

### ERRATUM

#### Please Note:

Elwyn Elms, 'On the Use of Classical Allusions in Judgment Writing' (2008) 31(1)

*UNSWLJ* 56, 73-74:

#### **The paragraphs commencing:**

'First, the respondent ...' on page 73 and concluding 'Darwin Customs Officers.' on page 74,

#### **Should be replaced with:**

- The respondent was driving along the highway when he came across an inadequately lit vehicle which had broken down because its lighting had failed. He did not notice it until the last minute, by which time a vehicle was coming in the opposite direction. Had he swerved to avoid the stationary vehicle, he would have collided with the oncoming vehicle. He was unable to avoid a collision with the stationary vehicle. 'It was a case of Scylla and Charybdis,' said Rich J. 'Mr. Ligertwood's argument appeared to suggest that in these unexpected and difficult circumstances Dr. Watson should have possessed and exercised the prescience of Sherlock Holmes. I do not infer from the facts that the respondent was going at such a speed that he could not pull up within the limits of his vision, and I decline to interfere with the finding of the learned primary judge on the question of the collision raised by the appeal. In my opinion the appeal should be dismissed with costs.'<sup>83</sup>
- 'All three appellants were recruited by Miles to travel to Thailand for the purpose of importing a quantity of heroin into Australia, as couriers. Miles went there himself, purchased a quantity of heroin and delivered it in Bangkok to the appellants who each carried part of it back to Australia. En route, they passed through Customs in several countries where the penalty for heroin trafficking is death. Having passed these Scyllas safely they were engulfed in Darwin by Charybdis in the form of Darwin Customs officers.'<sup>84</sup>

<sup>83</sup> *Lee Transport Co Limited v Watson* (1940) 64 CLR 1, 5.

<sup>84</sup> *Droullos, Metcalfe & Laver v R* (1994) 71 A Crim R 82, 83 (Kearney J).