

2006

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 154

LAWBOOK CO.

2007

REPORTERS

DAVID ASH
DENISE ATTARD
OREN BIGOS
RUTH HAMNETT
VICTOR KLINE
RODEN PRITCHARD
SARAH SOMERSET
CATHERINE SYMONS
DAVID FC THOMAS
ALEXIS WALLACE

PRODUCTION EDITORS

LINDA PEARSON

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.

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 MURRAY RUTLEDGE WILCOX (resigned,
1 October 2006)

THE HONOURABLE JEFFREY ERNEST JOHN SPENDER

THE HONOURABLE PETER ROSS AWDRY GRAY

THE HONOURABLE DONNELL MICHAEL RYAN

THE HONOURABLE ROBERT SHENTON FRENCH

THE HONOURABLE MALCOLM CAMERON LEE (resigned,
1 May 2006)

THE HONOURABLE TERENCE JOHN HIGGINS

THE HONOURABLE PETER CADDEN HEEREY

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 (resigned, 15 May
2006)

THE HONOURABLE JOHN RONALD MANSFIELD

THE HONOURABLE ALAN HENRY GOLDBERG, AO

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 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 ANNABELLE CLAIRE BENNETT, AO
THE HONOURABLE BRUCE THOMAS LANDER
THE HONOURABLE SUSAN MAREE CRENNAN
(resigned, 1 November 2005)
THE HONOURABLE ANTHONY NICHOLAS SIOPI
THE HONOURABLE RICHARD FRANCIS EDMONDS
THE HONOURABLE PETER ROSS GRAHAM
THE HONOURABLE ANDREW PETER GREENWOOD
THE HONOURABLE NEIL JOHN YOUNG (resigned, 24 January
2007)
THE HONOURABLE STEVEN DAVID RARES
THE HONOURABLE BERNA COLLIER
THE HONOURABLE DENNIS ANTILL COWDROY, OAM
THE HONOURABLE ANTHONY JAMES BESANKO
THE HONOURABLE CHRISTOPHER NEIL JESSUP
THE HONOURABLE RICHARD ROSS SINCLAIR TRACEY,
RFD
THE HONOURABLE JOHN ERIC MIDDLETON
THE HONOURABLE ROBERT JOHN BUCHANAN
THE HONOURABLE JUSTICE JOHN GILMOUR