

MARCH 2025

The Authorised Law Reports of the
Supreme Court of Western Australia

THE
WESTERN
AUSTRALIAN
REPORTS
2022-2023

EDITOR

ERIC HEENAN SC

REPORTERS IN THIS PART

MADELEINE DURAND
HUGH KOPSEN

VOL 60 — PART 1

PAGES 1-89

The mode of citation of this part will be:
60 WAR

TABLE OF CASES REPORTED

Part 1 — Pages 1-89

Donaldson; Mammoth Investments Pty Ltd v	1
Mammoth Investments Pty Ltd v Donaldson	1
Puntigam v Western Australia	26
Western Australia; Puntigam v	26

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

© State of Western Australia 2025

This publication is copyright. Except as permitted under the *Copyright Act 1968*, no part of this publication may be reproduced or communicated by any process without the prior written permission of the Attorney General of Western Australia.



2025 Thomson Reuters (Professional) Australia Limited

Lawbook Co.

ABN 64 058 914 668

Published in Sydney

ISSN 0083-8764

INDEX

Part 1 — Pages 1-89

CRIMINAL LAW

- Appeals against conviction and sentence — Appellants were jointly tried on charges of aggravated robbery, aggravated home burglary, and unlawfully administering a noxious thing with intent to injure or annoy any person — Where State's case alleged criminal responsibility of first appellant under s 8(1) of the Criminal Code (WA) on the basis of an unlawful common purpose with the second appellant to steal with threats of violence, during which actual violence rather than threats of violence was used — Whether s 8(1) requires that offence committed be different from unlawful common purpose — Where State's case alleged that first appellant did all the relevant acts for the purposes of the burglary offence — Whether s 8(1) can constitute the basis of liability for a principal offender — Whether admission of evidence of first appellant's possession of replica gun created unfair prejudice to second appellant — Whether the trial judge failed to adequately direct the jury on the issue of implied consent to enter or be in the place — Whether total effective sentences infringed first limb of the totality principle — Whether sentencing judge erred by making findings, or failing to make findings, of fact.
- Puntigam v Western Australia* 26

LEGAL PRACTITIONERS

- Barristers — Legal Profession Act 2008 (WA) — Costs — Solicitor retained barrister on behalf of lay client — Costs agreement between solicitor and barrister — Invoices issued by barrister repeated item of “getting up” — Whether lay client could seek costs assessment — Whether “client” for purposes of costs assessment lay client or solicitor — Whether barrister's invoices satisfied requirements of “itemised bill” in s 252 of Legal Profession Act 2008 (WA) — Legal Profession Act 2008 (WA), ss 252, 292, 294, 295 — Rules of the Supreme Court 1971 (WA) O 66 r 42(1).
- Mammoth Investments Pty Ltd and Others v Donaldson* 1

WORDS AND PHRASES

- “Client”.
- Mammoth Investments Pty Ltd and Others v Donaldson* 1
- “Getting up”.
- Mammoth Investments Pty Ltd and Others v Donaldson* 1
- “Itemised bill”.
- Mammoth Investments Pty Ltd and Others v Donaldson* 1