



Form 20 (version 3)
UCPR 18.1 and 18.3

R.H Kenna (L.S.)
Principal Registrar &
Chief Executive Officer

NOTICE OF MOTION

COURT DETAILS

Court	Supreme Court of New South Wales
Division	Common Law
List	Duty
Registry	Sydney
Case number	2025/00454092-003

TITLE OF PROCEEDINGS

First plaintiff	Anton Tutoveanu
Second plaintiff	Joel Davis
First defendant	Commissioner of the Australian Federal Police
Second defendant	Commissioner of Corrective Services

FILING DETAILS

Person seeking orders	Anton Tutoveanu Petitioner
Filed in relation to	Habeas Corpus
Contact name and telephone	Anton Tutoveanu 0410737937
Contact email	anton@1997.systems

PERSON AFFECTED BY ORDERS SOUGHT

Anton Tutoveanu First plaintiff
Joel Davis Second plaintiff
Commissioner of the Australian Federal Police First defendant
Commissioner of Corrective Services Second defendant

HEARING DETAILS

This motion is listed at 02 Mar 2026 09:00 AM

[on separate page]

ORDERS SOUGHT

- 1 Order in an urgent case prior to commencing proceedings for a writ of habeas corpus: rr 6.1(2)(b) and 25.2(1)(a) of the UCPR.
- 2 Issue a writ of habeas corpus to the Commissioner of Corrective Services to facilitate the second plaintiff's appearance to the Court.
- 3 The second plaintiff be discharged and released from custody initiated by the Australian Federal Police.

SIGNATURE

Signature of or on behalf of
person seeking orders



Capacity

Petitioner, first plaintiff

Date of signature

05/12/2025

NOTICE TO PERSON AFFECTED BY ORDERS SOUGHT

If you do not attend, the court may hear the motion and make orders, including orders for costs, in your absence.

REGISTRY ADDRESS

Street address

Supreme Court of New South Wales
Level 5, 184 Phillip Street
Sydney NSW 2000

Postal address

GPO Box 3
Sydney NSW 2001

Telephone

1300 679 272

FURTHER DETAILS ABOUT PLAINTIFFS**First plaintiff**

Name Anton Tutoveanu

Contact details for first plaintiff acting in person

Name Anton Tutoveanu
Address 490 Pitt Street, Haymarket NSW 2000
Telephone 0410737937
Email anton@1997.systems

Second plaintiff

Name Joel Davis

Contact details for second plaintiff

MIN 532624
Address Metropolitan Remand & Reception Centre
7 Holker Street
Silverwater NSW 2128
Email mrrclientservices@correctiveservices.nsw.gov.au

FURTHER DETAILS ABOUT DEFENDANTS**First defendant**

Name Commissioner of the Australian Federal Police
Address AFP Legal
National Headquarters
Edmund Barton Building
47 Kings Avenue
Barton ACT 2600

Second defendant

Name Commissioner of Corrective Services
Address Corrective Services NSW
Locked Bag 5000
Parramatta NSW 2124
Email ExecutiveServices@justice.nsw.gov.au

COURT BOOK
7 DECEMBER 2025

COURT DETAILS

Court	Supreme Court of New South Wales
Division	Common Law
List	Duty
Registry	Sydney
Case number	2025/00454092

TITLE OF PROCEEDINGS

First plaintiff	Anton Tutoveanu
Second plaintiff	Joel Davis
First defendant	Commissioner of the Australian Federal Police
Second defendant	Commissioner of Corrective Services

PREPARATION DETAILS

Prepared by	Anton Tutoveanu Petitioner
Prepared in relation to	Habeas Corpus
Contact name and telephone	Anton Tutoveanu 0410737937
Contact email	anton@1997.systems

SUPREME COURT OF NEW SOUTH WALES PROCEEDING 2025/00454092

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Amicus Curiae Submissions

Case Title:	R v Joel Davis [2025] NSWLC
Jurisdiction:	Criminal
Legislation Cited:	<i>Criminal Code Act 1995</i> (Cth), s 474.17
Cases Cited:	Bazzi v Dutton [2022] FCAFC 84 Philippsohn v Attorney General for New South Wales [2025] NSWSC 267
File Numbers:	2025/00450211
Publication Restriction:	Unrestricted

WIT WITH THE RHETORIC

INTRODUCTION

- 1 On Thursday 20th November 2025 I was made aware of a recent arrest by the AFP.

"#BREAKING: National Socialist Network activist Joel Davis arrested by the Australian Federal Police in Sydney for "using a carrier service to harass"."

EVIDENCE

- 2 The accused on Telegram shared an X post by Member for Wentworth Allegra Spender that was published on 8th November 2025:

"The neo-Nazi demonstration today is appalling.

This group is seeking to spread vile hatred against Jewish people and undermine our great Australian multiculturalism.

Their use of a Hitler Youth slogan is chilling."

The accused wrote in the caption:

"Patriots – I bid thee to rhetorically rape Allegra Spender."

- 3 On 20th November 2025 the media platform, The Noticer, published an article titled "*Nationalist activist² charged over Telegram post and refused bail*"³:

"Mr Davis later responded to criticism over the post by telling 9News he did not condone rape, emphasised his use of the word "*rhetorically*", and said the media should focus on rapes committed by immigrants.

"*It's rhetorical, I said 'rhetorical', people should engage in spirited rhetoric, in a democracy we should convey ideas hotly, these are very important – this is about freedom of speech and the future of our nation,*" he said."

FACT

- 4 The word "rape" is commonly regarded to mean "sexual intercourse without consent".
- 5 The accused's publication coupled the term with "rhetorically", meaning a figure of speech⁴.

¹ The Noticer, <https://x.com/NoticerNews/status/1991388997336383943>

² A fair characterisation of the accused's political identity

³ The Noticer, <https://www.noticer.news/joel-davis-arrested-sydney-telegram-post/>

⁴ Antonym of 'literal'

- 6 The intervener (author of these submissions) originates from Campbelltown, NSW 2500 where his social upbringing was "harsher" more "abrasive" and language such as swear words and offensive humour was tolerated.

LAW

Criminal Code Act 1995 (Cth)

- 7 The purported charge:

474.17 Using a carriage service to menace, harass or cause offence

(1) A person commits an offence if:

(a) the person uses a carriage service; and

(b) the person does so in a way (whether by the method of use or the content of a communication, or both) that reasonable persons would regard as being, in all the circumstances, menacing, harassing or offensive.

Penalty: Imprisonment for 5 years.

Case Law

- 8 In *Bazzi v Dutton* [2022] FCAFC 84 the respondent had been accused of defaming the plaintiff by posting on Twitter "Peter Dutton is a rape apologist." The Full Court overturned the previous ruling and found at [76]ff:

"It is, ... difficult to reconcile the reported statements, or the inferences that might be drawn from them, with Mr Bazzi's assertion that Mr Dutton was a "rape apologist". Even if it is accepted that the ordinary meaning of "apologist" is a person who defends someone or something, that would tend to suggest that to say that someone is a "rape apologist" is to say that they defend the act of rape. That is materially different to accusing someone of being dismissive or sceptical of rape claims, or lacking empathy towards people who claim to have been raped.

While it is somewhat difficult in those circumstances to ascertain what the tweet would have conveyed to the ordinary reasonable Twitter reader, I am on balance not persuaded that the tweet conveyed to the ordinary reasonable reader that Mr Dutton excuses rape. To excuse rape is to seek to somehow justify, pardon, overlook or perhaps trivialise the act of rape. When approached in an impressionistic manner, and taking into account the whole tweet and the context in which it was posted, I do not accept that the tweet conveys, or would have conveyed, to the ordinary reasonable reader that Mr Dutton is a person who has that approach or attitude to the act of rape.

The tweet no doubt conveys an impression that is derogatory and critical of Mr Dutton's attitude to rape or rape allegations, but it does not go so far as to convey the impression that Mr Dutton is a person who excuses rape. That is so even if it be accepted that the word "apologist" may, depending on the context in which it is used, convey that the person to whom that label is attached is a person who defends someone or something. The tweet does not, when considered as a whole and in context, convey the impression that Mr Dutton defends the act of rape. It may, particularly when read in the context of the discussion and debate which was occurring at the time concerning the specific rape allegation referred to earlier, have conveyed that Mr Dutton may on occasion be dismissive of rape claims, or lack empathy towards people who make rape claims. That again, however, is different to defending or excusing the act of rape."

- 9 In *NSW Police v Louis Tessler* (AVO proceedings) (see **Appendix A**) an application was made due to an allegation of intimidation for transmitting via electronic carrier:

" "If you try and construe this as witness intimidation, I will cut your fucking throat." "

- 10 The defense argued that the communication was made in "quotation marks" and didn't constitute any serious, direct threat, rather a dark sense of humor. The absence of a knife certainly had assisted.

- 11 I wasn't present for the outcome but I assume it was dismissed.

SUBMISSIONS

- 12 The accused comes from a socio-cultural background that uses intense language such that among his group and peers, would not be regarded as offensive or intimidating.
- 13 There is no intention to incite violence towards the complainant.
- 14 The accused intended to mean "social intercourse" (see *Philippsohn v Attorney General for New South Wales* [2025] NSWSC 267 at [58]) without consent.
- 15 But due to the polarity of the two characters it has resulted in a shock factor.
- 16 The appropriate and proportional solution is to injunct the publication of the accused via civil proceedings and make a referral to social counselling or education.
- 17 Basically, a caution.
- 18 I encourage Mr Davis to re-organise with his White Australia members to reflect and sensitise themselves to the polite and courteous conduct that public officers and parliamentarians are expecting.
- 19 It was a proportional reaction to, what Mr Davis, and I, perceive as potential intimidation towards themselves (ie. the right to speak freely, protest and represent their racial identity).⁵
- 20 Reasonable persons would not ***in all the circumstances*** regard the accused as having used a carriage service with intention to menace, harass or be offensive.
 - (a) There is no intention.
- 21 The elements of the purported charge are not satisfied and the accused must be acquitted.

Anton Tutoveanu (Amicus)
21st November 2025

⁵ There is a distinction between neo-nazis and white nationalism.

Appendix A - Louis Tessler Police Brief

Provided with permission.

NSW Police (PHQ) 24/10/2023 6:38:05 PM PAGE 8/009 Fax Server

APPLICATION (to be heard at court)

Grounds of the Application:

Reasons for making this application and the duration sought:

The applicant is seeking an apprehended domestic violence order for **a period of: 2 Years**

The reasons the applicant is making an application for an apprehended domestic violence order and seeks the period specified above are as follows:

The defendant in this matter is Louis TESSLER The PINOP in this matter is [REDACTED] The defendant and PINOP are former work colleagues at Macquarie University. On the 6th of September 2023, the defendant was terminated from his employment at Macquarie University after being involved in an internal misconduct investigation and subsequent Apprehended Personal Violence court matter that the PINOP is a witness in. On the 22nd of October 2023, the defendant has contacted the PINOP on 'Signal' - an online digital encrypted messaging platform. The defendant at 8.38pm on the 22nd of October 2023, sent the following messages to the PINOP: "Let the record show my milkshake brings a non zero number of boys to the yard. They have signed an affidavit to the effect of damn right its better than yours." The defendant sent a follow up message at 8.47pm stating "If you try and construe this as witness intimidation, I will cut your fucking throat." According to the PINOP these messages are in reference to the current Apprehended Personal Violence court matter that the PINOP is a witness in. The PINOP stated that he did not feel fearful about these messages however wanted a record made as he is uncertain about what the defendant will do. The PINOP did not want any police action taken however, police hold concerns for the PINOPs safety due to the serious nature of the threats being made. Police are also aware that the defendant knows the home address and work address of the PINOP increasing the risk of the defendant carrying out the treats made. Apprehended Personal Violence Order made for the victims protection whilst the matter is being investigated. The matter is now before the court.

Orders Sought:

The applicant asks that the court make the following orders against the defendant.

Orders about behaviour

1. You must not do any of the following to [REDACTED], or anyone he has a domestic relationship with:

- A) assault or threaten him,
- B) stalk, harass or intimidate him, and
- C) intentionally or recklessly destroy or damage any property or harm an animal that belongs to or is in the possession of [REDACTED]

Form 20 (version 3)
UCPR 18.1 and 18.3

NOTICE OF MOTION

COURT DETAILS

Court	Supreme Court of New South Wales
Division	Common Law
List	Duty
Registry	Sydney
Case number	

TITLE OF PROCEEDINGS

Applicant	Joel Davis
Defendant	Commissioner of the Australian Federal Police

FILING DETAILS

Person seeking orders	Anton Tutoveanu Petitioner
Filed in relation to	Habeas Corpus
Contact name and telephone	Anton Tutoveanu 0410737937
Contact email	anton@1997.systems

PERSON AFFECTED BY ORDERS SOUGHT

Joel Davis Applicant

Commissioner of the Australian Federal Police Defendant

HEARING DETAILS

This motion is listed at [time, date and place to be inserted by the registry unless otherwise known (Court registry will leave blank if being dealt with in chambers.)].

[on separate page]

ORDERS SOUGHT

- 1 Order in an urgent case to commence proceedings, in the nature of a writ of habeas corpus: rr 6.1(2) and 25.2(1) of the UCPR.
- 2 Issue a writ of *habeas corpus* to release the applicant Joel Davis from unlawful custody purportedly initiated by the Australian Federal Police.

SIGNATURE

Signature of or on behalf of
person seeking orders



Capacity

Petitioner (representing applicant if leave is granted)

Date of signature

21/11/2025

NOTICE TO PERSON AFFECTED BY ORDERS SOUGHT

If you do not attend, the court may hear the motion and make orders, including orders for costs, in your absence.

REGISTRY ADDRESS

Street address

Supreme Court of New South Wales
Level 5, 184 Phillip Street
Sydney NSW 2000

Postal address

GPO Box 3
Sydney NSW 2001

Telephone

1300 679 272

FURTHER DETAILS ABOUT APPLICANT**Applicant**

Name Joel Davis

Contact details for petitioner acting in person

Name of petitioner Anton Tutoveanu

Capacity to act for applicant Leave of the Court

Address for service 490 Pitt Street, Haymarket NSW 2000

Telephone 0410737937

Email anton@1997.systems

FURTHER DETAILS ABOUT RESPONDENT**Respondent**

Name Commissioner of the Australian Federal Police

Address
AFP Legal
National Headquarters
Edmund Barton Building
47 Kings Avenue
Barton ACT 2600

IN THE SUPREME COURT OF NEW SOUTH WALES

ANTON TUTOVEANU

Petitioner

COMMISSIONER OF THE AUSTRALIAN FEDERAL POLICE

Respondent

**Short submissions of Commissioner of Australian Federal Police
in relation to Notice of Motion dated 21 November 2025**

PART I INTRODUCTION

1. By Notice of Motion dated 21 November 2025, Anton Tutoveanu seeks an order in the nature of habeas corpus “to release the applicant Joel Davis from unlawful custody purportedly initiated by the Australian Federal Police”. Mr Davis is named as the applicant in that notice of motion, and Mr Tutoveanu as “petitioner”. The Commissioner of the Australian Federal Police (**AFP**) is named as the respondent.
2. The relevant circumstances are as follows:
 - 2.1. On 20 November 2025, members of the AFP arrested Mr Davis and charged him with one count of using a carriage service to menace, harass or cause offence, contrary to s 474.17 of the *Criminal Code* (Cth). At the time of his arrest, Mr Davis was on bail for previous offences. He was refused police bail.¹
 - 2.2. On 21 November 2025, Mr Davis appeared before the NSW Local Court, represented by NSW Legal Aid. Magistrate Covington refused him bail. Mr Davis’s matter is next before the Local Court on 3 December 2025.
3. In submissions dated 21 November 2025, Mr Tutoveanu says that he had been made aware of the recent arrest of Mr Davis, and contends that “[r]easonable persons would not in all the circumstances regard [Mr Davis] as having” committed the offence with which he is charged. The submissions were authored by Mr Tutoveanu as “Amicus”.
4. The application should not be entertained. Mr Tutoveanu lacks standing to apply for habeas corpus on behalf of Mr Davis. The Commissioner is not the proper respondent to such an application. And, if reached, no proper basis for it has been shown.

PART II PETITIONER DOES NOT HAVE STANDING

5. Mr Tutoveanu has not established his standing to apply for the relief he seeks.
6. In response an email from Chambers asking if he is a legal practitioner or purported otherwise to represent Mr Davis,² Mr Tutoveanu did not say he is or did. Instead, he referred to *Re Adian Ashley of the House of Cooper* [2017] NSWSC 533 “for similar procedural circumstances”. That case concerned an application for habeas brought by a non-lawyer “petitioner” to secure the release of another, described as the “applicant”.

¹ It does not appear to be in dispute that Mr Davis was arrested by the AFP, and was refused police bail: Submissions of Mr Tutoveanu, 21 November 2025 at [1], [3].

² Cf email, Anton Tutoveanu to Chambers of Justice Walton, 22 November 2025 at 5.19pm.

It appears that Mr Tutoveanu wishes to invoke a similar procedure.

7. At least in some circumstances, a person may apply for habeas corpus to secure the release of another.³ The leading Australian authority concerning when a court ought to entertain such an application appears to be *Clarkson v The Queen* [1986] VR 464.⁴ As Crockett J there explained, applications have generally been entertained where the petitioner “had some entitlement ... to seek the release from detention of the person detained by reason of some special circumstance that elevated him above the status of a mere stranger or volunteer”.⁵ One such circumstance is where “by reason of that detention [the detainee] is prevented from approaching the Court or providing instructions to another to do so”.⁶ There is no evidence to suggest that is the case here.
8. Justice Crockett went on to hold that the Court may “exercis[e] a discretion as to whom it will permit to apply for a writ on behalf of a prisoner”. His Honour said:⁷

[S]uch discretionary exercise must necessarily be flexible. Its operation will depend upon considerations such as the relationship between the prisoner and the applicant, whether the applicant is a genuinely concerned person, whether the prisoner is so circumstanced that he can and might be expected to make the application himself and whether the applicant may properly be thought to be acting officiously. This list is not exhaustive. There will be other considerations. Each case must be dealt with in the light of its own facts. But the boldly stated proposition that anyone in the community has the right as a third party to apply for the writ must today, I consider, be qualified to the extent that the Court has in an appropriate case a discretion to refuse an applicant standing to pursue the application.
9. The Court should exercise that discretion to refuse to entertain the Notice of Motion dated 21 November 2025. That is because:
 - 9.1. Mr Tutoveanu has not claimed to have a pre-existing relationship with Mr Davis but would appear to be a mere stranger or volunteer. The material does suggest he holds a concern about the legality of Mr Davis’s detention. Nevertheless, by litigating that concern he “may properly be thought to be acting officiously”.
 - 9.2. Significantly, there is no material to suggest that Mr Davis has given his “specific consent ... that [Mr Tutoveanu] should apply for the writ in aid of” him, so as to “erase from the application the taint of officiousness” it may otherwise have.⁸
 - 9.3. Nor is there any material to suggest that Mr Davis could not make an application for habeas corpus himself, were he so advised. There is no evidence that he would be obstructed in doing so, or in seeking legal advice to that end.⁹
10. Those last two points are particularly significant in circumstances where, were the application to be entertained, s 71(2) of the *Supreme Court Act 1970* (NSW) would operate to bar any further application for habeas corpus “in respect of” Mr Davis, on the

³ See, eg, *Truth About Motorways Pty Ltd v Macquarie Infrastructure Investment Management Ltd* (2000) 200 CLR 591 (*Truth About Motorways*) at [2] (Gleeson CJ and McHugh J), [94] (Gummow J), [162] (Kirby J); *Ruddock v Vadarlis* (2001) 110 FCR 491 at [66] (Black CJ).

⁴ Having been referred to with apparent approval in, eg, *Truth About Motorways* (2000) 200 CLR 591 at [2] (Gleeson CJ and McHugh J), *Ruddock v Vadarlis* (2001) 110 FCR 491 at [66] (Black CJ).

⁵ *Clarkson v The Queen* [1986] VR 464 at 465-6.

⁶ *Clarkson v The Queen* [1986] VR 464 at 465.

⁷ *Clarkson v The Queen* [1986] VR 464 at 466.

⁸ Cf *Clarkson v The Queen* [1986] VR 464 at 467.

⁹ Cf *Clarkson v The Queen* [1986] VR 464 at 466-7.

same grounds, unless supported by fresh evidence. Mr Davis should not be prejudiced by an application made without his consent.

11. In those circumstances, no “clear case showing why the Court should be moved by a stranger rather than by the prisoner himself” has been made out, and the application should be refused.¹⁰

PART III THE COMMISSIONER IS NOT THE PROPER RESPONDENT

12. The Commissioner is not the proper respondent to an application for habeas corpus seeking the release of Mr Davis. That is because Mr Davis is no longer in the custody of the Commissioner or any AFP member, having been refused bail by a Magistrate.
13. As the Court of Appeal explained in *Dacich v Commissioner of Corrective Services* [2020] NSWCA 359 at [6], “[a]n order disposing of a writ of habeas corpus favourably to an applicant will be directed to the person having custody of the applicant, requiring that he or she be released.” As in *Dacich*, “[i]n the present case, that person is the governor of the correctional centre in which [Mr Davis] is being held”.
14. It follows that the governor is, and the Commissioner of Corrective Services NSW may be, a proper respondent to an application for a writ of habeas corpus: see *Dacich* at [9]-[11].¹¹ The Commissioner, not having custody of Mr Davis, is not: cf *Dacich* at [13].

PART IV NO BASIS FOR APPLICATION

15. Given that Mr Tutoveanu has not established his standing or entitlement to seek an order in the nature of habeas corpus with respect to (or on behalf of) Mr Davis, the Court can dismiss the present application without considering its merits. Nor is the Commissioner necessarily the appropriate party to address the Court on the merits of the application, not being a proper respondent to it.
16. The Commissioner will nevertheless endeavour to assist the Court if it is minded to consider the application. To that end, the Commissioner observes:
 - 16.1. Authority to detain Mr Davis may be evidenced by a warrant of commitment issued by Magistrate Covington under s 39 of the *Bail Act 2013* (Cth).¹² Such a warrant would be directed to the state authorities responsible for transporting and detaining Mr Davis, and authorise them to do so.¹³
 - 16.2. The Commissioner does not presently have a copy of any such warrant, but could make inquiries of the appropriate state authorities to ascertain whether it has been issued, and to obtain a copy for provision to the Court.
 - 16.3. If such a warrant exists, it is sufficient evidence of authority to detain unless the applicant shows some basis on which to cast doubt upon its validity.¹⁴

¹⁰ Cf *Clarkson v The Queen* [1986] VR 464 at 466-7.

¹¹ See also, as a recent example of the former, *Fantakis v Governor of Macquarie Correctional Centre* [2025] NSWSC 996.

¹² As picked up and applied by s 68 of the *Judiciary Act 1903* (Cth).

¹³ See *Criminal Procedure Act 1988* (NSW), s 242(2), as applied by s 96(1) of the *Bail Act 2013* (NSW).

¹⁴ See *Dacich v Commissioner of Corrective Services* [2020] NSWCA 359 at [16]. See also *Criminal Procedure Act 1988* (NSW), s 244 (concerning defects in warrants of commitment), as applied (*mutatis mutandis*) by s 96(1) of the *Bail Act 2013* (NSW).

17. The Notice of Motion reveals no such basis. It complains, in substance, that Mr Davis could not reasonably be regarded as having committed the offence with which he is charged. That is a question which might be relevant to bail, as going to the strength of the prosecution case. It will ultimately be tested at trial, if Mr Davis were to plead not guilty. It is not a matter going to the validity of Mr Davis's detention on remand.

PART V RELIEF

18. The Notice of Motion should be refused. There is no reason why costs should not follow the event.

23 November 2025



.....
Will Randles

Counsel for the Commissioner of the Australian Federal Police

Form 40 (version 6)
UCPR 35.1

AFFIDAVIT OF Anton Tutoveanu 29-11-2025

COURT DETAILS

Court	Supreme Court of New South Wales
Division	Common Law
List	Duty
Registry	Sydney
Case number	

TITLE OF PROCEEDINGS

First plaintiff	Joel Davis
First defendant	Commissioner of the Australian Federal Police

FILING DETAILS

Filed for	Joel Davis Applicant
Filed in relation to	Petitioner Evidence
Contact name and telephone	Anton Tutoveanu 0410737937
Contact email	anton@1997.systems

AFFIDAVIT

Name Anton Tutoveanu
 Address 490 Pitt Street, Haymarket NSW 2000
 Occupation Computer Scientist
 Date 29/11/2025

I affirm:

1. I am the petitioner of the habeas corpus application.

Evidence

2. On 8th November 2025 Federal Representative for Wentworth published her opinion of a public protest occurring that day at NSW Parliament [Exhibit 'AT 1', page 2].
3. A news article [Exhibit 'AT 1', pages 3-4] reports Joel Davis (an organiser and attendee) of the demonstration had shared the MP's post with the caption:

"Patriots – I bid thee to rhetorically rape Allegra Spender."

4. On 20th November 2025 Joel Davis was arrested and charged by AFP with s 474.17 Using a carriage service to menace, harass or cause offence (*Criminal Code Act 1995* (Cth)).
5. The news article also reports Joel Davis claims he does not condone rape and emphasised the word "rhetorically".
6. If this is all the circumstances, then I do not regard the communication as being menacing, harassing or offensive. This is because:
 - a. The accused comes from a socio-cultural background that uses intense language.
 - b. I can't sense intention to incite violence towards the complainant.
 - c. I think the accused means 'send communication without consent'.
 - d. The complainant is a Representative for Members of the Public and receiving correspondence from potentially unknown persons encompasses her public duties.
 - e. I construe the communication to be an intense way of inciting correspondence to a Federal Member of Parliament which on its own cannot be harassment.
 - f. I view the interaction as intending to lawfully provoke rather than offend.
7. I don't encourage the use of the word "rape" in this format.

AFFIRMED at *Zetland NSW*
 Signature of deponent *Ant*

Name of witness WILLIAM GARY WRIGHT
 Address of witness c/o DCJ Appointments and Applications
 6 Parramatta Square
 10 Darcy Street
 Parramatta NSW 2150
 Capacity of witness [Justice of the peace #Solicitor #Barrister #Commissioner for affidavits #Notary public]

And as a witness, I certify the following matters concerning the person who made this affidavit (the deponent):

- 1 #I saw the face of the deponent. [OR, delete whichever option is inapplicable]
~~#I did not see the face of the deponent because the deponent was wearing a face covering, but I am satisfied that the deponent had a special justification for not removing the covering.¹~~
- 2 ~~#I have known the deponent for at least 12 months.~~ [OR, delete whichever option is inapplicable]
 #I have confirmed the deponent's identity using the following identification document:

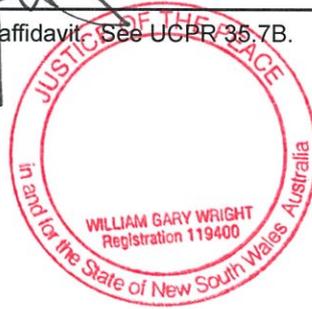
Australian Passport.

Identification document relied on (may be original or certified copy)²

Signature of witness

[Handwritten signature]

Note: The deponent and witness must sign each page of the affidavit. See UCPR 35.7B.



[Handwritten signature]

¹[The only "special justification" for not removing a face covering is a legitimate medical reason (at April 2012).]

²["Identification documents" include current driver licence, proof of age card, Medicare card, credit card, Centrelink pension card, Veterans Affairs entitlement card, student identity card, citizenship certificate, birth certificate, passport or see Oaths Regulation 2011 or refer to the guidelines in the NSW Department of Attorney General and Justice's "Justices of the Peace Handbook" section 2.3 "Witnessing an affidavit" at the following address: <http://www.jp.nsw.gov.au/Documents/jp%20handbook%202014.pdf>]

Form 42 (version 1)
UCPR 35.6

EXHIBIT "AT 1"
AFFIDAVIT OF Anton Tutoveanu 29-11-2025

COURT DETAILS

Court	Supreme Court of New South Wales
Division	Common Law
List	Duty
Registry	Sydney
Case number	

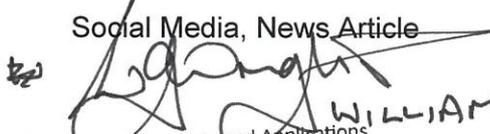
TITLE OF PROCEEDINGS

First applicant	Joel Davis
First defendant	Commissioner of the Australian Federal Police

CERTIFICATE IDENTIFYING EXHIBIT

This is the exhibit marked "AT 1" referred to in the affidavit of Anton Tutoveanu affirmed before me on 29th November 2025.

Signature of witness
 Name of witness
 Address of witness
 Capacity of witness

~~Social Media, News Article~~

WILLIAM GARY WRIGHT
 c/o DCJ Appointments and Applications
 6 Parramatta Square
 10 Darcy Street
 PARRAMATTA NSW 2150
 [#Justice of the peace #Solicitor #Barrister #Commissioner
 for affidavits #Notary public]





Allegra Spender
@spenderallegra



The neo-Nazi demonstration today is appalling.

This group is seeking to spread vile hatred against Jewish people and undermine our great Australian multiculturalism.

Their use of a Hitler Youth slogan is chilling.



4:30 PM · Nov 8, 2025 · **104.6K** Views

THE NOTICER (HTTPS://WWW.NOTICER.NEWS)



NEWS

Nationalist activist charged over Telegram post and refused bail



NOVEMBER 20, 2025(HTTPS://WWW.NOTICER.NEWS/2025/11/20/)

THE NOTICER(HTTPS://WWW.NOTICER.NEWS/AUTHOR/THE-NOTICER/)

Prominent Australian nationalist [Joel Davis](https://www.noticer.news/police-raid-homes-over-jews-hate-freedom-protest/) (https://www.noticer.news/police-raid-homes-over-jews-hate-freedom-protest/) has been arrested over a Telegram post where he urged his followers to respond to a federal MP who had called for him to be prosecuted over a protest on X.

The National Socialist Network and White Australia activist, 30, was taken into custody by the Australian Federal Police in Sydney on Thursday afternoon, his electronic devices were seized, and he was and charged with “using a carriage service to menace, harass or cause offence”.

Mr Davis was refused bail and will face the NSW Bail Division Local Court on Friday.

The AFP said in a statement that a National Security Investigations (NSI) team “began an investigation after identifying an alleged menacing message” that “allegedly encouraged abusive and hateful messages to be directed towards a federal parliamentarian”.

The charge was laid over a post by Mr Davis, who was banned from X early this year without explanation, following a [protest against Jewish lobby influence on Australian politics on November 8](https://www.noticer.news/national-socialist-network-sydney-nsw-parliament-protest/) (https://www.noticer.news/national-socialist-network-sydney-nsw-parliament-protest/) outside NSW Parliament.

He linked an X post by Member for Wentworth Allegra Spender – where she called the rally “appalling” and demanded the protesters be prosecuted – and wrote in the caption: “Patriots – I bid thee to rhetorically rape Allegra Spender.”

Ms Spender said she had referred the post to law enforcement, and that she had a “lot of confidence” in the AFP, which admitted late last month that it was using its [new NSI teams](#)

against the NSN even though they were a non-criminal and non-violent group (<https://www.noticer.news/police-target-nsn-white-australia-political-party/>).

Mr Davis later responded to criticism over the post by telling 9News he did not condone rape, emphasised his use of the word “rhetorically”, and said the media should focus on rapes committed by immigrants.

“It’s rhetorical, I said ‘rhetorical’, people should engage in spirited rhetoric, in a democracy we should convey ideas hotly, these are very important – this is about freedom of speech and the future of our nation,” he said.

Video:



The Noticer ✓

@NoticerNews · Follow

✕

Full Channel 9 interview with White Australia's Joel Davis about the National Socialist Network's "abolish the Jewish lobby" protest in Sydney on Saturday.

Only a few seconds made the 6pm news.

Watch on X



6:18 PM · Nov 10, 2025
ⓘ

♥ 2.2K
↻
Copy link

Read 100 replies

Last month Mr Davis was charged with “offensive behaviour” over a peaceful counter-protest at a far-left rally in Melbourne (<https://www.noticer.news/melbourne-refugee-protest-police-pepper-spray/>), in January he was arrested in Adelaide and is still fighting a “Nazi symbol” charge over a belt buckle with an eagle on it (<https://www.noticer.news/thomas-sewell-joel-davis-charges-dropped/>), and in December his home was raided over a protest where the NSN displayed a banner saying “Jews hate freedom” (<https://www.noticer.news/police-raid-homes-over-jews-hate-freedom-protest/>).

The arrest comes after another participant in the November 8 “abolish the Jewish lobby” protest, South African national Matthew Gruter, had his visa cancelled by Home Affairs Minister Tony Burke at 10pm on Monday and was raided and taken to an immigration detention centre at 4am the next morning.

NSW Premier Chris Minns has also introduced new laws in response to the rally that aim to criminalise “Nazi ideology and conduct”, while Liberal MP Julian Leeser has demanded the federal government to review electoral laws in order to stop White Australia from forming a political party.

Header image: Left, right, Joel Davis at the Jewish lobby protest (supplied).

Form 44 (version 3)
UCPR 36.1A

CONSENT ORDER

COURT DETAILS

Court Supreme Court of New South Wales
 Division Common Law
 List Duty
 Registry Sydney
 Case number

TITLE OF PROCEEDINGS

Applicant **Joel Davis**
 Defendant **Commissioner of the Australian Federal Police**

PREPARATION DETAILS

Prepared for **Joel Davis Applicant**
 Prepared by **Anton Tutoveanu Petitioner**
 Contact name and telephone Anton Tutoveanu 0410737937
 Contact email anton@1997.systems

TERMS OF ORDER MADE BY THE COURT BY CONSENT

- 1 The defendant consents to a writ of *habeas corpus* being issued on the condition:
 - a. The applicant undertakes to be mindful of the rhetoric he uses when making public statements and to ensure that use of his language does not potentially incite violence or offensive conduct.

SIGNATURES

Applicant

Joel Davis, applicant consents.

Signature of or on behalf of party if not legally represented



Capacity Applicant

Date of signature 4/12/25

Respondent

Commissioner of the Australian Federal Police, respondent consents.

Signature of legal representative

Capacity

Date of signature

SEAL AND SIGNATURE

Court seal

Signature

Capacity

Date made or given

Date entered

NOTICE

Subject to limited exceptions, no variation of a judgment or order can occur except on application made within 14 days after entry of the judgment or order.

Petitioner Submissions

Case Title:	Application of Joel Davis [2025] NSWSC
Jurisdiction:	Common Law
Legislation Cited:	<i>Australian Federal Police Act 1979</i> (Cth), ss 11, 14A, 14F <i>Criminal Code Act 1995</i> (Cth), ss 5.2, 5.3, 5.4, 5.6, 13.1, 13.2, 13.3, 13.5, 474.17 <i>Evidence Act 1995</i> (NSW), s 78 <i>Uniform Civil Procedure Rules 2005</i> (NSW), rr 6.1(2)(b), 25.2(1)(a)
Cases Cited:	Application of Adrian Ashley of the House of Cooper [2017] NSWSC 533 Clarkson v R [1986] VicRp 47
Parties:	Anton Tutoveanu (First plaintiff) Joel Davis (Second plaintiff) Commissioner of the Australian Federal Police (First defendant) Commissioner of Corrective Services NSW (Second defendant)
Representation:	Anton Tutoveanu (Petitioner for the Applicant) Australian Government Solicitor (Defendant)
File Numbers:	2025/00454092
Publication Restriction:	Unrestricted

WRIT WITH THE RHETORIC

INTRODUCTION

- On Friday 21st November 2025 at 11:48pm a petitioner named Anton Tutoveanu applied to the Duty Judge for an urgent application prior to commencing proceedings for a writ of *habeas corpus*.
 - Order in an urgent case to commence proceedings, in the nature of a writ of habeas corpus: rr 6.1(2) and 25.2(1) of the UCPR.
 - Issue a writ of habeas corpus to release the applicant Joel Davis from unlawful custody purportedly initiated by the Australian Federal Police.

EVIDENCE

- The petitioner tenders AFFIDAVIT OF Anton Tutoveanu 29-11-2025.

CHRONOLOGY

- On 28th October 2025 a Form 1 was sent to the NSW Police by Jack Eltis representing to be from White Australia.
- The protest was approved.
- On 8th November 2025 the demonstration was held in front of the NSW Parliament House.
- There has since been tremendous media coverage, which led to tremendous public reaction.
- On the same day Allegra Spender¹ published on X:

"The neo-Nazi demonstration today is appalling.

This group is seeking to spread vile hatred against Jewish people and undermine our great Australian multiculturalism.

¹ Federal Representative for Wentworth

Their use of a Hitler Youth slogan is chilling."

8 The accused then shared the post on Telegram with the caption:

"Patriots – I bid thee to rhetorically rape Allegra Spender."

9 On 20th November 2025 the media platform, The Noticer, published an article titled "*Nationalist activist charged over Telegram post and refused bail*"²:

"Mr Davis later responded to criticism over the post by telling 9News he did not condone rape, emphasised his use of the word "*rhetorically*", and said the media should focus on rapes committed by immigrants.

"*It's rhetorical, I said 'rhetorical', people should engage in spirited rhetoric, in a democracy we should convey ideas hotly, these are very important – this is about freedom of speech and the future of our nation,*" he said."

10 On 21st November 2025 an intervener transmitted written submissions³ to the Bail Division Registry.

11 Bail was refused.

12 The petitioner applied to the Supreme Court of NSW Duty Judge for a writ of habeas corpus.

13 On 23rd November 2025 the defendant's legal counsel provided written submission, and soon after the petitioner and defendant's legal representatives attended a hearing before Walton J.

14 The motion was dismissed without prejudice:

(1) Dismiss the notice of motion filed in Court on 23 November 2025, without prejudice to the present petitioner bringing a further petition for Habeas Corpus in the event that the petitioner has the express consent of the present detained person, Joel Davis, to bring that application for Habeas Corpus.

(3) No order as to costs.

15 The petitioner drafted consent orders for the parties, offering:

a The defendant consents to a writ of habeas corpus being issued on the condition:

i. The applicant undertakes to be mindful of the rhetoric he uses when making public statements and to ensure that use of his language does not potentially incite violence or offensive conduct.

16 On 29th November 2025 the petitioner affirmed his evidence in an affidavit.

17 On 3rd December 2025 the accused was refused bail again.

18 On 4th December 2025 the applicant (accused) signed the consent order.

19 On 5th December 2025 the petitioner made a new application to the Duty Judge:

1 Order in an urgent case prior to commencing proceedings for a writ of habeas corpus: rr 6.1(2)(b) and 25.2(1)(a) of the UCPR.

2 Issue a writ of habeas corpus to the Commissioner of Corrective Services to facilitate the second plaintiff's appearance to the Court.

3 The second plaintiff be discharged and released from custody initiated by the Australian Federal Police.

20 On 7th December 2025 a court book was transmitted to the Duty Judge with additional written submissions from the petitioner.

² The Noticer, <https://www.noticer.news/joel-davis-arrested-sydney-telegram-post/>

³ Court Book (7 December 2025), pages 1-4

FACT

- 21 The word "rape" is commonly regarded to mean "sexual intercourse without consent".
- 22 The accused's publication coupled the term with "rhetorically", meaning a figure of speech.
- 23 The petitioner does not know or have any personal relationship to the accused.
- 24 The accused hasn't been convicted of the offence.

LAW***Criminal Code Act 1995 (Cth)*****25 Chapter 2—General principles of criminal responsibility**

...

Division 5—Fault elements

...

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.

5.3 Knowledge

A person has knowledge of a circumstance or a result if he or she is aware that it exists or will exist in the ordinary course of events.

5.4 Recklessness

- (1) A person is reckless with respect to a circumstance if:
 - (a) he or she is aware of a substantial risk that the circumstance exists or will exist; and
 - (b) having regard to the circumstances known to him or her, it is unjustifiable to take the risk.
- (2) A person is reckless with respect to a result if:
 - (a) he or she is aware of a substantial risk that the result will occur; and
 - (b) having regard to the circumstances known to him or her, it is unjustifiable to take the risk.
- (3) The question whether taking a risk is unjustifiable is one of fact.
- (4) If recklessness is a fault element for a physical element of an offence, proof of intention, knowledge or recklessness will satisfy that fault element.

...

5.6 Offences that do not specify fault elements

- (1) If the law creating the offence does not specify a fault element for a physical element that consists only of conduct, intention is the fault element for that physical element.
- (2) If the law creating the offence does not specify a fault element for a physical element that consists of a circumstance or a result, recklessness is the fault element for that physical element.

...

Part 2.6—Proof of criminal responsibility

Division 13

...

13.1 Legal burden of proof—prosecution

(1) The prosecution bears a legal burden of proving every element of an offence relevant to the guilt of the person charged.

(2) The prosecution also bears a legal burden of disproving any matter in relation to which the defendant has discharged an evidential burden of proof imposed on the defendant.

(3) In this Code:

legal burden, in relation to a matter, means the burden of proving the existence of the matter.

13.2 Standard of proof—prosecution

(1) A legal burden of proof on the prosecution must be discharged beyond reasonable doubt.

(2) Subsection (1) does not apply if the law creating the offence specifies a different standard of proof.

13.3 Evidential burden of proof—defence

(1) Subject to section 13.4, a burden of proof that a law imposes on a defendant is an evidential burden only.

(2) A defendant who wishes to deny criminal responsibility by relying on a provision of Part 2.3 (other than section 7.3) bears an evidential burden in relation to that matter.

(3) A defendant who wishes to rely on any exception, exemption, excuse, qualification or justification provided by the law creating an offence bears an evidential burden in relation to that matter. The exception, exemption, excuse, qualification or justification need not accompany the description of the offence.

(4) The defendant no longer bears the evidential burden in relation to a matter if evidence sufficient to discharge the burden is adduced by the prosecution or by the court.

(5) The question whether an evidential burden has been discharged is one of law.

(6) In this Code:

evidential burden, in relation to a matter, means the burden of adducing or pointing to evidence that suggests a reasonable possibility that the matter exists or does not exist.

...

13.5 Standard of proof—defence

A legal burden of proof on the defendant must be discharged on the balance of probabilities.

...

26 The purported charge:

474.17 Using a carriage service to menace, harass or cause offence

(1) A person commits an offence if:

(a) the person uses a carriage service; and

(b) the person does so in a way (whether by the method of use or the content of a communication, or both) that reasonable persons would regard as being, in all the circumstances, menacing, harassing or offensive.

Penalty: Imprisonment for 5 years.

Australian Federal Police Act 1979 (Cth)

27 **Part II—Constitution, functions and powers of the Australian Federal Police**

Division 1—Constitution, functions and laws conferring powers on members etc.

...

11 State and Territory writs and warrants

Where a writ or warrant is issued under the law of a State or Territory in relation to an offence or other matter under a law of the Commonwealth or of a Territory, the writ or warrant may be executed by a member, notwithstanding that it is not addressed to a member and notwithstanding any requirement of the law of the State or Territory as to the person by whom it may be executed.

...

Division 3—Powers and duties of protective service officers**14A Powers of arrest**

A protective service officer may, without warrant, arrest a person for a protective service offence if the protective service officer believes on reasonable grounds that:

- (a) the person has just committed, or is committing, the offence; and
- (b) the arrest of the person is necessary for the purpose of:
 - (i) ensuring the appearance of the person before a court of competent jurisdiction for the offence; or
 - (ii) preventing the continuation of, or a repetition of, the offence or the commission of a further protective service offence; or
 - (iii) preventing the concealment, loss or destruction of evidence of, or relating to, the offence; or
 - (iv) preserving the safety or welfare of the person; and
- (c) proceedings by way of summons against the person for the offence would not achieve such a purpose.

...

14F Release of arrested person

Where:

- (a) a person has been arrested by a protective service officer for an offence; and
- (b) the person is in the custody of the protective service officer or another protective service officer; and
- (c) the protective service officer who has the custody of the person:
 - (i) ceases to have reasonable grounds for believing that the person committed, or was committing, an offence; or
 - (ii) ceases to have reasonable grounds for believing that the holding of the person in custody is necessary in order to achieve a purpose mentioned in paragraph 14A(b), and does not have reasonable grounds for believing that the holding of the person in custody is necessary in order to achieve any other purpose mentioned in that paragraph; or
 - (iii) ceases to have reasonable grounds for believing that proceedings by way of summons against the person for the offence would not achieve a purpose mentioned in paragraph 14A(b), and does not have reasonable grounds for believing that proceedings by way of summons against the person for the offence would not achieve any other purpose mentioned in that paragraph;

the protective service officer must release the person from custody in respect of the offence as soon as practicable.

...

Evidence Act 1995 (NSW)**28 78 Exception: lay opinions**

The opinion rule does not apply to evidence of an opinion expressed by a person if—

- (a) the opinion is based on what the person saw, heard or otherwise perceived about a matter or event, and
- (b) evidence of the opinion is necessary to obtain an adequate account or understanding of the person's perception of the matter or event.

Case Law

- 29 *Application of Adrian Ashley of the House of Cooper* [2017] NSWSC 533 describes the application commencement procedure at [3]:

"The application raised two threshold procedural issues. First, it was brought in circumstances where proceedings have not been commenced. The petitioner sought to make the application on behalf of the applicant by presenting a petition in court. Ordinarily, a party seeking relief as a plaintiff may not take any step in proceedings unless he or she has filed an originating process (either a statement of claim or a summons): see r 6.1(1) of the Uniform Civil Procedures Rules 2005 (NSW). In the case of proceedings on an application for a writ of habeas corpus ad subjiciendum, a summons is required: r 6.4(2) of the UCPR. The usual method of filing an originating process is to file it in the Registry. However, the rules provide that the court may make orders in an urgent case on the application of a person who intends to commence proceedings, including any order in the nature of a writ of habeas corpus: rr 6.1(2) and 25.2(1) of the UCPR. Accordingly, I took the view that I should entertain the application, notwithstanding the fact that no originating process had been filed in the Registry."

- 30 The petitioner/applicant representation issue at [4]:

"The second procedural issue was the fact that the applicant was not legally represented and, for obvious reasons, was not before the Court in person. Rule 7.1 of the UCPR contemplates that proceedings may be commenced and carried on either in person or by a solicitor. The petitioner informed me that he is not a legal practitioner and is not legally trained. However, in circumstances where it was alleged that a man was being unlawfully detained, I took the view that I should hear from the petitioner, at least to the extent necessary to determine whether there were reasonable grounds for the application (in which case it might have been appropriate to allow the petitioner to carry on the proceedings on the applicant's behalf, at least to the point of having the applicant brought to Court to make his claim in person)."

- 31 References habeas corpus at [5],[6]:

"In taking that approach, I was mindful of the nature of the relief sought. As explained by the Earl of Birkenhead in *Secretary of State for Home Affairs v O'Brien* [1923] AC 603 at 609, the writ of habeas corpus affords "a swift and imperative remedy in all cases of illegal restraint or confinement". His Lordship described the writ as one "of immemorial antiquity, an instance of its use occurring in the thirty-third year of Edward I" and said it "has through the ages been jealously maintained by courts of law as a check upon the illegal usurpation of power by the executive at the cost of the liege".

In *Potier v General Manager & Governor, MRR* [2007] NSWSC 1031, Rothman J explained that the writ of habeas corpus is a prerogative writ "used to bring an individual before a court usually to assess the lawfulness of detention, and, if considered unlawful, to order the individual's release".

- 32 The defendant cited *Clarkson v R* [1986] VicRp 47, particularly:

"At the outset of the hearing of this application counsel for the Director of Public Prosecutions, upon whom had been served notice of the application, took the preliminary point that the applicant was a stranger or volunteer and as such was without standing to be heard to make the application.

...

However, there are statements to be found to the effect that anyone in the community who knows that a person is wrongfully imprisoned has the right to apply for a writ: see *R v Waters* [1912] VicLawRp 68; [1912] VLR 372 and Halsbury, 4th ed., vol. 11, p. 783. However, when many of the cases are examined it appears that the person who sought the liberation of a detainee had been permitted to do so because that person had some entitlement to the custody of the detainee, or at least to seek the release from

detention of the person detained by reason of some special circumstance that elevated him above the status of a mere stranger or volunteer."

SUBMISSIONS

33 The defendant has since provided written submissions.

"The application should not be entertained ... [because the petitioner] lacks standing to apply for habeas corpus on behalf of Mr Davis. The Commissioner is not the proper respondent to such an application. And, if reached, no proper basis for it has been shown.

...

Mr Davis should not be prejudiced by an application made without his consent.

...

The Commissioner is not the proper respondent to an application for habeas corpus seeking the release of Mr Davis.

...

Authority to detain Mr Davis may be evidenced by a warrant of commitment issued by Magistrate Covington under s 39 of the *Bail Act 2013* (NSW). ... it is sufficient evidence of authority to detain unless the applicant shows some basis on which to cast doubt upon its validity."

34 The petitioner submits:

- a The petitioner has standing to initiate an application for a writ of habeas corpus since he is emotionally affected by the arrest and custody of a perceived innocent member of public.
- b Agreeing that, Mr Davis should not be prejudiced by an application made without his consent.
 - i. The petitioner is liable to costs if the application without consent were to fail.
 - ii. However, express consent from the accused has since been obtained.
- c The intention of the accused's language was to politically provoke, not criminally offend.
- d The petitioner is a reasonable person who has tendered opinion⁴ evidence⁵ to disprove the subjective human perception "reasonable persons" element of the charge, proving the communication was not "in all the circumstances, menacing, harassing or offensive."
- e The accused should be in the same position if it weren't for the charge of the alleged offence.

35 The application implies there exists substantive matters and the plaintiffs should undertake to prepare a statement of claim for filing within a specified timeframe.

Anton Tutoveanu (Petitioner)
7th December 2025

⁴ s 78 of *Evidence Act 1995* (NSW)

⁵ Court Book (7 December 2025), pages 13-19

