

IN THE COUNTY COURT OF VICTORIA  
AT MELBOURNE  
CRIMINAL JURISDICTION

Indictment No. C2114732  
Court Ref: CR-22-00770

THE DIRECTOR OF PUBLIC PROSECUTIONS

-v-

ELIJAH CRUSE

**NOTICE OF A CONSTITUTIONAL MATTER**

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Date of document: 31 May 2024, 29th National Reconciliation Week

Filed on behalf of: Elijah Cruise, the accused.

Prepared by: Elijah Cruise

Address:

Email:

Phone:

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The accused, Elijah Cruise, gives notice that this proceeding involves a matter under the Constitution or involving its interpretation within the meaning of section 78B of the Judiciary Act 1903 of the Commonwealth.

2. *[State specifically the nature of the matter]*

(1) THE STATE OF VICTORIA HAS NO JURISDICTION

Upon the State of Victoria admitting that Our Sovereignty was never ceded on 27 April 2024 (confirmed by Minister for Treaty and First Peoples Hutchins on 18 April 2024 and Premier Allan on 29 April 2024), in the absence of any treaty evidencing Our voluntary, free, informed prior consent, all Lands and Waters in “Victoria” is Aboriginal Land and Waters and Our Aboriginal Law applies to all residents in Victoria.

(2) YOUR CONSTITUTION PROTECTS OUR RIGHT TO GATHER AND TRADE ABALONE

Following the High Court decision in *Love and Thoms*, the *Constitution Act 1901*

- (a) protects Our Right to gather and trade abalone (i) on Our Lands And Waters; and also (ii) on any Aboriginal Lands and Waters under Our International Protocols between Ourselves;
- (b) imposes a fiduciary obligation upon every judge to stop and prevent any non-Aboriginal person (i) impeding or otherwise intruding upon Our Rights to abalone as aforesaid; (ii) stealing any of Our abalone; or (iii) usurping Our Law or occupying Our Lands and Waters.

(3) THE FURTHER MATTERS SET OUT IN THE SEALED NOTICE ON 16 MAY 2024.

The Sealed copy of a Notice of a Constitutional Matter was served on the Honourable Jaclyn Symes, Attorney-General of Victoria, via email to enquiries@vgso.vic.gov.au on 16 May 2024 in FCA VID388/2024 *Urgent Application of Uncle Robbie Thorpe* and Counsel appeared for the Honourable Jacinta Allan and the Honourable Natalie Hutchins at the hearing before Wheelahan J on 17 May 2024. Refer to the sealed copy of the affidavit of service filed 20 May 2024 in the said proceedings. The matter concerned the raid and desecration on Friday 10 May 2024 of the fire and camp at Camp Sovereignty honouring the tnearby hirty-eight skeletal remains of Our Aboriginal Peoples returned from State of Victoria institutions and ceremonially laid to rest there in 1986.

(4) THE FURTHER MATTERS SET OUT IN THE NOTICE SERVED ON 27 MAY 2024.

The Notice of a Constitutional Matter was served on the Honourable Jaclyn Symes, Attorney-General of Victoria via email to enquiries@vgso.vic.gov.au on 27 May 2024 in FCA lodgement 24.5.24 *Uncle Robbie Thorpe v The Honourable Mark Dreyfus* (filing pending decision of Registrar).

3. [State the facts showing the matter is one to which section 78B of the Judiciary Act 1903 applies].

Elijah Cruse and seven others are facing a total of 15 Charges in the County Court of the State of Victoria of possession of a commercial quantity of a priority species namely abalone contrary to section 111C of the *Fisheries Act 1995* and trafficking in a commercial quantity of a priority species namely abalone contrary to section 111A of the *Fisheries Act 1995* on several dates between 15 December 2019 and 5 June 2020.

{still working on this part}

Dated 31 May 2024, 29th National Reconciliation Week.

[Signed]

To the Registrar

And to Abbey Hogan, Solicitor for Public Prosecutions (Contact: Nonie McGregor)  
565 Lonsdale St Melbourne VIC 3000  
solicitor@opp.vic.gov.au

And to the other accused ANDRE CRUSE, LEE CRUISE, DAVID CRUSE, ETHAN CRUSE,  
VAN TUYET THI NGUYEN, TRIEU THANH NGUYEN and HAI TRIEU PTY LTD.

And to the Attorneys-General of the States and Territories via their email addresses:

<katrina.close@ags.gov.au>,  
<enquiries@vgso.vic.gov.au>,  
<solicitor.general@justice.tas.gov.au>,  
<cso-reception@sa.gov.au>,  
<actgso@act.gov.au>,  
<legalservices.sfnt@nt.gov.au>,  
<crownsol@cso.nsw.gov.au>,  
<crownlaw@qld.gov.au>,  
<sso@sso.wa.gov.au>,  
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