

2023

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 298

LAWBOOK CO.

2024

SENIOR REPORTERS

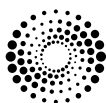
SAMUEL CUMMINGS
ELENI KANNIS
VICTOR KLINE
RAFFAELE PICCOLO

REPORTERS

FRANCIS CARDELL-OLIVER
TIMOTHY CROSS
NATHAN LI

PRODUCTION EDITOR

MYUNG COLE



THOMSON REUTERS

© 2024 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 DEBRA SUE MORTIMER

JUDGES

THE HONOURABLE SUSAN CORALIE KENNY AM (retired 29 November 2023)

THE HONOURABLE STEVEN DAVID RARES (retired 15 November 2023)

THE HONOURABLE BERNA COLLIER

THE HONOURABLE ANTHONY JAMES BESANKO

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 KATHLEEN FARRELL

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 AM
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 McELWAIN
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
THE HONOURABLE CATHERINE GAIL BUTTON
THE HONOURABLE IAN McNEIL JACKMAN
THE HONOURABLE ADAM HATCHER
THE HONOURABLE EMILIOS KYROU AO
THE HONOURABLE CHRISTOPHER HORAN
THE HONOURABLE YASEEN SHARIFF