

# SUPREME COURT OF QUEENSLAND

CITATION: *Skyring v Electoral Commission of Qld & Anor* [2001] QSC 080

PARTIES: **ALAN GEORGE SKYRING**  
**(applicant)**  
**v**  
**ELECTORAL COMMISSION OF QUEENSLAND**  
**(first respondent)**  
**and**  
**PETER DOUGLAS BEATTIE**  
**(second respondent)**

FILE NO: S2028 of 2001

DIVISION: Trial Division

DELIVERED ON: 6 June 2001

DELIVERED AT: Brisbane

HEARING DATE: 1 June 2001

JUDGE: Mackenzie J

ORDER: **It is declared and directed that the Registrar may refuse to accept the documents.**

CATCHWORDS: PROCEDURE – SUPREME COURT PROCEDURE – QUEENSLAND – PRACTICE UNDER RULES OF COURT – REGISTRY AND REGISTRARS - where applicant declared a vexatious litigant – whether Registrar can accept and register documents seeking leave to appeal against a costs order by a vexatious litigant – whether leave may be granted in accordance with s 9A *Vexatious Litigants Act* – whether application is expressly prohibited by s 9A(8) *Vexatious Litigants Act*.

*Vexatious Litigants Act* 1981 ( Qld) s 2, s 9A, s 9A(6), s 9A(8)

APPEARANCES: Deputy-Registrar Mr J McNamara (*sol.*)  
Mr AG Skyring appearing on his own behalf.

[1] **MACKENZIE J:** Mr Skyring has been declared a vexatious litigant under the *Vexatious Litigants Act* 1981. He has sought to file documents in the Registry in

consequence of the refusal with costs by Muir J to grant him leave to institute proceedings in the Court of Disputed Returns. The application presented in the Registry seeks leave to appeal against the costs order made by Muir J and "such further or other orders as to the court shall seem meet, having due regard for all of the circumstances of this case".

- [2] In the proceedings before the Court of Disputed Returns he would wish to challenge the return of the second respondent as Member for Brisbane Central in the State Election held on 17 February 2001. Chesterman J had held that proceedings before the Court of Disputed Returns are "legal proceedings" within the meaning of s 2 of the *Vexatious Litigants Act*. In order to progress them Mr Skyring therefore needed leave from a judge.
- [3] The procedure for an application for leave is set out in s 9A of the *Vexatious Litigants Act* 1981. Under s 9A(6) the application is decided in the absence of the parties. When an application is refused under s 9A(6) an application for leave may not be made in relation to that decision (s 9A(8)).
- [4] The present application is unequivocally an application in relation to a decision under s 9A(6). Section 9A(8) expressly prohibits such an application. The matter came before me on a reference from the Registrar as to his obligation to accept the documents. For the reasons set out above, I declare and direct that the Registrar may refuse to accept the documents.