

## "QUOTEWORTHY" 1992

1. "When Dante reached the gate of hell the first thing he saw was an inscription which ended with the words, "all hope abandon, ye who enter here." Dante read the notice with care and, turning to Virgil, his guide, exclaimed, "Master, these words import hard meaning."

When Anne Moore arrived at the gate of Wobbies World, an amusement park in Nunawading, and passed through the turnstile, she must have come within inches of a sign which, while not as alarming as the one Dante encountered, was not in encouraging terms -

"PERSONAL INJURY OR PROPERTY LOSS OR DAMAGE IS YOUR RESPONSIBILITY.

Your entry is your acceptance of these conditions."

Unlike the inscription over the gate of hell, the characters of which were "in colour dim", the sign at the amusement park was in bright red lettering, and, instead of being "over a portal's lofty arch", it was at eye level, just to the right of the turnstile facing those who were about to click their way through into Wobbies world. More cheerful, at first sight, was the much larger notice displayed on the wall above the ticket window.

"Welcome to Wobbies World.""

per Brooking J, in *Wobbies World v Moore*, unrep., Vic. Sup. Ct. (FC), 14 October, 1991.

2. "The question of the amenability of the Crown to the declaratory process being an important constitutional issue, the Solicitor-General urged me to refer the matter to the Full Court for consideration pursuant to s15 of the *Supreme Court Act* 1958. Although I am acutely aware of my own fallibility and therefore find such a course extremely tempting, I believe I should determine this matter. Firstly, because to accede to this request would effectively deprive the plaintiff of any possibility of remedy; and, secondly, because I believe the legal situation is tolerably clear." per Coldrey J, in *Shop, Distributive & Allied Employees Assoc. v Minister for Consumer Affairs*, Vic. Sup. Ct. unrep. 19 July 1991.

3. "The public interest factor, in my opinion, is all in favour of the making of an order. Port Phillip Bay has a resource which, according to the evidence, is valued at something of the order of \$45 million. It is a notorious fact that the State of Victoria is greatly in debt. One would think that any possibility to produce wealth which would reduce that debt would be seized without hesitation. The value to Victoria is hard to estimate but it is clear that there is a ready market for the harvest and that it would yield a net amount of something of the order of fifteen to twenty million dollars if the evidence proves correct." per Marks J, in *Manias v Steven Crabb & Ors*, Vic. Sup. Ct., 24 May 1991.

4. "At times, the respondent could be likeable and endearing. At other times, he could be stubborn, aggravating, and threatening. His eccentric character was exhibited when he switched from almost fond reminiscence to antiauthoritarian outrage as he commented on matters in the 6 pages of the police history sheet purporting to record his many appearances before the courts on criminal charges. The respondent was very free with his allegations of perjury on the part of certain witnesses, and of professional misconduct on the part of certain of the lawyers representing the Shire. To the extent that the allegations were ventilated before me, they appeared to be without foundation." per Teague J, in *Shire of Metcalf v Hodgetts*, Vic. Sup. Ct., 31 July 1991.

5. "Copies of more than a score of authorities have come up with the outlines of argument. Although it was suggested that this Court might, if the appeal succeeded, itself determine the appeal in respect of which leave was sought from Nathan J, I have no doubt that, if the present appeal succeeds, it cannot be other than a prelude to an appeal under s38(2). I am put in mind of the rueful gesture of a client of mine when I was at the Bar, who, sitting in my Chambers thirty years ago in an arbitration bedevilled by cases stated, drew my attention to the spine of Volume 2 of the 3rd Edition of *Halsbury*, which was behind my desk: *Arbitration to Bankruptcy*." per Brooking J in *Angelatos v Alternative Constructions Pty Ltd*, unrep. Vic. Sup. Ct., (FC) 30 November, 1992.

6. "And although the conclusions which each managed to draw were the opposite of those of the other, each was almost equally persuasive – thus bringing to mind the lament of Captain Macheath, the highwayman of *The Beggar's Opera*, when confronted by two competing claimants for his affections (Act 2 Scene 13):

"How happy could I be with either Were t'other dear charmer away."

For all that one is confronted by two charmingly persuasive counsel, a decision must nevertheless be made. Macheath's preferred choice was the gallows. This not being an option open to me, I turn to an examination of the *Constitution Act* 1975." per Harper J, in *City of Collingwood v Collingwood Football Club Ltd*, unrep., Vic.

Sup.Ct., 27 October, 1992.

7. "I have seen examples also of leather craft work and I might say they are quite outstanding. This is not the usual gaudy rough and tumble Bronco Bill stuff. It is of a degree of technical skill and attention to detail which in once instance is almost of museum quality. It is certainly of a quality which would be highly prized in national craft collections and exhibitions. Hence his creativity falls within a different order than that which is usual. It shows sensitivity and a degree of attention to detail which is uncommon." per Nathan J, in *re Sewell*, unrep., Vic. Sup. Ct., 5 August 1992.

8. "The applicant Soman Plathara evidenced an imposing and impressive array of references testifying to his culinary skills. The 1990 edition of the publication *Cheap Eats in Sydney*, the entries for the ten best of which were summarised in the *Sunday Telegraph* on 21 October 1990, described the Bukhara as "an excellent place for an Indian Banquet .... Extremely good value, high quality food". The book itself states: "... it is the food which shines above all else. Excellent quality with an imaginative and dedicated approach ... This is a restaurant everyone would like as their local." The 1991 *Good Food Guide*, rather ethereally sub-headed *Sydney's Food Bible*, contains the following entry on the Bukhara Restaurant:

Drag Vijay Baboo away from being a very professional host, sit him down, probe a little and it wont be long before he talks about Bocuse, the Roux brothers, the Trois Gros brothers, and rising stars like Vigato. Talk to him about Bukhara's cuisine and he'll insist that you meet his star chef, Soman Plathara Anandan. Now, that's a rare experience in an Indian restaurant, and Anandan is a rare chef. Here you'll experience and trad international Indian litany authentically interpreted. You'll find flavours that are sparkingly fresh and complex, and new treats like Bombay fish distinguished by fruity, sour tamarind and refreshing ginger, or chicken in a sauce dense with mint and coriander. If you are really lucky, you might chance upon a southern Indian night and savour Anandan's fine and fragile dosa, his delicate idlis, his fiery samba, and his divine fresh coconut chutney. Well worth the journey.

This book is edited by Messrs Leo Schofield and Michael Dowe. Mr Schofield is a well known gourmet and food commentator around Sydney. There was no request to cross examine him in these proceedings on his expertise in this area. Of Mr Dowe, Mr Schofield writes in his acknowledgments in the book:

... Michael is not only a gastronomic polymath, he's indefatigable, living and breathing the Guide for six months of every year. Without his enthusiasm there would be no book ...

I am not sure whether Mr Dowe's indefatigability relates to his eating or his writing, but according to the Macquarie Dictionary, a "gastronomic polymath" is a person of great and varied learning in the science or art of good eating. These are formidable qualifications. The edition of the *Sydney Morning Herald* of 29 May 1990 contains a lengthy article by Mr Dowe about the Bukhara restaurant. He described the applicant as an excellent chef whose specific dishes referred to in the article met with Mr Dowe's enthusiastic, perhaps even epithelium-arousing, approval. His conclusion was:

Here we have Indian food not of the reheated and microwaved variety but of sparkingly fresh flavours and very high standards of preparation. Let's hope the denizens of the south soon discover Bukhara. It deserves their support.

Who of the denizens could resist? I should record that because of the unease with which the parties greeted my passing query as to whether a view, perhaps in this case a taste and smell would be more appropriate concepts, was in order, I have not yet made my voyage of discovery." per Einfeld J, in *Plathara v Minister for Immigration*, unrep, 3 December 1992, Federal Court, setting aside the Minister's refusal of Plathara's application for resident status.

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