SUPREME COURT OF QUEENSLAND

CITATION:	*Skyring v Lohe* [2000] QCA 451
PARTIES:	**ALAN GEORGE SKYRING** (applicant/applicant) **v** **CONRAD WILHELM LOHE** (respondent/ respondent)
FILE NO/S:	Appeal No 3405 of 2000 SC No O/S178 of 1995
DIVISION:	Court of Appeal
PROCEEDING:	Miscellaneous Application - Civil
ORIGINATING COURT:	Supreme Court at Brisbane
DELIVERED ON:	3 November 2000
DELIVERED AT:	Brisbane
HEARING DATE:	Heard on the papers
JUDGE:	McMurdo P
ORDER:	**Application refused with costs to be assessed.**
CATCHWORDS:	APPEAL AND NEW TRIAL – APPEAL - GENERAL PRINCIPLES – IN GENERAL AND RIGHT OF APPEAL – WHEN APPEAL LIES – OTHER CASES – Application for leave to appeal from order of Supreme Court judge refusing application under *Vexatious Litigants Act* 1981 *Vexatious Litigants Act* 1981 (Qld), s 3 *Jones v Skyring* (1992) 66 ALJR 810, referred to *Re Skyring* (1994) 68 ALJR 618, referred to *Skyring v Australian & New Zealand Banking Group* [1995] QCA 376; Appeal No 26 of 1995, 7 August 1995, referred to *Skyring's Application No 2* (1985) 59 ALJR 561, referred to
COUNSEL:	Applicant appeared on his own behalf R R Hutchings (*sol.*) for the respondent
SOLICITORS:	Applicant appeared on his own behalf The Crown Solicitor for the respondent

[1] This application is brought by Mr Skyring who was declared a vexatious litigant under s 3 *Vexatious Litigants Act* 1981 ("the Act") by a Supreme Court judge on 5 April 1995. The applicant unsuccessfully appealed from that order: see *Skyring v Australian & New Zealand Banking Group*.[1] He now applies for leave to appeal from an order of another Supreme Court judge on 6 April 2000 refusing his application for leave to proceed under s 8 of the Act.

[2] Leave must not be given unless the court, judge or magistrate hearing the application is satisfied that instituting or taking the proceedings is not an abuse of process and that there is a prima facie ground for them: see s 11 of the Act.

[3] The primary judge refused Mr Skyring's application on 6 April 2000 because the case the applicant sought to raise was "wholly illogical and nonsensical and indeed seeks to raise matters which have already been raised in this court and other courts in this country before".

[4] The applicant's material, although difficult to follow, confirms that the litigation he seeks to pursue will be no more than a rehashing of an earlier argument which the applicant has placed before Australian courts on many occasions since 1984 to the effect that it is unconstitutional for the Commonwealth to issue paper money as legal tender. Unsurprisingly, this argument has been consistently rejected by courts, including the High Court: see, for example, *Skyring's Application No 2*.[2] The history of the applicant's determined attempts to have his fanciful argument accepted by the courts is set out in *Jones v Skyring*.[3]

[5] More recently, in considering a similar application, Dawson J, noted in *Re Skyring*:[4]

> "It would, in my view, be an abuse of process to allow the applicant to relitigate a matter which has already been decided adversely to him."

[6] Those words remain apposite to this application. This is not a case where a vexatious litigant is seeking to have the courts determine a fresh matter with prospects which would warrant the institution of proceedings. The primary judge was plainly right in refusing the application. I would refuse Mr Skyring's present application.

[7] The respondent Crown Solicitor has inferentially asked for its costs of this application. The respondent's submissions have been of assistance and were necessitated by yet another misguided application from Mr Skyring. There is no good reason why the respondent should not have its costs.

[8] I would refuse the application with costs to be assessed.

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1 [1995] QCA 376; Appeal No 26 of 1995, 7 August 1995.
2 (1985) 59 ALJR 561.
3 (1992) 66 ALJR 810, 812-813.
4 (1994) 68 ALJR 618 at 619.