

# DÁIL ÉIREANN

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## AN COMHCHOISTE UM GHNÓTHAÍ EACHTRACHA AGUS COSAINT

## JOINT COMMITTEE ON FOREIGN AFFAIRS AND DEFENCE

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*Dé Máirt, 29 Meitheamh 2021*

*Tuesday, 29 June 2021*

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Tháinig an Comhchoiste le chéile ag 12.30 p.m.

The Joint Committee met at 12.30 p.m.

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Comhaltaí a bhí i láthair / Members present:

Teachtaí Dála / Deputies	Seanadóirí / Senators
Cathal Berry,	Catherine Ardagh,
John Brady,	Gerard P. Craughwell,
Sorca Clarke,	Joe O'Reilly,
Gary Gannon.	Diarmuid Wilson.

Teachta / Deputy Charles Flanagan sa Chathaoir / in the Chair.

## **Recruitment and Retention in the Defence Forces: RACO**

**Chairman:** I have received apologies from Deputy Stanton. Today we are meeting with the Representative Association of Commissioned Officers, more commonly known as RACO. I am very pleased that this meeting is taking place and in particular that we will have this engagement before the summer recess. I am also very pleased to welcome Commandant Conor King, general secretary, Lieutenant Colonel Derek Priestley, deputy general secretary, and Commandant Luke Foley, president, of RACO. Our objective is to discuss issues relating to the Defence Forces.

The format of the meeting is that Commandant King will make an opening statement before going into a question and answer session with members of the committee. As time is limited due to Covid restrictions I ask that witnesses would be conscious of the time constraints when addressing the committee. I ask members to be concise in their questions in order to allow all members an opportunity to ask questions.

I remind witnesses of the long-standing parliamentary practice that they should not criticise or make charges against any person or entity by name or in such a way as to make them identifiable, or otherwise engage in speech that might be regarded as damaging to the good name of that person or entity. Therefore, if their statements are potentially defamatory in relation to an identifiable person or entity, they will be directed to discontinue their remarks. For witnesses attending remotely outside the Leinster House campus there are some limitations to parliamentary privilege. As such, they may not benefit from the same level of immunity from legal proceedings as a witness physically present does.

Members are reminded of the long-standing parliamentary practice to the effect that they should not comment on, criticise, or make charges against a person outside the Houses of the Oireachtas or an official either by name or in such a way as to make him or her identifiable. I remind members that they are only allowed to participate in this meeting if they are physically located in the Leinster House complex or in the convention centre where the Dáil and Seanad are meeting in plenary session today.

For those watching proceedings online, Oireachtas members and witnesses are accessing this meeting remotely. Due to the unprecedented circumstances in which we are operating and the large number of people attending the meeting remotely, I ask everyone to bear with us should any technical issues arise. I am very pleased to ask Commandant King to make his opening statement. He has the floor.

**Mr. Conor King:** We are privileged to be afforded the opportunity to join the members of the committee and the secretariat today to give the perspective of the officers of Óglaigh na hÉireann on current retention issues affecting our members and the Defence Forces.

The Defence Forces have been in a state of slow decline for almost a decade, and it has reached the point where this decline is becoming irreversible. Numerous reviews and commissions have touched on the root cause of this decline, without actually addressing it, which is the failure to adequately resource defence in order to retain highly qualified and experienced personnel to maintain capability.

RACO represents 95% of all Defence Forces commissioned officers and had the honour of addressing this committee just over two years ago in May 2019. At that time, it was an accepted fact that the Defence Forces was in a manning-level crisis. We were then awaiting the

report of the Public Service Pay Commission, which ultimately proved to be a major disappointment. The measures contained within the report fell well short of what was required, and many still have not been implemented two years on by senior military and civil management, who continue to refuse to engage meaningfully with the representative associations. This has seen a scarcely believable deepening of the crisis, with the organisation's strength having fallen further still to its current low of approximately 8,580, with only around 8,200 of these deployable. We ask ourselves whether we have reached the bottom yet.

Although we are dealing with an organisation in crisis, the Defence Forces still has many positive aspects. There are few careers today that can offer the sense of identity, camaraderie, and individual and collective pride that a life in the Defence Forces can. There is much that we do well as an organisation, from overseas deployment, maritime security and emergency aeromedical service and training and education, but we are undermined by a lack of investment, resources and contingent capability. Our members are undervalued and overstretched and are leaving the Defence Forces at an unsustainable rate for more stable opportunities in the public service, or better paid positions in the private sector.

Our mission is "to champion the well-being of our members" and our key message is that the resourcing, remuneration, motivation and retention of personnel is critical to saving the Defence Forces and ensuring its viability into the future. It is our firm belief that without adequately trained, motivated and incentivised personnel, there can be no defence capability. The greatest challenge to the Defence Forces today is simply staffing its appointments, particularly at the middle ranking officer and NCO level. It has been demonstrated beyond a shadow of doubt that we cannot hope to recruit our way out of this retention crisis. The White Paper on Defence states that the most fundamental requirement and a critical factor for success is well trained, motivated, experienced and capable personnel with a wide range of skills and experience in order to successfully deliver government requirements. However, the increased rates of voluntary departures and rapid induction in recent years mean that 24% of all operational personnel in the Army, Air Corps and Naval Service have five years' service or less. For officers, it is even more stark. Since the commissioning of the latest extraordinarily large cadet class, 35% of all commissioned officers have fewer than five years' service. This has severe implications for governance and supervision and increases organisational risk. It is telling that of all the White Paper projects reportedly closed thus far, five years into the process, none have had any tangible impact on the retention of personnel.

The dysfunctional cycle of turnover, identified by University of Limerick, UL, researchers in 2016, has led to an ever-decreasing pool of suitably qualified and experienced personnel, and in an organisation whose stock in trade is the profession of arms and the management and execution of lethal force, this is a grave risk. Between 2016 and 2020 the organisation inducted 3,116 personnel while losing 3,679, which was 41% of the average strength for those five years. This rate of churn has also led to a crippling recruitment effort, delivered by our members, but no amount of water has been able to fill the leaky bucket that the organisation has sadly become. Our members are called on by the Minister to care for and mould the countless recruit and cadet inductees who are currently inflating strength figures but are refused the specialised instructors allowance, which was taken from officers under the Haddington Road agreement and has yet to be reinstated. Non-commissioned officer, NCO, instructors rightly continue to receive this payment. However, officers bear the ultimate responsibility.

When we look at the cost of training an officer, the cost-benefit of retention over recruitment is self-evident. The cost of training one officer cadet is estimated at more than €100,000 per

student. At what point of dysfunction will management favour retention over the continual failing demands of recruitment? We cannot go to market to recruit a captain or a sergeant; we have to replace them with cadets and recruits. The cost of training a specialist officer in engineering, ordnance or communications is significantly higher. The high rate of turnover has created significant manning level gaps in both line operation and technical units. We aspire to be tech-enabled but we cannot train and retain sufficient technicians to maintain our current equipment.

The solution to the staffing crisis was to be the high-level implementation plan, Strengthening our Defence Forces, which has unfortunately been allowed to fail by Defence Forces' senior management, accompanied by a lack of political will to resource it and an absence of meaningful oversight. To have seven out of 15 projects still behind schedule two years into a one-year plan would be unacceptable at any time but the fact that this is occurring in a Government plan, sponsored and monitored by the Department of the Taoiseach, in the face of the well documented Defence Forces recruitment and retention crisis, is unconscionable. This does not bode well for future expansion to meet unmet defence and security needs that the ongoing Commission on the Defence Forces will likely identify.

Our military structures need significant adjustment. Critical to the majority of the significant human resource issues in the Defence Forces at this time is a lack of contingency built into the establishment. The employment control framework was imposed at a time of severe financial crisis and is no longer fit for purpose. The reorganisation in 2012 cut what was seen as the fat of the organisation at the time, seeking a lean organisational structure. However, in an organisation that has been structured on a lean basis, every appointment has, therefore, been deemed essential. Thus, the removal of any personnel to fill a non-establishment vacancy, such as overseas, training courses and, most recently, the establishment of a joint task force to support the HSE, strips away an essential employee from his or her normal place of work. Consequential staffing gaps have a direct impact on the welfare and morale of personnel exacerbating the dysfunctional cycle of turnover. Trainees should not be part of the organisation's reported strength as this provides a misleading perspective on the strength and health of the organisation. Indeed, the high level of inductees in training further diminishes capability as those personnel who are required to instruct are also removed from day-to-day operations. In many instances, there are no dedicated appointments for this training.

The catch-all pay determination model that applies to the public sector fails to catch all of the public service. The worst off in this model are the Defence Forces. Our members willingly forgo the right to industrial action and submit themselves to abide by military law. They are subject to mandatory selection for overseas service, are required to achieve strict annual medical and fitness standards, are subject to compulsory random drug testing, are liable to be posted away from family for extended periods of time and bear an unlimited liability in their service to the State, ultimately willingly volunteering to place themselves in harm's way. Unfortunately, this loyalty and commitment to serve has attracted much praise but little else from successive governments.

The only way for the Defence Forces to become employers of choice as envisaged in this high-level plan is to compensate for the restrictions of military service by breaking relativities with other public sector bodies. RACO welcomed the commitment in the programme for Government to a standing independent pay review body but fails to understand how such a body can recognise the unique nature of military service, while remaining within national wage structures as envisaged in the terms of reference. Such a mechanism for pay determination must deal with the unique retention issues that the Defence Forces experience in isolation or it cannot, and

will not, work. Our members noted with dismay the appalling treatment of the Defence Forces in the recent pay negotiations despite pronouncements by relevant Ministers, verbally and in writing, that there would be parity of esteem and fair treatment.

The removal of a supplementary pension provision means 79% of post-2013 Defence Forces' officers are planning to leave the organisation well in advance of their mandatory retirement age due to inadequate provisions. To put this in context, this cohort makes up 45% of our membership. It is the ticking retention time bomb that will undo any other good work done by our members who have worked so tirelessly to facilitate the unprecedented induction training levels. If this is not resolved, then all the effort put into inducting and training the recent extraordinarily large cadet classes will have been for nothing as we watch them walk out the door. It is the very opposite of value for money and threatens future organisational viability. It is a significant barrier to retention of our members, which is reflected in our recent exit survey finding that 30% of retiring Defence Forces' officers would not recommend a career in the organisation to their family or friends and a further 34% would do so only with significant improvements in conditions.

The working time directive's health and safety provisions set out limits on the number of continuous hours employees can work over certain periods. It is clear that in the current environment the Defence Forces cannot meet the requirements of the directive and maintain its operational outputs. What is equally clear is that a failure to provide adequate rest and compensatory time off for military personnel is significantly impacting their home life and, therefore, the ability of many of them to maintain a career in the Defence Forces. For too long our management has treated members' time as an infinite resource, without consideration of work-life balance. The fact that our organisation has never even recorded working time, in contravention of EU law, has denied our members access to benefits, such as overtime, which are available to other public sector employees.

The current strength of the Defence Forces is well below the established minimum. What is not reflected, and what the implementation of the working time directive will surely reveal, is just how inadequate that minimum actually is. RACO has attempted to seek engagement on the implementation of the directive with our management in a reasonable and collaborative manner through the conciliation and arbitration scheme for the Defence Forces, for many years now, without success. This has now necessitated the commencement of legal proceedings to vindicate the rights of our members. Enhanced capability ensures the protection, health, safety and well-being of our personnel, inspires pride in service and improves retention. Critical enablers possessed by normal military forces, such as strategic airlift, are not only logistical and strategic assets, they also enhance the well-being of personnel by ensuring that our people can be deployed and recovered from overseas missions in a safe and timely manner.

Government spending on defence, the lowest in the EU by any identifiable metric, is dangerously inadequate. What defence services do we not provide the citizens of this State that other EU armed forces provide and does this capability gap pose any strategic risks to Ireland, our citizens or our EU partners? We must never apologise for the maintenance and resourcing of the State's insurance policy. The Chief of Staff should be accountable for a significant operational share of the defence budget, with an emphasis on operations, capital expenditure and infrastructure. Furthermore, we cannot continue to rely on pay savings to fund capability development.

The Army is required to maintain a contingent capability in order to be able to discharge its primary role, "to provide for the military defence of the State from armed aggression".

There are very significant capability and capacity deficiencies within the brigades. The Defence Forces' current level of deployment on overseas operations is significantly higher than that of comparable militaries. Our members are very proud of our record of overseas service. However, the retention crisis has resulted in a significant impact on the frequency with which our personnel are required to travel. According to military management, in 2020 almost 25% of deployable Army strength was deployed overseas at one point or another.

The Naval Service must be equipped and able to respond to identified threats. However, it has nine ships but barely an establishment for six and, therefore, is set up to fail. A lack of resilience in human resources has plagued Naval Service operations in recent times, with patrols cancelled due to the lack of suitably qualified and experienced personnel and two of our State's national fleet being tied up for the long term. This has a huge effect on the ability to conduct maritime defence and security operations effectively and safely and cannot be allowed to continue.

The Air Corps has no primary radar or intercept capability. Coupled with these deficiencies, the State's capacity for air mobility remains inadequate, leaving the air domain open to exploitation by any hostile actor or element. By formulating a whole-of-State policy, assigning specialist aviation roles such as search and rescue to the Air Corps, mutual benefits can be achieved for the State, the Defence Forces, the Air Corps and, most important, the personnel who deliver these services.

Our infrastructure is in dire need of an overhaul. The Defence Forces training centre, which is a centre of excellence for all training in the organisation, is in a dilapidated state due to lack of investment. The 19th century structures are in urgent need of repair and, in many cases, demolition. Our stock of accommodation is insufficient for our personnel needs throughout the country. If the defence organisation is really serious about dignity in the workplace and the health, safety, and welfare of its people then it has much work to do. Much of it comes down to an apparent policy of managed decline. The failure to replace civilian tradespeople as they retire has also severely curtailed the maintenance and upkeep of our facilities. Our people deserve to feel proud of the conditions in which they live and work. In too many locations, this is simply not the case.

The ongoing Commission on the Defence Forces, which RACO called for in our previous appearance before this esteemed committee, is currently examining what the State wants us to do and what resources are required to execute the mission. If we are to be serious about defence and security then major surgery and enormous investment are required in Defence Forces capabilities, structures and staffing. We have allowed this proud organisation to deteriorate to an alarming degree through a mixture of unsuitable policy, comparatively poor pay and conditions of service and a failure to invest in our people and structures. The commission must be bold and ambitious in its recommendations if it is to make any tangible impact on a problem that is becoming unfixable. We note that the terms of reference state that in arriving at its findings and recommendations for arrangements for the effective defence of the country, the commission will have regard to the level of funding provided by Government for defence. We earnestly hope that this funding will be adequate to meet the demands generated by the experts' recommendations and, more fundamentally, that these recommendations will not be constrained by the resources allocated.

Planning without resources is simply dreaming. We have a poor track record of policy implementation in the defence sector from the White Paper on defence to the high-level implementation plan. The commission's recommendations must be fully resourced and accompanied

by a strong implementation oversight body to ensure that its good work is not allowed to wither on the vine. If that occurs, there could be a bright future ahead for Óglaigh na hÉireann.

In conclusion, I acknowledge the phenomenal efforts of all of our members - supported by their families - who continue to put their shoulders to the wheel for the State during the pandemic response and in their normal day-to-day roles on land, afloat, in the air and overseas. From testing, tracing, vaccination and logistical support to the HSE, they have all truly done the nation proud during the fight against Covid-19 and are owed a debt of gratitude and not just flattery. The versatile and steadfast insurance policy that the Defence Forces provides to the State has been highlighted time and again. We cannot allow the likes of Covid-19 and the inevitable shock to the public finances to be a reason not to invest in defence. On the contrary, it is specifically because of “Black Swan” events such as a global pandemic that we need the robust national insurance policy that the Defence Forces provide. We must acknowledge and reward our people’s efforts in facilitating the organisation’s essential contribution to national resilience notwithstanding the inadequate defence budget and argue that the insurance policy which the State demands from the Defence Forces can only be comprehensive if it is properly funded and resourced. I sincerely thank the Chairman and committee members for their time. We are happy to take any questions from members.

**Chairman:** I thank Commandant King for his comprehensive, lengthy and all-embracing presentation for which we are very grateful.

**Deputy John Brady:** I thank the witnesses for joining us this afternoon and giving a pretty damning opening statement regarding the current situation of the Defence Forces. If a report that talks about decline becoming irreversible, how there is a refusal to engage meaningfully, appalling treatment regarding pay talks, breaches of EU law regarding the working time directive and how our Naval Service is set up to fail is not enough to set off alarm bells in any corridor, I do not know what will.

The submission stated that we are fast reaching the point where decline is becoming irreversible. Could the witnesses elaborate on that point? I know we have all of the figures here. We have all of the statistics. We know our Defence Forces are about 8,500. Commandant King stated that only about 8,200 of those are deployable so we know we are 1,000 or 1,000 plus below where we are supposed to be. On deployment, there is a figure of 300 there. Could the witnesses address that point? Commandant King went on to ask whether we have reached the bottom. I think this is a very serious question that the powers that be must answer.

Commandant King also said there is a continued refusal to engage meaningfully with the representative bodies. There is a further comment regarding the recent pay negotiations. Commandant King stated that “our members noted with dismay the appalling treatment of the Defence Forces in the recent pay negotiations despite pronouncements by relevant Ministers, verbally and in writing, that there would be parity of esteem and fair treatment.” To me, it is very apparent why they feel that way but could Commandant King elaborate on that? He said there were pronouncements by relevant Ministers both verbally and in writing. Could he elaborate on that? What commitments were given?

He also spoke about the number of plans, including the high-level implementation plan. He said that this plan has been allowed to fail by Defence Forces’ senior management through a lack of institutional and lack of political will to resource it. He went on to say that to have seven out of 15 projects still behind schedule two years into a one-year plan would be unacceptable at any time but the fact that this is occurring in a Government plan, sponsored and monitored

by the Department of the Taoiseach, in the face of the well documented Defence Forces recruitment and retention crisis, is unconscionable.

Regarding the implementation plan and the seven out of 15 projects, could Commandant King elaborate on the projects that are behind schedule and on how important they are in terms of the overall situation within the Defence Forces and the fact that we are still heading towards rock bottom and the decline is quickly becoming irreversible? How important is the implementation plan to all of that?

Regarding the point about the pay negotiations and the fact Commandant King thought the treatment of the Defence Forces was appalling, what are his views regarding the failure of them? Could he comment on the negotiations and the calls for members of the Defence Forces and representative organisations to be able to affiliate with ICTU?

Regarding the working time directive, this is something that is causing significant concern not just within the Defence Forces but across the board. I am dealing with retained firefighters who are in a similar situation. They are also engaged in legal action over the failure to implement the working time directive. What recent engagement has RACO had on the implementation of the working time directive? Accelerated provisions were implemented in 2019. Where are they? Commandant King said that this has necessitated the commencement of legal proceedings to vindicate the rights of members. Will he give a brief update on where those legal proceedings are?

I will turn to the Naval Service. Commandant King made a comment in the opening statement.

**Chairman:** I will give Deputy Brady another two minutes. I am anxious to bring in other members. If we can deal with the questions smartly and concisely, there will be time for a second round. I ask Deputy Brady to proceed accordingly.

**Deputy John Brady:** I have two final comments. One relates to the Naval Service. Commandant King said that there are nine ships but barely an establishment for six, so it is therefore set up to fail. Will he elaborate on those comments and on the recent recruitment attempts? I know the Minister joined one of the ships recently as part of a recruitment programme. How does Commandant King feel those recruitment attempts might go without addressing the more substantive issues in the Naval Service and Defence Forces?

My last question relates to the management of facilities. Commandant King made a point about the failure to replace civilian tradespeople as they retire and how it has severely curtailed the maintenance and upkeep of our facilities. Will he give a broader picture? How many tradespeople have retired without being replaced? What impact is that having within the Defence Forces, barracks and so on across the State?

**Chairman:** I thank Deputy Brady for his co-operation.

**Senator Gerard P. Craughwell:** I welcome the witnesses from the Defence Forces and RACO. As a former serving member, the presentations that we have received from both RACO and PDFORRA in recent times are utterly depressing. I cannot understand how we have allowed such a proud organisation to be so utterly devastated in recent years. One of my great concerns is the significant intake of young officers into the cadets. Are we creating a problem for the future when they all reach that glass ceiling beyond which only a few will have a military career?

Commandant King mentioned success with adjudications. Some time ago, I argued against the appointment of a HR person in the Department of Defence. Sadly, it was not listened to. What is it about RACO's members relationship with the Department that they find themselves going into adjudications? Why is there not some sort of a system whereby they can agree things without having to go to a third party to adjudicate on their behalf? I find it baffling that we have somebody on a high salary who should be able to resolve these issues but that that is not happening.

Commandant King mentioned that they have published an exit survey. I found it rather strange that there was a need to do that. Something clearly stimulated the RACO to carry out that survey. The outcome of the survey is horrifying. I was a non-commissioned officer, as the witnesses will know. When I was in the Defence Forces, officers joined for careers and there was significant loyalty from the State to its serving personnel, both officers and NCOs, and serving soldiers offered significant loyalty in return. The outcome of the survey is that 30% of retired officers say that they would not recommend the Defence Forces. If they were being honest about it, 64% of them say that they would not recommend a career in the Defence Forces, although 34% would be willing to recommend it as a career if there were improvements. What has gone so terribly wrong in Commandant King's view that young officers are leaving and have such a dim view? Any time that I meet retired groups, the pride about service and the camaraderie that existed has never left them. There is sadness in the survey, with people who loved every day that they served and left because they could not have a normal family life. We hear stories about people having to commute from all over the country for what appears to be no real benefit to the organisation. What are Commandant King's views on that?

My colleague, Deputy Brady, mentioned the pay talks. There was palpable anger from the Defence Forces personnel who I know that there were essentially no negotiations with RACO or PDFORRA. They were handed a *fait accompli* and had no input whatsoever. How do they see a pay commission changing that? If a pay commission is stuck in, with whatever national percentages are agreed with ICTU, what function does Commandant King see it having for the Defence Forces?

Regarding specialised instructors, I was part of the trade union movement and a president of a union when financial emergency measures in the public interest, FEMPI, came in. Many allowances were removed during that process. We have been unwinding those FEMPI cuts over the years. Is Commandant King telling me that commissioned officers who are involved in specialist roles are still being impacted by FEMPI and that they do not have their specialised instructor's allowance back? If they do not, that is a serious matter. How have they been left out when everybody else is getting theirs back? I do not understand that.

Is there a problem with fixed promotions, especially for specialised personnel such as medical officers? There was a problem some time ago but I am not sure if that problem still exists. If there is a problem, will Commandant King give us some idea about it?

Regarding overseas service, Ireland regularly talks with pride about our service with the United Nations, etc. It is my experience that if a commandant from a barracks is sent overseas, that vacancy remains open while the commandant is overseas and some other young officer has to step in and take the commandant's place. In Commandant King's view, how many officers are operating above their pay grade? For example, a captain might be taking the responsibility of a commandant and running a company, or a commandant might be taking responsibility for a battalion. I am concerned about that and ask if he can address that.

Abatement probably does not impact RACO's members as much as it does other ranks. Does RACO have a view on the issue of abatement?

This is more of a statement than a question. The pop-up recruitment at the weekend brought recruitment to a new low. We found ourselves with a tent beside a ship, hoping that somebody would wander in off the street to join up. Is that how bad things have got?

I am delighted Commandant King mentioned the Air Corps and search and rescue. I would hope to see the Air Corps used in a more productive way. Rather than being the last port of call, it should be the first port of call for any air transfers. I will leave it at that. I can see that the Chair wants me to move on.

**Chairman:** I thank Senator Craughwell. As I said to Deputy Brady, I may well be in a position to have a second round. If so, I would be happy to revert to Senator Craughwell. I am conscious that there is a large number of questions for Commandant King, covering a wide range of issues. I am conscious also that there are a number of members who are anxious to come in. I will take a contribution from Senator Joe O'Reilly, following which I will revert to Commandant King, followed by Deputies Berry and Clarke. Is that agreed? Agreed.

**Senator Joe O'Reilly:** I welcome our guests from RACO. I share the view that it is disturbing if we have a crisis of retention in the Army. It is a great difficulty. The Army is one of the great institutions of our State which we are loyal to and proud of. It has measured up to domestic crises as they have arisen down through the years and has done us proud in international service and peacekeeping. It is not enough that we acknowledge that. We have to deal with the practical difficulties that exist. I presume it is officer level retention that we are discussing today. My understanding was that a number of allowances had been restored a few years ago. I thought that the October pay agreement had resulted in some progress in 2020. I take the point around pay. I hope that the commission deals with it. Commandant King might elaborate on the pay issue and clarify if the crisis is specifically at officer level or throughout the Army. It is disturbing if the Army is out of kilter with restorations of pay in other areas. We need to be mindful of that. It is an issue that the Commission on the Defence Forces would need to address.

I am interested in knowing the areas to which the officers who leave are going. I am aware of the exit survey. It is disturbing that 30% would not recommend a career in the Army. Commandant King might elaborate on where people are going and if it is an economic pull, career options, etc., or if it is all about pay and lifestyle? What are the factors at play in the pull away from the Army? In terms of the Celtic tiger pull from the Army that might have existed in the past, in a post-Covid world it might take some to develop again. That said, the commission needs to carefully analyse why people are leaving prematurely and why they are not recommending the service.

It is disturbing that the working time directive is not being implemented. One would assume that that is a reform that could readily be achieved. There is no national economic imperative that could be argued there. That would seem to be blatantly discriminatory. It is an internal issue. Commandant King might elaborate on the fault lines in that regard and what can be done.

On the question of time-off, surely time-off for Army personnel should not be different from time off for other public servants. There should be no difficulty in that regard. Efforts should be made to accommodate personnel in terms of time-off.

It is disturbing that Commandant King spoke about problems with regard to the quality of accommodation. He might also elaborate on that issue. The commandant's statement that the Naval Service is set up to fail is a real issue. Am I correct that he said there is no replacement of civilian tradespeople when they leave, or is there a percentage replacement? What is the issue there? We need to restore the morale of our Army. We need an Army in which there is a level of contentment, pride and happiness among personnel. It is in that regard this meeting and the outcome of it will be important.

I am a strong supporter of our Army. Many Army personnel live in Cootehill, Cavan town and other areas of Cavan. They have been great members of those communities and a positive force in the social and cultural life of those communities and in every aspect of society. The issue today is internal conditions. I look forward to hearing Commandant King's responses.

**Chairman:** I now invite Commandant King to address the many questions put by members.

**Mr. Conor King:** I thank the members for their insightful questions. I will start chronologically with Deputy Brady. To facilitate other members, I will keep my responses brief. The first question was on whether the decline is irreversible. We have done much modelling, which has been submitted to the Commission on the Defence Forces. We have proven beyond a shadow of doubt that at the current rate of turnover, even with taking in 700 recruits and cadets every year, which is not sustainable and we have not been able to do it, we are never getting back to a strength of 9,500. We need to get the turnover rate below 5% and to still bring in 600 people. Our modelling shows that if that happens, we will get there in 2026. Much work is required to ensure that we have the conditions to achieve that.

The Deputy also asked a question in regard to deployable personnel and what "deployable" means. For any modern armed force it means people who are not in full-time induction training, including recruits, cadets and apprentices. In our opinion, and that of the vast majority of armed forces around the world, they are not deployable, they are not fully trained and they are not safe to be deployed with a weapon, which is our stock and trade. The Deputy also mentioned a refusal to engage meaningfully and statements of Ministers and parity of esteem in regard to the pay negotiations. The difficulties we and other associations experience at pay negotiations are well known among the committee. When we have hope going into a negotiation that we are going to be treated equally - not in any special way, just equally - and we do not get that, it is very disconcerting for members. We were happy to hear the then Minister for Defence say in the Oireachtas that the Defence Forces would have a strong hand at the negotiation table. We received assurances in writing from the Minister for Public Expenditure and Reform that that would occur. Sadly, that night, officials concluded an agreement but we had been locked out of pay talks for seven days at that point. I cannot be any clearer than that.

Reference was made to seven of the 15 projects in the high-level implementation plan. This is the real kicker for us. This is the one that really demoralises our members. We put so much work into and were committed to the Public Service Pay Commission. We got a second bite at the cherry specifically for the defence sector. Arising out of that came some measures but not enough to stop the high rate of turnover. I may be a bit theatrical, but we, at least, got a plan in terms of the high-level implementation plan. It is clear and states exactly what needs to be done. It sets specific timelines for specific projects. A programme management office was set up within the defence organisation to house and feed into this plan but it has been disbanded. That shows the approach in play. The Oireachtas is being told that the high-level implementation plan projects are being progressed, but we are not being let into any of them. As the general secretary of RACO, I have to put a stop to the idea that projects are being discussed in the

context of future pay negotiations. The Dáil is being told this but it is not happening. The pay talks are done. The high-level plan was not discussed, therefore, it was game over.

Deputy Brady asked about ICTU. Let me say at the outset that RACO has the height of respect for ICTU. We respect what it does for its members. It is extremely effective in how it represents its members. The Deputy will recognise that we spoke about the restrictions and constraints that are placed on military personnel. We cannot take industrial action, for example. We spoke about the unique nature of military service and how some constraints are placed on our members that are not placed on other public servants such as voluntary retirement ages, unlimited liability, etc. If we are consistently being told that we are unique, then we feel we have a right to argue that there should be unique provisions to compensate for these restrictions or constraints. Nobody had been able to explain to us how going into an umbrella body such as the Irish Congress of Trade Unions would actually make unique provision for our distinct requirements.

What we were calling for, therefore, was an independent pay review body, not exactly like other jurisdictions but one that was completely bespoke to the Irish Defence Forces. What we wanted from that was a standing body, which would be solely independent from the likes of the Department of Public Expenditure and Reform and that would have the latitude and autonomy to make interventions, to consistently go around to barracks to talk to all ranks and families and to look at accommodation and allowances. If there is a problem with ordnance or bomb disposal, for instance, look at perhaps a retention bonus for that. If there is an issue with, for example, accommodation, try to come up with an innovative solution for that. The thing about the review body, however, is that if it is going to be housed within national pay negotiations, then we and our members fail to see how it can make a difference and that is a problem. We are in a bit of a bind here.

The Deputy spoke about the working time directive and rightly referenced accelerated provision. There were accelerated provisions on two fronts with regard to resting after a specific weekend duty. We ended the practice of people who were up for 24 hours or who had spent 24 hours on duty going back to their place of work at half past eight the following morning, which was rife throughout the organisation. That was welcome.

The Deputy will have been told on many occasions by our management that there is ongoing engagement. The last meeting we had on the working time directive, despite asking every two months, was 24 July 2019. That is nearly two years ago. That is why we have regrettably had to resort to external avenues to vindicate the rights of our members. Let us not forget that this is a health and safety issue. The failure to implement the working time directive is directly leading to the burnout that is reflected in the exit survey and was also reflected, members might recall, in the University of Limerick, UL, workplace climate survey and focus group reports in 2015, 2016 and 2017.

The Deputy asked about the Naval Service. It is nine ships but an establishment for six. Why do we say that? The last reorganisation cut the establishment of the Naval Service even further by 60 personnel, which is fundamentally a ship's crew. It increased the number of ships from seven to nine, however. It is, therefore, a simple equation. If you add hardware and remove the ability to operate that hardware, you are set up to fail. This is before we talk about implementing the working time directive when, as we know, our members and PDFORRA's members spent many long hours at sea in contravention of the working time directive limit.

The Deputy asked about the recruitment drive. We would be the first to champion any inno-

vation with regard to recruitment. We have even tried to make submissions to review Defence Forces recruitment through the high-level implementation plan. We have received absolutely no feedback, however. All we got was, “Thanks for your submission”. What we would say simply is that recruitment must be underpinned by the correct conditions in terms of pay, work-life balance and service. If and when that occurs, we will be the first to promote recruitment and induction into the Defence Forces. We have not stopped doing that. The ironic thing is that we have a roadmap that was agreed by our members. I would like to bring in our president, Mr. Foley, to talk about the feeling on the ground when we signed up to this in 2019 versus the feeling on the ground now with regard to the lack of delivery.

**Mr. Luke Foley:** I thank the committee on behalf of our members. We are very appreciative to have this opportunity to discuss our concerns. My predecessor spoke of the frustrations in the form of 2019. It is clear that we are beyond frustrations now in a much more crucial time to deal with these issues.

I will briefly discuss the issue for our members with regard to the young officers, YO, that is, our younger post-2013 membership. Senator Craughwell pointed out the massive intake of YOs and whether they will reach the glass ceiling and find there are no careers for them. Unfortunately, based on the data from our exit survey, 79% of our post-2013 recruits do not see a career in the Defence Forces. Mainly from speaking to the members on the ground, which I have done continually, this has been echoed to me from all our post-2013 members.

We recently commissioned a class where 28 of those officers went to the 2 Brigade training centre where I am based. I held a seminar for them for a week and they were already discussing their exit strategy from the organisation because to put it simply, there is no long-term plan or place for them in the organisation. They will not be able to avail of a pension at retirement age due to the lack of a supplementary pension. Many of these people are talking about moving to other parts of the public sector for similar job roles. They are not looking to go to the private sector for big money. They want to stay in the public sector but all they are looking for is job security and security in retirement, which is a fundamental right for all people who serve their State.

When the Senator talks about a glass ceiling, unfortunately, I do not think we are going to get there. It is going to be a situation where people will leave over the next number of years. Trained personnel are going to leave, personnel who we cannot replace with trained personnel from other areas of the public sector or from outside because of the unique nature of what we do. It is, therefore, very worrying but I do not see it as being a glass ceiling for our post-2013 recruits.

**Mr. Conor King:** I thank Commandant Foley. I believe I have dealt with Deputy Brady’s questions. I would be happy to take any further questions afterwards. I would like to move on to Senator Craughwell’s questions if that is okay.

The Senator asked why we go to adjudication. We always try to conciliate first and then arbitrate second. That is what the conciliation and arbitration scheme is. In this regard, sometimes I have sympathy for the Department because it always has to refer to the Department of Public Expenditure and Reform for everything. Having said that, however, we feel that the only success we have managed to have after a conciliation and arbitration scheme has been through the zero-sum game that is the arbitration route. It was absolutely disenchanting that we did not even have a third-party adjudication mechanism for more than half of 2020 because they were just not replaced. That was really soul-destroying for our current team as a conciliation and

arbitration scheme.

We have also run into some problems recently with regard to readjudications that were initially not honoured. Thankfully, however, we got over the line. I speak specifically about the collection and the military service allowance. Thankfully, that was resolved, and I thank the Department of Defence for that.

The Senator asked why we conduct an exit survey. Our members asked us to do so at a conference a number of years ago because the information was not coming out about why officers were leaving the Defence Forces. We asked management for access to information but it did not come for various reasons, perhaps due to resourcing, turnover, etc. We, therefore, conducted our own survey. The Senator was absolutely correct when he said the findings are quite troubling. They would be very loyal crowd of people. The average length of service of the 103 respondents was 19 years, so it is not as if they did not like the organisation. I would say the sense of burnout, frustration and sadness is palpable in those pages. We do not like to come in here and say that 30% of our members would not recommend to family members a career in the Defence Forces. That is specifically for reasons like the removal of the supplementary pension provision and not doing anything with the mandatory retirement age. Our members almost have a duty to inform people and that is what we do when we go in to speak to the cadets. The hardest thing in the world for us to do is to tell cadets that they have to retire in their mid to late 50s and will be unable to survive on the income so they have a decision to make.

A question was asked about the specialised instructors allowance. I might hand over to our deputy general secretary, Derek Priestley, to discuss that.

**Mr. Derek Priestley:** The specialised instructors allowance was brought in at a time when the organisation had done some reflection on incentivising and encouraging the best and brightest NCOs and officers to run the training for new inductees. There was a trial run by what we called the implementation monitoring group. The group reviewed the culture of the Defence Forces and identified a need to improve and standardise training, set standards and incentivise the best and brightest to come in and train. An allowance was paid based on additional qualifications that young officers and non-commissioned officers had and it reflected the number of hours done as well. These are residential courses that instructors had to do for an 18-month cadetship or a six-month recruit training period. The allowance was identified as part of a review of allowances in the Defence Forces back in the days when the financial emergency measures in the public interest were a growing concern. It was effectively removed. It was identified as being no longer required and was removed for officers only. At the time we had in the region of 40 to 50 officers in receipt of it across the Defence Forces. The cuts were brought in as a saving measure. It was only removed for officers. The officers in receipt of it at the time had the allowance bought out. It is important to point out that the allowance remained for NCOs and continued to be paid to them throughout all the cuts. PDFORRA had agreed to a different way of implementing savings and the method pursued achieved the savings required. Some of the allowances they had decided on relating to new entrant pay have now been reversed. We have identified this allowance that was paid to a cohort of the hardest working individuals in the Defence Forces. We sought it back under the reversal of the various cuts, but to no avail.

It is an allowance paid to all three services, the Naval Service, the Air Corps and the Army and to the hardest working group. We believe it should be restored as part of the unwinding of the FEMPI measures and as part of the restoration of pay and allowances across the public sector.

We have identified the need for this allowance. We spoke about morale earlier. This would be a major morale booster and a real force multiplier. It is very much an indication that we appreciate the people who are working hardest in the Defence Forces. Hence, we would like to see the specialised instructors allowance for officers. I wish to emphasise the point that it was not bought out. It was bought out for a specific group of members who at that time were there to save money. That need or imperative has now gone. That is as much as I would say about that.

**Mr. Conor King:** I might bring in Commandant Luke Foley. Commandant Foley is the commander of the brigade training centre and witnesses the work that the officers do on a daily basis.

**Mr. Luke Foley:** Traditionally, the unit I am in would have attracted instructor allowance for the officers. When I was in the unit as a lieutenant I would have received the allowance for the long hours I put in and for the qualifications I brought to the appointment.

As unit commander I see our members running courses. I oversee the most common course we run in my unit. We have members in other training establishments but in my unit we run a six-month potential NCO course to train up corporals. I did a survey after the last course we completed. On average the instructors are doing between 56 and 60 hours per week when we take the six-month period into account. In that time they are training and they also have responsibility for oversight. They take on the risk in respect of that course. They are training with my NCOs but they are not receiving the payment that my NCOs receive in recognition of the hard work they put in. It is a fundamental issue for our members affected by it.

**Mr. Derek Priestley:** I will finish on Senator Craughwell's question on fixed period promotion. He specifically mentioned medical officers. It is important to take a few seconds to understand the importance of medical officers in the Defence Forces in respect of the application of force, travelling overseas, training and the use of lethal force. Having medical officers is not simply about medical care. It is about trust and asking people to put themselves in danger. These people need to be looked after. The establishment figure for medical officers in the Defence Forces is 24 or 25. That may sound like a lot for an organisation that is meant to have 9,500 people but not when we consider that we currently have three medical officers deployed at any one time. Effectively we have three forming up, three overseas and three coming back. We need a panel of nine for overseas commitments alone. That is before we do annual medical examinations or any medical treatment that might go on within the Defence Forces.

We are all aware of the situation internationally and nationally with the shortage of doctors. Back in 2012 it was decided in agreement with the association - we have the conciliation council report - to give a boost to newly recruited doctors after three years. We would promote them from captain to commandant after three years with what we call fixed period promotion. One might say that is a great benefit and it does not exist anywhere else in the public sector, but the reality is that all we were doing was reflecting the pay scales available in the HSE or the wider private sector for doctors. In 2012 the number one item on the risk register at the time was the availability, recruitment and retention of medical officers in the Defence Forces. The bringing in of this provision whereby we promote doctors after three years to the rank of commandant was good work.

In 2015 the fixed period promotion for all special service officers in the Defence Forces was removed only for it to come back, thankfully, in 2019. The then Minister of State at the Department of Defence, Deputy Kehoe, looked at the wider problem and decided that special service officers would continue to benefit from fixed period promotion.

Last February, we had a doctor who had been recruited in 2018 and who thought he would had fixed period promotion after three years to commandant. He was denied his promotion and was told it was not going to happen. This was news to us because we had a conciliation council report providing for agreement with the Department that it should happen after three years. This officer is in the vanguard and the four or five officers who were recruited after him are all now reconsidering their service in the Defence Forces.

If we have an establishment of 22, we probably have 15 on our books. To lose four or five medical officers at this stage would be a disaster. I cannot understand an attitude that would deny fixed period promotion when the logic was all set out in 2012 and agreed with the association. The impact of this, as I said at the start, is that without medical officers in the Defence Forces we cannot deploy overseas or train or fire any of the larger weapons. We cannot keep our people physically and medically fit to do the job that they are meant to do. It is absolutely a force multiplier and it delivers capability across the Defence Forces. The policy that is being implemented is going to have a detrimental effect.

**Chairman:** I am conscious of the time at this stage. I know the RACO representatives want to deal with some of the questions from Senator O'Reilly. I am keen to bring in members who have not been in yet. I have an indication from Deputy Brady that he has a brief and direct supplementary question. I will give him 30 seconds and then proceed to Deputy Berry and Deputy Clarke. Deputy Brady has a direct question from the earlier round that was omitted.

**Deputy John Brady:** I asked the question but I think the witnesses forgot to pick up on it. It relates to the failure to replace the civilian tradespeople and the impact that is having. Can we get some numbers? What is the situation in respect of the failure to replace those critical civilian tradespeople?

**Chairman:** I call on Commandant King to address that and respond to Senator O'Reilly. Then we will go back to Deputy Berry.

**Mr. Conor King:** This also was asked by Senator O'Reilly. I will pick up on his questions after this.

I had the privilege of working in the Defence Forces training centre, DFTC, for a number of years of my career. Nowhere else in the Defence Forces is the lack of civilian tradespeople so obvious than in the DFTC in respect of dilapidated structures and lack of maintenance. When you dig a bit deeper and look at the establishment of civilian tradespeople - I could be wrong but I can check - the number should be approximately 300 but about 40 are employed. If we drill down into that, we are supposed to have eight electricians, for example, among civilian tradespeople but we have one. We are supposed to have eight plumbers but we have none. That is the simple fact. This happened because as these ladies and gentlemen were getting on in years and retiring, people were not being recruited to replace them. It is just a simple fact. As a result of the White Paper, a project was initiated, and closed, to bring in civilian tradespeople. I am not sure how many have been brought in since. The impact of not replacing civilian tradespeople was very evident in many of our locations throughout the country as time went on.

Senator O'Reilly had another question on pay, allowances and conditions and on whether the issue is pay or lifestyle. It is pay at a certain point. The issue is pay when the level of responsibility and the amount of time and hours people are working are considered. We talk about push and pull factors. The pull factors are talked about in relation to the economy and that has often been thrown about. However, we have heard about the push factors from our

members and retiring members. Some of them are reasonably well paid but are not well paid for the actual conditions of service they experience. That is the problem. There has to be a sweet spot between pay and conditions in order to retain people.

Where will members of the Defence Forces go? They are going more and more, would you believe, to the public sector. I recently counted approximately ten captains who have taken up assistant principal roles in the Civil Service over the past year. It is not just because of big wages in Google, Aldi, Ernst & Young, etc. The Exchequer is paying for these people but they are in different roles with better security of tenure and, crucially, longer retirement ages because all post-2013 employees in the public sector can now serve until the age of 70. Members of the Defence Forces are still kicked out before reaching the age of 60. Those are the differences.

I was asked about the working time directive and why it has not yet been implemented. It might be said it is not as simple as clicking your fingers but, perhaps, it is. It is just a matter of taking the exemptions for the Garda Síochána and the Defence Forces out of the Organisation of Working Time Act. However, there is then a question to be answered because in order to meet the limits, not the targets, of working time in the directive, either more people or fewer roles will be needed. It is as simple as that. The fact that, 11 years ago, the European Court of Justice found that Ireland was in breach of the working time directive and it has still not been implemented in that time is a damning indictment of the value placed on our members and on all Defence Forces personnel.

**Deputy Cathal Berry:** I thank Commandant King and his team for his very candid testimony today. It is very tough to listen to. It is very sad that an organisation that gives so much to the State is getting so little in return.

I have two very brief questions because I am conscious that Deputy Clarke wants to come in. I am sure Commandant King and his team can detect that this committee is on their side. We are very keen to assist them. This is a cross-party parliamentary oversight committee. Is there anything we can do, from a political point of view, to assist? For instance, we know the Commission on the Defence Forces will report in December. Do the witnesses see a role for this committee in the implementation piece? They mentioned that implementation is a major issue. We have had lovely reports over the past five years but very little implementation. Does the RACO team believe it would be a worthwhile endeavour for this committee to bring before it members of whatever implementation entity is created to provide some kind of forensic scrutiny of the implementation of the commission's recommendations? Perhaps, this committee could have a standing meeting every six months with the implementation body for the Commission on the Defence Forces.

The issue of the dilapidation of the Curragh Camp mentioned by Commandant King has also been raised by the Chair in the past. I see it for myself when I drive through it. It is the most derelict town in Ireland. Commandant King also stated that only 0.3% of Ireland's GDP, or less, goes towards defence. The defence budget is very limited. The ideal scenario would be an increase in that budget but, at least in the short term, what are the witnesses' thoughts on individual buildings being identified and other Departments being mobilised regarding them? For instance, if building X in the Curragh Camp was given to the Office of Public Works, OPW, for renovation, or if the Departments of Further and Higher Education, Research, Innovation and Science, Housing, Heritage and Local Government or Rural and Community Affairs could look after a particular building, would that be useful in mobilising further budgets beyond the defence budget to address the terrible dereliction that is currently ongoing in the Curragh Camp?

**Deputy Sorca Clarke:** I thank our guests for their time and expertise. We often hear “crisis”, “emergency” and other really drastic words being thrown about but if there is anything that will focus the minds of the public on the Defence Forces at the minute, it is the RACO exit survey. It is absolutely stark. One of the contributors to that survey, under the theme of further roles and impact, to my mind, hit the nail on the head and put it very well when he or she stated that: “The organisation went through a number of change processes without knowing what it wanted to be at the end.” That is key when we look back at the 2012 reorganisation that took place and the disastrous impact it has had since.

In that same survey, we also need to read a line that caught my eye: “While I have been frank and honest in my responses, I would like to highlight that I am very proud [to have served] in the DF [Defence Forces]”. We need to be mindful that people are leaving the Defence Forces not so much by choice but due to a series of events forcing them into taking that decision. Some of these events are within their control but the majority are not. We need to look at the issue of pay and retention in a specific manner. The loyalty given by members of the Defence Forces has to be respected through ensuring that there is recognition of the roles they undertake and appropriate remuneration for them. They work in roles that nobody else outside of the Defence Forces does and that is what makes them unique. Uniqueness was spoken of earlier. We need to home in on the issue of appropriate remuneration for roles carried out by members of the Defence Forces.

I also note from the opening submission that: “The Chief of Defence should be made...Accounting Officer for a significant operational share”. I could not agree more with that statement. It is absolutely key and is something that Government could do very quickly. The impact a decision like that would have, particularly around operations, capital expenditure and infrastructure, would be felt in the short term as opposed to long term.

We touched on the working time directive. I have a very specific question. Engagement with the Minister and Department was spoken of. How often have members of RACO met with the Minister for Defence and how often do they engage with the Department of Defence?

To move on to the high-level plan, in the opinion of the RACO representatives, who is responsible for the failure of that plan to deliver? We know that 24% of personnel and 35% of commissioned officers have less than five years’ experience. We know that is not sustainable and is not best practice. It opens the door to major health and safety concerns and creates layers of gaps in experience in the Defence Forces. The phrases “managed decline” and being “set up to fail” were mentioned in the opening statement. An ex-officer said to me quite recently that, in his opinion, he saw a planned obsolescence of the Defence Forces and that what we are seeing now is not being done in error, or by misjudgement, but deliberately. I would like the witnesses’ opinions on that.

Reference was made to primary radar. I brought this up with the Minister last year and pointed out my serious concern that while the 2015 White Paper recognises that radar surveillance is a priority, there has never been any money put aside for it, including under the national development plan. What is the potential impact of not giving funding on an urgent basis to put that equipment in place?

There was mention of the conciliation and arbitration scheme. Is that scheme working for RACO members and, if not, what changes to it would the witnesses like to see? What fundamental improvements can be put in place to make the scheme more effective?

When we come through this point in time and the crisis for the Defence Forces is over, what are RACO's priorities to ensure they emerge stronger and fit for purpose? The witnesses mentioned their modelling. There needs to be a balance struck between the recruitment and retention crises. Where would the witnesses like to see the Government focusing and what do they see as the key areas of concern?

**Chairman:** I ask the witnesses to be conscious of the time in their replies.

**Mr. Conor King:** I thank the Deputies for their questions. Deputy Berry spoke about oversight and the potential for the committee to be an inter-party oversight committee with a role in implementing the work of the commission on the Defence Forces. It is absolutely fundamental that there be oversight of the plan. The proof of the pudding is in the eating when it comes to the high-level implementation plan. There is a full page in the document dedicated to oversight. There is reference to a strategic HR group. The document states:

All updates on the implementation Plan will be channelled through the Cabinet Committee F Senior Officials' Group which is chaired by a senior official in the Department of the Taoiseach. As part of their role, the Chair of the Senior Officials' Group will liaise closely with the nominated coordinators in the Defence Forces and the Departments of Defence and Public Expenditure and Reform on the individual actions contained in the Plan, and monitor implementation timelines.

Two years into this one-year plan, one cannot really say other than that there has been a loss of oversight. The eye is off the ball somewhere, whether in the Defence Forces, the Department of Defence, the Department of Public Expenditure and Reform, at higher levels of government or in more centralised government. This plan, which was to save and strengthen the Defence Forces and make them an employer of choice, as referenced on nearly every page of the document, has not been faithfully adhered to. The strength figures, which continue to decline, are proof of that. We had some 82 discharges in the month of May and we are seeing an upward trend in discharges for the year, which is extremely worrying for our members.

The same goes for the commission on the Defence Forces as well. Fool me once, shame on you; fool me twice, shame on me. Our members signed up to the high-level implementation plan in good faith. We believed we were going to be treated fairly in pay talks and we went in with our heart in a hat. Now we are fully participating in the commission on the Defence Forces. No matter what recommendations come out of it, and we hope they will be strong, if they are not adequately overseen then it is a wasted exercise.

Deputy Berry spoke about the Curragh Camp, which is in his constituency, and whether we would see a benefit in different Departments taking responsibility for individual buildings there. We certainly do see a benefit in that. There is potential for the Military College, for example, to be accredited as a university campus. Why not? There is a new Department overseeing further and higher education. Why should that facility not be leveraged? There are many public buildings in the Curragh Camp that the Office of Public Works or the Department of Housing, Heritage and Local Government could look at as potential amenities. There are houses there that are boarded up because people do not want to let them to Defence Forces personnel. I know there was a problem with over-holders, etc. but that was due to lack of oversight. It can be easily fixed if the Department or the Defence Forces were adequately resourced to do the oversight of military accommodation or if that area were overseen by another Department. Leaving the buildings derelict is not good enough.

Deputy Clarke spoke about the exit survey and change processes. It is very important that

an organisation should know what it wants to be. The Deputy referred to the 2012 reorganisation. Even the most uninterested person would know that reorganisation was done on a budgetary line, not a strategic line. The work of the commission on the Defence Forces is an example of where we need to ask ourselves what the Defence Forces are about and what the State wants us to do.

I have spoken about black swan events and a robust national insurance policy. Mr. Priestley might comment briefly on the work of the Defence Forces during the pandemic, after which I will come back to the Deputy's other questions. It is very important that we recognise and acknowledge what is being done in this area.

**Chairman:** I am conscious of the time and ask Mr. Priestley to be brief.

**Mr. Derek Priestley:** Going back to March 2020, very high-level contacts were made between military management and the HSE. In fairness to our Defence Forces and the Department of Defence, there was a huge willingness to get involved straight away. Initially, that was around what were termed the four Ts, that is, testing, tracing, transport and tentage. Later, vaccinations were added to that. When you separate out the figures a year and a bit later, you see that this effort has involved 82,582 man-days to date. There have been 15,653 transport movements, 36 flights by the Air Corps moving vaccines around the place and 1,722 man-days in the RDS. The willingness of the Defence Forces to get involved in the national resilience and deployment effort was very much there and their contribution was an agile one. We continue to be involved in mandatory quarantining, vaccinations and testing.

The contact tracing system, something that had never existed in the history of the State, was generated over a number of weeks and it was led, managed and run by the Defence Forces. We used cadets as the operators to such an extent that these people were so well switched on, trained and managed that they became the trainers of the trainers and led the charge for the HSE to bring on contact tracing. While we all know there were issues, it is a remarkable achievement that our cadets were so agile and flexible as to be able to lead all of that.

What we have managed to do over the past year and a half has been phenomenal and we must not forget that it all came from existing resources. Not one extra person was recruited on the back of it and no extra money came into the Defence Forces to do it. We continued to do all our other outputs, both overseas and nationally, including security patrolling of the sea and air. It has been a phenomenal effort and we really want to stress that this is what we all joined up to do and what people want to do. We are concerned, however, about where we will be left when we pull back from supporting the HSE and the national resilience effort. Our Chief of Staff, when he briefed us before St. Patrick's Day last year, said that we need to still be standing when all of this is over. I have concerns from the HR and personnel side of things as to what we will be left looking like when this effort is over.

**Mr. Conor King:** Deputy Clarke asked about the Accounting Officer and the Chief of Staff. That is probably a policy matter but, certainly, our members tell us that they feel the Defence Forces would benefit from a greater say in the allocation and deployability of resources. Where certain delays have occurred with deployment, this is seen as being an extra layer of bureaucracy that perhaps should not exist.

The Deputy asked how often we have met with the Minister for Defence, who has been in office since July 2020. We met with him on three occasions last year but have not had a meeting in 2021. The last meeting with him was not very satisfactory from our perspective simply

because we were talking about the pay negotiation. There were no answers given and there has been no follow-up since on how we were treated and how that can be avoided in the future. At that meeting, we tried to discuss the high-level implementation plan which was supposed to deliver pay talks. We were asked to take it offline. Seven months later, there has been no follow up. That is very disappointing for our members.

I will not play blame games for the failure. A number of entities are involved in the lack of delivery of the high-level plan but it must be remembered that it still exists and it could be delivered but there must be oversight. That is where the joint committee might come in.

Finally, on planned obsolescence, I could not believe that. If we believed that, the three of us would not be here. We could not believe that. It is probably outside of my range to talk about primary radar but plenty has been said about it. The threats are in the public domain but from a representative point of view, it is probably in the operational stakes.

What improvements would we like to see in the conciliation and arbitration scheme? We spoke about the tendency to go to arbitration straight away. That in itself encapsulates the dysfunctional nature of engagement. It should not always be adversarial, polarised or win-lose. There is a new independent chair who was supposed to play an interventionist role. He probably needs to knock our heads together and start to come up with solutions because so far there has been very little engagement. Were that to happen and were we to use conciliation, facilitation, mediation, rather than adjudication and arbitration, it might be a bit better for our members. We would have no confidence in the scheme as a legitimate forum in which to conduct our business.

**Chairman:** I will move to a conclusion but, as I do, I cannot but remark on the very pessimistic nature and bleak picture that has been painted to the committee this afternoon. This is a matter of some concern to us as committee members. I echo what Deputy Berry said on our role and function and our engagement with the Department of Defence. This is a very timely meeting because it takes place against the background of the crucial engagement with the Commission on the Defence Forces. We had the opportunity some weeks ago to engage directly with its chair. Deputy Berry's point about implementation is important and one that we will look at in the context of our engagement and our relationship with the Department. Of course, I agree that the recommendations of the commission must not only be resourced but that there also must be a level of oversight. The suggestion made by Deputy Berry is one that we should look at and one that the RACO representatives might also look at.

I am very conscious, for example, of the major report in my time as Minister for Justice and Equality by the Commission on the Future of Policing which had in excess of 150 recommendations. Built into the final report was a mechanism for oversight which involved regular and mandated meetings with the Department of the Taoiseach as well as the Department of Justice and Equality and An Garda Síochána. We will look at the manner in which we might best assist. I am conscious of what Deputy Berry said that our role is in many ways separate from the Executive and the Government. Yes, we are keen to ensure that the picture being painted to us, and for us, by the representative bodies are positive, meaningful and optimistic. I do not think any of those words are appropriate to today's proceedings and I very much regret that as Chair of this committee.

I am very conscious of time but that Deputy Brady and Senator Craughwell have indicated that they have a very brief supplementary question. I ask that they be brief because we are very much running out of time.

**Senator Gerard P. Craughwell:** I will not delay too long. As a former serving member, it is absolutely heartbreaking to see for the second time a representative body before the committee with such a bleak outlook. The RAF is protecting our sky and EU ships are protecting our seas and it is only a matter of time before G4S or some other security organisation is minding our Army barracks. I have massive respect but respect needs to be tangible and I do not see tangible respect. Indeed, very few of my colleagues who could be here today are here. I constantly hear from RACO members and members of PDFORRA severe criticism of senior military management. I do not expect our guests to respond to that but I need to put it on the record that senior military management needs to step up to the plate. Defence Force members feel that while the representative groups are working hard on their behalf, they feel somehow let down by the very top and that something has to be done. The HR system has to change. I compliment the representatives here and their members. Officers join the Defence Forces and take the President's commission to serve this country with honour. We have debased that commission, just as we debased the serving soldiers who loyally serve this State. I thank the representatives for their time and their efforts on behalf of their members.

**Deputy John Brady:** I want to agree with some of Deputy Berry's points about oversight, which is critical and a proposal I fully support. The failure to have oversight has really impacted on implementation, particularly of the high-level implementation plan. I was very concerned when the representatives mentioned that the programme management office had been disbanded. That was a body that was established to provide that oversight. When was it disbanded and what, if any, rationale was given?

On the working time directive, in a response to a question we were told the last meeting took place on 24 July 2019. That failure has led to legal action being taken. There would have been requests for meetings. Will the representatives elaborate on that? How regularly were those requests for meetings to follow-up on the working time directive made? Was any rationale given for not engaging to advance or to continue some of the discussions that had been ongoing until then?

**Deputy Cathal Berry:** This question is for Lieutenant Colonel Priestley. I thank him for outlining all the great work the Defence Forces have been doing as a result of the Covid emergency. I am mindful that it sounds like many very expensive operations have been taking place, even paying additional staff for additional hours and the additional equipment. The Department of Justice received many additional millions of euro to assist it in providing the State's response. Similarly, the Department of Education received many additional millions of euro in the Supplementary Estimate while the Department of Health received many additional billions of euro in its Supplementary Estimate. To the best knowledge of the RACO representatives, has the Department of Defence requested an additional Supplementary Estimate for the defence budget in light of the great and expensive work that the Defence Forces have been doing over the last 15 months? Do they know if the Department of Defence applied for a Supplementary Estimate to defray some of the costs associated with Covid or any other emergency over the last number of decades?

**Chairman:** I will call on Commandant King to reply and give the committee a final message. I thank the delegation for being with us.

**Mr. Conor King:** I thank the Chairman and the members for their brilliant contributions. It is not our nature or our intent to be pessimistic about the Defence Forces. When we conduct things like the exit survey, we do so with a constructive mindset in order to provide constructive solutions, which we clearly provided in the exit survey. They are simple solutions if the

will exist.

It is exactly the same with Strengthening our Defence Forces - the high-level implementation plan. There is a roadmap there. We played our part and we signed up to it. We also made about 15 fully costed submissions on a range of retention issues that have been accepted with no feedback. We are trying to be constructive.

Regarding the programme management office, I will correct myself somewhat in respect of it being disbanded. It just has not been staffed. Covid came at that and the joint task force was set up. There was a bit of flux where it had not been staffed. Therefore, the projects might be progressing.

The question about the working time directive concerned legal action. We spoke briefly about the working time directive and how much of a fundamental issue it is for all our members. The key point is that if we do not record our time, how do we know how many hours we are working? We must self record. We have carried out many studies with our members over a four- and six-month period. Some of the hours people are working are mind-boggling. We are talking about 60, 70 or 80 hours in some cases. When we look at the amount of time members of the Naval Service spend away from their families, it is nowhere near and cannot be in compliance for sea-going personnel. We have tried to get engagement on the working time directive. An Garda Síochána was successful in getting engagement between its management and its representative associations. What it has in place is something called the Westmanstown working time agreement. It is now in compliance with the working time directive and it has not resulted in a loss of operational capability. However, we have not even been engaged with yet.

I am not 100% sure regarding the supplementary budget but I know it is a mechanism that is there to be used. From a cursory glimpse at An Garda Síochána's Supplementary Estimate, I know that over time, this is something that is paid out of a Supplementary Estimate. We cannot even begin to think about claiming overtime until we know how many hours we are recording. The fact we cannot record our hours 11 years after the European Court of Justice found the State to be in breach with regard to the Defence Forces is not acceptable anymore. This is why we have had to resort to legal action. I will not comment on the ins and outs of legal proceedings in case I do something silly.

To sum up, I said that we do not want to be pessimistic and are all about solutions. There are solutions here for the Defence Forces. We can easily provide for a post-2013 supplementary pension provision or some mechanism to bridge the gap between forced early retirement and access to the State pension. If it can be done for someone aged 65 to 66, why can it not be done for someone aged 60 to 66? Why treat the Defence Forces differently? If public servants can work to 70 but the Government will not allow Defence Forces personnel to work to 70, it must compensate them. That is what the then Taoiseach, Deputy Varadkar, told us in a meeting. He said the Government imposed the restrictions on us, so it has to compensate us. We were advised by the Department of Defence to make a submission to the Pensions Commission, which is supposed to report tomorrow. We are aware also that military management made a very comprehensive submission on the reinstatement of the supplementary pension provision for our members. We really hope these submissions are taken at face value and there is some movement because certainty is something that is lacking in the Defence Forces regarding posting and the future. It is not only for officers. We have heard about the post-1994 contract issues. People waiting to get to the top are going to leave before they reach it.

**Chairman:** I must pull the curtain down.

**Mr. Conor King:** I am nearly there. Once again, I thank members, the Chairman and secretariat for the honour of appearing before the committee today.

**Chairman:** I thank Commandant King, Lieutenant Colonel Derek Priestley and Commandant Luke Foley for their engagement with us. They have given us some work to do and we will undertake to do that. We await the end of the year and the report from the Commission on the Future of the Defence Forces.

The joint committee went into private session at 2.15 p.m. and adjourned at 2.48 p.m. until 12.30 p.m. on Tuesday, 13 July 2021.