

# Coroners (Mining and Resources Coroner) Amendment Bill 2025

## Explanatory Notes

### Short title

The short title of the Bill is the Coroners (Mining and Resources Coroner) Amendment Bill 2025

### Policy objectives and the reasons for them

The Queensland Government made a government election commitment (GEC) to re-establish and increase the powers of the Mining Warden's Court, to investigate fatal accidents on the state's mine and quarry sites, with the Mining Warden appointed in both a magistrate and a coroner role and available to also undertake normal court duties when not acting in the capacity of the Mining Warden.

The charter letter of the Honourable Deb Frecklington MP, Attorney-General and Minister for Justice and Minister for Integrity (the Attorney-General), also includes a commitment to re-establish the Mining Warden's Court with powers to investigate fatal accidents on the state's mine and quarry sites.

Currently, under the *Coroners Act 2003* (Coroners Act), a coroner must investigate a reportable death (which could include a death on a mine site), with discretion for the coroner investigating the death to conduct a coronial inquest.

The objectives of the Bill are to implement the GEC by amending the Coroners Act to establish a dedicated Mining and Resources Coroner to conduct coronial investigations and mandatory inquests for all mining related reportable deaths, which will include accidental deaths that occur on coal mines, mines, quarries and certain petroleum and gas sites.

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.

The Mining and Resources Coroner will be able to make public findings and recommendations to prevent similar deaths from happening in the future. When the Mining and Resources Coroner is not performing mining-related work, they will undertake general coronial work to ease the pressure on the justice system. To support families of the deceased, a position will be established within the Coroners Court of Queensland (CCQ) to provide family and liaison engagement throughout the coronial investigation and inquest process.

These investigations and inquests will be undertaken within the existing coronial framework and the Mining and Resources Coroner will rely on the functions and powers of a coroner under the Coroners Act.

The Bill also makes minor, technical amendments to the Coroners Act to alleviate administrative burden on CCQ and achieve immediate efficiencies across the broader coronial system.

## **Achievement of policy objectives**

The Bill achieves the policy objectives and implements the intent of the GEC and charter letter commitment by:

- establishing the position of the Mining and Resources Coroner;
- providing that the Mining and Resources Coroner must undertake coronial investigations including coronial inquests for all mining related reportable deaths, which includes accidental deaths that occur on coal mines, mines (including quarries and mining railways) and certain petroleum and gas sites;
- ensuring the Mining and Resources Coroner will have the full functions and powers of a coroner under the Coroners Act;
- clarifying the Mining and Resources Coroner will be able to hold pre-inquest conferences while criminal proceedings are underway; and
- enhancing transparency and accountability with respect to the findings of a coroner in relation to a mining related reportable death.

The Bill achieves its policy objectives by also making minor amendments to the Coroners Act to:

- enable the appointment of more than one Deputy State Coroner, noting only one Deputy is able to be appointed under the current Coroners Act; and
- enable preliminary examinations to occur after a death has been reported to a coroner, instead of being limited to circumstances where a police officer reports a death to a coroner.

## **Appointment of the Mining and Resources Coroner**

The Bill establishes the position of the Mining and Resources Coroner, to be appointed by Governor in Council. Before making a recommendation to Governor in Council, the Attorney-General must first consult with the Chief Magistrate and the State Coroner. The existing provisions of the Coroners Act and the *Magistrates Act 1991* (Magistrates Act) will be used for the appointment of a person as a magistrate and to hold the role of a local coroner.

The Bill provides that a person will stop being the Mining and Resources Coroner while they are suspended as a magistrate or if they stop being a magistrate. Existing provisions of the Magistrates Act and Coroners Act will be relied upon to remove the Mining and Resources Coroner if required, such as where the Mining and Resources Coroner has not performed the duties of their office (see section 43 of the Magistrates Act).

The Mining and Resources Coroner may also resign from the position in writing to the Attorney-General; however, this does not prevent the person from being a magistrate or local coroner.

## **Functions of the Mining and Resources Coroner**

The Bill provides that the Mining and Resources Coroner will be required to conduct investigations for all mining related reportable deaths. The death must be investigated by another coroner if the Mining and Resources Coroner is absent or otherwise not available. This is intended to cover circumstances where the Mining and Resources Coroner is on leave or may have a conflict of interest with a death that would be the subject of an investigation and inquest.

The Mining and Resources Coroner has the powers and functions to undertake coronial investigations and mandatory inquests for all mining-related reportable deaths occurring on coal mines and mines (including quarries and mining railways) and certain petroleum and gas sites.

As well as the specific functions established by the Bill, the Mining and Resources Coroner will also have the full functions and powers of a magistrate and coroner. When not undertaking mining-related work, the Mining and Resources Coroner will carry out general coronial work at the discretion of the State Coroner.

A coronial investigation commences when a death that is a reportable death under the Coroners Act is reported to a coroner. A coronial investigation will usually be informed by investigations undertaken by the relevant independent regulator or the Queensland Police Service. The purpose of a coronial investigation is to determine the identity of the person who died, how, when and where they died, and the medical cause of the death.

As part of the investigation, the Mining and Resources Coroner will also conduct an inquest. The purpose of an inquest is to gather information about the cause and circumstances of a death, and to allow a coroner to make comments and recommendations to prevent similar deaths from happening in the future.

The Mining and Resources Coroner will be able to use the existing powers of a coroner under the Coroners Act, including for how inquests will be conducted and they will be able to inform themselves in any way they see fit. This may include engaging experts to provide information that is relevant to the matter being investigated at the inquest.

Inquests will be held after relevant criminal proceedings (if any) have been finalised to ensure the proceedings are not jeopardised. However, the Bill clarifies the Mining and Resources Coroner will be able to hold pre-inquest conferences while criminal proceedings are underway.

The Mining and Resources Coroner will be able to require witnesses to give self-incriminating evidence, if satisfied that it is in the public interest to do so. Self-incriminating evidence provided at a coronial inquest cannot be used against the witness in any other proceeding, other than a proceeding for perjury, under section 39 of the Coroners Act. Inquests will not jeopardise the likelihood of successful prosecutions, as they will be held after relevant criminal proceedings, if any, are finalised.

Under existing provisions of the Coroners Act, a coroner must give a written copy of the findings of an investigation to a family member of the deceased and if a coroner investigates a death at an inquest, they must publish their findings and comments (unless the coroner orders otherwise). In addition to these existing provisions, the Bill also provides that the Mining and Resources Coroner must give a written copy of the findings and comments to the Attorney-

General, the Chief Executive Officer of Resources Safety and Health Queensland (RSHQ) and the Minister administering the *Resources Safety and Health Queensland Act 2020*.

### **Scope of the Mining and Resources Coroner**

The Bill requires the Mining and Resources Coroner to investigate and conduct inquests for mining related reportable deaths. Clause 5 of the Bill amends the Coroners Act to provide that a person's death will be a mining related reportable death if:

- the death was a reportable death under section 8(3)(b) of the Coroners Act, meaning the death was a violent or otherwise unnatural death; and
- the person died at any time after receiving a mining related injury that caused the death or contributed to the death and without which the person would not have died; and
- the mining related injury was received at a coal mine, a mine (or a quarry), or at a specified petroleum and gas site while carrying out an activity that is related to the operation of a coal mine, mine (or quarry), or specified petroleum or gas site; and
- the person's injury is not intentionally self-inflicted.

Specifically, the Bill defines a mining related injury as an injury from:

- coal mining operations under the *Coal Mining Safety and Health Act 1999* (CMSHA), schedule 3; or
- operations under the *Mining and Quarrying Safety and Health Act 1999* (MQSHA), section 10; or
- data acquisition activities; or
- petroleum tenure activities; or
- water monitoring activities.

The definition of a mining related injury is intended to cover injuries that are received while a person is carrying out an activity that is related to the operation of a coal mine, mine (or quarry), or a specified petroleum and gas site and will exclude deaths from injuries that may be unrelated to operations on a site. For example, an area that falls within the definition of a coal mine may also be used for farming. A person's death as a result of a farming accident would not be in scope for investigation and inquest by the Mining and Resources Coroner as the injury would not be a mining related injury.

As the scope is site based, the Mining and Resources Coroner may investigate a death that falls under one or more health and safety regulators, such as RSHQ or Workplace Health and Safety Queensland.

### *Definition of coal mine, mine and petroleum and gas site*

The Bill defines coal mine within the meaning of the CMSHA, section 9, and includes on-site activities that are carried out unlawfully because the land is not the subject of a mining tenure. A coal mine will also include a mining railway under the *Rail Safety National Law (Queensland)* that would otherwise be excluded under the CMSHA. *Coal mine* is further defined as excluding places mentioned in section 9(1)(e) of the CMSHA which relate to tourism, education, or research. The coal mine definition also includes buildings for administration, accommodation and associated facilities on the coal mine site or on land adjoining or adjacent to the coal mine site.

The Bill defines mine within the meaning of the MQSHA, section 9, and includes operations that are carried out unlawfully because the land is not the subject of a mining tenure. Mine will also include a mine or part of a mine that is, by declaration, a mine under the *Work Health and Safety Act 2011*, and a mining railway under the *Rail Safety National Law (Queensland)*, both of which would otherwise be excluded under the definition of mine under the MQSHA. *Mine* is further defined as excluding places mentioned in section 9(1)(e) which relate to tourism, education, or research. The mine definition also includes buildings for administration, accommodation and associated facilities on or adjoining the mine site.

Under the MQSHA, a quarry falls within the definition of a mine and a quarry is a place on land where operations are carried on, to produce construction or road building material. The definition also provides what is not a quarry which includes work as part of or use at a construction site, to extract gravel or river-sand, to redevelop the place as a place for housing, a shopping complex, an industrial estate, a recreation area or a landfill site.

While the GEC directly refers to increased oversight of mining-related deaths, the Bill extends this oversight to include petroleum and gas sites. This broader inclusion recognises that petroleum and gas operations involve high risk operations similar to those carried out on coal mines, mines and quarries by similar operators. The Bill defines petroleum and gas site to mean the area of a data acquisition authority, petroleum tenure or water monitoring authority. A data acquisition authority enables the holder to conduct geophysical surveys on land contiguous to the tenure area and enter land to carry out these surveys, even if it is outside the original tenure boundary. A petroleum tenure can include an authority to prospect or petroleum lease and allows the holder to carry out authorised activities and incidental activities within the area of the tenure, including pipeline construction and operation. A water monitoring authority supports the tenure holder's responsibilities for managing the impacts of petroleum operations on underground water systems and allows monitoring activities on stated land outside the tenure area and land that may be within another petroleum authority's area.

To ensure alignment with the scope for coal mines and mines as defined in the Bill, a petroleum and gas site is further defined as including a place where data acquisition activities, petroleum tenure activities or water monitoring activities are carried out if these activities are unlawful because land on which they are being undertaken is not within the authority area. A petroleum and gas site also includes buildings for administration, accommodation and associated facilities in the area of, or on land adjoining or adjacent to a data acquisition authority, petroleum tenure or water monitoring authority.

### *Deaths in and out of scope*

For a death to be within scope of a mining related reportable death, the Bill requires that the deceased person receives the mining related injury on a site within scope and does not require that the person dies on the site. The injury they sustain needs to have caused or contributed to the death and without which the person would not have died. For example, if a person receives a crush injury on a mine and subsequently dies in a hospital, the death will be considered a mining related reportable death and will be investigated and the subject of an inquest by the Mining and Resources Coroner.

The Bill provides that a mining related reportable death does not include an injury that a person has intentionally self-inflicted i.e. suicide. These deaths are excluded because there may be a range of reasons for a person's suicide that are not related to the operations of a mine, coal

mine or petroleum and gas site or to an operator's safety and health obligations. Mandatory inquests into the death of a person by suicide may also retraumatise the family of the deceased person.

Other deaths that are outside of the scope of the Mining and Resources Coroner for mandatory inquests include deaths that occur on public roads, such as where a worker is commuting to or from a site. For example, if a person receives an injury on a mine but is subsequently killed in a car accident on the way to the hospital, the death would not be within scope of the Mining and Resources Coroner.

Any death that is a reportable death, for example a suicide or a car accident, must be investigated by a coroner under existing provisions of the Coroners Act. It is intended that under existing powers in the Coroners Act, the Mining and Resources Coroner will conduct an investigation into all reportable deaths related to the mining and resource sector and may decide to conduct an inquest if it is in the public interest. For example, this power could be used where a coroner investigates a person's death by suicide in accommodation on a mine site and considers the person's death could be attributed to failings by an operator in fulfilling their safety and health obligations.

#### *Transitional provisions for injuries and deaths pre-commencement*

The Bill provides transitional provisions for injuries and deaths that occur before and after the Bill commences. Open coronial investigations into mining related reportable deaths will be re-assigned to the Mining and Resources Coroner on commencement.

For a mining related reportable death that occurs after commencement of the Bill, these will be subject to an investigation and mandatory inquest by the Mining and Resources Coroner (regardless of when the mining related injury occurred).

For mining related reportable deaths that occur before commencement of the Bill, as a general rule, these will be subject to an investigation and mandatory inquest by the Mining and Resources Coroner if all of the following criteria are met:

- before commencement, the coroner investigating the death has not made all the findings of an investigation into the death; and
- an investigation has not gone to an inquest; and
- a pre-inquest conference has not taken place; and
- the coroner has not stopped investigating the death under section 12(2) of the Coroners Act.

For mining related reportable deaths that occur before commencement of the Bill, there is the ability for the Mining and Resources Coroner not to hold an inquest if satisfied it is not in the public interest to do so. The Bill provides that in deciding whether it is not in the public interest to hold the inquest, the Mining and Resources Coroner must consult with and consider the views of a family member of the deceased, the length of time since the death happened and consider when the investigation is likely to be completed.

The Bill also makes it clear that if there has already been a decision to not hold an inquest into the death by the State Coroner or District Court under section 30 of the Coroners Act, the Mining and Resources is not to hold an inquest. This is to uphold the finality of decisions made before commencement.

## **Alternative ways of achieving policy objectives**

Legislation is required for the establishment of the Mining and Resources Coroner, and to make minor, technical amendments to the Coroners Act. Given the Coroners Act will be amended to provide the Mining and Resources Coroner with the functions and powers of a coroner to investigate and hold mandatory inquests for accidental mining-related deaths, there are no alternative ways to achieve the proposed policy objectives.

## **Estimated cost for government implementation**

Funding has been allocated for the Bill including the salary and oncosts of the Mining and Resources Coroner as well as support costs in conducting inquests i.e. legal officers, external counsel assisting fees and expert fees and family engagement and liaison.

## **Consistency with fundamental legislative principles**

The Bill has been prepared with due regard to the fundamental legislative principles (FLPs) outlined in the *Legislative Standards Act 1992* (LSA) and is generally consistent with FLPs. Potential breaches of FLPs are addressed below.

### **Whether the legislation has sufficient regard to the rights and liberties of individuals (LSA, section 4(2)(a)) - protection against self-incrimination (section 4(3)(f))**

Section 4(3)(f) of the LSA states that whether legislation has sufficient regard to the rights and liberties of individuals depends on whether the legislation has appropriate protection against self-incrimination.

The Bill will establish a Mining and Resources Coroner who will hold mandatory inquests for all mining related reportable deaths. The Bill provides the Mining and Resources Coroner with the powers and functions of a coroner under the Coroners Act when conducting investigations and inquests. Pursuant to section 39 of the Coroners Act, where a witness refuses to give oral evidence because the evidence would tend to incriminate the person, the coroner may require the witness to give self-incriminating evidence if the coroner is satisfied that it is in the public interest for the witness to do so. However, the Coroners Act provides that evidence is not admissible against the witness in any other proceeding, and derivative evidence is not admissible against the witness in a criminal proceeding.

As the Bill provides the Mining and Resources Coroner with the powers provided under the Coroners Act, they will be able to obtain self-incriminating evidence from witnesses at mandatory inquests into accidental mining-relating deaths.

Although this is an existing power under the Coroners Act, the requirement to undertake mandatory inquests will mean that a greater number of witnesses could be subject to this provision. The purpose of this power (like other coronial inquests) is to assist the Mining and Resources Coroner at an inquest to determine what happened to cause a death and assist in making appropriate comments or recommendations to prevent similar deaths from occurring in the future.

The Coroners Act provides appropriate safeguards as any self-incriminating evidence that is provided by a witness during an inquest is not admissible in any other proceeding, including derivative evidence in criminal proceedings.

**Whether the legislation has sufficient regard to the rights and liberties of individuals (LSA, section 4(2)(a)) - legislation that adversely affect rights and liberties, or impose obligations, retrospectively (section 4(3)(g))**

Section 4(3)(g) of the LSA provides that whether legislation has sufficient regard to rights and liberties of individuals depends on whether the legislation adversely affects rights and liberties, or imposes obligations, retrospectively.

The Bill includes a transitional provision to allow mandatory inquests to be conducted by the Mining and Resources Coroner for a mining related reportable death that occurred:

- after the commencement of the Bill, and as a result of a mining related injury that occurred before the commencement of the Bill; and
- before the commencement of the Bill where the coroner has not made all the findings of an investigation, an investigation has not proceeded to an inquest, a pre-inquest conference has not taken place and the coroner has not stopped investigating the death under section 12(2) of the Coroners Act, unless the Mining and Resources Coroner is satisfied it is not in the public interest to hold an inquest.

The Bill provides that in deciding whether it is not in the public interest to hold the inquest, the Mining and Resources Coroner must consult with and consider the views of a family member of the deceased, the length of time since the death happened and consider when the investigation is likely to be completed.

To uphold the finality of decisions made before commencement, the Mining and Resources Coroner must not hold an inquest if there has already been a decision to not hold an inquest into the death.

Enabling mandatory inquests for deaths that occurred pre-commencement where the investigation is not yet complete, ensures that families will get answers and recommendations can be made to improve the safety on mining sites, to prevent similar deaths from occurring.

## **Consultation**

A consultation draft Bill of the amendments relating to the Mining and Resource Coroner was provided to the Chief Magistrate and State Coroner as well as targeted external stakeholders from the legal sector and resources sector, including industry and unions. Briefings were also provided to key stakeholders to receive verbal feedback and to facilitate more informed written feedback.

Feedback received during the consultation process was taken into account in finalising the Bill.



## Consistency with legislation of other jurisdictions

Several other jurisdictions have either a Mining Warden or Warden's Courts. However, there is no uniform approach to their jurisdiction and legislation. The Bill is specific to the State of Queensland, as the Mining Warden in other jurisdictions is responsible for resolving civil disputes rather than investigating or conducting inquests for mining-related deaths. In all other Australian jurisdictions, except for Tasmania, the relevant coroner is responsible for investigating and conducting inquests into mining-related deaths.

## Notes on provisions

*Clause 1* states that, when enacted, the Bill may be cited as the *Coroners (Mining and Resources Coroner) Amendment Act 2025*.

*Clause 2* provides that this Act amends the *Coroners Act 2003* (Coroners Act). A note is also inserted to refer to amendments made in schedule 1.

*Clause 3* amends section 7 (Duty to report deaths) to replace references to 'the Deputy' State Coroner with 'a Deputy' State Coroner.

*Clause 4* amends section 11 (Deaths to be investigated) to add 'generally' after the heading. A note is inserted under subsection 11(1) to also refer to new section 11AAA which sets out the scope of investigations of mining related reportable deaths. Section 11(7)(b) is amended to replace 'the Deputy' State Coroner with 'a Deputy' State Coroner.

*Clause 5* inserts new section 11AAA (Deaths to be investigated—mining related reportable deaths) which provides that a mining related reportable death must be investigated by the Mining and Resources Coroner, or another coroner, directed by the State Coroner, where the Mining and Resources Coroner is not available due to absence or another reason. Subsection 11AAA(2) clarifies that this applies despite section 11(2), which generally provides that a coroner must investigate a reportable death.

Subsection 11AAA(3) sets out the definition of a *mining related reportable death*, which includes the following:

- a reportable death under section 8(3)(b), meaning the death was a violent or otherwise unnatural death;
- the person dies at any time after receiving a mining related injury, that caused or contributed to the death and without which the person would not have died;
- the mining related injury was received at a coal mine, a mine, or at or in a petroleum and gas site; and
- the person's injury is not intentionally self-inflicted.

Subsection 11AAA(4) defines a *mining related injury* as an injury from:

- coal mining operations under the *Coal Mining Safety and Health Act 1999* (CMSHA), schedule 3; or
- operations under the *Mining and Quarrying Safety and Health Act 1999* (MQSHA), section 10; or
- data acquisition activities; or
- petroleum tenure activities; or

- water monitoring activities.

Subsection 11AAA(5) provides definitions for *area*, *coal mine*, *data acquisition activities*, *data acquisition authority*, *mine*, *petroleum and gas site*, *petroleum tenure*, *petroleum tenure activity*, *water monitoring activity* and *water monitoring authority* for the purposes of section 11AAA.

For a data acquisition authority, petroleum tenure or water monitoring authority, the term *area* adopts the meaning given in the *Petroleum and Gas (Production and Safety) Act 2004* (P&G Act), schedule 2.

*Coal mine* aligns with the definition in section 9 of the CMSHA, with exclusions for places associated with tourism, education or research that is declared under a regulation to be a coal mine, pursuant to section 9(1)(e). If such a declaration is made for a mine or part of a mine, the *Work Health and Safety Act 2011* applies. The definition of *coal mine* also includes mining railways to which the CMSHA would apply in the absence of section 5A of that Act.

*Data acquisition activities*, has the meaning given in section 176(1) of the P&G Act, which authorises the holder of a data acquisition authority to carry out geophysical surveys on land contiguous to land in the area of the related petroleum tenure to acquire data relevant to authorised activities under the tenure; and enter the data acquisition land to carry out the geophysical surveys.

*Data acquisition authority* refers to the definition provided in section 18(1)(c) of the P&G Act, which is the legal authority granted to conduct data acquisition activities.

*Mine* aligns with the definition in section 9 of the MQSHA and does not include a mine or part of a mine that is a place mentioned in section 9(1)(e), which refers to a place declared to be a mine under regulation where tourism, education or research takes place. If such a declaration is made, the *Work Health and Safety 2011* applies. The definition of *mine* includes a mining railway to which the MQSHA would apply in the absence of section 5A of that Act.

Note that a quarry is included in the definition of mine in section 9 of the MQSHA. It is also defined in section 11 of the MQSHA to mean a place on land where operations are carried on, continuously or from time to time, to produce construction or road building material. The meaning of quarry was recently amended by the *Resources Safety and Health Legislation Amendment Act 2024* (RSHLA Act), with the amendment commencing on 1 September 2024. Before commencement of the RSHLA Act, section 11(2)(a) previously provided that:

*‘a place on land where operations are carried on, continuously or from time to time, to produce construction or road building material is not a quarry if the operations are carried on to produce construction or road building material substantially for use at a construction site at the place, or that adjoins, is adjacent to, or contiguous with, the place...’.*

The RSHLA Act amended section 11(2)(a) of the MQSHA to omit ‘contiguous’. The Supreme Court applied the Macquarie Dictionary definitions for the meanings of *adjacent* and *adjoin* in the case of *Smyth v State of Qld and Ors* [2005] QSC 175.

Stakeholders had also questioned whether it is only extraction of river gravel that is outside the meaning of “quarry”, or extraction of all gravel. This created uncertainty about whether the

MQSHA applied in some scenarios when the intention was to exclude river sand and any type of gravel, if the river sand or any type of gravel is extracted only. Section 11(2)(c) was therefore amended to clarify that a place is not a quarry if it is a place on land where operations are carried on, continuously or from time to time, to produce construction or road building material.

*Petroleum and gas site* is defined to include the area of a data acquisition authority, petroleum tenure or water monitoring authority; places where data acquisition activities, petroleum tenure activities, or water monitoring activities are carried out unlawfully outside of a valid authority area; and buildings for administration, accommodation and other facilities located on land adjoining or adjacent to the area or place. *Petroleum tenure* includes a petroleum tenure under section 18(3) of the P&G Act (authorities to prospect and petroleum leases) or a lease under section 2 of the *Petroleum Act 1923* (1923 Act).

*Petroleum tenure activity* is taken from section 800(3) of the P&G Act under which a person must not carry out a petroleum tenure activity in relation to land unless the activity is carried out under the P&G Act or the 1923 Act. To ensure activities that are outside of the Mining and Resources Coroner's jurisdiction are not included, the following activities are excluded from this definition: an airborne geophysical survey; transport to or from a petroleum and gas site on public road or public railway; air transport to and from a petroleum and gas site; and a pastoral activity.

*Water monitoring activity* refers to water monitoring activities under section 187(2) of the P&G Act or section 87(2) of the 1923 Act. These include monitoring activities conducted to assess impacts of petroleum tenure activities on water resources.

*Water monitoring authority* refers to a water monitoring authority under section 18(1)(d) of the P&G Act or under section 2 of the 1923 Act. These authorities permit entities to undertake water monitoring activities lawfully to support the tenure holder's responsibilities for managing the impacts of petroleum operations on underground water systems and allows monitoring activity on stated land outside the tenure areas and land that may be within another petroleum authority's area.

*Clause 6* amends section 11AA (Preliminary examinations) to provide that preliminary examinations can be performed after a person's death has been reported to a coroner under section 7, rather than after a police officer reports a person's death to a coroner under section 7(4).

*Clause 7* amends section 27 (When inquest must be held) to insert new subsection (1)(a)(iv) to provide that a coroner investigating a reportable death, must hold an inquest if the coroner considers the death is a mining related reportable death.

*Clause 8* amends section 34 (Pre-inquest conferences) to insert new subsection (5) which provides that section 34 applies despite section 29. Section 29 provides that a coroner investigating a death must not start, or continue an inquest, if informed that someone has been charged with an offence in which the question of whether the accused caused the death may be in issue. This amendment enables a pre-inquest conference to still be held while criminal proceedings are underway.

*Clause 9* inserts new section 47A (Coroner's findings and comments for mining related reportable deaths) to require a coroner to provide a written copy of their findings, and any

comments, made in relation to the investigation of a mining related reportable death, to the Attorney-General, the chief executive officer under the *Resources Safety and Health Queensland Act 2020* (RSHQ Act), and the Minister administering the RSHQ Act.

*Clause 10* amends section 71(1)(e) (Functions and powers of State Coroner) to replace ‘the Deputy’ State Coroner with ‘each Deputy’ State Coroner.

*Clause 11* amends section 74 (Acting as State Coroner) to provide that the Chief Magistrate may appoint ‘a Deputy State Coroner’ to act as the State Coroner and replaces ‘the Deputy’ State Coroner with ‘a Deputy’ State Coroner in subsection 74(7).

*Clause 12* amends Part 4, Division 3 to replace ‘Coroner’ with ‘Coroners’ in the heading.

*Clause 13* amends section 78 (Appointment of Deputy State Coroner) to replace references to ‘the Deputy’ State Coroner with ‘a Deputy’ State Coroner to enable the appointment of more than one Deputy State Coroner. Section 78(2) is replaced to provide that ‘a Deputy State Coroner’ holds office for the term stated in the Deputy State Coroner’s instrument of appointment.

*Clause 14* amends section 79 (Functions and powers of Deputy State Coroner) to replace ‘the Deputy’ State Coroner with ‘a Deputy’ State Coroner.

*Clause 15* amends section 79A (Resignation of Deputy State Coroner) to provide that ‘a’ person appointed as a Deputy State Coroner may, by written notice to the Attorney-General as the responsible Minister, resign as Deputy State Coroner. Subsection 79A(1) and (2) inserts ‘a’ before Deputy State Coroner in section 79A(2).

*Clause 16* amends section 80 (When person stops being the Deputy State Coroner) to replace ‘the’ Deputy State Coroner with ‘a’ Deputy State Coroner in the heading and subsections 80(1) and (2).

*Clause 17* amends section 81 (Acting as Deputy State Coroner) to replace ‘the Deputy’ State Coroner with ‘a Deputy’ State Coroner in subsections 81(1)(a) and (2) and replace subsection 81(1)(b) to provide that a Deputy State Coroner is not available to perform the functions of a Deputy State Coroner because of absence or another reason.

*Clause 18* inserts new section 82A (Mining and Resources Coroner) to provide for the appointment of the Mining and Resources Coroner. The Governor in Council may appoint a local coroner as the Mining and Resources Coroner. Before making a recommendation to the Governor in Council about the appointment of the Mining and Resources Coroner, the Attorney-General, as the responsible Minister, must first consult with the Chief Magistrate and the State Coroner. Consistent with section 82 of the Coroners Act, the Mining and Resources Coroner will have the functions and powers of a magistrate and coroner and in addition, specific functions and powers conferred on the position under this or another Act. The provision sets out when a person may resign as the Mining and Resources Coroner and clarifies that a person stops being the Mining and Resources Coroner while they are suspended as a magistrate, or if the person stops being a magistrate. Subsection 82A(6) provides that the duties of office mentioned in section 43(4) of the *Magistrates Act 1991* include the duties of the Mining and Resources Coroner. Section 43(4) of the *Magistrates Act 1991* sets out when there is proper cause to remove a magistrate from office, including due to certain failures to perform duties of

their office, and as such, may be relied upon to remove the Mining and Resources Coroner if it applies.

*Clause 19* amends section 91K (Chairperson) to replace ‘the Deputy’ State Coroner with ‘a Deputy’ State Coroner.

*Clause 20* inserts new part 6, division 7 (Transitional provisions for Coroners (Mining and Resources Coroner) Amendment Act 2025).

New section 118 (Application of Act to mining related reportable deaths after commencement) provides that, after it commences, the Act applies to a mining related reportable death, whether the mining related injury happened before or after the commencement.

New section 119 (Application of Act to particular pre-commencement mining deaths) applies to a *pre-commencement mining death* which is defined under subsection 119(7) as a death that would be considered a mining related reportable death but occurred before the commencement of the Act. The death must have been subject to a coroner’s investigation immediately before commencement but the coroner had not made all the findings in relation to the investigation; and the investigation has not proceeded to an inquest, a pre-inquest conference has not been held, and the coroner has not stopped investigating the death under section 12(2) of the Coroners Act which sets out circumstances in which a coroner must stop an investigation.

Subsection 119(2) provides that on commencement, the State Coroner is taken to have reassigned the investigation of the pre-commencement mining death to the Mining and Resources Coroner under section 63 (Transferring investigation to another coroner). Under subsection 119(3), the Act applies to the pre-commencement mining death as if the death were a mining related reportable death.

This section provides that despite new section 27(1)(a)(iv) and subsection (5), the Mining and Resources Coroner must comply with a decision or order of the State Coroner made under section 30, or a subsequent decision or order of the District Court made under section 30, in relation to the pre-commencement mining death, whether the decision or order was or is made before or after the commencement.

This section also enables the Mining and Resources Coroner to decide that an inquest must not be held into the pre-commencement mining death, if satisfied it is not in the public interest, with subsection 119(6) setting out mandatory considerations for the Mining and Resources Coroner when making this decision.

*Clause 21* amends Schedule 2 (Dictionary) to insert a definition for *mining related reportable death* which refers to section 11AAA(3), and to amend the definition of *coroner* to refer to the Mining and Resources Coroner, replace ‘the Deputy’ State Coroner with ‘a Deputy’ State Coroner, and make consequential changes to renumber the provision.

## **Schedule 1 Other amendments**

Schedule 1 includes the following minor and technical amendments to the Coroners Act for consistency with current drafting practice.

*Amendment 1* amends section 10AA(5), which defines *health care related death*, to insert the definition of *health procedure*. This term was previously located in Schedule 2 (Dictionary) and only referred to in section 10AA.

*Amendment 2* amends section 35(3) to omit the definition of *pre-inquest conference*.

*Amendment 3* amends section 38(1) to omit ‘conference held under section 34’ and insert the term ‘pre-inquest conference’.

*Amendment 4* amends the heading of section 47 to omit ‘comments and findings’ to instead refer to ‘findings and comments’.

*Amendment 5* amends sections 68 and 69(1) to omit ‘conferences held under section 34’ and insert the term ‘pre-inquest conferences’.

*Amendment 6* amends Schedule 2 (Dictionary) to omit the definition of *health procedure*, which has been moved to section 10AA(5).

*Amendment 7* amends Schedule 2 (Dictionary) to insert the definition of *pre-inquest conference*.