

Request for reasons for decision made three years earlier

Legislation	Official Information Act 1982, s 23
Agency	Ministry of Agriculture and Forestry
Ombudsman	Anand Satyanand
Case number(s)	W40172
Date	November 1999

Request for reasons for decision made three years earlier—request declined on grounds it was not ‘made within a reasonable time of the making of the decision’—decision to decline request upheld

An airport company sought international status for the airport under its control. The Government accepted the application, but the Director-General of Agriculture and Forestry decided to impose charges for the provision of border control services. Three years after this decision was made, the airport company’s lawyers made a request under section 23 of the OIA for a written statement of reasons for the Director-General’s decision. The request was refused on the basis that section 23 applies to requests ‘*made within a reasonable time of the making of the decision*’ and the request had not been made within a reasonable time. The requester maintained that it had registered its ongoing concerns about the decision with the Ministry at regular intervals over the intervening period and that in these circumstances the request had been made within a reasonable time.

The view was formed that a delay of three years in making the request could not be said to be ‘*within a reasonable time of the making of the decision*’, notwithstanding the ongoing dispute. While there was a record of regular correspondence in the intervening period, the correspondence did not focus on the aspects of the original decision about which the statement of reasons was sought. Accordingly, section 23 did not apply.

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