

From: **Robbie Thorpe** <[bunjilfire@gmail.com](mailto:bunjilfire@gmail.com)>

Date: Wed, 29 Nov 2023 at 11:24

Subject: Rules of Court committee-- new Rule and Form.

To:

<[gagelerj.chambers@hcourt.gov.au](mailto:gagelerj.chambers@hcourt.gov.au)>,  
<[gordonj.chambers@hcourt.gov.au](mailto:gordonj.chambers@hcourt.gov.au)>,  
<[edelmanj.chambers@hcourt.gov.au](mailto:edelmanj.chambers@hcourt.gov.au)>,  
<[stewardj.chambers@hcourt.gov.au](mailto:stewardj.chambers@hcourt.gov.au)>,  
<[gleesonj.chambers@hcourt.gov.au](mailto:gleesonj.chambers@hcourt.gov.au)>,  
<[jagotj.chambers@hcourt.gov.au](mailto:jagotj.chambers@hcourt.gov.au)>,  
<[beech-jonesj.chambers@hcourt.gov.au](mailto:beech-jonesj.chambers@hcourt.gov.au)>

Cc:

<[mail@lawcouncil.au](mailto:mail@lawcouncil.au)>,  
<[claire.paton@lawcouncil.au](mailto:claire.paton@lawcouncil.au)>,  
<[adam.fletcher@lawcouncil.au](mailto:adam.fletcher@lawcouncil.au)>,  
<[john.farrell@lawcouncil.au](mailto:john.farrell@lawcouncil.au)>,  
<[contact@austbar.asn.au](mailto:contact@austbar.asn.au)>,  
<[mark.dreyfus@aph.gov.au](mailto:mark.dreyfus@aph.gov.au)>

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To: RULES OF COURT COMMITTEE\*

Gageler CJ, Gordon, Edelman, Steward, Gleeson, Jagot, Beech-Jones JJ

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Proposal for Additional Rule and New Form: "Application to File and Issue".

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I propose that the High Court Rules be amended to add an additional Rule:

**A person who has lodged an application in the original jurisdiction of the Court that has been rejected by registry may make an ex parte application to the Court for an order that the person's application in the original jurisdiction be filed and issued by registry.**

And an additional Form for such an **ex parte application** to be added to the Court Forms.

It may be possible to make such an application at present if a judicial officer (or a Full Court) exercised the existing power under the Rules to dispense with the Rules as sufficient substantial compliance in the circumstances has been made. But registry officers have so far refused to submit such an application to the Chief Justice. This proposed additional Rule and Form clarifies the situation for both registry and applicants.

Robbie Thorpe

Wednesday 29 November 2023

\* s 17(5)(b), High Court of Australia Act 1979,  
Part III -- ADMINISTRATION OF THE COURT

Attachment:

Case studies of registry rejection of self-represented First Peoples applications in the original jurisdiction of the Court, October-November 2023.

Copy to:

1. Australian Bar Association Council President Dunning [contact@ustbar.asn.au](mailto:contact@ustbar.asn.au)
2. Law Council of Australia President Lucas [mail@lawcouncil.au](mailto:mail@lawcouncil.au)
3. — Indigenous Legal Issues Committee Chair McEvoy [claire.paton@lawcouncil.au](mailto:claire.paton@lawcouncil.au)
4. — National Human Rights Committee Chair Cowdrey [adam.fletcher@lawcouncil.au](mailto:adam.fletcher@lawcouncil.au)
5. — Access to Justice Committee Co-Chair Woods & Neal [john.farrell@lawcouncil.au](mailto:john.farrell@lawcouncil.au)
6. Attorney-General of Commonwealth of Australia Dreyfus, [mark.dreyfus@aph.gov.au](mailto:mark.dreyfus@aph.gov.au)
7. Coalition Calling For A Royal Commission Into Officers Of High Court Of Australia.

Robbie Thorpe

21 Smith St, Fitzroy

VIC 3065 Australia

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