



Mining contractor fined \$310,000 for breach of obligations that caused the death of a coal mine worker

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On 23 June 2026 a mining contractor (company) was sentenced in the Emerald Magistrates Court for breaching its obligation to comply with the mine's safety and health management system contrary to section 34(b)(i) and 43(1)(b) of the *Coal Mining Safety and Health Act 1999* (Qld) ('the Act').

On 25 March 2022, a coal mine worker was killed when he was struck by a torque arm attached to a conveyor at an underground coal mine.

The defendant was a contractor at the Mine. The defendant did not comply with two key obligations in the mine's Safety and Health Management System: to conduct a job risk assessment for the task because no safe work procedure existed for the task; and to involve a dogger in the job risk assessment given the task involved lifting. The defendant's failure caused the death of the coal mine worker.

At the sentencing hearing, the prosecution provided written submissions regarding the seriousness of the offence, the facts, the increase in maximum penalties for the

offence, that it was not an early plea, comparable decisions and general authorities relevant to the court's determination of the matter. The prosecution submitted for a fine of \$650,000 with a conviction recorded. The defendant provided written submissions concerning matters in mitigation, that it was less serious than other examples of the offence, that it was an early plea and other sentencing decisions. The defendant submitted for a fine of \$100,000 with no conviction recorded.

The learned Magistrate considered the written material filed by the parties which outlined the facts of the case, the defendant's antecedents, the objects of the Act, the relevant sentencing principles, comparable authorities and general authorities. His Honour read aloud the victim impact statements of the coal mine worker's widow and son. His Honour considered the affidavit of the Health Safety Environment and Quality Manager for the defendant, outlining matters in mitigation. His Honour referred to an excerpt from the explanatory memorandum to the *Mines Legislation (Resources Safety) Amendment Act 2018* (Qld) which increased the penalties for offences against the Act in 2018. His Honour considered the defendant's plea was an early plea.

The defendant was fined \$310,000, and no conviction was recorded. The defendant was also ordered to pay \$53,372.04 in reasonable costs of the investigation to Resources Safety and Health Queensland, and \$1,601.40 in professional and filing costs.

OWHSP contact: enquiries@owhsp.qld.gov.au

Court Report

General

Industry	Mining and quarrying
Date of offence	25 March 2022
Injury	Fatality
Court	Emerald Magistrates Court
Magistrate or judge	C McKenzie
Decision date	23 June 2026

Company

Legislation	Sections 34(b)(i) and 43(1)(b) of the <i>Coal Mining Safety and Health Act 1999</i> (Qld)
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Plea	Guilty
Penalty	\$310,000
Maximum fine available	\$2,067,750
Professional and legal costs	\$1,500 professional costs; \$53,372.04 to Resources Safety and Health Queensland ('RSHQ') for the reasonable costs incurred by RSHQ in investigating, and preparing for the prosecution of the offence.
Court costs	\$101.40
In default period	N/A
Time to pay	Referred to SPER
Conviction recorded	No

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