

2020

THE

AUSTRALIAN

CAPITAL TERRITORY

LAW REPORTS

THE AUTHORISED REPORTS OF DECISIONS OF  
THE AUSTRALIAN CAPITAL TERRITORY

**EDITOR**  
**BRYAN MEAGHER SC**

VOLUME 15

LAWBOOK CO.

2021

**SENIOR REPORTERS**

TOM ELLISON  
BRYAN MEAGHER SC

**REPORTERS**

RAHUL BEDI  
RICHARD DAVIES

**PRODUCTION SUPERVISOR**

MYUNG COLE



**THOMSON REUTERS**

© 2021 Thomson Reuters (Professional) Australia Limited

Lawbook Co.

ABN 64 058 914 668

Published in Sydney

Printed by Ligare Pty Ltd, Riverwood, NSW

ISSN 0813-7803

**SUPREME COURT OF THE AUSTRALIAN CAPITAL  
TERRITORY**

**CHIEF JUSTICE**

THE HONOURABLE HELEN GAY MURRELL

**JUDGES**

THE HONOURABLE JOHN DOMINIC BURNS

THE HONOURABLE MICHAEL ELKAIM

THE HONOURABLE DAVID MOSSOP

THE HONOURABLE CHRISSA LOUKAS-KARLSSON

**ASSOCIATE JUDGE**

THE HONOURABLE VERITY ALEXANDRA McWILLIAM

**ADDITIONAL JUDGES FROM THE FEDERAL COURT OF  
AUSTRALIA**

THE HONOURABLE STEVEN DAVID RARES

THE HONOURABLE ANTHONY JAMES BESANKO

THE HONOURABLE JAYNE MARGARET JAGOT

THE HONOURABLE LINDSAY GRAEME FOSTER

THE HONOURABLE ANNA JUDITH KATZMANN

THE HONOURABLE MICHAEL ANDREW WIGNEY

THE HONOURABLE IAIN JAMES KERR ROSS, AO

THE HONOURABLE MELISSA ANNE PERRY

THE HONOURABLE DARRYL RANGIAH

THE HONOURABLE BERNA COLLIER

THE HONOURABLE ROBERT JAMES BROMWICH

THE HONOURABLE NATALIE CHARLESWORTH

THE HONOURABLE KATRINA BANKS-SMITH

THE HONOURABLE MICHAEL LEE

THE HONOURABLE THOMAS THAWLEY

THE HONOURABLE MICHAEL WHEELAHAN  
THE HONOURABLE PAUL ANASTASSIOU  
THE HONOURABLE ANGUS STEWART  
THE HONOURABLE MICHAEL O'BRYAN  
THE HONOURABLE STEWART ANDERSON  
THE HONOURABLE WENDY ABRAHAM

**ADDITIONAL JUDGES FROM THE SUPREME COURT OF  
VICTORIA**

THE HONOURABLE ROBERT STANLEY OSBORN  
THE HONOURABLE SIMON PAUL WHELAN  
THE HONOURABLE PHILLIP GEOFFREY PRIEST  
THE HONOURABLE STEPHEN WILLIAMS KAYE, AM

**ACTING JUDGES**

THE HONOURABLE STEPHEN WALMSLEY  
THE HONOURABLE DAVID ROBINSON  
THE HONOURABLE ROBERT CROWE  
THE HONOURABLE PETER BERMAN  
THE HONOURABLE AUDREY BALLA  
THE HONOURABLE RICHARD REFSHAUGE

**Editor's note**

An appeal against *Higgins v Australian Capital Territory* (2020) 15 ACTLR 31 was allowed: see [2020] ACTCA 56.