

From: **DLS** <DLS@hcourt.gov.au>

Date: Tue, 10 Oct 2023 at 16:00

Subject: Thorpe v. Commonwealth of Australia - Rejected HCADLS:0037086

To: Robert Alan Thorpe <bunjilfire@gmail.com>

This is a message from the High Court Registry.

Dear Mr Thorpe,

Deputy Registrar S Young notes the following matters :

The application for a Constitutional or other writ in its current form is not acceptable by the High Court.

Please refer to Part 25 of the High Court rules when making your application.

The High Court Rules can be found here: <https://www.legislation.gov.au/Details/F2022C00521>.

Please identify with precision on the types of relief sought in terms of your situation that are applicable to your application.

Filing a form 12 application suggest that you are seeking relief in form of constitutional or other writs, you will need to identify the types of writ sought in your application.

The application will also needs to be supporting by a concise affidavit prepared in accordance with r 24.01 of the High Court rules 2004.

To assist with the preparation of your application for a constitutional or other writ, please note the following deficiencies :

Form 12

1) Part I of the application should specify in precise terms of the orders which you seek to be made by the High Court. Please remove any grounds, backgrounds and commentary that has been listed in this part and readdressed it in the relevant part of the application.

2) Part II of the application should identify with precision, the grounds of your application by identifying a concise statement of the grounds of the application as well as identifying the particular legislative instrument that enlivens the Jurisdiction of this Court to make the orders that you seek in part I.

3) Part III – Please ensure you address part III.

4) Part VII – please ensure you identify and list authorities you wish to rely upon in support of your application in the following format “ XXX v XXX [1938] HCA 9 [insert paragraph number]”.

5) Part VIII - please ensure you list and state the particular constitutional provisions, statutes and statutory instruments applicable to the questions the subject of the application set out verbatim. If more than one page in length, this Part should be attached as an annexure. In addition to the list of legislation, you also need to set out verbatim the relevant parts in the annexure under the list.

6) The Form 12 application should include the application form itself and any annexure referred to in Part VIII of the application in one PDF document. Any other documents should be removed (ie any letters, fee waiver etc). Please also ensure the application is paginated and signed.

7) At the last page of Form 12 – on top of identifying the name of the defendant, please identify the Defendants separately in the following format, please ensure you also identify whether the defendant is represented or not (if known).

Commonwealth of Australia
First Defendant
(Legal rep (if known))

Australia Electoral Commission
Second Defendant
(Legal rep (if known))

etc.....

8) Please ensure the application does not exceed 12 pages per rule 25.01.3

Affidavit

- A concise affidavit in support of your application will need to address the requirements set out in rule 25.05.

Further, If the application is not filed within an applicable time limit, an explain is required in your affidavit addressing the failure to comply with that time limit.

The affidavits must be signed on each page by both the witness and deponent.

All 'exhibit certificate' must be signed by the witness.

High Court applications can be technical and I would strongly encourage you to seek some independent legal advice if you haven't already done so.

Please note that it is not essential that an Affidavit is sworn before the relevant authorised officer at the High Court Registry, it can be sworn/affirmed before any Justice of the Peace or a lawyer.

However, if you have any difficulty obtaining either, please write to us requesting to make an appointment at registrar@hcourt.gov.au we will arrange a suitable date/time for your to attend the registry in person, the registry is otherwise closed to the general public for any physical client services activities.

DLS:

Ensure each party are entered on the DLS and it is consistent with the document title.

Fee waiver:

If you are applying for fee waiver of the application fee under a Health Care Card. Please ensure you upload the fee waiver application and attach a copy of your Health Care (front and back) Card to exemption form in one PDF document.

Accordingly your lodgment has been rejected.

As a consequence of that rejection, it is not open to you to upload further documents on this lodgment.

If it is open to you to do so and if you wish to lodge revised documents, you will need to create a new case and upload your documents to a fresh lodgment.

If you require any further assistance, please contact the Registry.

Kind Regards,

High Court Registry | High Court of Australia
T (02) 6270 6829 | E registry@hcourt.gov.au | W www.hcourt.gov.au