

FORM 5 E

Rule 5.02, 53.02(3)

**ORIGINATING MOTION FOR RECOVERY OF LAND  
UNDER ORDER 53**

IN THE SUPREME COURT  
OF VICTORIA  
AT MELBOURNE

2025 No.

COMMON LAW DIVISION

PROPERTY LIST

B E T W E E N

UNCLE ROBBIE THORPE

Plaintiff

-and-

HER EXCELLENCY PROFESSOR THE HONOURABLE  
MARGARET GARDNER AC  
GOVERNOR OF VICTORIA

Defendant

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Date of Document: 28 March 2025

Filed on behalf of: Uncle Robbie Thorpe  
CAMP SOVEREIGNTY  
"Kings Domain"  
Melbourne VIC 3004

Telephone: 0422 200 696  
Ref: Eviction #1 – Trespass Charge  
Email: bunjilsfire@gmail.com

Defendant:

VICTORIAN GOVERNMENT SOLICITORS OFFICE  
Level 27, 121 Exhibition St,  
Melbourne VIC 3000

DX: Solicitor Code:  
Telephone: 9375 5300  
Email: enquiries@vgso.vic.gov.au

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TO THE DEFENDANT AND TO EVERY PERSON IN OCCUPATION OF THE LAND AT [description of land\*<sup>1</sup>] the beautiful high land overlooking the misty billabongs and wetlands of Birrarung aka “The Yarra” as shown in the attached bunjil’s-eye view of the site at pages 4, 5 and 6 of this originating motion aka “Government House”.

TAKE NOTICE that this proceeding by originating motion has been commenced by the plaintiff for the recovery of land at . Further particulars of the claim appear in the affidavit made in support of the claim. A copy of the affidavit and of any exhibit referred to therein is served with this originating motion.

AND TAKE NOTICE that the plaintiff will apply to an Associate Judge in Court No. , Supreme Court, 436 Lonsdale Street, Melbourne on

at or so soon afterwards as the business of the Court allows. At that time the Associate Judge may hear an application by the plaintiff for judgment that the plaintiff recover possession of the land described in this originating motion as and that the defendant pay the plaintiff’s costs to be assessed.

IF YOU ARE NAMED AS DEFENDANT AND INTEND TO DEFEND THIS PROCEEDING you must:

- (a) give notice of your intention by filing an appearance on or before the day specified above; and
- (b) attend before the Associate Judge as specified above.

YOU OR YOUR SOLICITOR may file the appearance. An appearance is filed by:

- (a) filing a "Notice of Appearance" in the Prothonotary's office, 436 Lonsdale Street, Melbourne, or, where the originating motion has been filed in the office of a Deputy Prothonotary, in the office of that Deputy Prothonotary; and
- (b) on the day you file the Notice, serving a copy, sealed by the Court, at the plaintiff’s address for service, which is set out at the end of this originating motion.

IF YOU FAIL to file an appearance on or before the day specified above or to attend before the Associate Judge on that day, the plaintiff MAY OBTAIN JUDGMENT AGAINST YOU without further notice.

IF YOU ARE IN OCCUPATION OF THE LAND AND ARE NOT NAMED AS DEFENDANT you may attend before the Associate Judge in

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<sup>1</sup> \* [Note: The land should be so described as to as to be physically identifiable.]

person or by your counsel or solicitor on the day and at the time and place specified above and apply to be made a defendant.

FILED 28 March 2025.

Prothonotary

Page 2

1. Place of trial—

(If no place of trial is specified, trial will be held in Melbourne.)

2.\*\* This originating motion was filed—

(a) by the plaintiff in person;

3. The address of the plaintiff is—

CAMP SOVEREIGNTY  
“Kings Domain”  
Naarm (“Melbourne VIC 3004”)

4. The address for service of the plaintiff is—

CAMP SOVEREIGNTY  
“Kings Domain”  
Naarm (“Melbourne VIC 3004”)

5. The email address for service of the plaintiff is—

[bunjilfire@gmail.com](mailto:bunjilfire@gmail.com)

6. The address of the defendant is—

VICTORIAN GOVERNMENT SOLICITORS OFFICE  
Level 27, 121 Exhibition St,  
Melbourne VIC 3000

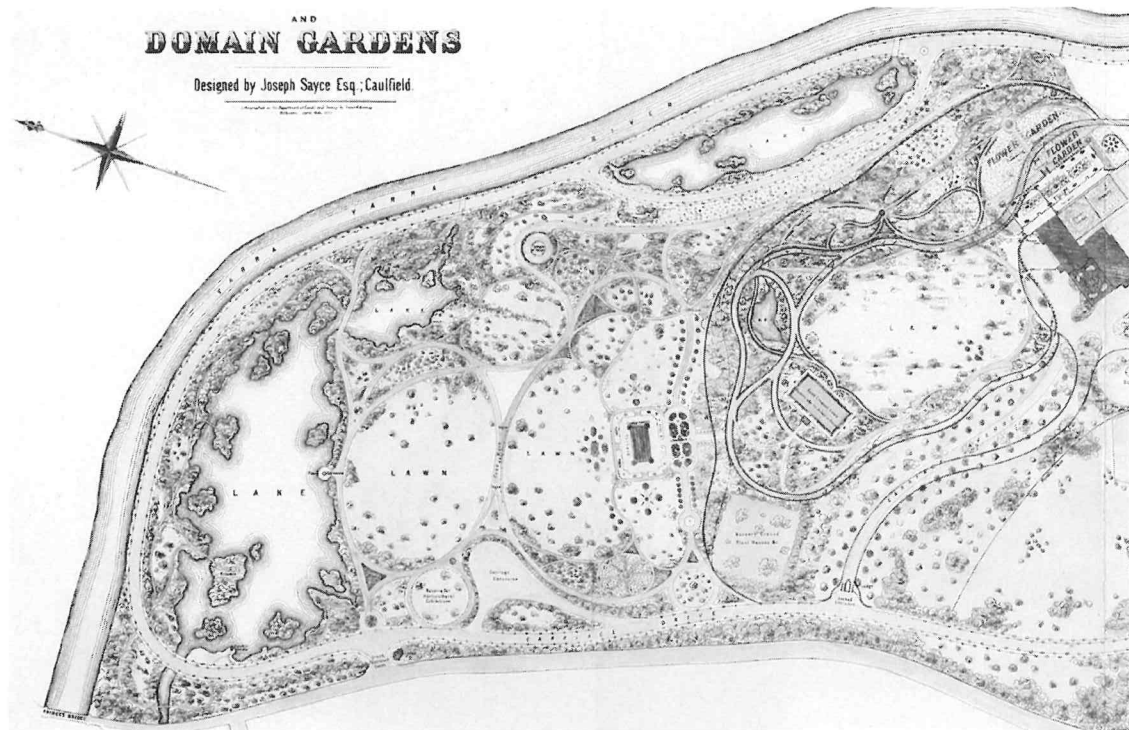
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\* [Note: The land should be so described as to as to be physically identifiable.]

ATTACHMENT TO FORM 5E ORIGINATING MOTION FOR RECOVERY OF LAND

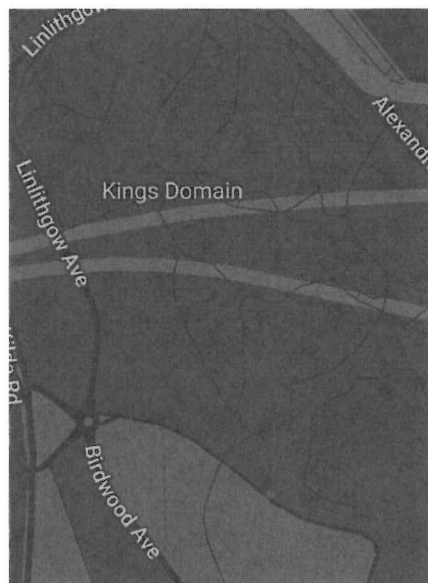
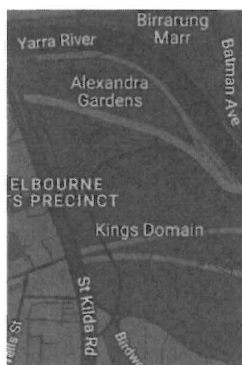
UNCLE ROBBIE THORPE, Plaintiff and GOVERNOR MARGARET GARDNER, Defendant

PHYSICALLY-IDENTIFIABLE<sup>2</sup> DESCRIPTION OF THE LAND



1872 ↑

2025 ↓→

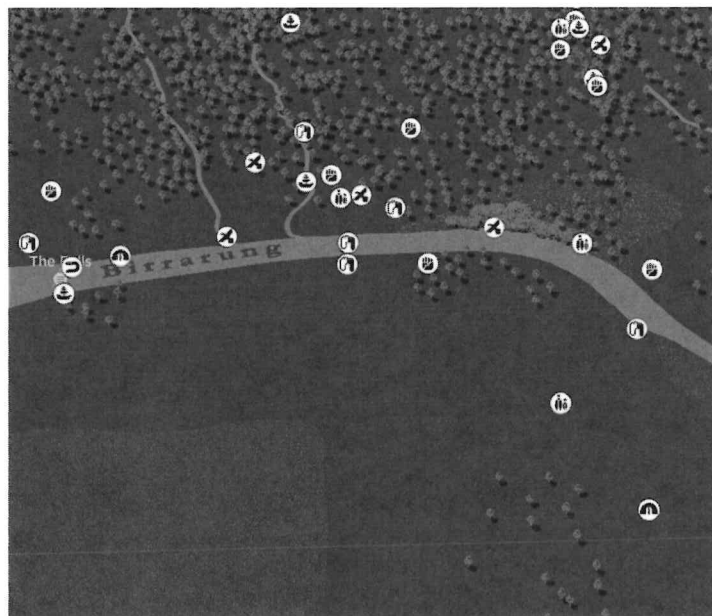


<sup>2</sup> \* [Note: The land should be so described as to as to be physically identifiable.]

note \* at page 623, Supreme Court (General Civil Procedure) Rules 2015 Authorised Version No. 035 S.R. No. 103/2015 incorporating amendments as at 6 July 2020  
<https://content.legislation.vic.gov.au/sites/default/files/2020-07/15-103sra035%20authorised.pdf>  
<https://www.legislation.vic.gov.au/in-force/statutory-rules/supreme-court-general-civil-procedure-rules-2015/035>



29 July 1768<sup>3</sup>



4

<sup>3</sup> 30 July 1768 Lt. Cook RN royal instructions to sail over here and land “with the **consent** of the natives”.  
<https://aboriginal-map.melbourne.vic.gov.au/>

<sup>4</sup> Mapping Aboriginal Melbourne © 2025 City of Melbourne **Director of Aboriginal Melbourne:** Jason Eades  
<https://www.melbourne.vic.gov.au/aboriginal-melbourne> **First Nations Committee:** Aunty Di Kerr (co-chair), Dr Olivia Ball (co-chair and **Aboriginal Melbourne Portfolio Head**), Lord Mayor Nicholas Reece (**Aboriginal Melbourne Portfolio Deputy**), Dr Kyle Turner, Josh Lloyd, Kayla Cartledge, Kelly Lehmann, Melanie Dale, Troy Walsh, Uncle Colin Hunter Jr, Zali Mifusd <https://www.melbourne.vic.gov.au/first-nations-committee>



King's Domain Resting Place



Granite memorial, King's Domain Resting Place


On 22 November 1985, the remains of 38 Victorian Aboriginal people of unknown provenance were repatriated by the Museum of Victoria and taken for reburial at King's Domain. The site is marked by a granite boulder with an inscribed memorial plaque.

A procession of representatives from Aboriginal communities, led by Gunditjmarra elder 'Banjo' Clarke and including Margaret Tucker, carried and accompanied the remains. The procession left from the Museum (then at the State Library of Victoria), walking along Swanston Street and St Kilda Road. This was the first of the Museum's repatriations.

The memorial plaque reads 'THIS IS THE RESTING PLACE FOR THE SKELETAL REMAINS OF 38 ABORIGINAL PEOPLE. THEY ARE REPRESENTATIVES OF THE FOLLOWING TRIBES OF VICTORIA. BIDAWAL BRABIRALUNG BRAIKAULUNG BRATAUOLUNG BUNGJANDITJ BUNJILKRAURA BUNRONG DIJILAMATANG DUDUROA GUNDITJMARA JAADWA JAARA JAITMATHANG JARIJARI JUPAGALK KATUBAMUT KIRRAE KOLAKNGAT KRAUATUNGALUNG KURNAL KURUNG KWATKWAT LATJILATJI MARDITJALI MINJAMBUTA NGURELBAN PANGERANG TATITATI TATUNGALUNG TAUNGURONG TJAPWURUNG WAMBAWAMBA WATIWATI WATHAURUNG WARKAWARKA WATJOBALUK WURUNDJERI YORTAYORTA RISE FROM THIS GRAVE/ RELEASE YOUR ANGER AND PAIN/ AS YOU SOAR WITH THE WINDS/ BACK TO YOUR HOMELANDS/ THERE FIND PEACE WITH OUR/ SPIRITUAL MOTHER THE LAND/ BEFORE DRIFTING OFF INTO THE/ "DREAMTIME"'

 Enduring Culture

King's Domain Resting Place

 Connection to Country


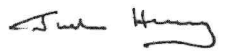
Bunurong Boon Wurrung

The ... living area of the Bunurong Boon Wurrung people ... near important cultural places.

Arriving in 1841, William Kyle described the following scene: 'we found the black population pretty numerous. Many of them were camped around the embryo city of Melbourne ... During the Summer months the blacks could wade across the Yarra, near where Queen's Bridge now spans the river. Sometimes they would swim across from one tribe to another. In flood time they used canoes, which were easily made' ... where the Bunurong Boon Wurrung had traditionally stayed was no coincidence. Ideally situated on high land overlooking the river, the area was both strategically placed and beautiful... The location provided the Bunurong Boon Wurrung easy access to the large freshwater Tromgin Billabong (now part of the Botanical Garden's Ornamental Lake) ... good for getting eels and other resources.

Mapping Aboriginal Melbourne © 2025 City of Melbourne  
<https://www.melbourne.vic.gov.au/aboriginal-melbourne>  
 jason eades director of aboriginal melbourne  
<https://www.melbourne.vic.gov.au/first-nations-committee>

The City of Melbourne does not intend any of the provisions of the Declaration of Recognition and Commitment 29th September 2021 to be legally enforceable

  
 Lord Mayor  
  
 Chief Executive Officer  
 Justin Hanney