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Reg Firth, 45, from Cairns, suing Foxleigh and Corestaff for fatal crash near Oaky Mine in 2018

A Queensland miner who was suing for injuries after a fatal crash he was involved in after finishing a 12.5 hour shift is now being accused of being in the wrong. Read the full details of the court documents here.

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Photos from the fatal crash in 2018 near Tieri.

A Queensland miner is suing for injuries from a fatal crash he was involved in after a 12 hour shift, but allegations have emerged in the court case claiming he was on the phone at the time.

Reg Firth, who lives in Cairns, was involved in the crash after a 12.5 hour shift at a mine in Central Queensland.

He is suing for a combined \$3.5 million but his lawsuit has been defended by the mine companies based, in part, on mobile phone records.

The personal injury lawsuit was filed by Shine Lawyers to the Rockhampton Supreme Court in February, against Corestaff Qld and Foxleigh Management.

Reg Firth, now aged 45, had been employed by Corestaff as a mine operator at the Foxleigh Mine, 270km northwest of Rockhampton, a month before the crash.

Mr Firth was employed on a 7 on, 7 off roster with 12.5 hour shifts and was provided accommodation at the Foxleigh Village in Middlemount while he was on shift.

Mr Firth lived in Cairns, 985kms from the mine, and would travel to the mine between his shift rotation swings in his own transport.

According to the Statement of Claim, Mr Firth made a request to stay at the accommodation on the night of his last shift on April 10, 2018.

Mr Firth claims he was not advised any further and when his shift finished, he began the drive home with the intention to sleep in his vehicle along the way.

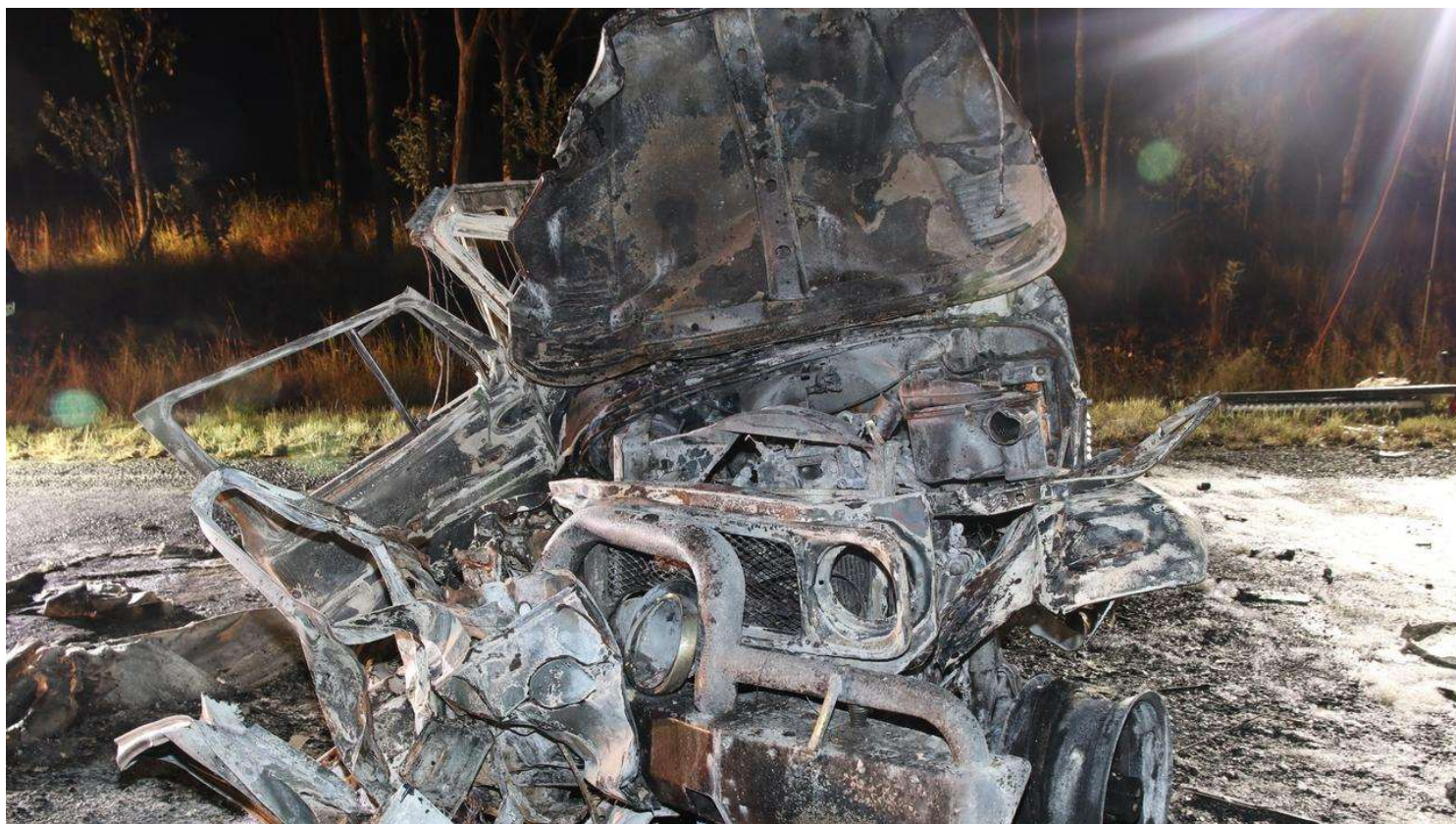
Mr Firth left the site around 6.30pm.

According to his Statement of Claim, around 6.45pm, Mr Firth was travelling in his Toyota LandCruiser west along Tieri Connection Road, between Oakey Creek Access and Grasstree Road, Bundoora, when his vehicle veered to the right hand side of the road, causing it to collide with an SUV, before spinning and rolling multiple times down an embankment.

Police reports at the time reported the driver of the SUV, a 41-year-old Brisbane man, died at the scene and the driver of the LandCruiser, a Cairns man, believed now to be Mr Firth, was flown to Rockhampton Hospital.

Mr Firth was charged in September 2019 at the Emerald Magistrates Court for one count of driving without due care and attention and was fined \$500.

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The incinerated Landcruiser vehicle involved in the fatal collision near Tieri.

Mr Firth claims he was experiencing sleep deprivation and his injuries from the rollover included a traumatic brain injury, soft tissue injury to cervical spine and thoracic spine, disc prolapse in spine, scarring in spine and shoulder, rotator cuff injury to both shoulders, internal injuries, bilateral knee injuries and fractured right foot.

He claims to still suffer from a long list of physical and physiological injuries including ongoing headaches, vision difficulties, vertigo, reduced short term memory, ongoing pain and discomfort, numbness, pins and needles, ongoing nightmares, flashbacks of accident and panic attacks.

The lawsuit is for \$1,1776,857.93 against Corestaff and \$2,346,120.81 against Foxleigh.

Defences have been filed by both parties.

Mr Firth alleges the companies should have provided a bus from Cairns to the mine site. According to the Corestaff Defence documents, there was a bus from Mackay to Middlemount at a cost of \$20.60 per swing return and Mr Firth could have arranged his own travel to Mackay from Townsville and or Cairns.

Corestaff's defence also claimed there were fatigue rooms available for workers to use after their swing finished.

The defence from both parties also stated Mr Firth signed a fatigue journey management plan on March 14 that stated he would be travelling to Clermont before having a break and he had covered fatigue issues in his

that stated he would be travelling to Clermont before having a break and he had covered fatigue issues in his induction a month earlier.

Foxleigh and Corestaff also claim in their defences Mr Firth was on his mobile phone for 12.5 minutes from 6.38pm, with the crash believed to have occurred at 6.45pm.

Foxleigh and Corestaff claim the incident was not caused by fatigue but because Mr Firth was distracted by the mobile telephone call he made, and that he had driven no more than 20 minutes between the time he left the mine and the time of the incident.

They further claim Mr Firth had made and or received six mobile telephone calls between 6.15pm and 6.30pm, preceding the 6.38pm phone call.

“The plaintiff (Mr Firth) had been on his mobile phone almost constantly since the time he left the mine in his vehicle and was either distracted or occupied with his telephone or in their conversation at the time of the incident,” Foxleigh’s defence states.

The defences deny a number of medical injuries, including the traumatic brain injury, and state a number of the injuries have been resolved.

The Corestaff defence claims Mr Firth was paid \$143,261.77 by WorkCover.

Mr Firth alleges in his Statement of Claim that he has not been able to work since the incident.

This is disputed by Corestaff’s defence who state his income history prior to the incident is characteristic of multiple short term periods of employment and since the incident has been undertaking security work.

Final offers were submitted to the court in February and April.

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