

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 92

LBC INFORMATION SERVICES

2000

REPORTERS

PETER HANKS QC
BRIAN J PRESTON SC
RICHARD R S TRACEY QC
PAUL AHERNE
DR J M BENNETT
JOHN CARVAN
DR RONALD J DESIATNIK
NICHOLAS ILES
VICTOR KLINE
ANTHONY MCINERNEY
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