

Request for Landcare report on Balmoral Pastoral Lease

| | |
|-----------------------|--|
| Legislation | Official Information Act 1982, s 9(2)(j) |
| Agency | Department of Conservation |
| Ombudsman | David McGee |
| Case number(s) | 292427 |
| Date | February 2012 |

The risk of lobbying and media attention is not a prejudice or disadvantage in terms of s 9(2)(j)

The Department of Conservation refused a request for a copy of the Landcare report on Balmoral Pastoral Lease. The Department considered release would lead to lobbying and media attention, which would prejudice negotiations between the parties. The Ombudsman noted that one of the purposes of the OIA is to increase the availability of official information to enable more effective participation in the making and administration of laws and policies. ‘Participation’ can legitimately include lobbying and inducing media attention. The Ombudsman discounted the prospect of this kind of ‘prejudice’ falling within section 9(2)(j) at all. Public pressure is something for all parties to take account of, and the OIA is not there to help agencies avoid public pressure. Section 9(2)(j) was not available to prevent public input into the discussions.

This case note is published under the authority of the [Ombudsmen Rules 1989](#). It sets out an Ombudsman’s view on the facts of a particular case. It should not be taken as establishing any legal precedent that would bind an Ombudsman in future.