

1988-1990

THE  
FEDERAL COURT  
REPORTS

THE AUTHORISED REPORTS OF DECISIONS OF  
THE FEDERAL COURT OF AUSTRALIA

**EDITORS**

J M BATT QC

VICTOR KLINE

*Barrister-at-Law*

VOLUME 22

THE LAW BOOK COMPANY LIMITED

1991

## REPORTERS

JOHN BALAZS  
J M BATT  
J M BENNETT  
MICHAEL CHRISTIE  
R J DAVIES  
R W DAVIS  
VICTOR KLINE  
G C LINDSAY  
KENNETH J MARTIN  
G L MUECKE  
BRIAN MUELLER  
BRIAN PRESTON  
RODEN PRITCHARD  
M W SHAND  
MATTHEW SMITH  
LEANNE THOMAS  
R R S TRACEY  
W J N WELLS  
STANLEY YEO  
*Barristers-at-Law*

Published in Sydney by  
The Law Book Company Limited  
44-50 Waterloo Road, North Ryde, NSW  
490 Bourke Street, Melbourne, Victoria  
40 Queen Street, Brisbane, Queensland  
81 St George's Terrace, Perth, WA

ISSN 0813-7803

© The Law Book Company Limited 1991

Typeset by the Law Book Company Ltd, North Ryde, NSW  
Printed by Ligare Pty Ltd, Punchbowl, NSW

# FEDERAL COURT OF AUSTRALIA

## CHIEF JUSTICE

THE HONOURABLE SIR NIGEL HUBERT BOWEN, KBE

## JUDGES

THE HONOURABLE CHARLES AUGUSTINE SWEENEY, CBE

THE HONOURABLE SIR ALBERT EDWARD WOODWARD, OBE  
(retired 31 July 1990)

THE HONOURABLE RAYMOND MOYLE NORTHROP

THE HONOURABLE JOHN AUGUSTINE KEELY

THE HONOURABLE FRANCIS ROBERT FISHER

THE HONOURABLE JOHN FOSTER GALLOP

THE HONOURABLE JOHN DARYL DAVIES

THE HONOURABLE JOHN STANLEY LOCKHART

THE HONOURABLE IAN FITZHARDINGE SHEPPARD

THE HONOURABLE JOHN JOSEPH ANTHONY KELLY  
(retired 1 July 1990)

THE HONOURABLE TREVOR REES MORLING

THE HONOURABLE KENNETH JOSEPH JENKINSON

THE HONOURABLE ALAN REGINALD NEAVES

THE HONOURABLE BRYAN ALAN BEAUMONT

THE HONOURABLE MURRAY RUTLEDGE WILCOX

THE HONOURABLE JEFFREY ERNEST JOHN SPENDER

THE HONOURABLE PETER ROSS AWDRY GRAY

THE HONOURABLE CECIL WILLIAM PINCUS

THE HONOURABLE JAMES CHARLES SHOLTO BURCHETT

THE HONOURABLE JEFFREY ALLAN MILES

THE HONOURABLE DONNELL MICHAEL RYAN

THE HONOURABLE WILLIAM MONTAGUE CHARLES GUMMOW

THE HONOURABLE ROBERT SHENTON FRENCH

THE HONOURABLE MARCUS RICHARD EINFELD

THE HONOURABLE TREVOR RUSSELL HARTIGAN  
(died 24 April 1990)

HONOURABLE MICHAEL LEDER FOSTER

HONOURABLE ALASTAIR BOTHWICK NICHOLSON

HONOURABLE MALCOLM CAMERON LEE

THE HONOURABLE HOWARD WILLIAM OLNEY  
THE HONOURABLE JOHN WILLIAM VON DOUSSA  
THE HONOURABLE DONALD GRAHAM HILL  
THE HONOURABLE MAURICE FRANCIS O'LOUGHLIN  
THE HONOURABLE DEIRDRE FRANCES O'CONNOR  
THE HONOURABLE TERENCE JOHN HIGGINS  
THE HONOURABLE JOHN HARBER PHILLIPS