

1989-1990

THE
FEDERAL COURT
REPORTS

THE AUTHORISED REPORTS OF DECISIONS OF
THE FEDERAL COURT OF AUSTRALIA

EDITOR
VICTOR KLINE
Barrister-at-Law

CONSULTING EDITOR
J M BATT QC

VOLUME 23

THE LAW BOOK COMPANY LIMITED

1991

REPORTERS

JOHN BALAZS
J M BENNETT
GREGORY BURTON
RUTH CHARLTON
R W DAVIS
JUSTIN FLEMING
COLIN GOLVAN
VICTOR KLINE
G C LINDSAY
KENNETH J MARTIN
G PESCE
RODEN PRITCHARD
M W SHAND
MATTHEW SMITH
LEANNE THOMAS
R R S TRACEY

PRODUCTION EDITOR

SIMONE BROWN

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 MICHAEL ERIC JOHN BLACK
THE HONOURABLE SIR NIGEL HUBERT BOWEN, KBE
(retired 31 December 1990)

JUDGES

THE HONOURABLE CHARLES AUGUSTINE SWEENEY, CBE
THE HONOURABLE RAYMOND MOYLE NORTHROP
THE HONOURABLE JOHN AUGUSTINE KEELY
THE HONOURABLE FRANCIS ROBERT FISHER
(retired 1 August 1989)
THE HONOURABLE JOHN FOSTER GALLOP
THE HONOURABLE JOHN DARYL DAVIES
THE HONOURABLE JOHN STANLEY LOCKHART
THE HONOURABLE IAN FITZHARDINGE SHEPPARD
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
MARCUS RICHARD EINFELD
THE HONOURABLE TREVOR RUSSELL HARTIGAN
(died 24 April 1990)
THE HONOURABLE MICHAEL LEDER FOSTER
THE HONOURABLE ALASTAIR BOTHWICK NICHOLSON
THE 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
THE HONOURABLE PETER CADDEN HEEREY
(appointed 17 December 1990)