



HIGH COURT OF AUSTRALIA

NOTICE OF FILING

This document was filed electronically in the High Court of Australia on 12 Sep 2024 and has been accepted for filing under the *High Court Rules 2004*. Details of filing and important additional information are provided below.

Details of Filing

File Number: M80/2024
File Title: In the matter of an application by Uncle Robbie Thorpe for spe
Registry: Melbourne
Document filed: Form 23 - Application for leave or special leave to appeal
Filing party: Applicant
Date filed: 12 Sep 2024

Important Information

This Notice has been inserted as the cover page of the document which has been accepted for filing electronically. 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 and whenever the document is reproduced for use by the Court.

Form 23— Application for special leave to appeal

IN THE HIGH COURT OF AUSTRALIA
MELBOURNE OFFICE OF REGISTRY

IN THE MATTER of a proposed judicial direction, on the application of UNCLE
ROBBIE THORPE

UNCLE ROBBIE THORPE
Applicant

10 **APPLICATION FOR SPECIAL LEAVE TO APPEAL**

The applicant applies for special leave to appeal from the whole of the judgement of Court of Appeal of the Supreme Court of Victoria given on 2 August 2024.

The applicant seeks orders that compliance with the time limited by rule 41.02.1 be dispensed with and that the requirement in rule 41.01.4(a) that an application shall be accompanied by a copy of the sealed order of the court below be dispensed with under rule 2.02.

20 Special considerations or circumstances

Need for expedition. The applicant seeks a direction that the trial judge, Justice Richards, receive the affidavit of Uncle Robbie Thorpe affirmed 22 July 2024. Judgement was reserved by Justice Richards on 19 July 2024 and the judgement-writing-process has not yet been stayed pending applications for leave to appeal to the Court of Appeal of the Supreme Court of Victoria and this application despite requests.

Part I: Proposed grounds of appeal

- 30 1. The affidavit exhibited evidence of the ongoing Aboriginal Genocide and the trial judge's refusal to accept the affidavit showed that the judge had pre-judged the fundamental issue in the case as to whether there is ongoing Aboriginal Genocide.
2. It is implicit in the Constitution Act that no judge can refuse to accept evidence of ongoing Aboriginal Genocide.

Proposed order that will be sought if special leave is granted:

- 40 1. The judgement-writing-process be stayed in Uncle Robbie Thorpe v Magistrates Court of Victoria and Attorney General of Victoria, Supreme Court of Victoria SEC I 2024 01011 pending the hearing of the appeal by the court.
2. The trial judge receive the affidavit of Uncle Robbie Thorpe affirmed 22 July 2024.

Date of document: 4 September 2024
Filed on behalf of the applicant

Part II: A concise statement of the special leave questions said to arise.

Whether it is implicit in your Constitution Act that evidence of continuing Aboriginal Genocide should be admitted by a trial judge.

Part III: A brief statement of the applicant's argument for special leave.

10 The question is of public importance because of its general application and the interests of justice require consideration of the judgement.

Part IV: Any reasons why no costs order for respondent if application refused.

There is no respondent.

Part V: A list of authorities on which the applicant relies.

20 Nil.

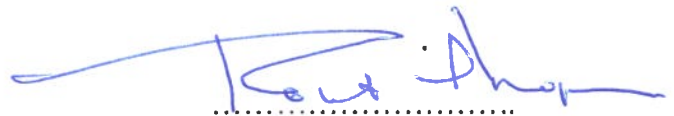
Part VI: The particular statutory provision applicable to the question.

— Section 17(2) of the *Supreme Court Act (Vic) 1986*:

30 Unless otherwise expressly provided by this or any other Act, an appeal lies to the Court of Appeal from any determination of the Trial Division constituted by a Judge of the Court.

— Also in **Part 1** above— ground 2: implicit in *Constitution Act (Cth) 1901*.

40 Dated 4 September 2024



The applicant is self-represented.