



**ICMSA**

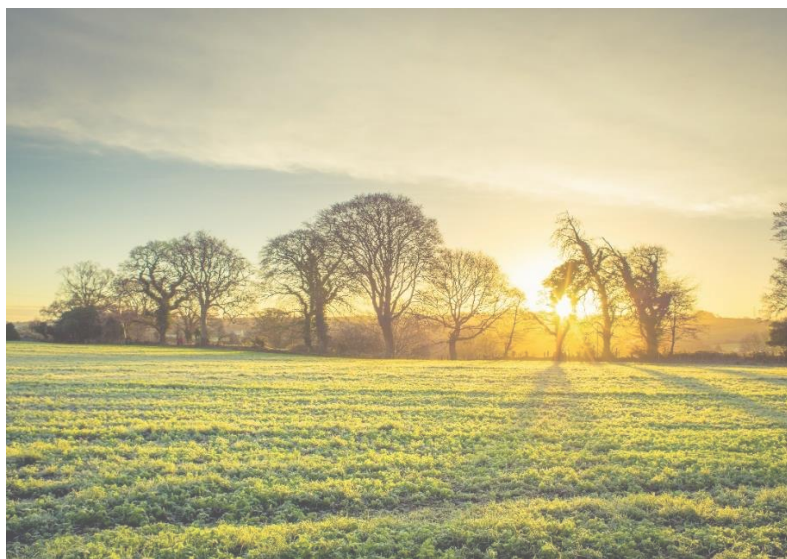
**Opening Statement to the**

**Joint Committee on Agriculture, Food and the**

**Marine on the**

**Draft General Scheme of the Agriculture**

**Appeals (Amendment) Bill 2024.**



**February 2024.**

Chairperson, members of the Committee, ICMSA would like to thank you for the invitation to address the Committee and the opportunity to put our views forward in relation to aspects of the Draft General Scheme of the Agriculture Appeals (Amendment) Bill 2024.

In the initial consultation in 2018, ICMSA welcomed the introduction of a Review Panel and proposed that the makeup of the panel should include the Director of the Agricultural Appeals Office, an Independent Chairperson, one or two officers from a farm organisation with the Panel being assisted by a secretariat. It has taken longer than anticipated to get to this stage of the process, but we still believe that it is an important change in the Appeals process.

While Appeals Officers are by law independent in the performance of their functions, the Office itself is an agency of the Department of Agriculture, Food & Marine. ICMSA is not questioning the work and role of the Office but the association with the Department has caused concerns amongst farmers. There is no input from the farm organisations into its general operation principles which could improve the perception of the office. The Independent Agricultural Appeals Panel in England has direct farmer involvement. ICMSA believe it is possible to provide for an input by farm organisations in the Review Panel and a fully independent appeals system without undermining the statutory independence of the Appeals Officers.

Despite commitments from successive Governments and the EU on simplification, the reality is that schemes have become more complex with greater scrutiny on

farmers and thus, it is essential that farmers have confidence that the appeals system will treat in a fair and reasonable manner.

### **Specific Comments**

- **Section 4 C 1:**

ICMSA are in favour of at least five on the panel. ICMSA is proposing that farm organisations who are a member of the Farming Pillar should have the right to nominate members to the Panel.

- **Section 4 C 4:**

The three years term to serve on the board is too short given the level of knowledge that is required to adequately perform the function. ICMSA is proposing that this should be increased to four years. This should start on a rolling basis as not to have an exodus at one particular time.

- **Section 4 C 10:**

ICMSA is proposing a maximum aggregate period of eight years.

- **Section 4 D 4:**

ICMSA questions the need to set up a separate subdivision of the board unless the number of appeals increases significantly. It would be our understanding that this should only be needed if there is a backlog of cases pending.

- **Section 4 D 5:**

ICMSA is proposing that the Review Panel should have the power to appoint a Deputy Chairperson and not the Minister.

- **Section 4 E**

It is clear and correct that a member of the board to recuse themselves of a particular case if there is a conflict of interest. In this regard, it is important that clear guidance is provided on what constitutes a conflict of interest.

- **Section 7 10 1 C:**

The 6-month timeline to have a revised decision by appeals offices should be increased 12 months but no limit should apply where new information comes to light. It is important to recognise that in some cases, people are intimidated by the process and need clear support in taking their appeal and in some cases, this may fall outside the timeframes listed above.

- **Section 10 A 1 d:**

ICMSA is proposing a similar amendment as outlined in Section 7 10 1 C above.

- **Section 15 A 1:**

ICMSA is proposing that the Review Panel should have the right to set its own regulations subject to national and EU laws. The draft proposal suggest significant control by the Minister in the process and while this may not be the intention, it will concern farmers in relation to the independence of the Review Panel.

- **Decision Timeframes:**

ICMSA is proposing that the legislation should set down a clear timeframe for the Review Panel to make a decision. ICMSA is proposing that a decision should be made within 6 months of submission of the appeal.

ICMSA believes that the legislation needs to be comprehensive and fair, that it should be concluded as soon as possible and the new processes put in place as soon as possible so that farmer confidence in the appeal process is improved.

Thank You.



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