

1985-047

IN THE MATTER OF AN APPLICATION FOR A WRIT OF CERTIORARI
AGAINST THE HONOURABLE SIR WALTER CAMPBELL, CHIEF JUSTICE
AND JUSTICES WILLIAMS AND RYAN OF THE SUPREME COURT OF
QUEENSLAND: EX PARTE ALAN GEORGE SKYRING

JUDGMENT
(ORAL)

9/7/85
WILSON J.

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By Notice of Motion dated 18 February 1985 Mr Skyring sought an Order that leave be granted "to exhibit an information of quo warranto against that body known as 'Cabinet' headed by the 'Premier'". The reference is to the Cabinet of Queensland and to the Premier of Queensland. The proceedings were instituted in the Supreme Court of Queensland on 25 February 1985. Thomas J. refused leave. Mr Skyring then appealed to the Full Court of the Supreme Court of Queensland. Judgment was given in the appeal on 19 April 1985 when the appeal was unanimously dismissed. No proceedings by way of appeal have been prosecuted in respect of that decision.

The present application seeks a writ of certiorari to quash the decision of the Full Court on the appeal. I have had the benefit of both oral argument and submissions in the form of an affidavit in writing sworn by Mr Skyring. He 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) seeking the issue of a writ of quo warranto directed to certain members of the Federal Cabinet. That matter was heard by

Brennan J. in Canberra on 6 August 1984. His Honour refused the application. Having the benefit of the reasons both of Brennan J. and of the Full Court of the Supreme Court of Queensland on the question whether any facts were shown by Mr Skyring to support the issue of a writ of quo warranto it is sufficient for me simply to say that, with respect, I agree with the judgments that have been delivered. The decision of the Full Court in the present matter is plainly right and no good purpose would be served by permitting further review of the kind sought by Mr Skyring. The fundamental attack that Mr Skyring wishes to make on the conventions that underlie the system of responsible government in Australia are not matters which are justiciable in proceedings such as these. It is therefore unnecessary to discuss the jurisdictional difficulties that would lie in respect of the application. See re Bowen: ex parte Federated Clerks Union of Australia (1984) 58 A.L.J.R. 365.

The application is refused.