



An investigation may be discontinued in a number of situations subject to the approval of the Director of Access and Resolution,<sup>1</sup> the Assistant Ombudsman Complaint Resolution<sup>2</sup> or the Assistant Ombudsman Child Death Reviews.<sup>3</sup> A complainant must be informed of the decision and the reasons to discontinue an investigation.<sup>4</sup>

### **The complainant withdraws the complaint**

- If the complainant withdraws his or her complaint, the investigation should be discontinued and the investigator should write to the complainant confirming this.
- If the Ombudsman wishes to continue an investigation after a complaint has been withdrawn he can do so on his own motion.

### **The complainant dies**

- If the complainant dies, case officers should seek advice from their manager as to whether or not to discontinue the investigation. If the investigation is well advanced and all relevant evidence and information has been obtained, it may be preferable to continue the investigation and advise the Executor of the estate of the outcome.

### **The complainant is unable to be contacted**

- An investigation may be discontinued when reasonable efforts to contact the complainant have been made and it is not possible to complete the investigation in the absence of the complainant.

### **No jurisdiction**

- If it becomes clear part way through an investigation that the Ombudsman does not have jurisdiction to investigate the complaint, the investigation must be discontinued.

### **A discretionary reason for discontinuing**

- An investigation may be discontinued if one of the circumstances in s18(1) of the *Parliamentary Commissioner Act 1971 (PC Act)* arise:
  - if the matter raised is trivial;
  - the complaint is vexatious or in bad faith;
  - the complainant has an insufficient personal interest in the matter; or
  - continuing the investigation is unnecessary or unjustifiable (for example, if it is not going to be possible to form a view one way or the other).

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<sup>1</sup> For investigations in ART

<sup>2</sup> For investigations in IRT

<sup>3</sup> For investigations in CDRT

<sup>4</sup> s18(2) PC Act

**Complaint is resolved – investigation for early resolution**

- If a complaint is resolved as a result of an investigation for early resolution, the parties are advised of the outcome and the file is closed. This does not constitute a discontinued investigation. (If there are outstanding systemic issues an own motion investigation may be commenced – see also [\*Commencing an own motion investigation after a complaint has been resolved or withdrawn.\*](#))
- If a complaint is not resolved through an investigation for early resolution:
  - the investigation may continue through the standard investigation process; or
  - the investigation may be discontinued for one of the discretionary reasons above (after obtaining approval from the relevant manager).

For further information see [\*Investigation for Early Resolution.\*](#)

**Complaint is resolved – standard investigation**

- If a complaint is resolved part way through a standard investigation and the case officer deems it unnecessary to proceed with a preliminary view, the parties may be advised of the outcome and the file closed. This is considered a resolved complaint rather than a discontinued investigation.