



New South Wales

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

Inquest: Inquest into the death of Nicholas Hoenselaars

Hearing date: 29 June 2026

Date of Findings: 22 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, traffic stop, commencement of pursuit, notification of pursuit

File number: 2020/00366795

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Findings: Nicholas Hoenselaars died on 24 December 2020 at Leppington NSW 2179.

The cause of Nicholas' death was multiple blunt force injuries.

Nicholas was the front seat passenger in a car driven by a known person when it collided with a power pole causing Nicholas to sustain fatal injuries. The car had earlier been detected by New South Wales Police Force officers to be travelling well in excess of the designated speed limit. The New South Wales Police Force officers followed after the car intending to perform a traffic stop, and engaged in a brief pursuit of the car, prior to the collision. The manner and speed in which the car was driven were the primary contributing factors to the collision.

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1. Introduction

- 1.1 On the evening of 24 December 2020, Nicholas Hoenselaars, an 18-year-old young man, went out to socialise with friends at a restaurant. After leaving the restaurant, Nicholas got into the front passenger seat of a car driven by a person in the group of friends.
- 1.2 After the car drove away from the restaurant, it was seen to be travelling at high speed along Camden Valley Way in Leppington. The car came to the attention of two New South Wales Police Force (NSWPF) officers who were parked on Camden Valley Way who were performing speed check enforcement duties. The car was identified to be travelling well in excess of the speed limit. The NSWPF officers got into their NSWPF car and followed after the car that Nicholas was in intending to stop it.
- 1.3 The car that Nicholas was in continued travelling at high speed along Camden Valley Way and then onto Heath Road with the NSWPF car following it.
- 1.4 At the intersection of Heath Road and Eastwood Road, the car that Nicholas was in failed to stop and collided heavily with a power pole. This caused Nicholas and the driver to be ejected from the car with Nicholas sustaining fatal injuries. Emergency medical services attended but Nicholas was later tragically pronounced deceased at the scene.

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 Nicholas' 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 of time between when the car that Nicholas was in was first seen by the NSWPF officers on Camden Valley Way and the collision, and whether any actions taken during this period by the driver of the car and the NSWPF officers contributed to the collision and Nicholas' death.
- 2.3 The inquest therefore sought to independently examine of the conduct of NSWPF officers in discharging their duties and exercising the lawful powers available to them. Doing so serves a number of 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.

- 2.5 It should also be readily acknowledged that the coronial investigation and inquest process followed related proceedings in the criminal jurisdiction. The combination of processes in both the criminal and coronial jurisdictions has imposed a burden on Nicholas' family and loved ones in attending numerous court proceedings, a setting which was likely unfamiliar and confronting for them, and delaying finalisation of the inquest process. This overall experience has in turn likely added to the emotional toll and grief that Nicholas family and loved ones have had to endure.

3. Nicholas' 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 Nicholas' life in a meaningful way.
- 3.2 Nicholas was born on 15 June 2002 to Katie Dokmanovic and Marc Hoenselaars. Nicholas' younger brother Maximus was born on 16 June 2008.
- 3.3 Nicholas lived with his family in Cecil Hills. He attended Hoxton Park Primary School and then Cecil Hills High School.
- 3.4 Nicholas' lifelong love of football began when he was about five years old. He followed the sport diligently and passionately and could recite statistics and player movements with ease. As a player, Nicholas fell into goalkeeping by chance and discovered that he excelled at this position.
- 3.5 Nicholas was a keen and important member of his local football community as a player, coach and referee. After finishing high school, Nicholas worked at a football store in Fairfield and had been a referee in his local football district since 2016. Nicholas formed lifelong friendships with many people he encountered through football and his presence on and off the field left a lasting impression on teammates, coaches, supporters and the wider football community. To this date, Nicholas' absence is still felt at games and club events, and in the stories and memories shared by those who had the privilege of knowing him.
- 3.6 Nicholas also enjoyed music and was enthusiastic about history, particularly the history of World War I and World War II. He was a keen reader of fiction, autobiographies and of course football.
- 3.7 In around 2016, Nicholas formed a relationship with Natasa Zivanovic.
- 3.8 In 2019, Nicholas graduated from high school and gained early entry into the University of Western Sydney at Parramatta where he studied English and History. Nicholas' goal was to become a high school teacher and move to the Netherlands where his father's family was from. Nicholas had

previously travelled to Europe in 2017 for five weeks and returned home with dreams of moving there.

3.9 Katie describes Nicholas as a beloved son, brother, family member, teammate, boyfriend and friend to many. There is no doubt that Nicholas' family feel his absence every day, but particularly at gatherings, events and important milestones.

3.10 It is devastating to know that Nicholas' life, his aspirations and dreams, and his bright future were tragically cut short all too soon. In the words of Katie, Nicholas should be remembered not for the circumstances of his death but rather for the life he lived and the love he gave and received.

4. Nicholas' driving history

4.1 Nicholas obtained his Learner's licence in 2018 when he was 16 years old.

4.2 After undertaking some driving lessons with an instructor, Nicholas drove under the supervision of Katie, his grandmother or Ms Zivanovic's older sister. By December 2020, Nicholas had accumulated about 50 hours as a learner driver.

4.3 Nicholas was known to be a competent and cautious driver. He was not known to speed and always followed road rules and regulations. However, Nicholas initially showed little interest in driving due to his many work and football commitments. Instead, Nicholas enjoyed being a passenger and playing his music in cars he was travelling in.

4.4 By around November 2020, Nicholas seemed to take a greater interest in driving and the type of car that he was going to get once he obtained his Provisional license.

5. The events of 24 December 2020

5.1 On 24 December 2020, Nicholas spent time with Ms Zivanovic and her family at their home. At around 6:00pm, Ms Zivanovic dropped Nicholas back to his house.

5.2 Later that evening, Nicholas was picked up by his friends, Adriana Nacinovioc, Filip Nikoloski and Isabelle Toth. The group travelled to a restaurant in Smeaton Grange where they met and socialised with three other people, Savyo Khamou, Chris Gaou and Andrew Matti Yaqo.

5.3 At around 11:05pm, the group left the restaurant. Nicholas got into Mr Khamou's car, a white 2009 Mitsubishi Lancer (**Lancer**). Ms Toth, Mr Nikoloski and Mr Gaou got into Ms Nacinovic's car, a grey Volkswagen Golf (**Golf**). Mr Yaqo left in his own car.

5.4 After leaving the restaurant, the Lancer and Golf travelled on to Camden Valley Way. According to Mr Nikoloski, the Lancer overtook the Golf at high speed and swerved across the road. Mr Nikoloski described Nicholas as holding the roof handle of the car and looking scared.

5.5 When the Lancer overtook the Golf, Mr Nikoloski noticed a fully marked NSWPF car parked on the side of Camden Valley Way. Mr Nikoloski tried to call Nicholas' phone to warn him. The NSWPF car

was a Chrysler 300C V8 sedan Highway Patrol car with designated callsign SWM218. Leading Senior Constable Jason Cheshire and Senior Constable Scott Peterkin were the NSWPF car crew assigned to SWM218 and were conducting speed enforcement duties at the time.

- 5.6 As the Lancer approached SWM218, Leading Senior Constable Cheshire used a Light Detection and Ranging (**LIDAR**) device to perform a speed check which indicated that the Lancer was travelling at 113 km/h in an 80 km/h zone. Leading Senior Constable Cheshire and Senior Constable Peterkin got into SWM218 with Senior Constable Peterkin as the driver. The lights and sirens on SWM218 were activated and the NSWPF officers attempted to catch up to the Lancer.
- 5.7 The Lancer proceeded along Camden Valley Way and turned left onto Heath Road with SWM218 following. Senior Constable Peterkin initially proceeded to turn right onto Heath Road but Leading Senior Constable Cheshire instead directed him to turn left to follow the Lancer. Heath Road has a bitumen road surface in a semi-rural area with no curb or guttering. Leading Senior Constable Cheshire and Senior Constable Peterkin estimated that they were between approximately 400 to 600 metres behind the Lancer. As Heath Road is an undulating road, the NSWPF only saw the taillights of the Lancer intermittently.
- 5.8 At the intersection of Heath Road and Eastwood Road, Mr Khamou failed to stop and the Lancer impacted heavily with a power pole on the northern side of Eastwood Road. Both Nicholas and Mr Khamou were ejected from the Lancer.
- 5.9 SWM218 arrived at the collision site approximately 15 seconds later. Nicholas was found lying face down on the grass verge of the road, unresponsive and having sustained catastrophic injuries. Emergency services were contacted but Nicholas was later pronounced deceased at the scene.
- 5.10 Mr Khamou was found sitting on the grass a short distance from the collision site, having sustained only minor injuries. Mr Khamou said to one of the attending NSWPF officers, "*I can't believe he's gone, he kept telling me to keep going and not stop. Why did he tell me not to stop?*". Mr Khamou admitted to driving the Lancer and being aware of the NSWPF car behind it.
- 5.11 Mr Khamou was arrested and taken to hospital where he submitted to mandatory alcohol and drug testing. Pharmacological examination later revealed that Mr Khamou was not under the influence of any drug to the extent that his driving ability was impaired at the time of the collision.

6. Criminal proceedings

- 6.1 It should be emphasised that that section 81(3) of the Act provides that any finding recorded by a Coroner holding an inquest must not indicate or in any way suggest that an offence has been committed by any person. The following background is therefore provided for context only.
- 6.2 On 25 December 2020, Mr Khamou was electronically interviewed by the NSWPF. He stated that he could not remember anything in relation to the collision and that prior to 24 December 2020 he had never driven along Camden Valley Way or Heath Road. He also said that he did not know the know the speed limit on Heath Road but believed the speed limit on Camden Vally Way was about 90km/h. Mr Khamou also stated that he and Nicholas were listening to music which was being controlled by

Nicholas inside the Lancer, that the music was “*decently loud*”, and that they “*were too busy singing and didn’t realise anything*”.

- 6.3 Also on 25 December 2020, Mr Khamou was charged with nine offences relating to his manner of driving causing the death of Nicholas. He initially pleaded not guilty to these offences. On 9 February 2022, Mr Khamou was committed for trial in the District Court.
- 6.4 On 16 December 2022, Mr Khamou pleaded guilty to an offence of manslaughter, and offences of driving recklessly during a police pursuit and exceeding the speed limit by more than 30km/h.
- 6.5 On 31 July 2023, Mr Khamou was sentenced to five years imprisonment with a non-parole period of two years and six months.
- 6.6 On 28 December 2025, Mr Khamou was released from custody onto parole.
- 6.7 On 13 February 2026, Detective Sergeant Morgan interviewed Mr Khamou about the events of 24 December 2020. The interview can be relevantly summarised as follows:
 - (a) Mr Khamou said he did not “*really know*” why he did not stop the Lancer when he became aware that SWM218 was behind him, that it was a “*kid decision*” and that if he “*could go back in time to change what [he] did [he] would*”;
 - (b) when asked whether Nicholas had actually told him to drive faster or whether he had only said this to shift blame away from himself, Mr Khamou stated, “*I don’t think that’s question that really helps anyone ‘cause even if it did, didn’t, I don’t want to make anyone look bad or look good*”; and
 - (c) Mr Khamou stated, “*I am sorry. I do think I did something wrong regardless of being a kid. Mistake. It was me. I did drive. I didn’t stop. So I, I, I do apologize for the whole thing*”.

7. The post-mortem examination

- 7.1 A post-mortem examination was performed by Dr Kendall Bailey, forensic pathologist, on 30 December 2020 at Forensic Medicine Sydney. The significant findings from the examination can be summarised as follows:
 - (a) cranial fractures (temporal and parietal bones, and base of skull) with pneumocephalus;
 - (b) left leg fractures;
 - (c) widespread areas of bruising, abrasions and lacerations predominantly over the anterior surface of the body, most marked over the left leg; and
 - (d) toxicological analysis of post-mortem blood producing a negative result.

- 7.2 In the post-mortem examination report dated 11 June 2021, Dr Bailey opined that the cause of Nicholas' death was multiple blunt force injuries.

8. Critical Incident investigation

- 8.1 At 11:44pm on 24 December 2020, Assistant Commissioner Brett McFadden declared the collision to be a Level 2 Critical Incident. Detective Inspector Luke Scott was appointed as the Senior Critical Incident Investigator with Detective Sergeant Benjamin Morgan allocated as the Officer-in-Charge. Leading Senior Constable Cheshire and Senior Constable Peterkin were deemed to be directly involved officers.

- 8.2 On 25 December 2020, Leading Senior Constable Cheshire and Senior Constable Peterkin underwent drug and alcohol testing which did not identify the presence of any alcohol or drugs. Both NSWPF officers also took part in electronically recorded directed interviews.

- 8.3 In his interview, Senior Constable Peterkin stated the following:

- (a) SWM218 was initially about 400 metres behind the Lancer;
- (b) SWM218 followed the Lancer for about a minute but did not gain any ground;
- (c) SWM218 reached a maximum speed of 140km/h;
- (d) at the last rise on Heath Road, the Lancer increased the distance between it and SWM218 to around 600 metres;
- (e) moments later there was a "*boom, a big flash*";
- (f) he did not consider that a pursuit should have been called as the distance between SWM218 and the Lancer was "*too great*" and the Lancer was "*just too far away*";
- (g) in hindsight, the actions of SWM218 could "*technically*" be regarded as a pursuit but he did not know whether the driver of the Lancer was aware that the SWM218 was trying to stop it.

- 8.4 In his directed interview, Leading Senior Constable Cheshire stated the following:

- (a) after turning onto Heath Road, SWM218 increased speed in an attempt to stop the Lancer;
- (b) the Lancer was travelling at around 150km/h;
- (c) towards the end of Heath Road, the Lancer was about 500 metres away;
- (d) SWM218 was not gaining any distance on the Lancer and the Lancer was instead increasing the distance between the two vehicles;
- (e) he and Senior Constable Peterkin were not prepared to drive any faster;

- (f) if the driver of the Lancer had looked in his rearview mirror he might have seen the lights on SWM218;
- (g) at the intersection of Heath Road and Eastwood Road, the lights of the Lancer disappeared and a second later he saw a “bright light in the sky”;
- (h) he did not know whether the driver of the Lancer was aware that the NSWPF officers were trying to stop him;
- (i) he did not consider SWM218 to be in pursuit of the Lancer because it had “*pulled away from us so far*” and SMW219 was not “*close enough to accurately call it a pursuit*”; and
- (j) SWM218 would have had to be two or three seconds behind the Lancer in order to call a pursuit.

8.5 In-car video (ICV) footage was obtained from SWM218 together with CCTV footage from a residence at the intersection of Heath Road Dickson Road.

8.6 After analysing the available electronic material, Sergeant Derick Fenton from the NSWPF Forensic Evidence and Technical Support Command expressed the following opinions:

- (a) the Lancer was travelling at an average speed of 149km/h;
- (b) the Lancer reached the intersection of Heath Road Dickson Road 11 seconds ahead of SWM218;
- (c) the Lancer travelled approximately 736 metres between Dickson Road and Eastwood Road; and
- (d) the Lancer travelled at an average speed of 168km/h between Dickson Road and Eastwood Road.

8.7 A subsequent examination of the Lancer did not identify any mechanical defects or faults which contributed to the collision.

9. NSWPF Internal Review

9.1 The Critical Incident Investigation Team requested the NSWPF Traffic & Highway Patrol Command (THPC) to conduct a review of the actions of the directly involved officers against 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.

9.2 Inspector Kylie Koenig, Professional Standards Manager, THPC performed the review and authored a final report dated 9 May 2022.

10. What issues did the inquest consider?

10.1 The inquest considered the following issues:

- (1) The appropriateness of the actions of Leading Senior Constable Cheshire and Senior Constable Peterkin in initiating and maintaining a traffic stop of the Lancer.
- (2) Whether Leading Senior Constable Cheshire and Senior Constable Peterkin adhered to the Safe Driving Policy in:
 - (a) Deciding to initiate a traffic stop;
 - (b) Deciding to initiate a pursuit; and
 - (c) Not notifying NSWPF radio of the pursuit.
- (3) Whether Leading Senior Constable Cheshire and Senior Constable Peterkin were appropriately trained at the time of the pursuit.
- (4) Whether the failure to formally initiate a pursuit would have altered the eventual outcome.

11. The appropriateness of the actions of the NSWPF officers

11.1 Whilst using the LIDAR device, Senior Constable Peterkin detected the Lancer to be travelling at 113km/h in a designated 80km/h zone along Camden Valley Way. However, the NSWPF *Operational Guidelines for the Pro Laser 4 (LIDAR)* provides that 3km/h be subtracted from the detected speed of a vehicle and an infringement notice issued for the lesser of any available infringement option. This meant that an infringement notice could have been issued to Mr Khamou for allegedly exceeding the speed limit as a P1 driver by more than 20km/h.

11.2 Section 36A of the *Law Enforcement (Powers & Responsibilities) Act 2002* provides:

A police officer may stop a vehicle if the police officer suspects on reasonable grounds that the driver of, or a passenger in or on, the vehicle is a person in respect of whom the police officer has grounds to exercise a power of arrest or detention or a search power under this Act or any other law.

11.3 **Conclusions:** Senior Constable Peterkin detected that Mr Khamou was driving well in excess of the speed limit along Camden Valley Way. The speed at which the Lancer was travelling represented a danger to its occupants and also to other road users. It was therefore appropriate for both Senior Constable Peterkin and Leading Senior Constable Cheshire to attempt to stop the Lancer and issue Mr Khamou with an infringement notice.

12. Adherence to the Safe Driving Policy

Attempted traffic stop

12.1 The SDP relevantly provided:

6-1 It is permissible for police to perform traffic stops (including Bronze drivers) or reduce the distance to an offending vehicle without informing VKG.

[...]

6-3 If operationally or tactically necessary (such as while performing a check speed), maintaining a constant distance behind, or closing the distance to, an offending vehicle may be done without the activation of warning lights or the sounding of a siren. However, police must take reasonable care and it must be reasonable that warning devices are not used. (N.B. Bronze drivers cannot breach road rules in the execution of a traffic stop). When considering operational or tactical necessity police must take into consideration the provisions at 6-4.

6-4 When conducting a traffic stop and/or check speed police must take into consideration the following:

- Danger to police, other road users
- In considering the danger to police and other road users, factors should include;
 - i) Weather and road conditions, traffic density including vehicles and pedestrians
 - ii) Time of the day, day of the week (e.g active school zones, road works)
- Whether the circumstance or offence detected requires an immediacy of action
- The police vehicles suitability to engage in urgent duty driving based on its vehicle categorisation.
- The drivers police response classification (i.e. gold, silver, bronze)
- The distance required to be covered to reduce the distance to the offending vehicle.

12.2 Inspector Koenig described the conditions for Leading Senior Constable Cheshire and Senior Constable Peterkin to attempt a traffic stop by reducing the distance between SWM218 and the Lancer as “*optimal*”. In reaching this conclusion, Inspector Koenig noted the following:

- (a) both NSWPF officers were experienced Highway Patrol operatives;
- (b) SWM218 was an appropriate vehicle for an attempted traffic stop;
- (c) although not required by the SDP, the warning devices on SWM218 were activated “*which arguably created a safer environment*” for the traffic stop to be attempted; and
- (d) SWM218 only overtook one vehicle on Heath Road.

12.3 Conclusions: The SDP permitted Leading Senior Constable Cheshire and Senior Constable Peterkin to attempt to reduce the distance between SWM218 and the Lancer in order to perform a traffic stop. Both NSWPF officers were suitably experienced and SWM218 was fully marked and an appropriate vehicle for an attempted traffic stop to be performed. In addition, the time of night and very low traffic conditions meant that the potential danger to other road users was low. There is no evidence that the road surface or road conditions precluded a traffic stop from being attempted.

12.4 The available evidence therefore indicates that, in accordance with the SDP, Leading Senior Constable Cheshire and Senior Constable Peterkin gave appropriate consideration to whether to perform an attempted traffic stop and took reasonable care in doing so.

Commencement of pursuit

12.5 The SDP also relevantly provided:

7-1 PURSUIT: It is an attempt by a police officer in a motor vehicle to stop and apprehend the occupant(s) of a moving vehicle, regardless of speed or distance, when the driver of the other vehicle is attempting to avoid apprehension or appears to be ignoring police attempts to stop them. A pursuit commences at the time you decide to pursue a vehicle that has ignored a direction to stop.

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.

[...]

7-5-1 Drivers and escort; when involved in a pursuit will: inform the State Coordinator or the VKG shift Coordinator, of the pursuit and provide the following information [...]

[...]

7-5-4 A duty officer, Supervisor, holder of a Gold response classification, State Coordinator or the VKG shift Coordinator, driver or senior officer in the vehicle can ALL terminate any urgent duty or pursuit, but the overall responsibility remains with VKG. [original emphasis]

12.6 When notified that NSWPF officers are involved in a pursuit, a VKG operator is required to request certain information including the location and direction of the NSWPF vehicle, the speed of the offending vehicle and designated speed limit, traffic and road conditions, a description of the occupants and their number, the category of the NSWPF vehicle in pursuit and the driving experience of the involved NSWPF officers. Such information is required so that an active pursuit can be appropriately managed and consideration given to the continuation or termination of a pursuit where the need to apprehend an alleged offender needs to be balanced against the risk to the community.

12.7 It is evident that neither Leading Senior Constable Cheshire or Senior Constable Peterkin considered at any time on 24 December 2020 that they were in pursuit of the Lancer or that they ought to have notified NSWPF Radio (also known as **VKG**) that they were pursuing the Lancer. It was only with the benefit of hindsight that both NSWPF officers indicated during their directed interviews that the latter stages of the attempted traffic stop could be regarded as a pursuit for the purposes of the SDP.

12.8 Both NSWPF officers indicated that during the initial stages of the attempted traffic stop it appeared to both of them that SWM218 was not closing the distance to the Lancer. Both NSWPF officers also referred to the undulating nature of Heath Road which meant that they could only see the taillights

of the Lancer intermittently. Both of these factors meant that it was unclear to the NSWPF officers whether the driver of the Lancer was aware that SWM218 was following it and either attempting to avoid apprehension or ignoring an attempt by the NSWPF officers to stop it.

- 12.9 However, Inspector Koenig noted that at the point of the final crest on Heath Road near the intersection with Dickson Road, SWM218 increased its speed to 167 km/h and that Senior Constable Peterkin indicated that the Lancer had increased the distance between it and SWM218 from about 400 metres to 600 metres. Inspector Koenig therefore expressed the view that at this point the NSWPF officers ought to have been aware that Mr Khamou was attempting to avoid apprehension or avoiding a direction (by virtue of the activation of the warning devices on SWM218) to stop.

12.10 **Conclusions:** By the point of the last crest on Heath Road, SWM218 was no longer attempting to perform a traffic stop and was instead in pursuit of the Lancer for the purposes of the SDP. This is because by this point, SWM218 had been unable to close distance the Lancer. Instead, the Lancer had instead increased the distance between the two vehicles despite SWM218 increasing its speed to 167km/h. Accordingly, Leading Senior Constable Cheshire or Senior Constable Peterkin ought to have notified VKG that SWM218 was in pursuit of the Lancer. Each of these matters were appropriately recognised by both NSWPF officers but only with the benefit of hindsight and in an interview environment which was substantially different from the operational environment at the time of the incident.

13. Were the NSWPF officers appropriately trained?

- 13.1 As at 24 December 2020, Senior Constable Peterkin:

- (a) had served in the NSWPF for 9.5 years;
- (b) had transferred to Macquarie Fields Highway Patrol in September 2017;
- (c) held a silver licence classification which met the criteria to undertake a pursuit;
- (d) had undertaken Phase 1 (pursuit driving) of the Highway Patrol Education Program; and
- (e) held a Category G classification which authorises the use of a Highway Patrol vehicle in a pursuit.

- 13.2 As at 24 December 2020, Leading Senior Constable Cheshire:

- (f) had served in the NSWPF for 31 years;
- (g) had transferred to Highway Patrol in October 1997;
- (h) held a silver licence classification which met the criteria to undertake a pursuit;
- (i) had undertaken Phase 1 (pursuit driving) of the Highway Patrol Education Program; and
- (j) held a Category G classification which authorises the use of a Highway Patrol vehicle in a pursuit.

13.3 **Conclusions:** The available service and training records establish that both Senior Constable Peterkin and Leading Senior Constable Cheshire were appropriately trained to engage in a pursuit on 24 December 2020.

14. Would the initiation of a pursuit have altered the eventual outcome?

14.1 As noted above, the SDP requires that drivers and escorts involved in a pursuit notify the VKG Coordinator. This is so that the pursuit can be appropriately monitored and managed, including by more senior NSWPF officers, and terminated where appropriate. Such oversight protects other road users and members of the community from exposure to unnecessary risk.

14.2 The Lancer collided with the power pole six seconds, and had travelled about 735 metres, after SWM218 reached a position on Heath Road near the intersection with Dickson Road. This is the point at which Leading Senior Constable Cheshire and Senior Constable Peterkin ought to have notified the VKG Coordinator that they were pursuing the Lancer.

14.3 However, even if such notification had been given, there would have been insufficient time (less than six seconds) for the VKG Coordinator to obtain all relevant information and details of the pursuit. Consequently, no consideration could have been given by the VKG Coordinator (or a senior NSWPF officer) as to whether the pursuit ought to have been terminated.

14.4 Of course, Leading Senior Constable Cheshire and Senior Constable Peterkin were also obliged to apply the provisions of the SDP and consider whether a pursuit ought to have been terminated. Even if they had appropriately recognised that they were engaged in a pursuit, it is unlikely whether a period of six seconds would have allowed sufficient opportunity for the NSWPF officers to consider whether the pursuit ought to have been terminated.

14.5 **Conclusions:** Correct recognition that SWM218 was pursuing the Lancer would have resulted in VKG being notified which in turn would have allowed for the pursuit to be appropriately supervised, managed and, if necessary, terminated. Equally, Leading Senior Constable Cheshire and Senior Constable Peterkin were obliged to terminate the pursuit (if they had recognised that they were in fact engaged in a pursuit) in accordance with the SDP if the danger to themselves or the public outweighed the need to stop and apprehend Mr Khamou.

14.6 However, the six seconds between when the pursuit commenced and the collision involving the Lancer provided insufficient time for relevant information to be gathered and appropriate consideration to be given to the provisions of the SDP regarding possible pursuit termination. Further, even if the pursuit had been terminated it is unknown whether Mr Khamou would have been aware of this, or whether termination would have had any bearing on Mr Khamou's manner of driving, prior to the collision.

14.7 One additional matter should be noted. At the scene shortly after the collision on 24 December 2020, Mr Khamou asserted that Nicholas had told him to keep going and not stop. In his interview with Detective Sergeant Morgan on 13 February 2026, Mr Khamou declined to confirm or deny whether Nicholas had actually said these things to him. Mr Khamou's assertions on 24 December 2020 may therefore be regarded as uncorroborated self-serving statements and unreliable.

14.8 It should also be noted that Mr Khamou's assertions are inconsistent with the descriptions provided by Nicholas' mother and Ms Zivanovic that Nicholas was a cautious driver, that he showed little interest in driving, that he had a great deal of respect for the NSWPF, and that he would not have enjoyed being in the Lancer on 24 December 2020.

14.9 Overall, the available evidence indicates that even if a pursuit had formally been initiated in accordance with the SDP it is unlikely that this would have materially altered the eventual outcome. There is no reliable evidence to indicate that Nicholas at any stage encouraged Mr Khamou to keep driving and not stop the Lancer once Mr Khamou became aware that SWM218 was following them.

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

15.1 I acknowledge and express my gratitude to Ms Catherine Newman, Counsel Assisting, and her instructing solicitor, Ms Amelia Jeffares. The Assisting Team has provided exceptional assistance during the conduct of the coronial investigation and the inquest. I am extremely grateful for their commitment efforts, and for the empathy that they have shown to Nicholas' family throughout the coronial process.

15.2 I also thank Detective Inspector Scott and Detective Sergeant Morgan, 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.

15.3 The findings that I make under section 81(1) of the Act are:

Identity

The person who died was Nicholas Hoenselaars.

Date of death

Nicholas died on 24 December 2020.

Place of death

Nicholas died at Leppington NSW 2179.

Cause of death

The cause of Nicholas' death was multiple blunt force injuries.

Manner of death

Nicholas was the front seat passenger in a car driven by a known person when it collided with a power pole causing Nicholas to sustain fatal injuries. The car had earlier been detected by New South Wales Police Force officers to be travelling well in excess of the designated speed limit. The New South Wales Police Force officers followed after the car intending to perform a traffic stop, and engaged in a brief pursuit of the car, prior to the collision. The manner and speed in which the car was driven were the primary contributing factors to the collision.

16. Epilogue

16.1 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 Nicholas' parents, Katie and Marc; Nicholas' brother, Maximus; Ms Zivanovic; and Nicholas' wider family, loved ones and many friends for their most painful and tragic loss.

16.2 I close this inquest.



Judge Derek Lee
Deputy State Coroner

22 July 2026

Coroners Court of New South Wales