



Office of the ACT Chief Coroner

**Coronial Practice Direction No. 1 of 2019 – Suspected Deaths**

This Direction is issued pursuant to section 51A(2) of the *Coroners Act 1997* (“the Act”) and prescribes practices and procedures in relation to the reporting of reportable deaths which are also suspected deaths.

1. It is noted that the jurisdiction of the Coroner to hold an inquest into the manner and cause of the death of persons who die in any of the circumstances prescribed in section 13(1) also lies in these circumstances when the death of a person is suspected. The obligations under the Act upon persons to report deaths to the Coroner will be triggered when the person suspects death has occurred irrespective of whether or not the location of the body of the deceased person is known.
2. The common law presumption of death after the lapse of seven years – described by Dixon J in *Axon v Axon* (1937) 59 CLR 395 at 405 – is most relevant in relation to missing persons where there is no direct evidence suggesting death has occurred. If however there is evidence from which a Coroner could safely infer that the person has died it is not necessary to wait the seven years to report the matter to the Coroner: see for example in the probate context *Re Bennett* [2006] QSC 250. Any matter of a missing person may be reported to a Coroner at any time for consideration of acceptance of jurisdiction.
3. If the disappearance of a person is considered suspicious or due to accident at or around the time of the disappearance, Police are to notify and seek the advice of the Duty Coroner as soon as practicable after the circumstances of the disappearance are sufficiently known. A notification under this clause must contain as a minimum the following information (in whatever convenient form):
  - a. The initial missing persons report;
  - b. Information from police as to why the disappearance is considered suspicious or due to accident;
  - c. Information as to the views held by the person’s family about the disappearance; and
  - d. Information from police as to what investigations are ongoing or proposed to be undertaken.
4. In the event that the family of a missing person suspect that death has occurred and contact the Court directly to seek an inquest, the Duty Coroner will request Police prepare a notification in the form prescribed by the clause above.

5. The Duty Coroner will decide whether to accept a notification made under either of the clauses above as a referral. In the event that the notification is not accepted as a referral, no inquest file will be opened and no coronial powers or functions will be exercised.
6. Where a person has been missing for 12 or more months, and police checks have not been able to locate the person, Police are prima facie entitled to suspect the death of the person for the purposes of making a referral to the Coroner. Such cases should be referred to the Court by way of submission of a full brief of evidence as soon as practicable after the 12 month anniversary of the disappearance. The Chief Coroner will decide how and by whom the referral will be considered by the Court.
7. A brief of evidence must consist of at least the following materials:
  - a. Initial missing persons report;
  - b. A statement or report detailing evidence of all police investigations;
  - c. Evidence of proof of life checks, which might include property searches, Electoral Commission, Centrelink, Taxation, Banks, Utilities, and Passport Office etc. of any (or lack of) dealings with the person during the period of disappearance;
  - d. Statement from a representative of the family of the missing person of any information, concerns or views they may hold.
8. In all cases where a referral is made, Police are to notify a representative of the family of the missing person of the referral of the case to the Court.
9. The Chief Coroner expects that consideration of referrals and advice of intended future action to Police and family should occur within three months of referral to the Court.
10. This Guideline applies until otherwise withdrawn or revoked.

*Lorraine Walker*

Lorraine Walker  
Chief Coroner

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