policy, there was a significant drop-off for all terms over the period 2008 to 2016. "Reconciliation Australia" and "Constitutional recognition" were chosen as the variable search terms, as they have arguably been the most relevant organizations and policy goals over the period. The Australian results contained much fewer front page stories, and all search terms received fewer front page news articles over the second period with the exception of Reconciliation Australia. Similar to the Canadian results, elections

were sometimes included in the top five subjects, but not consistently. Interestingly, a common subject of coverage falls into the heading of "Arts/Entertainment" (highlighted in green). This suggests that Aboriginal issues are often framed as cultural matters.

News releases from Indigenous Affairs Australia also contain a heavy cultural emphasis. Topics include preserving Indigenous history in the National Library,[280] the Winda Indigenous Film Festival,[281] the Barunga Festival,[282] and Indigenous cultural workers' scholarships.[283] While there are also several releases involving legal issues such as Native title claims, the presence of cultural resources and promotion is certainly more significant than in Canadian releases. Many of these cultural policies and events appear to be driven by Aboriginal artists and communities themselves, but it also appears that the government of Australia has made an express policy choice to focus on Aboriginal culture.

[280] Indigenous Affairs Australia, "Preserving and making Indigenous histories accessible at the National Library of Australia," August 23, 2016, http://www.indigenous.gov.au/news-and-media/stories/preserving-and-making-indigenous-histories-accessible-national-library.

[281] Indigenous Affairs Australia, "Winda Film Festival," November 10, 2016, http://www.indigenous.gov.au/news-and-media/event/winda-film-festival.

[282] Indigenous Affairs Australia, "Barunga Festival," accessed August 10, 2016, http://www.indigenous.gov.au/news-and-media/event/barunga-festival-nt.

[283] Indigenous Affairs Australia, "Six Encounters Indigenous Cultural Workers Scholarships Announced," August 5, 2016, http://www.indigenous.gov.au/news-and-media/announcements/six-encounters-indigenous-cultural-workers-scholarships-announced.

Table 7.3: NUMBER OF NEWSPAPER ARTICLES, AUSTRALIA, 2000-2016

AUSTRALIA
PERIOD 01/01/2000-31/12/2008

SEARCH TERM(S)	"Aboriginal" and "Policy"	"Aboriginal" and "Representation"	"Reconciliation Australia"	"Aboriginal" and "Constitutional recognition"
TOP 5 **SUBJECTS**	**TOTAL (14894)** Political/General News (4638) Domestic Politics (4566) Elections (1103) Ethnic Minorities (1101) Crime/Legal Action (1039) **Page-One Stories (73)**	**TOTAL (2247)** Political/General News (704) Domestic Politics (587) Arts/Entertainment (387) Crime/Legal Action (251) Elections (151) **Page-One Stories (10)**	**TOTAL (1374)** Domestic Politics (499) Political/General News (371) Ethnic Minorities (192) Corporate/Industrial News (101) Arts/Entertainment (79) **Page-One Stories (2)**	**TOTAL (5235)** Political/General News (1801) Domestic Politics (971) Arts/Entertainment (875) Ethnic Minorities (324) Crime/Legal Action (323) **Page-One Stories (21)**

PERIOD 01/01/2009-31/08/2016

SEARCH TERM(S)	"Aboriginal" and "Policy"	"Aboriginal" and "Representation"	"Reconciliation Australia"	"Aboriginal" and "Constitutional recognition"
TOP 5 **SUBJECTS**	**TOTAL (2481)** Ethnic Minorities (551) Domestic Politics (463) Commentaries/Opinions (204) Elections (149) Political/General News (137) **Page-One Stories (27)**	**TOTAL (749)** Ethnic Minorities (113) Domestic Politics (100) Arts/Entertainment (94) Crime/Legal Action (70) Political/General News (51) **Page-One Stories (3)**	**TOTAL (158)** Corporate/Industrial News (25) Ethnic Minorities (25) Press Releases (24) Domestic Politics (22) Political/General News (18) **Page-One Stories (9)**	**TOTAL (946)** Ethnic Minorities (139) Political/General News (74) Arts/Entertainment (73) Domestic Politics (62) Commentaries/Opinions (48) **Page-One Stories (4)**

New Zealand

For the New Zealand search terms, the word "Māori" was substituted for "Aboriginal," simply because it is more commonly used. The terms "Māori Party" and "Māori Seats" were chosen as supplementary search terms as they relate directly to political representation and influence. The Māori Party in particular was highly written about in newspapers and on the front pages from 2000-2008, which is likely due to its formation in 2004. There is also a large number of total articles regarding Māori policy

over this earlier period. However, all search terms decline in total articles during the next eight years, and between 2008 and 2016 there is not a single front page story for any of the terms. However, when it comes to the top-five subjects, elections are prominent over both periods, and especially between 2000 and 2008. Additionally, New Zealand's results contain many more top subjects related to actual policy areas (highlighted in blue), including education, the environment, and health. This suggests that news coverage of Māori policy and interests has gone past being simply about the need for representation or a general political discussion to addressing actual policies themselves.

This specific policy influence can be seen in the releases for the Ministry of Māori Development. Releases include items such as economic action plans,[284] Māori-led social housing initiatives,[285] education and training programs,[286] and funding for language policy initiatives.[287] Many, if not all, of these policies and programs are said to be done in partnership with Māori peoples and the government, and are specific initiatives and programs rather than vague policy goals or plans. This should not be surprising given the Māori's involvement in government institutions and guaranteed representation, in addition to the presence of the Treaty of Waitangi to guide Māori-government relations.

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[284] Ministry of Māori Development, "New Action Plan and Investment for Manawatū-Whanganui," August 12, 2016, https://www.beehive.govt.nz/release/new-action-plan-and-investment-manawat%C5%AB-whanganui.

[285] Ministry of Māori Development, "Support for Iwi-led Social Housing Initiative," April 26, 2013, https://www.beehive.govt.nz/release/support-iwi-led-social-housing-initiative-1.

[286] Ministry of Māori Development, "More Opportunities for Māori and Pasifika Trades Training," November 25, 2015, https://www.beehive.govt.nz/release/more-opportunities-Māori-and-pasifika-trades-training.

[287] Ministry of Māori Development, "$34.6m Boost for te reo Māori," May 26, 2016, https://www.beehive.govt.nz/release/346m-boost-te-reo-m%C4%81ori.

Table 7.4: NUMBER OF NEWSPAPER ARTICLES, NEW ZEALAND, 2000-2016

NEW ZEALAND PERIOD 01/01/2000-31/12/2008			
SEARCH TERM(S)	**"Māori" and "Policy"**	**"Māori" and "Representation"**	**"Māori Party"**	**"Māori Seats"**

	"Māori" and "Policy"	"Māori" and "Representation"	"Māori Party"	"Māori Seats"
TOP 5 SUBJECTS	**TOTAL (13421)** Domestic Politics (7009) Political/General News (3372) Elections (1974) Education (1444) Environmental News (811) **Page-One Stories (71)**	**TOTAL (2582)** Domestic Politics (1419) Political/General News (763) Elections (558) Education (190) Health (150) **Page-One Stories (14)**	**TOTAL (13774)** Domestic Politics (9199) Elections (5162) National/Presidential Elections (1708) Crime/Legal Action (848) Education (583) **Page-One Stories (98)**	**TOTAL (2945)** Domestic Politics (2459) Elections (1591) Political/General News (555) National/Presidential Elections (398) News Digests (90) **Page-One Stories (15)**

PERIOD 01/01/2009-31/08/2016			

| **TOP 5 SUBJECTS** | **TOTAL (2701)** Domestic Politics (944) Environmental News (150) Health (146) Education (140) Transcripts (139) **Page-One Stories (-)** | **TOTAL (1055)** Domestic Politics (469) Elections (166) Regulation/Government Policy (62) Political/General News (47) Transcripts (40) **Page-One Stories (-)** | **TOTAL (5744)** Domestic Politics (2298) Transcripts (590) Political/General News (368) Elections (351) Crime/Legal Action (292) **Page-One Stories (-)** | **TOTAL (841)** Domestic Politics (417) Elections (163) Transcripts (48) Political/General News (47) Regulation/Government Policy (35) **Page-One Stories (-)** |

The Urban/Rural Dimension

It is difficult to ascertain a pattern in representation and policy influence as it relates to community location other than the fact that some electoral systems are more accommodating than others in allowing for smaller communities to be represented. Interestingly, while the MMP system of New Zealand is highly conducive to allowing small, rural communities to be represented, this is less significant for the Aboriginal population than in Canada or Australia because the Māori population is overwhelmingly urban. While Australia, with a similar urban/rural Aboriginal makeup and a slightly more representative electoral system, would be a useful case to compare with Canada, the lack of data collected

by the Australian government regarding Aboriginal participation in elections make such a comparison difficult.

More emphasis would need to be put, in all countries, on data collection regarding Aboriginal voter participation in general and the effects of urban, rural, and remote locations specifically to be able to determine such trends. What is clear, however, is that the potential gains in representation from electoral reform would be much more pronounced in rural and remote settings, where federal policy influence is likely hard to acquire without some formal inclusion in the policy-making process or at least some channel of direct community representation.

8   CONCLUSION

Whatever the drivers, it is clear that a significant portion of Canadians think that the Canadian electoral system requires at least some minor changes.[288] It is also clear that Canadians want a system in which the number of seats won by a party at least loosely mirrors their level of national support. While there may not be explicit concern amongst Canadians over how the electoral system affects Aboriginal Canadians or offers opportunities for representation and policy influence, both Canadian concerns in general and Aboriginal concerns in particular could be addressed through the transition to a more proportionate electoral system.

However, electoral reform alone is likely unlikely to achieve these positive outcomes. In Australia, mandatory voting and more proportionate electoral rules should provide the conditions for increased Aboriginal policy influence. However, increased access to the electoral system may not be beneficial without an Aboriginal-federal government

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[288] Coletto and Czop, *Canadian Electoral Reform,* 4.

relationship based on both cultural *and* legal recognition, partnership, and inclusion. While this sort of relationship is beginning to arise at the state level, it is not yet present in federal politics. Although the cultural value of the Australian Aboriginal peoples appears to have some significant policy influence, this influence does not appear to have reached beyond the cultural sphere to inclusion in specific policy initiatives related to well-being or the development of legal relationships and mechanisms of representation.

The closing of the gap in indicators of well-being between Māori and non-Māori populations, as well as the Māori presence in policy matters as demonstrated in newspaper articles and government releases, demonstrates the positive outcomes that guaranteed proportionate representation can have on Aboriginal communities. However, the decrease in actual Māori turnout after the switch to MPP suggests that even the most representative electoral rules will not guarantee political participation by minority communities. It is therefore likely that the substantial influence over policy matters enjoyed by the Māori population stems partially from the obligations set out in the Treaty of Waitangi and partially from the development of guaranteed representation.

It appears as though Canada has struck a balance somewhere between the Australian and New Zealand cases. While Aboriginal representation is not guaranteed, the number of Aboriginal MPs have increased to record highs after the 2015 election. Further, organizations such as the AFN have received a great deal of newspaper coverage and are often consulted by the Canadian government when making policy decisions. The Aboriginal-federal-government relationship in Canada has become one of legal recognition and obligations between both parties in a way that allows for significant policy influence, despite no real formal mechanisms or guarantees of such. This has allowed for Aboriginal

communities to maintain a degree of self-government while also being involved in Canadian policy matters in which they hold a stake.

Although it would be interesting to look at Aboriginal participation as it relates to urban, rural, and remote locations, there is currently insufficient data being collected on Aboriginal participation in general to allow for such. However, if ensuring rural and remote populations have the potential for the same influence in election results that more urban populations enjoy is considered important, proportional representation systems would allow for this to a much greater degree than SMP. This would improve the access to representation of all Canadians living in rural and remote areas, not just that of Aboriginal communities.

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