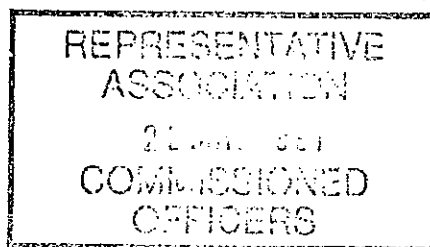




DEFENCE FORCE REGULATIONS

S.6

REPRESENTATIVE ASSOCIATIONS



DUBLIN:

Printed under the Authority of the Stationery Office

P244/P245



(i)

DEFENCE FORCE REGULATIONS S.6

An Roinn Cosanta

REPRESENTATIVE ASSOCIATIONS

PART I - OFFICERS OF THE PERMANENT DEFENCE FORCE

PART II - ENLISTED PERSONNEL OF THE PERMANENT DEFENCE FORCE

SCHEDULES

DUBLIN:

Printed under the authority of the Stationery Office

P.244/P.245

(Pl.)

CONTENTS

PART I - OFFICERS OF THE PERMANENT DEFENCE FORCE

SECTION I - PRELIMINARY

1. Definitions.

SECTION II - REPRESENTATIVE ASSOCIATION OF COMMISSIONED OFFICERS

2. Establishment of Representative Association of Commissioned Officers.
3. Association Affairs.
4. Members of First Committee etc.
5. Membership of the Association.
6. Personnel Serving Overseas.
7. Scope of Representation.
8. Other Activities of the Association.
9. Meetings with Military Authorities at Local Level.
10. Communication with Media, etc.
11. Public Agitation.
12. Staffing of Associations.
13. Secondment.
14. Subscriptions.
15. Visits to Military Barracks and Posts.
16. Association Meetings.
17. Constitution and Rules of Association.

(iii)

PART II - ENLISTED PERSONNEL OF THE PERMANENT DEFENCE FORCE

SECTION I - PRELIMINARY

18. Definitions.

SECTION II - PERMANENT DEFENCE FORCE OTHER RANKS
REPRESENTATIVE ASSOCIATION

19. Establishment of Permanent Defence Force Other Ranks Representative Association.
20. Association Affairs.
21. Members of First Committee etc.
22. Membership of the Association.
23. Personnel Serving Overseas.
24. Scope of Representation.
25. Other Activities of the Association.
26. Meetings with Military Authorities at Local Level.
27. Communication with Media etc.
28. Public Agitation.
29. Staffing of Associations.
30. Secondment.
31. Subscriptions.
32. Visits to Military Barracks and Posts.
33. Association Meetings.
34. Constitution and Rules of Association.

(iv)

FIRST SCHEDULE - REPRESENTATIVE ASSOCIATION OF
COMMISSIONED OFFICERS

SECOND SCHEDULE - PERMANENT DEFENCE FORCE OTHER RANKS
REPRESENTATIVE ASSOCIATION

THIRD SCHEDULE - SCOPE OF REPRESENTATION

FOURTH SCHEDULE - ACCOUNTS

PART I - OFFICERS OF THE PERMANENT DEFENCE FORCE

SECTION I - PRELIMINARY

Definitions.

1. In this part of these regulations -
 - (a) the expression "the Act" means the Defence (Amendment) Act, 1990;
 - (b) the word "Minister" means the Minister for Defence;
 - (c) the expression "the Association" means the association established by subparagraph (1) of paragraph 2 of these regulations;
 - (d) the Air Corps, the Naval Service and Defence Forces Headquarters shall each be deemed to be a Command;
 - (e) a reference to the General Officer Commanding the Command shall be deemed to include a reference to the General Officer Commanding the Air Corps or the Flag Officer Commanding the Naval Service, as the case may be, and any functions exercisable by the General Officer Commanding the Command pursuant to these regulations shall, as respects Defence Forces Headquarters, be exercisable by the Assistant Chief of Staff;
 - (f) a reference to an army rank shall be deemed to include a reference to the corresponding naval rank;
 - (g) a reference by number to a paragraph is to the paragraph of these regulations bearing that number unless it is indicated that a reference to some other regulations is intended; and
 - (h) all words importing a reference to persons of the male sex shall, except where the context otherwise requires, be construed as importing a reference to persons of either sex.

SECTION II - REPRESENTATIVE ASSOCIATION

OF COMMISSIONED OFFICERS

Establishment of Representative Association of

Commissioned Officers.

2. (1) There shall stand established an association to be known as the "Representative Association of Commissioned Officers" (or in Irish "Comhlachas Ionadaitheach na nOifigeach Coimisiunta") for the purpose of representing officers of the Permanent Defence Force of the ranks of Colonel, Lieutenant-Colonel, Commandant, Captain, Lieutenant and Second-Lieutenant and of representing Cadets, in relation to the matters specified in the Third Schedule to these regulations.
- (2) The provisions of the First Schedule to these regulations shall apply to the Association.

Association Affairs.

3. (1) Subject to the provisions of the Defence Acts, 1954 to 1990 and regulations made thereunder, the Association shall be independent in the formulation of its policy, in its deliberations and in its decision making process. For those purposes the Association shall also be subject to its constitution and rules as approved, ratified and adopted in accordance with paragraph 17.
- (2) Subject to the provisions of (3) hereof, the Association shall be responsible for all expenses, costs and liabilities incurred by it in the conduct of its affairs and functions.
- (3) The Association may be provided with such facilities and/or financial assistance as the Minister, with the consent of the Minister for Finance, may determine from time to time.
- (4) The provisions of the Fourth Schedule to these regulations shall apply to the financial affairs of the Association.

Members of First Committee etc.

4. (1) Notwithstanding the provisions of the First Schedule to these regulations, representatives of officers who have been elected in accordance with "ELECTION OF REPRESENTATIVES OF MEMBERS OF THE PERMANENT DEFENCE FORCE: ELECTION RULES: OFFICER REPRESENTATIVES" devised in May, 1990 by the Franchise Section of the Department of the Environment shall be deemed to be members of -

- (a) the command committee of the Command which they represent; and
- (b) where appropriate, the National Executive of the Representative Association of Commissioned Officers established by paragraph 2(1) and shall be entitled to exercise the functions which the provisions of these regulations confer on representatives of the Association.
- (2) The provisions of this paragraph shall apply during the period up to and including 25 June, 1992, or any such earlier date as may be determined by the Minister in agreement with the Association.

Membership of the Association.

- 5. (1) Subject to the provisions of the Act and these regulations and to any conditions that may be determined by the Association, membership of the Association shall be voluntary and shall be open to each officer up to and including the rank of Colonel of the Permanent Defence Force.
- (2) Membership may also be accorded to cadets on such terms as may be agreed between the Minister and the Association.

Personnel Serving Overseas.

- 6. (1) An officer of the Permanent Defence Force serving outside the State may be a member of the Association.
- (2) An officer of the Permanent Defence Force serving outside the State who is a member of the Association shall be eligible to vote in elections for the purpose of electing command representatives in the command in which he had been stationed before being posted for overseas service.
- (3) An officer of the Permanent Defence Force serving outside the State with an International United Nations Force (within the meaning of the Defence (Amendment) (No. 2) Act, 1960) or otherwise on United Nations service may not be a member of any governing or other body or committee of the Association for the duration of such service.

Scope of Representation.

7. (1) Subject to section 2 of the Act, the matters which shall come within the scope of representation of the Association shall be those set out in the Third Schedule to these regulations.
- (2) To such an extent as may be set out in a scheme of conciliation and arbitration established by the Minister, in consultation with the Association, such of the matters referred to in the Third Schedule to these Regulations as may be agreed between the Minister and the Association shall be processed under such a scheme.
- (3) Such of the matters referred to in the Third Schedule to these Regulations as are not comprehended by a scheme of conciliation and arbitration referred to in subparagraph (2) hereof shall be processed at meetings at national level between representatives of the Association and representatives of the Department of Defence (civil and/or military).
- (4) The matters which shall come within the scope of representation at Command level shall be such aspects of the matters provided for in the Third Schedule to these regulations as are of local application and as may be agreed between the Minister and the Association from time to time.

Other Activities of the Association.

8. Provided that no expenditure of public moneys is involved, the Association may also -
 - (a) establish and administer a welfare fund or funds for the purpose of providing assistance to members and their dependants in accordance with rules to be laid down by the Association;
 - (b) organise, promote and manage a medical benefit scheme (with the consent of the Minister for Health, where necessary) for its members and their dependants, for the purpose of protecting members and their families from financial liabilities arising from illness or injury;
 - (c) establish and manage credit union facilities for its members in association with the Irish League of Credit Unions;
 - (d) furnish advice to its members on matters concerning education (other than military education or training) and provide, or advise on the provision of, for long-service members of the Permanent Defence Force

appropriate part-time educational facilities for the preparation of such members for adjustment to civilian employment, provided, however, that where such activities are liable to interfere in any way with the availability of personnel for duty the prior approval of the appropriate military authorities shall be obtained; and

- (e) engage in such other activities as may be agreed from time to time between the Minister and the Association.

Meetings with Military Authorities at Local Level.

9. (1) Meetings at Command level between the General Officer Commanding the Command (or, in his absence, the Command Executive officer) and Association representatives shall be held not less frequently than once in any period of three months unless in any such period there is no subject for discussion when, by agreement between the General Officer Commanding the Command (or, in his absence, the Command Executive officer) and the chairperson of the relevant command committee of the Association, it shall be recorded that no meeting was required.
- (2) Where there is agreement between the General Officer Commanding the Command and the chairperson of the relevant committee of the Association that a matter of importance requires to be discussed urgently, arrangements shall be made accordingly. Where there is disagreement at Command level as to the urgency of a matter, the issue of urgency may be determined at National level.

Communication with Media, etc.

10. (1) Notwithstanding the provisions of paragraphs 27 to 33 (both inclusive) of Defence Force Regulations A.7, the Association may, subject to subparagraphs (2) and (4) hereof, communicate with the press, radio and television and other organs of public opinion. Such communication shall be through the President or General Secretary or a spokesperson appointed at an Annual Delegate Conference.
- (2) The permission provided for in subparagraph (1) hereof shall be subject to the condition that all comment and communications on the part of the Association or any person speaking on its behalf and all information published and circulated by it shall be strictly confined to:-

- (i) the matters within the scope of representation of the Association as set out in the Third Schedule to these regulations, and
 - (ii) the internal affairs of the Association.
- (3) Subject to subparagraph (4) hereof, the Association may circulate material among its members for their information.
- (4) No public statement or comment concerning a political matter shall be made by the Association.

Public Agitation.

11. The Association shall not sponsor or resort to any form of public agitation as a means of furthering claims or for any other purpose whatsoever.

Staffing of Associations.

12. (1) Subject to subparagraph (3) hereof, a person other than a serving member of the Permanent Defence Force seconded pursuant to paragraph 13, shall not be employed or engaged by the Association.
- (2) A person other than a member of the Permanent Defence Force shall not act as a representative or spokesperson for the Association pursuant to subparagraph (1) of paragraph 10 or participate in its dealings with any military authority or with the Department of Defence or with any council or board constituted under a scheme of conciliation and arbitration.
- (3) The Association may-
- (i) employ staff for duties of a clerical nature; and
 - (ii) engage consultants and advisers

who are not members of the Permanent Defence Force. Any person so employed or engaged may not act as a spokesperson for the Association pursuant to subparagraph (1) of paragraph 10 or participate in its dealings with any military authority or with the Department of Defence or with any council or board constituted under a scheme of conciliation and arbitration.

Secondment.

13. (1) Subject to such conditions as may be determined by him in agreement with the Association, the Minister may, with the consent of the Minister for Finance, second an officer of the Permanent Defence Force, with the consent of the officer concerned, to the Association for the performance of representative duties with the Association.
- (2) The secondment of an officer in accordance with subparagraph (1) hereof may, following consultation with the Association, be terminated by the Minister.

Subscriptions.

14. (1) The Association shall be entitled to raise funds by means of subscriptions from its members to enable the discharge of its statutory functions.
- (2) The Minister may, at the request of the Association and at his absolute discretion, make arrangements for the periodic deductions of subscriptions at source from a member's pay with the agreement of such member. Subscriptions so deducted shall be paid to the Association at agreed intervals.
- (3) The Association shall notify the Minister of the rate of any subscription which may be payable by its members pursuant to subparagraph (1) hereof and shall also advise the Minister of any subsequent changes in that rate.

Visits to Military Barracks and Posts.

15. Subject to the exigencies of the service and subject to the prior consent of the officer commanding the barracks or post concerned -
 - (a) accredited office-holders of the Association may visit barracks or posts for the purposes of meeting local representatives of the Association; and
 - (b) elected representatives at Command level may visit barracks or posts within their Command area for the purpose of attending meetings of the Association.

Association Meetings.

16. (1) The National Executive shall determine the location at which meetings of such executive will be held.

- (2) The General Officer Commanding a Command, may, subject to the exigencies of the service, make available suitable accommodation to facilitate the holding of meetings of the Command committee concerned.
- (3) Meetings between representatives or other members of the Association shall not take place while their unit or formation is on operational duty.
- (4) Where it is desired to hold Association meetings outside military or other Department of Defence premises, attendance at such meetings shall be confined to elected representatives of the Association.
- (5) The following meetings may be held between members of the Association:-
 - (a) an Annual Delegate Conference or Special Delegate Conference provided for in the First Schedule to these Regulations;
 - (b) a meeting of the National Executive;
 - (c) a meeting of a command committee; and
 - (d) meetings organised at barracks level with the permission of the Officer Commanding the barracks or post concerned.

Meetings other than those referred to at (a), (b), (c) and (d) above shall not be held without the permission of the Minister having first been obtained by the Association.

- (6) Subject to the exigencies of the service and in accordance with arrangements to be agreed between the Minister and the Association from time to time, elected representatives of the Association shall be released from duty to attend meetings of the Association at Barracks, Command and National levels.

Constitution and Rules of Association.

- 17. (1) The constitution and rules of the Association and all amendments thereto shall be consistent with the provisions of the Defence Acts, 1954 to 1990 and with regulations and orders made under the authority of those Acts.

- (2) The National Executive shall, as soon as practicable after its establishment, draw up a draft constitution and draft rules and submit them for the approval of the Minister before any ratification and adoption by the Association.
- (3) When approved by the Minister, the draft constitution and draft rules of the Association shall be submitted as soon as possible to a Delegate Conference of the Association for ratification and adoption.
- (4) If any question arises as to whether the constitution and rules of the Association are consistent with the provisions of the Defence Acts, 1954 to 1990 and with regulations and orders made under the authority of those Acts, the question shall be referred to the Minister who will examine the matter and give his directions thereon.
- (5) The Minister shall, at any time, be entitled to be provided with a copy of the constitution and rules of the Association and all amendments thereto with a view to satisfying himself that they comply with the provisions of subparagraph (1) hereof and may direct amendment of any such constitution and rules to whatever extent he deems necessary in order to ensure such compliance.
- (6) The procedures laid down in subparagraphs (2), (3), (4) and (5) hereof shall apply, mutatis mutandis, to any amendments which it is proposed to make to the constitution and rules of the Association.

PART II - ENLISTED PERSONNEL OF THE PERMANENT DEFENCE FORCES

SECTION I - PRELIMINARY

Definitions.

18. In this part of these regulations -

- (a) the expression "the Act" means the Defence (Amendment) Act, 1990;
- (b) the word "Minister" means the Minister for Defence;
- (c) the expression "the Association" means the association established by subparagraph (1) of paragraph 19 of these regulations;
- (d) the Air Corps and the Naval Service shall each be deemed to be a Command;
- (e) a reference to the General Officer Commanding the Command shall be deemed to include a reference to the General Officer Commanding the Air Corps or the Flag Officer Commanding the Naval Service as the case may be;
- (f) a reference to an army rank shall be deemed to include a reference to the corresponding naval rank;
- (g) a reference by number to a paragraph is to the paragraph of these regulations bearing that number unless it is indicated that a reference to some other regulations is intended; and
- (h) all words importing a reference to persons of the male sex shall, except where the context otherwise requires, be construed as importing a reference to persons of either sex.

SECTION II - PERMANENT DEFENCE FORCE OTHER RANKS

REPRESENTATIVE ASSOCIATION

Establishment of Permanent Defence Force Other Ranks
Representative Association.

19. (1) There shall stand established an association to be known as the "Permanent Defence Force Other Ranks Representative Association" (or in Irish "Comhlachas Ionadaitheach Cheimnigh Eile na mBuan - Oglach") for the purpose of representing non-commissioned officers and privates of the Permanent Defence Force of the ranks of Sergeant-Major, Battalion Quartermaster-Sergeant, Company-Sergeant, Company Quartermaster-Sergeant, Sergeant, Corporal and Private (other than a Cadet) in relation to the matters specified in the Third Schedule to these regulations.
- (2) The provisions of the Second Schedule to these regulations shall apply to the Association.

Association Affairs.

20. (1) Subject to the provisions of the Defence Acts, 1954 to 1990 and regulations made thereunder the Association shall be independent in the formulation of its policy, in its deliberations and in its decision-making process. For those purposes the Association shall also be subject to its constitution and rules as approved, ratified and adopted in accordance with paragraph 34.
- (2) Subject to the provisions of (3) hereof, the Association shall be responsible for all expenses, costs and liabilities incurred by it in the conduct of its affairs and functions.
- (3) The Association may be provided with such facilities and/or financial assistance as the Minister, with the consent of the Minister for Finance, may determine from time to time.
- (4) The provisions of the Fourth Schedule to these regulations shall apply to the financial affairs of the Association.
- (5) The Association shall succeed to the benefit of all rights, duties, assets, debts and liabilities accumulated and incurred during the period from 11 November, 1989 to 15 May, 1991 by an organisation, with aims and objectives consistent with those of the Association.

Members of First Committee etc.

21. (1) Notwithstanding the provisions of the Second Schedule to these regulations, representatives of non-commissioned officers and privates who have been elected in accordance with "ELECTION OF REPRESENTATIVES OF MEMBERS OF THE PERMANENT DEFENCE FORCE: ELECTION RULES: ENLISTED PERSONNEL REPRESENTATIVES" devised in May, 1990 by the Franchise Section of the Department of the Environment shall be deemed to be members of -
- (a) the barracks committee of the barracks which they represent (for this purpose "barracks" shall have the meaning assigned to it in paragraph c(2) of the Second Schedule);
 - (b) where appropriate, the command committee of the Command which they represent; and
 - (c) where appropriate, the National Executive of the Permanent Defence Force Other Ranks Representative Association established by paragraph 19(1) and shall be entitled to exercise the functions which the provisions of these regulations confer on representatives of the Association.
- (2) The provisions of this paragraph shall apply during the period up to and including 25 June, 1992, or such earlier date as may be determined by the Minister in agreement with the Association.

Membership of the Association.

22. Subject to the provisions of the Act and these regulations and to any conditions that may be determined by the Association, membership of the Association shall be voluntary and shall be open to each non-commissioned officer and private (other than a Cadet) of the Permanent Defence Force.

Personnel Serving Overseas.

23. (1) A non-commissioned officer or private of the Permanent Defence Force serving outside the State may be a member of the Association.
- (2) A non-commissioned officer or private of the Permanent Defence Force serving outside the State who is a member of the Association shall be eligible to vote in elections for the purpose of electing barrack representatives in the barracks in which he had been stationed before being posted for overseas service.

- (3) A non-commissioned officer or private of the Permanent Defence Force serving outside the State with an International United Nations Force (within the meaning of the Defence (Amendment) (No. 2) Act, 1960) or otherwise on United Nations service may not be a member of any governing or other body or committee of the Association for the duration of such period of service.

Scope of Representation.

- 24. (1) Subject to section 2 of the Act, the matters which shall come within the scope of representation of the Association shall be those set out in the Third Schedule to these regulations.
- (2) To such an extent as may be set out in a scheme of conciliation and arbitration established by the Minister, in consultation with the Association, such of the matters referred to in the Third Schedule to these Regulations as may be agreed between the Minister and the Association shall be processed under such a scheme.
- (3) Such of the matters referred to in the Third Schedule to these Regulations as are not comprehended by a scheme of conciliation and arbitration referred to in subparagraph (2) hereof shall be processed at meetings at national level between representatives of the Association and representatives of the Department of Defence.
- (4) Such of the matters referred to in the Third Schedule to these regulations as may be agreed between the Minister and the Association from time to time shall be processed at meetings at national level between representatives of the Association and representatives of the military authorities.
- (5) The matters which shall come within the scope of representation at Command and Barracks levels shall be such aspects of the matters provided for in the Third Schedule to these regulations as are of local application and as may be agreed between the Minister and the Association from time to time.

Other Activities of the Association.

25. Provided that no expenditure of public moneys is involved, the Association may also -
- (a) establish and administer a welfare fund or funds for the purpose of providing assistance to members and their dependants in accordance with rules to be laid down by the Association;
 - (b) organise, promote and manage a medical benefit scheme (with the consent of the Minister for Health, where necessary) for its members and their dependants, for the purpose of protecting members and their families from financial liabilities arising from illness or injury;
 - (c) establish and manage credit union facilities for its members in association with the Irish League of Credit Unions;
 - (d) furnish advice to its members on matters concerning education (other than military education or training) and provide, or advise on the provision of, for long-service members of the Permanent Defence Force appropriate part-time educational facilities for the preparation of such members for adjustment to civilian employment, provided, however, that where such activities are liable to interfere in any way with the availability of personnel for duty the prior approval of the appropriate military authorities shall be obtained; and
 - (e) engage in such other activities as may be agreed from time to time between the Minister and the Association.

Meetings with Military Authorities at Local Level.

26. (1) Meetings at barracks level between the Officer Commanding the barracks or post (or the officer who would normally act on his behalf in his absence) and Association representatives shall be held not less frequently than once in any period of two months unless in any such period there is no subject for discussion when by agreement between the Officer Commanding the barracks or post (or the officer who would normally act on his behalf in his absence) and the chairperson of the relevant barracks committee of the Association, it shall be recorded that no meeting was required.

- (2) Meetings at command level between the General Officer Commanding the Command (or, in his absence, the Command Executive officer) and Association representatives shall be held not less frequently than once in any period of three months unless in any such period there is no subject for discussion when by agreement between the General Officer Commanding the Command (or, in his absence, the Command Executive officer) and the chairperson of the relevant command committee of the Association, it shall be recorded that no meeting was required.
- (3) Where there is agreement between the Officer Commanding the barracks or post or the General Officer Commanding the Command, as appropriate, and the chairperson of the relevant committee of the Association that a matter of importance requires to be discussed urgently, arrangements shall be made accordingly. Where there is disagreement at any level as to the urgency of a matter, the issue of urgency may be determined at the next highest level.

Communication with Media etc.

- 27. (1) Notwithstanding the provisions of paragraphs 27 to 33 (both inclusive) of Defence Force Regulations A.7, the Association may subject to subparagraphs (2) and (4) hereof, communicate with the press, radio and television and other organs of public opinion. Such communication shall be through the President or General Secretary. The Association may, however, nominate another spokesperson for a particular purpose or occasion provided that his name has been notified in writing in advance to the Minister and approved by him.
- (2) The permission provided for in subparagraph (1) hereof shall be subject to the condition that all comment and communications on the part of the Association or any person speaking on its behalf and all information published and circulated by it shall be strictly confined to:-
 - (i) the matters within the scope of representation of the Association as set out in the Third Schedule to these regulations, and
 - (ii) the internal affairs of the Association.
- (3) Subject to subparagraph (4) hereof, the Association may circulate material among its members for their information.

- (4) No public statement or comment concerning a political matter shall be made by the Association.

Public Agitation.

- 28. The Association shall not sponsor or resort to any form of public agitation as a means of furthering claims or for any other purpose whatsoever.

Staffing of Associations.

- 29. (1) Subject to subparagraph (3) hereof, a person, other than a serving member of the Permanent Defence Force seconded pursuant to paragraph 30, shall not be employed or engaged by the Association.
- (2) A person, other than a member of the Permanent Defence Force, shall not act as a representative or spokesperson for the Association pursuant to subparagraph (1) of paragraph 27 or participate in its dealings with any military authority or with the Department of Defence or with any council or board constituted under a scheme of conciliation and arbitration.
- (3) The Association may-
 - (i) employ staff for duties of a clerical nature; and
 - (ii) engage consultants and advisers

who are not members of the Permanent Defence Force. Any person so engaged or employed may not act as a spokesperson for the Association pursuant to subparagraph (1) of paragraph 27 or participate in its dealings with any military authority or with the Department of Defence or with any council or board constituted under a scheme of conciliation and arbitration.

Secondment.

- 30. (1) Subject to such conditions as may be determined by him in agreement with the Association, the Minister may, with the consent of the Minister for Finance, second a non-commissioned officer or private of the Permanent Defence Force, with the consent of the non-commissioned officer or private concerned, to the Association for the performance of representative duties with the Association.

- (2) The secondment of a non-commissioned officer or private in accordance with subparagraph (1) hereof may, following consultation with the Association, be terminated by the Minister.

Subscriptions.

31. (1) The Association shall be entitled to raise funds by means of subscriptions from its members to enable the discharge of its statutory functions.

- (2) The Minister may, at the request of the Association and at his absolute discretion, make arrangements for the periodic deductions of subscriptions at source from a member's pay with the agreement of such member. Subscriptions so deducted shall be paid to the Association at agreed intervals.

- (3) The Association shall notify the Minister of the rate of any subscription which may be payable by its members pursuant to subparagraph (1) hereof and shall also advise the Minister of any subsequent changes in that rate.

Visits to Military Barracks and Posts.

32. Subject to the exigencies of the service and subject to the prior consent of the officer commanding the barracks or post concerned, accredited office-holders of the Association may visit barracks or posts for the purposes of meeting local representatives of the Association.

Association Meetings.

33. (1) The National Executive shall determine the location at which meetings of such executive will be held.
- (2) Where it is the wish of the command committee to hold meetings of such committee in military premises, the General Officer Commanding the Command shall, subject to the exigencies of the service, make available suitable accommodation to facilitate the holding of such meetings.

- (3) Where it is the wish of the members of a barracks committee to hold meetings of such committee in military premises, the officer commanding an installation shall, subject to the exigencies of the service, make available suitable accommodation to facilitate the holding of such meetings.
- (4) Meetings between representatives or other members of the Association shall not take place while their unit or formation is on operational duty except as may be otherwise arranged in certain circumstances in the case of personnel serving on board Naval Service vessels.
- (5) The following meetings may be held between members of the Association:
 - (a) an Annual Delegate Conference or Special Delegate Conference provided for in the Second Schedule to these Regulations;
 - (b) a meeting of the National Executive;
 - (c) a meeting of a command-level committee;
 - (d) a meeting of a barracks-level committee; and
 - (e) meetings at barracks level, involving the attendance of not more than 50% of the personnel in a barracks or post, with the permission of the officer commanding the barracks or post concerned provided that not more than 50% of any one unit are in attendance.
 - (f) Meetings other than those referred to at (a), (b), (c), (d), and (e) above shall not be held without the permission of the Minister having first been obtained by the Association - the arrangements in this regard to be agreed between the Minister and the Association.
- (6) Uniform shall not be worn by any person while attending a meeting of the Association outside military or other Department of Defence premises.
- (7) Subject to the exigencies of the service and in accordance with arrangements to be agreed between the Minister and the Association from time to time, elected representatives of the Association shall be released from duty to attend meetings of the Association at barracks, command and National levels.

Constitution and Rules of Association.

34. (1) The constitution and rules of the Association and all amendments thereto shall be consistent with the provisions of the Defence Acts, 1954 to 1990 and with regulations and orders made under the authority of those Acts.
- (2) The National Executive shall, as soon as practicable after its establishment, draw up a draft constitution and draft rules and submit them for the approval of the Minister, before any ratification and adoption by the Association.
- (3) When approved by the Minister the draft constitution and draft rules of the Association shall be submitted as soon as possible to a Delegate Conference of the Association for ratification and adoption.
- (4) If any question arises as to whether the constitution and rules of the Association are consistent with the provisions of the Defence Acts, 1954 to 1990 and with regulations and orders made under the authority of those Acts, the question shall be referred to the Minister who will examine the matter and give his directions thereon.
- (5) The Minister shall, at any time, be entitled to be provided with a copy of the constitution and rules of the Association and all amendments thereto with a view to satisfying himself that they comply with the provisions of subparagraph (1) hereof and may direct amendment of any such constitution and rules to whatever extent he deems necessary in order to ensure such compliance.
- (6) The procedures laid down in subparagraphs (2), (3), (4) and (5) hereof shall apply, mutatis mutandis, to any amendment which it is proposed to make to the constitution and rules of the Association.

FIRST SCHEDULE

REPRESENTATIVE ASSOCIATION OF COMMISSIONED OFFICERS

THE ASSOCIATION

- (a) (1) The Association shall be known as the "Representative Association of Commissioned Officers" (or in Irish as "Comhlachas Ionadaitheach na nOifigeach Coimisiunta").
- (2) Subject to the provisions of the Act and these regulations and to any conditions that may be determined by the Association -
 - (i) membership of the Association shall be open to each commissioned officer of the Permanent Defence Force up to and including the rank of Colonel; and
 - (ii) membership of the Association may also be accorded to cadets on such terms as may be agreed between the Minister and the Association.

MANAGEMENT

- (b) The management of the Association shall be vested in:-
 - (1) Delegate Conferences; and
 - (2) a National Executive.

COMMAND COMMITTEES

- (c) (1) The affairs of the Association at command level shall be conducted by a command committee in accordance with the constitution and rules of the Association.
- (2) There shall be a command committee for each Command. The number of members of each committee shall be as stipulated in "ELECTION OF REPRESENTATIVES OF MEMBERS OF THE PERMANENT DEFENCE: ELECTION RULES: OFFICER REPRESENTATIVES" as devised in May, 1990 by the Franchise Section of the Department of the Environment, subject to review by the Minister in consultation with the Association in sufficient time in advance of 25 June, 1992 to permit of an election of new representatives of officers before that date.

- (3) Each command committee shall be elected by secret ballot. The first election shall be held on a date, not later than 25 June, 1992, to be determined by the Minister, in consultation with the Association, and subsequent elections shall be held every second year thereafter. The manner in which the ballot, including nominations, is conducted shall be subject to the approval of the National Executive.
- (4) At its first meeting after its election, each command committee shall elect one of its members to act as a member of the National Executive.
- (5) Each command committee shall elect from among its members a chairperson and a secretary and such other officers as it deems necessary.
- (6) A member of a command committee shall cease to hold office on his ceasing to be a member of the Association or on his being posted to another command or for the duration of any period of overseas service or as may be provided for in the rules of the Association.
- (7) Where a vacancy occurs on a command committee, the committee shall have power to co-opt another person to fill the vacancy during the period from the date of such co-option until the election of a new committee in accordance with (3) hereof. The person to be co-opted shall be the person who received the highest number of votes but who failed to be elected in the last command election or, where no such person exists, any other person from among the members of the Association in that Command.
- (8) An elected representative may resign from a command committee at any time at his absolute discretion.

NATIONAL EXECUTIVE

- (d) (1) The members elected under the provisions of (c)4 hereof shall constitute the National Executive.
- (2) A member of the National Executive shall cease to hold office on his ceasing to be a member of the Association or for the duration of any period of overseas service or as may be provided for in the rules of the Association.

- (3) Where a vacancy occurs on the National Executive, the command committee which elected the member whose place has become vacant may elect a substitute to fill the vacancy during the period from the date of such election until the election of a new National Executive in accordance with c(4) hereof.
- (4) Any member of the National Executive may resign from the Executive at any time at his absolute discretion.

ANNUAL DELEGATE CONFERENCES AND SPECIAL DELEGATE CONFERENCES

- (e) (1) The primary policy-making body of the Association shall be the Annual Delegate Conference or Special Delegate Conference.
- (2) The delegates to the Annual Delegate Conference and any Special Delegate Conference shall be the members of the command committees, including those members who are members of the National Executive.
- (3) Subject to the exigencies of the service, the Annual Delegate Conference shall be held annually in accordance with the rules of the Association.
- (4) Subject to the exigencies of the service, a Special Delegate Conference may be called at any time by the National Executive and shall be called by that executive on the requisition of four command committees, the majority of those present and voting in each of those committees being in favour of the calling of such conference.

PRESIDENT

- (f) A Delegate Conference shall elect the President of the Association who shall be a member of the Association and an elected representative.

GENERAL SECRETARY

- (g) (1) There shall be a General Secretary who shall be a member of the Association.

- (2) The General Secretary shall be selected by the National Executive which shall determine his terms and conditions of appointment. Such terms and conditions shall be consistent with the conditions determined by the Minister under paragraph 13(1).
- (3) If the person so appointed is a member of the National Executive or a command committee he shall cease to be a member of such executive or committee.

SECOND SCHEDULE

PERMANENT DEFENCE FORCE OTHER RANKS REPRESENTATIVE ASSOCIATION

THE ASSOCIATION

- (a) (1) The Association shall be known as the "Permanent Defence Force Other Ranks Representative Association" (or in Irish "Comhlachas Ionadaitheach Cheimnigh Eile na mBuan - Oglach").
- (2) Subject to the provisions of the Act and these regulations and to any conditions that may be determined by the Association, membership of the Association shall be open to each non-commissioned officer and private (other than a Cadet) of the Permanent Defence Force.

MANAGEMENT

- (b) The management of the Association shall be vested in:-
 - (1) Delegate Conferences; and
 - (2) A National Executive.

BARRACKS ORGANISATION

- (c) (1) The affairs of the Association at barracks level shall be conducted by a committee in accordance with the constitution and rules of the Association.
- (2) For the purpose of this paragraph -
 - (i) any barracks, post, naval service vessel or other installation may, at the discretion of the Minister, following consultation with the Association, be amalgamated with any other barracks, post, naval service vessel or other installation for the purpose of representation and any reference to "barracks" in this Schedule shall be deemed to include any number of barracks, posts, naval service vessels or other installations so amalgamated; and
 - (ii) any post, naval service vessel or other installation may, at the discretion of the Minister, following consultation with the Association, be deemed to be a barracks.

- (3) The number of committees at barracks level and the number of members of such committees shall be as stipulated in "ELECTION OF REPRESENTATIVES OF MEMBERS OF THE PERMANENT DEFENCE FORCE: ELECTION RULES: ENLISTED PERSONNEL REPRESENTATIVES" devised in May 1990 by the Franchise Section of the Department of the Environment, subject to review by the Minister in consultation with the Association in sufficient time in advance of 25 June, 1992 to permit of an election of new representatives of non-commissioned officers and privates before that date.
- (4) Each committee at barracks level shall be elected by secret ballot. The first election shall be held on a date, not later than 25 June, 1992, to be determined by the Minister, in consultation with the Association, and subsequent elections shall be held every second year thereafter. The manner in which the ballot, including nominations, is conducted shall be subject to the approval of the National Executive.
- (5) Each committee shall elect from among its members a chairperson and a secretary and such other officers as it deems necessary.
- (6) A member of a committee shall cease to hold office on his ceasing to be a member of the Association or on his being posted to another barracks or for the duration of any period of overseas service or as may be provided for in the rules of the Association.
- (7) Where a vacancy occurs on a barracks-level committee, the committee shall have power to co-opt another person to fill the vacancy during the period from the date of such co-option until the election of a new committee in accordance with (4) hereof. The person to be co-opted shall be the person who received the highest number of votes but who failed to be elected in the last election in the barracks concerned or, where no such person exists, any other person from among the members of Association in that barracks.
- (8) An elected representative may resign from a barracks level committee at any time at his absolute discretion.

COMMAND COMMITTEES

- (d) (1) The affairs of the Association at command level shall be conducted by a committee in accordance with the constitution and rules of the Association.

- (2) There shall be such a committee for each Command. The number of members of each committee shall be determined in accordance with (3) hereof.
- (3) Within one month of its election, each committee at barracks level shall elect two of its members to act as members of the command-level committee.
- (4) Each committee at command level shall elect from among its members a chairperson and a secretary and such other officers as it deems necessary.
- (5) A member of a command-level committee shall cease to hold office on his ceasing to be a member of the Association or on his being posted to another barracks or for the duration of any period of overseas service or as may be provided for in the rules of the Association.
- (6) Where a vacancy occurs on a command-level committee, the barracks-level committee which elected the member whose place has become vacant may elect a substitute from among the members of the barracks-level committee to fill the vacancy during the period from the date of such election until the election of a new command-level committee in accordance with (3) hereof.
- (7) An elected representative may resign from a command-level committee at any time at his absolute discretion.

NATIONAL EXECUTIVE

- (e) (1) At its first meeting after its election, each command-level committee shall elect two of its members to be members of the National Executive. The members so elected shall constitute the National Executive.
- (2) A member of the National Executive shall cease to hold office on his ceasing to be a member of the Association or for the duration of any period of overseas service or as may be provided for in the rules of the Association.
- (3) Where a vacancy occurs on the National Executive, the command-level committee which elected the member whose place has become vacant may elect a substitute from among the members of the command-level committee to fill the vacancy during the period from the date of such election until the election of a new National Executive in accordance with (1) hereof.

- (4) An elected representative may resign from the National Executive at any time at his absolute discretion.

ANNUAL DELEGATE CONFERENCES AND SPECIAL DELEGATE CONFERENCES

- (f) (1) The primary policy-making body of the Association shall be the Annual Delegate Conference or Special Delegate Conference.
- (2) Each committee at barracks level shall select not more than two of its members to act as delegates to the Annual Delegate Conference and to any Special Delegate Conference.
- (3) Subject to the exigencies of the service, the Annual Delegate Conference shall be held annually in accordance with the rules of the Association.
- (4) Subject to the exigencies of the service, a Special Delegate Conference may be called at any time by the National Executive and shall be called by that Executive on the requisition of four command committees, the majority of those present and voting in each of those committees being in favour of the calling of such conference.

PRESIDENT AND VICE PRESIDENT

- (g) A Delegate Conference shall elect the President and Vice-President of the Association both of whom shall be members of the Association and elected representatives.

GENERAL SECRETARY

- (h) (1) There shall be a General Secretary who shall be a member of the Association.
- (2) The General Secretary shall be elected by postal ballot of the members of the Association. The National Executive shall determine his terms and conditions of appointment. Such terms and conditions shall be consistent with the conditions determined by the Minister under paragraph 30(1).
- (3) If the person so appointed is a member of the National Executive or a command committee or a barracks committee he shall cease to be a member of such executive or committee.

THIRD SCHEDULE - SCOPE OF REPRESENTATION

A. Remuneration etc. under the following headings:-

- (a) claims relating to remuneration and other emoluments whether in cash or kind (for this purpose "remuneration" means

- pay,
- allowances,
- gratuities, or
- grants

payable to a member of the Permanent Defence Force or any

- pension,
- retired pay, or
- gratuity

for which a member may be eligible in respect of or arising out of his service as such a member);

- (b) the administration of remuneration;
- (c) deductions from pay in respect of accommodation, rations and welfare services;

B. Other Conditions of Service and Career Development
under the following headings:-

- (d) criteria governing the entry of personnel into the Permanent Defence Force other than the number of such personnel;
- (e) changes in systems of performance appraisal;
- (f) general criteria governing selection for overseas service;
- (g) systems and general criteria governing promotion;
- (h) the allowances and the occasions of the granting of all categories of leave;
- (i) medical and dental benefits provided by the Department of Defence;
- (j) standards of living accommodation officially provided and general criteria governing the allocation of married quarters;
- (k) procedures for dealing with redress of wrongs and grievances;

- (l) the question of the provision of legal representation for members of the Permanent Defence Force against whom legal proceedings have been instituted arising out of their duties;
- (m) the application of the Safety, Health and Welfare at Work Act, 1989;
- (n) changes in the existing scheme of third level education;
- (o) the question of the recognition by outside bodies of training and qualifications gained in service;
- (p) changes in retirement ages and the procedures regarding voluntary retirement, resignation or discharge;
- (q) the application to the Permanent Defence Force of legislation which affects matters coming within the scope of representation;
- (r)
 - (1) amendments to the Defence Acts, 1954 to 1990,
 - (2) amendments to Defence Force Regulations,
 - (3) amendments to General Routine Orders, and
 - (4) the implementation of reports

which come within the scope of representation;

C. Association Affairs under the following headings:-

- (s) the principles governing the conduct of an Association's affairs and the manner in which members (including those serving outside the State) would best be represented;
- (t) secondment/release of personnel to an Association;
- (u) access to the media as governed by these regulations;
- (v) affiliation to other bodies;

D. General matters under the following headings:-

- (w) a conciliation and arbitration scheme;
- (x) welfare schemes in the Permanent Defence Force;
- (y) any of the provisions of these regulations and/or of the constitution and rules to be approved, ratified and adopted under paragraph 17 or 34, as appropriate; and
- (z) any other matter which the Minister may specify following consultation with an Association.

FOURTH SCHEDULE - ACCOUNTSI ACCOUNTS

- (a) A National Executive of an Association shall cause proper books of account to be kept relating to:-
 - (1) all moneys received and expended by the Association and the matters in respect of which such receipt and expenditure arises; and
 - (2) the assets and liabilities of the Association.
- (b) Proper books shall not be deemed to be kept if there are not kept such books of account as are necessary to give a true and fair view of the state of an Association's financial affairs and to explain its transactions.
- (c) The books of account shall be kept at the head offices of an Association or at such other place as the National Executive of an Association may determine and shall at all reasonable times be open to the inspection of the members of the Association.
- (d) An Association shall supply to the Minister such information as he may from time to time require regarding its financial affairs other than the names of persons in receipt of financial assistance from the Association under any welfare scheme established under its aegis.
- (e) The National Executive of an Association shall at some date not later than 12 months after its establishment and subsequently once at least in every calendar year lay before the Annual Delegate Conference of the Association an income and expenditure account for the period, in the case of the first account, since the establishment of the Association and, in any other case, since the preceding account, up to the 31st day of December.
- (f) The National Executive of an Association shall cause to be made out in every calendar year and to be laid before the Annual Delegate Conference of the Association a balance sheet as at the date up to which the income and expenditure account is made out.
- (g) The income and expenditure account laid before the Annual Delegate Conference of an Association shall be annexed to the balance sheet and the auditors' report shall be attached thereto.

- (h) A copy of every balance sheet including every account required by paragraph (g) hereof to be annexed thereto, which is to be laid before the Annual Delegate Conference of an Association together with a copy of the auditors' report shall, not later than 21 days before the date of the meeting, be sent to every member of the Association and to the Minister.

II AUDITORS

- (a) An Association shall at each Annual Delegate Conference appoint an auditor or auditors to hold office from the conclusion of that conference until the conclusion of the next Annual Delegate Conference.
- (b) Where, at an Annual Delegate Conference, no auditors are appointed or re-appointed, the Minister may nominate a qualified person who shall be appointed as auditor by the Association to fill the vacancy.
- (c) The first auditors of an Association may be appointed by the National Executive at any time before the first Annual Delegate Conference and auditors so appointed shall hold office until the conclusion of that conference.
- (d) A National Executive of an Association may fill any casual vacancy in the office of auditor, but while any such vacancy continues, the surviving or continuing auditor or auditors, if any, may act.
- (e) A person shall not be qualified for appointment as auditor of an Association unless that person is qualified for appointment either as auditor of a company or as a public auditor in accordance with the provisions of the Companies Acts, 1963 to 1990 or any other relevant enactment for the time being in force.
- (f) A member or servant of an Association shall not be eligible for appointment as auditor of the Association.
- (g) The auditors shall make a report to the members on the accounts examined by them and on every balance sheet laid before an Association in Delegate Conference during their tenure of office and the report shall contain statements as to -
 - (i) whether they have obtained all the information and explanations which to the best of their knowledge and belief were necessary for the purposes of their audit;
 - (ii) whether, in their opinion, proper books of account have been kept by the Association, so far as appears from their examination of those books;

- (iii) whether the Association's balance sheet and income and expenditure account dealt with by the report are in agreement with the books of account; and
- (iv) whether, in their opinion and to the best of their information and according to the explanations given to them, the said accounts give a true and fair view -
 - (A) in the case of the balance sheet, of the state of the Association's affairs as at the end of its financial year; and
 - (B) in the case of the income and expenditure account, of the income and expenditure for its financial year.
- (h) The auditors' report shall be read at the Annual Delegate Conference of an Association and shall be open to inspection by any member.
- (i) Every auditor of an Association shall have a right of access at all reasonable times to the books and accounts and vouchers of the Association and shall be entitled to require from the National Executive of the Association such information and explanations as he thinks necessary for the performance of his duties as auditor.
- (j) The auditors of an Association shall be entitled to attend any Delegate Conference of the Association and to receive all notices of and other communications relating to any Delegate Conference which any member of the Association is entitled to receive and to be heard at any Delegate Conference which they attend on any part of the business of the Conference which concerns them as auditors.

These regulations shall have effect on and from 16 MAY 1991.

Made and prescribed, with the consent of the Minister for Finance, in exercise of the powers in this behalf vested in me by Sections 2 and 5 of the Defence (Amendment) Act, 1990.

BRENDAN DALY, T.D.,
MINISTER FOR DEFENCE

16 May, 1991.

EXPLANATORY NOTE

(This note is not part of the instrument and does not purport to be a legal interpretation).

These regulations deal with the establishment of representative associations for members of the Permanent Defence Force .

DUBLIN:

Printed under the authority of the Stationery Office.

P.244/P.245