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## ‘Ignore Us at Your Peril, Because We Vote Too’: Indigenous Policy

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Indigenous affairs rarely receive substantial attention in mainstream political debates in Australia, beyond occasional moral panics or the routine, grudging acknowledgement of the lack of progress in overcoming Indigenous disadvantage. The 2016 election campaign was no exception to the rule: the leaders of the major political parties gave relatively little of their time to Indigenous-specific policy announcements, and the media responded in kind. However, the perspective of Aboriginal and Torres Strait Islander people presents a striking contrast. The relatively low prominence of Indigenous issues on the national political agenda masks a growing disenchantment with the government’s policy choices, and criticisms of the lack of genuine engagement by the Commonwealth government have intensified in recent years. For some Indigenous leaders, relations between government and Indigenous people have reached an ‘all time low, a kind of dead end’ (Pearson 2016), and policy failure is blamed on ‘a failure of bureaucracy and a failure of the politicians’ (Calma in Sales 2016).

The demands for genuine engagement, consultation and respect from government by frustrated Indigenous leaders and communities sparked very different responses from the parties standing for election. This chapter will argue that, for the first time in over a decade, the 2016 election has revealed a substantial divergence between the major parties

on Indigenous policy, in response to a more organised and articulate Indigenous leadership. It will also show that Prime Minister Malcolm Turnbull has been unable to escape the legacy of his predecessor.

The chapter will begin with a brief review of the previous term of government relating to Indigenous affairs, under the leadership of former prime minister Tony Abbott. This will be contrasted with his successor Turnbull's agenda, before examining the Indigenous-specific policies of the Coalition, the Australian Labor Party (ALP) and the Greens that were revealed in the campaign. It will then consider the Redfern Statement, released by a powerful coalition of advocacy and non-government organisations working in the Indigenous sector, and evaluate its impact on the parties. The chapter will conclude with a discussion of the ongoing debate around constitutional change, recognition and treaty, and a brief analysis of the election results.

## Tony Abbott: Prime Minister for Indigenous Affairs

When the Coalition government under the leadership of Abbott was elected in 2013, federal politics was marked by deep policy and ideological divisions across many issues; however, in Indigenous affairs, the two major parties had established a relative bipartisanship (Manwaring, Gray and Orchard 2015). The previous Labor governments under Kevin Rudd and Julia Gillard continued the Howard government's radical 'Intervention' in the Northern Territory (NT), and indeed extended it under the banner of 'Stronger Futures'. Abbott continued to support the former Labor government's 'Closing the Gap' program for addressing Indigenous disadvantage, supporting the intergovernmental commitments made through the Council of Australian Governments (COAG).

By the time he assumed office, Abbott was already well known for his personal interest in Indigenous issues and his widely publicised annual visits to remote communities, particularly supported by the prominent Indigenous leader from Cape York, Noel Pearson. Abbott announced with enthusiasm that he would be the 'Prime Minister for Indigenous Affairs', supported by his Minister for Indigenous Affairs, Nigel Scullion, who would be in cabinet. As part of the machinery of government changes that followed, all 2,000 public servants working on Indigenous affairs across

several Commonwealth departments were relocated in the Department of Prime Minister and Cabinet (DPMC). This was a dramatic move, and while the restructure guaranteed high-level attention to Indigenous issues from the prime minister and senior public servants, it also resulted in the loss of a substantial amount of corporate memory and portfolio expertise, hindering policy development and implementation (Senate Finance and Public Administration References Committee (SFPARC) 2016).

Abbott was selective in his engagement with Indigenous leaders. He distanced himself from the elected representative body, the National Congress of Australia's First Peoples, which had been established in 2010 under Rudd, and his government overturned the three-year \$15 million funding commitment made to the National Congress by the Gillard government. Instead, Abbott followed the example of former Liberal prime minister John Howard and established an Indigenous Advisory Council, a hand-picked body of advisors chaired by Warren Mundine.

The Abbott government's notorious 2014 Budget included a cut of \$534 million dollars over five years in Indigenous affairs (Australian Government 2014). It also introduced the Indigenous Advancement Strategy (IAS), which was a complete overhaul of the funding mechanisms for Indigenous service delivery, in line with recommendations made by the government's National Commission of Audit. The IAS was designed to replace over 150 Indigenous-specific programs funded by government with five broad priority areas, in the name of reducing red tape and duplication. The priority areas were defined as 'jobs, land and economy; children and schooling; safety and wellbeing; culture and capability; and remote Australia strategies' (DPMC 2014). Organisations seeking funding support were required to apply for grants through a competitive selection process.

The implementation of the IAS attracted scathing criticism from Indigenous leaders, community organisations and the media (Aboriginal and Torres Strait Islander Social Justice Commissioner 2015). The short time frame allowed for applications, the lack of information provided to applicants and the opaque selection criteria created considerable anxiety among Indigenous organisations, and the funding outcomes were even more disappointing when it became clear how many Indigenous-owned and managed organisations had missed out on funding in favour of mainstream city-based organisations such as the Red Cross, the Australian Football League, Rugby League and Rugby Union, Surf Life Saving,

and Associations of Independent Schools (Aikman 2015). Substantial amounts of funding were also granted to universities, the CSIRO and government departments (DPMC 2015a). Following an inquiry into the IAS tendering process by the Senate Finance and Public Administration Committee, the final report expressed concern and disappointment at the mismanagement of the IAS by the DPMC, declaring that ‘the price paid by the Indigenous communities for implementing the unreasonable timetable was too high. This would appear to be a case of goodwill being hard to gain and easy to lose’ (SFPAC 2016: 62).

Abbott’s approach to addressing Indigenous disadvantage through ‘Closing the Gap’ was characteristic in its adoption of simple slogans (‘getting children to school, getting adults to work and making communities safer’) which neglected the complex array of challenges across many different portfolios, and hinted that the continuing failure to improve Indigenous wellbeing was due to failures within Indigenous communities themselves (Abbott 2015). Abbott introduced a new target in the ‘Closing the Gap’ agenda—closing the gap in school attendance rates within five years—and he concentrated substantial resources in the Remote Schools Attendance Strategy (RSAS), known to many in the Northern Territory as the ‘yellow shirts program’ (Oaten 2016). This initiative paid for community members in over 70 communities to assist in supporting and motivating local children to attend school, with relatively modest improvements in attendance rates compared to communities where the RSAS was not in place (DPMC 2015b).

Another featured policy introduced by the Abbott government was the Community Development Program, which was an adaptation of ‘work for the dole’, requiring welfare recipients in remote communities to attend 25 hours of ‘work-like activities’ each week, with financial penalties in the form of cuts to unemployment benefits for each day that the recipient failed to attend. Hailed as a bid to ‘break the cycle of welfare dependency’ and ‘put an end to sit-down money’, this program did little to address the compliance and access challenges for recipients living in remote communities, hundreds of kilometres from Centrelink offices and banking services (Curtin 2016).

## Malcolm Turnbull: Another prime minister for Indigenous Affairs?

By the time Turnbull successfully challenged Abbott and took over the leadership, in September 2015, Indigenous affairs was seen by many to be in crisis. The leadership change raised hopes of new levels of engagement with Indigenous concerns, but the signals emerging from the prime minister's office were mixed at best. Several Indigenous leaders called for Scullion to be replaced as minister as part of the post-leadership challenge reshuffle, a call ignored by the new prime minister. In presenting the customary annual 'Closing the Gap' report to parliament on 10 February 2016, Turnbull acknowledged the limited progress on many of the key indicators of disadvantage, but promised to 'listen to Aboriginal and Torres Strait Islander people when they tell us what is working and what needs to change' (Turnbull 2016a). He also repeated the advice he had received from prominent Indigenous educator Chris Sarra that government should 'Do things with us, not to us' (also see Sarra 2015). This suggested that Turnbull was inclined to move away from Abbott's close circle of conservative Indigenous advisors—Pearson, Mundine and Marcia Langton—in favour of alternative ideas and leadership. Turnbull also declared himself to be the 'Prime Minister for Indigenous Affairs', echoing his predecessor, in an interview with Stan Grant on National Indigenous Television (Grant 2016).

Rhetoric did not equal action in the portfolio, and Indigenous leaders came to deplore the 'policy vacuum' and the 'critical state' of Indigenous policy under Turnbull and Scullion (Robinson 2016). The government continued to refuse to engage with the National Congress as genuine representatives of the Indigenous population. As minister, Scullion had repeatedly declined to meet the leaders of the National Congress (Fitzpatrick and Lewis 2016) and also refused to restore funding that had been cut in Abbott's 2014 Budget, arguing that it was not a 'representative body', given that its membership covered 'little more than one per cent of the Indigenous population' (Corsetti 2016). The Congress has over 8,500 individual members, as well as an organisational membership of over 185 peak bodies and Indigenous-controlled organisations employing and delivering services to Aboriginal and Torres Strait Islander people across all States and Territories (National Congress of Australia's First Peoples 2015). As prime minister, Turnbull waited seven months to meet with the Congress leadership.

The lack of action to address Indigenous concerns was evident across many key areas of policy. Despite Turnbull's acknowledgement of the continued failure to meet targets under 'Closing the Gap', the 2016 Budget did nothing to restore the funding cuts of the Abbott era or demonstrate further engagement with Indigenous concerns. The DPMC was remarkably slow to respond to recommendations to reform the disastrous IAS. The Productivity Commission's review of the National Indigenous Reform Agreement in November 2015 showed that over 80 per cent of government investment in Indigenous services has gone to non-Indigenous organisations (Productivity Commission 2015). Scullion raised the ire of the land councils in the NT with his continued push to implement 99-year leases over Aboriginal land, his attempts to weaken the relationship between land councils and their membership and his expenditure decisions related to the Aboriginal Benefits Account (which holds funds from mining royalties on Aboriginal land) that overrode the recommendations by the advisory committee (Hope 2016). Scullion's grasp of his portfolio during this period also came into question once again just after the election, when *Crikey* reported on leaked documents from within the DPMC, drafted around the time of the May Budget, which revealed internal plans to overturn key aspects of the successful and popular Indigenous rangers program (Taylor 2016a). Scullion denied all knowledge of the policy proposals (Taylor 2016b). Scullion's lacklustre response to dramatic reports of abuse of Indigenous youth in the Don Dale Juvenile Detention Centre was similarly revealing of a lack of ministerial engagement with his portfolio.

Turnbull's inability to deliver positive results in Indigenous affairs can certainly be explained with reference to the complexity of the policy area, and the intergenerational nature of disadvantage resulting from racism and discrimination alongside decades of government neglect and underfunding. Nevertheless, Turnbull's meagre record over his months in power, particularly in terms of a disinclination to repair damaged relationships and improve failing service delivery, suggests either a lack of genuine interest or a leader trapped in the legacy of his predecessor.

The growing sense of disappointment and anger among Indigenous communities opened up a window of opportunity for Opposition Leader Bill Shorten and his shadow frontbench. The ALP in opposition maintained a steady critique of the government's performance in Indigenous affairs, and called for restored funding and greater attention to the 'Closing the Gap' targets. Many of the priorities earlier articulated

under the Rudd and Gillard governments in the context of 'Closing the Gap' were reinforced in the ALP's National Platform, which was approved in July 2015. The Platform also included commitments to endorse constitutional recognition of Aboriginal and Torres Strait Islander people, to continue to support the National Congress and to work to increase levels of Indigenous participation in positions of public office, particularly with an affirmative action plan for preselections (ALP 2015). Shorten created a stir with the announcement in March of the selection of Yawuru elder and highly respected 'Father of Reconciliation' Professor Patrick Dodson as the replacement Senator to fill the vacancy created by the resignation of Western Australian Senator Joe Bullock. With the preselection of Wiradjuri woman and former NSW government minister Linda Burney for the seat of Barton, the ALP began to develop election policies that would challenge the earlier bipartisanship on Indigenous policy, as would become clear during the election campaign.

## Indigenous affairs in the 2016 election campaign

Professor Marcia Langton pointedly observed in the *Saturday Paper* on 11 June that Indigenous affairs had received almost no attention in the election campaign (Langton 2016). In particular, she criticised the lack of consideration of the specific needs of Indigenous people with respect to many of the 'mainstream' issues that were most widely debated, such as internet coverage in rural and remote areas through the National Broadband Network (NBN) or the impact of economic policies—such as superannuation—on Indigenous people, many of whom lack financial literacy. This is a perennial problem in the reporting of election campaign policy debates, from an Indigenous perspective, as Indigenous interests and priorities are often assumed to be identical to those of non-Indigenous constituents.

For the Coalition, the campaign was understood to be an opportunity to promote the May Budget, and few new policies were announced during the campaign. Very little additional funding was allocated to Indigenous services. Scullion announced a renegotiated intergovernmental arrangement with increased funding of policing in remote communities

in the NT (Wild and Betts 2016). With budget cuts to legal services supporting Aboriginal people, the expansion of policing seemed likely to exacerbate the extremely high levels of Indigenous incarceration.

Other Indigenous-specific policies were framed in terms of the government's overall plan for 'jobs and growth'. Prime Minister Turnbull hosted a key campaign event in Queensland (QLD) on the anniversary of the 1967 Referendum, and focused on economic empowerment as a means of addressing Indigenous social exclusion. Turnbull emphasised the importance of developing Indigenous business opportunities as part of his overall 'national economic plan', and thus promised to encourage Indigenous entrepreneurs with a fund of \$115 million to support self-employed Indigenous people with infrastructure grants. Turnbull also highlighted the successful government procurement policy, which directs all government departments to engage Indigenous companies for 3 per cent of their contracts, with a target date of 2019–20 (Turnbull 2016b). The policy document noted that in its first 10 months, the procurement policy had delivered government contracts to the value of \$154.1 million to Indigenous businesses.

Scullion was embarrassed as minister during the campaign when responding to a very negative evaluation of the Community Development Program, inadvertently revealing his poor understanding of his government's own policy and its impact. The program had failed to create jobs as promised, but it had produced very high rates of defaults in the form of the withdrawal of unemployment benefit payments. Lisa Fowkes from The Australian National University revealed that in the program's first six months of operation (July–December 2015), 6,000 of the 30,000 people on the Community Development Program in remote communities had incurred financial penalties with the suspension of payments for eight weeks for breaches including failing to attend the designated work activity. This program was severely affecting many Indigenous households and impacted on the broader economy, as local stores reported a 10 per cent drop in food sales in the regions; it also led to social unrest, with violence and conflict escalating in some communities. When questioned by the ABC in early June, Scullion insisted repeatedly that suspended payments were restored in back payments, a claim that was later explicitly denied by his own department (Wild 2016a, 2016b).

As June drew to a close, the end of the financial year saw a number of Indigenous organisations preparing to close their doors as the decisions to cut their funding under the IAS came into effect, reminding many remote community residents of the government's earlier decisions. Turnbull and Scullion both attended the ceremony on 21 June to celebrate the success of the Kenbi land claim, covering the Cox Peninsula near Darwin, after a 37-year battle with the NT government, mostly under the leadership of the Country Liberal Party (CLP). Despite some unruly protestors, media coverage showed attractive images of Turnbull handing over the land deeds to the traditional owners and sitting with Aboriginal children in the dirt. However, it was revealed after the election that Joe Morrison, CEO of the Northern Land Council, had written to Turnbull soon after his visit to Kembi to ask him not to reappoint Scullion as Minister for Indigenous Affairs (Henderson 2016), a call echoed publicly by other Indigenous leaders.

The ALP had continued its criticism of the IAS as an 'abject failure' (Oaten 2016) and made a number of promises to restore funding to Indigenous services, and to the National Congress. Shadow minister Shayne Neumann announced a policy to provide additional funding of over \$20 million over three years for the Aboriginal and Torres Strait Islander Legal Services, to restore operational funding cut by the Abbott government and to reinstate funding for advocacy work alongside services (Neumann 2016). The Labor Party also incorporated several Indigenous-specific policies in its widely proclaimed '100 positive policies', including funding for eye health and a program to provide mentoring for girls 'at risk of disengaging from education' (ALP 2016a).

The ALP announced a detailed policy on Indigenous justice and its aim of reducing Indigenous incarceration levels. The policy repeated the ALP's 2013 commitment to working with State and Territory governments through COAG to include justice targets in the 'Closing the Gap' framework, and developing justice reinvestment programs that aim to redirect funds used in the corrections system towards prevention and diversionary programs, or drug and alcohol rehabilitation activities (ALP 2016b). This approach was also broadly supported by the Greens (Australian Greens 2016a).

Another policy announcement that received media attention was the ALP's promise to double the number of Indigenous rangers over five years. This was a topical and important issue in many remote and regional

communities where the Indigenous ranger program is viewed as a rare success in government policy. The program has provided employment and opportunity for many Indigenous employees working on their own traditional country, engaging in projects related to land management, revegetation and the protection of endangered species. There was widespread concern that the Coalition government had continued to refuse to commit to funding the program beyond 2018, and many community organisations and supporters signed petitions and spoke publicly of their fears. The Greens also supported the ALP's promise to double the funding of the program, and furthermore suggested the extension of contracts to 15-year periods (Australian Greens 2016b).

## The Redfern Statement: A game changer?

On 9 June 2016, just three weeks before election day, the National Congress of Australia's First Peoples led a network of over 55 non-government organisations working across Indigenous health, legal services, human rights, education, child protection and disability services in launching the Redfern Statement at a special event at the National Centre of Indigenous Excellence in Redfern in inner-Sydney (Davidson 2016). This form of engagement in an election campaign is a standard technique used by interest groups keen to attract media and public attention (see Vromen, Chapter 18, this volume). This particular coalition of organisations working in Indigenous affairs is especially noteworthy given the substantial number of peak bodies joining forces in the one set of policy demands, and also given the risk of cuts in government funding for many of the signatory organisations.

The Redfern Statement was a bold call to the incoming government to restore funding in Indigenous affairs, to reform the Indigenous Advancement Strategy to better suit Indigenous priorities and needs, to commit to following the many recommendations from inquiries and reports that had been generated and ignored over previous decades and to establish a stand-alone Department of Aboriginal Affairs with senior Indigenous bureaucrats at its helm. The authors of the document declared:

It is time that Aboriginal and Torres Strait Islander voices are heard and respected, and that the following plans for action in relation to meaningful engagement, health, justice, preventing violence, early childhood and disability, are acted upon as a matter of national priority and urgency (National Congress 2016a).

The Statement also set out clear policy recommendations across each of these policy issues.

The Redfern Statement received relatively little mainstream media coverage, but it was diffused widely through Indigenous social media channels, and the #IndigenousVotes online campaign. The online campaign echoed the words of National Congress co-chair Jackie Huggins, who had stated firmly at the launch of the Redfern Statement, 'Ignore us at your peril, because we vote too' (Henderson and Timms 2016).

The major parties were markedly different in their responses to the Redfern Statement. The Coalition appeared flat-footed. Scullion issued a brief media statement insisting on the Coalition's good record in 'improving outcomes for First Australians', and pointing to 'additional funds' in the Indigenous budget including funding for the constitutional recognition campaign. In contrast, the shadow minister Neumann personally visited the Redfern offices of the National Congress on 16 June to deliver the ALP's response to the Redfern Statement, promising the restoration of funding, in an announcement that was very positively received by several of the signatory organisations including Australians for Native Title and Recognition and Oxfam. By 24 June, Neumann had released a new ALP policy document, 'Closing the Gap: Labor's Positive Policies', as a direct, detailed and considered response to the Redfern Statement. This policy document drew together policies that had already been announced and principles that had been set down in the National Platform. It also went further in explicitly acknowledging the need for improved engagement with Indigenous communities, declaring that 'Strengthening the voices of Aboriginal and Torres Strait Islander peoples is central to our efforts to close the gap in Indigenous disadvantage' (ALP 2016c). It did not mention the call for a stand-alone Department of Aboriginal Affairs, however, and instead proposed an Indigenous Leaders' Summit to be convened with the National Congress after the election.

Despite this note of caution, the ALP's policy document proved to be a deft response from an opposition party in full campaign mode, and the Coalition's silence was striking. The leadership role played by the National Congress in drafting and promoting the Redfern Statement was perhaps a factor here. It is also clear that many of the policy measures articulated in the Redfern Statement were a direct critique of the Turnbull government's record, and drawing attention to this would have been unhelpful from the Coalition's point of view mid-campaign. It was not until a month after

the election that Scullion, reinstated as Minister for Indigenous Affairs in the newly elected Turnbull government, declared at the Garma Festival that he had thought that the Redfern Statement was ‘a good read’ and that he intended to hold a workshop for the signatories to discuss the ideas in more detail (Scullion 2016; Fitzpatrick and Lewis 2016). This forum was ultimately held in September, three months after the launch of the Redfern Statement, with limited outcomes and no indication that funding for the National Congress would be reinstated (Hayman-Reber 2016).

## The referendum/treaty debate

For most disengaged non-Indigenous observers, the key priority in Indigenous affairs during the election campaign was the question of how to recognise Aboriginal and Torres Strait Islander peoples in the Australian Constitution. This issue has been on the government’s policy agenda for over five years, with both major parties supporting continuing discussions about relatively conservative changes to the text of the Constitution. Former Labor prime minister Gillard had commissioned an Expert Panel on Constitutional Recognition of Indigenous Australians that reported in 2012. Abbott had promised to ‘sweat blood’ over the issue, and Turnbull maintained the bipartisan support for changes to the text of the Constitution through a referendum, though he backed away from Abbott’s enthusiasm for a vote as early as May 2017.

Surprisingly, given this strong bipartisan support for the proposed referendum to change the Constitution, the question of constitutional recognition was the only Indigenous-specific question on the ABC’s Vote Compass survey (ABC 2016), overlooking the clearly articulated concerns among Indigenous groups about more practical priorities in health, justice, suicide rates, housing, employment, education and service provision in remote areas. Of the respondents to the Vote Compass survey, 72 per cent were in favour of amending the Constitution to ‘recognise Indigenous people as Australia’s first inhabitants’, echoing the similar levels of support during the 2013 election Vote Compass survey (Ford and Blumer 2016). Comparable results had been published by Recognise (the government-funded advocacy movement created by Gillard in 2012) in May, just as the election campaign began, with 77 per cent of non-Indigenous respondents and 87 per cent of Indigenous respondents indicating, in a poll conducted by Polity Research, that they would vote in favour of constitutional change (Recognise 2016).

The bipartisan consensus broke down dramatically when Shorten appeared on ABC TV's *Q&A* program, on Monday 13 June. In response to a direct question, he agreed that his support for continued progress in the debate on constitutional recognition would also extend to support for debate about a possible treaty with Australia's First Peoples. This reflected the influence of Dodson (as newly appointed Labor Senator) over Shorten. Dodson was one of many Indigenous leaders who had spoken publicly of the need to offer Indigenous people more than simply textual changes in the Constitution (Anderson 2016; Lane 2016). As Shorten spontaneously expressed it:

**Shorten:** Do I think that we should have our First Australians mentioned in our national birth certificate, the constitution? Yes. Do I think we need to move beyond just constitutional recognition to talking about what a post-constitutional recognition settlement with Indigenous people looks like? Yes I do.

**Jones (host):** Could it look like a treaty?

**Shorten:** Yes.

Turnbull was quick to rebuke Shorten the following morning, declaring that Shorten was risking the success of the constitutional recognition. Turnbull may not have been aware that his own minister, Scullion, had publicly conceded several weeks earlier that a treaty could coexist with the constitutional referendum, saying:

It's not something we're saying can't be discussed. Once you reflect the position of our First Peoples in our founding document, it doesn't mean that a treaty is off the table at all (ABC North Coast 2016).

The media were quick to present the referendum debate as an area of party political division and conflict, rather than mature bipartisan debate (Anderson 2016). Journalists and commentators adopted predictable opposing stances (see e.g. an editorial in the *Age* (2016); Kenny 2016). In hindsight, shortly after the election, Paul Kelly in the *Australian* declared that Shorten's behaviour had been 'brazen and relentless', and he had 'killed the referendum envisaged by the government while pretending all the time to support it'. Kelly nevertheless observed that Shorten was trying to demonstrate 'Labor's claim to dominate Aboriginal policy', and the strong alignment of his views with those of many Indigenous leaders (Kelly 2016). Arguably, Shorten's support for discussion of a treaty was a logical small step from the other more elaborately articulated aspects of the ALP's Indigenous policy platform.

## Indigenous representation

The Aboriginal and Torres Strait Islander population in Australia is dispersed and fragmented, and electoral systems have frequently posed significant barriers to Indigenous representation in parliament. When Dodson was selected to fill the Senate vacancy, he argued that substantial change in Indigenous affairs would be best supported by increasing Indigenous representation in the parliament, because activism was no longer effective. As he stated:

We've been very good at lobbying in the past, but that's because you had responsive politicians. I think the culture's changing and I think we've got to be part of the real decision-making process that a parliament engages in (cited in Lane 2016).

The 2016 election was significant then because more Indigenous candidates stood for election than ever before, a record number of 17 candidates across major and minor parties (Morgan and Mandybur 2016). The number of Indigenous MPs increased from four to five following the election, with Malarndirri McCarthy replacing Nova Peris as Labor Senator for the NT, Dodson retaining his Senate seat for Western Australia (WA), Jacqui Lambie retaining her Senate seat for Tasmania (TAS), Ken Wyatt retaining his seat of Hasluck in the House of Representatives for the Liberal Party, and Linda Burney winning the seat of Barton for the ALP as the first Indigenous woman elected into the House of Representatives. Former Liberal Senator for QLD Joanna Lindgren lost her seat, having been preselected too low on the ticket to be successful.

It is impossible to isolate Indigenous voting patterns within the electorate at large, and so the effects of the election campaign on Indigenous voters is difficult to discern. The electorates with the highest concentration of Indigenous voters are primarily in the NT, and here we saw a clear swing to Labor at the expense of the CLP (see Ruae, Chapter 7, this volume; Green, Chapter 8, this volume; Martinez i Coma and Smith, Chapter 9, this volume). The CLP lost the seat of Solomon to Labor's Luke Gosling with a 10 per cent swing, and Labor's Warren Snowdon held his seat of Lingiari with a swing towards him of 5 per cent. In the Senate, Malarndirri McCarthy increased ALP's first preference vote by more than 7 per cent, and Nigel Scullion suffered a 5 per cent swing against him.

## Conclusion

Indigenous policy maintained its usual relatively low profile during the 2016 election campaign, but the policies that were released by the two major parties revealed a new ideological and practical divergence, not seen since before the NT Intervention in 2007. The ALP's growing confidence in challenging the status quo in Indigenous affairs was arguably rewarded with swings in key seats with high numbers of Indigenous voters, notably in the NT. The Abbott and Turnbull governments' very poor performance over three years, introducing the Indigenous Advancement Strategy, isolating the National Congress, punishing unemployed people in remote communities and failing to make progress on 'Closing the Gap', created disillusionment and disappointment, and many dissident voices joined the coalition of organisations that presented the Redfern Statement and fostered a strong anti-government protest movement. Despite Turnbull's positive rhetoric about working with Indigenous people, his government continued to ignore the calls from Indigenous activists, organisations and advocates for respectful engagement, and it paid a price in electoral terms.

Prospects for improvements in Indigenous policy-making and genuine government engagement with Indigenous leaders and communities appear unlikely in the short term. Just three weeks after the election, the Turnbull government's response to revelations of abuse in the NT's Don Dale Juvenile Detention Centre was rapid, but clumsy. The government failed to adequately consult Indigenous organisations in appointing the Royal Commissioner in the first instance, it created an outcry and an embarrassing reversal, and then drafted narrow terms of reference that focused on the NT government's failures, rather than Commonwealth responsibilities (Brandis 2016). Scullion's confession that earlier reports of abuse and mistreatment of young Indigenous offenders in correctional services in his home territory had not 'piqued his interest' was similarly frustrating for observers, for whom the issues had been a high priority for many years (Hunter 2016). In November, the board of the National Congress formally announced that given the continued lack of financial support from the government or other significant benefactors, it would be forced to cease operating altogether at the end of 2017 (National Congress 2016b). While the government has been presented with numerous opportunities to foster greater engagement with Aboriginal and Torres

Strait Islander people, and re-energise Indigenous policy-making, in the 2016 election year it failed to manoeuvre itself out of the 'dead end' so evocatively described by Pearson.

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