2021-2022

THE

FEDERAL COURT REPORTS

THE AUTHORISED REPORTS OF DECISIONS OF THE FEDERAL COURT OF AUSTRALIA

> EDITOR VICTOR KLINE

CONSULTING EDITORS DR OREN BIGOS QC DAVID ASH

VOLUME 288

LAWBOOK CO.

2022

SENIOR REPORTERS

DR ALEXIS WALLACE DAVID ASH ELENI KANNIS VICTOR KLINE ROBERT SIZE

REPORTERS

BERNARD ANDARY MITCHELL BRUNKER SAMUEL CUMMINGS PAUL JEFFREYS NATHAN LI

PRODUCTION EDITOR MYUNG COLE



© 2022 Thomson Reuters (Professional) Australia Limited ABN 64 058 914 668 Published in Sydney

Lawbook Co.

Printed by Ligare Pty Ltd, Riverwood, NSW

ISSN 0813-7803

FEDERAL COURT OF AUSTRALIA

CHIEF JUSTICE

THE HONOURABLE JAMES LESLIE BAIN ALLSOP, AO

JUDGES

THE HONOURABLE SUSAN CORALIE KENNY AM THE HONOURABLE STEVEN DAVID RARES THE HONOURABLE BERNA COLLIER THE HONOURABLE ANTHONY JAMES BESANKO THE HONOURABLE JOHN ERIC MIDDLETON THE HONOURABLE JOHN ALEXANDER LOGAN. RFD THE HONOURABLE NYE PERRAM THE HONOURABLE JAYNE MARGARET JAGOT THE HONOURABLE JOHN VICTOR NICHOLAS THE HONOURABLE DAVID MARKEY YATES THE HONOURABLE MORDECAI BROMBERG THE HONOURABLE ANNA JUDITH KATZMANN THE HONOURABLE BERNARD MURPHY THE HONOURABLE IAIN ROSS, AO THE HONOURABLE KATHLEEN FARRELL THE HONOURABLE DEBRA SUE MORTIMER THE HONOURABLE DARRYL RANGIAH

THE HONOURABLE MICHAEL WIGNEY THE HONOURABLE MELISSA PERRY THE HONOURABLE JONATHAN BARRY RASHLEIGH BEACH THE HONOURABLE BRIGITTE SANDRA MARKOVIC THE HONOURABLE MARK KRANZ MOSHINSKY THE HONOURABLE ROBERT BROMWICH THE HONOURABLE NATALIE CHARLESWORTH THE HONOURABLE STEPHEN BURLEY THE HONOURABLE DAVID JOHN O'CALLAGHAN THE HONOURABLE MICHAEL BRYAN JOSHUA LEE THE HONOURABLE ROGER MARC DERRINGTON THE HONOURABLE DAVID GRAHAM THOMAS THE HONOURABLE SARAH CATHERINE DERRINGTON (ALRC) THE HONOURABLE KATRINA FRANCES BANKS-SMITH THE HONOURABLE CRAIG GRIERSON COLVIN THE HONOURABLE THOMAS MICHAEL THAWLEY THE HONOURABLE MICHAEL FRANCIS WHEELAHAN THE HONOURABLE ANGUS MORKEL STEWART THE HONOURABLE MICHAEL HUGH O'BRYAN THE HONOURABLE DARREN JOHN JACKSON THE HONOURABLE JOHN LESLIE SNADEN THE HONOURABLE STEWART MAXWELL ANDERSON THE HONOURABLE WENDY JANE ABRAHAM THE HONOURABLE JOHN HALLEY THE HONOURABLE ELIZABETH CHEESEMAN THE HONOURABLE HELEN MARY JOAN ROFE THE HONOURABLE KYLIE ELIZABETH DOWNES THE HONOURABLE SCOTT ANTHONY GOODMAN THE HONOURABLE PATRICK O'SULLIVAN THE HONOURABLE SHAUN BRENDAN MCELWAINE THE HONOURABLE MICHAEL JAMES FEUTRILL THE HONOURABLE FIONA MEAGHER THE HONOURABLE TIMOTHY McEVOY THE HONOURABLE LISA HESPE THE HONOURABLE ELIZABETH RAPER