

NOTICE OF FILING

Details of Filing

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File Title: UNCLE ROBBIE THORPE v JUDICIAL REGISTRAR ALICIA DITTON
Registry: VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



Sia Lagos

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. 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.

The date of the filing of the document is determined pursuant to the Court's Rules.



Form 18
Rule 8.11(2)

**Notice of a Constitutional matter
under section 78B of the Judiciary Act 1903**

No. VID 589 of 2024

Federal Court of Australia
District Registry: Victoria
Division: Human Rights / Other Federal Jurisdiction

Uncle Robbie Thorpe
Applicant

Judicial Registrar Alicia Ditton
Respondent

The applicant gives notice that the proposed proceeding involves a matter arising under the Constitution or involving its interpretation within the meaning of section 78B of the *Judiciary Act* (C'th) 1903.

Nature of Constitutional matter

- i. Whether it is implicit in your Constitution that no decision of a Judicial Registrar of the Federal Court of Australia can be valid that allows legitimises attempts incites conspires aids abets Aboriginal genocide.
- ii. The matters set out in my Constitutional Notice dated and lodged 27 May 2024 in the proposed proceedings Uncle Robbie Thorpe v The Honourable Mark Dreyfus and served the same day upon the Attorneys-General of the Commonwealth of Australia and the States and Territories as set out in my affidavit of service lodged the same day and referred to in the present respondent's statement of terms of decision dated 31 May 2024:
 1. Whether your Constitution protects Our Aboriginal campsites at Aboriginal remains from desecration by non-Aboriginal groups or individuals.
 2. Whether your Constitution protects Aboriginal fires at Our Aboriginal campsites at Aboriginal remains from extinguishment by non-Aboriginal groups or individuals.
 3. Whether your Constitution requires that every non-Aboriginal court provide immediate and effective protection for, and preservation of, Our Aboriginal fires at Our Aboriginal campsites at Aboriginal remains.
 4. Whether your Constitution allows non-Aboriginal groups and individuals to desecrate Our Aboriginal campsites (including the extinguishment of Our Aboriginal fires) at Aboriginal remains with impunity and/or with immunity from immediate and effective court orders.
 5. Whether your Constitution imposes a fiduciary obligation upon every judge to stop and prevent
 - (i) the desecration of Our Aboriginal campsites (including the extinguishment of Aboriginal fires) at Aboriginal remains;

- (ii) the theft of any items at Our Aboriginal campsites at Aboriginal remains;
- (iii) the theft of any of Our Aboriginal Land;
- (iv) the usurpation of any of Our Aboriginal Law.

6. Whether your Mabo decision that no court can inquire into how “Australia” got sovereignty and jurisdiction over We Aborigines is inconsistent with your legislation in Division 268 of the Criminal Code which criminalises acts of genocide with intent to destroy Us in whole or in part.

7. Whether your denial of Our Aboriginal Sovereignty is proof of your intent to destroy us in whole or in part within the meaning of the Rome Statute of the International Criminal Court 2000 and the Genocide Convention 1948 and your Genocide Convention Act 1949.

8. Whether the sole basis for your theft of Our Lands and your usurpation of Our Law under your Constitution is your continuing acts of genocide (as defined in the three instruments in paragraph 7 above) against Us.

9. In the absence of any treaty evidencing Our free, informed prior consent, whether every bit of land in the entire continent is Aboriginal Land and Our Aboriginal Law applies to all residents here.

10. Whether your deliberate premeditated failure and refusal to negotiate for our consent in a treaty is itself an act of genocide and also proof of your intent to destroy Us Aborigines in whole or in part contrary to the three instruments in paragraph 7 above and also Division 268 of your own Criminal Code.

11. Whether your requirement that one Mark Dreyfus, a non-Aboriginal individual, is the only person who can bring prosecutions for Aboriginal genocide is itself an act of genocide and also proof of your intent to destroy Us Aborigines in whole or in part contrary to the three instruments in paragraph 7 above and also Division 268 of your own Criminal Code.

12. Whether it is implicit in your Constitution that no legislation can be valid that allows legitimises attempts incites conspires aids abets Aboriginal genocide.

Facts showing that the matter is one to which section 78B of the *Judiciary Act* applies.

1. On 16 May 2024 I filed and served a notice of twelve Constitutional matters concerning ongoing Aboriginal genocide on the said Attorneys-General in proceedings numbered VID388/2024 seeking an injunction to restrain Melbourne City Councillors from extinguishing Our Sacred Fire and destroying Camp Sovereignty.

2. On 24 May 2024 I lodged an Originating Application and Statement of Claim in proposed proceedings Uncle Robbie Thorpe v The Honourable Mark Dreyfus seeking declaratory orders in terms of those twelve Constitutional matters concerning ongoing Aboriginal genocide.

3. On 27 May 2024, the anniversary of the 1967 Referendum and the commencement of the twenty-ninth annual National Reconciliation Week (2024 Theme NOW MORE THAN EVER #NRW2024 <https://www.reconciliation.org.au/our-work/national-reconciliation-week/>), I lodged and served a notice of those same twelve Constitutional matters upon the said Attorneys-General and the same day lodge an affidavit proving service upon the said officers.

4. In Part A the notice of 27 May 2024 (paragraph 3 above) set out a summary of the necessary factual background to understanding the matter— optimistically headed “Agreed statement of facts” because there can really be no disagreement as to the eleven facts set out therein.

5. This recitation of indisputable facts was followed by Part B “The Raiding Party”, Part C “The First Constitutional Notice” and Part D “Declaratory Orders needed to clarify the rights and responsibilities under the Constitution between parties and those directly affected by the uncertainty of the current situation”.

UNCLE ROBBIE THORPE THANKS

6. In my Originating Application lodged on 24 May 2024 the first order sought was an order that the parties in these proceedings be referred to in all transcripts, court documents, correspondence and reports as Uncle Robbie Thorpe and The Honourable Mark Dreyfus and the case name as Uncle Robbie Thorpe v The Honourable Mark Dreyfus. My Statement of Claim, also lodged on 24 May 2024, began: “THE APPLICANT 1. I am Uncle Robbie Thorpe, a Truth-Teller, Fire-Keeper and Elder, and am respectfully referred to, and deferred to, as Uncle Robbie Thorpe in Aboriginal communities and I expect and accept and invite the same respect from non-Aboriginal people with good hearts. See for example <https://www.commonground.org.au/article/guide-for-respectfully-communicating-with-elders#:~:text=Address%20Elders%20appropriately,unless%20invited%20to%20do%20so>.

7. However on Wednesday 29 May 2024, during the said Reconciliation Week I received a letter from “Illegible Signature”, Australian Government Solicitor, Canberra “Our ref. 24004561” addressed to “Dear Mr Thorpe” stating “we do not propose to deal further with your notice”. I immediately emailed a copy of this letter to the Registrar considering Uncle Robbie Thorpe v The Honourable Mark Dreyfus and stated “Please find attached a letter on behalf of The Honourable Mark Dreyfus... His refusal to respect my request as an Elder to be addressed as Uncle Robbie Thorpe and to refer to these proceedings as Uncle Robbie Thorpe v The Honourable Mark Dreyfus demonstrates why these proceedings should be filed and served forthwith... It is clear that unless so ordered The Honourable Mark Dreyfus will not comply with this request nor respect Our Law even at this most basic level especially during the 29th National Reconciliation Week”.¹

¹ This passive-aggressive invader/settler/colonialist mindset continues at most levels of the judicial/legal system. For example, despite my explicit invitation in my email (with two attachments showing both Judicial Registrar Alicia Ditton and the notifying Client Services Officer on 31 May 2024 addressing me as “Dear Uncle Robbie Thorpe”) at 11.20am on 28 June 2024 to a lodgement Client Services Officer to address me as Uncle Robbie Thorpe he continued in two subsequent emails the same day (at 12.10pm and 3.17 pm) to address me quite deliberately as “Mr Thorpe”. See letter-before-formal-complaint-to-CEO, 1.7.24).

JUDICIAL REGISTRAR DITTON

8. On 31 May 2024 the respondent decided my documents should not be accepted for filing in the Federal Court of Australia and set out the decision and reasons in a letter the same day. The letter did not disclose the respondent’s oath of allegiance to the genocidal foreign invader monarchy family, the pretender and purported usurper of Our True Aboriginal Sovereignty and Law and occupier of Our Lands. The letter allowed, legitimised, attempted, conspired, aided and abetted Aboriginal genocide contrary to the implicit obligation to stop, prevent and punish genocide and especially Aboriginal genocide in your own Constitution. Details are set out in my Originating Application lodged 26 June 2024 and accepted for filing on 27-28 June 2024.

THE HONOURABLE JUSTICE O’MEARA

6. Please note that the Aboriginal genocide Writ referred to in paragraph 26 of the said notice of 27 May 2024 has now been considered by the Honourable Justice O’Meara of the Supreme Court of Victoria in his judgement delivered 25 June 2024 in proposed proceedings titled Aunty Alma Thorpe and Uncle Robbie Thorpe v Rod Ratcliffe, Prothonotary, and Attorney-General of Victoria,. His Honour stated in classic arrogant colonialist terms that “the overwhelming problem with the ‘Writ’ is that it is laden with vague and tendentious terms and apparent concepts that are essentially political and polemical” (paragraph 11, Thorpe v Prothonotary & Anor, [2024] VSC 360) and the document is “not in a form appropriate to enable a civil and justiciable controversy to be discerned and determined” (paragraph 13). An application for leave to appeal this decision is being prepared. Apart from the obvious psychological issue of “white denial” of Aboriginal genocide, the breathtaking misrepresentation by O’Meara J that I “advanced no sensible response” on 4 June 2024 (paragraph 28) is also deeply concerning and can be easily disproved by the relevant document. His Honour’s judgment in paragraph 15 listed the seventeen numbered grounds (numbered 1 through 18— there is no 13) for judicial review as already set out at paragraph 28 of my said Constitutional notice of 27 May 2024 and apparently rejected all of them. The cognitive dissonance between the ongoing Aboriginal genocide and the Australian courts’ “national legacy of unutterable shame” (Mabo case, 1992, per Deane and Gaudron JJ) is shocking. It clearly raises the question whether it is implicit in your Constitution that no decision of a judicial officer of a supreme court of a federating State of the Commonwealth of Australia can be valid that allows legitimises attempts incites conspires aids abets Aboriginal genocide. Such conduct also raises the question for Aboriginal Peoples especially whether the State Parliament has grounds for removal of the judicial officer.

Date: 1 July 2024



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Signed by Applicant at CAMP SOVEREIGNTY