

***Parish v Police* [2018] SASC 18 (27 February 2018) – Supreme Court of South Australia**

‘Adequacy of reasons’ – ‘Magistrates court’ – ‘Physical violence and harm’

Charges: Assault causing harm x 1.

Appeal type: Appeal against conviction.

Facts: The complainant gave evidence that the appellant punched her from behind, pushed her to the floor, pushed her head into the floor and wall, and bit her on the cheek ([16]-[17]).

Issues: Whether the conviction was unreasonable or insupportable having regard to the evidence.

Decision and Reasoning: The appeal was allowed, and the matter was remitted for retrial before a different magistrate ([98]).

Lovell J described the case as an ‘oath on oath’ case ([10]). At [51]-[54], Lovell J provides a useful exposition of what is necessary for a Magistrate to include in a judgement to amount to adequate reasons. Simply summarising the evidence is not sufficient. The reasons must engage with conflicts in evidence and how those conflicts can be resolved.

Lovell J held that the Magistrate failed to provide adequate reasons in two areas. First, in accepting the evidence of a police officer and M’s treating doctor without explaining how the Magistrate reconciled the inconsistencies between their evidence and M’s evidence ([57]-[79]). Second, in dismissing the evidence of the appellant’s uncle without explaining why ([80]-[86]).