

When a person hears of an independent appeal panel, they presume that this panel will study a case file and return a decision which will be adhered to.

This is not the case in agriculture where the panel can only make a recommendation which is then accepted or rejected by DAERA. This was at one time a decision by the Minister but has since been delegated to the paying officer.

The appellant has then two other options - an appeal to the Ombudsman which can only be taken on the grounds of mal administration and which has a limited awarding mechanism or a judicial review which in most cases is cost prohibitive.

We have always been of the opinion that cases could be resolved at a much earlier stage by direct dialogue as it seems that administrative staff are involved in a tick box exercise and indeed have at times questioned the competence of technical staff who present opinions based on standard figures. Farming is for the majority not an exact science yet the policy seems to be that if producers' results do not meet the standards set down on paper then they will be rejected.

There seems to be no empathy with the plight of producers whose businesses are further impacted in terms of cash flow by delays which exacerbate financial difficulties.

Having been involved in many cases both successful and unsuccessful we are extremely aware of the impact all of the appeal processes have on the health and wellbeing of producers. There is a distinct lack of understanding and a fear among farmers regarding an appeals process.

We appreciate the fact that Minister Poots has stated that he will abide by a panel's decision but believe there has to be a legislative process to make this acceptable and would wish it clarified in this regard.

If there were guarantees regarding changes to acceptability of the panel's decision and if, as in other processes, there was an acceptance of additional evidence at panel stage without need for Force Majeure, then perhaps it would be more acceptable not to have need for a Supreme Agricultural Appeal Panel as proposed but given the present situation this could be an option for consideration.

In the meantime, we would like the committee to explore the process, the impact on producers and the options particularly as we enter a new phase outside the EU.

This is an opening paper and gives some background for questions and discussions at oral evidence stage.