



An Roinn Comhshaoil,
Aeráide agus Cumarsáide
Department of the Environment,
Climate and Communications

14 March 2023

Your ref: S1210 PAC33

Ms. Sarah Cremin
Secretariat, Committee of Public Accounts
Houses of the Oireachtas
Leinster House
Kildare St
Dublin D02 XR20

Correspondence in relation to Inland Fisheries Ireland

Dear Ms. Cremin,

I refer to your letter of 1 March and the Committee of Public Accounts meeting of 9 February at which matters relating to Inland Fisheries Ireland (IFI) were discussed. I have set out below information in relation to the issues raised.

Role of the Secretary General

In accordance with the Inland Fisheries Act 2010, the Minister for the Environment, Climate and Communications has statutory functions in relation to Inland Fisheries Ireland. The Minister has, *inter alia*, responsibility for making appointments to the Board of IFI, for issuing policy directions and it is the Minister to whom IFI is required to submit its annual report and accounts.

As Secretary General and Accounting Officer for the Department of the Environment, Climate and Communications I am responsible for, *inter alia*, ensuring that there is a clear framework for control (including financial reporting) and accountability for public funds in bodies operating under the aegis of this Department as set out in the Memorandum for Accounting Officers, and the Code of Practice for the Governance of State Bodies issued by the Department of Public Expenditure, NDP Delivery and Reform. As also set out in guidance to Accounting Officers, it is the Boards and Chief Executive of a public sector body that are responsible for the effective management of those organisations including the preparation of their accounts. Through ongoing statutory and administrative processes, my Department works to ensure that, in relation to all bodies under its aegis in receipt of public funds, including IFI, there are systems in place in those bodies to provide relevant, accurate and timely information to the parent Department. In the case of IFI this involves submission by IFI of annual report and accounts and 5-year Corporate Plans to the Minister under the Inland Fisheries Act and ongoing, regular interaction between officials in the Department and IFI, including those regularly scheduled formal meetings provided for under the Performance Delivery Agreement between the two bodies. This should not be interpreted as Accounting Officers having to take onto themselves responsibilities that properly belong in the bodies concerned.

I can advise that a number of protected disclosures have been made in relation to Inland Fisheries Ireland (IFI) to the Department. These disclosures are being actively progressed in line with the protected disclosures legislation and related policy of the Department. The Department has also written to the persons appointed by the Minister to perform the functions of IFI (see below) putting them on notice of the ongoing investigations and also asking them to deal

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promptly with protected disclosures which are understood to have been received by IFI in recent months.

Engagements between IFI and the Minister / Department & discharging Functions of the Board

Since the Committee meeting on 9 February, the Minister for the Environment, Climate and Communications invoked his powers under section 18(1)(d) of the Inland Fisheries Act 2010 to remove the remaining Board members of IFI on 14 February 2023 on a no fault basis. The Minister made clear to outgoing Board Members and to the Joint Oireachtas Committee on the Environment and Climate Action that his decision to stand down the Board bore no reflection on the character or reputation of any existing or past members of Inland Fisheries Ireland. The Minister's statement to the Joint Oireachtas Committee dated 16 February 2023, which he is required to furnish under Section 18 (2) of the Act, is attached; the Minister met with the Joint Oireachtas Committee on 7 March.

The Minister's action was informed by the following factors:

- (a) The number of members of Inland Fisheries Ireland had significantly reduced given the number of recent resignations of members of Inland Fisheries Ireland;
- (b) The required quorum for a meeting pursuant to section 20(5) of the Inland Fisheries Act 2010 of five members cannot be attained and Inland Fisheries Ireland was, as a consequence, unable to act.
- (c) Inland Fisheries Ireland had not implemented the recommendations in the Report dated 12th July 2022 of Mr. Conleth Bradley SC submitted pursuant to section 18(3) of the Inland Fisheries Act 2010;
- (d) The items hereunder that are critical to the functions of Inland Fisheries Ireland remained to be performed and could not be performed:
 - i. Sign off on Statements of Internal Control for 2021 and 2022;
 - ii. Approval of use of Inland Fisheries Ireland HQ, Citywest Business Campus, Dublin for current emergency to house refugees;
 - iii. Sales and acquisitions of property;
 - iv. Sign off on financial statements for 2021;
 - v. Approval of 2021 Comptroller and Auditor General management letter;
 - vi. Sign off on 2023 business plan;
 - vii. Sign off on 2022 financial statements;
 - viii. Sign off on 2022 annual report;
 - ix. Setting budgets for 2023 regarding development and protection functions;
 - x. Sign off on EU funded projects or approved grants;
 - xi. Bye Laws and draft net licences;
 - xii. Bank mandate;
 - xiii. Lough Ree commercial trout fishery;
 - xiv. Business case for recruitment of staff above the grade of Assistant Principal;
 - xv. Fish Farm working group and decisions associated with same.



To ensure that these critical functions can be progressed and as provided for under Section 18(5) of the Act, the Minister appointed Mr. Tom Barry and Mr. Seamus Neely – both retired senior public servants - to perform the functions of IFI for a period of 6 months pending the reconstitution of the Board under the provisions of the Act. In making the appointments under Section 18(5), and in addition to carrying out the core statutory functions of IFI, the Minister directed the persons appointed to give particular priority to:

1. ensuring that protected disclosures which are understood to have been received by IFI in recent months are dealt with promptly and in accordance with IFI's protected disclosures policies and the provisions of the Protected Disclosures Act 2014;
2. initiating an external review of governance within IFI, including an examination of the respective roles of the IFI Board and Executive. The review will be completed within 6 months and will include an implementation plan, delivery of which will be overseen by a new Board.

I understand that Mr. Neely and Mr. Barry have now signed off on the Statements of Internal Control and final financial statement for 2021 which can now be considered and finalised by the Comptroller and Auditor General.

I trust the foregoing will be of assistance to the Committee.

Yours Sincerely,

Mark Griffin
Secretary General

An Roinn Comhshaoil,
Aeráide agus Cumarsáide
Department of the Environment,
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Brian Leddin, T.D.,
Chair, Joint Oireachtas Committee on the Environment and Climate Action
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16 February 2023

Statement under Section 18(2) Inland Fisheries Act 2010
Inland Fisheries Ireland – removal of members from office

Dear Chair,

Pursuant to Section 18(2) of the Inland Fisheries Act I am writing to inform the Committee, that I, Eamon Ryan, Minister for the Environment, Climate and Communications, having considered the following background:

1. On 27th April 2022, I directed the carrying out of an independent review and report consequent upon my opinion that the functions of Inland Fisheries Ireland were not being performed in an effective manner;
2. On 5th May 2022, Mr. Conleth Bradley SC was appointed by me in accordance with section 18(3) of the Inland Fisheries Act 2010 to conduct a review relating to issues raised in correspondence *inter alia* during the period 1st February 2022 and 27th April 2022;
3. On 12th July 2022, Mr. Bradley SC submitted a report to me on the results of that review that concluded that there was not a basis for me to be satisfied that the functions of Inland Fisheries Ireland were not being performed in an effective manner such as to effect the removal of all of the members of Inland Fisheries Ireland from office at that time;
4. Mr. Bradley SC instead made a number of recommendations:

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- a. that the application of section 36 of the Inland Fisheries Act 2010 at the commencement of every meeting of the Board would provide an *a priori* check on the unauthorised disclosure of any information from the Board and would allow for the giving of an appropriate sanction by Inland Fisheries Ireland as provided for in section 36 of the Inland Fisheries Act 2010;
 - b. that a draft Standing Order be adopted by the Board to give effect to the collective responsibility and authority of the Board and that other related Standing Orders be amended;
 - c. to amend the Standing Orders in connection with communications, on Board meeting agenda items, formalising non-executive Board meetings, and appointing consultants to review the structural relationship between the Board and the Chief Executive;
 - d. a draft Standing Order providing for Ministerial updates;
5. In 2022, three members of Inland Fisheries Ireland resigned, on 28th April 2022, 30th April 2022 and 18th October 2022 respectively;
 6. A legal dispute has arisen in respect of a board meeting of Inland Fisheries Ireland on 14th December 2022;
 7. Since the beginning of 2023, two further members of Inland Fisheries Ireland have resigned on 11th January 2023 and 19th January 2023;

And having considered the following matters:

- (a) The number of members of Inland Fisheries Ireland has significantly reduced given the number of recent resignations of members of Inland Fisheries Ireland;
- (b) The required quorum for a meeting pursuant to section 20(5) of the Inland Fisheries Act 2010 of five members cannot be attained and Inland Fisheries Ireland is, as a consequence, unable to act.

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- (c) Inland Fisheries Ireland has not implemented the recommendations in the Report dated 12th July 2022 of Mr. Conleth Bradley SC submitted pursuant to section 18(3) of the Inland Fisheries Act 2010;
- (d) The items hereunder that are critical to the functions of Inland Fisheries Ireland remain to be performed and cannot be performed:
- i. Sign off on Statements of Internal Control for 2021 and 2022;
 - ii. Approval of use of Inland Fisheries Ireland HQ, Citywest Business Campus, Dublin for current emergency to house refugees;
 - iii. Sales and acquisitions of property;
 - iv. Sign off on financial statements for 2021;
 - v. Approval of 2021 Comptroller and Auditor General management letter;
 - vi. Sign off on 2023 business plan;
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 - viii. Sign off on 2022 annual report;
 - ix. Setting budgets for 2023 regarding development and protection functions;
 - x. Sign off on EU funded projects or approved grants;
 - xi. Bye Laws and draft net licences;
 - xii. Bank mandate;
 - xiii. Lough Ree commercial trout fishery;
 - xiv. Business case for recruitment of staff above the grade of Assistant Principal;
 - xv. Fish Farm working group and decisions associated with same;

In light of the foregoing, I am satisfied that the functions of Inland Fisheries Ireland are not being performed in an effective manner, within the meaning of that phrase as set out at section 18(1)(d) of the Inland Fisheries Act 2010.

For the avoidance of doubt, this determination bears no reflection on the character or reputation of any existing or past members of Inland Fisheries Ireland.

Being satisfied regarding the matters outlined above and in exercise of the powers conferred on me by section 18(1)(d) of the Inland Fisheries Act 2010, I removed all of the members of Inland Fisheries Ireland from office on 14 February.

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As provided for under Section 18(5) of the Act, I have also today appointed persons, Mr. Tom Barry and Mr. Seamus Neely – both retired senior public servants, to perform the functions of IFI for a period of 6 months pending the reconstitution of the Board under the provisions of the Act. In making the appointments under Section 18(5), and in addition to carrying out the core statutory functions of IFI, I have directed the persons appointed by me to give particular priority to:

1. ensuring that protected disclosures which are understood to have been received by IFI in recent months are dealt with promptly and in accordance with IFI's protected disclosures policies and the provisions of the Protected Disclosures Act 2014;
2. initiating an external review of governance within IFI, including an examination of the respective roles of the IFI Board and Executive. The review will be completed within 6 months and will include an implementation plan, delivery of which will be overseen by a new Board.

Yours sincerely,

Eamon Ryan, T.D.
Minister for the Environment, Climate and Communications

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