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**Submission from the Irish Natura & Hill Farmers Association to  
The Joint Committee on Pre-legislative scrutiny of the Agriculture  
Appeals (Amendment) Bill 2024**

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**Introduction**

The Irish Natura & Hill Farmers Association (INHFA) welcomes the opportunity to discuss what is a critical element in the delivery of Farm Support Schemes including those schemes delivered under the Common Agriculture Policy (CAP).

For farmers, income support through various schemes has become a vital component of their overall farm income especially for suckler, beef and sheep farmers. On this basis, it is essential that adequate protections are in place, in recognition of the vulnerable position farmers are in with regard to a clear power imbalance between them and the Competent Authority that administers these schemes – The Department of Agriculture Food & the Marine (DAFM).

One of the key elements required by the European Union to address this imbalance is the Farmers Charter of Rights. This has clear targets and protocols around the delivery of schemes including payments and how inspections are carried out in order to verify compliance.

The second element relates to what rights farmers have in the event that they are deemed to have not complied with the terms and conditions of a scheme. Currently, there is the option for an internal review which most farmers will normally consider and pursue. If unsuccessful here, they have the option to appeal to the Agriculture Appeals Office. However, the timeframe to get an appeal heard has been way too long and while there have been improvements over the last two years, the length of time is still far too long.

Unfortunately, this has the effect of discouraging appeals which undermines the entire process. This can and is seen by many as giving the DAFM a free pass and it is vital that this issue is addressed as a strong and speedy appeals system will ensure fairer and better results for those farmers that are inspected.



## **Assessment of Draft Amendment**

### **HEAD 4 (Section 4A – Establishment of Agriculture Appeals Review Panel)**

We welcome the decision to have a review panel as promised in the Programme for Government. In appointing this panel, we believe that those appointed must be independent and not former employees of an organisation that is a party to the appeal. Panel members must have a clear understanding of farming and ideally should have practical experience of farming.

### **HEAD 5 (Section 8 – Oral Hearings)**

With regard to oral hearings (which is farmers right) we have concerns around the wording of point 8(3) which states “An appeals officer may hold any oral hearing remotely by electronic means.” Recommend we change to following wording *“An appeals officer can in agreement with the appellant hold an oral hearing remotely by electronic means or may decide if National Legislation restricts or forbids the opportunity for public gatherings, hold an oral hearing remotely by electronic means.”*

On section 8(7) We need better clarity on this point as it seems to be contradictory. If there was an oral hearing arranged and one party didn’t turn up, then why would the hearing not go ahead. Currently what happens is the hearing can be deferred which is not ideal. We are suggesting the following wording *“At any oral hearing where there is no representation from the DAFM/Department Body or the appellant then the appeal shall still proceed and due consideration shall be given by the Appeals Officer of the non-attendance of either party.”*

As a general comment on oral hearings there is an issue with regard to the timeframes as already detailed in our introduction. A major factor that is impacting this is the very slow response from the DAFM in providing requested information to the Appeals Officer. The guideline that DAFM should reply within 21 days is regularly disregarded. This is an issue that must be addressed.

What we are recommending is the DAFM be given a specific period of time (suggested 30 days) to provide the requested details. If this is not provided, then the appeal should be awarded to the appellant and no recourse should be given to the DAFM to have this case reviewed by another Appeals Officer or the Review Panel.

In making this proposal we should recognise how farmers are given clear timelines around application dates for schemes and reviews/appeals if suggested by the DAFM that they are



not compliant with the terms and conditions of the relevant scheme. This proposal aims to deliver a level of fairness to the current relationship between State Bodies and the farmer.

## **Conclusion**

An effective appeals system is a critical factor in addressing the clear power imbalance between State Bodies (in this instance the DAFM) and the citizen (farmer). If the appeals system works well then it will put pressure on the competent authority (DAFM) to ensure their procedures are fair and take into account, the very difficult circumstances that farmers are operating in.

We have outlined clear recommendations that can improve the current appeals system. These recommendations centre on improving the timelines on getting an appeal heard. Of course beyond this we must ensure that the State provides adequate resources because without the personnel to deal with the appeals we will continue to see long wait times leaving farmers without payments often having to accept an unfair decision because they cannot afford to wait for their case to be adjudicated on by an Appeals Officer.