

**Opening Statement to the Joint Committee on Agriculture, Food & the
Marine**

Agriculture Appeals (Amendment) Bill 2024

29th February 2024

Introduction

A Cathaoirleach, and Committee members, I would like to thank you for the invitation to discuss the Committee Stage of the Agriculture Appeals (Amendment) Bill 2024.

As you are all aware, this Bill seeks to amend the Agriculture Appeals Act, 2001 to, inter alia, establish an Independent Agriculture Review Panel.

The Agriculture Appeals Office (AAO) was established in 2002 to provide an independent appeals service for farmers who are dissatisfied with decisions of the Department of Agriculture, Food and the Marine (the Department) concerning their participation in agricultural schemes. The mission of the office has been to provide an independent, accessible, fair, efficient and timely agriculture appeals service for scheme applicants. The independence of Appeals Officers in their functions to hear and determine appeals is enshrined in the Act with no adverse finding in any of the 22 years of the service.

From its inception in 2002 the office has handled 15,466 appeals and approximately 5,605 appellants have received improved outcomes in their cases during that period with these cases either being partially or fully allowed in favour of the farmer.

Following submission of an appeal, a file and statement is requested from my Department and upon receipt of same, the appeal is assigned to an Appeals Officer. Appellants have the option to seek an oral hearing, or an Appeals Officer may require an oral hearing to be conducted to properly determine an appeal. Oral hearings may be held in person or using electronic means. Oral hearings are held in approximately 60% of appeal cases.

When deciding an appeal, the decision of Appeals Officer can be to allow, partially allow or to disallow an appeal.

A decision of an Appeals Officer is final and conclusive except in three scenarios:

1. Where there is new evidence, new facts, or a relevant change in circumstances since the decision was issued, an Appeals Officer may revise their decision.
2. The Director of the Agriculture Appeals Office may carry out reviews of decisions of Appeals Officers based on errors of fact and/or law.
3. A decision of an Appeals Officer may be challenged in the High Court on a point of law.

Review of the Agriculture Appeals Office and legislation.

A review of the Agriculture Appeals Office and the Agriculture Appeals Act 2001 was carried out in 2017, the review examined a number of other bodies that provide independent appeals services such as the Social Welfare Appeals Office, the Aquaculture Licences Appeals Board, the Employment Appeals Tribunal, the

Students Grants Appeals Board and the International Protection Appeals Tribunal. The report of the Review was published in February 2018. It is important to note that this Review confirmed the independence of the Agriculture Appeals Officers in the conduct of their functions.

The Review Report made a number of recommendations, many of which are already in place such as the appointment of a Deputy Director, bespoke legal training for Appeals Officers, engagement with the farm bodies involved in the Farmer's Charter of Rights Monitoring Committee, formal induction training for newly appointed Appeals Officers, the publishing of a Code of Practice for Appeals Officers, the holding of case conferences, and the holding of remote oral hearings for appellants. The review also recommended that, in order to provide greater assurance to stakeholders and underpin public confidence in the process, an Independent Agriculture Appeals Review Panel should be established. The report further recommended that the panel should comprise a Chairperson and include private individuals with technical and practical expertise and include the Director of Appeals. The establishment of an Independent Agriculture Review Panel is also a commitment in the current Programme for Government.

This Bill puts in place the required legislation for the establishment of the Agriculture Appeals Review Panel. It is envisaged that the panel will assume the function currently carried out by the Director of Agriculture Appeals, to conduct reviews of decisions of Appeals Officers based on errors of fact and/or law.

The 2018 Review also recommend putting in place timeframes for seeking of a review - currently a review may be sought at any time. The reasoning for the

application of a period to seek a review of an Appeals Officer's decision is to gain efficiencies in timeliness and awareness regarding the issues at appeal. This Bill proposes to introduce a time limit of 6 months for the seeking of a review of the decision of an Appeals Officer in the event of new evidence or facts or a change in circumstances since the decision was made. A time period of 3 months for the seeking of a review of a decision of an Appeals Officer in the event of an error in fact of law in the decision is proposed in this Bill.

Aquaculture Licences Appeals Board

The Bill also includes an amendment to the Fisheries (Amendment) Act 1997 to remove the existing requirement that the Chair/members of the Aquaculture Licensing Appeals Board vacate their membership on reaching 70 years of age.

In summary, the main changes to be brought about by the Agriculture Appeals (Amendment) Bill 2024 will be as follows:

- a) Establish a new independent statutory body to be known as the "Agriculture Appeals Review Panel";
- b) Introduce time limits for seeking a review of a decision of an Appeals Officer; and
- c) Amend the Fisheries (Amendment) 1997 to remove the age limit, of seventy years, provided for the Chair and members of the Aquaculture Licensing Appeals Board (ALAB) to vacate their office.

In conclusion, I look forward to your support for this legislation which, I believe, will bolster the confidence of the farming community in the Agriculture Appeals process.