

Ron Castan Humanitarian Award 2017

Speech by George Newhouse

I acknowledge that we stand on the land of the Gadigal people of the Eora nation but I would also like to acknowledge what is rarely said **that our wealth as a nation is based on the theft of Aboriginal Land, the murder of Aboriginal people, and the destruction of Aboriginal families, nations and cultures.**

I would like to thank Stand up and Arnold Bloch Leibler for organising this event, and all of you for attending, especially my friends, workmates, family, my partner Nerida and my mum. Thank you for sharing this moment with me. I must single out for a special thank you - my two beautiful longsuffering children - Sophie and David who are here tonight. They have had much of their youth interrupted by my work. I don't know why, but crises always seem to happen on weekends, at the football and holidays. And for that I must apologise.

Although I am standing before you accepting this award. It really doesn't belong to me. It is a result of the tireless work of other people – Nicola, Verity, Morgan and Duncan and a team of volunteers and supporters. This is for you as much as me.

That said, this award really means a lot to me, it is very special. Ron Castan is a star in our legal constellation, and I regard it as a deep honour to receive an award in his name. It is also a special honour to be acknowledged by the Jewish Community.

Ron was a brilliant commercial barrister, but he dedicated his life to advancing the rights of Aboriginal people. Amongst his many other achievements, Ron was the legal driving force behind what is arguably Australia's best known High Court decision... the Mabo Case.

The Mabo decision is every human rights lawyer's dream. Guided by Ron's advocacy, it finally and officially overturned the 230-year-old myth that Australia was uninhabited when the English invaded this continent. Ron will always be remembered as the man who legally established that Aboriginal people *are a nation* with valid claims to this land.

I did not have the good fortune to know Ron personally, but I admired him from afar and I am pleased to know his wife Nellie and his children Melissa, Lindy and Steven.

I know we are here in Ron's name but I want you all to know that his passion for justice lives on in his children Steven, Melissa and Lindy whose dedicated work I cannot praise highly enough. I have seen their work through the Castan Centre in Melb and I have seen Steve

roll up his sleeves and fight for justice for the family of Ms Dhu and Jayden Bennell at inquests in Perth and in other venues.

Ron's legacy will not only be measured by the Mabo case but in raising such a wonderful family.

Like Ron Castan I didn't start my career practicing human rights law. I spent many years working in banking and finance, commercial law and raising a family.

And yet, over the years I felt a pull to help those in need. This event has given me cause to reflect on why and how this came about: I now see that this was always going to end up my path.

I grew up in a traditional Jewish family, and I studied a portion of the Old Testament for my bar mitzvah. My portion was called Shoftim, or "Judges", in which Moses instructs the people of Israel to appoint [judges](#) and law enforcement officers in every city.

"Justice, justice shall you pursue," he commands them, and you must administer it without corruption or favoritism.

Although it took place more years ago than I care to remember, and I am fairly certain that I didn't understand its meaning at the time, it strikes me that these words and principles have continued to resonate with me throughout my life.

Words and rituals are important but the greatest influence on my life was the example set for me by my father and grandfather. They dedicated their lives to helping others. After World War II, Abe Newhouse, my grandfather, travelled from Australia to Europe in order to save lives. When he got there, he toured the displaced persons camps, so that he could bring orphaned holocaust survivors to Australia. My grandfather was not a chiseled superman but to me, that work made him a hero. If he was doing that today, people might demonise him as a people smuggler.

As a child, I grew up amongst holocaust survivors. I found their stories deeply moving. The tragedy and sadness in their lives stays with you. It is difficult to forget.

Although my close family escaped the holocaust, we were not immune from tragedy. My mum found herself pregnant and widowed at the age of 18. I will always remember the

warmth and kindness of the little Brisbane Jewish community and my extended family who reached out to me as I grew up and it is my hope that the women and children that the NJP assists will feel that we are giving them the care, compassion and support that they need.

As a Jew, I feel a special responsibility to fight discrimination and injustice. Today, Jewish people are mostly privileged in this country. But 70 years ago, we were “Outsiders” too. I still feel like an outsider and I recognise that it is just good luck that my family left Eastern Europe before the war and that my life hasn’t been blighted by racism, prejudice and injustice in the way that so many Jews in the past have been. But once your eyes are opened to injustice, then justice, justice, you shall pursue.

There are two passages from Jewish teachings (Pirkei Avot) that I find meaningful in this context. The first is: the one that emphasises service and acts of loving kindness. The second which is often recited at funerals is that: ***“You are not obligated to complete the work, but neither are you free to desist from it.”***

So, I continue that work through the National Justice Project.

The National Justice Project is a not for profit legal service. With a small team of talented lawyers and volunteers, we focus on creating systemic change through the law and public advocacy.

We focus on fighting legal battles that will make a difference, and where we can, we take our arguments to the public. We try to train others to fight for their rights, and mentor the social justice warriors, through internships, volunteer programmes and by teaching a social justice clinic to law students on campus.

I love my work. I work with an absolutely amazing team of lawyers and volunteers who give up their time and energy to fight for the most vulnerable people in Australia, and in offshore detention. At the NJP we cram all the staff and volunteers we can into our tiny office but even then, we cannot fit them all. We are first responders in a crisis, and we are proud of what we have been able to achieve even though we’re a tiny organisation with few resources.

I want to tell you about our work but I need to warn you that our work is traumatic so if you find the topics of sexual assault and death challenging you might want to skip the next bit.

Although we deal with the most tragic of cases and some of the unspeakable injustices that asylum seekers and Aboriginal people are subjected to we work in hope. In the hope that our work will create a better world.

In our 20 months of existence, we have become the leading experts on negligence in immigration detention. In one case, we represented a young African woman known legally as S99. This young African woman was raped on Nauru whilst having a seizure. As a result of being raped, she became pregnant. Understandably she did not want to bear that child so she sought a termination and we took up her case. The Minister for Immigration and Border Protection argued that the Australian government did not have an obligation to provide her with access to a safe and lawful abortion. We argued that he did, and took the government to the Federal Court. Making ground-breaking law, Justice Mordecai Bromberg upheld our arguments. He held that the Minister for Immigration was in breach of his duty of care by not providing S99 with a safe and lawful abortion. That is the first and only time that an Australian court has acknowledged that the Minister has a duty of care to refugees in another country

That is just one example. Time and again, we have had to fight for women and children to obtain desperately needed medical treatment. Some of the most shocking injustices, never make the headlines and are unknown to the public as we manage them quietly behind the scenes through our network of contacts and our negotiations with the Government Solicitor or Government medical officers and bureaucrats.

The NJP regularly acts for the families of Aboriginal people, Pacific Islanders and asylum seekers who die in prisons and detention centres. Our aim is to ensure that those responsible are held accountable, to seek justice for their families and to fight for systemic change to prevent avoidable deaths in future. Like the family of Ms Dhu

Another horrific case we are involved in involves an Aboriginal family in WA. They are suing the police, who for many critical hours delayed searching for an Aboriginal baby who had been abducted and was subsequently murdered.

After the baby died the WA Police tried to blame his grandfather – who reported the abduction – because they said that his granddad behaved aggressively and was agitated. Who wouldn't be agitated in such circumstances? Police said that they “did not appreciate the sincerity of his concerns” about his grandchild and his warnings that the child was at risk

of serious harm by his abductor. They also failed to link the violent assault on the baby's mother to the abductor.

To make matters worse one Police officer involved told a CCC enquiry that "**it was common in an indigenous community for children to be looked after by multiple family members and he did not consider the child to be missing**".

Instead of looking for the baby, Broome police spent the evening arresting the baby's mother, who had become hysterical after being subjected to a violent attack by the child's abductor.

Tragically that baby died in horrible circumstances - but he might have been saved if the WA Police had acted sooner and not on their prejudices.

As you can imagine, it can be distressing dealing with these cases but it is our duty not to turn away – Things must change.

To create change we are campaigning against discrimination against Aboriginal people in the health system. Next month our team will travel to Tumut to take witness statements in an inquest into the death of a 27 year old pregnant Aboriginal woman – Naomi Williams. She died an avoidable death from septicaemia twelve hours after being turned away from the emergency ward at Tumut hospital with nothing more than a Panadol despite her pleas for help. A few months before she died, her family had complained about discrimination against her in the hospital. – a hospital that until the 60's was segregated.

We are developing a rural outreach service to provide Aboriginal people in hard to reach areas with legal advice and representation where they have suffered from medical negligence and discrimination in the health system

We have had great success with an outreach project called CopWatch, where we train Aboriginal kids and community leaders to understand their rights and how to safely film their interactions with police and we teach them how to expose injustices through social media.

The NJP doesn't accept government grants, because we believe that would compromise our independence. We crowdfunded one and a half one and a half legal positions and we do the best we can on the smell of an oily rag but we always need volunteers and support.

Being immersed in the work that we do at NJP makes us mindful of how profoundly lucky and privileged we are. We wish we could do more, but we do what we can and we do not desist from it.

Thank you for honouring me with this award and I will continue to take to heart, as I hope we all will, the words I remember so well from my childhood: **justice, justice shall you pursue**.

Thank you.