

1996-1997
WESTERN
AUSTRALIAN
REPORTS

INCORPORATING WESTERN AUSTRALIAN LAW REPORTS

**Authorised Law Reports of the
SUPREME COURT OF WESTERN AUSTRALIA**

EDITOR
ANDREW BEECH

CONSULTING EDITOR
KENNETH J MARTIN QC, LL.M

VOLUME 18

PUBLISHED BY
LBC INFORMATION SERVICES

1998

REPORTERS

ANDREW BEECH
DAVID BRUNS
ALEX GARDNER
MADELEINE COX
STEPHEN HICKS
KATE McDONALD
NEIL MORGAN
NICHOLAS MULLANY
JOSHUA THOMSON
JOHN VAUGHAN

PRODUCTION EDITOR

CAROLYN MAY

Published in Sydney by
LBC Information Services
PO Box 3502, Rozelle, NSW
239 George Street, Brisbane, Queensland
77 St George's Terrace, Perth, WA

ISSN 0083-8764

© Council of Law Reporting of Western Australia 1998

Typeset by LBC Information Services, Pyrmont, NSW
Printed by Ligare Pty Ltd, Riverwood, NSW

SUPREME COURT OF WESTERN AUSTRALIA

Chief Justice

THE HONOURABLE DAVID KINGSLEY MALCOLM AC

Judges

THE HONOURABLE GEOFFREY ALEXANDER KENNEDY AO
THE HONOURABLE WILLIAM PAGE PIDGEON
THE HONOURABLE EDWARD MORRISSEY FRANKLYN
(retired 31/7/98)
THE HONOURABLE TERENCE ALAN WALSH (retired 21/9/98)
THE HONOURABLE DAVID ANDREW IPP
THE HONOURABLE HENRY ALBERT WALLWORK
THE HONOURABLE MICHAEL JOHN MURRAY
THE HONOURABLE ROBERT JOHN MCARTHUR ANDERSON
THE HONOURABLE NEVILLE JOHN OWEN
THE HONOURABLE KERRY WHITE
THE HONOURABLE GRAEME FREDERICK SCOTT
THE HONOURABLE CHRISTOPHER DAVID STEYTLER
THE HONOURABLE KEVIN HORACE PARKER AO
THE HONOURABLE DESMOND CHARLES HEENAN
THE HONOURABLE ANTHONY JOHN TEMPLEMAN
THE HONOURABLE CHRISTINE ANN WHEELER
THE HONOURABLE GEOFFREY PETER MILLER

Masters

MANN SAU NG (retired 7/9/98)
THEODORE REGINALD BREDMEYER CBE
CRAIG WILLIAM SANDERSON

COUNCIL OF LAW REPORTING OF WESTERN AUSTRALIA

Chairman

THE HONOURABLE CHRISTOPHER DAVID STEYTLER

Members

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