

2022

THE

FEDERAL COURT

REPORTS

THE AUTHORISED REPORTS OF DECISIONS OF
THE FEDERAL COURT OF AUSTRALIA

EDITOR
VICTOR KLINE

CONSULTING EDITORS
DR OREN BIGOS KC
DAVID ASH

VOLUME 291

LAWBOOK CO.

2023

SENIOR REPORTERS

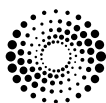
DR ALEXIS WALLACE
DAVID ASH
SAMUEL CUMMINGS
ELENI KANNIS

REPORTERS

BERNARD ANDARY
MITCHELL BRUNKER
FRANCIS CARDELL-OLIVER
TIMOTHY CROSS
NATHAN LI

PRODUCTION EDITOR

MYUNG COLE



THOMSON REUTERS

© 2023 Thomson Reuters (Professional) Australia Limited
ABN 64 058 914 668

Lawbook Co.

Published in Sydney

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 (retired 25 December 2022)

THE HONOURABLE JOHN ALEXANDER LOGAN, RFD

THE HONOURABLE NYE PERRAM

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 McELWAINÉ
THE HONOURABLE MICHAEL JAMES FEUTRILL
THE HONOURABLE FIONA MEAGHER
THE HONOURABLE TIMOTHY McEVOY
THE HONOURABLE LISA HESPE
THE HONOURABLE ELIZABETH RAPER
THE HONOURABLE GEOFFREY ROSS KENNETT (appointed 19 December 2022)
THE HONOURABLE CATHERINE GAIL BUTTON (appointed 16 January 2023)