

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 43

THE LAW BOOK COMPANY LIMITED

1994

REPORTERS

PENNY BROWN
NEIL BURNS
CHRIS CALEO
JOHN CARVAN
MARY DESSES
PETER HANKS
NICHOLAS ILES
VICTOR KLINE
DAVID MACLEAN
IAN PIKE
RODEN PRITCHARD
BRUCE SMITH
MATTHEW SMITH
ANDREW STRUM
KRISTEN WALKER
CAROL WEBSTER

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, AO, RFD
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
THE HONOURABLE CHRISTOPHER JOHN SEYMOUR
METFORD CARR