2000-2001

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 108

LAWBOOK CO.

2001

REPORTERS

RICHARD R S TRACEY QC DR J M BENNETT OREN BIGOS IAN P FARRELL OLIVER RICHARD JONES KATRINA MORRIS BENJAMIN O'DONNELL RODEN PRITCHARD MATTHEW SMITH KRISTEN WALKER MATTHEW WHITE

PRODUCTION EDITORS

PAUL O' BEIRNE HELEN PONTIKIS

Published in Sydney by Lawbook Co. 100 Harris Street, Pyrmont, NSW

ISSN 0813-7803

Published in Sydney by

LAWBOOK CO.

A THOMSON COMPANY

© Thomson Legal & Regulatory Limited ABN 64 058 914 668 trading as Lawbook Co.



FEDERAL COURT OF AUSTRALIA

CHIEF JUSTICE

THE HONOURABLE MICHAEL ERIC JOHN BLACK, AC

JUDGES

THE HONOURABLE BRYAN ALAN BEAUMONT

THE HONOURABLE MURRAY RUTLEDGE WILCOX

THE HONOURABLE JEFFREY ERNEST JOHN SPENDER

THE HONOURABLE PETER ROSS AWDRY GRAY

THE HONOURABLE JEFFREY ALLAN MILES, AO

THE HONOURABLE DONNELL MICHAEL RYAN

THE HONOURABLE ROBERT SHENTON FRENCH

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 (retired 6 April 2001)

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 (deceased 11 September 2001)

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, AO

THE HONOURABLE RICHARD ALAN CONTI

THE HONOURABLE MARGARET ACKARY STONE

THE HONOURABLE JAMES LESLIE BAIN ALLSOP