# 2003-2004

# 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 135

LAWBOOK CO.

2005

#### REPORTERS

DAVID ASH DR JM BENNETT OREN BIGOS NICHOLAS GOULIADITIS MARION ISOBEL KATRINA MORRIS KATE PARLETT 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 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

#### CHIEF JUSTICE

#### THE HONOURABLE MICHAEL ERIC JOHN BLACK, AC

#### JUDGES

THE HONOURABLE BRYAN ALAN BEAUMONT, AO (resigned, 11 February 2005) 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. AO THE HONOURABLE BRUCE THOMAS LANDER THE HONOURABLE SUSAN MAREE CRENNAN

## Corrigendum

**133 FCR 496 at 497:** Delete '*M Byers* (solicitor), for the appellant. *I Archibald*, for the respondent' and insert '*I Archibald* for the appellant. *T Reilly* for the respondent.'

133 FCR 496 at 505: Insert 'Solicitors for the appellant: M Byers.'

132 FCR 273: Insert '(No 2)' after the title Wenkart v Pantzer and Another.