

SEPTEMBER 2022

The Authorised Reports of Decisions of the
Supreme Court of South Australia

THE
SOUTH
AUSTRALIAN
STATE REPORTS

2021

GENERAL EDITORS
DANIEL LORBEER
KRISTOPHER HANDSHIN QC

REPORTERS IN THIS PART
RAFFAELE PICCOLO
STEPHEN RANIERI

VOL 139 — PART 3

PAGES 251-395

The mode of citation of this part will be:
139 SASR

TABLE OF CASES REPORTED

Part 3 — Pages 252-395

| | |
|--|-----|
| Advertiser Newspapers Pty Ltd and Others v Penhall | 252 |
| Better Lending Pty Ltd and Another; Mandeville v | 1 |
| Carney (No 3); Hall v | 63 |
| Dietman; Shaw v | 170 |
| Dietman; Wanganeen v | 170 |
| Hall v Carney (No 3) | 63 |
| Jeromel and Others; Noyce v | 371 |
| JJP v The Queen | 91 |
| Mandeville v Better Lending Pty Ltd and Another | 1 |
| Noyce v Jeromel and Others | 371 |
| Penhall; Advertiser Newspapers Pty Ltd and Others v | 252 |
| Queen, The; Carver v | 305 |
| Queen, The; JJP v | 91 |
| Queen, The; Mitchell v | 305 |
| Queen, The; Rigney v | 305 |
| Queen, The; Tenhoopen | 305 |
| Redman v Return to Work Corporation of South Australia | 131 |
| Return to Work Corporation of South Australia; Redman v | 131 |
| Rigney v The Queen | 305 |
| Shaw v Dietman (No 2); Wanganeen and Another v Dietman | 217 |
| Shaw v Dietman | 170 |
| Takhar and Another; Commissioner of State Taxation v | 227 |
| Taxation, Commissioner of State v Takhar and Another | 227 |
| Wanganeen and Another v Dietman; Shaw v Dietman (No 2) | 217 |
| Wanganeen v Dietman | 170 |

(Cases in **bold** reported in this part)



THOMSON REUTERS

© 2022 Thomson Reuters (Professional) Australia Limited

Lawbook Co.

ABN 64 058 914 668

Published in Sydney

ISSN 0049-1470

INDEX

Part 3 — Pages 252-395

CRIMINAL LAW

| | |
|---|-----|
| General matters — Ancillary liability — Complicity — Extended joint enterprise — Murder — Felony murder — Statutory murder — Necessary foresight — Foresight of intentional act of violence — Foresight of death of another person not required — Foresight of intentional act of violence of the sort that occurred not required. | |
| <i>Rigney v The Queen</i> | 305 |
| Particular offences — Offences against the person — Homicide — Murder — Felony murder — Statutory murder — Extended joint enterprise — Necessary foresight — Foresight of intentional act of violence — Foresight of death of another person not required — Foresight of intentional act of violence of the sort that occurred not required. | |
| <i>Rigney v The Queen</i> | 305 |
| Particular offences — Offences against the person — Homicide — Murder — Felony murder — Statutory murder — Requirement for an intentional act of violence — Foundational offence — Elements of foundational offence — No requirement foundational offence include element of intentional act of violence — Criminal Law Consolidation Act 1935 (SA), s 12A. | |
| <i>Rigney v The Queen</i> | 305 |
| Procedure — Miscellaneous powers of courts and judges — Suppression orders — Existing internet publications — Court may make take-down order notwithstanding order may not be entirely effective. | |
| <i>Advertiser Newspapers Pty Ltd and Others v Penhall</i> | 252 |

EVIDENCE

| | |
|--|-----|
| Miscellaneous matters — Non-publication of evidence — Powers: source and exercise — Existing internet publications — Court may make take-down order notwithstanding order may not be entirely effective — Evidence Act 1929 (SA), s 69A. | |
| <i>Advertiser Newspapers Pty Ltd and Others v Penhall</i> | 252 |

GIFTS INTER VIVOS

| | |
|---|-----|
| Essentials of perfect gifts — Gifts of land or interests therein. | |
| <i>Noyce v Jeromel and Others</i> | 371 |

SUCCESSION

| | |
|---|-----|
| Family provision — Procedure — Time for making application — Generally — Application to be before final distribution — Instruments for transmission and transfer of land lodged for registration — Where Registrar-General makes requisition for amendment to instrument — Amended instrument not lodged at time of application for further provision — Land not distributed at time of application — Inheritance (Family Provision) Act 1972 (SA), s 8(5). | |
| <i>Noyce v Jeromel and Others</i> | 371 |

INDEX

WORDS AND PHRASES

“Distribution” — Inheritance (Family Provision) Act 1972 (SA), s 8(5).

Noyce v Jeromel and Others 371