FROM: Robbie Thorpe, complainant

DATE: Sunday 10 December 2023, International Human Rights Day

TO:

1. Complaints Officer One:

   Chief Justice Gageler as Administrative Head of High Court of Commonwealth of Australia.
   http://classic.austlii.edu.au/au/legis/cth/consol_act/hcoaa1979233/s17.html

2. Complaints Officer Two:

   Chief Executive Lynch, Principal Registrar of High Court of Commonwealth of Australia.
   https://www.hcourt.gov.au/assets/documents/service_charter.pdf
   http://classic.austlii.edu.au/au/legis/cth/consol_act/hcoaa1979233/s19.html

3. Complaints Officer Three:

   Senior Registrar Rogers of High Court of Commonwealth of Australia.
   http://classic.austlii.edu.au/au/legis/cth/consol_act/hcoaa1979233/s30.html

REQUEST FOR CORRECTION TO MISREPRESENTATION BY COMPLAINTS OFFICER THREE (Senior Registrar Rogers) AND DEPUTY REGISTRAR (S Young).

1. At 9am on Monday 6 November 2023 I signed a corruption report[1], COR20231949[2], to the **National Anti-Corruption Commissioners** of Commonwealth of Australia specifying the following systemic corrupt conduct by officials of Commonwealth of Australia:

(i) Denying the Sovereignty of First Peoples at all material times.

(ii) Denying the genocide against generations of First Peoples.

(iii) Denying that only through genocide did non-First-Peoples claim "jurisdiction" over the lands, laws and people here. Genocide was used to invade our lands with violence, genocide was used to attempt to occupy our lands and usurp our laws and the genocide is ongoing.

(iv) Failing to stop or prevent the genocide of First Peoples.

(v) Deliberately refusing to seek the consent of First Peoples to the attempted occupation of our lands and the attempted usurpation of our laws.

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[1] https://crimesceneaustralia.com/wp-content/uploads/Corruption-Report-to-Commissioners-Brereton-Rose-Gauntlett-Hinchcliffe-and-CEO-Reed-9am-6.11.23.pdf
Copy of my corruption report provided to Yoorrook Royal Commission on Friday 10 November in Evidence 4 of Robert Thorpe at pages 29-64, https://crimesceneaustralia.com/wp-content/uploads/4.-Evidence-4-of-Robert-Thorpe-to-Yoorrook-Justice-Commission-10_11_23.pdf

[2] https://crimesceneaustralia.com/wp-content/uploads/Email-from-NACC-confirmation-number-COR20231949-14.11.23.pdf

2. At 10am on Monday 6 November 2023 I signed and delivered[3] to the registry of the High Court of Australia an '**Application for a constitutional or other writ**'[4] seeking certain declaratory orders concerning this well-documented multigenerational genocide of First Peoples:

1. First Peoples have never ceded Their Sovereignty and have never consented to the jurisdiction over Them claimed by Commonwealth of Australia.

2. The sole basis for the jurisdiction claimed by Commonwealth of Australia over First Peoples is genocide against First Peoples.

3. The International Criminal Court now has jurisdiction to investigate and prosecute genocidists in Commonwealth of Australia.

4. The denial of First Peoples' Sovereignty is clear proof of the objective fact that accused genocidists possessed the relevant criminal intent to destroy First Peoples.

3. At almost exactly the same time as my Application was delivered to registry the Chief Justice was saying[5] to an invitation-only gathering of judicial officers across "Australia":

I, Stephen John Gageler, do swear that I will bear true allegiance to His Majesty, King Charles III, His Heirs and Successors, according to law, that I will well and truly serve Him in the Office of Chief Justice of the High Court of Australia and that I will do right to all manner of people, according to law, without fear or favour, affection or ill-will. So help me God.

4. My Application[6] and my accompanying Affidavit[7] referred to the corruption report and claimed that the continuing denial of First Peoples Sovereignty constituted continuing acts of the grave crime of genocide against First Peoples.

5. My case is that an oath of allegiance to Windsors is a denial of First Peoples Sovereignty and thus constitutes an act of genocide against First Peoples committed with intent to destroy First Peoples.

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[3] https://crimesceneaustralia.com/wp-content/uploads/1.-Email-of-Application-and-Affidavit-to-Registry-HCA-9.55am-6.11.23-.pdf
See also https://crimesceneaustralia.com/wp-content/uploads/3.-Email-from-HCA-Registry-1pm-6.11.23.pdf
and https://crimesceneaustralia.com/wp-content/uploads/4.-Application-of-Robert-Thorpe-6.11.23-2.pdf

[4] https://crimesceneaustralia.com/wp-content/uploads/1b.-Thorpe-v-AustraliaDreyfusDonaghue-Application-for-a-constitutional-writ-High-Court-of-Australia-HCA-10am-6.11.23.pdf
Copy of my Application and Affidavit provided to Yoorrook Royal Commission on Friday 17 November 2023 in Evidence 5 of Robert Thorpe, pages 4-18 https://crimesceneaustralia.com/wp-content/uploads/5.-Evidence-5-of-Robert-Thorpe-to-Yoorrook-Justice-Commission-17.11.23.pdf

[5] https://www8.austlii.edu.au/cgi-bin/viewdoc/au/other/HCATrans/2023/151.html

[6] Application 6.11.23 in Part IV at page 4.3-5

[7] Affidavit 6.11.23 paragraph 8 NACC

6. On 7 November 2023 the Deputy Registrar Stuart Young refused[8] to file and issue an application seeking those declaratory orders.

5. 0n 10 November 2023 I foreshadowed to Young in writing[9] "an urgent administrative hearing before the Chief Justice on natural justice grounds".

6. On Sunday 12 2023 I completed and signed a complaint[10] about conduct of High Court officers to **Racial Discrimination Commissioner** Croucher, President of the Human Rights Commission of Commonwealth of Australia, and copied the entire complaint to First Peoples Social Justice Commissioner Oscar of the said Human Rights Commission.

7. In addition to the specific refusal to file and issue proceedings concerning First Peoples sovereignty and genocide, my complaint also included the pattern of discrimination[11] in the provision of court services and justice services from Friday 9 October to Friday 10 November 2023.

Index to attachments at https://crimesceneaustralia.com/wp-content/uploads/8b.Index-of-Attachments-1-and-2-to-Complaint-of-Robert-thorpe-12_11_23.pdf

Attachment One, pages 1-100, PDF 2
https://drive.google.com/file/d/1Tf0MKW5jS90HpXe00uMTXaCvDqF_DsZK/view

Attachment One, pages 101-200, PDF 3
https://drive.google.com/file/d/18Rp2JYODrKeSm2L2ac9RzN5LcBYYKHiS/view

Attachment One, pages 201-285, PDF 4 https://drive.google.com/file/d/12VG_MJO
PPW04rOqjppD6sSewNeyvclZ/view

Attachment Two, pages 1-96, PDF 5
https://drive.google.com/file/d/1sTgtzIJYrzw6io8FDNJSkf212gXGmYyV/view

Attachment Two, pages 92-217, PDF 6
https://drive.google.com/file/d/1grx8hCQeVnDw8gXgb2dtHI-ZZCKGKApU/view

[8] https://crimesceneaustralia.com/wp-content/uploads/4.-Email-from-High-Court-Registry-Rejected-12.40pm-7.11.23.pdf
Reproduced in Evidence 5 to Yoorrook Royal Commission, 17.11.23, op cit fn 4, at page 19. https://crimesceneaustralia.com/wp-content/uploads/5.-Evidence-5-of-Robert-Thorpe-to-Yoorrook-Justice-Commission-17.11.23.pdf

[9] https://crimesceneaustralia.com/wp-content/uploads/5.-Email-to-High-Court-Registry-10.11.23.pdf
Reproduced in Evidence 5 to Yoorrook Royal Commission, 17.11.23, op cit fn 4, pages 20-22 at page 22.2 https://crimesceneaustralia.com/wp-content/uploads/5.-Evidence-5-of-Robert-Thorpe-to-Yoorrook-Justice-Commission-17.11.23.pdf

[10] https://crimesceneaustralia.com/wp-content/uploads/8.-Complaint-to-AHRC-President-Croucher-and-to-Commissioner-Oscar-12.11.23.pdf
Index to Attachments https://crimesceneaustralia.com/wp-content/uploads/8b.Index-of-Attachments-1-and-2-to-Complaint-of-Robert-thorpe-12_11_23.pdf
Copies of Attachments listed at Document 8c at https://crimesceneaustralia.com/thorpe-v-australia-dreyfus-donaghue-if-australia-is-so-unwilling-and-unable-to-prosecute-genocide-cases-then-the-prosecutor-of-the-international-criminal-court-has-jurisdiction-to-charge-indiv-2/
Complaint reproduced in Evidence 5 to Yoorrook Royal Commission, 17.11.23, op cit fn 4, at pages 24-56 https://crimesceneaustralia.com/wp-content/uploads/5.-Evidence-5-of-Robert-Thorpe-to-Yoorrook-Justice-Commission-17.11.23.pdf

[11] See pages 12-29 of my complaint at https://crimesceneaustralia.com/wp-content/uploads/8.-Complaint-to-AHRC-President-Croucher-and-to-Commissioner-Oscar-12.11.23.pdf

8. On Monday 13 and Tuesday 14 November I received no response from Deputy Registrar Young to my email to him (paragraph 5 above) at 1.15pm on Friday 10 November requesting a same-day response so I could re-lodge on Monday 13 November at 9am.

9. Enough is enough.

10. I decided to make the administrative application I had foreshadowed. The nearest similar documentation seemed to be an application for leave to file and issue— which consists of a simple application annexing the process sought to be filed together with an accompanying affidavit. There seemed to be power under the Rules for a judicial officer to vary the Rules to determine a similar application simply for file and issue where registry was gatekeeping or blocking a substantially compliant case.

11. I prepared a document clearly headed **Application for File and Issue**— and NOT application for leave to file and issue— and a supporting affidavit. I exhibited to my affidavit the entire complaint to the Racial Discrimination Commissioner— which I named Exhibit RT 1.

12. I also exhibited a memo to the Chief Justice that I proposed to send to coincide with my lodgement— Exhibit RT2. I anticipated that the Chief Justice might refer a novel application of this kind concerning grave issues at the very heart of the existence of Commonwealth of Australia and its legacy of unutterable shame (Mabo case, 1992) to all the judicial officers. Exhibit RT 2 was an integral aspect of the matter. I also anticipated from my experience with Registry from Monday 12 October that I needed to include "administrative" material in the lodged documents if it was to form part of the document being considered for file and issue.

13. I spent two hours from 3.30pm to 5.30pm on Tuesday 14 November 2023 personally signing every page of Exhibit RT 1 and Exhibit RT 2 in the presence of, and as required by, Senior Registrar Courtier at the Neighbourhood Justice Centre in Collingwood.

14. I then spent some hours assembling pdfs of Exhibit RT 1 acceptable to the basic scanning technology available at a community radio stations and finally lodged my Application and Affidavit and Exhibits RT 1 and RT 2 electronically in the digital portal on the High Court's website by about 8pm.

15. I took photographs[12] during this lodgement so that the Application itself (for file and issue) and the pdfs[13] of Exhibit RT 1 could be clearly seen. And also so the box[14] for comments could clearly be seen to contain a reference to my memo to the Chief Justice— and my note that the memo would be emailed to registry and that it was reproduced in the lodged documentation as Exhibit RT 2.

16. After completing the lodgement with my fee waiver form, the Approval Pending notice appeared ("The Court will review the documents…") and I logged off.

17. Shortly thereafter that same evening at 8.41pm on Tuesday 14 October 2023 I emailed a pdf to crogers@hcourt.gov.au, registry@hcourt.gov.au and enquiries@hcourt.gov.au with a cc to myself bunjilsfire@gmail.com so I could verify the email later.

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[12] Photos are reproduced at https://crimesceneaustralia.com/wp-content/uploads/Photos-of-lodgement-of-ex-parte-application-and-affidavit-withn-Exhibits-RT-1-and-RT-2-8pm-14.11.23-.pdf

[13] Photos 5 and 6 in fn 12.

[14] Photos 3 and 4 in fn 12.

18. I reproduce the email[15] in its entirety. Note that it refers to the International Criminal Court and "complicity in genocide". Note too that it refers to the National Anti-Corruption Commission and "conspiracy in systemic genocidal denial" of First Peoples sovereignty. And that it refers to "genocidal bias" in being excluded from accessing a "justice service-provider". My documents in Exhibit RT 1 make clear that I myself am First Peoples and am deadly serious about stopping and preventing the genocide of First Peoples and getting Our Lands and Our Laws back.

From: Robbie Thorpe <bunjilsfire@gmail.com>

Date: Tue, 14 Nov 2023, 8:41 pm

Subject: memo and ex parte app to CJ and Registrars, 14.11.23.pdf

To:
<crogers@hcourt.gov.au>,
<registry@hcourt.gov.au>,
<enquiries@hcourt.gov.au>

Cc: <bunjilsfire@gmil.com>

Please see attached memo to Gageler CJ as administrative head of High Court.

And attached application for filing and issue.

Re direction of DR Young on 7 November that certain declaratory orders would not be considered or given a hearing by Commonwealth of Australia's highest court.

Copy to:

1. Prosecutor of International Criminal Court re complicity in genocide.

2. National Anti-Corruption Commissioners of Commonwealth of Australia re conspiracy in systemic genocidal denial of First Nations Sovereignty.

3. Racial Discrimination Commissioner and First Nations Social Justice Commissioner of Australian Human Rights Commission of Commonwealth of Australia re exclusion of First People's from access to justice service-provider and genocidal bias.

Robbie Thorpe
14 November 2023 at 8.49pm

On this day in 1948, the year of the UN Genocide Convention, the self-described King Of Australia was born... and has failed to prevent the ongoing genocide of We First Peoples.

Email memo and ex part....23.pdf

Email memo and ex parte app to CJ and Registrars, 14.11.23.pdf

Email memo and ex part....23.pdf

[15] https://crimesceneaustralia.com/wp-content/uploads/Email-memo-to-Gageler-CJ-Lynch-CEOPR-Rogers-SR-Young-DR-with-ex-parte-summons-and-affidavit-of-Robert-Thorpe-8.41pm-14.11.23.pdf

19. The attachment to the email was a pdf file[16] titled "Email memo and ex parte app to CJ and Registrars, 14.11.23".

20. I reproduce the two pages of this Memo in their entirety.

TO: **Gageler** CJ in his administrative capacity as Chair of Justices acting collegially

enquiries@hcourt.gov.au

AND TO: **Lynch** CEO/PR, **Rogers** SR and **Young** DR

crogers@hcourt.gov.au

regisry@hcourt.gov.au

DATE: Tuesday 14 November 2023

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1. Here is a complaint made yesterday and dated Sunday 12 November 2023 to President Croucher, Acting Racial Discrimination Commissioner, Human Rights Commission of Commonwealth of Australia, and to First Peoples Social Justice Commissioner Oscar.

2. Please note this question in the Commission's complaint form and this response (at page ~~28~~). 32.

Have you made a complaint to another organisation?

☒ *YES*

To one other Integrity Body of Commonwealth of Australia:

I made a Corruption Report to NACC on Monday 6 November 2023 about inter alia Stephen John Gageler (5 July 1958) and also noted one specific instance of the conduct of Philippa Lynch (Respondent 2 herein) and one further instance in which Philippa Lynch may have been involved (it gets murky). Copy included in Evidence 4 pp 30-65.

The core issue in this complaint of First Peoples Genocide and the denial of First Peoples Sovereignty has also given rise to several complaints to Key Integrity Bodies of State of Victoria in relation to my lodgement in the Magistrates Court of Victoria at Melbourne on 20 October 2023 as informant of charge sheets and summons to Charles Windsor for genocide and ecocide.

Refer to documents set out in Evidence 1, 2, 3, 4 attached.

3. In my email[1] to DR Young at 3pm on Friday 10 November 2023 I foreshadowed a request for "an urgent administrative hearing before the Chief Justice on natural justice grounds".

[1] Email reproduced at pages 283-285 of the attachment to my complaint to the Commission titled KEY DOCUMENTS TO AND FROM REGISTRY OF HIGH COURT 6.10.23—10.11.23

p. 486-521

[16] https://crimesceneaustralia.com/wp-content/uploads/Email-memo-and-ex-parte-app-to-CJ-and-Registrars-14.11.23.pdf

4. I now request such a hearing and attach an ex parte application with supporting affidavit for an order that the application of Robert Thorpe for a constitutional writ lodged on 6 November 2023 be filed and issued forthwith.

5. There are many First Peoples who would seek to intervene in support of both the ex parte application lodged herewith and the application of a constitutional writ lodged on 6 November to present evidence of genocide and make submissions on unceded sovereignty and Law.

6. In all the circumstances (including the historical fact of genocide in the history of the Commonwealth of Australia as well as the complementarity jurisdiction of the International Criminal Court[2]) both applications should be referred to a special hearing before all Justices.

7. A notice of a constitutional matter shall be served on all Attorneys-General of Commonwealth of Australia and its States and Territories (refer to previous such notices in this matter at pages ~~43-49~~ and ~~237-242~~). 116-124 & 312-327

8. I request that Registry accept the attached ex parte application and affidavit by email rather than through DLS and refer you to EVENT TWO: ACCESS TO SERVICE-PROVIDER BY EMAIL TO USUAL PLACE OF BUSINESS in my complaint at pages 12-13.

9. Apart from issues of the quality of the scan (see page 12.2 re EVENT TWO), is Registry confident that the portal will accept the file-size of the attachments? will registry confirm please

Robert Thorpe

bunjilsfire@gmail.com

https//:crimesceneaustralia.com[3]

[2] A copy of this memo is included in my brief to the ICC's Office of the Prosecutor and also in my communication to UN Member States requesting that one or more States bring a case against "Australia" in the International Court of Justice recognising the true sovereignty of First Peoples and rejecting the jurisdictional claims of the genocidal entity "Commonwealth of Australia".

22. Following the two page memo in the pdf[17] I then reproduced the first 72 pages of the documents lodged earlier that evening at 8pm. Pages 1- 4 are my ex parte application for file and issue and page 5 is the cover sheet for Exhibit RT 1. Pages 6-72 are my complaint to Racial Discrimination Commissioner Croucher.

23.Then follow the "index" pages of each pdf lodged with my application and affidavit in the High Court's portal about 8pm.
So the page marked 73 references PDF 2 which contains pages 73-177.
The page marked 178 references PDF 3 which contains pages 178-275.
The page marked 276 references PDF 4 which contains pages 276-360.
The page marked 361 references PDF 5 which contains pages 361-455.
And the page marked 456 references PDF 6 which contains pages 456-582.

24. Apparently there is technology available (for a substantial price) to create one seamless PDF which would be less cumbersome than the 7 PDFs required to lodge the entirety of the complaint to the Racial Discrimination Commissioner. Unfortunately the budget of a community radio station funded by its members does not run to this handy but expensive piece of tech.

25. The last three pages of the Memo pdf are numbered 580, 581 and 582. Page 580 is the cover sheet for Exhibit RT 2. Pages 581-2 are the Memo itself first encountered in the first two pages of the Memo pdf.

26. It is unclear whether the registry preserves each lodgement and thus the application PDFs described in paragraph 23 above. I have placed them online at https://crimesceneaustralia.com/wp-content/uploads/PDFs-lodged-about-8pm-14.11.23.pdf

27. I refer to the index of attachments to my complaint to the Racial Discrimination Commissioner dated 12 November 2023 and to the files of attachments listed above on page 3.4 just under the line below paragraph 7.

28. These attachments are of course identical to the ones in the 7 PDFs described at paragraphs 22 and 23 above—i.e. they are the same documents constituting the attachments to my complaint to the Racial Discrimination Commissioner.

29. There is probably a more elegant way of clarifying the nature of the material. I simply say that the two attachments to my Complaint of 12.11.23 to the Racial Discrimination Commissioner are reproduced exactly in Exhibit RT 1 to my affidavit supporting my ex parte application for file and issue two days later on 14.11.23.

30. Paragraph 6 of my affidavit of Tuesday 14 November stated that a court book is being prepared including a detailed index of all documents with each document listed with a page number and a date.

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[17] https://crimesceneaustralia.com/wp-content/uploads/Email-memo-and-ex-parte-app-to-CJ-and-Registrars-14.11.23.pdf
Also reproduced in Part 3 of Evidence 5 to Yoorrook Royal Commission on Friday 17 November 2023 at https://crimesceneaustralia.com/wp-content/uploads/5.-Evidence-5-of-Robert-Thorpe-to-Yoorrook-Justice-Commission-17.11.23.pdf

31. At 8.19am on Wednesday 15 November I emailed a 15-page d r a f t Application Book to registry@hcourt.gov.au. It contained detailed indexes of the attachments to my complaint to the Racial Discrimination Commissioner set out in the conventional format.

32. I anticipated that a Senior Registrar would settle the Application Book and review my application with the Chief Justice as to how best to proceed.

33. I expected that the Chief Justice would consider that never before in the long sad history of relations between First Peoples and the Constitution Act 1901 of Commonwealth of Australia had the simmering issues of genocide and sovereignty been raised in such a detailed legal framework from the 20th October 2023 to date and crying out for resolution by the superior court of record of Commonwealth of Australia. And that the judicial officers of the High Court would finally end the state of denial here and come to grips with the major human rights issue in the nation. The multigenerational genocide of First Peoples.

34. Instead, in a flagrant breach of complaint process, the very person whose decision was being challenged by my ex parte application for file and issue, Deputy Registrar Stuart Young, was the officer who responded to my work.

35. Some four hours after receiving my Application Book on Wednesday 15 November 2023, Young was pretending as if nothing momentous had occurred. In an email at 11.57am he calmly proceeded to respond to my email from the week before (Friday 10 November 2023). Perhaps he was unaware of my detailed complaint to the Racial Discrimination Commissioner made on 12 November as set out in my ex parte application lodged on 14 November? But no, in the final paragraph of his two-page letter he refers to "your application for leave to issue or file dated 14 November 2023".

> **In terms of your ex parte application for leave to issue or file dated 14 November 2023. A form 31 is used in circumstances where there has a rule 6.07.2 directions made by a Justice directing the Registrar to refuse to issue or file a document without the leave of a Justice first had and obtained by the party seeking issue or file it. As there was no directions made and you do not need to seek leave to issue or file the application, it's premature for such application to be filed. I encourage you revise the Application and affidavit as instructed so that it can be progressed diligently. The Form 31 is not an appropriate application to be accepted currently and it will be rejected as per the reasons set out above.**

36. It is clear at this point that Young is fully aware of my ex parte application and that he knows (because he can read) that it is NOT an application for leave but a novel form and at a stage before any directions have been made by a judicial officer. He may have spent his first three or four hours at work that morning reading the 582 page document lodged the night before. He may have discussed the matter with his superiors, Senior Registrar Rogers and/or Principal Registrar Lynch. Or perhaps he has not mentioned it to them at all. He clearly knows that in some way my ex parte application is challenging his refusal the week before on Tuesday 7 November to file and issue proceedings seeking declaratory orders about First Peoples genocide and sovereignty.

37. He also knows full well that the standard operating procedure is for registry to pretend to fuss about procedural requirements so that there is a second and third lodgement at which point a

judicial officer will direct that it not be issued without first obtaining leave. I refer to the letter[18] in this regard by Marji Thorpe on Friday[19] 24 November 2023 to Complaints Officers One, Two and Three (Gageler CJ, Lynch CE&PR and Rogers SR respectively) requesting Data, Information and Explanation concerning decisions of registry and in particular the mistakes/misrepresentations of Young DR. I note that Marji Thorpe's letter is the subject of further letters to Attorney-General Dreyfus[20], Equal Opportunity Commissioner Allen[21], Racial Discrimination Commissioner Croucher[22], National Anti-Corruption Commissioners[23] Brereton, Rose, Gauntlett and Hinchcliffe among others[24].

38. It is completely inappropriate for the very person the subject of a complaint to respond to the complainant dismissing the complaint. Either Young had not notified his complaints officers or they had authorised this process. Only they know the truth.

39. Young knew full well (because he can read) that there was a note in the appropriate box on the Court's digital lodgement portal referring to my Memo emailed to registry and also to the fact it was part of the lodgement itself at Exhibit RT 2.

40. Young knew from this Memo— and from the very heading of my application— that it was NOT an application for leave to file and issue. He knew something quite different and distinct was being proposed. From his detailed knowledge of the Rules of the High Court he well knew it was within the power of a judicial officer to dispense with rules to consider my application.

41. Instead of acknowledging this and facilitating the referral of the Application Book to the Chief Justice he chose to misrepresent the document in question. In the circumstances it was a lie to continue to call it an application for leave. Was he acting on his own or under direction from registry officers or even judicial officers?

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[18] https://crimesceneaustralia.com/wp-content/uploads/MT-second-request-for-detailed-data-and-info-to-officers-Gageler-Lynch-and-Rogers-24.11.23.pdf

[19] https://crimesceneaustralia.com/wp-content/uploads/MT-email-of-detailed-request-for-data-and-info-to-Gageler-CJ-and-Clerk-Lynch-1.37pm-27.11.24.pdf

[20] https://crimesceneaustralia.com/wp-content/uploads/Request-of-Marji-Thorpe-to-Attorney-General-Dreyfus2-pages-24.11.23.pdf and email containing pdf of letter at https://crimesceneaustralia.com/wp-content/uploads/MT-email-of-Request-to-Attorney-Genersal-Dreyfus-27.11.23.pdf

[21] https://crimesceneaustralia.com/wp-content/uploads/Complaint-of-Marji-Thorpe-to-EOC-Allen-with-all-attachments-24.11.23.pdf and email containing pdf of complaint at https://crimesceneaustralia.com/wp-content/uploads/MT-email-of-complaint-to-EOC-Allen-27.11.24.pdf

[22] https://crimesceneaustralia.com/wp-content/uploads/Complaint-of-Marji-Thorpe-to-RDC-Croucher-6-pages-24.11.23.pdf and email containing pdf of complaint at https://crimesceneaustralia.com/wp-content/uploads/Complaint-of-Marji-Thorpe-to-RDC-Croucher-6-pages-24.11.23.pdf

[23] https://crimesceneaustralia.com/wp-content/uploads/MT-request-to-NACC-to-recommend-Parliament-amend-Act-to-include-High-Court-24.11.23.pdf and email containing confirmation number COR20232088 at https://crimesceneaustralia.com/wp-content/uploads/Confirmation-number-COR20232088-from-NACC-28.11.23.pdf

[24] See Part 6 of Evidence 6 to Yoorrook Royal Commission on Friday 24 November 2023 at pages 39-111 https://crimesceneaustralia.com/wp-content/uploads/Evidence-6-of-Robert-Thorpe-to-Yoorrook-Justice-Commission-24.11.23.pdf and also pages 5-72 of Evidence 7 to Yoorrook Royal Commission on Friday 1 December 2023 at https://crimesceneaustralia.com/wp-content/uploads/7.-Evidence-7-of-Robert-Thorpe-to-Yoorrook-Justice-Commission-1.12.23.pdf

42. At 2.27pm on Wednesday 14 November 2023 I sent an email[25] to crogers@hcourt.gov.au asking Senior Registrar Rogers for confirmation that relevant steps had been taken including listing my application for hearing. I reproduce the email in its entirety.

From: Robbie Thorpe <bunjilsfire@gmail.com>

Date: Wed, 15 Nov 2023 at 14:27

Subject: Hearing of my ex parte application for file and issue.

To: <crogers@hcourt.gov.au>

Cc: <registry@hcourt.gov.au>, <enquiries@hcourt.gov.au>, <bunjilsfire@gmil.com>

Senior Registrar Rogers
High Court of Commonwealth of Australia
Wednesday 15 November 2023 at 2.30pm

1. At about 8pm last night, Tuesday 14 November 2023, I uploaded my application for a hearing before all Justices of this Court. Each page of the attachments was signed by the witness and myself.

https://crimesceneaustralia.com/wp-content/uploads/Photos-of-lodgement-of-ex-parte-application-and-affidavit-withn-Exhibits-RT-1-and-RT-2-8pm-14.11.23-.pdf

2. My application was NOT for leave to file and issue but this was the nearest category available on the portal options. On the appropriate portal space I referred to my memo to Gageler CJ.

https://crimesceneaustralia.com/wp-content/uploads/Photos-of-lodgement-of-ex-parte-application-and-affidavit-withn-Exhibits-RT-1-and-RT-2-8pm-14.11.23-.pdf

3. At about 8.40pm I emailed my memo to Gageler CJ to you at your email address provided on the Court's website.

https://crimesceneaustralia.com/wp-content/uploads/Email-memo-to-Gageler-CJ-Lynch-CEOPR-Rogers-SR-Young-DR-with-ex-parte-summons-and-affidavit-of-Robert-Thorpe-8.41pm-14.11.23.pdf

4. Can you please confirm that you ensured Gageler CJ received a copy of that Memo and the accompanying racial discrimination complaint.

https://crimesceneaustralia.com/wp-content/uploads/Email-memo-and-ex-parte-app-to-CJ-and-Registrars-14.11.23.pdf

5. At about 8.30am I emailed a draft of my Application Book to your Registry.

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[25] https://crimesceneaustralia.com/wp-content/uploads/Email-to-Senior-Registrar-Rogers-requesting-confirmation-and-listing-2.27pm-2.27pm-15.11.23.pdf
Also reproduced in Part 3 of Evidence 5 to Yoorrook Royal Commission on Friday 17 November 2023 at https://crimesceneaustralia.com/wp-content/uploads/5.-Evidence-5-of-Robert-Thorpe-to-Yoorrook-Justice-Commission-17.11.23.pdf

https://crimesceneaustralia.com/wp-content/uploads/Email-to-High-Court-registry-of-draft-Application-Book-8.30am-15.11.23.pdf

6. Can you please confirm that you settled the Application Book and reviewed it with Gageler CJ.

https://crimesceneahttps://crimesceneaustralia.com/wp-content/uploads/Email-from-NACC-confirmation-number-COR20231949-14.11.23.pdfaustralia.com/wp-content/uploads/d-r-a-f-t-Application-Book-of-Robert-Thorpe-8.30am-15.11.23.pdf

7. Please confirm that the matter is listed for hearing and provide a date of hearing so that the many First Peoples wanting to intervene to present evidence of genocide and denial of sovereignty have the opportunity to do so.

Copy to:

1. Coalition Calling For a Royal Commission into High Court Registry and Judicial Officers.

2. National Anti-Corruption Commission.

https://crimesceneaustralia.com/wp-content/uploads/1.-Corruption-Report-to-Commissioners-Brereton-Rose-Hinchcliffe-Gauntlett-and-CEO-Reed-9am-6.11.23.pdf

https://crimesceneaustralia.com/wp-content/uploads/Email-from-NACC-confirmation-number-COR20231949-14.11.23.pdf

3. Racial Discrimination Commissioner and First Peoples Social Justice Commissioner.

4. Office of the Prosecutor, International Criminal Court.

Please ensure Gageler CJ is provided with a copy of this email forthwith.

And all Justices.

And CEO/PR Lynch and DR Young.

Thanks,

Robbie Thorpe

43. 45 minutes late I received an email[26] from DLS@hcourt.gov.au stating only "Rejected…This is a message from the High Court Registry. Dear Mr Thorpe, I refer you to Deputy Registrar Young's email dated 15 November 2023 below and the reasons that your ex parte application for leave to issue or file is refused for filing… Kind Regards, High Court Registry" with a copy of the email described at paragraphs 35-41 above that I had received at 11.57am that morning from Young.

44. The misrepresentation/lie is repeated. I assumed this was Young himself writing anonymously as his nom de plume "High Court Registry" because it was in the format used when receiving emails from the Digital Lodgement System email address DLS@hcourt.gov.au as this one was. It was only my assumption. I suppose it was equally probably that Senior Registrar Rogers wrote it or authorised it or was at least aware of it.

45. I awaited a proper formal response from Senior Registrar Rogers and prepared for a hearing.

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[26] https://crimesceneaustralia.com/wp-content/uploads/Email-from-Rogers-SR-3.14pm-15.11.23.pdf

46. An ally who was proof-reading my documents in preparation for the hearing noticed an error in the page numbers mentioned in my one-page application lodged 14 November. On Friday morning I wrote[27] to the court to correct the error . I reproduce my four-page letter[28] in its entirety. In paragraph 17 I invited the Court to reconsider (or consider?) its Rejection and followed with some observations.

TO: Gageler CJ as Administrative Head of Court via enquiries@hcourt.gov.au

AND TO: Lynch CEO/PR, Rogers SR and Young DR

via registry@hcourt.gov.au and crogers@hcourt.gov.au

DATE: Friday 17 November 2023

SUBJECT: Erratum— correction of page numbers in document.

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1. I refer to my affidavit affirmed 14 November 2023 In the matter of an Application by Robert Alan Thorpe for file and issue.

2. Paragraph 5 of my affidavit referred to Exhibit R T 2.

3. Exhibit RT 2 is a copy of my Memo on 14 November 2023 to the four of you.

4. Paragraph 4 of that memo referred to my ex parte application with supporting affidavit "for an order that the application of Robert Thorpe for a constitutional writ lodged on 6 November 2023 be filed and issued forthwith".

5. A copy of the said ex parte application and supporting affidavit was reproduced at pages 342-356 of Exhibit RT 1 to my affidavit.

6. In my application signed on 14 November 2023 (page 1) there are several page numbers crossed out and replaced by hand-written numbers initialled RT.

7. Unfortunately, as a proof-reader has now pointed out to me, the most important page numbers were not crossed out and replaced by hand-written numbers.

8. In paragraph 1 of the application I apply "for the document set out at pages 267-281 of Exhibit RT 2" to my affidavit to be filed and issued forthwith.

9. This was an error and I seek to correct it for the record.

10. Paragraph 1 should read that I apply "for the document set out at pages 342-356 of Exhibit RT 1" to be filed and issued forthwith.

11. It was clear from the context of the documents in Exhibit RT 1 and the two-page Memo in Exhibit RT 2 (the whole of Exhibit RT 2 totalled those two pages) that my application concerned the most recent (6 November 2023) of my three attempts to get a hearing on the core issue of whether the systemic denial of First Peoples sovereignty constitutes an act of genocide and the consequences of such a determination.

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[27] https://crimesceneaustralia.com/wp-content/uploads/Email-with-Erratum-pdf-to-Gageler-etc-11.47am-17.11.23.pdf

[28] https://crimesceneaustralia.com/wp-content/uploads/Erratum-Correction-of-page-numbers-in-document.pdf

12. Exhibit RT 1 reproduced in its entirety my Racial Discrimination complaint dated 12.11.23 and the two attachments to that complaint. That complaint was in relation to my most recent (6 November 2023) lodgement of Thorpe v Australia, Dreyfus, Donaghue.

13. It seems clear from the observations of DR Young at 11.57 on 15 November and SR Rogers also on 15 November at 3.14pm that my application was rejected on the basis that it was an application FOR LEAVE to issue and file and thus premature because my 6 November 2023 lodgement had been Rejected by Registry and not stamped by a Justice that leave to issue was required.

14. You will note that I had stressed (in my 14 November Memo to all four of you— paragraph 4— and my 15 November email to SR Rogers— paragraph 2) that my application was NOT an application FOR LEAVE to file and issue but was in fact an application for file and issue i.e. for an order of the Court that Registry forthwith file and issue my 6 November lodgement.

15. You will note that I explained to SR Rogers that the closest category available to select from the DLS options of document description was "application for leave to file and issue" (paragraph 4, 14.11.23, 2.27pm email).

16. I now notify you that I am making the alteration in both the Application lodged 14 November and the Application Book lodged 15 November so that paragraph 1 now reads "the document set out at pages 342-356 of RT 1". Copies of the corrected documents are attached for your files.

17. I invite you to reconsider your Rejection of my ex parte application for file and issue following this correction.

18. I make the following observations:

(i) Although novel, an application to the Court for a direction that Registry file and issue is not inconsistent with any Rules of Court and in fact fills a gap in the process.
(ii) At present a document-lodger may only be heard by a Justice if Registry refers a lodgement to a Justice.
(iii) If Registry refuses or fails to refer a lodgement to a Justice, a document-lodger has no recourse.
(iv) With my proposed application for file and issue, a document-lodger can be heard by a Justice despite the decision by Registrars not to refer the lodgement to a Justice.
(v) It may be that lodgements are often informally referred to a Justice under the existing system and the Justice may directly or indirectly indicate that the lodgement is to be rejected.
(vi) My proposal sheds some courtroom sunlight on that informal process which is good for accountability and transparency.
(vii) It is clear that the Court has an obligation to First Peoples and the wider Australian community to listen to what many First Peoples are saying about the injustice that divides the nation and to consider anew the recent developments in applicable law nationally (corruption commission), the continuing omissions in applicable law nationally (no judicial commission) and the issue of whether the transnational crime of genocide holds individuals responsible despite any State claims of jurisdiction or sovereignty (International Criminal Court Act, Criminal Code s 268, and Australia's role in interventions in the International Court of Justice).

(viii) This initial pre-filing pre-issue process allows the Court to hear from many First Peoples intervening in support of the application and to determine the most appropriate form of crystallising the dispute with the precision suitable for a determination by the Court.

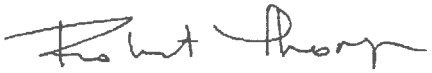
19. We are not stupid and we would not have bothered putting in all this work (see Indexes in Application Book lodged 15 November) if there was not a huge issue being denied access to justice and if there was not the hope for a fair hearing by a court that regards itself as one of the better ones.

20. Whether Registrars are passing on any of this material from the last few days and weeks to the new Chief Justice formally or informally or at all will come to light eventually even if it takes a Royal Commission or a prosecution in the International Criminal Court or a UN Member State taking Australia to the International Court of Justice.

21. We urge you to reconsider (or, if this is the first time you've been alerted to this material, simply to consider) and order the filing and issue of my application for filing and issue of the constitutional writ lodged on 6 November 2023 and refer the matter to a hearing of all Justices at the earliest opportunity— including a hearing of applications by First Peoples to intervene in support to present evidence and submissions re unceded sovereignty and genocidal denial of sovereignty and the absence of any treaty or truth-telling process.

22. The multi-generational genocide that we all now know occurred here and is continuing and that has deprived us of our lands and usurped our law is probably the longest holocaust on the planet. Not only are we the oldest surviving living culture in the world but also the survivors of a premeditated brutal unforgiving genocide among the worst in the world.

23. There is a vast gaping hole of injustice and there is no bigger issue for "Australia" than this one as it effects everything both domestically and internationally. How can the highest court in the oppressor state fail to attempt to come to grips with major legal aspects of this injustice?



Robert Thorpe

Copy to:

1. Coalition Calling For a Royal Commission into Registrars and Judicial Officers of the High Court of Commonwealth of Australia.

https://crimesceneaustralia.com/coalition-calling-for-a-royal-commission-into-high-court-registry-and-judicial-officers/

2. National Anti-Corruption Commission.

https://crimesceneaustralia.com/wp-content/uploads/1.-Corruption-Report-toCommissioners-Brereton-Rose-Hinchcliffe-Gauntlett-and-CEO-Reed-9am-6.11.23.pdf

https://crimesceneaustralia.com/wp-content/uploads/Email-from-NACC-confirmationnumber-COR20231949-14.11.23.pdf

3. Racial Discrimination Commissioner and First Peoples Social Justice Commissioner.

https://crimesceneaustralia.com/wp-content/uploads/Complaint-to-AHRC-President-Croucher-and-to-Commissioner-Oscar-12.11.23.pdf

4. Office of the Prosecutor, International Criminal Court.

5. Yoorrook Justice Commission

https://crimesceneaustralia.com/wp-content/uploads/5.-Evidence-5-of-Robert-Thorpe-to-Yoorrook-Justice-Commission-17.11.23.pdf

47. As stated in paragraph 16 of the above letter, relevant amended copies were attached to this letter and may be viewed here[29].

48. One week later, on Thursday 23 November 2023, I received a formal letter from Senior Registrar Rogers via email at 4.56pm.

49. The letter began with a dismissive tone suggesting I was some fruit loop bombarding the registry with crazy incomprehensible material. "I refer to your emails dated 14, 15 and 17 November 2023 and the various documents attached to or referred to in the emails".

50. In fact and as described in detail in the above narrative, there were three emails specifically addressed to Senior Registrar Rogers:

(i) A Memo dated 14 November 2023 also to Gageler CJ and Lynch CE&PR which was noted in the appropriate box upon electronic lodgement at 8pm as part of the lodgement as Exhibit RT 2 and was subsequently emailed a8 8.41pm to registry. This memo in simple numbered paragraphs made clear the gravity of the issues (First Peoples genocide, First Peoples unceded sovereignty) and the need for other First Peoples to present evidence of genocide and be heard — clearly the proposal for a special hearing by all judicial officers was a reasonable request to justice-providers from First Peoples seeking access to this service so long denied Us.

(ii) A letter addressed solely to the Senior Registrar and received at 2.30pm on Wednesday 15 November 2023 requesting confirmation that the Chief Justice had been informed and requesting certain hearing-related matters. The letter specifically (again!) noted the furphy about my application being described as an application for leave and explained that this was different and why. It appears that none of the matters requested, and properly requested in the circumstances of certain pre-hearing duties of a senior registrar such as settling an Application Book, were carried out.

(iii) A letter received by the Senior Registrar on Friday 17 November also to Gageler CJ and Lynch CE&PR formally correcting an obvious error that had no effect on the substance of the proceedings but nonetheless required formal amendment and explanation were the hearing to

[29] https://crimesceneaustralia.com/wp-content/uploads/Erratum-Correction-of-page-numbers-in-document.pdf

proceed with the Appeal Book submitted for settling on 15 November. The letter also asked for reconsideration of the rejection of the ex parte application for file and issue and suggested that perhaps neither the chief justice nor any other judicial officers had been informed of the whole matter and thus were not re-considering but in fact simply for the first time plain considering the matter.

51. Why would a senior registrar minimise the seriousness and care taken in these three letters and arrogantly dismiss "various documents attached to or referred to in the emails"? Is it because the registry and the registry complaints process had completely failed in professional duties here?

52. Senior Registrar Rogers dismisses the declaratory orders sought concerning First Peoples genocide and Our Sovereignty as "deficiencies identified in Deputy Registrar Young's email". The deficiency is the system that perpetuates a white supremacist regime based entirely on the genocide of First Peoples and the theft of Our Lands and usurpation of Our Law. The deficiency here is the denial of these grave crimes and the refusal to provide justice services to First Peoples attempting to access this justice-service.

53. Despite all that has been said in my original application for a constitutional writ, in my ex parte application for file and issue and in my three letters the Senior Registrar purports to have read and be responding to, Rogers then repeats the misrepresentation that I have attempted to "file a Form 31 application for leave to issue or file".

54. Then Rogers infers that the Court does not have "jurisdiction" to hear a First Peoples case if it has anything to do with the genocide committed against us or the recognition of the true sovereignty of these Lands even if Our law is only usurped by the genocide against us.

55. Rogers also infers that a case can never be "properly commenced" in this Court if it concerns this founding genocide and the continuing denial of Our sovereignty as acts of genocide.

56. Rogers then denies that the judicial officers have any role in the complaints process of the Court despite the fact that the High Court Act specifically states in section 17 that the judicial officers administer the Court.

57. The undated and unsigned Service Charter[30] for the Registry of the High Court states that "in the exercise of Registry functions, it is expected that Registry staff will be honest, ethical, professional at all times, helpful and courteous".

58. It was unprofessional of Young and Rogers to misrepresent my application for file and issue as an application for leave to file and issue.

59. As professionals, they should know that the Rules of the Court give a judicial officer the power to dispense with Rules such that my application could in fact be "authorised" by the Rules if a judicial officer so decided. As professionals, they should have referred the matter as I requested to the chief judicial officer for consideration as to whether it ought go to a Full Court.

60. As a professional, Young would know that it is utterly inappropriate for him to continue responding to me when his conduct was being complained about in my ex parte application for file and issue. It was intimidating and he must have known this. It conveyed to me that my complaint was going nowhere as he would block it.

[30] https://www.hcourt.gov.au/assets/documents/service_charter.pdf

70. As a professional, Rogers failed to respond carefully and and thoughtfully to my complaint in the form of an ex parte application for file and issue. As a professional Rogers failed to carry out relevant duties such as settling my Application Book and referring my administrative letters to judicial officers.

71. Ethically, the grave crime of genocide must be taken seriously at all times by all people in all places. Young and Rogers failed to do so. Contrary to their Service Charter "ethical" requirement.

72. Young and Rogers were dishonest in continuing to state that my application for file and issue was an application for leave to file and issue. The motivation for such dishonesty was that it allowed them to reject my application and did not require them to engage in consultation with a judicial officer.

73. The Registry Charter states: "If your complaint remains unresolved with the local Registry, please contact the Principal Registrar who will endeavour to respond within five days of receiving your complaint." Lynch has never responded to my complaints starting with the first one on 9 October 2023 that all staff be supplied with a copy of the UN Genocide Convention 1949.

74. As a professional Chief Executive Lynch ought to have provided leadership, responsibility and a clear and comprehensive complaints process.

75. The way in which self-represented persons trying to commence cases in the original jurisdiction of the court are fobbed off systemically (encouraged to make two or three lodgements then hit with a judicial officer direction that leave is required) is a scandal and the judicial officers and the chief executive cannot but be aware of and condone this practice by registry officers.

76. On Wednesday 29 November 2023 I proposed in an email[31] to all judicial officers that the High Court Rules be amended to add an additional Rule and Form so that my ex parte application to file and issue becomes a routine procedural reality rather than the one-off novelty it at first may have appeared.

77. That email was copied to Attorney-General Dreyfus, the Indigenous Legal Issues committee of the Law Council of Australia, the Bar Council of Australia and others[32].

78, On Friday 1 December 2023 I forwarded[33] a copy of that email to the Indigenous Justice standing committee of the Australian Institute for Judicial Administration and to the Secretariat of the International Consortium for Court Excellence.

79. On Wednesday 6 December 2023 I made a public submission[34] to the Law Reform Commissioners Bromberg, Moshinsky, Rothman and Colvin of the Commonwealth of Australia by forwarding a copy of that email to them and noting that the 200 or so self-represented persons who

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[31] https://crimesceneaustralia.com/wp-content/uploads/PDFs-lodged-about-8pm-14.11.23.pdf Also reproduced in Part 8 of Evidence 7 to Yoorrook Royal Commission, 1.12.23 at pages 73-4.

[32] fn 31

[33] https://crimesceneaustralia.com/wp-content/uploads/Email-of-RT-to-Australian-Institute-of-Judicial-Administration-Presidents-Indigenous-Justice-ctee-and-ICCE-1.39pm-1.12.23-1.pdf

[34] https://crimesceneaustralia.com/wp-content/uploads/Email-from-RT-on-6.12.23-to-Law-Reform-Commission-forwarding-New-Rule-email-29.11.23-.pdf

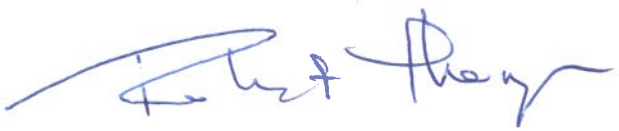
have attempted to file and issue legal proceedings in the original jurisdiction of the High Court in the past 3 years ought be contacted (either by High Court registry or the Law Reform Commissioners) and invited to make submissions as stake-holders.

80. In closing, I return to the private swearing-in ceremony of Gageler CJ at 10.10am on Monday 6 November 2023 where McEvoy (counsel for Yoorrook Royal Commission, co-convenor of AIJA Indigenous Justice standing committee and chair of LCA Indigenous Legal Issues committee) and representing the National Aboriginal and Torres Strait Islander Legal Services, told[35] the assembled judicial officers across the continent that First Peoples "will continue to come to this place for a fair hearing because there is a proper basis to hope for just outcomes".

81. The afternoon of the same day McEvoy told[36] an equally numerous gathering of judicial officers present to watch Beech-Jones J swear allegiance to King Charles III of England: "It is hoped that in due course your mind, and perhaps the attention of the Court, will be turned to such issues as the way in which the other rights beyond native title rights in land and waters and beyond identity may be accommodated within our common law. There is much work to be done".

82. If this complaint is upheld, the resolution I seek is that my application for a constitutional or other writ lodged 6 November 2023 be filed and issued and that a general notice is placed in relevant media inviting First Peoples to intervene to present evidence and submissions in support. Some First Peoples may prefer to simply file and issue Their own identical constitutional or other writ so that They maintain complete control over Their own matter. Either way, special arrangements may need to be made for the hearing to ensure that all First Peoples have a say and are listened to.

83. If this complaint is upheld but the Court Administrators decline to file and issue my constitutional or other writ lodged 6 November then the resolution I seek is that my ex parte application lodged 14 November for file and issue of that writ be listed for a special hearing by all judicial officers— with the same invitation as in paragraph 82 for any and all First Peoples to intervene in support to present evidence of genocide and denial of sovereignty as described above.



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bunjilsfire@gmail.com

[35] https://www8.austlii.edu.au/cgi-bin/viewdoc/au/other/HCATrans/2023/151.html

[36] https://www8.austlii.edu.au/cgi-bin/viewdoc/au/other/HCATrans/2023/152.html