1997-1998 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, LLM

VOLUME 19

PUBLISHED BY

LBC INFORMATION SERVICES

1999

REPORTERS

ANDREW BEECH MADELEINE COX RICHARD HOOKER KATE McDONALD HELEN SURVEN KEN MARTIN QC JOSHUA THOMSON ANTHONY WILLINGE

PRODUCTION EDITOR CAROLYN MAY

Published in Sydney by LBC Information Services 100 Harris Street, Pyrmont, NSW 239 George Street, Brisbane, Queensland 77 St George's Terrace, Perth, WA

ISSN 0083-8764

© Council of Law Reporting of Western Australia 1999

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 THE HONOURABLE JOHN RODERICK MCKECHNIE

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