

## NOTICE OF FILING

### Details of Filing

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Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)  
Date of Lodgment: 1/08/2024 1:01:52 PM AEST  
Date Accepted for Filing: 1/08/2024 2:32:51 PM AEST  
File Number: VID589/2024  
File Title: UNCLE ROBBIE THORPE v JUDICIAL REGISTRAR ALICIA DITTON  
Registry: VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



*Sia Lagos*

Registrar

### Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.



**Affidavit**

No VID589 of 2024

Federal Court of Australia

District Registry: Victoria

Division: Human Rights / Other Federal Jurisdiction

**Uncle Robbie Thorpe**

Applicant

**Judicial Registrar Alicia Dutton**

Respondent

**Affidavit of: Uncle Robbie Thorpe**

Address: Camp Sovereignty, "Kings Domain", Melbourne VIC 3004.

Occupation: Truth-Teller Fire-Keeper and Elder.

Date: 1 August 2024

I, Uncle Robbie Thorpe, Truth-Teller Fire-Keeper and Elder, of Camp Sovereignty, "Kings Domain" near "Government House" and Shrine of Remembrance, affirm:

1. Now produced and shown to me and marked Annexure "URT 1" as a bundle are:

- (i) A true copy of the notice from Constitutional Litigation, Australian Government Solicitor, Sydney on Monday 22 July 2024 that The Honourable Mark Dreyfus KC MP, the duly elected member for the electorate of Isaacs in the House of Representatives of the Parliament of the Commonwealth of Australia, will neither intervene in these Aboriginal genocide proceedings at this time nor make an application to remove them to the High Court of Australia — set out at pages 4 and 5 below.
- (ii) A true copy of the five-page submission of The Honourable Mark Dreyfus' Department to the Parliament of the Commonwealth of Australia dated "July 2024" and accessed online on Friday 26 July 2024 and downloaded as submission 39 to the Senate Legislation Committee inquiry into the *Criminal Code Amendment (Genocide) Bill 2024* from [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Legal\\_and\\_Constitutional\\_Affairs/GCAHWC2024/Submissions](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/GCAHWC2024/Submissions) — set out at pages 7-11 below.

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Filed on behalf of Uncle Robbie Thorpe, applicant.

Prepared by Uncle Robbie Thorpe.

Mobile 0422 200 696

Email bunjilfire@gmail.com

Address for service: Camp Sovereignty, "Kings Domain", Melbourne VIC 3004

*Uncle Robbie Thorpe*

(iii) A true copy of the CAMP SOVEREIGNTY submission to the said committee delivered by email on Friday 26 July 2024 and beginning with my charge-sheet submitted on Wednesday 24 July 2024 for issue to the Melbourne Magistrates Court against the Mark Alfred Dreyfus for Aboriginal genocide— set out at pages 13 - 46 below.

(iv) A true copy of my opening statement at Camp Sovereignty in the public hearing by videoconference with the said committee on Tuesday 30 July 2024 requesting an investigation and prosecution by the Office of the Prosecutor of the International Criminal Court of parliamentarians for the crime of complicity in Aboriginal genocide— set out at pages 48 - 56 below.

(v) A true copy of an extract from the official parliamentary program for the said hearing listing Attorney-General's Department (Submission 39) officers from the Office of International Law (Assistant Secretary Stephanie Merino) and Criminal Law Policy Branch (Director Christopher Malone and Assistant Secretary Susan McKeag)— set out at page 58 below.


(vi) A true copy of an extract from the official parliamentary website showing that transcript is not yet available— set out at page 60 below.

(vii) a true copy of my notice to The Honourable Mark Dreyfus of the hearing of my interlocutory application to add him as the second respondent in these Aboriginal genocide proceedings and attaching sealed copies of the interlocutory application— set out at pages 62 - 63 below.

Affirmed by the deponent  
at Collingwood  
in Victoria  
on 1 August 2024

)   
)  
)  
)

Before me:

  
Charlie McArdle  
Registrar  
Neighbourhood Justice Centre  
241 Wellington Street, Collingwood

Form 59  
Rule 29.02(1)

**Annexure to Affidavit**

No VID589 of 2024

Federal Court of Australia

District Registry: Victoria

Division: Human Rights / Other Federal Jurisdiction

**Uncle Robbie Thorpe**  
Applicant

**Judicial Registrar Alicia Dutton**  
Respondent


**Annexure "URT 1"**

This is the true copy of the bundle of documents (i)-(vii) marked Annexure "URT 1" referred to in paragraph 1 of the affidavit of Uncle Robbie Thorpe affirmed Thursday 1 August 2024.



.....

Charlie McArdle 20  
Registrar  
Neighbourhood Justice Centre  
241 Wellington Street, Collingwood



.....

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Filed on behalf of Uncle Robbie Thorpe, applicant.  
Prepared by Uncle Robbie Thorpe.  
Mobile 0422 200 696  
Email bunjilshire@gmail.com  
Address for service: Camp Sovereignty, "Kings Domain", Melbourne VIC 3004

- (i) A true copy of the notice from Constitutional Litigation, Australian Government Solicitor, Sydney on Monday 22 July 2024 that The Honourable Mark Dreyfus KC MP, the duly elected member for the electorate of Isaacs in the House of Representatives of the Parliament of the Commonwealth of Australia, will neither intervene in these Aboriginal genocide proceedings at this time nor make an application to remove them to the High Court of Australia— set out at pages 4 and 5 below.

From: **Constitutional** <Constitutional.Litigation@ags.gov.au>  
Date: Mon, 22 Jul 2024 at 10:11  
Subject: 20240722 - Non-int letter - Thorpe v Judicial Registrar Ditton - 24006023  
[SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege] [AGSDMS-DMS.FID5215869]  
To: [bunjilfire@gmail.com](mailto:bunjilfire@gmail.com) <[bunjilfire@gmail.com](mailto:bunjilfire@gmail.com)>

**OFFICIAL: Sensitive  
Legal Privilege**

Dear Uncle Robbie Thorpe,

**Uncle Robbie Thorpe v Judicial Registrar Alicia Ditton – Federal Court of Australia –  
proceeding no. VID589/2024**

Please find attached our correspondence in the above matter.

Kind regards,

\_\_\_\_\_  
Australian Government Solicitor

We acknowledge the traditional custodians of this land and  
celebrate their ongoing culture and contribution to society.



Find out more about AGS at <http://www.ags.gov.au>

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20240722 - Non-int letter - Thorpe v Judicia... (161K)

x



Our ref. 24006023

22 July 2024

Uncle Robbie Thorpe  
Camp Sovereignty  
Kings Domain  
Melbourne VIC 3004

By email: bunjilfire@gmail.com

**Australian Government Solicitor**  
Level 10, 60 Martin Place Sydney NSW 2000  
GPO Box 2727 Sydney NSW 2001  
T 02 9581 7777  
www.ags.gov.au

Canberra  
Sydney  
Melbourne  
Brisbane  
Perth  
Adelaide  
Hobart  
Darwin

Dear Uncle Robbie Thorpe

**Uncle Robbie Thorpe v Judicial Registrar Alicia Ditton – Federal Court of  
Australia – proceeding no. VID589/2024**

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We refer to your correspondence dated 3 July 2024 to the Commonwealth Attorney-General giving him notice pursuant to s 78B of the *Judiciary Act 1903* of a constitutional issue in the above proceeding. We are replying on the Attorney-General's behalf.

The Commonwealth Attorney-General will not be intervening in this proceeding in the Federal Court of Australia, nor will he be applying to remove the cause from that Court to the High Court.

If the proceeding is taken further on appeal, or is removed to the High Court, the Attorney-General might decide to intervene at that stage. This would be considered upon the receipt of the appropriate notice under s 78B of the *Judiciary Act 1903*.

Yours sincerely

A handwritten signature in black ink, appearing to be 'A. G. S.', written in a cursive style.

**Australian Government Solicitor**

(ii) A true copy of the five-page submission of The Honourable Mark Dreyfus' Department to the Parliament of the Commonwealth of Australia dated "July 2024" and accessed online on Friday 26 July 2024 and downloaded as submission 39 to the Senate Legislation Committee inquiry into the *Criminal Code Amendment (Genocide) Bill 2024* from [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Legal and Constitutional Affairs/GCAHWC2024/Submissions](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/GCAHWC2024/Submissions) – set out at pages 7-11 below.





**Australian Government**  
**Attorney-General's Department**

July 2024

# **Senate Legal and Constitutional Affairs Legislation Committee**

## **Criminal Code Amendment (Genocide, Crimes Against Humanity and War Crimes) Bill 2024**

### **Attorney-General's Department Submission**

## Introduction

The Attorney-General's Department (department) welcomes the opportunity to make a submission to the Senate Legal and Constitutional Affairs Legislation Committee (Committee) Inquiry into the Criminal Code Amendment (Genocide, Crimes Against Humanity and War Crimes) Bill 2024 (Bill).

The department has portfolio responsibility for Division 268 of the *Criminal Code Act 1995* (Cth) (Criminal Code), which the Bill proposes to amend. This submission outlines the background of Division 268, the prosecution process for offences against Division 268 and the proposed amendments to sections 268.121 and 268.122 made by the Bill.

The Bill proposes to repeal section 268.121 and retrospectively repeal section 268.122 of the Criminal Code. The effect of these amendments would be that the Attorney-General's consent would not be required for proceedings brought under Division 268 (genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court), prosecutions would not need to be brought in the name of the Attorney-General, and the restrictions on judicial review of the Attorney-General's decision (including decisions made prior to enactment of the Bill) to give or refuse consent to institute such proceedings would be removed.

The department considers that the requirement to obtain the Attorney-General's consent and the restrictions on judicial review of the Attorney-General's decision in sections 268.121 and 268.122 are appropriate. These provisions recognise that prosecutions under Division 268 may raise international law, foreign relations, overseas proceedings and national security issues that it is appropriate for the Attorney-General to consider. Consent to prosecute provisions are a long-standing feature of the Commonwealth criminal justice framework.

## Division 268 of the Criminal Code

Division 268 of the Criminal Code was introduced by the *International Criminal Court (Consequential Amendments) Act 2002* (Cth) (Consequential Amendments Act) together with the *International Criminal Court Act 2002* (Cth) (ICC Act) to align the crimes punishable by the International Criminal Court (ICC) with offences expressly codified under Australian law, including genocide, crimes against humanity and war crimes.

The background to the enactment of Division 268 of the Criminal Code was succinctly summarised by the majority of the High Court (Kiefel CJ, Bell, Gageler and Keane JJ) in their majority judgment in *Taylor v Attorney-General* (Cth):<sup>1</sup>

*The principal object of the International Criminal Court Act is to facilitate compliance with Australia's obligations under the Rome Statute of the International Criminal Court (1998) ("the Rome Statute").*

*Enactment of the Consequential Amendments Act was against the background of the Preamble to the Rome Statute "[r]ecalling that it is the duty of every State to exercise its criminal jurisdiction over those responsible for international crimes" and "[e]mphasizing that the International Criminal Court established under this Statute shall be complementary to national criminal jurisdictions". The Second Reading Speech for the Bill for the Consequential Amendments Act explained the main purpose of its enactment in terms of facilitating exercise of Australia's international rights under and pertaining to*

<sup>1</sup> [2019] HCA 30 [11]-[12].

*the Rome Statute. The main purpose was said to be to create as offences against Australian law each of the offences against international law over which the International Criminal Court ("the ICC") had been given jurisdiction under the Rome Statute and thereby to enable Australia to "take full advantage of the principle and protection of complementarity". The Explanatory Memorandum accompanying the Bill further explained that "[b]y creating crimes in Australian law that mirror the crimes in the [Rome Statute], Australia will always be able to prosecute a person accused of a crime under the [Rome Statute] in Australia rather than surrender that person for trial in the ICC".*

The Consequential Amendments Act simultaneously introduced various legal principles that apply in prosecuting offences against Division 268, relevantly including sections 268.121 and 268.122 (discussed below).

The crimes of genocide, crimes against humanity and war crimes in Division 268 of the Criminal Code have Category D jurisdiction, which is defined in section 15.4 of the Criminal Code as applying whether or not the conduct constituting the alleged offence, or as a result of the conduct constituting the alleged offence, occurs in Australia. This means that Australia will have jurisdiction over the matter, regardless of where the conduct constituting the alleged offence occurred. There is no requirement that the victim or the perpetrator be an Australian citizen, resident or body corporate.

## Section 268.121

Section 268.121 of the Criminal Code provides that proceedings for offences against Division 268 must not be commenced without the Attorney-General's written consent, and can only be prosecuted in the name of the Attorney-General.

### The investigative and prosecution process

The investigation of offences against Division 268 is ordinarily undertaken by the Australian Federal Police, except in relation to alleged breaches of the Laws of Armed Conflict by members of the Australian Defence Force in Afghanistan between 2005 and 2016, which is the responsibility of the Office of the Special Investigator.

The prosecution of Commonwealth criminal offences is the responsibility of the Commonwealth Director of Public Prosecutions (CDPP). Upon receiving a brief of evidence from the relevant investigative agency, the CDPP determines whether it is appropriate for the matter to proceed in accordance with the *Prosecution Policy of the Commonwealth* (Prosecution Policy).<sup>2</sup> The Prosecution Policy provides a two-stage test that must be satisfied before a prosecution is commenced: first, there must be sufficient evidence to prosecute the case; and second, it must be evident from the facts of the case, and all the surrounding circumstances, that the prosecution would be in the public interest. Should the CDPP determine that it is appropriate for a prosecution to proceed, the CDPP will then seek the consent of the Attorney-General before commencing the prosecution.

### Consent to Prosecute

Consent to prosecute provisions are a long-standing feature of the Commonwealth criminal justice framework. They recognise the Attorney-General's ultimate accountability for the prosecution of

<sup>2</sup> Commonwealth Director of Public Prosecutions, *Prosecution Policy of the Commonwealth: Guidelines for the Making of Decisions in the Prosecution Process* (July 2021).

Commonwealth offences and enable appropriate consideration of national interest factors, such as foreign relations, international law and national security. Consent to prosecute provisions are not unique to Division 268 or to the Criminal Code more generally.

Across the Commonwealth statute book, there are more than 50 different provisions that require the Attorney-General to consent to prosecutions.<sup>3</sup> These offences typically have an international, national security, or other public interest factor that warrants consideration and consent by the Attorney-General before a prosecution can proceed. There is also a general requirement under section 16.1 of the Criminal Code that proceedings for any Commonwealth offence occurring wholly in a foreign country by a person who is neither an Australian citizen nor body corporate must not be commenced without the Attorney-General's written consent. There are also a range of offences that require Ministers other than the Attorney-General to provide their consent for proceedings which may interact particularly with their portfolio responsibilities.<sup>4</sup>

The department notes that the Independent National Security Legislation Monitor recently considered the consent to prosecute provision for secrecy offences in his review of Part 5.6 of the Criminal Code and recommended that the requirement for the Attorney-General to consent to a prosecution be retained.<sup>5</sup>

The requirement for the Attorney-General to consent prior to the commencement of prosecutions for offences of the nature of those in Division 268 is also not a uniquely Australian mechanism. New Zealand,<sup>6</sup> the United Kingdom<sup>7</sup> and Canada<sup>8</sup> require the Attorney-General to consent to a prosecution being brought, and Canada requires that the prosecution only be conducted by the Attorney-General (or counsel on their behalf). This reflects an accepted view across jurisdictions with comparable legal systems that the Attorney-General—as first law officer and a senior member of the executive government—has a role in considering issues such as international law and foreign relations before these matters proceed to prosecution.

As is generally typical with consent to prosecute provisions, section 268.121 does not require the Attorney-General to consider set criteria in determining whether to give consent, but provides scope to consider any factors that are relevant to the particular facts and circumstances of the matter at hand. These factors may include considerations of international law (such as international law relating to immunities), international relations, prosecutions that are being, or might be, brought in a foreign country, and other matters of public interest such as national security.

Relevant offences in Division 268 are subject to Category D jurisdiction, which ensures that Australia has the legal capacity to investigate and prosecute serious crimes of international concern in accordance with the principle of universal jurisdiction. The effect of this principle is that every State is vested with competence to

<sup>3</sup> For example, section 123.5 of the Criminal Code provides that the Attorney-General's consent is required in prosecutions for secrecy offences under Part 5.6. Another example is section 73.5 of the Criminal Code, which provides that the Attorney-General's consent is required in prosecutions relating to people smuggling.

<sup>4</sup> Examples of this include section 105 of the *Fisheries Management Act 1991* (Cth) and section 72 of the *Insurance Acquisitions and Takeovers Act 1991* (Cth), which both state that proceedings for offences under those Acts must not be instituted without the written consent of the Minister (being the relevant portfolio minister).

<sup>5</sup> Independent National Security Legislation Monitor, *Secrecy Offences – Review into Part 5.6 of the Criminal Code Act 1995* (Report, May 2024) 224-225 [10.16].

<sup>6</sup> See *International Crimes and International Criminal Court Act 2000* (NZ) s 13. See also *Geneva Conventions Act 1958* (NZ) s 3(5).

<sup>7</sup> See *International Criminal Court Act 2001* (UK) ss 53(3), 54(5). See also ss 60(3) and 61(5) in relation to proceedings in Northern Ireland.

<sup>8</sup> See *Crimes Against Humanity and War Crimes Act*, SC 2000, c 24, s 9(3).

exercise criminal jurisdiction over individuals responsible for committing such crimes, regardless of where the conduct occurs. In this context, the Attorney-General's consent to prosecute is a crucial mechanism which allows for consultation and coordination to take place with other relevant countries (such as the State in which the crime took place or the State of nationality of the perpetrator) in determining whether Australia is the appropriate forum for a prosecution.

## Section 268.122

Section 268.122 prevents any review of or challenge to a decision by the Attorney-General to give consent to initiate a prosecution, or refuse consent to prosecute, in any court other than the High Court in its original jurisdiction. This is consistent with other decisions that are taken during the investigative and prosecution phase, such as referral of a brief of evidence by an investigative agency, and determination by the CDPP that the matter should proceed having regard to the Prosecution Policy of the Commonwealth, and that the Attorney-General's consent should be sought.

The rationale for section 268.122 is to preserve decisions of Attorneys-General with respect to consent to prosecute decisions. This is an important safeguard given the intentionally broad discretion that is vested in the Attorney-General within the consent to prosecute process. As noted above, section 268.121 does not require the Attorney-General to consider set criteria in determining whether to give consent, but provides scope to consider any factors that are relevant to the particular facts and circumstances of the matter at hand. These factors may include considerations of international law (such as international law relating to immunities), international relations, prosecutions that are being, or might be, brought in a foreign country, and other matters of public interest such as national security.

There is an intentionally high threshold for the creation of retrospective laws or repealing laws that would have the effect of altering a previous right or entitlement. The effect of the amendment to repeal section 268.122, and the retrospective application of that amendment,<sup>9</sup> would be that any previous decision by an Attorney-General to give or refuse consent to prosecute an offence against Division 268 would no longer be exempt from judicial review, other than on constitutionally protected grounds. This would enable the Attorney-General's decisions on whether to give consent to be re-opened and create significant procedural uncertainty.

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<sup>9</sup> Criminal Code Amendment (Genocide, Crimes Against Humanity and War Crimes) Bill 2024 (Cth) sch 1 item 2 cl 2.

(iii) A true copy of the CAMP SOVEREIGNTY submission to the said committee delivered by email on Friday 26 July 2024 and beginning with my charge-sheet submitted on Wednesday 24 July 2024 for issue to the Melbourne Magistrates Court against the Mark Alfred Dreyfus for Aboriginal genocide— set out at pages ~~13-46~~ below.

Friday 26 July 2024

TO:

**Senators Nerita Green, Paul Scarr, Alex Antic, Varun Ghosh, Helen Polley, David Shoebridge and Larissa Waters**

Members<sup>1</sup>, Legislation Committee<sup>2</sup>  
Senate Standing Committees on Legal and Constitutional Affairs<sup>3</sup>  
Parliament of the Commonwealth of Australia<sup>4</sup>

AND TO:

**Senators Penny Allman-Payne, Wendy Askew, Ralph Babet, Catryna Bilyk, Simon Birmingham, Andrew Bragg, Slade Brockman, Ross Cadell, Matthew Canavan, Michaelia Cash, Claire Chandler, Richard Colbeck, Dorinda Cox, Lisa Darmanin, Lisa Darmanin, Perin Davey, Jonathon Duniam, Mehreen Faruqi, David Fawcett, Varun Ghosh, Karen Grogan, Pauline Hanson, Sarah Hanson-Young, Sarah Henderson, Steph Hodgins-May, Hollie Hughes, Jane Hume, Maria Kovacic, Jacqui Lambie, Kerryne Liddle, Susan McDonald, James McGrath, Bridget McKenzie, Andrew McLachlan, Jacinta Nampijinpa Price, Deborah O'Neill, Matt O'Sullivan, James Paterson, Fatima Payman, Barbara Pocock, David Pocock, Louise Pratt, Gerard Rennick, Linda Reynolds, Malcolm Roberts, Anne Ruston, Dave Sharma, Tony Sheldon, David Shoebridge, Dean Smith, Marielle Smith, Jordon Steele-John, Glenn Sterle, Jana Stewart, Lidia Thorpe, Tammy Tyrrell, Anne Urquhart, David Van, Jess Walsh, Larissa Waters, Peter Whish-Wilson**

Participating Members<sup>5</sup>, Legislation Committee  
Senate Standing Committees on Legal and Constitutional Affairs  
Parliament of the Commonwealth of Australia

**The Criminal Code Amendment Bill<sup>6</sup> referred to the Committee on 8 February 2024.**

<sup>1</sup> [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Legal\\_and\\_Constitutional\\_Affairs/Legislation\\_Committee\\_Membership](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Legislation_Committee_Membership)

<sup>2</sup> [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Legal\\_and\\_Constitutional\\_Affairs/Role\\_of\\_the\\_Committee](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Role_of_the_Committee)

<sup>3</sup> [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Legal\\_and\\_Constitutional\\_Affairs](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs)

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<https://www.directory.gov.au/portfolios/home-affairs>

<sup>4</sup> <https://www.aph.gov.au/>

<sup>5</sup> [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Legal\\_and\\_Constitutional\\_Affairs/Legislation\\_Committee\\_Membership](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Legislation_Committee_Membership)

<sup>6</sup> Set out at pages 26-27 below.

The Bill, if enacted, will repeal sections 268.121 and 268.122 of the Criminal Code<sup>7</sup> of the Commonwealth of Australia with certain specified applications.

Please refer to the submissions to your Committee received<sup>8</sup> by Friday 26 July 2024:

| No. | Submitter  |
|-----|--|
| 1   | <b>Amnesty International Australia</b> (PDF 122 KB)  |
| 2   | <b>Islamic Council of Victoria</b> (PDF 468 KB)  |
| 3   | <b>Medical Association for Prevention of War</b> (PDF 268 KB)                                      |
| 4   | <b>Remedy Australia</b> (PDF 259 KB)   |
| 5   | <b>Mr Julian Cleary</b> (PDF 34 KB)  |
| 6   | <b>Mr John Bentley</b> (PDF 77 KB)   |
| 7   | <b>Dr Philipp Kastner, Associate Professor Stella Tarrant and Dr Emily Camins</b> (PDF 77 KB)      |
| 8   | <b>Mr Graeme Taylor</b> (PDF 69 KB)  |
| 9   | <b>Professor Sarah Williams, Dr Emma Palmer and Dr Natalie Hodgson</b> (PDF 274 KB)                |
| 10  | <b>Dr Monique Cormier and Dr Anna Hood</b> (PDF 147 KB)  |
| 11  | <b>Robert Heron</b> (PDF 45 KB)  |
| 12  | <b>Sisters Inside Inc.</b> (PDF 650 KB)  |
| 13  | <b>Randel Revilla</b> (PDF 109 KB)   |
| 14  | <b>Pauline Elizabeth Nicola Coles</b> (PDF 143 KB)   |
| 15  | <b>Dr Catherine Koerner</b> (PDF 77 KB)  |
| 16  | <b>Laura-Jane Singh</b> (PDF 88 KB)  |
| 17  | <b>All Khan</b> (PDF 85 KB)  |
| 21  | <b>Dr Rachel Killean</b> (PDF 81 KB)   |
| 22  | <b>National Network of Incarcerated &amp; Formerly Incarcerated Women &amp; Girls</b> (PDF 546 KB) |
| 23  | <b>Mr Scott Thomson</b> (PDF 47 KB)  |

7

<https://www.legislation.gov.au/C2004A04868/latest/text/2> — the two sections are reproduced below at page 28 and further extracts from the Criminal Code are set out pages 29-34. Note section 5.5 “intention”, section 11.2 “complicity” and section 80.2D “advocating genocide” all reproduced on page 34.

<sup>8</sup> [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Legal\\_and\\_Constitutional\\_Affairs/GCAHWC2024/Submissions](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/GCAHWC2024/Submissions)

(14)



On Wednesday 24 July 2024 the Senior Registrar of the Melbourne Magistrates Court received this email with an attached charge-sheet:

=====

**From: Robbie Thorpe <bunjilfire@gmail.com>**

**Date: Wed, 24 Jul 2024 at 12:22**

**Subject: Charge Sheet and Summons, Mark Alfred Dreyfus, 24.7.24**

**To:**

MMC Leadership Group (CSV)  
<mmcleadershipgroup@courts.vic.gov.au>,

<MCVLegalPolicyUnit@courts.vic.gov.au>,  
<criminalcoordinator@courts.vic.gov.au>

Wednesday 24 July 2024 at 12.20pm

Matt Dalton  
Senior Registrar  
Melbourne Magistrates Court

copy to Magistrates Court of Victoria Legal Policy Unit

Please file and issue the attached charge sheet and summons to Mark Alfred Dreyfus.

Thanks,

Uncle Robbie Thorpe\*  
CAMP SOVEREIGNTY  
"Kings Domain"  
Melbourne VIC 3004

\*<https://www.commonground.org.au/article/guide-for-respectfully-communicating-with-elders>

**Genocide Charge Sheet and Summons, MAR... (161K) x**

15

## Form 3—Charge-sheet and summons

Rule 13(c)

### CHARGE-SHEET AND SUMMONS

#### Details of accused

Name: **Mark Alfred DREYFUS**

Gender: Male

Date of birth: 3 October 1956

Address: 566 Main St, Mordialloc, VIC 3195

Mobile phone number: not known— landline 03 9580 4651

Email address: mark.dreyfus.mp@aph.gov.au, attorney@ag.gov.au

Registration number of vehicle: — State registered: Victoria

Driver licence number: — State issued: Victoria

To the accused:

You have been charged with an offence.

Read these pages to see what you must do.

Details of the charge against you

1. What is the charge?

Between 2007 and 24 July 2024 Mark Dreyfus committed the offence of deliberately inflicting conditions of life on We First Peoples that are intended to bring about the physical destruction of We First Peoples with the intent to destroy We First Peoples in whole or in part contrary to s.268.5 of the *Criminal Code Act 1995 (Cth)*.

[Description of offence]

(i) Since 2007 you have deliberately and wilfully failed and refused to recognise the unceded Sovereignty of We First Peoples.

(ii) Since 2007 you have deliberately failed and refused to seek Our consent to your occupation of Our Lands and your usurpation of Our Law whether in an internationally-supervised treaty-making decolonisation process or otherwise howsoever.

(iii) Since 2007 you have deliberately failed and refused to seek an Advisory Opinion from the International Court of Justice as to whether, in the absence of any document evidencing the free voluntary informed consent of We First Peoples to the illegal occupation of Our Lands and the illegal usurpation of Our Laws,

- (a) the genocidal entity the Commonwealth of Australia has no jurisdiction over We First Peoples; and further
- (b) whether all lands, waters and skies on this island continent are the lands of We First Peoples; and further
- (c) whether all residents of this island continent are subject to the ancient civilised sophisticated Law of We First Peoples.

(iv) In your powerful position as First Law Officer of the Commonwealth of Australia you have deliberately and knowingly made no attempt to amend the *Criminal Code Act 1995 (Cth)* to remove the requirement under s. 268.121 of your fiat to commence criminal proceedings for genocide and making you the gatekeeper of any Aboriginal genocide charges— thus preventing We First Peoples from taking criminal proceedings to stop and prevent the ongoing Aboriginal genocide.

(v) In your powerful position as First Law Officer of the Commonwealth of Australia you have deliberately and knowingly made no attempt to amend the *Criminal Code Act 1995 (Cth)* and other legislation and common law of the Commonwealth of Australia to remove the apparent legal immunity from genocide prosecution of the head of state, judicial officers, legislators and senior government officials of the Commonwealth of Australia— thus preventing We First Peoples from taking criminal proceedings to stop and prevent the ongoing Aboriginal genocide.

(vi) In your powerful position as First Law Officer of the Commonwealth of Australia you have deliberately and knowingly failed and refused to fully completely and properly implement and legislate the Rome Statute of the International Criminal Court 2002 and the UN Genocide Convention 1949 by

- (a) allowing any person to commence genocide prosecutions at any local police station and/or any local courthouse; and
- (b) by removing the legal immunity of any person from prosecution for genocide.

(vii) Between 2007 and 24 July 2024 Mark Dreyfus KC, Attorney-General of Australia, has failed to prevent Our genocide and punish the genocidists; and failed to protect Us from genocide.

Under what law

Commonwealth — Regulation  Other— specify: *Criminal Code Act 1995 (Cth)* s 268.5

Is this an infringement offence?  Yes—see below  No

Enforcement review  Enforcement review—special circumstances

Infringements Act 2006 section 40  Other—specify

Date of service by the Director, Fines Victoria

Magistrates' Court Criminal Procedure Rules 2019  
S.R. No. 143/2019 52  
Form 3—Charge-sheet and summons

Are there more charges  No

— Yes — see  
"Continuation of  
Charges" attached

Type of offence  Summary offence

Indictable offence

Request for committal proceeding  No

Yes

Who filed the charge-sheet(s)? Uncle Robbie Thorpe\*

\*<https://www.commonground.org.au/article/guide-for-respectfully-communicating-with-elders>

Name of informant: Uncle\* Robbie Thorpe

<https://www.commonground.org.au/article/guide-for-respectfully-communicating-with-elders>

Agency and address: CAMP SOVEREIGNTY, "Kings Domain", Melbourne 3004

Telephone: 0422 200 696

Email: bunjilsfire@gmail.com

Agency Ref.: Dreyfus Genocide Charge

Signature of informant:

*Uncle Robbie Thorpe*

Date: 24 July 2024

Filed at: Melbourne

Date: 24/07/24

Where will the case be heard?

The Magistrates' Court at Melbourne

Address 233 William St, Melbourne

Telephone 9628 7728

When Time Day Month Year

Details about this summons

Issued at:

Date:

Registrar:

Magistrate:

Police officer:

Prescribed person

On Thursday 25 July 2024 the Registrar of the Court of Appeal of the Supreme Court of Victoria accepted<sup>9</sup> for filing in the court an application<sup>10</sup> lodged Wednesday 24 July 2024 for leave to appeal against the decision<sup>11</sup> of the Honourable Justice O'Meara on 25 June 2024 confirming the Prothonotary's refusal<sup>12</sup> to accept for filing in the Common Law Division of the court a writ<sup>13</sup> seeking the following relief<sup>14</sup> against the State of Victoria:

1. A declaration that there is no internationally-supervised agreement between First Peoples and the defendant whereby First Peoples gave free, informed prior consent without coercion or manipulation to the occupation of Our Lands and usurpation of Our Law by the defendant.
2. A declaration that the defendant conducted a premeditated calculated undeclared war of invasion against First Peoples, Our Lands and Our Laws and that the war involved atrocities by the defendant against First Peoples and acts by the defendant against First Peoples contrary to Our Law and contrary to international law including genocide, crimes of aggression and crimes against humanity.
3. A declaration that the only basis for the jurisdiction claimed by the State of Victoria is the said genocidal military invasion.
4. A declaration that First Peoples' Sovereignty was never ceded.
5. An order that the defendant forthwith declare an end to hostilities and an end to the war against First Peoples.
6. An order that the defendant forthwith take all necessary steps to obtain an advisory opinion from the International Court of Justice as to whether Our Law governs all people within the purported boundaries asserted by the defendant and as to whether Our Lands belong to Us under Our Law.
7. An order that the defendant take all necessary measures to secure an investigation by the Office of the Prosecutor of the International Criminal Court into genocide by the defendant and officers of the defendant against We First Peoples.

<sup>9</sup> "subject to the document corrections and matters relating to the fee waiver applications ... being attended to... by 6 August 2024": email from COA Deputy Registrar (Legal), 2.31pm 25.7.24

<sup>10</sup> *Aunty Alma Thorpe and Uncle Robbie Thorpe v Prothonotary Rod Ratcliffe & State of Victoria*, eFile ID 426922, 2.41pm 23.7.24.

<sup>11</sup> *Thorpe v Prothonotary & Anor* [2024] VSC 360 <https://classic.austlii.edu.au/au/cases/vic/VSC/2024/360.html>


<sup>12</sup> <https://crimesceneaustralia.com/wp-content/uploads/Thorpe-Alma-Robbie-28A.04-Refusal-30-April-2024.pdf>

<sup>13</sup> <https://crimesceneaustralia.com/wp-content/uploads/Writ-25.4.24-Aunty-Alma-and-Uncle-Robbie-v-State-of-Victoria.pdf>

<sup>14</sup> *Thorpe v Prothonotary* op cit footnote 11, at paragraph 5. See also paragraph 15.

On Friday 19 July 2024 the Honourable Justice Richards reserved judgement<sup>15</sup> following the hearing in the Common Law Division reviewing the decision<sup>16</sup> of the Senior Registrar of the Melbourne Magistrates Court on 29 December 2023 to refuse to accept for filing a charge sheet<sup>17</sup> lodged 20 October 2023 accusing Charles Philip Arthur George Windsor of genocide against We First Peoples.

The notice of a constitutional matter filed<sup>18</sup> in those proceedings<sup>19</sup> 10 July 2024 and served<sup>20</sup> 12 July 2024 on the Honourable Mark Dreyfus KC, Attorney-General of the Commonwealth of Australia, is reproduced below:

  
Form 19A – Notice of a constitutional matter

Rule 19.02(3) Case S ECI 2024 01011  
Filed on: 10/07/2024 04:41 PM

**NOTICE OF A CONSTITUTIONAL MATTER**

IN THE SUPREME COURT OF VICTORIA AT MELBOURNE  
COMMON LAW DIVISION  
JUDICIAL REVIEW AND APPEALS LIST

No S ECI 2024 01011

**B E T W E E N**

UNCLE ROBBIE THORPE Plaintiff  
-and-  
MAGISTRATES' COURT OF VICTORIA First Defendant  
ATTORNEY-GENERAL OF VICTORIA Second Defendant

---

Date of Document: 10 July 2024  
Filed on behalf of the Plaintiff  
Prepared by:  
Uncle Robbie Thorpe  
CAMP SOVEREIGNTY  
"Kings Domain"  
Melbourne VIC 3004

Telephone: 0422 200 696  
Ref: Windsor Genocide Prosecution  
Email: benjlsfire@gmail.com

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1. The plaintiff gives notice that the proposed proceeding involves a matter arising under the Constitution or involving its interpretation within the meaning of section 78B of the *Judiciary Act* (C'th) 1903.

1

<sup>15</sup> <https://crimesceneaustralia.com/wp-content/uploads/Transcript-of-hearing-before-Judge-Richards-Friday-19-July-Uncle-Robbie-Thorpe-v-MCV-AG-Supreme-Court-of-Victoria-SEC1202401011.pdf>

<sup>16</sup> <https://crimesceneaustralia.com/wp-content/uploads/Email-from-Senior-Registrar-Dalton-noon-Friday-29-December-2023.pdf>

<sup>17</sup> <https://crimesceneaustralia.com/wp-content/uploads/11.-Thorpe-v-Windsor-Application-to-Chief-Magistrate-and-Deputies-for-filing-and-listing-Thorpe-v-Windsor-20.10.23.pdf> at page 4 of file (page numbered "25").

<sup>18</sup> <https://crimesceneaustralia.com/wp-content/uploads/Sealed-Notice-of-a-Constitutional-Matter-10.7.24-Uncle-Robbie-Thorpe-v-MCV-AG-S-ECI-01011.pdf>

<sup>19</sup> *Uncle Robbie Thorpe v Magistrates Court of Victoria & Attorney-General of Victoria*, Supreme Court of Victoria, S ECI 2024 01011. <https://crimesceneaustralia.com/2024-genocide-case-in-melbourne-australiasupreme-court-of-victoria-genocide-litigation-2024/>

<sup>20</sup> Affidavit of service of notice of constitutional matter affirmed and filed 12.7.24 <https://crimesceneaustralia.com/wp-content/uploads/Sealed-affidavit-of-Service-Uncle-Robbie-Thorpe-12.7.24.pdf>

2. [State specifically the nature of the matter]

**(i) It is inherent and implicit in the Constitution that any law that allows Aboriginal genocide is invalid.**

Test: Would any statute that legalises Aboriginal genocide be held to be invalid? Obviously, yes.

Application: Any provision in the Criminal Code that prohibits Aboriginal Peoples from prosecuting Aboriginal genocide offences is invalid. Hence the particular provision that prohibits everyone except a non-Aboriginal politician from prosecuting Aboriginal genocide is invalid.

**(ii) Any purported domestic Australian implementation of genocide offences in the Genocide Convention and the Rome Statute of the International Criminal Court under the powers set out in the Constitution will be invalid and beyond those Constitutional powers unless and until any Aboriginal person can prosecute any non-Aboriginal person for Aboriginal genocide offences.**

Test: Would any statute that specifically legalises Aboriginal genocide by any non-Aboriginal person be held to be invalid? Obviously, yes.

Application: There is no statute that specifically legalises Aboriginal genocide by heads of state, ministers of state, judicial officers, or any high-ranking officials. The so-called presumption at common law that an individual named Charles Philip Arthur George Windsor is immune from prosecution for Aboriginal genocide is inconsistent with a fundamental statute, the Constitution Act 1903.

Further, any law that purports to implement the Genocide Convention or the Rome Statute of the International Criminal Court but at the same time (a) excludes individual personal liability for Aboriginal genocide for heads of state, heads of government, ministers of state, judicial officers or any high-ranking officials and/or (b) limits the cohort of persons who can prosecute Aboriginal genocide offences to a certain non-Aboriginal person or non-Aboriginal persons within the population is in itself proof of the intent to destroy Aboriginal Peoples and constitutes an offence of Aboriginal genocide including complicity in Aboriginal genocide— see placita (vii), (viii) & (ix) below under the heading **No immunity for legislators.**

#### RELATED CONSTITUTIONAL MATTERS

**No immunity for judicial officers.**

**(iii) Any judicial officer that holds that the common law doctrine that domestic implementation of the Genocide Convention Act is required in order for the Genocide Convention to form part of the law of Australia under the Constitution commits an act of Aboriginal genocide and has no immunity from prosecution.**

Particulars:

1. Complicity in causing serious mental harm to Aboriginal Peoples with intent to destroy Aboriginal Peoples— where (a) the denial of Aboriginal Sovereignty and/or (b) the failure to negotiate Aboriginal Peoples' consent (treaty) is proof of the intent to destroy Aboriginal Peoples.
2. Complicity in deliberately imposing conditions of life likely to destroy Aboriginal Peoples in whole or in part with intent to destroy Aboriginal Peoples— where (a) the denial of Aboriginal Sovereignty and/or (b) the failure to negotiate Aboriginal Peoples' consent (treaty) is proof of the intent to destroy Aboriginal Peoples.

(iv) Any judicial officer that holds that section 268.121 of the Criminal Code is valid under the Constitution commits an act of Aboriginal genocide and has no immunity from prosecution.

Particulars:

1. Complicity in causing serious mental harm to Aboriginal Peoples with intent to destroy Aboriginal Peoples— where (a) the denial of Aboriginal Sovereignty and/or (b) the failure to negotiate Aboriginal Peoples' consent (treaty) is proof of the intent to destroy Aboriginal Peoples..
2. Complicity in deliberately imposing conditions of life likely to destroy Aboriginal Peoples in whole or in part with intent to destroy Aboriginal Peoples— where (a) the denial of Aboriginal Sovereignty and/or (b) the failure to negotiate Aboriginal Peoples' consent (treaty) is proof of the intent to destroy Aboriginal Peoples.

(v) Any judicial officer that holds that Charles Philip Arthur George Windsor is immune from individual criminal responsibility for Aboriginal genocide under the Constitution commits an act of Aboriginal genocide and has no immunity from prosecution.

Particulars:

1. Complicity in causing serious mental harm to Aboriginal Peoples with intent to destroy Aboriginal Peoples— where (a) the denial of Aboriginal Sovereignty and/or (b) the failure to negotiate Aboriginal Peoples' consent (treaty) is proof of the intent to destroy Aboriginal Peoples.
2. Complicity in deliberately imposing conditions of life likely to destroy Aboriginal Peoples in whole or in part with intent to destroy Aboriginal Peoples— where (a) the denial of Aboriginal Sovereignty and/or (b) the failure to negotiate Aboriginal Peoples' consent (treaty) is proof of the intent to destroy Aboriginal Peoples.

(vi) Any judicial officer that holds that no court can inquire into how Victoria and Australia have jurisdiction over Aboriginal Peoples under the Constitution commits an act of Aboriginal genocide and has no immunity from prosecution.

Particulars:

1. Complicity in causing serious mental harm to Aboriginal Peoples with intent to destroy Aboriginal Peoples— where (a) the denial of Aboriginal Sovereignty and/or (b) the failure to negotiate Aboriginal Peoples' consent (treaty) is proof of the intent to destroy Aboriginal Peoples.
2. Complicity in deliberately imposing conditions of life likely to destroy Aboriginal Peoples in whole or in part with intent to destroy Aboriginal Peoples— where (a) the denial of Aboriginal Sovereignty and/or (b) the failure to negotiate Aboriginal Peoples' consent (treaty) is proof of the intent to destroy Aboriginal Peoples.



**No immunity for legislators.**

(vii) Any legislators that failed to fully and forthwith implement the Genocide Convention have committed an act of Aboriginal genocide and have no immunity from prosecution.

Particulars:

1. Complicity in causing serious mental harm to Aboriginal Peoples with intent to destroy Aboriginal Peoples — where (a) the denial of Aboriginal Sovereignty and/or (b) the failure to negotiate Aboriginal Peoples' consent (treaty) is proof of the intent to destroy Aboriginal Peoples.
2. Complicity in deliberately imposing conditions of life likely to destroy Aboriginal Peoples in whole or in part with intent to destroy Aboriginal Peoples — where (a) the denial of Aboriginal Sovereignty and/or (b) the failure to negotiate Aboriginal Peoples' consent (treaty) is proof of the intent to destroy Aboriginal Peoples.

(viii) Any legislators that failed to fully and forthwith implement the Rome Statute of the International Criminal Court (Schedule 1, International Court Act 2002) have committed an act of Aboriginal genocide and have no immunity from prosecution.

Particulars:

1. Complicity in causing serious mental harm to Aboriginal Peoples with intent to destroy Aboriginal Peoples — where (a) the denial of Aboriginal Sovereignty and/or (b) the failure to negotiate Aboriginal Peoples' consent (treaty) is proof of the intent to destroy Aboriginal Peoples.
2. Complicity in deliberately imposing conditions of life likely to destroy Aboriginal Peoples in whole or in part with intent to destroy Aboriginal Peoples — where (a) the denial of Aboriginal Sovereignty and/or (b) the failure to negotiate Aboriginal Peoples' consent (treaty) is proof of the intent to destroy Aboriginal Peoples.

(ix) Any legislators that enacted section 268.121 of the Criminal Code have committed an act of genocide and have no immunity from prosecution.

Particulars:

1. Complicity in causing serious mental harm to Aboriginal Peoples with intent to destroy Aboriginal Peoples — where (a) the denial of Aboriginal Sovereignty and/or (b) the failure to negotiate Aboriginal Peoples' consent (treaty) is proof of the intent to destroy Aboriginal Peoples.
2. Complicity in deliberately imposing conditions of life likely to destroy Aboriginal Peoples in whole or in part with intent to destroy Aboriginal Peoples — where (a) the denial of Aboriginal Sovereignty and/or (b) the failure to negotiate Aboriginal Peoples' consent (treaty) is proof of the intent to destroy Aboriginal Peoples.

3. [ State the facts showing the matter is one to which section 78B of the Judiciary Act 1903 applies ].

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1. There is no internationally-supervised agreement between First Peoples and the invisible entity "State of Victoria" and/or the invisible entity "Commonwealth of Australia" whereby We First Peoples gave free, informed prior consent without coercion or manipulation to the occupation of Our Lands and usurpation of Our Law by those entities or their officers.

2. The State of Victoria and the Commonwealth of Australia and their officers have conducted a premeditated calculated undeclared war of invasion against We First Peoples, Our Lands and Our Laws and the said war involved atrocities by them and their officers against First Peoples and acts by them all against We First Peoples contrary to Our Law and contrary to international law including genocide, crimes of aggression and crimes against humanity.

3. The only basis for the jurisdiction claimed by the State of Victoria and the Commonwealth of Australia is the said genocidal military invasion.

4. (a) First Peoples' sovereignty was never ceded.

(b) On 27 April 2023 the State of Victoria through its Kings Counsel formally acknowledged to the Yoorrook Justice Commissioners that Our sovereignty has never been ceded.

(c) By proclamation dated 27 April 2023 Aunty Alma Thorpe described this as the surrender of Charles Windsor and called for the enactment of the Sovereign Recognition Act, the Genocide Convention Act and the Declaration of the Rights of Indigenous People.

(c) On Thursday 18 April 2024 the Minister for Treaty and First Peoples of the State of Victoria, Natalie Hutchins, acknowledged to the Yoorrook Justice Commissioners that Our sovereignty has never been ceded.

(d) Many other identical acknowledgments had been made to Yoorrook Justice Commissioners (e.g Victorian Police Minister Anthony Carabines and Victorian Corrections Minister Enter Erdogan both on 31 March 2023) and elsewhere.

(e) On Monday 29 April 2024 the Premier of the State of Victoria, Jacinta Allan, clearly and specifically acknowledged that Our Sovereignty was never ceded— transcript at <https://yoorrookjusticecommission.org.au/wp-content/uploads/2024/05/WUR.HB06.0012.0001.pdf> at page 9 line 1.

(f) At page 59 line 39 of the said transcript Premier Allan replied to Counsel Assisting Yoorrook:

Mr MCAVOY SC: Premier, there are two questions, I will read each of them to you and give you an opportunity to answer. The first question is do you accept that you cannot get title to land or sovereignty through acts of genocide and invasion?

THE HON. JACINTA ALLAN: Commissioners, I don't believe I am in a position to be able to answer that question at this stage.

[Page 60 line 1]

Mr MCAVOY SC: Thank you, Premier. The second question is given that you accept that sovereignty has never been ceded, does that not mean without a Treaty currently all land in Victoria belongs to Aboriginal people and the only law that governs any resident in Victoria is Aboriginal law? In other words, your law is no longer in force and you need a Treaty to legitimise your occupation?

THE HON. JACINTA ALLAN: Again, pardon me, again, Commissioners, that is challenging to answer. I would just perhaps draw attention to earlier evidence that I provided to the Commission around the State's authority being derived and reaffirmed through our parliamentary - our parliamentary democracy and through the people of Victoria.

5. (a) On 20 October 2023 Uncle Robbie Thorpe emailed to

i. Jacinta Allen, the State of Victoria duly elected and appointed leader ("the Premier") and a duly elected member of the defendant's Parliament, and;

ii. Margaret Gardener, the defendant's duly appointed Governor and also Charles Windsor's appointed Governor.

(b) In that email the second plaintiff called for Premier Allen and Governor Gardner to declare an end to hostilities against Us.

(c) As of 10 July 2024 no such declaration has been made by Allen or Gardner. Nor by Windsor.

6. The said crimes against First Peoples oblige the State of Victoria and the Commonwealth of Australia forthwith to take all necessary steps to obtain an advisory opinion from the International Court of Justice as to whether Our Law governs all people within the purported boundaries asserted by the defendant and as to whether Our Lands belong to Us under Our Law. As of 10 July 2024 no such steps have been taken.

7. The said crimes against First Peoples oblige the State of Victoria and the Commonwealth of Australia to take all necessary measures to secure an investigation by the Office of the Prosecutor of the International Criminal Court into genocide by the defendant and officers of the defendant against We First Peoples. As of 10 July 2024 no such steps have been taken.

8. (a) We always remember First Peoples who died on local soil fighting for Our Lands and Our Laws.

(b) We remember the children, men and women of First Peoples who died of poisoned food and bio-warfare and massacres and other atrocities in devastating numbers.

(c) We remember First Peoples still subject to acts of genocide by officers of the defendant including deaths in custody, early avoidable deaths, suicide and self-killing caused by serious mental harm and conditions of life calculated to destroy Us, removal of Our children, and forced removal from Our Lands.

9. By statement on the internet dated 4 September 2023 Anne Ferguson, Chief Justice of the Supreme Court of Victoria and Chair of Courts Council, declared in an overarching practice direction on behalf of the Victorian Courts at <https://www.supremecourt.vic.gov.au/news/statement-from-the-chief-justice-yoorrook-for-justice-report>

It is our obligation as ..... officers and court administrators to take this opportunity to listen and learn as we absorb those powerful accounts and the findings and recommendations of the Commission.

From this truth telling must come a far deeper understanding of First Peoples' experience of the justice system. From this will come better outcomes in the future.

We will absorb the Commission's interim report and look at what is within our power to change. But we also take this opportunity to acknowledge the ongoing and intergenerational trauma inflicted upon First Peoples because of colonisation and dispossession.

We acknowledge that harm has occurred for First Peoples in our courts. They have not been experienced as trusted institutions offering justice.

10. At the bottom of every page of the Court's website this routine statement appears next to Our Land Rights flag

*The Court acknowledges Aboriginal and Torres Strait Islander people as the Traditional Custodians of the land and acknowledges and pays respect to their Elders, past and present.*

11. At the bottom of some Court officer's emails this routine statement appears.

*The Supreme Court of Victoria acknowledges Aboriginal and Torres Strait Islander peoples as the First Peoples and Traditional Owners and Custodians of the land and waterways upon which our lives depend. We acknowledge and pay our respects to ancestors of this country, Elders, knowledge holders and leaders – past and present. We extend that respect to all Aboriginal and Torres Strait Islander peoples.*

12. Is the Supreme Court of Victoria still the White Supremacist court of its history? Read on.

13. On 20 October 2023 Uncle Robbie Thorpe and Aunty Alma Thorpe signed the charge sheet accusing Charles Windsor of crimes under Our Law constituting what you call genocide and ecocide. The charge sheet also accused Charles Windsor of crimes under the Genocide Convention which as at 20 October 2023 forms part of what you call your common law. And the charge sheet accused Charles Windsor of crimes under Division 268 of your Criminal Code. Details of the charges and the applicable law were attached to the charge sheet.

14. On 29 December 2023 the Senior Registrar of the Magistrates Court of Victoria refused to file and issue the charge sheet. Uncle Robbie Thorpe attempted to appeal this refusal in the Supreme Court of Victoria but the appeal was rejected by the Court's Prothonotary ("chief clerk"). Uncle Robbie Thorpe then sought judicial review of the Senior Registrar's refusal and the Prothonotary filed and sealed ("stamped") the proceedings. The Court seal is the coat of arms of the "royal family" in England and features the made-up unicorn and the non-native lion. The Chair of Yoorrook Justice Commission commented that this is like "fairyland" (at the end of Uncle Robbie Thorpe's testimony to the Commission about this case and attempts to stop and prevent Aboriginal genocide.<sup>1</sup>

15. On 21 June 2024 the Attorney-General of the State of Victoria, Hon. Jaclyn Symes, filed sealed written submissions in this Charles Windsor case which concluded (at paragraph 65 on pages 1819):

"There would be no utility in remitting the matter to the Magistrates' Court for reconsideration of whether to issue the summons and accept the charge-sheet for filing, for the following reasons.

(1) *First*, for the reasons outlined above, the Court would have no jurisdiction to hear any resultant criminal proceeding. Even if a broader interpretation of "offence known to law" is accepted (so that any jurisdictional limitation of the Court is not relevant to the meaning of the phrase), and it is decided that the Plaintiff's proposed charge-sheet does disclose such an offence, the Plaintiff faces the insurmountable difficulty of not having identified any crime that is capable of falling within the jurisdiction of the Court.

(2) *Second*, the accused — King Charles III — would be immune from any criminal prosecution that does proceed. It is a long-established presumption of Australia's constitutional system of government that the King is immune from criminal prosecution in his own courts.<sup>36</sup> That presumption has been weakened or effaced in respect of instrumentalities of the Crown and the Executive branch more broadly. But it remains strong in respect of the body politic and the King personally.<sup>37</sup> Absent the clearest of statutory intent, which is not present in Div 268 of the *Criminal Code*, a statutory offence will not be construed so as to render the King in his personal capacity liable to criminal prosecution. Any criminal proceeding would therefore be futile."

<sup>1</sup> Commissioner Professor Eleanor Bourke AM at page 79: "...the court documents with the lion – was it a unicorn or not? I mean, that just blows your mind. We're in fairyland."



<https://yoorrookjusticecommission.org.au/wp-content/uploads/2024/04/YJC-TRANSCRIPT-DAY-3-%E2%80%93-27-MARCH-2024-FINAL.pdf>

16. At paragraph 32 on page 9 the authors of the said written submissions, Crown Counsel for Victoria Liam Brown SC and barrister Sam Crock JD, also concluded:

“... the proposed charges fall outside of the limited statutory jurisdiction of the Magistrates’ Court. Accordingly, this Court does not need to consider or determine:

- (1) the existence and content of the crimes of genocide, cultural genocide or ecocide within First Peoples’ sovereign law;
- (2) whether, or to what extent, the concept referred to by the Plaintiff as First Peoples’ “sovereign law” is recognised by the common law of Australia; or
- (3) whether, or to what extent, First Peoples’ “sovereign law” can be recognised or enforced within the Supreme Court’s inherent jurisdiction.”

17. They also conclude at paragraph 49 on page 14 of their written submissions:

“there is no offence of genocide known to the common law of Australia.”

18. Neither Symes, Brown or Crock express any concern at the injustice of the outcome—

- (i) That only one white man can stop and prevent Aboriginal genocide (and the real world likelihood of that happening is zero as the history of this continent shows);
- (ii) That the immunity of judges, legislators and the executive for committing Aboriginal genocide also means that Aboriginal genocide can never be effectively stopped and prevented or at all.
- (iii) That the white genocidal detail of Aboriginal Sovereignty is still legal with no consequences— and certainly such denial, clear proof of your intent to destroy Aboriginal Peoples, can not be stopped or prevented either (just like Aboriginal genocide itself).
- (iv) That the deliberate failure and refusal of the State of Victoria and Commonwealth of Australia to attempt legitimise their basis here by seeking the consent of Aboriginal Peoples is not a flagrant act of Aboriginal genocide.

19. Uncle Robbie Thorpe’s Reply filed on 5 July stated Charles Windsor had no immunity under international law, common law or statute law. And that anyone can prosecute Aboriginal genocide.

20. On 24 June 2024 the Honourable Justice O’Meara of your white supremacist court of “Victoria” confirmed the Prothonotary’s refusal to issue Our statement of claim in similar terms to the preceding factual paragraphs numbered 1 to 11 above— he described Our claims in classic arrogant colonialist terms as “political”, “polemical”, “tendentious” and “verbiage”<sup>2</sup>. The cognitive dissonance between the ongoing Aboriginal genocide and the Australian courts’ “national legacy of unutterable shame” (Mabo case, 3 June 1992, per Deane and Gaudron JJ) is shocking— as is the well-recognised psychological issue of “white denial” of Aboriginal genocide. An application for leave to appeal is being prepared. The application raises similar constitutional questions and also whether it is implicit in your Constitution that no decision of a judicial officer of any court in your State of Victoria or Commonwealth of Australia can be valid that allows legitimises attempts incites conspires aids abets Aboriginal genocide.

<sup>2</sup> O’Meara J: “the overwhelming problem with the ‘Writ’ is that it is laden with vague and tendentious terms and apparent concepts that are essentially political and polemical” (paragraph 11, Thorpe v Prothonotary & Anor, [2024] VSC 360) and the document is “not in a form appropriate to enable a civil and justiciable controversy to be discerned and determined” (paragraph 13, op cit).

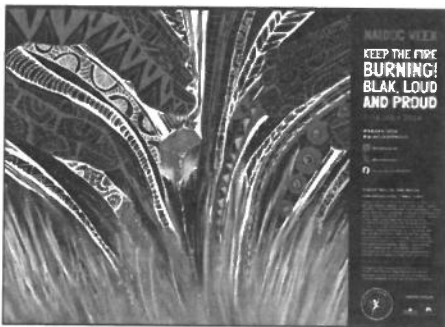
**GENOCIDE NOTICE**

**20. These documents will be included in the investigating brief to the Office of the Prosecutor of the International Criminal Court (to be referred by one or more UN Member States) and in the brief to the International Court of Justice (to be presented by a UN Member State).**

**21. "Victoria" and "Australia" is one enormous crime scene. Multi-generational Aboriginal genocide is the crime. And still ongoing today. Can this be Constitutional?**

Dated 10 July 2024.

*Toni-Loy*



<https://crimesceneaustralia.com/>

To the Prothonotary

And to the defendants

And to the Attorneys-General of the Commonwealth of Australia and the States and Territories.

On 18 July 2024 the Honourable Mark Dreyfus had his solicitors respond, inter alia, to the above constitutional notice in this letter reproduced below:



Australian Government Solicitor  
Level 10, 60 Martin Place Sydney NSW 2000  
GPO Box 2727 Sydney NSW 2001  
T 02 9551 7777  
www.ags.gov.au

Canberra  
Sydney  
Melbourne  
Brisbane  
Perth  
Adelaide  
Hobart  
Darwin

Our ref. 24008312

18 July 2024

Uncle Robbie Thorpe  
Camp Sovereignty  
Kings Domain  
Melbourne VIC 3004

By email: bunjilsfire@gmail.com; cc zoe.barker@vgs.vic.gov.au

Dear Uncle Robbie Thorpe

**Uncle Robbie Thorpe v Magistrates' Court of Victoria & Anor – Supreme Court of Victoria – Proceeding No. S ECI 2024 01011**

We refer to your correspondence dated 11 July 2024 to the Commonwealth Attorney-General giving him notice pursuant to s 78B of the *Judiciary Act 1903* of a constitutional issue in the above proceeding. We also refer to your correspondence dated 17 July 2024 providing us with a sealed summons seeking to join the Attorney-General as a defendant. We are replying on the Attorney-General's behalf.

The Commonwealth Attorney-General will not be intervening in this proceeding in the Supreme Court of Victoria, nor will he be applying to remove the cause from that Court to the High Court.

Further, the Commonwealth Attorney-General does not consent to being joined or added as a defendant. It is clear from the documents you have provided us that the Commonwealth Attorney-General's presence before the court is not 'necessary' to determine the questions which arise (rule 9.06(b)(i)).

In particular, the questions may be determined between the current parties, and joining the Attorney-General would not alter the nature of the questions or make it any more likely that the questions would be resolved one way rather than the other (and there is no reason to think that the Attorney-General for Victoria 'would not put as forcefully or as well any legal submissions in opposition to' your claims).<sup>1</sup>

Further, as the sealed summons was provided to us less than two days before the hearing of the application, any joinder is likely to delay or 'prolong the proceeding' because there 'would be an additional party seeking to make submissions' which would 'be likely to somewhat duplicate the steps taken by the existing respondents'.<sup>2</sup>

We are content for this letter to be provided to the Court.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Liam Boyle'.

Liam Boyle  
Senior Executive Lawyer  
T 02 6253 7077  
liam.boyle@ags.gov.au

<sup>1</sup> *Sportsbet Pty Ltd v Harness Racing Victoria (No 2)* [2010] FCA 952 at [40]-[41].

<sup>2</sup> *Sportsbet Pty Ltd v Harness Racing Victoria (No 2)* [2010] FCA 952 at [45]-[46].



On Tuesday 23 July 2024 the Senior Registrar of the Melbourne Magistrates Court received this email with an attached charge-sheet:

=====

I

From: **Robbie Thorpe** <bunjilfire@gmail.com>

Date: Tue, 23 Jul 2024 at 08:59

Subject: Fwd: Urgent decision on Regev prosecution today please.

To: MMC Leadership Group (CSV) <mmcleadershipgroup@courts.vic.gov.au>, <MCVLegalPolicyUnit@courts.vic.gov.au>

Tuesday 23 July 2024 at 9am

TO:

Matt Dalton

Senior Registrar

Melbourne Magistrates Court

Charge and summons attached. Note the words above the address "by substituted service" have been removed.

Thanks,

Uncle Robbie Thorpe  
CAMP SOVEREIGNTY

----- Forwarded message -----

From: **MMC Leadership Group (CSV)** <MMCLeadershipGroup@courts.vic.gov.au>

Date: Mon, 22 Jul 2024 at 12:11

Subject: RE: Urgent decision on Regev prosecution today please.

To: Robbie Thorpe <bunjilfire@gmail.com>, MMC Leadership Group (CSV) <MMCLeadershipGroup@courts.vic.gov.au>, matt.dalton@courts.vic.gov.au <matt.dalton@courts.vic.gov.au>, MCV-LegalPolicyUnit (CSV) <MCVLegalPolicyUnit@courts.vic.gov.au>

...

RAThorpe v Mark Regev Charge-sheet 16.04... (140K)

x

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# Charge-Sheet and Summons

## TO THE ACCUSED

Name: Mark Regev  
Address  
Abba Eban Institute for Diplomacy and Foreign Relations,  
Reichman University  
8 HaUniversita St., Herzliya 4610101  
Israel  
abbaeban@runi.ac.il

**You have been charged with an offence.  
Read these pages to see what you must do.**

|          |                       |
|----------|-----------------------|
|          |                       |
| Sex<br>M | Date of Birth<br>1960 |

## Details of the charge against you

### What is the Charge?

Between 7<sup>th</sup> October 2023 and 15<sup>th</sup> April 2024, in the country of Israel and the Palestinian Territories Occupied by Israel since 1967, Mark Regev committed the offences of "Advocating Genocide" contrary to s.80.2D of the Criminal Code (Cth).

As Senior Adviser to Prime Minister Benjamin Netanyahu for foreign affairs and international communications and spokesperson for the Prime Minister, the accused advocated genocide as follows:

- i. the accused holds a position as special adviser to a member of the three person Israeli war cabinet, consisting Benjamin Netanyahu the Prime Minister, Yoav Gallant, the Minister of Defence; and former Chief of the General Staff, Benny Gantz.
- ii. The accused advocated for the following actions and supported the following statements by members of the Israeli war cabinet, which actions and statements have been found to be acts of genocide and incitement to genocide, in the UN Report - Anatomy of a Genocide Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Francesca Albanese\* A/HRC/55/73
- iii. on 10<sup>th</sup> October 2023 in an interview with the ABC, advocated for the imposition of a siege announced by the Israeli Defence Minister Yoav Gallant of a complete siege by the cutting of water, food, fuel, power, from the people of Gaza.
- iv. The accused has continued to remain as Special Adviser to the Prime Minister and spokesman notwithstanding the statement by the Special Rapporteur at paragraph 50  
*In the latest Gaza assault, direct evidence of genocidal intent is uniquely present. Vitriolic genocidal rhetoric has painted the whole population as the enemy to be eliminated and forcibly displaced.150 High-ranking Israeli officials with command authority have issued harrowing public statements evincing genocidal intent, including as follows:"*  
... (b) Prime Minister Benjamin Netanyahu referred to Palestinians as "Amalek" and "monsters". The Amalek reference is to a biblical passage in which God commands Saul "Now go and smite Amalek, and utterly destroy all that they have, and spare them not; but slay both man and woman, infant and suckling, ox and sheep, camel and ass".

(c) Minister of Defense Yoav Gallant referred to Palestinians as "human animals", and announced "full offense" on Gaza, having "released all the restraints", and that "Gaza will never return to what it was"; [footnotes omitted].

The Report stated at paragraph 36:

36. Sixteen years of blockade had already transformed Gaza into an isolated, densely populated depleted and nearly "uninhabitable" enclave, when, on 9 October 2023, Israeli Defense Minister Yoav Gallant, announced a "complete siege (...) no electricity, no food, no water, no fuel".<sup>103</sup> Israeli Minister of Foreign Affairs Israel Katz (then Minister of Energy) went further: "Humanitarian aid to Gaza? No electrical switch will be turned on, no water hydrant will be opened." Deliberately denying essential supplies to an already besieged population was destined to cause deaths "more silent than those caused by bombs". [footnotes omitted].

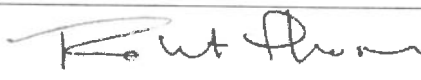
- v. The accused has continued to remain as Special Adviser to the Prime Minister and spokesman to current date and has not renounced his advocacy by statement and by silence, of those acts and statements.
- vi. The Accused has repeatedly incited and encouraged genocide with genocidally inflammatory false claims including on 8<sup>th</sup> November 2023 in an interview with ABC radio claiming that Hamas had engaged in **rapes ... beheadings ... their burning of babies alive**", such claims having no evidential basis whatsoever and being made for the purpose of encouraging genocide.
- vii. The Accused has repeatedly incited violence against the health Ministry and health workers in the Gaza Strip by accusing them of being operatives of Hamas.
- viii. The Accused has repeatedly downplayed the civilian casualties, falsely claiming that those killed contain such significant proportion of combatants as to justify the killing of such vast numbers of civilians. [including his interview with BBC on 26<sup>th</sup> January 2024]
- ix. The Accused in an interview with CNN falsely denied that the Israeli Defence Forces shot civilians who were receiving food aid on 5<sup>th</sup> February 2024, in what has become known as the Flour Massacre.
- x. The Accused has falsely accused South Africa of being the legal representatives for Hamas in bringing a genocide case against Israel in the International Court of Justice.
- xi. The Accused has falsely claimed that Israel is trying to bring aid into Gaza in circumstances where it has failed to take adequate steps to do so.
- xii. The Accused has provided intellectual cover for the Israeli war cabinet's actions inflicted with intent to empty the Gaza Strip of its Palestinian population.
- xiii. The accused conduct was committed knowingly as part of a genocidal attack directed against a protected group contrary to the Genocide convention.

#### PARTICULARS:

- (a) The Palestinians of the Gaza Strip are a civilian population lawfully residing in the Palestinian Territories Occupied by Israel since 1967.
- (b) Since 7<sup>th</sup> October 2023 the Israeli Defence Force has imposed a genocidal

siege of the people of Gaza and conducted genocidal attacks against the civilian population of Gaza, resulting in the deaths by 25<sup>th</sup> March 2024 of at least 30,000 Palestinians, including more than 13,000 children, and many thousands more remain unaccounted for and are presumed killed under the rubble.

- (c) The accused is criminally responsible because as special adviser to the Prime Minister and spokesman for the Prime Minister, has a special responsibility in encouraging, justifying, providing intellectual cover and propaganda for the ongoing genocidal actions ordered by the Prime Minister and Defence Minister and conducted by the Israeli armed forces under the direction of the Chief of Staff, and their genocidal incitement.
- (d) The siege and military assault which the Accused has provided intellectual cover for and hence in part caused, has killed civilians, caused serious bodily and mental harm to civilians, deliberately inflicted conditions of life calculated to bring about the physical destruction of the group in whole or in part, imposed conditions of life intended to prevent births now and in the future, and caused the transfer of children through their arrest and detention in Israeli administrative detention.
- (e) The Accused is an Australian born person.
- (f) The Accused is an Australian citizen.

|   |   |  |                                  |                                   |
|---|---|--|----------------------------------|-----------------------------------|
| <b>Under What Law?</b>  | Commonwealth  | Act or Regulation No.<br><i>Schedule to the Criminal Code Act 1995 (Cth) (the Criminal Code)</i> | Section or Clause<br>(Full Ref.) | s.80.2D<br>Criminal Code<br>(Cth) |
| <b>Type of Offence</b>  | Encouraging Genocide  |  |                                  |                                   |
| <b>Are there more Charges?</b>                                | No  |  |                                  |                                   |
| <b>Informant</b>  | Robert Alan Thorpe  |  |                                  |                                   |
| <b>Agency and Address</b>                                     | 21 Smith St. Fitzroy Vic 3068   |  |                                  |                                   |
|   | Phone: 0422200696   |  | Facsimile:                       |                                   |
|   |   |  | Email: bunjilfire@gmail.com      |                                   |
| <b>Signature of Informant</b>                                 |  |  | Date: 16.04.2024                 |                                   |
| <b>Signature of Registrar of Melbourne Magistrates' Court</b> |   |  | Date:                            |                                   |
| <b>Where will the case be heard</b>                           |   |  |                                  |                                   |
| <b>Where you must go</b>                                      | Melbourne Magistrates Court   |  |                                  |                                   |
| <b>Address</b>  | 233 William Street, Melbourne Vic 3000  |  | Phone:                           |                                   |
| <b>When</b>   | Time  | Day  | Month                            | Year                              |
| <b>Details about this Summons</b>                             |   |  |                                  |                                   |
| <b>Issued at</b>  | MELBOURNE   |  |                                  | Date:                             |

|                              |  |                  |
|------------------------------|--|------------------|
| <b>Issued by (signature)</b> |  | <b>Registrar</b> |
| <b>Charge filed at</b>       | MAGISTRATES' COURT OF VICTORIA at MELBOURNE<br>233 William Street MELBOURNE VIC 3000 | Date:            |

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On 17 July 2024 an affidavit was affirmed and filed in the Supreme Court of Victoria exhibiting correspondence with the Magistrates Court of Victoria concerning the attempted prosecution of Mark Regev.



IN THE SUPREME COURT OF VICTORIA AT MELBOURNE  
COMMON LAW DIVISION  
JUDICIAL REVIEW AND APPEALS LIST

Case: S ECI 2024 01011  
No S ECI 2024 01011  
Filed on: 17/07/2024 04:35 PM

BETWEEN

UNCLE ROBBIE THORPE

Plaintiff

-and-

MAGISTRATES' COURT OF VICTORIA

First Defendant

ATTORNEY-GENERAL OF VICTORIA

Second Defendant

**AFFIDAVIT OF UNCLE ROBBIE THORPE**

Date of Document: 17 July 2024

Filed on behalf of the Plaintiff

Prepared by:

**Uncle Robbie Thorpe**  
CAMP SOVEREIGNTY  
"Kings Domain"  
Melbourne VIC 3004

Telephone: 0422 200 696  
Ref: Windsor Genocide Prosecution  
Email: bunjilsfire@gmail.com

1. I, Uncle Robbie Thorpe, Truth-Teller Fire-Keeper and Elder, of Camp Sovereignty, "Kings Domain" near "Government House" and Shrine of Remembrance, affirm:

1. Now produced to me and marked Exhibit "URT 1" is a bundle exhibit of correspondence with the Magistrates Court of Victoria seeking to prosecute Melbourne-born-and-educated Israeli government official Mark Regev for advocating Palestinian genocide together with a request for help from the Human Rights Committee of the Victorian Bar copied to the Honourable Mark Dreyfus, Attorney-General of the Commonwealth of Australia.

2. A copy of this affidavit will be served by email upon the Honourable Mark Dreyfus, Attorney-General of the Commonwealth of Australia, and referred to in relation to my application to add the said person as Third Defendant in these present proceedings and also in relation to the issues.

*Robbie Thorpe*

Emily Lloyd  
Registrar  
Neighbourhood Justice Centre  
241 Wellington Street, Collingwood 3066

The contents of this affidavit are true and correct and I make it knowing that a person making a false affidavit may be prosecuted for the offences of perjury.

Affirmed at Collingwood  
in the State of Victoria  
17 July 2024



Before me



Emily Lloyd  
Registrar  
Neighbourhood Justice Centre  
241 Wellington Street, Collingwood 3066

Neighbourhood Justice Centre  
241 Wellington Street, Collingwood

A person authorised under section 19(1) of the Oaths and Affirmations Act 2018 to take an affidavit.

IN THE SUPREME COURT OF VICTORIA AT MELBOURNE  
COMMON LAW DIVISION  
JUDICIAL REVIEW AND APPEALS LIST

No S ECI 2024 01011

BETWEEN

UNCLE ROBBIE THORPE

Plaintiff

-and-

MAGISTRATES' COURT OF VICTORIA

First Defendant

ATTORNEY-GENERAL OF VICTORIA

Second Defendant

**CERTIFICATE IDENTIFYING EXHIBIT**

Date of Document: 17 July 2024

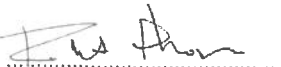
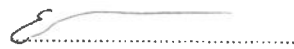
Filed on behalf of the Plaintiff

Prepared by:

Uncle Robbie Thorpe  
CAMP SOVEREIGNTY  
"Kings Domain"  
Melbourne VIC 3004

Telephone: 0422 200 696  
Ref: Windsor Genocide Prosecution  
Email: bunjilsfire@gmail.com

This is the exhibit marked "URT 1" now produced and shown to the deponent at the time of affirming the person's affidavit on 17 July 2024.

  
.....  
Signature of Deponent  
.....  
Signature of person taking affidavit  
Name Address and Statement of capacity

Emily Lloyd  
Registrar  
Neighbourhood Justice Centre  
241 Wellington Street, Collingwood 3066

**Exhibit "URT 1"**

bundle exhibit of correspondence with the Magistrates Court of Victoria seeking to prosecute Melbourne-born-and-educated Israeli government official Mark Regev for advocating Palestinian genocide together with a request for help from the Human Rights Committee of the Victorian Bar copied to the Honourable Mark Dreyfus, Attorney-General of the Commonwealth of Australia.

The complete exhibit<sup>21</sup> is online<sup>22</sup> at [crimesceneaustralia.com](https://crimesceneaustralia.com). That affidavit was served<sup>23</sup> on the Honourable Mark Dreyfus KC, Attorney-General of the Commonwealth of Australia on 18 July 2024

Uncle Robbie Thorpe

From: Robbie Thorpe <bunjilfire@gmail.com>  
Date: Thu, 25 Jul 2024 at 16:08  
Subject: Fwd: Senate Legal and Constitutional Affairs Legislation Committee - invitation to a public hearing  
To: <LegCon.Sen@aph.gov.au>

TO:  
The Legal and Constitutional Affairs Legislation Committee  
Standing Committee on Legal and Constitutional Affairs  
Department of the Senate

Thursday 25 July 2024 at 4.08pm

**Attendance and Appearance at Inquiry**

I acknowledge your invitation to

(a) attend a public hearing at "Australian Parliament House" in Committee Room 2S1 on Tuesday 30 July 2024 for your inquiry into the said Bill and

(b) to appear on a "panel" 10.15am-11.15 am.

I will not appear on any so-called panel (whatever exactly that might be) but I will appear via zoom from here at Camp Sovereignty at any time (including an individual Sovereignty time-slot on Tuesday should you decide to provide such an opportunity) to present evidence and submissions regarding

- (i) the ongoing genocide against We First Peoples;
- (ii) current blockages in First Peoples' genocide litigation in your courts to stop and prevent this genocide; and
- (iii) the jurisdiction of the International Criminal Court to investigate, prosecute, punish and prevent this genocide; and
- (iv) the obligation of the International Court of Justice and UN Member States generally to protect Us from such genocide.

Later,

Uncle Rob

Uncle Robbie Thorpe\*  
CAMP SOVEREIGNTY  
"Kings Domain"  
"Melbourne VIC 3004"

[bunjilfire@gmail.com](mailto:bunjilfire@gmail.com)

[crimesceneaustralia.com](https://crimesceneaustralia.com)

\*<https://www.commonground.org.au/article/guide-for-respectfully-communicating-with-elders>

<sup>21</sup> <https://crimesceneaustralia.com/wp-content/uploads/Affidavit-Uncle-Robbie-Thorpe-17.7.24-re-Regev.pdf>

<sup>22</sup> <https://crimesceneaustralia.com/>

<sup>23</sup> Affidavit of service affirmed on 22 July 2024 and filed 23 July 2024 <https://crimesceneaustralia.com/wp-content/uploads/Affidavit-1-Uncle-Robbie-Thorpe-23.7.24-SECI202401011.pdf>

# Criminal Code Act 1995

## 1 Sections 268.121 and 268.122 of the Criminal Code

Repeal the sections.

### 2 Application of amendments

- (1) The repeal of section 268.121 of the *Criminal Code* by this Schedule applies to proceedings for an offence commenced on or after the commencement of this Schedule, whether the offence to which the proceedings relate is alleged to have been committed before, on or after that commencement.
- (2) The repeal of section 268.122 of the *Criminal Code* by this Schedule applies to decisions made before the commencement of this Schedule.

[https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;db=LEGISLATION;id=legislation%2Fbills%2Fs1407\\_first-senate%2F0001;query=id%3A%22legislation%2Fbills%2Fs1407\\_first-senate%2F0000%22;rec=0](https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;db=LEGISLATION;id=legislation%2Fbills%2Fs1407_first-senate%2F0001;query=id%3A%22legislation%2Fbills%2Fs1407_first-senate%2F0000%22;rec=0)

The screenshot shows a web browser window with the URL [parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;db=LEGISLATION;id=legislation%2Fbills%2Fs1407\\_first-senate%2F0001;query=id%3A%22legislation%2Fbills%2Fs1407\\_first-senate%2F0000%22;rec=0](https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;db=LEGISLATION;id=legislation%2Fbills%2Fs1407_first-senate%2F0001;query=id%3A%22legislation%2Fbills%2Fs1407_first-senate%2F0000%22;rec=0). The page is titled 'PARLIAMENT of AUSTRALIA' and displays search results for 'Schedule 1 - Amendments'. The main content area shows the title 'Schedule 1 - Amendments' and 'Criminal Code Act 1995'. Below this, the text reads: '1 Sections 268.121 and 268.122 of the Criminal Code' followed by 'Repeal the sections.' and '2 Application of amendments'. Under '2 Application of amendments', there are two numbered points: (1) 'The repeal of section 268.121 of the Criminal Code by this Schedule applies to proceedings for an offence commenced on or after the commencement of this Schedule, whether the offence to which the proceedings relate is alleged to have been committed before, on or after that commencement.' and (2) 'The repeal of section 268.122 of the Criminal Code by this Schedule applies to decisions made before the commencement of this Schedule.' The page also includes navigation links like 'Home', 'Parliamentary Business', and 'Senators & Members', and a sidebar with 'Senators & Members' and 'House of Representatives' sections.

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<https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;db=LEGISLATION;id=legislation%2Fbills%2Fs1407%2Ffirst-senate%2F0000;query=Id%3A%22legislation%2Fbills%2Fs1407%2Ffirst-senate%2F0000%22;rec=0>

PARLIAMENT OF AUSTRALIA

Committees Hansard Documents

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Add to List Save Search Permalink Prev Next Return to results list (1 results)

Title Criminal Code Amendment (Genocide, Crimes Against Humanity and War Crimes) Bill 2024 Database Bills & Legislation

Note: Where available, the PDF/Word icon below is provided to view the complete and fully formatted document

Download Word Download PDF

Bill home page

Table of Contents

Next Fragment

1 Short title

2 Commencement

3 Schedules

Schedule 1—Amendments

The Parliament of the Commonwealth of Australia

THE SENATE

Presented and read a first time

**Criminal Code Amendment (Genocide, Crimes Against Humanity and War Crimes) Bill 2024**

No. , 2024

(Source: *Theraps*)

A Bill for an Act to amend the *Criminal Code Act 1995*, and for related purposes

Contents

1 Short title ..... 1

2 Commencement ..... 1

3 Schedules ..... 2

Schedule 1—Amendments

*Criminal Code Act 1995* ..... 3

A BILL for an Act to amend the *Criminal Code Act 1995*, and for related purposes

The Parliament of Australia enacts:

1 Short title

This Act is the *Criminal Code Amendment (Genocide, Crimes Against Humanity and War Crimes) Act 2024*.

2 Commencement

(1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Column 1                 | Column 2  | Column 3     |
|--------------------------|---|--------------|
| Provisions               | Commencement                                      | Date/Details |
| 1. The whole of this Act | The day after this Act receives the Royal Assent. |              |

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

(2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified to a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Next Fragment

Senate

Senate

Work of the Senate

Dynamos Roll

Senators

Seating plan

House of Representatives

House of Representatives

House of Representatives chamber and business documents

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## **Criminal Code**

### **Chapter 8—Offences against humanity and related offences**

#### **Division 268—Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court**

##### **Subdivision B—Genocide**

|       |   |
|-------|---|
| 268.3 | Genocide by killing   |
| 268.4 | Genocide by causing serious bodily or mental harm   |
| 268.5 | Genocide by deliberately inflicting conditions of life calculated to bring about physical destruction |
| 268.6 | Genocide by imposing measures intended to prevent births  |
| 268.7 | Genocide by forcibly transferring children  |

##### **268.121 Bringing proceedings under this Division**

- (1) Proceedings for an offence under this Division must not be commenced without the Attorney-General's written consent.
- (2) An offence against this Division may only be prosecuted in the name of the Attorney-General.
- (3) However, a person may be arrested, charged, remanded in custody, or released on bail, in connection with an offence under this Division before the necessary consent has been given.

##### **268.122 Attorney-General's decisions in relation to consents to be final**

- (1) Subject to any jurisdiction of the High Court under the Constitution, a decision by the Attorney-General to give, or to refuse to give, a consent under section 268.121:
  - (a) is final; and
  - (b) must not be challenged, appealed against, reviewed, quashed or called in question; and
  - (c) is not subject to prohibition, mandamus, injunction, declaration or certiorari.
- (2) The reference in subsection (1) to a decision includes a reference to the following:
  - (a) a decision to vary, suspend, cancel or revoke a consent that has been given;
  - (b) a decision to impose a condition or restriction in connection with the giving of, or a refusal to give, a consent or to remove a condition or restriction so imposed;
  - (c) a decision to do anything preparatory to the making of a decision to give, or to refuse to give, a consent or preparatory to the making of a decision referred to in paragraph (a) or (b), including a decision for the taking of evidence or the holding of an inquiry or investigation;
  - (d) a decision doing or refusing to do anything else in connection with a decision to give, or to refuse to give, a consent or a decision referred to in paragraph (a), (b) or (c);
  - (e) a failure or refusal to make a decision whether or not to give a consent or a decision referred to in a paragraph (a), (b), (c) or (d).
- (3) Any jurisdiction of the High Court referred to in subsection (1) is exclusive of the jurisdiction of any other court.



# Criminal Code Act 1995

No. 12, 1995

<https://www.legislation.gov.au/C2004A04868/latest/text/2>



## Federal Register of Legislation

Text Details Authorises Downloads All versions Interactions

Criminal Code Act 1995

In force

Administered by Attorney-General's Department

Latest version ⓘ

C2024C00178 (C158)

22 May 2024 - 09 July 2024

Act



## Criminal Code Act 1995

No. 12, 1995

### Compilation No. 158

Compilation date: 22 May 2024

Includes amendments: Act No. 24, 2024

Registered: 24 May 2024

This compilation is in 2 volumes

Volume 1: sections 1–5

Schedule (sections 1.1–261.3)

Volume 2: Schedule (sections 268.1–490.7)

Schedule (Dictionary)

Endnotes

[Terms of use](#) | [Glossary](#) | [Feedback](#) | [Sitemap](#)

We acknowledge the traditional owners and custodians of country throughout Australia and acknowledge their continuing connection to land, waters and community.

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### Schedule—The Criminal Code

#### Chapter 8—Offences against humanity and related offences

##### Division 268—Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court

###### Subdivision A—Introductory

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- 268.2 Outline of offences

###### Subdivision B—Genocide

- 268.3 Genocide by killing
- 268.4 Genocide by causing serious bodily or mental harm
- 268.5 Genocide by deliberately inflicting conditions of life calculated to bring about physical destruction
- 268.6 Genocide by imposing measures intended to prevent births
- 268.7 Genocide by forcibly transferring children

###### Subdivision C—Crimes against humanity

- 268.8 Crime against humanity—murder
- 268.9 Crime against humanity—extermination
- 268.10 Crime against humanity—enslavement
- 268.11 Crime against humanity—deportation or forcible transfer of population
- 268.12 Crime against humanity—imprisonment or other severe deprivation of physical liberty
- 268.13 Crime against humanity—torture
- 268.14 Crime against humanity—rape
- 268.15 Crime against humanity—sexual slavery
- 268.16 Crime against humanity—enforced prostitution
- 268.17 Crime against humanity—forced pregnancy
- 268.18 Crime against humanity—enforced sterilisation
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## 11.2 Complicity and common purpose

- (1) A person who aids, abets, counsels or procures the commission of an offence by another person is taken to have committed that offence and is punishable accordingly.
- (2) For the person to be guilty:
  - (a) the person's conduct must have in fact aided, abetted, counselled or procured the commission of the offence by the other person; and
  - (b) the offence must have been committed by the other person.
- (3) For the person to be guilty, the person must have intended that:
  - (a) his or her conduct would aid, abet, counsel or procure the commission of any offence (including its fault elements) of the type the other person committed; or
  - (b) his or her conduct would aid, abet, counsel or procure the commission of an offence and have been reckless about the commission of the offence (including its fault elements) that the other person in fact committed.
- (3A) Subsection (3) has effect subject to subsection (6).
- (4) A person cannot be found guilty of aiding, abetting, counselling or procuring the commission of an offence if, before the offence was committed, the person:
  - (a) terminated his or her involvement; and
  - (b) took all reasonable steps to prevent the commission of the offence.
- (5) A person may be found guilty of aiding, abetting, counselling or procuring the commission of an offence even if the other person has not been prosecuted or has not been found guilty.
- (6) Any special liability provisions that apply to an offence apply also for the purposes of determining whether a person is guilty of that offence because of the operation of subsection (1).
- (7) If the trier of fact is satisfied beyond reasonable doubt that a person either:
  - (a) is guilty of a particular offence otherwise than because of the operation of subsection (1); or
  - (b) is guilty of that offence because of the operation of subsection (1);but is not able to determine which, the trier of fact may nonetheless find the person guilty of that offence.

## 80.2D Advocating genocide

- (1) A person commits an offence if:
  - (a) the person advocates genocide; and
  - (b) the person engages in that conduct reckless as to whether another person will engage in genocide.

Note: There is a defence in section 80.3 for acts done in good faith.

Penalty: Imprisonment for 7 years.

### *Double jeopardy*

- (2) A person cannot be tried by a federal court or a court of a State or Territory for an offence against subsection (1) if the person has already been convicted or acquitted by the International Criminal Court for an offence constituted by substantially the same conduct as constituted the offence against subsection (1).

### *Definitions*

- (3) In this section:

*advocate* means counsel, promote, encourage or urge.

*genocide* means the commission of an offence against Subdivision B (genocide) of Division 268, other than:
  - (a) an offence against section 11.1 (attempt), 11.4 (incitement) or 11.5 (conspiracy) to the extent that it relates to an offence against that Subdivision; or
  - (b) an offence against that Subdivision that a person is taken to have committed because of section 11.2 (complicity and common purpose), 11.2A (joint commission) or 11.3 (commission by proxy).
- (4) A reference in this section to advocating genocide includes a reference to:
  - (a) advocating genocide, even if genocide does not occur; and
  - (b) advocating the commission of a specific offence that is genocide; and
  - (c) advocating the commission of more than one offence, each of which is genocide.

## 5.2 Intention

- (1) A person has intention with respect to conduct if he or she means to engage in that conduct.
- (2) A person has intention with respect to a circumstance if he or she believes that it exists or will exist.
- (3) A person has intention with respect to a result if he or she means to bring it about or is aware that it will occur in the ordinary course of events.

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(iv) A true copy of my opening statement at Camp Sovereignty in the public hearing by videoconference with the said committee on Tuesday 30 July 2024 requesting an investigation and prosecution by the Office of the Prosecutor of the International Criminal Court of parliamentarians for the crime of complicity in Aboriginal genocide— set out at pages ~~48~~ ~~52~~ below.

**From:** Legal and Constitutional, Committee (SEN) <LegCon.Sen@aph.gov.au>  
**Date:** Tue, 30 Jul 2024 at 08:49  
**Subject:** RE: Opening Statement for CAMP SOVEREIGNTY of Uncle Robbie Thorpe, 10.15 am Tuesday 30 July 2024  
**To:** Robbie Thorpe <bunjilfire@gmail.com>, Legal and Constitutional, Committee (SEN) <LegCon.Sen@aph.gov.au>, Green, Nita (Senator) <Senator.Green@aph.gov.au>  
**Cc:** SeniorClerk, Committee (SEN) <SeniorClerk.Committees.Sen@aph.gov.au>

Received, thank you.

Monika Sheppard | Principal Research Officer

Legal and Constitutional Affairs Committee  
Committee Office | Department of the Senate  
Phone 02 6277 3597  
[www.aph.gov.au/senate](http://www.aph.gov.au/senate)

*Standing Order 37 prevents the disclosure of committee documents or their contents unless authorised by the committee. For further information, please contact the secretariat.*

**From:** Robbie Thorpe <[bunjilfire@gmail.com](mailto:bunjilfire@gmail.com)>  
**Sent:** Tuesday, July 30, 2024 8:22 AM  
**To:** Legal and Constitutional, Committee (SEN) <[LegCon.Sen@aph.gov.au](mailto:LegCon.Sen@aph.gov.au)>; Green, Nita (Senator) <[Senator.Green@aph.gov.au](mailto:Senator.Green@aph.gov.au)>  
**Cc:** SeniorClerk, Committee (SEN) <[SeniorClerk.Committees.Sen@aph.gov.au](mailto:SeniorClerk.Committees.Sen@aph.gov.au)>  
**Subject:** Opening Statement for CAMP SOVEREIGNTY of Uncle Robbie Thorpe, 10.15 am Tuesday 30 July 2024

Tuesday 30 July 2024 at 8.22am

Legislation Committee Chair Nita Green and Secretary Sophie Dunstone

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Please find attached for Hansard the Opening Statement of CAMP SOVEREIGNTY at 10.15 am  
Tuesday 30 July 2024

Uncle Robbie Thorpe

CAMP SOVEREIGNTY

[crimesceneaustralia.com](http://crimesceneaustralia.com)

## OPENING STATEMENT OF UNCLE ROBBIE THORPE, 7.30.24

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Welcome to Camp Sovereignty.

This morning we welcome members of your Australian Parliament here to Our sacred fire, to Our Ancient **Law**.

Just over there is the resting place of **37 skeletal remains** of First Peoples returned from the Victorian Museum and other government institutions.

And so we welcome the **seven Committee Members** and the **fifty-eight participating members** of this Legislation Committee of the Senate of the Australian Parliament—see the attached list set out at page 4 from the Australian Parliament House website [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Legal\\_and\\_Constitutional\\_Affairs/Legislation\\_Committee\\_Membership](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Legislation_Committee_Membership)

We now invite the Prosecutor of the International Criminal Court to Camp Sovereignty to bring an investigative team from the Office of the Prosecutor to come to Camp Sovereignty urgently under Article 17 of the **Statute of the International Criminal Court**— which is *Schedule One* to the *International Criminal Court Act 2002* of the Australian Parliament on the Federal Register of Legislation online at this clickable link <https://www.legislation.gov.au/C2004A00992/latest/text>

Australia is demonstrably **unwilling and unable** to investigate and prosecute the crime of genocide against Us and so, under Article 17, the International Criminal Court now has jurisdiction to investigate and prosecute Australians for the crime of genocide.

Under Article 25 **complicity** in genocide is genocide.

Article 27 states that “official capacity as a **member of parliament** shall in no case exempt a person from criminal responsibility... nor shall it ... constitute a ground for reduction of sentence”.

Can Senators who have not attempted to remove section 268.121 be charged with genocide in the International Criminal Court?

The purpose of the International Criminal Court is “to to put an end to impunity for the perpetrators of these crimes and thus to contribute to the **prevention** of such crimes” — says the Preamble at line nine.

Under Article 5 genocide is a crime within the Court’s jurisdiction.

Article 6 defines the crime of genocide:

Article 6  
Genocide

Document: International Criminal Court Act 2002

For the purpose of this Statute, “genocide” means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

Every one of these acts has been committed against Us since the English war of military invasion began against Us

Each of these acts has continued to be committed against Us in every generation since the invasion started. The motive was to steal Our lands, waters and skies. The intent was to usurp Our law.

This multigenerational genocide has continued from 2002 to today and will continue tomorrow and into the future.

There has been no treaty since 2002. There has been no official declaration of the end of hostilities since 2002. No one has ever been prosecuted since 2002.

Article 30 states:

1. Unless otherwise provided, a person shall be criminally responsible and liable for punishment for a crime within the jurisdiction of the Court only if the material elements are committed with intent and knowledge.
2. For the purposes of this article, a person has intent where:
  - (a) In relation to conduct, that person means to engage in the conduct;
  - (b) In relation to a consequence, that person means to cause that consequence or is aware that it will occur in the ordinary course of events.
3. For the purposes of this article, "knowledge" means awareness that a circumstance exists or a consequence will occur in the ordinary course of events. "Know" and "knowingly" shall be construed accordingly.

Parliamentarians intended to make section 268.121 part of your law.

Parliamentarians intended not to remove it from your law.

Parliamentarians intended not to recognise Our Sovereignty.

Parliamentarians intended not to seek Our consent under a treaty.

**Will the International Criminal Court convict you of complicity in Our genocide?**

Under Article 77 penalties include life imprisonment "when justified by the extreme gravity of the crime and the individual circumstances of the convicted person".

Article 53 requires an investigation because there is "a reasonable basis to believe that a crime within the jurisdiction of the Court has been or is being committed" and "taking into account the gravity of the crime and the interests of victims" there are no "reasons to believe that an investigation would not serve the interests of justice".

30 July 2024

*Uncle Robbie Perry*

CAMP SOVEREIGNTY  
bunjilfire@gmail.com  
crimesceneaustralia.com

ATTACHMENT: Email on Friday 26 July 2024 at 12.22pm of CAMP SOVEREIGNTY submission to the Committee and page one of the thirty-four page submission.



Nita Green,  
Paul Scarr,  
Alex Antic,  
Varun Ghosh,  
Helen Polley,  
David Shoebridge and  
Larissa Waters

Penny Allman-Payne,  
Wendy Askew,  
Ralph Babet,  
Catryna Bilyk,  
Simon Birmingham,  
Andrew Bragg,  
Slade Brockman,  
Ross Cadell,  
Matthew Canavan,  
Michaelia Cash,  
Claire Chandler,  
Richard Colbeck,  
Dorinda Cox,  
Lisa Darmanin,  
Perin Davey,  
Jonathon Duniham,  
Mehreen Faruqi,  
David Fawcett,  
Karen Grogan,  
Pauline Hanson,  
Sarah Hanson-Young,  
Sarah Henderson,  
Steph Hodgins-May,  
Hollie Hughes,  
Jane Hume,  
Maria Kovacic,  
Jacqui Lambie,  
Kerrynne Liddle,  
Susan McDonald,  
James McGrath,  
Bridget McKenzie,  
Andrew McLachlan,  
Jacinta Nampijinpa Price,  
Deborah O'Neill,  
Matt O'Sullivan,  
James Paterson,  
Fatima Payman,  
Barbara Pocock,  
David Pocock,  
Louise Pratt,  
Gerard Rennick,  
Linda Reynolds,  
Malcolm Roberts,  
Anne Ruston,  
Dave Sharma,  
Tony Sheldon,  
Dean Smith,  
Marielle Smith,  
Jordon Steele-John,  
Glenn Sterle,  
Jana Stewart,  
Lidia Thorpe,  
Tammy Tyrreil,  
Anne Urquhart,  
David Van,  
Jess Walsh,  
Peter Whish-Wilson



From: Uncle Robbie Thorpe <bunjilfire@gmail.com>

Date: Fri, 26 Jul 2024 at 12:22

Subject: Criminal Code Amendment (Genocide, Crimes Against Humanity and War Crimes) Bill 2024

To: <seniorclerk.committees.sen@aph.gov.au>

Cc: <LegCon.Sen@aph.gov.au>

---

Please find submission attached from CAMP SOVEREIGNTY

Uncle Robbie Thorpe  
CAMP SOVEREIGNTY  
"Kings Domain"  
"Melbourne VIC 3004"

0422 200 696

**Submission--Criminal Code Amendment Bill ... (10,531K)** x



Friday 26 July 2024

TO:

**Senators Nerita Green, Paul Scarr, Alex Antic, Varun Ghosh, Helen Polley, David Shoebridge and Larissa Waters**

Members<sup>1</sup>, Legislation Committee<sup>2</sup>  
Senate Standing Committees on Legal and Constitutional Affairs<sup>3</sup>  
Parliament of the Commonwealth of Australia<sup>4</sup>

AND TO:

**Senators Penny Allman-Payne, Wendy Askew, Ralph Babet, Catryna Bilyk, Simon Birmingham, Andrew Bragg, Slade Brockman, Ross Cadell, Matthew Canavan, Michaelia Cash, Claire Chandler, Richard Colbeck, Dorinda Cox, Lisa Darmanin, Lisa Darmanin, Perin Davey, Jonathon Duniam, Mehreen Faruqi, David Fawcett, Varun Ghosh, Karen Grogan, Pauline Hanson, Sarah Hanson-Young, Sarah Henderson, Steph Hodgins-May, Hollie Hughes, Jane Hume, Maria Kovacic, Jacqui Lambie, Kerryne Liddle, Susan McDonald, James McGrath, Bridget McKenzie, Andrew McLachlan, Jacinta Nampijinpa Price, Deborah O'Neill, Matt O'Sullivan, James Paterson, Fatima Payman, Barbara Pocock, David Pocock, Louise Pratt, Gerard Rennick, Linda Reynolds, Malcolm Roberts, Anne Ruston, Dave Sharma, Tony Sheldon, David Shoebridge, Dean Smith, Marielle Smith, Jordon Steele-John, Glenn Sterle, Jana Stewart, Lidia Thorpe, Tammy Tyrrell, Anne Urquhart, David Van, Jess Walsh, Larissa Waters, Peter Whish-Wilson**

Participating Members<sup>5</sup>, Legislation Committee  
Senate Standing Committees on Legal and Constitutional Affairs  
Parliament of the Commonwealth of Australia

**The Criminal Code Amendment Bill<sup>6</sup> referred to the Committee on 8 February 2024.**

<sup>1</sup> [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Legal\\_and\\_Constitutional\\_Affairs/Legislation\\_Committee\\_Membership](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Legislation_Committee_Membership)

<sup>2</sup> [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Legal\\_and\\_Constitutional\\_Affairs/Role\\_of\\_the\\_Committee](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Role_of_the_Committee)

<sup>3</sup> [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Legal\\_and\\_Constitutional\\_Affairs](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs)

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<https://www.directory.gov.au/portfolios/attorney-generals>

<https://www.directory.gov.au/portfolios/home-affairs>

<sup>4</sup> <https://www.aph.gov.au/>

<sup>5</sup> [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Legal\\_and\\_Constitutional\\_Affairs/Legislation\\_Committee\\_Membership](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Legislation_Committee_Membership)

<sup>6</sup> Set out at pages 26-27 below.

(v) A true copy of an extract from the official parliamentary program for the said hearing listing Attorney-General's Department (Submission 39) officers from the Office of International Law (Assistant Secretary Stephanie Merino) and Criminal Law Policy Branch (Director Christopher Malone and Assistant Secretary Susan McKeag) – set out at page

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THE SENATE

**LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE**

**Criminal Code Amendment (Genocide, Crimes Against Humanity and War Crimes) Bill 2024**

**PUBLIC HEARING  
Tuesday 30 July 2024**

| <b>Time</b> | <b>Witness</b>   |
|-------------|--|
| 2.30 pm     | <b>Attorney-General's Department (Submission 39)</b><br>Ms Susan McKeag, Assistant Secretary, Criminal Law Policy Branch<br>Ms Stephanie Ierino, Assistant Secretary, Office of International Law<br>Mr Christopher Malone, Director, Criminal Law Policy Branch (via videoconference) |

Committee Chair: Senator Nita Green  
Committee Secretary: Sophie Dunstone  
PO Box 6100, Parliament House Canberra ACT 2600 Tel: +61 2 6277 3560  
Email: [legcon.sen@aph.gov.au](mailto:legcon.sen@aph.gov.au) Internet:  
[www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Legal\\_and\\_Constitutional\\_Affairs](http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs)

(vi) A true copy of an extract from the official parliamentary website showing that transcript is not yet available— set out at page 60 below.



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# Public Hearings

## Past Public Hearings and Transcripts

| Date        | Location      | Transcript        | Program                 | Submissions                 |
|-------------|---------------|-------------------|-------------------------|-----------------------------|
| 30 Jul 2024 | Canberra, ACT | Not yet available | <a href="#">Program</a> | <a href="#">Submissions</a> |

### About this inquiry

An Inquiry into the Criminal Code Amendment (Genocide, Crimes Against Humanity and War Crimes) Bill 2024.

- Inquiry home page
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- Media Releases
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### Inquiry Status

Submissions Closed

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Alongside and across State, Territory people are advised that this website may contain images and voices of deceased people.

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(vii) a true copy of my notice to The Honourable Mark Dreyfus of the hearing of my interlocutory application to add him as the second respondent in these Aboriginal genocide proceedings and attaching sealed copies of the interlocutory application— set out at pages 62-63 below.

From: **Robbie Thorpe** <bunjilfire@gmail.com>  
Date: Thu, 1 Aug 2024 at 10:34  
Subject: Notice of application to add Attorney-General as respondent, Thursday 8 August, 10am, FCA  
To: <attorney@ag.gov.au>  
Cc: <liam.boyle@ags.gov.au>, <constitutional.litigation@ags.gov.au>

**Uncle Robbie Thorpe v Judicial Registrar Alicia Ditton**  
Federal Court of Australia VID589/2023

Thursday 1 August 2024 at 10.33am

The Honourable Mark Dreyfus  
Attorney-General of the Commonwealth of Australia

**Application to add the Attorney-General as the second respondent**

Hearing: 10am, Thursday 8 August 2024

The Honourable Justice McEvoy  
305 William St, Melbourne-- Level 7 Courtroom tba

Sealed copies of interlocutory applications and affidavits attached.

Uncle Robbie Thorpe\*  
CAMP SOVEREIGNTY  
~~"Kings Domain"~~  
~~"Melbourne VIC 3004"~~  
[crimesceneaustralia.com](http://crimesceneaustralia.com)

\* <https://www.commonground.org.au/article/guide-for-respectfully-communicating-with-elders>

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----- Forwarded message -----

From: **VIC Filing** <VIC.Filing@fedcourt.gov.au>  
Date: Tue, 30 Jul 2024 at 14:21  
Subject: RE: Interlocutory Application 15.7.24 and supporting Affidavit for filing, [SEC=OFFICIAL]  
To: Robbie Thorpe <bunjilfire@gmail.com>  
Cc: VIC Filing <VIC.Filing@fedcourt.gov.au>

**OFFICIAL**

Dear Uncle Robbie Thorpe,

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Please see sealed copies of Interlocutory Application and Supporting Affidavit for Lodgement 1343069 & 1343607 attached.

Kind Regards,

**Jim Ting** | Client Service Officer | Court and Tribunal Services

Federal Court of Australia | 305 William Street, Melbourne VIC 3000

p. 1300 720 980 | e. [vic.filing@fedcourt.gov.au](mailto:vic.filing@fedcourt.gov.au) | [www.fedcourt.gov.au](http://www.fedcourt.gov.au)



Virus-free [www.avg.com](http://www.avg.com)

63A

From: **Attorney Correspondence** <attorney@ag.gov.au>

Date: Thu, 1 Aug 2024 at 10:35

Subject: Automatic reply: Notice of application to add Attorney-General as respondent, Thursday 8 August, 10am, FCA

To: Robbie Thorpe <bunjilfire@gmail.com>

Thank you for contacting the Attorney-General.

This is an automated response to confirm that your email has been received and has been forwarded to the appropriate area of the Attorney-General's Department for consideration and a response may be provided if you have included:

- Your full name, and
- A valid email address **OR** a postal address

Where the issues you raise fall more appropriately within the responsibilities of another government minister or a government department/agency, your correspondence may be provided to them for consideration and potential response where appropriate.

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If your email is larger than 14MB (including any attachments), please send your correspondence to the postal address provided below.

**Postal Address**

Attorney-General

PO Box 6022

Parliament House

CANBERRA ACT 2600

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