

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: 12/07/2024 1:12:00 PM AEST
Date Accepted for Filing: 30/07/2024 1:10:30 PM AEST
File Number: VID589/2024
File Title: UNCLE ROBBIE THORPE v JUDICIAL REGISTRAR ALICIA DITTON
Registry: VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



A handwritten signature in blue ink that reads "Sia Lagos".

Registrar

Important Information

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

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



Affidavit

No VID589 of 2024

Federal Court of Australia

District Registry: Victoria

Division: Human Rights / Other Federal Jurisdiction

Uncle Robbie Thorpe
Applicant

Judicial Registrar Alicia Dutton
Respondent

Affidavit of: Uncle Robbie Thorpe

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

Occupation: Truth-Teller Fire-Keeper and Elder.

Date: 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 bunjilsfire@gmail.com

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

A handwritten signature in blue ink, appearing to read 'Robbie Thorpe'.

Emily Lloyd
Registrar

Neighbourhood Justice Centre
241 Wellington Street, Collingwood 3066

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

ABORIGINAL PUBLICATION

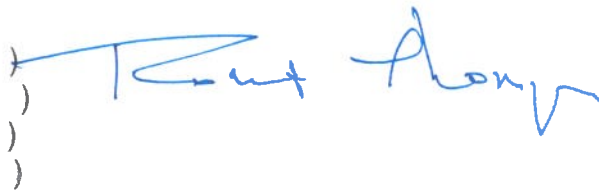
8. Insofar as the Court may have power to make such an order, I seek an order that Uncle Robbie Thorpe may publish transcripts and video-recordings of the hearing(s) on Aboriginal websites and Indigenous websites globally on the basis that all First Peoples have a right to access legal information. There 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.

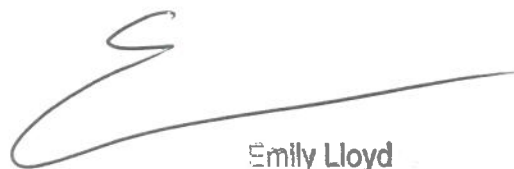
SERVICE ON OTP/ICC AND UN MEMBER STATES

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
261 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

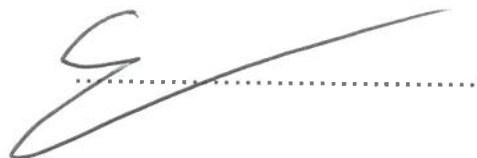
Judicial Registrar Alicia Dutton
Respondent

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 bunjilshire@gmail.com
Address for service: Camp Sovereignty, "Kings Domain", Melbourne VIC 3004

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

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

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?)

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

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

Date: Wed, 3 Jul 2024 at 09:10

Subject: Notice of a Constitutional matter

To: <attomey@ag.gov.au>, <constitutional.litigation@ags.gov.au>, <enquiries@vgso.vic.gov.au>, <solicitor.general@justice.tas.gov.au>, <csso-reception@sa.gov.au>, <legalservices.sfnt@nt.gov.au>, <crownsof@csso.nsw.gov.au>, <crownlaw@qld.gov.au>, <sso@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 (seecopy 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

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: <ags@ags.gov.au>, <constitutional.litigation@agps.gov.au>, <scouties@agps.gov.au>, <director.general@actca.gov.au>, <se-
natorial@actca.gov.au>, <regulations.etc@actca.gov.au>, <comms@actca.gov.au>, <conline@actca.gov.au>, <info@actca.gov.au>, <agps@actca.gov.au>

ceedings?)

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 31.6.24 relating FCA Judgment ID 132946

Thanks,

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



https://www.raboc.org.au/subscribers/poster-gallery/2024-outgoing-raboc-web-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 31.6.24, Un... (552K) x

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

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: bunjilsfire@gmail.com <bunjilsfire@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



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 the name of the Australian Government Solicitor.

Australian Government Solicitor

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

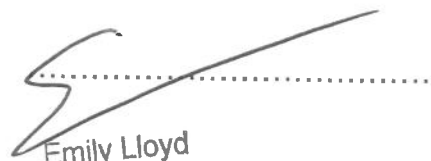
Judicial Registrar Alicia Dutton
Respondent

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.



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.....

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 bunjilshire@gmail.com
Address for service: Camp Sovereignty, "Kings Domain", Melbourne VIC 300

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.

- 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

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 bunjilshire@gmail.com
Address for service: Camp Sovereignty, "Kings Domain", Melbourne VIC 3004

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.

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

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

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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 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

From: Associate Wheelahan J <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 <bunjilfire@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

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 Ball & 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.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>, 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_Yoorrook_DataSovereigntyGuidance.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

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

OFFICIAL

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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
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305 William Street Melbourne VIC 3000
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E associate.wheelahanj@fedcourt.gov.au | W www.fedcourt.gov.au

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