

CORONERS COURT OF SOUTH AUSTRALIA

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INQUEST INTO THE DEATHS OF THOMAS WOLFRAM SPIESS AND JACQUELINE BYRNE

[2026] SACC 37

Inquest Findings of his Honour State Coroner Whittle

28 August 2026

CORONIAL INQUEST

Examination of the cause and circumstances of the deaths of the occupants of two cars that were struck by a heavy vehicle at the base of a freeway. The inquest explored the safety issues that heavy vehicles travelling down the freeway pose to the public.

Held:

1. Thomas Wolfram Spiess, aged 56 years of Hallett Cove, died at the Royal Adelaide Hospital on 18 August 2014 as a result of head, neck and chest injuries.
2. Jacqueline Byrne, aged 41 years of Ingle Farm, died at the Royal Adelaide Hospital on 19 August 2014 as a result of multiple injuries.
3. Circumstances of death as referred to in these findings.

No recommendations made.

Counsel Assisting: MS R THEWLIS THEN MR D EVANS

Interested Party: DEPARTMENT FOR INFRASTRUCTURE AND TRANSPORT

Counsel: MR M SPENCER - Solicitor: CROWN SOLICITOR

Hearing Date/s: 22/08/2014 & 21/08/2026

Inquest No: 18/2014

File No/s: 1420/2014 & 1430/2014

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**INQUEST INTO THE DEATHS OF
THOMAS WOLFRAM SPIESS AND JACQUELINE BYRNE
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Introduction

- 1 In 2014, the Court embarked upon an inquest into the deaths of the occupants of two cars involved in a collision with a heavy vehicle travelling down the South Eastern Freeway on 18 August 2014. Soon after the commencement of that inquest, criminal proceedings were commenced by police against the driver of the heavy vehicle and by Comcare against the company that operated the heavy vehicle involved in the collision. Section 21(2) of the *Coroners Act 2003* provides:

... if a person has been charged in criminal proceedings with causing the event that is, or is to be, the subject of an inquest, the Court may not commence or proceed further with the inquest until the criminal proceedings have been disposed of, withdrawn or permanently stayed.

- 2 ‘Person’ is defined under s 4 of the *Legislation Interpretation Act 2021* as:

person includes a body corporate as well as an individual

- 3 The Court was therefore barred by statute from progressing the inquest to its conclusion.
- 4 Two other inquests involving deaths from collisions at the base of the South Eastern Freeway on different occasions were held in 2013 and 2014 and were able to be completed without legislative restriction, with findings and recommendations for each published in 2015.¹

Preliminary findings

- 5 Helpfully, prior to the criminal proceedings being instituted, Deputy State Coroner Schapel heard evidence on 22 August 2014 in relation to the event and published interim findings as to the facts that same day. His Honour’s preliminary findings were as follows:

This is an inquest into the cause and circumstances of the deaths of Thomas Spiess, 56 years of age, and Jacqueline Byrne, 41 years of age. Both deceased persons were the drivers and sole occupants of separate cars that were involved in a vehicular collision on Monday, 18 August 2014. Both persons died after sustaining serious injuries in the collision. Today I have heard evidence from Brevet Sergeant Peter Light of the South Australia Police Major Crash Investigation Section. Brevet Sergeant Light has described the circumstances of the collision as they are currently understood. I do not intend here to repeat every detail of those circumstances except where necessary.

Mr Spiess died on the day of the collision. Ms Byrne was conveyed to the Royal Adelaide Hospital where she died the following day.

The vehicular collision occurred at about 1:05 pm on Monday, 18 August 2014 at the traffic light controlled intersection of Mount Barker Road, Cross Road, Glen Osmond Road and Portrush Road, Urrbrae, hereinafter referred to as ‘the intersection’. At that location Mount Barker Road is effectively the termination of the South Eastern Freeway, hereafter referred to as ‘the Freeway’.

¹ *Inquest into the death of John Posnakidis* (33/2013) and *Inquest into the death of James William Venning* (09/2014)

At the location of the intersection, the speed limit for all four roads that converge is 60 kilometres per hour.

The Freeway between the Crafers Interchange and Urrbrae involves a significant downhill incline.

The general speed limit for vehicles using the downhill section of the Freeway from Stirling to near Urrbrae is 100 kilometres per hour. As one approaches Urrbrae along the Freeway, the speed limit of 100 kilometres per hour is reduced by way of signage to 80 kilometres per hour and then to 60 kilometres per hour respectively. The signage in respect of the commencement of the 80 zone is approximately 1.25 kilometres from the intersection. The signage in respect of the commencement of the 60 zone is approximately 740 metres from the intersection.

In the case of certain heavy vehicles, the speed limit for traffic coming down the Freeway is 60 kilometres per hour. This zone commences at the approximate location of the Crafers Interchange. For such vehicles this limit persists for the entire length of the Freeway from that point forward to the intersection. This speed limit is governed by signage beginning at around the Crafers Interchange which indicates a speed limit of 60 kilometres per hour for trucks with five axles or more. There are further signs indicating the same along the Freeway as one travels towards Urrbrae. In addition to the signage that governs the speed limit for trucks with five axles or more, there is signage indicating that trucks and buses must use low gear. This signage commences near the apex of the hill, again in the vicinity of the Crafers Interchange and stipulates that this requirement persists for 6 kilometres. This signage enlivens the legal requirement contained within section 108 of the Australian Road Rules, which states as follows:

108—Trucks and buses low gear signs

- (1) *If the driver of a truck or bus is driving on a length of road to which a trucks and buses low gear sign applies, the driver must drive the truck or bus in a gear that is low enough to limit the speed of the truck or bus without the use of a primary brake.*

Offence provision.

For the purposes of section 108, the Dictionary of the Australian Road Rules defines a ‘truck’ as:

A motor vehicle with a GVM over 4.5 tonnes, except a bus, tram or tractor.

The ‘primary brake’ of such a truck is defined as:

The footbrake, or other brake, fitted to a truck that is normally used to slow or stop the vehicle.

The effect of section 108 is that when driving on a length of road to which a trucks and buses low gear sign applies, the driver of a truck, the GVM of which exceeds 4.5 tonnes must drive that truck in a gear that is low enough to limit the speed of a truck without the use of the footbrake. The requirement applies to all such trucks that travel along the section of the Freeway to which this Inquest relates and applies regardless of how many axles the truck has.

It will readily be seen from section 108 that the gear that is selected to limit the speed of the truck without the use of the primary brake will naturally depend upon the speed limit at which the truck is permitted to travel and does travel. In the case of a truck with five axles or more, that speed limit is 60 kilometres per hour on the section of the Freeway with which this Inquest is concerned. However, in the case of other trucks, the speed limit is 100 kilometres per hour until the speed limits of 80 kilometres per hour and 60 kilometres per hour are encountered as one approaches Urrbrae. Nevertheless the section 108 obligation to use a gear low enough to control the speed of the vehicle without the use of

the primary brake still applies to such trucks. It applied to the truck here because of its GVM.

The other relevant effect of section 108 is that it is an offence for the driver of a truck of any kind as defined in the Rules, to be driven in a gear that is not low enough to limit the speed of the truck without the use of the primary brake. In this sense, the section 108 requirement is not merely somebody's great idea, an optional extra or some aspirational platitude only to be adhered to in a perfect world. It is an important legal requirement. Effectively, reliance of the driver on the primary brake would constitute an offence if such reliance is due to the fact that the vehicle is not being driven in a gear that is low enough to limit the speed of the truck in and of itself. In any event, everybody knows, or at least should know, that riding the brakes down the Freeway as the primary measure to control the vehicle's speed, is an intrinsically dangerous practice.

The significant downhill incline on the section of the Freeway from Crafers to Urrbrae accounts for the reduced speed limit of trucks with five axles or more and also accounts for the existence of the signage that trucks and buses must use low gear, thereby enlivening the obligation contained in section 108 of the Australian Road Rules to which I have already referred. These features are manifestly a reflection of the fact that the speed of a heavy vehicle is more difficult to control on a downhill incline. However, while recognising that vehicles with multiple axles tend to be heavier than other trucks because of their greater size, it does not seem at all logical to draw distinctions between heavy vehicles merely on the basis of the number of axles it possesses. If a vehicle is heavy enough to warrant the application of the requirements within section 108 of the Australian Road Rules which relate to the gear in which the vehicle must be driven, logically, the same vehicle should be required to adhere to a lower speed limit. In any event, without hearing argument on the subject I am not certain that a truck as defined by the Australian Road Rules encompasses a trailer or trailers that it may be towing, the presence of which usually accounts for the vehicle's complement of five or more axles such as in semi-trailers and B-Doubles.

I would add here that the possibility that drivers of trucks that do not have five axles or more are misled into thinking that the section 108 requirement does not apply to them, when in fact it does, cannot be overlooked.

On the city side of the Crafers interchange there is a tunnel for each direction of traffic along the Freeway. Just prior to the entrance to the tunnel for downhill traffic towards Urrbrae there is an arrester bed that is designed to stop vehicles in emergency situations. Beyond the tunnel, and as one approaches the intersection, there is a further arrester bed designed for the same purpose. This is the second and final arrester bed before the intersection is encountered. The presence of the arrester beds is the subject of signage in each case. Both arrester beds are situated within the general 100 kilometres per hour zone and as things currently stand are within the 60 kilometres per hour zone for trucks with five axles or more. I was told in evidence, however, that the 6 kilometre section of the Freeway over which the section 108 requirement applies in respect of all trucks, namely, to drive in an appropriate gear, ceases before the second or lower arrester bed. This is a circumstance that requires change.

Today I heard evidence from Brevet Sergeant Peter Light. Brevet Sergeant Light described the circumstances of the collision in question as they are currently understood at this early stage of the investigation. The circumstances as described by Brevet Sergeant Light are supported to a certain extent by CCTV footage taken by cameras situated at various points along the Freeway as one approaches Urrbrae, as well as by CCTV footage mounted on a camera at the intersection. Today I have viewed that footage. The circumstances of the collision have been described to me as follows:

- 1) An effluent truck of a GVM of approximately 14 tonnes was being driven on the down section of the Freeway towards Urrbrae. The speed limit for this vehicle along this section of the Freeway from the Crafers interchange was 100 kilometres per hour. This limit applied as far as the 80 kilometres per hour

zone and then the 60 kilometres per hour zone. Notwithstanding the speed limit of 100 kilometres per hour, the driver would nevertheless have been required to adhere to the gearing obligations in section 108 of the Australian Road Rules because of its nature as a truck as defined in the Rules. The vehicle emerged from the downhill tunnel and continued towards Urrbrae at average speeds of nearly 80 kilometres per hour and, as calculated in the vicinity of the lower arrester bed, at approximately 93 kilometres per hour. That location is still within the 100 kilometres per hour zone. The course of this truck is depicted in the CCTV footage which was tendered to the Court. At this stage, as described by Brevet Sergeant Light, the only evidence of braking or attempted braking is a brief application of the rear brake lights as depicted in the CCTV footage at about the time the vehicle passes the lower arrester bed. When the truck passed the location of that arrester bed it was in the left-hand lane. There does not appear to have been any impediment to the vehicle entering the arrester bed had the driver chosen to do so for whatever reason. When the vehicle entered the 80 kilometre per hour zone and then the 60 kilometre per hour zone at Urrbrae it does not appear to have reduced its speed. The estimate of speed as it approached the intersection has been calculated to be a speed in excess of 140 kilometres per hour.

- 2) Thereafter the truck collided with three vehicles, two of which were occupied by the deceased.
- 3) The evidence that the Court has heard so far means that there is reason to believe that the speed of the truck while it travelled down the Freeway within the 100 kilometre per hour zone was a significant contributing factor to the speed of the vehicle once within the 60 kilometre per hour zone on Mount Barker Road and ultimately to the speed at which the vehicle was moving at the scene of the fatalities at Cross Road. On the other hand, if the truck had been restricted to a speed limit of 60 kilometres per hour as it negotiated the length of the Freeway from Crafers, the driver would have been obliged to drive the truck at a speed no greater than that and in order to so limit its speed, it would have had to have been driven in an appropriate gear and without the use of its primary brake. In those circumstances as it approached the intersection the truck would have entered the 80 kilometre per hour zone and then the 60 kilometre per hour zone at a speed of 60 kilometres per hour or less. This seems to the Court to involve a vastly safer scenario than the same truck as it approached the intersection entering those speed zones at a speed of 90-100 kilometres per hour and that this would be so regardless of the mechanical means by which the driver had control of its speed during the 100 kilometres per hour zone. The conclusion is therefore available that if a speed limit of 60 kilometres per hour had applied to the truck along the entire length of the Freeway from Crafers, the truck would have been significantly more controllable as far as its speed is concerned at the time it reached the Urrbrae intersection.

Preliminary recommendations

- 6 In the preliminary findings, in assessing whether to make recommendations to prevent a recurrence of those circumstances and to improve public health and safety, his Honour said:

The evidence that the Court has heard so far is capable of establishing that the speed of the truck both as it was travelling in the 100 kilometre per hour zone and the speed of it once in the 60 kilometre per hour zone and at the intersection was a substantial causative factor in this collision. Naturally, before this Inquest is completed and all the evidence is in, the Court would keep an open mind about that issue. But as matters currently stand such a finding might be open and there is a likelihood that ultimately the Court would be making

a recommendation that all trucks as defined within the Australian Road Rules should be subjected to a speed limit not in excess of 60 kilometres per hour on the downhill section of the Freeway, regardless of how many axles the vehicle and its trailers might possess. At the moment there is material before this Court to suggest that such a measure might prevent or reduce the likelihood of a recurrence of what happened on Monday.

Accordingly, this Court recommends here and now that steps immediately be taken to impose a speed limit of not greater than 60 kilometres per hour for all trucks as defined within the Australian Road Rules along that section of the downhill track of the South Eastern Freeway that is currently the subject of a 60 kilometres per hour speed limit for trucks with five axles or more. This measure would ensure that all trucks with a GVM greater than 4.5 tonnes would be the subject of that speed limit.

I further recommend that the steps that need to be taken to implement that recommendation be taken today.

I further recommend that measures be introduced as soon as possible that would require all drivers of trucks which utilise the section of the South Eastern Freeway to which this Inquest relates, as part of any licensing conditions, to demonstrate competence in complying with section 108 of the Australian Road Rules along that section.

I further recommend that the operators and drivers of all trucks that utilise the section of the South Eastern Freeway to which I have referred be reminded by a public ministerial statement, immediately and prominently made, of (a) the obligation to drive a truck along the section of the South Eastern Freeway to which this Inquest relates in a gear that is low enough to limit the speed of the truck without the use of the primary brake, and (b) that this obligation is an obligation imposed by law, the contravention of which attracts sanction.

I further recommend that the section 108 requirement as it applies to the downhill section of the South Eastern Freeway be extended beyond its current field of operation to the entire length of that section of the Freeway and then Mount Barker Road to an appropriate location at or near the Urrbrae intersection.

- 7 In March 2015, the government responded to these preliminary recommendations.² The Minister for Transport and Infrastructure and the Minister for Police and Road Safety jointly advised that:
- a. Changes to the speed limits for the relevant portion of the Freeway (ie: after the Crafers Interchange) had been implemented on 1 September 2014. These included all trucks and buses being restricted to 60 km/h and all light vehicles being restricted to 90 km/h until the portion that was already 80 km/h which remained.
 - b. The operation of Rule 108 was expanded to include an additional kilometre leading up to the commencement of the descent. Increased signage about Rule 108 was installed in locations that ensure a safe speed is achieved prior to the descent.
 - c. Public reinforcement of the need for safe driving behaviour for heavy vehicles was made by media release on 31 August 2014 and 10 October 2014, as well as by amendments to departmental publications and by ministerial statement to Parliament on 28 October 2014.
 - d. The process to implement these changes was commenced immediately, in accordance with his Honour's recommendation.

² Exhibit C95

Criminal proceedings

- 8 In 2015, the driver of the truck, Darren Hicks, was charged with causing death by dangerous driving and causing serious harm by dangerous driving, as well as other related offences. However, the Director of Public Prosecutions withdrew each of the charges in 2018 in the lead up to his trial.
- 9 The course of the criminal proceedings involving the company was slow, as it sometimes can be. At trial before a magistrate, the company was convicted of eight counts of breaching the *Work Health and Safety Act 2011* (Cth),³ however the Chief Justice set aside six of those convictions on appeal in 2022.⁴ The company then appealed to the Court of Appeal against the confirmation of the two remaining convictions.
- 10 In the course of publishing its reasons, the Court of Appeal analysed the factual circumstances surrounding the collision,⁵ as the Chief Justice and trial magistrate had also done. The Court of Appeal granted permission to appeal but dismissed the appeal on its merits.
- 11 The company sought leave to appeal to the High Court; however this was refused, with the High Court considering that there ‘...is no reason to doubt the correctness of the decision of the Court of Appeal...’.⁶
- 12 All appeal avenues being exhausted, the proceedings then continued before the Chief Justice, by then an Auxiliary Justice following his Honour’s retirement. His Honour delivered the sentence on 28 May 2026. His Honour made the following finding about the cause of the collision:

On 18 August 2014, Cleanaway’s employee, Darren Hicks, was allocated a vacuum truck with a manual synchromesh transmission. He was tasked to empty residential septic waste tanks in the Adelaide Hills and then to descend the South Eastern Freeway into the city of Adelaide. The South Eastern Freeway descends steeply into Adelaide before coming to the busy intersection where the Freeway intersects with Cross Road, Portrush Road and Glen Osmond Road. On 18 August 2014, there was a sign at the apex of the Freeway’s descent warning truck drivers to use a low gear.

Mr Hicks testified that he had driven up the South Eastern Freeway in first or second gear at a speed of no more than 20 kmph.

Mr Hicks commenced the descent down the freeway in the fifth gear of seven. The truck’s speed increased from a starting speed of about 60-70 kmph. Mr Hicks travelled some 9 kilometres along the Freeway before reaching the intersection. Mr Hicks applied the footbrake in an attempt to change to a lower gear, but it had little effect because the brake was faulty. Cleanaway was not charged with, and no evidence was led to suggest, a breach of the WHS Act with respect to the maintenance of the brakes. Rather, the fault lay with its independent technical maintenance contractor.

Despite the operation of the exhaust brakes, the speed increased as the decline became steeper. He applied the foot brake after passing the arrester beds. Within a few seconds of applying the foot brake, the alarm sounded. The truck was, by then, going too fast to change to a lower gear and had passed the arrester beds. By the time Mr Hicks reached the intersection, he had no control over the speed of the truck. The truck reached a speed of

³ See *Comcare v Cleanaway Operations Pty Ltd* [2021] SAMC 54

⁴ See *Cleanaway Operations Pty Ltd v Hanel* [2022] SASC 52

⁵ See *Cleanaway Operations Pty Ltd v Hanel* (2025) 398 FLR 292

⁶ See *Cleanaway Operations Pty Ltd v Hanel* [2026] HCADisp 48

151.9 kmph before it collided with three cars. Mr Hicks suffered serious injuries as a result. One of the occupants of the cars, Louise Compton, also suffered serious injuries, a fractured neck and back, bruising on her brain, and abdominal and chest injuries. Other occupants, Jacqueline Byrne and Thomas Spiess, died from the injuries they sustained.⁷

- 13 His Honour found that there were risks posed by Cleanaway's decision to send Mr Hicks down the freeway in the particular truck he was driving.
- 14 His Honour noted a manifest change in the company's practices, with a 'safety-first' approach now being adopted with significant systemic safeguarding having been implemented by the company. After weighing all the factors, his Honour imposed a fine of \$1.1 million.
- 15 The Joint Criminal Rules 2022 provide an ordinary time to appeal of 21 days.⁸ Before that period expires, the criminal proceedings cannot be considered to have been 'disposed of' for the purposes of s 21(2) of the *Coroners Act 2003*.
- 16 Following the expiration of that appeal period on 18 June 2026, the coronial proceedings were able to recommence, some 12 years after they commenced.

Reassignment of inquest

- 17 During the intervening period, his Honour Deputy State Coroner Schapel retired. No longer holding judicial office, pursuant to s 14 of the *Coroners Act 2003*, I was satisfied that Deputy State Coroner Schapel was 'for any other reason unable to continue with the proceedings' and I therefore assumed conduct of this inquest in order to complete it.

Causes of death

- 18 The first matter for me to determine is the causes of the deaths of Mr Spiess and Ms Byrne.
- 19 Following Mr Spiess' death, a post-mortem examination was conducted by senior consultant forensic pathologist Associate Professor Neil Langlois.⁹ Dr Langlois found skull fractures with a swollen brain and widespread subarachnoid blood and right temporal and cerebellar contusions. Mr Spiess had an atlanto-axial ligament tear. There were multiple rib fractures, lung and liver lacerations and spleen tearage. Dr Langlois concluded that Mr Spiess had died as a result of head, neck and chest injuries. That appears to be a reasonable reflection of the evidence and is in keeping with the dynamics of the collision. I find that that Mr Spiess died as a result of head, neck and chest injuries.
- 20 Dr Langlois conducted a pathology review of the documentary evidence and medical records in relation to Ms Byrne.¹⁰ Dr Langlois noted records of scalp lacerations. A CT scan showed a diffuse axonal injury with subarachnoid blood and contusions. There was a fracture at the base of the skull. There were lung contusions. There were unstable pelvic and sacral fractures. There was a left humeral fracture. Dr Langlois noted that multiple operations had been performed in an attempt to save Ms Byrne's life, but that she had been declared brain dead in hospital. Dr Langlois considered that there was no necessity for an autopsy to clarify any of Ms Byrne's injuries. Dr Langlois opined that

⁷ Sentencing remarks of Kourakis CJ dated 28 May 2026

⁸ *Joint Criminal Rules 2022*, r 185.1

⁹ Exhibit C5

¹⁰ Exhibit C8

Ms Byrne had died as a result of multiple injuries. I am satisfied that this cause of death represents what occurred and I find that Ms Byrne died as a result of multiple injuries.

Circumstances leading up to collision

- 21 I observe that Mr Spiess was born in Germany and emigrated to Australia as a one-year-old.¹¹ He was married for about 37 years and had two children and seven grandchildren. He had a career as a jeweller and then operated a window cleaning business which saw him frequently on the road. He was quite healthy, with only deafness in his left ear as a concern.
- 22 I observe that Ms Byrne was a mother of three children who was generally healthy. She worked as a physiotherapist, with elderly and dementia patients at the Hampstead Rehabilitation Centre.
- 23 Having reviewed the evidence in relation to this matter, including a transcript of the oral evidence heard by Deputy State Coroner Schapel, I gratefully adopt his summary of the events from a coronial perspective. I also make reference to the helpful summaries of facts set out in the various judgments of the courts involved in the criminal proceedings and in the sentencing remarks referred to above. I consider that the factual circumstances of the deaths of Mr Spiess and Ms Byrne are clear and are available as a matter of public record in various places. They have been referred to in these findings to the extent that is necessary.
- 24 The circumstances that have been established in the court judgments make it plain that it was a combination of inherent safety issues in the Freeway's traffic management design as well as factors specific to the heavy vehicle, its owner and its driver that brought about this tragic event.
- 25 His Honour the Chief Justice found that Mr Hicks had not selected an appropriate gear for the descent and that Cleanaway ought to have more carefully considered whether he should have been assigned to that route in that truck. His Honour found that Mr Hicks' application of the footbrake, in an attempt to change to a lower gear, was of little effect because the brake was faulty, observed that Cleanaway was not charged with, and no evidence was led to suggest, a breach by Cleanaway of the *Work Health and Safety Act 2011* with respect to the brakes, and concluded that rather, the fault lay with its independent technical maintenance contractor. I received evidence of a maintenance schedule which appears adequate, with 13 inspections of the brakes between January 2012 and May 2014. This is about once every 2.4 months or 243 hours of driving time.¹²
- 26 There are no further specific individual findings that I consider need to be made to achieve the purposes of the coronial jurisdiction.
- 27 Having reviewed the evidence, I would respectfully affirm the appropriateness of the recommendations made by his Honour Deputy State Coroner Schapel in the preliminary findings, as these matters were likely to have meaningfully improved the safety of all those who use the Freeway. Given the recommendations were received and acted on by the government, those recommendations do not need to be made again.

¹¹ Exhibit C4

¹² Exhibit C97 at 2 and Exhibit C98

Action since initial inquest hearing

- 28 I received further evidence from the Department for Infrastructure and Transport about the state of affairs regarding the Freeway since the time of these deaths and the immediate changes made in response to the interim recommendations. The following improvements have been made:
- a. The government now pays the reasonable costs of the removal of heavy vehicles from the safety ramps and, in October 2025, extensive signage was installed to notify road users that there is no cost involved in the use of the ramps.
 - b. Signage has been installed to raise awareness of the steep descent and the existence of the safety ramps.
 - c. Educational campaigns have been pursued in relation to safety on the Freeway.¹³
- 29 That all these initiatives have together improved the overall safety of the Freeway is in my opinion demonstrated by statistics about incidents that have occurred, as follows:
- a. Over the ten years between 2014 and 2024, 200 crashes have been reported on the down-track of the Freeway. Six of those involved serious injury but none of those six involved heavy trucks or resulted in fatality. There were seven crashes that did involve a heavy truck, but all resulted in no more than minor injuries.
 - b. Preliminary data from 2025 (which is subject to review and change) suggests that there were 17 collisions involving heavy trucks on the up-track and down-track of the relevant portion of the Freeway, with one leading to a minor injury and none leading to any more serious injury.
 - c. Between 2014 and 2024, there were 151 crashes at the intersection of Cross Road and Portrush Road. There were only two crashes that caused fatalities among those 151 crashes, one being the collision that took the lives of Mr Spiess and Ms Byrne and the other being the one that took Mr Venning's life. There was only one other collision in the intersection caused by a truck coming down the Freeway. This caused injury, but not fatality.¹⁴
- 30 There has been a steady and consistently low-level use of the safety ramps since 2014 which suggests a proper understanding of their purpose among road users as an important last resort.
- 31 It is noted that the Department only records statistics in specific circumstances, which are ones that suggest a road incident of at least some significance.¹⁵ There may therefore be further collisions which are not recorded.
- 32 It is also important to remember that the intersection at the bottom of the Freeway is a major intersection for Adelaide. Many vehicles pass through it each day and collisions are inevitable. I have therefore focused on the reduction in deaths and serious harm from collisions rather than the fact that collisions do still occur. To that end, I refer to an incident on 24 July 2022 in which a heavy truck was driven down the freeway by a person who failed to have regard to signage, selected the wrong gear, chose not to use the arrester beds, passing the last arrester bed at a time when the dangers of his uncontrolled descent

¹³ Exhibit C92 at [10] and [16]

¹⁴ Exhibit C93

¹⁵ For example, there was an injury, a vehicle had to be towed away or more than \$3,000 damage was sustained

would have been more than readily apparent to him, lost control and collided with a number of vehicles, the occupants of seven receiving injuries, which were thankfully not serious. In sentencing the driver, his Honour Judge Allen said:

The risk of serious injury and death from out of control heavy vehicles on the South Eastern Freeway is something that is notorious in South Australia. It is a miracle that the carnage of this day was not devastatingly worse.¹⁶

- 33 In my view, the criminal act of one person driving dangerously and not availing himself of the safety ramps does not of itself lead to the conclusion that the safety issues on the Freeway evident in 2013 and 2014 persist, despite there being some similarities with the incident which caused the deaths of Mr Spiess and Ms Byrne. I remain satisfied that measures implemented since 2014 have significantly improved the safety of the Freeway between Crafers and Glen Osmond.
- 34 I am also aware that the Department's website published a 2022 review report, in which it was stated that the following initiatives are also being explored:
- a. Consideration is being given to moving the location for Cross Road traffic to stop at the entry to the Freeway back to keep it clear from any out-of-control vehicles coming down the Freeway.
 - b. Consideration is being given to the use of technology to detect out-of-control heavy vehicles and use light sequences to clear the bottom intersection.
 - c. A business case assessment is being undertaken in relation to a third safety ramp closer to the bottom of the intersection than the current two.¹⁷
- 35 During the inquest, I referred to this information on the DIT website and asked for an update on these initiatives. I was advised that, while the use of technology is still being explored and a business case on the third safety ramp is still underway, the proposal to move the location for Cross Road traffic to stop has been rejected.¹⁸ The explanation for this was, essentially, that cars waiting on Cross Road, if the stop line was moved further away from the intersection, would take longer to enter the Freeway. This would mean that each sequence of lights would need to be longer. This would result in more traffic banking up along the Freeway down-track waiting for longer cycles. I was advised that modelling showed that this would result in down-track traffic being banked up so far that the entrance to the second safety ramp would be blocked. This would increase the safety risk, rather than alleviating it. There were also issues with the management of pedestrians crossing the road at Cross Road. Overall, I am satisfied that this proposal has been properly considered and properly rejected. I would, however, encourage the Department to ensure that the materials it publishes on its website are updated as required to reflect the actual state of affairs. That is, where a proposal is expounded to the public and later rejected, this should also be made clear to the public, rather than allowing the public to assume that it is still under consideration.
- 36 The evidence establishes that the government's work on improving the safety of the South Eastern Freeway is ongoing, with significant funding allocated to that purpose, and that further measures, if implemented, will contribute to the ongoing improvement of safety

¹⁶ Exhibit C103

¹⁷ Exhibit C94 – South Eastern Freeway Heavy Vehicle Safety Review, December 2022, accessed from DIT Website

¹⁸ Exhibit C101 and Exhibit C102

on and around the Freeway. In particular the Greater Adelaide Freight Bypass project, if pursued, would see some reduction in heavy vehicles travelling down the Freeway.¹⁹ The fewer heavy vehicles that use the down-track, the fewer collisions one can expect to see and the safer the situation would be for all road users.

- 37 I am now satisfied that there are no recommendations that I should make for specific improvements that might increase the overall safety at the base of the Freeway, and in particular none that would specifically prevent further deaths. I therefore make no recommendations.

Conclusion

- 38 The recommendations made by Deputy State Coroner Schapel were broad and comprehensive. They were all accepted by the government and implemented. Twelve years have passed since there were multiple deaths on this portion of the Freeway in short succession, without continuation of that pattern. In short, the improvements made to the Freeway have resulted in a much safer situation than that which presented itself at the time of these deaths. Other improvements under consideration appear likely, if implemented, to further improve safety. While road fatalities will never be entirely eliminated, it appears that there are no longer readily remediable systemic safety issues with the particular portion of the Freeway under consideration here.
- 39 I would like to extend my condolences to the families of Mr Spiess and Ms Byrne for their tragic losses. Mrs Spiess provided a statement in which she described the traumatising effect of watching live-broadcast news footage of the collision site, in which she could see her husband's car and him being placed on a stretcher, and being unable to obtain information from SA Police when she rang to ask as to his welfare. It was only later that she was formally advised by police that her husband had died.²⁰ It is clear that SA Police were initially not in a position to provide any information, particularly through the triple-zero operator, but I acknowledge the lasting impact this had upon Mrs Spiess.

Keywords: Collision; Heavy Vehicle; Road Safety

¹⁹ As part of the High Productivity Vehicle Network Project which is currently subject to preparation of a business case (Exhibit C96 at 1)

²⁰ Exhibit C4a