



Board Level podcast
Australian Institute of Company Directors, powered by CommBank

Episode 10: Standing up and speaking out.

Hosted by: Catherine Fox
Interviewee: Megan Davis

Featuring:
Rebecca Warren, GM Strategy and Transformation, CommBank.
Joanne Gilroy, Board Diversity Manager, AICD.

This episode, Catherine interviews Professor Megan Davis. She is the winner of the AFR Women of Influence Award; she is the UNSW Pro Vice-Chancellor Indigenous and a Professor of Law, UNSW Law. The UN Human Rights Council to UNEMRIP elected her in 2017. She shares her experience and thoughts on being an Aboriginal woman in the UN, the Australian Rugby League, ATSIIC, and the Uluru Statement from the Heart. She emphasises the importance of standing out and unapologetically speaking up to get the job done.

Rebecca [00:00:03] Hello and welcome to Board Level, the podcast that's changing the conversation around boardroom tables. Board diversity and gender balance makes sense. It delivers better outcomes for shareholders, consumers, employees and the community. I'm Rebecca Warren, General Manager of CommBank's Women in Focus and we're proud to support the AICD in this valuable conversation. As a board member myself, I know the challenges and the value of contributing at this level. We all have a role to play in improving board equality and diversity. So let's level up with your host, Catherine Fox, award winning journalist, author, presenter and leading commentator on Women in the Workforce.

Catherine [00:00:49] Welcome to Episode 10 and an important conversation with trailblazer and winner of AFR Women of Influence Award, Professor Megan Davis. The conversation traverses many topics from the UN to rugby league and the Uluru's Statement from the Heart and Megan shares the importance of standing out and unapologetically speaking up to get the job done. So, Megan, talk us through your career, if you like, some of the big decisions you've made along the way. Are you a planner, are you very strategic about the things that you take up?

Megan [00:01:24] I mean, it's a good question, I think that by and large of people wouldn't recognise me as such. My path has been a very conventional academic path. It just so happens that, you know, along the way, I've picked up a lot of other really interesting things to do the consequence of that but I am a planner in that very early on in my final year of law, I did win a UN fellowship. I mean, it wasn't something off the back of a Weet Bix Box; it was a kind of prestigious fellowship programme that they run at the UN High Commissioner for Human Rights in Geneva. When I was there, I did notice that a lot of my European counterparts, you know, had four different languages and they were already starting on their PhD and when I was only just finishing my undergrad and so I did a lot of planning, meticulous planning around my education and my knowledge, meaning that when the opportunity, for example, came up for the UN and Jenny Macklin kind of looked around at Aboriginal Australia, I was the only Aboriginal person that kind of was a specialist or an expert in that particular field. Although I have to say it was great with Jenny because she didn't pick a usual suspect right. She didn't go for the men that get all the appointments. She went for someone who was actually qualified for the role. So in terms of my academic career, it absolutely is just a constant thing of planning ahead. What's next? What's next?

Catherine [00:02:50] That time investment, obviously, with getting something like a PhD, it's not something you can just sort of quickly take up so obviously and obviously these have a real coherency in what you've done. I wanted to ask you a little bit about advice, mentors, people that have helped you along the way with some of that you mentioned Jenny Macklin. I'm not suggesting that perhaps she had that role, but do you have a bit of a brains trust that you go to for advice?

Megan [00:03:17] No, not really. I mean, it's a funny question. This question comes up a lot, particularly after I won the AFR awards, but I've never really had a mentor, so to speak. I mean, people tried to set me up with mentors, but people don't always take well to me. I don't know whether it's because I'm not because my mom and my family would say, I'm a bit of a know-it-all and I'm a little bit overconfident. I mean, I think that's a good thing too, but I should say there are some people that have really kind of stood out for me in terms of my pathways. People like Professor Hilary Charlesworth, who is my PhD supervisor. I did a lot of my subjects at ANU under her and she's Australia's greatest, if not one of the world's best international public international lawyers and she has been so marvelously generous of her time and of course, initially it was a student-supervisor kind of relationship but she taught me a lot about how to behave in particular settings, how to speak, how to think, how to frame things. She taught me a lot about law reform and about not treading paths that other people have tread. You know, she told me about imagination and the law. She taught me a huge amount intellectually that has really helped, particularly around the Uluru work. Dr Thera Pritchard, she's a senior counsel at the New South Wales Bar. I've learnt a lot from her over the years. I was a very junior, I think I was a law student when I first met her and she was at the New South Wales Bar doing, well I think, [00:05:04]you know, you're a savvy law actually [0.8s] going on to New South Wales Bar, doing a lot of native title work and I met her. She was ATSIC's lawyer, the Aboriginal [00:05:11]sergeant [0.0s] on a commission. She was their lawyer at the UN for a lot of UN drafting. So she's always been, I suppose, someone that I've gone to for advice and also she's been my constant close friend for 20 odd years, if not more, on this and so, I mean, I suppose the only person I can think of, although I'm not sure people call them mentor but when I think about my mom or my little sister, like especially my mom, she's quite an extraordinary woman and she doesn't mentor so much, she mentors in the things that she doesn't say. She's been a huge influence on everything that I've done, actually.

Catherine [00:05:50] I think the word influence is important there and it's why, in fact, those awards from the Fin Review were called Women of Influence because sometimes there's a little bit of loading around the word leadership and actually, I think even the word mentor sounds a bit sort of formal, whereas, in fact, that net can spread quite widely amongst people, you know, as you say you've studied with and so on.

Megan [00:06:13] I think you're right. I think you're right. I think I often get stuck on that mentor mentee language, but I think influence is a good thing because then, you know, then there's lots of people that have influenced me in different ways across the years.

Catherine [00:06:27] You get to the expression, you can't be what you can't see, which I've repeated myself on a number of occasions. Kate Jenkins once said to me, you know what, yes, we of course, we need role models, but she said a lot of women have not paid any attention to that. They have been the first women to do something. So they haven't been hampered by this idea that you must have somebody that you've been following that path of as important as that is that in fact that confidence and know-it-allness sometimes can allow you to take on things that perhaps might be off-putting to other people.

Megan [00:07:01] Yes.

Catherine [00:07:03] Now, tell me about also, though, looking across indigenous leadership in other sectors, because that we'll get to some of the impressions and the experience that you've had on the Australian Rugby League Commission but sport, politics and the law, there's some wonderful leaders in those areas. You've just said how important it is, any in particular that you've sort of looked at and thought, well, that's something I can learn from.

Megan [00:07:26] Do you mean in the Aboriginal sector or do you mean right across the.

Catherine [00:07:29] No, I meant indigenous, yes, I mean Aboriginal leaders but in different sectors.

Megan [00:07:35] I like the phrase, you know, you can't be what you can't see. We use that a lot at the UN too and I look at all the other young people on Twitter right now and, you know, a lot of this identity formation plays out in that social media space. I think how incredibly lucky I was to be a junior lawyer at the Aboriginal and Torres Strait Islander Commission. So ATSIC was my first job as a junior lawyer but prior to that, I got a ATSIC scholarship where I go every Christmas to work in the ATSIC legal branch so that happened for about three or four years and I had no one in my family that had studied a law degree

or has been a lawyer so it was a huge learning opportunity every kind of Christmas break but the women of ATSIC I think I was really fortunate to grow up in a period where I saw all of these incredible women as politicians, as leaders, as senior bureaucrats and policy makers. So the women at ATSIC I think really are the women, when we talk about you talk to, you know, be what you can't see, it's those women who I saw in positions of power and influencing things that had a huge impact on me as a young person. I was pretty young I was like probably 18 to 20, some very early 20s before I then went off to academia. You know, I remember one woman, Jackie Oakley, a woman from Perth, an Aboriginal woman, had a huge impact upon my career. She was this extraordinary strong Aboriginal woman who headed up a whole policy section. I got the UN fellowship and she saw me as a junior cadet and then junior lawyer at ATSIC legal branch and really went out of her way to ensure that the skills that I'd learnt at the UN were not going to go to waste. She gave me so many incredible opportunities. She had another woman work under [00:09:27] her Sonya small AKAM, [1.3s] another really prominent woman of ATSIC, just these incredibly clever women who are so incredible and for them to take such time and notice of me and my career and my opportunities is something that, you know, I'll never, ever forget. I always acknowledge the role that they played but even Lowitja, you know, she was the chair of ATSIC. She was a formidable character and she used to run rings around the male politicians so that's it and still is a formidable character. So it's been nice, actually, to then now have this really very close relationship with Pat Anderson, who's the chair of the Lowitja Institute because those women are just, I've learnt so much from them intellectually and substantively in terms of Aboriginal history, Aboriginal policy but just to have women in positions of power, which is why the voice that we're fighting for is so important because it does elevate the voices of women and that's important.

Catherine [00:10:31] It certainly and I just wondered your thoughts on it. We could probably talk for hours about this, though, is how to make sure that those voices are heard in our corporate and government boardrooms and indeed in senior leadership more often because just like with women's positions around the board table, we've got a lot of work to do. I'm just wondering what are your thoughts on how we can kind of accelerate that?

Megan [00:10:57] You mean in terms of women in general?

Catherine [00:10:59] Women in general but also be very interested in your thoughts on how to get more Aboriginal women?

Megan [00:11:06] Yes, it's an important point when I reflect upon a lot. I mean, I think the important thing I think with Aboriginal women is to ensure, you know, that there's a broad range of women having those opportunities and that requires boards to think really carefully about who they're talking to and who they're reaching out to because otherwise you just get the usual suspects who take up all the board opportunities but we're missing out on huge amounts of talent and knowledge out there in the community, which is why, you know, [00:11:57] when you go our daily dialogues, [0.8s] we just pick grassroots people who are running things on the ground and kept all the kind of usual suspects and big names out of the room and then that's where the magic came from. So I think it's really important for boards when contemplating that work to really try and get that work done on the ground about who might be someone really valuable in terms of what that subject matter is, you know, what the purpose of the board is or the company and what skills people will bring to the table so that they're not just, you know, the Aboriginal person at the boardroom but there are other schools that they bring to bear and look [00:12:36] at the same thing [0.1s] more broadly. I think more work has to go in to identifying just a broader base of women to take some of these positions on board because I think it's really easy for businesses to kind of stop with the usual suspects names, you know, people who look the part but aren't necessarily going to bring what you need to the table and that is, you know, depth of knowledge and confidence to talk up and confidence to move outside of your own particular sphere of knowledge or influence, which is what makes a great board, you know.

Catherine [00:12:56] So tell me about that because I'm interested in your experience at the Australian Rugby League Commission and how that came about and also, I guess, what your experience was when you joined? It's only in the last few years, in fact, that women have been joining these cohorts so what's that been like and what's your takeout from that?

Megan [00:13:14] I've had a really great experience. I mean, I'm not a Pollyanna, but, you know, I know the times where, you know, where I think we can do things better or I might be being regarded as the kind of Aboriginal person on the board but I'd really love my time on the board and I think a key thing that I've learnt in this experience is that, you know, I'm really across the subject matter. I'm not someone who's coming to an area and doesn't have a command of the game. I think that's a really important thing, is

really knowing the business so that you're not just, you know, a one trick pony but you're versatile and you're able to understand the ways in which many aspects of the business impact upon the game and that's really critical. I think with an opportunity arose that I couldn't take the position because I was chair of the United Nations body; I was really had a lot on my plate and a lot in my diary. So when they came the second time, the following year, I wasn't sure I wasn't going to lose that opportunity. I really love rugby league and sitting on the kind of top governing body for that in the country is a huge privilege and honour because you're dealing with the future of the game and all the many people that follow it and the many people that participate in it. So I took it on the second time because I knew I would have time and I think that's really the key thing about the commitment to board. You know, you've got to do your reading. You've got to be on top of everything and it's a huge amount of work. It's work that people don't see because, of course, as you know, everybody from the outside knows how to run a board better than the people on the board, or at least that's how it goes but I've had nothing but a really great experience. Now, Katherine Harris sat on the board before I came on. She was and I think she probably was a bit of a trailblazer in terms of a lot of things relating to gender and gendered language and equality. I hope I've continued that role but it's an excellent board that is really respectful and cognisant of those issues.

Catherine [00:15:21] It certainly seems to have manifested in a lot of the stuff that's been done by the ARL. What sort of role do you think sporting codes more generally have in enhancing that knowledge and understanding of Aboriginal culture and leadership and contribution across the wider community?

Megan [00:15:39] Yes, I think boards do have a role to play, particularly in the way in which the organisation and other stakeholders deal with indigenous matters. You know, prior to going on the commission, you know, there can be a lot of [00:16:14]pollywanna see [1.3s] kind of sentiments that a lot of businesses prosecute when it comes to indigenous matters and I've made this point multiple times, including in my recent monthly essay about the kind of proliferation of reconciliation action plans but then a kind of reticence to be involved in things that might seem political, which is what is always the kind of resistance or comment about indigenous matters but you know that is actually part and parcel of a reconciliation process, is that at some point to get to a position where this nation has reconciled the fact of dispossession without acknowledgement or recognition or due compensation that we have to work towards a certain point where we come together and obviously [00:17:03]Uluru is [0.0s] a really important starting point for that but that requires, in my view, business is going a little bit further than just kind of rough aspirations for reconciliation. So, for example, I refer to the experience of working with Andrew Mackenzie, the former CEO of BHP and the work, credible work, he did over a year meeting his traditional owners and talking to traditional owners about Uluru before BHP endorsed [00:17:32]Uluru, [0.0s] which he flew in every traditional learner who worked with them to Perth for the announcement. I mean that's a really fine example of someone really understanding important invitation that sitting on the table and resolving that with the board and the business and the stakeholders, the Aboriginal people. Then there was one business I did a talk to the other day where the new CEO, look, you know, we're not going to endorse that and that's just too political. I wasn't there for an endorsement but it's just, I mean, that's how you're seen when you go to talk on these things like an Aboriginal activist running around trying to get endorsements. I thought that was really interesting because I do have a really senior rank but in their view, the contribution that they make in terms of scholarships, for example, is enough for them and that's where you start to see the clash between the community and it's kind of [00:18:24]rep [0.0s] process that enables businesses to look like they're supporting indigenous affairs but actually they kind of just supporting the status quo. So I think boards have a big role to play here and I'm not talking about boardroom activism because I think sometimes there can be a lot of polemic and adversarial kind of politics played about Aboriginal matters at this level but the reality is, at least with the Uluru Statement, the bulk of businesses and corporations around the country have endorsed Uluru and stepped up to the plate and said, we would like to support that and I think that that's a real shift in Australian culture. In fact, they've come out ahead of government and a lot of community expectations and I suspect, although I can criticise [00:19:12]reps, [0.0s] the reality is that those [00:19:14]reps [0.0s] have meant that a lot of companies have had to listen to their black workforce and consult that black workforce on these things and that's important. So, boards can change cultures on these things.

Catherine [00:19:05] They definitely can do that. While we're on that, somebody who's been an advocate and written about women's rights in the workplace for a long time, it does seem to me that when you look back, there are certain kind of circuit breaking moments. I think the #MeToo movement has had a definite impact and I think we're seeing that play out in corporate Australia over the last few months but I was wondering what you thought of the Black Lives Matter impact in Australia, obviously ongoing, just wondering if you think that shifting some of those norms and potentially changing the way corporates look at this.

Megan [00:19:42] I think Black Lives Matter is a complicated thing. I think it can be the case that these things happen, and these flash points and businesses go, oh, you know, we're over here, Black Lives

Matter and it's hard to make hard, you know, make sense of this. Sometimes I'm really lamenting the fact that we don't have an ATSI right now that helps the rest of the nation walk through these matters because really some of the matters that arise to Black Lives Matter issues that certainly resonate with the indigenous community. How you addressed that is a whole other question because some of the propositions advocated for by Black Lives Matter might not be ones that fit with the Australian temperament or there's been no groundwork done in Australia to begin a conversation about that so far. If I take, for example, one of the key principles of that and that is abolish prisons, for example, we haven't started to have that conversation yet, really in Australia and it's the same problem in the States where you've got issues that are raised by black intelligentsia that aren't necessarily being had in the kind of working [00:21:12] amongst working poor. I'm [1.1s] talking about the working black poor or with other communities and so I think Black Lives Matter is something that traverses many topics from reparation to police brutality, incarceration rate and I do think a really systematic way to approach Black Lives Matters is for corporations to endorse Uluru. It is an Australian law reform proposal that encompasses everything that is set out in the Black Lives Matter agenda. The issue is how Aboriginal and Torres Strait Islander people are to deal with these matters in a structural way that's changed and that can only be done through the Constitution, anything else is kind of very piecemeal and ad hoc but some companies have stepped up to the plate on Black Lives Matters and others haven't. So, it's really, you know, each company has its own kind of culture on these things.

Catherine [00:21:50] So actually, that conversation around the Uluru Statement from the Heart in some boardrooms, as you say, perhaps not all that's part of governance structures in a way, isn't it? Are you seeing that shift a bit do you think? Is that your feeling about some of the conversations going on in boardrooms around matters to do with Aboriginal representation, leadership and so on?

Megan [00:22:12] I'm not 100% sure. I think you could broadly use the language of governance. As I said, I think I think [00:22:39] reps [0.0s] have made a big difference to the sector. I'm feeling more confident to talk about indigenous matters whether there's an Aboriginal person at the board level or not. Then I think more and more companies and, you know, businesses are trying to have more indigenous voices at the board level but that's not terribly successfully, though. I would say that if it's possibly a governance matter, yes. It's a complex question.

Catherine [00:22:47] No, it absolutely is but you are right it is complicated. You're quite right. I could ask you a slightly more personal question, I guess, with the key role that you've had with the Uluru Statement from the Heart but also all the other work that you've done. You've obviously, you've got a profile and I wonder how you deal with that because at times there's media attention and so on. I just wonder how you've coped with that and what you've found has been useful over the years.

Megan [00:23:17] They've been more profile post Uluru and I don't know what to say about it. It's important to the extent that it's important for this reform to happen and so it's important for, you know, Noel Pearson and Pat Anderson and myself, you know, we led this piece of work to still be out there talking about the importance of it. It can be a little, you know, exhausting is what I would say but certainly, yes, I mean, it can make other things complicated, I think. Fortunately for me, in terms of my work on the Australian Rugby League Commission, the support for Uluru came from our indigenous voice so the commission actually has, from the time it was set up, built into its system what we called the voice for the NRL, which has all the Aboriginal stakeholders represented on it from QRL, Queensland Rugby League and New South Wales Rugby League, etc. So that had come up from the voice. So I didn't have to be some sort of boardroom activist but the NRL is an [00:24:45] elevate rep. So [0.0s] all of the [00:24:48] elevate rep [0.4s] had already endorsed Uluru after Uluru so that was kind of done by the time I came on but it certainly does raise your profile a lot.

Catherine [00:24:36] Yes so when you look ahead and obviously you've done an enormous amount of work already, where would you like to see things going in the area of the Statement, indigenous leadership in boardrooms and so on? Look, what would be, I guess, success or progress for you that would be really tangible in the next few years?

Megan [00:24:56] Yes, I mean, I think obviously a lot of us are just quietly trying to work with the political system to have a referendum on the voice. I mean, I think it's unusual to have a reform like this that has so much support across the political spectrum and particularly across the spectrum of lawyers because it's quite a modest change to the Constitution. I think that's a big thing for many people because, you know, with the kind of shemozzle that closing the gap is and all of these kind of moving parts for our people. The reform is as important now today as it was two years ago and then, you know, the 10

years before that and the 20, it's been a long time. People have been asking for this voice, I think success would be a referendum sometime in the next term of government and if not, then a commitment to one in the following term. I mean, once you've got both sides of politics talking in a positive way about it then it's just a matter of timing. So that's really, I think, keeping. In terms of boards, I think having Aboriginal people on board matters like it does with women and if I can say with women on board; it really does make a huge difference. It makes a huge difference to decision making. It makes a difference to the ways in which critical thinking is brought to bear on particular decisions. There are just things that women think about that other members of the board who aren't women. I think about some routinely and I think that's the beauty of having both genders on the board, is you've got that cross pollination of ideas and emphasis, which makes you make better decisions. It really does and so I think the same about Aboriginal participation on boards. I think it's a good thing. At one point, the Australian Rugby League Commission had two [00:27:12]me and Kazar [0.3s] serving together and I think we're the only sporting kind of corporate board that had two Aboriginal people and it does. It's why the NRL strives, you know, really hard to deal with racism when it emerges and address racism in a holistic game way, you know, with the media, with the clubs, with the players and that's a really important. So, I think that membership makes a huge difference but at the board level, right, it has to be at the board level.

Catherine [00:27:23] And there's a lot of research to back that up, if only people would listen to it.

Megan [00:27:32] It's true, though. There is so much research. I'm doing culture review for the NRL now at the moment [00:28:08]in terms of our [0.0s] businesses and gender equality and attitudes to women and the research is incontrovertible but it is like a lot of things like Aboriginal affairs right, nobody read the research and even if they do, what does it take for people to move in that direction because it will really improve the way we do things but especially for women.

Catherine [00:28:05] Yes. I've heard so many times that it's about the business case, but we've been making the business case, as Wendy McCarthy always says, for decades. Now, Megan, we've talked a lot about complexity and many layers so I'm going to come down to ask you something rather simple, but I suspect also it's slightly difficult to answer. I wanted to ask you, what's the one thing you wish you'd known before you started out on a board and forum career?

Megan [00:28:33] Look, it sounds cliché, but I'm going to say it because I think it's really important. I don't know whether it's because I'm a Catholic but my apologising for everything is a really bad thing and I will say Peter Beattie is very good at picking me up on this. I just do it by virtue of habit, and I should, and I try to pick myself up all the time, no matter what I'm saying. It's always kind of, you know, ah, excuse me [00:29:25] but it's like it's really about what they're going [1.9s] to make a massive difference in the business. So that I think not always I mean, I've had this kind of motto of backing myself, like it's really important to trust your instincts and to back yourself so that you forget sometimes, too, you know, you can forget and that's really important because you wouldn't be there if you weren't kind of a little half smart and a little understanding of the way the world works, etc. so I think that I've never had a real problem talking up with saying what I think but that is really super critical on a board and that's what I love about the Australian Rugby League Commission, under Peter V'landys where you all have different skills and very different every single person and there's no groupthink, which is fabulous. So, you know, it's a really comfortable space to say what you think, even if you don't agree with each other. We just worked marvelously here during lockdown to get the business up and running. You get, you know, we all from day one, from the moment we went into lockdown, we're like, how do we get back out and his leadership has been magnificent in terms of that kind of can do attitude but I think I'm talking up is still really important, even if it's something that you're comfortable doing and just one more thing that I know you only asked me for one thing but this is why I like the AFR award that is what we kind of phrase in self promotion but I don't think it is self-promotion but [00:30:52]women has short of a habit but not all women. I certainly am [2.1s] great at talking up my, you know, qualifications or credibility on particular things but just being able to put yourself in a situation and be able to talk about yourself or what you've done competently or your experience, again, without apologising that's really critical, I think, because it's extraordinary how many men are so good at self-promotion. You know and I think we are so taught that, I mean, I can see it amongst my colleagues, female colleagues. We're so taught not to do that about ourselves. You know, she is blowing wind again, though, she's full of herself or when race comes with it. She is uppity and you know, there are all those kinds of things that we deploy about ourselves as women as well and that gets in the way. It gets in the way of good business. So it's really important to train that out of yourself. Well, I wish I'd told myself that.

Catherine [00:31:28] I think a lot of people would agree that's an important thing to say to yourself. Thank you so much, Megan. It has been fantastic to talk to you.

Megan [00:31:37] Thank you. Thanks for having me.

Joanne [00:31:40] Thanks for listening to Board Level, hosted by Catherine Fox for the AICD and powered by CommBank's Women in Focus. We're sharing stories from women making an impact in the boardroom. I'm Joanne Gilroy, Board Diversity manager at the AICD. We're helping build the capability of the next generation of outstanding boardroom leaders. Visit aicd.com.au to access show notes from this episode and other valuable resources. Subscribe to Board Level wherever you get your podcasts, so you don't miss an episode. Leave a rating or review and help keep the conversation going.