2016-2017 WESTERN AUSTRALIAN REPORTS

INCORPORATING WESTERN AUSTRALIAN LAW REPORTS

The Authorised Law Reports of the SUPREME COURT OF WESTERN AUSTRALIA

EDITOR
SAM VANDONGEN SC

CONSULTING EDITOR

JOSHUA THOMSON SC

VOLUME 51

LAWBOOK CO.

2017

REPORTERS

RAY CHRISTENSEN CLAUDIA HENFRY MICHELLE LINEHAN GREGORY STOCKTON

PRODUCTION EDITOR ANNE MOK

© State of Western Australia (2017)

This publication is copyright. Except as permitted under the *Copyright Act 1968*, no part of this publication may be reproduced or communicated by any process without the prior written permission of the Attorney General of Western Australia.



2017 Thomson Reuters (Professional) Australia Limited
ABN 64 058 914 668
Published in Sydney

ISSN 0083-8764

Lawbook Co.

SUPREME COURT OF WESTERN AUSTRALIA

Chief Justice

THE HONOURABLE WAYNE STEWART MARTIN

COURT OF APPEAL

President

THE HONOURABLE MICHAEL JOHN BUSS

Judges

THE HONOURABLE DAVID WALLACE NEWNES (retired 21 April 2017)

THE HONOURABLE GRAEME HAROLD MURPHY
THE HONOURABLE ROBERT ANTHONY MAZZA
THE HONOURABLE ROBERT MACKENZIE MITCHELL
THE HONOURABLE ANDREW ROBERT BEECH
(appointed a Justice of Appeal 24 May 2017)

GENERAL DIVISION

Judges

THE HONOURABLE RENE LUCIEN LE MIERE
THE HONOURABLE CAROLYN FRANCES JENKINS
THE HONOURABLE JOHN ANTHONY CHANEY
THE HONOURABLE KENNETH JAMES MARTIN
THE HONOURABLE STEPHEN DAVID HALL
THE HONOURABLE EDWIN MICHAEL CORBOY
THE HONOURABLE JANINE PRITCHARD
THE HONOURABLE JEREMY DAVID ALLANSON
THE HONOURABLE JEREMY CLIVE CURTHOYS
THE HONOURABLE PETER DOMINIC MARTINO
THE HONOURABLE PAUL ALLAN TOTTLE
THE HONOURABLE BRUNO FIANNACA
THE HONOURABLE KATRINA BANKS-SMITH
(appointed 18 July 2016)

THE HONOURABLE JOSEPH McGRATH (appointed 28 November 2016)

THE HONOURABLE GAIL ANN ARCHER (appointed 29 May 2017)

THE HONOURABLE JENNIFER HILDA SMITH (appointed an Acting Justice 1 August 2017 to 26 June 2018)

Master CRAIG WILLIAM SANDERSON

EDITORIAL COMMITTEE

Chairman

THE HONOURABLE KENNETH JAMES MARTIN

Editor

SAM VANDONGEN SC

Members

C L ZELESTIS, QC CG COLVIN SC JOSHUA THOMSON SC