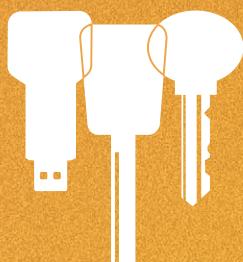


A GUIDE TO MANAGING THE AFFAIRS OF MISSING PERSONS

Safe Keeping

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This guide explains what
you can do to manage
the affairs of someone
who goes missing and
where to find help.

JANUARY 2012

 Ioddon campaspe
community legal centre

A GUIDE TO MANAGING THE AFFAIRS OF MISSING PERSONS

Safe Keeping



Produced by the Loddon Campaspe Community Legal Centre, a program of the Advocacy & Rights Centre Ltd
54 Mitchell St
Bendigo, VIC 3550
Telephone: 03 5444 4364
www.communitylaw.org.au/loddoncampaspe
First published 2011

ACKNOWLEDGEMENTS

Thanks to the Victoria Law Foundation for funding the publication of this information resource. Thanks also for the input on this edition from the Intelligence Liaison Unit of Victoria Police, State Trustees, the NSW Families and Friends of Missing Persons Unit, the Coroners Court of Victoria and the National Missing Persons Coordination Centre.

Special thanks to the Rosewall family and the Flint family for their valuable contributions.

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The law can change. To make sure this information is still up to date contact a community legal centre or Victoria Legal Aid. Call the Federation of Community Legal Centres on 9652 1500 to find your nearest community legal centre or call Victoria Legal Aid on 9269 0120 or 1800 677 402 (country callers).

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funded by a grant from

Victoria Law Foundation
Grants
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1 About this guide

When someone goes missing, many things may be left behind: dependants, pets, bills, mail, property, mortgages, bank accounts, loans. On top of their own anguish, those left behind often face the burden of dealing with the missing person's administrative and financial affairs. Trying to 'keep things going' can become an important way to help a missing friend or family member, as well as helping yourself to cope with the situation until your loved one returns or is found.

This guide has been developed to assist families and friends of missing Victorians to navigate the various practical legal and financial issues that arise when a person goes missing. It also outlines support services that are available to help following the disappearance of a loved one.

The information provided here probably won't answer all your questions, or give solutions to all the problems you meet in trying to sort out your missing loved one's affairs. But it will give you guidance on where to start, and who you can turn to for further help. Legal assistance, in particular, can be very important when you are making decisions on behalf of someone else.

GETTING LEGAL HELP

There are a number of places you can go if you need help with a legal problem but may not be able to afford to pay a lawyer.

The Law Institute of Victoria provides a Legal Referral Service which can put you in touch with a solicitor. With an LIV referral letter, participating law firms will see clients for up to the first 30 minutes, free of charge. www.liv.asn.au

Victoria Legal Aid (VLA) is a statewide organisation that helps people with their legal problems. VLA can provide advice and offer grants of legal assistance to people who can't afford a private lawyer.

www.vla.vic.gov.au



It wasn't long after Daniel's disappearance that we became aware that we couldn't legally manage his affairs ...

We spent hours each day dealing with various organisations trying to find a way for common sense to prevail – hours we thought could have been better spent progressing the search for Daniel.

As Daniel's parents, we can't do much more to find Daniel. What we can do is look after his affairs, otherwise they will end up in tatters.

DAVID ROSEWALL
father of missing Victorian, Daniel Rosewall



Community legal centres are independent community organisations that provide free legal services to the public. Contact the Federation of Community Legal Centres to find a community legal centre near you that may be able to assist. www.communitylaw.org.au

One of the first difficulties you may meet is that there are different definitions of a 'missing person', depending on which organisation you are dealing with. The police definition of when a person is missing (as explained in Section 4: **Working with the Police**) is somewhat different from the one used by the tribunal that decides applications for someone to be given power to manage the financial affairs of the missing person (see Section 2: **Looking after the Financial Affairs of a Missing Person**). It will be important to check with the particular organisation so that you know exactly what information you need to give them.

2 Looking after the financial affairs of a missing person

When a person goes missing they might have left behind a rental property that contains their belongings and requires rental payments to be made. They might have bills that need paying, loans or mortgages that require repayment, and dependants or pets that need to be cared for. Families and friends of a missing person may want to make sure that these things are taken care of.

If a missing person hasn't appointed a financial power of attorney (giving someone they trust the authority to make financial decisions for them) it can be difficult to deal with their affairs in their absence. Due to an increase in privacy protection in Victoria and other parts of Australia, organisations do not want to disclose personal information to relatives of a person without that person's written permission. This can be very frustrating when you are trying to sort out a problem for them.

Before you try to manage the affairs of someone else, you need to make sure you have the legal power to do so. Because of the efforts by and on behalf of a Victorian family with a missing son, it is now possible to obtain this power.

APPLYING TO BECOME ADMINISTRATOR OF A MISSING PERSON'S ESTATE

New laws which took effect in Victoria in October 2010 allow you to apply to the Victorian Civil and Administrative Tribunal (VCAT) for an order appointing you (or someone else you trust) to manage the missing person's affairs. Under the *Guardianship and Administration Act 1986*, VCAT now has power to decide on requests to appoint an administrator of the estate of a Victorian person who is missing.

What does an administrator do?

The administrator can only do things that are in the best interests of the missing person. They have to make decisions that would be best for the missing person if that person was making the decisions themselves. This might include things done to:

- * pay off the missing person's debts;
- * maintain the missing person's dependants;
- * care for and maintain the missing person's property or belongings.

What information does VCAT need before it makes an administration order?

VCAT can make an order appointing an administrator of the estate of a missing person if it is satisfied that:

- * the person is a missing person; and
- * the person usually lives in Victoria; and
- * while the person is missing there is, or is likely to be, a need for decisions to be made about the person's financial matter or property; and
- * it is in the best interests of the missing person for a person to be appointed as administrator.

When is a person a 'missing person' for the purposes of an administration order?

VCAT accepts that a person is missing when:

- * it is not known whether the person is alive; and
- * reasonable efforts have been made to find the person; and
- * for at least 90 days, the person has not contacted:
 - anyone who lives at that person's last-known home address; nor
 - any relative or friend that they would usually be in touch with.

Who can be appointed as an administrator?

Any adult can be an administrator, provided that VCAT is satisfied that they:

- * will act in the best interests of the missing person;
- * do not have interests that conflict with the interests of the missing person;
- * are suitable to act as administrator;
- * have the skills and knowledge to manage the person's financial affairs or there is a special relationship or other special reason why they should be appointed as administrator.

A relative or friend of the missing person can be appointed as the administrator. VCAT can also appoint a trustee company, such as State Trustees, as administrator if there is no suitable person to be appointed or if it will be in the best interests of the missing person. (Contact details for trustee companies can be found in Section 6: *Supreme Court Orders: 'Uncared for property'*.)

How do I apply for an administration order?

Complete a VCAT application: Application to Guardianship List (Form 1). Submit the application to VCAT



Everywhere we turned, we were faced with the same response:

we were not legally entitled to act on [our son's] behalf

DAVID ROSEWALL



along with evidence which supports the need for an order. VCAT has prepared a detailed Guide for Missing Persons Administration Order applications, which can be found on the VCAT website under 'Guardianship and Admin' on the left hand menu and then under 'Forms and Fees' www.vcat.vic.gov.au

What sort of evidence will VCAT require?

VCAT needs evidence that shows:

- * the person is a missing person;
- * there is a need, while the person is missing, for a decision to be made about their financial matters or property;
- * the missing person usually lives in Victoria; and
- * it is in the best interests of the missing person for an administrator to be appointed while the person is missing.

Examples of the evidence that could be provided VCAT are:

- * affidavits/statements from anyone who lives at the person's last-known home address, and relatives or friends of the person, confirming that the person has not contacted or communicated with them for at least 90 days;
- * affidavit/statement from the person who is applying to be appointed administrator
- * statements from the police confirming that the person is a missing person and describing any searches undertaken (see Section 4: **Working with the Police**);
- * the missing person's profile from the National Missing Persons Co-ordination Centre database (see Section 4: **Working with the Police**);

- * the missing person's bills, loan statements, payslips, Centrelink statements, bank statements;
- * birth certificates of dependants of the missing person.

VCAT may ask for more information to support the application. A lawyer can assist you to prepare evidence for your application (see 'Getting legal help' in Section 1: **About this Guide**).

What powers does VCAT give an administrator?

When VCAT makes an order appointing someone as an administrator, the order must specify the kinds of decisions the administrator may make and the parts of the estate that the administrator can deal with. The administrator must always act in the best interests of the missing person.

VCAT can decide which things an administrator can do, depending on the particular circumstances. For example, VCAT may order that the administrator can pay the missing person's debts out of their bank account, but not give the administrator power to sell any of the missing person's property. Alternatively, VCAT may be satisfied that the sale of the property is in the missing person's best interest. For example, VCAT may decide to give the administrator power to sell the missing person's house if there is a mortgage on the house and there is not enough money in the missing person's account to meet the mortgage repayments. Selling the house may avoid having to pay penalty interest on overdue mortgage payments and prevent the house being forcibly sold by the bank for a lower price than would be achieved with a normal sale.

How long does an administration order last for?

VCAT has power to make an order for a maximum of 2 years. It is possible to apply for the order to be extended for a further 2 years. After that, if the missing person's estate still needs to be managed, it will be necessary to apply for a new order. Alternatively, the family or friends of a missing person could ask a trustee company to apply to the Supreme Court for an order in relation to the missing person's property. These orders can be made for more than 4 years. (See Section 6: **Supreme Court Orders: 'Uncared for property'**.)

3 The coronial process for missing persons in Victoria

CORONIAL INVESTIGATIONS

The Coroners Court of Victoria ('the court') investigates certain deaths, for example deaths that are the result of accident or injury or that occurred while a person was in the custody or care of the State. These investigations are carried out by coroners, who are usually magistrates, or lawyers who have been in practice for at least 5 years.

Coroners may also investigate a suspected death, for example where a person is missing. In the case of a missing person, the coroner may be asked to make a finding about whether the missing person has died, and the likely circumstances surrounding their disappearance and suspected death. Not all missing persons cases will be reported to or investigated by a coroner. (See '**Reporting a missing person's case to the coroner**', below.)

A Victorian coroner can only investigate if the death or suspected death occurred in Victoria, or the person who died, or who is suspected of having died, ordinarily lived in Victoria at the time of their disappearance. If a person ordinarily lived elsewhere in Australia and their suspected death occurred outside of Victoria, the coroner from the state or territory where the person ordinarily lived or where their suspected death occurred may be able to investigate. There are some practical differences in the way matters are reported to and investigated by State and Territory Coroners Courts. For example, in NSW, the police officer in charge of a missing person investigation **must** report the matter to the Coroner once they are satisfied that no further enquiries can be made as to whether a missing person is alive or deceased. Further information can be obtained in 'NSW Coroners Court: A Guide to Services' available at www.lawlink.nsw.gov.au under 'Coroners Court'.

The details of the Coroners Courts in other States and Territories, along with general information about the coronial process, can be found in the National Missing Persons Coordination Centre publication *Navigating the Coronial Process*, available on their website: www.missingpersons.gov.au under 'Support'.

A coronial investigation may be requested to:

- * further investigate the circumstances surrounding the missing person's disappearance;
- * make a finding about the missing person's suspected death.

The court has useful information for the family or friends of a person whose death or disappearance is being investigated by a coroner. A booklet titled *The Coroners Process – Information for families and friends* can be found on the court's website at: www.coronerscourt.vic.gov.au under 'Publications'.

REPORTING A MISSING PERSON'S CASE TO THE CORONER

A missing person's case can be reported to the court for a coroner to investigate at any time if there is enough evidence for the coroner to believe that the missing person is likely to have died. In Victoria, these suspected deaths are usually reported to a coroner by police, following an extensive investigation to try to find the missing person. The coroner would take into account the length of time the person has been missing, the extent of the police investigation and any other circumstances surrounding the person's disappearance.

Family or friends of a missing person may also report a missing person case to the court if they reasonably believe their missing loved one has died. Before doing this, they should talk it over with the police officer in charge of investigating their loved one's disappearance. (See Section 4: **Working with the Police**.)

CORONIAL INVESTIGATIONS

Once a matter is reported to the court, a coroner will decide how the coronial investigation will be conducted. This may include deciding whether an inquest is needed (see ‘**Coronial inquests**’, below) or whether the coroner can make a finding about the missing person based on information provided by the investigating police. This is called a finding without inquest.

Court staff can provide information to families and friends of the missing person about the different steps in an investigation and what stage the investigation has reached.

CORONIAL INQUESTS

Only a small number of investigations undertaken by a coroner involve an inquest. An inquest is a public hearing conducted in court and is usually open to the public. During an inquest, the coroner may hear evidence from witnesses about the circumstances of the person’s disappearance. After all the evidence has been heard, the coroner will prepare a finding about the death or suspected death.

Coroners in Victoria are required to find:

- * the identity of the person;
- * the cause of their death; and
- * the circumstances surrounding their death, in some circumstances.

A coroner may not be able to find the cause of death or the circumstances surrounding the suspected death of a missing person, but they may make a finding that they believe the person has died and that they died in unknown circumstances (see ‘**Findings of presumed death**’, below).

Any person can ask for an inquest to be held into a suspected death. The request must be in writing, using the form ‘Request for Inquest into Death’ which is available from the Coroners Court website www.coronerscourt.vic.gov.au under ‘Forms’. For further information about inquests see the Coroners Court website or contact the Coroners Court of Victoria on ph 1300 309 519.

FINDINGS OF PRESUMED DEATH

If the coroner makes a finding that the missing person is presumed to have died the missing person’s family or next of kin will be able to apply for a death certificate from the Registry of Births Deaths and Marriages. This will then allow the family to settle the estate of the missing person. (See Section 5: **The Estate of a Missing Person: Wills and probate**.)

COPING WITH THE CORONIAL PROCESS

The decision about whether to ask the Coroners Court to investigate the disappearance of a loved one is likely to be deeply personal and difficult. Families and friends of a missing person may have different views on whether the process will assist them, or whether they are ready to acknowledge that the person has probably died. A counsellor may be able to help you and your family to reach a decision that you are all comfortable with. (See Section 7: **Support, Counselling and Useful Links**.)

4 Working with the police

WHERE DO I GO TO REPORT A MISSING PERSON?

A missing person report can be made at any police station in Australia. However, it is best to make the report at the station closest to where the person was living or last seen. In Victoria, missing person reports must be made by going to the police station – these reports are not accepted by telephone.

A person can be reported missing at any time if there are fears for their safety or concerns about their welfare. There is no need to wait for 24 hours after they were last seen or contacted.

When a person is reported missing, the police will ask whoever makes the report to provide as much information as possible to help the police search for the missing person. The Victoria Police website outlines the type of information sought by police:

www.police.vic.gov.au/content.asp?Document_ID=258

WHO INVESTIGATES?

It is the responsibility of state and territory police, and not the Australian Federal Police, to investigate missing person cases (except in the ACT). Generally,



You just assume that ... you're going to be almost in constant contact with someone, who ... is instantly checking all avenues and will get an instant response for you. And that's not realistic, and that's certainly not how it can happen. The police can't perform those miracles.

LINDSAY FLINT
father of a missing person



police in the state or territory where the person was last seen before they were reported missing are responsible for the investigation.

The way missing person cases are handled varies from state to state. When people who usually live in Victoria go missing or are last seen in another part of Australia, it can be difficult for their family and friends to understand the approach of the police in the other state or territory if it is different from the way things are done in Victoria. It may also be harder for them to get help and support from organisations outside Victoria.

In Victoria, the local station closest to where the missing person lived or was last seen is responsible for investigating their disappearance. The local police officer in charge of the investigation is responsible for liaising with the family and friends of the missing person, and organising any searches.

Since 2006, there has not been a dedicated 'Missing Persons Unit' within Victoria Police. The Intelligence Liaison Unit (based in Melbourne) monitors the investigation of missing person cases and coordinates forensic examinations and information about missing persons. The Intelligence Liaison Unit (ILU) also provides guidance and support to the local officers in charge of the investigation. The ILU does not usually communicate directly with families and friends of missing persons – this is generally done by the officer or local station in charge of the investigation.

Information about how missing person matters are dealt with by police in Victoria can be found on the Victoria Police website: www.police.vic.gov.au/content.asp?Document_ID=258

WHO ELSE CAN HELP?

The National Missing Persons Coordination Centre (NMPCC) is funded by the Australian Government through the Australian Federal Police to coordinate the approach to missing persons in Australia. Its role is to direct national policy and educate the community about missing persons. It is not directly involved in investigations or searches for missing persons.

The NMPCC website www.missingpersons.gov.au provides information, resources and links about missing persons and resources for families and friends of missing persons on a range of issues such as counselling services, health and wellbeing, legal matters and ways to help with the search for a loved one. It also contains profiles of missing persons in Australia that have been provided by the state and territory police with the consent of the missing persons' families. Missing persons can be reported via the NMPCC website, although it is recommended that reports be made as soon as possible to local police. Members of the public can also report sightings of a missing person via the NMPCC website. The NMPCC forwards details of any reports to the state or territory police who are investigating the case.

“
The police have the resources to investigate, but they also have competing duties.

They don't have the time to investigate each matter with the vigour families expect. Improved communication between the police and families of missing people would help to relieve the frustration felt by families.

DAVID ROSEWALL
father of missing Victorian, Daniel Rosewall

5 The estate of a missing person: wills and probate

If a person has been missing for a long time, their family or friends may decide that it is appropriate or necessary to distribute their estate (the property, money or debts that they have left behind). This process is different to the administration process described in Section 2: **Looking after the Financial Affairs of a Missing Person**. An administration order for a missing person lasts for up to 2 years, and is only effective while the person is alive, or is presumed to be alive. An administrator may be limited in the powers they have to deal with a missing person's (affairs/money/estate). For example, they may be prevented from selling property or restricted in how they spend the missing persons money. After a person has been missing for some time the family might decide that it's appropriate to finalise the missing persons estate. Distribution of the estate is the procedure that is used to finalise the affairs of a person who has died, or is presumed to have died.

Once a person has died, or is presumed to have died, their property and affairs (their estate) must be dealt

with in accordance with the law relating to deceased estates. Each state and territory in Australia has its own laws for dealing with deceased estates. In Victoria this is the *Administration and Probate Act 1958* (Vic) (see www.legislation.vic.gov.au), and the Supreme Court makes all the decisions about deceased estates. The Supreme Court has the power to make a grant of representation to allow someone to finalise the deceased person's estate. For general information about grants of representation, visit the Supreme Court of Victoria website. www.supremecourt.vic.gov.au The link to the Probate Office pages is on the left hand menu under 'Practice and Procedure'.

PRESUMPTION OF DEATH

In Victoria, a person is presumed to be dead after they have been missing and there has been no evidence of them being alive for seven years. In these circumstances, the Supreme Court may make a grant of representation on the presumption of death.

If an application for a grant of representation is made before seven years has passed, the Court will only make a grant where a coroner has made a finding that the missing person is presumed to be dead (and the family has obtained a death certificate) or if there is strong evidence that the missing person has died. (See Section 3: **The Coronial Process for Missing Persons in Victoria.**)

In certain cases, the way in which a missing person disappeared will satisfy the Court to make an inference of death. For example, the Court may be more likely to make an inference of death where a person disappeared at sea or in a plane crash, as opposed to where a person has failed to return home. If you are applying for a grant of representation for a missing person's estate, you will need to provide an affidavit (a statement made on oath and witnessed by an authorised person) setting out the circumstances of the missing person's disappearance, and attach any evidence which supports their suspected death.

If the Court is satisfied with the evidence, it will make a grant of representation on the presumption of death, meaning that for legal purposes the person is deceased and their estate can be managed by their personal representative (the person who applied for the grant of representation).

Where a grant of representation is made on the presumption of death, the personal representative must get permission from the Court before they can distribute the missing person's estate. The Court may place conditions on the grant. For example, it may set a limit on how much of the property can be distributed, or it may make the personal representative agree to give back any money or property they receive from the estate if the Court later revokes (cancels) the grant. If a grant is made on the presumption of death and the missing person is later found to be living, the grant may be revoked by the Court. If this happens, people who have received property from the estate will not have to give it back, provided the personal representative has acted 'in good faith' (that is, they have acted according to the law and distributed the estate in the honest belief that the missing person has died). These provisions exist to protect the interests of the missing person.

WHERE THE MISSING PERSON HAS A WILL

If the missing person has a will, one of the persons named as executor in the will can apply to the Supreme Court for a grant of probate. Probate is the process of officially 'proving' the validity of a will. As well as filing a copy of the will with the Court, the executor will also need to file an affidavit and evidence to satisfy the Court that the presumption of death applies, as described above. The procedure is set out in the *Supreme Court Rules 2004*, which can be accessed from the Supreme Court of Victoria website, on the left hand menu under 'Practice and Procedure': www.supremecourt.vic.gov.au. An executor can apply in person, or a lawyer or trustee company (such as State Trustees) can apply on the executor's behalf. (See 'Trustee companies' in Section 6: **Supreme Court Orders – 'Uncared for property'**.)

WHERE THE MISSING PERSON HAS NO WILL

If the missing person had no will, their next of kin (nearest relatives) can apply to the Supreme Court for a grant of Letters of Administration in respect of their estate.

The person applying for the grant will need to file an affidavit and evidence to satisfy the Court that the presumption of death applies. The procedure is set out in the *Supreme Court Rules 2004*, which can be accessed from the Supreme Court of Victoria website, on the left hand menu under 'Practice and Procedure': www.supremecourt.vic.gov.au. A lawyer or trustee company (such as State Trustees) can apply on behalf of the next of kin.

6 Supreme court orders: 'uncared for property'

In some situations, it may be better for a trustee company to administer a missing person's affairs – for example, if there is no family member who is willing or able to do it. A trustee company (such as State Trustees) could apply to VCAT for an administration order (as described in Section 2: *Looking After the Financial Affairs of a Missing Person*).

Orders made by VCAT relating to a missing person can last for a maximum of four years. Sometimes a missing person's property may need to be looked after for longer than this. If the previous order has expired, it is necessary to apply to VCAT for a new order.

Alternatively, the trustee company can apply to the Supreme Court to be appointed to look after a missing person's property for a longer period, under an order relating to 'uncared for property'.

HOW IS AN APPLICATION MADE TO THE SUPREME COURT?

Once the trustee company is told the details about the missing person's property and agrees to act (usually for a fee), they will prepare and lodge the application with the Court.

There must be enough evidence to satisfy the Court that an order is needed. This is similar to the sort of evidence required when applying to VCAT for appointment of an administrator of a missing person's affairs. (See 'what sort of evidence will VCAT require?' in Section 2: *Looking After the Financial Affairs of a Missing Person*.) This will include affidavits (sworn statements) from the trustee company and possibly from family members about what has been done to try to find the missing person.

WHAT SORT OF ORDER WILL THE COURT MAKE?

The Court has to be satisfied that any order it makes is in the best interests of the missing person. It can make an order about a specific asset, or about all of

the property and affairs of the missing person. The order will set out what powers can be exercised, such as allowing a house to be rented out or sold, and can include any terms and conditions that the Court thinks are appropriate.

These types of orders can also be made if a person has died and the executor named in their will can't be found.

TRUSTEE COMPANIES

For more information, or to talk to someone about a longer-term appointment to manage a missing person's property or any other uncared for property, you can find a local trustee company via the Trustee Corporations Association of Australia website at www.trustcorp.org.au. Alternatively, you may contact Victoria's largest trustee company, State Trustees on ph (03) 9667 6779 or go to their website: www.statetrustees.com.au



For some families, direct involvement can be therapeutic

in giving them a sense of regaining some control over a part of their lives. Others will need help from lawyers or counsellors. In cases where family members are not aligned in their views of how management should proceed, legal advice may be necessary.

LINDSAY FLINT

father of a missing person



7 Support, counselling and useful links

There is currently no Victorian service dedicated to supporting families and friends of missing persons. However, the following organisations provide information, referrals, general support or counselling services.

National Missing Persons Coordination Centre

NMPCC provides relevant information, resources and referrals to families and friends of missing persons on a range of issues. For more information, go to their website: www.missingpersons.gov.au

Lifeline

Lifeline provides a national, 24 hour telephone counselling and referral service. Phone 13 1114.

Victims Support Agency (Vic)

VSA offers counselling and support for families and friends of people affected by crime or suspected crime. The Victims of Crime Helpline (1800 819 817) is staffed by specially trained Victim Support Officers and is open between 8am and 11pm weekdays, except public holidays.

Families and Friends of Missing Person Unit (NSW)

The Families and Friends of Missing Persons Unit within the NSW Attorney-General's Department provides free counselling to families and friends who have a missing person in NSW (including Victorian families where the person has gone missing in NSW).

Salvation Army

The Salvation Army provides both a national and international family tracing service to locate family members (only) whose current whereabouts are unknown. The service also assists in reconciling any past differences and reuniting the family. For more information about the service, see their website: www.salvationarmy.org.au/family-tracing.html

The Australian Centre for Grief and Bereavement

This is the leading agency for grief assistance in Australia. The Centre provides counselling, support and referrals to people who have lost a loved one.

www.grief.org.au

Kids Helpline

Free, confidential phone advice, counselling and support for people aged 5 to 25 on 1800 551 800.

SUPPORT GROUPS

Not Alone

Not Alone is a web based community for parents, family and friends of victims of suspected homicide. Their website provides profiles of people missing suspected murdered, and provides details of support networks established by the Not Alone Foundation – for example, for siblings of missing persons.

www.notalone.com.au



You feel alone.

Although there are police, missing persons units, lawyers, counsellors involved, no-one will take carriage of the matter, or the grief, on your behalf.

DAVID ROSEWALL

father of missing Victorian, Daniel Rosewall



8 Safe Keeping translated

SAFE KEEPING: A GUIDE TO MANAGING THE AFFAIRS OF MISSING PERSONS

This summary has been translated into the following languages:

Arabic
Cantonese
Greek
Italian
Somali
Vietnamese

When a person goes missing they might leave their belongings behind in a home where rental or mortgage payments need to be made. They might have bills or loans that need to be paid, and dependants or pets that need to be cared for. Families and friends of the missing person may want to make sure that all these things are taken care of.

Under new Victorian laws, you can now ask the Victorian Civil and Administrative Tribunal (VCAT) to make an order giving you (or someone else) the power to manage the estate of a Victorian person who

is missing. These are called administration orders. There are also some other ways of looking after the missing person's affairs.

WHERE CAN I FIND OUT MORE?

VCAT can provide more information about applications for administration orders. To contact VCAT phone (03) 9628 9911 or 1800 133 055 (toll free for country callers only) or visit their website www.vcat.vic.gov.au

A lawyer can also advise you about what the law allows you to do to manage the missing person's affairs.

Victoria Legal Aid (VLA) can provide advice and offer grants of legal assistance to people who can't afford a private lawyer. To contact VLA phone (03) 9269 0120 or 1800 677 402 (toll free for country callers only)

Community legal centres provide free legal services to the public. Contact the Federation of Community Legal Centres by phone on (03) 9652 1500 to find a community legal centre near you. You may access their website www.communitylaw.org.au

Support is available for families and friends of missing persons. Contact the National Missing Persons Coordination Centre (NMPCC) on 1800 000 634 (Free call) for more information or advice on who else to contact for help.

If you do not speak English and/or need help from an interpreter, please call the Telephone Interpreter Service (TIS) on 13 14 50 and tell them what language you speak. They will find an interpreter and assist you in speaking to the NMPCC by telephone.



عندما يُصبح شخص ما في عداد المفقودين قد يترك أمتعته وراءه في منزل حيث يتوجب دفع الإيجار أو الرهن العقاري. قد يكون لديه فواتير أو قروض تحتاج إلى أن يتم دفعها، ومعالين أو حيوانات أليفة تحتاج إلى الاعتناء بهم. وقد تزيد أسر وأصدقاء الشخص المفقود أن تتأكد من أن تتم رعاية كل هذه الأمور.

بموجب القوانين الفيكتورية الجديدة، يمكنك ان تطلب الان من المحكمة المدنية والإدارية الفيكتورية (VCAT) إصدار أمر يتتيح لك (أو لشخص آخر) القدرة على إدارة أملاك الشخص الفيكتوري المفقود. وتسمى هذه بالأوامر الإدارية. هناك أيضاً بعض الوسائل الأخرى للإعتناء بشؤون الشخص المفقود.

أين يمكنني معرفة المزيد؟

يمكن أن تقوم VCAT بتقديم المزيد من المعلومات حول تقديم الطلبات لأوامر الإدارية. للاتصال بـ VCAT اتصل على 1800 133 055 (أو 9628 9911 (الرقم المجاني للمتصلين من الريف)) أو قم بزيارة موقعهم على الانترنت www.vcat.vic.gov.au.

ويمكن أن يقوم محامي بنصحك أيضاً حول ما يسمح لك به القانون أن تفعل لإدارة شؤون الشخص المفقود.

تستطيع هيئة فيكتوريا للمساعدة القانونية (VLA) (Victoria Legal Aid) تزويدك بالمشورة وتقديم منح المساعدة القانونية للأشخاص الذين لا يستطيعون تحمل تكاليف محامي خاص. للاتصال بـ VLA اتصل على 0120 9269 0120 (أو 1800 677 402 (الرقم المجاني للمتصلين من الريف))

توفر المراكز القانونية المجتمعية الخدمات القانونية المجانية للجمهور. اتصل بإتحاد المراكز القانونية المجتمعية عن طريق الاتصال على 1500 9652 03 (أو 1800 000 634 (مكالمة مجانية) لإيجاد مركز قانوني مجتمعي بالقرب منك. توفر المزيد من المعلومات على موقعهم على الانترنت www.communitylaw.org.au

يتوفر الدعم لأسر وأصدقاء المفقودين. اتصل بمركز التسويق الوطني للأشخاص المفقودين (NMPCC) على 1800 000 634 (مكالمة مجانية) لمزيد من المعلومات أو المشورة بشأن الأشخاص الآخرين الذي يمكن الاتصال بهم طلباً للمساعدة.

إذا كنت لا تتكلم الإنجليزية / أو في حاجة إلى مساعدة من مترجم، يرجى الاتصال بخدمة الترجمة الهاتفية NMPCC (TIS) على 13 14 50 وأخبرهم عن اللغة التي تتكلموا. سيجدون مترجم لمساعدتك في التحدث إلى عن طريق الهاتف.

保持關注：料理失蹤人士的事務

當有人失蹤時，他們可能會有東西留在住所中，住所的房租或按揭還款需要支付。他們可能有賬單或貸款需要支付，有受撫養人或寵物需要照顧。失蹤人士的家人和朋友可能想要確保這些事務都得到妥善處理。

根據新的維多利亞州法律，你現在可以請維多利亞州民事及行政特別法庭（**VCAT**）發出命令授予你（或其他人）權力管理維多利亞州失蹤人士的遺產。這種命令稱為行政命令。料理失蹤人士的事務還有一些其它的方式。

何處可瞭解更多資訊？

VCAT可以提供關於申請行政命令的更多資訊。如要聯絡VCAT，可致電(03) 9628 9911或1800 133 055（鄉村致電者免費電話）或登錄網站www.vcat.vic.gov.au

律師也可就管理失蹤人士事務的法律許可範圍為你提供建議。

維州法律援助處（**VLA**）可以為請不起私人律師的人士提供建議和法律援助津貼。如要聯絡VLA，可致電(03) 9269 0120或1800 677 402（鄉村致電者免費電話）

社區法律中心向公眾提供免費法律服務。請致電(03) 9652 1500聯絡社區法律中心聯合會尋找附近的社區法律中心，或登錄網站瞭解更多資訊，網址：www.communitylaw.org.au

失蹤人士的家人和朋友可以獲得各種支持。請致電 1800 000 634（免費電話）聯絡全國失蹤人士協調中心（**NMPCC**），獲取何處可尋求幫助的更多資訊或建議。

如果你不會說英語，或需要口譯員協助，請致電筆譯和口譯服務處（**TIS**）13 14 50，告訴他們你說何種語言。他們將找到口譯員協助你通過電話與NMPCC交流。

ΕΠΙΒΛΕΨΗ: ΟΤΑΝ ΦΡΟΝΤΙΖΕΤΕ ΤΙΣ ΥΠΟΘΕΣΕΙΣ ΕΝΟΣ ΑΓΝΟΟΥΜΕΝΟΥ ΑΤΟΜΟΥ

Όταν ένα άτομο αγνοείται μπορεί να αφήσει πίσω τα υπάρχοντά του σ' ένα σπίτι που μπορεί να χρειάζεται να πληρωθεί το ενοίκιο ή οι δόσεις του στεγαστικού δανείου. Μπορεί να έχει απλήρωτους λογαριασμούς ή δάνεια που πρέπει να πληρωθούν και εξαρτώμενα άτομα ή κατοικίδια ζώα που χρειάζονται φροντίδα. Η οικογένεια και οι φίλοι του αγνοουμένου ατόμου μπορεί να θέλουν να φροντίσουν για αυτά τα πράγματα.

Σύμφωνα με νέους νόμους της Βικτώριας, μπορείτε τώρα να ζητήσετε από τη Δικαστική Επιτροπή Αστικών και Διοικητικών Αποφάσεων (Victorian Civil and Administrative Tribunal - **VCAT**) να εκδώσει μια εντολή που παραχωρεί σε εσάς (ή σε κάποιον άλλον) την αρμοδιότητα να διαχειρίζεστε την περιουσία ενός κατοίκου της Βικτώριας που αγνοείται. Αυτές λέγονται διαχειριστικές εντολές. Υπάρχουν επίσης μερικοί άλλοι τρόποι για να φροντίζετε τις υποθέσεις ενός αγνοουμένου ατόμου.

Πού μπορώ να αποταθώ για περισσότερες πληροφορίες;

Το **VCAT** μπορεί να σας δώσει περισσότερες πληροφορίες σχετικά με τις αιτήσεις για διαχειριστικές εντολές. Για να επικοινωνήσετε με το VCAT τηλεφωνήστε στο (03) 9628 9911 ή 1800 133 055 (δωρεάν κλήση μόνο για υπεραστικές κλήσεις) ή επισκεφθείτε την ιστοσελίδα τους στο www.vcat.vic.gov.au

Κάποιος δικηγόρος μπορεί επίσης να σας συμβουλεύσει για το τι σας επιτρέπει ο νόμος να κάνετε για να διαχειρίζεστε τις υποθέσεις του αγνοουμένου ατόμου.

Η Υπηρεσία Νομικής Βοήθειας Βικτώριας (Victoria Legal Aid - VLA) μπορεί να δώσει συμβουλές και να παρέχει κονδύλια νομικής βοήθειας σε άτομα που δεν έχουν τα οικονομικά μέσα για δικηγόρο. Για να επικοινωνήσετε με την VLA τηλεφωνήστε στο (03)9269 0120 ή 1800 677 402 (δωρεάν κλήση μόνο για υπεραστικές κλήσεις).

Τα κοινοτικά νομικά κέντρα παρέχουν δωρεάν νομικές υπηρεσίες στο κοινό. Επικοινωνήστε με τον Σύνδεσμο Κοινοτικών Νομικών Κέντρων στον αριθμό τηλεφώνου (03) 9652 1500 για να βρείτε το πλησιέστερό σας κοινοτικό νομικό κέντρο. Περισσότερες πληροφορίες διατίθενται στην ιστοσελίδα του Συνδέσμου www.communitylaw.org.au

Διατίθεται υποστήριξη σε οικογένειες και φίλους αγνοουμένων ατόμων. Επικοινωνήστε με το Εθνικό Κέντρο Συντονισμού Αγνοουμένων Ατόμων (National Missing Persons Coordination Centre - NMPCC) στο 1800 000 634 (δωρεάν κλήση) για περισσότερες πληροφορίες ή συμβουλές για το πού να αποταθείτε για βοήθεια.

Αν δεν μιλάτε αγγλικά ή και χρειάζεστε τη βοήθεια διερμηνέα, μπορείτε να καλέσετε την Τηλεφωνική Υπηρεσία Διερμηνέων στο 13 14 50 και πέστε τους ποια γλώσσα μιλάτε. Η υπηρεσία θα βρει διερμηνέα και θα σας βοηθήσει να μιλήσετε τηλεφωνικά με το Κέντρο NMPCC.

INDHAHA KU HEYNTA: ILAALINTA ARIMAHQA QOFKA LA WAAYEY

Marka qof la waayo waxaa laga yaabaa inay kaga tagaan alaabtooda guri la doonayo in ijaarka laga bixiyo ama lacagta deynta guriga. waxaa laga yaabaa inay jiraan billal ama deyman u baahan in la bixiyo ama dad ku tiirsan ama xayawaanka la xannaaneysto oo u baahan in la xannaaneeyo. Qoysaska iyo saaxiibada qof la waayey waxaa laga yaabaa inay rabaan in hubiyaan in waxyalahan oo dhan wax laga qabtay oo laga taxadaray.

Sharciyada cusub ee Victoria, waxaad hadda weydiisan kartaa Maxkamada Maamulka iyo Madaniga Victoria (**VCAT**) inay sameyso amar ku siinaya (ama qof kale) awoodii lagu maamuli lahaa guriga qofka reer victoria ee la waayey. Waxaa sidoo kale jira siyaalo kale oo loo ilaalin karo qof la waayey arimihiiisa.

Xaggee baan ka heli karaa wax intaas ka badan?

VCAT waxay bixin kartaa macluumaad dheeraad ah oo ku saabsan codsiyada amarada maamulka. Si aad ula xiriirto VCAT taleefankan u dir (03) 9628 9911 ama 1800 133 055 (oo bilaash u ah wacayaasha tuullooyinka kaliya) ama booqo website kooda www.vcat.vic.gov.au.

Sharci yaqaan ayaa sidoo kale kaala talin kara wax ku saabsan waxa sharcigu kuu ogol yahay inaad sameyso si aad u maareyso qofka la waayey arimihiiisa.

Victoria Legal Aid (VLA) waxay bixin kartaa tallo waxayna siiyan deeqaha caawimaada sharciga dadka aan awoodin inay qabsadaan sharci yaqaanka gaarka ah. Si aad ula xiriirto VLA taleefankan u dir (03) 9269 0120 ama 1800 677 402 (oo bilaash u ah wacayaasha tuullooyinka kaliya)

Xarumaha Sharciga Bulshada waxay siiyan adeegyo sharci oo bilaash ah dadweynaha taleefankan kula xiriir Isutaga Xarumaha Sharciga Bulshada (03) 9652 1500 si aad u hesho xarunta sharciga bulshada ee kuugu dhow. Wixii macluumaad dheeraad ah waxaa laga helayaa website kooda www.communitylaw.org.au

Taageero waxaa helaya qoysaska iyo saaxiibada dadka la waayey. Kala xiriir Xarunta Xiriirinta Dadka La waayey ee Qaranka (NMPCC) 1800 000 634 (Wecitaan bilaash ah) wixii macluumaad dheeraad ah ama tallo ee ciddii kale ee caawimaad lagala xiriirayo.

Haddii aadan ku hadlan Ingiriis iyo/ama aad caawimaad uga baahan tahay turjumaan, fadlan ka wac Adeega Turjumaanka Taleefankan (TIS) 13 14 50 oo u sheeg luuqadaad ku hadashid. Waxay kuu heli doonaan turjumaan kaa caawiya kula hadalka NMPCC taleefan.

VIGILANZA: BADARE AGLI AFFARI DI UNA PERSONA SCOMPARSA

Quando una persona scompare può lasciare dietro di sé in suoi averi in un casa per la quale è necessario continuare a pagare l'affitto o il mutuo. Potrebbero avere lasciato conti o prestiti che devono essere pagati, e persone a carico o animali domestici di cui ci si deve prendere cura. Famigliari e amici della persona scomparsa potrebbero volersi assicurare che ci si prenda cura di tutte queste cose.

Ai sensi delle leggi statali, puoi ora chiedere al Tribunale e amministrativo del Victoria (Victorian Civil and Administrative Tribunal) (**VCAT**) che emetta un provvedimento che affidi a te (o a qualcun altro) il potere di gestire l'asse patrimoniale di una persona abitante in Victoria che sia scomparsa. Queste misure sono dette provvedimenti d'amministrazione (administration orders). Esistono anche altri modi di badare agli affari di una persona scomparsa.

Dove posso saperne di più?

VCAT può fornire maggiori informazioni su come fare domanda per ottenere provvedimenti d'amministrazione. Per contattare il VCAT telefona al numero 9628 9911 o 1800 133 055 (chiamata gratuita solo per chi chiama dalle zone rurali) oppure visita il suo sito web www.vcat.vic.gov.au.

Un avvocato potrà anche informarti su quali leggi ti consentono di gestire gli affari di una persona scomparsa.

Victoria Legal Aid (VLA) può fornire consulenza e offrire sovvenzioni per l'assistenza legale delle persone che non possono permettersi di assumere un avvocato privatamente. Per contattare il VLA telefona al numero (03) 9269 0120 o 1800 677 402 (chiamata gratuita solo per chi chiama dalle zone rurali).

I centri legali comunitari forniscono servizi legali gratuiti al pubblico. Contatta la Federazione dei Centri legali comunitari, telefonando al numero (03) 9652 1500, per trovare il centro più vicino a te. Ulteriori informazioni sono disponibili su sito web www.communitylaw.org.au

E' a disposizione **sostegno** per i famigliari e amici di persone scomparse. Contatta il centro nazionale di coordinamento sulle persone scomparse (NMPCC) al numero 1800 000 634 (chiamata gratuita) per avere maggiori informazioni o consigli su chi altro contattare per avere aiuto.

Se non parli l'inglese e/o hai bisogno dell'aiuto di un interprete, puoi chiamare il servizio telefonico interpreti (TIS) al numero 13 14 50 e dì loro quale lingua parli. Ti troveranno un interprete e ti assisteranno nel parlare con NMPCC per telefono.

TIẾP TỤC LƯU Ý: CHĂM LO VỤ VIỆC CỦA MỘT NGƯỜI MẤT TÍCH

Khi một người mất tích, họ có thể còn để đỗ đặc sở hữu lại nhà với những việc như trả tiền thuê nhà hoặc nợ vay mua nhà cần được thực hiện. Họ có thể có những hóa đơn hoặc nợ cần trả và những người tùy thuộc hoặc thú nuôi trong nhà của họ cần được chăm lo. Gia đình và bạn bè của người mất tích có thể muốn chắc chắn mọi việc như thế phải được chăm lo.

Theo luật mới của Victoria, hiện nay quý vị có thể xin Tòa Hành chính và Dân sự Victoria (**VCAT**) ban án lệnh cấp cho quý vị (hoặc một người nào khác) quyền quản lý tài sản của một người dân Victoria bị mất tích. Án lệnh này được gọi là án lệnh hành chính. Ngoài ra, cũng còn có một số phương cách khác để chăm lo các vụ việc của một người mất tích.

Tôi có thể tìm hiểu thêm ở đâu?

VCAT có thể cung cấp thêm thông tin về các đơn xin án lệnh hành chính. Muốn liên lạc với VCAT, xin điện thoại (03) 9628 9911 hoặc 1800 133 055 (số gọi miễn phí chỉ dành cho những người ở vùng quê) hoặc truy cập vào trang mạng www.vcat.vic.gov.au.

Một luật sư cũng có thể cố vấn về những điều luật pháp cho phép quý vị được làm để quản lý các vụ việc của một người mất tích.

Cơ quan Trợ Luật Victoria (VLA) có thể cố vấn và tài trợ việc giúp đỡ luật pháp cho những người không đủ khả năng trang trải chi phí của một luật sư tư. Muốn liên lạc với VLA, xin gọi điện thoại số (03) 9269 0120 hoặc 1800 677 402 (số gọi miễn phí chỉ dành cho những người ở vùng quê).

Các trung tâm luật pháp cộng đồng cung cấp các dịch vụ luật pháp miễn phí cho công chúng. Xin liên lạc với Liên đoàn Trung tâm Luật pháp Cộng đồng ở điện thoại số (03) 9652 1500 để biết trung tâm luật pháp cộng đồng nào nằm gần nơi quý vị đang ở. Muốn biết thêm thông tin, xin truy cập trang mạng www.communitylaw.org.au

Gia đình và bạn bè của những người mất tích có thể được **hỗ trợ**. Xin liên lạc với Trung tâm Điều hợp Toàn quốc Về Những Người Mất Tích (NMPCC) qua điện thoại số 1800 000 634 (số gọi miễn phí) để biết thêm thông tin hoặc những người hay cơ quan nào khác mà quý vị có thể liên lạc để được giúp đỡ.

Nếu quý vị không nói tiếng Anh và/ hoặc cần sự giúp đỡ của một người thông ngôn, xin điện thoại cho Dịch vụ Thông dịch Điện thoại (TIS) ở số 13 14 50 và cho họ biết ngôn ngữ quý vị muốn nói. Họ sẽ tìm người thông ngôn và giúp quý vị nói chuyện với NMPCC qua điện thoại.

A GUIDE TO MANAGING THE AFFAIRS OF MISSING PERSONS

Safe Keeping



54 Mitchell St
Bendigo, VIC 3550
Telephone: 03 5444 4364
www.communitylaw.org.au/loddoncampaspe