

IN THE SUPREME COURT OF VICTORIA AT MELBOURNE
CRIMINAL DIVISION

S ECI 2024 01879

IN THE MATTER of a proposed proceeding

IN THE MATTER of the criminal jurisdiction, inherent and implied of this Supreme Court.

and

IN THE MATTER of the common law crime of genocide in the State of Victoria on 27 April 2023

and

IN THE MATTER of the failure, unwillingness, and inability of the State of Victoria since 27 April 2023 – and the Supreme Court of Victoria especially since 4 September 2023 – to prevent and punish offences of genocide against the Original Peoples

and

IN THE MATTER of a charge-sheet signed on 20 October 2023 by Original Peoples accusing Charles Windsor, Government House, Melbourne of genocide offences against Original Peoples

REFUSAL

OFFICER: L Warren
Deputy Prothonotary

DATE MADE: 22 April 2024

SUBJECT: Application by the proposed plaintiff filed on 15 March 24 and reviewed pursuant to Rule 28A.04(2) of the Supreme Court (General Civil Procedure) Rules 2015.

Upon reading and assessing the proposed document/s of the plaintiff, the Deputy Prothonotary has rejected the documents and refused to seal them because, if sealed, they would be substantially irregular

Reasons for refusal

1. An “Application of Robert Thorpe” was filed by Mr Thorpe on 16 March 2024, purportedly in the “Criminal Division” of the Supreme Court. The proposed application seeks, inter alia:



- a. The assembly of a Special Court, to be called the “Aboriginal Genocide Court”, comprised of numerous named individuals, including but not limited to various judicial officers of the Supreme Court of Victoria, a judicial officer of the ACT Supreme Court, a barrister of the Sydney bar, and a law professor from Adelaide;
 - b. The Special Court be immediately convened to hear three matters, particularised as:
 - i. The “MCV Case” – being Supreme Court proceeding number S ECI 2024 01011;
 - ii. The “SCV appeal notice” – being the Originating Motion sought to be filed on 24 January 2024; and
 - iii. The “MCV appeal procedure” – being an urgent application submitted to the Magistrates Court of Victoria by Mr Thorpe on 4 March 2024.
 - c. A stay of the three particularised proceedings pending their listing before the Special Court.
2. This proceeding is patently misguided. The creation and convening of a Special Court, Tribunal, or other Authority is the responsibility of Parliament, through the enactment of governing legislature. Such Authority cannot be sought by way of application to, or order from, the Supreme Court.
 3. Furthermore, the matters sought to be heard by the Special Court are procedurally misconceived. Particularly,
 - a. Supreme Court proceeding number S ECI 2024 01011 is already listed before the Court for initial hearing on Monday 22 April 2024;
 - b. The Originating Motion dated 24 January 2024, was already rejected for filing by the Prothonotary on 15 February 2024. By judgment of 3 April 2024 the Honourable Justice Forbes declined to instruct the Prothonotary to accept the matter for filing. Any review or appeal of her Honour’s judgment should be appropriately directed to the Court of Appeal; and
 - c. Any review or appeal of the Magistrate Court should be brought pursuant to any appropriate or existing legislative provisions or rules of the Court.
 4. Finally, the form of Application submitted by Mr Thorpe under the heading of the Criminal Division is not a form known to the Court.
 5. Accordingly, this proceeding is refused pursuant to r28A.04(2) as it is substantially and procedurally irregular.



DEPUTY PROTHONOTARY

