

15 March 2021

ACT Chief Coroner Lorraine Walker
ACT Coroners Court, 4 Knowles Place
Canberra ACT 2601

Dear ACT Chief Coroner Walker,

Re: Request for a fresh inquest into the death of Michael Richard Hall

We first contacted Your Honour's office on 9 February 2021 seeking a copy of the 23 April 2018 statement by AFP Senior Constable Potts, together with his headlight mapping documentation. Your Honour kindly granted our request. We requested this document as we were gathering evidence that had not been known by or was not previously available to Coroner Boss during the original Coronial Inquest into the death of Michael Richard Hall on 24-26 September 2018.

In Your Honour's response, Your Honour wrote: "As to new information which goes to a question of culpable driving, this information should be provided to the Australian Federal Police for consideration as to whether it provides a proper basis for criminal prosecution." We have attached a copy of our correspondence for Your Honour's convenience. [KJ0.01]

Subsequently, we contacted the Informant, AFP Senior Constable Adam Potts, asking him to provide details of both the height at which he used the light meter and where he pointed that meter when conducting his mapping, because an international expert with whom we are in contact was of the opinion that the driver's headlights did not meet the required standard for registration and thus the driver's vehicle was unroadworthy when he killed Mr Hall. This international expert was also of the opinion that AFP Senior Constable Potts "did not adequately describe (for purposes of the Inquest) his illuminance mapping pattern." [KJ0.02]

On 5 March 2021 I received a response from ACT Policing's Deputy Chief Police Officer – Response, Commander Michael Chew. He was responding on behalf of Chief Police Officer, Deputy Commissioner Neil Gaughan. Commander Chew informed me that as the investigation had closed it was not appropriate for Senior Constable Potts to respond to me. He also stated that ACT Policing had closed their investigation and therefore they would not be engaging with me further. A copy of this correspondence is attached for Your Honour's reference. [KJ0.03]

In Division 5.6, General powers of coroners, paragraph 68(1)(b) from *The Coroners Act 1997* (ACT) A1997-57 states that, even though an inquest has been completed, the Chief Coroner may, at the request of a person, arrange for the holding of a fresh inquest.

My colleague Boyd Fraser, cousin to former Australian Prime Minister Malcolm Fraser and a recognised advocate on a range of public policy issues, and I respectfully request Your Honour, as the ACT Chief Coroner, hold a fresh coronial inquest into the death of UK endurance cyclist Mr Michael (Mike) Richard Hall who was fatally struck by Mr Shegu Bobb inside the ACT at Williamsdale Road on the Monaro Highway at approximately 6.18 am on 31 March 2017. Due to the discovery of new facts and evidence of material significance that were not put to Coroner Bernadette Boss at the original Coronial Inquest and that the AFP are now refusing to consider, we are asking Your Honour to hold a fresh inquest into this miscarriage of justice, as this would be both in the public interest and in the interests of justice.

Thirteen new facts and evidence of material significance are detailed below, and supporting evidence and documentation are attached.

In particular, we draw Your Honour's attention to the following extracts from the report of US engineering experts Wolf Forensics and Design Engineering who have investigated more than 25,000 forensic cases over a 40-year period:

We were asked to determine, if possible, whether the performance of the headlights on Mr. Bobb's car complied with Australian national standards as to illumination distance. Our analysis has been conducted by Mr. James S. Sobek, P.E., of the Wolf Technical Services staff.

Our analyses are based on the materials available to us and are provided within a reasonable degree of scientific and technical certainty. Our conclusions are based on the laws of physics, on mathematical computations, on published data, and on Mr. Sobek's education, background and experience in physics, mathematics, lighting, human vision, and visibility. Our analytical methods are generally employed in the field of accident reconstruction, and are set forth in numerous texts and treatises. [emphasis added]

And:

As best we can tell, Senior Constable Potts determined that the right headlamp of the Mazda 323 would only produce 5 lux at 15 metres. ...

Again using the inverse square law, at 25 metres distance, one lamp with intensity of 1125 candela will only produce 1.8 lux. [emphasis added]

And in conclusion:

It is our technical opinion that the headlights on Mr. Bobb's Mazda 323 were not in compliance with Australian Design Rule 46/00 Headlamps.

It is our opinion that because of the car's non-compliant headlights, the car was not roadworthy.

It is our opinion that, independent of the condition of the car's headlights, Mr. Hall's bicycle with its headlight and taillight would have been conspicuous from the perspective of motorists traveling north on the highway at the time of this collision from a distance of at least 400 meters.

It is our opinion that if Mr. Bobb's car headlights had been in compliance with Australian Design Rule 46/00, the bicycle (even without its lights) and rider would have been noticeable and appreciable as a bicyclist with rider from a distance of at least 100 meters.

It is our opinion that with compliant headlights on the Mazda 323, the retro-reflective elements of Mr. Hall's clothing and bicycle accessories would have been separately discernable from the bicycle taillight to Mr. Bobb from a distance of at least 100 meters.

It is our opinion that Mr. Bobb was not paying a reasonable amount of attention to the driving task. [emphasis added]

We look forward to Your Honour's decision in due course.

Sincerely,

Heath Ryan

Sincerely,

Boyd Fraser

New facts and new evidence of material significance pertaining to an indictable charge of culpable driving causing death

1. New evidence regarding the headlight evidence of AFP Senior Constable Adam Potts

Background

When interviewed by AFP Senior Constable Adam Potts and AFP Leading Senior Constable Phillip Cantwell on 5 April 2017, Mr Shegu Bobb stated he was fully aware that his headlights on low beam could only illuminate the road in front of his vehicle to a distance of about two metres but that he regularly drove his car in this condition anyway, in the dark, between Canberra and Cooma NSW.

Testing by Senior Constable Potts on 23 April 2018 showed Mr Bobb's remaining right headlight (because his left headlight had been impaled by Mr Hall's bicycle) could only illuminate the road in front of the vehicle when on low beam to a distance of 15 metres to 5 lux. This testing was provided to us on 17 February 2021, but details of how that testing was performed have not been provided by the AFP. We requested those details from Senior Constable Potts on 23 February 2021.

The evidence

KJ1.01 AFP Senior Constable Adam Potts's testimony - extract

Extract from the transcript of the Coronial Inquest into the Death of Mike Hall on Day 1 (24 September 2018) at 1.57.21 to 2.00.06, as per Senior Constable Potts's document dated 23 April 2018 which deals with the lighting of the car:

AFP Senior Constable Adam Potts:

At 8 pm on Wednesday the 18th of April 2018, within the grounds of the Traffic Operations Centre, Lachlan Street, Belconnen in the A.C.T. [Australian Capital Territory including Canberra], I conducted headlight testing of a beige-coloured Mazda 323 sedan bearing New South Wales registration CTC 48U. I conducted this testing by placing the vehicle in a darkened area of the traffic operations centre, and eliminating ambient light to simulate the conditions experienced on a road with no lighting.

I obtained a fully-charged vehicle battery and placed it into the vehicle to power the headlights. The headlights were turned on using the vehicle's own systems, projecting the headlights over a flat asphalt area. Of note, only the right-side headlight was working, as the left had sustained damage during the incident. The headlights were left on low-beam to further simulate the conditions at the time of the incident.

I used a Digitech Professional Digital Light Metre to measure the effective illuminance that the headlight provided. This was measured in the units of lux. A unit of lux is equal to one lumen per square metre. Using this light metre in conjunction with Trimble S3 Total Station, I created a scale map of the effective illuminance of the headlight.

I mapped two areas of this illuminance, with an area of light of between 15 and 20 lux, and a further area between 5 and 15 lux. Research has shown that drivers need between 15 to 20 lux illumination before recognising a darkly-clad object, and approximately 5 lux to respond to a greyish object.

I later measured the distance from the front of the vehicle to the end of the 15 to 20 lux illuminant area. This was measured to be 13 metres. I also measured the distance from the front of the vehicle to the end of the 5 to 15 lux area. This was measured to be 15 metres.

As stated earlier, the left-side headlight was damaged during the incident, and as such was not functioning during this test.

Previous tests showed that a single headlight beam patterns were similar in shape to a two-headlight low-beam pattern, but just smaller.

Council Assisting the Coroner, Mr Ken Archer:

From your research, are you able to say whether or not, assuming it to be comparable in working conditions to the other light, what the effect of the addition of the second light is? Is it a 'multiplied by two' factor?

AFP Senior Constable Adam Potts:

Not quite. More like three quarters.

Council Assisting the Coroner, Mr Ken Archer:

It is not part of this witness's evidence, Your Honour, but ultimately I will draw the attention of the Court to Section 1.84, to Schedule 1, of the Road Transport (Vehicle) Registration Regulation 2000, which sets out what, at a registration level, is required of headlights in the A.C.T. The comparable New South Wales legislation is similar in name, the New South Wales Road Transport (Vehicle) Registration Regulation, Regulation 78, noting Mr Hall [the cyclist] had just travelled through New South Wales, and that they're in like terms in relation to the requirements of the headlights. There's a definition of the issue involved, which I'll go to later, but it would seem on face value that the lights were in a state that would have attracted registration, if checked.

KJ1.02 Transcript of Mr Shegu Bobb interview 5 April 2017 – full

[See attachments for full transcript]

KJ1.02a & b Transcript of Mr Shegu Bobb interview 5 April 2017 – extract

Q184.	Yep. So – but other trips in the darkness, have you ever had to stop for a kangaroo or anything like that?
A	BOBB: No, that's – I've never stopped for a kangaroo, never saw it – just hit it.
Q185.	Mm-hmm. Have you seen kangaroos on the road in front of you in the past?
A	BOBB: Yes, once.
Q186.	And what happened then?
A	BOBB: I – I just – ah, because it just jumped in front of me, I saw it, because I – it was on – my light was on low beam, because there was a car coming. The kangaroo jumped in front of me, and it was that quick that I couldn't stop, but the kangaroo just quickly jumped out of my way and I just kept going at my normal speed.
Q187.	Okay. Now, just a question about your car. Have you driven many other cars, different cars to that Mazda at night?
A	BOBB: Yes.
Q188.	And how would you compare the headlights on your Mazda three two three compared to other cars you might have driven?
A	BOBB: Um, ah, the other cars I've driven – I can say the lights are slightly different than, um – not the high beams – the normal lights are slightly different.
Q189.	Would you say they are good – the headlights in that car are good or not good, or bad or – could –
A	BOBB: I've always wanted to – to change those headlights, but I didn't have the money for it – on the Mazda –
Q190.	Mm-hmm.
A	BOBB: – – – because it was that dull – you can't – you can't see anything to, like reach under, say, um, a metre, or two metres, because you can't see anything (indistinct) –
Q191.	You can't see much past a metre or two metres –
A	BOBB: Yeah.
Q192.	– – – on low beam?
A	BOBB: Yep.
Q193.	So is it safe to drive at a hundred kilometres an hour if you can't see very far?

UNCLASSIFIED	
ROI BETWEEN POTTS/BOBB ... CONTINUED ... PAGE 17	
A	BOBB: I've been doing it every day.
Q194.	Sorry, what was the answer there?
A	BOBB: I've been doing it every day, but that day, I don't know what's – what was wrong with my headlights, or it was that cold I don't – I don't know.
Q195.	Now, I've been given to understand that that cyclist had lights on his bike, on the front and the back, I believe. Can you think of any reason why you might not have seen the lights, particularly on the back of that pushbike?
A	BOBB: Because I was concentrating on the road, I didn't – I didn't concentrate on – on my – what's on my sides.
Q196.	Sorry, could you – you were concentrating on what was on –
A	BOBB: Oh, I was concentrating on the road.
Q197.	On the road?
A	BOBB: On the road, the main road.
Q198.	Mm-hmm. How far ahead do you look when you're driving along?
A	BOBB: Not that far ahead.
Mm-hmm. All right, I haven't got any more questions.	

KJ1.03 Road Transport (Vehicle Registration) Regulation 2000 – full

[See attachments for full document]

KJ1.03a Road Transport (Vehicle Registration) Regulation – extract

	Light vehicle standards Lights and reflectors Headlights	Schedule 1 Part 1.8 Division 1.8.2 Section 1.82
1.82	How additional headlights are to be fitted	
	If 2 or more additional headlights are fitted to a light motor vehicle with 4 or more wheels, the additional headlights must as far as possible be fitted in pairs.	
1.83	Performance of headlights	
(1)	When on, a headlight, or additional headlight, fitted to a light vehicle must—	
(a)	show only white light; and	
(b)	project its main beam of light ahead of the vehicle.	
(2)	Headlights must be fitted to a light vehicle so their light does not reflect off the vehicle into the driver's eyes.	
1.84	Effective range of headlights	
(1)	This section applies to a headlight that is on at night.	
(2)	A low-beam headlight must illuminate the road ahead of the light vehicle for at least 25m.	
(3)	A high-beam headlight must illuminate the road ahead of the light vehicle for at least 50m.	
(4)	However, a low-beam headlight fitted to a light motor vehicle built before 1931, or a moped, need only illuminate the road ahead of the vehicle for 12m.	

KJ1.04 Vehicle Standard (Australian Design Rule 46/00 – Headlamps) – Vol. 1 and Vol. 2

[See attachments for full documents]

KJ1.04a Vehicle Standard (Australian Design Rule 46/00 – Headlamps) – extract

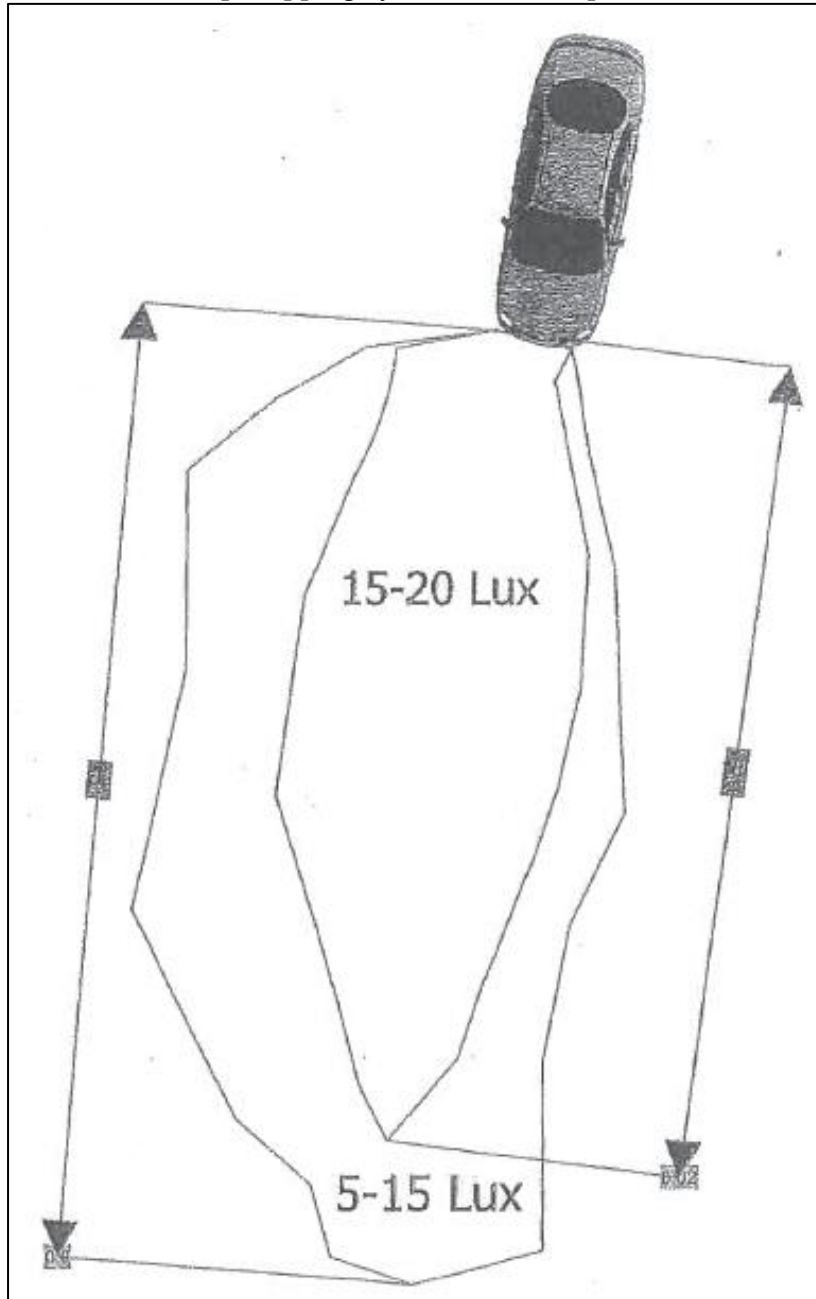
- 6.1.1. The illumination produced by the headlamp shall be checked on a vertical screen set at a distance of 25 m in front of the headlamp and at right angles to its axis (see annex 6).

KJ1.05 Chief Walker letter + Exhibit CD29 to Heath Ryan

[See attachments for full document]

KJ1.05a Headlamp mapping by S/C Potts 23 April 2018 – extract 1

10. I used a "Digittech Professional Digital Light Meter" to measure the effective illuminance that the headlight provided. This was measured in the units of 'Lux'. A unit of Lux is equal to one Lumen per square metre.
11. Using this light meter in conjunction with a Trimble S3 total station I created a scale map of the effective illuminance of the headlight.
- 12. DOCUMENT: I NOW PRODUCE THAT SCALE MAP.**
13. I mapped two areas of this illuminance with an area of light between 15 – 20 Lux and a further area between 5 – 15 Lux.
14. Research has shown that drivers need between 15 – 20 Lux illumination before recognising a darkly clad object and approximately 5 Lux to respond to a greyish object.¹
15. I later measured the distance from the front of the vehicle to the end of the 15 – 20 Lux illuminance area. This was measured to be 13 metres.
16. I also measured the distance from the front of the vehicle to the end of the 5 – 15 Lux area. This was measured to be 15 metres.
17. As stated earlier the left side headlight was damaged during the incident and as such was not functional during this test. Previous tests show that a single headlight beam patterns were similar in shape to a two headlight low beam pattern just smaller.²



KJ1.06 Statement of AFP Leading Senior Constable Gregory Munro - full

[See attachments for full document]

KJ1.06a Statement of AFP Leading Senior Constable Gregory Munro - extract

63. **LIGHTS AND ELECTRICAL:**

64. All lights and electrical circuits were checked visually and there was no deficiencies found other than the damage to the LHF.

65. Operation of the lighting systems including the indicators, brakes and headlights found all to operating appropriately.

KJ1.07 21-0038-4937 JSS Report 03102021 – full

[See attachments for full document]

KJ1.07a Wolf Technical Services conclusions

CONCLUSIONS

It is our technical opinion that the headlights on Mr. Bobb's Mazda 323 were not in compliance with Australian Design Rule 46/00 Headlamps.

It is our opinion that because of the car's non-compliant headlights, the car was not roadworthy.

It is our opinion that, independent of the condition of the car's headlights, Mr. Hall's bicycle with its headlight and taillight would have been conspicuous from the perspective of motorists traveling north on the highway at the time of this collision from a distance of at least 400 meters.

It is our opinion that if Mr. Bobb's car headlights had been in compliance with Australian Design Rule 46/00, the bicycle (even without its lights) and rider would have been noticeable and appreciable as a bicyclist with rider from a distance of at least 100 meters.

It is our opinion that with compliant headlights on the Mazda 323, the retro-reflective elements of Mr. Hall's clothing and bicycle accessories would have been separately discernable from the bicycle taillight to Mr. Bobb from a distance of at least 100 meters.

It is our opinion that Mr. Bobb was not paying a reasonable amount of attention to the driving task.

KJ1.08 James S Sobek CV – full

[See attachments for full document]

KJ1.08a James S Sobek CV – extract

James S. Sobek, P.E.

Professional Competencies:

Forensic Engineer who investigates:

- Vehicular collisions, especially nighttime incidents
- Human vision, lines-of sight
- Lighting, visibility and conspicuity
- Physics and mechanics of motion
- Railroad and railyard incidents
- Pedestrian and bicycle accidents

Experience Summary

- Forensic photography educator
- CIA physicist consultant on digital image correlation systems
- Designer, systems engineer and program manager for electro-optical missile guidance systems
- Research physicist in aircraft navigation and early GPS systems

Employment History:

Wolf Technical Services, Inc., Indianapolis, IN
Senior Accident Analyst (April 1988 to Present)

Mr. Sobek specializes in automotive and tractor-trailer accident reconstruction with emphasis on analysis of lighting, optics, visibility/conspicuity, aerial photography, photogrammetry, and image processing. He also analyzes railroad grade crossing collisions and other railroad incidents. He prepares computer models of vehicle and railroad headlamp illumination, contrast veiling glare, etc. He also provides electronic signals analysis, particularly of analog sound recordings. Finally, he analyzes the physics issues of exterior ballistics, ladder dynamics, friction, etc. In a previous role with Wolf, he served as Technical Director, responsible for the day-to-day operations of the company and review/approval of all forensics work.

Clearly Visible Presentations, LLC
Managing Partner (August 2007 to Present)

Mr. Sobek provides technical presentations in the fields of optics, lighting and visibility to the law enforcement, legal and professional communities. His focus is photography for the forensic investigator.



Concerns

It is of concern that Mr Bobb would regularly drive a car whose headlights did not meet the standard for registration.

It is of concern that Mr Bobb was driving a car whose headlights did not meet the standard for registration when he fatally struck Mr Hall.

It is of concern that Mr Bobb admitted in his 5 April 2017 interview with the AFP, with a family friend present and after agreeing to be interviewed without a lawyer, to driving a car whose headlights did not meet the standard for registration, but that Mr Bobb was not charged by either AFP Senior Constable Adam Potts nor by AFP Leading Senior Constable Phillip Cantwell with the indictable offence of culpable driving causing death.

It is of concern that AFP Senior Constable Adam Potts did not test the headlights until 23 April 2018 – over a year after his 5 April 2017 interview with Mr Bobb.

It is of concern that AFP Leading Senior Constable Phillip Cantwell did not undertake to have the headlights tested following this same 5 April 2017 interview with Mr Bobb.

It is of concern that AFP Constable Gregory Munro, in his statement of 21 April 2017, certified Mr Bobb's Mazda 323 as roadworthy and found the lighting system to be "operating appropriately".

It is of concern that AFP Senior Constable Adam Potts did not include any headlight mapping in the Inquest Brief submitted to the ACT Coroners Court on 17 October 2017, as the 23 April 2018 mapping shows that Mr Bobb's headlights did not meet the standard for registration.

It is of concern that AFP Senior Constable Adam Potts did not provide details in his statement dated 23 April 2018 of the manner in which he conducted the headlight mapping, including whether he measured the light at ground level or 32 centimetres or one metre above the ground, and in which direction he pointed his light meter.

It is of concern that AFP Senior Constable Adam Potts did not also check his headlamp mapping against the *Vehicle Standard (Australian Design Rule 46/00 – Headlamps)* 2006 and realise that the specifications of the standard are for a single headlamp.

It is of concern that AFP Senior Constable Adam Potts did not then check his headlamp mapping against the *Vehicle Standard (Australian Design Rule 46/00 – Headlamps)* 2006 and conclude that the headlamp did not comply with the standard and thus the vehicle was unroadworthy.

It is of concern that AFP Senior Constable Adam Potts, when asked at the original Inquest by Counsel Assisting Ken Archer if the effect of a second light would multiply the light by a factor of two, answered "More like three quarters", as neither the question nor the answer specified area of light, intensity of light, or distance. The consequence of this was that Coroner Boss formed the view that Mr Bobb's vehicle headlights met the standard for registration.

It is also of concern that Counsel Assisting Ken Archer did not sufficiently test the headlight evidence presented by AFP Senior Constable Adam Potts at the original Inquest, as AFP Senior Constable Potts's testimony gave the misleading and incorrect impression to Coroner Boss that Mr Bobb's vehicle headlights met the standard for registration.

A fresh inquest

A fresh inquest would be able to establish exactly how the 23 April 2018 testing by AFP Senior Constable Adam Potts was performed.

A fresh inquest would be able to establish that Mr Bobb's two headlights prior to the crash that killed Mr Hall would not have sufficiently illuminated the road in front of his vehicle at 25 metres, and thus Mr Bobb's headlights did not meet the standard for registration in either NSW or the ACT.

Mr Bobb was driving a car whose headlight did not meet the standard for registration, and Mr Bobb was aware of this fact when he fatally struck Mr Hall. As a consequence, a fresh inquest should find that Mr Bobb should be charged with the indictable offence of culpable driving causing death, and should stand trial for this offence in the ACT Magistrates Court.

2. New evidence regarding the headlight testimony of Monash University's expert witnesses

Background

On 18 April 2018, AFP Senior Constable Adam Potts conducted headlight testing (mapping) on the remaining right headlight of Mr Bobb's Mazda 323.

On 7 August 2018, AFP Senior Constable Adam Potts re-interviewed Mr Bobb, at which time Mr Bobb was recorded as stating he could see 50 metres – not 2 metres – ahead of his vehicle on the morning he fatally struck Mr Hall.

On 9 August 2018, Counsel Assisting Ken Archer sent Associate Professor Jennie Oxley and Dr Steve O'Hern of Monash University's Accident Research Centre copies of Senior Constable Potts's 23 April 2018 statement and his headlight mapping, together with nine questions, as Mr Archer was seeking further advice in relation to several aspects of their initial report of 15 December 2017.

On the afternoon of 24 September 2018, expert witness Dr Steve O'Hern from Monash University's Accident Research Centre testified at the original Coronial Inquest that Mr Bobb's vehicle headlights, before the left headlamp was damaged in the crash that killed Mr Hall, would have illuminated the road ahead of Mr Bobb to a distance of 27 metres – that is, 75% further – because "that's what the constable said". Expert witness Associate Professor Jennie Oxley remained silent.

New evidence obtained from Mr James Sobek of Wolf Technical Services of Indianapolis USA confirms that Mr Bobb's vehicle headlights could not have illuminated the road beyond 15 metres in front of him at the required standard, and thus Mr Bobb's vehicle did not meet the standard for registration. Additionally, Mr Sobek of Wolf Technical Services confirmed that the specifications in Australian Design Rule 46/00 (Headlamps) are for a *single* headlamp.

The evidence

KJ2.01 – Chief Walker letter + Exhibit CD29 to Heath Ryan

[See attachments for full document]

KJ2.01a Potts mapping and statement 23 April 2018 – extract

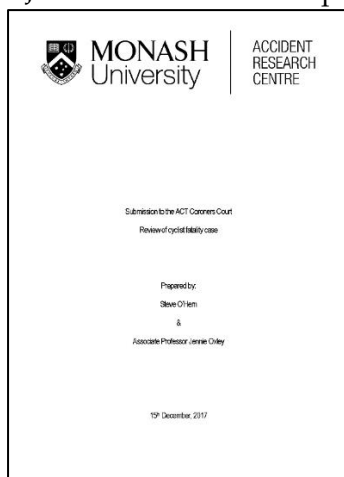
5. This statement is made for the ACT Coroner regarding the investigation into the death of Michael Richard HALL (DOB 4/6/81) hereafter referred to as the deceased.

6. About 8.00pm Wednesday 18 April 2018 within the grounds of the Traffic Operations Centre, Lathlain Street, Belconnen in the ACT, I conducted headlight testing of a beige coloured Mazda 323 sedan bearing NSW registration CTC48U.

KJ2.02 MUARC's first report dated 15 December 2017 – full

[See attachments for full document]

KJ2.02a MUARC's first report dated 15 December 2017 – extract



KJ2.03 MUARC's second report dated 18 September 2018 – full

[See attachments for full document]

KJ2.03a MUARC's second report dated 18 September 2018 – p 1

This report is written in response to the letter dated 9th August, 2018 from Counsel assisting the Coroner seeking further advice from the Monash University Accident Research Centre (MUARC) in relation to several aspects of the initial report. It is our understanding that the reports prepared by MUARC are not the only evidence before the Coroner and Her Honour can and will analyse the totality of the evidence that is tendered in the proceedings.

Below each point of advice and clarification is listed with MUARC's considered response to each.

Responsibility of the driver

I note that your report will not only inform recommendations the Coroner might make about bicycle safety standards and road races such as this. The Coroner also has a responsibility to consider whether there is evidence of an indictable offence. In that context your report will also have relevance. Your ultimate conclusion that a "large burden of responsibility should be placed on the motor vehicle driver" (page 35) is one that of legal necessity, will be explored further during evidence.

Response: We note that our original report concluded that a "large burden of responsibility should be placed on thedriver". On the basis of receiving and reviewing additional transcripts with the driver of the vehicle, we are of the opinion that the driver would have a share of the burden of responsibility.

Lights on the Vehicle Involved in the Collision

The impression of the driver was that his lights might not have been operating to full capacity. You quote one response he gave indicating that the lights were effective for few metres and have accepted that description as being literally true.

I note that the front passenger side headlight was damaged in the collision. That light could not be assessed as to its functionality. The examination of the other light suggested it was in working order. Recent testing of that light has confirmed that finding.

Assuming for the moment that the lights were operating within a normal range (the driver will be called at the hearing and asked questions about this) would your opinion remain as stated (4.3.2.1 at page 23) that the driver "was travelling at an inappropriate speed given the limitations of his vehicle while using low beams and that while traveling 100km/h would not have had sufficient time to react to any unexpected situation".

Response: If the driver's headlights were operating normally, then it would be appropriate to travel at 100km/h on approach to an intersection using the vehicles low beams, given the presence of a vehicle on the side road.

Supplementary evidence provided by the AFP identified that the right side headlight was capable of illuminating the road to 5 lux at a distance to 15 metres.

Given the damage sustained to the left headlight, the illumination provided by the headlight was not assessed. As such, it is not possible to provide a definitive assessment regarding the operation or effectiveness of the vehicle headlights.

The initial collision analysis report provided by the AFP and prepared by Senior Constable Potts, provides reference to Stocker (2016) and suggests that the average illumination distance of a low beam headlight is approximately 80 metres.

KJ2.03b MUARC's second report dated 18 September 2018 – p 2

The new evidence provided by the AFP suggests that the driver may have been overdriving the headlights (i.e., driving at a speed that is too fast to be able to stop in the sight distance provided by the headlights).

In addition, a further transcript record of conversation with the driver of the vehicle provided by the AFP noted that the driver estimated that he could see about 50 metres with the headlights on low beam.

Based on the AFP assessment and the driver's statement it is possible that the vehicle provided limited forward visibility when using the low beam setting and the driver may have been travelling at an inappropriate speed.

KJ2.04 Road Transport (Vehicle Registration) Regulation 2000

[See attachments for full document]

KJ2.04a Road Transport (Vehicle Registration) Regulation 2000 – extract

1.84 Effective range of headlights

- (1) This section applies to a headlight that is on at night.
- (2) A low-beam headlight must illuminate the road ahead of the light vehicle for at least 25m.

KJ2.05a Wolf Technical Services statement re 2 headlamps - extract

Australian Design Rule 46/00 Headlamps (ADR 46/00) prescribes the photometric requirements for headlamps which will provide adequate illumination for the driver of the vehicle without producing undue glare for other road users. While there are two headlamps on automobiles, trucks and other vehicles on the road, the standard addresses the performance of a single headlamp. When two lamps, each in conformance with the standard, are installed on a vehicle, the incident illumination at some particular point on the roadway ahead of the vehicle will be the arithmetic sum of the illuminances from each lamp at that point.

KJ2.06 Dr Steve O'Hern's testimony re 27 metres

Mr Ken Archer, Counsel Assisting the Coroner:

Now, given that the lights on balance probably were working in accordance with recognised standards, what do you say in relation to the issue of the headlights being a relevant matter to the accident? And I invite either of you to comment or both.

Dr Steve O'Hern, Monash University's Accident Research Centre:

I guess the subsequent evidence ... an investigation of the headlights revealed that they were visible for approximately ... or they produced light for approximately fifteen metres, and, um, the constable's estimation would be that ... that would be multiplied by, well, an additional seventy-five percent, um, if you had two headlights operating, um, so that would be approximately 27 metres or so, um, that the headlights would illuminate a road.

Concerns

It is of concern that Counsel Assisting Ken Archer waited from 23 April 2018 until 9 August 2018 to get expert witness opinion from Associate Professor Jennie Oxley and Dr Steve O'Hern of Monash University's Accident Research Centre on the headlight mapping performed by AFP Senior Constable Adam Potts.

It is of concern that Counsel Assisting Ken Archer, when he wrote to Associate Professor Oxley and Dr O'Hern of Monash University on 9 August 2018 seeking further advice in relation to several aspects of their initial 15 December 2017 report, included the transcript of a new interview conducted on 7 August 2018 (over 16 months later) between AFP Senior Constable Adam Potts and the driver, Mr Bobb, where Mr Bobb contradicted his earlier statement and said that he had been able to see 50 metres, not two metres, in front of his vehicle on the morning he fatally struck Mr Hall.

It is of concern that the headlight mapping performed by AFP Senior Constable Potts and sent to Associate Professor Oxley and Dr O'Hern by Counsel Assisting Ken Archer did not specify *how* Senior Constable Potts had conducted his testing.

It is of concern that Associate Professor Jennie Oxley did not check the standard, namely *Vehicle Standard (Australian Design Rule 46/00 – Headlamps)* 2006, to confirm that the headlamp specifications are for a *single* headlamp.

It is thus also of concern that Associate Professor Oxley did not compare the headlight mapping from AFP Senior Constable Potts to that standard before issuing her 18 September 2018 report incorrectly concluding that it was “not possible to provide a definitive assessment regarding the operation or effectiveness of the vehicle headlights”. In reality it is possible to provide a definitive assessment regarding the operation or effectiveness of the vehicle headlights; the headlights failed to meet the standard for registration.

It is of concern that Dr Steve O’Hern did not check the standard, namely *Vehicle Standard (Australian Design Rule 46/00 – Headlamps)* 2006, to confirm that the headlamp specifications are for a *single* headlamp.

It is thus also of concern that Dr Steve O’Hern did not compare the headlight mapping from AFP Senior Constable Potts to that standard before issuing his 18 September 2018 report incorrectly concluding that it was “not possible to provide a definitive assessment regarding the operation or effectiveness of the vehicle headlights”. In reality it is possible to provide a definitive assessment regarding the operation or effectiveness of the vehicle headlights; the headlights failed to meet the standard for registration.

It is of concern that Counsel Assisting Ken Archer, when he wrote to Associate Professor Oxley and Dr O’Hern on 9 August 2018 seeking further advice in relation to their initial report, used phrases and leading questions like: “Assuming for the moment that the lights were operating within a normal range”. This was not an established fact and was not accurate, and it was arguably unprofessional of Mr Archer to put leading phrases and questions like that to the ACT Coroners Court’s expert witnesses.

It is of concern that Coroner Boss was misled by Dr Steve O’Hern’s expert witness testimony when he stated that, with two headlights working, the light: “would be multiplied by an additional seventy-five percent if you had two headlights operating, so that would be approximately 27 metres or so that the headlights would illuminate a road”. This incorrect testimony misled the Coroner and caused Her Honour, in error, to find that Mr Bobb’s vehicle headlights met the standard for registration when in fact they did not.

It is of concern that Coroner Boss, as a result of accurate evidence not being presented at the original Coronial Inquest, did not have the necessary evidence to find that Mr Bobb should have been charged with the indictable offence of culpable driving causing death.

It is of concern that Counsel Assisting Ken Archer did not sufficiently test the evidence and testimony given by Dr Steve O’Hern of Monash University, as Dr Steve O’Hern’s testimony gave the misleading and incorrect impression that Mr Bobb’s vehicle headlights met the standard for registration.

It is also of concern that Counsel Assisting Ken Archer did not sufficiently test the evidence and testimony given by Associate Professor Jennie Oxley of Monash University, as Associate Professor Oxley’s silence gave the impression she agreed with and endorsed the testimony of her colleague and former student, Dr Steve O’Hern.

A fresh inquest

A fresh inquest would be able to retract the flawed testimony given by Associate Professor Jennie Oxley and Dr Steve O’Hern of Monash University’s Accident Research Centre at the original Inquest.

A fresh inquest would allow Monash University to apologise to the family and close friends of Mr Hall whose grief was compounded as a result of the miscarriage of justice that resulted from the

flawed testimony given by Associate Professor Jennie Oxley and Dr Steve O'Hern at the original Inquest.

A fresh inquest would allow flawed evidence previously accepted by Coroner Boss that Mr Bobb's vehicle car met the standard for registration to be rejected, and the findings of the original Coronial Inquest to be quashed.

Mr Bobb was driving a car whose headlight did not meet the standard for registration, and Mr Bobb was aware of this fact when he fatally struck Mr Hall. As a consequence, a fresh inquest should find that Mr Bobb should be charged with the indictable offence of culpable driving causing death, and should stand trial for this offence in the ACT Magistrates Court.

3. New evidence regarding the accuracy of the statement and testimony of NSW Police Constable Craig Slater

Background

NSW Police Constable Craig Slater's statement dated 5 April 2017 and his testimony at the original Inquest were at odds with the GPS evidence the AFP had been given on 5 April 2017 by the event organisers.

NSW Police Constable Craig Slater's statement dated 5 April 2017 and his testimony at the Inquest were also at odds with the statements and testimony of seven other witnesses who saw Mr Hall that morning.

The evidence

KJ3.01 GPS data from the event organisers – full

[See attachments for full document]

KJ3.01a GPS data from the event organisers – extract

	A	B	C	D	E	F	G	H	I	L	M
1	Number	Device	Time	Unix Seconds	Latitude	Longitude	Distance (metres)	Elevation (metres)	Message Type	Time Zone	
2520	2519	0-2539026	31/03/2017 5:32	1490898756	-35.70345	149.15901	5008630	691.4	Tracking	SPOT Device (UTC+10:00)	Canberra, Melbourne, Sydney
2521	2520	0-2539026	31/03/2017 5:37	1490899056	-35.70328	149.15927	5008655.3	691.9	Tracking	SPOT Device (UTC+10:00)	Canberra, Melbourne, Sydney
2522	2521	0-2539026	31/03/2017 5:42	1490899358	-35.70314	149.15826	5008641.3	691.6	Tracking	SPOT Device (UTC+10:00)	Canberra, Melbourne, Sydney
2523	2522	0-2539026	31/03/2017 5:47	1490899656	-35.6869	149.16418	5010554.4	721.5	Tracking	SPOT Device (UTC+10:00)	Canberra, Melbourne, Sydney
2524	2523	0-2539026	31/03/2017 5:52	1490899957	-35.67195	149.16263	5012220	775.7	Tracking	SPOT Device (UTC+10:00)	Canberra, Melbourne, Sydney
2525	2524	0-2539026	31/03/2017 5:57	1490900256	-35.65848	149.16328	5013718.2	816.2	Tracking	SPOT Device (UTC+10:00)	Canberra, Melbourne, Sydney
2526	2525	0-2539026	31/03/2017 6:02	1490900558	-35.63193	149.16302	5016667	779.2	Tracking	SPOT Device (UTC+10:00)	Canberra, Melbourne, Sydney
2527	2526	0-2539026	31/03/2017 6:07	1490900857	-35.60913	149.15109	5019495.3	737.7	Tracking	SPOT Device (UTC+10:00)	Canberra, Melbourne, Sydney
2528	2527	0-2539026	31/03/2017 6:12	1490901156	-35.59178	149.14192	5021601.5	729.2	Tracking	SPOT Device (UTC+10:00)	Canberra, Melbourne, Sydney
2529	2528	0-2539026	31/03/2017 6:17	1490901458	-35.57637	149.13477	5023431	732	Tracking	SPOT Device (UTC+10:00)	Canberra, Melbourne, Sydney
2530	2529	0-2539026	31/03/2017 6:22	1490901757	-35.56793	149.13318	5024378.3	726.4	Tracking	SPOT Device (UTC+10:00)	Canberra, Melbourne, Sydney

KJ3.02 Statement of NSW Police Senior Constable Slater – full

[See attachments for full document]

KJ3.02a Statement of NSW Police Senior Constable Slater – extract

Statement of Craig SLATER
In the matter of
Fatal Accident Monaro Hwy, Williamsdale - Mike
HALL

6. I arrived to Michelago Police Station about 5:50am. So I believe it was approximately 5:40am when, I saw a cyclist. It was with in the area south of the Old Williamsdale Service Station (now shut down) and north of the entry driveway to the Williamsdale Substation, but further north towards the Service Station.

7. I recall a white light caught my attention about 250 metres ahead on the opposite side of the road. I was just about to pass or was passing the service station. This light appeared at the same height to the white reflective guide post, but was brighter. It did not appear to be moving. Initially I could not determine what it was, however the difference in brightness to the reflectors caught my attention and curiosity.

8. As I got closer, I recalled a conversation earlier in the shift with a colleague about the Indian Pacific Wheel Race being a bicycle race from Fremantle to Sydney, where I understood the participating cyclist travel continuously in their own time. I also understood the leader had passed through Bungendore earlier in the night and that other cyclist would be passing Michelago. So I guessed it may have been a cyclist, but had hoped if it was he would be much more visible considering the time and lighting. It was overly dark and I had been travelling with my high beams and spot lights illuminated due to the darkness.

9. It wasn't until I passed him and checked in the driver side mirror, I saw the silhouette and pedalling action to confirm it was a cyclist. He was wearing dark clothing, on a dark bicycle, and was extremely difficult to see. I saw that the bicycle did have a red tail light, however that was not bright. It too sat in level with the red reflective guide posts, and wasn't greatly obvious. I don't recall it being a flashing tail light.

10. As I passed, it appeared as though the cyclist was in the lane of traffic. I believe he would have been no more than 30cm inside the outside lane marking, but definitely inside the lane. The cyclist was travelling in a northerly direction.

11. Immediately after passing, I had to switch my lights to low beam as a vehicle was approaching in the opposite direction to me, being the same direction as the cyclist.

KJ3.03 Transcript from NSW Police Constable Slater's testimony

In sworn testimony at the Coronial Inquest, NSW Senior Constable Craig Slater stated the following:

Q: Could you just take us through where that was and what you saw?

A: Um, it was as I was approaching the old closed down service station at Williamsdale that I, um, could see a light, um, in line with the usual roadside reflector lights, um, slightly brighter than the reflectors though. Um, it was about 250 metres south of the servo I first got a glimpse of it. I wasn't sure what it was at first, but I saw that light and I was curious as to what it was that caught my attention. It was a different brightness to the rest of the reflectors there. Um, and as I continued to drive, it wasn't 'til I went past him that I saw the silhouette of a cyclist, and a pedalling motion. Um, and then as I continued south, had a look in the rear-view mirror and could see a red light, I don't believe it was flashing, and I wouldn't say it was much brighter than the red reflectors on the other side of those guide posts.

Location details from the statements of the seven other witness who saw Mr Hall that morning:

1. Mr Smith saw Mr Hall around 5.30 am just before Michelago NSW, 16 kilometres south of where NSW Police Senior Constable Slater stated he saw Mr Hall at 5.40 am.
2. Mr Spulak said that he saw Mr Hall around 5.30 am at Snuggles Pit just south of Michelago NSW, 16 kilometres south of where NSW Police Senior Constable Slater stated he saw Mr Hall at 5.40 am.
3. Mr Shoard said that he saw Mr Hall at 5.32 am turn into the United Petrol service station car park, 15 kilometres south of where NSW Police Senior Constable Slater stated he saw Mr Hall at 5.40 am.
4. Mr Quis was driving north and saw Mr Hall around 5.40 am outside St Patrick's Catholic Church in Michelago NSW, 14 kilometres south of where NSW Senior Constable Slater stated he saw Mr Hall at 5.40 am.
5. Ms Perrin passed Mr Hall at approximately 5.40 am about two or three kilometres north of the United Petrol service station, 12 kilometres south of where NSW Police Senior Constable Slater stated he saw Mr Hall at 5.40 am.
6. Mr Maxwell passed Mr Hall around 6.00 am as Mr Maxwell drove north on the Monaro Highway, 11 kilometres south of where NSW Police Senior Constable Slater stated he saw Mr Hall at 5.40 am.
7. Mr Crivici said that he saw Mr Hall, as he rode north from Michelago NSW, around 6.10 am north of Michelago NSW but closer to Williamsdale Road, five kilometres south of where NSW Police Senior Constable Slater stated he saw Mr Hall at 5.40 am.

KJ3.04 Findings of Coroner Boss at the Inquest – full

[See attachments for full document]

KJ3.04a Findings of Coroner Boss at the Inquest – extract

46. Constable Craig Slater, a member of the NSW Police Force, was travelling south on the Monaro Highway. He gave evidence of his observations of a cyclist presumed to be Mr Hall a short distance from the collision site. He stated that he saw a light source and had difficulty recognising what it was. When he looked in his rear-view mirror he had difficulty making out the bicycle's rear red light or distinguishing it from the guide posts on the side of the road. He was of the view that the cyclist was hard to see, given the cyclist's dark clothing and lack of distinguishable lighting. Constable Slater expressed regret that he did not stop the cyclist to speak to him about his lack of conspicuity.

Concerns

It is of concern that NSW Police Constable Craig Slater's 5 April 2017 statement and testimony, when compared to the GPS data provided to the AFP by the event organisers on 5 April 2017, and the associated timeline were physically impossible.

It is of concern that Counsel Assisting Ken Archer did not sufficiently test the statement and testimony of NSW Police Constable Craig Slater against the GPS data provided to the AFP by the event organisers on 5 April 2017.

It is of concern that NSW Police Constable Craig Slater's 5 April 2017 statement and testimony, when compared to the statements provided to the AFP by the seven witnesses who reported seeing Mr Hall on the Monaro Highway on the morning of 31 March 2017 prior to this death at approximately 6.18 am, were inconsistent with the statements and testimony of all seven of these witnesses and thus NSW Police Constable Craig Slater's version of events and the associated timeline were physically impossible.

It is of concern that Counsel Assisting Ken Archer did not sufficiently test the statement and testimony of NSW Police Constable Craig Slater against the statements and testimony of the seven witnesses who also reported seeing Mr Hall on the Monaro Highway that morning.

It is of concern that NSW Police Constable Craig Slater's evidence was relied upon by the Coroner in the original Inquest, and that his testimony misled Coroner Boss to find that the cyclist, Mr Hall, was not adequately visible to motorists.

A fresh inquest

A fresh inquest could establish that NSW Police Senior Constable Slater's statement and testimony were at odds with the GPS evidence and with the statements of the seven other witnesses who saw Mr Hall on the Monaro Highway on the morning of 31 March 2017 prior to this death.

A fresh inquest could seek to establish why evidence from a serving NSW Police officer that was physically impossible was not sufficiently tested and excluded by Counsel Assisting Ken Archer before it was introduced as evidence in the ACT Coroners Court.

A fresh inquest could ask why testimony from NSW Police Senior Constable Slater, a serving NSW Police officer, that was inaccurate and physically impossible to have happened in that place or at that time, was introduced as evidence in the ACT Coroners Court that the Coroner then relied upon when finding that Mr Hall was not sufficiently conspicuous to be seen by motorists that morning.

4. New witness who first spoke to Mr Bobb and saw and heard him using his mobile phone

Background

REDACTED is a new witness. He was driving south that morning from his home REDACTED at approximately 6.18 am REDACTED. He saw a Mazda 323 in the northbound lane that was not moving. He then saw a bicycle wedged in the left side of the bonnet of that car.

REDACTED stopped his vehicle and approached the driver of the car. Mr Bobb was in the driver's seat of that vehicle and was talking to his girlfriend using his mobile phone in speaker mode. She was crying while telling him to get out of his car and go see if the cyclist was okay. She also was telling him to call Triple 0.

Mr Bobb did not respond when REDACTED tried to speak with him. Mr Bobb did not exit his car to check on the cyclist. He then walked south, passing two men – Mr Mujic and Mr Harbers – who were walking towards Mr Bobb's car. He then saw two other people – Mr Cahill and Mr Watkins – performing CPR on the cyclist. Shortly after this, an ambulance arrived and REDACTED left the crash scene.

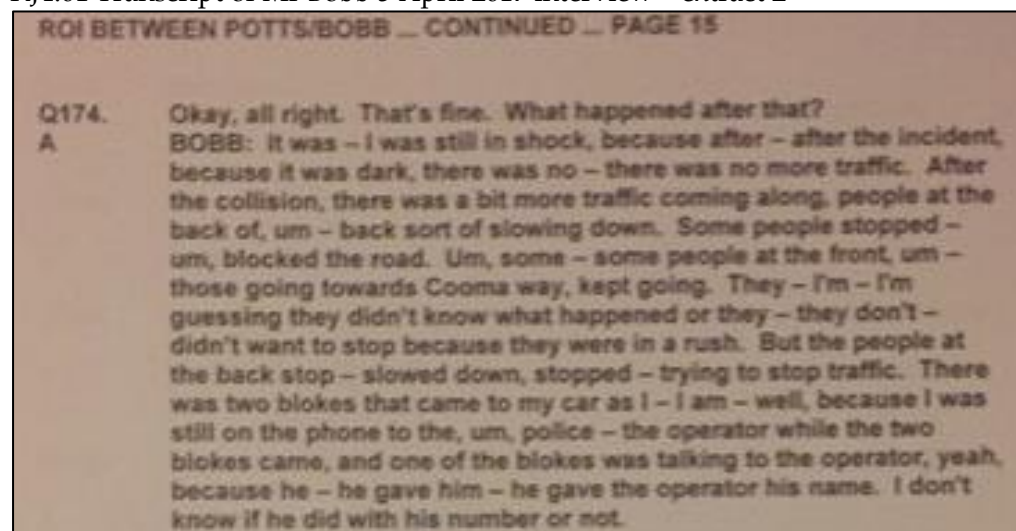
When interviewed by AFP Senior Constable Adam Potts and AFP Leading Senior Constable Phillip Cantwell on 5 April 2017, Mr Shegu Bobb claimed that "some people at the front, those going towards Cooma, kept going. They I'm guessing they didn't know what happened or they didn't want to stop because they were in a rush." The reality however was that REDACTED was driving south but he *did* stop, he *did* approach Mr Bobb in his car, and he *did* attempt to speak with him. Mr Bobb remembered the "two blokes that came to my car" – they were Mr Mujic and Mr Harbers. Mr Bobb strangely made no mention of REDACTED in his 5 April 2017 interview.

The evidence

REDACTED.

I spoke to REDACTED on 11 November 2020 for approximately 20 minutes, and I can provide details of my conversation with him if requested.

KJ4.01 Transcript of Mr Bobb 5 April 2017 interview – extract 2



Concerns

It is of concern that the evidence from this new witness tells us either that Mr Bobb's first call was not to Triple 0 and that Mr Bobb consequently failed to render assistance to the cyclist he'd struck and killed, or that Mr Bobb was using his mobile phone, which was not in a commercially-made mobile phone cradle, and was talking with his girlfriend when he fatally struck Mr Hall.

It is of concern that the AFP's case, as presented by Counsel Assisting Ken Archer at the original Inquest, gave evidence that witnesses Mr Mujic and Mr Harbers – and not REDACTED – were the first to reach Mr Bobb, by which time Mr Bobb had stopped speaking with his girlfriend and had then commenced speaking with Triple 0.

It is of concern that the AFP did not seek to locate REDACTED, who was seen by at least Mr Bobb, Mr Mujic, and Mr Harbers. He may also have been seen by Mr Cahill and Mr Watkins.

It is of concern that there was no mention of REDACTED in the statements and testimony of Mr Mujic and Mr Harbers, after their evidence was taken and tested by Counsel Assisting Ken Archer.

It is of concern that there was no mention of REDACTED by Mr Bobb himself, even though Mr Bobb was interviewed three times by the AFP.

It is also of concern that the evidence from REDACTED was not available for consideration by Coroner Boss at the original Inquest when Her Honour determined Mr Bobb did not need to be charged with the indictable offense of culpable driving causing death, partly because inaccurate evidence had been presented by Counsel Assisting that Mr Bobb has not used his phone prior to calling Triple 0 that morning.

A fresh inquest

A fresh inquest into the death of Mr Hall could determine whether Mr Bobb was talking with his girlfriend on his mobile phone when he struck and killed Mr Hall.

A fresh inquest into the death of Mr Hall could determine whether Mr Bobb failed to render assistance to the cyclist he'd struck and killed.

A fresh inquest could also determine why there was no mention of REDACTED in the statements made by Mr Mujic, Mr Harbers and Mr Bobb.

A fresh inquest into the death of Mr Hall could determine whether Mr Bobb was distracted by his mobile phone when he fatally struck Mr Hall, and whether the charge of culpable driving causing death, an indictable offence in the ACT, should now be brought against Mr Bobb.

Background

This further set of call charge records were for the correct time period, after adjusting for UTC time. They consisted of six columns of truncated data, extracted and presented at the original Inquest in PDF format. This ‘further set of call charge records’ does not show the date this new data was requested or printed, and it does not show the full 18 Excel columns. It also does not tell anything about possible *data* usage by Mr Bobb’s phone that morning.

A more complete, yet redacted, version of this 'further set of call charge records' was released to me under FOI legislation by the Australian Federal Police on 24 September 2020.

The evidence

KJ5.01 The 'further' set of call charge records

CORONERS COURT OF THE AUSTRALIAN CAPITAL TERRITORY

24-26 September 2018

Inquest into the Death
of
Michael Richard HALL

CD 08/2017

M.F.I No.

Exhibit No. CD 32

KJ5.02a Page 1 of more complete 'further' set of call charge records obtained under FOI legislation

Start Date (UTC)	Start Time (UTC)	Duration	Answered	A Number	A Imei	A Imsi	A Start Cell Name	A End Cell Name
30/03/2017	4:41:11		N					
30/03/2017	5:12:16	0:00:23	F					
30/03/2017	6:33:05	0:00:03	F					
30/03/2017	6:56:58	0:44:24	F				32200:00464 (GREENWAY)	32200:05031 (ISABELLA PLAINS)
30/03/2017	7:49:21	0:00:02	F				32280:02336 (WILLIAMSDALE)	32280:41216 (COOMA)
30/03/2017	9:14:32		N				32280:11617 (COOMA)	32280:11617 (COOMA)
30/03/2017	19:20:13	0:08:22	Y				32280:03584 (COOMA)	
30/03/2017	19:23:46	0:00:03	F				32280:02336 (WILLIAMSDALE)	32280:02336 (WILLIAMSDALE)
30/03/2017	19:28:51	0:14:35	Y					
30/03/2017	19:30:58	0:00:06	F				32280:02336 (WILLIAMSDALE)	32280:02336 (WILLIAMSDALE)
30/03/2017	20:01:09	0:00:03	F					
30/03/2017	20:02:10	0:00:02	F					
30/03/2017	20:06:04	0:01:37	Y					
30/03/2017	21:36:24	0:27:36	Y				32280:11617 (COOMA)	32280:11617 (COOMA)
30/03/2017	22:47:34	0:02:45	Y				32200:40746 (GARRAN)	32200:40746 (GARRAN)

THIS DOCUMENT HAS BEEN DECLASSIFIED
AND RELEASED IN ACCORDANCE WITH THE
FREEDOM OF INFORMATION ACT 1982
(COMMONWEALTH)
BY THE AUSTRALIAN FEDERAL POLICE

Dialled Digits	B Number	B Imei	B Imsi	B Start Cell Name	B End Cell Name	F Number	F Imei	F Imsi
		s 47F				s 47F		
				32280:11617 (COOMA)	32280:11617 (COOMA)			
				32280:11615 (COOMA)	32280:11617 (COOMA)			
				32200:45255 (CANBERRA)	32200:45256 (CANBERRA)			
				32200:40746 (GARRAN)	32200:40746 (GARRAN)			
				32200:35296 (DEAKIN)	32200:35296 (DEAKIN)			

THIS DOCUMENT HAS BEEN DECLASSIFIED
AND RELEASED IN ACCORDANCE WITH THE
FREEDOM OF INFORMATION ACT 1982
(COMMONWEALTH)
BY THE AUSTRALIAN FEDERAL POLICE

Concerns

It is of concern that the call charge records for Mr Bobb's mobile phone in the Inquest Brief, lodged with the ACT Coroners Court on 17 October 2017, were not obtained by AFP Senior Constable Adam Potts until 3 May 2017, as the fatal crash occurred over a month earlier on 31 March 2017.

It is also of concern that the 'further set of call charge records' for Mr Bobb's mobile phone obtained under FOI legislation were more detailed – yet still redacted – than the 'further set of call charge records' presented at the original Inquest to the Coroner. Thus, the AFP did not present at the original Inquest the *complete* telephone evidence they had in their possession for Mr Bobb's mobile phone, and vital information including whether data calls were made by Mr Bobb on the morning of 31 March 2017 and the date upon which the AFP obtained this 'further set of call charge records' were not available at the original Inquest.

Again, of concern is the extent to which Counsel Assisting Ken Archer, tested the completeness and accuracy of the driver's mobile phone evidence that was presented at the original Inquest.

A fresh inquest

A fresh inquest could determine if additional, and critical, mobile phone evidence exists that was not presented at the original Inquest.

A fresh inquest could determine whether Mr Bobb was distracted by his mobile phone or speaking with his girlfriend via a data call at the time he fatally struck Mr Hall.

6. New evidence regarding the reflector on Mr Hall's rear bicycle bag

Background

At the original Inquest, all of the police photographic evidence from the scene was initially suppressed by the Coroner. Since then, Coroner Boss agreed to vary her suppression order so that the photographic evidence from the scene, excluding images of the body, body parts and body slide, was made a matter of public record.

In one photograph, Mr Hall's rear bicycle bag can clearly be seen to have a reflector attached to it, yet AFP Senior Constable Adam Potts stated in his testimony at the original Inquest that nothing was attached to the outside of Mr Hall's rear bicycle bag when it was returned to the family the next day.

The evidence

KJ6.01 The rear reflector crash scene photograph



KJ6.02 The varied suppression order 21.04.20 Hall

	ACT CORONER'S COURT
In the Coroner's Court of the Australian Capital Territory Inquest into the death of Michael Richard HALL	
No: CD 0080/2017	
Date of orders:	21 April 2020
Coroner:	B.C BOSS
The Coroner Orders that:	
1) The non-publication order made on 24 September 2018 in relation to collision scene photographs tendered in the proceedings as Exhibit 9 A is varied as follow:	
a) All photographs containing images of the deceased's body, body parts, body slide, or other body matter remain the subject of the order prohibiting publication	
b) The remaining photographs are available for inspection as a matter of public record.	
	

KJ6.03 Senior Constable Potts's testimony re rear reflector

At the Inquest, when cross-examined by Mr Lynch, Senior Constable Potts gave the following testimony as to how and when Mike's rear saddle bag was removed from evidence:

Q: *What about the bag that he was riding with, that was, um, positioned behind his [Mike's] seat [bicycle saddle]?*

A: *The bags on the bike?*

Q: *Yes.*

A: *Ya, they weren't kept either.*

Q: *No. Did you notice, though, it had a reflector on there?*

A: *Ah, no.*

Q: *You didn't?*

A: *No.*

Q: *You didn't notice at all?*

A: *I noticed on the saddle bag there was a ... a ... area for clipping something in, but there was nothing in that.*

Q: *Okay, so you didn't see any reflector on that bag whatsoever?*

A: *That's correct.*

Q: *And that bag was returned to who?*

A: *Um, I believe it was returned to Kristof Allegaert.*

Concerns

It is of concern that most of the photographic evidence from the crash scene was not made a matter of public record at the original Inquest.

It is of concern that this photographic evidence, which is now a matter of public record, calls into question the accuracy of AFP Senior Constable Adam Potts's testimony at the original inquest.

It is of concern that initially all the photographic evidence from the crash scene was suppressed by Coroner Boss at the original inquest.

A fresh inquest

A fresh inquest into the death of Michael Richard Hall in the ACT on 31 March 2017 would allow the new photographic evidence to be presented – in detail – in court, and for the fresh Inquest to conclusively find that Mr Hall was fully compliant with the ACT road rules on the morning he was fatally struck from behind by Mr Bobb.

A fresh inquest would allow AFP Senior Constable Adam Potts to be questioned about what happened to that reflective device during the 30 hours that bicycle bag was in his possession.

A fresh inquest would also be able to discredit the argument, put to the original Inquest by Counsel Assisting Ken Archer, that Mr Hall was not sufficiently conspicuous for motorists to be able to see him that morning.

7. New evidence regarding the return of Mr Hall's rear bicycle bag

Background

AFP Senior Constable Adam Potts, in his testimony at the original Inquest, stated that he had 'days off' following the crash and that his female colleague, AFP Leading Senior Constable Catherine Boyce, was at the Phillip Forensic Medical Centre on 1 April 2017 when Mr Hall's rear bicycle bag was returned to the family. The act of returning the rear bicycle bag to the family was not mentioned by Leading Senior Constable Boyce in her statement to the original Inquest.

On 1 April 2021, Mr Anthony Gordon, a residence of NSW, signed for and accepted Mr Hall's bicycle bag from a *male* AFP officer.

The evidence

KJ7.01 Senior Constable Potts's testimony re days off

A bit later, Mr Lynch questioned Senior Constable Potts again about Mike's bag:

Q: *Going back to the bag that had, um, the bag that was attached to Mr Hall, um, is there any reason why you didn't keep that as evidence?*

A: *Um, I wanted to keep it as evidence, um, but it was, ah, inexplicably provided back to ... to send back to the family.*

Q: *What do you mean by that?*

A: *Um, I was on days off in the days post the collision, ah, and I made arrangements for a colleague, Senior Constable Boyce, to do the identification of Mr Hall, and at that time, the bags were returned to Kristof.*

KJ7.02 Leading Senior Constable Boyce's statement

AFP
AUSTRALIAN FEDERAL POLICE

Police Statement

Statement in the matter of R v Death of Michael HALL

Name Catherine Julie Boyce
Occupation Constable of Police
Date 8th August 2017

STATES:

1. This statement made by me accurately sets out the evidence that I would be prepared, if necessary, to give in court as a witness. The statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I will be liable to prosecution if I have wilfully stated in it anything that I know to be false or do not believe to be true.
2. My full name is Catherine Julie Boyce. I am a Leading Senior Constable of Police with the Australian Federal Police (AFP) currently attached to the Collision Investigation and Reconstruction Team (CIRT), located at the Traffic Operations Centre, Lathlain Street Belconnen, in the Australian Capital Territory (ACT).
3. On Saturday 1st April 2017 I was on afternoon (2pm to 12 midnight) shift with LSC Phillip Cantwell, and attached to the CIRT. Our call sign was Tango 82.
4. I was tasked to attend the Phillip Forensic Medical Centre and conduct a formal identification of Michael Richard Hall, who had died in a motor vehicle collision on 31st March 2017.
5. About 3.30pm I met Allegaert Kristof who had known Mr Hall for 7 to 8 years. He formally identified the deceased body of Michael Richard Hall and signed a formal identification statement.

Statement in the matter of R v Death of Michael HALL
Statement of Catherine Julie Boyce continued

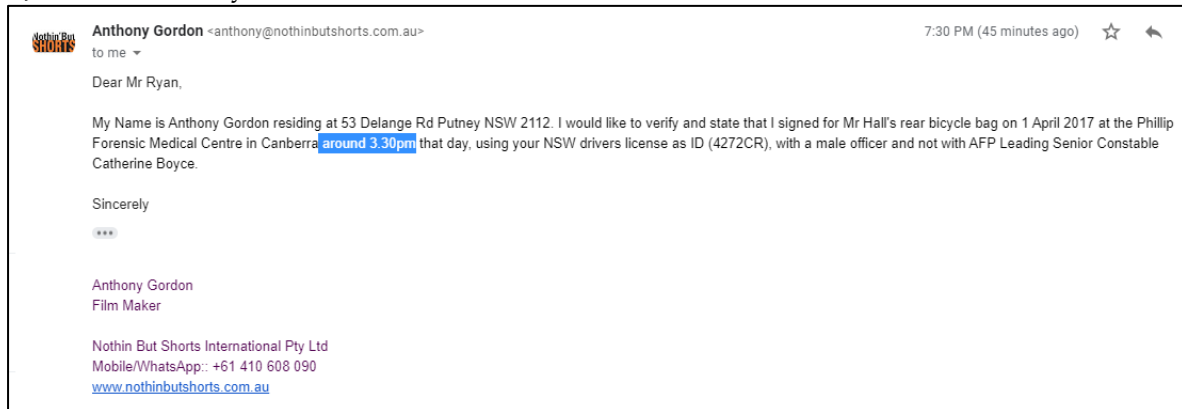
Page 2 of 2

6. I then resumed other duties.

7. I read this statement before I signed it.

[Signature]
Catherine Julie Boyce
Leading Senior Constable 10630
Collision Investigation and Reconstruction Team
8th August 2017

KJ7.03 Mr Anthony Gordon's statement



Concerns

It is a concern that the original Inquest did not accurately determine which AFP officer returned Mr Hall's rear bicycle bag to the family.

It is a concern that AFP Senior Constable Adam Potts's testimony at the Inquest is potentially at odds with AFP Leading Senior Constable Boyce's statement of 8 August 2017.

A fresh inquest

A fresh inquest would be able to determine what actions, if any, Leading Senior Constable Boyce took on 1 April 2017 with regards to Mr Hall's bicycle bag and the loss of this evidence.

A fresh inquest would be able to establish which APF officer returned the rear bicycle bag to Mr Gordon.

8. New evidence regarding Mr Bobb's blood toxicology certificates

Background

Certificates detailing the blood toxicology results for the driver, Mr Bobb, were not included in the initial Inquest Brief lodged 17 October 2017 with the ACT Coroners Court prior to the original Inquest, even though certificates detailing the blood toxicology results for the cyclist, Mr Hall, were included in that Inquest Brief.

On the first day of the original Inquest, the Coroner stated there was no evidence of an indictable offense of culpable driving, and as a result Her Honour would not be halting the Inquest or recommending charges be brought against Mr Bobb. After lunch on the final day of the original Inquest, 18 minutes before the conclusion of that Inquest, Counsel Assisting Ken Archer presented certificates from ACT Health detailing the blood toxicology results for Mr Bobb. Presumably the Coroner was aware of the blood toxicology certificates for Mr Bobb prior to the commencement of the Inquest, but this evidence was not available to the Court until the final few minutes of the Inquest.

The evidence

KJ8.01a Blood alcohol certificate for Mr Bobb dated 12 April 2017

	ACT Government Health	ACT Government Analytical Laboratory Howard Florey Centenary House, 25 Mulvey Street Holder ACT 2611 Locked Bag 5005, Weston Creek ACT 2611 Phone: (02) 6205 1700 Fax: (02) 6205 8703 Website: www.health.act.gov.au ABN: 62 049 056 234
AUSTRALIAN CAPITAL TERRITORY ROAD TRANSPORT (ALCOHOL AND DRUGS) ACT 1977		
Certificate Under Sections 41(1)(g) and 41AD		
In pursuance of sections 15, 15AA or 16 of the Road Transport (Alcohol and Drugs) Act 1977, I, Lachlan Kite (ACT Health Position No. 21317), hereby state that: (a) I am an analyst; (b) I arranged for a blood sample to be analysed at the ACT Government Analytical Laboratory, an approved laboratory, to work out whether alcohol was present in the sample, in accordance with a request made by a police officer; (c) the sample was from a container; (i) labelled with the sample takers name: <i>Hayley Crimmins</i> the tested person's name: Shegu Bobb the date the sample was taken: <i>31/03/2017</i> the time the sample was taken: <i>08:10</i> hours (ii) that had a tamper-evident seal with number: RTA033206 (d) the tamper-evident seal did not appear to have been interfered with; (e) the analysis to which the sample was subjected; <i>Blood ethyl alcohol determination</i> (f) the result of the analysis: <i>Ethyl alcohol was not detected in the blood</i> (g) the analysis was accurate. Dated this 12 April 2017 Signature  Lachlan Kite (ACT Health Position No. 21317) Page 1 of 1 T17/0975-A		

KJ8.01b Prescribed blood alcohol certificate for Mr Bobb dated 18 April 2017

	ACT Government Health	ACT Government Analytical Laboratory Howard Florey Centenary House, 25 Mulloy Street Holder ACT 2611 Locked Bag 5005, Weston Creek ACT 2611 Phone: (02) 6206 1700 Fax: (02) 6206 5703 Website: www.health.act.gov.au ABN: 82 049 056 234
AUSTRALIAN CAPITAL TERRITORY ROAD TRANSPORT (ALCOHOL AND DRUGS) ACT 1977		
Certificate Under Section 41AD		
In pursuance of section 15, 15AA or 16 of the Road Transport (Alcohol and Drugs) Act 1977, I, Lachlan Kite (ACT Health Position No. 21317), hereby state that:		
(a) I am an Analyst;		
(b) I arranged for a blood sample to be analysed at the ACT Government Analytical Laboratory, an approved laboratory, to work out whether a prescribed drug was present in the sample, in accordance with a request made by a police officer;		
(c) the sample was from a container;		
(i) labelled with the sample takers name: <i>Hayley Crimmins</i> the tested person's name: <i>Shagu Bobb</i> the date the sample was taken: <i>31/03/2017</i> the time the sample was taken: <i>08:10 hours</i>		
(ii) that had a tamper-evident seal with number: <i>RTA033206</i>		
(d) the tamper-evident seal did not appear to have been interfered with;		
(e) the analysis to which the sample was subjected;		
<i>determination of the presence of one or more of the following prescribed drugs; methylamphetamine, N, alpha-Dimethyl-3,4-(Methylenedioxy)phenylethylamine (MDMA), and/or delta-9-tetrahydrocannabinol</i>		
(f) the result of the analysis:		
<i>No prescribed drugs were detected</i>		
(g) the analysis was accurate.		
Dated this 18 April 2017		
Signature 		
Lachlan Kite (ACT Health Position No. 21317)		
Page 1 of 1		
T17/0975-B		

Concerns

The blood alcohol certificate was negative for ethyl alcohol and dated 12 April 2017, yet the blood drug certificate was only negative for three prescribed drugs and was dated 18 April 2017 – a full six days later. It is of concern that there is a six-day gap between the dates on the two certificates, as both tests were carried out on the same blood sample and, presumably, on the same day.

It is also of concern that a certificate from a *full* blood toxicology test on Mr Bobb's blood sample was not presented as evidence at the Inquest, given the very serious consequences of Mr Bobb's actions that morning.

A fresh inquest

A fresh inquest would be able to address the following questions: i) Why were blood results for Mr Bobb not included in the original Inquest Brief? ii) Why were blood results for Mr Bobb not presented at the original Inquest until 18 minutes prior to the conclusion of that three-day Inquest? iii) Why was there a six-day gap between the date of the blood alcohol certificate and the date of the blood toxicology certificate for the three prescribed drugs? and iv) Was a full drug toxicology test requested at any point in the police investigation?

9. New evidence regarding AFP Constable Wiseman's interactions with Mr Mujic

Background

AFP Constable Joel Wiseman and his partner were the first AFP officers to arrive at the crash scene. Constable Wiseman's diary notes for 31 March 2017 show that he interacted with three witnesses: Scott Harbers, Liam Cahill, and Osman Mujic. In these notes, his interactions with Mr Harbers, Mr Cahill and Mr Mujic – the only eyewitness – were redacted.

In Constable Wiseman's statement, he said that he conducted DROCs (digital records of conversation) with Mr Harbers and Mr Cahill, but of Mr Mujic he said "Mr Mujic was happy to remain on scene and conduct a DROC with Police." Constable Wiseman stated that he then went to the south end of the crash scene and directed traffic until the CIRT team arrived, leaving Mr Mujic – the only eyewitness to a fatal car crash – not interviewed and unrecorded.

Photographic evidence from the crash scene, initially under a suppression order but now a matter of public record, shows Constable Wiseman interviewing and likely recording Mr Mujic at 8.02 am. This interaction with this witness does not appear in his statement to the original Inquest.

The evidence

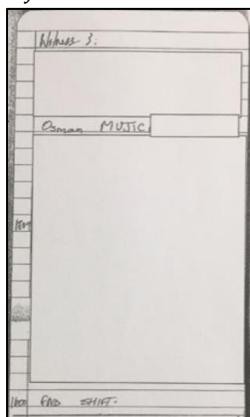
KJ9.01 Constable Wiseman conducting DROC of Mr Mujic at 8.02 am



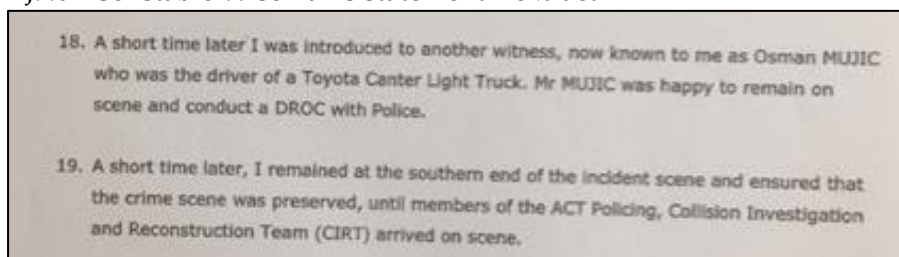
KJ9.02 Constable Wiseman conducting DROC of Mr Mujic at 8.02 am



KJ9.03 Constable Wiseman's redacted notes



KJ9.04 Constable Wiseman's statement – extract



Concerns

Mr Mujic was the first to arrive at the crash scene and was the only eyewitness to the crash. Both of the other two witnesses at the scene, Liam Cahill and Scott Harbers, participated in DROCs with AFP Constable Joel Wiseman. It is of concern that there is no record of Mr Mujic participating in a DROC.

It is of concern that there is a photo of AFP Constable Joel Wiseman conducting what looks like a DROC with Mr Mujic at 8.02 am, yet this was not mentioned in his statement. This calls into question the completeness and accuracy of AFP Constable Joel Wiseman's statement. In his statement, AFP Constable Joel Wiseman stated "Mr Mujic was happy to remain on scene and conduct a DROC with Police." Yet, as his notes were redacted, it was unclear at the original Inquest what interactions AFP Constable Joel Wiseman *actually* had with Mr Mujic.

It is of concern that, if a DROC was being conducted with Mr Mujic at 8.02 am on 31 March 2017 as depicted in the photograph that is now a matter of public record, this DROC was not presented as evidence at the original Inquest.

It is also of concern, given the inconsistencies between the photographic evidence from 8.02 am and AFP Constable Joel Wiseman's diary notes and statement, that Counsel Assisting Ken Archer did not sufficiently test AFP Constable Joel Wiseman's statement before having that evidence presented at the original Inquest.

A fresh inquest

A fresh inquest would be able to examine AFP Constable Joel Wiseman's unredacted diary notes to determine what they say about AFP Constable Joel Wiseman's photographed interactions with Mr Mujic at 8.02 am on 31 March 2017.

A fresh inquest would be able to explore why AFP Constable Joel Wiseman's statement excluded these interactions with Mr Mujic.

Ultimately, a fresh inquest should be able to obtain and hear – for the first time – the evidence contained in AFP Constable Joel Wiseman's conversation with Mr Mujic at 8.02 am on 31 March 2017.

10. New evidence regarding AFP Senior Constable Potts's interactions with Mr Mujic

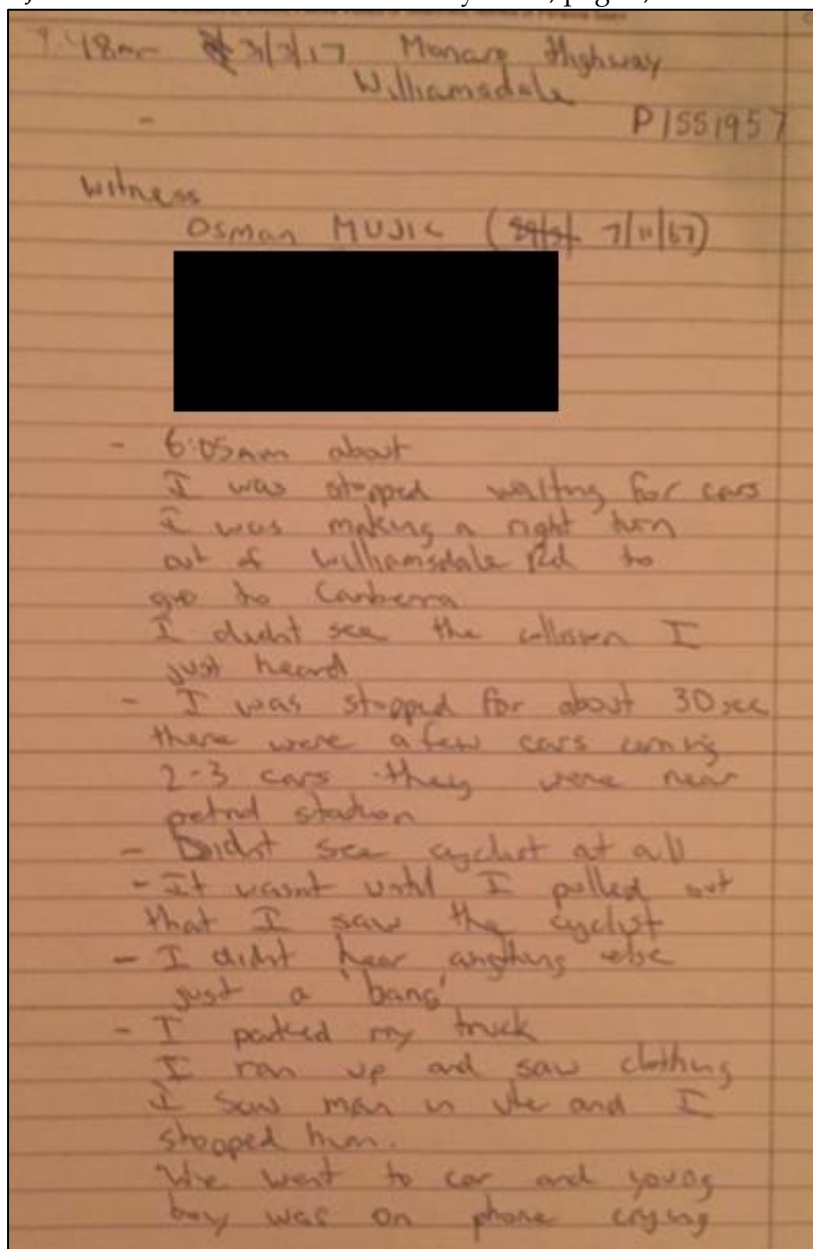
Background

AFP Senior Constable Adam Potts and his partner arrived at the crash scene at 7.48 am. Senior Constable Potts was part of the CIRT team. His diary notes for 31 March 2017 show that he interacted with Osman Mujic immediately upon arrival at the crash scene. According to his statement, Senior Constable Potts took some diary notes but did not record Mr Mujic, the only eyewitness to the crash, in a digital record of conversation. Senior Constable Potts's statement says that he then told Mr Mujic to leave the scene.

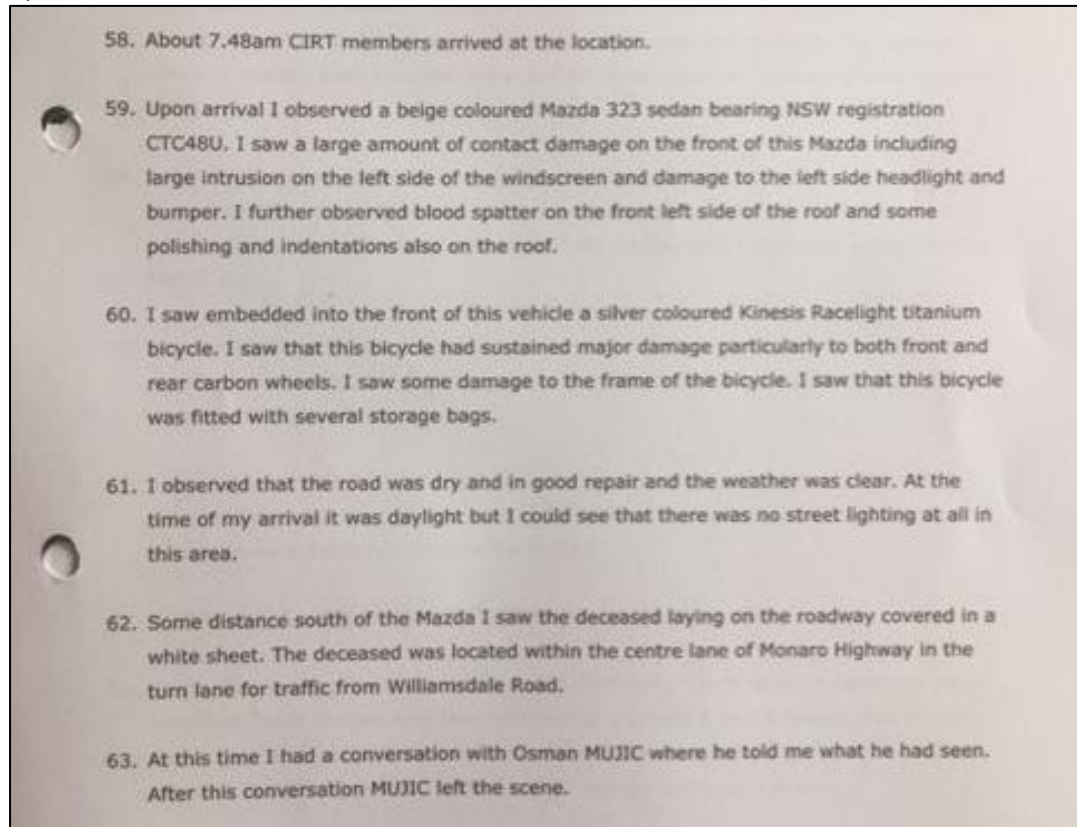
Photographic evidence, initially under a suppression order by now a matter of public record, shows AFP Senior Constable Adam Potts at the southern end of the crash scene at 8.02 when AFP Constable Joel Wiseman is at the northern end of the crash scene conducting a conversation with Mr Mujic.

The evidence

KJ10.01 Senior Constable Potts's diary notes, page 1, for 7.48 am on 31 March 2017



KJ10.02 Senior Constable Potts's statement



KJ10.03 Senior Constable Potts and Constable Wiseman at the crash scene at 8.02 am



KJ10.03a Senior Constable Potts at the southern end of the crash scene at 8.02 am



KJ10.03b Senior Constable Potts at the southern end of the crash scene at 8.02 am



Concerns

It is of concern that there is a photo of AFP Senior Constable Adam Potts at the southern end of the crash scene at 8.02 am while AFP Constable Joel Wiseman is interacting with Mr Mujic at the north end of the crash scene, as this was after AFP Senior Constable Potts spoke to and supposedly told Mr Mujic to leave the scene, and yet Mr Mujic was still at the scene.

It is of concern that Mr Mujic's interactions with AFP officers at 8.02 are not recorded in the diary notes or the statements of any of the AFP officers at the scene that morning. This calls into question the accuracy and completeness of AFP Senior Constable Adam Potts's statement.

It is also of concern, given the inconsistencies between the photographic evidence from 8.02 am and AFP Senior Constable Adam Potts's statement, that Counsel Assisting Mr Ken Archer did not sufficiently test Senior Constable Adam Potts's statement or testimony at the original Inquest.

A fresh inquest

A fresh inquest would be able to examine why AFP Senior Constable Adam Potts's statement is at odds with the photographic evidence.

A fresh inquest would also be able to learn the contents of AFP Constable Joel Wiseman's conversation with Mr Mujic at 8.02 am.

11. New evidence regarding AFP Senior Constable Potts's reconstruction video

Background

AFP Senior Constable Adam Potts made a number of reconstruction videos on 11 April 2017 and on 3 June 2017. These were filmed on Stockton Drive in the ACT, and were presented at the original Inquest purportedly demonstrating that Mr Hall was neither visible nor conspicuous to motorists on the morning of 31 March 2017 on the Monaro Highway in the ACT.

Meanwhile, photographic evidence of Mr Hall taken the evening before his death was also admitted into evidence.

The evidence

KJ11.01 Mike Hall the night before his death



KJ11.02 Mike Hall showing bright rear light



This video was admitted as evidence at the original Coronial Inquest and is a matter of public record.

KJ11.03 Senior Constable Potts's flawed bicycle reconstruction - image 1



KJ11.04 Senior Constable Potts's flawed bicycle reconstruction - image 2



KJ11.05 Senior Constable Potts's flawed bicycle reconstruction - image 3



The full AFP reconstruction videos are a matter of public record and are available to the Court to review.

Concerns

It is of concern that the bicycle in the AFP's reconstruction video lacked Mr Hall's reflective devices, Mr Hall's reflective clothing, the pooling light on the road from Mr Hall's front light, and Mr Hall's movement.

It is of concern that the rear light of Mr Hall's bicycle in the AFP's reconstruction video was not powered by a dynamo hub; rather, it was powered sometimes by an officer turning the cranks a few times and then mounting the bicycle in a stand off the road, and sometimes by a battery.

It is of concern that the camera used to record the reconstruction video by the AFP was possibly not optimal for recording light during times of darkness.

It is of concern that the headlights of the vehicle parked beside the bicycle would have restricted the amount of light reaching the camera's lens, causing the video to not be a valid representation of what the human eye would have seen.

It is of concern that the camera used to record the reconstruction video may have had a filter attached to it that restricted the amount of light reaching it, possibly causing the video to not be a valid representation of what the human eye would have seen.

It is of concern that the headlights of the police vehicle doing the filming of the reconstruction video may have lacked the intensity of standard car headlights, and this may have caused the video to not be a valid representation of what the human eye would have seen.

It is also of concern whether Counsel Assisting Ken Archer sufficiently tested the reconstruction video evidence to ensure it would not in any way mislead the Coroner before it was presented at the original Inquest.

A fresh inquest

A fresh inquest would be able to establish what camera model and settings were used when creating the reconstruction videos, and whether this was an appropriate choice for filming in dark conditions.

A fresh inquest would be able to establish whether the headlights of the vehicle parked beside the bicycle would have restricted the amount of light reaching the camera when the reconstruction videos were filmed.

A fresh inquest would be able to establish whether a light filter that reduced the amount of light reaching the camera through the lens was used when the reconstruction videos were filmed.

A fresh inquest would be able to establish what amount of light was being emitted from the headlights of the vehicle with the camera when the reconstruction videos were filmed.

A fresh inquest would be able to establish whether or not the reconstruction videos are an accurate reconstruction of what the eye of a driver would have seen when approaching Mr Hall riding his bicycle that morning on the Monaro Highway in the ACT.

A fresh inquest would be able to establish whether or not the reconstruction videos misrepresented what the eye of a driver would have seen when approaching Mr Hall riding his bicycle that morning on the Monaro Highway in the ACT.

A fresh inquest would be able to establish whether or not the reconstruction videos misled Coroner Boss at the original Coronial Inquest, leading to Her Honour finding in error that Mr Hall was neither visible nor conspicuous to drivers that morning on the Monaro Highway in the ACT..

New facts and new evidence of material significance pertaining to a charge of negligent driving causing death

12. New evidence regarding the speed of the vehicle driven by Mr Bobb

Background

When AFP Senior Constable Adam Potts calculated the speed of Mr Bobb's Mazda 323 in his Collision Analysis report, he inputted the incorrect numbers into the 'simplified - high roadway' Searle fall and slide equation. This gave Senior Constable Potts an incorrect result of 100.6 km/h. Using the correct inputs in this Searle fall and slide equation would return a speed for Mr Bobb's vehicle of 105 km/h.

Using the more rigorous version of the Searle fall and slide equation, which takes into account the weight of the car, the petrol and any occupants, it can be calculated that Mr Bobb's vehicle was travelling at 113 km/h when he fatally struck Mr Hall.

The evidence

KJ12.01 The Searle fall and slide equations

AFP Senior Constable Potts's calculation of the maximum speed of Mr Bobb's vehicle, below, at 100.6 kilometres per hour was flawed:

The measured distance between the area of impact and the final rest position of the cyclist was measured to be 60.4 metres. Given this information, an approximate speed for the vehicle can be calculated:

$$v = 1.149 \times \sqrt{9.81 \times 60.4}$$

$$v = 27.9 \text{ m/s}$$

$$S = 100.6 \text{ km/h}$$

Senior Constable Potts used the wrong value for the distance variable. The Searle fall and slide equation requires the distance variable to be the distance from the point of impact to the place the body comes to rest. Senior Constable Potts used 60.4 metres, the distance from the location of the first wheel debris to the location of Mr Hall. Senior Constable Potts omitted the six metres from the point of impact to the first wheel debris. The correct distance was 66.4 metres, which would have given an approximate speed for Mr Bobb's vehicle of 105.5 kilometres per hour:

$$v = 1.149 \times \sqrt{9.81 \times 66.4}$$

$$v = 29.3 \text{ m/s}$$

$$S = 105.5 \text{ km/h}$$

A more rigorous version of this equation, recommended by John Euller who instructed five of the six courses Senior Constable Potts attended, is:

$$V_{\text{max}} = \frac{M+m}{M} \times \sqrt{2 \times \mu \times g \times (S-d)}$$

This more rigorous equation gives a result for the maximum speed of Mr Bobb's vehicle at the time of impact of 113.8 kilometres per hour:

$$V_{\text{max}} = \frac{(860 + 80)}{860} \times \sqrt{2 \times 0.66 \times 9.81 \times (66.4 - 0.8)}$$

$$v = 31.6 \text{ m/s}$$

$$S = 113.8 \text{ km/h}$$

where 860 kg is the curb weight (with petrol) of a Mazda 323; 80 kg is the weight of a person; 0.66 is a friction resistance constant suggested for roadways; 9.81 is the acceleration of gravity; 66.4 is the displacement of the cyclist; and 0.8 adjusts for the period of time the cyclist would have spent on the vehicle.

Concerns

It is of concern, taking the results from either formula showing he was exceeding the speed limit when he fatally struck Mr Hall, that Mr Bobb was not charged with speeding.

It is also of concern that Mr Bobb was not charged with negligent driving causing death.

A fresh inquest

A fresh inquest into the death of Mr Hall would be in the public interest and in the interests of justice as it could review this new evidence to determine if there is sufficient evidence for a charge of negligent driving causing death.

A fresh inquest into the death of Mr Hall would also be in the public interest and in the interests of justice as it could review this new evidence, together with the preceding new evidence, to determine if there is sufficient evidence for a charge of culpable driving causing death.

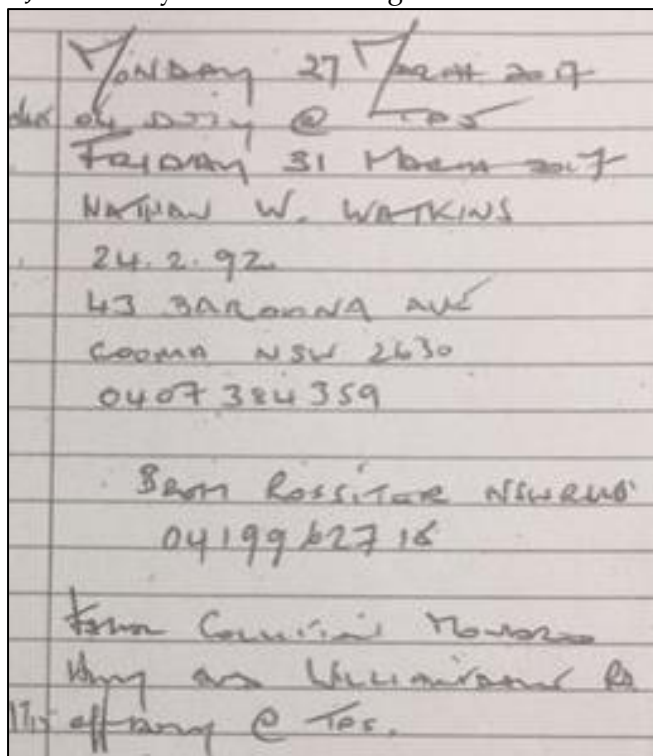
13. New evidence regarding NSW Roads and Maritime Services speed gantry data

Background

AFP Sergeant Matthew Lewis had Brett Rossiter's contact details at the NSW Roads and Maritime Services written in his diary notes for 31 March 2017. NSW Roads and Maritime Services collect vehicle data, via two speed gantries, on the Monaro Highway between Cooma NSW and Canberra.

The evidence

KJ13.01 Diary notes of AFP Sergeant Matthew Lewis on 31 March 2017



Concerns

It is of concern that the data from these two gantries, which would establish what time Mr Bobb left Cooma NSW, was not presented as evidence at the original Inquest. With this evidence, the AFP could have conclusively established whether Mr Bobb was speeding as he drove from Cooma NSW to Canberra on the morning of 31 March 2017.

A fresh inquest

A fresh inquest could determine either why the AFP did not request this evidence from NSW Roads and Maritime Services, or why they did not present this evidence at the original Inquest.

A fresh inquest could conclusively determine that Mr Bobb was speeding as he drove from Cooma NSW to Canberra that morning.

A fresh inquest could lead to charges of negligent driving causing death being laid against Mr Bobb.

A fresh inquest could review this new evidence, together with the preceding new evidence, to determine if there is sufficient evidence for a charge of culpable driving causing death.

List of attachments

KJ1.01 – AFP Senior Constable Adam Potts’s testimony – extract

KJ1.02 – Transcript of Mr Shegu Bobb interview 5 April 2017 – full

KJ1.02a – Transcript of Mr Shegu Bobb interview 5 April 2017 – extract 1

KJ1.02b – Transcript of Mr Shegu Bobb interview 5 April 2017 – extract 2

KJ1.03 – Road Transport (Vehicle Registration) Regulations 2000 – full

KJ1.03a – Road Transport (Vehicle Registration) Regulations 2000 – extract

KJ1.04 – Vehicle Standard (ADR 4600 - Headlamps) – Vol 1

KJ1.04 – Vehicle Standard (ADR 4600 - Headlamps) – Vol 2

KJ1.04a – Vehicle Standard (Australian Design Rule 4600 - Headlamps) – extract

KJ1.05 – Chief Walker letter + Exhibit CD29 to Heath Ryan

KJ1.05a – Headlamp mapping by SC Potts 23 April 2018 – extract 1

KJ1.05b – Headlamp mapping by SC Potts 23 April 2018 – extract 2

KJ1.06 – Statement of AFP LSC Gregory Munro – full

KJ1.06a – Statement of AFP LSC Gregory Munro – extract

KJ1.06b - Mechanical exam report SC Munro

KJ1.07 – 21-0038-4937 JSS Report 03102021 – full

KJ1.07a – Wolf Technical Services conclusions

KJ1.08 – James S Sobek CV – full

KJ1.08a – James S Sobek CV – extract

KJ2.01 – Chief Walker letter + Exhibit CD29 to Heath Ryan

KJ2.01a – Potts statement 23 Apr 2018 – extract

KJ2.02 – MUARC Coronial review report 20171215 – full

KJ2.02a – MUARC Coronial review report 20171215 – cover

KJ2.03 – MUARC Coronial review report 20180918 – full

KJ2.03a – MUARC Coronial review report 20180918 – p1

KJ2.03b – MUARC Coronial review report 20180918 – p2

KJ2.04 – Road Transport (Vehicle Registration) Regulation

KJ2.04a – Road Transport (Vehicle Registration) Regulation – extract

KJ2.05a – Wolf Technical Services statement re 2 headlamps – extract

KJ2.06 – OHerns Monash testimony

KJ3.01 – GPS data from the event organisers – full

KJ3.01a – GPS data from the event organisers – extract

KJ3.02 – Statement of NSW Senior Constable Slater – full

KJ3.02a – Statement of NSW Senior Constable Slater – extract

KJ3.03 – Transcript from NSW Constable Slater’s testimony

KJ3.04 – Findings of Coroner Boss at the Inquest – full
KJ3.04a – Findings of Coroner Boss at the Inquest – extract
KJ4.01 – Transcript of Mr Bobb 5 April 2017 interview – extract 2
KJ5.01 – The further set of call charge records
KJ5.02a – FOI further set of call charge records – page 1
KJ5.02b – FOI further set of call charge records – page 2
KJ6.01 – The rear reflector crash scene photograph
KJ6.02 – The varied suppression order 21.04.20 Hall
KJ6.03 – Senior Constable Potts’s testimony re rear reflector
KJ7.01 – Senior Constable Potts’s testimony re days off
KJ7.02 – Leading Senior Constable Boyce’s statement
KJ7.03 – Mr Anthony Gordon’s statement
KJ8.01a and b – Blood toxicology CD61 – HALL
KJ9.01 – Constable Wiseman interviewing Mujic
KJ9.02 – Constable Wiseman interviewing Mujic
KJ9.03 – Constable Wisemans diary notes
KJ9.04 – Statement and notes of Constable Wiseman
KJ10.01 – Senior Constable Potts diary notes – page 1
KJ10.02 – Senior Constable Potts statement
KJ10.03 – Senior Constable Pott at 8 02 am
KJ10.03a – Senior Constable Pott at 8 02 am
KJ10.03b – Senior Constable Pott at 8 02 am
KJ11.01 – Mike Hall the night before his death
KJ11.02 – Mike Hall showing bright rear light
KJ11.03 – Senior Constable Potts’s flawed bicycle reconstruction – image 1
KJ11.04 – Senior Constable Potts’s flawed bicycle reconstruction – image 2
KJ11.05 – Senior Constable Potts’s flawed bicycle reconstruction – image 3
KJ12.01 – The Searle fall and slide equations
KJ13.01 – Sergeant Lewis diary notes