

VICTORIAN REPORTS

THE AUTHORISED LAW REPORTS OF THE
SUPREME COURT OF VICTORIA

VOLUME 47
2013-2015

EDITOR
P G WILLIS SC

Published for the
COUNCIL OF LAW REPORTING IN VICTORIA
BY
LITTLE WILLIAM BOURKE
AUSTRALIA
2017



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

National Library of Australia Cataloguing-in-Publication entry

ISBN-13 978-1-925633-00-9

ISBN-10 1-925633-00-4

ISSN 0042-5214

©2017 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

Chairman

THE HON JUSTICE DAVID BEACH (to 1 August 2014)

THE HON JUSTICE CAMERON MACAULAY (from 4 August 2014)

Ex-Officio members

THE ATTORNEY-GENERAL

THE SOLICITOR-GENERAL

THE LIBRARIAN OF THE SUPREME COURT OF VICTORIA

MICHELLE BENDALL (acting from 1 January 2013)

LAURELLE ATKINSON (from 10 February 2014)

Members

CHARLES GUNST QC

MICHAEL RICHARD PEARCE SC

GEOFFREY PETER PROVIS

PETER BARLETT

Honorary Secretary

DENIS JAMES DAVIES (to 19 October 2015)

GEOFFREY HANSEN (from 19 October 2015)

Registrar

MANDY ALDEN

Editor

P G WILLIS SC

Consultant Editor

L W MAHER

Law Reporters

D J BRACKEN

K M EVANS

A L HANDS

A KINDA

F C SPENCER

S J VARNEY

K WESTON-SCHUEBER

C R WILLIAMS

P G WILLIS SC

BARRISTERS-AT-LAW

THE SUPREME COURT OF VICTORIA

CHIEF JUSTICE

THE HON MARILYN LOUISE WARREN AC

PRESIDENT OF THE COURT OF APPEAL

THE HON CHRIS MAXWELL AC

JUDGES OF APPEAL

THE HON GEOFFREY ARTHUR AKEROYD NETTLE

THE HON MARCIA ANN NEAVE AO

THE HON ROBERT FRANK REDLICH

THE HON MARK WEINBERG

THE HON PAMELA MARY TATE

THE HON ROBERT STANLEY OSBORN

THE HON SIMON PAUL WHELAN

THE HON PHILLIP GEOFFREY PRIEST

THE HON JOSEPH SANTAMARIA

THE HON DAVID FRANCIS RASHLEIGH BEACH

THE HON EMILIOS JOHN KYROU

THE HON ANNE FERGUSON

THE HON STEPHEN WILLIAM KAYE AM

THE HON STEPHEN GEOFFREY EDWIN MCLEISH

JUDGES OF THE TRIAL DIVISION

THE HON KATHARINE MARY WILLIAMS

THE HON ELIZABETH JANE HOLLINGWORTH

THE HON KEVIN HARCOURT BELL

THE HON KIM WILLIAM SPENCER HARGRAVE

THE HON BETTY JUNE KING

THE HON ANTHONY LEWIS CAVANOUGH

THE HON ELIZABETH HELEN CURTAIN

THE HON ROSS MCKENZIE ROBSON

THE HON JOHN HERBERT LYTTON FORREST

THE HON LEX LASRY AM

THE HON JAMES GREGORY JUDD

THE HON PETER NORMAN VICKERY

THE HON KARIN LEIGH EMERTON

THE HON TERENCE MICHAEL FORREST

THE HON CLYDE ELLIOTT CROFT

THE HON MICHAEL LEON SIFRIS

THE HON PETER WADDINGTON ALMOND

THE HON JOHN RUSSELL DIXON

THE HON CAMERON CLYDE MACAULAY

THE HON KATE MCMILLAN

THE HON GREGORY HOWARD GARDE AO

THE HON GEOFFREY JOHN DIGBY

THE HON JAMES DUDLEY ELLIOTT
THE HON TIMOTHY JAMES GINNANE
THE HON MELANIE SLOSS
THE HON MICHAEL CROUCHER
THE HON JOHN TIMOTHY RUSH
THE HON JOANNE CAMERON
THE HON CHRISTOPHER WILLIAM BEALE
THE HON MICHAEL PHILLIP McDONALD
THE HON RITA ZAMMIT
THE HON PETER JULIAN RIORDAN
THE HON JANE DIXON

RESERVE JUDGES

THE HON DAVID JOHN ASHLEY
THE HON PHILIP MANDIE
THE HON HARTLEY ROLAND HANSEN
THE HON BERNARD DANIEL BONGIORNO AO
THE HON PAUL ANTHONY COGHLAN
THE HON JULIE DODDS-STREETON

ASSOCIATE JUDGES

THE HON JOHN EFTHIM
THE HON ALEXANDER JAMIE WOOD
THE HON ROBYN GAY LANSDOWNE
THE HON MELISSA LEE DALY
THE HON SIMON PETER GARDINER
THE HON NEMEER MUKHTAR
THE HON RODNEY STUART RANDALL
THE HON DAVID MARK BRUDENELL DERHAM
THE HON MARY-JANE IERODIACONOU

JUDICIAL REGISTRARS

MEG GOURLAY
DAVID WARE
JULIAN HETYEY

JUDGE IN ADMIRALTY

THE HON GEOFFREY JOHN DIGBY

ATTORNEY-GENERAL

THE HON MARTIN PAKULA MP

SOLICITOR-GENERAL

RICHARD NIALl QC

MEMORANDA

2015

11 AUGUST

—

Jane Alison Dixon QC was appointed a Judge of the Trial Division.