

Information for families and friends of missing persons



NATIONAL MISSING PERSONS COORDINATION CENTRE

FACT SHEET

Navigating the coronial process *A guide for families of missing persons*

When a person is missing under accidental or suspicious circumstances the Police investigating the matter may make the decision to refer the case to the coroner.

For some families this may create more confusion when so much around them is already challenging to live with due to the unresolved nature of having someone missing.

The National Missing Persons Coordination Centre, Australian Federal Police has compiled the following information to assist families in navigating the coronial process in relation to missing person's cases.

Why and how are cases referred to the Coroner?

A missing person's case can be reported to the Coroner at any time. A Coroner has to be of the belief that there is a probability that the person is deceased and that this probability has been comfortably satisfied through Police investigation.

If the Police investigation fails, on the balance of probabilities, to satisfy this belief then the matter may be referred back to the Police for further investigation.

The investigating Police Officer refers the matter to the Coroner in the form of a (insert name of form here for each state/territory) report of death (suspected death), which outlines the facts in relation to a missing persons case.

You may wish to discuss the referral of the case to the Coroner with the investigating officer in relation to your missing person's case.

What is the family's role in the referral of a case to the Coroner?

The Police may approach the family when they believe there is enough evidence of a suspected death and therefore necessity for a referral to the coroner.

However if a family feel that their case may be assisted by a Coronial inquest, prior to the Police decision to proceed, then the family can discuss this further with the investigating officer or the Coroners Office.

In all cases the Coroner must believe that, on the balance of probabilities, a person is suspected of being deceased before an inquest can proceed.

If the Coroner decides that a missing person is deceased what happens to the case?

The investigation into the missing persons disappearance will cease following a presumption of death however if new evidence becomes available the Police are obliged to investigate further.

What is an open finding?

An open finding relates to their being a lack of evidence in terms of the place, date and manner of the person's death. As with the previous question current investigations will cease until further evidence is obtained.

As a family member do I need to seek legal representation when I attend the inquest?

This is a matter for the family to decide. You may wish to contact one of the following organisations to assist you in making that decision:

NSW	1300 888 529
QLD	1300 651 188
SA	1300 366 424
VIC	1800 677 402
TAS	1300 366 611
NT	1800 019 343
WA	1300 650 579
ACT	1300 888 529

Will I be required to give evidence?

The Coroner may ask you to give evidence at court as a witness. Alternatively, if you have not been called to give evidence and you believe that there is sufficient reason for you to be called; you may wish to make an application to the court. The Coroner who has jurisdiction in the matter will then consider your written application.

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Are coroners inquests open to the public?

Coronial inquests are generally open to the public.

If the family live a significant distance from the location of the inquest, will the court cover travel and accommodation costs?

Only witnesses subpoenaed to attend will have costs paid by the Attorney General's Department within your state (insert further details of particular states and territories). The investigating Police Officer will need to complete the necessary paper work relevant to travel costs.

Will I be able to obtain the findings of the inquest in writing?

The next of kin is permitted to obtain a copy of the findings of the coronial inquest. You may need to make an application in writing following the end of the inquest, clerical support at your State or Territory Coroners Office can assist.

Can the family ask questions of witnesses/investigating officers throughout the inquest?

Yes. Family members can ask questions of witnesses in a number of ways. Some families choose to employ a solicitor to ask questions on their behalf while other families choose to have one family member act as a representative. Alternatively, family can ask questions of witnesses through the Counsel Assisting the Coroner, otherwise known as a Coronial Advocate.

How long does an inquest last for?

Inquests can vary from an hour to many weeks depending on the complexity of the case and the amount of witnesses called to give evidence. Generally, you will be notified of the amount of time the inquest is 'set down' for. However, depending on the complexity of evidence, the Coroner may conclude the inquest early or extend the inquest to accommodate further witnesses or evidence.

If the missing person is presumed to be deceased following an inquest, can I obtain a death certificate?

Yes, the Coroners Office will refer the family to the Department of Births Deaths and Marriages in their State or territory to apply for a death certificate.

NSW	1300 655 236
VIC	1300 369 367
SA	08 8204 9599
TAS	1300 654 499
WA	1300 305 021
NT	08 8951 5338
ACT	02 6207 0460

Is it normal for me to feel uncertain about conducting a coronial inquest when I still don't know the missing persons whereabouts?

The sense of finality that often accompanies a presumption of death can be challenging for families to absorb. For some families finality can only be attained once the missing person is physically located therefore making it difficult for them to completely accept the findings of a Coroner.

The coronial process often creates a mixed response – an anticipation of a resolution through the examination of evidence, coupled with the trepidation that a presumption of death will not bring a family any closer to finding resolution amongst the ambiguity they are experiencing.

Families may wish to seek the support of a counsellor or court support worker to assist them in negotiating the coronial process.