

2010

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 188

LAWBOOK CO.

2010

SENIOR REPORTERS

DR OREN BIGOS
RODEN PRITCHARD
STEPHEN REBIKOFF
SARAH SOMERSET
ALEXIS WALLACE

REPORTERS

TAMARA BOONE
ANNA STOKES

PRODUCTION EDITOR

LINDA PEARSON



THOMSON REUTERS

© 2010 Thomson Reuters (Professional) Australia Limited

ABN 64 058 914 668

Lawbook Co.

Published in Sydney

Printed by Ligare Pty Ltd, Riverwood, NSW

ISSN 0813-7803

FEDERAL COURT OF AUSTRALIA

CHIEF JUSTICE

THE HONOURABLE PATRICK ANTHONY KEANE
THE HONOURABLE MICHAEL ERIC JOHN BLACK, AC
(retired, 22 March 2010)

JUDGES

THE HONOURABLE JEFFREY ERNEST JOHN SPENDER
(resigned, 18 July 2010)
THE HONOURABLE PETER ROSS AWDRY GRAY
THE HONOURABLE DONNELL MICHAEL RYAN
THE HONOURABLE TERENCE JOHN HIGGINS, AO
THE HONOURABLE MICHAEL FRANCIS MOORE
THE HONOURABLE KEVIN EDMUND LINDGREN
(retired, 12 February 2010)
THE HONOURABLE PAUL DESMOND FINN
THE HONOURABLE ROSS ALAN SUNDBERG
(resigned, 8 August 2010)
THE HONOURABLE SHANE RAYMOND MARSHALL
THE HONOURABLE ANTHONY MAX NORTH
THE HONOURABLE JOHN RONALD MANSFIELD, AM
THE HONOURABLE ALAN HENRY GOLDBERG, AO
(resigned, 4 July 2010)
THE HONOURABLE ARTHUR ROBERT EMMETT
THE HONOURABLE RAYMOND ANTONY FINKELSTEIN
THE HONOURABLE GEOFFREY MICHAEL GIUDICE, AO
THE HONOURABLE JOHN ALFRED DOWSETT
THE HONOURABLE SUSAN CORALIE KENNY
THE HONOURABLE MARGARET ACKARY STONE
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 SIOPIIS
THE HONOURABLE RICHARD FRANCIS EDMONDS

THE HONOURABLE PETER ROSS GRAHAM
(retired, 5 September 2010)
THE HONOURABLE ANDREW PETER GREENWOOD
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
THE HONOURABLE NYE PERRAM
THE HONOURABLE JAYNE MARGARET JAGOT
THE HONOURABLE LINDSAY GRAEME FOSTER
THE HONOURABLE MICHAEL LAURENCE BARKER
THE HONOURABLE JOHN VICTOR NICHOLAS
THE HONOURABLE DAVID MARKEY YATES
THE HONOURABLE MORDECAI BROMBERG
THE HONOURABLE JULIE ANNE DODDS-STREETON
THE HONOURABLE ANNE JUDITH KATZMANN