

IN THE HIGH COURT OF AUSTRALIA

MELBOURNE OFFICE OF REGISTRY

BETWEEN:

ROBERT THORPE

Plaintiff

and

TOM ROGERS, ELECTORAL COMMISSIONER

First Defendant

AUSTRALIAN ELECTORAL COMMISSION

Second Defendant

COMMONWEALTH OF AUSTRALIA

Third Defendant

APPLICATION OF ROBERT THORPE

To:

Tom Rogers, Electoral Commissioner  
First Defendant  
(Legal Rep Australian Government Solicitor)

Australian Electoral Commission

Second Defendant

(Legal Rep Australian Government Solicitor)

Commonwealth of Australia

Third Defendant

(Legal Rep Australian Government Solicitor)

Australian Government Solicitor

Level 34, 600 Bourke St

Melbourne VIC 3000

The plaintiff makes application for the following orders:

1. Time be abridged and personal service dispensed with.
2. An injunction is hereby granted to the plaintiff enjoying the first defendant to cease all voting and refrain from taking any further steps in the election on Saturday 14 May 2023 for the Constitution Alteration (Aboriginal and Torres Strait Islander Voice) Bill 2023 (Cth)
3. The defendants be restrained forthwith from taking any further steps in the voting process.

The plaintiff relies on the affidavit of Robert Thorpe affirmed on Wednesday 11 October 2023 in support of the application,

Dated 11 October 2023

A handwritten signature in black ink, appearing to read "Robert Thorpe". The signature is written in a cursive style with a horizontal line underneath it.

*Robert Thorpe*

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AFFIDAVIT OF ROBERT ALAN THORPE

Affirmed 11 October 2023

Handwritten signature of Robert Thorpe in blue ink.Handwritten signature of Tom Rogers in blue ink.

1. By application issued on 11 October 2023 I sought an order for a writ of prohibition directed to Tom Rogers, Electoral Commissioner, to cease all steps for the referendum on Saturday 14 October for the Constitution Alteration (Aboriginal and Torres Strait Islander Voice) Bill 2023 (Cth).
2. I now seek an injunction restraining the defendants from taking any further steps in that electoral process until my application for the said writ be heard and determined.
3. I have served and filed a notice of a constitutional matter to the Commonwealth, State and Territories Attorney-Generals.


AFFIRMED by the deponent

at Melbourne in the State of

Victoria on Wednesday 11 October 2023.



Before me:

  
 .....  
 Christopher Leonard William Cooney  
 level 9/54 Wellington St Collyer Vic 3066  
 An Australian legal Practitioner within the  
 meaning of the legal Profession Act (Vic)