

Lunch with Megan Davis: Indigenous reconciliation in Australia is about 'making Aboriginal people white Australians'

By Mark Dapin
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Megan Davis, expert member of the UN Human Rights Council's Expert Mechanism on the Rights of Indigenous People (EMRIP) and the first Indigenous Australian to sit on a UN body, knows what is going to happen in Canberra on Monday, when Malcolm Turnbull launches the 10th annual Closing the Gap report on improving health, education and employment "outcomes" for Aboriginal people.

"The Prime Minister will do his annual ritual hand-wringing," she says. "We're not closing the gap on disadvantage, year after year, and they are incapable of resolving the problem."



"One thing I think most Australians don't know ... is just how powerless people in communities feel. Everything is ruled by bureaucrats in Canberra," says Megan Davis.

This week, the Aboriginal health sector, the educational sector, and other professionals involved in implementing Closing the Gap presented a 10-year review of the strategy. Davis calls their work "a scathing critique".

"The most damning criticism of Australian governments – but especially the Commonwealth government – is their abandoning of Aboriginal communities' desire to take control and be accountable," she says. "We know our own people, we live amongst them, they're our families, our friends – we know what the solutions are. And

the government and its bureaucracy would prefer this annual ritualistic performance over giving Aboriginal people control over their own lives."



*Megan Davis is the first Indigenous Australian to sit on a UN body.
Photo: Janie Barrett*

I'm having yum cha with Davis at Zilver in Westfield Bondi Junction, where the ambience is a curious mixture of Chinatown and shoppingtown. Davis, 42, who is a professor of law and Pro Vice-Chancellor Indigenous at UNSW, as well as a recently appointed commissioner of the Australian Rugby League, is simultaneously warm and friendly (towards me) and cold and angry (about the government's refusal to listen to Aboriginal voices).

"They're doing what they call 'refresh Close the Gap'," she says. "They're thinking about rebranding it, making it a bit more positive, changing some of the indicators. They're thinking about making home ownership an indicator – but unless you get out to communities on the ground and ask them what they want to do with their lives, these artificial indicators that might be great for [Indigenous Affairs Minister] Nigel Scullion aren't necessarily going to be great for the mob out there.

"There's a thing governments call 'deficit discourse'," says Davis. "They don't talk about the bad things – they only talk about the positive things. And that's always a problem for someone like me, who's a law reformer – to reform the law, you need to be able to identify what are the gaps, what are the challenges. You can't change it if there's not a problem."

Davis goes to yum cha once a week and seems to have developed an understanding of trolley-server language. For example, when the server, with magnificent, withering authority, demands we order a Pokémon – "Igotabarbecueporkbun. Youlikeaporkbun?" – Davis knows to ask for prawn dumplings instead. And when the server chants the names of railway stations – "MenangleMenanglePark" – Davis, although initially puzzled, quickly decides: "I think she's saying 'mango pancakes'."



Megan Davis, Noel Pearson and Pat Anderson in conversation at the First Nations National Convention in Uluru last May.

Davis would rather talk about politics (or rugby league) than her personal life, but she tells me she was born in Monto, Queensland, where her Aboriginal father was a fletcher on the railways and her mother an English teacher. Davis grew up in "a lot of tiny Queensland country railway towns", she says, but went to school predominantly in Hervey Bay, until her mother left her father and took Davis and her four siblings to Eagleby, between the Gold Coast and Brisbane.

Her mother raised the family as a single-parent pensioner in a housing-corporation home. "She ran the house like a military operation," says Davis, "getting us off to school, supervising our homework. Every cent we had was spent on secondhand books, so the whole house was just covered in books."

Her mother liked to read Australian history and classic literature, but her great love was poetry. She passed this on to Davis, who cried when the St Lucian poet Derek Walcott died last year. The family was "dirt poor", says Davis, but her mother always maintained her subscriptions to *The Australian* and the US *Time* magazine, which fed and nurtured the children's interest in politics and foreign affairs.

Davis saw her father during the school holidays. "Dad was an interesting character," she says. He liked watching sport, particularly rugby league, and had "lots of books on weather – so all of us kids are obsessed with the weather", she says.

He was also deeply interested in theology. "When religious people came to the door, he'd be there for friggin' hours and hours," she says. "He was someone who had a lot of friends, a very funny guy."

At school in Eagleby, the Davis kids faced prejudice "all the time", she says, and her mother was "always acutely aware" of it. "People used to say really racist things to her about her brown children," says Davis. "In addition to how cute we all were – because we're all really good looking."

She laughs, and somehow uses her voice to roll her eyes.

Davis took an arts and law degree at the University of Queensland in 1993. Her two older brothers were already at the university and, while Davis was studying, they were joined by her younger brother. "I loved my BA," she says. "It was best thing I ever did."

She is full of praise – even love – for many of her "amazing lecturers" at law school and beyond, but she remembers one teacher commenting after the Mabo decision that "five cents for native title was five cents too much".

Davis won a United Nations scholarship and moved to Geneva for the final year of her law degree, which she completed under UN supervision. She says she "got the best marks ever".

There followed an Aboriginal cadetship at the Australian and Torres Strait Islander Commission, and a UN internship where she worked on the UN Declaration on the Rights of Indigenous Peoples. She returned home, completed her higher degrees and was building an academic career when she was nominated by the Rudd government for election to the UN Permanent Forum on Indigenous Issues, where she served from 2011 to 2016. In 2017, she was elected to EMRIP, and appointed to the ARL.

Davis is fiercely critical of the Turnbull government's response to last year's Uluru Statement from the Heart, which she read at a sunset ceremony at Uluru. The statement, she says, was the product of months of consultation between the government-funded Referendum Council and Aboriginal communities. Its recommendation – rejected out of hand by the government – that there should be a referendum to test the idea that parliament should be constitutionally bound to consult a representative body of Aboriginal people before enacting legislation that specifically affects those people, was part of a painstaking, sophisticated and democratically devised road-map for the future of the country. "That's why it was so disrespectful, and so ruthless and brutal, to have been dismissed by the Prime Minister in that way. It should have been subject to national public debate. To just unilaterally say no, that's inexcusable."

She says Indigenous reconciliation has taken an internationally peculiar form in Australia, where any structural reform is dismissed as "symbolic".

"And the practical stuff – employment, education – is important," she says, "but it's very much about making Aboriginal people white Australians. It's about assimilation. They've tried that path for longer than 10 years, and they're still gibbering about economic development and wondering why we can't close the gap. They've completely eschewed what we know works in other jurisdictions, and that is empowering Aboriginal people to take control of their lives and making them accountable for the decisions that they make.

"One thing I think most Australians don't know – because it's all so managed – is just how powerless people in communities feel," she says. "Everything is ruled by bureaucrats in Canberra. They don't want Aboriginal people having any responsibility or say.

"Law reform is difficult because you have to imagine the world as it could become," she says. "You have to suspend your cynicism about the system and imagine how could

things be better. And law reformers are dreamers, but it does take a long time to get law reform because people can't see it. And I suspect the Prime Minister just can't see it. He doesn't get it."