

FEDERAL COURT OF AUSTRALIA

In the matter of Skyring [2004] FCA 827

IN THE MATTER OF ALAN GEORGE SKYRING

Q 88 OF 2004

**DOWSETT J
16 JUNE 2004
BRISBANE**

**IN THE FEDERAL COURT OF AUSTRALIA
QUEENSLAND DISTRICT REGISTRY**

Q 88 OF 2004

**IN THE MATTER ALAN GEORGE SKYRING
OF: APPLICANT**

**JUDGE: DOWSETT J
DATE OF ORDER: 16 JUNE 2004
WHERE MADE: BRISBANE**

THE COURT ORDERS THAT:

1. The notice of motion filed 8 June 2004 be dismissed.
2. The notice of motion filed 15 June 2004 be dismissed.

Note: Settlement and entry of orders is dealt with in Order 36 of the Federal Court Rules.

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QUEENSLAND DISTRICT REGISTRY**

Q 88 OF 2004

**IN THE MATTER ALAN GEORGE SKYRING
OF: APPLICANT**

**JUDGE: DOWSETT J
DATE: 16 JUNE 2004
PLACE: BRISBANE**

REASONS FOR JUDGMENT

1 The present applicant, Mr Skyring, is in bankruptcy and has also been declared a vexatious litigant pursuant to the rules of court. See the decision of Sackville J reported sub nom *Ramsey v Skyring* (1999) 164 ALR 378. He therefore needs leave to commence proceedings in this Court. Before me are two notices of motion. In the first he seeks leave to apply for annulment of his bankruptcy. In the second he seeks leave to apply for removal of his trustee. In the course of argument, Mr Skyring has explained that the ground upon which he relies in support of his application to remove the trustee is his claim that the bankruptcy itself is unlawful. That question is the subject of the first motion. The second can only succeed if the first succeeds.

2 The argument as to unlawfulness rests upon a challenge to the validity of the provisions in the *Reserve Bank Act 1959* (Cth) authorizing the issue of bank notes as legal tender. Mr Skyring has advanced this argument for many years in numerous courts. He argues that placitum 51(xiii) of the Constitution, which authorizes the Commonwealth Parliament to make laws concerning banking and the issue of paper money, does not authorize the issue of bank notes as lawful tender. It is difficult to see how such an argument can be maintained. It implies that the words "paper money" means something quite different from their natural meaning. In any event, the issue was considered by Deane J in *Re Skyring's Application (No 2)* (1985) 59 ALJR 561. His Honour concluded that there was no substance in the point although it is true, as Mr Skyring has pointed out, that his Honour did not give reasons. In my view, the matter is beyond argument.

3 Mr Skyring has conceded that his challenge to his bankruptcy depends upon this point. No purpose will be served by giving him leave to commence proceedings in order to argue this unarguable point. Both motions are therefore dismissed.

I certify that the preceding three (3) numbered paragraphs are a true copy of the Reasons for Judgment herein of the Honourable Justice Dowsett.

Associate:

Dated: 28 June 2004

Counsel for the Applicant: The Applicant appeared in person.

Date of Hearing: 16 June 2004

Date of Judgment: 16 June 2004