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 215

LAWBOOK CO.

2014

SENIOR REPORTERS

DR OREN BIGOS TAMARA BOONE SHARON HANSTEIN STEPHEN REBIKOFF SARAH SOMERSET ALEXIS WALLACE

REPORTER

ROBERT D TURNBULL

PRODUCTION EDITOR MYUNG COLE



© 2014 Thomson Reuters (Professional) Australia Limited ABN 64 058 914 668

Published in Sydney

Lawbook Co.

Printed by Ligare Pty Ltd, Riverwood, NSW

ISSN 0813-7803

FEDERAL COURT OF AUSTRALIA

CHIEF JUSTICE

THE HONOURABLE JAMES LESLIE BAIN ALLSOP, AO

JUDGES

THE HONOURABLE TERENCE JOHN HIGGINS, AO (retired 12 September 2013) 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 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 COLOUHOUN KERR, CHEV LH THE HONOURABLE LUCY KATHLEEN FARRELL THE HONOURABLE TONY PAGONE THE HONOURABLE JENNIFER DAVIES THE HONOURABLE DEBBIE MORTIMER THE HONOURABLE DARRYL RANGIAH THE HONOURABLE RICHARD CONWAY WHITE THE HONOURABLE MICHAEL WIGNEY THE HONOURABLE MELISSA PERRY