

Department of Conservation unreasonable to cease administrative practice without notice

Legislation	Ombudsmen Act 1975
Agency	Department of Conservation
Ombudsman	Beverley Wakem
Case number(s)	W53352 (previously unpublished)
Date	2006

Department of Conservation to discontinue without notice a practice which people had come to reasonably rely on—Ombudsman concludes it was unreasonable to cease this administrative practice without notice

The key issue presented in this complaint was whether it was reasonable for the Department of Conservation to discontinue, without notice, the established practice of forwarding information to a Trust Board on a range of relevant issues. This practice was the result of the Department's ongoing dispute with that Trust.

The Ombudsman concluded that this decision was unreasonable. It is unreasonable for a government agency to cease an established administrative practice, upon which another party has come to rely, without giving notice to that effect.

The Ombudsman's opinion was focused on the manner in which the practice was discontinued without notice, rather than the decision to discontinue the practice itself. The Ombudsman did not consider the latter issue, and formed no opinion on its reasonableness or otherwise.

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.