

Friday 26 July 2024

TO:

Senators Nerita Green, Paul Scarr, Alex Antic, Varun Ghosh, Helen Polley, David Shoebridge and Larissa Waters

Members¹, Legislation Committee²
Senate Standing Committees on Legal and Constitutional Affairs³
Parliament of the Commonwealth of Australia⁴

AND TO:

Senators Penny Allman-Payne, Wendy Askew, Ralph Babet, Catryna Bilyk, Simon Birmingham, Andrew Bragg, Slade Brockman, Ross Cadell, Matthew Canavan, Michaelia Cash, Claire Chandler, Richard Colbeck, Dorinda Cox, Lisa Darmanin, Lisa Darmanin, Perin Davey, Jonathon Duniam, Mehreen Faruqi, David Fawcett, Varun Ghosh, Karen Grogan, Pauline Hanson, Sarah Hanson-Young, Sarah Henderson, Steph Hodgins-May, Hollie Hughes, Jane Hume, Maria Kovacic, Jacqui Lambie, Kerryne Liddle, Susan McDonald, James McGrath, Bridget McKenzie, Andrew McLachlan, Jacinta Nampijinpa Price, Deborah O'Neill, Matt O'Sullivan, James Paterson, Fatima Payman, Barbara Pocock, David Pocock, Louise Pratt, Gerard Rennick, Linda Reynolds, Malcolm Roberts, Anne Ruston, Dave Sharma, Tony Sheldon, David Shoebridge, Dean Smith, Marielle Smith, Jordon Steele-John, Glenn Sterle, Jana Stewart, Lidia Thorpe, Tammy Tyrrell, Anne Urquhart, David Van, Jess Walsh, Larissa Waters, Peter Whish-Wilson

Participating Members⁵, Legislation Committee
Senate Standing Committees on Legal and Constitutional Affairs
Parliament of the Commonwealth of Australia

The Criminal Code Amendment Bill⁶ referred to the Committee on 8 February 2024.

¹ https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Legislation_Committee_Membership

² https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Role_of_the_Committee

³ https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs

"The Legal and Constitutional Affairs Committees cover the following portfolios: Attorney-General and Home Affairs."

<https://www.directory.gov.au/portfolios/attorney-generals>

<https://www.directory.gov.au/portfolios/home-affairs>

⁴ <https://www.aph.gov.au/>

⁵ https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Legislation_Committee_Membership

⁶ Set out at pages 26-27 below.

The Bill, if enacted, will repeal sections 268.121 and 268.122 of the Criminal Code⁷ of the Commonwealth of Australia with certain specified applications.

Please refer to the submissions to your Committee received⁸ by Friday 26 July 2024:

No.	Submitter
1	Amnesty International Australia (PDF 122 KB)
2	Islamic Council of Victoria (PDF 468 KB)
3	Medical Association for Prevention of War (PDF 268 KB)
4	Remedy Australia (PDF 259 KB)
5	Mr Julian Cleary (PDF 34 KB)
6	Mr John Bentley (PDF 77 KB)
7	Dr Philipp Kastner, Associate Professor Stella Tarrant and Dr Emily Camins (PDF 77 KB)
8	Mr Graeme Taylor (PDF 69 KB)
9	Professor Sarah Williams, Dr Emma Palmer and Dr Natalie Hodgson (PDF 274 KB)
10	Dr Monique Cormier and Dr Anna Hood (PDF 147 KB)
11	Robert Heron (PDF 45 KB)
12	Sisters Inside Inc. (PDF 650 KB)
13	Randel Revilla (PDF 109 KB)
14	Pauline Elizabeth Nicola Coles (PDF 143 KB)
15	Dr Catherine Koerner (PDF 77 KB)
16	Laura-Jane Singh (PDF 88 KB)
17	Ali Khan (PDF 85 KB)
21	Dr Rachel Killean (PDF 81 KB)
22	National Network of Incarcerated & Formerly Incarcerated Women & Girls (PDF 546 KB)
23	Mr Scott Thomson (PDF 47 KB)

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<https://www.legislation.gov.au/C2004A04868/latest/text/2> – the two sections are reproduced below at page 28 and further extracts from the Criminal Code are set out pages 29-34. Note section 5.5 “intention”, section 11.2 “complicity” and section 80.2D “advocating genocide” all reproduced on page 34.

⁸ https://www.apf.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/GCAHWC2024/Submissions

On Wednesday 24 July 2024 the Senior Registrar of the Melbourne Magistrates Court received this email with an attached charge-sheet:

=====

From: **Robbie Thorpe** <bunjilfire@gmail.com>

Date: Wed, 24 Jul 2024 at 12:22

Subject: Charge Sheet and Summons, Mark Alfred Dreyfus, 24.7.24

To:

MMC Leadership Group (CSV)
<mmcleadershipgroup@courts.vic.gov.au>,

<MCVLegalPolicyUnit@courts.vic.gov.au>,
<criminalcoordinator@courts.vic.gov.au>

Wednesday 24 July 2024 at 12.20pm

Matt Dalton
Senior Registrar
Melbourne Magistrates Court

copy to Magistrates Court of Victoria Legal Policy Unit

Please file and issue the attached charge sheet and summons to Mark Alfred Dreyfus.

Thanks,

Uncle Robbie Thorpe*
CAMP SOVEREIGNTY
"Kings Domain"
Melbourne VIC 3004

*<https://www.commonground.org.au/article/guide-for-respectfully-communicating-with-elders>

Genocide Charge Sheet and Summons, MAR... (161K) ×

Form 3—Charge-sheet and summons

Rule 13(c)

CHARGE-SHEET AND SUMMONS

Details of accused

Name: **Mark Alfred DREYFUS**

Gender: Male

Date of birth: 3 October 1956

Address: 566 Main St, Mordialloc, VIC 3195

Mobile phone number: not known— landline 03 9580 4651

Email address: mark.dreyfus.mp@aph.gov.au, attorney@ag.gov.au

Registration number of vehicle: — State registered: Victoria

Driver licence number: — State issued: Victoria

To the accused:

You have been charged with an offence.

Read these pages to see what you must do.

Details of the charge against you

1. What is the charge?

Between 2007 and 24 July 2024 Mark Dreyfus committed the offence of deliberately inflicting conditions of life on We First Peoples that are intended to bring about the physical destruction of We First Peoples with the intent to destroy We First Peoples in whole or in part contrary to s.268.5 of the *Criminal Code Act 1995 (Cth)*.

[Description of offence]

(i) Since 2007 you have deliberately and wilfully failed and refused to recognise the unceded Sovereignty of We First Peoples.

(ii) Since 2007 you have deliberately failed and refused to seek Our consent to your occupation of Our Lands and your usurpation of Our Law whether in an internationally-supervised treaty-making decolonisation process or otherwise howsoever.

(iii) Since 2007 you have deliberately failed and refused to seek an Advisory Opinion from the International Court of Justice as to whether, in the absence of any document evidencing the free voluntary informed consent of We First Peoples to the illegal occupation of Our Lands and the illegal usurpation of Our Laws,

- (a) the genocidal entity the Commonwealth of Australia has no jurisdiction over We First Peoples; and further
- (b) whether all lands, waters and skies on this island continent are the lands of We First Peoples; and further
- (c) whether all residents of this island continent are subject to the ancient civilised sophisticated Law of We First Peoples.

(iv) In your powerful position as First Law Officer of the Commonwealth of Australia you have deliberately and knowingly made no attempt to amend the *Criminal Code Act 1995 (Cth)* to remove the requirement under s. 268.121 of your fiat to commence criminal proceedings for genocide and making you the gatekeeper of any Aboriginal genocide charges— thus preventing We First Peoples from taking criminal proceedings to stop and prevent the ongoing Aboriginal genocide.

(v) In your powerful position as First Law Officer of the Commonwealth of Australia you have deliberately and knowingly made no attempt to amend the Criminal Code Act 1995 (Cth) and other legislation and common law of the Commonwealth of Australia to remove the apparent legal immunity from genocide prosecution of the head of state, judicial officers, legislators and senior government officials of the Commonwealth of Australia— thus preventing We First Peoples from taking criminal proceedings to stop and prevent the ongoing Aboriginal genocide.

(vi) In your powerful position as First Law Officer of the Commonwealth of Australia you have deliberately and knowingly failed and refused to fully completely and properly implement and legislate the Rome Statute of the International Criminal Court 2002 and the UN Genocide Convention 1949 by

- (a) allowing any person to commence genocide prosecutions at any local police station and/or any local courthouse; and
- (b) by removing the legal immunity of any person from prosecution for genocide.

(vii) Between 2007 and 24 July 2024 Mark Dreyfus KC, Attorney-General of Australia, has failed to prevent Our genocide and punish the genocidists; and failed to protect Us from genocide.

Under what law

Commonwealth — Regulation Other— specify: *Criminal Code Act 1995 (Cth)* s 268.5

Is this an infringement offence? Yes—see below No

Enforcement review Enforcement review—special circumstances

Infringements Act 2006 section 40 Other—specify

Date of service by the Director, Fines Victoria

Magistrates' Court Criminal Procedure Rules 2019
S.R. No. 143/2019 52
Form 3—Charge-sheet and summons

Are there more charges No

— Yes — see
"Continuation of
Charges" attached

Type of offence Summary offence

Indictable offence

Request for committal proceeding No

Yes

Who filed the charge-sheet(s)? Uncle Robbie Thorpe*

**<https://www.commonground.org.au/article/guide-for-respectfully-communicating-with-elders>*

Name of informant: Uncle* Robbie Thorpe

<https://www.commonground.org.au/article/guide-for-respectfully-communicating-with-elders>

Agency and address: CAMP SOVEREIGNTY, "Kings Domain", Melbourne 3004

Telephone: 0422 200 696

Email: bunjilfire@gmail.com

Agency Ref.: Dreyfus Genocide Charge

Signature of informant:

Uncle Robbie Thorpe

Date: 24 July 2024

Filed at: Melbourne

Date: 24/07/24

Where will the case be heard?

The Magistrates' Court at Melbourne

Address 233 William St, Melbourne

Telephone 9628 7728

When Time Day Month Year

Details about this summons

Issued at:

Date:

Registrar:

Magistrate:

Police officer:

Prescribed person

On Thursday 25 July 2024 the Registrar of the Court of Appeal of the Supreme Court of Victoria accepted⁹ for filing in the court an application¹⁰ lodged Wednesday 24 July 2024 for leave to appeal against the decision¹¹ of the Honourable Justice O’Meara on 25 June 2024 confirming the Prothonotary’s refusal¹² to accept for filing in the Common Law Division of the court a writ¹³ seeking the following relief¹⁴ against the State of Victoria:

1. A declaration that there is no internationally-supervised agreement between First Peoples and the defendant whereby First Peoples gave free, informed prior consent without coercion or manipulation to the occupation of Our Lands and usurpation of Our Law by the defendant.
2. A declaration that the defendant conducted a premeditated calculated undeclared war of invasion against First Peoples, Our Lands and Our Laws and that the war involved atrocities by the defendant against First Peoples and acts by the defendant against First Peoples contrary to Our Law and contrary to international law including genocide, crimes of aggression and crimes against humanity.
3. A declaration that the only basis for the jurisdiction claimed by the State of Victoria is the said genocidal military invasion.
4. A declaration that First Peoples’ Sovereignty was never ceded.
5. An order that the defendant forthwith declare an end to hostilities and an end to the war against First Peoples.
6. An order that the defendant forthwith take all necessary steps to obtain an advisory opinion from the International Court of Justice as to whether Our Law governs all people within the purported boundaries asserted by the defendant and as to whether Our Lands belong to Us under Our Law.
7. An order that the defendant take all necessary measures to secure an investigation by the Office of the Prosecutor of the International Criminal Court into genocide by the defendant and officers of the defendant against We First Peoples.

⁹ “subject to the document corrections and matters relating to the fee waiver applications ... being attended to... by 6 August 2024”: email from COA Deputy Registrar (Legal), 2.31pm 25.7.24

¹⁰ *Aunty Alma Thorpe and Uncle Robbie Thorpe v Prothonotary Rod Ratcliffe & State of Victoria*, eFile ID 426922, 2.41pm 23.7.24.

¹¹ *Thorpe v Prothonotary & Anor* [2024] VSC 360 <https://classic.austlii.edu.au/au/cases/vic/VSC/2024/360.html>

¹² <https://crimesceneaustralia.com/wp-content/uploads/Thorpe-Alma-Robbie-28A.04-Refusal-30-April-2024.pdf>


¹³ <https://crimesceneaustralia.com/wp-content/uploads/Writ-25.4.24-Aunty-Alma-and-Uncle-Robbie-v-State-of-Victoria.pdf>

¹⁴ *Thorpe v Prothonotary* op cit footnote 11, at paragraph 5. See also paragraph 15.

On Friday 19 July 2024 the Honourable Justice Richards reserved judgement¹⁵ following the hearing in the Common Law Division reviewing the decision¹⁶ of the Senior Registrar of the Melbourne Magistrates Court on 29 December 2023 to refuse to accept for filing a charge sheet¹⁷ lodged 20 October 2023 accusing Charles Philip Arthur George Windsor of genocide against We First Peoples.

The notice of a constitutional matter filed¹⁸ in those proceedings¹⁹ 10 July 2024 and served²⁰ 12 July 2024 on the Honourable Mark Dreyfus KC, Attorney-General of the Commonwealth of Australia, is reproduced below:

Form 19A – Notice of a constitutional matter


Case: S ECI 2024 01011
Filed on: 10/07/2024 04:41 PM

Rule 19.02(3)

NOTICE OF A CONSTITUTIONAL MATTER

IN THE SUPREME COURT OF VICTORIA AT MELBOURNE
COMMON LAW DIVISION
JUDICIAL REVIEW AND APPEALS LIST

No S ECI 2024 01011

B E T W E E N

UNCLE ROBBIE THORPE Plaintiff

-and-

MAGISTRATES' COURT OF VICTORIA First Defendant

ATTORNEY-GENERAL OF VICTORIA Second Defendant

Date of Document: 10 July 2024
Filed on behalf of the Plaintiff
Prepared by:
Uncle Robbie Thorpe
CAMP SOVEREIGNTY
"Kings Domain"
Melbourne VIC 3004

Telephone: 0422 200 696
Ref: Windsor Genocide Prosecution
Email: bunjilfire@gmail.com

1. The plaintiff 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'b) 1903.

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¹⁵ <https://crimesceneaustralia.com/wp-content/uploads/Transcript-of-hearing-before-Judge-Richards-Friday-19-July-Uncle-Robbie-Thorpe-v-MCV-AG-Supreme-Court-of-Victoria-SECI202401011.pdf>

¹⁶ <https://crimesceneaustralia.com/wp-content/uploads/Email-from-Senior-Registrar-Dalton-noon-Friday-29-December-2023.pdf>

¹⁷ <https://crimesceneaustralia.com/wp-content/uploads/11.-Thorpe-v-Windsor-Application-to-Chief-Magistrate-and-Deputies-for-filing-and-listing-Thorpe-v-Windsor-20.10.23.pdf> at page 4 of file (page numbered "25").

¹⁸ <https://crimesceneaustralia.com/wp-content/uploads/Sealed-Notice-of-a-Constitutional-Matter-10.7.24-Uncle-Robbie-Thorpe-v-MCV-AG-S-ECI-01011.pdf>

¹⁹ *Uncle Robbie Thorpe v Magistrates Court of Victoria & Attorney-General of Victoria*, Supreme Court of Victoria, S ECI 2024 01011. <https://crimesceneaustralia.com/2024-genocide-case-in-melbourne-australiasupreme-court-of-victoria-genocide-litigation-2024/>

²⁰ Affidavit of service of notice of constitutional matter affirmed and filed 12.7.24 <https://crimesceneaustralia.com/wp-content/uploads/Sealed-affidavit-of-Service-Uncle-Robbie-Thorpe-12.7.24.pdf>

2. [State specifically the nature of the matter]

(i) It is inherent and implicit in the Constitution that any law that allows Aboriginal genocide is invalid.

Test: Would any statute that legalises Aboriginal genocide be held to be invalid? Obviously, yes.

Application: Any provision in the Criminal Code that prohibits Aboriginal Peoples from prosecuting Aboriginal genocide offences is invalid. Hence the particular provision that prohibits everyone except a non-Aboriginal politician from prosecuting Aboriginal genocide is invalid.

(ii) Any purported domestic Australian implementation of genocide offences in the Genocide Convention and the Rome Statute of the International Criminal Court under the powers set out in the Constitution will be invalid and beyond those Constitutional powers unless and until any Aboriginal person can prosecute any non-Aboriginal person for Aboriginal genocide offences.

Test: Would any statute that specifically legalises Aboriginal genocide by any non-Aboriginal person be held to be invalid? Obviously, yes.

Application: There is no statute that specifically legalises Aboriginal genocide by heads of state, ministers of state, judicial officers, or any high-ranking officials. The so-called presumption at common law that an individual named Charles Philip Arthur George Windsor is immune from prosecution for Aboriginal genocide is inconsistent with a fundamental statute, the Constitution Act 1903.

Further, any law that purports to implement the Genocide Convention or the Rome Statute of the International Criminal Court but at the same time (a) excludes individual personal liability for Aboriginal genocide for heads of state, heads of government, ministers of state, judicial officers or any high-ranking officials and/or (b) limits the cohort of persons who can prosecute Aboriginal genocide offences to a certain non-Aboriginal person or non-Aboriginal persons within the population is in itself proof of the intent to destroy Aboriginal Peoples and constitutes an offence of Aboriginal genocide including complicity in Aboriginal genocide— see placita (vii), (viii) & (ix) below under the heading **No immunity for legislators.**

RELATED CONSTITUTIONAL MATTERS

No immunity for judicial officers.

(iii) Any judicial officer that holds that the common law doctrine that domestic implementation of the Genocide Convention Act is required in order for the Genocide Convention to form part of the law of Australia under the Constitution commits an act of Aboriginal genocide and has no immunity from prosecution.

Particulars:

1. Complicity in causing serious mental harm to Aboriginal Peoples with intent to destroy Aboriginal Peoples— where (a) the denial of Aboriginal Sovereignty and/or (b) the failure to negotiate Aboriginal Peoples' consent (treaty) is proof of the intent to destroy Aboriginal Peoples.
2. Complicity in deliberately imposing conditions of life likely to destroy Aboriginal Peoples in whole or in part with intent to destroy Aboriginal Peoples— where (a) the denial of Aboriginal Sovereignty and/or (b) the failure to negotiate Aboriginal Peoples' consent (treaty) is proof of the intent to destroy Aboriginal Peoples.

(iv) Any judicial officer that holds that section 268.121 of the Criminal Code is valid under the Constitution commits an act of Aboriginal genocide and has no immunity from prosecution.

Particulars:

1. Complicity in causing serious mental harm to Aboriginal Peoples with intent to destroy Aboriginal Peoples— where (a) the denial of Aboriginal Sovereignty and/or (b) the failure to negotiate Aboriginal Peoples' consent (treaty) is proof of the intent to destroy Aboriginal Peoples..
2. Complicity in deliberately imposing conditions of life likely to destroy Aboriginal Peoples in whole or in part with intent to destroy Aboriginal Peoples— where (a) the denial of Aboriginal Sovereignty and/or (b) the failure to negotiate Aboriginal Peoples' consent (treaty) is proof of the intent to destroy Aboriginal Peoples.

(v) Any judicial officer that holds that Charles Philip Arthur George Windsor is immune from individual criminal responsibility for Aboriginal genocide under the Constitution commits an act of Aboriginal genocide and has no immunity from prosecution.

Particulars:

1. Complicity in causing serious mental harm to Aboriginal Peoples with intent to destroy Aboriginal Peoples— where (a) the denial of Aboriginal Sovereignty and/or (b) the failure to negotiate Aboriginal Peoples' consent (treaty) is proof of the intent to destroy Aboriginal Peoples.
2. Complicity in deliberately imposing conditions of life likely to destroy Aboriginal Peoples in whole or in part with intent to destroy Aboriginal Peoples— where (a) the denial of Aboriginal Sovereignty and/or (b) the failure to negotiate Aboriginal Peoples' consent (treaty) is proof of the intent to destroy Aboriginal Peoples.

(vi) Any judicial officer that holds that no court can inquire into how Victoria and Australia have jurisdiction over Aboriginal Peoples under the Constitution commits an act of Aboriginal genocide and has no immunity from prosecution.

Particulars:

1. Complicity in causing serious mental harm to Aboriginal Peoples with intent to destroy Aboriginal Peoples— where (a) the denial of Aboriginal Sovereignty and/or (b) the failure to negotiate Aboriginal Peoples' consent (treaty) is proof of the intent to destroy Aboriginal Peoples.
2. Complicity in deliberately imposing conditions of life likely to destroy Aboriginal Peoples in whole or in part with intent to destroy Aboriginal Peoples— where (a) the denial of Aboriginal Sovereignty and/or (b) the failure to negotiate Aboriginal Peoples' consent (treaty) is proof of the intent to destroy Aboriginal Peoples.

No immunity for legislators.

(vii) Any legislators that failed to fully and forthwith implement the Genocide Convention have committed an act of Aboriginal genocide and have no immunity from prosecution.

Particulars:

1. Complicity in causing serious mental harm to Aboriginal Peoples with intent to destroy Aboriginal Peoples— where (a) the denial of Aboriginal Sovereignty and/or (b) the failure to negotiate Aboriginal Peoples' consent (treaty) is proof of the intent to destroy Aboriginal Peoples.
2. Complicity in deliberately imposing conditions of life likely to destroy Aboriginal Peoples in whole or in part with intent to destroy Aboriginal Peoples— where (a) the denial of Aboriginal Sovereignty and/or (b) the failure to negotiate Aboriginal Peoples' consent (treaty) is proof of the intent to destroy Aboriginal Peoples.

(viii) Any legislators that failed to fully and forthwith implement the Rome Statute of the International Criminal Court (Schedule 1, *International Court Act 2002*) have committed an act of Aboriginal genocide and have no immunity from prosecution.

Particulars:

1. Complicity in causing serious mental harm to Aboriginal Peoples with intent to destroy Aboriginal Peoples— where (a) the denial of Aboriginal Sovereignty and/or (b) the failure to negotiate Aboriginal Peoples' consent (treaty) is proof of the intent to destroy Aboriginal Peoples.
2. Complicity in deliberately imposing conditions of life likely to destroy Aboriginal Peoples in whole or in part with intent to destroy Aboriginal Peoples— where (a) the denial of Aboriginal Sovereignty and/or (b) the failure to negotiate Aboriginal Peoples' consent (treaty) is proof of the intent to destroy Aboriginal Peoples.

(ix) Any legislators that enacted section 268.121 of the Criminal Code have committed an act of genocide and have no immunity from prosecution.

Particulars:

1. Complicity in causing serious mental harm to Aboriginal Peoples with intent to destroy Aboriginal Peoples— where (a) the denial of Aboriginal Sovereignty and/or (b) the failure to negotiate Aboriginal Peoples' consent (treaty) is proof of the intent to destroy Aboriginal Peoples.
2. Complicity in deliberately imposing conditions of life likely to destroy Aboriginal Peoples in whole or in part with intent to destroy Aboriginal Peoples— where (a) the denial of Aboriginal Sovereignty and/or (b) the failure to negotiate Aboriginal Peoples' consent (treaty) is proof of the intent to destroy Aboriginal Peoples.

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

1. There is no internationally-supervised agreement between First Peoples and the invisible entity “State of Victoria” and/or the invisible entity “Commonwealth of Australia” whereby We First Peoples gave free, informed prior consent without coercion or manipulation to the occupation of Our Lands and usurpation of Our Law by those entities or their officers.

2. The State of Victoria and the Commonwealth of Australia and their officers have conducted a premeditated calculated undeclared war of invasion against We First Peoples, Our Lands and Our Laws and the said war involved atrocities by them and their officers against First Peoples and acts by them all against We First Peoples contrary to Our Law and contrary to international law including genocide, crimes of aggression and crimes against humanity.

3. The only basis for the jurisdiction claimed by the State of Victoria and the Commonwealth of Australia is the said genocidal military invasion.

4. (a) First Peoples’ sovereignty was never ceded.

(b) On 27 April 2023 the State of Victoria through its Kings Counsel formally acknowledged to the Yoorrook Justice Commissioners that Our sovereignty has never been ceded.

(c) By proclamation dated 27 April 2023 Aunty Alma Thorpe described this as the surrender of Charles Windsor and called for the enactment of the Sovereign Recognition Act, the Genocide Convention Act and the Declaration of the Rights of Indigenous People.

(c) On Thursday 18 April 2024 the Minister for Treaty and First Peoples of the State of Victoria, Natalie Hutchins, acknowledged to the Yoorrook Justice Commissioners that Our sovereignty has never been ceded.

(d) Many other identical acknowledgments had been made to Yoorrook Justice Commissioners (e.g Victorian Police Minister Anthony Carbines and Victorian Corrections Minister Enter Erdogan both on 31 March 2023) and elsewhere.

(e) On Monday 29 April 2024 the Premier of the State of Victoria, Jacinta Allan, clearly and specifically acknowledged that Our Sovereignty was never ceded— transcript at <https://yoorrookjusticecommission.org.au/wp-content/uploads/2024/05/WUR.HB06.0012.0001.pdf> at page 9 line 1.

(f) At page 59 line 39 of the said transcript Premier Allan replied to Counsel Assisting Yoorrook:

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.

5. (a) On 20 October 2023 Uncle Robbie Thorpe emailed to

i. Jacinta Allen, the State of Victoria duly elected and appointed leader (“the Premier”) and a duly elected member of the defendant’s Parliament, and;

ii. Margaret Gardener, the defendant’s duly appointed Governor and also Charles Windsor’s appointed Governor.

(b) In that email the second plaintiff called for Premier Allen and Governor Gardner to declare an end to hostilities against Us.

(c) As of 10 July 2024 no such declaration has been made by Allen or Gardner. Nor by Windsor.

6. The said crimes against First Peoples oblige the State of Victoria and the Commonwealth of Australia forthwith to take all necessary steps to obtain an advisory opinion from the International Court of Justice as to whether Our Law governs all people within the purported boundaries asserted by the defendant and as to whether Our Lands belong to Us under Our Law. As of 10 July 2024 no such steps have been taken.

7. The said crimes against First Peoples oblige the State of Victoria and the Commonwealth of Australia to take all necessary measures to secure an investigation by the Office of the Prosecutor of the International Criminal Court into genocide by the defendant and officers of the defendant against We First Peoples. As of 10 July 2024 no such steps have been taken.

8. (a) We always remember First Peoples who died on local soil fighting for Our Lands and Our Laws.

(b) We remember the children, men and women of First Peoples who died of poisoned food and bio-warfare and massacres and other atrocities in devastating numbers.

(c) We remember First Peoples still subject to acts of genocide by officers of the defendant including deaths in custody, early avoidable deaths, suicide and self-killing caused by serious mental harm and conditions of life calculated to destroy Us, removal of Our children, and forced removal from Our Lands.

9. By statement on the internet dated 4 September 2023 Anne Ferguson, Chief Justice of the Supreme Court of Victoria and Chair of Courts Council, declared in an overarching practice direction on behalf of the Victorian Courts at <https://www.supremecourt.vic.gov.au/news/statement-from-the-chief-justice-yoorrook-for-justice-report>

It is our obligation as judicial officers and court administrators to take this opportunity to listen and learn as we absorb those powerful accounts and the findings and recommendations of the Commission.

From this truth telling must come a far deeper understanding of First Peoples' experience of the justice system. From this will come better outcomes in the future.

We will absorb the Commission's interim report and look at what is within our power to change. But we also take this opportunity to acknowledge the ongoing and intergenerational trauma inflicted upon First Peoples because of colonisation and dispossession.

We acknowledge that harm has occurred for First Peoples in our courts. They have not been experienced as trusted institutions offering justice.

10. At the bottom of every page of the Court's website this routine statement appears next to Our Land Rights flag

The Court acknowledges Aboriginal and Torres Strait Islander people as the Traditional Custodians of the land and acknowledges and pays respect to their Elders, past and present.

11. At the bottom of some Court officer's emails this routine statement appears.

The Supreme Court of Victoria acknowledges Aboriginal and Torres Strait Islander peoples as the First Peoples and Traditional Owners and Custodians of the land and waterways upon which our lives depend. We acknowledge and pay our respects to ancestors of this country, Elders, knowledge holders and leaders – past and present. We extend that respect to all Aboriginal and Torres Strait Islander peoples.

12. Is the Supreme Court of Victoria still the White Supremacist court of its history? Read on.

13. On 20 October 2023 Uncle Robbie Thorpe and Aunty Alma Thorpe signed the charge sheet accusing Charles Windsor of crimes under Our Law constituting what you call genocide and ecocide. The charge sheet also accused Charles Windsor of crimes under the Genocide Convention which as at 20 October 2023 forms part of what you call your common law. And the charge sheet accused Charles Windsor of crimes under Division 268 of your Criminal Code. Details of the charges and the applicable law were attached to the charge sheet.

14. On 29 December 2023 the Senior Registrar of the Magistrates Court of Victoria refused to file and issue the charge sheet. Uncle Robbie Thorpe attempted to appeal this refusal in the Supreme Court of Victoria but the appeal was rejected by the Court's Prothonotary ("chief clerk"). Uncle Robbie Thorpe then sought judicial review of the Senior Registrar's refusal and the Prothonotary filed and sealed ("stamped") the proceedings. The Court seal is the coat of arms of the "royal family" in England and features the made-up unicorn and the non-native lion. The Chair of Yoorrook Justice Commission commented that this is like "fairylnd" (at the end of Uncle Robbie Thorpe's testimony to the Commission about this case and attempts to stop and prevent Aboriginal genocide.¹

15. On 21 June 2024 the Attorney-General of the State of Victoria, Hon. Jaclyn Symes, filed sealed written submissions in this Charles Windsor case which concluded (at paragraph 65 on pages 1819):

"There would be no utility in remitting the matter to the Magistrates' Court for reconsideration of whether to issue the summons and accept the charge-sheet for filing, for the following reasons.

(1) *First*, for the reasons outlined above, the Court would have no jurisdiction to hear any resultant criminal proceeding. Even if a broader interpretation of "offence known to law" is accepted (so that any jurisdictional limitation of the Court is not relevant to the meaning of the phrase), and it is decided that the Plaintiff's proposed charge-sheet does disclose such an offence, the Plaintiff faces the insurmountable difficulty of not having identified any crime that is capable of falling within the jurisdiction of the Court.

(2) *Second*, the accused — King Charles III — would be immune from any criminal prosecution that does proceed. It is a long-established presumption of Australia's constitutional system of government that the King is immune from criminal prosecution in his own courts.³⁶ That presumption has been weakened or effaced in respect of instrumentalities of the Crown and the Executive branch more broadly. But it remains strong in respect of the body politic and the King personally.³⁷ Absent the clearest of statutory intendment, which is not present in Div 268 of the *Criminal Code*, a statutory offence will not be construed so as to render the King in his personal capacity liable to criminal prosecution. Any criminal proceeding would therefore be futile."

¹ Commissioner Professor Eleanor Bourke AM at page 79: "...the court documents with the lion – was it a unicorn or not? I mean, that just blows your mind. We're in fairylnd."



<https://yoorrookjusticecommission.org.au/wp-content/uploads/2024/04/YJC-TRANSCRIPT-DAY-3-%E2%80%93-27-MARCH-2024-FINAL.pdf>

16. At paragraph 32 on page 9 the authors of the said written submissions, Crown Counsel for Victoria Liam Brown SC and barrister Sam Crock JD, also concluded:

“... the proposed charges fall outside of the limited statutory jurisdiction of the Magistrates’ Court. Accordingly, this Court does not need to consider or determine:

- (1) the existence and content of the crimes of genocide, cultural genocide or ecocide within First Peoples’ sovereign law;
- (2) whether, or to what extent, the concept referred to by the Plaintiff as First Peoples’ “sovereign law” is recognised by the common law of Australia; or
- (3) whether, or to what extent, First Peoples’ “sovereign law” can be recognised or enforced within the Supreme Court’s inherent jurisdiction.”

17. They also conclude at paragraph 49 on page 14 of their written submissions:

“there is no offence of genocide known to the common law of Australia.”

18. Neither Symes, Brown or Crock express any concern at the injustice of the outcome—

- (i) That only one white man can stop and prevent Aboriginal genocide (and the real world likelihood of that happening is zero as the history of this continent shows);
- (ii) That the immunity of judges, legislators and the executive for committing Aboriginal genocide also means that Aboriginal genocide can never be effectively stopped and prevented or at all.
- (iii) That the white genocidal detail of Aboriginal Sovereignty is still legal with no consequences— and certainly such denial, clear proof of your intent to destroy Aboriginal Peoples, can not be stopped or prevented either (just like Aboriginal genocide itself).
- (iv) That the deliberate failure and refusal of the State of Victoria and Commonwealth of Australia to attempt legitimise their basis here by seeking the consent of Aboriginal Peoples is not a flagrant act of Aboriginal genocide.

19. Uncle Robbie Thorpe’s Reply filed on 5 July stated Charles Windsor had no immunity under international law, common law or statute law. And that anyone can prosecute Aboriginal genocide.

20. On 24 June 2024 the Honourable Justice O’Meara of your white supremacist court of “Victoria” confirmed the Prothonotary’s refusal to issue Our statement of claim in similar terms to the preceding factual paragraphs numbered 1 to 11 above— he described Our claims in classic arrogant colonialist terms as “political”, “polemical”, “tendentious” and “verbiage”². The cognitive dissonance between the ongoing Aboriginal genocide and the Australian courts’ “national legacy of unutterable shame” (Mabo case, 3 June 1992, per Deane and Gaudron JJ) is shocking— as is the well-recognised psychological issue of “white denial” of Aboriginal genocide. An application for leave to appeal is being prepared. The application raises similar constitutional questions and also whether it is implicit in your Constitution that no decision of a judicial officer of any court in your State of Victoria or Commonwealth of Australia can be valid that allows legitimises attempts incites conspires aids abets Aboriginal genocide.

² O’Meara J: “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, op cit).

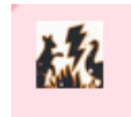
GENOCIDE NOTICE

20. These documents will be included in the investigating brief to the Office of the Prosecutor of the International Criminal Court (to be referred by one or more UN Member States) and in the brief to the International Court of Justice (to be presented by a UN Member State).

21. “Victoria” and “Australia” is one enormous crime scene. Multi-generational Aboriginal genocide is the crime. And still ongoing today. Can this be Constitutional?

Dated 10 July 2024.

T. U. Long



<https://crimesceneaustralia.com/>

To the Prothonotary

And to the defendants

And to the Attorneys-General of the Commonwealth of Australia and the States and Territories.

On 18 July 2024 the Honourable Mark Dreyfus had his solicitors respond, inter alia, to the above constitutional notice in this letter reproduced below:



Our ref. 24006312

18 July 2024

Uncle Robbie Thorpe
Camp Sovereignty
Kings Domain
Melbourne VIC 3004

Australian Government Solicitor
Level 10, 60 Martin Place Sydney NSW 2000
GPO Box 2727 Sydney NSW 2001
T 02 9581 7777
www.ags.gov.au

Canberra
Sydney
Melbourne
Brisbane
Perth
Adelaide
Hobart
Darwin

By email: bunjilfire@gmail.com; cc zoe.barker@vgso.vic.gov.au

Dear Uncle Robbie Thorpe

Uncle Robbie Thorpe v Magistrates' Court of Victoria & Anor – Supreme Court of Victoria – Proceeding No. S ECI 2024 01011

We refer to your correspondence dated 11 July 2024 to the Commonwealth Attorney-General giving him notice pursuant to s 78B of the *Judiciary Act 1903* of a constitutional issue in the above proceeding. We also refer to your correspondence dated 17 July 2024 providing us with a sealed summons seeking to join the Attorney-General as a defendant. We are replying on the Attorney-General's behalf.

The Commonwealth Attorney-General will not be intervening in this proceeding in the Supreme Court of Victoria, nor will he be applying to remove the cause from that Court to the High Court.

Further, the Commonwealth Attorney-General does not consent to being joined or added as a defendant. It is clear from the documents you have provided us that the Commonwealth Attorney-General's presence before the court is not 'necessary' to determine the questions which arise (rule 9.06(b)(i)).

In particular, the questions may be determined between the current parties, and joining the Attorney-General would not alter the nature of the questions or make it any more likely that the questions would be resolved one way rather than the other (and there is no reason to think that the Attorney-General for Victoria 'would not put as forcefully or as well any legal submissions in opposition to' your claims).¹

Further, as the sealed summons was provided to us less than two days before the hearing of the application, any joinder is likely to delay or 'prolong the proceeding' because there 'would be an additional party seeking to make submissions' which would 'be likely to somewhat duplicate the steps taken by the existing respondents.'²

We are content for this letter to be provided to the Court.

Yours sincerely

A handwritten signature in black ink that reads 'L. Boyle'.

Liam Boyle
Senior Executive Lawyer
T 02 6253 7077
liam.boyle@ags.gov.au

¹ *Sportsbet Pty Ltd v Harness Racing Victoria (No 2)* [2010] FCA 952 at [40]-[41].

² *Sportsbet Pty Ltd v Harness Racing Victoria (No 2)* [2010] FCA 952 at [45]-[46].

On Tuesday 23 July 2024 the Senior Registrar of the Melbourne Magistrates Court received this email with an attached charge-sheet:

=====

I
From: **Robbie Thorpe** <bunjilfire@gmail.com>
Date: Tue, 23 Jul 2024 at 08:59
Subject: Fwd: Urgent decision on Regev prosecution today please.
To: MMC Leadership Group (CSV) <mmcleadershipgroup@courts.vic.gov.au>, <MCVLegalPolicyUnit@courts.vic.gov.au>

Tuesday 23 July 2024 at 9am

TO:

Matt Dalton
Senior Registrar
Melbourne Magistrates Court

Charge and summons attached. Note the words above the address "by substituted service" have been removed.

Thanks,

Uncle Robbie Thorpe
CAMP SOVEREIGNTY

----- Forwarded message -----

From: **MMC Leadership Group (CSV)** <MMCLeadershipGroup@courts.vic.gov.au>
Date: Mon, 22 Jul 2024 at 12:11
Subject: RE: Urgent decision on Regev prosecution today please.
To: Robbie Thorpe <bunjilfire@gmail.com>, MMC Leadership Group (CSV) <MMCLeadershipGroup@courts.vic.gov.au>, matt.dalton@courts.vic.gov.au <matt.dalton@courts.vic.gov.au>, MCV-LegalPolicyUnit (CSV) <MCVLegalPolicyUnit@courts.vic.gov.au>

...

RAThorpe v Mark Regev Charge-sheet 16.04... (140K)

x

Charge-Sheet and Summons

TO THE ACCUSED

Name: Mark Regev
Address
Abba Eban Institute for Diplomacy and Foreign Relations,
Reichman University
8 HaUniversita St., Herzliya 4610101
Israel
abbaeban@runi.ac.il

**You have been charged with an offence.
Read these pages to see what you must do.**

Sex M	Date of Birth 1960
-----------------	------------------------------

Details of the charge against you

What is the Charge?

Between 7th October 2023 and 15th April 2024, in the country of Israel and the Palestinian Territories Occupied by Israel since 1967, Mark Regev committed the offences of "Advocating Genocide" contrary to s.80.2D of the Criminal Code (Cth).

As Senior Adviser to Prime Minister Benjamin Netanyahu for foreign affairs and international communications and spokesperson for the Prime Minister, the accused advocated genocide as follows:

- i. the accused holds a position as special adviser to a member of the three person Israeli war cabinet, consisting Benjamin Netanyahu the Prime Minister, Yoav Gallant, the Minister of Defence; and former Chief of the General Staff, Benny Gantz.
- ii. The accused advocated for the following actions and supported the following statements by members of the Israeli war cabinet, which actions and statements have been found to be acts of genocide and incitement to genocide, in the UN Report - Anatomy of a Genocide Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Francesca Albanese* A/HRC/55/73
- iii. on 10th October 2023 in an interview with the ABC, advocated for the imposition of a siege announced by the Israeli Defence Minister Yoav Gallant of a complete siege by the cutting of water, food, fuel, power, from the people of Gaza.
- iv. The accused has continued to remain as Special Adviser to the Prime Minister and spokesman notwithstanding the statement by the Special Rapporteur at paragraph 50
In the latest Gaza assault, direct evidence of genocidal intent is uniquely present. Vitriolic genocidal rhetoric has painted the whole population as the enemy to be eliminated and forcibly displaced.150 High-ranking Israeli officials with command authority have issued harrowing public statements evincing genocidal intent, including as follows:"
... (b) Prime Minister Benjamin Netanyahu referred to Palestinians as "Amalek" and "monsters". The Amalek reference is to a biblical passage in which God commands Saul "Now go and smite Amalek, and utterly destroy all that they have, and spare them not; but slay both man and woman, infant and suckling, ox and sheep, camel and ass".

(c) Minister of Defense Yoav Gallant referred to Palestinians as “human animals”, and announced “full offense” on Gaza, having “released all the restraints”, and that “Gaza will never return to what it was”; [footnotes omitted].

The Report stated at paragraph 36:

36. Sixteen years of blockade had already transformed Gaza into an isolated, densely populated depleted and nearly “uninhabitable” enclave, when, on 9 October 2023, Israeli Defense Minister Yoav Gallant, announced a “complete siege (...) no electricity, no food, no water, no fuel”.¹⁰³ Israeli Minister of Foreign Affairs Israel Katz (then Minister of Energy) went further: “Humanitarian aid to Gaza? No electrical switch will be turned on, no water hydrant will be opened.” Deliberately denying essential supplies to an already besieged population was destined to cause deaths “more silent than those caused by bombs”. [footnotes omitted].

- v. The accused has continued to remain as Special Adviser to the Prime Minister and spokesman to current date and has not renounced his advocacy by statement and by silence, of those acts and statements.
- vi. The Accused has repeatedly incited and encouraged genocide with genocidally inflammatory false claims including on 8th November 2023 in an interview with ABC radio claiming that Hamas had engaged in **rapes ... beheadings ... their burning of babies alive**”, such claims having no evidential basis whatsoever and being made for the purpose of encouraging genocide.
- vii. The Accused has repeatedly incited violence against the health Ministry and health workers in the Gaza Strip by accusing them of being operatives of Hamas.
- viii. The Accused has repeatedly downplayed the civilian casualties, falsely claiming that those killed contain such significant proportion of combatants as to justify the killing of such vast numbers of civilians. [including his interview with BBC on 26th January 2024]
- ix. The Accused in an interview with CNN falsely denied that the Israeli Defence Forces shot civilians who were receiving food aid on 5th February 2024, in what has become known as the Flour Massacre.
- x. The Accused has falsely accused South Africa of being the legal representatives for Hamas in bringing a genocide case against Israel in the International Court of Justice.
- xi. The Accused has falsely claimed that Israel is trying to bring aid into Gaza in circumstances where it has failed to take adequate steps to do so.
- xii. The Accused has provided intellectual cover for the Israeli war cabinet’s actions inflicted with intent to empty the Gaza Strip of its Palestinian population.
- xiii. The accused conduct was committed knowingly as part of a genocidal attack directed against a protected group contrary to the Genocide convention.

PARTICULARS:

- (a) The Palestinians of the Gaza Strip are a civilian population lawfully residing in the Palestinian Territories Occupied by Israel since 1967.
- (b) Since 7th October 2023 the Israeli Defence Force has imposed a genocidal

<p>siege of the people of Gaza and conducted genocidal attacks against the civilian population of Gaza, resulting in the deaths by 25th March 2024 of at least 30,000 Palestinians, including more than 13,000 children, and many thousands more remain unaccounted for and are presumed killed under the rubble.</p>			
<p>(c) The accused is criminally responsible because as special adviser to the Prime Minister and spokesman for the Prime Minister, has a special responsibility in encouraging, justifying, providing intellectual cover and propaganda for the ongoing genocidal actions ordered by the Prime Minister and Defence Minister and conducted by the Israeli armed forces under the direction of the Chief of Staff, and their genocidal incitement.</p>			
<p>(d) The siege and military assault which the Accused has provided intellectual cover for and hence in part caused, has killed civilians, caused serious bodily and mental harm to civilians, deliberately inflicted conditions of life calculated to bring about the physical destruction of the group in whole or in part, imposed conditions of life intended to prevent births now and in the future, and caused the transfer of children through their arrest and detention in Israeli administrative detention.</p>			
<p>(e) The Accused is an Australian born person.</p>			
<p>(f) The Accused is an Australian citizen.</p>			
Under What Law?	Commonwealth	Act or Regulation No. <i>Schedule to the Criminal Code Act 1995 (Cth) (the Criminal Code)</i>	Section or Clause (Full Ref.) s.80.2D Criminal Code (Cth)
	Type of Offence		
Are there more Charges?	Encouraging Genocide		
Informant	No		
Agency and Address	Robert Alan Thorpe		
	21 Smith St. Fitzroy Vic 3068		
	Phone: 0422200696		Facsimile:
			Email: bunjilsfire@gmail.com
Signature of Informant			Date: 16.04.2024
Signature of Registrar of Melbourne Magistrates' Court			Date:
Where will the case be heard			
Where you must go	Melbourne Magistrates Court		
Address	233 William Street, Melbourne Vic 3000		Phone:
When	Time	Day	Month Year
Details about this Summons			
Issued at	MELBOURNE		Date:

Issued by (signature)		Registrar
Charge filed at	MAGISTRATES' COURT OF VICTORIA at MELBOURNE 233 William Street MELBOURNE VIC 3000	Date:

On 17 July 2024 an affidavit was affirmed and filed in the Supreme Court of Victoria exhibiting correspondence with the Magistrates Court of Victoria concerning the attempted prosecution of Mark Regev.

IN THE SUPREME COURT OF VICTORIA AT MELBOURNE
COMMON LAW DIVISION
JUDICIAL REVIEW AND APPEALS LIST



Case: S ECI 2024 01011
No S ECI 2024 01011
Filed on: 17/07/2024 04:35 PM

BETWEEN

UNCLE ROBBIE THORPE

Plaintiff

-and-

MAGISTRATES' COURT OF VICTORIA

First Defendant

ATTORNEY-GENERAL OF VICTORIA

Second Defendant

AFFIDAVIT OF UNCLE ROBBIE THORPE

Date of Document: 17 July 2024

Filed on behalf of the Plaintiff

Prepared by:

Uncle Robbie Thorpe

CAMP SOVEREIGNTY

"Kings Domain"

Melbourne VIC 3004

Telephone: 0422 200 696

Ref: Windsor Genocide Prosecution

Email: bunjilsfire@gmail.com

1. I, Uncle Robbie Thorpe, Truth-Teller Fire-Keeper and Elder, of Camp Sovereignty, "Kings Domain" near "Government House" and Shrine of Remembrance, affirm:

1. Now produced to me and marked Exhibit "URT 1" is a bundle exhibit of correspondence with the Magistrates Court of Victoria seeking to prosecute Melbourne-born-and-educated Israeli government official Mark Regev for advocating Palestinian genocide together with a request for help from the Human Rights Committee of the Victorian Bar copied to the Honourable Mark Dreyfus, Attorney-General of the Commonwealth of Australia.

2. A copy of this affidavit will be served by email upon the Honourable Mark Dreyfus, Attorney-General of the Commonwealth of Australia, and referred to in relation to my application to add the said person as Third Defendant in these present proceedings and also in relation to the issues.

Robbie Thorpe

A handwritten signature in blue ink, appearing to read 'Emily Lloyd'.

Emily Lloyd

Registrar

Neighbourhood Justice Centre

241 Wellington Street, Collingwood 3068

The contents of this affidavit are true and correct and I make it knowing that a person making a false affidavit may be prosecuted for the offences of perjury.

Affirmed at Collingwood
in the State of Victoria
17 July 2024

Before me



Emily Lloyd
Registrar
Neighbourhood Justice Centre

Neighbourhood Justice Centre
241 Wellington Street, Collingwood

A person authorised under section 109 of the Oaths and Affirmations Act 2018 to take an affidavit.

IN THE SUPREME COURT OF VICTORIA AT MELBOURNE
COMMON LAW DIVISION
JUDICIAL REVIEW AND APPEALS LIST

No S ECI 2024 01011

BETWEEN

UNCLE ROBBIE THORPE

Plaintiff

-and-

MAGISTRATES' COURT OF VICTORIA

First Defendant

ATTORNEY-GENERAL OF VICTORIA

Second Defendant

CERTIFICATE IDENTIFYING EXHIBIT

Date of Document: 17 July 2024

Filed on behalf of the Plaintiff

Prepared by:

Uncle Robbie Thorpe
CAMP SOVEREIGNTY
"Kings Domain"
Melbourne VIC 3004

Telephone: 0422 200 696
Ref: Windsor Genocide Prosecution
Email: bunjilsfire@gmail.com

This is the exhibit marked "URT 1" now produced and shown to the deponent at the time of affirming the person's affidavit on 17 July 2024.



Signature of Deponent



Signature of person taking affidavit

Name Address and Statement of capacity

Emily Lloyd
Registrar
Neighbourhood Justice Centre
241 Wellington Street, Collingwood 3066

Exhibit "URT 1"

bundle exhibit of correspondence with the Magistrates Court of Victoria seeking to prosecute Melbourne-born-and-educated Israeli government official Mark Regev for advocating Palestinian genocide together with a request for help from the Human Rights Committee of the Victorian Bar copied to the Honourable Mark Dreyfus, Attorney-General of the Commonwealth of Australia.

The complete exhibit²¹ is online²² at crimesceneaustralia.com. That affidavit was served²³ on the Honourable Mark Dreyfus KC, Attorney-General of the Commonwealth of Australia on 18 July 2024

From: **Robbie Thorpe** <bunjilfire@gmail.com>
Date: Thu, 25 Jul 2024 at 16:08
Subject: Fwd: Senate Legal and Constitutional Affairs Legislation Committee - invitation to a public hearing
To: <LegCon.Sen@aph.gov.au>

Uncle Robbie Thorpe

TO:
The Legal and Constitutional Affairs Legislation Committee
Standing Committee on Legal and Constitutional Affairs
Department of the Senate

Thursday 25 July 2024 at 4.08pm

Attendance and Appearance at Inquiry

I acknowledge your invitation to

(a) attend a public hearing at "Australian Parliament House" in Committee Room 2S1 on Tuesday 30 July 2024 for your inquiry into the said Bill and

(b) to appear on a "panel" 10.15am-11.15 am.

I will not appear on any so-called panel (whatever exactly that might be) but I will appear via zoom from here at Camp Sovereignty at any time (including an individual Sovereignty time-slot on Tuesday should you decide to provide such an opportunity) to present evidence and submissions regarding

(i) the ongoing genocide against We First Peoples;

(ii) current blockages in First Peoples' genocide litigation in your courts to stop and prevent this genocide; and

(iii) the jurisdiction of the International Criminal Court to investigate, prosecute, punish and prevent this genocide; and

(iv) the obligation of the International Court of Justice and UN Member States generally to protect Us from such genocide.

Later,

Uncle Rob

Uncle Robbie Thorpe*
CAMP SOVEREIGNTY
"Kings Domain"
"Melbourne VIC-3004"

bunjilfire@gmail.com

crimesceneaustralia.com

*<https://www.commonground.org.au/article/guide-for-respectfully-communicating-with-elders>

²¹ <https://crimesceneaustralia.com/wp-content/uploads/Affidavit-Uncle-Robbie-Thorpe-17.7.24-re-Regev.pdf>

²² <https://crimesceneaustralia.com/>

²³ Affidavit of service affirmed on 22 July 2024 and filed 23 July 2024 <https://crimesceneaustralia.com/wp-content/uploads/Affidavit-1-Uncle-Robbie-Thorpe-23.7.24-SECI202401011.pdf>

Schedule 1 — Amendments

Criminal Code Act 1995

1 Sections 268.121 and 268.122 of the *Criminal Code*

Repeat the sections.


2 Application of amendments

- (1) The repeal of section 268.121 of the *Criminal Code* by this Schedule applies to proceedings for an offence commenced on or after the commencement of this Schedule, whether the offence to which the proceedings relate is alleged to have been committed before, on or after that commencement.
- (2) The repeal of section 268.122 of the *Criminal Code* by this Schedule applies to decisions made before the commencement of this Schedule.

https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;db=LEGISLATION;id=legislation%2Fbills%2Fs1407_first-senate%2F0001;query=Id%3A%22legislation%2Fbills%2Fs1407_first-senate%2F0000%22;rec=0

The screenshot shows a web browser window with the URL parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;db=LEGISLATION;id=legislation%2Fbills%2Fs1407_first-senate%2F0001;query=Id%3A%22legislation%2Fbills%2Fs1407_first-senate%2F0000%22;rec=0. The page is titled "PARLIAMENT of AUSTRALIA" and features a navigation menu with options like "HOME", "PARLIAMENTARY BUSINESS", "SENATORS & MEMBERS", "NEWS & EVENTS", "ABOUT PARLIAMENT", and "VISIT PARLIAMENT". The main content area displays search results for "Schedule 1—Amendments" in the "Bills & Legislation" database. It includes a "Table Of Contents" with a link to "Schedule 1—Amendments" and a "Previous Fragment" section. The main text of the document is visible, showing the title "Schedule 1—Amendments" and "Criminal Code Act 1995", followed by section 1 and section 2. Section 1 states: "Repeat the sections." Section 2 is titled "Application of amendments" and contains two numbered paragraphs: (1) "The repeal of section 268.121 of the *Criminal Code* by this Schedule applies to proceedings for an offence commenced on or after the commencement of this Schedule, whether the offence to which the proceedings relate is alleged to have been committed before, on or after that commencement." and (2) "The repeal of section 268.122 of the *Criminal Code* by this Schedule applies to decisions made before the commencement of this Schedule." The footer of the page contains various links and information, including "Senate", "House of Representatives", "Get informed", "Get involved", and "APH Website features".

https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;db=LEGISLATION;id=legislation%2Fbills%2Fs1407_first-senate%2F0000;query=id%3A%22legislation%2Fbills%2Fs1407_first-senate%2F0000%22;rec=0


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Title: Criminal Code Amendment (Genocide, Crimes Against Humanity and War Crimes) Bill 2024 Database Bills & Legislation

Note: Where available, the PDF/Word icon below is provided to view the complete and fully formatted document

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Bill home page

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Bill

- 1 Short title
- 2 Commencement
- 3 Schedules
- Schedule 1—Amendments

Criminal Code Amendment (Genocide, Crimes Against Humanity and War Crimes) Bill 2024
2022-2024

The Parliament of the Commonwealth of Australia

THE SENATE

Presented and read a first time

Criminal Code Amendment (Genocide, Crimes Against Humanity and War Crimes) Bill 2024

No. , 2024

(Senator Thorpe)

A Bill for an Act to amend the *Criminal Code Act 1995*, and for related purposes

Contents

1	Short title	1
2	Commencement	1
3	Schedules	2
Schedule 1—Amendments		
	<i>Criminal Code Act 1995</i>	3

A Bill for an Act to amend the *Criminal Code Act 1995*, and for related purposes

The Parliament of Australia enacts:

1 Short title

This Act is the *Criminal Code Amendment (Genocide, Crimes Against Humanity and War Crimes) Act 2024*.

2 Commencement

(1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 3 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	The day after this Act receives the Royal Assent.	

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

(2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

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Senate

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Committees

Criminal Code

Chapter 8—Offences against humanity and related offences

Division 268—Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court

Subdivision B—Genocide

268.3	Genocide by killing
268.4	Genocide by causing serious bodily or mental harm
268.5	Genocide by deliberately inflicting conditions of life calculated to bring about physical destruction
268.6	Genocide by imposing measures intended to prevent births
268.7	Genocide by forcibly transferring children

268.121 Bringing proceedings under this Division

- (1) Proceedings for an offence under this Division must not be commenced without the Attorney-General's written consent.
- (2) An offence against this Division may only be prosecuted in the name of the Attorney-General.
- (3) However, a person may be arrested, charged, remanded in custody, or released on bail, in connection with an offence under this Division before the necessary consent has been given.

268.122 Attorney-General's decisions in relation to consents to be final

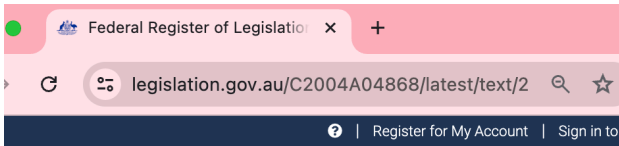
- (1) Subject to any jurisdiction of the High Court under the Constitution, a decision by the Attorney-General to give, or to refuse to give, a consent under section 268.121:
 - (a) is final; and
 - (b) must not be challenged, appealed against, reviewed, quashed or called in question; and
 - (c) is not subject to prohibition, mandamus, injunction, declaration or certiorari.
- (2) The reference in subsection (1) to a decision includes a reference to the following:
 - (a) a decision to vary, suspend, cancel or revoke a consent that has been given;
 - (b) a decision to impose a condition or restriction in connection with the giving of, or a refusal to give, a consent or to remove a condition or restriction so imposed;
 - (c) a decision to do anything preparatory to the making of a decision to give, or to refuse to give, a consent or preparatory to the making of a decision referred to in paragraph (a) or (b), including a decision for the taking of evidence or the holding of an inquiry or investigation;
 - (d) a decision doing or refusing to do anything else in connection with a decision to give, or to refuse to give, a consent or a decision referred to in paragraph (a), (b) or (c);
 - (e) a failure or refusal to make a decision whether or not to give a consent or a decision referred to in a paragraph (a), (b), (c) or (d).
- (3) Any jurisdiction of the High Court referred to in subsection (1) is exclusive of the jurisdiction of any other court.



Criminal Code Act 1995

No. 12, 1995

<https://www.legislation.gov.au/C2004A04868/latest/text/2>



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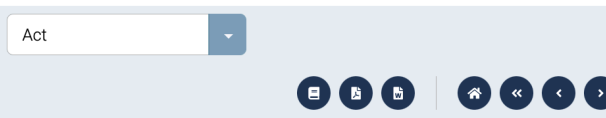
Criminal Code Act 1995

In force

Administered by Attorney-General's Department

Latest version

C2024C00178 (C158)
22 May 2024 - 09 July 2024



Criminal Code Act 1995

No. 12, 1995

Compilation No. 158

Compilation date: 22 May 2024

Includes amendments: Act No. 24, 2024

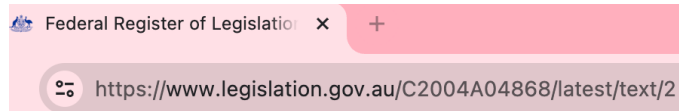
Registered: 24 May 2024

This compilation is in 2 volumes

- Volume 1: sections 1–5
Schedule (sections 1.1–261.3)
- Volume 2: Schedule (sections 268.1–490.7)
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We acknowledge the traditional owners and custodians of country throughout Australia and acknowledge their continuing connection to land, waters and community.



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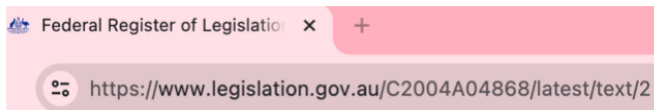
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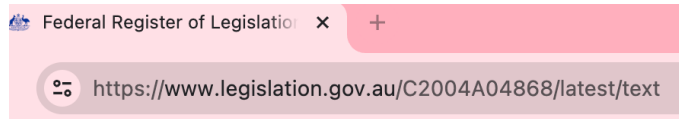
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11.2 Complicity and common purpose

- (1) **A person who aids, abets, counsels or procures the commission of an offence by another person is taken to have committed that offence and is punishable accordingly.**
- (2) For the person to be guilty:
 - (a) the person's conduct must have in fact aided, abetted, counselled or procured the commission of the offence by the other person; and
 - (b) the offence must have been committed by the other person.
- (3) For the person to be guilty, the person must have intended that:
 - (a) his or her conduct would aid, abet, counsel or procure the commission of any offence (including its fault elements) of the type the other person committed; or
 - (b) his or her conduct would aid, abet, counsel or procure the commission of an offence and have been reckless about the commission of the offence (including its fault elements) that the other person in fact committed.
- (3A) Subsection (3) has effect subject to subsection (6).
- (4) A person cannot be found guilty of aiding, abetting, counselling or procuring the commission of an offence if, before the offence was committed, the person:
 - (a) terminated his or her involvement; and
 - (b) took all reasonable steps to prevent the commission of the offence.
- (5) A person may be found guilty of aiding, abetting, counselling or procuring the commission of an offence even if the other person has not been prosecuted or has not been found guilty.
- (6) Any special liability provisions that apply to an offence apply also for the purposes of determining whether a person is guilty of that offence because of the operation of subsection (1).
- (7) If the trier of fact is satisfied beyond reasonable doubt that a person either:
 - (a) is guilty of a particular offence otherwise than because of the operation of subsection (1); or
 - (b) is guilty of that offence because of the operation of subsection (1);but is not able to determine which, the trier of fact may nonetheless find the person guilty of that offence.

5.2 Intention

- (1) A person has intention with respect to conduct if he or she means to engage in that conduct.
- (2) A person has intention with respect to a circumstance if he or she believes that it exists or will exist.
- (3) A person has intention with respect to a result if he or she means to bring it about or is aware that it will occur in the ordinary course of events.

80.2D Advocating genocide

- (1) A person commits an offence if:
 - (a) the person advocates genocide; and
 - (b) the person engages in that conduct reckless as to whether another person will engage in genocide.

Note: There is a defence in section 80.3 for acts done in good faith.

Penalty: Imprisonment for 7 years.

Double jeopardy

- (2) A person cannot be tried by a federal court or a court of a State or Territory for an offence against subsection (1) if the person has already been convicted or acquitted by the International Criminal Court for an offence constituted by substantially the same conduct as constituted the offence against subsection (1).

Definitions

- (3) In this section:

advocate means counsel, promote, encourage or urge.

genocide means the commission of an offence against Subdivision B (genocide) of Division 268, other than:
 - (a) an offence against section 11.1 (attempt), 11.4 (incitement) or 11.5 (conspiracy) to the extent that it relates to an offence against that Subdivision; or
 - (b) an offence against that Subdivision that a person is taken to have committed because of section 11.2 (complicity and common purpose), 11.2A (joint commission) or 11.3 (commission by proxy).
- (4) A reference in this section to advocating genocide includes a reference to:
 - (a) advocating genocide, even if genocide does not occur; and
 - (b) advocating the commission of a specific offence that is genocide; and
 - (c) advocating the commission of more than one offence, each of which is genocide.