2020 THE FEDERAL COURT REPORTS

THE AUTHORISED REPORTS OF DECISIONS OF THE FEDERAL COURT OF AUSTRALIA

> EDITOR VICTOR KLINE

CONSULTING EDITORS DR OREN BIGOS QC DAVID ASH

VOLUME 278

LAWBOOK CO.

2021

SENIOR REPORTERS

DAVID ASH ROBERT SIZE SARAH SOMERSET

REPORTERS

BERNARD ANDARY TIMOTHY CROSS SAMUEL CUMMINGS ELENI KANNIS

PRODUCTION EDITOR MYUNG COLE



© 2021 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 SUSAN CORALIE KENNY AM THE HONOURABLE ANDREW PETER GREENWOOD THE HONOURABLE STEVEN DAVID RARES THE HONOURABLE BERNA COLLIER THE HONOURABLE ANTHONY JAMES BESANKO THE HONOURABLE JOHN ERIC MIDDLETON 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 JOHN VICTOR NICHOLAS THE HONOURABLE DAVID MARKEY YATES THE HONOURABLE MORDECAI BROMBERG THE HONOURABLE ANNA JUDITH KATZMANN THE HONOURABLE BERNARD MURPHY THE HONOURABLE IAIN ROSS, AO THE HONOURABLE JOHN GRIFFITHS THE HONOURABLE DUNCAN JAMES COLOUHOUN KERR, CHEV LH THE HONOURABLE KATHLEEN FARRELL THE HONOURABLE JENNIFER DAVIES THE HONOURABLE DEBRA SUE MORTIMER THE HONOURABLE DARRYL RANGIAH THE HONOURABLE RICHARD CONWAY WHITE

THE HONOURABLE MICHAEL WIGNEY THE HONOURABLE MELISSA PERRY THE HONOURABLE JONATHAN BARRY RASHLEIGH BEACH THE HONOURABLE BRIGITTE SANDRA MARKOVIC THE HONOURABLE MARK KRANZ MOSHINSKY THE HONOURABLE ROBERT BROMWICH THE HONOURABLE NATALIE CHARLESWORTH THE HONOURABLE STEPHEN BURLEY THE HONOURABLE DAVID JOHN O'CALLAGHAN THE HONOURABLE MICHAEL BRYAN JOSHUA LEE THE HONOURABLE ROGER MARC DERRINGTON THE HONOURABLE DAVID GRAHAM THOMAS THE HONOURABLE SARAH CATHERINE DERRINGTON (ALRC) THE HONOURABLE KATRINA FRANCES BANKS-SMITH THE HONOURABLE CRAIG GRIERSON COLVIN THE HONOURABLE THOMAS MICHAEL THAWLEY THE HONOURABLE MICHAEL FRANCIS WHEELAHAN THE HONOURABLE PAUL ELIAS ANASTASSIOU THE HONOURABLE ANGUS MORKEL STEWART THE HONOURABLE MICHAEL HUGH O'BRYAN THE HONOURABLE DARREN JOHN JACKSON THE HONOURABLE JOHN LESLIE SNADEN THE HONOURABLE STEWART MAXWELL ANDERSON THE HONOURABLE WENDY JANE ABRAHAM THE HONOURABLE JOHN HALLEY THE HONOURABLE ELIZABETH CHEESEMAN