

NOVEMBER 2022

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

THE
SOUTH
AUSTRALIAN
STATE REPORTS
2016, 2021

GENERAL EDITORS
DANIEL LORBEER
KRISTOPHER HANDSHIN KC

REPORTERS IN THIS PART

MITCHELL BRUNKER	DAVID KELLY
ANNA BULMAN	RAFFAELE PICCOLO
ALISON DOECKE	STEPHEN RANIERI
LLOYD WICKS	

VOL 139 — PART 4

PAGES 396-563

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

TABLE OF CASES REPORTED

Part 4 — Pages 396-563

A, DC v Prince Alfred College Inc (No 2)	396
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
Forrest v Police	536
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
Pain; Retail Employees Superannuation Pty Ltd v	401
Pateras v The Queen	549
Penhall; Advertiser Newspapers Pty Ltd and Others v	252
Police; Forrest v	536
Prince Alfred College Inc (No 2); A, DC v	396
Queen, The; Carver v	305
Queen, The; JJP v	91
Queen, The; Mitchell v	305
Queen, The; Pateras v	549
Queen, The; Rigney v	305
Queen, The; Tenhoopen	305
Redman v Return to Work Corporation of South Australia	131
Retail Employees Superannuation Pty Ltd v Pain	401
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

(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

TABLE OF CASES REPORTED

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

INDEX

Part 4 — Pages 396-563

CRIMINAL LAW

- Particular offences — Drug offences — Sentence — Trafficking, trading, selling, supplying or distributing — Involving methylamphetamine.
Pateras v The Queen 549
- Sentence — Relevant factors — Response to charges — Other matters — Rehabilitation — Intervention programs — Where the defendant had not participated in rehabilitation programs — Whether relevant — Sentencing Act 2017 (SA), ss 11(6), 11(7).
Pateras v The Queen 549
- Sentence — Relevant factors — Response to charges — Plea of guilty — Whether the utilitarian benefit of guilty plea can constitute “good reason” for the purposes of s 40(3)(e) — Sentencing Act 2017 (SA), s 40(3)(e).
Pateras v The Queen 549

EQUITY

- Trusts and trustees — Variation and revocation of trusts — Variation — Trustee Act 1936 (SA), s 59C.
Retail Employees Superannuation Pty Ltd v Pain 401

PROCEDURE

- Civil proceedings — Costs — Issues and counterclaims — Failure in portion of case.
A, DC v Prince Alfred College Inc (No 2) 396

SUPERANNUATION

- Private sector funds — Trustees — Powers and duties — Payment of benefit after death of member — Power of member to make binding nomination — Whether power permitted by statute — Superannuation Industry (Supervision) Act 1993 (Cth), ss 58(1), 59(1) — Superannuation Industry (Supervision) Regulations 1994 (Cth), reg 6.17A.
Retail Employees Superannuation Pty Ltd v Pain 401

TRAFFIC LAW

- Licensing of drivers — South Australia — Disqualification, cancellation or suspension of licences — Whether s 169A of Road Traffic Act 1961 (SA) mandates starting position of concurrency of disqualifications for multiple offences — Road Traffic Act 1961 (SA), s 169A.
Forrest v Police 536

TABLE OF CASES REPORTED

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