# 2006 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 32

LAWBOOK CO.

2007

#### REPORTERS

BRAHMA DHARMANANDA KANAGA DHARMANANDA CATHIE DICKINSON NATHAN LANDIS JASON MacLAURIN JOSEPH McGRATH DREW D PEARSON MINAL SHAH CLARE THOMPSON JOSHUA THOMSON OLIVIA WENNERSTROM

### PRODUCTION EDITOR CAROLYN MAY

Published in Sydney by Lawbook Co. 100 Harris Street, Pyrmont, NSW

ISSN 0083-8764

© Council of Law Reporting of Western Australia 2007

Typeset by Lawbook Co., Pyrmont, NSW Printed by Ligare Pty Ltd, Riverwood, NSW

#### SUPREME COURT OF WESTERN AUSTRALIA

#### **Chief Justice**

THE HONORABLE WAYNE STEWART MARTIN

COURT OF APPEAL

**President** THE HONOURABLE CHRISTOPHER DAVID STEYTLER

Judges

THE HONOURABLE NEVILLE JOHN OWEN THE HONOURABLE CHRISTINE ANN WHEELER THE HONOURABLE LEONARD WILLIAM ROBERTS-SMITH, RFD THE HONOURABLE CARMEL JOY McLURE THE HONOURABLE CHRISTOPHER JAMES LONSDALE PULLIN THE HONOURABLE MICHAEL JOHN BUSS

#### GENERAL DIVISION

#### Judges

THE HONOURABLE MICHAEL JOHN MURRAY THE HONOURABLE ANTHONY JOHN TEMPLEMAN THE HONOURABLE GEOFFREY PETER MILLER THE HONOURABLE JOHN RODERICK McKECHNIE THE HONOURABLE NICHOLAS PAUL HASLUCK, AM THE HONOURABLE ERIC MICHAEL HEENAN THE HONOURABLE MICHAEL LAURENCE BARKER THE HONOURABLE NARELLE JOHNSON THE HONOURABLE RENE LUCIEN LE MIERE THE HONOURABLE CAROLYN FRANCES JENKINS THE HONOURABLE RALPH LLOYD SIMMONDS THE HONOURABLE PETER DONALD BLAXELL

#### Masters

## CRAIG WILLIAM SANDERSON DAVID WALLACE NEWNES

#### COUNCIL OF LAW REPORTING OF WESTERN AUSTRALIA

#### Chairman

#### THE HONOURABLE CARMEL JOY MCLURE

#### Members

K J MARTIN, QC C L ZELESTIS, QC CG COLVIN SC AR BEECH SC