

2002

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 118

LAWBOOK CO.

2003

**REPORTERS**

RICHARD R S TRACEY QC  
DR J M BENNETT  
DAVID ASH  
JUSTINE BEAUMONT  
OREN BIGOS  
CHRISTINA GEE  
KATRINA HART  
OLIVER RICHARD JONES  
VICTOR KLINE  
KATRINA MORRIS  
RODEN PRITCHARD  
MATTHEW SMITH  
KRISTEN WALKER

**PRODUCTION EDITOR**

HELEN PONTIKIS

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

ISSN 0813-7803

**THOMSON**  

---

**LAWBOOK CO.**

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

LAWBOOK CO.

ATP



BROOKERS

Sweet & Maxwell



Typeset by Lawbook Co., Pyrmont, NSW  
Printed by Ligare Pty Ltd, Riverwood, NSW

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 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

(resigned 30 April 2003)

THE HONOURABLE JOHN WILLIAM VON DOUSSA

THE HONOURABLE DONALD GRAHAM HILL

THE HONOURABLE TERENCE JOHN HIGGINS

THE HONOURABLE PETER CADDEN HEEREY

THE HONOURABLE DOUGLAS PATON DRUMMOND

(resigned 12 April 2003)

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 KEVIN EDMUND LINDGREN

THE HONOURABLE BRIAN JOHN MICHAEL TAMBERLIN

THE HONOURABLE RONALD SACKVILLE

THE HONOURABLE SUSAN MARY KIEFEL

THE HONOURABLE ROBERT DAVID NICHOLSON, AO

THE HONOURABLE PAUL DESMOND FINN

THE HONOURABLE ROSS ALAN SUNDBERG

THE HONOURABLE SHANE RAYMOND MARSHALL  
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 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  
THE HONOURABLE GARRY KEITH DOWNES, AM  
THE HONOURABLE PETER MICHAEL JACOBSON  
THE HONOURABLE BRADLEY MAXWELL SELWAY  
THE HONOURABLE ANNABELLE CLAIRE BENNETT  
(appointed 5 May 2003)