

SUPREME COURT OF QUEENSLAND

CITATION: *Re Skyring* [2014] QSC 61

PARTIES: **ALAN GEORGE SKYRING**
(applicant)

FILE NO/S: BS2541 of 2014

DIVISION: Trial Division

PROCEEDING: Application

DELIVERED EX TEMPORE ON: 21 March 2014

DELIVERED AT: Brisbane

HEARING DATE: 21 March 2014

JUDGE: Alan Wilson J

ORDER: **1. The application for an adjournment is refused**
2. The originating application filed 18 March 2014 is dismissed

CATCHWORDS: PROCEDURE – MISCELLANEOUS PROCEDURAL MATTERS – VEXATIOUS LITIGANTS AND PROCEEDINGS – where the applicant has been declared a vexatious litigant – where the applicant seeks leave to institute proceedings under section 11 of the *Vexatious Litigants Proceedings Act 2005* (Qld) –where, if leave is granted, the first proceeding is to set aside the original order categorising him as a vexatious litigant - where the second proceeding is to challenge a Magistrate’s order consequent on a finding the applicant had exceeded the speed limit –where the third proceeding is to set aside earlier judgments related to this matter – where the fourth proceeding is for the intervention of the Attorney-General pursuant to notice of a constitutional matter and thereafter that the proceedings be moved to the High Court – where the fifth proceeding is for compensation as a consequence of being declared a vexatious litigant in a 2013 proceeding – whether each proposed application would be vexatious

Australia Act 1986 (UK)

Australia Acts (Request) Act 1986 (Qld)

Vexatious Litigants Proceedings Act 2005 (Qld), s 11, 13

[*R v Minister for Justice & Attorney-General of Qld; ex parte Skyring* \[1986\] QSC 47](#)

Re Skyring [1995] QSC 55

Re Skyring [2013] QSC 197

Re Skyring [2014] QSC 28

Skyring v Commissioner of Taxation of the Commonwealth
[1983] QSC 5

COUNSEL: The applicant appeared on his own behalf

SOLICITORS: The applicant appeared on his own behalf

- [1] **ALAN WILSON J:** Mr Skyring, whom it is not unfair nor I hope unkind to describe as irrepressible, is a vexatious litigant under the *Vexatious Litigants Act* 1981 (Qld) and he cannot therefore institute a proceeding without the Court's leave under section 13 of that Act. He has brought an originating application for leave under section 11 notwithstanding he has been so categorised, which was filed on the 18th of March 2014, supported by a very large affidavit with exhibits some centimetres thick. The relief originally sought in the originating application is of several kinds: firstly, of course, the leave to institute, and then if leave is granted, leave to institute proceedings, which will be described as follows: firstly, an originating application to set aside the original order made by Justice White in 1995 categorising him as a vexatious litigant; secondly, to remove into this court for the purposes of judicial review an order made by a magistrate in January this year concerning a fine for speeding while driving a motor vehicle; thirdly, to set aside:

“...pursuant to the inherent powers of this Court, the most recent very detailed judgment in the series given in this Court relating to this matter.”

- [2] That is to say, the judgment of her Honour Justice Mullins handed down on the 1st of August 2013 and for which the citation is [2013] QSC 197, and with that to also set aside under this Court's inherent powers the first judgment in what is described in the application as that series, that is, the judgment of McPherson J, as his Honour then was, delivered on the 19th of August 1983; and also the judgment of Justice Connolly delivered on the 17th of February 1986; next, to have the second named respondent, that is, the Attorney-General, intervene in these proceedings pursuant to notice of a constitutional matter and thereafter that the proceedings be moved to the High Court; and lastly, for compensation for anguish, pain and suffering to which Mr Skyring has been subjected at the hands of the authorities as, and I again quote the originating application:

“...a direct consequence of the abject and utter failure of those authorities to respond in a strictly constitutional manner to the matters of major social consequence raised in the initial proceedings”

brought by Mr Skyring before this Court as long ago as 1983, and the circumstances which led to Mr Skyring being declared and categorised as a vexatious litigant. When the matter came on today, Mr Skyring also signified that he would like to adjourn the application itself to enable him to serve it upon the Attorney-General and the Crown Solicitor as a consequence, as I understand his written and oral submissions, of the constitutional issue that he has raised.

- [3] Not dissimilar questions, although not all of them and not all in the same form, came before Justice Mullins in the case I mentioned a moment ago last year, and also before Justice Peter Lyons in *Re Skyring* [2014] QSC 28 on the 13th of February this year. The hearing before Justice Lyons, as Mr Skyring has told me, lasted some hours. At its core Mr Skyring seeks to cast doubt upon a couple of things – and I paraphrase. One is the currency of this country and, secondly, the legitimacy of the *Australia Act 1986* (UK). Those matters, it seems to me, have been extensively argued, addressed and canvassed in a number of decisions of this and other courts.
- [4] I asked Mr Skyring to articulate for me what made this application and the material supporting it different from those previous applications, and he courteously and helpfully distilled his argument to a proposition which I will quote. He said, “What has happened here is a violation of the royal instructions by the Queensland Governor in the giving by the Queensland Governor of assent to the *Australia Act (Request) Act*.” As both Justices Mullins and Peter Lyons observed – Justice Lyons at paragraph 15 of his judgment – Mr Skyring’s almost perpetual arguments against the validity of the *Australia Act 1986* (UK) have been comprehensively and it is no exaggeration to say exhaustively heard and disposed of elsewhere.
- [5] This application cannot be characterised as anything more than another attempt to re-agitate the very matters which, at least in part, led to Mr Skyring’s original application as a vexatious litigant, and is itself in my view vexatious. For these reasons, I refuse the application for an adjournment, Mr Skyring, and I also dismiss the originating application filed on the 18th of March 2014. May I take the opportunity to thank you for your courtesy and your assistance.