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 137

LAWBOOK CO.

2005

REPORTERS

DAVID ASH KATE AXUP OREN BIGOS VICTOR KLINE KATRINA MORRIS 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, 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 (died, 14 March 2005) THE HONOURABLE ANTONY PHILIP WHITLAM (resigned, 1 May 2005) 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 (died, 10 April 2005) THE HONOURABLE ANNABELLE CLAIRE BENNETT, AO THE HONOURABLE BRUCE THOMAS LANDER THE HONOURABLE SUSAN MAREE CRENNAN THE HONOURABLE ANTHONY NICHOLAS SIOPIS (appointed, 14 April 2005) THE HONOURABLE RICHARD FRANCIS EDMONDS (appointed, 5 May 2005) THE HONOURABLE PETER ROSS GRAHAM (appointed, 24 May 2005)

Corrigendum

135 FCR 567 at 569: Delete 'T Riley' and insert 'T Reilly'.