# 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 121

LAWBOOK CO.

2003

#### REPORTERS

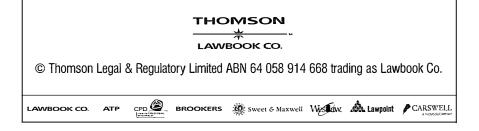
RICHARD R S TRACEY QC DR J M BENNETT DAVID ASH KATE AXUP OREN BIGOS CHRISTINA GEE KATRINA HART VICTOR KLINE KATRINA MORRIS RODEN PRITCHARD MATTHEW SMITH KRISTEN WALKER

#### **PRODUCTION EDITORS**

Helen Pontikis Anna Cox

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

ISSN 0813-7803



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 John William von Doussa
The Honourable Donald Graham Hill
The Honourable Terence John Higgins
The Honourable Peter Cadden Heerey
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 THE HONOURABLE BRUCE THOMAS LANDER