

Coroners (Mining and Resources Coroner) Amendment Bill 2025

Submission No:	5
Submitted by:	Queensland Law Society
Publication:	Making the submission and your name public
Attachments:	See attachment
Submitter Comments:	

8 July 2025

Our ref: LP:MC

Primary Industries and Resources Committee
Parliament House
George Street
Brisbane Qld 4000

By email: PIRC@parliament.qld.gov.au

Dear Committee Secretary

Coroners (Mining and Resources Coroner) Amendment Bill 2025

Thank you for the opportunity to provide a submission to the inquiry into Coroners (Mining and Resources Coroner) Amendment Bill 2025 (**Bill**).

As you might be aware, the Queensland Law Society (**QLS**) is the peak professional body for the State's legal practitioners. We represent and promote over 14,000 legal professionals, increase community understanding of the law, help protect the rights of individuals and advise the community about the many benefits solicitors can provide. QLS also assists the public by advising government on improvements to laws affecting Queenslanders and working to improve their access to the law.

This submission focuses on the scope of a "mining related reportable death" under proposed section 11AAA(3) of the *Coroners Act 2003* (Qld) (**Coroners Act**) in clause 5 of the Bill. Specifically, QLS considers deaths occurring in the following circumstances should fall within the scope of section 11AAA(3) and be investigated by the Mining Resources Coroner (**MRC**):

- a. Deaths from a motor vehicle accident occurring on a journey to and from work (where the work is otherwise in scope) where the worker was the operator of the vehicle; and
- b. Deaths occurring from an illness or disease, such as a dust disease, caused by the work undertaken at a mine site (or related in scope work).

In both cases, there is a clear public interest for the deaths to be investigated by the MRC so as to, as referenced in the Explanatory Notes, 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.

New section 47A of the Coroners Act will require the coroner to give a written copy of the findings and comments in relation to the investigation of a mining related reportable death:

- a. to the Attorney-General; and
- b. to the CEO under the *Resources Safety and Health Queensland Act 2020*; and
- c. to the Minister administering the *Resources Safety and Health Queensland Act 2020*.

It is appropriate for this scrutiny to also extend to deaths in the circumstances outlined in this submission. The independence and public exposure a coronial inquest brings to these tragic incidents can assist to ensure safe workplaces and practices are maintained.

Deaths from a motor vehicle accident occurring on a journey to and from a work

A death occurring from a motor vehicle accident on a public road when a worker is travelling to or from work will not fall within the definition of “mining related reportable death”. This means there is no requirement for the MRC to investigate the death even if factors like fatigue are involved.

The incident could be referred to the MRC, however, given this is only optional, there is no certainty for families this will occur. Importantly, where the referral is not made, the opportunity will be lost for the MRC to use their expertise in the individual case to make appropriate recommendations for future prevention.

Fatigue related injuries and risk management remains a significant issue for the resources sector. While measures have been developed overtime to address these risks, enforcement and review need to be a priority.

We cannot identify any particular barrier to bringing these deaths within the scope of these reforms. We do not consider there will be a material impact on resources because, while these deaths will not result in a mandatory referral to the MRC, we note:

- the circumstances of the accident could ultimately lead to a referral to the MRC e.g. if fatigue or another link to the employment was identified;
- the death in these circumstances may otherwise be investigated by another coroner;
- the MRC is empowered to undertake general coronial work to assist in managing workloads.

It is possible, therefore, all deaths involving a mine worker (or other ‘in scope’ worker) would be referred to the MRC due to the overall number road of deaths in Queensland requiring investigation by a coroner. However, the MRC sitting in place of another coroner may not have the same effect as if these deaths were treated as a ‘mining related reportable deaths’.

Amending the Bill to expressly include these deaths will alleviate concerns in a particular matter about whether there should be a referral and could prevent delays and confusion for affected families.

Deaths occurring from an illness or disease, such as a dust disease, caused by the work undertaken at a mine site (and related ‘in scope’ work)

Deaths occurring from an illness or disease caused by mining and other related work will not result in a mandatory referral to the MRC. This exclusion contradicts the intent of these reforms.

“Injury” is not defined in the Coroners Act, nor is it defined in the *Coal Mining Safety and Health Act 1999* (Qld) (**CMSHA**); however, “injury or illness” is used throughout the CMSHA in sections dealing with risks and risk management. From a health and safety and risk management perspective, injuries and illnesses are treated the same, and this extends to liability.

If there is a possible causal link between the death and the ‘in scope’ work activity, the death should be treated in the same way as if it resulted from a physical incident causing death and be referred to the MRC.

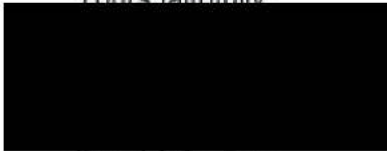
Coroners (Mining and Resources Coroner) Amendment Bill 2025

While there may be some additional issues to navigate, such as the passage of time between work activity/exposure and death, the legislation could set out appropriate parameters and additional guidance could also be developed. Appropriate consultation should occur to determine these parameters but, for example, the scope could be limited to cases where there was an accepted "injury" under the *Workers' Compensation and Rehabilitation Act 2003*. The amendments could prospectively apply to ensure there was no undue burden placed on the parties.

The MRC has been created as a specialised role to prevent deaths in this industry by producing recommendations that will lead to safer workplaces. This measure should not be unreasonably limited to only some of the deaths occurring in this industry.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via policy@qls.com.au or by phone on (07) 3842 5930.

Yours faithfully



Genevieve Dee
President