2003

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 131

LAWBOOK CO.

2004

REPORTERS

DAVID ASH
DR JM BENNETT
OREN BIGOS
MATTHEW SMITH
RODEN PRITCHARD
DAVID FC THOMAS
ALEXIS WALLACE

PRODUCTION EDITORS

LINDA PEARSON ANNA COX

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

ISSN 0085-0462

THOMSON

LAWBOOK CO.

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

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 (retired, 31 May 2004)

THE HONOURABLE MALCOLM CAMERON LEE

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

THE HONOURABLE SUSAN MAREE CRENNAN