## 1993

# 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 41

THE LAW BOOK COMPANY LIMITED

1994

#### REPORTERS

ANTHONY H SLATER OC RICHARD R S TRACEY QC JUSTINE BEAUMONT DR J M BENNETT CARLA BUCKLEY CHRIS CALEO JOHN CARVAN RONALD J DESIATNIK COLIN GOLVAN PETER HANKS KAREN HAZAN NICHOLAS ILES VICTOR KLINE PAUL McQUADE KENNETH J MARTIN IAN PIKE **RODEN PRITCHARD** KIERAN SMARK BRUCE SMITH MATTHEW SMITH

#### **PRODUCTION EDITOR**

Lydia Papandrea

Published in Sydney by The Law Book Company Limited 44-50 Waterloo Road, North Ryde, NSW 568 Lonsdale Street, Melbourne, Victoria 40 Queen Street, Brisbane, Queensland 81 St George's Terrace, Perth, WA

ISSN 0813-7803

© The Law Book Company Limited 1994

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

#### FEDERAL COURT OF AUSTRALIA

#### CHIEF JUSTICE

#### THE HONOURABLE MICHAEL ERIC JOHN BLACK

#### JUDGES

THE HONOURABLE CHARLES AUGUSTINE SWEENEY, CBE THE HONOURABLE RAYMOND MOYLE NORTHROP THE HONOURABLE JOHN AUGUSTINE KEELY THE HONOURABLE JOHN FOSTER GALLOP THE HONOURABLE JOHN DARYL DAVIES THE HONOURABLE JOHN STANLEY LOCKHART THE HONOURABLE IAN FITZHARDINGE SHEPPARD, AO 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 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 MICHAEL LEADER FOSTER THE HONOURABLE ALASTAIR BOTHWICK NICHOLSON, RSD 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 PETER CADDEN HEEREY

- THE HONOURABLE DOUGLAS PATON DRUMMOND
- THE HONOURABLE RICHARD ELLARD COOPER
- THE HONOURABLE ANTONY PHILIP WHITLAM
- THE HONOURABLE MARGARET JOAN BEAZLEY