

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 155**

LAWBOOK CO.

2007

**REPORTERS**

DAVID ASH  
DENISE ATTARD  
OREN BIGOS  
ROBERT CRAIG  
ANGELINA GOMEZ  
MARION ISOBEL  
VICTOR KLINE  
JIM MCKENNA  
RODEN PRITCHARD  
SARAH SOMERSET  
CATHERINE SYMONS  
DAVID FC THOMAS  
ALEXIS WALLACE

**PRODUCTION EDITOR**

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 SIOPIIS  
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