



National
Justice
Project

Annual Report 2019





FIRST NATIONS PEOPLE ARE ADVISED THAT
THIS PUBLICATION CONTAINS THE NAMES
AND IMAGES OF DECEASED PERSONS.

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“**The National Justice Project
uses the law to fight systemic
discrimination.
We have run cases that
have changed Australia’s
legal landscape, protecting
vulnerable people from harmful
government policies
and actions.**”



Message from the Chair

As Chair of the National Justice Project (NJP) I am delighted to see the continuing impact of our work. Now in our fifth year of operation, the NJP is firmly positioned as one of Australia's leading experts in human rights advocacy, litigation and legal reform.

Our team of legal experts and professional staff, together with colleagues from similar organisations, are passionate about securing justice for our clients, who are primarily First Nations peoples, asylum seekers and refugees.

Last year the NJP made two significant strategic decisions.

First, we decided to focus advocacy and litigation around four programs: Aboriginal Health Justice; Police, Prisons and Youth Services; Asylum Seekers and Refugees; and Papua New Guinea Social Justice. This has enabled the NJP to concentrate its time and resources in areas of substantial discrimination or injustice, and on cases with significant potential for law and institutional policy reforms.

Second, the NJP decided to expand its fundraising to target donations from philanthropy, as well as crowdfunding. The achievements of NJP described in this annual report are an outcome of both these strategic decisions.

I'm pleased to see the NJP increase resourcing for First Nations people through its health, police and prisons programs. Unfortunately, our work too often involves representing families at coronial enquiries after institutions have failed people in their care.

Our work holding institutions accountable for their actions and compelling changes in policy and behaviour is essential for ending discrimination and mistreatment. We hope our involvement will lead to a reduction in avoidable deaths and injuries over

time. Meanwhile, I look forward to these programs continuing their expansion in 2020.

Many people are familiar with the success of the NJP's litigation in bringing children of asylum seekers and refugees from Nauru to Australia for medical treatment. Over the last year, the NJP extended this work to include adults detained on Nauru and Manus who are also in need of medical treatment in Australia.

I express my thanks to our employees and volunteers who are passionate about justice and dedicated to helping us fight discrimination. This work brings our staff in touch with the trauma and suffering of our clients and comes with significant personal cost.

I also express my thanks to the numerous donors who fund our work. Our work is vital to the lives of many people and families, some named in this report. It is also essential in realising the society we believe ourselves to be, in particular the Australian value of 'fairness'.



David Radcliff
CHAIR



Message from the Chief Executive Officer

This year was a watershed for the **National Justice Project (NJP)**.
Over the last year, our work has ensured that:

- ⊙ **there are no more kids being held on Nauru**
- ⊙ **Peter Dutton could not take mobile phones from immigration detainees**
- ⊙ **over 300 individuals have been evacuated from Nauru and Manus Island**
- ⊙ **an Australian coroner made, for the first time, findings about discrimination in health care and recommended ways to eliminate it.**

We use the law as a tool to create systemic change. We do so by taking on strategically important and urgent cases, exposing and addressing the shocking cruelty by some federal and state governments, and advocating for change. We hold those in power accountable for their decisions.

In the past year, we saw a flood of strategic litigation in the Federal Court of Australia on behalf of children and adults living in offshore detention who required urgent medical care. Starting with a single case brought by the NJP in February 2017, by the end of 2018 over 50 injunctions had been filed in the Federal Court, all using the NJP's legal strategy, based in tort law and the duty of care vested in the Minister for Home Affairs. Our lawyers sought, and in every case, obtained urgent injunctions to force the Minister for Home Affairs to bring children and their families to places where they could get the urgent medical care that they needed. Throughout this campaign, which flowed into 2019, we never lost a case against the Minister for Home Affairs (Peter Dutton).

Over the past 18 months, our strategic litigation led to the evacuation of hundreds of men, women and children from Nauru and Papua New Guinea to Australia for urgent medical treatment, or to

accompany a sick family member. Ultimately, our strategic approach – which forced the Minister to provide life-saving care to dangerously sick children offshore – was the foundation of the successful 'Kids Off Nauru' campaign.

Prominent anthropologist Margaret Mead once said: 'Never underestimate the power of a small group of committed people to change the world.' Our small but dedicated team at the NJP is one of those groups.

Our incredible results, particularly over the past two years, prove that our work can rapidly transform Australia's legal and political landscape. But we can't do it alone. We could not have succeeded without the help of many pro bono lawyers and doctors and our very special donors and volunteers. With their generosity, we have changed the world and saved lives, and I thank all of them for their ongoing support.

George Newhouse
CHIEF EXECUTIVE OFFICER

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.

By 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 marginalised people in their fight for justice. 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 a 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

The National Justice Project pioneered the legal strategy which led to the evacuation of all children from Nauru for urgent medical care. But there is still so much more to be done. People continue to be harmed by Australia's inhumane offshore detention policies and the NJP is fighting for refugees and asylum seekers to hold the government accountable for the harm that these policies have caused.

Kids off Nauru campaign and the 'Medevac Bill'

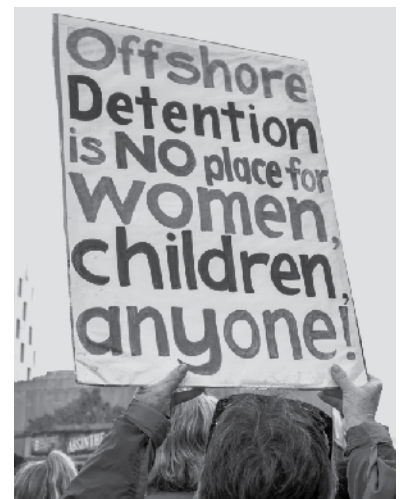
Thanks to public pressure and the hard work of committed lawyers, doctors and caseworkers who built on our legal cases, the Australian government finally removed all detainee children from Nauru earlier this year.

In March 2019, the historic 'Medevac Law' was passed by our federal parliament, against the wishes of the government. The 'Medevac Law' established a transparent process for offshore detainees to be brought to Australia for medical treatment. We were extremely disappointed to see this important legislation repealed in late 2019. But we remained determined to help those asylum seekers on Manus Island and Nauru who need life-saving medical assistance. We will keep fighting for justice and to force the federal government to provide essential medical care to desperately sick men and women in offshore detention.

Preventing further deaths of asylum seekers in detention

The NJP represented the family of 23-year-old Omid Masoumali during the inquest into his death by the Queensland State Coroner in early 2019. Mr Masoumali died in Brisbane in 2016, after he had set himself on fire in Nauru. It took two days to evacuate him from Nauru, despite his urgent need for medical care not available there. There have been many other widely known cases of medical neglect and/or delayed interventions.

NJP's application to expand the Masoumali inquest to better address systemic failures of the Australian government was recently accepted by the Coroner. The inquest will now be resumed for an additional day next year to specifically examine any failures in providing Mr Masoumali with access to mental health care.





REPRESENTING FIRST NATIONS PEOPLES

Aboriginal Health Justice Project

The Aboriginal Health Justice Project provides much-needed access to justice for First Nations peoples who have been disadvantaged by discrimination, professional misconduct or negligence in relation to medical care.

Through this project, the NJP represented the family of 27-year-old Wiradjuri woman Naomi Williams, following her tragic death in 2016. She was 22 weeks pregnant when she died.

We fought for three years, firstly to convince the NSW Coroner to hold an inquest and then to convince the Coroner that Ms Williams' race was relevant to the substandard care she received at Tumut Hospital.

Ms Williams had presented to Tumut Hospital 15 times in the seven months before she passed away. She was repeatedly referred to drug and alcohol services despite being found by experts not to be in need of those services. Meanwhile clinically indicated referrals to specialists were not made. When Ms Williams attended Tumut Hospital in the early hours of New Year's Day 2016, she was discharged with Panadol and an ice block. She and her unborn baby died of meningococcal and sepsis at home hours later.



The Coroner found that the number of times Ms Williams had presented to the hospital without being referred to a specialist was 'deeply troubling' and made recommendations to the Local Health District to strengthen the Aboriginal Health Liaison Worker program.

The Coroner also found that Ms Williams' low expectations of Tumut Hospital affected her decisions in relation to her medical care in the days and hours before her death:

- ③ she felt unheard
- ③ she felt stereotyped as a drug user
- ③ she felt unsafe and was planning to have her baby elsewhere because she was not receiving adequate treatment.

The Coroner said that those concerns were legitimate.

In July 2019 the Coroner handed down recommendations for NSW Health to implement, aimed at addressing racial bias. We have met with the Minister for Health, who has assured Ms Williams' family that he is working hard to ensure that the NSW government implements the Coroner's recommendations to prevent further deaths.

Police, Prisons & Youth Services Project

First Nations people are vastly over-represented in prisons and in youth detention facilities. While they are there, they are at an unacceptable risk of dying or being subjected to abuse or other mistreatment.

We take on strategic cases that highlight the mistreatment of First Nations 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 discrimination, assaults and poor care within these systems, but we also take steps to help ensure that the same mistakes are not repeated in the future.

Deaths in custody & coronial inquests

The NJP works closely with First Nations communities. We are often a first port of call for grieving families who have lost loved ones to police shootings or deaths in custody. We have represented these families in numerous inquests, achieving important recommendations from Coroners that have led to meaningful reforms; making prisons safer for First Nations inmates.

In 2018, the NJP appeared for the family at the inquest into the death of a young man who died in Goulburn 'SuperMax' prison in NSW. The Coroner recommended that Corrective Services NSW reform many of its procedures. The Coroner also recommended a full review of all policies in relation to the treatment of mentally ill prisoners, transfers to the mental health screening unit, access to razors, and provision of family visits. These recommendations are currently being considered for implementation across NSW.

In WA, the NJP represented the family of a young man who died after being detained awaiting the processing of his bail application. The findings of the inquest were released in May 2019 and included recommendations for improving prison services, prison officer training and communication between prison officers and medical providers.

We also advise and act for the families of First Nations people who have died as a result of police misconduct or inaction. This includes tragic stories of women calling police for help when being subjected to domestic violence, only to be arrested themselves on minor charges. Some avoidable deaths have followed these arrests. By drawing attention to these cases and their tragic consequences, as well as seeking compensation for the injuries that are caused, the NJP holds police accountable and seeks to reduce the risk that such tragedies will be repeated.

Fighting race-based discrimination

In Australia it is unlawful to discriminate against people based on their race, colour, descent or national or ethnic origin. Unfortunately, however, racial discrimination by government officials and private companies remains all too common.

When people in power treat others differently as a result of their race, the results can have devastating consequences. It is important to the NJP that these violations are not ignored. We take action in the Australian Human Rights Commission and courts on behalf of our clients to ensure that those engaging in discrimination are aware of the impact of their actions and are held accountable.

Copwatch program – education & accountability

The Copwatch app, developed with our partners Atlassian and Thoughtworks, allows for the safe and legal recording of interactions with police, with a view to evidencing misconduct should it occur. As a result of this work, a police officer has been found guilty of dangerous driving after hitting and injuring an Aboriginal man with his car. In 2019, we continued to spread the message of Copwatch to First Nations organisations and communities around Australia. Our Copwatch team is also working with police to improve interactions with First Nations people.

PAPUA NEW GUINEA SOCIAL JUSTICE PROJECT

The NJP aims to empower, nurture and develop a network of social justice advocates and lawyers within Papua New Guinea (PNG). In 2019, we signed a MOU with the Kokoda Track Foundation. This was the first step in establishing a Social Justice Scholarship Program that will eventually bring lawyers from PNG to Australia to undertake professional placements and develop their social justice advocacy skills. This project is intended to increase access to justice in PNG by building local capacity. We are proud to partner with the Kokoda Track Foundation and the Mundango Foundation and look forward to developing this initiative with them.

ADVOCACY & EDUCATION IN THE MEDIA

In accordance with our theory of change, the National Justice Project brings systemic injustice and discrimination in government institutions to public attention via traditional and social media. Throughout 2019 our CEO, George Newhouse and our legal team, continued to inform mainstream and non-mainstream media organisations of the human rights violations faced by the people we represent.

We sincerely thank our clients and their families for generously allowing us to share their stories as a way of preventing further tragedies.

Our Board

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

DAVID RADCLIFF
CHAIR



David 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
CHIEF EXECUTIVE OFFICER



George, our founder, is the principal solicitor of the 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 First Nations people.

DAN MORI



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

LIZZIE O'SHEA



Lizzie is an Australian human rights lawyer, broadcaster and writer. In 2019 Lizzie won the AccessNow Human Rights Heroes Award for her leading work in highlighting, analysing and protesting expansive surveillance laws in Australia. She is also the author of *Future Histories*, a book about the politics and history of digital technology, and is a board member of Digital Rights Watch.

DUNCAN FINE



Duncan has been a lawyer for over 30 years, and is also an author, journalist, media advisor and social commentator. He has worked on First Nations 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. She has worked as a communications strategist in London, as a TV political journalist (Australia/UK) and as a strategic adviser to countless corporate and not-for-profits around the globe.

STEVEN CASTAN



Steven is an experienced barrister based in Margaret River, WA, specialising in social justice and human rights law. He is also a nationally accredited mediator and family dispute resolution practitioner, facilitating non-confrontational conflict resolution across civil, commercial and family law. In addition to sitting on our Board, Steve is chair of the NJP's fundraising committee.

CANDICE DRIVER
COMPANY SECRETARY



Candice, also a practising corporate lawyer, has in the course of 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.

RAMSEY AOUDE



Ramsay is a fifth year law and commerce student studying at Macquarie University

who has joined

the NJP as an accounting intern this year. Ramsay is using his knowledge of accounting to ensure transparency in financial reporting and to provide support for daily operations. Together with his legal knowledge, Ramsay is a great fit for the NJP.

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.

REFLECTIONS OF A VOLUNTEER

Lucy came to the NJP through our relationship with the Aurora Project's *Aurora Internship Program*.



Working at the NJP was incredibly fulfilling. I have always been passionate about achieving justice for marginalised members of society.

My time at the NJP gave me a new level of exposure to the particulars of Australian policy and institutional arrangements that result in systemic injustice. It placed a human face to some of the injustices in Australia and made tangible the cases and issues that I had previously heard about in the news.

At times, the work I completed and the cases I was exposed to made me feel angry, distraught and incredibly sad, although the team at the NJP was always on the lookout for trauma and checked on me regularly.

It is incredibly motivating to know that the work I completed was an important part in shaping the legal landscape in Australia towards justice. This knowledge made even the mundane administrative tasks fulfilling and motivated me every single day of my internship.



**LUCY
SCHROEDER**



Our Lawyers & Professional Staff

ANNA TALBOT

Senior Solicitor and Legal Practice Manager

Anna's practice focuses on holding the government accountable for harming people held in offshore detention. She has run many cases in the Federal Court to force the Minister to provide essential health care to refugees, some of whom have been close to death. Anna provides guidance to other lawyers in relation to cases involving refugees on Nauru. She also works with our First Nations clients, assisting them with legal action relating to misconduct in prisons and by police, and racial discrimination complaints.

SARAH DRUCE

Senior Legal Counsel

Since joining NJP in 2017, Sarah has focused on strategic litigation for First Nations peoples and refugees detained in offshore detention requiring urgent medical treatment. Sarah has a background in managing litigation risk, providing strategic commercial advice and negotiating acquisitions for a variety of multinational, government and large national organisations and at Corrs Chambers Westgarth.

AMELIA (MIM) SWEETLAND

Senior Legal Counsel

Mim works with the NJP across a variety of projects both in Australia and regionally including strategic litigation for First Nations peoples. She has been a lawyer for 25 years, and her vast experience includes most recently working in Southeast Asia to address human trafficking in the region.

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 provides 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 is actively involved in some of NJP's work for First Nations clients.

ASHLEIGH BUCKETT

Senior Solicitor

Ashleigh has worked with the NJP since March 2018 as part of the offshore team, acting to obtain urgent medical treatment for refugees in Nauru and Papua New Guinea. She brought one of the first applications under the 'Medevac Laws' and liaised closely with the sector to assist with subsequent applications.

Ashleigh has recently settled cases involving excessive use of force by police and negligence by corrective services officers, and advocates for First Nations prisoners to obtain necessary medical care.

FABI FUGAZZA

Chief of Staff

Fabi has worked with the NJP team since 2017 and brings extensive experience in strategic management, marketing, recruitment and the law. A qualified and admitted lawyer, Fabi has undergraduate and postgraduate qualifications in law, business and management.

As NJP's Chief of Staff, Fabi's focus centres on management, funding sustainability, growth, and policy/process improvement.

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 joining our team. She has been a valuable team member over 2019 and her bilingual skills enable better and more effective communication with our Farsi-speaking clients.



JAZLIE DAVIS**Paralegal**

Jazlie has worked with NJP for two years. She began as a volunteer for our Copwatch program and quickly moved into a project support role for the Aboriginal Health Justice Project. She now works as a full-time paralegal supporting the NJP legal team.

Jazlie is a Birrpai woman with a passion and commitment to working for First Nations people. She graduated from UNSW 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.

SOPHIE WENDEROTH**Paralegal**

Sophie is a Juris Doctor student, having graduated from a Bachelor of Communication (Journalism) at RMIT University in Melbourne in 2017. Sophie mostly supports our work with refugees and asylum seekers.

She is deeply passionate about this work, given her family were Holocaust survivors and victims. Before starting at NJP, Sophie worked as a freelance journalist and editor.

LAURA REED**Communications and Fundraising Manager**

Laura coordinates the NJP's communications and fundraising functions, including execution of communications campaigns and delivery of fundraising initiatives and events. She is an experienced corporate social impact and strategy professional, having previously led the social impact team at Westpac and held in house sustainability and community roles with Stockland and Fuji Xerox Australia. Laura consults for a range of large Australian and international companies, particularly across the financial services and property sectors.

JAY BOOLKIN**Communications and Fundraising Manager**

Jay coordinates the NJP's communications and fundraising functions, including execution of communications campaigns and delivery of fundraising initiatives and events. Jay is co-founder Social Change Central – Australia's first online opportunities portal for social enterprise reaching over 10,000 people a month. Previously a Strategy Advisor at Spark Strategy and now co-lead of Social Impact & Partnerships at Seventh Street Ventures, Jay brings a wealth of digital communications and growth marketing expertise to the NJP.





“ Our
wonderful
staff & volunteers
work with
tenacity, diligence
& unparalleled
passion. ”

Acknowledgements

The National Justice Project would like to acknowledge and thank those below for their tireless support and contribution to a fantastic 2019.

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

OUR 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.

MAJOR DONORS & SUPPORTERS

- 🕒 Barlow Foundation
- 🕒 Chestnut Foundation
- 🕒 Lara Goodridge
- 🕒 Nordia Foundation

Contact & donations

The **National Justice Project** knows what it means to fight for lives. As a not-for-profit legal service, we are only able to operate because of the donations of those who believe in justice.

We go to court to fight for asylum seekers and refugees in offshore detention who need to be evacuated for life-saving medical treatment, and to hold the government accountable for the harm that it has caused them.

We go to court for First Nations peoples, who have suffered discrimination in the health and justice systems. Where deaths have tragically occurred, we push for inquests to try and get answers for the families of the deceased; and we work with systems to ensure that their death was not in vain.

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

***Together we can
make a difference.***

PHONE (02) 9304 0373

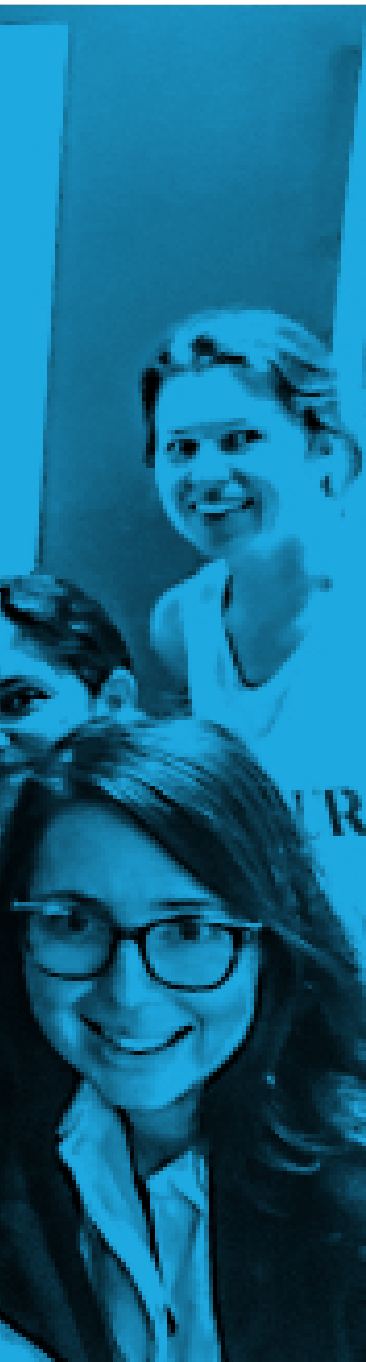
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