



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 04:38 PM

B E T W E E N

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

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 documents lodged in the Federal Court of Australia in proceedings numbered VID589/2024, Uncle Robbie Thorpe v Judicial Registrar Alicia Ditton:

- (i) sealed copies of originating application and statement of reasons, 26.6.2024;
- (ii) sealed copies of notice of a constitutional matter 1.7.24 and affidavit of service 3.7.24;
- (iii) lodged copies of interlocutory summons and affidavit Friday 12 July 2024 lodgement ID 1343069 with explanatory registry email;
- (iv) lodged copies of interlocutory summons and affidavit re disqualification of the Honourable Justice McEvoy Monday 15 July 2024 lodgement ID 1343607 with explanatory registry email;

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

441 Wellington Street, Collingwood 3066

1

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 3068

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

B E T W E E N

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

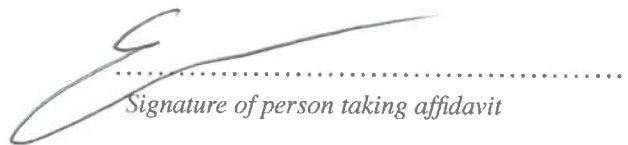
Ref: Windsor Genocide Prosecution

Email: bunjilfire@gmail.com

This is the bundle 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"

- (i) sealed copies of originating application and statement of reasons, 26.6.2024;
- (ii) sealed copies of notice of a constitutional matter 1.7.24 and affidavit of service 3.7.24;
- (iii) lodged copies of interlocutory summons and affidavit Friday 12 July 2024 lodgement ID 1343069 with explanatory registry email;
- (iv) lodged copies of interlocutory summons and affidavit re disqualification of the Honourable Justice McEvoy Monday 15 July 2024 lodgement ID 1343607 with explanatory registry email;

NOTICE OF FILING AND HEARING

Filing and Hearing Details

Document Lodged: Originating Application for Judicial Review - Form 66 - Rule 31.01(1)
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment: 26/06/2024 11:01:00 AM AEST
Date Accepted for Filing: 28/06/2024 3:14:50 PM AEST
File Number: VID589/2024
File Title: UNCLE ROBBIE THORPE v JUDICIAL REGISTRAR ALICIA DITTON
Registry: VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing: To Be Advised
Time and date for hearing: To Be Advised
Place: To Be Advised

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.

Form 66, 69
Rule 31.01(1), 31.11, 31.12(1)

**Originating Application for judicial review
and for relief under section 39B Judiciary Act 1903**

No. VID of 2024

Federal Court of Australia

District Registry: Victoria

Division: Human Rights / Other Federal Jurisdiction

Uncle Robbie Thorpe
Applicant

Judicial Registrar Alicia Ditton
Respondent

To the Respondent

The Applicant applies for the relief set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

You must file a notice of address for service (Form 10) in the Registry before attending Court or taking any other steps in the proceeding.

Time and date for hearing:

Place: 305 William St, Melbourne

Date:

.....
Signed by an officer acting with the authority of the District Registrar.

Filed on behalf of Uncle Robbie Thorpe, applicant.

Prepared by Uncle Robbie Thorpe.

Mobile 0422 200 696

Email bunjilsfire@gmail.com

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

5

The applicant applies to the Court to review the decision of the Respondent, Judicial Registrar Alicia Ditton, made Friday 31 May 2024 that the Documents should not be accepted for filing pursuant to rule 2.26 of the Rules.

A statement of the terms of the decision, being a letter signed by the said Judicial Registrar dated 31 May 2024 re Lodgement ID 1323946, accompanies this originating application as required by rule 31.03 of the Rules.

Details of Claim

The applicant is aggrieved by the decision because:

1. The Documents disclose a cause of action properly stated and there are prospects of success on those Documents.
2. The Documents set out with clarity the basis on which this Court could grant the relief sought (the 12 declaratory orders) as against the named Respondent, the Honourable Mark Dreyfus, Attorney-General of the Commonwealth of Australia.
3. The Documents are not on their face vexatious, frivolous or an abuse of process.
4. The Documents disclose a matter arising under the Constitution or involving its interpretation under section 39B(1A)(b) of the *Judiciary Act* 1903 (Cth).
5. There are immediate rights, duties or liabilities to be established and determined by the Court.

Matters arising under the Constitution or involving its Interpretation

On the grounds stated in the statement of claim, accompanying affidavit or other document prescribed by the Rules, the Applicant applies for the following relief under section 39B of the *Judiciary Act* 1903:

1. Clarification of the twelve Constitutional questions set out in paragraph 15 of the Applicant's Statement of Claim dated 24 May 2024.
2. A declaration that it is implicit in your Constitution that no decision of a Judicial Registrar of the Federal Court of Australia can be valid that allows legitimises attempts incites conspires aids abets Aboriginal genocide.

Grounds of application

Rule 31.12 provides that a claim for relief under Division 31.1 that arises out of, relates to or is connected with the same subject matter as the application under Division 31.2 must be made in one application.

Section 11(3) of the *Administrative Decisions (Judicial Review) Act* 1977 (Cth) provides that the prescribed period for making an application for an order of review is the period commencing on the day of which the decision was made and ending on the twenty-eighth day after.

1. The Documents disclose that:
 - i. The cause of action is the vindication of Our Aboriginal Rights under your own Constitution and under your laws both common and legislative made under your own Constitution.
 - ii. This cause of action is properly stated.
 - iii. There are prospects of success on this cause of action.
2. The Documents set out with clarity the Constitutional basis upon which the Court could grant relief including a hearing before a bench of five judges of the Federal Court to overrule previous case law under the Constitution.
3. No reasonable person, and certainly no Aborigines and no member of the international community, could possibly describe the Documents as being “on their face” “vexatious”, “frivolous” or “an abuse of process. No member of the invading/“settler”/colonising group seems capable of giving an unbiased opinion on these Documents without doing violence to the plain meaning of the words in quotation marks.
4. The Documents clearly and irrefutably disclose a backlog of matters arising under your Constitution or involving its interpretation that have been ignored or otherwise not properly considered by individuals purporting to be high office-holders of the invisible entity you call “the Commonwealth of Australia”.
5. The Documents disclose immediate rights, duties or liabilities to be established and determined by the Court that have so far been ignored or otherwise not properly considered by judicial officers of the Commonwealth of Australia under your Constitution.

Particulars of bad faith— rule 31.01(2)

6. The Respondent has sworn allegiance to Queen Elizabeth II - King Charles III (thus denying Our Sovereignty) and did not disclose this fact nor properly take this fact into account when deciding that the Documents should not be accepted for filing.
7. The Respondent was well aware of the serious consequences of the decision not to accept the Documents for filing:
 - i. It is open to the Office of the Prosecutor of the International Criminal Court to conclude that the signatory State of Australia is unwilling and unable to investigate and prosecute genocide offences against Us.
 - ii. It is open to any member State of the United Nations to bring a case in the International Court of Justice against Australia in relation to
 - (a) Our Rights to Our Lands, Our Law and Our Culture under the principles of the Western Sahara case, UN Decolonisation Protocols and recent decisions such as the Chagos cases (in which Australia’s no-jurisdiction submissions were rejected).
 - (b) Our Genocide under the practice and procedure for genocide allegations in recent internationally-publicised proceedings of the Court in Ukraine v Russia (in which Australia intervened) and South Africa v Israel re the Palestinian genocide.

Orders sought

- 1. An order that the Documents be accepted for filing.
- 2. A declaration that it is implicit in your Constitution that no decision of a Judicial Registrar of the Federal Court of Australia can be valid that allows legitimises attempts incites conspires aids abets Aboriginal genocide.

Claim for interlocutory relief

The applicant also claims interlocutory relief.

- 1. An order under Rule 31.04 that this application be served by email on
 - (a) The Attorney-General;
 - (b) The Attorneys-General of the States and Territories;
 - (c) The Office of the Prosecutor, International Criminal Court.
 - (d) Each signatory State of the Rome Statute of the International Criminal Court.
 - (e) The other member States of the United Nations with right of access to the International Court of Justice.

Applicant’s address

The Applicant’s address for service is:
 Place: Camp Sovereignty, “Kings Domain”, Melbourne VIC 3004.
 Email: bunjilsfire@gmail.com
 The Applicant’s address is Camp Sovereignty, “Kings Domain”, Melbourne VIC 3004.

Service on the Respondent

It is intended to serve this application on the Respondent.

Date: 26 June 2024



.....

Applicant

NOTICE OF FILING

Details of Filing

Document Lodged: Non-Prescribed Report
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment: 26/06/2024 11:01:00 AM AEST
Date Accepted for Filing: 28/06/2024 3:14:54 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.



Telephone: (02) 9230 8567
Facsimile: (02) 9230 8535
DX 613 SYDNEY
Internet:
www.fedcourt.gov.au

FEDERAL COURT OF AUSTRALIA
SYDNEY REGISTRY

A.B.N. 49 110 847 399

LEVEL 17
LAW COURTS BUILDING
QUEENS SQUARE
SYDNEY NSW 2000

31 May 2024

Uncle Robbie Thorpe

By email only: bunjilfire@gmail.com

Dear Uncle Robbie Thorpe,

RE: Lodgment ID: 1323946

I refer to the following document submitted to the Court Registry on 24 May 2024 for filing:

- Form 15 – Rule 8.01 (1) – Originating Application
- Form 17 – Rule 8.06(1)(a) – Statement of Claim

I also refer the following documents submitted for filing on 27 May 2024:

- Form 18 – Rule 8.11(2) – Notice of a Constitutional matter under section 78B of the Judiciary Act 1903
- Form 59 – Rule 29.02(1) – Affidavit

I also refer to the following document submitted for filing on 29 May 2024:

- Correspondence from the Australian Government Solicitor

Collectively, **the Documents**.

The Documents have been referred to me as the Duty Registrar for consideration as to whether the Registry should accept them for filing.

Rule 2.26 of the *Federal Court Rules* 2011(Cth), states that a Registrar may refuse to accept a document (including a document that would, if accepted become an originating application) if the Registrar is satisfied that the document is an abuse of the process of the Court or is frivolous or vexatious, on the face of the document or by reference to any documents already filed or submitted for filing with the document.

I note that the meaning of the terms “frivolous”, “vexatious” were considered by Justice White in *Ferdinands v Registrar Cridland* [2021] FCA 592 at [27] to [30]. A matter that is *frivolous* may be described as one that is “without substance or groundless or fanciful” and a matter that

is *vexatious* is an abuse of the process of the Court. The term *abuse of process* includes an application which has no cause of action properly stated and no prospects of success.

After careful consideration of the Documents, I am satisfied that they should not be accepted for filing pursuant to rule 2.26 of the Rules. The Documents, on their face, are vexatious, frivolous and an abuse of process of the Court in the sense that the Documents do not disclose a cause of action properly stated nor are there any prospects of success on those Documents. I note the Documents do not set out with any clarity the basis on which this Court could grant the relief sought (the 12 declaratory orders) as against the named Respondent.

As you have filed a Form 18, I have considered section 39B(1A)(b) of the *Judiciary Act* 1903 (Cth), which confers jurisdiction on this Court in any **matter** arising under the Constitution or involving its interpretation. There is no “matter” unless there is some “immediate right, duty or liability to be established and determined by the Court”: *In Re The Judiciary and Navigation Acts* (1921) 29 CLR 257 at 265. The Documents do not disclose any such subject matter for determination by this Court.

I recommend you seek legal advice, prior to filing any further documents with this Court.

Yours faithfully,



Alicia Ditton

Judicial Registrar

NOTICE OF FILING

Details of Filing

Document Lodged: Notice of a Constitutional Matter under s78B Judiciary Act 1903 - Form 18 - Rule 8.11(2)
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment: 1/07/2024 12:48:22 PM AEST
Date Accepted for Filing: 1/07/2024 2:41:39 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

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



Form 18
Rule 8.11(2)

**Notice of a Constitutional matter
under section 78B of the Judiciary Act 1903**

No. VID 589 of 2024

Federal Court of Australia
District Registry: Victoria
Division: Human Rights / Other Federal Jurisdiction

Uncle Robbie Thorpe
Applicant

Judicial Registrar Alicia Ditton
Respondent

The applicant 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.

Nature of Constitutional matter

- i. Whether it is implicit in your Constitution that no decision of a Judicial Registrar of the Federal Court of Australia can be valid that allows legitimises attempts incites conspires aids abets Aboriginal genocide.
- ii. The matters set out in my Constitutional Notice dated and lodged 27 May 2024 in the proposed proceedings *Uncle Robbie Thorpe v The Honourable Mark Dreyfus* and served the same day upon the Attorneys-General of the Commonwealth of Australia and the States and Territories as set out in my affidavit of service lodged the same day and referred to in the present respondent's statement of terms of decision dated 31 May 2024:
 1. Whether your Constitution protects Our Aboriginal campsites at Aboriginal remains from desecration by non-Aboriginal groups or individuals.
 2. Whether your Constitution protects Aboriginal fires at Our Aboriginal campsites at Aboriginal remains from extinguishment by non-Aboriginal groups or individuals.
 3. Whether your Constitution requires that every non-Aboriginal court provide immediate and effective protection for, and preservation of, Our Aboriginal fires at Our Aboriginal campsites at Aboriginal remains.
 4. Whether your Constitution allows non-Aboriginal groups and individuals to desecrate Our Aboriginal campsites (including the extinguishment of Our Aboriginal fires) at Aboriginal remains with impunity and/or with immunity from immediate and effective court orders.
 5. Whether your Constitution imposes a fiduciary obligation upon every judge to stop and prevent
 - (i) the desecration of Our Aboriginal campsites (including the extinguishment of Aboriginal fires) at Aboriginal remains;

(ii) the theft of any items at Our Aboriginal campsites at Aboriginal remains;

(iii) the theft of any of Our Aboriginal Land;

(iv) the usurpation of any of Our Aboriginal Law.

6. Whether your Mabo decision that no court can inquire into how “Australia” got sovereignty and jurisdiction over We Aborigines is inconsistent with your legislation in Division 268 of the Criminal Code which criminalises acts of genocide with intent to destroy Us in whole or in part.

7. Whether your denial of Our Aboriginal Sovereignty is proof of your intent to destroy us in whole or in part within the meaning of the Rome Statute of the International Criminal Court 2000 and the Genocide Convention 1948 and your Genocide Convention Act 1949.

8. Whether the sole basis for your theft of Our Lands and your usurpation of Our Law under your Constitution is your continuing acts of genocide (as defined in the three instruments in paragraph 7 above) against Us.

9. In the absence of any treaty evidencing Our free, informed prior consent, whether every bit of land in the entire continent is Aboriginal Land and Our Aboriginal Law applies to all residents here.

10. Whether your deliberate premeditated failure and refusal to negotiate for our consent in a treaty is itself an act of genocide and also proof of your intent to destroy Us Aborigines in whole or in part contrary to the three instruments in paragraph 7 above and also Division 268 of your own Criminal Code.

11. Whether your requirement that one Mark Dreyfus, a non-Aboriginal individual, is the only person who can bring prosecutions for Aboriginal genocide is itself an act of genocide and also proof of your intent to destroy Us Aborigines in whole or in part contrary to the three instruments in paragraph 7 above and also Division 268 of your own Criminal Code.

12. Whether it is implicit in your Constitution that no legislation can be valid that allows legitimises attempts incites conspires aids abets Aboriginal genocide.

Facts showing that the matter is one to which section 78B of the *Judiciary Act* applies.

1. On 16 May 2024 I filed and served a notice of twelve Constitutional matters concerning ongoing Aboriginal genocide on the said Attorneys-General in proceedings numbered VID388/2024 seeking an injunction to restrain Melbourne City Councillors from extinguishing Our Sacred Fire and destroying Camp Sovereignty.

2. On 24 May 2024 I lodged an Originating Application and Statement of Claim in proposed proceedings *Uncle Robbie Thorpe v The Honourable Mark Dreyfus* seeking declaratory orders in terms of those twelve Constitutional matters concerning ongoing Aboriginal genocide.

3. On 27 May 2024, the anniversary of the 1967 Referendum and the commencement of the twenty-ninth annual National Reconciliation Week (2024 Theme NOW MORE THAN EVER #NRW2024 <https://www.reconciliation.org.au/our-work/national-reconciliation-week/>), I lodged and served a notice of those same twelve Constitutional matters upon the said Attorneys-General and the same day lodge an affidavit proving service upon the said officers.

4. In Part A the notice of 27 May 2024 (paragraph 3 above) set out a summary of the necessary factual background to understanding the matter— optimistically headed “Agreed statement of facts” because there can really be no disagreement as to the eleven facts set out therein.

5. This recitation of indisputable facts was followed by Part B “The Raiding Party”, Part C “The First Constitutional Notice” and Part D “Declaratory Orders needed to clarify the rights and responsibilities under the Constitution between parties and those directly affected by the uncertainty of the current situation”.

UNCLE ROBBIE THORPE THANKS

6. In my Originating Application lodged on 24 May 2024 the first order sought was an order that the parties in these proceedings be referred to in all transcripts, court documents, correspondence and reports as Uncle Robbie Thorpe and The Honourable Mark Dreyfus and the case name as Uncle Robbie Thorpe v The Honourable Mark Dreyfus. My Statement of Claim, also lodged on 24 May 2024, began: “THE APPLICANT 1. I am Uncle Robbie Thorpe, a Truth-Teller, Fire-Keeper and Elder, and am respectfully referred to, and deferred to, as Uncle Robbie Thorpe in Aboriginal communities and I expect and accept and invite the same respect from non-Aboriginal people with good hearts. See for example <https://www.commonground.org.au/article/guide-for-respectfully-communicating-with-elders#:~:text=Address%20Elders%20appropriately,unless%20invited%20to%20do%20so>.

7. However on Wednesday 29 May 2024, during the said Reconciliation Week I received a letter from “Illegible Signature”, Australian Government Solicitor, Canberra “Our ref. 24004561” addressed to “Dear Mr Thorpe” stating “we do not propose to deal further with your notice”. I immediately emailed a copy of this letter to the Registrar considering Uncle Robbie Thorpe v The Honourable Mark Dreyfus and stated “Please find attached a letter on behalf of The Honourable Mark Dreyfus... His refusal to respect my request as an Elder to be addressed as Uncle Robbie Thorpe and to refer to these proceedings as Uncle Robbie Thorpe v The Honourable Mark Dreyfus demonstrates why these proceedings should be filed and served forthwith... It is clear that unless so ordered The Honourable Mark Dreyfus will not comply with this request nor respect Our Law even at this most basic level especially during the 29th National Reconciliation Week”.¹

¹ This passive-aggressive invader/settler/colonialist mindset continues at most levels of the judicial/legal system. For example, despite my explicit invitation in my email (with two attachments showing both Judicial Registrar Alicia Ditton and the notifying Client Services Officer on 31 May 2024 addressing me as “Dear Uncle Robbie Thorpe”) at 11.20am on 28 June 2024 to a lodgement Client Services Officer to address me as Uncle Robbie Thorpe he continued in two subsequent emails the same day (at 12.10pm and 3.17 pm) to address me quite deliberately as “Mr Thorpe”. See letter-before-formal-complaint-to-CEO, 1.7.24).

JUDICIAL REGISTRAR DITTON

8. On 31 May 2024 the respondent decided my documents should not be accepted for filing in the Federal Court of Australia and set out the decision and reasons in a letter the same day. The letter did not disclose the respondent's oath of allegiance to the genocidal foreign invader monarchy family, the pretender and purported usurper of Our True Aboriginal Sovereignty and Law and occupier of Our Lands. The letter allowed, legitimised, attempted, conspired, aided and abetted Aboriginal genocide contrary to the implicit obligation to stop, prevent and punish genocide and especially Aboriginal genocide in your own Constitution. Details are set out in my Originating Application lodged 26 June 2024 and accepted for filing on 27-28 June 2024.

THE HONOURABLE JUSTICE O'MEARA

6. Please note that the Aboriginal genocide Writ referred to in paragraph 26 of the said notice of 27 May 2024 has now been considered by the Honourable Justice O'Meara of the Supreme Court of Victoria in his judgement delivered 25 June 2024 in proposed proceedings titled Aunty Alma Thorpe and Uncle Robbie Thorpe v Rod Ratcliffe, Prothonotary, and Attorney-General of Victoria,. His Honour stated in classic arrogant colonialist terms that "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). An application for leave to appeal this decision is being prepared. Apart from the obvious psychological issue of "white denial" of Aboriginal genocide, the breathtaking misrepresentation by O'Meara J that I "advanced no sensible response" on 4 June 2024 (paragraph 28) is also deeply concerning and can be easily disproved by the relevant document. His Honour's judgment in paragraph 15 listed the seventeen numbered grounds (numbered 1 through 18— there is no 13) for judicial review as already set out at paragraph 28 of my said Constitutional notice of 27 May 2024 and apparently rejected all of them. The cognitive dissonance between the ongoing Aboriginal genocide and the Australian courts' "national legacy of unutterable shame" (Mabo case, 1992, per Deane and Gaudron JJ) is shocking. It clearly raises the question whether it is implicit in your Constitution that no decision of a judicial officer of a supreme court of a federating State of the Commonwealth of Australia can be valid that allows legitimises attempts incites conspires aids abets Aboriginal genocide. Such conduct also raises the question for Aboriginal Peoples especially whether the State Parliament has grounds for removal of the judicial officer.

Date: 1 July 2024



.....

Signed by Applicant at CAMP SOVEREIGNTY

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NOTICE OF FILING

Details of Filing

Document Lodged: Affidavit of Service - Form 59 - Rule 29.02(1)
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment: 3/07/2024 11:56:55 AM AEST
Date Accepted for Filing: 3/07/2024 12:05:05 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

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



Form 59
Rule 29.02(1)

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 Ditton
Respondent

Affidavit of: Uncle Robbie Thorpe

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

Occupation: Truth-Teller, Fire-Keeper and Elder


Date: 3 July 2024

AFFIDAVIT OF SERVICE OF NOTICE OF A CONSTITUTIONAL MATTER

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" is a true copy of my email to the Attorneys-General of the States, Territories and Australia at 9.10am on Wednesday 3 July 2024 attaching the sealed notice of a Constitutional matter in these proceedings filed 2 July 2024.

Affirmed by the deponent
at Collingwood
in Victoria
on 3 July 2024

) 
)
)
)

Before me:



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

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

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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

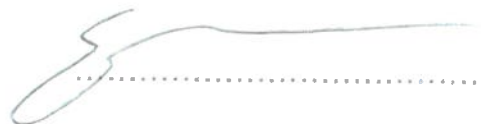
Judicial Registrar Alicia Ditton
Respondent

Annexure "URT 1"

This is the true copy of the email sent at 9.10 am on Wednesday 3 July 2024 to all Attorneys-General attaching the sealed notice of a Constitutional Matter marked Annexure "URT 1" referred to in the affidavit of Uncle Robbie Thorpe affirmed Wednesday 3 July 2024.



.....



.....

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

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

(19)

1
From: **Robbie Thorpe** <bunjilfire@gmail.com>
Date: Wed, 3 Jul 2024 at 09:10
Subject: Notice of a Constitutional matter
To: <attorney@ag.gov.au>, <constitutional.litigation@ags.gov.au>, <enquiries@vgso.vic.gov.au>, <solicitor.general@justice.tas.gov.au>, <cso-reception@sa.gov.au>, <legalservices.sfnt@nt.gov.au>, <crownsol@cso.nsw.gov.au>, <crownlaw@qid.gov.au>, <sso@sso.wa.gov.au>, <acigso@act.gov.au>

Wednesday 3 July 2024 at 9.10am

To: Attorneys-General of States, Territories and Australia.

Uncle Robbie Thorpe v Judicial Registrar Alicia Ditton

Federal Court of Australia VID589/2024

Please find attached sealed copy of Notice of Constitutional Matter 2 7 24 together with

1. Sealed Originating Application in the above proceedings;
2. Sealed Statement of Terms of Decision 31.5.24 refusing FCA Judgment ID 1323946;

Thanks,

Uncle Robbie Thorpe
at the campfire
CAMP SOVEREIGNTY
"Kings Domain" near "Government House" and
the Shrine of Remembrance



<https://www.naidoc.org.au/posters/poster-gallery/2024-national-naidoc-week-poster>

- | | | |
|--|--------|---|
| Notice of a Constitutional matter, 2.7.24, Un... | (441K) | x |
| 1. Originating Application, Uncle RobbieThor... | (477K) | x |
| 2. Statement of terms of decision 31.5.24, Un... | (552K) | |

20

NOTICE OF FILING

Details of Filing

Document Lodged: Notice of a Constitutional Matter under s78B Judiciary Act 1903 - Form 18 - Rule 8.11(2)
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment: 1/07/2024 12:48:00 PM AEST
Date Accepted for Filing: 2/07/2024 4:25:03 PM AEST
File Number: VID589/2024
File Title: UNCLE ROBBIE THORPE v JUDICIAL REGISTRAR ALICIA DITTON
Registry: VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



Sia Hayes

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.

21

Form 18
Rule 8.11(2)



**Notice of a Constitutional matter
under section 78B of the Judiciary Act 1903**

No. VID 589 of 2024

Federal Court of Australia

District Registry: Victoria

Division: Human Rights / Other Federal Jurisdiction

Uncle Robbie Thorpe
Applicant

Judicial Registrar Alicia Ditton
Respondent

The applicant 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.

Nature of Constitutional matter

- i. Whether it is implicit in your Constitution that no decision of a Judicial Registrar of the Federal Court of Australia can be valid that allows legitimises attempts incites conspires aids abets Aboriginal genocide.
- ii. The matters set out in my Constitutional Notice dated and lodged 27 May 2024 in the proposed proceedings Uncle Robbie Thorpe v The Honourable Mark Dreyfus and served the same day upon the Attorneys-General of the Commonwealth of Australia and the States and Territories as set out in my affidavit of service lodged the same day and referred to in the present respondent's statement of terms of decision dated 31 May 2024:
 1. Whether your Constitution protects Our Aboriginal campsites at Aboriginal remains from desecration by non-Aboriginal groups or individuals.
 2. Whether your Constitution protects Aboriginal fires at Our Aboriginal campsites at Aboriginal remains from extinguishment by non-Aboriginal groups or individuals.
 3. Whether your Constitution requires that every non-Aboriginal court provide immediate and effective protection for, and preservation of, Our Aboriginal fires at Our Aboriginal campsites at Aboriginal remains.

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

4. Whether your Constitution allows non-Aboriginal groups and individuals to desecrate Our Aboriginal campsites (including the extinguishment of Our Aboriginal fires) at Aboriginal remains with impunity and/or with immunity from immediate and effective court orders.
5. Whether your Constitution imposes a fiduciary obligation upon every judge to stop and prevent
 - (i) the desecration of Our Aboriginal campsites (including the extinguishment of Aboriginal fires) at Aboriginal remains;
 - (ii) the theft of any items at Our Aboriginal campsites at Aboriginal remains;
 - (iii) the theft of any of Our Aboriginal Land;
 - (iv) the usurpation of any of Our Aboriginal Law.
6. Whether your Mabo decision that no court can inquire into how "Australia" got sovereignty and jurisdiction over We Aborigines is inconsistent with your legislation in Division 268 of the Criminal Code which criminalises acts of genocide with intent to destroy Us in whole or in part.
7. Whether your denial of Our Aboriginal Sovereignty is proof of your intent to destroy us in whole or in part within the meaning of the Rome Statute of the International Criminal Court 2000 and the Genocide Convention 1948 and your Genocide Convention Act 1949.
8. Whether the sole basis for your theft of Our Lands and your usurpation of Our Law under your Constitution is your continuing acts of genocide (as defined in the three instruments in paragraph 7 above) against Us.
9. In the absence of any treaty evidencing Our free, informed prior consent, whether every bit of land in the entire continent is Aboriginal Land and Our Aboriginal Law applies to all residents here.
10. Whether your deliberate premeditated failure and refusal to negotiate for our consent in a treaty is itself an act of genocide and also proof of your intent to destroy Us Aborigines in whole or in part contrary to the three instruments in paragraph 7 above and also Division 268 of your own Criminal Code.
11. Whether your requirement that one Mark Dreyfus, a non-Aboriginal individual, is the only person who can bring prosecutions for Aboriginal genocide is itself an act of genocide and also proof of your intent to destroy Us Aborigines in whole or in part contrary to the three instruments in paragraph 7 above and also Division 268 of your own Criminal Code.
12. Whether it is implicit in your Constitution that no legislation can be valid that allows legitimises attempts incites conspires aids abets Aboriginal genocide.

Facts showing that the matter is one to which section 78B of the *Judiciary Act* applies.

1. On 16 May 2024 I filed and served a notice of twelve Constitutional matters concerning ongoing Aboriginal genocide on the said Attorneys-General in proceedings numbered VID388/2024 seeking an injunction to restrain Melbourne City Councillors from extinguishing Our Sacred Fire and destroying Camp Sovereignty.
2. On 24 May 2024 I lodged an Originating Application and Statement of Claim in proposed proceedings *Uncle Robbie Thorpe v The Honourable Mark Dreyfus* seeking declaratory orders in terms of those twelve Constitutional matters concerning ongoing Aboriginal genocide.
3. On 27 May 2024, the anniversary of the 1967 Referendum and the commencement of the twenty-ninth annual National Reconciliation Week (2024 Theme NOW MORE THAN EVER #NRW2024 <https://www.reconciliation.org.au/our-work/national-reconciliation-week/>), I lodged and served a notice of those same twelve Constitutional matters upon the said Attorneys-General and the same day lodge an affidavit proving service upon the said officers.
4. In Part A the notice of 27 May 2024 (paragraph 3 above) set out a summary of the necessary factual background to understanding the matter – optimistically headed “Agreed statement of facts” because there can really be no disagreement as to the eleven facts set out therein.
5. This recitation of indisputable facts was followed by Part B “The Raiding Party”, Part C “The First Constitutional Notice” and Part D “Declaratory Orders needed to clarify the rights and responsibilities under the Constitution between parties and those directly affected by the uncertainty of the current situation”.

UNCLE ROBBIE THORPE THANKS

6. In my Originating Application lodged on 24 May 2024 the first order sought was an order that the parties in these proceedings be referred to in all transcripts, court documents, correspondence and reports as Uncle Robbie Thorpe and The Honourable Mark Dreyfus and the case name as *Uncle Robbie Thorpe v The Honourable Mark Dreyfus*. My Statement of Claim, also lodged on 24 May 2024, began: “THE APPLICANT 1. I am Uncle Robbie Thorpe, a Truth-Teller, Fire-Keeper and Elder, and am respectfully referred to, and deferred to, as Uncle Robbie Thorpe in Aboriginal communities and I expect and accept and invite the same respect from non-Aboriginal people with good hearts. See for example <https://www.commonground.org.au/article/guide-for-respectfully-communicating-with-elders#:~:text=Address%20Elders%20appropriately,unless%20invited%20to%20do%20so>.
7. However on Wednesday 29 May 2024, during the said Reconciliation Week I received a letter from “Illegible Signature”, Australian Government Solicitor, Canberra “Our ref. 24004561” addressed to “Dear Mr Thorpe” stating “we do not propose to deal further with your notice”. I immediately emailed a copy of this letter to the Registrar considering *Uncle Robbie Thorpe v The Honourable Mark Dreyfus* and stated “Please find attached a letter on behalf of The Honourable Mark Dreyfus... His refusal to respect my request as an Elder to be addressed as Uncle Robbie Thorpe and to refer to these proceedings as *Uncle Robbie Thorpe v The Honourable Mark Dreyfus* demonstrates why these

proceedings should be filed and served forthwith... It is clear that unless so ordered The Honourable Mark Dreyfus will not comply with this request nor respect Our Law even at this most basic level especially during the 29th National Reconciliation Week".

JUDICIAL REGISTRAR DITTON

8. On 31 May 2024 the respondent decided my documents should not be accepted for filing in the Federal Court of Australia and set out the decision and reasons in a letter the same day. The letter did not disclose the respondent's oath of allegiance to the genocidal foreign invader monarchy family, the pretender and purported usurper of Our True Aboriginal Sovereignty and Law and occupier of Our Lands. The letter allowed, legitimised, attempted, conspired, aided and abetted Aboriginal genocide contrary to the implicit obligation to stop, prevent and punish genocide and especially Aboriginal genocide in your own Constitution. Details are set out in my Originating Application lodged 26 June 2024 and accepted for filing on 27-28 June 2024.

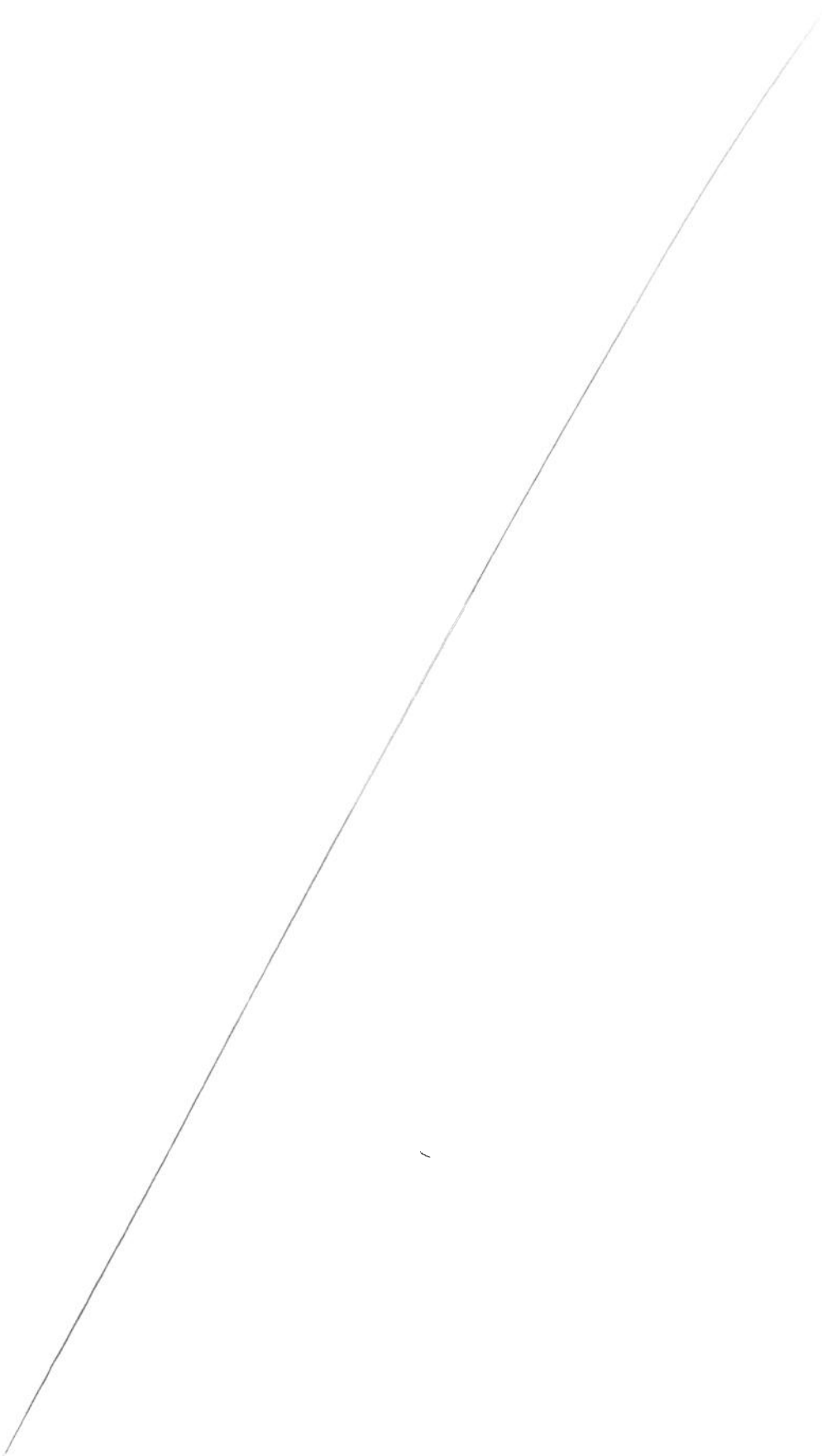
THE HONOURABLE JUSTICE O'MEARA

9. Please note that the Aboriginal genocide Writ referred to in paragraph 26 of the said notice of 27 May 2024 has now been considered by the Honourable Justice O'Meara of the Supreme Court of Victoria in his judgement delivered 25 June 2024 in proposed proceedings titled *Aunty Alma Thorpe and Uncle Robbie Thorpe v Rod Ratcliffe, Prothonotary, and Attorney-General of Victoria*. His Honour stated in classic arrogant colonialist terms that "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). An application for leave to appeal this decision is being prepared. Apart from the obvious psychological issue of "white denial" of Aboriginal genocide, the breathtaking misrepresentation by O'Meara J that I "advanced no sensible response" on 4 June 2024 (paragraph 28) is also deeply concerning and can be easily disproved by the relevant document. His Honour's judgment in paragraph 15 listed the seventeen numbered grounds (numbered 1 through 18— there is no 13) for judicial review as already set out at paragraph 28 of my said Constitutional notice of 27 May 2024 and apparently rejected all of them. 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. It clearly raises the question whether it is implicit in your Constitution that no decision of a judicial officer of a supreme court of a federating State of the Commonwealth of Australia can be valid that allows legitimises attempts incites conspires aids abets Aboriginal genocide. Such conduct also raises the question for Aboriginal Peoples especially whether the State Parliament has grounds for removal of the judicial officer.

Date: 1 July 2024

Signed by Applicant at CAMP SOVEREIGNTY

25



,

From: VIC Filing <VIC.Filing@fedcourt.gov.au>
Date: Fri, 12 Jul 2024 at 13:35
Subject: RE: Lodgement of interlocutory application for filing-- VID589/2024 [SEC=OFFICIAL]
To: Robbie Thorpe <bunjilfire@gmail.com>
Cc: VIC Filing <VIC.Filing@fedcourt.gov.au>

OFFICIAL

Good Afternoon Uncle Robbie Thorpe,

Your Interlocutory Application with supporting Affidavit has been internally lodged with the lodgement ID 1343069 and has been referred to Justice McEvoy's Chambers who is presiding your matter.

Registry will provide sealed and stamped copies once confirmed by Chambers.

If you have any questions, please email or call the Registry on 1300 720 980.

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 | www.fedcourt.gov.au

Form 35
Rule 17.01

Interlocutory Application

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

To the Respondent

The Applicant applies for the interlocutory orders set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

Time and date for hearing:

Place:

The Court ordered that the time for serving this application be abridged to

Date:

.....
Signed by an officer acting with the authority
of the District Registrar

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

Interlocutory orders sought

1. A direction in relation to *Item 7 – The mode and sufficiency of service* of Rule 5.04(3) of the *Federal Court Rules 2011* that the respondent, Judicial Registrar Alicia Ditton, was served with these proceedings on Monday 1 July 2024.
2. A direction in relation to *Item 8 – The joinder of parties* of Rule 5.04(3) of the *Federal Court Rules 2011* that the Honourable Mark Dreyfus, Attorney-General of the Commonwealth of Australia, is joined as second respondent to the proceeding, on the basis that, as the first law officer of the Commonwealth of Australia, his presence is necessary to ensure that all questions in the proceeding are effectually and completely determined and adjudicated upon.
3. A direction under Rule 5.04(3) of the *Federal Court Rules 2011* that the parties in these proceedings be referred to in all hearings, transcripts, court documents, correspondence and reports as Uncle Robbie Thorpe and Judicial Registrar Alicia Ditton and the case name as Uncle Robbie Thorpe v Judicial Registrar Alicia Ditton— or, if the direction sought in paragraph 2 is made, as Uncle Robbie Thorpe v Judicial Registrar Alicia Ditton and the Honourable Mark Dreyfus, Attorney-General of the Commonwealth of Australia.
4. A direction under 5.04(3) of the *Federal Court Rules 2011* that, insofar as the Court may have power to make such an order, Uncle Robbie Thorpe may publish transcripts and video-recordings of the hearing(s) on Aboriginal websites and Indigenous websites globally on the basis that all First Peoples have a right to access legal information.
5. An order pursuant to Rule 31.04 of the *Federal Court Rules 2011* that sealed copies of
 - (i) the Originating Application 26.6.24,
 - (ii) the Statement of terms of decision 31.5.24 and
 - (iii) the Notice of a Constitutional Matter 1.7.24 (together with the Notice of a Constitutional Matter lodged 27.5.24 in proposed proceedings Uncle Robbie Thorpe v The Honourable Mark Dreyfus, FCA Lodgement ID 1323946)
 be served by email on
 - (a) The Attorney-General;
 - (b) The Attorneys-General of the States and Territories;
 - (c) The Office of the Prosecutor, International Criminal Court.
 - (d) Each signatory State of the Rome Statute of the International Criminal Court.
 - (e) The other member States of the United Nations with right of access to the International Court of Justice.

Service on the Respondent

It is intended to serve this application on the Respondent.

Date: 12 July 2024

A handwritten signature in black ink, appearing to read "R. U. D. H. O. N. G.", written in a cursive style.

Signed by Applicant at CAMP SOVEREIGNTY

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: 12 July 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. I refer to my interlocutory application dated 12 July 2024 and the four directions and one order sought.

DATE OF SERVICE

2. I ask the Court to direct that the respondent, Judicial Registrar Alicia Dutton, was served on **Monday 1 July 2024**. Now produced and shown to me and marked Annexure "URT 1" are true copies of five emails relating to the attempted service of the respondent, Judicial Registrar Alicia Dutton between Monday 1 July 2024 and Friday 5 July 2024 together with two reply emails on Friday 5 July 2024 from the NSW Registry and the Australian Government Solicitor. It took five emails including to the Australian Government Solicitor and the Victorian Registry of the Court to get any response from NSW Registry and the respondent on what should have been a simple and straight-forward and timely service of proceedings. I ask the Court to find that the originating process was delivered to the respondent on Monday 1 July 2024 in the normal course of registry business.

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



Emily Lloyd
Registrar
Neighbourhood Justice Centre

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JOINDER OF PARTIES

3. I ask the court to direct that the **Honourable Mark Dreyfus, Attorney-General of the Commonwealth of Australia**, is joined as second respondent to the proceeding, on the basis that, as the first law officer of the Commonwealth of Australia, his presence is necessary to ensure that all questions in the proceeding are effectually and completely determined and adjudicated upon. Now produced and shown to me and marked Annexure "URT 2" is a copy of a similar order made by the Honourable Justice Richards in the Supreme Court of Victoria on 22 April 2024 in my proceedings seeking judicial review of the refusal of a Senior Registrar of a lower Court to file and issue originating process where the lower Court entered a Hardiman appearance to the judicial review proceedings in the superior court. Refer to "Orders... 1" and "Other Matters... F".

4. I refer to the letter set out at pages 12-13 below as emailed on Friday 5 July 2024 from the Australian government's solicitors on behalf of the proposed second respondent, the Honourable Mark Dreyfus, in response to my reasonable query email on Wednesday 3 July 2024 in relation to the service of the respondent Judicial Registrar Alicia Ditton. I note my appreciation, thanks, of the respectful mode of address adopted in this letter (unlike the last on 29 May 2024). This letter also shows that the proposed second respondent is already considering intervention in these proceedings and I submit should appropriately be an active party as per general precedent in these matters and the recent precedent of Richards J in Aboriginal rights judicial-review cases (and in which I am also the same complainant).

RESPECTFUL TITLES

5. I ask the court to direct, for the avoidance of doubt, that the parties in these proceedings be referred to in all hearings, transcripts, court documents, correspondence and reports as Uncle Robbie Thorpe and Judicial Registrar Alicia Ditton and the case name as Uncle Robbie Thorpe v Judicial Registrar Alicia Ditton— or, if the direction sought in paragraph 2 is made, as Uncle Robbie Thorpe v Judicial Registrar Alicia Ditton and the Honourable Mark Dreyfus, Attorney-General of the Commonwealth of Australia. I acknowledge and note my appreciation that Registry teams are already fully cooperating in this regard, thanks.

6. To be clear please note that I am Uncle Robbie Thorpe, a Truth-Teller, Fire-Keeper and Elder, and am respectfully referred to, and deferred to, as Uncle Robbie Thorpe in Aboriginal communities and I expect and accept and invite the same respect from non-Aboriginal people with good hearts. See for example <https://www.commonground.org.au/article/guide-for-respectfully-communicating-with-elders#:~:text=Address%20Elders%20appropriately,unless%20invited%20to%20do%20so>

7. I expect that counsel and legal representatives will also respect my request for correct respectful address. I ask that the Court will also— not "Mr Thorpe" but "**Uncle Robbie**" or "Uncle Robbie Thorpe".



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

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ABORIGINAL PUBLICATION

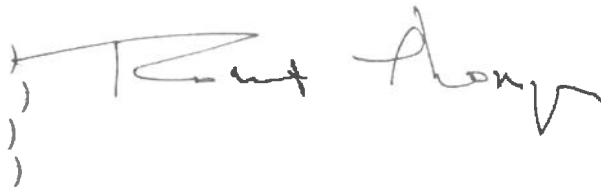
8. Insofar as the Court may have power to make such an order, I seek an order that Uncle Robbie Thorpe may publish transcripts and video-recordings of the hearing(s) on Aboriginal websites and Indigenous websites globally on the basis that all First Peoples have a right to access legal information. There are issues with Copyright in the Commonwealth of Australia— another reason for adding its first law officer as respondent — and negotiations with the transcript.

9. I refer to my ex parte interlocutory application dated 20 May 2024 on this topic in the original proceedings in this matter, Uncle Robbie Thorpe v Cr Dr Olivia Ball and others, VID 388/2024. Now produced and shown to me and marked Annexure “URT 3” is
(i) a sealed copy of the said application, together with
(ii) my brief sealed affidavit in support also 20 May 2024 and
(iii) email to parties from James Gunn, Associate to Honourable Justice Wheelahan, 22 May 2024
(iv) my email in reply abandoning the application, 24 May 2024.

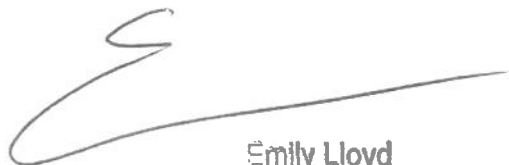
SERVICE ON OTP/ICC AND UN MEMBER STATES

10. The order sought in paragraph 5 of my interlocutory application dated 12 July 2024 ought be the subject of another affidavit once the Court has considered making the Attorney-General the second respondent. However the fact that this application is pending is a further reason for making the Attorney-General of Australia the respondent.

Affirmed by the deponent
at Collingwood
in Victoria
on 12 July 2024

) 
)
)
)

Before me:



Emily Lloyd
Registrar
Neighbourhood Justice Centre
Wellington Street, Collingwood 3066

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

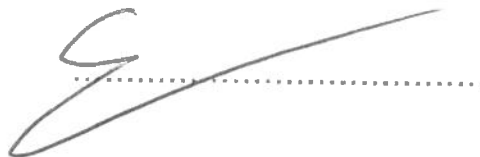
Judicial Registrar Alicia Dutton
Respondent

Annexure "URT 1"

This is the true copy of the seven emails relating to the attempted service of the respondent Judicial Registrar Alicia Dutton marked Annexure "URT 1" referred to in paragraph 2 on page 1 of the affidavit of Uncle Robbie Thorpe affirmed Friday 12 July 2024.



.....



.....

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

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

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EMAIL ONE – MONDAY 1 JULY 2024

From: **Robbie Thorpe** <bunjilfire@gmail.com>
Date: Mon, 1 Jul 2024 at 12:59
Subject: Service of Federal Court proceedings on Judicial Registrar Alicia Ditton
To: <nswreg@fedcourt.gov.au>
Cc: Robbie Thorpe <bunjilfire@gmail.com>

Monday 1 July 2024 at 1pm

Judicial Registrar Alicia Ditton
Federal Court of Australia
Level 17
Law Courts Building
Queens Square
Sydney NSW 2000

Uncle Robbie Thorp v Judicial Registrar Alicia Ditton FCA VID589/2024

Please find attached by way of service sealed copies of Originating Application and Statement of Terms of Decision.

A notice of a Constitutional matter has been lodged today with the Court and a sealed copy will be forwarded in due course.

Will you accept service by email today?

Thanks,

Uncle Robbie Thorpe
CAMP SOVEREIGNTY
Kings Domain
Melbourne VIC 3004

Originating Application, Uncle RobbieThorp... (477K) x

Statement of terms of decision 31.5.24, Uncl... (552K) x

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EMAIL TWO – WEDNESDAY 3 JULY 2024

From: **Robbie Thorpe** <bunjilfire@gmail.com>
Date: Wed, 3 Jul 2024 at 09:16
Subject: Fwd: Notice of a Constitutional matter
To: <nswreg@fedcourt.gov.au>, <ags@ags.gov.au>

Wednesday 3 July 2024 at 9.15am

Registrar, Please forward to

Judicial Registrar Alicia Ditton
Federal Court of Australia
Level 17
Law Courts Building
Queens Square
Sydney NSW 2000

Uncle Robbie Thorp v Judicial Registrar Alicia Ditton FCA VID589/2024

Please find attached sealed notice of a Constitutional matter.

Can you confirm you have accepted service of Originating Application on Monday 1 July 2024 as requested.

Thanks,

Uncle Robbie Thorpe
CAMP SOVEREIGNTY
Kings Domain
Melbourne VIC 3004

Copy to Australian Government Solicitor (will AGS accept service of proceedings?)

Notice of a Constitutional matter, 2.7.24, Un... (441K)

x

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EMAIL THREE— THURSDAY 4 JULY 2024

From: **Robbie Thorpe** <bunjilfire@gmail.com>
Date: Thu, 4 Jul 2024 at 11:08
Subject: Fwd: Notice of a Constitutional matter
To: <ags@ags.gov.au>, <constitutional.litigation@ags.gov.au>

Thursday 4 July 2024 at 11.08am

To: Australian Government Solicitor

1. Do you accept service of these attached proceedings on behalf of the respondent, FCA Judicial Registrar Alicia Ditton?

Note email below to respondent yesterday morning copied to ags with question in parentheses as to whether ags will accept service,

If ags does not accept service, do you have an office email address for Judicial Registrars in NSW FCA ?

2. Please find attached sealed affidavit of service of a Constitutional matter in these proceedings.

Thanks

Uncle Robbie Thorpe
CAMP SOVEREIGNTY

Copy to Judicial Registrar Ditton via FCA NSW Registry.

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

From: **Robbie Thorpe** <bunjilfire@gmail.com>
Date: Wed, 3 Jul 2024 at 09:16
Subject: Fwd: Notice of a Constitutional matter
To: <nswreg@fedcourt.gov.au>, <ags@ags.gov.au>

Wednesday 3 July 2024 at 9.15am

Registrar, Please forward to

Judicial Registrar Alicia Ditton
Federal Court of Australia
Level 17
Law Courts Building
Queens Square
Sydney NSW 2000

Uncle Robbie Thorp v Judicial Registrar Alicia Ditton FCA VID589/2024

Please find attached sealed notice of a Constitutional matter.

Can you confirm you have accepted service of Originating Application on Monday 1 July 2024 as requested.

Thanks,

Uncle Robbie Thorpe
CAMP SOVEREIGNTY
Kings Domain
Melbourne VIC 3004

Copy to Australian Government Solicitor (will AGS accept service of proceedings?)

37

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

From: Robbie Thorpe <burnjilsfire@gmail.com>

Date: Wed, 3 Jul 2024 at 09:10

Subject: Notice of a Constitutional matter

To: <attorney@ag.gov.au>, <constitutional.litigation@ags.gov.au>, <enquiries@vgsop.vic.gov.au>, <solicitor.general@justice.tas.gov.au>, <csco-reception@sa.gov.au>, <legalservices.sfnt@nt.gov.au>, <crownsol@csso.nsw.gov.au>, <crownlaw@qld.gov.au>, <ssso@sso.wa.gov.au>, <actgso@act.gov.au>

Wednesday 3 July 2024 at 9.10am

To: Attorneys-General of States, Territories and Australia.

Uncle Robbie Thorpe v Judicial Registrar Alicia Ditton

Federal Court of Australia VID589/2024

Please find attached sealed copy of Notice of Constitutional Matter 2.7.24 together with

1. Sealed Originating Application in the above proceedings;
2. Sealed Statement of Terms of Decision 31.5.24 refusing FCA lodgment ID 1323946;

Thanks,

Uncle Robbie Thorpe
at the campfire
CAMP SOVEREIGNTY
"Kings Domain" near "Government House" and
the Shrine of Remembrance



<https://www.naidoc.org.au/posters/poster-gallery/2024-national-naidoc-week-poster>

- | | |
|--|---|
| Notice of a Constitutional matter, 2.7.24, Un... (441K) | x |
| 1. Originating Application, Uncle RobbieThor... (477K) | x |
| 2. Statement of terms of decision 31.5.24, Un... (552K) | x |
| Sealed affidavit of Uncle Robbie Thorpe 3.7.... (1,006K) | x |

EMAIL FOUR— FRIDAY 5 JULY 2024

From: **Robbie Thorpe** <bunjilfire@gmail.com>
Date: Fri, 5 Jul 2024 at 11:18
Subject: Service of Federal Court proceedings on Judicial Registrar Alicia Ditton-- 1 of 2
To: <vicreg@fedcourt.gov.au>
Cc: <nswreg@fedcourt.gov.au>, Robbie Thorpe <bunjilfire@gmail.com>

Hi,

I am trying to serve FCA Judicial Registrar Alicia Ditton with these proceedings.

I have received no response from NSW Registry to my two emails (see copy 2 of 2 following).

1. Can you accept these documents and forward to Ditton JR please.
2. Can you provide an office email address for Judicial Registrars of this Court please.

Thanks,

Uncle Robbie Thorpe.

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

From: **Robbie Thorpe** <bunjilfire@gmail.com>
Date: Mon, 1 Jul 2024 at 12:59
Subject: Service of Federal Court proceedings on Judicial Registrar Alicia Ditton
To: <nswreg@fedcourt.gov.au>
Cc: Robbie Thorpe <bunjilfire@gmail.com>

Monday 1 July 2024 at 1pm

Judicial Registrar Alicia Ditton
Federal Court of Australia
Level 17
Law Courts Building
Queens Square
Sydney NSW 2000

Uncle Robbie Thorp v Judicial Registrar Alicia Ditton FCA VID589/2024

Please find attached by way of service sealed copies of Originating Application and Statement of Terms of Decision.

A notice of a Constitutional matter has been lodged today with the Court and a sealed copy will be forwarded in due course.

Will you accept service by email today?

Thanks,

Uncle Robbie Thorpe
CAMP SOVEREIGNTY
Kings Domain
Melbourne VIC 3004

Originating Application, Uncle RobbieThorp... (477K) x

Statement of terms of decision 31.5.24, Uncl... (552K) x

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EMAIL FIVE— FRIDAY 5 JULY 2024

From: **Robbie Thorpe** <bunjilfire@gmail.com>
Date: Fri, 5 Jul 2024 at 11:20
Subject: Service of documents on Judicial Registrar Ditton— 2 of 2
To: <vicreg@fedcourt.gov.au>
Cc: <nswreg@fedcourt.gov.au>, Robbie Thorpe <bunjilfire@gmail.com>

re email 1 of 2 sent a few minutes ago at 11.18am

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

From: **Robbie Thorpe** <bunjilfire@gmail.com>
Date: Wed, 3 Jul 2024 at 09:16
Subject: Fwd: Notice of a Constitutional matter
To: <nswreg@fedcourt.gov.au>, <ags@ags.gov.au>

Wednesday 3 July 2024 at 9.15am

Registrar, Please forward to

Judicial Registrar Alicia Ditton
Federal Court of Australia
Level 17
Law Courts Building
Queens Square
Sydney NSW 2000

Uncle Robbie Thorp v Judicial Registrar Alicia Ditton FCA VID589/2024

Please find attached sealed notice of a Constitutional matter.

Can you confirm you have accepted service of Originating Application on Monday 1 July 2024 as requested.

Thanks,

Uncle Robbie Thorpe
CAMP SOVEREIGNTY
Kings Domain
Melbourne VIC 3004

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

From: **Robbie Thorpe** <bunjilfire@gmail.com>
Date: Wed, 3 Jul 2024 at 09:16
Subject: Notice of a Constitutional matter
To: <nswreg@fedcourt.gov.au>, <ags@ags.gov.au>, <vicreg@fedcourt.gov.au>, <ags@ags.gov.au>, <nswreg@fedcourt.gov.au>, <vicreg@fedcourt.gov.au>, <ags@ags.gov.au>

eedings?)

Wednesday 3 July 2024 at 9.15am

To: Attorney-General of States, Territories and Australia

Uncle Robbie Thorpe v Judicial Registrar Alicia Ditton

Federal Court of Australia VID589/2024

Please find attached sealed copy of Notice of Constitutional Matter 2.7.24 together with

1. Sealed Originating Application in the above proceedings;

2. Sealed Statement of Terms of Decision 31.6.24 reflecting FCA judgment IC 1322946

Thanks.

Uncle Robbie Thorpe
at the campsite
CAMP SOVEREIGNTY
"Kings Domain" near "Government House" and
the Shrine of Remembrance



State Bar of New South Wales

- Notice of a Constitutional matter, 2.7.24, Un... (449K) x
- Originating Application, Uncle RobbieThor... (477K) x
- Statement of terms of decision 31.6.24 Un... (552K) x

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REPLY FROM NSW REGISTRY — FRIDAY 5 JULY 2024

From: **NSW Reg** <nswreg@fedcourt.gov.au>
Date: Fri, 5 Jul 2024 at 11:24
Subject: RE: Service of documents on Judicial Registrar Ditton-- 2 of 2 [SEC=OFFICIAL]
To: Robbie Thorpe <bunjilfire@gmail.com>, Vic Federal Court Registry E-mail <E-mail.Victoria@fedcourt.gov.au>

OFFICIAL

Good morning,

The documents filed in this matter have been brought to the attention of Judicial Registrar Ditton and can be considered served.

Kind regards,

Leon
NSW Registry | Federal Court of Australia
Level 17 Law Courts Building | 184 Phillip Street, Queens Square Sydney NSW 2000
p. 1300 720 980 | f. (02) 8029 0631 | e. nswreg@fedcourt.gov.au
www.fedcourt.gov.au

From: Robbie Thorpe <bunjilfire@gmail.com>
Sent: Friday, July 5, 2024 11:20 AM
To: Vic Federal Court Registry E-mail <E-mail.Victoria@fedcourt.gov.au>
Cc: NSW Reg <nswreg@fedcourt.gov.au>; Robbie Thorpe <bunjilfire@gmail.com>
Subject: Service of documents on Judicial Registrar Ditton-- 2 of 2

Caution: This is an external email. DO NOT click links or open attachments unless you recognise the sender and know the content is safe.

re email 1 of 2 sent a few minutes ago at 11.18am

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

From: **Robbie Thorpe** <bunjilfire@gmail.com>
Date: Wed, 3 Jul 2024 at 09:16
Subject: Fwd: Notice of a Constitutional matter
To: <nswreg@fedcourt.gov.au>, <ags@ags.gov.au>

Wednesday 3 July 2024 at 9.15am

Registrar, Please forward to

Judicial Registrar Alicia Ditton
Federal Court of Australia
Level 17
Law Courts Building

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REPLY FROM AUSTRALIAN GOVERNMENT SOLICITOR— FRIDAY 5 JULY 2024

From: **Constitutional** <Constitutional.Litigation@ags.gov.au>
Date: Fri, 5 Jul 2024 at 15:36
Subject: 20240705 - Ack letter - Uncle Robbie Thorpe v Judicial Registrar Ditton - 24006023 [AGSDMS-DMS.FID5215869]
To: bunjilfire@gmail.com <bunjilfire@gmail.com>

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

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

important: This message may contain confidential or legally privileged information. If you think it was sent to you by mistake, please delete all copies and advise the sender. For the purposes of the *Spam Act 2003*, this email is authorised by AGS.

If you have received this transmission in error please notify us immediately by return e-mail and delete all copies. If this e-mail or any attachments have been sent to you in error, that error does not constitute waiver of any confidentiality, privilege or copyright in respect of information in the e-mail or attachments.

20240705 - Ack letter - Uncle Robbie Thorp... (207K)

x

42



Our ref. 24006023

5 July 2024

Uncle Robbie Thorpe
Camp Sovereignty
Kings Domain
Melbourne VIC 3004

By email: bunjilfire@gmail.com

Australian Government Solicitor
Level 34, 600 Bourke Street Melbourne VIC 3000
GPO Box 2853 Melbourne VIC 3001
T 03 9242 1222
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

We act for the Commonwealth Attorney-General and acknowledge receipt of your correspondence dated 3 July 2024 giving him notice pursuant to s 78B of the *Judiciary Act 1903* of a constitutional issue in the above proceeding.

We will write to you again when a decision has been made on the question of intervention.

AGS does not currently hold instructions to accept service on behalf of the respondent to this proceeding, Judicial Registrar Alicia Ditton of the Federal Court of Australia.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Alicia Ditton'.

Australian Government Solicitor

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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

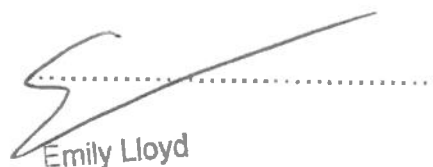
Judicial Registrar Alicia Dutton
Respondent

Annexure "URT 2"

This is the true copy of the signed order of the Honourable Justice Richards on 22 April 2024 and marked Annexure "URT 2" referred to in paragraph 3 on page 2 of the affidavit of Uncle Robbie Thorpe affirmed Friday 12 July 2024.



.....



.....

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

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 300

(45)

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

S ECI 2024 01011

BETWEEN:

ROBERT THORPE

Plaintiff

- and -

MAGISTRATE'S COURT OF VICTORIA

Defendant

ORDER



JUDGE: The Honourable Justice Richards

DATE MADE: 22 April 2024

ORIGINATING PROCESS: Originating motion filed 7 March 2024

HOW OBTAINED: At the hearing of the plaintiff's summonses filed 12 March 2024, 25 March 2024, and 26 March 2024

ATTENDANCE: The plaintiff appeared in person with Mr L Lindon
No appearance for the defendant

OTHER MATTERS:

- A. On 20 October 2023, the plaintiff sought to file in the Magistrates' Court of Victoria a summons and charge sheet against Charles Phillip Arthur George Windsor for the offence of genocide, contrary to First Peoples Sovereign Laws, the common law of the State of Victoria, and s 268 of the *Criminal Code Act 1995* (Cth) (proposed proceeding).
- B. On 29 December 2023, the Magistrates' Court refused to issue the proposed proceeding. The reason given was that 'The proper source of law has not been particularised and the proposed accused may be misled or otherwise prejudiced by this omission' and in the circumstances the issue of the proposed proceeding would be an abuse of process.
- C. On 24 January 2024, the plaintiff sought to appeal that decision to this Court under s 272 of the *Criminal Procedure Act 2009* (Vic). The plaintiff's proposed notice of appeal was rejected as irregular. On or about 26 February 2024, the plaintiff sought to commence this proceeding. His initial filing was rejected because it named a number of defendants who the Prothonotary considered to be unnecessary. The plaintiff refiled his originating motion on 7 March 2024, naming only the Magistrates' Court as a defendant, and it was accepted for filing.

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- D. The Court was satisfied that there is an adequate explanation for the delay in commencing the proceeding and there are special circumstances that justify extending the time for commencement of the proceeding to 7 March 2024.
- E. On 19 March 2024, the Magistrates' Court filed a submitting appearance in this proceeding, in accordance with the principles enunciated in *R v Australian Broadcasting Tribunal, ex parte Hardiman* (1980) 144 CLR 13.
- F. The Court was satisfied that the Attorney-General of Victoria should be joined as a defendant to the proceeding, on the basis that, as the first law officer of the State of Victoria, her presence is necessary to ensure that all questions in the proceeding are effectually and completely determined and adjudicated upon.
- G. For the purposes of this proceeding, the Court will assume that:
- i. the sovereignty of the First Peoples in Victoria was never ceded; and
 - ii. all Judges of this Court, past and present, have pledged allegiance to the Crown.
- H. Accordingly, the Court will not grant leave to issue any subpoena or require responses to any notice to produce or notice to admit directed to establishing those matters.
- I. The Court was satisfied that the technical requirements in s 42G of the *Evidence (Miscellaneous Provisions) Act 1958* (Vic) were met and that it was appropriate to conduct the hearing on 22 April 2024 by audio-visual link.



THE COURT ORDERS THAT:

1. Pursuant to r 9.06(b)(i) of the *Supreme Court (General Civil Procedure) Rules 2015*, the Attorney-General of Victoria is joined as second defendant to the proceeding.
2. The plaintiff's summonses filed 12 March 2024, 25 March 2024, and 26 March 2024 are otherwise dismissed.
3. Pursuant to r 56.02(3) of the Rules, the time for commencement of the proceeding is extended to 7 March 2024.
4. The trial of the proceeding is listed for one day on 19 July 2024 before the Honourable Justice Richards.
5. By 4:00pm on 22 May 2024, the plaintiff is to file and serve written submissions addressing:
 - (a) the legal basis for the proposed proceeding in the Magistrates' Court;
 - (b) whether the decision of the Magistrates' Court that the proposed proceeding would be an abuse of process was affected by jurisdictional error; and
 - (c) the relief sought in this proceeding.

6. By 4:00pm on 21 June 2024, the second defendant is to file and serve written submissions in response.
7. By 4:00pm on 5 July 2024, the plaintiff is to file and serve any written submissions in reply.
8. There is no order as to costs.

DATE AUTHENTICATED: 22 April 2024



MR. JUSTICE RICHARDS

THE HONOURABLE JUSTICE RICHARDS

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Form 59
Rule 29.02(1)

Annexure to Affidavit

No VID589 of 2024

Federal Court of Australia

District Registry: Victoria


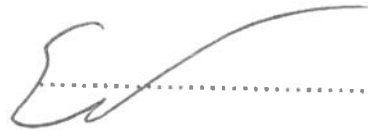
Division: Human Rights / Other Federal Jurisdiction

Uncle Robbie Thorpe
Applicant

Judicial Registrar Alicia Dutton
Respondent

Annexure "URT 3"

This is the interlocutory application, affidavit and two emails marked Annexure "URT 3" referred to in paragraph 9 on page 3 of the affidavit of Uncle Robbie Thorpe affirmed Friday 12 July 2024.


.....
.....

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

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

(49)

NOTICE OF FILING AND HEARING

Filing and Hearing Details

Document Lodged:	Interlocutory Application - Form 35 - Rule 17.01(1)(a)
Court of Filing:	FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment:	20/05/2024 11:54:22 AM AEST
Date Accepted for Filing:	21/05/2024 9:00:53 AM AEST
File Number:	VID388/2024
File Title:	ROBBIE THORPE v OLIVIA BALL & ORS
Registry:	VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	To Be Advised
Time and date for hearing:	To Be Advised
Place:	To Be Advised



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.

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Form 35
Rule 17.01(1)



Interlocutory Application

No VID388 of 2024

Federal Court of Australia

District Registry: Victoria

Division: Human Rights / Other Federal Jurisdiction

Uncle Robbie Thorpe
Prospective Applicant

Cr Dr Olivia Ball and others
Prospective Respondents

The prospective applicant applies for the interlocutory orders set out in this application. The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

Time and date for hearing:

Place:

The Court ordered that the time for serving this application be abridged to
Date:

.....
Interlocutory orders sought

1. The transcript of the hearings of these proceedings on Monday 13 and Friday 17 May 2024 may be placed on the website of Uncle Robbie Thorpe crimesceneaustralia.com at the url containing all documents filed in these proceedings and on the website of campsovereignty.com

It is not proposed to serve this application on any of the prospective respondents.

Date: 20 May 2024


.....
Uncle Robbie Thorpe, prospective applicant

Filed on behalf of Uncle Robbie Thorpe, prospective applicant.

Prepared by Uncle Robbie Thorpe.

Mobile 0422 200 696

Email bunjilfire@gmail.com

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

A handwritten mark, possibly initials or a signature, enclosed in a circle.

NOTICE OF FILING

Details of Filing

Document Lodged: Affidavit - Form 59 - Rule 29.02(1)
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment: 20/05/2024 11:58:15 AM AEST
Date Accepted for Filing: 21/05/2024 9:01:11 AM AEST
File Number: VID388/2024
File Title: ROBBIE THORPE v OLIVIA BALL & ORS
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.

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Form 59
Rule 29.02(1)



Affidavit

No VID388 of 2024

Federal Court of Australia

District Registry: Victoria

Division: Human Rights / Other Federal Jurisdiction

Uncle Robbie Thorpe
Prospective Applicant

Cr Dr Olivia Ball and others
Prospective Respondents

Affidavit of: Uncle Robbie Thorpe

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


Occupation: Truth-Teller, Fire-Keeper and Elder

Date: Monday 20 May 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. The copyright notice on the transcript of 13 May 2024 is detailed.
2. I submit that this copyright notice does not apply to Us for reasons set out in the Notice of a Constitutional Matter filed 16 May 2024 (and see affidavit of service of said Notice lodged on 20 May 2024).
3. If the Court rules against this proposition, I seek leave to place the transcript of the hearings of these proceedings on Monday 13 and Friday 17 May 2024 on the website of Uncle Robbie Thorpe crimesceneaustralia.com at the url containing all documents filed in these proceedings and on the website of campsovereignty.com

Affirmed by the deponent
at Collingwood
in Victoria
on 20 May 2024


Charlie McArdle
Registrar
Neighbourhood Justice Centre
241 Wellington Street, Collingwood

Before me:

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

53

From: Associate WheelahanJ <Associate.WheelahanJ@fedcourt.gov.au>
Date: Wed, 22 May 2024 at 17:24
Subject: VID388/2024 — Uncle Robbie Thorpe v Olivia Ball & Ors [SEC=OFFICIAL]
To: Robbie Thorpe <bunjillsfire@gmail.com>, nconnell@millsOakley.com.au
<nconnell@millsOakley.com.au>, Amelia.Kearney@vgso.vic.gov.au <Amelia.Kearney@vgso.vic.gov.au>, sarah.mckellar-white@vgso.vic.gov.au <sarah.mckellar-white@vgso.vic.gov.au>
Cc: EA - Wheelahan J <EA.WheelahanJ@fedcourt.gov.au>

OFFICIAL

Dear parties

I refer to the interlocutory application filed by Uncle Robbie Thorpe on 20 May 2024 in connection with his urgent application for relief before the start of a proceeding.

Transcripts of proceedings in the Federal Court are produced by an external provider, VIQ Solutions. It is VIQ Solutions, not the Court, that owns the copyright in hearing transcripts.

The Court has a commercial arrangement with VIQ Solutions that prohibits the Court from releasing transcripts to parties or members of the public outside very narrow circumstances. Those circumstances include that a litigant seeking the transcript is impecunious, such that procedural fairness demands that the litigant be provided with a copy of the transcript free of charge. It was pursuant to this arrangement that the Court directed the Registry of the Court to provide Mr Thorpe with a copy of the transcripts of two hearings before the Hon Justice Wheelahan. There is no provision in the agreement between the Court and VIQ Solutions that permits the Court to permit the publication of a transcript on a website for all purposes. Nor does the Court have the power to make orders dispensing with copyright legislation or granting access to the transcript outside the terms of its commercial arrangement with VIQ Solutions.

In light of the above, the Court proposes to consider Mr Thorpe's 20 May 2024 interlocutory application on the papers. If there is anything that Mr Thorpe wishes to put in writing before the Court, his Honour will consider it. Mr Thorpe, please email any submission not exceeding two pages to his Honour's Associate and Executive Assistant **by 4.00 pm on 29 May 2024**.

Kind regards

James Gunn | Associate
Chambers of the Honourable Justice Wheelahan
Federal Court of Australia
305 William Street Melbourne VIC 3000
T 03 8638 6428 | F 03 8600 3215
E associate.wheelahanj@fedcourt.gov.au | W www.fedcourt.gov.au

Please ensure that all official correspondence to chambers is also sent to ea.wheelahanj@fedcourt.gov.au

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From: Robbie Thorpe <bunjilfire@gmail.com>
Date: Fri, 24 May 2024 at 13:23
Subject: Abandoning interlocutory application re transcript– VID388/2024 — Uncle Robbie Thorpe v Olivia Bail & Ors [SEC=OFFICIAL]
To: Associate WheelahanJ <Associate.WheelahanJ@fedcourt.gov.au>, <vicreg@fedcourt.gov.au>
Cc: nconnell@millsoakley.com.au <nconnell@millsoakley.com.au>, Amelia.Keamey@vgso.vic.gov.au <Amelia.Keamey@vgso.vic.gov.au>, sarah.mckellar-white@vgso.vic.gov.au <sarah.mckellar-white@vgso.vic.gov.au>, EA - Wheelahan J <EA.WheelahanJ@fedcourt.gov.au>, Robbie Thorpe <bunjilfire@gmail.com>

Friday 24 May 2024 at 1.25pm

To: Registry

And to: Associate to Wheelahan J
And to "parties" contacted by Associate to Wheelahan J

Having further researched and considered the matter in light of the information provided by Chambers, I will abandon this interlocutory application and withdraw it forthwith.

The new and complex issues of Indigenous Data Sovereignty https://yoorrookjusticecommission.org.au/wp-content/uploads/2022/04/041922_YoorrookDataSovereigntyGuidance.pdf

require further research and certainly require a new and separate case with evidence and submissions by relevant stakeholders– this is not something that can be decided "on the papers" in this ex parte application but requires a statement of claim and formal evidence both affidavit and oral.

Further, it is difficult to see on the material provided by James Gunn (reproduced below) what residual power the Court may have to make any orders here.

In the circumstances, as is my preferred course generally, some negotiation directly with VIQ Solutions and with the Commonwealth of Australia is the obvious starting point. It may be that correspondence generated in this negotiation process could form the basis for the inter partes process indicated above.

So I will write to VIQ direct and see what their position(s) may be.

Please note my abandonment of this Summons.

Thankyou to the Court for providing the information below.

Uncle Robbie Thorpe
CAMP SOVEREIGNTY

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On Wed, 22 May 2024 at 17:24, Associate WheelahanJ <Associate.WheelahanJ@fedcourt.gov.au> wrote:

OFFICIAL

Dear parties

I refer to the interlocutory application filed by Uncle Robbie Thorpe on 20 May 2024 in connection with his urgent application for relief before the start of a proceeding.

Transcripts of proceedings in the Federal Court are produced by an external provider, VIQ Solutions. It is VIQ Solutions, not the Court, that owns the copyright in hearing transcripts.

The Court has a commercial arrangement with VIQ Solutions that prohibits the Court from releasing transcripts to parties or members of the public outside very narrow circumstances. Those circumstances include that a litigant seeking the transcript is impecunious, such that procedural fairness demands that the litigant be provided with a copy of the transcript free of charge. It was pursuant to this arrangement that the Court directed the Registry of the Court to provide Mr Thorpe with a copy of the transcripts of two hearings before the Hon Justice Wheelahan. There is no provision in the agreement between the Court and VIQ Solutions that permits the Court to permit the publication of a transcript on a website for all purposes. Nor does the Court have the power to make orders dispensing with copyright legislation or granting access to the transcript outside the terms of its commercial arrangement with VIQ Solutions.

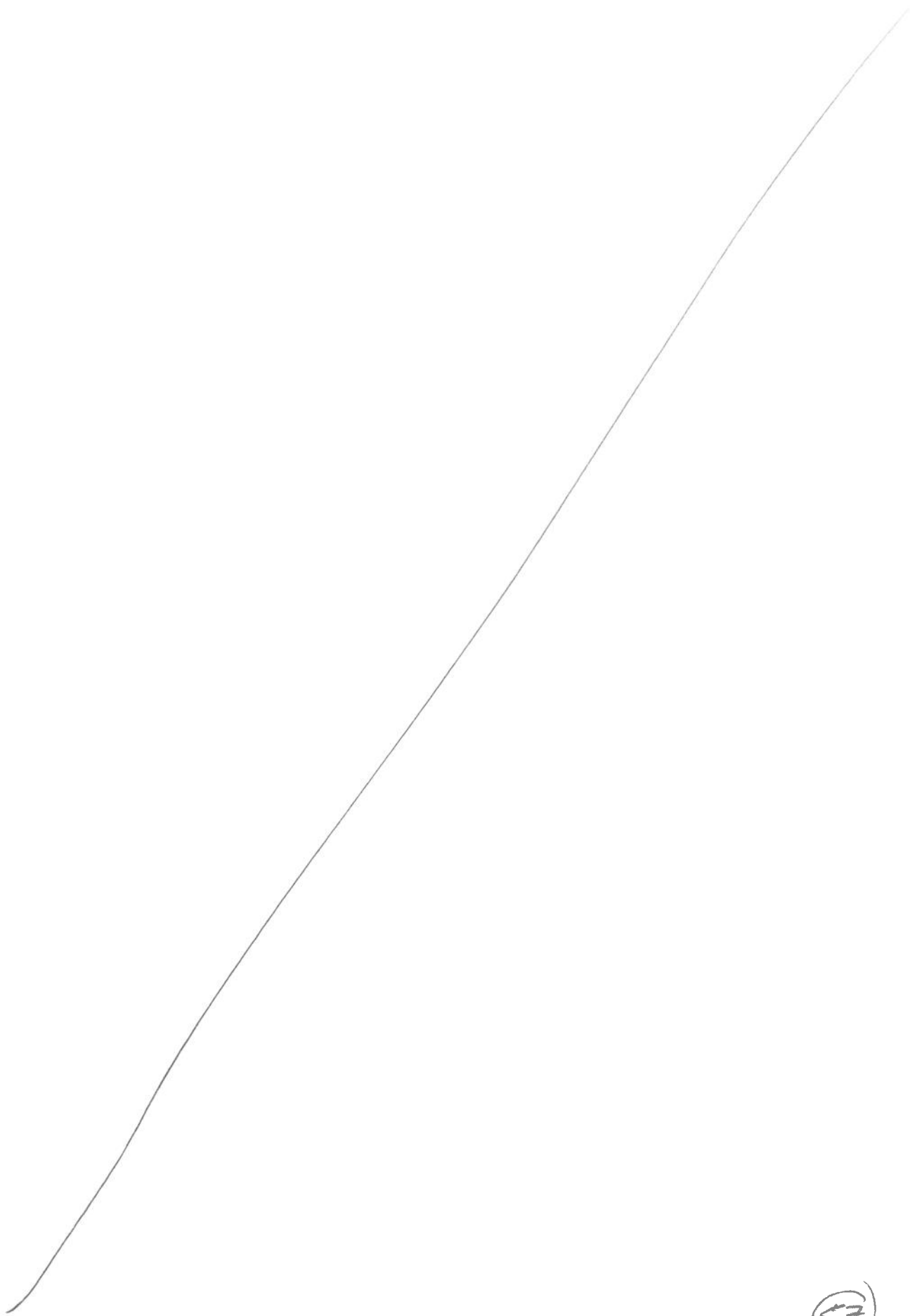
In light of the above, the Court proposes to consider Mr Thorpe's 20 May 2024 interlocutory application on the papers. If there is anything that Mr Thorpe wishes to put in writing before the Court, his Honour will consider it. Mr Thorpe, please email any submission not exceeding two pages to his Honour's Associate and Executive Assistant **by 4.00 pm on 29 May 2024**.

Kind regards

James Gunn | Associate
Chambers of the Honourable Justice Wheelahan
Federal Court of Australia
305 William Street Melbourne VIC 3000
T 03 8638 6425 | F 03 8600 3216
E associate.wheelahanj@fedcourt.gov.au | W www.fedcourt.gov.au

Please ensure that all official correspondence to chambers is also sent to sa.wheelahanj@fedcourt.gov.au

56



From: VIC Filing <VIC.Filing@fedcourt.gov.au>
Date: Mon, 15 Jul 2024 at 16:51
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,

Your Interlocutory Application with supporting Affidavit has been internally lodged with the lodgement ID **1343607** and has been referred to Justice McEvoy's Chambers who is presiding your matter.

Registry will provide sealed and stamped copies once confirmed by Chambers.

Please note your previous Interlocutory Application lodged with lodgement ID **1343069** is still currently with Chambers.

If you have any questions, please email or call the Registry on 1300 720 980.

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 | www.fedcourt.gov.au

From: Robbie Thorpe <bunjilfire@gmail.com>
Sent: Monday, July 15, 2024 11:18 AM
To: Vic Federal Court Registry E-mail <E-mail.Victoria@fedcourt.gov.au>
Cc: Robbie Thorpe <bunjilfire@gmail.com>
Subject: Interlocutory Application 15.7.24 and supporting Affidavit for filing,

Caution: This is an external email. DO NOT click links or open attachments unless you recognise the sender and know the content is safe.

Monday 15 July 2024 at 11.17am

Hi,

I am submitting by email for filing the attached Interlocutory Application, dated 15.7.24, together with my attached affidavit in support, affirmed 15.7.24.

Please enter into vicfiling and provide lodgement ID and forward to the Honourable Justice McEvoy (as with the previous interlocutory application 12.7.24 and supporting affidavit 12.7.23 with lodgement ID **1343069**-- per your email 1.35pm 12.7.24 Jim Ting).

Thanks,

Uncle Robbie Thorpe
CAMP SOVEREIGNTY



Virus-free www.avg.com

Interlocutory Application, 15.7.24, FCA VID5... (106K)	x
Affidavit, Uncle Robbie Thorpe, 15.7.24, FCA ... (2,237K)	x

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Interlocutory Application

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

To the Respondent

The Applicant applies for the interlocutory orders set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

Time and date for hearing:

Place:

The Court ordered that the time for serving this application be abridged to

Date:

.....
Signed by an officer acting with the authority
of the District Registrar

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

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Interlocutory orders sought

Pursuant to Rule 5.04(3) of the *Federal Court Rules 2011*

1. The Honourable Justice McEvoy be disqualified on the grounds of actual and perceived bias from further conduct of these proceedings and this court file.
2. Chief Justice Mortimer have conduct of these proceedings and this court file.
3. A bench of five Aboriginal judicial officers be assembled to hear the originating application and interlocutory applications.
4. If there are not sufficient Aboriginal judicial officers in the Federal Court of Australia to assemble a bench of five Aboriginal judicial officers, then Chief Justice Mortimer to write to and meet with the Attorney-General of the Commonwealth of Australia to request the special appointment of sufficient Aboriginal judicial officers including the appointment of
 - (i) Professor Irene Watson, Research Professor of Law, University of South Australia, and
 - (ii) law graduate Dr Jaqui Katona, Moondani Balluk Indigenous Unit, Victoria University and
 - (iii) lawyer Paul Coe, first Aboriginal person to study law at the University of NSW and helped establish the Aboriginal Legal Service in Redfern and first to litigate Aboriginal sovereignty and genocide back in the last century— *Coe v Commonwealth of Australia* [1979] HCA 68 <http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/HCA/1979/68.html>

Service on the Respondent

It is intended to serve this application on the Respondent.

Date: 15 July 2024



Signed by Applicant at CAMP SOVEREIGNTY

60

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: 15 July 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. I refer to my interlocutory application dated 15 July 2024 and the four directions and one order sought.

DISQUALIFICATION OF THE HONOURABLE JUSTICE MCEVOY

2. His Honour is not Aboriginal.

3. There is no document evidencing His Honour's acceptance that Aboriginal Sovereignty has never been ceded.

4. There is no document evidencing His Honour's acceptance that Aboriginal Law is the only true law of this land in the absence of any process seeking the consent of Aboriginal Peoples to any role of the invisible entities Commonwealth of Australia on this continent.

5. His Honour has publicly sworn allegiance to Charles Windsor monarchy family.

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



Emily Lloyd

Registrar

Neighbourhood Justice Centre

241 Wellington Street, Collingwood 3068

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6. His Honour has never publicly repudiated the pretenders Charles Windsor, his late mother Elizabeth Windsor or his son William Windsor aka William Wales as part of a thieving foreign genocidal crime family who have invaded Us and purported to usurp Our Law and occupy Our Lands and extract use and sell Our Resources.

7. Consequently His Honour is reasonably likely to be perceived by Aboriginal Peoples and International Peoples as biased against Aboriginal Peoples and should be disqualified from any further conduct of this matter because the Court guards against any perception of bias especially in relation to Aboriginal genocide.

8. Moreover, there is evidence of actual bias and bad faith too were His Honour to continue with any conduct of this proceeding:

- (i) He is a committed monarchist/royalist "fanboy" and has travelled to Windsor celebrations in England as well as hosting social events for Windsor weddings and funerals.
- (ii) He is extremely right-wing with right-wing views about Aboriginal Sovereignty (denied) Aboriginal Genocide (denied).
- (iii) He has donated many thousands of dollars worth of free legal work to extremely right-wing warrior and avowed monarchist/royalist Tony Abbott, right-wing politician and Prime Minister.
- (iv) He was appointed by extremely right-wing politicians Christian Porter and Michaelia Cash. Porter appointed him to the Family Court when he had no experience in that jurisdiction.
- (v) He has been deeply involved for many years with the extremely right-wing University of Virginia Law School in extremely right-wing Charlottesville¹.
- (vi) He is a long-time friend of the Honourable Stephen O'Meara— who as recently as last month described Auntie Alma Thorpe's and Uncle Robbie Thorpe's writ and statement of claim lodged in the Supreme Court of Victoria concerning Aboriginal Sovereignty and Aboriginal Genocide and seeking to get the non-Aboriginal governments to engage with the International Court of Justice and the International Criminal Court as "political", "polemical", "verbiage" and "tendentious"².
- (vii) One of his closest friends is the Honourable Justice Wheelahan— who presided over the application of Uncle Robbie Thorpe in the Federal Court in May 2024 to stop non-

¹ On Charlottesville, see for example

(a) "The **Unite the Right** rally was a white supremacist^[4]^[5]^[6]^[7] rally that took place in Charlottesville, Virginia, from August 11 to 12, 2017.^[8]^[9]^[10] Marchers included members of the alt-right,^[11] neo-Confederates,^[12] neo-fascists,^[13] white nationalists,^[14] neo-Nazis,^[15] Klansmen,^[16] and far-right militias.^[17]..." https://en.wikipedia.org/wiki/Unite_the_Right_rally

and

(b) "[Analysis](https://www.theguardian.com/world/2017/aug/13/charlottesville-white-supremacists-far-right-donald-trump-confederate-statue) How Charlottesville became the symbolic prize of the far right" by Helmore and Beckett <https://www.theguardian.com/world/2017/aug/13/charlottesville-white-supremacists-far-right-donald-trump-confederate-statue>

² See Judge O'Meara judgement 25 June 2024 online at official website of record at <https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VSC/2024/360.html>

Rolua Thorpe


Emily Lloyd
Registrar

Neighbourhood Justice Centre
241 Wellington Street, Collingwood 3066

(62)

Aboriginal raids on Camp Sovereignty and the extinguishing of Our Sacred Fire near the skeletal remains on 38 Aboriginal Peoples. Uncle Robbie challenged His Honour on His Honour's knowledge of Aboriginal Law and how exactly His Honour and the non-Aboriginal court had jurisdiction over Aboriginal Peoples and Aboriginal Lands³.

9. Now produced and shown to me and marked Annexure "URT 1" is a bundle of relevant documents to be referred to at the hearing of this application for disqualification.

10. If the Court makes Order 1 (disqualification of the Honourable Justice McEvoy) I seek the following orders as set out in the interlocutory application 15.7.24 numbered 2-4:

2. Chief Justice Mortimer have conduct of these proceedings and this court file.

3. A bench of five Aboriginal judicial officers be assembled to hear the originating application and interlocutory applications.

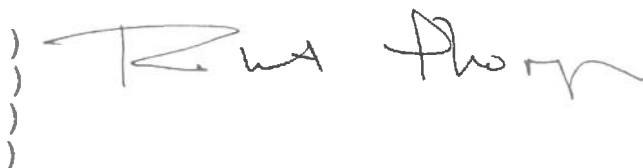
4. If there are not sufficient Aboriginal judicial officers in the Federal Court of Australia to assemble a bench of five Aboriginal judicial officers, then Chief Justice Mortimer to write to and meet with the Attorney-General of the Commonwealth of Australia to request the special appointment of sufficient Aboriginal judicial officers including the appointment of

(i) Professor Irene Watson, Research Professor of Law, University of South Australia, and

(ii) law graduate Dr Jaqui Katona, Moondani Balluk Indigenous Unit, Victoria University and

(iii) lawyer Paul Coe, first Aboriginal person to study law at the University of NSW and helped establish the Aboriginal Legal Service in Redfern and first to litigate Aboriginal sovereignty and genocide back in the last century— *Coe v Commonwealth of Australia* [1979] HCA 68 <http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/HCA/1979/68.html>

Affirmed by the deponent
at Collingwood
in Victoria
on 15 July 2024

) 

Before me:

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



³ Transcript Friday 17 May 2024 online at <https://crimesceneaustralia.com/wp-content/uploads/Transcript-Wheelahan-J-17.5.24-FCA-VID3882024-Uncle-Robbie-Thorpe-v-Melbourne-City-Councillors-Treaty-Minister-Premier.pdf>

— See also transcript of mention hearing on Monday 13 May 2024 online at <https://crimesceneaustralia.com/wp-content/uploads/Transcript-Wheelahan-J-13.5.24-FCA-VID3882024-Uncle-Robbie-Thorpe-v-Melbourne-City-Councillors-Treaty-Minister-Premier.pdf>

— For court documents filed in relation to the hearing see <https://crimesceneaustralia.com/city-of-melbourne-councillors-councillor-dr-olivia-ball-councillor-kevin-louey-councillor-roshena-campbell-councillor-jamal-hakim-deputy-lord-mayor-nicholas-reece-councillor-davydd-griffith/>

— See also subsequent documents at <https://crimesceneaustralia.com/july-august-2024-australia-attorney-general-dreyfus-aboriginal-genocide-case/>

(63)

Annexure to Affidavit

No VID589 of 2024

Federal Court of Australia

District Registry: Victoria

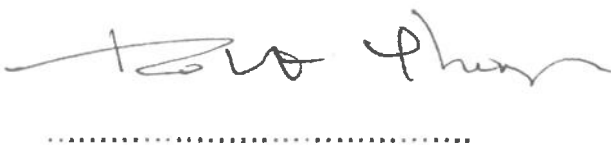
Division: Human Rights / Other Federal Jurisdiction

Uncle Robbie Thorpe
Applicant


Judicial Registrar Alicia Dutton
Respondent

Annexure "URT 1"

This is the true copy of the xx marked Annexure "URT 1" referred to in paragraph 9 on page 3 of the affidavit of Uncle Robbie Thorpe affirmed Monday 15 July 2024.



.....



.....

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

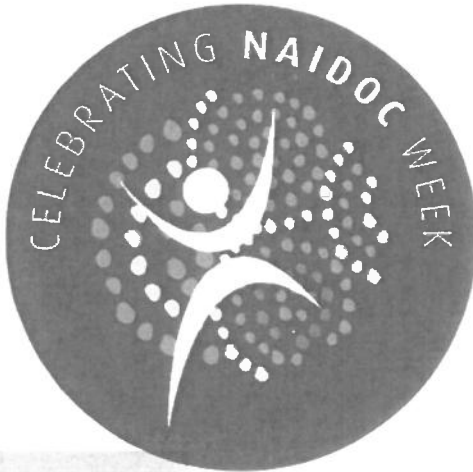
Filed on behalf of Uncle Robbie Thorpe, applicant.
Prepared by Uncle Robbie Thorpe.
Mobile 0422 200 696
Email bunjilfire@gmail.com
Address for service: Camp Sovereignty, "Kings Domain", Melbourne VIC 3004

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NAIDOC Week 2024: Embracing First Nations Culture

WEDNESDAY 11 JULY 2024 10:00 AM AEST



KEEP THE FIRE BURNING! BLAK, LOUD AND PROUD

7-14 JULY 2024



At OzChild, we believe in the power of community and the importance of honouring the diverse cultures that make up our nation. NAIDOC Week is a significant event in our calendar, a time when we come together to celebrate the history, culture, and achievements of Aboriginal and Torres Strait Islander peoples. This year, the theme is "Keep the Fire Burning! Blak, Loud and Proud," a powerful call to embrace and celebrate the vibrancy and resilience of First Nations cultures.

NAIDOC Week 2024, taking place from 7 to 14 July, is an opportunity to highlight the rich cultural heritage of Australia's First Nations Peoples. It's a time to shift our focus from the tragic aspects of history to the remarkable contributions and enduring spirit of Aboriginal and Torres Strait Islander communities.

It is important to remember that First Nations Peoples have a history that stretches back over 65,000 years. Despite the many challenges they have faced, their cultures have not only survived but thrived through adversity. Celebrating this resilience is essential for fostering a sense of pride and continuity within these communities. As we begin to engage with First Nations cultures, we continue to build a more inclusive society, learning about different traditions, languages and customs, all while breaking down barriers and promoting respect and understanding.

We invite everyone to join us in celebrating NAIDOC Week 2024. Let's come together to honour the rich cultural tapestry of our nation and ensure that the fire of First Nations cultures continues to burn brightly. By focusing on the positives and celebrating the strengths of Aboriginal and Torres Strait Islander peoples, we can build a more united and harmonious future.

To learn more about NAIDOC Week click through the resources provided:

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In March OzChild Board Member, the Hon Justice Timothy McEvoy was appointed as a Judge of the Federal Court of Australia, commencing on 26 April 2022.

Justice McEvoy has been appointed to the Victorian Registry to replace the Hon Justice Jennifer Davies following her retirement on 1 April 2022. Justice McEvoy has been a Judge of the Federal Circuit and Family Court of Australia (Division 1) (formerly the Family Court of Australia) since 2019 and a Deputy President of the Administrative Appeals Tribunal since 2020.

Justice McEvoy's appointment highlights the high calibre of OzChild Board Members and the significant contribution they make to the community. It is an honour to have this kind of expertise on our Board, and we congratulate him on this achievement"

Read the official media release from Senator the Hon Michelle Cash here

Latest news

VIEW ALL



KEEP THE FI BURNIN BLAK, LOI AND PROI 7-14 JULY 2024



Celebrating Molly Fergus: Young Victorian of the Year

Today Molly Fergus was honoured with the prestigious Young Victorian of the Year Award. This accolade celebrates her exceptional dedication and tireless efforts as a carer and advocate for children...

NAIDOC Week 2024: Embracing First Nations Culture

At OzChild, we believe in the power of community and the importance of honouring the diverse cultures that make up our nation. NAIDOC Week is a significant event in our...

A holistic approach to rising youth offending rates

Recent data reveals a troubling trend in youth crime, with the number of juvenile offenders in Australia rising for the first time in over a decade. The Australian Bureau of...

66

Hearsay: Tony Abbott's pro-bono lawyer joins Family Court



Michael Pelly *Legal editor*

Mar 21, 2019 - 11.00pm

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There can't be too many Family Court judges who have found their way on to the pecuniary interest register of federal parliamentarians.

Last week, Attorney-General Christian Porter put Melbourne QC Timothy McEvoy onto the court.

Perhaps Tony Abbott sent his congratulations to McEvoy, who represented him in his defamation claim against CFMEU leader John Setka in 2013-14.



Tony Abbott ... two members of his pro bono legal team for the defamation action brought by union boss John Setka have now been appointed to the bench. Andrew Mearns

Because McEvoy acted pro bono, Abbott was obliged to list the legal largesse as a gift.

This was brought to Hearsay's attention by a number of parties, with judges of the Family Court taking a particular interest. The others mentioned on the register for their free work on the Setka case were silk Michael Wheelahan, who joined the Federal Court in 2018, and law firm Arnold Bloch Liebler.

McEvoy is another new judge who could hardly claim to be a family law specialist. There's only a very brief mention of family law on a lengthy CV and while he has an impressive academic record, none of it appears to touch family law.

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Timothy McEvoy

Article Talk

Read Edit View history Tools

From Wikipedia, the free encyclopedia

Timothy McEvoy is a judge of the Federal Court in Australia. He was appointed by Christian Porter and has served in the position since 26 April 2022.^[2] McEvoy acted as pro-bono lawyer to former Prime Minister Tony Abbott in a defamation claim against unionist John Setka in 2013-2014.^[3] McEvoy initially served on the Family Court of Australia. His appointment was met with criticism owing to his lack of experience in family law at the time.^[3] McEvoy is an alumnus of the University of Melbourne, where he was a resident of Ormond College and graduated with bachelor degrees in arts and law, as well as a Master of Laws. In 1998, McEvoy obtained Doctor of Juridical Science from the University of Virginia. He then commenced his legal career as an Associate to then Chief Justice of the Federal Court in 1994 and was admitted to the Supreme Court of Victoria and High Court of Australia in 1996. After spending time working in private practice at Herbert Smith Freehills, McEvoy was admitted to the Victorian Bar where he practised as a barrister until his appointment to the Family Court.^[4]

The Honourable Justice
Timothy McEvoy
SC

Judge of the Federal Court of Australia
Incumbent

Assumed office
26 April 2022

Appointed by Christian Porter

Judge of the Family Court of Australia

In office

27 March 2019^[1] – 25 April 2022

Appointed by Christian Porter

Personal details

Alma mater University of Melbourne,
University of Virginia

Occupation Jurist

References [edit]

- ↑ Porter, Christian (14 March 2019). "Appointments to the Family Court of Australia and Federal Circuit Court of Australia" ↗. *Parliament of Australia*. Commonwealth of Australia. Retrieved 10 December 2022.
- ↑ Doraisamy, Jerome (21 March 2019). "New judges appointed to Family Court and Federal Circuit Court" ↗. *Lawyers Weekly*. Retrieved 19 November 2022.
- ↑ ^a ^b Pelly, Michael (21 March 2019). "Hearsay: Tony Abbott's pro-bono lawyer joins Family Court" ↗. *Australian Financial Review*. Retrieved 19 November 2022.
- ↑ "Biography of Justice McEvoy" ↗. *www.fedcourt.gov.au*. 4 May 2022. Retrieved 19 November 2022.

🇺🇸 🏛️ 📄 *This Australian law-related biographical article is a stub. You can help Wikipedia by expanding it.*

Categories: Australian jurists | Living people | 21st-century judges | Melbourne Law School alumni
Judges of the Family Court of Australia | Judges of the Federal Court of Australia | University of Virginia alumni
Australian law biography stubs



Senator the Hon Michaelia Cash
ATTORNEY-GENERAL
MINISTER FOR INDUSTRIAL RELATIONS
DEPUTY LEADER OF THE GOVERNMENT IN THE SENATE
SENATOR FOR WESTERN AUSTRALIA

MEDIA RELEASE

4 March 2022

APPOINTMENT TO THE FEDERAL COURT OF AUSTRALIA

I am pleased to announce that the Hon Justice Timothy McEvoy has been appointed as a Judge of the Federal Court of Australia, and will commence on 26 April 2022.

Justice McEvoy has been appointed to the Victorian Registry to replace the Hon Justice Jennifer Davies following her retirement on 1 April 2022. Justice McEvoy has been a Judge of the Federal Circuit and Family Court of Australia (Division 1) (formerly the Family Court of Australia) since 2019 and a Deputy President of the Administrative Appeals Tribunal since 2020.

On behalf of the Australian Government I congratulate Justice McEvoy on his appointment and thank him for his willingness to continue to serve the people of Australia as a Judge of the Federal Court.

JUSTICE TIMOTHY MCEVOY

Justice McEvoy graduated with a Bachelor of Laws (Honours) and a Bachelor of Arts from the University of Melbourne in 1993. He obtained a Master of Laws from the University of Melbourne in 1998, and the degree of Doctor of Juridical Science from the University of Virginia in 1999.

Justice McEvoy began his legal career as Associate to the then Chief Justice of the Federal Court in 1994, and was admitted as a Barrister and Solicitor of the Supreme Court of Victoria and the High Court of Australia in 1996. He was subsequently a solicitor and then senior associate at Freehills (now Herbert Smith Freehills) in Melbourne and Sydney. Justice McEvoy signed the Victorian Bar Roll in November 2002 and was appointed Senior Counsel in 2016. Prior to his appointment to the then Family Court he was Senior Counsel Assisting the Royal Commission into Aged Care Quality and Safety. Justice McEvoy has been a member of the Visiting Faculty at the University of Virginia School of Law since 2001. He has been a Fulbright Scholar, and has served as a member of the Australian Delegation of Experts to a special commission of The Hague Conference on Private International Law.

MEDIA CONTACTS

Guy Creighton – Guy.Creighton@ag.gov.au – 0438 815 302

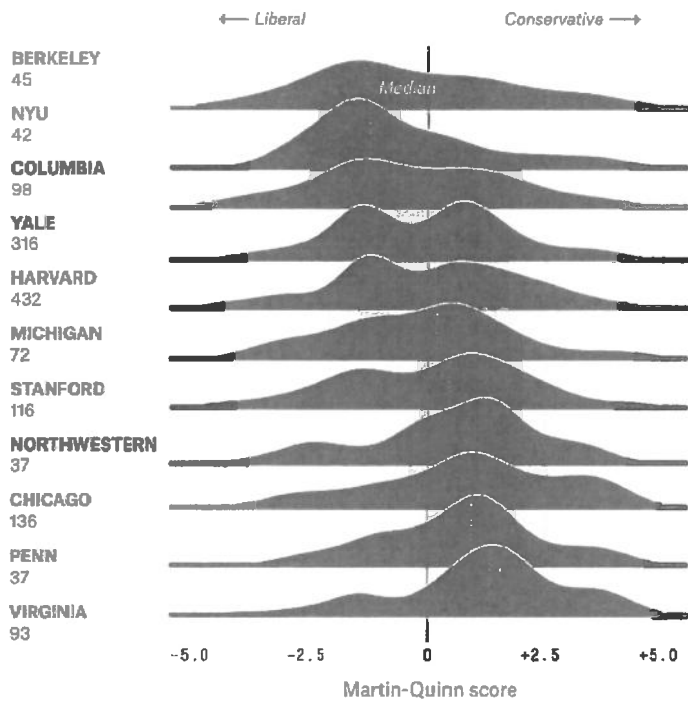
(69)

Among the top law schools, Northwestern University and University of Virginia are clearly both the farthest to the right and with the most



The Wide-Ranging Politics Of Elite Law Schools

Distributions of justice ideology for Supreme Court clerks, by school since 1937



ALLISON MCCANN

Living up to its reputation, Berkeley is the most liberal of the elite law schools. The median Berkeley clerk works for a justice with a Martin-Quinn score of -1.3 — about the equivalent of Stephen Breyer. On the other side of the spectrum, the median University of Virginia clerk works for a justice with a Martin-Quinn score of 1.3 — roughly Anthony Kennedy in his more conservative years.

The median clerk from Harvard and Yale... [text is partially obscured]

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Home Faculty Timothy J. McEvoy



Timothy J. McEvoy

Lecturer

BA, LL.M.

BIOGRAPHY

Justice Timothy McEvoy was appointed to the Federal Court of Australia in 2022.

He graduated with a Bachelor of Laws (Honours) and a Bachelor of Arts from the University of Melbourne in 1993. He obtained a Master of Laws from the University of Melbourne in 1998, and the degree of Doctor of Juridical Science from the University of Virginia in 1999.

McEvoy began his legal career as associate to the then-chief Justice of the Federal Court in 1994, and was admitted as a Barrister and Solicitor of the Supreme Court of Victoria and the High Court of Australia in 1996. He was subsequently a solicitor and then senior associate in the litigation and competition groups at Freehills (now Herbert Smith Freehills) in Melbourne and Sydney. He practiced at the Victorian Bar from 2002 to 2019, largely in general commercial, public and common law. He was appointed Senior Counsel in Victoria in 2016. In 2019, McEvoy was appointed to the Family Court of Australia, and in 2020 he was appointed as a judicial deputy president of the Administrative Appeals Tribunal.

Immediately prior to his appointment to the Family Court, McEvoy was senior counsel assisting the Royal Commission into Aged Care Quality and Safety. He has been a member of the visiting faculty at UVA Law since 2001, teaching an annual course in the conflict of laws. He has been a Fulbright Scholar and has served as a member of the Australian delegation of experts to a special commission of The Hague Conference on Private International Law (Jurisdiction and Judgments Convention). In 2018, he was elected to the American Law Institute. McEvoy has published a number of articles on private international law, administrative law and competition law in Australian and international law journals. He is a Board Member of OzChild.

CURRENT COURSE
Globalization
(SC) (Judg)

EDUCATION

- S.J.D., University of Virginia School of Law, 1999
- LL.M., University of Melbourne, 1998
- LL.B., University of Melbourne, 1993
- B.A., University of Melbourne, 1993



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1. Monarchist/Royalist?

“recently travelled to London to attend Queen Elizabeth II’s platinum jubilee. Indeed, one of your colleagues has previously noted that the protocol and pageantry surrounding the monarchy no doubt underpins your love of the courtroom...

“Royal weddings, all with appropriate bunting, and the most memorable, the Queen Mother’s funeral, complete with gin and Dubonnet.”

2. Right-Wing/“Conservative

(i) see Monarchist/Royalist above at 1.

(ii) University of Virginia, most rightwing/conservative of elite universities (see above page xx)

“relationship with the University of Virginia was cemented early and, since 2001, you’ve been acting as a visiting Professor of Law teaching conflict of laws. Further, in 2011, you spent a prolonged period in Virginia with your family as both you and your wife, Libby, took up Fulbright scholarships at the same time. Your longstanding connection to the University of Virginia”

(iii) Judge Wheelahan

“In 2002, you were called to the Bar, reading with Michael Wheelahan, now your brother Judge of this Court...

You were very close to your mentor...

you secured a room on the same floor as Justice Wheelahan...

concerned as to what high jinks you and Justice Wheelahan might now get up to now that the band is back together. Your Honour became one of Justice Wheelahan’s preferred juniors, and through that and your background as a senior associate of Freehills “

“Justice Wheelahan ...the frequency with which we worked together and the friendship we developed”

(iv) Judge O’Meara

“the Judges of the Supreme Court of Victoria who are here today...Justice Stephen O’Meara with whom I shared chambers for many years”

(vi) Friendships?

“In speaking with your friends, it became clear that on the friendship scale, your Honour is gold standard. You will do anything you can do for a friend”

(vi) Darker side?

“there is sometimes to be found a darker side to your Honour... When your Honour arrived at a lunch spot, this member of the Bar teased your Honour that the coffee cart had just left. He continued with tiresome jokes of this nature throughout the trip. Your Honour took these jests with your usual good nature, or so it seemed. At the end of the hike the jovial barrister found that a very large and very heavy rock had somehow secreted itself into his backpack.”

<https://www.fedcourt.gov.au/digital-law-library/judges-speeches/justice-mcevoy/mcevoy-j-20220623>

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TRANSCRIPT OF PROCEEDINGS

O/N H-1730351

FEDERAL COURT OF AUSTRALIA

CEREMONIAL SITTING OF THE FULL COURT

TO WELCOME

THE HONOURABLE JUSTICE McEVOY

**THE HONOURABLE JAMES ALLSOP AO, CHIEF JUSTICE
THE HONOURABLE JUSTICE GREENWOOD
THE HONOURABLE JUSTICE MIDDLETON AM
THE HONOURABLE JUSTICE MURPHY
THE HONOURABLE JUSTICE MORTIMER
THE HONOURABLE JUSTICE BEACH
THE HONOURABLE JUSTICE MOSHINSKY
THE HONOURABLE JUSTICE O'CALLAGHAN
THE HONOURABLE JUSTICE WHEELAHAN
THE HONOURABLE JUSTICE O'BRYAN
THE HONOURABLE JUSTICE SNADEN
THE HONOURABLE JUSTICE McEVOY
THE HONOURABLE JUSTICE HESPE
THE HONOURABLE MICHAEL BLACK AC QC**

MELBOURNE

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9.29 AM, THURSDAY, 23 JUNE 2022 ALLSOP CJ: Welcome to everyone for this ceremonial sitting of the Court to formally welcome Justice McEvoy. I first acknowledge the traditional custodians of the land on which we gather, the Wurundjeri peoples of the Kulin nation. I pay my respects to their elders, past, present and emerging. Justice McEvoy, I particularly welcome your wife, Elizabeth, and your daughters, Alexandra and Emily, and your father, Raymond, and your many friends. May I acknowledge and welcome to the Court the Governor of Victoria, Her Excellency, the Honourable Linda Dessau AC, and Mr Howard AM QC, the Honourable Justice David Beach of the Court of Appeal and Marea Beach, the Honourable Michael Sifris and the Honourable Kristen Walker of the Court of Appeal and Justices Beale, Connock, O'Meara and Attiwill of the Supreme Court and the Honourable Kirsty Macmillan, former Judge of the Family Court of Australia.

And may I acknowledge the Solicitor-General of Victoria at the Bar table. Sitting on the bench with the Judges of the Victorian Registry and myself is Justice Greenwood, the senior Judge of Queensland. And my Chief Justice. May I particularly welcome the Honourable Michael Black AC QC who is with us today. Justice McEvoy, may I, on behalf of all the Judges of the Court around Australia, formally welcome you to the Court. You have already commenced, of course, and Covid-19 has delayed this welcome. You will find, I hope, it is both a busy but a collegiate court with a great variety of work and the Judges of the Court and I wish you a happy, fruitful and rewarding time on the Court serving the Australian people in the exercise of the judicial power of the Commonwealth.

Mr Attorney.

THE HON M. DREYFUS QC: May it please the Court. I would like to begin by acknowledging the traditional owners and custodians of the land on which we meet today, the peoples of the Kulin nation. I also pay my respect to their elders, past and present. I would like to extend that respect to any Aboriginal and Torres Strait Islander peoples present today. It's a great privilege to be here today to congratulate your Honour on your appointment as a Justice of the Federal Court of Australia. I would like to thank you on behalf of the Australian Government for your willingness to serve as a Judge of this Court. The Government extends its best wishes for your career on the Bench.

Your Honour's appointment to this Court is another success in a diverse and respectable career. It's a testament to the high regard in which your colleagues hold you that so many of your colleagues in the legal profession are here today. May I particularly acknowledge Her Excellency, the Honourable Linda Dessau AC, Governor of Victoria, Ms Rowena Orr QC, Solicitor-General for Victoria, and the Honourable Michael Black with whom your Honour had the privilege of serving as an Associate. And I would acknowledge other current and former members of the judiciary and members of the legal profession. May I also acknowledge the presence of your family who proudly share this occasion with you.

While time won't permit a full exposition of your Honour's many accomplishments, it's with great pleasure that I speak to a few of the fine qualities that have led to your appointment to this Court. Your Honour comes to this Court today with exceptional academic achievements. You were educated at Parade Christian Brothers College where you were awarded dux of the school in 1987. From school, you went to the University to study a Bachelor of Laws with Honours and a Bachelor of Arts, graduating in 1993. Immediately after your undergraduate studies, you took up the role of

Associate to the Honourable Michael Black AC QC, then Chief Justice of the Federal Court of Australia.

It's a great testament to your abilities and dedication that you are now becoming a Judge of this same Court. Your Honour undertook articles of clerkship at Freehill Hollingdale & Page, now Herbert Smith Freehills, in 1995 and in 1996 you were admitted and remained a solicitor and senior associate at Freehills until 2002. While working as a solicitor you continued your academic pursuits, completing a Master of Laws at the University of Melbourne and a Doctor of Juridical Science from the University of Virginia in the United States. In 1998, you were appointed by the Attorney-General's Department to the Australian Delegation of Experts to the Special Commission of the Hague Conference on Private International Law.

Your Honour's relationship with the University of Virginia was cemented early and, since 2001, you've been acting as a visiting Professor of Law teaching conflict of laws. Further, in 2011, you spent a prolonged period in Virginia with your family as both you and your wife, Libby, took up Fulbright scholarships at the same time. Your longstanding connection to the University of Virginia led you to being elected as a member of the American Law Institute in 2018. I'm told that only a handful of Australian Judges hold that honour and many of those are current or former members of the High Court. In 2002, your Honour was called to the Victorian Bar.

I've been told that you were universally liked and respected there, not only for your legal ability, academic rigor, cheery disposition and storytelling but also for your love of a good lunch. As a junior, you were sought after by silks due to the excellent quality of your writing and oral submissions which were always delivered with charm. At the Bar, you developed a general commercial practice primarily in the Federal and Supreme Courts. Your Honour took on a broad range of briefs, including contract law, trade practices, administrative law, professional negligence and defamation proceedings. Notably, your Honour acted as lead counsel for Domain in a misleading and deceptive conduct case bought by its rival, realestate.com.au. I'm told you excelled in that matter in what was a very tricky brief for the respondent.

Your Honour took silk in 2016. I understand that the matter that brought you the greatest satisfaction was acting as Senior Counsel assisting the Royal Commission into Aged Care Quality and Safety. I've been told that you felt the great privilege and responsibility of working on a matter of such value and importance to the community. This is indicative of your empathy, a quality that stands you in good stead for your time here on the Federal Court. More recently, your Honour has been a Judge of the Federal Circuit and Family Court of Australia Division 1, formerly the Family Court of Australia, since 2019, and a Deputy President of the Administrative Appeals Tribunal since 2020.

Your Honour is recognised as a leader in the legal field not only for your expertise but for your development of the profession through research, publications and teaching. I turn now to speak of a few of the personal qualities that I have no doubt will complement your appointment to this Court. Throughout your career, your Honour has been known for your commitment both as a mentor and friend. You are a naturally gifted mentor and have dedicated your time to no fewer than six readers and several associates since your appointment, including assisting their preparations for the Bar exam. I'm told that your Honour has a wide and loyal circle of friends, all of whom are very fond of you.

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I'm told that there have been many occasions when you have instinctively stepped in to assist many of these friends during difficult times and that you are a wonderful person to have on a team. In tandem to your Honour's knowledge of the legal system, I'm advised that you have a remarkable love of food and cooking. I'm told that you've been known on occasion to order more food than is strictly necessary for the number of people dining if the menu looks interesting. No doubt, this would be your Honour's insatiable intellectual curiosity at play. I understand you have a love of history and also a love of matters of protocol. It therefore follows that you recently travelled to London to attend Queen Elizabeth II's platinum jubilee. Indeed, one of your colleagues has previously noted that the protocol and pageantry surrounding the monarchy no doubt underpins your love of the courtroom. Your Honour's hobbies extend to bushwalking and skiing and you've surprised many colleagues with phone calls from the chair lift.

Before I conclude, I would like to give special mention to your family who are here today. Your Honour's daughter, Emily, has asked that I mention today that you are the reason that she has decided to pursue a career in law herself. I have no doubt you are proud of her current studies at Monash University. Further, Emily has expressed that you are who she most wants to be when she grows up, a testament to your influence. Your appointment to this Court acknowledges your dedication to the law and accomplishments in the legal profession. Your Honour takes on this judicial office with the best wishes of the Australian legal profession, and it's trust that you will approach this role with exceptional dedication to the law as you've shown throughout your career. On behalf of Australia and the Australian people, I extend to you my sincere congratulations and welcome you to the Federal Court. May it please the Court.

ALLSOP CJ: Thank you, Mr Attorney. Ms Annesley, President of the Victorian Bar and representing the Australian Bar Association.

MS R.N. ANNESLEY QC: Your Excellency, Chief Justice, Justices of the Court, Justice McEvoy, I appear on behalf of the Australian Bar Association and the Victorian Bar to congratulate your Honour on your appointment as a Judge of this Court. Dr Collins AM QC regrets that he is unable to attend this morning and sends his best wishes to you on your appointment. Your Honour's appointment to this Court comes some three years after your appointment as a Judge of the Family Court of Australia and has been greeted with acclaim by the profession. The Family Court's loss is this Court's very great gain. Not only is your Honour an outstanding lawyer with a prodigious intellect and excellent judgment, but your Honour has been regarded as an efficient, courteous and hard-working Judge who has undertaken his judicial role with care, compassion and skill.

There has been some speculation as to why your Honour has moved to this Court. One theory is that you wanted to get the band back together and re-join your mentor, Justice Wheelahan, for old time's sake. Another is that you wanted chambers on a higher floor with a better view. Perhaps the most credible theory, though, is that the DVD of your first welcome has worn out from the constant replaying of it by your Honour to your daughters in the vain hope that they would hold you in higher regard. Your brilliant academic career and early time has been outlined by the Attorney-General, so I will skip through to your practice at the Bar. In 2002, you were called to the Bar, reading with Michael Wheelahan, now your brother Judge of this Court. You took silk in November 2016. At the Bar your practice was wide and varied, taking in administrative law, competition and consumer law, equity and trusts, property disputes, environmental and planning law, probate, class actions, media law and defamation, disciplinary proceedings as well as crime and family law. Your Honour's breadth of experience makes you well-suited for this Court.

You were very close to your mentor, so much so that he eventually had to suggest that you find your own room well after the end of your reading period. Accordingly, you secured a room on the same floor as Justice Wheelahan and developed a habit of bursting into his room in the style of Kramer from the legendary television show *Seinfeld*. Good humoured high jinks were part and parcel of your relationship with Wheelahan. Upon joining the Bar your Honour was keen to establish yourself as an intellectual commercial powerhouse. John Dever had other ideas. In keeping with the Dever motto “you need a barrister, do I have a barrister for you”, he sent you a brief to appear on an application for an adjournment in the Magistrates Court. So successful were you on that application that your practice in adjournment applications grew.

Soon after, a new textbook appeared on your Honour’s chambers at about eye-level to solicitors coming to consult you. It was purportedly part of the famous English series of textbooks known as the Common Law Library, and was entitled ‘McEvoy on Adjournments’. The Chief Justice might well be concerned as to what high jinks you and Justice Wheelahan might now get up to now that the band is back together. Your Honour became one of Justice Wheelahan’s preferred juniors, and through that and your background as a senior associate of Freehills, you had plenty of briefs in large matters for sophisticated clients. However, John Dever also ensured that you had plenty of briefs that consisted of shoeboxes filled with a random assortment of papers and clients who paid but occasionally. He says you were the man for the job because he could count on you to be as diligent and enthusiastic for the small client as for the big end of town, and you never lost your sense of humour.

While a Judge of the Family Court, you decided a number of important cases, including *Tailor & Tailor*, *Keane & Keane*, and *Harlen & Hellyar*. Each of these cases, like so many others before you in the Family Court, involved complex legal and factual issues where the stakes were high for the respective parties. Your Honour brought your analytical mind, excellent legal training, and a strong sense of justice and compassion to bear in your deliberations. A leading family law silk says that you treated counsel who appeared before you with great courtesy and consideration and that your Honour applied your considerable intellect to the issues that needed resolution, and your judgments were always sound. It is difficult to think of a better commentary on a Judge of any Court.

Your Honour has been described as perhaps the Bar’s leading *gourmand*. *Gourmand* is the word that was used. It is a French word and sounds very swish. The Economist Style Guide helpfully explains that “gourmet” means “epicure”, “gourmand” means “greedy guts”. Your Honour likes to dine, and your Honour does not like to dine alone. Readers were very convenient company at the wide variety of Melbourne restaurants that your Honour likes to frequent. Certainly, when your Honour started taking readers, Justice Wheelahan suggested that they would need a good laptop, and a gym membership. These requirements did not deter people from reading with you. You had six readers: Sandip Mukerjea, Gemma-Jane Cooper, Brian Mason, Marcus Fleming, Brooke Hutchins and Robert Forrester. It seems that life on the Bench has allowed your Honour to seamlessly combine your judicial role with your role as a *gourmand*.

When you were first appointed to the Family Court, you heard a case in Launceston. It was originally listed for three days, but in the way of these things, the matter extended over some 13 days across three months. This necessitated a culinary tour of Launceston with your Honour befriending the *maître d*’s of the finest restaurants the city has to offer. One of your former associates tells a story of when you were waiting in the judges’ corridor as a matter was briefly stood down. Your Honour occupied yourself not with legal thoughts but with a far more important

matter, refining the menu of a gin tasting that you were giving for your readers. Your Honour commented then that if you weren't in the law, you would have been a party planner as you are never as happy as when planning a party. Indeed, your Honour is a consummate party host. Any excuse, it seems, is an occasion for your Honour to throw a party: presidential inaugurations, fourth day of July, Royal weddings, all with appropriate bunting, and the most memorable, the Queen Mother's funeral, complete with gin and Dubonnet.

Still, amongst all the congeniality, there is sometimes to be found a darker side to your Honour, something that counsel appearing in front of you may wish to bear in mind. Your Honour recently went on a hiking trip to Tasmania. This is not an activity within your Honour's usual range of interests. As a result of a recent bout of COVID and perhaps other fitness reasons, you were not generally found at the front of the walking group. This group comprised some barrister colleagues. One barrister friend rather impertinently took it upon himself to comment on your Honour's tardy progress on the first morning. When your Honour arrived at a lunch spot, this member of the Bar teased your Honour that the coffee cart had just left. He continued with tiresome jokes of this nature throughout the trip. Your Honour took these jests with your usual good nature, or so it seemed. At the end of the hike the jovial barrister found that a very large and very heavy rock had somehow secreted itself into his backpack.

Your Honour has been married to Libby for over 20 years, and together you have two beautiful daughters, Emily and Alexandra, of whom you are justifiably very proud. It's fair to say that your Honour does not have a practical bone in your body, so it is just as well that you are married to Libby, who is the world's most practical person. Legend has it that those who knew you and Libby before you were engaged were sure that it would be a successful match when on the way to skiing holiday it was discovered that you had a flat tyre. Faced with this daunting situation, for which you had no solution, your Honour gallantly allowed Libby to take over the task of changing the tyre, freeing up your Honour to do what you do best: observe and commentate. Things did not go so well when your Honour and Libby participated in sailing lessons one summer for the simple reason that, when sailing, one actually needs to do something rather than just commentate. Needless to say, when, through your Honour's inaction, you tipped both you and Libby out of a boat, somewhat of an emergency arose. Being practical and in keeping with the first rule of safety, save oneself first, Libby did just that. Your Honour, unable to hoist yourself up into the boat, I'm told, had a very long swim back to shore.

Finally, in preparation for this speech, I had the opportunity to speak with many of your Honour's many friends. This crowded courtroom today is a testament to that. In speaking with your friends, it became clear that on the friendship scale, your Honour is gold standard. You will do anything you can do for a friend, which speaks to your Honour's character and generosity of spirit. Your Honour has already proven yourself as a capable, compassionate and considered Judge. You will undoubtedly make a substantial contribution to the work of this Court. On behalf of the Victorian Bar and the Bars of Australia, I wish your Honour long, satisfying, and distinguished service as a Judge of this Court. May it please the Court.

ALLSOP CJ: Thank you, Ms Annesley. Now, Ms Juliana Warner, who will address us remotely, from the Law Council of Australia and representing the Law Institute of Victoria. Ms Warner.

MS J. WARNER: May it please the Court. I acknowledge the traditional owners of the country on which we all meet and recognise their continuing connection to land, waters and community.

Normally, I'm on Gadigal or Cammeraygal land in Sydney, but today I'm on Larrakia land in Darwin. I pay my respects to elders, past, present and emerging, and extend that respect to Aboriginal and Torres Strait Islander peoples here today. I would also like to acknowledge the Attorney-General, The Honourable Mark Dreyfus QC, Her Excellency, The Honourable Linda Dessau AC, Governor of Victoria, The Honourable Michael Black AC QC, former Chief Justice of the Federal Court of Australia, and President of the Victorian Bar Association, Ms Annesley QC, all Judicial Officers, dignitaries, colleagues, friends and family. I must say your wife, Libby, sounds like a great girl, and most of all, your Honour.

It is an honour to be with you today, not only to welcome your Honour on behalf of the Law Council of Australia and the Law Institute of Victoria, but I would like to personally have the opportunity to publicly celebrate your Honour's appointment to this Court. Unfortunately the President of the Law Council of Australia and the Law Institute were unable to be with us today, and I know they wish that they could be, but they're on planes heading for Darwin, and when they asked if I would be able to appear in their stead, I jumped at the chance. You see, I was lucky enough to work with your Honour during your time with Freehills. The detail of what we worked on together is now thankfully lost in the mists of time, but I do remember that it was ghastly, and I remember being down in the trenches with your Honour on a matter. I recall you being the bright young star from the Melbourne office of Freehills doing a stint in the Sydney office, and I recall your wit and humour being greatly appreciated by your companions in that trench.

However, I didn't want to rely just on my memory and impressions for today's speech, so my spies and I reached out to others who know you well. The approach for information was met with overwhelming enthusiasm. While I know that some of the people who were approached had many competing priorities at the time they were contacted, they fell over themselves sharing their insights regarding your Honour, and they made it an urgent priority, and unfortunately, most of those insights have already been referred to, so I have to skip them. But the determination to contribute perhaps more than the words or anecdotes they rushed to provide paints a clear picture of the esteem in which your peers hold you, all of whom want to be invited to your next party or dinner. I have enormous respect for your skills and attributes as well as the poise with which you always conduct yourself.

From early on in your career you conducted yourself in a manner and with wisdom that was beyond your years. Your career trajectory and achievements are no surprise to those who knew you when you were first starting out, and I can certainly attest to that. I must say that it is wonderful to see bright young stars go on to achieve their full potential, as your Honour most clearly has done. You've handled difficult situations with good humour, and you're never lost for words. But particularly appreciated by your peers is your ability to defuse tense moments by reciting a story or ditty apt to the issue at hand, so I can tell that you are still a dab hand in the trenches.

You have tirelessly served the community throughout your career, and I must particularly note your time as Senior Counsel assisting the Royal Commission into Aged Care Quality and Safety as a Judge of the Federal Circuit and Family Court of Australia (Division 1) and a Deputy President of the Administrative Appeals Tribunal. And I must say, also, you look like you haven't changed at all. You've not aged one day, so I must say, you either have Dorian Gray-like features somewhere or must just be very [indistinct]. Your Honour, on behalf of the legal profession, congratulations. The people of Australia will be privileged to be served by you in this new role. May it please the Court.

ALLSOP CJ: Thank you, Ms Warner. Justice McEvoy.

McEVOY J: Your Excellency, your Honours, ladies and gentlemen. Thank you all so much for taking the time from your busy schedules to come today. You do me, but more importantly the Court, a great honour. I thank you in particular, Mr Attorney, Ms Annesley and Ms Warner, for your kind words, and I also thank those who had a hand in the composition of your remarks. The less flattering stories that have been told make the identities of the informants well apparent. They will keep. The generous ones have doubtless been embellished, but I suppose these are occasions for some embellishment.

The last time I listened to submissions from you, Mr Attorney, we were opposed to one another in a case in the VCAT about the deregistration of a bookmaker. I was being led by Mr Holdenson QC. Sitting here today, that seems like a long time ago. The last time I heard submissions from you, Ms Warner, they were probably to direct me to do some photocopying for that case you mentioned. It was actually a case in this Court brought by PetroTimor & Ors against the Commonwealth, concerning oil concessions in the Timor Sea. Happily, you had briefed with Mr Bathurst QC, leading Mr Gageler SC, leading Mr Stephen Lloyd. We were in safe hands, and the photocopying was of a very high quality.

I cannot say, Ms Annesley, that I've had the pleasure of hearing submissions from you before, other than perhaps in a social environment. However I recall that Justice Wheelahan, at his welcome, wondered whether serious injury applications under the Victorian Accident Compensation Act might attract Federal jurisdiction. I'm not sure where those ruminations have landed, but you're always very welcome here.

I also acknowledge the presence at the Bar table today of the Solicitor-General for Victoria, Ms Rowena Orr QC, and Mr Jeremy Ruskin QC. I shared chambers with Jeremy for ten years prior to my appointment to the Family Court, and he is my grand master; or, to use slightly less Masonic and more modern language, my grand mentor.

It is, of course, an enormous honour to have been appointed to the Federal Court of Australia, and I repeat here the oath I took before the Chief Justice on 26 April this year to well and truly serve in the office of a Judge of this Court and to do right to all manner of people according to law without fear or favour, affection or ill-will.

As you have heard, I began my legal career in the Federal Court, fresh out of university, as the Associate to the then Chief Justice Black. What an introduction to legal practise that was. His Honour had been appointed Chief Justice only three years earlier, and he had already embarked on substantial reforms to the organisation, the jurisdiction and, indeed, the physical architecture of this Court.

His remarkable success in that project and the development of this Court is clear today. One's daily interactions as a first-year lawyer were, of course, with him, but also with Justice John Lockhart, Justice Ian Sheppard, Justice Bill Gummow, Justice Peter Heerey, Justice Richard Cooper and others. Sir Maurice Byers was still appearing in the Full Court. It would, I think, have been impossible to have had a more fascinating and educative first year in the law, and I pay tribute today to the formative role of Chief Justice Black played in my legal education, and I'm deeply touched by his presence on the Bench today.

It would be remiss of me not to say something more about the late Justice Richard Cooper, another great friend and mentor of mine in my early days in the law, whom I wish very much were here today. As will be well-known to many, Justice Cooper died in office as a Judge of the Federal Court in March 2005 shortly before his 60th birthday. It was through friends of his in the maritime law world that I came to undertake post-graduate work at the University of Virginia in 1997, and he and his wife were with my wife and me in Charlottesville in the spring of 1999 when I defended my doctoral dissertation. Justice Cooper's untimely death was a great loss to his family, his many friends and to Australia.

The other great absence today is, of course, the late Justice Richard Tracey who also died far too young in October 2019. Almost 30 years ago he was the first silk I encountered as a young associate. Richard was good enough to move my admission to practice two years later. I was a Master's student of his, I would brief him often as a solicitor, and I appeared led by him and opposed to him as a young barrister prior to his appointment to this Court. I appeared in front of him as a Judge, and I was one of his Senior Counsel assisting, as you've heard, in the Aged Care Royal Commission. I know there are several Judges in the Court today who routinely ask themselves when confronted with particular problems, "What would Richard Tracey have done about this?" His role in my life was very significant and, like so many of us, I miss him more than I can say. I acknowledge the presence online of Richard's wife, Hilary, who is prevented from attending today by reason of flu-like symptoms.

It is entirely uncontroversial to observe that Judges of this court, especially those I have mentioned, have set the highest standards. I will do my best to live up to these standards.

I have said it is a great honour to be appointed to this Court, and so it is. My acceptance of the appointment, however, should not be thought to indicate any ambivalence about the first three years of my judicial career. Although it may fairly be said that I did not appear frequently in the Family Court of Australia, I could not have enjoyed my time on that Court more, and it has been the highlight so far of my time in the law. The importance of that Court's work cannot be overstated. It is the Court that many Australians – too many Australians – find themselves in or in the shadow of when they're at their lowest ebb and embroiled in a relationship breakdown or other family dispute. As a result, it is often the Court that shapes the public's perception of the law in Australia.

I acknowledge here and pay tribute to the extraordinary work that has been done in recent years by the Chief Justice, the Honourable William Alstergren, and the Deputy Chief Justice, the Honourable Robert McClelland, in the much-needed reforms to that Court and to the family law system in this country more generally, particularly in the area of family violence. I acknowledge also my colleagues in Melbourne not able to present by reason of the annual Judges meeting of that Court which is occurring in Sydney today. It has been a pleasure to serve with them and I have valued their friendship and support very greatly.

The Honourable Kirsty Macmillan SC, recently retired from the Court and no longer needing to attend judges meetings (mercifully) is here. My years as a Family Court Judge would have been very different without the support and many kindnesses of Justice Macmillan and Justice Jill Williams, and I thank them both publicly for that.

Before leaving the subject of the Family Court, I acknowledge the distinguished presence today of Her Excellency, the Governor of Victoria and Mr Tony Howard QC, and the perspicacity of the Governor's advice to me at various times. To paraphrase Walter Bagehot's famous dictum, Her Excellency has always been available for consultation, and she has encouraged and warned me when I needed both. I thank her for that.

One particular observation which I do not think she will mind me recounting is that it's always best to leave the party when you're having the most fun. That is not something I have been used to doing, but it is good advice. As well as my three years on the Family Court, I had 17 happy, fulfilling and generally fun-filled years at the Victorian Bar. Many of the defining friendships of my adult life were made at the Bar and it is a delight to see so many of my dear friends from the Bar present in court today. I mention two members of the Inner Bar specifically: Penny Neskovein QC and Anthony Strahan QC. Penny and I did the readers course together and we have been great friends and confidantes ever since. Anthony read after me with Michael Wheelahan. I cannot imagine my time at the Bar without them both, and I thank them most sincerely for their companionship and wise counsel. On the subject of the rock and Mr Strahan, I say that any liability I have for that episode is accessorial at best.

On the occasion of my welcome to the Family Court, Justice Wheelahan received almost as much attention in the speeches as I did. That is unsurprising given the frequency with which we worked together and the friendship we developed. His Honour read these remarks prior to publication, and I record that I leave out an observation at this point. However, I would like to say that his Honour was an exceptional master just as he has become an exceptional Judge. I have learned more from him about the practice of the law than from anyone, and I owe him a debt of gratitude which I can never repay. I thank him and his wife Cathryn for being present today.

Of course, such is the nature of life at the Bar that, in time, I had my own readers; six in all, and one reader to whom I have been senior mentor. As you've heard, my readers were Sandip Mukerjea Gemma-Jane Cooper, Brian Mason, Marcus Fleming, Brooke Hutchins and Robert Forrester. I've been Joanna Dodds' senior mentor, and I have tried to perform something of that role for my first associate, Luisa Frederico, who has recently joined the Victorian Bar. Save for Brooke Hutchins who is occupied in another jurisdiction, they are all here today.

All are in active and successful practise at the Bar, and I'm incredibly proud of each of them. They continue to be solicitous of my wellbeing. When I went on to the Family Court, my first reader, Sandip Mukerjea, presented me with a package containing what he categorised as a CLE. It was, in fact, a DVD of "Kramer vs. Kramer", which came in handy. His latest suggested viewing is a DVD of "The Castle" which, as many of you will know, concerns the acquisition of property on other than just terms. Perhaps that will come in handy too.

As well as the opportunity to work with my readers, I've also had the pleasure of having many fine barristers as my juniors and appearing in front of me in recent years. Many of them are here today. I will not list them all but they know who they are and I thank them all. And, of course, I had the great privilege to be led over the years by many exceptional silks. As well as those I have already mentioned, it would be remiss of me not to mention the presence of Mr Jim Peters QC and his wife Sally today.

I wish to acknowledge also the Judges of the Supreme Court of Victoria who are here today. It has been a privilege to appear either with them as their junior or opposed to them or in front of them as judges, and they are exemplars for me of the judicial art. I mention, in particular, Justice David Beach of the Victorian Court of Appeal and Justice Stephen O'Meara with whom I shared chambers for many years. Justice Beach when a silk was the ideal leader. He and his wife, Marea, have been great friends to me and I thank them for their attendance today.

I remember very fondly my time as a solicitor at Freehills. I did articles, as has been mentioned, in the property section of the firm with Peter Mitchell, and I worked subsequently in litigation both in Melbourne and in Sydney with a series of talented solicitors, all of whom were very good to me. They were happy days.

I should say something briefly about my American life. I began post-graduate work in the Law School at the University of Virginia in 1997 under the watchful eye of Professor Paul Stephan, and I joined the visiting faculty of the Virginia Law School in January 2001. I've taught there almost every year since. Professor Stephan has had a great influence on my life, and he and his wife, Dr Pam Clarke, have become firm friends. I understand that they're watching this sitting from Charlottesville. I should also acknowledge my many colleagues on the Faculty who have so warmly greeted my appointment to this Court. I mention, in particular, Professor Paul Mahoney and the Rt Honourable Sir Jack Beatson. I've enjoyed many happy times with all of them.

My time at Melbourne University, now almost 30 years ago, should not be overlooked. They were wonderful years of my life and many of my friends from that time are here today or watching online. They include Joshua Puls, William and Jennifer Irving, Dominie Banfield, the Honourable Mary Wooldridge, Michael Gronow QC, Robert Heath QC, Dinusha Joseph, Renato Marasco, Peter Talacko and Simon Thornton. I mention also my oldest friend, Alistair Wenn, who is here today and who continues to do his best to give me some exercise on our morning walks.

I was privileged to have had many outstanding teachers in the Melbourne Law School, including Professors Michael Crommelin and Cheryl Saunders for constitutional and administrative law, and a young Mark Moshinsky for private international law. I acknowledge the presence in Court today of both Justice Moshinsky and Professor Crommelin.

Let me turn, finally, to my family. I would not be here at all without their love and support. My father is here today. My mother, who could not countenance a second welcome, has not unreasonably chosen Paris in the summertime with my sister, Vanessa. My parents gave my sisters and me a happy family life and a good education, and they are model parents. We had three of our four grandparents and one great grandmother. Grandparents are very important, and mine were a tremendous influence on me. I wish they could have been here today also.

Then there are my own gorgeous girls: my wife, Libby, and our two daughters, Emily and Alexandra. Libby and I have been married for almost 22 years and we continue to have many adventures together. Life would be unrecognisable without her, and I thank her for her love and support of me and our daughters. Our immediate family would not function without her. Both of us would say that Emily and Ally are our most outstanding achievements. They have been the salt of our lives. We are so very proud of them and all that they do and we delight in seeing them blossom into confident and engaging young women. I am so thankful that you're all here with me today and I love you more than I can say.

I would end by thanking the Chief Justice, the Judges, the Registrars and the staff of the Court for the very warm welcome I have been given. My Associates, Rebecca Brun and Janine van Eyk, also deserve special attention for their considerable forbearance in recent months. I am delighted to have joined the Court, and I look forward to many more years of service as a Judge of the Federal Court of Australia.

ALLSOP CJ: Thank you, Justice McEvoy. The Court will now adjourn.

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