

1995

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 58

LBC INFORMATION SERVICES

1996

REPORTERS

JUSTINE BEAUMONT
CARLA BUCKLEY
CHRIS CALEO
RONALD J DESIATNIK
PETER HANKS
NICHOLAS ILES
SUSANNA KHOURI
VICTOR KLINE
RICHARD LANCASTER
DAVID MACLEAN
BRIAN PRESTON
RODEN PRITCHARD
MATTHEW SMITH
ANNE WARDELL

PRODUCTION EDITORS

LYDIA PAPANDREA
HELEN MAMAS

Published in Sydney by
LBC Information Services
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

© 1996 The Law Book Company Limited t/as LBC Information Services

Typeset by LBC Information Services, 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 RAYMOND MOYLE NORTHROP

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 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

(appointed to the office of a Justice of the High Court on 21 April 1995)

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
THE HONOURABLE ROBERT DAVID NICHOLSON
THE HONOURABLE PAUL DESMOND FINN
THE HONOURABLE ROSS ALAN SUNDBERG
THE HONOURABLE SHANE RAYMOND MARSHALL
THE HONOURABLE JOHN ROBERT FELIX LEHANE
THE HONOURABLE ANTHONY MAX NORTH
THE HONOURABLE RODNEY NEVILLE MADGWICK
THE HONOURABLE RONALD MERKEL