# 1978 WESTERN AUSTRALIAN REPORTS

INCORPORATING WESTERN AUSTRALIAN LAW REPORTS

Authorized Law Reports of The SUPREME COURT OF WESTERN AUSTRALIA

> EDITOR ROBERT ANDERSON, LL.B.

> > Reporters

. PROFESSOR ERIC J. EDWARDS B.A., LL.B., S.J.D., BARRISTER-AT-LAW

> PAUL NICHOLS B.A., LL.B., BARRISTER-AT-LAW

MALCOLM CAMERON LEE LL.B., BARRISTER-AT-LAW

RODNEY E. L. GREAVES LL.M., BARRISTER-AT-LAW

**GEOFFREY P. MILLER** LL.B., BARRISTER-AT-LAW

ERIN O'SULLIVAN B.Com., LL.B., BARRISTER-AT-LAW

> PAUL SEAMAN BARRISTER-AT-LAW

PUBLISHED FOR THE COUNCIL OF LAW REPORTING OF WESTERN AUSTRALIA

BY

# BUTTERWORTHS

AUSTRALIA

#### AUSTRALIA:

BUTTERWORTHS PTY LIMITED 586 Pacific Highway, Chatswood 2067 343 Little Collins Street, Melbourne 3000 Commonwealth Bank Building, King George Square, Brisbane 4000 49-51 St George's Terrace, Perth 6000

NEW ZEALAND:

BUTTERWORTHS OF NEW ZEALAND LTD T & W Young Building, 77-85 Customhouse Quay, Wellington

ENGLAND:

BUTTERWORTH & CO (PUBLISHERS) LTD 88 Kingsway, London, WC2B 6AB

CANADA:

BUTTERWORTH & CO (CANADA) LTD 2265 Midland Avenue, Scarborough, Ontario M1P 4S1

#### SOUTH AFRICA:

BUTTERWORTH & Co (SA) (PTY) LTD 152-154 Gale Street, Durban 4001

ISBN 0 409 34000 6 (Set) ISBN 0 409 34248 3 (Volume)

#### © Council of Law Reporting of Western Australia 1978

This book is copyright. Apart from any fair dealing for the purposes of private study, research, criticism or review, as permitted under the Copyright Act, no part may be reproduced by any process without written permission. Inquiries should be addressed to the publishers. Registered in Australia for transmission by post as a book.

Printed in Australia by Hogbin Poole Printers Pty. Ltd. for the publishers Butterworths Pty. Limited.

### SUPREME COURT OF WESTERN AUSTRALIA

Chief Justice The Honourable Sir Francis Theodore Page Burt, K.C.M.G.

#### Judges

THE HONOURABLE JOHN MARTIN LAVAN THE HONOURABLE JOHN LEONARD CLIFTON WICKHAM THE HONOURABLE ALKIN ROBERT ALEXANDER WALLACE THE HONOURABLE ROBERT EDMUND JONES THE HONOURABLE PETER FREDERICK BRINSDEN THE HONOURABLE CHARLES HOWARD SMITH

# COUNCIL OF LAW REPORTING OF WESTERN AUSTRALIA

Chairman

THE HONOURABLE JOHN LEONARD CLIFTON WICKHAM

## Members

E. J. Edwards, b.a., ll.b., s.j.d. **R**. J. Anderson, ll.b. E. M. Heenan, ll.b. G. P. Miller, ll.b.

### CORRIGENDA

[1978] WAR Page 54, line 39: for "If the Attorney does not certify . . ." read "If the Attorney does so certify . . .".

Page 63, line 30: for "But there are very much reported cases" read "But there are very many reported cases". Page 123, line 45: for "before Heenan J" read "before Pidgeon J".

Page 231, line 6 should read: "Solicitor for the applicant for case stated: K N Allan."