

Rule 5.02(1)

**WRIT**

IN THE SUPREME COURT  
OF VICTORIA  
AT MELBOURNE

20

No.

BETWEEN

**AUNTY ALMA THORPE**

First Plaintiff

**UNCLE ROBBIE THORPE**

Second Plaintiff

and

**STATE OF VICTORIA**

Defendant

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Date of Document: 25 April 2024 ANZAC DAY

Solicitors Code: —

Filed on behalf of: Robert Thorpe

DX: —

Prepared by: Robert Thorpe  
21 Smith St  
Fitzroy  
VIC 3065

Telephone: 0422 200 696

Ref: State of Victoria surrender

Email: bunjilsfire@gmail.com

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TO THE DEFENDANT

TAKE NOTICE that this proceeding has been brought against you by the plaintiff for the claim set out in this writ.

IF YOU INTEND TO DEFEND the proceeding, or if you have a claim against the plaintiff which you wish to have taken into account at the trial, YOU MUST GIVE NOTICE of your intention by filing an appearance within the proper time for appearance stated below.

YOU OR YOUR SOLICITOR may file the appearance. An appearance is filed by—

(a) filing a "Notice of Appearance" in the Prothonotary's office, 436 Lonsdale Street, Melbourne, or, where the writ has been filed in the office of a Deputy Prothonotary, in the office of that Deputy Prothonotary; and

(b) on the day you file the Notice, serving a copy, sealed by the Court, at the plaintiff's address for service, which is set out at the end of this writ.

IF YOU FAIL to file an appearance within the proper time, the plaintiff may OBTAIN JUDGMENT AGAINST YOU on the claim without further notice.

THE PROPER TIME TO FILE AN APPEARANCE is as follows—

- (a) where you are served with the writ in Victoria, within 10 days after service;
- (b) where you are served with the writ out of Victoria and in another part of Australia, within 21 days after service;
- (c) where you are served with the writ in Papua New Guinea, within 28 days after service;
- (d) where you are served with the writ in New Zealand under Part 2 of the Trans-Tasman Proceedings Act 2010 of the Commonwealth, within 30 working days (within the meaning of that Act) after service or, if a shorter or longer period has been fixed by the Court under section 13(1)(b) of that Act, the period so fixed;
- (e) in any other case, within 42 days after service of the writ.

IF the plaintiff claims a debt only and you pay that debt, namely, \$ and \$ for legal costs to the plaintiff or the plaintiff's solicitor within the proper time for appearance, this proceeding will come to an end. Notwithstanding the payment you may have the costs taxed by the Court.

FILED

Prothonotary

THIS WRIT is to be served within one year from the date it is filed or within such further period as the Court orders.

RELIEF SOUGHT

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.

*[Plaintiff's indorsement of a statement of claim or of a statement sufficient to give with reasonable particularity notice of the nature of the claim and the cause thereof...]*

STATEMENT SUFFICIENT TO GIVE WITH REASONABLE PARTICULARITY NOTICE OF THE NATURE OF THE CLAIM AND THE CAUSE THEREOF

1. 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. The defendant has conducted a premeditated calculated undeclared war of invasion against First Peoples, Our Lands and Our Laws and the said 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. The only basis for the jurisdiction claimed by the State of Victoria is the said genocidal military invasion.

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

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

(c) By proclamation dated 27 April 2023 the first plaintiff 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 defendant's Minister for Treaty and First Peoples, 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 Police Minister Anthony Carbines and Corrections Minister Enter Erdogan both on 31 March 2023) and elsewhere.

5. (a) On 20 October 2023 the second plaintiff emailed to

i. Jacinta Allen, the defendant's 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 Anzac Day, Thursday 25 April 2024, no such declaration has been made by Allen or Gardner.

6. The defendant's crimes against First Peoples oblige the defendant 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.

7. The defendant's crimes against First Peoples oblige the defendant 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.

8. (a) On Anzac Day, today, Thursday 25 April 2024, we remember First Peoples who died on foreign soil fighting for this island continent.

(b) On the other 364 days we remember First Peoples who died on local soil fighting for Our Lands and Our Laws.

(c) On every day 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.

(d) And on every day 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. GENOCIDE NOTICE. Should the Court decline to file this Writ or to decline to provide the relief sought the plaintiffs will include these documents 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).

1. Place of trial—

(If no place of trial is specified, trial will be in Melbourne.)

2. Mode of trial—

(If trial before a Judge of the Court and jury is not specified, trial will be before a Judge of the Court sitting alone.)

3. This writ was filed—

(a) by the plaintiffs in person.

4. The address of the plaintiffs is

CAMP SOVEREIGNTY  
“Kings Domain”  
near “Government House” and Shrine of Remembrance

5. The address for service of the plaintiffs is

CAMP SOVEREIGNTY  
“Kings Domain”  
near “Government House” and Shrine of Remembrance

6. The email address for service of the plaintiffs is

bunjilfire@gmail.com

7. The address of the defendant is

JACLYN SYMES, ATTORNEY-GENERAL OF THE STATE OF VICTORIA  
Victorian Government Solicitor’s Office  
25/121 Exhibition St  
Melbourne VIC 3000  
enquiries@vgso.vic.gov.au

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FORM 4A

Rule 4.09

IN THE SUPREME COURT  
OF VICTORIA  
AT MELBOURNE

20

No.

BETWEEN

**AUNTY ALMA THORPE**

First Plaintiff

**UNCLE ROBBIE THORPE**

Second Plaintiff

and

**STATE OF VICTORIA**

Defendant

**OVERARCHING OBLIGATIONS CERTIFICATE**

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Date of Document: 25 April 2024

Solicitors Code: —

Filed on behalf of: Robert Thorpe

DX: —

Prepared by: Robert Thorpe  
21 Smith St  
Fitzroy  
VIC 3065

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Ref: State of Victoria surrender

Email: bunjilsfire@gmail.com

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In accordance with section 41 of the Civil Procedure Act 2010, I Robert Thorpe certify to the Court that I have read and understood the overarching obligations set out in sections 16 to 26 of that Act and the paramount duty set out in section 16 of the Act.

Date: 25 April 2024



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Signed ROBERT THORPE

FORM 4B

Rule 4.10(2)

IN THE SUPREME COURT  
OF VICTORIA  
AT MELBOURNE

20

No.

BETWEEN

**AUNTY ALMA THORPE**

First Plaintiff

**UNCLE ROBBIE THORPE**

Second Plaintiff

and

**STATE OF VICTORIA**

Defendant

**PROPER BASIS CERTIFICATION**

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Date of Document: 25 April 2024

Solicitors Code: —

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In accordance with section 41 of the Civil Procedure Act 2010, I Robert Thorpe certify to the Court that, in relation to my Writ submitted for filing on 25 April 2024, on the factual and legal material available to me at present each claim in the document has a proper basis and each question posed to the Court in the document has a proper basis.

Date: 25 April 2024



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Signed ROBERT THORPE