



HIGH COURT OF AUSTRALIA

Public Information Officer

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COMMISSIONER OF MAIN ROADS v LLOYD RUSSELL JONES

A motorist who was seriously injured when his car collided with a horse was unlikely to have taken notice of warning signs or a lower speed limit had these been in place, the High Court of Australia held today.

On 11 May 1992, Mr Jones left Kununurra to drive 358km to Halls Creek on the Great Northern Highway in the Kimberley region in north-western Western Australia. Waterholes along the highway attract wild horses, feral donkeys and kangaroos. About 7pm, after 200km travel in about 90 minutes, the car hit a horse then struck a tree, 5.8km south of Turkey Creek. Mr Jones, then aged 57, suffered serious head injuries and never recovered total consciousness.

His claim for damages in negligence was brought by his wife Janet Jones as his next friend in the WA District Court. Mr Jones alleged that the Commissioner had breached a duty of care by failing to erect road signs warning of the danger of animals on the highway and by failing to impose a speed limit of 80km/hour rather than the general limit of 110km/hour. Judge David Charters dismissed the action, holding that a reasonable response by the highway authority did not require either measure, and that Mr Jones's conduct showed he would not have slowed down or driven more cautiously even if there had been a warning sign or a reduced speed limit.

Mr Jones's average speed on the trip was estimated at between 135 and 140km/hour, despite the highway having sections of winding road. Turkey Creek has a 90km/hour limit but his speed there attracted comment, with one witness estimating it at about 140km/hour. Judge Charters held that the risk of straying animals was no greater around the accident site than along the rest of the route, although the danger increased at night. Judge Charters held that Mr Jones drove at a dangerous speed at night and his own negligence was the sole cause of the accident.

The Full Court of the Supreme Court, by majority, allowed an appeal by Mr Jones, and held that warning signs and an 80km/hour speed limit were required on that section of the highway, between two creeks, where the accident happened. The Commissioner appealed to the High Court.

The Court upheld Judge Charters' finding that even if warning signs had been erected and the speed limit reduced these measures would not have prevented the accident or lessened his injuries. The evidence showed that Mr Jones travelled at excessive speeds despite knowing of the dangers of straying animals in the Kimberleys. He had ignored the 90km/hour speed limit sign on the outskirts of Turkey Creek. The evidence supported the inference that additional signs would not have influenced his conduct. The Court unanimously allowed the appeal.

- *This statement is not intended to be a substitute for the reasons of the High Court or to be used in any later consideration of the Court's reasons.*