

## Coroners (Mining and Resources Coroner) Amendment Bill 2025

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<b>Submitted by:</b>	Association of Mining and Exploration Companies
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**To: Primary Industries and Resources Committee**

**Re: Inquiry into the Coroners (*Mining and Resources Coroner*) Amendment Bill 2025**

**Date submitted: 3<sup>rd</sup> July 2025**

## Introduction

AMEC appreciates the opportunity to serve as a stakeholder in the significant appointment of the first Coroner for the Resources Sector. We are grateful for the commitment made during the election to re-establish the Mining Warden, who will investigate fatal accidents at mining and quarry sites across the state.

## About AMEC

AMEC is a national industry body representing almost 600 mineral exploration and mining companies across Australia, with almost 80 having operations based primarily in Queensland. Our members are mineral explorers, emerging miners, producers, and a wide range of businesses working in and for the industry.

AMEC's Queensland members explore for, develop, and produce minerals including antimony, bauxite, cobalt, copper, gold, graphite, lead, lithium, manganese, mineral sands (such as silica), molybdenum, nickel, phosphate, rare earths, silver, tungsten, uranium, vanadium, and zinc.

### Key Points

- The current definition of 'area' in the *Coroners (Mining and Resources Coroner) Amendment Bill 2025* is deficient, potentially leading to ambiguity and misinterpretation in the application of the law. AMEC recommends that this be revised to consider all tenement types relevant to all mining activities in QLD, thereby ensuring clarity and consistency in the legal framework.
- The definition of 'activities' in the *Coroners (Mining and Resources Coroner) Amendment Bill 2025* is deficient. For instance, it may not adequately cover exploration activities or environmental rehabilitation efforts. AMEC recommends that this be revised to consider all tenement types relevant to all mining activities in Queensland.
- The exclusion of the definition of a Mine under the *Mineral Resources Act 1989* means that the mine activities that operate specifically under that section of legislation are also potentially excluded, and this should be reviewed.
- The term 'suicide' is currently excluded from the scope. AMEC recommends that the use of this term be reviewed, as it is at odds with the intention of a coronial enquiry to determine the cause of death.

## Key comments and recommendations

AMEC appreciates the opportunity to provide valued industry feedback on establishing the Mining and Resources Coroner as a respected voice for the resources industry.

AMEC understands that the proposed Bill's key purpose is establishing a specific Mining and Resources Coroner to conduct investigations and inquests for all accidental mining-related deaths. The investigations will include accidental deaths only that have occurred in a mine, including a coal mine, a quarry, or an upstream gas or petroleum site.

AMEC supports the Government's commitment to amendments to the *Coroners Act 2003* in order to implement the commitment and establish the Mining and Resources Coroner, as it provides greater reassurance to families of the resource sector community whole that have tragically lost person to mining-related deaths as well as providing confidence that the death of a person in the mining sector will be appropriately investigated.

Upon receiving the fact sheet on 24/04/2025 and the subsequent release of the Draft Bill on 13/05/2025, followed by the information session provided on 16/05/2025, AMEC has a deeper appreciation of the legal nuances required in establishing the Corners role and the detailed requirements to ensure that the Bill is effective in its intent.

AMEC would like to respectfully offer the following technical, operational or implementation issues to help inform the model's final details and finalise the proposed amendments.

### Definition of Area

During the Briefing session, AMEC posed a scenario where Agricultural activities are undertaken in rehabilitation areas. Sometimes, these rehabilitation areas are run in conjunction with adjoining lands, often owned by the mine operators.

Agricultural pursuits do not seem to fit neatly within the definition of 'activities' applied during the briefing session. Pastoral activity is referenced specifically under the *[s5] (d) of the Coroners (Mining and Resources Coroner) Amendment Bill 2025* and specifically under the *Petroleum and Gas (Production and Safety) Act 2004* as an activity that is carved out as a restriction on tenure activities.

Mining, however, does not carve out these activities in that same specific manner; AMEC would like to propose a deep consideration of what occurs during care and maintenance and the rehabilitation and relinquishment phases of the operations, especially when those activities that are not aligned with the definition of 'winning mineral from a place where it occurs'<sup>1</sup>. This term was used regularly in the briefing received. AMEC would like to highlight that many mining-related activities are still within or on resource leases; however, they are referred to as aptly as in *Section 6A(1)(a) of the Mineral Resources Act 1989*. 'winning mineral from a place where it occurs'.

Similarly, some activities are for the purpose of winning the resources, e.g. monitoring for offset requirements, which are essentially for gaining approvals for resource operations. These activities occur

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<sup>1</sup> [Mineral Resources Act 1989](#)

on adjoining lands and sometimes up to 15 or more kilometres from the activity. However, if they are not covered under the definitions of this amendment, there is a risk of overlooking potential safety hazards and resource management issues, and in the worst-case scenario, an accidental death.

AMEC suggests that there are many activities for which an accidental death can occur in the pursuit of resources, which may not currently fit neatly within the definition of 'area' as provided in the above examples. The proposed changes could significantly improve safety in resource operations.

### **Definition of Activities**

AMEC notes that the *Mineral Resources Act 1989* was not included in the drafting of the Bill. This may be because the *Mineral Resources Act 1989* draws heavily on the *Coal Mining Safety and Health Act 1999*, the *Mining and Quarrying Safety and Health Act 1999*, the *Petroleum and Gas (Production and Safety) Act 2004*, and the *Petroleum Act 1923*.

There is, however, consideration of activities that are associated with the establishment of a site for which a mine may be established, re-commercialisation of mining activities and relinquishment of mining, especially where there may have only been a partial relinquishment and or extinguishment of mining tenement. AMEC could not determine if a deeper consideration has been given to the interpretations or the various Acts against the *Mineral Resources Act 1989*.

Some examples of varying descriptions of 'area' that may not be consistent with the current definition are found in the *Coroners (Mining and Resources Coroner) Amendment Bill 2025*,

- S 132 - Exclusion of land from area of exploration permit if subject to other authority under Act
- S 137AA - Area of exploration permit does not include particular land
- S182 - Land is excluded from area of mineral development licence if covered by other authority under Act
- S186AA - Area of mineral development licence does not include particular land 194
- S237 - Drilling and other activities on land not included in surface area

AMEC would like to draw specific attention to **Section 237 Drilling and other activities on land not included in surface area**

*(1) A mining lease holder may, in the approved form, apply to the Minister for approval to conduct drilling and other activities on land not included in the surface area covered under the lease.*

Drilling would be considered an activity with the intention of 'winning mineral from a place where it occurs' but in this instance, drilling can and often occurs outside of non-mined resource tenure and may not be included in the mining lease holders' surface area rights. As such, it is unclear if an accidental death under these circumstances would be considered applicable to the Mining and Resources Coroner.

### **Definition of a Mine**

AMEC also notes that the *Mineral Resources Act 1989* appears to be carved out of the definition for a mine. The definition only states the definition of a mine in accordance with the *Mining and Quarrying Safety and Health Act 1999*, Section 9 and/or a Coal Mine as per the *Coal Mining Safety and Health*

Act 1999, Section 9. This carves out the definition for a mine as defined under Section 6A of the *Mineral Resources Act 1989*.

*6A Meaning of mine*

(1) Mine means to carry on an operation with a view to, or for the purpose of—

(a) winning mineral from a place where it occurs; or

(b) extracting mineral from its natural state; or

(c) disposing of mineral in connection with, or waste substances resulting from, the winning or extraction.

(2) For subsection (1), extracting includes the physical, chemical, electrical, magnetic or other way of separation of a mineral.

(3) Extracting includes, for example, crushing, grinding, concentrating, screening, washing, jigging, tabling, electrowinning, solvent extraction electrowinning (SX-EW), heap leaching, flotation, fluidised bedding, carbon-in-leach (CIL) and carbon-in-pulp (CIP) processing.

(4) However, extracting does not include—

(a) a process in a smelter, refinery or anywhere else by which mineral is changed to another substance; or

(b) testing or assaying small quantities of mineral in teaching institutions or laboratories, other than laboratories situated in the area of a mining lease; or

(c) an activity, prescribed under a regulation, that is not directly associated with winning mineral from a place where it occurs.

(5) For subsection (1), disposing includes, for example, the disposal of tailings and waste rock.

(6) A regulation under subsection (4)(c) may prescribe an activity by reference to the quantities of minerals extracted or to any other specified circumstances.

AMEC would like to emphasise the importance of the exclusion of certain definitions and activities under the *Mineral Resources Act 1989*. This exclusion, if intended, would be a significant step backward. However, AMEC's advocacy for the inclusion of all mines in Queensland and all parts of the resource sectors within the regulatory framework provides reassurance and a way forward.

**Suicide excluded from the scope.**

Suicide was listed as a specific item to be excluded from the scope under the Fact Sheet and referred to in the briefing sessions on May 16, 2025. AMEC considers that it should be included, and its omission should be rectified.

The term 'suicide' is already comprehensively addressed by the provisions in the Coroners Act. It falls under s.8(3)(b): 'the death was a violent or otherwise unnatural death'. This understanding is crucial as

it guides our approach to inquests. However, it's important to note that there may not be a mandatory inquest as it is not included in s.27 and would not be caught by the amendments.

Given the Coroners Guidelines' pre-disposition against labelling a death as a suicide, it is advisable to use an alternative term. Any briefing material should be cautious in the use of the term 'suicide', as it suggests the cause of death (which is the purpose of holding an inquest). Therefore, it may be more appropriate to refer to it as a suspected suicide or unnatural death.

Appendix 2 has two specific examples of why the inclusion of suspected suicide or otherwise unnatural death is important for the mining and mineral exploration industry.

## Conclusion

AMEC supports the establishment of the Mining and Resources Coroner. However, AMEC is concerned about the lack of harmonisation between the Acts, which leads to inconsistencies in the interpretation of specific detailed definitions.

AMEC has conducted a comprehensive review of the technical and operational factors, leading us to a crucial conclusion. We believe it is essential to give more attention to operations that are closely aligned with the *Mineral Resources Act 1989*, as well as to the connections among the three other key pieces of legislation. This is especially important regarding the definitions of 'area' and 'activities,' and most critically, what constitutes a mine in Queensland

### For further information contact:

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### Encl:

Appendix 1 Coroners (Mining and Resources Coroner) Amendment Bill 2025 20.05.25(30412452.1) - review provided by Alison McKee - Special Counsel | Resources and Energy – HopgoodGanim Lawyers

Appendix 2 has two specific examples of why the inclusion of suicide is important for the mining and mineral exploration industry.

Appendix 3 Briefing Note on Amendment Bill 2025\_PA - review provided by Shane Entriiken, Andrew Jonklaas, Lauren Chadwick – Piper Alderman Lawyers



Appendix 1. - Coroners (Mining and Resources Coroner) Amendment Bill 2025 20.05.25(30412452.1)  
- review provided by Alison McKee - Special Counsel | Resources and Energy – HopgoodGanim  
Lawyers

Item	Section	Proposed change	Consequence	HG comment
1.	New 11AAA (1)	<p>Insertion of new s 11AAA</p> <p><b>11AAA Deaths to be investigated—mining related reportable deaths</b></p> <p>(1) A mining related reportable death must be investigated by—</p> <p>(a) the Mining and Resources Coroner; or</p> <p>(b) if the Mining and Resources Coroner is not available to investigate the death because of absence or another reason—another coroner directed by the State Coroner.</p> <p>(2) Subsection (1) applies despite section 11(2).</p>	<p>This amendment specifically requires that '<i>mining related reportable deaths</i>' are investigated under the <i>Coroner's Act 2003 (Act)</i> by the Mining and Resources Coroner or another Coroner directed by the State Coroner.</p>	<p>Amendment required so that '<i>mining related reportable deaths</i>' are captured under the Act.</p> <p>The new Mining and Resources Coroner will conduct inquests and make recommendations with the full authority of a Coroners Court.</p>
2.	New 11AAA (3)	<p>A person's death is a <b><i>mining related reportable death</i></b> if—</p> <p>(a) the person's death is a reportable death under section 8(3)(b); and</p> <p>(b) the person dies at any time after receiving a mining related injury that—</p> <p>(i) caused the death; or</p> <p>(ii) contributed to the death and without which the person would not have died; and</p> <p>(c) the person receives the mining related injury—</p> <p>(i) at a coal mine; or</p> <p>(ii) at a mine; or</p> <p>(iii) at or in a petroleum and gas site; and</p> <p>(d) the person's injury is not intentionally self-inflicted.</p>	<p>This definition clearly determines what is considered a '<i>mining related reportable death</i>' across mines, quarries, and petroleum and gas sites.</p> <p>The definition is broad enough to capture a mining related injury that either 'caused the death' or merely 'contributed to the death'.</p>	<p>Given how broad the definitions are, resource authority holders will need to be across all activities undertaken on their respective tenements.</p> <p>There is some ambiguity in relation to the definitions of 'coal mine' and 'mine' and whether this includes a death that may occur while on an exploration tenement and not a mining tenement. We note this because the definition of 'petroleum tenure' in the <i>Petroleum and Gas (Production and Safety) Act 2004</i> includes both exploration (ATPs) and production tenure (PLs). We recommend that clarification is sought in relation to this.</p>
3.	New 11AAA (4)	<p>For subsection (3), a <b><i>mining related injury</i></b> is an injury from—</p> <p>(a) coal mining operations under the <i>Coal Mining Safety and Health Act 1999</i>, schedule 3; or</p> <p>(b) operations under the <i>Mining and Quarrying Safety and Health Act 1999</i>, section 10; or</p> <p>(c) data acquisition activities; or</p> <p>(d) petroleum tenure activities; or</p> <p>(e) water monitoring activities.</p>	<p>This definition clearly determines what is considered a '<i>mining related injury</i>' across mines, quarries, and petroleum and gas sites.</p>	<p>Given how broad the definitions are, resource authority holders will need to be across all activities undertaken on their respective tenements, particularly where the tenure is a petroleum and gas tenure.</p>
4.	New 11AAA (5)	<p>Inclusion of the following definitions:</p> <p>(a) area</p> <p>(b) coal mine</p> <p>(c) data acquisition activities</p> <p>(d) data acquisition authority</p> <p>(e) mine</p> <p>(f) petroleum and gas site</p> <p>(g) petroleum tenure</p> <p>(h) petroleum tenure activity</p> <p>(i) water monitoring activities</p>	<p>These definitions are broad and are meant to capture all activities under the relevant resources legislation.</p>	<p>Given how broad the definitions are, resource authority holders will need to be across all activities undertaken on their respective tenements.</p> <p>See comment in item 2 above in relation to the definitions.</p>



Item	Section	Proposed change	Consequence	HG comment
5.	Section 27(1)(a)	<b>Amendment of s 27 (When inquest must be held)</b> Section 27(1)(a)— (iv) a mining related reportable death; or	An inquest <b>must</b> be held where there is a mining related reportable death.	<ol style="list-style-type: none"> <li>1. An inquest is already mandatory in a number of instances – a death in custody, a death in care etc. An inquest can be requested, and is often held, in the case of a mining death already.</li> <li>2. Further, the Minister can already establish a board of inquiry about a ‘serious accident’ or ‘high potential incident’ under the CMSHA and the MQSHA. Those do not require a death but are not often held – presumably due to the cost impost.</li> <li>3. Important to note that under section 28, an inquest may be held into a reportable death if the coroner investigating the death is satisfied it is in the public interest to hold the inquest.</li> </ol>
6.	New s.47A	<b>47A Coroner’s findings and comments for mining related reportable deaths</b> (1) This section applies to the findings, and any comments, of a coroner made in relation to the investigation of a mining related reportable death. (2) The coroner must give a written copy of the findings and comments— (a) to the Attorney-General; and (b) to the CEO under the <i>Resources Safety and Health Queensland Act 2020</i> ; and (c) to the Minister administering the <i>Resources Safety and Health Queensland Act 2020</i>	<ol style="list-style-type: none"> <li>1. An inquest is an inquisitorial process, the purpose of which is to ascertain who died, when they died, where they died and the cause and circumstances relating to a death. It is not to find or attribute liability to anyone. A coroner is specifically prohibited from making any findings or comments that a person is criminally or civilly liable for anything: see s.45(6) and s.46(3). NB comments below.</li> <li>2. The evidence given at an inquest can be relevant to any prosecution and the holding of an inquest can re-set the limitation period for a prosecution – see for example s.257(1)(c) of the CMSHA and s.236(1)(c) of the MQSHA.</li> </ol>	The Mining and Resources Coroner will conduct full and fair investigations to determine what went wrong and make recommendations to improve safety in the sector.
7.	New s.82A	<b>82A Mining and Resources Coroner</b> (1) The Chief Magistrate may, in consultation with the State Coroner, appoint a local coroner as the Mining and Resources Coroner. (2) In addition to the functions and powers of a magistrate and coroner, the Mining and Resources Coroner has the functions and powers of the Mining and Resources Coroner under this or another Act. (3) The person appointed as the Mining and Resources Coroner may, by written notice to the Chief Magistrate, resign as Mining and Resources Coroner. (4) However, on resigning as Mining and Resources Coroner, the person does not stop being a magistrate. (5) A person stops being the Mining and Resources Coroner— (a) while the person is suspended as a magistrate; or (b) if the person stops being a magistrate. (6) For a magistrate who is the Mining and Resources Coroner, the duties of office mentioned in the <i>Magistrates Act 1991</i> , section 43(4) include the duties of the Mining and Resources Coroner.	<p>This is the reintroduction of a dedicated judicial role to investigate fatalities across mine, quarry, petroleum and gas sites.</p> <p>The new coroner will have broad powers under the Act including the power to conduct inquests and make recommendations with the full authority of a Coroners Court.</p>	North Queensland barrister and former police officer Wayne Pennell has been appointed as the state’s new Mining and Resources Coroner.
8.	Insertion of new pt 6, div 7	<b>118 Application of Act to mining related reportable deaths after commencement</b> (1) This Act as amended by the amendment Act applies to a mining related reportable death that happens after	If a worker dies <i>after</i> the commencement of the amended Act, it does not matter that the injury occurred before the commencement, the amended Act will still apply.	Resource authority holders will need to be aware that the amended Act may still apply to certain pre commencement mining deaths.



Item	Section	Proposed change	Consequence	HG comment
		the commencement whether the mining related injury happened before, or happens after, the commencement. (2) In this section— amendment Act means the <i>Coroners (Mining and Resources Coroner) Amendment Act 2025</i> .		
9.	Insertion of new pt 6, div 7	<p><b>119 Application of Act to particular pre-commencement mining deaths</b></p> <p>(1) This section applies in relation to a pre-commencement mining death if—</p> <p>(a) immediately before the commencement, the coroner investigating the death has not made all the findings of an investigation into the death; and</p> <p>(b) before the commencement—</p> <p>(i) the investigation has not gone to an inquest; and</p> <p>(ii) a pre-inquest conference has not been held into the death; and</p> <p>(iii) the coroner has not stopped investigating the death under section 12(2).</p> <p>(2) On the commencement, the State Coroner is taken to have reassigned the investigation of the pre commencement death to the Mining and Resources Coroner under section 63.</p> <p>(3) This Act as in force from the commencement applies to the pre-commencement mining death as if the death were a mining related reportable death.</p> <p>(4) However, despite new section 27(1)(a)(iv), the Mining and Resources Coroner must not hold an inquest into the pre-commencement death if the State Coroner or the District Court has decided, on an application made under section 30 before the commencement, that an inquest not be held into the death.</p> <p>(5) Also, despite new section 27(1)(a)(iv), the Mining and Resources Coroner need not hold an inquest into the pre-commencement death if the Mining and Resources Coroner is satisfied it is not in the public interest for the inquest to be held.</p> <p>(6) In deciding whether it is not in the public interest to hold the inquest, the Mining and Resources Coroner must—</p> <p>(a) consult with and consider the views of a family member of the deceased person; and</p> <p>(b) consider the length of time since the death happened; and</p> <p>(c) consider how close the Mining and Resources Coroner is to making findings in relation to the investigation of the pre-commencement death.</p>	<p>From commencement of the amended Act, a pre-commencement mining death will be subject to the amended Act if:</p> <ol style="list-style-type: none"> <li>1. the coroner has not made all the findings of the investigation;</li> <li>2. the investigation has not gone to inquest;</li> <li>3. a pre-inquest conference has not been held into the death; and</li> <li>4. the coroner has not stopped investigating the death under s.12(2).</li> </ol> <p>The Mining Resources Coroner will become the new investigator.</p>	Resource authority holders will need to be aware that the amended Act may still apply to certain pre commencement mining deaths.
10.	Schedule 1 Other amendments	Additional consequential amendments to address the changes made above.	-	-

General observations and consequences arising from the Bill:

1. Mining companies must be aware that if the amended Act commences:
  - a. If a worker is injured on a mine site and later dies, there *will* be an inquest under the amended Act; and
  - b. If a worker dies on a mine site, there *will* be an inquest under the amended Act.
2. Currently, the requirement for an inquest following a death is not mandatory but if the Bill is passed, an inquest will be mandatory.
3. If the death of a person happens prior to the commencement of the amended Act, the death (and the subsequent requirement for an inquest) is likely to be caught under the amended Act.
4. Mining companies will be faced with the very real prospect that there will be increased costs. This is because of the requirement for an investigation and inquest. These costs will include the costs of lawyers, consultants, experts etc. Those costs may not be insignificant. There will also be downtime for workers who are required to participate / assist with the same.
5. Costs are not able to be awarded at the end of an inquest. Therefore, mining companies should review their insurance policies to ascertain whether they will extend to the costs of an investigation and inquest. If they do not, then they may wish to seek additional coverage.
6. Companies must be aware of the broad range of powers that the mining resources coroner will have under the amended Act, including powers to investigate and make enquiries.
7. An inquest is an inquisitorial process, the purpose of which is to ascertain who died, when they died, where they did and the cause and circumstances relating to a death. It is not to find or attribute liability to anyone. All findings are made to the civil standard of proof (i.e., the balance of probabilities). A coroner is specifically prohibited from making any findings or comments that a person is criminally or civilly liable for anything: see s.45(6) and s.46(3). However, only an explicit statement reflecting on a person's guilt or liability is prohibited. There is no impediment to coroners providing a full and complete narrative of the circumstances of death nor stating their conclusions as to the responsibility of individuals or organisations for the death provided, they refrain from using language that is applicable to decisions made by criminal and civil courts when they adjudicate upon the same issues.
8. Section 46(1) empowers coroners to comment, whenever appropriate, on any anything connected with the death that relates to public health or safety, the administration of justice or ways to prevent deaths from happening in similar circumstances in the future. Authority supports a 'broader than direct connection' between any matter on which the comment is made and the death under investigation.
9. Coroners can make a broad range of recommendations following an inquest.
10. The evidence given at an inquest can be relevant to any prosecution, subject to s.39 (incriminating evidence).
11. A person who the coroner considers has 'a sufficient interest' in the inquest may appear, examine witnesses and make submissions at an inquest. That could include a broad range of persons, including family members of the deceased, unions, Regulators and others.
12. Under the Act, an inquest cannot be held where someone has been charged with an offence in which the question of whether the accused caused the death may be an issue (s.29). So, inquests are often held after investigations and prosecutions by RSHQ have occurred, thereby extending the timeframe for the investigative process following a death. The holding of an inquest can re-set the limitation period for a prosecution – see for example s.257(1)(c) of the CMSHA and s.236(1)(c) of the MQSHA. This means that where prosecutions have not been commenced or have been commenced, but no evidence offered, they may be commenced or recommenced.
13. Inquest findings are published on the Office of the State Coroner website, unless the coroner orders otherwise.

## Appendix 2 -

AMEC has provided two specific examples below to emphasise the point

- **Scenario 1 – Suicide because of an accidental mine incident**

A mine worker was operating a digger at the resource face, a routine task in our industry. However, a subsequent highwall failure, a preventable incident, led to a catastrophic event, engulfing the digger. The worker, miraculously, survived the initial incident and was recovered. The trauma of this life-threatening event caused severe physical and psychological damage, rendering the worker unable to continue working. This resulted in significant mental and financial hardship, tragically culminating in the worker's untimely death by suicide.

- **Scenario 2 – A question of suicide or accidental misadventure**

The mine worker, a geotechnical engineer, was committed to his job, as evidenced by his routine. He left work within his regular hours and was working within his normal range of tasks and duties. As he was leaving the mine, he approached a high wall where a monitor was located, a task that was not outside of his normal duties, despite having finished work for the day.

Somehow, he had fallen from the high wall while in the process of leaving the mine and ended up in a pit full of water. It appeared in findings that he may have attempted to swim to shore and subsequently drowned.

It was undetermined if the death was accidental or an attempted suicide.

Each scenario is a tragic example of loss of life within the resource sector. It is not logical to exclude deaths genuinely associated with the resource sector, especially when the appointed coroner will have the expertise and experience to review these matters. AMEC understands that a coronal enquiry can be initiated, and a coroner can be appointed to any death; it is crucial in AMECs view that these deaths be included in the scope of the Mining and Resource Coroner.



# Briefing Note

Date: 21 May 2025

To: Amy Warden, Kate Dickson

From: Shane Entriken, Andrew Jonklaas, Lauren Chadwick

Subject: CONFIDENTIAL - Coroners (Mining and Resources Coroner) Amendment Bill 2025  
Queensland

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## 1. Introduction

- 1.1 You have asked us to consider the draft *Coroners (Mining and Resources Coroner) Amendment Bill 2025 QLD (Bill)* which amends the *Coroners Act 2003 QLD (Act)*.
- 1.2 We note that Barrister Wayne Pennell will be appointed the Mining and Resources Coroner on 12 May 2025, and will perform general coronial duties until the legislation is finalised and introduced.
- 1.3 We have looked into the key changes and implications of the amendments for the purposes of providing an understanding of the Bill.

## 2. Executive Summary

- 2.1 In summary, the Bill takes the existing rules and procedures related to reportable deaths under the Act and directs any deaths which are classified as “mining related reportable deaths” to the Mining and Resources Coroner.
- 2.2 From a legal perspective the amendments do not create or otherwise extend any liability of industry operators which doesn’t already exist. The overall practical effect of the amendments is that there is an increased likelihood that an coronial inquiry into a reportable death of this nature will occur.
- 2.3 These amendments will impact operators and relevant stakeholders within the mining or petroleum and gas industry, where a death occurs on site or a person dies after receiving an onsite injury that caused or contributed to the death, either before or after the commencement of the Bill.
- 2.4 We have provided a fulsome review of the proposed amendments and its effect in the Schedule to this Briefing Note.

## 3. Overview

- 3.1 The aim and purpose of the Bill can be summarised as follows:
  - (a) To identify a new classification of a reportable death under the Act, and introduce a definition for a mining related reportable death. A “*mining related reportable death*” occurs where:

- (1) The death is a reportable death under the Act, which includes deaths that are 'violent or otherwise unnatural' as stated in s8(3);
  - (2) The person dies at any time after receiving a mining related injury that –
    - (A) caused the death; or
    - (B) contributed to the death and without which the person would not have died;
  - (3) The person received the injury at a –
    - (A) coal mine, a mine, or in a petroleum and gas site; and
  - (4) The injury is not self-inflicted.
- (b) To establish the new position of a Mining and Resources Coroner who is responsible for inquiring into a mining related reportable death, unless they are not available. This position is appointed by the Chief Magistrate and State Coroner.

#### 4. Key changes and implications

##### *Threshold for a mining related reportable death*

- 4.1 The threshold for what classifies a mining related reportable death captures all mining related injuries which either *cause* or *contribute* to the death of a person. Importantly, the death still has to classify as a "reportable death" under the Act to be captured by these amendments.
- 4.2 In summary, to be a reportable death under the Act, the death must:
- (a) satisfy s8(2) of the Act, where the death would have to have occurred in Queensland, or if the death occurred outside of Queensland, it had to have been caused by an event that happened in Queensland; and
  - (b) satisfy s8(3) of the Act, being that the death occurs in one of the listed circumstances in the subsection, including violent or unnatural deaths.
- 4.3 For further details, please see item 4 of the Schedule of this Briefing Note.

##### *Time limitation for a mining related reportable death*

- 4.4 The Bill provides no time limitation on mining related injuries which cause a mining related reportable death.
- 4.5 At s11AAA the use of the wording 'the person dies *at any time* after receiving the mining related injury' is important to flag as this means that the death does not have to occur on a mine site for it to be captured by these amendments. Only the mining related injury has to occur on one of the premises in s11AAA(3)(c). This is an important consideration relating to mining related injuries where death occurs some time later. For further details, please see item 4 of the Schedule of this Briefing Note.

- 4.6 The insertion of new part 6, division 7, s118 and 119, captures all mining related reportable deaths which occur before commencement where no final determination has been made.
- 4.7 For further details, please see item 9 of the Schedule to this Briefing Note.

*Powers of the Mining and Resources Coroner*

- 4.8 The Bill directs all reportable deaths which classify as “mining related reportable deaths” under the investigation, power and authority of the new Mining and Resources Coroner.
- 4.9 Where a mining related death has occurred pre-commencement of the Bill, upon commencement the State Coroner is taken to have reassigned the investigation of the mining death to the Mining and Resources Coroner. This means that any pre-commencement “mining” deaths which are currently being investigated under the current Act, will transfer over to the Mining and Resources Coroner. For further details please see item 9 of the Schedule to this Briefing Note.
- 4.10 The new structure of creating a sole Mining and Resources Coroner has the effect that any death which classifies as a mining related reportable death, will be investigated and determined by the same coroner. The Bill proposes no methods of removing a magistrate from the position of the Mining and Resources Coroner. Meaning that once a magistrate is appointed as the Mining and Resources Coroner, they are only removed once they either resign from the position or stop being a magistrate.
- 4.11 For further details, please see item 8 of the Schedule to this Briefing Note.

**5. Additional Comments**

- 5.1 We have provided a summary of the proposed amendments in the Schedule to this Briefing Note.



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## SCHEDULE

### Summary of each Amendment and its effect

No.	Proposed Amendment ( <u>Summary</u> )	Effect
1.	<b>Short title</b>	Procedural.
2.	<b>Act amended</b>	Procedural.
3.	<p><b>Amendment of s11 (Deaths to be investigated)</b></p> <p>The heading of s11 after 'investigated' to insert '-generally'.</p>	<p>This would change the title of s11 to 'Deaths to be investigated – generally'. This heading can be used when interpreting the purpose of the section as a whole.</p> <p>This amendment creates consistency in amendment [4] to insert a new subsection. Adding '-generally' means that the procedure outlined in s11 can be read as the "general" investigation procedure.</p>
4.	<p><b>Insertion of new s 11AAA</b></p> <p><b>11AAA Deaths to be investigated – mining related reportable deaths</b></p> <p>(1) A mining related reportable death must be investigated by (a) the Mining and Resources Coroner; or (b) if the former is not available, another coroner directed by the State Coroner.</p> <p>(2) This applies despite s11(2).</p> <p>(3) A person's death is a <i>mining related reportable death</i> if – (a) it is reportable under s8(3)(b); (b) the person dies at any time after receiving the mining related injury that - (i) caused the death; or (ii) contributed to the death and without which the person would not have died; (c) the person receives the injury at a (i) coal mine; (ii) a mine; (iii) or in a petroleum and gas site; and (d) the injury is not self-inflicted.</p> <p>(4) For subsection (3), a <i>mining related injury</i> is an injury from – (a) coal mining operations coal mining operations under the <i>Coal Mining Safety and Health Act 1999</i> sch 3; (b) operations under the <i>Mining and Quarrying Safety and Health Act 1999</i> s10; (c) data acquisition activities; (d) petroleum tenure activities; (e) water monitoring.</p>	<p>(1) Requires any death classified as a 'mining related reportable death' to be investigated by the Mining and Resources Coroner, unless they are not available.</p> <p>(2) Clarifies the power of the Mining and Resources Coroner to investigate, as s11(2) states that a coroner 'must, and may only, investigate a death' if the coroner (a) considers the death is a reportable death, whether or not the death was reported under s7; and (b) is not aware that any other coroner is investigating the death.</p> <p>(3) All of the requirements have to be satisfied for the death to be considered a 'mining related reportable death'. This captures broadly most injury's leading to death which occur on mine sites where the death was 'violent or otherwise unnatural' per s8. The use of the wording 'at any time' is very broad and creates no limitation. The broadness captures deaths which occurs <i>any time</i> after a mining related injury which either caused the death or contributed to the death. This captures deaths which do not occur on the mine site. Only the mining related injury has to occur on the mine site. This is consistent with s8(2)(b)(iv).</p> <p>(4) The classification of what constitutes a 'mining related injury' generally captures</p>



	<p>(5) Provides definitions for the following terms in this section – <b>area, coal mine, data acquisition activities, data acquisition authority, mine, petroleum and gas site, petroleum tenure, petroleum tenure activity, water monitoring activity, water monitoring authority.</b></p>	<p>most mining related activities subject to the type of work being conducted.</p> <p>(5) Standard definitions – Other Acts cited in the definitions are in force.</p>
5.	<p><b>Amendment of s 27 (When inquest must be held)</b></p> <p>In s27(1)(a) to insert - '(iv) a mining related reportable death'.</p>	<p>This would mean that the coroner investigating a death must hold an inquest, in accordance with s27, if the coroner considers that the death is a mining related reportable death.</p>
6.	<p><b>Amendment of s 34 (Pre-inquest conferences)</b></p> <p>In s34 to insert – '(5) this section applies despite section 29'.</p>	<p>Section 34 concerns pre inquest conferences. It enables the Coroners Court investigating a death to: hold a conference before holding an inquest; publish a notice; and order a person concerned with the investigation to attend the conference.</p> <p>Section 29 concerns when an inquest must not be held or continued when a coroner who is investigating a death is informed that someone has been charged with an offence in which the question of whether the accused caused the death may be in issue.</p> <p>This amendment protects the occurrence of pre inquest conferences in circumstances where s29 might otherwise apply.</p>
7.	<p><b>Insertion of new s 47A</b></p> <p><b>47A Coroner's findings and comments for mining related reportable deaths</b></p> <p>(1) This section applies to the findings, and any comments, of a coroner made in relation to the investigation of a mining related reportable death.</p> <p>(2) The coroner must give a written copy of the findings and comments – (a) to the Attorney-General, (b) to the CEO under the <i>Resources Safety and Health Queensland Act 2020</i>; and (c) to the Minister administering the <i>Resources Safety and Health Queensland Act 2020</i>.</p>	<p>This section creates a separate procedure, from s47, for the coroner in providing their findings and comments in relation to the investigation of a mining related reportable death.</p> <p>Section 47 broadly requires the coroner to give a written copy of the findings and comments to – (a) the Attorney General; (b) the appropriate chief executive; and (c) the appropriate Minister. The appropriate person for (a) and (b) meaning the person applicable to 'the relevant Act'. This directs mining related reportable deaths to the Resources Safety and Health Queensland</p>

		body and the Minister for Resources and Critical Minerals. <sup>1</sup>
8.	<p><b>Insertion of new s 82A</b></p> <p><b>82A Mining and Resources Coroner</b></p> <p>(1) The Chief Magistrate may, in consultation with the State Coroner, appoint a local coroner as the Mining and Resources Coroner.</p> <p>(2) In addition to the functions and powers of a magistrate and coroner, the Mining and Resources Coroner has the functions and powers of the Mining and Resources Coroner.</p> <p>(3) The person appointed as the Mining and Resources Coroner may, by written notice to the Chief Magistrate, resign as Mining and Resources Coroner.</p> <p>(4) However, on resigning as Mining and Resources Coroner, the person does not stop being a magistrate.</p> <p>(5) A person stops being the Mining and Resources Coroner – (a) while the person is suspended as a magistrate; or (b) if the person stops being a magistrate.</p> <p>(6) For a magistrate who is the Mining and Resources Coroner, the duties of office mentioned in the <i>Magistrates Act 1991</i>, section 43(4) include the duties of the Mining and Resources Coroner.</p>	<p>Section 82 broadly provides that every magistrate is a local coroner with the functions and powers of a coroner under this or another Act.</p> <p>This amendment creates a separate role by enabling the Chief Magistrate, in consultation with the State Coroner, to appoint a local coroner, which can be any Magistrate, as the Mining and Resources Coroner.</p> <p>This new position is vested with the functions and powers given to the Mining and Resources Coroner under the rest of this or another Act.</p> <p>A point of difference between the role of a local coroner and the Mining and Resources Coroner, is that the latter can resign from their position whilst still being a magistrate, whereas the former is a local coroner as long as they are a magistrate. The effect of this is that the Mining and Resources Coroner's tenure is more flexible than that of a local coroner under s82.</p> <p>Otherwise, the rest of the amendment is consistent with s82.</p>
9.	<p><b>Insertion of new pt 6, div 7</b></p> <p><b>Division 7 Transitional provisions for Coroners (Mining and Resources Coroner) Amendment Act 2025</b></p> <p><b>118 Application of Act to mining related reportable deaths after commencement</b></p> <p>(1) This Act as amended by the amendment Act applies to a mining related reportable death that happens after the commencement</p>	<p><u>Section 118</u></p> <p>The amendments in the amendment Act applies to all mining related reportable deaths that occur <i>after</i> the commencement. It is irrespective whether the mining related <i>injury</i> happened before or after commencement. Meaning that a mining related injury can occur before commencement as long as the mining related reportable death occurs after commencement.</p>

<sup>1</sup> The purpose of the Resources Safety and Health Queensland being to regulate safety and health in the resources sector, see [Resources Safety and Health Queensland Act 2020](#) s 4.

<p>whether the mining related injury happened before, or happens after, the commencement.</p> <p>(2) In this section - <b>amendment Act</b> means the <i>Coroners (Mining and Resources Coroner) Amendment Act 2025</i>.</p> <p><b>119 Application of Act to particular pre-commencement mining deaths</b></p> <p>(1) This section applies in relation to a pre-commencement mining death if – (a) immediately before the commencement, the coroner investigating the death has not made all the findings of an investigation into the death; and (b) before the commencement – (i) the investigation has not gone to an inquest; and (ii) a pre-inquest conference has not been held into the death; and (iii) the coroner has not stopped investigating the death under section 12(2).</p> <p>(2) On the commencement, the State Coroner is taken to have reassigned the investigation of the pre-commencement death to the Mining and Resources Coroner under section 63.</p> <p>(3) This Act as in force from the commencement applies to the pre-commencement mining death as if the death were a mining related reportable death.</p> <p>(4) However, despite new section 27(1)(a)(iv), the Mining and Resources Coroner must not hold an inquest into the pre-commencement death if the State Coroner or the District Court has decided, on an application made under section 30 before the commencement, that an inquest not be held into the death.</p> <p>(5) Also, despite new section 27(1)(a)(iv), the Mining and Resources Coroner need not hold an inquest into the pre-commencement death if the Mining and Resources Coroner is satisfied it is not in the public interest for the inquest to be held.</p> <p>(6) In deciding whether it is not in the public interest to hold the inquest, the Mining and Resources Coroner must – (a) consult with and consider the views of a family member of the deceased person; and (b) consider the length of time since the death happened; and (c) consider how close the Mining Resources</p>	<p>Under s2(2) provisions after 1 May 2003 commence on a day to be fixed by proclamation. Meaning that these amendments will be in force from the date they receive proclamation.</p> <p><u>Section 119</u></p> <p>(1) This amendment limits the circumstances in which this section can be used in relation to a pre-commencement mining death, as all the conditions must be complied with to be applicable.</p> <p>(2) The wording of this subsection lacks consistency. Instead of ‘assigned the investigation of the pre-commencement death to the Mining and Resources Coroner’ it should read as ‘assigned the investigation of the pre-commencement <i>mining</i> death to the Mining and Resources Coroner’ to be consistent with the s119(1) and the definition provided later in the section.</p> <p>(3) A pre-commencement mining death and a mining related reportable death are equally recognised under the Act. If an death is considered a pre-commencement mining death, it is to be considered a mining related reportable death.</p> <p>(4) This subsection limits the Mining Resources Coroner in holding inquests into the pre-commencement death if the State Coroner or the District Court decides in accordance with s30, that an inquest not be held into the death. The same reasonings explained at (2) apply, where the word “mining” should read in between “pre-commencement death” for consistency.</p> <p>(5) This subsection vests power in the Mining and Resources Coroner to not hold inquests into the pre-commencement death if they decided it is not in the public interests to do so. The same reasonings explained at (2) apply, where the word “mining” should read in between “pre-commencement death” for consistency.</p> <p>(6) This subsection provides conditions on the Mining and Resources Coroner to comply with and consider when deciding</p>
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	<p>Coroner is to making findings in relation to the investigation of the pre-commencement death.</p> <p>(7) In this section –</p> <p><b>new section 27(1)(a)(iv)</b> means section 27(1)(a)(iv) as in force from the commencement.</p> <p><b>pre-commencement mining death</b> means the death of a person before the commencement that would have been a mining related reportable death if the person had died after the commencement.</p>	<p>whether it is not in the public interest to hold the inquest.</p> <p>(7) These definitions create consistency with the words used in the section. Noting the wording considerations at s119(2), (4) and (5).</p>
10.	<p><b>Amendment of sch 2 (Dictionary)</b></p> <p>In Schedule 2 inserts the following –</p> <p>(1) <b>mining related reportable death</b> see section 11AAA(3).</p> <p>(2) definition <i>coroner</i> – (ca) the Mining and Resources Coroner; or</p> <p>(3) definition <i>coroner</i>, paragraph (ca) and (d) – renumber as paragraph (d) and (e).</p>	<p>(1) Procedural – consistent with amendments.</p> <p>(2) Procedural – consistent with amendments.</p> <p>(3) Procedural – puts “Mining and Resources Coroner” after “local coroner” and before an “appointed coroner”.</p>
	<p><b>Schedule 1 – Other amendments</b></p> <p><b>1. Section 10AA(5)-</b></p> <p><i>Insert - health procedure</i> means a dental, medical, surgical or other health related procedure, including, for example, the administration of an anaesthetic, analgesic, sedative or other drug.</p> <p><b>2. Section 35(3)-</b></p> <p><i>Omit.</i></p> <p><b>3. Section 38(1), ‘conference held under section 34’-</b></p> <p><i>Omit, insert – pre-inquest conference</i></p> <p><b>4. Section 47, heading, ‘comments and findings’-</b></p> <p><i>Omit, insert – findings and comments</i></p>	<p>1. Procedural – concerns a health care related death, clarifies the meaning of health care under subsection (5).</p> <p>2. Section 35(3) currently states ‘In this section – <b>pre inquest conference</b> means a conference mentioned in section 34.’</p> <p>3. Procedural – clarifies that s38(1) applies to pre inquest conferences and not broadly ‘a conference held under section 34’.</p> <p>4. Procedural – consistency with the rest of the section where the word “findings” is put before “comments”.</p> <p>5. Procedural – clarifies that s 68 and 69(1) apply to pre inquest conferences and not broadly ‘a conference held under section 34’.</p>



	<p><b>5. Section 68 and 69(1), example, 'conferences held under section 34'-</b></p> <p><i>Omit, insert</i> – pre-inquest conferences</p> <p><b>6. Schedule 2, definition health procedure</b></p> <p><i>Omit.</i></p> <p><b>7. Schedule 2</b></p> <p><i>Insert</i> – <b><i>pre-inquest conference</i></b> means a conference mentioned in section 34.</p>	<p>6. Consistent with inserting the definition of “health procedure” under s10AA(5).</p> <p>7. Procedural – consistent with rest of the Act and amendments.</p>
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