

Coroners (Mining and Resources Coroner) Amendment Bill 2025

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Mr Stephen Bennett MP

Chair, Primary Industries and Resources Committee

Parliament House

BRISBANE QLD 4000

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Dear Mr Bennett –

RE: Submission to Primary Industries and Resources Committee – Committee Inquiry - Coroners (Mining and Resources Coroner) Amendment Bill 2025

The Mining & Energy Union Queensland District Branch (“MEU”) is the principal union that represents the interests of those who work in the black coal mining industry including production, engineering and other workers. The union covers workers across a number of roles and activities in all black coal mining sites across Queensland. In the coal mining industry, the MEU has a proud history of representing coal mine workers at all levels for over 115 years.

The MEU is strongly opposed to the Coroners (Mining and Resources Coroner) Amendment Bill 2025 (‘the Bill’) in its current form, based on the fact that it fails to address critical issues in the coal mining industry. The MEU has raised these concerns during the consultation period, which were dismissed by the Government.

Scope

The MEU recommends broadening the scope of “mining-related reportable deaths”, to clarify and include mine worker deaths occurring

- a) from a mine dust lung disease,

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- b) from self-inflicted injury
- c) from fatalities that occur on public roads.

The operators of mines in Queensland have an obligation to protect the health and safety of workers under Queensland's resources safety and health legislation. This includes managing dust, psychosocial harm, and fatigue risk to an acceptable level, and monitoring and reviewing the effectiveness of the systems in place. The MEU considers any death encompassed by the above to be a potential failing by an operator in fulfilling their safety and health obligations. To be clear, it is in the public interest to investigate these deaths, and these are not matters to be placed at the Coroner's discretion.

Mine dust lung diseases

As raised previously in the consultation process, MEU is concerned the Bill fails to make clear if a death from a dust disease acquired from coal mining falls within the definition of a "mining related reportable death" requiring investigation by the Mining and Resources Coroner, and whether an inquest is to be held. If a miner has developed a dust related disease from working as a miner and then subsequently dies from that long latency disease, that death is "otherwise unnatural" within the meaning of that phrase in the Coroners Act.

Suicide

Mates-In-Mining suicide prevention group has revealed that suicide rates are 80% higher in the mining, construction and energy sectors than in the general Australian population, with 190 deaths by suicide reported each year. These deaths have occurred on site, on adjacent to site accommodation, in camp accommodation in the nearest town, and at home.

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When a worker is bullied by management or coworkers; or exposed to work practices that potentially placed extra stress or pressure on the worker, then the workplace culture that led to their suicide is not likely to be one that prioritises health and safety in an inherently dangerous work environment. This is a failing of obligations to protect the health and safety of workers under Queensland's resources safety and health legislation. If not properly investigated, irrespective of the location in which the death occurred, this type of fatality can endanger and cause serious detriment to the lives of other workers.

Fatigue

Everyday MEU members travel to and from mine sites, often on roads that are poorly maintained, overused, and not built for the heavy traffic they now carry. In the mining industry, where shift work, long hours, early starts and late finishes are common, coal mine workers are especially vulnerable to fatigue. Coupled with aging infrastructure and inadequate maintenance, which has led to worsening road conditions -including potholes, crumbling shoulders, wide loads, heavy and frequent traffic, and uneven surfaces – this has increased the risk of accidents, particularly for tired or distracted drivers.

Proposed Amendments

The Explanatory Notes state *“the aim of the Bill is to provide more timely answers and certainty to families that mining related deaths will be investigated and an inquiry conducted to determine the cause of the death, prevent similar deaths happening in the future and to keep mining companies accountable”*.

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The MEU agrees that the families have the right to know and understand why their loved one was not able to come home, and that should be within an appropriate timeframe.

The Bill details that any criminal prosecution must be finalised before a coronial inquiry can occur. Therefore, to represent the Mining and Resources Coroner as finding ‘*more timely answers*’ is patently and objectively false. The Bill fails to outline any mandatory timeframes, and the MEU contends that a pre-inquest hearing does not equal “*faster access to justice*”¹.

At present, the appointed Coroner has minimal mining and resources experience. This is extremely concerning and has the potential to jeopardise investigation work that can result in criminal proceedings. As per the Explanatory Notes, “*the Mining and Resources Coroner will make written findings that may include comments or recommendations about anything connected with a death, such as public health and safety matters or the administration of justice, with the aim of preventing future deaths*”.

The Government has, to date, failed to clarify what knowledge and expertise of the proposed Mining and Resources Coroner will have to underpin recommendations and comments across the diverse industries of coal mining (underground and open cut), mineral mining, quarries, and petroleum and gas. It also stands in contrast to the stand-alone specific Coal Mining Safety and Health legislation in a high-risk sector, which details specialised competences for all those in the sector, including Industry Safety and Health Representatives & Site Safety and Health Representatives.

¹ Media Release, Thursday, 19 June 2025

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The MEU is concerned that the Government has not clarified what new powers and functions the Mining and Resources Coroner will have in to provide justice for the families.

The proposed legislation will cause a duplication of existing investigation and inquiry powers. Section 202 of *Coal Mining Safety and Health Act 1999* already provides for Boards of Inquiry where the inquiry must:

- (a) inquire into the circumstances and probable causes of the relevant serious accident or high potential incident; and
- (b) give the Minister a written report of the board's findings. The report may contain the recommendations the board considers appropriate and other relevant matters.

Further, Resources Safety and Health Queensland (RSHQ) is already legislated to have the power to make recommendations and share findings publicly, which occurs. RSHQ also have the ability to enforce undertakings and provide evidence to the Workplace Health and Safety prosecutor for consideration of commencing criminal proceedings.

The Mining and Resources Coroner does not have access to these powers, and a coroner's focus is on determining what happened, not attributing blame. There are three separate investigations that already occur after a fatality in the coal industry, conducted by Resources Safety and Health Queensland – Serious Incident Investigation Unit, Industry Safety and Health Representatives, and the operator.

In order to prevent delays and provide timely findings to the family the MEU recommends that timelines are implemented to ensure that all reports from the company, RSHQ and

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MEU detailing the nature and cause are made public within a certain time frame, e.g. twelve months.

The proposed amendments include a new section 82A which allows for the Chief Magistrate, in consultation with the State Coroner, to appoint a local coroner as the Mining and Resources Coroner. Unlike the appointment of the State Coroner in section 70 of the *Coroners Act*, the appointment of the Mining and Resources Coroner does not appear to be limited by a 5-year term. Similarly, the appointment of other “appointed coroners” via section 83 of the *Coroners Act* allow for the appointments to be limited to either a particular death or term limit.²

Without a mechanism to limit the term of appointment, the legislation effectively gives the Mining and Resources Coroner an appointment that can only end by either resignation or compulsory retirement of a magistrate, currently at 70 years of age.

Further, section 82A does not provide a mechanism for the appointment of an acting or deputy Mining and Resources Coroner if the appointed Coroner’s workload becomes excessive or another event makes the Coroner otherwise “unavailable.”

The Mining and Energy Union recommends that the appointment of the Mining and Resources Coroner should be no different to the appointment of the State Coroner and limited to a 5-year term only.

Case Studies – Mining Fatalities, 2019/2023

In two separate instances, Mine Workers pass away on at their respective workplaces. The deceased is at fault. No one else on site is found to be at fault. Therefore, no charges are laid.

² s83(5) *Coroners Act 2003* (Qld)

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Under the proposed legislation, both fatalities are mandatory for the Mining and Resources Coroner to investigate. This affords no discretion to the Mining and Resources Coroner to work with the families of the deceased should they wish the inquest to not occur. When asked on 15 May 2025, officers from the Department of Justice and Attorney General stated, “if the family doesn’t want an inquest they don’t have to be involved.”

The MEU is extremely concerned that no victims’ families have been consulted in the process of developing this legislation.

Under Tasmania’s *Coroners Act 1995*, families of the deceased are afforded agency these matters;

Within 14 days after receiving notice of a decision under subsection (1), the senior next of kin of the deceased person may, in writing, request the coroner not to hold the inquest³.

Should proposed amendments to *Coroners Act 2003* proceed, the MEU strongly recommend the Queensland Government follow the lead of Tasmania and ensure that the Mining and Resources Coroner put the wishes of family members first.

The MEU's focus remains on Queensland’s coal mine workers and their health and safety.

We request that the Primary Industries and Resources Committee considers the MEU’s above concerns in drafting the committee report for the Coroners (Mining and Resources

³ *Coroners Act 1995* (Tas), 26A

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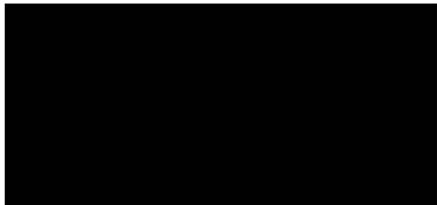
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Coroner) Amendment Bill 2025. The Bill has obvious shortcomings, and significant amendments are required to address the concerns of the MEU and its members.

Regards



Mitch Hughes

District President

Mining and Energy Union – Queensland District