

C A T C H W O R D S

BANKRUPTCY - Application for annulment of bankruptcy

Bankruptcy Act 1966 s154(1)

ALAN GEORGE SKYRING V DEPUTY COMMISSIONER OF TAXATION FOR THE  
COMMONWEALTH OF AUSTRALIA  
No QG 38 of 1992

NORTHROP, WILCOX AND COOPER JJ  
BRISBANE  
8 MAY 1992



IN THE FEDERAL COURT OF AUSTRALIA

QUEENSLAND DISTRICT REGISTRY

No QG 38 of 1992

GENERAL DIVISION

ON APPEAL FROM A SINGLE JUDGE OF THE  
FEDERAL COURT OF AUSTRALIA

B E T W E E N:

ALAN GEORGE SKYRING

Appellant

AND

DEPUTY COMMISSIONER OF TAXATION  
FOR THE COMMONWEALTH OF AUSTRALIA

Respondent

COURT: NORTHROP, WILCOX AND COOPER JJ

PLACE: BRISBANE

DATE: 8 MAY 1992

MINUTES OF ORDER

THE COURT ORDERS THAT:

1. The Appeal be dismissed.
2. The Appellant pay the Respondent's costs thereof.

Note: Settlement and entry of orders is dealt with in  
036 of the Federal Court Rules

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EX TEMPORE REASONS FOR JUDGMENT

In this matter, a sequestration order was made against the estate of the appellant on 24 April 1989. On 22 November 1990 an application for an annulment of the bankruptcy, brought under s154(1) of the Bankruptcy Act 1966, was dismissed by the Court constituted by Pincus J. There was an appeal from that order by the appellant and that appeal was dismissed by order made on 22 November 1991 by a Full Court constituted by Gummow, Einfeld and Heerey JJ. Full reasons were given for the refusal to allow that appeal. On 5 March of 1992, the Court constituted by Drummond J dismissed a second application for annulment brought under s154(1) of the Bankruptcy Act. Reasons for that dismissal were given by

Drummond J on 5 March 1992. The grounds upon which the appellant sought annulment of the bankruptcy on the second occasion were the same as those on the first occasion. We have read the reasons of Drummond J in refusing to make the orders sought. We see no error in those reasons. We adopt those reasons. In these circumstances, we dismiss the appeal with costs. Therefore, the order of the Court is that the appeal be dismissed and that the appellant pay the respondent's costs of the appeal.

I certify that this and the preceding one (1) page are a true copy of the Ex Tempore Reasons for Judgment of the Honourable Mr Justice R.M. Northrop.

Associate:

*Tamie H. Lick*

Date: 20

*May 1992*

ATTACHMENT

Appellant:	Appeared in person
Respondent's Counsel:	Mr P.E. Hack
Respondent's Solicitors:	Australian Government Solicitor

Signed: *Terrie H. Smith*

Dated: *20 May 1992*