IN THE HIGH COURT OF AUSTRALIA

Office of the Registry
Brisbane

No B66 of 1987

B e t w e e n -

ALAN GEORGE SKYRING

Applicant

and

DEPUTY COMMISSIONER OF TAXATION

Respondent

Office of the Registry
Brisbane

No B67 of 1987

B e t w e e n -

ALAN GEORGE SKYRING

Applicant

and

AUSTRALIAN AND NEW ZEALAND BANKING GROUP LIMITED

Respondent

Applications for removal pursuant to section 40(1) of the Judiciary Act 1903

MASON CJ
WILSON J
GAUDRON J

TRANSCRIPT OF PROCEEDINGS

AT BRISBANE ON FRIDAY, 1 JULY 1988, AT 3.35 PM

MASON CJ: Yes, Mr Skyring?

MR A.G. SKYRING: I appear in person, Your Honour.

MASON CJ: Are you going to announce your appearance? I thought we had called both matters?

MR D.J. McGILL: May it please the Court, I appear for the Deputy Commissioner of Taxation. (instructed by the Australian Government Solicitor)

MASON CJ: In the first matter?

MR McGILL: For the respondent in the first matter.

MASON CJ: Now, would you announce your appearance in the second matter?

MR D. O'DONNELL: Yes, Your Honour. I appear for the defendant, the ANZ Bank. (instructed by Breens)

MASON CJ: Yes, Mr O'Donnell. Yes, Mr Skyring?

MR SKYRING: Your Honour, this action I have brought as a continuation of the matters that were raised when I appeared before you last time. As I read your judgment on that occasion, I got the feeling that you were saying, in effect, that I had an issue, but that I had not really got my act together in such a way that this Court could effectively deal with the points that I was on about.

Now, in the interim I have taken further action now, which I hope will raise matters in the form that you can deal with. Now, as I understand the situation, the end effect that I am looking for is in fact an upholding of the two declarations that I had asked for in the documentation as it was filed with you. Now, as I understand the situation today, though, all the concern is here with is in fact that the Court can, may and ought to take this matter on board with the intention of either upholding or not those declarations. Is that a correct assessment of the situation - these to be dealt with later?

MASON CJ: You have asked us to remove this proceeding into this Court.

MR SKYRING: Yes, right. But you do not actually give a determination on the declarations that I am seeking today, only that I put argument that you should take it on board, so to speak?

MASON CJ: No. We do not make any declaration. We do not deal with the substance of that matter, but, you need to be aware that it is necessary to demonstrate to the Court that you have an arguable point.

MR SKYRING: Yes, that is the point I was trying to make. In respect of that, Your Honour, I did forward an outline of the argument as I see it. I take it you did get that and you have seen same?

WILSON J: Yes, we did receive your outline of argument.

MR SKYRING: It was a seven-page effort, and the authorities and the references that you normally ask for.

WILSON J: Yes. It sums up what you want to say, so that now all you need do is to go to the point.

MR SKYRING: Just to speak to and say why I have asked that - yes. There are a few rather contentious items that I could see in that and I think I ought to explain myself.

In respect of that outline, if I just go through - - -

WILSON J: Just before you go on, this matter at the moment that you are seeking to remove, it must be a pending matter. At what stage is it pending? Is it pending at the stage of an appeal to the Full Court from Mr Justice Macrossan?

MR SKYRING: Yes, Your Honour. In respect of the two actions, Your Honour, the tax case from Justice Macrossan's judgment is on appeal and is currently in abeyance.

WILSON J: Has not yet been dealt with?

MR SKYRING: No, it was - - -

MASON CJ: But you filed a notice of appeal?

MR SKYRING: Yes, Your Honour.

MASON CJ: Page 131.

MR SKYRING: Right.

WILSON J: And that is what you want removed, the whole cause but it is at the stage of appeal from Mr Justice Macrossan's judgment.

MR SKYRING: Basically, Your Honour, yes. And in respect of the ANZ matter, that was sort of tied in with the tax one because that involves a matter of payment. Although my statement of claim in that action had been struck out, the matter is, if you like, still alive.

WILSON J: It was struck out, was it? The last note I can find on the file was the summons to strike out and my question to you was going to be, was that summons ever dealt with?

MR SKYRING: Yes. In fact, there - - -

WILSON J: Because I have not see the order in the - - -

MR SKYRING: I thought I had all that in the - - -

WILSON J: You may have included the order in the papers and I have just overlooked it.

MASON CJ: I think it is there. Then you made an application for leave to amend your statement of claim, did you not?

MR SKYRING: Yes, I did. That was also knocked back.

MASON CJ: That application was refused.

MR SKYRING: Yes, right. Now at the time, how this matter is still alive though, following on from that there was two orders for costs which were given against me in respect of that. I did seek to have those costs stayed, and I still have not paid them, notwithstanding that I have orders against me to this effect because my argument essentially is, well, firstly, I do not believe those costs were rightly awarded. I was locked out from appealing on that one, incidentally, because I sort of fouled the system up a bit. But, nevertheless the fact remains that I have not paid them. As I see it, I cannot pay them strictly legally and I will not pay them. So, we have got this whole vital matter of the financing of the Court's operations. So, it is all still very much alive and there is an enormous problem here which really needs to be resolved.

Now, I have tackled this matter of the Court costs because it seems to me that if this establishment gets its house in order, so to speak, as I see it anyway, then you can show the way to solving a hell of a lot of problems for the rest of society and it is basically that tack that I have come in on. Why I have taken that order in respect of costs in the State Supreme Court, given that document which is currently over the river at the moment, namely, one of the four original copies of the MAGNA CHARTA.

In respect of my authorities, I did list in there Act No. 70 of 1984 of the State legislature which, in effect, reinstated the great charter at the top of the pile of statutes still current, in particular, chapter 29 there of, which contains a very interesting provision that:

> No man shall sell, defer or deny right or justice.

Now, my argument has been from day one on this tax case, which was the second leg of it which I raised

right at the start, was that, as I see it, if one has to put cash on the counter before or after the event to have a case heard in court, in the ordinary meaning of words, that is selling of justice. It may not be perceived as that way in the legal circles at the moment, but seen from a user's point of view, that is how it shakes out and it is an updated version of that particular provision - or rather, an updated interpretation of that particular provision that it seems to me is now needed, because in the days when that lot was framed, having sort of got the sense of history, I hope, straight, society, being very much nearer to nature than it is now is, knew what the order ought to be and did not have the technology to do it. In the intervening six or seven hundred years we have developed the technology and we have rather forgotten what we ought to be doing. It seems to me if we got the situation together, then we can make an enormous advance to the general conduct of our social affairs.

So, in the broad sense, that is what I am about and I would submit that both cases are still very much live and as such there is a very awkward situation, which, it seems to me, only this Court really can move to clarify. Now, while, as I see it, you cannot do it all on your own, you can go an awfully long way to point the way to others - those in the legislature - who must complete the job. So, it is to that end basically, Your Honour, that I have brought this action.

MASON CJ: But, Mr Skyring, one of the great difficulties is at the moment is that, in effect, you have a writ but you have no statement of claim at all. It has been struck out and if we were to remove this matter, we would remove a proceeding in which there are no pleadings at all at the present time. I cannot imagine a proceeding which is a more unsuitable vehicle for this Court to determine constitutional or other questions.

MR SKYRING: Well, my point - okay, I see what you are on about, Your Honour. My view on this matter is that I, personally, rather strongly feel that that was struck out wrongly. Now, okay, one can drive the system so hard. As you know, I am not a qualified lawyer, I am an engineer and I look at things in a slightly different manner from what the lawyers do.

MASON CJ: Yes.

MR SKYRING: Now, the difficulty is that, as I see it, what in fact happened was that I had small order effects

levelled against me, which are framed on the basis that your legislation in respect to the financing side of the conduct of the nation's affairs is in fact legal. It is that which I am really seeking to query, as a corollary, though, to the tax case. Now, I have tried to outline that in my outline of argument, which really covers the both cases.

What, in effect I am seeking to say, Your Honour, is that in respect of the taxation case, which is very much live and is in the system - now, what I am saying is, in effect, when all is said and done, that taxation is a levy against property and by virtue of this chapter XXIX of the great charter, which is certainly in force in this State, such levies are in fact, in effect, illegal. Now, my say-so for that was based on a remark of Sir Ivor Jennings, in his most magnificent little volume which I got onto in about 1980 when I first started this lot and very much conditioned my whole approach to this entire problem. I have been having my own difficulties in other directions in relation to finance of same, but it was this which provided the crunch point, so to speak. Now, what Sir Ivor said, in his little volume:

> two of the ancient forms of taxation, scutages and aids were dealt with in King John's Charter of 1215, there was nothing about it in the Magna Charter of 1225. On the other hand, the freedom of property rights, protected by Cap. 29 was of little value if the king could impose every taxation at his discretion. Though it was and still is the law that a tax on property is not a diminution of property rights, this is a very legalistic interpretation because, in fact, taxation must be met out of property. For the same reason Cap. 14 of Magna Carta.....forbids excessive fines.

Now, what I read the good Sir Ivor to be saying from that was that in effect taxation is a means of funding the Crown's purposes by imposition of property is illegal. Well, the immediate corollary which follows from that: well, all right, if that is illegal, how the devil do you fund the Crown's purposes? Now, because of other work that I happened to be doing at the time, the conclusion which immediately flashed to mind was: we will run the banks properly.

Now, it is in this area then where we come to the crux of the matter because it has all got to do with the method of payment, which is the previous effort that I have raised, which - - -

MASON CJ: Yes, I know, but I want to direct your attention to page 61 of the application book which contains the copy of the judgment which the Full Court delivered on the last occasion. Now, you suggested, I think, to use your own words, that the Court told you then to get your own act together, but when you read the judgment, it does not bear that interpretation at all. The judgment plainly rejected your contention that section 36(1) of the RESERVE BANK ACT was invalid and it confirmed the judgment of Mr Justice Deane at first instance.

MR SKYRING: Now, are you talking of the 1985 judgment?

MASON CJ: Yes, I am talking about the November 1986 judgment.

MR SKYRING: Yes, all right. Well, now, as a rejoinder to that, Your Honour, might I make the point that if that is in fact so, then I would submit that we have a reductio ad absurdum type proof that what you have said cannot in fact be so, because - - -

MASON CJ: Well, I am afraid it is so. It is there in black and white at page 61 and 62.

MR SKYRING: Well, all right. Well, what I am saying is, if when one comes back to this CURRENCY ACT, now, taxation is a Crown charge to be paid in the Queen's money, which, in terms of the CURRENCY ACT, section 16 with the schedules thereto, is gold and silver coin. We do not have any in open circulation at face value, so, if I am to do things strictly legally, I cannot pay that tax and that is my point. Now, what I am saying is that we have an absurd situation. We have a set of inconsistent statutes which are in need of resolution. Now, what has in fact happened is that what we are calling money is in fact banker's funny money, if I may use a somewhat rather harsh term, which is paper money which is specifically outlawed under the CURRENCY ACT as being legal tender. Yet, it is called legal tender as per item on the face of the notes.

Now, what has happened in respect of the practice in regard to bank notes is clearly at odds with the CURRENCY ACT, and what Mr Justice McPherson said, in his judgment back in 1983, which fired the whole thing:

> What is legal tender is as defined in the CURRENCY ACT, section 16 of which binds me.

Now, it says nothing there about paper money. Section 16 refers only to coins and the schedules at the end of the Act spell it out in great detail. Now, if I may point - while there are coins around, these are in fact being sold, as I understand it,

anything up to six times face value, so-called gold bullion legal tender. Now, here we have a contradiction in terms, because gold bullion, by definition, is gold in the lump. If it is legal tender, it is not gold bullion, in which case it ought to be sold at the face value on the coins. If this is not so, then we have the Queen's money in effect as being of some lesser order to the so-called banker's money. And it is that point which is at the - you know, it is just absurd.

Now, what has happend over the years, it seems to me, is that the legislature have not fully grasped what is involved with the vital function of the creation of money. That is the prime difficulty. Now, this is not something knew; it has been going on for centuries. The thing first went wrong back in 1694 when the Bank of England was floated. They made a magnificent breakthrough in respect of the concepts that they dropped to, but they did not get their act together properly. We are still living with the effects of that; and that is the difficulty.

Now, the whole point of the exercise is that it seems to me that there is a great need for this matter to be gone into. Now, in respect of same it is perhaps worth mentioning there was a fairly celebrated case that came before this Court back in 1932. We have seen a bit on the TV in the course of the last week about what happened to the bank nationalization in 1947, I think it was. That, in fact, was a continuation of what had happened back in 1932. From the law reports of the day in that particular case, 46 CLR (1931) - the entire report, which covered three cases, went from 155 to 278. But at page 255 of same there was a very interesting observation made by Mr Ham, KC, who argued the case for the Crown on that particular occasion. What he said was:

> the relationship between the banks and the State is that of debtor and creditor, or banker and customer: the property in the money that is deposited in the banks passes to the banks and thereafter the obligation of each bank, apart from the cashing of cheques, is that of a debtor at common law.

Now, they did not in fact go beyond that to see what is involved in this actual operation of creation of money in this form of credit as we now know it and it is there that the difficulty primarily arises. This is where the

MAGNA CHARTA comes in. What in fact happens, from what I can see of studying this matter, is that in fact banks create money by taking a lien on property. Now, this is done in the form of a mortgage, for which they will give you a credit. That credit then becomes money in circulation.

Now, it is the legality of that particular operation which I query, because, I would submit that that contravenes chapter VIII of the great charter. That, I believe, is still relevant. My say-so for that is indeed based on what Ivor Jennings commented earlier on in this little volume.

> Part 3 will contain .....
> relating to the administration of justice.
> Three of these chapters, 8, 14 and 29 are
> still in force.

Now, that was in 1965. I believe this was part of what we inherited when the judicial system was set up in this country. The situation, as I see it, was frozen at that as of 1939 and there has been no change since. Now. notwithstanding that our No 70 of 1984 here reinstates only chapter XXIX, the others, I believe, are still in force, because one gets niceties of the authority of this establishment further down George Street to have done what it did. I believe they made a mistake, but, okay, that can be picked up now. Again, this, I believe, can also be got at on this reductio ad absurdum type set-up because if you do not do it, then, you know, you get chaos, so you have really got to reinstate it. That is the type of approach which is used to prove certain propositions in geometry.

Now, what chapter VIII says in respect of this - this has got to do with payment of debts - and, in fact the current set-up is that I am seen to be in debt to the Commonwealth for the amount of the moneys owing.

(Continued on page 10)

MR SKYRING (continuing): Now, what it says on the matter of debts, which is very interesting: "Neither we nor our officials will seize any land or rent in payment of a debt so long as the debtor has movable goods sufficient to discharge the debt. The debtor's sureties will not be..... upon so long as the debtor himself can discharge his debt. If for lack of means the debtor is unable to discharge his debt a surety shall be answerable for it. If they so desire they may have the debtor's lands and rents until they have received satisfaction for the debt that they paid for him, unless the debtor can show that he has settled his obligations to them."

Now, this becomes of great relevance in respect to the practice currently engaged in by the banks of selling people up if they cannot pay.

MASON CJ: But we are not going to review all that. There is no way we can do that, Mr Skyring.

MR SKYRING: Well, my point to you very simply is, Your Honour, as I see the situation: in terms of the statutes the CURRENCY ACT, which defines - and Justice McPherson has said so - what is, in fact, legal tender. It is gold and silver coin, we do not have any, I cannot pay that debt legally and if I cannot do it legally I will not do it at all. Now, if that creates problems, all right, let those for whom the problem is created deal with them. As I see it, ultimately, it is the legislature. Why I have sought to bring this matter here is that it seems to me the legislature do not see this because if they did they would have responded. It, therefore, needs somebody else to point it out to them to say, "Look, this is wrong."

MASON CJ: Mr Skyring, if I could interrupt you for a moment.

MR SKYRING: Yes, Your Honour.

MASON CJ: You can pay the debt in legal tender by notes.

MR SKYRING: I submit that is not legal tender, Your Honour.

MASON CJ: But this Court has held that section 36(1) of the RESERVE BANK ACT is valid.

MR SKYRING: Well, I would submit, Your Honour, that you are wrong, very simply and in terms of the constraint which applies under section 115, which operates in the manner that I gave in the documentation filed previously.

MASON CJ: I know that, Mr Skyring, and I know that you are obviously not convinced by the Court's decision, but that is the Court's decision and the Court is going to adhere to it.

MR SKYRING: Well, my point is, Your Honour, that as I see it - well, I cannot respond in a coherent manner to your judgment. It is not that I am being awkward or nasty, there is a matter of personal integrity - - -

MASON CJ: I realize that.

MR SKYRING: - - - there is a matter of personal integrity comes into this, Your Honour, and I say that there is a conflict in the statutes. The CURRENCY ACT only defines what is legal tender not the - - -

WILSON J: You keep coming back to the CURRENCY ACT. Is it section 16?

MR SKYRING: Section 16 and the schedules.

WILSON J: Have you read section 16?

MR SKYRING: Yes, I have, unless there has been some change since I filed the documentation which, I did query the matter before I launched into this final round to make sure that the legislature had not, in fact, changed the legislation; my word was that they had not.

WILSON J: Certainly section 16 does not help you at all, that merely fixes the maximum tender that you can make of coins of 5 cents, 10 cents, 20 cent and 50 cent coins. You cannot compel anyone to accept more than a certain value in those coins as legal tender. So section 16 does not help you.

MR SKYRING: Okay. That was as the Act was originally framed in 1965. It was in 1979/80 when I read that myself. I wrote my opening letter to the Attorney-General's Department. I went up to see them here to say, "Look, you have got something inconsistent here." Some months later there was, in fact, a change made to the CURRENCY ACT.

WILSON J: And that is what I have just said to you.

MR SKYRING: That was the 1981 amendment to same, 1981 amendment to same which changed the whole ball game. What it says here, No 11 of 1981:

> Section 16 of the Principal Act is amended -
> (a) by omitting from paragraph (1)(b) "and"; and
> (b) by omitting paragraph (1)(c) and substituting the following paragraphs:

"(c) in the case of coins of a denomination greater that Fifty cents but less than Ten dollars - for payment of an amount not exceeding 10 times the face value of a coin of the denomination concerned but for no greater amount;
"(d) in the case of coins - - -

WILSON J: Well, just pause a moment. That is limiting the extent to which coins of a higher value than 50 cents will be legal tender.

MR SKYRING: Okay, but I have not finished yet. Section (d):

in the case of coins of the denomination of Ten dollars - for payment of an amount not exceeding $100 but for no greater amount; and
(e) in the case of coins of another denomination - for payment of any amount."

Now, the schedules that were then added to the Act at that time gave us $200: eleven-twelfths gold and one twelfth other metal; $100, $50, $25, similar set up. Now, at the time, as I recollect, the word was that they minted the $200 coin and it was spread around as being a - the word was put around it was to be a collector's item. There was a great hoo-ha from the banks, they flatly refused to handle them. Okay, that was in 1981. That order then prevailed until about, what, two years ago. Before I appeared before you last time, at the end of 1986, I had made much fuss about these new nugget series that were about to hit the market then. The $200 was to be taken out of circulation as a collector's item and they brought in this new set.

Now, they are $100, 50, 25 and 15. Now, the 15 is not even mentioned in the Act. They refer to them as gold bullion legal tender. Now, that, I say, is a monumental fraud. Now, there is nothing mentioned about paper in this Act.

WILSON J: That may be, Mr Skyring, but your complaint is, as I recall it, that the ANZ Bank refused to cash your cheque in gold coin, a cheque for about $32,000, right?

MR SKYRING: Which I was entitled to under that Act, as amended.

WILSON J: Just a moment. Section 36(1) of the RESERVE BANK ACT authorizes the bank to cash that cheque in notes and we have said that section 36 is a valid law of the Commonwealth.

MR SKYRING: Well, with all due respect, Your Honours, I believe you have been conned. There is monumental efforts that has been going on here for about three centuries which is just of this order. Now, when these notes originally came in - and, indeed, the wording on the Bank of England notes, which were the original ones that came in in 1694: "I promise to pay on demand X bucks" which would have been in the Queen's money "and for and on behalf of the governor and company of the Bank of England." That was the wording on our bank notes prior to the nationalization case in the 40s and it was only changed when the Reserve Bank was brought in in 1959.

Now, that change had to be made because of the ruling by this Court, ultimately backed up by the Privy Council, that, in fact - well, which would not sprag the rights of private outfits, ie the private banks, to create money. So there had to be a split made to make the Commonwealth Trading Bank look like the other private trading banks. But this money creation function still resided with the Reserve Bank. Now, that is supposed to be a Crown instrumentality but, interestingly, in the phone book, its phone number is listed in the private section. So, I would submit, again, there is a monumental fraud going on and this is something which it seems - which it behoves the authorities at least,perhaps, those in a position - the only ones in a position to do anything about it being yourselves - to pronounce that there is bare minimum, that there is an inconsistency here. Now, the ramifications of this are not inconsiderable and I can appreciate a certain reluctance on your part to engage in this.

Now, taking this matter further as to why it might be that we have the provision in this Act - which you have pointed out to me as being a valid one - from the standpoint of treaty obligations, I would go along with you on that one because I believe this is where the real damage is being done, that that was put in there pursuant to this Bretton Woods Treaty, which set up the international monetary scheme after World War II. Now, on the basis of that then this RESERVE BANK ACT provision is, indeed, quite coherent. But then you need to relate that back to what happened on the American scene because the wording on our notes now virtually takes on the wording of the US notes, the wording on the US notes being: "This certificate is legal tender for all debts public and private". Now, the problem we have got if we do that then is that not only have we got it but the Americans have also got it too because what happens is then that we have a statute imposed on us by treaty obligation which puts us at

odds with our own CONSTITUTION and herein is the real problem. Now, what is this nation going to do? Are we going to knuckle under and, in essence, be virtually destroyed by outside forces which, as I see it, is what is progressively happening or are we going to stand on our digs and stick by our own CONSTITUTION which clearly outlaws such practice and the corollary of this, necessarily, must be that we have got to opt out of the international financial set-up as it is presently configured: that is the real problem.

Now, the fundamental issue that this really boils to then on a much deeper level, and this has to do with the earlier quo..... that I followed up by the certiorari in 1986 which was the first part of the action. Now, let me state clearly what my position is. I am very much for parliamentary government under a constitutional monarchy which is what the CONSTITUTION, in effect, says; what we think we have and is the de jure situation. The reality, of course, is quite otherwise - because of this misplacement of this sovereign right of the Crown in the creation of money bit is that we are fast heading towards a feudal dictatorship under a republican oligarchy.

Now, I would submit to you in this CONSTITUTION there is is no body mentioned called "cabinet" yet the practice on the ground is that they are the government. How come? What is their basis for existence? Now, this is how, in fact, our whole national government has, in fact, been corrupted by these treaty obligations. It has been incipient for decades but it really came to a head, in fact, with that bank nationalization Act which really started things rolling. The follow-up then with the RESERVE BANK ACT and then when we went metric then having got one leg in, in effect, with the currency in the RESERVE BANK ACT - because that particular clause has been there since it was framed in 1959. Incidentally, I would draw your attention re same to section 43 of that same Act which would seem to indicate another momumental inconsistency.

(Continued on page 15)

MR SKYRING (continuing): RESERVE BANK ACT, section 43 of the Act - I do not think this has been changed:

> A bank shall not issue bills or notes other than Australian notes intended for circulation as money.

Okay, on second thought, as I read that now, while that is consistent perhaps with the first one, I would still submit that that provision itself is at odds with our own CONSTITUTION taken on its own, but if you take treaty obligations, then, all right, you have got a case. But it is my submission that if this nation is to be a sovereign nation, we have got to restore our currency, which means that in essence it seems to me that there has got to be a change of stance which this Court has seen fit to take previously on this vital matter.

If the argument is put opposing me that this ought not be done and indeed you uphold that, as you have already in fact told me to my face, then as a rejoinder I must submit to you that I have no choice as I see it but to opt out of this charade of financing of the national set-up as it presently is. I flatly refuse - I just flatly refuse henceforth to pay tax, any of it, because you do not make means available to me to do that legally as I see this, our national CONSTITUTION.

MASON CJ: I think you have made your point of view.

MR SKYRING: Okay, Your Honour. That is the essential point I make.

MASON CJ: That is all you wish to say in support of the application?

MR SKYRING: Well, basically yes. I guess the cardinal point to have come out of all of that is really: what is to be the status of treaties versus our own CONSTITUTION when we are put at odds by treaties against our CONSTITUTION? This is the vital function of this money function and I would submit that the changes that I am seeking would be for the real national benefit of this nation if we are to survive generally, but it is particularly acute for me personally at this moment, which is my own personal motivation for bringing this action. Thank you, Your Honour.

MASON CJ: Yes, thank you, Mr Skyring. The Court need not trouble you, Mr McGill or Mr O'Donnell.

Having regard to the judgment of this Court delivered on 28 November 1986 affirming the

judgment of Justice Deane at first instance rejecting Mr Skyring's challenge to the validity of section 36(1) of the RESERVE BANK ACT, we do not consider that there is sufficent substance in the points which Mr Skyring seeks to agitate in each of these proceedings to warrant the making of orders removing them into this Court. The applications are therefore refused.

MR O'DONNELL: Your Honour, I ask for costs of the application.

MR McGILL: I also ask for costs of the application, Your Honour.

MASON CJ: You cannot oppose an order for costs, can you, Mr Skyring?

MR SKYRING: Well, okay, you can give your order but my point is, I still cannot pay it.

MASON CJ: Yes, well - - -

MR SKYRING: That is the present situation which prevails in the State Supreme Court and it is the same - the de facto situation is, I cannot pay and I will not acquiesce to this corrupt system. End of story.

MASON CJ: The Court will make orders for costs in each of the proceedings. The Court will now adjourn.

AT 4.14 PM THE MATTER WAS ADJOURNED SINE DIE