

Anglo Coal conviction 'set aside' after 2019 death of miner Bradley Hardwick

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ABC Tropical North

Mining Accidents and Incidents

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Bradley Hardwick with his wife Lisa and children Cooper and Isabella. *(Supplied: Facebook)*

In short:

Queensland's Industrial Court has allowed an appeal by Anglo Coal on a conviction by the Industrial Magistrate two years ago.

The court found a 2023 trial was concluded on a "false premise", but has not acquitted Anglo Coal.

What's next?

Submissions from Anglo Coal on next steps are due later this month.

Queensland's Industrial Court has set aside the 2023 conviction of mining giant Anglo Coal after the death of a worker at its Moranbah North mine in Central Queensland.

Bradley Alistair Hardwick, 47, was operating a grader at the coal mine on February 20, 2019, when a [braking system failed](#), causing the vehicle to roll backwards and crash into a drift runner carrying several people.

Anglo Coal had pleaded not guilty to one charge of failing to discharge its health and safety obligations.

In 2023, Industrial Magistrate Michael Quinn determined that Anglo Coal was not guilty of causing Mr Hardwick's death.

However, he did find that the mine had breached Queensland's Coal Mining and Safety Act for a failure to "discharge safety obligations" and that it had caused "bodily harm" to the miners in the drift runner.



Bradley Hardwick, 47, had worked for Anglo American for 17 years. (Supplied: Facebook)

Anglo Coal appealed the decision in the Industrial Court, arguing Magistrate Quinn should have considered the mine operator's "interaction" with the grader's manufacturer, and the fact that it carried out tests on the machine's brakes as specified by the manufacturer.

Industrial Court president Justice Peter Davis handed down his findings on June 27 and rejected that point of appeal, and found it was unnecessary to

consider Anglo's second ground of appeal.

Instead, he made orders to have the conviction set aside, but not acquitted.

Justice Davis said conclusions drawn by the Industrial Magistrate were "against the backdrop of a misunderstanding" of the safety legislation.



A permanent memorial stands in Moranbah, where the community gathers to commemorate the lives of those lost in mining. (ABC Tropical North: Holly Richardson)

He found the "real issue" was whether the brake failure was due to "causes over which [Anglo Coal] had no control", which the mining giant originally argued in 2023.

In his directions handed down last week, he invited both parties to make submissions on "what further orders ought to be made" and whether the "real issue" could be determined based on the 2023 trial.

Anglo Coal has until July 25 to make a submission.

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