2012-2013

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 209

LAWBOOK CO.

2013

SENIOR REPORTERS

RODEN PRITCHARD STEPHEN REBIKOFF SARAH SOMERSET ALEXIS WALLACE

REPORTER

DANIEL LORBEER

PRODUCTION EDITOR
MYUNG COLE



© 2013 Thomson Reuters (Professional) Australia Limited
ABN 64 058 914 668
Published in Sydney

Printed by Ligare Pty Ltd, Riverwood, NSW ISSN 0813-7803

Lawbook Co.

FEDERAL COURT OF AUSTRALIA

CHIEF JUSTICE

THE HONOURABLE JAMES LESLIE BAIN ALLSOP, AO

JUDGES

THE HONOURABLE PETER ROSS AWDRY GRAY (resigned 17 May 2013)

THE HONOURABLE TERENCE JOHN HIGGINS, AO

THE HONOURABLE SHANE RAYMOND MARSHALL

THE HONOURABLE ANTHONY MAX NORTH

THE HONOURABLE JOHN RONALD MANSFIELD, AM

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, CHEV LH

THE HONOURABLE LUCY KATHLEEN FARRELL