

Friday, 14 March 2025

## Weekly Government Review A Weekly Bulletin listing Decisions of Superior Courts of Australia covering government

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### Executive Summary (One Minute Read)

**Commonwealth of Australia v Yunupingu** (HCA) - s122 of the Constitution is subject to abstraction (by implication from s51(xxxi)) of power to make laws with respect to the acquisition of property otherwise than on just terms - law is with respect to the acquisition of property otherwise than on just terms to the extent it purported to appropriate an interest in land inconsistent with native title rights before the commencement of the *Native Title Act 1993* (Cth)

**WorkCover Queensland v Asbestos Injuries Compensation Fund Ltd** (NSWCA) - judicial advice given to trustee of James Hardie compensation fund regarding payments where WorkCover Queensland had already paid workers compensation payments reversed

**Johnson v Commissioner of New South Wales Police** (NSWSC) - a warrant authorising seizure of a solicitor's phone was invalid on its face for failing to sufficiently identify what was being searched for and its connection with the searchable offences

**Insurance Australia Ltd t/as NRMA Insurance v Kirkpinar** (NSWSC) - review panel under *Motor Accidents Compensation Act 1999* (NSW) erred by not making causation finding in respect of one particular impairment and by giving inadequate reasons

**SP 95221 v Lane Cove Council** (NSWSC) - NCAT Registrar ordered to accept application commencing building claim, pursuant to procedural direction made by NCAT president

**Monteiro v State of New South Wales** (NSWSC) - Court granted State an adjournment of one week to put on further evidence to address the Court's concerns about its claim for public interest immunity

**Hungry Hampers Catering v Rossington** (VSC) - Magistrate erred by simply adopting analysis of medical panel where she had not been required to do so

**Van Der Wolf v TAC** (VSCA) - incident where an alarm in an alcohol interlock device went off causing hearing damage was not directly caused by the driving of a motor vehicle, and so was not compensable under the *Transport Accident Act 1986* (Vic)

**Williamson, Williamson v Recorder of Titles** (TASSC) - Recorder justified his decision to reinstate six easements to a registered plan from which they had been deleted by mistake

**Von Stalheim v Director of Housing** (TASFC) - Full Court refused extension of time to appeal against finding that *Homes Act 1935* (Tas) did not confer a private right of action to sue Director of Housing

**Cover v ACT Integrity Commission** (ACTSC) - Speaker of ACT Legislative Assembly granted leave to appeal as amicus curiae on issue of parliamentary privilege, where plaintiff sought to impugn report of ACT Integrity Commission

## HABEAS CANEM

Dive with pike





## Summaries With Link (Five Minute Read)

### **Commonwealth of Australia v Yunupingu [2025] HCA 6**

High Court of Australia

Gageler CJ, Gordon, Edelman, Steward, Gleeson, Jagot, & Beech-Jones JJ

Constitutional law - Governor-General made appropriations to Commonwealth and third parties of interests in land in the Gove Peninsula in the Northern Territory under the *Northern Territory (Administration) Act 1910* (Cth), an Act supported by s122 of the Constitution - *Native Title Act 1993* (Cth) provides that a past act attributable to the Commonwealth is valid and is taken always to have been valid, but that native title holders are entitled to compensation in certain circumstances - Gumatj Clan claimed compensation - Full Federal Court found: (1) Commonwealth power to make laws for the government of territories under s122 of the Constitution does not permit making a law with respect to the acquisition of property otherwise than on just terms within the meaning of s51(xxxi) of the Constitution; and (2) a law is with respect to the acquisition of property otherwise than on just terms to the extent it purported to appropriate an interest in land inconsistent with native title rights before the commencement of the *Native Title Act* - Commonwealth granted special leave to appeal to High Court - held: (by Gageler CJ, Gleeson, Jagot, & Beech-Jones JJ; Gordon J and Edelman J agreement for separate reasons, and Steward J dissenting): s51(xxxi) is a grant of power to make laws with respect to the acquisition of property on just terms - it has long been recognised that the existence of this grant of power impliedly abstracts power to make laws for compulsory acquisition of property other than on just terms from other legislative powers - majority now clarified that the abstraction by implication from s51(xxxi) does apply to s122 - majority rejected Commonwealth's argument that extinguishing native title rights by the grant of inconsistent rights was not a 'taking' of property, and therefore not the 'acquisition' of property within the meaning of s31(xxxi), in that native title was inherently susceptible to a valid exercise of the Crown's sovereign power to grant interests in land - majority also rejected Commonwealth argument that a pastoral lease granted by South Australia in 1903 had already extinguished relevant native title before the *Northern Territory (Administration) Act 1910* (Cth) was enacted - Steward J would have held that the *Northern Territory Mining Act 1903* (SA) extinguished native title rights regarding minerals in the claim area and would have remitted the matter to a docket judge for redetermination of the claim in light of this - appeal dismissed (by majority).

[Commonwealth of Australia](#)

[From Benchmark Thursday, 13 March 2025]

### **WorkCover Queensland v Asbestos Injuries Compensation Fund Ltd [2024] NSWCA 317**

Court of Appeal of New South Wales

Ward P, Leeming, & Payne JJA

Judicial advice - In 2006, James Hardie established trust fund to pay asbestos claims against former subsidiaries, including Amaca, pursuant to a tripartite arrangement involving the *James Hardie Former Subsidiaries (Winding Up and Administration) Act 2005* (NSW), a funding agreement, and a trust deed - s32(2) of the Act provided payment may not be made where

# Benchmark

claimant had already been paid compensation - WorkCover Queensland had paid compensation and had a statutory right to reimbursement from Amaca and a charge over any further damages payable - primary judge advised trustee would be justified in not paying judgments against Amaca to the extent claimants had already recovered from WorkCover Queensland (because trustee lacked power to do so) or where WorkCover Queensland had asserted a charge over any payments made by the trustee (as a justified exercise of trustee's discretion) (see Benchmark 17 September 2025) - WorkCover Queensland and claimants appealed - held: the point of the decades-long winding up of James Hardie subsidiaries and the tripartite arrangement was to permit claims by Australians exposed to James Hardies' products to be paid in full - very clear language would be required to prevent a natural person who sustained personal injury from James Hardie's asbestos products, and who obtained judgment against Amaca, from being compensated in full - 'they' in phrase 'to the extent they have been recovered or are recoverable under a Worker's Compensation Scheme or Policy' should be construed as referring to specific claims (that is, claims of the same juristic nature as the claim potentially to be excluded), not the injury generally from which various claims might flow - that such a construction involved surplusage was of relatively little weight in documents replete with surplusage - appeal allowed - trustee advised it would be justified in paying the judgments obtained against Amaca in full.

[View Decision](#)

[From Benchmark Tuesday, 11 March 2025]

## **Johnson v Commissioner of New South Wales Police [2025] NSWSC 21**

Supreme Court of New South Wales

N Adams J

Administrative law - plaintiff was a solicitor specialising in criminal law - police seized his mobile telephone under a search warrant issued pursuant to the *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW) - phone seized in relation to a shooting, and police informed plaintiff he was not a suspect - plaintiff provided phone's password to police once assured the relevant New South Wales Law Society protocol would be implemented to protect his numerous clients' legal professional privilege, and police downloaded the data from the phone onto another device - another police officer obtained another warrant authorising the search and seizure of the phone and the other device from where they were held at Bankstown Police Station, and the phone was seized and remained in the custody of the Criminal Groups Squad - discussions as to the protocol to be adopted broke down and the plaintiff commenced proceedings seeking a declaration that the second warrant was invalid - held: Court not satisfied on the balance of probabilities that the issuing officer did not have had reasonable grounds to issue the second warrant based on the fact that the particulars on the warrant itself were in sparse terms - however, the second warrant was invalid on its face for failing to sufficiently identify what was being searched for and its connection with the searchable offences - in relation to other grounds, that things identified in a warrant may be protected by privilege does not affect the validity of the warrant - no basis to infer that the issuing officer was misled by police as to the fact that the data sought might contain privileged material, or that the issuing

officer did not have the required state of satisfaction for this reason - the plaintiff had not acted in any way that would lead the Court to refuse to declare the warrant to be invalid on discretionary grounds - second warrant declared invalid, and order that phone be returned to solicitor.

[View Decision](#)

[From Benchmark Monday, 10 March 2025]

## **Insurance Australia Ltd t/as NRMA Insurance v Kirkpinar [2025] NSWSC 162**

Supreme Court of New South Wales

Mitchelmore J

Administrative law - first defendant injured in a motor vehicle accident - claimed under *Motor Accidents Compensation Act 1999* (NSW) - insurer of vehicle at fault accepted liability subject to assessment of injury and damages - insurer later dispute whether degree of permanent impairment as a result of injuries caused by the motor accident was greater than 10% (the threshold for damages for non-economic loss under s131 of the Act) - first medical assessor assessed permanent impairment at less than 10% - after total left hip replacement, second medical assessor assessed it at 20% - insurer referred matter to review panel, which assessed it at 15% - insurer sought judicial review - held: contrary to insurer's submission, hip replacement surgery was central to second assessment as part of claim of deterioration in level of impairment as a result of injuries caused by motor accident, not as claim surgery was itself an injury to be separately considered - all assessments under the Act involve a determination as to whether the injured person's impairment is related to the accident in question - the fact that the review panel referred to causation for other injuries highlighted the contrast with its conclusions regarding the lumbar spine, where it said nothing about causation and recorded no determination - review panel failed to determine the question of causation for this particular impairment - gaps in reasons may be filled by necessary inference but cannot be filled by an assumption that a decision was made according to law - inadequacy of the review panel's reasons also constituted an error of law on the face of the record - order in the nature of certiorari quashing review panel's determination, and matter remitted for referral to differently constituted review panel for determination according to law.

[View Decision](#)

[From Benchmark Tuesday, 11 March 2025]

## **SP 95221 v Lane Cove Council [2025] NSWSC 172**

Supreme Court of New South Wales

Slattery J

Administrative law - multilevel residential complex constructed on land owned by Council - builder unlicensed under the *Home Building Act 1989* (NSW) - building allegedly defective - owners corporation sought to make a building claim within the meaning of the *Home Building Act* against Council and builder - NCAT Registrar refused to accept owners corporation's application on the basis of failure to provide evidence NSW Fair Trading had investigated the dispute, as required by s48J of the *Home Building Act* - owners corporation sought judicial



review of Registrar's decision under s69 of the *Supreme Court Act 1970* (NSW) - held: s 48J requires rejection of an application unless either (1) the Registrar is satisfied that the subject matter of the building claim has been investigated under Division 2; or (2) the President of the Tribunal directs that the building claim be accepted without such an investigation - investigation under Division 2 had not taken place when application was sought to be filed - President had given Procedural Direction 5, under s26 of the *Civil and Administrative Tribunal Act 2013* (NSW) directing Registrar to accept building claims in certain categories, even if not satisfied there had been an investigation under Division 2 - one such category was where the time for lodging the claim was due to expire within three months - Direction 5 crafted to be a direction under s48J of the *Home Building Act* - on the proper analysis, time for lodging the claim was to expire on the day the owners corporation lodged the application for filing - mandamus should not be refused on discretionary grounds, even though owners corporation had delayed about four years in commencing proceedings - Registrar ordered to accept owners corporation's application.

[View Decision](#)

[From Benchmark Thursday, 13 March 2025]

## **Monteiro v State of New South Wales [2025] NSWSC 184**

Supreme Court of New South Wales

Garling J

Public interest immunity - plaintiff was the subject of an Extended Supervision Order (ESO), and applied for the ESO to be revoked in its entirety - in accordance with Court orders, State served an affidavit attaching records relevant to the ESO, including case notes, Justice Health records, and Corrective Services records - the affidavit contained a limited number of redactions on the basis of public interest immunity - plaintiff contended the State was not entitled to the redactions - held: it had been proper for the Court to ask questions of the State regarding issues on which it needed persuasion, and request information from the State to enable a proper consideration of the claim for public interest immunity - this is the procedure the Supreme Court has followed for a long time, which had been approved by the Court of Appeal public interest in not revealing the identity of informants is well known and has been developed over many years - Court had indicated it was not satisfied the material sought to be redacted fell within this category, and State sought an adjournment to produce more evidence - delay of a week in the resolution of a claim public interest immunity over a small percentage of the documents produced was unlikely to disadvantage the plaintiff in his preparation for the hearing set down for May - plaintiff's threat to attempt to have the matter decided by the Victorian Supreme Court rather than the NSW Supreme Court may or may not have merit, but was not a matter the Court should take into consideration - when a Court is considering an application for public interest immunity, given the nature of the application and the importance of it, such consideration must occur in a calm environment in which both sides are given an adequate opportunity to put forward, or resist, the claim for immunity - given this consideration, Court was satisfied an adjournment of one week should be granted.

[View Decision](#)

[From Benchmark Friday, 14 March 2025]

## **Hungry Hampers Catering v Rossington [2025] VSC 84**

Supreme Court of Victoria

K Judd J

Workers compensation - in 2011 worker suffered right shoulder injury in the course of employment with previous employer, and claimed impairment benefits - assessed as having WPI of 11%, and worker accepted offer representing that WPI - in 2018, worker suffered right shoulder injury in course of employment with current employer, and claimed impairment benefits - employer's insurance agent accepted liability, determined WPI of 0% and nil entitlement - worker disputed this and agent referred medical questions to a medical panel - medical panel found 7% WPI - agent reduced benefit to nil by reason of the earlier lump sum paid, asserting for the first time that the current impairment was a recurrence, aggravation, acceleration, exacerbation, or deterioration of the earlier injury - worker sued in Magistrates' Court, which held the worker was entitled to the full amount arising from the 7% WPI - employer appealed - held: medical panel's opinion is binding under s314 of the *Workplace Injury Rehabilitation Act 2013* (Vic) - in contrast, medical panel's reasons may be admitted into evidence as expert opinion, but are not binding - relevant question to medical panel had been to calculate WPI, and its opinion on this calculation was binding - whether current impairment was a recurrence, aggravation, acceleration, exacerbation, or deterioration of the earlier injury had not been a question asked of medical panel, although it overlapped to a considerable degree with the question asked - medical panel's analysis as to recurrence, etc, was therefore non-binding expert opinion, rather than a statutorily binding opinion - Magistrate had had to determine this issue for herself on all of the evidence - Magistrate had erred in thinking the analysis of the medical panel was binding, and in simply adopting and applying that analysis - appeal allowed, and matter remitted to Magistrates' Court for determination in accordance with law.

[Hungry Hampers Catering](#)

[From Benchmark Friday, 14 March 2025]

## **Van Der Wolf v TAC [2025] VSCA 24**

Court of Appeal of Victoria

Beach JA, Forbes, & J Forrest AJJA

Transport accidents - applicant convicted of drink driving, and had to have alcohol interlock device fitted to any motor vehicle he drove for six months - while applicant driving, interlock requested a retest, and, when he did not complete retest within five minutes, an alarm sounded for 45 seconds, until he successfully completed the retest - applicant claimed he sustained sensory neural hearing loss from the alarm and claimed compensation for a 'transport accident' under the *Transport Accident Act 1986* (Vic) - Transport Accident Commission denied claim on basis accident not directly caused by the driving of a motor vehicle - Victorian Civil and Administrative Tribunal affirmed - Supreme Court dismissed appeal on question of law against Tribunal's decision - applicant sought leave to appeal - held: s3(1) of the Act defines a transport accident as 'an incident directly caused by the driving of a motor car or motor vehicle, a railway train or a tram' - the statutory language was clear, and the Tribunal was required to address an



issue of fact, namely, whether the sounding of the alarm was directly caused by the driving of the vehicle - to satisfy the test under the Act, the incident which produces the injury must have a direct connection with the movement or propulsion of the vehicle - it is not enough that the incident would not have occurred but for the driving - not only was it open to the Tribunal to reach the conclusion it did, the Tribunal's conclusion was correct - the alarm sounded independently of the applicant's driving or control of his vehicle - applicant had not established that there was an error of law in the decision of the Tribunal - leave to appeal refused.

[Van Der Wolf](#)

[From Benchmark Monday, 10 March 2025]

## **Williamson, Williamson v Recorder of Titles [2025] TASSC 9**

Supreme Court of Tasmania

Marshall AJ

Easements - applicants purchased property at Murdunna - applicants requested amendment of the sealed plan - new plan had six easements relating to right of carriageway and service easement struck through - second respondent bought a nearby property and raised with Recorder of Titles whether access easements had been deleted by mistake - Recorder of Titles' office confirmed those easements had been deleted by mistake - Recorder reinstated the six easements - applicants applied under s144(2) of the *Land Titles Act 1980* (Tas) for the Recorder to justify the reinstatement - held: s143C provides that the Recorder may, or his or her own motion, correct an error on a plan or accompanying document - applicants' contention that s143C only authorised correction of an error on a document as lodged, and did not authorise correction of an error the Recorder herself made, was too restrictive - nothing on the face of s143C supported this construction - nothing said in previous authority suggested s143C was so restricted - on its face, s143C applies to circumstances subsisting on the Register, including registered instruments such as a Schedule of Easements, without reference to accrued rights - indefeasibility of title is an essential feature of the Torrens system - given that the wrongful deletion of the six easements would have been evident from a proper search of the Register prior to the applicant's purchase of the land, indefeasibility, if it applies in respect of action taken under s143C at all, did not apply in the current circumstances - further, s40(3)(e)(ib) of the *Land Titles Act* provided another exception to indefeasibility, applying to an easement that has been created under this Act but unintentionally omitted from the folio of the Register for this servient land - Recorder had justified his decision to reinstate the easements - application dismissed.

[Williamson, Williamson](#)

[From Benchmark Friday, 14 March 2025]

## **Von Stalheim v Director of Housing [2025] TASFC 2**

Full Court of the Supreme Court of Tasmania

Brett & Jago JJ

Civil procedure - primary judge dismissed application against Director of Housing asserting a private cause of action under the *Homes Act 1935* (Tas) for failure to facilitate appellant being able to purchase home in which he was a tenant - appellant sought an extension of time in

which to appeal - Full Court consisting of three judges heard application for extension of time and substantive argument on appeal concurrently - after argument, one of the judges resigned and did not take part in the judgment delivered - held: the two remaining judges retained jurisdiction to determine the case - if a judge of an appellate court desists from hearing a case or dies during the hearing, but a quorum remains, then that quorum can continue with the hearing and the decision of the members of the quorum will be the decision of the court - quorum of Full Court was two judges under s14(a) of the *Supreme Court Civil Procedure Act 1932* (Tas) - Court satisfied no injustice arose in this case from the case being determined by the two remaining judges, given that both remaining judges agreed on the resolution of the case - no reasonable argument that Director of Housing had a duty under the *Homes Act* to facilitate land or home ownership for appellant's benefit - whether an Act provides for a private right of action is a question of statutory interpretation - *Homes Act* did not create a private right of action - grounds of appeal devoid of merit - extension of time refused.

[Von Stalheim](#)

[From Benchmark Wednesday, 12 March 2025]

## **Cover v ACT Integrity Commission [2024] ACTSC 71**

Supreme Court of the Australian Capital Territory

Mossop J

Constitutional law - former CEO of Canberra Institute of Technology sought declarations and prerogative relief in relation to a ACT Integrity Commission report - Speaker of ACT Legislative Assembly sought be heard as amicus curiae in relation to parliamentary privilege, or alternatively, that he be joined as a party - Speaker contended report was a 'proceeding in Parliament' for the purposes of parliamentary privilege - held: clearly appropriate for the Speaker to be heard one way or another as to the proper scope of parliamentary privilege - admissibility of the report clearly significant to the outcome of the proceedings - likely the Speaker would be in a position to assist the Court, potentially going beyond the submissions that parties might otherwise make - appropriate to allow Speaker to be heard as amicus curiae - even if joinder of Speaker were technically within scope of the rules regarding joinder, Court would still proceed by way of amicus curiae, as that more accurately reflected the role Speaker intended to play - former CEO's concerns as to having parliamentary privilege ventilated in detail could be addressed by control of the manner in which the case proceeds - leave granted for Speaker to be heard as amicus curiae for the purposes of making written and oral submissions on the issue of parliamentary privilege.

[Cover](#)

[From Benchmark Wednesday, 12 March 2025]

# Benchmark

## INTERNATIONAL LAW

### Executive Summary and (One Minute Read)

**Dewberry Group v Dewberry Engineers** (SCOTUS) - Disgorgement of profits in a trade mark infringement dispute brought under the United States Lanham Act may only be awarded against parties that are named defendants. Profits of defendant's affiliates are not statutorily subject to disgorgement

### Summaries With Link (Five Minute Read)

**Dewberry Group v Dewberry Engineers 604 US \_\_ (2025)**

Supreme Court of the United States

Plaintiff, Dewberry Engineers successfully sued Dewberry Group for trade mark infringement. Pursuant to the Lanham Act, the plaintiff sought damages measured by the amount of defendant's profits, known as disgorgement of profits. The plaintiff was awarded US\$43million. The judgment was affirmed by the Court of Appeals. However, the named defendant did not show any profits on its books. The profits attributable to the infringement appeared on the books of defendant's affiliated companies, and the trial court attributed the profits to the named defendant for purposes of ordering disgorgement. The Supreme Court (per Curiam by Kagan J; Sotomayor J concurring) reversed and remanded based on the plain meaning of the statutory language which permits as a measure of loss, disgorgement of the 'defendant's' profits. The Court found that the word 'defendant' in the statute can only refer to a party so named in the proceedings. The plaintiff had also argued that the Lanham Act allows for a 'just-sum' award of damages where a court is persuaded that the traditional measures of losses are inadequate. The Court declined to decide if the award of damages could be justified on the just-sum theory because this had not been employed by the trial court.

[Dewberry Group](#)





## Poem for Friday

### The Love Song of J. Alfred Prufrock

By T. S. Eliot

*S'io credesse che mia risposta fosse  
A persona che mai tornasse al mondo,  
Questa fiamma staria senza piu scosse.  
Ma perciocche giammai di questo fondo  
Non torno vivo alcun, s'i'odo il vero,  
Senza tema d'infamia ti rispondo.*

Let us go then, you and I,  
When the evening is spread out against the sky  
Like a patient etherized upon a table;  
Let us go, through certain half-deserted streets,  
The muttering retreats  
Of restless nights in one-night cheap hotels  
And sawdust restaurants with oyster-shells:  
Streets that follow like a tedious argument  
Of insidious intent  
To lead you to an overwhelming question ...

Oh, do not ask, "What is it?"  
Let us go and make our visit.

In the room the women come and go  
Talking of Michelangelo.

The yellow fog that rubs its back upon the window-panes,  
The yellow smoke that rubs its muzzle on the window-panes,  
Licked its tongue into the corners of the evening,  
Lingered upon the pools that stand in drains,  
Let fall upon its back the soot that falls from chimneys,  
Slipped by the terrace, made a sudden leap,  
And seeing that it was a soft October night,  
Curled once about the house, and fell asleep.

And indeed there will be time  
For the yellow smoke that slides along the street,  
Rubbing its back upon the window-panes;



There will be time, there will be time  
To prepare a face to meet the faces that you meet;  
There will be time to murder and create,  
And time for all the works and days of hands  
That lift and drop a question on your plate;  
Time for you and time for me,  
And time yet for a hundred indecisions,  
And for a hundred visions and revisions,  
Before the taking of a toast and tea.

In the room the women come and go  
Talking of Michelangelo.

And indeed there will be time  
To wonder, "Do I dare?" and, "Do I dare?"  
Time to turn back and descend the stair,  
With a bald spot in the middle of my hair —  
(They will say: "How his hair is growing thin!")  
My morning coat, my collar mounting firmly to the chin,  
My necktie rich and modest, but asserted by a simple pin —  
(They will say: "But how his arms and legs are thin!")  
Do I dare  
Disturb the universe?  
In a minute there is time  
For decisions and revisions which a minute will reverse.

For I have known them all already, known them all:  
Have known the evenings, mornings, afternoons,  
I have measured out my life with coffee spoons;  
I know the voices dying with a dying fall  
Beneath the music from a farther room.  
So how should I presume?

And I have known the eyes already, known them all—  
The eyes that fix you in a formulated phrase,  
And when I am formulated, sprawling on a pin,  
When I am pinned and wriggling on the wall,  
Then how should I begin  
To spit out all the butt-ends of my days and ways?  
And how should I presume?

And I have known the arms already, known them all—



Arms that are braceleted and white and bare  
(But in the lamplight, downed with light brown hair!)  
Is it perfume from a dress  
That makes me so digress?  
Arms that lie along a table, or wrap about a shawl.  
    And should I then presume?  
    And how should I begin?

Shall I say, I have gone at dusk through narrow streets  
And watched the smoke that rises from the pipes  
Of lonely men in shirt-sleeves, leaning out of windows? ...

I should have been a pair of ragged claws  
Scuttling across the floors of silent seas.

And the afternoon, the evening, sleeps so peacefully!  
Smoothed by long fingers,  
Asleep ... tired ... or it malingers,  
Stretched on the floor, here beside you and me.  
Should I, after tea and cakes and ices,  
Have the strength to force the moment to its crisis?  
But though I have wept and fasted, wept and prayed,  
Though I have seen my head (grown slightly bald) brought in upon a platter,  
I am no prophet — and here's no great matter;  
I have seen the moment of my greatness flicker,  
And I have seen the eternal Footman hold my coat, and snicker,  
And in short, I was afraid.

And would it have been worth it, after all,  
After the cups, the marmalade, the tea,  
Among the porcelain, among some talk of you and me,  
Would it have been worth while,  
To have bitten off the matter with a smile,  
To have squeezed the universe into a ball  
To roll it towards some overwhelming question,  
To say: "I am Lazarus, come from the dead,  
Come back to tell you all, I shall tell you all"—  
If one, settling a pillow by her head  
    Should say: "That is not what I meant at all;  
    That is not it, at all."

And would it have been worth it, after all,





Would it have been worth while,  
After the sunsets and the dooryards and the sprinkled streets,  
After the novels, after the teacups, after the skirts that trail along the floor—  
And this, and so much more?—  
It is impossible to say just what I mean!  
But as if a magic lantern threw the nerves in patterns on a screen:  
Would it have been worth while  
If one, settling a pillow or throwing off a shawl,  
And turning toward the window, should say:  
    “That is not it at all,  
    That is not what I meant, at all.”

No! I am not Prince Hamlet, nor was meant to be;  
Am an attendant lord, one that will do  
To swell a progress, start a scene or two,  
Advise the prince; no doubt, an easy tool,  
Deferential, glad to be of use,  
Politic, cautious, and meticulous;  
Full of high sentence, but a bit obtuse;  
At times, indeed, almost ridiculous—  
Almost, at times, the Fool.

I grow old ... I grow old ...  
I shall wear the bottoms of my trousers rolled.

Shall I part my hair behind? Do I dare to eat a peach?  
I shall wear white flannel trousers, and walk upon the beach.  
I have heard the mermaids singing, each to each.

I do not think that they will sing to me.

I have seen them riding seaward on the waves  
Combing the white hair of the waves blown back  
When the wind blows the water white and black.  
We have lingered in the chambers of the sea  
By sea-girls wreathed with seaweed red and brown  
Till human voices wake us, and we drown.

Jeremy Irons reads The Love Song of J. Alfred Prufrock "The Love Song of J. Alfred Prufrock" by T. S. Eliot

<https://www.youtube.com/watch?v=adNOs1izBlS>



Thomas Stearns Eliot OM was born on 26 September 1888 in St Louis, Missouri. By the time he was 15, he spoke Greek, Latin, French and English, with some German. He was a leading poet, editor and publisher. He is also well known as an essayist. He started his working life as a clerk in the Colonial and Foreign department of Lloyd's as a linguist. By that time he had also studied Sanskrit, and knew French, Italian and German.

Well known works include *The Waste Land* and *The Hollow Men*. He regarded *Four Quartets* as his greatest masterpiece. He wrote that "*only those who will risk going too far can possibly find out how far one can go*". He received the Nobel Prize in Literature. He relinquished his American citizenship to become a British citizen. Having smoked heavily for most of his life, he suffered worsening problems with his lungs, until his death.

[https://en.wikipedia.org/wiki/T. S. Eliot](https://en.wikipedia.org/wiki/T._S._Eliot)

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