

IN THE FEDERAL COURT OF AUSTRALIA No QG 54 of 1997
QUEENSLAND DISTRICT REGISTRY
GENERAL DIVISION

BETWEEN:ALAN GEORGE SKYRING

Applicant

AND: PAUL DESMOND SWEENEY

Respondent

CORAM: Drummond J

DATE: 13 June 1997

PLACE: Brisbane

MINUTES OF ORDERS

THE COURT ORDERS THAT:

1. Mr Skyring provide security to the extent of \$5,000 for the respondent's costs of the appeal in a form acceptable to the District Registrar,
2. The appeal be stayed unless and until that security is provided,
3. Mr Skyring pay the costs of the respondent of and incidental to the notice of motion.

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

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REASONS FOR JUDGMENT

This is an application by the respondent to an appeal brought by Mr Skyring that he provide security for the respondent's costs of the appeal. The order, the subject of Mr Skyring's appeal, was made by me on 12 May 1997; it was that Mr Skyring be committed to prison for contempt of court constituted by his failure to comply with the Deputy District Registrar's requirement contained in the latter's summons of 20 February 1997 to produce certain documents at his examination in bankruptcy.

I also on that occasion made an order giving the trustee his costs of and incidental to the application for contempt. Mr Skyring is no longer facing committal. Apparently, he has now complied with the requirement to produce the documents, the subject of the contempt order, and, in fact, on 30 May last, Kiefel J discharged my order that Mr Skyring be committed to prison for contempt of court.

It is, however, apparent from the notice of appeal that Mr Skyring has filed that he sees this appeal as a possible vehicle for giving him an opportunity to ventilate, yet again, the issue at the heart of the mass of litigation which he has brought before the Supreme Court of the State, this Court and the High Court on many occasions since 1983.

Mr Skyring's central point is that there has not been a definitive determination on this point, which revolves around the proposition that it is beyond the constitutional power of the Parliament to make anything other than gold or silver coin legal tender. I disagree with that assertion by Mr Skyring.

In the reasons I gave for making the order of 12 May 1997, I referred to what Spender J had to say when he made the sequestration order in December last on which Mr Skyring was most recently bankrupted, in which his Honour reviewed at length the many occasions when Mr Skyring has raised this matter before the courts I have mentioned and on which occasions all those courts have rejected Mr Skyring's contention.

Taking into account Mr Skyring's impecuniosity, but more importantly the history of his unsuccessful attempts to persuade courts to the view he holds on the currency issue, this seems to me to be a clear case in which security should be ordered. Having regard to the history of litigation, it is my opinion that the appeal has little prospects of success.

On those two bases, Mr Skyring's impecuniosity and the lack of prospects of success of the appeal, I propose to order that he provide security for the respondent's costs of the appeal. There is evidence from the respondent's solicitor before me containing estimates of those costs. It seems to me, having regard to the fact that it is not appropriate to order the applicant to provide a strict and precise indemnity for the respondent's costs, that the order should be that Mr Skyring provide, in a form acceptable to the District Registrar, security to the extent of \$5,000 for the respondent's costs of the appeal. And I will further order that the appeal be stayed unless and until that security is provided.

I certify that this and the preceding two pages are a true copy of the reasons for judgment herein of the Honourable Justice Drummond.

Associate:

Date: 13 June 1997

