

Central Queensland miner sues Anglo Coal and Anglo American for \$2.5m

An underground miner is pushing for a \$2.5m payout over claims he was unprotected when up to 30kg of falling coal struck him on the head and shoulder.



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A Central Queensland underground miner is pushing for a \$2.5m payout over claims he was unprotected when up to 30kg of coal fell striking him on the head and shoulder, and allegedly resulting in the loss of his high paying job.

Damien Howroyd had been working night shift at Moranbah North underground coal mine when the incident occurred on October 3, 2018 and alleges as a result “has suffered a permanent partial disability and incapacity”.

Court documents reveal he is suing Anglo Coal (Moranbah North Management) Pty Limited and Anglo American Metallurgical Coal Pty Ltd for \$2,525,049.77 over alleged duty of care breaches that exposed him to a risk of injury “which could have been avoided by reasonable care”.

The 53 year old and his crew were operating a continuous miner and about 8.20pm he was positioned on the right-side platform about to bolt the roof and fasten unsecured tensar mesh to the rib.

“Without warning coal from the rib behind the unsecured tensar mesh ejected out towards (Mr Howroyd),” a document filed in the supreme court stated.



A worker is suing his employer Anglo Coal and Anglo American after he was injured at Moranbah North mine. Picture Tara Miko

The claim stated a large piece of coal weighing between 25 and 30kg “came down from a height on the rib and struck (Mr Howroyd) on his head and left shoulder area” causing his helmet and safety glasses to push down and “forcing his head down sharply”.

This forced him backwards and as a result he grabbed the ram of the bolter rig with his left hand while a workmate grabbed his right arm to stop Mr Howroyd from falling over.

At the time he was earning about \$2739 net per week.

He alleges he now suffers “significant pain in his neck” as well as pain in his shoulders, “headaches most days” increasing in severity, a stiff and sore cervical spine and has not been able to return to work.

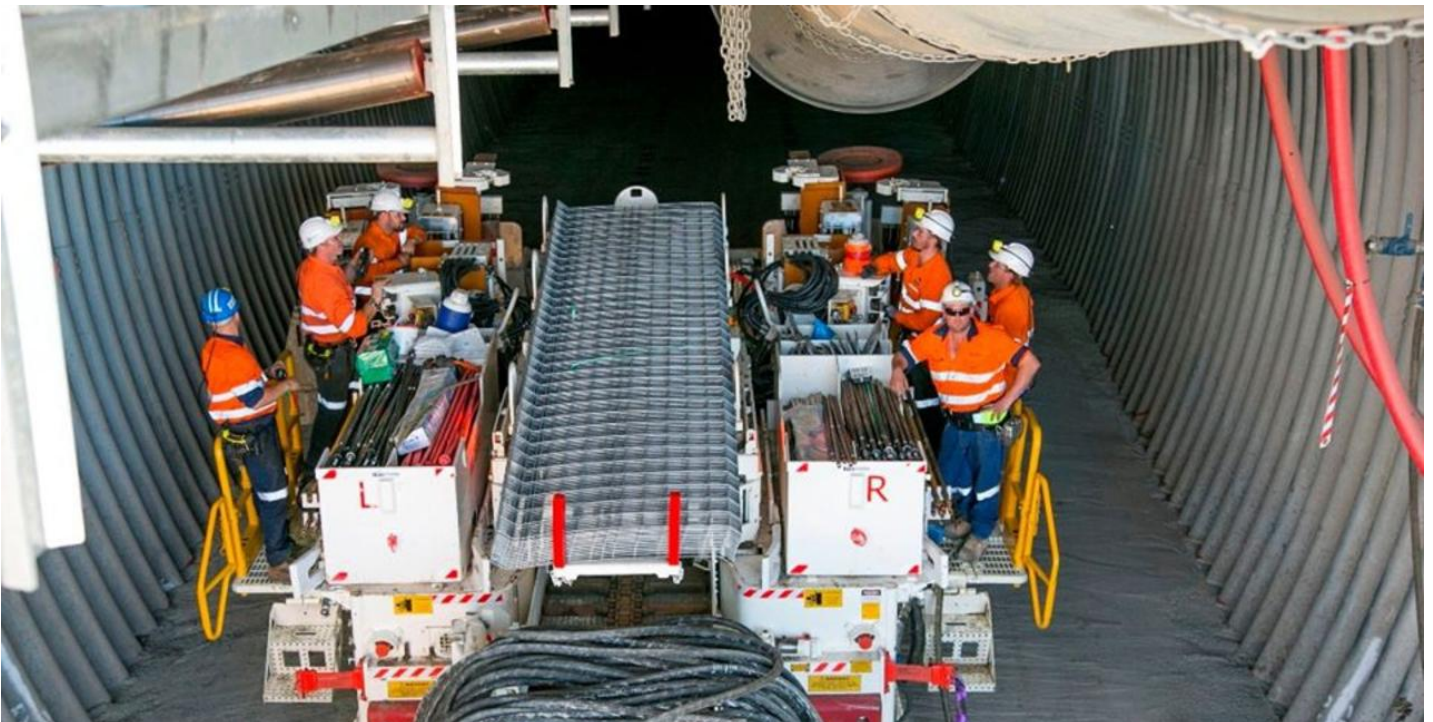
Mr Howroyd alleged as a result of his injuries he suffered an impairment to the capacity of the amenities of life and his earning capacity, will need ongoing care and has a permanent partial disability and incapacity.

The claim states at one point there was an extendible hydraulic rib support and rib side spall plate on the continuous miner to protect workers from coal, rocks or strata being ejected from the mine rib.

It is alleged sometime before October 3, 2018 this protection was either removed from the equipment or the continuous miner was replaced with one without this protection.

Anglo Coal has filed a defence against the multimillion-dollar lawsuit claiming Mr Howroyd “caused or materially contributed” to his own injuries by failing to follow his training and direction regarding the process for this type of work.

Anglo Coal argued it had “taken reasonable precautions in respect to the risk of harm” and that the continuous miner involved in the incident “did in fact have an extendible hydraulic rib support and rib spall plate” and it was extended out against the rib at the time.



Workers on a continuous miner at a Bowen Basin underground mine. Note: This is not the continuous miner or mine referred to in this article.

The coal piece that struck Mr Howroyd fell between the rib bolter and hydraulic rib support from a section where the mesh protection had not been bolted in place yet because it was in front of the rib bolter, Anglo Coal's defence stated.

The defence stated the incident allegedly occurred because Mr Howroyd did not follow the usual process including that he "failed to visually inspect and/or bar down the unbolted section of rib prior to moving forward on the platform".

It is also alleged Mr Howroyd "failed to ensure the tensor mesh overlapped with extended hydraulic rib support by at least 0.5m" and that he "failed to commence a new tensor mesh roll earlier in time to allow for such overlap".

"Had (Mr Howroyd) adequately visually inspected and/or barred down the unbolted section of rib before moving forward on the platform, the section of coal which ultimately fell would have fallen when struck by the long, extended crowbar and landed in front of (his) location, not striking him," Anglo Coal alleged.

The defence alleged there was no breach of duty "because it is not reasonably possible to eliminate the risk of rib spalls entirely during the process of rib and roof bolting with a continuous miner".

Anglo Coal "admits" some of Mr Howroyd's injuries but not all and alleged they were not because of any breach of duty.

The company also alleged he overstated his average earning capacity as an underground mining technician.

Anglo American has also filed a defence which included claims it was not the mine operator, did not provide "any plant at the mine" or the continuous miner involved.

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