

2007

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 163

LAWBOOK CO.

2008

**REPORTERS**

DAVID ASH  
OREN BIGOS  
TAMARA BOONE  
MARION ISOBEL  
EMRYS NEKVAPIL  
RODEN PRITCHARD  
STEPHEN REBIKOFF  
SARAH SOMERSET  
CHARLES SUTTIE  
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 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

(resigned, 3 September 2007)

THE HONOURABLE ROBERT DAVID NICHOLSON, AO

(resigned, 7 August 2007)

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 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 (resigned,  
19 August 2007)  
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 ANTHONY NICHOLAS SIOPIS  
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 JOHN GILMOUR  
THE HONOURABLE MICHELLE MARJORIE GORDON  
THE HONOURABLE JOHN ALEXANDER LOGAN, RFD  
THE HONOURABLE GEOFFREY ALAN FLICK  
THE HONOURABLE NEIL WALTER MCKERRACHER  
THE HONOURABLE JOHN EDWARD REEVES

## **Corrigenda**

**161 FCR 429 at [27], line 7:** insert “a” before “period of service”.

**161 FCR 429 at [29], line 7:** insert “the” before “Parliament”.