

Request for Department's reasons for declining application

Legislation	Official Information Act 1982, s 23
Agency	Department of Conservation
Ombudsman	Sir Brian Elwood
Case number(s)	W43130
Date	October 2000

Department maintains it had given its reasons previously, in writing and verbally on many occasions—requirements of s 23 had not been met—compliant statement of reasons provided

The requester applied for status as a Department of Conservation Honorary Representative. The application was declined. The requester then requested under section 23 of the OIA a statement of reasons for the Department's decision. The Department responded by referring the requester to sections of the Reserves Act 1977 but did not provide him with the specific reasons that led to its decision to decline his application.

The Department advised that it had previously, and on many occasions, given both written and verbal explanations of its decision to the requester and it had thus satisfied its obligations to provide him with an explanation under section 23.

Investigation revealed that while the correspondence between the complainant and the Department did include some commentary on the reasons for the Department's decision to decline the request for Honorary Representative status, the information provided was not sufficient to satisfy the requirements of section 23. When a request is made for reasons pursuant this section, the requester has a statutory right to be provided with the information irrespective of previous correspondence or a departmental view that the requester is aware of the reasoning that led to the decision.

The Department accepted that it had provided insufficient explanation of its decision and wrote to the requester providing a statement of reasons in terms of section 23.

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