

1997

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 74

LBC INFORMATION SERVICES

1998

REPORTERS

JUSTINE BEAUMONT
DR J M BENNETT
CHRISTOPHER CALEO
JOHN CARVAN
DR RONALD J DESIATNIK
MALCOLM EVANS
PETER HANKS
ANDREW HOMER
CARMEL HOUGHTON
NICHOLAS ILES
MAREE KENNEDY
VICTOR KLINE
DAVID MACLEAN
IAN PIKE
RODEN PRITCHARD
MATTHEW SMITH
KRISTEN WALKER

PRODUCTION EDITORS

PAUL O' BEIRNE
JULIE SANDERS

Published in Sydney by
LBC Information Services
50 Waterloo Road, North Ryde, NSW
239 George Street, Brisbane, Queensland
77 St George's Terrace, Perth, WA

ISSN 0813-7803

© Thompson Professional Information Asia Pacific Pty Ltd t/as LBC
Information Services 1998

Typeset by Mercier Typesetters, Granville, NSW
Printed by Ligare Pty Ltd, Riverwood, NSW

FEDERAL COURT OF AUSTRALIA

CHIEF JUSTICE

THE HONOURABLE MICHAEL ERIC JOHN BLACK, AC

JUDGES

THE HONOURABLE RAYMOND MOYLE NORTHROP

THE HONOURABLE JOHN FOSTER GALLOP, AM, RFD

THE HONOURABLE JOHN DARYL DAVIES

THE HONOURABLE JOHN STANLEY LOCKHART, AO

THE HONOURABLE IAN FITZHARDINGE SHEPPARD, AO
(retired 23 May 1997)

THE HONOURABLE KENNETH JOSEPH JENKINSON
(retired 5 June 1997)

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 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 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
THE HONOURABLE JOHN RONALD MANSFIELD
THE HONOURABLE ALAN HENRY GOLDBERG
THE HONOURABLE ARTHUR ROBERT EMMETT
THE HONOURABLE RAYMOND ANTONY FINKELSTEIN
THE HONOURABLE GEOFFREY MICHAEL GIUDICE