

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 53

THE LAW BOOK COMPANY LIMITED

1995

**REPORTERS**

ANTHONY H SLATER QC  
JUSTINE BEAUMONT  
PENNY BROWN  
CARLA BUCKLEY  
CHRIS CALEO  
JOHN CARVAN  
RONALD J DESIATNIK  
MARY DESSES  
COLIN GOLVAN  
PETER HANKS  
NICHOLAS ILES  
SUSANNA KHOURI  
VICTOR KLINE  
RICHARD LANCASTER  
MARK LEEMING  
IAN PIKE  
BRIAN PRESTON  
RODEN PRITCHARD  
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  
77 St George's Terrace, Perth, WA

ISSN 0813-7803

© The Law Book Company Limited 1995

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 NORTHPROP

THE HONOURABLE JOHN AUGUSTINE KEELY

THE HONOURABLE JOHN FOSTER GALLOP

THE HONOURABLE JOHN DARYL DAVIES

THE HONOURABLE JOHN STANLEY LOCKHART, AO

THE HONOURABLE IAN FITZHARDINGE SHEPPARD, AO

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, AO

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  
THE HONOURABLE MICHAEL FRANCIS MOORE  
THE HONOURABLE CATHERINE MARGARET BRANSON  
THE HONOURABLE JANE HAMILTON MATHEWS  
THE HONOURABLE KEVIN EDMUND LINDGREN  
THE HONOURABLE BRIAN JOHN MICHAEL TAMBERLIN  
THE HONOURABLE RONALD SACKVILLE  
THE HONOURABLE SUSAN MARY KIEFEL