

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMON LAW DIVISION
PRACTICE COURT

Not Restricted

S ECI 2024 00627
S ECI 2024 01043
S ECI 2024 01183

IN THE MATTER of proposed proceedings

BETWEEN

ROBERT THORPE

Proposed Applicant

v

CHARLES WINDSOR

Proposed Respondent

JUDGE: Forbes J
WHERE HELD: Melbourne
DATE OF HEARING: On the papers
DATE OF JUDGMENT: 3 April 2024

HER HONOUR:

1 Mr Thorpe wishes to bring a private criminal prosecution against Charles Windsor, the King of England, for crimes against First Nations people...

...

21 Finally, allegations of genocide unarguably raise serious matters and in other contexts a specially constituted body or tribunal has been considered appropriate to hear charges of that nature...

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



M. Richards

THE HONOURABLE JUSTICE RICHARDS

View online at <https://crimesceneaustralia.com/wp-content/uploads/Signed-Order-of-judge-Melinda-Richards-22.4.24.pdf>

now online at <https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VSC/2024/360.html>

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
PRACTICE COURT

Not Restricted

S ECI 2024 03140
S ECI 2024 03142

BETWEEN:

AUNTY ALMA THORPE

First Applicant

and

UNCLE ROBBIE THORPE

Second Applicant

and

ROD RATCLIFFE, PROTHONOTARY

First Respondent

and

ATTORNEY-GENERAL OF VICTORIA

Second Respondent

JUDGE: O'Meara J
WHERE HELD: Melbourne
DATE OF HEARING: On the papers
DATE OF JUDGMENT: 25 June 2024
CASE MAY BE CITED AS: Thorpe v Prothonotary & Anor
MEDIUM NEUTRAL CITATION: [2024] VSC 360

HIS HONOUR:

...

¹ *Robert Thorpe v Charles Windsor* (Supreme Court of Victoria, Forbes J, 3 April 2024)...

4 That said, the second plaintiff seems to have also sought to issue a proceeding against King Charles III in the Magistrates' Court of Victoria, which was refused.

5 An application to review that refusal has been received in the Supreme Court.² That proceeding is presently listed to be heard in the Trial Division on 19 July 2024. In these reasons, that will be referred to as the '**judicial review proceeding**'.

6 In that general context, on about 25 April 2024, the applicants sought to file a document headed 'Writ' against the State of Victoria. That document sought the following relief –

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

² *Thorpe v Magistrates' Court of Victoria & Anor* (S ECI 2024 01011).

under Our Law.

7. An order that the defendant take all necessary measures to secure an investigation by the Office of the Prosecutor of the International Criminal Court into genocide by the defendant and officers of the defendant against We First Peoples.

15 The First Originating Motion purports to state the following 'grounds' –

1. Whether it is an abuse of process for the chief clerk of the supreme court of the State of Victoria to refuse to issue legal proceedings against the State of Victoria by We Elders, being undisputed victims of the undisputed genocide against Us and Our Peoples and all First Peoples, by the State of Victoria when the said State of Victoria with all our stolen resources is more than capable of defending itself in such a claim and needs no protection from liability by the chief clerk and may indeed admit liability and agree to the terms of the claim once issued and served.
2. Whether it is an abuse of process for the chief clerk of the supreme court of the State of Victoria, an undisputed genocidal kleptocracy that has stolen Our Lands and usurped Our Laws, to refuse to allow the truth of Our Claims to be established by evidence and law in a court of justice.
3. Whether it is beyond the power of any clerk of this court so deeply complicit in the genocide of First Peoples here to refuse to issue legal proceedings concerning the ongoing genocide against Us brought by Our Elders seeking to prevent any further genocide and to hold the State of Victoria responsible and accountable.
4. Whether the chief clerk took into account irrelevant considerations (such as the claimed immunity and impunity and of the State of Victoria for genocide) and failed to take into account relevant considerations (such as the ongoing genocide against First People here and the universal obligation to investigate, stop, prevent and punish such genocide).

5. Whether the chief clerk failed to take into account relevant considerations (such as Our unceded sovereignty and the absence of any document evidencing Our consent to the occupation of Our Lands and the usurpation of Our Law by the State of Victoria) and took into account irrelevant considerations (the exile or extermination of the exterminating State of Victoria).
6. Whether the chief clerk has a duty to stop and prevent the crime of genocide against Us.
7. Whether the chief clerk knowingly and deliberately and with intent to destroy Us failed in his duty to stop and prevent the crime of genocide against Us.
8. Whether the chief clerk is complicit in the crime of genocide against Us and should be so charged forthwith.
9. Whether Our Law governs all people and lands here in the absence of any treaty or agreement or other document evidencing our Consent to the usurpation of our law by anyone of any entity.
10. Whether under Our Law it is even possible for Us to consent to the usurpation of The Ancient Unchangeable Custodial Law Of This Land.
11. Whether the chief clerk can ignore the existence and jurisdiction of the International Court of Justice and the International Criminal Court.
12. Whether the chief clerk understands, accepts and acknowledges that the International Court of Justice can make decisions regarding the true sovereigns and true laws and true ownership of lands.
14. Whether the chief clerk understands, accepts and acknowledges that the International Criminal Court has jurisdiction to prosecute him for genocide since the State of Victoria is manifestly unwilling and unable to do so itself.
15. The chief clerk failed to consider the relevant fact that the State of Victoria had previously admitted that Our Sovereignty has never been ceded as set out in the statement of claim in the writ at paragraphs 4(b) 27 April 2023 (c) 18 April 2024 (d) 31 March 2023. Note that the State of Victoria continues to admit this fact e.g. on 29 April 2024 (elected leader Jacinta Allan representing State of Victoria).
16. The chief clerk deliberately refused to apply the legal significance of this fact to the document before him.
17. The chief clerk deliberately refused to accept that the State of Victoria had made the decision (repeatedly) to surrender and give up its war against Us First Peoples.
18. The chief clerk deliberately decided that the State of Victoria could not be “a nullity” when there are obviously other options for the State of Victoria including by necessity its passive continuance as necessarily authorised by Us First Peoples pending and including ongoing changes ordered by Us First Peoples as We begin to heal and sort out matters

amongst Ourselves free of any interference or coercive control of any kind by the State of Victoria.⁴

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
PRACTICE COURT

Not Restricted

Proposed proceeding S ECI 2024 01879

In the matter of a proposed proceeding, on the application of ROBERT THORPE

| | |
|---------------------------------|------------------|
| <u>JUDGE:</u> | Richards J |
| <u>WHERE HELD:</u> | Melbourne |
| <u>DATE OF HEARING:</u> | On the papers |
| <u>DATE OF JUDGMENT:</u> | 12 July 2024 |
| <u>CASE MAY BE CITED AS:</u> | Re Thorpe (No 2) |
| <u>MEDIUM NEUTRAL CITATION:</u> | [2024] VSC 408 |

HER HONOUR:

...

7 Mr Thorpe made the following submissions in support of his request for review.

1. The statement of claim in the attached Writ lodged on Anzac Day, 25 April 2024-- and the subject matter of your Court's decision on 25 June 2024 referred to above-- sets out relevant factual matters in numbered paragraphs--note especially the practice direction made and published by your Chief Justice, Chair of Courts Council, on 4 September 2023 and set out in paragraph 9 of the said Writ which includes this statement "We acknowledge that harm has occurred for First Peoples in our courts. They have not been experienced as trusted institutions offering justice." Note also paragraphs 10 and 11. It is sadly ironic that the Court on 25 June 2024 in the said decision dismissed the said numbered paragraphs of factual matters as political and polemical-- this dismissal is yet another example of the psychological issue of "white denial" that

We have to contend with daily during your ongoing genocide against Us; and is in fact a further act of genocide against Us. Further, the grounds numbered 1-18 set out in paragraph 15 of the said decision of 25 June 2024 in relation to you as chief clerk are relevant to the Deputy Prothonotary's Refusal made 22 April 2024. Note that the official glossary on your Court's website defines "Deputy Prothonotary" as "the title of a deputy chief clerk of the Supreme Court of Victoria" and "Prothonotary" as "the title of the chief clerk of the Supreme Court of Victoria"

<https://www.supremecourt.vic.gov.au/about-the-court/how-the-court-works/glossary>.

2. Contrary to paragraph 2 of DP Warren's Refusal on 22 April 2024, this superior court's independent inherent jurisdiction under the separation of powers and the Constitution Act of the State of Victoria allows it to create special internal tribunal arrangements as justice demands. It is unclear if the Common Law Division and the Criminal Division are specifically created by Parliament but certainly your mysterious secretive "Practice Court" is barely mentioned in your Court's own Rules let alone any creating or authorising statute. It may be that a request be made by Chair of Courts Council to the State of Victoria (perhaps via the Executive or the Legislature) for certain judicial appointments of Aborigines or interstate or international experts in order for your Court to have some semblance of lack of bias in a State where every senior official has sworn allegiance to the genocidal invader/coloniser monarchy family that has unlawfully and criminally purported to usurp Our Law and occupy Our Lands. If such request is refused, your Court can proceed with existing judicial officers of your Court under the so-called doctrine of necessity. In one sense of course every case heard be any court is a special court unique to its own facts and applicable laws.
3. Contrary to paragraph 3 of DP Warren's Refusal on 22 April 2024, there is no procedural misconception. It is probable that there are now other matters that can be included in this omnibus genocide hearing-- these can all be specified and sorted out at directions hearings. This is not a reason for not proceeding-- in fact, it is a strong reason for proceeding with a fit-for-purpose tribunal in this time of apparently unstoppable ongoing Aboriginal genocide where no non-Aboriginal person has ever been held responsible.
4. Contrary to paragraph 4 of DP Warren's Refusal on 22 April 2024, your Court's own Rules allow for its existing Rules to be overridden as the Court sees fit and justice demands. And of course your Court has never ceded its inherent and implicit power to create its own Rules. Your common law also claims to be dynamic and adaptable as the facts and justice dictate.