



New South Wales

**CORONER'S COURT
OF NEW SOUTH WALES**

Inquest: Inquest into the death of Joshua Scheers

Hearing date: 9 & 10 June 2026

Date of Findings: 29 July 2026

Place of Findings: Coroner's Court of New South Wales, Lidcombe

Findings of: Judge Derek Lee, Deputy State Coroner

Catchwords: CORONIAL LAW – New South Wales Police Force pursuit, Safe Driving Policy, commencement and termination of pursuit, need to apprehend alleged offender, risk to community, dynamic risk assessment

File number: 2023/00196034

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Mr I Fraser for the Commissioner of the New South Wales Police Force & Constable J James instructed by Mr A Wright (New South Wales Police Force Office of General Counsel)

Findings:

Joshua Scheers died on 16 June 2023 at Menai NSW 2234.

The cause of Joshua's death was blunt force injuries to the head and chest.

Joshua was driving a vehicle when it lost control and collided with a road guard rail and another vehicle. The collision occurred as Joshua's vehicle was attempting to merge into traffic after it had travelled along a road shoulder. A New South Wales Police Force vehicle was in pursuit of Joshua's vehicle at the time after it had been detected travelling over the designated speed limit and ignored a direction to stop. The pursuit was terminated moments before the collision after Joshua's manner of driving had been observed.

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1. What happened?

- 1.1 At around 6:00am on 16 June 2023, Joshua Scheers, a 19-year-old young man, was driving a white Holden Commodore utility (**Holden**) westbound on the Bangor Bypass on his way to work. Constable¹ Jonathan James was using a Light Detection and Ranging (**LIDAR**) device to perform speed enforcement on this stretch of road at the time. Constable James detected the Holden to be travelling 114km/hour. The designated speed limited was 80km/hour.
- 1.2 Constable James got into his New South Wales Police Force (**NSWPF**) vehicle, a fully marked BMW 530d with callsign, **CSO229**. He drove after the Holden without activating the warning devices on CSO229. At the intersection of Bangor Bypass and New Illawarra Road, both vehicles stopped. Constable James used a computer inside CSO229 to check the Holden's registration details and Joshua's licence details.
- 1.3 The Holden turned right onto the New Illawarra Highway. Constable James followed and activated the warning devices on CSO229. Joshua indicated left and pulled over into the shoulder. CSO229 stopped a short distance behind.
- 1.4 Constable James got out of CSO299. As he did so, the Holden drove away at speed. Constable James got back into CSO299 and drove after the Holden. Both vehicles continued travelling northbound on New Illawarra Road through the intersection of Menai Road. About 14 seconds after departing, Constable James broadcast on NSWPF radio (known as **VKG**) that he was in pursuit of the Holden. At this time, an in-car video (**ICV**) camera inside the Holden recorded that it was travelling at approximately 140km/hour but the distance between the two vehicles was not closing.
- 1.5 The Holden merged into lane one and passed several vehicles. However, lane one ended a short time later forcing the Holden to merge right. The Holden drove in front of another vehicle and veered to the middle of the road before overcorrecting. The Holden veered sharply across both lanes and impacted with a guard rail on the left shoulder of the road. The Holden slid sideways and collided with a Toyota Hilux (**Hilux**), causing it to roll over and slide, before coming to a stop in lane two.
- 1.6 As this unfolded, Constable James broadcast on VKG, *"Ah, nup, terminating. He's just crashed radio. Need ambulance here immediately"*.
- 1.7 Constable James stopped CSO299 and went to the driver's side of the Holden where he saw that Joshua was slumped to his left side with no signs of life. Emergency medical services were contacted with New South Wales Ambulance (**NSWA**) paramedics attending the scene a short time later. Joshua was extricated from the Holden and later tragically pronounced deceased at the scene.

¹ For clarity and convenience, the ranks of the New South Wales Police Force officers as at June 2023 have been used in these findings. No disrespect is of course intended to any officer who now holds a different rank.

2. Why was an inquest held?

- 2.1 Pursuant to the *Coroners Act 2009* (**the Act**) a Coroner has the responsibility to investigate all reportable deaths. This investigation is conducted primarily so that a Coroner can answer questions that they are required to answer pursuant to the Act, namely: the identity of the person who died, when and where they died, and the cause and the manner of that person's death.
- 2.2 Certain deaths are reportable to a Coroner. Some examples of reportable deaths are where the cause of a person's death is not due to natural causes, or where the cause or manner of a person's death may not immediately be known. In Joshua's case an inquest was held to examine the manner of his death or, in other words, the circumstances leading up to his death. Relevantly, these circumstances involved the period between when the car that Joshua was in was first seen by Constable James and the collision, and whether any actions taken during this period contributed to the collision and Joshua's death.
- 2.3 The inquest therefore sought to independently examine the conduct of a NSWPF officer in discharging his duties and exercising the lawful powers available to him. Doing so serves several purposes, including ensuring that such powers are exercised appropriately and responsibly, and providing reassurance to the community.
- 2.4 In this context it should be recognised at the outset that the operation of the Act, and the coronial process in general, represents an intrusion by the coronial jurisdiction and inquest process into what is usually one of the most traumatic events in the lives of family members who have lost a loved one. At such times, it is reasonably expected that families will wish to attempt to cope with the consequences of such a traumatic event in private. The sense of loss experienced by family members does not diminish significantly over time. Therefore, it should be acknowledged that both the coronial process and an inquest by their very nature unfortunately compel a family to re-live distressing memories and to do so in a public forum.

3. Joshua's life

- 3.1 Inquests and the coronial process are as much about life as they are about death. A coronial system exists because we, as a community, recognise the fragility of human life and value enormously the preciousness of it. Understanding the impact that the death of a person has had on those closest to that person only comes from knowing something of that person's life. It is hoped that what is set out briefly below acknowledges Joshua's life in a meaningful way.
- 3.2 Joshua was born on 12 February 2004 to Jennifer and Steven Scheers. He had two older brothers, Luke and Matthew.
- 3.3 Joshua attended Picnic Point Primary School and later Endeavour High School at Taren Point. He completed Year 10 in 2018. During the 2018/2019 summer holidays, Joshua worked in his father's marine engineering business. In April 2019, Joshua left school and commenced an apprenticeship with Volkswagen.

- 3.4 In November 2020, Joshua's family moved to Marmong Point in the Lake Macquarie region. Joshua was able to transfer his work to Volkswagen in Maitland and then Glendale.
- 3.5 Unfortunately, little else is known about Joshua's life. However, it can be readily understood that the last moments of Joshua's life are not how his family and friends would want him to be remembered. Equally, the richness of Joshua's life and what he meant to them cannot be described in mere words. There can be little doubt that Joshua's life was cherished by those closest to him and that they still feel the depth of his loss enormously.

4. Joshua's driving history

- 4.1 Joshua obtained his Learner's licence in 2020 and his P1 Provisional licence in 2022.
- 4.2 In the early part of 2022, Joshua received three traffic infringements including two infringements for speeding. This resulted in his license being suspended due to demerit points. Later in the same year, Joshua received several more infringements for speeding offences. This eventually resulted in suspension of his P1 provisional licence.
- 4.3 In September 2022, Joshua was charged with an offence of driving while his license was suspended. This resulted in his license being disqualified.
- 4.4 In December 2022 and February 2023, Joshua was charged with offences of driving whilst disqualified. In March 2023, Joshua was convicted and placed on a good behaviour bond.

5. The post-mortem examination

- 5.1 A post-mortem examination was performed by Dr Lena Quinto, forensic pathologist, on 20 June 2023 at Forensic Medicine Sydney. The significant findings from the examination can be summarised as follows:
- (a) a displaced hinge fracture of the base of skull with pneumocephalus, and a small amount of subarachnoid and intraventricular haemorrhage;
 - (b) bilateral anterior ribs fractures;
 - (c) traumatic pneumatoceles and lung contusions, bilateral pneumothoraces and left-sided haemothorax.
- 5.2 In the post-mortem examination report dated 20 September 2023, Dr Quinto opined that the cause of Joshua's death was blunt force injuries to the head and chest.

6. Critical Incident investigation

- 6.1 At 6:41am on 16 June 2023, Assistant Commissioner Anthony Cooke declared the matter to be a Critical Incident. Detective Chief Inspector Gavin Beck was appointed as the Senior Critical

Incident Investigator with Detective Sergeant Neil Apolony allocated as the Officer-in-Charge and Investigation Team Leader. Constable James was deemed to be a directly involved officer.

6.2 On 17 June 2023, Constable James participated in a directed interview in which he stated the following:

- (a) he has been a NSWPF officer since 23 August 2018, held a Silver Licence and had completed the Highway Patrol Driving Course;
- (b) when the Holden drove away after initially stopping, Constable James followed because the Holden had been detected driving more than 30km/hour over the speed limit which is an offence that can result in licence suspension, and to prevent further harm being caused by the driver continuing to speed;
- (c) he was aware that a pursuit commences when another vehicle is ignoring police attempts to stop it or when a vehicle appears to be evading police;
- (d) when the Holden merged into lane one, he thought that if the driver continued driving in the same manner he (Constable James) would terminate the pursuit given the amount of traffic on the road;
- (e) when the Holden was partially driving in the left shoulder of the road as it merged into lane two, he decided to terminate the pursuit as the way the Holden was being driven was unsafe;
- (f) although he was aware that lane one merged into lane two he did not terminate the pursuit earlier because he was unaware whether the Holden was going to merge before or after the other vehicles; and
- (g) whilst he had obtained details of the owner of the vehicle, he was unaware who the driver was.

6.3 Sergeant Brett Hobbins of the NSWPF Metropolitan Crash Investigation Unit examined the collision scene and found that the road surface was constructed of sealed bitumen with no contaminants on the surface which may have contributed to the collision. Sergeant Hobbins also noted that sunrise was 51 minutes after the collision and therefore the sun was not a factor in the collision.

6.4 On 20 June 2023, a NSWPF vehicle examiner examined the Holden and found it had no mechanical values or defects which may have contributed to the collision. The Hilux was similarly examined with the same results.

6.5 A review of the ICV relevantly showed the following:

- (a) at 6:07:38am, the Holden pulled over and stopped on the shoulder of New Illawarra Road;
- (b) at 6:07:52am, the Holden began driving away from where it had stopped;

- (c) at 6:07:56am, CSO229 commenced writing after the Holden;
- (d) at 6:08:07am, the warning devices on CSO229 were activated;
- (e) at 6:08:12am, CSO229 reached a maximum speed of 147km/hour whilst approaching the intersection of Menai Road;
- (f) at 6:08:26am, the Holden pulled in front of another vehicle to change from lane one to lane two;
- (g) at 6:08:27am, Constable James broadcast on VKG, *“Nah, nope, terminating, terminating”*; and
- (h) at 6:08:29am, Constable James broadcast on VKG, *“Nah he’s just crashed. He’s just crashed, radio”*;
- (i) at 6:10:42am following the collision, Constable James was asked by VKG whether any police car was involved and replied, *“No, radio, he undertook in lane one and I was just about to terminate, um when he overcorrected and hit the, um...”*.

7. NSWPF Internal Review

- 7.1 The Critical Incident Investigation Team requested the NSWPF Traffic & Highway Patrol Command (**THPC**) to conduct a review of the actions of Constable James regarding the provisions of the NSWPF *Safe Driving Policy (SDP)* and any applicable legislation. Version 9.2 (reviewed June 2021) of the SDP was in force at the time of the incident.
- 7.2 Acting Senior Sergeant Matthew Tracey, Coordinator, Traffic South West THPC, performed the review and authored a final report dated 6 November 2023. Acting Senior Sergeant Tracey expressed the opinion that Constable James complied with and operated within the provisions of the SDP and did not breach any of its provisions.

8. What issues did the inquest consider?

- 8.1 The inquest considered the following issues:
 - (1) Was Constable James’ conduct consistent with NSWPF standard operating procedures and policies, including the Safe Driving Policy, as well as the NSW Road Rules?
 - (2) Was there a need to immediately apprehend Joshua and if there was a need to do so, did the risk involved in initiating a pursuit outweigh any risk to the community (including Joshua and Constable James)?

9. Was Constable James' conduct consistent with relevant NSWPF policies?

Relevant policy provisions

9.1 The foreword to the SDP by the then NSWPF Commissioner provided:

It is recognised that as police officers you will regularly be called upon to provide an emergency response or attempt to apprehend offenders using police vehicles in a wide variety of circumstances and environments. In providing such a response the actions of police must be reasonable in all the circumstances and all reasonable care must be taken.

It is imperative that you as a police driver recognise that the reasonableness of your actions are not only measured against my expectations and the requirements of this policy but also the standards and expectations of the broader community. You must be able to readily justify your actions and your driving should not place members of the public, or indeed offenders, at greater risk of harm than that which you are trying to prevent.

9.2 The SDP also provided pursuit guidelines including the following:

7-2-1 The decision to initiate and/or continue a pursuit requires weighing the need to immediately apprehend the offender, against the degree of risk to the community and police as a result of the pursuit.

7-2-2 Prior to engaging in a pursuit police should take into consideration the following:

- Danger to police, other road users and the offender/s subject of the pursuit
- In considering the danger of the pursuit, factors should include:
 - (i) Weather and road conditions, traffic density including vehicles and pedestrians
 - (ii) Time of the day, day of the week (eg. active school zones, road works)
 - (iii) The manner of driving including speed, of the offending driver and the apparent level of control of the offending vehicle
- The distance between the police vehicle and offending vehicle and the speed required to close the distance

7-2-3 If after consideration of the circumstances of the pursuit prior to it being engaged concludes that the need to immediately apprehend does not outweigh the degree of risk to the community, police or offenders the pursuit should not be engaged.

[...]

7-2-6 You are under no legal obligation to initiate a pursuit and in many circumstances the safety of the community and police will dictate that no pursuit be initiated. Similarly, when a pursuit is considered to be too dangerous and must be terminated.

7-2-7 No criticism will be levelled at any officer who decides to terminate a pursuit.

[...]

7-5-1 Drivers and Escorts: When involved in a pursuit will:

[...]

- Inform the State Coordinator, the VKG Shift Supervisor, of the pursuit and provide the following information:
 - (a) Call sign of the vehicle.
 - (b) Location and direction of travel.
 - (c) Description of vehicle, including registration numbers where possible.
 - (d) Reason for pursuit.
 - (e) Weather, road and traffic conditions (inclusive of road works).
 - (f) Driver's response classification.
 - (g) Rank of driver.
 - (h) Vehicle category.
 - (i) Description and number of occupants.
 - (j) Provide frequent updates as to the location, direction of travel, speed of the offending vehicle, instances of erratic, and or dangerous driving, and other pertinent information.

Relevant legislative provisions

9.3 Rule 305 of the *Road Rules 2014* provides that a provision of the Road Rules does not apply for drivers of NSWPF vehicles if the driver is taking reasonable care and it is reasonable that the provision shall not apply.

9.4 Section 177 of the *Road Transport Act 2013* provides that if the driver of a motor vehicle is alleged to have committed an offence against the road transport legislation then the responsible person for the vehicle, or the person having custody of the vehicle, must, when required to do so by an authorised officer:

- (a) immediately give information as to the name and home address of the driver; and
- (b) any information that is in the person's power to give and that may lead to the identification of the driver.

9.5 The above is known as a form of demand that may be made by a NSWPF officer.

Commencement of the pursuit

9.6 Constable James gave evidence that after the Holden drove away he considered whether to pursue it or not and engaged in the following for process:

[P]rior to even considering engaging I'm doing a risk assessment and, at that stage, considering the traffic was light, time of day it wasn't much traffic around, it was a well-lit area, I was familiar with where that road goes. There was no major indication that his driving would pose a significant risk.

9.7 Constable James also gave evidence that the weather was fine, the road was dry and there was no indication, other than speeding, that the driver of the Holden was driving erratically or was under the influence of any substance. Constable James also gave evidence that although it was

still dark at the time the street lighting allowed for good visibility at least up to the point where the road lanes merged.

9.8 Constable James explained his rationale for seeking to stop the Holden:

Well, a lot of the time as part of our role it's about stopping drivers in intervention and largely that serves as a deterrent, so if you stop and speak to a driver you have the chance of changing their mindset and potentially discouraging them from speed further, because now they've got a ticket and now they're just going to hopefully cruise along now.

9.9 Constable James said that prior to the intersection with New Illawarra Road, he considered that the Holden may have turned onto a single lane road which would have been “*much less risky in terms of danger to himself and others because it would've been very light traffic, not too many houses*”. Constable James explained that when the Holden did not turn down this road this was the “*first indication*” that the pursuit was “*becoming too risky*”. This was due to the increased traffic on the road which place other road users at risk.

9.10 **Conclusions:** Both the SDP and relevant legislative provisions required Constable James to consider whether it was reasonable to pursue the Holden after it had initially stopped. In accordance with section 7-2-2 of the SDP, Constable James reasonably concluded that the road and traffic conditions at the time, the visibility provided by street lighting, and what he had observed about Joshua’s manner of driving up to that point did not create undue risk if a pursuit was initiated.

9.11 At the commencement of the pursuit, the need to stop Joshua remained. Joshua had been detected allegedly travelling well in excess of the speed limit. This high speed represented a danger to other road users as well as Joshua himself. Constable James’ evidence indicates that if Joshua had been stopped and an infringement notice issued it may have acted as a deterrent to any further speeding. Therefore, in accordance with section 7-2-1 of the SDP, Constable James appropriately weighed up the need to stop Joshua against the degree of risk posed by commencing a pursuit.

Notification of the pursuit

9.12 The ICV and transcript of the VKG broadcast in relation to the pursuit records the following:

6:07:38am

The Holden pulls over and stops on the shoulder of New Illawarra Road.

6:07:52am

Constable James exits CSO229 and the Holden begins driving away.

6:07:56am

CSO229 begins driving after the Holden.

6:08:07am

The warning devices on CSO229 are activated.

6:08:10am

Constable James: City South 226 urgent in pursuit, oh sorry, it's 229.

6:08:17am

VKG operator: City South 229 location?

6:08:22am

Constable James: Yeah it's northbound, on Alfords Point Road, ah nope.

6:08:26am

The Holden from lane one pulls in front of another vehicle to merge into lane two.

6:08:30am

Constable James: terminating, terminating, no, he's just crashed, just crashed radio. I need ambulance here immediately.

- 9.13 Constable James agreed in his evidence there was an approximately 14 second delay before he notified VKG that he was pursuing the Holden. Constable James gave evidence that he was conscious that he needed to close the gap between the Holden and his vehicle and explained the reason for the delay:

Yep, so as I was already out of the car, I had to then get back in the car, put in the car in gear, make sure the traffic was clear and it was safe for me to pull out, and then put my belt on and then once I was settled with that, is when I talked to radio and called pursuit.

- 9.14 The standard operating procedure for a pursuit requires a VKG operator to create a job on the NSWPF Computer Aided Dispatch system, activate a button to alert the pursuit manager of the developing situation so that it can be monitored, broadcast a "standard phrase" to alert other VKG users of an imminent urgent broadcast, and then ask the pursuing officers a series of questions to obtain information about the pursuit. A senior communications officer from the NSWPF Radio Operations Group stated that because the pursuit was terminated shortly after it was broadcast on VKG there was insufficient time to commence the "standard phrase".
- 9.15 Constable James acknowledged the need to notify VKG of the commencement of a pursuit at the earliest opportunity so that a VKG Shift Supervisor or a senior NSWPF officer can have oversight of a pursuit and to ensure that a NSWPF officer is held accountable for their actions during a pursuit.
- 9.16 Senior Sergeant Tracey gave evidence that when a pursuit is commenced there is a "*set pattern that we radio through to that takes time*". Senior Sergeant Tracey also gave evidence that the delay in Constable James notifying VKG of the commencement of the pursuit was "*appropriate and reasonable*".

9.17 **Conclusions:** Constable James frankly acknowledged that he did not immediately notify VKG once he started pursuing the Holden and that there was a delay of approximately 14 seconds before a broadcast was made. Further, Constable James only broadcast his callsign and the location and direction the Holden was travelling in before the collision occurred. Therefore, there was a departure from section 7-5-2 of the SDP which required particular information to be provided regarding a pursuit. Such information informs the supervisory and oversight function performed by a VKG Shift Supervisor and senior NSWPF officers.

9.18 The evidence indicates that the delay in notification was reasonable. Constable James needed to return to his vehicle, ensure that it was safe to pull back out on the road and begin attempting to close the distance to the Holden.

9.19 The ICV and VKG recording indicate that the collision occurred approximately 20 seconds after Constable James broadcast on VKG that he was pursuing the Holden. This meant that there was insufficient time to commence the “standard phrase” and gather details of the pursuit. Even if Constable James had broadcast the commencement of the pursuit some 14 seconds earlier it is unlikely that this would have allowed for the “standard phrase” to be commenced.

9.20 Given the brief duration of approximately 38 seconds from the time the Holden drove off to the time of the collision, it is unlikely that any supervisory input could have been provided. It is equally unlikely that even if supervisory input had been provided this would have resulted in either earlier termination of the pursuit or any difference in the conduct of the pursuit.

Termination of the pursuit

9.21 Constable James gave evidence that whilst he was not monitoring the actual speed at which CSO229 was travelling he did not think it was excessive and that it felt “*appropriate in the circumstances*”. Constable James also gave evidence that he was not concerned about CSO229 reaching a speed of up to 147km/hour because of his training and as part of his duties he had often driven, if safe to do so, at that speed or higher.

9.22 Senior Sergeant Tracey gave evidence that he had no concerns with the speed that CSO229 reached because Constable James performed a risk assessment and conducted relevant checks to ensure that the road was clear.

9.23 Constable James gave evidence that when he saw the Holden beginning to unsuccessfully merge right from the road shoulder he decided to terminate the pursuit. Constable James explained that the decision to terminate occurred simultaneously with the Holden colliding with the guard rail.

9.24 Senior Sergeant Tracey gave evidence that he considered it was appropriate for Constable James to terminate the pursuit at this point:

It was apparent that the driver was knowing that that lane was ending, has tried to undertake cars at speed, and he has lost control after going into the drainage culvert, and then the driver losing control of a vehicle is an appropriate time to terminate.

9.25 Conclusions: Although Constable James was not closely monitoring the speed at which CSO229 was travelling during the pursuit, the evidence indicates that he maintained appropriate control of CSO229 at all times. Although it was the first occasion that Constable James had engaged in a pursuit, the evidence also indicates that Constable James had previous experience with driving at the maximum speed reached during the pursuit and higher.

9.26 The evidence also indicates that Constable James engaged in appropriate continual risk assessment during the pursuit. Constable James observed the Holden to undertake cars on the left, drive in the road shoulder and then lose control whilst attempting to merge back right. In accordance with section 7-6-2 of the SDP, Constable James recognised that continuation of the pursuit after the Holden lost control would have been too dangerous and appropriately terminated the pursuit at that point.

10. Was there a need to immediately apprehend Joshua?

10.1 Constable James gave evidence that from the enquiries he made using the computer inside CSO229 he was able to ascertain the registered owner of the Holden and that it was registered to an address in Oyster Bay which “*wouldn’t be more than a five, six, seven minute drive*” from the Menai area. Constable James acknowledged that there were no warnings or alerts associated with the Holden and no intelligence suggesting anything untoward regarding the vehicle.

10.2 Constable James also gave evidence that he was unaware who was driving the Holden, whether there were any passengers inside, and the reason why the vehicle was speeding. He explained that he pulled over the Holden to make sure the driver was licensed, perform a roadside breath test, and issue an infringement. Constable James gave evidence that if the driver was on a learner or provisional license he could “*suspend at the side of the road*”. Constable James acknowledged that if the driver was not on a learner or provisional license they would be permitted to drive away after being given an infringement, with suspension likely to follow at a later stage after the fine infringement was paid.

10.3 Constable James also acknowledged that he had initially pulled the Holden over for speeding and that when it drove away, the driver had demonstrated an intention to continue speeding. Given these circumstances, Constable James was asked whether he thought the driver would stop if pursued. Constable James initially gave this evidence:

Yep, and at the end of the day I think that if - that there was something else that was suggesting to me that he may be in hiding at the time and therefore it escalated the need to stop him or my desire to stop him.

10.4 Constable James acknowledged that he had not referred to this in his recorded interview and then went on to explain:

What I'm saying is that, if someone is trying to avoid apprehension, there is usually another reason as to why they may be doing so. In my mind, yes, I had the speed, what I'm saying is that in back [sic] of my mind I am also thinking that maybe there is more to this stop and the driver than initially thought at the time.

- 10.5 Constable James gave evidence that as part of his training he was aware that persons who have allegedly committed a traffic offence and have stopped their vehicle may attempt to flee due to being fearful of the potential consequences. However, Constable James gave evidence that that this was not a factor “*in the forefront of [his] mind*” at the time the Holden departed.
- 10.6 Senior Sergeant Tracey gave evidence that since 2012, he had been involved in 31 pursuits with 28% resulting in a person being arrested and legal proceedings being commenced (with 36% of these pursuits related to traffic offences). Senior Sergeant Tracey gave evidence that in his experience the fact that a person has sought to avoid apprehension or initially ignored a direction to stop does not necessarily mean that they will not stop a vehicle that is being pursued.
- 10.7 Constable James gave evidence that he was familiar with the power to issue a form of demand to the registered owner of a vehicle and had done so previously “*many, many times*”. Constable James gave the following evidence regarding why he did not use a form of demand before the pursuit:

[I]n my experience form of demands are of a very low success rate of identifying the driver and then them receiving the appropriate licence sanctions, charges, infringements that they deserve.

- 10.8 Later in his evidence, Constable James explained that in his experience when a form of demand is made the registered owner of a vehicle will often refuse to disclose the identity of a driver or claim to be unaware of who was driving a vehicle at a particular time. Constable James gave evidence that he has never been able to “*establish an offence against a driver from using a form of demand*”.
- 10.9 Senior Sergeant Tracey gave evidence that he did not consider it was appropriate for Constable James to consider issuing a form of demand for the following reasons:
- (a) the Holden had been detected driving more than 30km/hour as an added speed limit which is “*the second highest measured speed [offence] category available*”;
 - (b) Constable James could not identify the driver;
 - (c) Constable James was unsure whether the Holden had recently been stolen and not reported;
 - (d) at the time there were many break-in offences allegedly committed by young offenders in the Sutherland Shire area during the early hours of the morning with property owners being unaware of such offences until they woke up;

- (e) therefore, there was a “*very real possibility*” that the Holden had been stolen with the theft not yet reported to the NSWPF; and
- (f) persons who commit property offences “*don’t drive the speed limit away from the scene, they exceed the speed limit*”.

10.10 Senior Sergeant Tracey gave evidence that in his experience when a form of demand is made:

- (a) the registered owner of a vehicle will refuse to nominate the driver or claim they do not know the driver’s identity approximately 50% of the time; and
- (b) when a person is nominated, establishing that person as the driver of a vehicle for the purposes of legal proceedings is only successful about 50% of the time.

10.11 Constable James also gave evidence that he considered it appropriate to pursue the Holden initially but that if he had later terminated the pursuit and the collision had not occurred then using a form of demand would have been his “*next option*”.

10.12 **Conclusions:** At the time that Constable James stopped the Holden, he was aware of the details and address of the registered owner which was a relatively short distance away. It was therefore open for Constable James to not pursue the Holden after it drove off and instead issue a formal demand to identify the driver so that an infringement notice could be issued. Constable James’ evidence establishes that he was familiar with this process from other matters.

10.13 However, Constable James’ evidence also establishes that, in his experience, the prospects of a form of demand correctly identifying the driver of a vehicle allegedly involved in a traffic offence were low. Senior Sergeant Tracey’s evidence supports the unlikelihood of successful driver identification by way of form of demand. It is unknown whether the experience of two NSWPF officers is indicative of the success rate regarding the issuing of forms of demand more broadly. However, in the present case, it was Constable James’ subjective belief that is relevant. The evidence therefore indicates that Constable James did consider using a form of demand but based on his experience, considered it unlikely to lead to correct identification of the driver of the Holden.

10.14 It was therefore reasonable for Constable James to commence pursuing the Holden after it drove off in an attempt to stop it again. The Holden had been detected allegedly driving well in excess of the speed limit and pursuing and stopping it may have prevented further speeding and therefore any risk to other road users.

10.15 In addition, Constable James considered that the Holden's sudden departure may have been indicative that the vehicle and/or driver were connected with the commission of another offence. There is no evidence that this was in fact the case. It is acknowledged that Constable James raised this for the first time when giving evidence at the inquest. However, Senior Sergeant Tracey's evidence regarding the prevalence of property related offences in the early hours of the morning in the area where the pursuit occurred, with offenders willing to flee in order to avoid apprehension, indicates that this was a known possibility. Senior Sergeant Tracey's evidence also indicates that Constable James' consideration about the possibility of another offence being associated with the Holden was not unreasonable.

10.16 Overall, the evidence indicates that there was a need for the pursuit to be commenced in an attempt to stop the Holden to prevent the commission of any further serious speeding offence and investigate any possible related offence. Whilst the pursuit carried with it a degree of risk, Constable James gave appropriate consideration to the traffic and road conditions and the manner of driving by the Holden up to that point. It was not unreasonable for Constable James to conclude that the need to commence the pursuit outweighed the risk to the community, including to Joshua and to himself.

10.17 It should be noted that in July 2024, the NSWPF published the *Safe Driving Response and Operations Guideline (Guideline)* to replace the SDP. The Guideline provides for a dynamic risk assessment framework, not present in the SDP, which is used to determine whether the risk in undertaking an activity is outweighed by the danger it poses to human life and damage to property. Where the risk assessment in totality indicates that the risk outweighs the need to undertake the activity, the Guideline provides that the NSWPF should discontinue the activity. The Guideline also provides that some factors unique to pursuits include whether an alternative option is available to police, the ongoing viability of continuing, the immediacy of action, and whether a resolution or tactic is available to resolve the action.

10.18 Recent inquests (*Inquest into the death of Andrew Stark* [2023] NSWCorC 85 and *Inquest into the death of Harri Tapani Jokinen* [2025] NSWCorC 43) have considered the provisions of both the SDP and Guidelines regarding the need to commence a pursuit, and the balancing exercise which NSWPF officers must perform in assessing the risks involved against the seriousness of the index offence which is the subject of a pursuit. Recommendations have previously been made to the NSWPF Commissioner in accordance with section 82 of the Act regarding these issues. In a recent response to the Attorney General in November 2025, the NSWPF Commissioner indicated that the "*NSWPF is committed to the ongoing review and improvement of policies and will continue to consider the merits of any proposed recommendation as part of the continuous improvement process*".

10.19 This inquest into Joshua's death obviously raises similar issues to those considered in previous inquests which have involved the deaths of young, male drivers in high speed pursuits. Having regard to the conclusions reached above, the particular features of Joshua's case do not make it desirable or necessary for any recommendation to be made. However, it should be observed that the similar issues raised in this inquest and these findings are likely to usefully inform the commitment indicated by the NSWPF Commissioner to reviewing and improving NSWPF policies on an ongoing basis.

11. Findings pursuant to section 81(1) of the Act

- 11.1 I acknowledge and express my gratitude to Mr Sebastian De Brennan, Counsel Assisting, and his instructing solicitor, Ms Kathleen Campbell. I am also grateful to the assistance provided by the previous solicitors with carriage of the matter, Ms Francesca Lilly and Ms Rebecca Campbell. The entire Assisting Team has provided exceptional assistance during the conduct of the coronial investigation and the inquest. I am extremely grateful for their commitment and efforts, and for the sensitivity that they have shown to Joshua's family.
- 11.2 I also thank Detective Inspector Beck and Detective Sergeant Apolony, and the Critical Incident Investigation Team, for their thoroughness in conducting a critical incident investigation in a professional and independent manner, and for compiling the initial comprehensive brief of evidence.
- 11.3 The findings that I make under section 81(1) of the Act are:

Identity

The person who died was Joshua Scheers.

Date of death

Joshua died on 16 June 2023.

Place of death

Joshua died at Menai NSW 2234.

Cause of death

The cause of Joshua's death was blunt force injuries to the head and chest.

Manner of death

Joshua was driving a vehicle when it lost control and collided with a road guard rail and another vehicle. The collision occurred as Joshua's vehicle was attempting to merge into traffic after it had travelled along a road shoulder. A New South Wales Police Force vehicle was in pursuit of Joshua's vehicle at the time after it had been detected travelling over the designated speed limit and ignored a direction to stop. The pursuit was terminated moments before the collision after Joshua's manner of driving had been observed.

12. Epilogue

12.1 On behalf of the Coroners Court of New South Wales and the Assisting Team, I offer my deepest sympathies, and most sincere and respectful condolences, to Joshua's parents, Jennifer and Steven; Joshua's brothers, Matthew and Luke; and Joshua's wider family, loved ones and friends for their most painful and tragic loss.

12.2 I close this inquest.

Judge Derek Lee
Deputy State Coroner
29 July 2026
Coroner's Court of New South Wales