



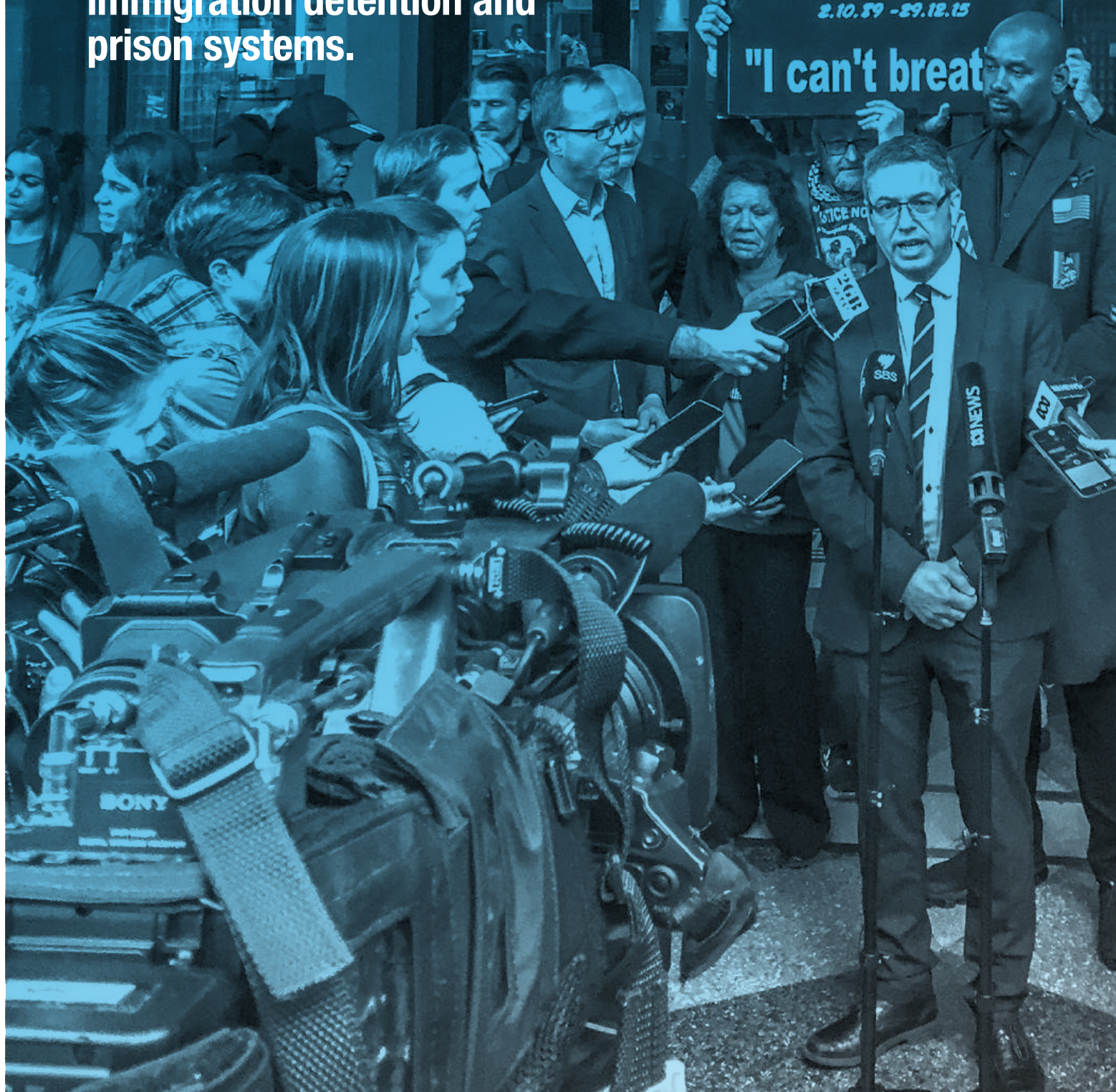
National  
Justice  
Project

2018

ANNUAL REPORT



**NJP uses the law to fight systemic discrimination. We continue to work hard to influence Coroners to make findings that will ensure lasting and systemic change in Australia's health care, immigration detention and prison systems.**





# Contents

Message from the Chair	4
Message from the Chief Executive Officer	5
Who are we?	6
Our Projects	7
Our Board	10
Our Volunteers	11
Our Lawyers and Support Staff	12
Acknowledgements	15
Contact and Donations	15



National  
Justice  
Project

# Message from the Chief Executive Officer

**As we enter the fourth year of our operations, I am proud to report that 2018 has been an extremely successful year for the National Justice Project (NJP).**

During the year we experienced an enormous increase in our human rights caseload and our team of lawyers and support staff continues to grow. Most importantly, the combination of strategic litigation and advocacy that we promote has led to all the children on Nauru being evacuated to Australia.

Over 2018 we have worked hard to build steady funding sources for our work. Our supporters gave generously via our crowd funding campaigns, our website and a fundraising dinner held in conjunction with the Australian Lawyers for Human Rights.

One of our strategic goals in 2019 is to secure more regular and diverse funding sources while continuing to welcome, with immense gratitude, donations from our supporters.

As CEO, I have been overwhelmed by the commitment of our supporters and volunteers. Our team of lawyers and volunteers work tirelessly in pursuit of our goals. Often their work is carried out in the context of significant trauma and even death, but their dedication to achieving real systemic change never waivers.

Among our many successes, was the first-ever legal challenge against the Australian Government to secure appropriate medical care for a refugee child on Nauru. The young girl - catatonic at the time we intervened - was brought to Australia to be treated. This case set a precedent for another 96 children to be transferred from Nauru to Australia, for medical reasons, during 2018. To ensure NJP had the capacity to dedicate to these cases, two full-time solicitors and further support staff were added to our team.

NJP also ran a lengthy but successful legal challenge to stop the Minister for Home Affairs taking mobile phones from immigration detainees. The return of detainees' phones maintained their only effective link to the outside world and their support networks. The feedback we received from refugee advocates and detainees, was that the decision changed their lives and significantly improved their conditions of detention.

Throughout 2018, NJP represented grieving families in coronial matters and at coronial inquests; including the tragic deaths of Junior Fenika (Togatuki), Pamela Ashley, Hemat Chegini Nejad, Wayne Morrison, Khamsani Jackamara, David Dungay Jr and Naomi Williams and others. NJP continues to work hard to influence Coroners to make findings that will ensure lasting and systemic change in Australia's health care, immigration detention and prison systems.

2018 saw the launch of our Copwatch app, which is intended to be used by Aboriginal and Torres Strait Islander people to safely and legally record interactions with police. The app has been a huge success and is now used by communities as far away as Papua New Guinea.

NJP also ran two successful crowdfunding campaigns in 2018 and is committed to increasing donor funding throughout 2019, and the years to come. A huge note of thanks to all who have donated to NJP: without you our vision, to seek justice for all, just would not be possible.

I look forward to another busy and successful year.



**George Newhouse**  
CHIEF EXECUTIVE OFFICER

# Message from the Chair

I am delighted with the development and achievements of the National Justice Project (NJP) during the 2018 financial year.

Of greatest long-term significance, was NJP's work and contribution to the Australian community in achieving medical care for countless refugee children held in detention on Nauru. These children were suffering from severe physical or mental illness. In addition to the excellent work of our staff, NJP was superbly supported by an outstanding team of pro-bono doctors, nurses and barristers. On behalf of the Board I cannot thank them all enough.

Over the first few years of operations, we saw the alignment of community needs and our legal expertise clearly emerge. Identifying the areas of greatest need, the NJP Board has worked to clarify and focus NJP's mission of using the law to eliminate institutional discrimination and enable community empowerment.

NJP typically acts as a 'first responder', intervening with urgency in situations where institutional discrimination is causing physical or mental suffering. This was evident in 2018, when we secured the transfer of refugee children from Nauru to Australia, for essential medical treatment.

Strategically, NJP has centred its work into four programs; Aboriginal Health Justice; Police, Prisons & Youth Services; Asylum Seekers and Refugees; and Papua New Guinea Social Justice. Each program contains two streams; the use of law in cases of institutional racism or discrimination and projects enabling community empowerment through knowledge and training. The prioritisation of these programs has enabled clearer focus for fundraising and resourcing. This has resulted in growth in funding and expertise of our people.

Of course, none of our programs would be successful without the support of our donors and volunteers. So, I extend our thanks to you all for your generosity and invite you to continue your support in the years ahead.

Finally, during the year NJP engaged Wendy Brooks & Partners to provide advice on strategic impact and fundraising. NJP also extended its governance with decisions to engage a Company Secretary and implement Xero Accounting software.

The Directors, CEO and staff are looking forward to continuing and expanding our important programs through 2019.



**David Radcliff**  
CHAIR



# Who we are

The National Justice Project is a civil rights organisation dedicated to tackling systemic injustice and racism within government institutions.

We use our legal skills to create change. Representing clients in public interest litigation and by educating people in vulnerable communities about their rights, we strive to make a fairer and more equitable society.

We act for people who would otherwise be left behind. In particular, we represent people in rural and remote areas who are often invisible in the eyes of the law. Our grassroots connections ensure that we hear about the issues that aren't otherwise being investigated, issues that would otherwise fall through the gaps.

Our powerful, multi-pronged approach provides much needed access to justice for individuals. It delivers deeper and longer-lasting impact for society, by changing laws, policies and practices.

## OUR THEORY OF CHANGE



# Our projects

## ASYLUM SEEKERS & REFUGEES

### Offshore Detention Cases

During 2018, the National Justice Project (NJP) led the charge in securing life-saving treatment for critically ill refugees and asylum seekers in offshore detention.

In December 2017, we ran the first ever case requesting medical transfer of a client in the Federal Court of Australia and won. Our client, a child, had attempted suicide and was in desperate need of appropriate medical care that was not available on the island of Nauru. This case became a precedent for many more cases, pursued by NJP and other organisations.

In 2018, we commenced 13 actions against the Government on behalf of refugees and people seeking asylum offshore, obtaining successful outcomes for our clients on every occasion. In total, we ensured 135 people, including 46 children, were brought to Australia for urgent medical treatment, or to accompany sick family members.

A notable part of NJP's work in this area, has been our work with other organisations servicing the refugee service sector. As the humanitarian crisis of extremely unwell and suicidal people in offshore detention began to unfold, we understood that collaboration with other organisations was vital to achieving better outcomes for our clients. Alongside the Asylum Seeker Resource Centre (ASRC), Human Rights Law Centre, numerous caseworkers, doctors and law firms, we helped devise a scalable and effective approach to the processing of urgent medical assistance cases. We look forward to continuing this important work and strengthening our partnerships in the coming years.



### Class Actions

Class actions are a complex form of litigation, but they can be incredibly successful in forcing systemic change.

In 2018, the National Justice Project had a significant win for individuals in immigration detention onshore with the 'mobile phone case'. When the government tried to remove mobile phones from people detained in immigration detention, we took the case to court on behalf of the hundreds of people affected.

We won, successfully protecting our clients from the Australian Government's proposed blanket ban. This success led to mobile phones being returned to all onshore detainees, providing them with a very important lifeline to their family, friends and lawyers.

NJP also launched two class actions for people in offshore detention in Nauru and Papua New Guinea in December 2018. In these class actions, we argue that offshore detention contravenes Australia's Criminal Code, constituting torture and/or a crime against humanity, and therefore amounts to an intentional infliction of harm.

The two class actions for people in offshore detention are still in their very early stages. The High Court made orders to remit both cases to the Federal Court on 11 February 2019, and they are listed in the Federal Court in Melbourne in early April 2019.







**Through our casework, advocacy and education program, we have drawn institutional and public attention to the need for Aboriginal Health Justice.**

## REPRESENTING INDIGENOUS PEOPLE

### Aboriginal Health Justice Project

Institutional racism against Aboriginal and Torres Strait Islander people is endemic in hospitals and health services. It is believed to be a significant contributor to the gap in the life expectancy and quality of health of Indigenous people, compared to non-Indigenous people. Studies show that Indigenous patients with the same characteristics as non-Indigenous patients are around one-third less likely to receive appropriate medical care, across all medical conditions.

NJP's Aboriginal Health Justice Project provides much-needed access to justice for Aboriginal and Torres Strait Islander people who have been disadvantaged by discrimination, professional misconduct or negligence in relation to medical care.

Alongside our casework, we run education and outreach programs for regional communities to inform people about their rights in relation to health care. These programs are designed by, or in conjunction with, Aboriginal and Torres Strait Islander people to ensure they are culturally appropriate. Our programs assist community members and community workers

with navigating the health system, to help ensure that Aboriginal and Torres Strait Islander patients receive the health care they are entitled to.

Through our casework, advocacy and education programs, we have drawn institutional and public attention to the need for Aboriginal Health Justice. We intend to continue to raise the profile of these issues empower communities and influence reform.

Our work with our Indigenous partners has already led to policy change in nursing and midwifery care to provide culturally safe health care to Aboriginal and Torres Strait Islanders.

### Police, Prisons & Youth Services

The recent Australian Law Reform Commission Inquiry 'Pathways to Justice' found that systemic failures in the justice system – on the part of the courts, police and prisons – were contributing to over-incarceration of Aboriginal and Torres Strait Islander people.

We take on strategic cases that highlight the mistreatment of Aboriginal and Torres Strait Islander people; with a particular focus on misconduct in policing, youth detention and the prison service.







Through our litigation, we not only provide access to justice for those who have been subject to racism within these systems, but we also take steps to make sure that the same mistakes aren't repeated in future.

Unfortunately, unjust treatment of Aboriginal and Torres Strait Islander people by the police is a real problem. Evidence of this has played out in the media on many occasions. In an attempt to stamp out this issue, we have created a program called Copwatch.

Copwatch is an education and outreach program and, amongst other things, involves training for Aboriginal and Torres Strait Islander communities on how to use our Copwatch app. The Copwatch app allows for the safe and legal recording of interactions with police, with a view to evidencing misconduct (in a court of law or otherwise) should it occur. Our app, developed with our partners Atlassian and Thoughtworks, has proven a huge success. We are proud to have established such an innovative tool to work towards eliminating this problem. It provides a much-needed increase in police accountability in relation to the treatment of Aboriginal and Torres Strait Islander community members.

## Papua New Guinea Social Justice Project

Access to justice isn't a problem unique to Australia. Our nearest neighbour, Papua New Guinea (PNG), is not only disadvantaged in terms of poverty and inequality; its people are also vulnerable to human rights abuses. For some communities, there is almost no recourse to justice, nor avenues to report or resolve significant human rights issues.

NJP aims to empower, nurture and develop a network of social justice advocates and lawyers within PNG. We aim to establish access for PNG's most disadvantaged communities, to a network of legal professionals and by extension to the legal system as a whole.

Using our connections in Australia and PNG, we are establishing a scholarship program for young PNG lawyers. The program will involve young lawyers from PNG spending six months to a year at NJP, where they will learn practical social justice skills. The aim is that upon returning home, these lawyers will be equipped to build their own sustainable pro bono culture and therefore enhance access to justice in PNG.

# Our Board

**Our Board is committed to providing leadership for, and guiding the strategic direction of, the National Justice Project (NJP).**

## DAVID RADCLIFF



David, our Chair, spent much of his career working in the construction industry as a loss adjuster, before moving into management and leadership roles. David was the CEO of Cunningham Lindsey Australia and was then appointed as the Global Chief Operating Officer of the Cunningham Lindsey Group. Since leaving this position in 2013, David has been working as a Strategic Planning Consultant.

## GEORGE NEWHOUSE



George, our founder, is the principal solicitor of NJP and an Adjunct Professor of Law at Macquarie University. He is well known for his work in fighting for justice for the mentally ill, LGBTI Australians, immigrants, prisoners, asylum seekers, refugees, youth detainees, and Aboriginal and Torres Strait Islander people.

## DAN MORI



Dan, an American lawyer, is co-founder of the NJP and continues to dedicate his time to NJP as a member of our Board. Dan, a lieutenant colonel in the United States Marine Corps, was the military lawyer for Australian Guantanamo Bay detainee David Hicks.

## LIZZIE O'SHEA



Lizzie is a public interest lawyer, working on cases which address issues of community concern and furthering the public good. She is currently working as a class action practitioner at Maurice Blackburn Lawyers. Lizzie is also a presenter and a writer, her book *Future Profiles* examines our digital future by looking back at history.

## DUNCAN FINE



Duncan has been a lawyer for over 30 years, and is also an author, journalist, media adviser and social commentator. He has worked on Aboriginal land claims in the Northern Territory and for the Aboriginal Legal Service.

## JO SCARD



Jo has played a unique role as a senior adviser in the Australian Federal Government for over a decade. Jo has worked as a communications strategist in London, a TV political journalist (Australia/UK) and as a strategic adviser to countless corporate and not-for-profits across the globe.

## STEVEN CASTAN



Steven is an experienced Barrister based in Margaret River, WA, specialising in Social Justice and Human Rights law. Steven is a nationally accredited Mediator and Family Dispute Resolution Practitioner facilitating non-confrontational conflict resolution across civil, commercial and family law. Steve sits on our Board and is chair of its fundraising committee.

## Company Secretary CANDICE DRIVER



Candice, also a practising corporate lawyer, has throughout her career been a company secretary for a number of ASX listed companies and a NSW Government statutory authority. Candice advises both the Board and Management on governance issues and co-ordinates the Board meeting process.



# Our Volunteers

Our list of volunteers grows year-on-year. We cannot thank enough those who dedicate their own time to support our work. We are so proud to share below some information on a number of our 2018 volunteers.

## AMELIA SWEETLAND



Amelia has been a lawyer for 25 years, most recently working in Southeast Asia to address human trafficking in that region. She currently works with the National Justice Project (NJP) across a variety of projects both in Australia and regionally.

## DANIEL GHEZELBASH



Daniel is an experienced refugee and migration lawyer and a senior lecturer at Macquarie Law School. He is also Director of the university's Social Justice Clinic, of which NJP is a partner. The Social Justice Clinic provides students with the opportunity to be mentored by NJP lawyers and assist with NJP's cases. Daniel is also a researcher focusing on domestic, comparative and international refugee law. He recently published a book, *Refuge Lost: Asylum Law in an Interdependent World* (Cambridge University Press, 2018) that examines the spread of restrictive asylum policies around the world.

## SARAH DRUCE



Sarah is a human rights lawyer who previously worked with low income migrants in Asia. She currently works with NJP to fight for refugees and asylum seekers to access essential medical treatment.

## REFLECTIONS OF A VOLUNTEER

Carly came to NJP through our relationship with The Aurora Project, which aims to place Aboriginal and Torres Strait Islander people in organisations. She shared some reflections on her time with us:

### "THE NATIONAL JUSTICE PROJECT - A BEACON OF HOPE"

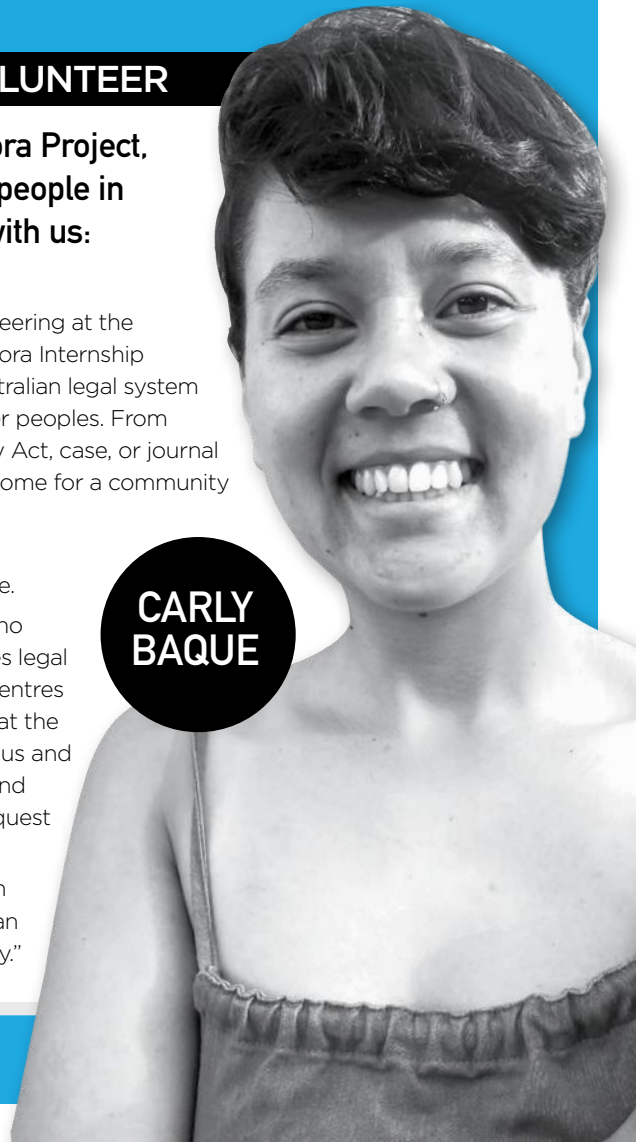
In the Summer of 2018/19 I was fortunate enough to spend five weeks volunteering at the National Justice Project on Eora Nation, Gadigal Country, Sydney, via the Aurora Internship Program. The majority of my time in law school I was frustrated with the Australian legal system and how it could never provide justice for Aboriginal and Torres Strait Islander peoples. From Australia's racial discrimination legislation to the criminal justice system, every Act, case, or journal article I read, all reflected the same fundamental error required for a just outcome for a community - they all focused on the individual.

There exist few law firms which honour Aboriginal peoples' agency and self-determination and our collective cry for systemic change, systemic justice.

The National Justice Project focuses on advocating for Aboriginal peoples who have experienced discrimination in healthcare or medical negligence; provides legal support for asylum seekers and refugees in offshore immigration detention centres and acts in relation to a number of Aboriginal deaths in custody. To this end, at the National Justice Project I worked on health chronologies for refugees on Manus and Nauru, I researched matters pertaining to Western Australian youth prisons and health procedures in hospitals; I learnt about the Freedom of Information Request process and compiled a brief for a coronial inquest matter.

I'm grateful for the National Justice Project's dedication to developing my own legal skills and knowledge. This is knowledge that doesn't only benefit me as an individual, but is a foundation for skills that I hope to share with my community."

CARLY  
BAQUE



# Our Lawyers & Support Staff

## ANNA TALBOT

### Senior Solicitor and Legal Practice Manager

Anna's practice focuses on securing life-saving medical care for people in offshore detention as part of our offshore team. She has been to court many times to force the government to provide essential health care to refugees, some of whom have been close to death. Anna has also provided guidance to other lawyers in relation to cases involving refugees on Nauru. She is also currently leading our two class actions.

Anna also works with our Indigenous clients, assisting them with legal action relating to misconduct in prisons and by police, and racial discrimination complaint.

Anna brings expertise in international human rights law to the NJP, gained as a member of the UN team at Amnesty International. She was also a member of a team at British firm Leigh Day, which sued the British government for torture and sexual violence committed in Kenya in the 1950s and 1960s. Anna has also acted for survivors of sexual assault in Australian Government institutions, and as a Legal and Policy Adviser for the Australian Lawyers Alliance, appearing before Senate Committees to discuss, among other things, refugees and counter-terrorism law.

## NICOLA JANDURA

### Senior Solicitor

Nicola acts for Indigenous Australians, prisoners, refugees and asylum seekers throughout Australia, including families at coronial inquests. She specialises in a range of health and medical matters such as medical negligence; disciplinary action for misconduct by medical professionals and health workers; complaints about discrimination in the health care system as well as breaches of privacy.

Nicola strives to redress the unequal, unfair outcomes people experience because of discrimination in our public sectors, including health, education and migration. Her focus is on the organs of our governments that discriminate on the basis of race and disability. She has, for example, represented Aboriginal women and families who have suffered serious injury or death, as a result of race discrimination in the health system.

## EMMA HEARNE

### Senior Solicitor

Since joining NJP at the end of 2017, Emma has focused on securing life-saving medical care for children and adults in offshore detention. She has participated in numerous court proceedings brought to ensure the Australian Government provided medical and mental health care to refugees and asylum seekers. As part of the offshore team, Emma has also supported and advised other legal practitioners in relation to similar cases.

Emma brings to NJP a wealth of experience acting for Indigenous and other vulnerable clients, as a criminal defence lawyer. Emma's criminal work involved appearing in countless court proceedings across multiple jurisdictions. Emma has also previously worked with the Aboriginal Legal Service, developing lasting connections with her clients and stakeholders.

Emma has also been involved in some of NJP's work relating to Indigenous Australians, primarily in relation to mistreatment, abuse, negligence and discrimination by police and health services.

## ASHLEIGH BUCKETT

### Solicitor

Ashleigh has worked with NJP since March 2018 as part of NJP's offshore team. She has also worked on our Aboriginal Health Justice Project.

Ashleigh brings to NJP a broad expertise in international human rights law and international criminal law. She holds a Master of Laws specialising in this field and also previously worked as a legal adviser to the International Bar Association.

## ELIKA CHAPARIAN

### Senior Paralegal

Elika is in her final year studying a combined Bachelor of Law and Arts at Macquarie University. Elika started with NJP as a volunteer paralegal, before being offered a position on staff due to the high quality of her work. She has been a valuable team member over 2018 due to her bilingual skills, enabling better and more effective communication with our Farsi-speaking clients on Nauru and Manus Island. Over the last year, Elika has assisted the lawyers







in securing urgent medical treatment for many of the men, women and children held in offshore detention, as well as working on numerous coronial inquests, personal injury and racial discrimination matters involving Aboriginal and Torres Strait Islander clients.

## JAZLIE DAVIS

### Paralegal

Jazlie has worked with NJP for two years providing project support to our Aboriginal Health Justice Project and Copwatch programs.

Jazlie is a Birrpai woman with a passion and commitment to working for First Nations people. She graduated from the University of NSW with a degree in science aviation and worked as a commercial pilot for three years in the remote Yolngu communities of North East Arnhem Land.

Jazlie spent five years working with Yolngu People, in enterprise development and project support. During that time, she developed strong cross-language and cross-cultural skills. Jazlie is in her second year of a Bachelor of Laws, focusing some of her studies on Indigenous rights and Indigenous jurisprudence.

## FABI FUGAZZA

### Chief of Staff

Fabi has worked with the NJP team since 2017 and brings to NJP extensive experience in management, marketing, recruitment and law. She is also an admitted lawyer, with additional qualifications in marketing and management. Fabi has worked at law firms nationally and internationally in civil rights law, disability rights law, and insurance law.

Fabi's focus at NJP is funding sustainability, growth, process improvement and management. In addition to her role at NJP, she lectures law at the University of Sydney.

## HOLLY BARNES

### Office Manager and Executive Assistant

Holly ensures that NJP operates smoothly on a day to day basis, performing the essential administrative functions that we all rely on. She supports the team in countless ways, including office management, volunteer recruitment and induction, and managing the lawyers' hectic schedules.







**Our wonderful staff  
& volunteers work with  
tenacity, diligence and  
unparalleled passion.**





# Acknowledgements

The National Justice Project would like to acknowledge and thank those below for their tireless support and contribution to a fantastic 2018.

Our work would not be possible without the generous efforts and resources afforded by the below people and organisations noted. We look forward to continuing to make an impact with your support.

## THANKS GOES TO:

- 🌀 Our donors, who have funded our crucial work
- 🌀 Our volunteers, who have given their time and expertise to enrich our organisation
- 🌀 Our barristers, who have worked with us, often on a pro bono basis, to advise, assist and progress cases
- 🌀 Other organisations, professionals and experts in the sector who have stood alongside us and have worked with us to deliver great outcomes
- 🌀 Our Board who continues to guide us
- 🌀 Our amazing staff, who take on every case and every project with tenacity, diligence and unparalleled passion

## Contact & donations

If you would like to get in touch with the **National Justice Project** or wish to donate funds to our incredible projects, you will find the details below

**PHONE** (02) 9327 2289

**EMAIL** [info@justice.org.au](mailto:info@justice.org.au)

**MAIL** PO BOX 587, Woollahra, NSW 1350

**DONATE** <https://justice.org.au/donate>

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