From: **Constitutional** <Constitutional.Litigation@ags.gov.au>
Date: Tue, 6 Aug 2024 at 16:48
Subject: Uncle Robbie Thorpe v Judicial Registrar Alicia Ditton – Federal Court of Australia – Proceeding No. VID 589/2024 [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege] [AGSDMS-DMS.FID5222999]
To: bunjilsfire@gmail.com <bunjilsfire@gmail.com>
Cc: vicreg@fedcourt.gov.au <vicreg@fedcourt.gov.au>

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Dear Uncle Robbie Thorpe

Uncle Robbie Thorpe v Judicial Registrar Alicia Ditton – Federal Court of Australia – Proceeding No. VID 589/2024

Please see attached our correspondence regarding the above proceeding.

Kind regards.

Australian Government Solicitor

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

Canberra
Sydney
Melbourne
Brisbane
Perth
Adelaide
Hobart
Darwin

Our ref. 24006023

6 August 2024

Uncle Robbie Thorpe
Camp Sovereignty
Kings Domain
Melbourne VIC 3004

By email: bunjilsfire@gmail.com; cc vicreg@fedcourt.gov.au

Dear Uncle Robbie Thorpe

Uncle Robbie Thorpe v Judicial Registrar Alicia Ditton – Federal Court of Australia – Proceeding No. VID 589/2024

We act on behalf of the Commonwealth Attorney-General. We refer to our letter of 22 July 2024, responding to your notice of a constitutional issue, which gave notice that the Attorney-General will not intervene in this proceeding or apply to remove the cause to the High Court. We also refer to your interlocutory applications dated 12 and 15 July 2024 and affidavits in support sent to us on 1 August 2024.

The Attorney-General does not consent to being joined to this proceeding as a respondent. The Court must be satisfied joinder is 'necessary' to ensure that each issue in dispute is able to be heard and finally determined,[1] which does not mean merely 'convenient; it must be *essential* to determine the questions which arise.'[2]

The filed documents in our possession disclose that the Attorney-General's presence is not necessary to determine the issues in this application for review of the Judicial Registrar's refusal to accept documents for filing. Joinder of the Attorney-General would not alter the questions raised or how those questions are resolved.[3] The application is not one for review of a decision of the Attorney-General, and the orders sought in the review application do not directly affect his interests (even if he was named in the original documents sought to be filed in the Court),[4] particularly if the Judicial Registrar's decision under review relates to documents found to be 'an abuse of the process of the Court' or 'frivolous or vexatious' (in the sense that they do not to disclose a properly stated cause of action and they do not have any prospects of success).

Yours sincerely

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

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1 Rule 9.05(1)(b)(ii) of the *Federal Court Rules 2011* (Cth).

2 *Sportsbet Pty Ltd v Harness Racing Victoria (No 2)* [2010] FCA 952 at [44] (our emphasis).

3 *Sportsbet Pty Ltd v Harness Racing Victoria (No 2)* [2010] FCA 952 at [40]-[41].

4 Eg *ARU17 v Minister for Immigration, Citizenship and Multicultural Affairs* [2023] FCA 1275 at [30]-[32]; *News Limited v Australian Rugby Football League Ltd* (1996) 64 FCR 410 at 523-525.