

THE DIRECTOR OF PUBLIC PROSECUTIONS

-v-

ELIJAH CRUSE

NOTICE TO PRODUCE

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

Filed on behalf of: Elijah Cruse, the accused.

Prepared by: Elijah Cruse

Address:

Email:

Phone:

To the Director of Public Prosecutions of the State of Victoria, Kerri Judd KC.

The accused, Elijah Cruse, of the Aboriginal Peoples, requires you to produce the following documents or things at the hearing in the proceeding on Friday 31 May 2024:

1. Any document evidencing the voluntary, free, informed prior **consent** of We Aboriginal Peoples to the attempted usurpation of Our Sovereign Law and the attempted occupation of Our Sovereign Lands and Waters by the United Kingdom of Great Britain, the English Monarchy, the Port Phillip District of New South Wales, the Colony of Victoria, the State of Victoria and/or the Commonwealth of Australia.
2. Any document evidencing the **formal end of hostilities against Us Aboriginal Peoples**, and formal surrender to Us Aboriginal Peoples, by officials and peoples of the United Kingdom of Great Britain, the English Monarchy, the Port Phillip District of New South Wales, the Colony of Victoria, the State of Victoria and/or the Commonwealth of Australia.
3. All documents evidencing the **admission and acknowledgement** in 2023 and 2024 by the State of Victoria, the Premier of Victoria and Ministers of the State of Victoria (including the Minister for Treaty and First Peoples) that **Our Sovereignty never ceded**.
4. Transcript of the public hearings of the current royal commission into injustices (including genocide) committed by non-Aboriginal people against Aboriginal Peoples in “Victoria” since “colonisation”:

(i) Thursday 27 April 2023

https://yoorookjusticecommission.org.au/wp-content/uploads/2023/05/WUR.HB5_.0001.0001-Hearing-Block-5-Day-1-27-April-2023.pdf

MS GEORGINA COGHLAN KC ... MS LAUREN HILLY ... for the State of Victoria

Page 3 line 1

MS COGHLAN: I further acknowledge that sovereignty has never been ceded...

(ii) Thursday 18 April 2024

<https://yoorrookjusticecommission.org.au/wp-content/uploads/2024/04/WUR.HB06.0008.0001.pdf>

MS BENNETT SC, Senior Counsel for the State of Victoria...

MS LAURA HILLY, Counsel for the State of Victoria

Page 2 line 37

MR McAVOY SC: ... I call ... the Honourable Natalie Hutchins MP, Minister for Treaty and First Peoples

Page 4 line 15

THE HON. NATALIE HUTCHINS First Peoples never ceded their sovereignty over these lands and waters.

(iii) Monday 29 April 2024

<https://yoorrookjusticecommission.org.au/wp-content/uploads/2024/05/WUR.HB06.0012.0001.pdf>

MS BENNETT SC, Senior Counsel for the State of Victoria...

DR LAURA HILLY, Counsel for the State of Victoria

Page 8 line 19

MR McAVOY SC: ... I call the Honourable Jacinta Allan MP Premier of Victoria.

Page 9 line 1

THE HON. JACINTA ALLAN: I acknowledge that sovereignty was never ceded...

Page 59 line 39

Mr MCAVOY SC: Premier, there are two questions, I will read each of them to you and give you an opportunity to answer. The first question is do you accept that you cannot get title to land or sovereignty through acts of genocide and invasion?

THE HON. JACINTA ALLAN: Commissioners, I don't believe I am in a position to be able to answer that question at this stage.

Page 60 line 1

Mr MCAVOY SC: Thank you, Premier. The second question is given that you accept that sovereignty has never been ceded, does that not mean without a Treaty currently all land in Victoria belongs to Aboriginal people and the only law that governs any resident in Victoria is Aboriginal law? In other words, your law is no longer in force and you need a Treaty to legitimise your occupation?

THE HON. JACINTA ALLAN: Again, pardon me, again, Commissioners, that is challenging to answer. I would just perhaps draw attention to earlier evidence that I provided to the Commission around the State's authority being derived and reaffirmed through our parliamentary – our parliamentary democracy and through the people of Victoria.

MR McAVOY SC: Thank you, Premier. Chair, I don't propose any follow up questions from those answers and I think that concludes the proceedings for today. My learned friend, Ms Bennett, is indicating that there is nothing further from her either. I think that it is appropriate that we now release the Premier as a witness and adjourn to Wednesday.

5. Sealed copy of the Constitutional Notice served Thursday 16 May 2024 on the State of Victoria in the legal proceedings *Urgent Application of Uncle Robbie Thorpe* FCA VID388/2024 12.5.24.

6. Transcript of the hearing in the said proceedings on Friday 17 May 2024 before Wheelahan J wherein Willis SC and Dr Hilly of Counsel instructed by Sarah McKellar-White and Amanda Kearney of VGSO appeared for Premier of Victoria Allan and First Peoples Minister Hutchins.

7. Exhibit A2 of documents tendered in Court by the applicant Uncle Robbie Thorpe and marked Exhibit “A2” by Wheelahan J at the hearing in the said proceedings on Friday 17 May 2024.

8. Constitutional Notice served served Monday 27 May 2024 on the State of Victoria in legal proceedings *Uncle Robbie Thorpe v The Honourable Mark Dreyfus* lodged on Friday 24 May 2024 in the Victorian registry of the Federal Court and pending a filing decision by the Registrar.

Dated: 31 May 2024
29th National Reconciliation Week

[signed]