



MAGISTRATES COURT *of* TASMANIA

CORONIAL DIVISION

Record of Investigation into Death (Without Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

I, Olivia McTaggart, Coroner, having investigated the death of Emma Louise Koskovic

Find, pursuant to Section 28(1) of the Coroners Act 1995, that

- a) The identity of the deceased is Emma Louise Koskovic, date of birth 6 June 1987.
- b) Ms Koskovic was aged 35 years at the time of her death. She was living in Kings Meadows and was in a relationship with Timothy Thiele-Kapaklis. Ms Koskovic worked as a receptionist at the Rosevears Hotel at the time of her death. She was a well-loved person who enjoyed a socially and physically active lifestyle. Despite this, Ms Koskovic suffered from anxiety and was a heavy drinker. Few people knew of Ms Koskovic's excessive consumption of alcohol as she was able to conceal the issue. Her mother, Patricia Koskovic, described Ms Koskovic as a "high functioning alcoholic".

At 3.15pm on 14 January 2023, Ms Koskovic was intercepted by police officers Sergeant Shane Flude and Constable Timothy Anderson while travelling on the Murchison Highway. She was observed to be travelling at 143km/h, in excess of the 100km/h speed limit. Ms Koskovic explained to Sergeant Flude that she was travelling to Strahan to accompany her partner after a medical emergency occurred at his workplace. At the time, no testing for alcohol was conducted as Ms Koskovic did not appear intoxicated. Sergeant Flude issued a speeding infringement notice to Ms Koskovic and, at 3.20pm, allowed her to continue her journey after she agreed to slow down.

A motorist who had previously passed Ms Koskovic when she was stopped by police was later overtaken by her. The motorist considered that Ms Koskovic was travelling above the speed limit.

At 3.39pm, Ms Koskovic arrived at Rosebery. She entered the Top Pub bottle shop and purchased two cans of Coopers XPA Ale. She was served by assistant Jessica Guard who did not recall the interaction. Ms Koskovic did not appear intoxicated in the CCTV footage obtained for the investigation.

At 3.41pm Ms Koskovic left the bottle shop. A witness saw a vehicle and driver matching the description of Ms Koskovic pulled over by the side of the road. The witness later observed the same vehicle overtaking while there was oncoming traffic in the other lane. This caused a driver in the oncoming lane to pull over to avoid a collision. Another witness saw the same vehicle crossing the centre line into the incorrect lane. The vehicle only corrected its position after the witness flashed her lights at the vehicle. The witness said the driver, who matched the description of Ms Koskovic, was reaching down near the front driver's seat as she passed.

At 4.08pm Ms Koskovic sent a text message to her partner, telling him to meet her at the pub in 20 minutes.

Shortly before 4.20pm, Ms Koskovic left the Henty River Bridge on Henty Road and entered a left sweeping curve at high speed, ignoring a 65km/h advisory sign. The curve tightened, leading Ms Koskovic to steer further to the left. This caused Ms Koskovic's vehicle to slide across the opposite lane and into an embankment. The vehicle made impact with large ferns before the driver's side collided into a tree. A registered nurse, Bradley Sheppard, came upon Ms Koskovic's vehicle. He found Ms Koskovic in the driver's seat and was unable to detect a pulse. I am satisfied that she died as a result of head injuries almost immediately after impact.

Crash analysis revealed that Ms Koskovic had entered the curve at a speed of at least 127km/h. Her phone was found playing loud music in the driver's side seat pocket. I am satisfied that the road, vehicle and weather conditions did not contribute to the crash.

Samples from an autopsy revealed that Ms Koskovic had a very high blood alcohol concentration (at least 0.222g/100ml). Numerous empty cans of beer were found in her vehicle. I am satisfied that she had consumed a considerable quantity of alcohol before her interception by police and continued to consume alcohol in her vehicle following that event. The combination of her high speed and intoxication would have significantly impaired her driving, resulting in the crash that caused her death.

- c) Ms Koskovic's cause of death was head injuries sustained as a driver in a single vehicle crash.

- d) Ms Koskovic died on 14 January 2023 at Henty Road, near Henty River Bridge, Tasmania.

In making the above findings, I have had regard to the evidence gained in the investigation into Ms Koskovic's death. The evidence includes:

- The Police Report of Death for the Coroner;
- Affidavits verifying identity;
- Opinion of the forensic pathologist regarding cause of death;
- Toxicology report of Forensic Science Service Tasmania;
- Ambulance Tasmania Records;
- Medical report from Summerdale Medical Practice;
- Affidavit from a transport inspector regarding the condition of Ms Koskovic's vehicle;
- Affidavit of Timothy Thiele-Kapaklis, partner of Ms Koskovic;
- Affidavits of attending and investigating police officers, including analysis by the crash investigator, scene photographs and body worn camera footage;
- Tasmania Police documentation;
- Affidavits of four witnesses to the driving behaviour of Ms Koskovic before the crash;
- Affidavit of Bradley Sheppard, the first person at the scene of the crash; and
- Affidavits of Sergeant Shane Flude and Constable Timothy Anderson relating to intercepting Ms Koskovic before the crash, together with body worn camera footage.

Comments and Recommendations

It is quite likely that Ms Koskovic was significantly intoxicated when intercepted by police before her crash. This raises the question of whether the attending officers should have taken any different course of action at that time.

The *Road Safety (Alcohol and Drugs) Act 1970* ("the Act") makes it unlawful to drive under the influence of alcohol or drive with an alcohol concentration above the limit.¹ Police officers have the power to require that a driver hands over keys to the vehicle if the officer has reasonable grounds to suspect that the driving is in contravention of the Act.² Police officers may also undertake random breath testing for alcohol regardless of whether they suspect the driver is intoxicated.³

¹ *Road Safety (Alcohol and Drugs) Act 1970* (Tas) ss 4, 6.

² *Ibid* ss 5, 5A.

³ *Ibid* s 7A.

Having reviewed the body worn camera footage of the interception, I conclude that Sergeant Flude would not, without conducting a random breath test, have had a lawful reason to prevent Ms Koskovic from continuing to drive. Ms Koskovic's demeanour and conduct throughout the interaction did not indicate that she was intoxicated. She was articulate, appeared to understand the severity of her conduct and her explanation for her stress and speed was understandable. There was no indication of offending against the Act.

Although the police officers did have the power to conduct a random breath test, the decision not to test was also reasonable and was not a breach of their duties. I am satisfied that Sergeant Flude and Constable Anderson performed their duties correctly and exercised their powers appropriately.

Ms Koskovic's death was solely a result of her consumption of alcohol and her excessive speed. She persisted in driving recklessly, at speed and in breach of the law despite being intercepted by police officers for travelling well in excess of the speed limit. Not surprisingly, she died because she lost control of her vehicle and crashed. It is fortunate in the circumstances that no other motorists were killed or injured.

I extend my appreciation to Senior Constable Sven Mason, crash investigator, for his investigation and report.

I convey my sincere condolences to the family and loved ones of Ms Koskovic.

Dated: 15 April 2024 at Hobart, in the State of Tasmania.

Olivia McTaggart

Coroner