

1998-1999

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 91

LBC INFORMATION SERVICES

2000

**REPORTERS**

PETER HANKS QC  
PAUL AHERNE  
DR RONALD J DESIATNIK  
NICHOLAS ILES  
VICTOR KLINE  
KATRINA MORRIS  
RODEN PRITCHARD  
MATTHEW SMITH  
MATTHEW WHITE

**PRODUCTION EDITORS**

PAUL O' BEIRNE  
CLAIRE JENSEN

Published in Sydney by  
LBC Information Services  
100 Harris Street, Pyrmont, NSW

ISSN 0813-7803

© 2000 LBC Information Services a part of Thomson Legal & Regulatory Group  
Asia Pacific Limited ACN 058 914 668

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 JOHN FOSTER GALLOP, AM, RFD

THE HONOURABLE JOHN DARYL DAVIES

(retired 31 August 1998)

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, AO

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  
THE HONOURABLE MARK SAMUEL WEINBERG  
THE HONOURABLE JOHN ALFRED DOWSETT  
THE HONOURABLE LESLIE SYDNEY KATZ  
THE HONOURABLE PETER GRAHAM HELY  
THE HONOURABLE SUSAN CORALIE KENNY  
THE HONOURABLE ROGER VINCENT GYLES