

In reply please quote: 2005/06608 J/05/05169

Mr Neil Laurie
The Clerk of Parliament
Parliament House
Cnr Alice and George Streets
BRISBANE QLD 4000

Dear Mr Laurie

Thank you for your letter dated 11 October 2005 enclosing the wording of a petition lodged by Dr B. Flegg MP, Member for Moggill, received by the House on 6 October 2005. The petition is dated 25 September 2005 and is signed by Allan George Skyring.

Under standing orders of Parliament, I, as the responsible Minister, forward my response to the petition.

The contents of the petition draw to the attention of the House what is described by the petitioner as highly improper practice adopted by the Brisbane Supreme Court Registry.

The Department has investigated this matter and advises that Mr Skyring wished to file a petition in the Court of Disputed Returns challenging the return of the Premier as Member for Brisbane Central in the 2004 general election. On 5 April 1995, Allan George Skyring was declared a vexatious litigant under the Vexatious Litigants Act 1981 (since repealed and replaced by the Vexatious Litigants Act 2005). Mr Skyring was a candidate for the election and would otherwise be a person who might bring such proceedings. However leave is necessary for a vexatious litigant to bring such a petition. As Mr Skyring has been declared a vexatious litigant, the Registry requires leave to be had and obtained by him for any matter he may seek to litigate.

On 6 April 2004, the court heard an application by Mr Skyring for an order for the revocation of the declaration that he is a vexatious litigant. The application was heard by His Honour Justice Mackenzie (Skyring v Lohe [2004] QSC 089).

On 13 April 2004 His Honour refused Mr Skyring's application with costs. The court held that there was no basis upon which an order for revocation could be made and that the Registry was entitled to refuse to receive an application in respect of which leave of a Supreme Court Judge had not been given.

In the circumstances, I am of the view that there is no need for further action on the petition in light of the decision of the Court.

Yours sincerely

Hon Linda Lavarch MP
Attorney-General and Minister for Justice