2001-2002 WESTERN AUSTRALIAN REPORTS

INCORPORATING WESTERN AUSTRALIAN LAW REPORTS

Authorised Law Reports of the SUPREME COURT OF WESTERN AUSTRALIA

EDITOR

JOSHUA THOMSON

CONSULTING EDITOR
ANDREW BEECH

VOLUME 25

PUBLISHED BY

LAWBOOK CO.

2002

REPORTERS

MADELEINE COX
MARTIN CUERDEN
STEPHEN DAVIES
ANTHONY DERRICK
PAUL DEVLIN
JAMES EDELMAN
KATHLEEN FOLEY
SIMINA GOUGOULIS
MEGAN HOEY
RICHARD HOOKER
PETER QUINLAN
DAVID SCULLY
JOSHUA THOMSON

PRODUCTION EDITOR CAROLYN MAY

Published in Sydney by
Lawbook Co.
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 2002

SUPREME COURT OF WESTERN AUSTRALIA

Chief Justice

THE HONOURABLE DAVID KINGSLEY MALCOLM AC

Judges

THE HONOURABLE DAVID ANDREW IPP (retired 1 March 2002) THE HONOURABLE HENRY ALBERT WALLWORK THE HONOURABLE MICHAEL JOHN MURRAY THE HONOURABLE ROBERT JOHN MCARTHUR ANDERSON THE HONOURABLE NEVILLE JOHN OWEN THE HONOURABLE GRAEME FREDERICK SCOTT THE HONOURABLE CHRISTOPHER DAVID STEYTLER THE HONOURABLE KEVIN HORACE PARKER AO THE HONOURABLE ANTHONY JOHN TEMPLEMAN THE HONOURABLE CHRISTINE ANN WHEELER THE HONOURABLE GEOFFREY PETER MILLER THE HONOURABLE JOHN RODERICK MCKECHNIE THE HONOURABLE NICHOLAS PAUL HASLUCK THE HONOURABLE LEONARD WILLIAM ROBERTS-SMITH THE HONOURABLE CARMEL JOY MCLURE THE HONOURABLE CHRISTOPHER JAMES LONSDALE PULLIN THE HONOURABLE ERIC MICHAEL HEENAN (appointed 4 April 2002)

Masters

9 August 2002)

(appointed

THE HONOURABLE MICHAEL LAURENCE BARKER

THEODORE REGINALD BREDMEYER CBE (retired 28 June 2002)

CRAIG WILLIAM SANDERSON

COUNCIL OF LAW REPORTING OF WESTERN AUSTRALIA

Chairman

THE HONOURABLE CHRISTOPHER DAVID STEYTLER

Members

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