

NOTICE OF FILING

Details of Filing

Document Lodged: Non-Prescribed Report
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment: 26/06/2024 11:01:00 AM AEST
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File Number: VID589/2024
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.



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**FEDERAL COURT OF AUSTRALIA
SYDNEY REGISTRY**

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LEVEL 17
LAW COURTS BUILDING
QUEENS SQUARE
SYDNEY NSW 2000

31 May 2024

Uncle Robbie Thorpe

By email only: bunjilfire@gmail.com

Dear Uncle Robbie Thorpe,

RE: Lodgment ID: 1323946

I refer to the following document submitted to the Court Registry on 24 May 2024 for filing:

- Form 15 – Rule 8.01 (1) – Originating Application
- Form 17 – Rule 8.06(1)(a) – Statement of Claim

I also refer the following documents submitted for filing on 27 May 2024:

- Form 18 – Rule 8.11(2) – Notice of a Constitutional matter under section 78B of the Judiciary Act 1903
- Form 59 – Rule 29.02(1) – Affidavit

I also refer to the following document submitted for filing on 29 May 2024:

- Correspondence from the Australian Government Solicitor

Collectively, **the Documents**.

The Documents have been referred to me as the Duty Registrar for consideration as to whether the Registry should accept them for filing.

Rule 2.26 of the *Federal Court Rules* 2011(Cth), states that a Registrar may refuse to accept a document (including a document that would, if accepted become an originating application) if the Registrar is satisfied that the document is an abuse of the process of the Court or is frivolous or vexatious, on the face of the document or by reference to any documents already filed or submitted for filing with the document.

I note that the meaning of the terms “frivolous”, “vexatious” were considered by Justice White in *Ferdinands v Registrar Cridland* [2021] FCA 592 at [27] to [30]. A matter that is *frivolous* may be described as one that is “without substance or groundless or fanciful” and a matter that

is *vexatious* is an abuse of the process of the Court. The term *abuse of process* includes an application which has no cause of action properly stated and no prospects of success.

After careful consideration of the Documents, I am satisfied that they should not be accepted for filing pursuant to rule 2.26 of the Rules. The Documents, on their face, are vexatious, frivolous and an abuse of process of the Court in the sense that the Documents do not disclose a cause of action properly stated nor are there any prospects of success on those Documents. I note the Documents do not set out with any clarity the basis on which this Court could grant the relief sought (the 12 declaratory orders) as against the named Respondent.

As you have filed a Form 18, I have considered section 39B(1A)(b) of the *Judiciary Act* 1903 (Cth), which confers jurisdiction on this Court in any **matter** arising under the Constitution or involving its interpretation. There is no “matter” unless there is some “immediate right, duty or liability to be established and determined by the Court”: *In Re The Judiciary and Navigation Acts* (1921) 29 CLR 257 at 265. The Documents do not disclose any such subject matter for determination by this Court.

I recommend you seek legal advice, prior to filing any further documents with this Court.

Yours faithfully,



Alicia Ditton

Judicial Registrar