1992-1993 WESTERN AUSTRALIAN REPORTS

INCORPORATING WESTERN AUSTRALIAN LAW REPORTS

Authorized Law Reports of The SUPREME COURT OF WESTERN AUSTRALIA

> EDITOR KENNETH J MARTIN, LLM

> > PUBLISHED BY

THE LAW BOOK COMPANY LIMITED

AUSTRALIA

REPORTERS

A Ashworth L Briggs G Carlin T Cizeika A Henderson J Lange J Malcolm D Moen B Padman H Shurven M Wheater

PRODUCTION EDITOR

CAROLYN MAY

Published in Sydney by The Law Book Company Limited 44-50 Waterloo Road, North Ryde, NSW 568 Lonsdale Street, Melbourne, Victoria 40 Queen Street, Brisbane, Queensland 81 St George's Terrace. Perth, WA

ISSN 0813-8764

© Council of Law Reporting of Western Australia 1993

Typeset by the Law Book Company Ltd, North Ryde. NSW Printed by Hogbin Poole (Printers) Pty Ltd, Redfern, NSW

SUPREME COURT OF WESTERN AUSTRALIA

Chief Justice

THE HONOURABLE DAVID KINGSLEY MALCOLM AC

Judges

THE HONOURABLE GEOFFREY ALEXANDER KENNEDY THE HONOURABLE WILLIAM PAGE PIDGEON THE HONOURABLE BARRY WILLIAM ROWLAND THE HONOURABLE EDWARD MORRISSEY FRANKLYN THE HONOURABLE PAUL LAURENCE SEAMAN THE HONOURABLE ROBERT DAVID NICHOLSON THE HONOURABLE TERENCE ALAN WALSH THE HONOURABLE TERENCE ALAN WALSH THE HONOURABLE HENRY ALBERT WALLWORK THE HONOURABLE MICHAEL JOHN MURRAY THE HONOURABLE NEVILLE JOHN MURRAY THE HONOURABLE NEVILLE JOHN OWEN THE HONOURABLE NEVILLE JOHN OWEN THE HONOURABLE KERRY WHITE THE HONOURABLE GRAEME FREDERICK SCOTT

Masters

Mann Sau Ng Theodore Reginald Bredmeyer CBE John Rennell Adams

COUNCIL OF LAW REPORTING OF WESTERN AUSTRALIA

Chairman The Honourable Barry William Rowland

Members

E M HEENAN, QC W S MARTIN, QC C L ZELESTIS, QC