

SUPREME COURT OF QUEENSLAND

CITATION: *Skyring v Cooper & Anor* [2014] QSC 103

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

FILE NO/S: SC No 4353 of 2014

DIVISION: Trial Division

PROCEEDING: Application

DELIVERED EX
TEMPORE ON: 21 May 2014

DELIVERED AT: Brisbane

HEARING DATE: 21 May 2014

JUDGE: Daubney J

ORDER: **The originating application filed 9 May 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 under
s 11 of the *Vexatious Proceedings Act* 2005 (Qld) to institute
two proceedings – where the first application goes to the
applicant’s argument about whether currency issued by the
Commonwealth of Australia is legal tender - where the
second application is to pursue the applicant’s challenge to
the validity of the *Australia Act* 1986 (Cth) – whether these
proceedings are vexatious proceedings for the purpose of s 12
of the *Vexatious Proceedings Act* 2005 (Qld)

Vexatious Proceedings Act 2005 (Qld), s 11, s 12

Clampett v Kerslake (Electoral Commissioner of Queensland)
[2009] QCA 104, followed

Re Skyring [2014] QSC 28, considered

Re Skyring’s Application (No 2) (1985) 59 ALJR 561,
followed

Skyring [2013] QSC 197, considered

Skyring v Lohe (Crown Solicitor) [2001] QSC 350, followed

COUNSEL: The applicant appeared on his own behalf

[1] This is the latest application by Mr Skyring for leave to bring proceedings. His application is brought pursuant to the *Vexatious Proceedings Act* 2005 (Qld) (“the Act”). The application, as is properly and frankly conceded by Mr Skyring both in his written submissions and in oral submissions before me,

is principally to pursue what can conveniently be described as Mr Skyring's notorious currency argument. A second element is to pursue Mr Skyring's notorious challenge to the validity of the *Australia Act* 1986 (Cth). Mr Skyring contends that his challenges in respect of those two matters have never properly and finally been determined by the courts of this country. With respect, that is a misconception on Mr Skyring's part.

- [2] His currency argument was disposed of by Deane J in *Re Skyring's Application (No 2)* (1985) 59 ALJR 561. The finality of the disposition of the currency argument has been recognised by courts at all levels on many occasions since then, including more recently by the Court of Appeal in this State in *Clampett v Kerlake (Electoral Commissioner of Queensland)* [2009] QCA 104, as referred to by Peter Lyons J in *Re Skyring* [2014] QSC 028 at paragraph 19.
- [3] Mr Skyring's argument about the validity of the *Australia Act* 1986 (Cth) has also been disposed of in other proceedings. So much is clear from the previous judgments in this court in *Skyring v Lohe (Crown Solicitor)* [2001] QSC 350 at 19, as referred to by Mullins J in *Skyring* [2013] QSC 197.
- [4] To permit Mr Skyring now to commence proceedings with the purpose of advancing those arguments would be to allow him to institute proceedings without reasonable grounds and which would constitute an abuse of the process of the court.
- [5] For those reasons, the proceedings proposed or sought to be instituted by him fall within the definition of a "vexatious proceeding" in the Act. Section 12(1) of the Act requires me to dismiss an application made under section 11 for leave to institute a proceeding if the court considers, inter alia, the proceeding is a vexatious proceeding.
- [6] For the reasons I have just expressed, I am of the view that the proceeding proposed to be instituted by Mr Skyring is a vexatious proceeding and accordingly I am constrained by section 12 to dismiss the application.