

2012

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 203

LAWBOOK CO.

2012

**SENIOR REPORTERS**

RODEN PRICHARD  
SARAH SOMERSET  
ALEXIS WALLACE

**REPORTERS**

DANIEL LORBEER  
RACHEL MANSTED  
MITCH RILEY

**PRODUCTION EDITOR**

MYUNG COLE



**THOMSON REUTERS**

© 2012 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

JUDGES

THE HONOURABLE PETER ROSS AWDRY GRAY

THE HONOURABLE TERENCE JOHN HIGGINS, AO

THE HONOURABLE SHANE RAYMOND MARSHALL

THE HONOURABLE ANTHONY MAX NORTH

THE HONOURABLE JOHN RONALD MANSFIELD, AM

THE HONOURABLE ARTHUR ROBERT EMMETT

THE HONOURABLE JOHN ALFRED DOWSETT

THE HONOURABLE SUSAN CORALIE KENNY

THE HONOURABLE PETER MICHAEL JACOBSON

THE HONOURABLE ANNABELLE CLAIRE BENNETT, AO

THE HONOURABLE BRUCE THOMAS LANDER

THE HONOURABLE ANTONY NICHOLAS SIOPIS

THE HONOURABLE RICHARD FRANCIS EDMONDS

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 ANNA JUDITH KATZMANN  
THE HONOURABLE ALAN ROBERTSON  
THE HONOURABLE BERNARD MURPHY  
THE HONOURABLE IAIN ROSS AO  
THE HONOURABLE JOHN GRIFFITHS  
THE HONOURABLE DUNCAN JAMES COLQUHOUN KERR