



VICTORIAN REPORTS

THE AUTHORISED LAW REPORTS OF THE
SUPREME COURT OF VICTORIA

VOLUME 68

2021–2023

EDITOR
P G WILLIS SC

Published for the
COUNCIL OF LAW REPORTING IN VICTORIA
BY
LITTLE WILLIAM BOURKE
AUSTRALIA
2024





Little William Bourke (ABN 65 610 951 089).
AUSTRALIA Level 22
52 Martin Place
Sydney NSW 2000
Australia

ELECTRONIC victorianreports.com.au
littlewilliambourke.com.au

EMAIL sales@victorianreports.com.au

National Library of Australia Cataloguing-in-Publication entry

ISBN-13: 978-1-925633-21-4
ISSN: 0042-5214 (print); 2208-4886 (online).

©2024 Council of Law Reporting in Victoria
This book is copyright except as permitted under the *Copyright Act 1968* (Cth), no part of this publication may be reproduced by any process electronic or otherwise, without the specific written permission of the copyright owner. Neither may information be stored electronically in any form whatsoever without such permission.

Inquiries should be addressed to Little William Bourke.

Printed in Australia.

COUNCIL OF LAW REPORTING IN VICTORIA

As at 31 December 2022

Chair

THE HON JUSTICE CATHERINE GAIL BUTTON

Ex-Officio members

THE ATTORNEY-GENERAL

THE SOLICITOR-GENERAL

THE LIBRARIAN OF THE SUPREME COURT OF VICTORIA
(LAURELLE MARGARET ATKINSON)

Members

MICHAEL RICHARD PEARCE SC

DAVID HUGH COLMAN

ANDREW ROBERT WESTCOTT

STEVEN SAPOUNTSIS

Honorary Secretary

GEOFFREY CHARLES HANSEN

Editor

P G WILLIS SC

Consultant Editor

L W MAHER

Law Reporters

C L ALDEN

N J BAUM

N J BIRD

C J CHARNLEY

T FARHALL

T B D GORTON

A L HANDS

C A HOOPER

D P LORBEER

D I MENCE

M G NARAYAN

W G PHILLIPS

A TERZIC

J R WANG

P G WILLIS

BARRISTERS-AT-LAW

M BAILEY

M BENNETT

SOLICITORS

THE SUPREME COURT OF VICTORIA

As at 31 December 2022

CHIEF JUSTICE

THE HON ANNE FERGUSON

PRESIDENT OF THE COURT OF APPEAL

THE HON KARIN LEIGH EMERTON

JUDGES OF APPEAL

THE HON PHILLIP GEOFFREY PRIEST

THE HON DAVID FRANCIS RASHLEIGH BEACH

THE HON EMILIOS JOHN KYROU

THE HON STEPHEN GEOFFREY EDWIN MCLEISH

THE HON RICHARD MICHAEL NIALL

THE HON TERENCE MICHAEL FORREST

THE HON MICHAEL LEON SIFRIS

THE HON MAREE EVELYN KENNEDY

THE HON KRISTEN LOUISE WALKER

THE HON CAMERON CLYDE MACAULAY

THE HON LESLEY ANN TAYLOR

JUDGES OF THE TRIAL DIVISION

THE HON ELIZABETH JANE HOLLINGWORTH

THE HON ANTHONY LEWIS CAVANOUGH

THE HON JOHN RUSSELL DIXON

THE HON KATE MCMILLAN

THE HON JAMES DUDLEY ELLIOTT

THE HON TIMOTHY JAMES GINNANE

THE HON MELANIE SLOSS

THE HON MICHAEL JAMES CROUCHER

THE HON CHRISTOPHER WILLIAM BEALE

THE HON MICHAEL PHILLIP McDONALD

THE HON RITA MARIA INCERTI

THE HON JANE ALISON DIXON

THE HON ANDREW JOHN KEOGH

THE HON PETER BARRINGTON KIDD

THE HON MICHELLE LESLEY QUIGLEY

THE HON MATTHEW NEIL CONNOCK

THE HON MELINDA JANE RICHARDS

THE HON KEVIN JOSEPH ALOYSIUS LYONS

THE HON STEVEN JAMES MOORE

THE HON ANDREW JAMES TINNEY

THE HON JACINTA MARY FORBES

THE HON LISA MICHELLE NICHOLS

THE HON CHRISTOPHER JAMES DELANY

THE HON KATHRYN LUCY STYNES

THE HON JAMES PETER GORTON
THE HON MICHAEL SUMNER OSBORNE
THE HON STEPHEN ANDREW O'MEARA
THE HON RICHARD HUGO MUECKE ATTIWILL
THE HON CATHERINE GAIL BUTTON
THE HON AMANDA CLAIRE FOX
THE HON ANDREA JOSEPHINE TSALAMANDRIS
THE HON LISA ANNE HANNAN

RESERVE JUDGES

THE HON ROBERT STANLEY OSBORN
THE HON LEX LASRY AM
THE HON GREGORY HOWARD GARDE AO
THE HON SIMON PAUL WHELAN
THE HON KIM WILLIAM SPENCER HARGRAVE
THE HON JOHN HERBERT LYTTON FORREST
THE HON CLYDE ELLIOTT CROFT AM
THE HON STEPHEN WILLIAM KAYE AM
THE HON JOHN ROSS CHAMPION

ASSOCIATE JUDGES

THE HON MELISSA LEE DALY
THE HON SIMON PETER GARDINER
THE HON NEMEER MUKHTAR
THE HON MARY-JANE IERODIACONOU
THE HON JULIAN MICHEL KALMAN HETYEY
THE HON PATRICIA ANNE MATTHEWS
THE HON IAN ANDREW IRVING
THE HON FIONA JUNE STEFFENSEN
THE HON MATTHEW PIERRE BARRETT

RESERVE ASSOCIATE JUDGES

THE HON DAVID MARK BRUDENELL DERHAM
THE HON ALEXANDER JAMIE WOOD
THE HON JOHN EFTHIM

JUDICIAL REGISTRARS

LEONIE MARGARET ENGLEFIELD

MARK WILLIAM PEDLEY

MARTIN KEITH

TIMOTHY RICHARD FREEMAN

ANDREW BAKER

KIM WORONCZAK

DANIEL DONATO CAPORALE

DOMENICO CONDIDI

DEIRDRE MCCANN

ELIZABETH TUENO

CLAIRE GITSHAM

JUDGE IN ADMIRALTY

THE HON MATTHEW NEIL CONNOCK

ATTORNEY-GENERAL

THE HON JACLYN SYMES MP

SOLICITOR-GENERAL

ROWENA ORR KC



Memoranda

2022

- 25 October The Honourable Lesley Taylor, a Judge of the Court since 2018, was appointed to the Court of Appeal.
- 19 December The Honourable Peter Riordan, a Judge of the Court since 2015, retired.

Corrigendum

To the list of reporters of cases in volume 67 (at 67 VR p iii), add: C A Hooper, barrister-at-law.