### 1993-1994

# THE FEDERAL COURT REPORTS

THE AUTHORISED REPORTS OF DECISIONS OF THE FEDERAL COURT OF AUSTRALIA

EDITOR VICTOR KLINE

Barrister-at-Law

CONSULTING EDITOR
DAVID CATTERNS QC

VOLUME 48

THE LAW BOOK COMPANY LIMITED
1994

#### REPORTERS

ANTHONY H SLATER QC RICHARD R S TRACEY OC DR J M BENNETT PENELOPE BROWN CARLA BUCKLEY CHRISTOPHER CALEO JOHN CARVAN MARY DESSES PETER HANKS NICHOLAS ILES VICTOR KLINE MARK LEEMING IAN PIKE RODEN PRITCHARD MATTHEW SMITH ANDREW STRUM LEANNE THOMAS CAROL WEBSTER

## PRODUCTION EDITORS LYDIA PAPANDREA KYLIE JEROME

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

#### FEDERAL COURT OF AUSTRALIA

#### CHIEF JUSTICE

#### THE HONOURABLE MICHAEL ERIC JOHN BLACK

#### **JUDGES**

THE	HONOURABLE	CHARLES AUGUSTINE SWEENEY, CBE
Тне	HONOURABLE	RAYMOND MOYLE NORTHROP
Тне	HONOURABLE	JOHN AUGUSTINE KEELY
Тне	HONOURABLE	JOHN FOSTER GALLOP
Тне	HONOURABLE	JOHN DARYL DAVIES
Тне	HONOURABLE	JOHN STANLEY LOCKHART
Тне	HONOURABLE	IAN FITZHARDINGE SHEPPARD, AO
Тне	HONOURABLE	TREVOR REES MORLING
Тне	HONOURABLE	KENNETH JOSEPH JENKINSON
Тне	HONOURABLE	ALAN REGINALD NEAVES
Тне	HONOURABLE	BRYAN ALAN BEAUMONT
Тне	HONOURABLE	MURRAY RUTLEDGE WILCOX
Тне	HONOURABLE	JEFFREY ERNEST JOHN SPENDER
Тне	HONOURABLE	PETER ROSS AWDRY GRAY
Тне	HONOURABLE	JAMES CHARLES SHOLTO BURCHETT
THE	HONOURABLE	JEFFREY ALLAN MILES
Тне	HONOURABLE	DONNELL MICHAEL RYAN
Тне	HONOURABLE	WILLIAM MONTAGUE CHARLES GUMMOW
Тне	HONOURABLE	ROBERT SHENTON FRENCH
Тне	HONOURABLE	MARCUS RICHARD EINFELD
Тне	HONOURABLE	MICHAEL LEADER FOSTER
ТΉЕ	HONOURABLE	ALASTAIR BOTHWICK NICHOLSON, AO, RFD
Тне	HONOURABLE	MALCOLM CAMERON LEE
Тне	HONOURABLE	HOWARD WILLIAM OLNEY
ТΉЕ	HONOURABLE	JOHN WILLIAM VON DOUSSA
Тне	HONOURABLE	DONALD GRAHAM HILL
Тне	HONOURABLE	Maurice Francis O'Loughlin
Тне	HONOURABLE	DEIRDRE FRANCES O'CONNOR
ТнЕ	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

THE HONOURABLE MICHAEL FRANCIS MOORE

THE HONOURABLE CATHERINE MARGARET BRANSON

THE HONOURABLE KEVIN EDMUND LINDGREN

THE HONOURABLE BRIAN JOHN TAMBERLIN