Alan Skyring

Alan Skyring ran the section 115 currency argument persistently for many years. He has the unique record of having been declared a vexatious litigant in three jurisdictions: the High Court (1992); the Queensland Supreme Court (1995) and the Federal Court (1999). The general theme of his litigation has been that it is beyond the constitutional power of the federal Parliament to make paper money (as distinct from gold) legal tender of Australia.

Alan Skyring's litigation history

In 1983, Alan Skyring made an objection against an assessment of income tax by the Commissioner of Taxation pursuant to the *Income Tax Assessment Act 1936* (Cth) in respect of income tax for the year ending June 1981, and that matter came before the Supreme Court of Queensland. The objection he made raised two essential points. First, the *Income Tax Assessment Act 1936* (Cth) is invalid as it was enacted in contravention of chapter 29 of *Magna Carta* and secondly, a tender by the taxpayer of notes and coins in discharge of any obligation of the taxpayer to the Commissioner of Taxation would not be constitutionally competent or possible as the printing, issue and circulation of paper money pursuant to the *Currency Act 1965* (Cth) is unlawful as the *Currency Act* is not a valid law of the Commonwealth by reason of section 115 of the *Constitution*. Accordingly, he said before the Supreme Court of Queensland, he could not lawfully pay any tax debt even if the *Income Tax Assessment Act 1936* (Cth) was a valid law of the Commonwealth nor secure a good discharge from the Commissioner.

McPherson J dismissed his objection to the assessment, and found that if any inconsistency as contended arose, the *Income Tax Assessment Act 1936* (Cth) is later in time and enacted by a competent Legislature, and found that section 16 of the *Currency Act* was not affected by section 115 of the *Constitution* which simply creates a prohibition upon States issuing currency and thus the legislation is valid. In 1984, the appeal from the decision of McPherson J was heard and determined by the Court of Appeal before Smithers, Northrop and Beaumont JJ. At the conclusion of argument, the presiding judge, Smithers J, on behalf of the Court said:

> "*We have listened to an interesting and informative argument from Mr Skyring and we have taken into account what he has said, but the matters submitted by him do not seem to us to touch the validity of the judgment which has been given by McPherson J in the matter which, so far as we can see, has dealt with the legal issues satisfactorily and correctly. Accordingly, this appeal must be dismissed with costs.*"

The same year, Spender J in the Federal Court at Brisbane refused certain applications brought as an engineer against the Commissioner of Patents regarding a patent dispute involving the issues later discussed in ***Skyring v Sugar Research Limited [1986] APO 14*** and Telecom Australia in ***Skyring v Telecom Australia [1984] FCA 391***, in which Spender J observed:

> *"I have listened to the confident submissions made by Mr Skyring in relation to this matter, and shortly put, none of the grounds of his application are made out. It is not suggested by him that there is anything biased or mala fide in the dealings by the officers of Telecom Australia. Essentially, what he frankly asserts to be the reason for these various applications is his desire to challenge the money system, essentially on the grounds of claimed infringement of s.115 of the Commonwealth Constitution."*

https://freemandelusion.com/wp-content/uploads/2022/05/Skyring-v-Telecom-Australia-1984-FCA-391.pdf

Alan Skyring first lodged of a notice of motion in the High Court in 1984, seeking leave to appeal from a judgment of the Full Court of the Federal Court, which was not proceeded with. In an affidavit filed in support of the motion, Alan Skyring foreshadowed an attack on the constitutionality of Commonwealth statutes relating to banking and finance, having regard to the scope of "legal tender" in section 115 of the *Constitution.* He later sought an order for leave *"to exhibit an Information of Quo Warranto against that body known as 'Cabinet' headed by the 'Prime Minister'"*. Brennan J refused the application in ***Re Skyring's Application (1984) 59 ALJR 123***, essentially on the basis that quo warranto did not lie where the validity of the office of Cabinet itself was challenged rather than the individual title to the office. While the affidavit in support of the motion does not, in express terms, raise the question of legal tender, it does repeat his concerns about the financial affairs of this country.

Alan Skyring lodged with the Court's Registry six documents which he wished to have issued as writs, addressed to the Treasurer, to four other Commonwealth Ministers, and to *"the Judge of the Federal Court of Australia holden at Brisbane"* (Spender J). The Registrar referred the documents to Gibbs CJ, who directed the Registrar to refuse to issue the writs without the leave of a Justice. The documents were supported by an affidavit sworn by Alan Skyring which spoke in general terms of the financial system of this country and, specifically, of section 115 of the Constitution.

Alan Skyring lodged a summons in the High Court asking for leave *"to issue a Writ of Certiorari to remove into the said Court certain judgments and orders"* made by Spender J in the Federal Court at Brisbane refusing applications for orders for review. The summons was supported by an affidavit in which he repeated some of his earlier concerns, noting that the argument to be advanced in the proposed actions was in terms of *"the key items presented in my argument before McPherson J when my tax case was eventually heard on 19 August 1983 in the Queensland Supreme Court"* and *"this present action is intended to initiate further corrective action to bring about appropriate amendments to legislation relating to the financial institutions themselves".*

The summons came before Deane J who delivered an ex tempore judgment, dealing not only with the summons for leave to issue certiorari but also with the writs in respect of which Gibbs CJ had given directions. In ***Re Skyring's Application (No 2) (1985) 59 ALJR 561***, Deane J (at 633) made these observations:

> *"The overall attack remains one upon the Australian financial system and to some extent the Australian legal system. The objective of the attack is to obtain a general review and reform of the law of those areas. There are, however, two particular matters which emerge in the course of Mr Skyring's oral submissions to which I should make specific reference. These are:*
>
> *(1) A submission that the combined effect of a number of sections of the Constitution is to erect a barrier against the issue by the Commonwealth of paper money as legal tender. The sections of the Constitution upon which particular reliance is placed are ss 51 (xii),(xiii) and (xvi) and 115. Mr Skyring also referred to ss 105 and 105A. Additionally, reference was made to the provisions of the Currency Act 1965 (Cth) dealing with coins. The argument, if accepted, would result in the invalidity of s 36(1) of the Reserve Bank Act 1959 (Cth) which provides that 'Australian notes are a legal tender throughout Australia'.*
>
> *(2) The basis upon which Mr Skyring seeks relief against 'the judge of the Federal Court' is alleged error by Spender J of the Federal Court of Australia in proceedings in the Federal Court by Mr Skyring against the Commissioner of Patents and Telecom Australia. As I followed Mr Skyring's oral submissions, the error into which Spender J is to have fallen is a failure to accept the argument referred to in (1) above. It is to be noted that the time for*

appealing from the judgment has expired. Mr Skyring frankly stated that one of the reasons for seeking to proceed by certiorari was that the time for appeal had expired. He was, however, at pains to stress that the matters which he wished to litigate went beyond the matters could be properly raised on such an appeal."

I have come to the clear conclusion that there is no substance in the argument that there is a constitution bar against the issue by the Commonwealth of paper money as legal tender. Nor in my view would there be any substance in an argument that the provisions of s 36(1) of the Reserve Bank Act 1959 are invalidated or overruled by the provisions of the Currency Act 1965. That being so, I am unpersuaded that there is any substance in the proposed proceedings against Mr Justice Spender, nor am I persuaded that the proceedings by certiorari against Mr Justice Spender would in any event be appropriate. Leave to issue the writs must be refused."

All subsequent proceedings brought or attempted to be brought by Alan Skyring in the High Court has been to debate the correctness of Deane J's conclusions. When he first appealed against the decision, and a Full Court (Mason, Wilson, Brennan and Dawson JJ) heard and dismissed the appeal, the Court concluded its reasons with these words:

"We are not persuaded that the judgment of Deane J contains any error. We should say in addition that the power conferred upon the Commonwealth Parliament by section 51(ii) of the Constitution to legislate with respect to taxation extends to the imposition of taxation and its collection, even though it has the effect of requiring the person on whom taxation is levied to pay the tax out of property which he owns."

In a prior proceeding, Alan Skyring had defaced several currency notes in the Court, and was subsequently charged with 16 counts of offences against the *Crimes (Currency) Act 1981* (Cth): (*"wilfully deface, disfigure or mutilate an Australian note").* In a criminal trial before McMurdo J in the District Court of Queensland, the jury returned verdicts of guilty on all 16 counts. He appealed to the Court of Appeal challenging the legal basis of the statute upon which he had been charged, which was rejected. He then lodged an affidavit seeking a writ of certiorari in the High Court directed to quashing his conviction. In refusing the application, Wilson J said:

"Mr Skyring frankly admits that the central issue is precisely the same issue which was the subject of consideration by Deane J. on 6 February 1985. His Honour added that, in view of the dismissal of his appeal:

"The disposition of the appeal by the Full Court has the necessary practical effect that the issue is no longer open to be addressed in these proceedings. On 21 May 1985 Mr Skyring lodged an affidavit (B31/85) in support of an application for a writ of certiorari to quash a decision of the Full Court of the Supreme Court of Queensland made on 19 April 1985. On 10 July 1985 Wilson J. refused the application, saying:

"(Mr Skyring) candidly admits that the proceedings in the Supreme Court of Queensland were directed ultimately to the same question which was the subject of an earlier application by Mr Skyring made in the High Court (No. B24 of 1984)".

This was a reference to the proceedings heard by Brennan J in *Re Skyring's Application (1984) 59 ALJR 123*.

In 1986 Alan Skyring lodged with the High Court a document which he sought to have issued as a writ of certiorari. He supported his application with a lengthy affidavit, canvassing inter alia the question of legal tender which had already been determined by the Court. Wilson J gave a direction that the Registrar refuse to issue these proceedings without the leave of a Justice.

Alan Skyring sought leave to issue a writ of certiorari to quash certain judgments and orders of the Supreme Court of Queensland, one being ***R v Minister for Justice and Attorney-General of Queensland, ex parte Skyring [1986] QSC 8***. The applications were expressed to relate to "*certain state legislation*" which according to the decision by Ambrose J in ***Sharples v Arnison [2001] QSC 56*** (at 29), was a decision of Connelly J in relation to the *Australia Act (Request) Act 1985* (Qld), which Alan Skyring sought to have declared invalid on the ground that its passage was beyond the powers of the Parliament of Queensland having regard to the entrenched provisions in section 53 of the *Constitution Act 1867*. Gibbs CJ gave a similar direction to those given earlier.

A further application sought leave to issue a summons to review another judgment and order of the Full Court of the Supreme Court of Queensland. Deane J refused leave to issue these proceedings and also the proceedings the subject of the direction by Gibbs CJ. It is clear from the documents and the reasons of Deane J that Alan Skyring was continuing his efforts to re-argue the question of legal tender which Deane J had decided against him in 1985.

Alan Skyring appealed from these judgments of Deane J, and sought a direction that the Attorney-General for the Commonwealth be joined as a party to these appeals. Wilson J. directed that *"this application be made to the Full Court when the appeals are heard".* Subsequently a Full Court (Mason, Wilson, Brennan and Dawson JJ) refused the application and dismissed both appeals. In concluding the Court's reasons for dismissing the appeals, Mason J pointed out that the directions which had been given by Gibbs CJ and Wilson J were given pursuant to a sub-rule *"which is designed to protect both litigants and the Court from the dangers of frivolous and vexatious litigation, a protection which is as necessary for a plaintiff as for a defendant".*

The Administrative Appeals Tribunal rejected an appeal by Alan Skyring from the Social Security Appeals Tribunal. He had been employed by a mining company, and as a result he was no longer deemed as unemployed and therefore ineligible for benefits. He applied to the Federal Court in ***Skyring v Sec. to the Dept of Social Security [1988] FCA 189*** arguing that the cheques given to him by the mining company should not be recognized as payments because they were not made in gold bullion or coin. Fox J, Sheppard J and Beaumont J noted that the arguments were rejected by the High Court in his previous cases. The same reasons were published in the associated application ***Skyring v Secretary Department of Social Security [1988] FCA 222***.

https://freemandelusion.com/wp-content/uploads/2022/05/Skyring-v-Sec.-to-the-Dept-of-Social-Security-1988-FCA-189.pdf

Alan Skyring applied to the High Court for leave to issue a writ of certiorari *"to quash a ruling of the Director-General of Social Security ... refusing further payment of social security benefits"* It is apparent from the affidavit filed in support of the application that this was but one more attempt to re-argue his case on legal tender. Gibbs CJ refused the application.

Alan Skyring had attempted to lodge an affidavit in relation to his bankruptcy in the Federal Court, and the Deputy Registrar considered it did not comply with subsection 47(1) of the *Federal Court Rules*, and so, acting under rule 134(2) of the *Bankruptcy Rules*, declined to accept it. Alan Skyring sought a review of the decision, which was subsequently affirmed by a single judge of the Court. In ***Skyring v Deputy Commissioner of Taxation [1988] FCA 851*** Alan Skyring sought to appeal the

decision of the judge. Sheppard J, Wilcox J and Hartigan J concluded that the Deputy Registrar was correct in refusing to accept it and the Judge correct in refusing to disturb the Deputy Registrar's decision.

https://freemandelusion.com/wp-content/uploads/2022/05/Skyring-v-Deputy-Commissioner-of-Taxation-1988-FCA-851.pdf

The Federal Commissioner of Taxation was granted a summary judgment for unpaid income tax against Alan Skyring by Master Lee in the Supreme Court on 7 October 1987. Alan Skyring applied to remove into the High Court *"the whole cause pending in the Supreme Court of Queensland in Action No. W2292"*. The affidavit filed in support of the notice of motion makes it clear that this was to be another vehicle for canvassing arguments previously rejected by the Court. The same may be said of another notice of motion seeking to remove into the High Court *"the whole cause in the Supreme Court of Queensland in Action No.W3358"* Mason CJ, Wilson J and Gaudron J refused both applications. Delivering the judgment of the Court in ***Skyring v Deputy Commissioner of Taxation; Skyring v Australian and New Zealand Banking Group Limited [1988] HCATrans 142***, Mason CJ said:

> *"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 sufficient 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."*

https://freemandelusion.com/wp-content/uploads/2022/05/Skyring-v-Deputy-Commissioner-of-Taxation-Skyring-v-Australian-and-New-Zealand-Banking-Group-Limited-B66-87-B67-87-SLA-1-7-88.pdf

Alan Skyring lodged with the High Court a document he sought to have issued as a writ against the Attorney-General of Queensland, and Wilson J gave the direction which had become customary. Alan Skyring lodged with the Court still more documents he wished to have issued as writs, and at the same time he lodged a summons by which he sought to apply for an order nisi *"to issue a Writ of Certiorari to remove into the High Court for review to determine the constitutional validity of certain Commonwealth statutory provisions"* and to apply for a stay of certain proceedings in the Federal Court. Wilson J once again directed that *"this process not issue without the leave of a Justice first had and obtained".*

In 1989 Alan Skyring sought leave to issue the process the subject of Wilson J's direction. McHugh J refused the application ***In the Matter of Cusack; In the Matter of Skyring [1989] HCATrans 36***. He was still raising section 115 of the Constitution.

https://freemandelusion.com/wp-content/uploads/2022/05/In-the-Matter-of-Cusack-In-the-Matter-of-Skyring-C4-89-C5-89-CHH-28-2-89.pdf

Alan Skyring then sought leave to appeal from the judgment of McHugh J. Brennan and Dawson JJ refused leave to appeal in ***Re Skyring [1989] HCATrans 153***. It may be noted that, in the course of his argument, Alan Skyring referred to a *"joint effort"* on the part of Mr Cusack and himself to have upheld *"cardinal principles"*.

https://freemandelusion.com/wp-content/uploads/2022/05/Re-Skyring-C7-89-SLA-30-6-89.pdf

Alan Skyring applied for an order waiving payment of "fees or charges" in relation to a matter in which he was involved in the Court of Disputed Returns. It is clear from the affidavit filed in support of the summons and from the transcript of the hearing in ***Skyring, In the matter of an [1990] HCATrans 114*** that the matter in question was one in which he wished to argue once more the question of legal tender. Gaudron J dismissed the application.

https://freemandelusion.com/wp-content/uploads/2022/05/Skyring-In-the-matter-of-an-application-CHH-17-5-90.pdf

Alan Skyring sought, inter alia, to have declared invalid the election of John Colinton Moore to the House of Representatives. His attack on the election of Mr Moore centred on the question of legal tender in regard to the nomination deposit payable by a candidate. Alan Skyring asked that *"fees, costs and charges"* associated with the petition be waived. In ***Skyring v Moore [1990] HCATrans 142***, Dawson J refused the application for a waiver of fees and adjourned the petition.

https://freemandelusion.com/wp-content/uploads/2022/05/Skyring-v-Moore-B19-90-CHH-26-6-90.pdf

The Federal Commissioner of Taxation was granted a summary judgment for unpaid income tax against Alan Skyring by Master Lee in the Supreme Court on 7 October 1987. On 24 April 1989, the Supreme Court made a sequestration order against his estate. He made an application to the Federal Court contesting the summary judgement, which was dismissed by Pincus J who pointed out that it would be inappropriate to file a counter-claim in response to a bankruptcy notice whose effect was spent. In ***Skyring v Federal Commissioner of Taxation [1991] FCA 867*** he sought an appeal against the dismissal of that application, arguing that the bank notes in general use in Australia are not legal tender because they or their issue infringe section 115 of the *Constitution*, and that provisions of the *Income Tax Assessment Act 1936* violate property rights secured by Magna Carta. Gummow J, Einfeld J, and Heerey J noted that the High Court comprehensively rejected both the challenge to the legality of the currency notes in circulation, and references to the Magna Carta in previous decisions. The appeal was dismissed.

https://freemandelusion.com/wp-content/uploads/2022/05/Skyring-A.G.-v-Commissioner-of-Taxation-1991-FCA-867.pdf

Whilst the appeal to Federal Court against the decision of Pincus J. was pending, the appellant applied for removal of the cause into the High Court, and he lodged a notice of motion that he be *"accorded standing to participate in the argument of the fundamental points of constitutional law"* involved in the Federal Court matter. The transcript indicates that removal was sought as a further opportunity to argue questions of constitutional law relating to currency. He also applied to have removed into the High Court *"the whole cause pending in the District Court in Brisbane in FT628/91"*. The affidavit filed in support of the notice of motion makes it clear that this was merely another episode in his refusal to accept the decision of Deane J in 1985 and the Full Court's dismissal of his appeal from that decision. In ***Skyring v Deputy Commissioner of Taxation; Skyring v Commissioner of Taxation [1991] HCATrans 169*** Mason CJ refused both applications for removal and dismissed the motion that he be accorded standing. In doing so his Honour made it clear that the applications were simply part of the history already described in this judgment.

https://freemandelusion.com/wp-content/uploads/2022/05/Skyring-v-Deputy-Commissioner-of-Taxation-Skyring-v-Commissioner-of-Taxation-B43-90-B11-91-CHH-27-6-91.pdf

Alan Skyring then lodged a notice of motion for leave to appeal from the judgment of the Chief Justice, and in ***Skyring v Commissioner of Taxation [1991] HCATrans 314*** a Full Court (Brennan, Gaudron and McHugh JJ) refused the application.

https://freemandelusion.com/wp-content/uploads/2022/05/Skyring-v-Commissioner-of-Taxation-B24-91-SLA-6-11-91.pdf

The Federal Court dismissed a second application appealing the orders of Pincus J dismissing his application contesting the summary judgement made by Master Lee on 7 October 1987. Drummond J noted in his Reasons that the grounds upon which Alan Skyring sought annulment of the bankruptcy on the second occasion were the same as those on the first occasion. A third application on identical terms to the Federal Court was dismissed by Northrop J, Wilcox J and Cooper J in ***Skyring v Deputy Commissioner of Taxation [1992] FCA 328*** stating that they had read the reasons of Drummond J in refusing to make the orders sought, see no error in those reasons, and therefore adopt those reasons.

https://freemandelusion.com/wp-content/uploads/2022/05/Skyring-v-Deputy-Commissioner-of-Taxation-1992-FCA-328.pdf

The Registrar of the High Court of Australia, Frank Jones, filed an application to declare Alan Skyring a vexatious litigant. The hearings on this application were ***Jones v Skyring [1992] HCATrans 57***, ***Jones v Skyring [1992] HCATrans 58*** on 25-26 June 1992, and the final hearing on 27 August 1992 in ***Jones v Skyring; Jones v Cusack [1992] HCATrans 242***.

https://freemandelusion.com/wp-content/uploads/2022/05/Jones-v-Skyring-C4-92-CHH-25-2-92.pdf

https://freemandelusion.com/wp-content/uploads/2022/05/Jones-v-Skyring-C4-92-CHH-26-2-92.pdf

https://freemandelusion.com/wp-content/uploads/2022/05/Jones-v-Skyring-Jones-v-Cusack-C4-92-C5-92-CHH-27-8-92.pdf

Only four people have been declared to be vexatious litigants by the High Court since its inception, and two of those were regarding this long-debunked currency argument. One was Patrick Cusack in ***Jones v Cusack [1992] HCA 40*** and the other was Alan Skyring in ***Jones v Skyring [1992] HCA 39***. On 27 August 1992, Toohey J ordered that he *"...shall not, without the leave of the Court or a Justice, begin any action, appeal or other proceeding in the Court."* In his judgement, Toohey J stated (at 29-32):

> *"I have set out the history of Mr Skyring's approaches to the Court in considerable detail for several reasons. To begin with, as a matter of quantification, counsel for the Registrar said that the matters dealt with by Deane J. and the Full Court: "are the selfsame points that in substance have been attempted to be relitigated, or relitigated on the application of Mr Skyring, in, on a conservative count, 22 applications to the Court and, in relation to which, 11 judgments, both at first instance by single Justices and on appeal, have been given". Now, there may be a question whether a matter in respect of which a direction under O.58 r.4(3) of the Rules has been given and leave to issue subsequently refused involves the institution of legal proceedings for the purposes of O.63 r.6(1) of the Rules; I shall deal with that question later. But, as a pointer to the volume of applications made by Mr Skyring, Mr Robertson's calculation provides a reasonable basis.*

> *Next, the history detailed in this judgment makes it clear beyond argument that Mr Skyring has persisted over a number of years in seeking to re-argue the constitutional questions that were resolved against him in 1985. Indeed he sought to do so in response to the present application. Again, Mr Skyring has used a variety of methods to get before the Court, often in the form of an application for a writ of certiorari. But they are variations on the same theme; that must be clearly understood. And it is clear that Mr Skyring is relentless in his pursuit. Far from accepting that the matters he wishes to bring before the Court have long since been decided against him, he is determined to seize every opportunity, however fanciful, to approach the Court. That is the background against which the present application must be resolved."*

https://freemandelusion.com/wp-content/uploads/2020/11/jones-v-skyring-1992-hca-39.pdf

On 17 December 1990 Dowsett J in the Supreme Court struck out an action brought by Alan Skyring against the ANZ Bank. He didn't appeal against the order Dowsett J, instead he applied for an order extending the time for appealing the summary judgment for unpaid income tax made by Master Lee on 7 October 1987. The application included various other claims, including a claim for an injunction to restrain the Bank from disposing of land and securities pursuant to orders that were also said to be erroneous. The application was dismissed by Derrington J. Alan Skyring appealed against that order dismissing it in ***Skyring v Australia and New Zealand Banking Group [1993] QCA 118*** raising arguments about the sufficiency or validity of the currency system in Australia, and to his complaints about the unsatisfactory state of the legal and judicial system. McPherson JA, Pincus JA, and Shepherdson J dismissed the appeal, holding that none of these questions is relevant to the appeal, and that the action contended was already struck out in 1990.

https://freemandelusion.com/wp-content/uploads/2022/05/Skyring-v-Australia-and-New-Zealand-Banking-Group-1993-QCA-118.pdf

Alan Skyring was convicted in the Magistrates Court in 1992 of failing to furnish a tax return. He appealed to the District Court, and the judge dismissed that appeal. He then applied to the Court of Appeal in ***Skyring v Commonwealth Commissioner of Taxation [1993] QCA 119***. McPherson JA noted that:

> *"The appellant raised again, as he has done in several other matters in the past, the question of whether a proper system of currency prevails in this country. For my part, I would say simply that the question that was before the magistrate was whether the appellant had, in common parlance, lodged his tax return, not whether he was able to pay or discharge in any form whatsoever, or by any means whatsoever, any liability to taxation that might follow on from lodging the tax return. The question that as I say was sought to be raised as it has been in the past, was therefore, as I see it, not in any way relevant to the proceedings in the Magistrates Court."*

McPherson JA, Pincus JA, and Shepherdson J held that section 222 of the *Justices Act 1986* which confers a right of appeal to a District Court provides that their determination *"shall be final between the parties to the appeal"* and therefore the Court of Appeal has no power to deal with the appeal that is now sought to be brought to it from that determination.

https://freemandelusion.com/wp-content/uploads/2022/05/Skyring-v-Commonwealth-Commissioner-of-Taxation-1993-QCA-119.pdf

Alan Skyring sought leave from the High Court to appeal the decision of Toohey J declaring him a vexatious litigant. In ***Skyring v Jones [1993] HCATrans 185***, Brennan ACJ, Dawson J and Gaudron J dismissed the appeal noting it centred on the same argument rejected by Deane J in 1985.

https://freemandelusion.com/wp-content/uploads/2022/05/Skyring-v-Jones-C17-92-APP-1-7-93.pdf

Revisiting his application in *Skyring v Telecom Australia [1984] FCA 391* a decade before, Alan Skyring applied to the Federal Court seeking an order that Telecom Australia be restrained from disconnecting the telephone service for his failure to pay an outstanding account, *"pending a definitive determination by the High Court on the constitutionality of the instruments presently in circulation of of Australia apparently widely accepted by the community at large as being, legal tender."* In his application, Alan Skyring wrote *"I make this application as part of my ongoing efforts seeking to remedy massive errors of law that have been perpetrated against me by this Court at first instance on 18th October 1984 - with its refusal to grant the relief I sought in my applications G104/1984 and G105/1984 to it, brought against the Commissioner of Patents and Telecom Australia respectively under the A.D.J.R. Act 1977, when this vital matter of the constitutionality of the Australian currency was formally raised..."*

In ***Skyring v Telecom Australia [1994] FCA 66*** the application came before Spender J, the same judge who had dealt with those applications a decade prior. He gave a short summary of the decisions in the High Court related to his claims, and dismissed the application, concluding:

> *"The matters which Mr Skyring wishes to agitate have been authoritatively determined against him, and there have been repeated attempts to re-agitate those matters which are truly res judicata. This is yet a further attempt and I will not countenance it. Mr Skyring of course may take whatever steps he might wish concerning the view that I have just expressed, but for these reasons, proceedings No. Q6217 of 1993 is dismissed, with costs, to be taxed if not agreed."*

https://freemandelusion.com/wp-content/uploads/2022/05/Skyring-v-Telecom-Australia-1994-FCA-66.pdf

In 1990, Dowsett J in the Supreme Court struck out an action brought by Alan Skyring against the ANZ Bank, as it was founded on the section 115 argument. In ***Skyring v Australia and New Zealand Banking Group Ltd [1994] QCA 143*** he sought an extension of time within which to appeal against the order by Dowsett J. As noted by Macrossan CJ, McPherson JA, and Pincus JA, he relied principally on two points that he claimed would arise if the appeal were permitted to proceed:

> *"The first of them is essentially that there is no proper authority for the use of paper currency in Australia or for its acceptance as legal tender. The second is that the legal effect of the Magna Carta, and in particular chap. 40 of it, is to prevent the making of orders for costs against unsuccessful litigants in proceedings before the courts."*

The Court held that the grounds of appeal had been the subject of careful judicial scrutiny in so many of his previous applications to the courts, and therefore leave was refused.

https://freemandelusion.com/wp-content/uploads/2022/05/Skyring-v-Australia-and-New-Zealand-Banking-Group-Ltd-1994-QCA-143.pdf

Alan Skyring filed an application in the High Court for leave to apply for a writ of certiorari to quash several decisions, the judgment of Justice Spender in the Federal Court, and the order made by

Justice Dowsett in the Supreme Court. In ***Skyring, An application by [1994] HCATrans 390***, Dawson J refused such leave, concluding:

> *"It would, in my view, be an abuse of process to allow the applicant to relitigate a matter which has already been decided adversely to him. Accordingly, I would not grant leave to issue proceedings challenging the decisions on this ground."*

https://freemandelusion.com/wp-content/uploads/2022/05/Skyring-An-application-by-C100-94-CHH-29-6-94.pdf

In *Attorney-General v Skyring* (Unreported, Supreme Court of Queensland, White J, 5 April 1995) Alan Skyring was declared to be a vexatious litigant and an order was made preventing him from initiating any proceedings in any court in the State without approval of the Attorney General. In ***Skyring v Australia & New Zealand Banking Group [1995] QCA 376*** Davies JA, Moynihan J, and Fryberg J heard an application for leave to appeal the order made by White J, which was refused along with leave to appeal from an order of a Magistrate striking out a statement of claim in an action against the ANZ Bank.

https://freemandelusion.com/wp-content/uploads/2020/06/skyring-v-australia-new-zealand-banking-group-1995-qca-376..pdf

Skyring v O'Shea No 4 of 1996 (unreported, 8 January 1996) was an Application seeking leave to bring proceedings to revoke the order declaring him to be a vexatious litigant in Queensland. Fryberg J refused leave.

In ***Skyring, Ex parte- Re Att-Gen for the Cth and Ors [1996] HCATrans 41***, Alan Skyring sought leave for the commencement of proceedings in the High Court in three matters. The first was a challenge to a decision of the Court of Appeal of Queensland confirming a conviction in a criminal trial before McMurdo J in the District Court, where Alan Skyring was charged with 16 counts of offences against the *Crimes (Currency) Act 1981* (Cth), and the jury returned verdicts of guilty on all 16 counts. He appealed to the Court of Appeal challenging the legal basis of the statute upon which he had been charged, which was rejected. The second was a challenge to another decision of the Court of Appeal which upheld an order of White J, declaring him to be a vexatious litigant. The third was a challenge to a decision of the Electoral Returning Officer for the federal electorate of Ryan in rejecting his nomination for candidature in the current federal election, in which he had presented gold coin, which he asserted was equivalent to the required deposit of $250, while the other candidates who had deposited $250 in paper notes, had not properly paid a deposit as the law requires, and therefore their nominations were invalid.

https://freemandelusion.com/wp-content/uploads/2022/05/Skyring-Ex-parte-Re-Att-Gen-for-the-Cth-and-Ors-1996-HCATrans-41.pdf

To Kirby J's credit, after he patiently allowed him time to properly explain his arguments, in ***Re Attorney-General (Cth); Ex parte Skyring [1996] HCA 4*** he concluded:

> *"Having taken into account all of the considerations which I have mentioned, listened carefully for more than an hour to Mr Skyring's arguments and attended closely to the decision of Justice Deane and the affirmation of that decision by a Full Court of this Court, I am of the opinion that Mr Skyring is once again endeavouring to argue matters which have been held by the Court to be without legal merit."*

https://freemandelusion.com/wp-content/uploads/2022/05/Re-Attorney-General-Cth-Ex-parte-Skyring-1996-HCA-4.pdf

Alan Skyring again sought leave to issue process, this time an application for writs of mandamus and certiorari directed to Kirby J for his refusal to grant leave to issue process in the three proceedings in which Mr Skyring wishes to agitate, once again, the proposition that the Constitution mandates gold coin rather than paper money as legal tender. In ***Skyring- An application by [1996] HCATrans 150***, Gaudron J refused the application.

https://freemandelusion.com/wp-content/uploads/2022/05/Skyring-An-application-by-1996-HCATrans-150.pdf

Alan Skyring then filed an application to re-list proceedings challenging the election of Mr Moore as the Member for Ryan in the 1990 federal election, seeking to file an electoral petition with respect to the 1996 election, again challenging the return of the Member for Ryan on the ground that he did not lodge a deposit in gold coin. In ***Skyring- An application by [1996] HCATrans 151*** Gaudron J refused the application, noting once again that he sought to re-agitate the proposition that the constitution mandates gold coin rather than paper money as legal tender.

https://freemandelusion.com/wp-content/uploads/2022/05/Skyring-An-application-by-1996-HCATrans-151.pdf

In ***Skyring, An application by [1996] HCATrans 180*** Alan Skyring brought two proceedings, the first sought leave to institute proceedings for the issue of writs of Certiorari and Mandamus against Gaudron J for refusing leave to commence proceedings challenging Kirby J's decision, and the second sought leave to issue proceedings to quash an order of Gaudron J in which she refused leave to file an election petition in respect of the election. McHugh J refused the application as frivolous.

https://freemandelusion.com/wp-content/uploads/2022/05/Skyring-An-application-by-1996-HCATrans-180.pdf

Alan Skyring brought three proceedings in ***Skyring, Ex parte- Re Attorney-General of the Clth [1996] HCATrans 290***, an action against the Deputy Registrar for refusing to accept documents which attempt to commence proceedings against the Attorney-General for the Commonwealth, a purported application for mandamus and certiorari directed to the Attorney-General for the Commonwealth, and an application seeking special leave to appeal against a judgment and orders of de Jersey J of the Supreme Court of Queensland. Kirby J refused leave as all three proceedings were a continuation of the premise that there is a constitutional bar against the issue by the Commonwealth of paper money as legal tender.

https://freemandelusion.com/wp-content/uploads/2022/05/Skyring-Ex-parte-Re-Attorney-General-of-the-Clth-1996-HCATrans-290.pdf

Alan Skyring contested the creditor's petition brought against him by the ANZ Bank in ***Re Skyring, Alan George Ex Parte Australia and New Zealand Banking Group Ltd [1996] FCA 1137*** on the same grounds. Spender J held that the argument had been disposed of many times before, and granted a sequestration order against his estate. Paul Desmond Sweeney was appointed as Trustee.

https://freemandelusion.com/wp-content/uploads/2022/05/Re-Skyring-Alan-George-Ex-Parte-Australia-and-New-Zealand-Banking-Group-1996-FCA-1137.pdf

Alan Skyring was ordered by summons to produce all bank statements, deposit books, cheque books, passbooks, correspondence and any other paperwritings relating to any bank, credit union, building society or finance company accounts conducted by him or in his name in the last five years, to be examined at a hearing in relation to his bankruptcy. He refused to produce the documents, namely a certificate of title for the property which was the subject of the sequestration order, on the grounds there is no valid bankruptcy because there was no valid judgment debt owing by him, due to a constitutional bar against the issue by the Commonwealth of paper money as legal tender. At a hearing, he was ordered by the Registrar to answer the question of its location, which he refused. In ***Re Skyring, Alan George Ex Parte Sweeney, Paul Desmond [1997] FCA 387***, Drummond J held that his refusal to produce the documents was impeding the administration of the estate, and ordered that he be committed to prison for contempt of court if he does not produce the certificate of title for the property within 21 days.

https://freemandelusion.com/wp-content/uploads/2022/05/Re-Skyring-Alan-George-Ex-Parte-Sweeney-Paul-Desmond-1997-FCA-387.pdf

Alan Skyring complied with the requirement to produce the documents, the subject of the contempt order. In ***Skyring, Alan George v Sweeney, Paul Desmond [1997] FCA 532***, Drummond J noted that he sees this appeal as a possible vehicle for giving him an opportunity to ventilate, yet again, the proposition that it is beyond the constitutional power of the Parliament to make anything other than gold or silver coin legal tender. It was ordered that he provide security to the extent of $5,000 for the Trustee's costs of the appeal in a form acceptable to the District Registrar, and that the appeal be stayed unless and until that security is provided.

https://freemandelusion.com/wp-content/uploads/2022/05/Skyring-Alan-George-v-Sweeney-Paul-Desmond-1997-FCA-532.pdf

Re Skyring No 178 of 1995 (unreported, 23 October 1997) was an application to grant leave to institute proceedings in the Court of Disputed Returns, challenging the federal election for the House of Representatives in the seat of Ryan, in which the candidates had not paid their application fees in gold or silver coin, and leave to bring proceedings to revoke the order declaring him to be a vexatious litigant in Queensland. Muir J refused leave.

Alan Skyring applied for an order that further proceedings brought against him regarding the bankruptcy be stayed until the question of the constitutional bar against the issue by the Commonwealth of paper money as legal tender be conclusively addressed. In ***Skyring v Sweeney [1998] FCA 1661***, Spender J held that the question had already been addressed, and dismissed the application.

https://freemandelusion.com/wp-content/uploads/2022/05/Skyring-v-Sweeney-1998-FCA-1661.pdf

Alan Skyring again applied for a review of a decision of the Australian Electoral Commissioner made in connection with the federal election for the House of Representatives in the seat of Ryan, in which the candidates had not paid their application fees in gold or silver coin. In ***Skyring, Alan George v Australian Electoral Commission [1998] FCA 1587***, Dowsett J dismissed the application.

https://freemandelusion.com/wp-content/uploads/2022/05/Skyring-Alan-George-v-Australian-Electoral-Commission-1998-FCA-1587.pdf

Alan Skyring made several applications, the first was to have the appeal of the *Skyring v Sweeney* decision and the appeal of the *Skyring v Australian Electoral Commission* decision be heard together,

and the second was an application for leave to appeal from the interlocutory order made by Dowsett J in the last case. Both applications for orders were refused by Spender J in ***Skyring v Sweeney [1999] FCA 61***, who also struck out the notice of appeal against ANZ Bank, and ordered Alan Skyring provide security for the Trustees costs in the *Skyring v Sweeney* case in a form satisfactory to the Registrar, and that the appeal be stayed pending the provision of the security for costs.

Spender J of the Federal Court had a long history with Alan Skyring, his rejection of applications in 1984 was actually what set him off on a mission to the High Court attempting to remove the proceedings there. His judicial humour can be noted 15 years later (at 3 and 7):

> "*Notwitstanding Mr Skyring's forceful submissions that the provisions of Magna Carta, amongst others, prohibit the imposition of orders for security for costs as that involves in a sense the selling of justice, and notwithstanding Mr Skyring's argument – almost a mantra really – that it is impossible to comply with an order for security for costs, it being asserted by him that paper money is not legal tender in Australia, in this case, in my opinion, on the proper application of s 56 of the Federal Court of Australia Act 1976 , I ought to order the provision of security for cost*s."
>
> "*I express no view as to the prospects of success of the proposed appeal, since it is an appeal from a judgment of my own, but I do note that the point which Mr Skyring wishes to agitate on the appeal is the same point which he has pursued with commitment, if not wisdom, on many occasions in the past. He no doubt hopes that he will strike it lucky sooner or later*."

https://freemandelusion.com/wp-content/uploads/2022/05/Skyring-v-Sweeney-1999-FCA-61.pdf

Alan Skyring then sought an extension of time within which to bring an application for leave to appeal from the interlocutory judgment of Dowsett J, which was refused by Spender J, Cooper J and Tamberlin J in ***Skyring v Australian Electoral Commissioner [1999] FCA 113***. Their Honour's held that Dowsett J refused the application as no valid grounds had appeared for making the orders sought, and therefore there was no basis on which leave to appeal ought to be granted.

https://freemandelusion.com/wp-content/uploads/2022/05/Skyring-v-Australian-Electoral-Commissioner-1999-FCA-113.pdf

Graham Ramsley, the Registrar of the Federal Court applied for an order declaring that Alan Skyring is a vexatious litigant. In ***Ramsey v Skyring [1999] FCA 907*** Sackville J briefly detailed all of the applications to the Federal Court, and concluded that he had habitually and persistently, without any reasonable ground, instituted vexatious proceedings in the Court. Alan Skyring's motion to strike out the proceedings was dismissed, and it was ordered that he shall not institute any proceedings in the Court without the leave of the Court, and any ongoing proceedings shall not be continued without the leave of the Court. This proceeding is unique in the sense that it was the first time the Federal Court had exercised this power, Alan Skyring being the first ever person to be declared vexatious by the Federal Court. Sackville J stated (at 61-63):

> *"In every one of the proceedings instituted by the respondent in this Court he has asserted, in one form or another, that the paper currency or coinage in use in Australia is invalid or that the legislation authorising the issue of paper currency or coinage is invalid. It may be that the first such proceeding, the appeal to the Full Court in April 1984, cannot be said to have been a vexatious proceeding or instituted without any reasonable ground. At that stage, neither the Full Court nor the High Court had ruled on the applicant's contention. Thereafter, however, any reasonable observer would have concluded that the respondent's contentions*

as to the invalidity of the currency could have no reasonable basis. Certainly, once Deane J had ruled against the respondent's contentions in 1985, and his decision had been affirmed on appeal, the respondent's contentions were doomed to failure in this Court and, for that matter, in any other Australian court. .. The simple fact is that the respondent has refused, or been unable, to accept the fact that the currency issues have been authoritatively decided against him. He has obstinately attempted to raise the same arguments in this Court on many occasions, over a long period."

https://freemandelusion.com/wp-content/uploads/2022/05/Ramsey-v-Skyring-1999-FCA-907.pdf

Alan Skyring sought to reopen the application before Muir J several years prior, refusing his application seeking leave to bring proceedings to revoke the order declaring him to be a vexatious litigant in Queensland, on grounds of several typographical errors in the judgement. In ***Re Skyring [1999] QCA 460***, McMurdo P. Williams J. dismissed the application, as he had failed to show any error on the part of Muir J or to demonstrate any merit in his application for leave to appeal.

https://freemandelusion.com/wp-content/uploads/2022/05/Re-Skyring-1999-QCA-460.pdf

O'Shea v Skyring No OS 178 of 1995, (unreported, 6 April 2000) was another Application seeking leave to bring proceedings to revoke the order declaring him to be a vexatious litigant in Queensland. Douglas J refused leave.

Alan Skyring sought to appeal the decision of Sackville J declaring him a vexatious litigant in the Federal Court. In ***Skyring v Ramsey [2000] FCA 774***, Ryan J, O'Connor J and Weinberg J noted that he had not accepted that the currency issues he continues to raise have been authoritatively determined against him, and that although he did not agree with the conclusions which led to that determination, that lack of agreement does not oblige the Court to continue to entertain proceedings which are hopeless. The appeal was dismissed.

https://freemandelusion.com/wp-content/uploads/2022/05/Skyring-v-Ramsey-2000-FCA-774.pdf

The Trustee in Bankruptcy Paul Sweeney applied for an order to permit him to proceed with the distribution of dividends from Alan Skyring's estate in the absence of a statement of affairs, as he had taken all reasonable steps to obtain a statement of affairs, but had been unable to do so. Alan Skyring opposed the orders, essentially repeating arguments that he had advanced on very many occasions in the past. In ***Sweeney v Skyring [2000] FCA 1126***, Spender J granted the orders that the distribution of dividends amongst the creditors who have proved their debts in the estate proceed as if he had filed a statement of his affairs and those creditors had been stated to be creditors in it, noting (at 12):

"The truth of the matter, however, is that the submissions by Mr Skyring concerning these issues are not germane to the question of whether the Court should make the orders sought by the trustee in the notice of motion. Rather, they go to the more fundamental question which Mr Skyring has persistently sought to raise over the years. They are not, in my view, material to the question of whether the Court should make the orders sought by the trustee"

https://freemandelusion.com/wp-content/uploads/2022/05/Sweeney-v-Skyring-2000-FCA-1126.pdf

Alan Skyring applied for leave to appeal against the decision by Douglas J in *O'Shea v Skyring* No OS 178 of 1995, (unreported, 6 April 2000) refusing leave to bring proceedings to revoke the order

declaring him to be a vexatious litigant in Queensland. In ***Skyring v Lohe [2000] QCA 451***, McMurdo P again refused leave, noting (at 6):

> *"This is not a case where a vexatious litigant is seeking to have the courts determine a fresh matter with prospects which would warrant the institution of proceedings. The primary judge was plainly right in refusing the application. I would refuse Mr Skyring's present application."*

https://freemandelusion.com/wp-content/uploads/2020/06/skyring-v-lohe-2000-qca-451.pdf

Alan Skring sought leave to appeal against the costs order made by Muir J in *Re Skyring* No 178 of 1995 (unreported, 23 October 1997) seeking leave to challenge the federal election for the House of Representatives in the seat of Ryan, on grounds the candidates had not paid their application fees in gold or silver coin. In ***Skyring v Electoral Commission of Qld [2001] QSC 080***, Mackenzie J refused leave noting section 9A(8) of the Vexatious Litigants Act 1981 expressly prohibits such an application, and ordered that the Registrar may refuse to accept the documents in future.

https://freemandelusion.com/wp-content/uploads/2020/06/skyring-v-electoral-commission-of-qld-2001-qsc-080.pdf

Alan Skyring further sought the institution of proceedings to revoke the declaration of White J. In ***Skyring v Crown Solicitor [2001] QSC 350***, he argued that all legislation subsequent to 1987, including the *Supreme Court Act 1991*, and provisions of the *Vexatious Litigants Act 1981* enacted in 1997 are invalid because of the unconstitutionality of the *Constitution (Office of Governor) Act 1987* altering the Office of Governor, and that pursuant to section 53 of the *Constitution Act 1867* (Qld), the Bill for the 1987 Act could not lawfully be presented for assent by or in the name of the Queen, except with the prior assent of the electorate at a referendum. Further, it was submitted that the *Australia Acts (Request) Act 1985* (Qld) is invalid on the same grounds. Philippides J refused leave, noting the arguments were considered and rejected in ***Sharples v Arnison [2001] QSC 56*** by Ambrose J whose judgment was upheld on appeal by de Jersey CJ in ***Sharples v Arnison [2001] QCA 274***.

It was mentioned that the contention was raised in *Skyring v Electoral Commission of Qld [2001] QSC 080 "where Muir J referred to and agreed with Ambrose J's conclusions"*, but I cannot locate reference to it in the decision, which Mackenzie J had made, not Muir J. Instead, it may of been in the case sought to be appealed from in that decision, which was Muir J in *Re Skyring* No 178 of 1995 (unreported, 23 October 1997), in which it was stated:

> *"In proceedings in the Supreme Court in 1986 … Connolly J rejected the argument finding that: the Australia Acts (Request) Act made no alteration to the Constitution Act; Section 53 of the Queensland Constitution could not restrict the legislative powers of the Parliament at Westminster; there was no limit to that Parliament's legislative power and that any relevant alteration to the Constitution Act was effected by an enactment of the Parliament at Westminster (and/or by the Commonwealth Parliament). The decision, with respect, is plainly correct."*

https://freemandelusion.com/wp-content/uploads/2020/06/skyring-v-crown-solicitor-2001-qsc-350.pdf

Alan Skyring sought leave to appeal the making of a costs order relating to *Skyring v Ramsey [2000] FCA 774* on the grounds that O'Connor J had retired and he did not consent to the matter of costs being determined by the remaining two members of the Court, Ryan J and Weinberg J. In ***Skyring v***

Ramsey (No 2) [2002] FCAFC 132, Merkel J replaced O'Connor J, and along with Ryan J and Weinberg J, heard the matter of the costs order, and despite the currency issue being raised once again, ruled that he should pay the Registrar's costs of the appeal, with such costs to be taxed in default of agreement.

https://freemandelusion.com/wp-content/uploads/2022/05/Skyring-v-Ramsey-No-2-2002-FCAFC-132.pdf

Alan Skyring sought leave to re-open certain proceedings, and re-litigate the issues which led to the making of the orders by Sackville J declaring him a vexatious litigant. In ***Skyring v Ramsey [2003] FCA 745*** he contended he has *"new information"* which he states demonstrates the error of the previous decisions, that the members of Parliament are not properly elected because they failed, in accordance with the requirements of the electoral legislation, to lodge deposits in terms of proper currency, and therefore certain Acts of the Australian Parliament are invalid, that the creation of the Federal Court is of no force and effect, and therefore its orders are also of no force and effect, including the order of Sackville J and the orders dismissing his appeal. This formed the basis of proceedings on an electoral petition in his friend Richard Gunter's case ***Gunter v Hollingworth and Others [2002] FCA 943***. Cooper J, who also rejected the contentions in that case, held (at 5-6):

> *"The position is that the applicant does not wish to litigate issues, other than those the subject of previous proceedings, to enforce new rights unrelated to them, or, to take steps to protect himself from any action unrelated to them. In reality, what he wishes to do is to re-litigate the matters which the Court has previously ordered he is not to do because they are utterly hopeless in the view of the several Courts which have considered them and ruled on them over the years. Accordingly, there is no basis upon which leave should be granted to further litigate those issues."*

https://freemandelusion.com/wp-content/uploads/2022/05/Skyring-v-Ramsey-2003-FCA-745.pdf

Alan Skyring sought leave to proceed with an application for the immediate revocation of the declaration that he is a vexatious litigant, again challenging the constitutional validity of the *Australia Act 1986* and the *Constitution (Office of Governor) Act 1987* and the alleged consequences for the legitimacy of Parliament and the executive. The issue of what constitutes legal tender was also raised again. In ***Skyring v Lohe [2004] QSC 089***, Mackenzie J dismissed the application, concluding (at 7):

> *"If there are variants of the arguments which have led to the applicant being declared vexatious which he wishes to develop, I am not persuaded that they have prospects of success which would justify leave to institute proceedings."*

https://freemandelusion.com/wp-content/uploads/2022/05/Skyring-v-Lohe-2004-QSC-089.pdf

Alan Skyring filed two notices of motion, one sought leave to apply for annulment of his bankruptcy, and the other sought leave to apply for removal of his trustee, on grounds that the bankruptcy itself is unlawful, due to the invalidity of the provisions in the *Reserve Bank Act 1959* (Cth) authorizing the issue of bank notes as legal tender. ***In the matter of Skyring [2004] FCA 827***, Dowsett J dismissed the application, concluding that no purpose would be served by giving him leave to commence proceedings in order to argue this unarguable point.

https://freemandelusion.com/wp-content/uploads/2022/05/In-the-matter-of-Skyring-2004-FCA-827.pdf

Alan Skyring sought to take further steps in the proceeding, contending that leave is not necessary on the footing that the underlying issues raised by the appeal (and agitated by him in the Federal Court, the Supreme Court of Queensland, the High Court of Australia and other forums) have never been addressed, and sought to re-open the appeal to determine those questions. In ***Skyring v Commissioner of Taxation [2007] FCA 1526***, Greenwood J dismissed the application, although delivering a very detailed reasons in the isolation of those questions, covering the history of the proceedings and related matters, the question of whether the Court has power to re-open a final decision of the Full Court of the Federal Court entered and therefore perfected, and, if such a power resides in the Court, whether the circumstances which might condition its exercise are satisfied, are in issue. His Honour even detailed the response to the primary argument (at 24):

> *"Section 51(xii) confers power upon the Commonwealth Parliament to make laws with respect to 'currency, coinage and legal tender' and by s 51(xiii), laws with respect to '… the issue of paper money'. The Australian Notes Act 1910 (Cth), Part VII of the Commonwealth Bank Act 1911 (Cth), Part VI of the Commonwealth Bank Act 1945 (Cth) and Part V of the Reserve Bank Act 1959 (Cth) provide for the issue, re-issue and cancellation of 'Australian notes'. Section 34 of the Reserve Bank Act provides for the printing by or under the authority of the Reserve Bank of such notes. Section 35 provides for denominations of notes and s 36(1) provides that 'Australian notes are a legal tender throughout Australia'. Section 36(2) provides for a conversion of a note in a denomination of shillings or pounds to a denomination in decimal currency (for example, 10 shillings is a denomination of one dollar; one pound is a denomination of two dollars). Section 16 of the Currency Act 1965 (Cth) provides that tender of payment of money is a legal tender if made in coins made and issued under the Currency Act and the coins are of 'current weight' as defined. A tender of payment by coins is however legal tender subject to particular limitations (for example, if the tender is made up of coins that have a denomination of five cents, 10 cents, 20 cents or 50 cents or coins of two or more of those denominations, the tender will be a 'legal tender' for payment of an amount not exceeding five dollars. In the case of coins of a denomination greater than fifty cents but less than ten dollars, the limit is 10 times the face value of a coin of the denomination concerned). 'Currency' means the acceptance, reception, passing or circulation from hand to hand, from person to person, of metallic money or of government or bank notes as substitute for metallic money. 'Coinage' is the act or process of converting metal into money for circulation. The 'coining and legitimation of money' was one of the exclusive prerogatives of the Crown yet regulated by Act of Parliament from the 'earliest times'. 'Legal tender' is the act of tendering, in the performance of a contract, or in the satisfaction of a claim, that which the law prescribes or permits and at such time and place as the law prescribes or permits. As to these terms, see Quick and Garran, The Annotated Constitution of the Australian Commonwealth, (1901) pp 572-6. The provisions of the Reserve Bank Act and the Currency Act are both properly characterised as a law with respect to an enumerated head of power within s 51 of the Constitution. The power to make laws with respect to those heads of power is to be given full expression and is not subject to the limitation Mr Skyring contends for (Skyring v Federal Commissioner of Taxation (supra)). The contention that the provisions of the particular statutes are constitutionally invalid is, in my view, unarguable."*

https://freemandelusion.com/wp-content/uploads/2022/05/Skyring-v-Commissioner-of-Taxation-2007-FCA-1526.pdf

Alan Skyring sought leave to commence proceedings by way of judicial review, or more accurately by way of application for a prerogative writ, to challenge a decision in the Magistrate's Court under the *Transport Operations (Road Use Management) Act 1995*, to raise two very important points: first, a challenge to the whole order of Government in Queensland, and perhaps Australia, and second, to

the legality of the currency of Australia. In ***Skyring v Dixon [2010] QSC 150***, Fryberg J dismissed the application, noting his attempt at re-litigating variants of arguments already authoritatively disposed of.

https://freemandelusion.com/wp-content/uploads/2022/05/Skyring-v-Dixon-2010-QSC-150.pdf

The Court of Appeal decision of **Koteska v Phillips; Koteska v Commissioner of Police [2011] QCA 266** raised concerns that Alan Skyring might be attempting to assist litigants and involve himself in litigation brought by others when he was not a legal practitioner. The Legal Services Commissioner conducted an investigation, and wrote to him stating their concerns, concluding they decided not to take any further action at that time but will continue to monitor his conduct and may take the appropriate action that they deem necessary if it occurs again. Alan Skyring lodged an application with QCAT seeking a review of that decision by the Legal Services Commissioner. The Registrar David Bancroft advised him that his application for a review the decision of the Legal Services Commissioner had been rejected, so he filed an application with QCAT for an internal review of that decision, which was rejected by a Senior Member Michelle Howard.

In ***Skyring v Registrar Bancroft QCAT & Anor [2012] QSC 80***, Alan Skyring sought leave *"to bring an action in this court for Statutory and Judicial Review of two decisions made recently by QCAT on the applicant's Applications to review a decision made previously by the Legal Services Commissioner which was not only seriously in error in fact and law, but also highly defamatory of the applicant."* Ann Lyons J determined the proceeding is an abuse of process; or has been instituted to harass and annoy, or for another unlawful purpose, or is a proceeding instituted without reasonable ground. In dismissing the application, Her Honour noted (at 25):

> *"A perusal of Mr Skyring's reasons for his application clearly reveals that his motivation is not to have the decision of the Commissioner changed. Rather, it reveals that he is simply availing himself of yet another opportunity to 'rehash' arguments he has previously propounded unsuccessfully to a number of Courts and Tribunals."*

https://freemandelusion.com/wp-content/uploads/2022/05/Skyring-v-Registrar-Bancroft-QCAT-Anor-2012-QSC-80.pdf

Alan Skyring raised the currency argument again in 2013, defending a speeding fine. After it was rejected by Magistrate Springer in the Brisbane Magistrates Court, he then applied for a judicial review in ***Re Skyring [2013] QSC 197*** on the grounds that there was never any court determination on the issue, and the order declaring him a vexatious litigant should be set aside so he could institute proceedings *"unencumbered".* Mullins J refused leave and dismissed the application.

> *"White J in the course of giving the reasons for the 1995 order referred to the disposition of the applicant's currency issue against the applicant by Deane J in Re Skyring's Application (No 2) (1985) 59 ALJR 561 which decision was upheld by the Full Court of the High Court. That the applicant's argument was disposed on the merits has been recognised in other cases, such as Clampett v Kerslake (Electoral Commissioner of Qld) [2009] QCA 104. It is incontrovertible that the applicant's argument about what is legal tender was authoritatively determined against him in the High Court, as accurately recorded by White J in the reasons for the 1995 order. The applicant's desire to re-agitate an argument that has been settled authoritatively and resulted in the vexatious proceedings order against him."*

https://freemandelusion.com/wp-content/uploads/2020/06/re-skyring-2013-qsc-197.pdf

The Queensland District Registrar refused to accept Alan Skyring's documents for filing in three proposed originating applications and he sought leave to commence those proceedings, seeking an order rescinding the order made by Sackville J declaring him to be a vexatious litigant and compensation *"in appropriate quantum, manner and form"* for *"general distress"*, asserting that there has never been a final determination in Australian courts as to the *"ultimate fundamental law of this land"*, and whether it is beyond the Commonwealth's constitutional power to legislate so as to make paper money legal tender, rather than gold and silver coin. In ***Skyring, in the matter of Skyring [2014] FCA 397***, Rangiah J dismissed the application concluding (at 19-20):

> *"Mr Skyring's submission that there has been no final determination of the constitutionality of paper money as legal tender does not stand up to scrutiny. This issue has been conclusively determined. His obstinacy in continuing to attempt to commence proceedings which seek to reagitate the issue does not change that fact. I am satisfied that the application to review the decision of the District Registrar and each of the three proceedings that Mr Skyring wishes to commence are no more than attempts to relitigate issues that have already been exhaustively and finally determined in this Court and in other courts."*

https://freemandelusion.com/wp-content/uploads/2022/05/Skyring-in-the-matter-of-Skyring-2014-FCA-397.pdf

Skyring v Cooper & Anor [2014] QSC 103 was yet another application seeking leave to pursue his notorious currency argument and challenge to the validity of the *Australia Act* 1986 (Cth). Daubney J dismissed the application, concluding (at 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."*

https://freemandelusion.com/wp-content/uploads/2022/05/Skyring-v-Cooper-Anor-2014-QSC-103.pdf

Alan Skyring sought leave to commence three proceedings, the first was an application to reopen the judgment of McPherson J in *Skyring v Commissioner of Taxation of the Commonwealth* (No 5 of 1983), the second the judgment of Mullins J in *Re Skyring [2013] QSC 197*, seeking leave to bring a claim for compensation consequent on his being declared a vexatious litigant, and the third to review the order of Magistrate Young convicting him of the speeding offence. In ***Re Skyring [2014] QSC 28***, Peter Lyons J dismissed the application as vexatious, satisfied it was again seeking to litigate matters which have been decided adversely to him on a number of occasions.

https://freemandelusion.com/wp-content/uploads/2022/05/Re-Skyring-2014-QSC-28.pdf

Alan Skyring sought leave to set aside this decision of Lyons J, as well as the order made by Justice White J categorising him as a vexatious litigant, and again seeking a judicial review of the order made by a Magistrate Young. In ***Re Skyring [2014] QSC 61***, Wilson J began his judgement with the words *"Mr Skyring, whom it is not unfair nor I hope unkind to describe as irrepressible, is a vexatious litigant..."* His Honour dismissed the application, concluding (at 3-5) that:

> *"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. .. 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. 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."

https://freemandelusion.com/wp-content/uploads/2022/05/Re-Skyring-2014-QSC-61.pdf

One more attempt on the same matter in ***Re Skyring [2014] QSC 89***, where Atkinson J again dismissed the application, noting that through the pretext of contesting a speeding matter, Alan Skyring had numerous times applied for leave to re-litigate matters which have been endlessly litigated previously, concluding (at 20):

> *"Mr Skyring has been completely unable to articulate to me anything which makes this application any different from any application previously brought by him. Accordingly, in my view, the proceeding is a vexatious proceeding, and I dismiss the application."*

https://freemandelusion.com/wp-content/uploads/2022/05/Re-Skyring-2014-QSC-89-1.pdf

QLD Business/Property Lawyers: "***Forty Year Banknote Crusade Fails For 50th Time***":

The Queensland Supreme Court was challenged again in May by a litigant who for the past 40 years has been petitioning Australian courts to permit a rehearing of his already rejected argument, that the Australian banknotes are not legal tender because gold and silver coins are the only currency referred to in the Magna Carta.

Alan Skyring also contended for the invalidity of the Australia Act of 1986 passed by the Australian and UK Parliament to end the power of the UK to legislate with effect in Australia.

According to some reports, there are more than 50 sets of proceedings that have been commenced by Skyring (and rejected) and the list is growing.

The costs orders which he collected along the way have resulted in his bankruptcy.

Having been declared a "vexatious litigant" by Queensland's Justice Margaret White in April 1995, he is no longer entitled to issue legal proceedings in the sate without leave of the court.

The *Vexatious Proceedings Act* 2005 defines a "vexatious proceeding" to include a proceeding brought without merit or prospect of success.

Separate applications for similar relief have already been before the court on three earlier occasions in 2014 alone.

His latest "Quixotic" application came before Justice Martin Daubney who observed that his novel arguments were finally determined by the High Court of Australia in 1985 and Queensland Court of Appeal as recently as 2009.

His Honour ruled that the new action proposed was clearly vexatious and that by reason of the Act the court was required to dismiss his application for leave that a new claim could be commenced.

Skyring has nevertheless created a legacy. His arguments have been elevated by pub-talk to urban myths such that the incidence of the same non-sensical contentions being raised in court by other self-represented debtors, is on the rise.

In ***Re Skyring [2014] QSC 166***, Wilson J outlined what Alan Skyring generally sought, being the right to start proceedings against the Crown Solicitor and the Attorney-General for *"the rectification of an error of law"* in the decision of McPherson J in his 1983 taxation case, to set aside the order of White J declaring him to be a vexatious litigant, to bring an action setting aside bankruptcy proceedings against him in the 1980s, and then, to bring in the Attorney General with a view to having him intervene in an action about these matters so that they may be referred to the High Court, on the basis they involve constitutional questions on the validity of the currency and the *Australia Act 1986* (Cth), and to claim compensation to which he says he is entitled because of the *"anguish, pain and suffering"* those previous proceedings have caused him.

Since being convicted of the speeding offence, he has intended to use it as a vehicle to bring an action for judicial review, not to challenge any order made by the learned magistrate but, rather, the validity of the *Judicial Review Act 1991* (Qld) which no longer provides for reference to the Crown for the purpose of obtaining prerogative writs. After citing the many previous decisions where his contentions had been adequately addressed, Wilson J dismissed the application, concluding (at 20):

> *"For whatever reason, he persists. This perseverance on his part is disturbing. It cannot be good for him, and it is detrimental to the proper administration of justice– a busy court, occupied with efforts to adjudicate upon and resolve genuine legal disputes, ought not be repeatedly compelled to entertain pointless, unmeritorious but relentless applications from a declared vexatious litigant, and the legislation needs amendment to prevent that."*

https://freemandelusion.com/wp-content/uploads/2022/05/Re-Skyring-2014-QSC-166.pdf

Skyring, In the matter of an application for leave to issue a proceeding [2014] HCATrans 240 seems to be Alan Skyring's final attempt at bringing these matters before the High Court. Bell J refused leave in a single sentence.

https://freemandelusion.com/wp-content/uploads/2022/05/Skyring-In-the-matter-of-an-application-for-leave-to-issue-a-proceeding-2014-HCATrans-240.pdf

This contention has been raised very often in the courts. A summary can be found in the article "***Section 115 - Cash is no good for debts***" and you can read further cases on this website under the Tag "***The Currency Argument***".

Free download 10 page index guide ***Australian Pseudolaw Argumentation***.