Queensland Law Society

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Office of the President

1 August 2025

Our ref: LP:MC

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

By email: [redacted]

Dear Committee Secretary

Coroners (Mining and Resources Coroner) Amendment Bill 2025 – Question on Notice

Thank you for the opportunity to appear at the public hearing for the Committee's inquiry into the Coroners (Mining and Resources Coroner) Amendment Bill 2025 (**Bill**). QLS took the following questions on notice during our appearance:

1. **Is it the case that coroners have a five-year term and then they have to be reappointed?**

Under the *Coroners Act 2003* (Qld) (**CA**), the State and Deputy State Coroner are appointed for a term of no longer than 5 years (sections 70(3) and 78(3), respectively) and can be reappointed following that period (sections 70(4) and 78(4) respectively). In addition to resigning, section 73 provides a person stops being the State Coroner when they stop (or are suspended from) being a magistrate (section 80 applies similarly to a Deputy State Coroner)

Otherwise, section 82 of the CA prescribes every magistrate is a local coroner. Section 82(3) provides a person stops being a local coroner while the person is suspended as a magistrate or if the person stops being a magistrate.

Magistrates are appointed under the *Magistrates Act 1991* (Qld) (**MA**). Section 42 of the MA prescribes a person ceases to be a magistrate if:

a. the person resigns by written notice given to the Minister;
b. having attained 55, the person elects to retire by written notice given to the Minister;
c. the person is removed from office;
d. the person attains 70; or
e. the person ceases to hold office under section 9(3) which relates to failing to take the oath of office.

QLS recommends the Mining and Resources Coroner be appointed on similar terms to State and Deputy State Coroner given it is a specialised position. This will also enable the role to be reviewed to ensure the objectives of the reforms are being met.

2. **Given you are able to cite a previous inquiry related to fatigue and road incidents, are there any examples of coroners' reports indicating the fault or responsibility of an organisation on a mine site when it comes to deaths by suicide?**

We have perused published findings by the Coroners Court of Queensland and are unable to locate any dealing with suicides where fault was attributed to a mining or related organisation.

3. **The Law Society is suggesting that there should be investigations into dust lung diseases, for instance. Is it the view of the QLS that those amendments would actually have to be made to 'reportable death' in the Coroners Act 2003 and that we would, therefore, also need to amend the bill to establish that under subsection 11AAA? The first step would have to be an amendment to 'reportable death' in the Coroners Act; is that correct? The Society recommends the inclusion of dust lung diseases be included in the Bill as opposed to the *Coroners Act 2003*.**

Rather than amending the general "reportable death" provision in section 8 of the CA, and as stated in our written submission, QLS considers the deaths referred to should be within the remit of the Mining and Resources Coroner and as such, should fall with the meaning of *mining related reportable death* under section 11AAA(3) of the Bill.

QLS therefore recommends section 11AAA(3) of the Bill be amended and would welcome consultation on alternative drafting of the provision.

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 [redacted]

Yours faithfully

[redacted]

Genevieve Dee
President