



QUEENSLAND
COURTS

CORONERS COURT OF QUEENSLAND

FINDINGS OF INQUEST

CITATION: Inquest into the death of Shui Ki Chan between
22 – 23 August 2012

TITLE OF COURT: Coroners Court

JURISDICTION: Brisbane

FILE NO: 2012/3026

DELIVERED ON: 2 November 2017

DELIVERED AT: Brisbane

HEARING DATES: 10 February, 7 - 11 March, 14 - 18 March; 4 - 8 April,
14 April and 19 April 2016

CATCHWORDS: Coroners: traffic incident; bicycle incident,
'hit and run'

FINDINGS OF: Mr John Hutton

REPRESENTATION:

Counsel Assisting: Mr Peter De Waard
(Coroners Court of
Queensland)

Counsel for Ms Joanne McCauley: Mr Simon Burgess (Aboriginal
& Torres Strait Islander Legal
Service)

Introduction

1. Mr Shui Ki Chan was 25 years of age when he died after being hit by a vehicle whilst riding his bicycle on 22 August 2012.
2. An inquest was held over a 17 day period from 7 to 11 March 2016, 14 to 18 March 2016, 4 to 8 April 2016, 14 April 2016 and 19 April 2016. A comprehensive brief of evidence was compiled and distributed to the parties.
3. During the inquest, I heard oral evidence from the following 20 witnesses:
 - a. Ms Joanne McCauley (suspected to have purposely hit Mr Chan with her car);
 - b. Mr Peter Jay Arrowsmith (Ms McCauley's son);
 - c. Mr Tyran Checkley (Ms McCauley's son);
 - d. Ms Skye Maas (Ms McCauley's daughter);
 - e. Ms Angelina Johnston (Ms McCauley's sister);
 - f. Ms Rachel McCauley (Ms McCauley's sister);
 - g. Ms Billy-Jean Cummings (Ms McCauley's 'step' daughter);
 - h. Mr Phillip Thow (informant and partner of Ms McCauley's son, Mr Peter Jay Arrowsmith);
 - i. Mr Robert (Billy) Allen (Ms McCauley's former spouse (her spouse at the time of the incident) and 'drug acquaintance');
 - j. Ms Marlene Unwin (Ms McCauley's former spouse's, Mr Robert 'Billy) Allen's mother);
 - k. Mr James Dyer (Ms McCauley's most recent former spouse and 'drug acquaintance'. Also a former spouse of Ms McCauley's daughter, Ms Skye Maas);
 - l. Ms Trudy Hay (Ms McCauley's former spouse's, Mr Leslie Escuder's mother);
 - m. Mr John Urquhart (Ms McCauley's former landlord, lover, and 'drug acquaintance');
 - n. Mr Peter John Arrowsmith (Ms McCauley's ex-husband and father of Mr Peter Jay Arrowsmith);
 - o. Mr Robert Dawson (Ms McCauley's friend and 'drug acquaintance');

- p. Mr Jessie Carloss (Ms McCauley's former friend and 'drug acquaintance');
 - q. Ms Sarah Ann-Margaret Lees (Mr Jessie Carloss' spouse, and former friend and 'drug acquaintance' of Ms McCauley);
 - r. Mr Lachlan Johnston (Ms McCauley's former friend and 'drug acquaintance');
 - s. Mr Graham Johansen (Ms McCauley's former friend and 'drug acquaintance'); and
 - t. Pastor Jennifer Colbrahams (an Anglican Church Reverend whom Ms McCauley had called upon for emergency accommodation).
4. This is a relatively complex case due to the relationships between the witnesses, and the many 'twists and turns'. These findings are, however, brief because this matter may become the subject of further criminal proceedings against Ms McCauley. A true appreciation of this case will only be gained after a close examination of the inquest transcripts and brief of evidence.
 5. These findings address the following issues, which were settled at a Pre-Inquest Conference on 10 February 2016:
 - a. The findings required by section 45(2) of the *Coroners Act 2003* (Qld); namely the identity of the deceased person, how, when, and where he died, and what caused his death; and
 - b. Whether any recommendations can be made to reduce the likelihood of deaths occurring in similar circumstances or otherwise contribute to public health and safety or the administration of justice.
 6. These findings also address the adequacy of the criminal investigation, and assistance provided to me during my coronial investigation, by Detective Senior Constable Neumann.

Findings required by s. 45

7. Pursuant to section 45(2) of the *Coroners Act 2003* (Qld), I find:
 - a. *Identity of the deceased* – The deceased person is Shui Ki Chan.
 - b. *How he died* – At around 7:40pm on 22 August 2012, Shui Ki Chan was riding his bicycle eastbound on the Warrego Highway from the College View McDonald's restaurant to the Gatton Caravan Park.

He was wearing a bicycle helmet and dark clothing. A small, but functioning, flash light/reflector was affixed below his rear bicycle seat.

About midway (1km) into his journey, Shui Ki Chan was purposely struck by a vehicle driven by Joanne McCauley.

Shui Ki Chan did not die immediately from what would otherwise have been non-life threatening injuries. He died as a result of hypothermia, after being left in the ditch overnight in the cold weather. His body was found by a passing cyclist the next morning at around 9:40am.

- c. *Place of death* – Shui Ki Chan died on the Warrego Highway, Lawes, in the state of Queensland.
- d. *Date of death* – Shui Ki Chan died between 22 and 23 August 2012.
- e. *Cause of death* – The medical cause of Shui Ki Chan's death was hypovolaemic shock and hypothermia due to bilateral pelvic fractures caused by a passing vehicle striking his bicycle.

Findings as to the adequacy of the investigations conducted by Detective Senior Constable David Neumann

- 8. I find that:
 - a. The criminal investigation conducted by Detective Senior Constable Neumann was inadequate; and
 - b. The assistance provided to me by Detective Senior Constable Neumann, during my coronial investigation, was inadequate.

Referral of Detective Senior Constable David Neumann to the Commissioner of Police

- 9. Section 48(2) of the *Coroners Act 2003* (Qld) provides that a coroner may give information about a person's conduct in a profession or trade,

obtained while investigating a death, to a disciplinary body for the person's profession or trade if the coroner reasonably believes the information might cause the body to inquire into, or take steps in relation to, the conduct.

10. Due to the inadequacies I have found with Detective Senior Constable David Neumann's criminal investigation, and with the assistance he provided to me during my coronial investigation, I refer his conduct to the Commissioner of the Queensland Police Service, for consideration as to whether any disciplinary action should be taken.

Referral of Joanne McCauley and Phillip Thow to the Director of Public Prosecutions

11. Section 48(2)(a) of the *Coroners Act 2003* (Qld) provides that if, from information obtained while investigating a death, a coroner reasonably suspects a person has committed an offence, the coroner must give the information, for an indictable offence, to the Director of Public Prosecutions.
12. After the conclusion of the inquest hearings, I awaited some further information that was coming in, I obtained the inquest transcripts, and I reviewed all the evidence. Having considered this information, I formed a reasonable suspicion that Ms McCauley had committed murder and that Mr Thow had committed rape and/or indecent dealing with a minor.
13. On 16 December 2016, I referred the matter in writing to the Director of Public Prosecutions Queensland, with a full copy of the inquest brief of evidence and transcripts.
14. On 18 April 2017, the Director of Public Prosecutions advised me in writing that he had that day written to the Commissioner of Police indicating that in his opinion there existed reasonable prospects of success on a prosecution of Ms McCauley for the murder of Mr Chan. However, he indicated that it was a matter for the Commissioner of Police whether any such charge would be preferred.
15. The Director of Public Prosecutions also advised that whilst there appeared to be a prima facie case against Mr Thow for certain sexual offences against the then 15-year-old Mr Arrowsmith, there did not appear to be any reasonable prospects of success whilst Mr Arrowsmith remained a reluctant witness.
16. I wrote back to the Director of Public Prosecutions expressing concerns about the assumption that had been made that Mr Arrowsmith was un-cooperative, and I made some suggestions as to further enquiries that could be made with Mr Arrowsmith. I requested that the Director of Public Prosecutions reconsider his decision in relation to the alleged sexual offences committed by Mr Thow. However, the Director of Public

Prosecutions has indicated that he does not intend on making further enquiries with Mr Arrowsmith and that his position has not changed.

17. On 30 August 2017, I followed up with the police by email (through Counsel Assisting) as to whether they were going to prefer a charge against Ms McCauley. The Officer in Charge of the Criminal Investigation Branch at Gatton, Detective Sergeant Brett Richard, responded on 30 August 2017. He was unable to provide a timeframe as to when a decision would be made. Detective Sergeant Richard made contact again with Counsel Assisting on 24 October 2017 and an overview was provided of the evidence. Detective Sergeant Richard indicated that it is likely that a charge against Ms McCauley would be preferred but no timeframe could be provided.
18. It was my intention to allow the criminal process to be finalised before handing down my inquest findings. However, given that I am retiring on 3 November 2017, the delay experienced to this point in time, and the inability of the police to provide me with a timeframe, it is my view that it is in the public interest, and in the interests of Mr Shui Ki Chan's family, to finalise this inquest.

Recommendations

19. Section 46 of the *Coroners Act 2003* (Qld) provides that a coroner may comment on anything connected with a death that relates to public health or safety, the administration of justice, or ways to prevent deaths from happening in similar circumstances in the future.
20. I recommend that the Commissioner of the Queensland Police Service direct that:
 - a. Urgent attention be given to the decision of whether Ms Joanne McCauley will be charged with the murder of Mr Shui Ki Chan; and
 - b. Urgent attention is given to reviewing whether Mr Phillip Thow (and Ms Joanne McCauley) should be charged with sexual and ancillary offences against the then 15-year-old son of Ms McCauley, Mr Peter Jay Arrowsmith.

Evidence, discussion and general circumstances of death

Background

21. Mr Shui Ki Chan was 25 years of age when he died after being hit by a vehicle whilst riding his bicycle.
22. Mr Chan was a Chinese tourist from Hong Kong, having arrived in Australia four months earlier on 24 April 2012.
23. For about a month prior to his death, Mr Chan had been residing alone at the Gatton Caravan Park on Gatton Helidon Road, Gatton, in Queensland. He had been working at the College View McDonalds restaurant on the Warrego Highway, which was about 2km from the caravan park.
24. On Wednesday 22 August 2012 at about 7:00pm, Mr Chan finished his shift at McDonalds. He got changed out of his uniform and at about 7:27pm (according to CCTV footage from McDonalds), he departed the restaurant by bicycle.
25. Mr Chan was about 1km (half way) into his return journey to the caravan park, travelling east bound on the Warrego Highway, when it appears that a vehicle struck him. His body came to rest in a ditch on the side of the highway.
26. The exact timing of the incident is unknown. However, a security officer, Mr Gary Wheldon, who was performing mobile patrols at the nearby University of Queensland (Gatton Campus), saw a person riding in the vicinity at about 7:40pm. He observed that the cyclist was wearing dark clothes and a helmet, possibly with a saddlebag on each side of the bicycle. He noted that the bicycle had a very small flashing light or reflector located under the bicycle seat. His description of the cyclist resembles closely Mr Chan's appearance and the light on his bicycle at the time. It would therefore appear that Mr Chan was struck by a vehicle at around 7:40pm that evening.
27. The autopsy results indicate that Mr Chan did not die immediately from what would otherwise have been non-life threatening injuries. He died as a result of hypothermia, after being left in the ditch overnight in the cold weather.

Discovery of Mr Chan's body on Thursday 23 August 2012

28. A female cyclist who was passing by at about 9:40am the following morning on Thursday 23 August 2012 discovered Mr Chan's body.
29. The female cyclist waved down Mr Ian Birch and Mr John Hickling, who were travelling by vehicle east bound on the Warrego Highway. She informed them that she had located what appeared to be a dead body on the side of the road. After they all looked at the body from a distance, they

thought that it was just a cruel joke and that the body was actually a manikin, so the female cyclist left the scene without leaving her details.

30. Upon closer inspection by Mr Birch and Mr Hickling, they realised that the body was real and they phoned '000' at about 9:50am. Mr Birch attempted CPR on Mr Chan for about 10 minutes until the ambulance arrived and pronounced Mr Chan deceased.
31. Police later conducted searches along the highway for the female cyclist who found Mr Chan's body, but they did not locate her.

Description of the incident scene

32. Senior Constable Warwick West has provided a map of the incident scene (not to scale). Senior Constable Bradley Curtis, a Forensic Officer from the Toowoomba Scenes of Crime, as well as Senior Constable Stephen Barlow, took photographs of the scene. Senior Constable Curtis has provided a description of each of the photos in a statement dated 28 March 2013.
33. The section of the Warrego highway where the incident occurred was a bitumen, dual carriage road, with two lanes of traffic designated for each direction of travel. There was a grassed island dividing the east and westbound lanes of traffic. There was no street lighting. The speed limit on that section of the highway was 100 km/h. The road surface was dry and the weather was fine at the time of the incident.
34. Mr Chan was observed at the scene lying in grass approximately 4 to 5m south from the westbound lanes of the highway. He was not clearly visible from the highway, due to the depression on the side of the road and the long grass. Mr Chan was wearing black shoes, black jeans, a black leather belt, a grey t-shirt, a dark gray long sleeved shirt and gray gloves. A visual examination of Mr Chan's clothing revealed that there was an obvious green stain (probably a grass stain) on the rear of Mr Chan's t-shirt and a scuffmark to a section of his black leather belt.
35. There was also a broken small battery operated red flashing light affixed under the seat of Mr Chan's bicycle. His helmet was found scattered in pieces at the scene.
36. Mr Chan's bicycle was a red ladies Malvern Star 'Capri' 18 speed mountain bike. There were scuff marks on the front and rear tyres, the seat post was bent, both wheels were slightly buckled, and there was grass caught between the rear wheel rim and tyre.
37. A gray computer bag with some possessions in it were also discovered at the scene, along with a black beanie and what appeared to be headphones for Mr Chan's I-phone. The headphone cable was intertwined around the spokes of Mr Chan's bicycle wheel, suggesting that he may have been wearing his headphones at the time of impact.

Weather conditions at the time of the incident

38. Police obtained Australian Bureau of Meteorology data for 22 August 2012, which indicated that the temperature range in Gatton on that day was between 7.3 to 22.9 degrees Celsius. The rainfall was 1.0mm.
39. This suggests that at the time of the incident, the road would have been relatively dry and it would have been relatively cold from the time of the incident at around 7:40pm on 22 August 2012 until the time Mr Chan was discovered at 9:40am on 23 August 2012.

Autopsy results

40. A forensic pathologist, Dr Roger Guard, performed an external and full internal autopsy on 29 August 2012. The autopsy report was concluded on 13 September 2012.
41. Toxicology testing was also conducted and a certificate of analysis issued on 11 October 2012. No alcohol or drugs were detected in Mr Chan's blood or urine.
42. Dr Guard discovered massive haematomas present on both sides of the pelvis, suggesting a closed fracture of the pelvis both sides with extensive haemorrhage in a retroperitoneal position. Dr Guard noted that the haemorrhage extended up into the anterior abdominal wall up to the umbilicus and would have caused significant hypovolaemic shock. He noted that these fractures would be consistent with being struck on the side at the level of the hip.
43. Dr Guard found minor abrasions on both elbows, the top of the right shoulder, the lower right leg, and the right hip. He also found a circular shaped abrasion to the inner aspect of the left upper arm.
44. Dr Guard noted that the cause of death in this case was complex. It was his opinion that the bilateral pelvic fractures and pelvic haematomas should not in themselves have been life-threatening injuries. However, they were sufficiently severe to cause hypovolaemic shock and it was likely that Mr Chan had suffered from hypothermia from lying in the ditch overnight. The severity of Mr Chan's injuries suggested to Dr Guard that it was more likely that a passing vehicle had struck Mr Chan's bicycle, rather than Mr Chan simply falling off his bicycle.
45. Dr Guard concluded that the medical cause of Mr Chan's death was:
 - a. Hypovolaemic shock and hypothermia; due to
 - b. Bilateral pelvic fractures; caused by
 - c. A bicycle accident (probably as a result of being struck by a passing vehicle).

46. In addition to the autopsy report, Dr Guard provided a statement to police dated 28 November 2012. He stated that the police investigating officer, Detective Senior Constable David Neumann, advised him that there was evidence that Mr Chan had been run over by a vehicle. Dr Guard concurred that the injuries observed at post mortem, namely the bilateral pelvic fractures and pelvic haematomas could be consistent with the body having been run over by the wheels of a vehicle passing across the body in the region of the pelvis. He noted that the external abrasions over the hip region were minor in nature; however, the body was clad in clothing at the time. The appearance of the clothing at post mortem was unremarkable. Dr Guard's final conclusion was that the injuries were consistent with, but not diagnostic of, the body having been run over by the wheels of a vehicle transversely across the pelvic region.
47. Since writing his report and providing his statement, Dr Guard died and was therefore unable to be called as a witness at the inquest.
48. I accept Dr Guard's opinion as to the medical cause of Mr Chan's death.

Initial police criminal investigation

49. The first response police officers arrived at the scene at about 10:10am on 23 August 2012. It would appear that eight police officers in total attended the scene.
50. Because the incident was deemed a 'hit and run', Senior Constable Hancock led the initial police investigation from the Traffic Accident Investigation section of the Gatton Police Station.
51. On 23 August 2012, a 'Form 1 - Initial Police Report of Death to a Coroner' was submitted by Constable Barlow from the Gatton Police Station. On 24 August 2012, Coroner Graham Lee, from the Warwick Magistrates Court, directed the police to conduct a full investigation.
52. On 25 October 2012, 'Operation Kilo Ragdoll' commenced, after police received information from an informant, Mr Phillip Thow, that a female by the name of Ms Joanne McCauley was the driver who hit the deceased. Detective Senior Constable Neumann led a criminal investigation into the matter concurrently with the traffic accident investigation.
53. On 1 August 2013, a Supplementary Form 1 was completed by Senior Constable Hancock and submitted to me. His reporting appears to have been held up by a delay in information he was waiting on from the criminal investigator, Detective Senior Constable Neumann. Senior Constable Hancock provided a detailed analysis of the scene, Mr Chan's body, and the bicycle.
54. Senior Constable Hancock concluded in his report that the incident occurred to the left hand edge of the western bound lanes of the Warrego Highway, at Lawes. He was of the opinion that the damage sustained to the bicycle and the injuries sustained by Mr Chan indicated that a vehicle

hit him. He was of the opinion that even though Mr Chan had a small red light attached to his bicycle, it would have still been very difficult for oncoming traffic to see him. This was because it was nighttime, Mr Chan was wearing dark clothing, and there was no street lighting. Senior Constable Hancock did not identify any suspects.

55. On about 8 October 2014, Detective Senior Constable Neumann submitted to me an unsigned memo (and incorrectly dated as 1 August 2013), which was a criminal investigation report of sorts. He was of the opinion that there was insufficient evidence to progress by way of criminal charges against Ms McCauley. He requested that an inquest be held and he listed witnesses whom he wanted me to issue summonses to. He also submitted to me statements dated 10 November 2014 and 29 May 2015, detailing what he had done during his investigation.
56. Detective Senior Constable Neumann's criminal investigation included:
 - a. Arranging for the informant, Mr Phillip Thow, to wear a digital recorder during conversations with Ms Joanne McCauley, to gain a confession. However, the relevant audio was lost by Detective Senior Constable Neumann when he attempted to download it onto his police computer;
 - b. Arranging a 'phone tap' on Ms McCauley's mobile phone;
 - c. Obtaining Ms McCauley's mobile phone records (taken from her phone, by consent, at the time that she participated in a police record of interview);
 - d. Arranging for a forensic examination of a vehicle suspected to have been involved in the incident;
 - e. Conducting covert recordings of his conversations with some witnesses; and
 - f. Obtaining written statements from some witnesses.
57. Mr Chan's bicycle was forensically examined but no paint transfer was located.
58. On 27 October 2012, Senior Constable Marcus Ford seized a blue Ford Falcon sedan (registration no: 732KPR), from a towing company in Toowoomba after it had been involved in a roll over. Police suspected that it was the vehicle that was involved in the incident. A forensic examination was conducted on the vehicle on 10 November 2012, but no relevant evidence was obtained.
59. There are a range of possibilities in terms of the vehicle that could have been involved in this incident, due to the frequency by which unregistered vehicles were acquired and disposed of by Ms McCauley and her

associates. The vehicle involved in the incident has never been located, and in my view, it is unlikely to ever be located.

60. It would appear from the information Detective Senior Constable Neumann provided to me that he had cut corners in his investigation by:
- a. Not attempting to locate a number of key witnesses, which Counsel Assisting later identified and called at the inquest;
 - b. Not attempting to obtain written statements from the full range of potentially co-operative witnesses until directed to do so by me;
 - c. Not conducting any real analysis of the information he had obtained (such as a proper review of Ms McCauley's mobile phone records which he had acquired);
 - d. Making no attempt to track Ms McCauley's movements during the relevant period, which he could have easily done from obtaining her bank records, for example; and
 - e. Not initially obtaining the range of information one would normally expect such an investigation to include (as outlined below in the information I later directed him to obtain).
61. Unfortunately, there were a number of missed opportunities during Detective Senior Constable's investigation, which could not be remedied by the time his report was submitted to me.
62. I note that when responding to Counsel Assisting's submissions about the inadequacy of his criminal investigation, Detective Senior Constable Neumann relied heavily on the work that he later did, as part of the coronial investigation, under my direction. An example is the witness statements he submits that he obtained. He has submitted that he undertook an adequate investigation in circumstances where he was for all intents and purposes working alone on the matter, with limited resources, and a pressing workload. He stated that he made requests for help with the Homicide Squad, which were denied. No information was provided as to when these requests were made and with whom. I have reviewed the investigation logs, and it would appear to me that whenever assistance was requested from the Homicide Squad, it was provided.
63. I have considered Detective Senior Sergeant's submissions. However, it is my view that his criminal investigation was inadequate.

Coronial investigation

64. Due to the deficiencies with Detective Senior Constable Neumann's investigation, I had to conduct a significant further coronial investigation, which took considerable time and resources.
65. I obtained the following information, without police assistance:

- a. Ms McCauley's medical records;
 - b. Ms McCauley's Centrelink records;
 - c. Ms McCauley's bank transaction records;
 - d. Information from Births, Deaths and Marriages relating to Ms McCauley's claim that she was of Aboriginal descent;
 - e. Mr Robert Dawson's employment records;
 - f. Mr Dawson's domestic flight records;
 - g. Mr Robert Allen's medical records; and
 - h. Copies of all media reporting in relation to this incident.
66. In addition, I provided Detective Senior Constable Neumann with a number of very specific coronial directions about the further enquiries he needed to make, such as:
- a. To provide further detail as to what Detective Senior Constable Neumann heard in the covert recording between Mr Thow and Ms McCauley that was lost when he attempted to download it onto his police computer;
 - b. The provision of copies of the criminal and traffic investigation incident logs;
 - c. Obtaining statements from a number of material witnesses addressing detailed and specific questions;
 - d. Having his covertly recorded conversations with various witnesses transcribed;
 - e. Constructing a map of the incident scene (to scale);
 - f. Constructing a satellite map with key locations marked out (such as the incident scene, the McDonalds restaurant, the caravan park that Mr Chan was residing at, Ms McCauley's residences, and the residences of her associates);
 - g. Obtaining a copy of the CCTV footage from the McDonalds restaurant (and reviewing that footage for persons of interest);
 - h. Obtaining criminal histories for all witnesses;
 - i. Obtaining a traffic history for Ms McCauley;

- j. Obtaining registration and traffic history in relation to various vehicles of interest;
 - k. Obtaining the forensic examination records for a vehicle of interest;
 - l. Obtaining the police reporting in relation to allegations that Mr Thow had alleged sexual dealings with Ms McCauley's son;
 - m. Obtaining police intelligence information regarding Ms McCauley's alleged history of drug use and her known associates;
 - n. Constructing a timeline of key events; and
 - o. Obtaining copies of all media reporting in relation to this incident.
67. Detective Senior Constable Neumann appeared to struggle following my clear and very detailed directions, and to apply investigative skills to this case that could reasonably be expected of a police Detective with his 25 years of experience. For example, he:
- a. Did not address some questions with witnesses that were specifically asked by me in my written directions to him;
 - b. Completely missed a number of tasks I set for him and had to be reminded of my directions;
 - c. Did not meet reasonable timeframes that I set for him;
 - d. Did not provide me any notice that he could not comply with the timeframes, or any explanation as to why he could not comply until my staff followed up; and
 - e. Seemed to be incapable of making reasonable further enquiries of witnesses and others, arising out of information he obtained. Unless the specific questions for witnesses were outlined in my directions, he did not seem to address other relevant issues with witnesses when taking statements.
68. The inquest had to be adjourned due to Detective Senior Constable Neumann's failure to comply with the reasonable timeframes I set for him. He then had to be closely monitored and supervised by staff from my office, the coronial support police, and his superiors, in order to complete the tasks set for him.
69. Again, I have considered Detective Senior Constable Neumann's submissions, but it is my view that the assistance he provided me during my coronial investigation was inadequate.

Detective Senior Constable Neumann's non-appearance at the inquest

70. Counsel Assisting had intended on taking Detective Senior Constable Neumann through the inadequacies of his investigation during his evidence at the inquest, and obtaining an explanation from him. However, just prior to him being called to give evidence at the inquest, Detective Senior Constable Neumann applied to be excused from the inquest on the basis of medical advice that he was unfit to appear, due to mental health issues. I therefore excused Senior Constable Neumann from providing evidence at the inquest.

Confessions by Ms McCauley that she purposely hit Mr Chan with her vehicle

71. From the evidence obtained during the coronial investigation and inquest, I have determined that Ms McCauley has admitted to the following 14 witnesses that she purposely hit Mr Chan with her vehicle:
- a. Mr Peter Jay Arrowsmith (Ms McCauley's son);
 - b. Mr Tyran Checkley (Ms McCauley's son);
 - c. Ms Skye Maas (Ms McCauley's daughter);
 - d. Ms Angelina Johnston (Ms McCauley's sister);
 - e. Ms Rachel McCauley (Ms McCauley's sister);
 - f. Mr Phillip Thow (informant and homosexual partner of Ms McCauley's son, Mr Peter Jay Arrowsmith);
 - g. Mr Robert ('Billy') Allen (Ms McCauley's former spouse (her spouse at the time of the incident) and 'drug acquaintance');
 - h. Mr James Dyer (MS McCauley's most recent former spouse and 'drug acquaintance'. Also a former spouse of Ms McCauley's daughter, Ms Skye Maas);
 - i. Ms Trudy Hay (Ms McCauley's former spouse's, Mr Leslie Escuder's mother);
 - j. Mr John Urquhart (Ms McCauley's former landlord, lover, and 'drug acquaintance');
 - k. Mr Peter John Arrowsmith (Ms McCauley's ex-husband and father of Mr Peter Jay Arrowsmith);
 - l. Mr Jessie Carlross (Ms McCauley's former friend and 'drug acquaintance');

- m. Ms Sarah Ann-Margaret Lees (Mr Jessie Carloss' spouse, and former friend and 'drug acquaintance' of Ms McCauley); and
 - n. Mr Graham Johansen (Ms McCauley's former friend and 'drug acquaintance').
72. The version of events given by McCauley to the 14 witnesses varied slightly, but the common theme was that she:
- a. Was on drugs (or 'the white stuff' as she referred to it) at the time;
 - b. Was initially trying to get around the cyclist;
 - c. Blared her horn at him;
 - d. Observed Mr Chan do the finger to her (and he may have called her names);
 - e. Didn't like Asians (or "tomato thieves" as she referred to them);
 - f. Turned her vehicle around after she had passed Mr Chan on his bicycle and then purposely hit him with her vehicle; and
 - g. Then reversed over him again to make sure he was dead.
73. Ms McCauley threatened both Mr Thow and Mr Allen separately that if they told the police that she hit the cyclist, she would tell the police that they were driving.
74. There is no evidence that either Mr Thow nor Mr Allen was with Ms McCauley as a passenger, or a driver, at the time of the incident.

Later attempts by Ms McCauley to retract her confessions

75. Ms McCauley attempted to retract her confessions to her children that she hit the cyclist when she realised that they may have thought less of her, and/or that they were considering reporting her to the police.
76. Ms McCauley also attempted to retract her confessions from a number of other witnesses when she realised that the police were 'onto her' and that an inquest was going to be held.
77. She claims that she retracted her confessions from all witnesses quickly after her initial confessions, but this does not appear to have been the case. The oral evidence from Ms McCauley's sister, Ms Rachel McCauley, whom she was very close with, and the phone intercepts of their conversations, are compelling in this regard.
78. Ms McCauley claims that her confessions were untrue. She stated that she 'made up' the entire story based on hearing about the incident in the media. She explained that the reason she made up the story was to scare

away Mr Phillip Thow from having a sexual relationship with her son, Peter. She claimed that she only told people who were in some way connected with Mr Thow, so that Mr Thow would take the story seriously and so that he would leave her son alone.

79. The inquest confirmed that Mr Thow did in fact have a consensual sexual relationship with Ms McCauley's then 15 year old son, Peter. Both Mr Thow and Mr Arrowsmith admitted to this and Ms McCauley was aware of it.
80. However, in my view, Ms McCauley's actions were inconsistent with someone who was genuinely concerned about Mr Thow having a sexual relationship with her under age son. It is clear that Ms McCauley was heavily addicted to drugs and would do anything to get her next 'hit'. There are a series of text messages from her mobile phone, which illustrate that rather than trying to 'scare' Mr Thow away during the relevant period, Ms McCauley was in fact using her son as 'bait' to 'lure' Mr Thow in to spend time with her son so that she could get money, drugs, cigarettes, food and transport from Mr Thow in return.
81. This was in circumstances where it appears that Mr Thow had already been 'scared off' due to an altercation he was involved in with Ms McCauley's other son, Tyran. Mr Thow had already moved residences and was about to move back to Tasmania. Ms McCauley was aware of this. There was therefore no need for her to make up such a story, in order to have the desired effect.
82. Ms McCauley also confessed her involvement in the incident to people who had no connection whatsoever with Mr Thow, including her two sisters and Ms Trudy Hay. Those people had never met Mr Thow and were unlikely to ever speak with him or meet him.
83. In my view, the reasons given by Ms McCauley for 'making up' the story that she had hit Mr Chan with her vehicle do not stack up. Her confessions that she hit the cyclist are therefore likely to be true.

Other relevant information in relation to Ms McCauley's conduct

84. Other relevant points to note are that:
 - a. Ms McCauley claimed that she never drove alone, or at all, because she was too anxious behind the wheel. However, a number of witnesses stated that they had seen her drive and that she had driven on her own in the past;
 - b. Ms McCauley admitted to not having her usual feelings of anxiousness when using 'speed' or 'ice' and she admitted to taking speed or ice around the time of the incident. Therefore, it is likely that even if she was usually too anxious to drive on her own, she would not have been experiencing these inhibitions at the time in question;

- c. There are a series of financial transactions and text messages, which place Ms McCauley in the vicinity of the incident around the date of the incident;
- d. Ms McCauley appears to have signed a 'Power of Attorney' of sorts after the incident. She listed Mr Robert Dawson as attorney and she indicated that she wanted to ensure that her son was going to be looked after, because she had done a "very bad thing" and was "going away to prison for a long time";
- e. When the police first attempted to question Ms McCauley about this incident, she had been 'tipped off' by Mr Thow that they were coming to speak with her about the alleged 'hit and run'. She hid from the police and when they found her hiding in a cupboard at her residence, she immediately confessed to another, much less serious crime, in order to deflect attention. Ms McCauley confessed to being a driver in a robbery in circumstances where she knew that the matter had already been finalised by the court, and there was no prospect that she could have been implicated in that crime. The police did not prompt Ms McCauley with any questions about the robbery. It subsequently turns out that another person was the likely driver during the robbery and that Ms McCauley was merely a passenger;
- f. After being questioned by police, Ms McCauley fled for a period of time, before returning. She then appears to have attempted to re-ignite relationships with former spouses living in the Northern Territory and South Australia, under the mistaken belief that she could somehow avoid the jurisdiction of the Queensland police by moving interstate;
- g. On the second day of the inquest, after being placed under pressure during cross examination by Counsel Assisting the afternoon before, and after being given clear direction that she was to return to court the following day, Ms McCauley failed to appear. This resulted in me having to issue a warrant for her arrest, before she returned to court. Ms McCauley claimed that she was not aware that she needed to return to court the next day. For the duration of her remaining evidence in court, she claimed that she was unwell and regularly left the witness box, with my permission, to go to the bathroom; and
- h. Ms McCauley provided several conflicting versions of events and explanations during her oral evidence. It became clear that she was a dishonest witness.

Conclusion

85. It is my view that, on the balance of probabilities, Ms McCauley was driving the vehicle that hit Mr Chan on 22 August 2012 and she is likely to have collided with him on purpose. Her failure to render first aid, phone

for emergency assistance, or alert the authorities, is likely to have contributed to Mr Chan's death.

86. I offer my condolences to the family and friends of Shui Ki Chan.

87. I close the inquest.

John Hutton
Coroner
Brisbane

2 November 2017