

**TUARASCÁIL BHLIANTÚIL**

**ANNUAL REPORT 2012**

To the Minister for Arts, Heritage and the Gaeltacht:

In accordance with section 30 of the Official Languages Act 2003, this Report for the year 2012 is being presented by An Coimisinéir Teanga.

Seán Ó Cuirreáin

An Coimisinéir Teanga

January 2013

## **MISSION STATEMENT**

“Protecting Language Rights”

To provide an independent quality service whilst fulfilling our statutory obligations to ensure state compliance in relation to language rights.

To ensure fairness for all by dealing in an efficient, professional and impartial manner with complaints regarding difficulties in accessing public services through the medium of Irish.

### **To provide clear and accurate information:**

- to the public in relation to language rights, and
- to public bodies in relation to language obligations.

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## **FOREWORD**

2012 was not a vintage year for the promotion of the Irish language in the public sector and for every one step forward there appeared to have been two steps backwards.

Statistics from the most recent Census published during 2012 gave a reasonably positive picture of the use of Irish in the country. The figures revealed an increase of 7% from the last Census in the number of people in the country who said they had Irish and an increase of 7% in the number of people who said they used the language on a daily basis, outside the education system, as well as an increase of 3% in the number of people in the Gaeltacht who said they used the language on a daily basis outside the education system.

These statistics indicated a positive trend and are good news. The statistics would be even better if the State delivered on its promise in providing support for the language. A large proportion of the general public are in favour of the preservation and promotion of the language as is evident in research and surveys undertaken over the years. However, to my mind, there is a considerable gap between the wishes of the public in relation to the language and the efforts of the State on the issue.

### **Language schemes**

While the Department of Arts, Heritage and Gaeltacht confirmed an additional nine language schemes under the Official Languages Act during 2012, there was an even more significant increase in the number of language schemes that “expired” without renewal. In addition, there was a further increase in the average length of time language schemes remained without being renewed.

The language scheme system is at the very heart of the legislation and any development in the number and quality of services in the Irish language provided by public bodies is dependent on this mechanism.

Overall, of the 104 language schemes that were confirmed from the outset by public bodies, a combined total of 79 had “expired” by the end of 2012; this means that 3 out of every 4 or 75% of all schemes had expired. In the case of 11 of these language schemes, they had expired for a period of at least four years and a further 13 had expired for more than three years. Details of the public bodies whose schemes have expired and those whose schemes have been renewed are available in this Report.

In addition, there were 39 other public bodies whose first draft scheme had been requested by the Minister for Arts, Heritage and the Gaeltacht but for whom no scheme had been agreed or confirmed by the end of 2012. In the case of ten of these, more than six years had elapsed since they were first asked to prepare a draft scheme.

Although I have issued regular warnings on this matter over a number of years, I am concerned, now more than ever, that there is no secure or stable basis to the system for confirming language schemes.

### **Amended scheme**

A further significant step was taken during 2012 that could prove a dangerous precedent with regard to the language scheme system: for the first time ever, a scheme was amended to

cancel an obligation that had previously been confirmed when a member of the public complained that the public body in question was not in compliance with this obligation.

The scheme concerned was that of the Department of Justice and Equality and the obligation involved was a fairly innocuous one that cost little and was relatively simple to implement: a requirement that the “Fit for viewing” section of video/ DVD labels supplied by the Irish Film Classification Office be produced in bilingual format.

It was a pity, in view of the clarity of the commitment and since no insurmountable difficulty existed, that appropriate compliance was not forthcoming. The Department itself had identified this commitment as a priority in its language scheme, and rather than ensuring its implementation, a complaint from a member of the public resulted eventually in the removal of the commitment.

I informed the Department of Arts, Heritage and the Gaeltacht that it was a poor show if a public body which was unhappy with a complaint or which had a finding made against it could successfully appeal to the Department to be granted the annulment of such an obligation that was previously confirmed in a language scheme. This would be a significant regression and a restriction of the principles concerning the public’s language rights as confirmed in language schemes and would be an additional blow to the credibility of the language scheme system as operated by the Department.

### **Oireachtas Joint Committee**

During 2012, I was invited for the first time to give evidence to the Oireachtas Joint Committee on Investigations, Oversight and Petitions in relation to reports that I had laid before the Houses of the Oireachtas concerning the failure of certain public bodies to appropriately and fully implement recommendations I had made following investigations.

The reports concerned the Health Service Executive (Western Region), the National Museum, and the Department of Social Protection. I welcome the efforts of the Oireachtas Joint Committee which add significant value and support the work of my Office. I believe that it is a challenge to the authority of members of the Oireachtas to enact legislation if a public body can ignore such legislation. It should be mentioned, generally, that the cases where I am obliged to lay special reports before the Houses of the Oireachtas are exceptional ones and usually my Office enjoys a good working relationship with most public bodies. Issues are normally resolved in an informal manner, and where investigations are necessary, the recommendations are usually implemented in an appropriate manner.

I understand the Oireachtas Joint Committee on Investigations, Oversight and Petitions was at the end of 2012 still involved in a formal investigation concerning the credit given for competence in Irish in internal promotion competitions in the Civil Service, arising from a report issued by my Office, and that four public bodies had been invited to furnish evidence to the Joint Committee on this matter.

### **Reform**

An absence of staff with competence in both official languages of the State is one of the main factors restricting state bodies in their delivery of services to the public in Irish as well as in English. During 2012, the Minister for Public Expenditure and Reform informed me that the

responsibility for the training and evaluation of competence in Irish in the Civil Service, previously vested in Gaeleagras, would be transferred to the Department of Arts, Heritage and the Gaeltacht from the beginning of 2013. I suggested in a report on an investigation that such a move would be merely a pretence and a waste of time if it simply reinforced again the same defective arrangements which have patently failed in over 40 years to ensure that there is an adequate number of staff with competence in Irish at various levels throughout the Civil Service. I suggested that the circumstances provided an historic opportunity to engage with this issue in a meaningful way.

The Minister for Public Expenditure and Reform informed me that the transfer of services to the Department of Arts, Heritage and the Gaeltacht would provide an opportunity to reform the current practices and that his own department was committed to finding the mechanisms which would ensure that departments could access or develop the skills to provide their services in a bilingual manner. If this opportunity were seized, and if words were matched with deeds, we could be on the threshold of a new era as far as the provision of state services through Irish as well as English is concerned.

### **Complaints and Investigations**

During 2012, my Office dealt with 756 cases of difficulties or problems accessing state services through Irish – the largest number of complaints from the public to the Office since its establishment. This represented an increase of 3% on the number of cases in the previous year. The complaints came from individuals in the general public, from language activists and from language organisations.

The vast majority of cases were resolved by means of informal negotiations with the relevant public body or by providing advice to the complainant.

A total of 13 formal investigations were commenced during 2012 in addition to four which were ongoing from the previous year. Of these investigations, 12 were concluded, two were discontinued, while three others were still in progress at year-end. Summaries of the investigations are in the chapter of this Report entitled “Investigations”. Investigations are only undertaken when it appears that a breach of a statutory obligation has occurred and when informal efforts have failed to resolve the issue.

### **An Garda Síochána**

An investigation involving An Garda Síochána will probably be seen as one of the more significant cases concluded in 2012. The case involved a young man who attempted to conduct his business through the medium of Irish with Gardaí who stopped him in relation to a road traffic matter. It should be clarified that the issue did not involve an accident or any allegations concerning speeding or driving under the influence of alcohol.

I was struck during the investigation by the fact that Gardaí who had received their education within this country’s schools system and had finished their training in Templemore some short years previously had insufficient command of Irish to ask a driver when stopped at the roadside “Cad is ainm duit?” or seek his address through the medium of Irish. No adequate support was available to them to facilitate their interaction with a member of the public who

opted to conduct his business in Irish without arresting and escorting him in handcuffs to a Garda station where he was detained until a Garda was found who could deal with him through Irish. The shallowness of understanding of the public's right to choose to use either official language of the country was of interest to me and, in particular, the attitude which suggested that someone who sought to conduct their business through Irish should be treated in a similar manner to a "foreign national" in a country whose constitution defines Irish as the first official language as it is the national language. The discourse during the investigation regularly had using Irish and dealing with foreign nationals in the same space.

The positive attitude of the Garda Commissioner and senior management to the implementation of the recommendations I made on foot of this investigation is a matter of some satisfaction to me and it appears that they sought to introduce systematic change in order to avoid a repetition of similar incidents. It has been confirmed to me that this case has resulted in significant steps being taken in relation to language awareness and training as well as the development of new practices and a protocol in this area.

### **Traffic signs**

The use of Irish on the country's traffic signs is the most visible illustration of the State's policy regarding our official languages, Irish and English. The road authorities are obliged to adhere to the obligations imposed on them with regard to the use of those languages on traffic signs under the *Traffic Signs Manual*. My Office deals with regular complaints of non-compliance in this area.

On foot of a series of complaints from an individual who was alert to a profusion of English only traffic signs in Ennis, Co. Clare, my Office conducted a formal investigation during 2012. Ennis Town Council had indicated that it had intended dealing with a historic problem of traffic signs not in compliance with statutory language requirements in a planned programme on a gradual basis over a period of time but a reduction in both financial and personnel resources due to the economic crisis left much of the issue unresolved.

It was significant that the Council had initiated its own audit of the number of traffic signs not in compliance with the statutory language regulations and in one half of the town alone 332 signs were identified whose validity was in doubt; on that basis, there may be up to 650 invalid public signs in Ennis town. A significant expenditure of state resources allocated for bilingual signage was used for signage in English only in these cases, notwithstanding the statutory obligations that were being breached.

It is probable that Ennis is in no way unique in this regard and that other areas may also not always have complied with the legislation concerning bilingual signage, but Ennis Town Council's own audit gives an overview of the scale of the problem. A person could be forgiven for suspecting in certain cases that it may have happened that a policy of "personal convenience" might have been in conflict with the requirement to comply with long established obligations confirmed in statutory regulations. Local authorities require the public to comply with the law in regard to the payment of rent and rates, refuse and household charges, and other fees. Equally, local authorities themselves are also obliged to ensure their own compliance with the law, including regulations concerning bilingual traffic signage.

## **Compliance**

In 2012, my Office continued a programme of detailed audits of public bodies in order to monitor compliance with the provisions of the Official Languages Act. The monitoring capacity of the Office was mainly focused on the implementation of language schemes. The vacuum created because of the non-confirmation of new or updated language schemes is causing continuing difficulties for the Office. Audits were also conducted to ascertain how public bodies were implementing recommendations made on foot of previous investigations. Comprehensive information in relation to the language audits completed by the Office during 2012 is given in the chapter entitled “Monitoring” in this Report.

## **Language rights event**

During 2012 my Office – in collaboration with Galway City Museum and Conradh na Gaeilge – organised a language rights awareness initiative by commemorating the “Maamtrasna Murders” case of 130 years ago. The attendance at the event included the President of Ireland, Michael D. Higgins. The event was organised on December 15 in memory of Maolra Seoighe/Myles Joyce who was unjustly executed on that day, 130 years previously. He had been convicted in connection with the slaughter of a family in a remote valley on the Galway-Mayo border in 1882 and was hanged and buried at the then Galway Gaol on the site where Galway Cathedral now stands.

A native Irish speaker from the Gaeltacht, Maolra Seoighe, who had no English, was defended in court in Dublin by a solicitor and barristers who spoke no Irish. The judge and jury who convicted him had no Irish and the jury deliberated for less than six minutes to decide on his guilt before sentence of death was passed. The evidence he gave in Irish was ignored in court while evidence that might have helped his defence was withheld and informers gave false evidence against him.

The objectives of the event were to raise awareness of the public’s rights now to opt to use either official language in court proceedings and to assist an initiative by Lords Alton and Avebury in the British Houses of Lords to have the authorities there reopen the case of Maolra Seoighe and to declare him a victim of a miscarriage of justice and to concede that he had been unjustly convicted and executed.

## **Review of the Act**

A public consultation period organised by the Department of Arts, Heritage and the Gaeltacht in relation to a review of the Official Languages Act as part of the programme for Government ended on January 31, 2012. Apart from some statistical data about public participation in the process – that there were approximately 1,400 completed questionnaires in relation to state services through Irish from public bodies as well as 260 submissions from interested parties – the Department of Arts, Heritage and the Gaeltacht had not by the end of 2012 published any information or analysis on the public’s wishes as reflected in the public consultation exercise. My Office previously published in 2011 comprehensive recommendations concerning the amendments which we believe should be made to the Official Languages Act based on our experience of the implementation of the legislation over the years.



## **Merger**

A Government decision was announced in November 2011 to merge the functions of the Office of An Coimisinéir Teanga with the Office of the Ombudsman as part of the *Public Service Reform Plan*. It was re-announced in November 2012 that the merger would go ahead and that the statutory powers and functions of An Coimisinéir Teanga under the Official Languages Act 2003 would be transferred to the Ombudsman and would be delegated back to An Coimisinéir Teanga by amending legislation which was not yet published by the end of 2012. An Coimisinéir Teanga would continue to be appointed statutorily, be based in the Gaeltacht and would continue to perform the current functions of An Coimisinéir Teanga in an independent manner under the Official Languages Act.

## **BACKGROUND**

The President formally reappointed me as Coimisinéir Teanga on 23 February 2010 on the advice of the Government following a resolution passed by both Houses of the Oireachtas recommending the appointment. The reappointment received the support of all the parties in the Dáil and Seanad and of members of the Oireachtas Joint Committee on Arts, Sports, Tourism, Community, Equality and Gaeltacht Affairs.

A detailed account of the work of the Office since its establishment is provided in the annual reports available on the Office's website: [www.coimisineir.ie](http://www.coimisineir.ie). The relevant financial accounts are also available on the website.

The Office of An Coimisinéir Teanga is an independent statutory office whose responsibility is to monitor the manner in which the State's public bodies comply with the provisions of the Official Languages Act 2003. The Office takes all necessary measures to ensure that public bodies fulfil their obligations under the Act itself, under the Regulations made under the Act and under language schemes, where these apply.

The Office investigates complaints from the public in cases where it is believed that public bodies may have failed to fulfil their obligations under the Official Languages Act. The Office also enquires into any valid complaints regarding allegations that a provision of any other enactment relating to the status or use of Irish has been contravened.

My Office provides advice to the public about their language rights and to public bodies about their language obligations under the Act. The primary objective of the Act is to ensure that the services provided through Irish by the Civil and Public Service increase in both quantity and quality over a period of time.

It is expected that the implementation of the Act will create a new space for the language within the public administration system of the country. It is an illustration of one element of the State's Irish language policy which complements other efforts to promote the language in education, in broadcasting, in the arts, in Gaeltacht life and in Irish life generally.

The President signed the Official Languages Act into law on 14 July 2003 and three years later, on 14 July 2006, all provisions of the Act not already commenced by Ministerial Order came into effect. That meant that from this date onwards, every provision of the Act had a statutory basis.

On 1 October 2008, the Minister for Community, Rural and Gaeltacht Affairs signed the Official Languages Act 2003 (Section 9) Regulations 2008 (S.I. No. 391 of 2008). No Regulations had been made by the end of 2012 regarding advertisements or live oral announcements.

Under the Regulations, public bodies are obliged to ensure that their stationery, their signage and their recorded oral announcements are provided in Irish only, or in Irish and English, in accordance with certain provisions set out in the Regulations.

An amendment was made to the Official Languages Act in section 62 of the Civil Law (Miscellaneous Provisions) Act 2011. The amendment means that any Act of the Oireachtas

may be published online in one official language before it is printed and published simultaneously in both official languages.

An amendment was also made in section 48 of the Environment (Miscellaneous Provisions) Act 2011 to a provision of Statutory Instrument (No. 872 of 2004) – Placenames Order (Gaeltacht Districts) 2004 – in so far as it relates to the placename, ‘An Daingean’. This amendment confirms that ‘Daingean Uí Chúis’ in Irish and ‘Dingle’ in English are now the official placenames where ‘An Daingean’ was used previously.

A formal review of the Official Languages Act formed part of programme for government of the new administration that came to power in 2011. In July 2011, my Office published a commentary, as a special report, under section 29 of the Official Languages Act on the practical application and operation of the Act. A public consultation period organised by the Department of Arts, Heritage and the Gaeltacht in relation to a review of the Official Languages Act ended on 31 January 2012. By the end of 2012 the Department of Arts, Heritage and the Gaeltacht had not published any information or analysis on the public’s wishes as reflected in the public consultation exercise.

In November 2012, the Government announced that it would proceed with its decision (November 2011) to merge the functions of the Office of An Coimisinéir Teanga with the Office of the Ombudsman as part of the *Public Service Reform Plan*. It also announced that the statutory powers and functions of An Coimisinéir Teanga under the Official Languages Act would be transferred to the Ombudsman and would be delegated back to An Coimisinéir Teanga by amending legislation which was not yet published by the end of 2012. An Coimisinéir Teanga would continue to be appointed statutorily, be based in the Gaeltacht and would continue to perform the current functions of An Coimisinéir Teanga in an independent manner under the Official Languages Act.

## **INFORMATION & COMMUNICATION SERVICES**

During 2012, the Office of An Coimisinéir Teanga continued to provide information to the public and to public bodies about the Official Languages Act and about the Office itself.

### **Advice for Public Bodies**

The functions of the Office include the provision of advice or assistance to public bodies coming under the aegis of the legislation with regard to their obligations under the Official Languages Act.

During 2012, officials from public bodies contacted the Office of An Coimisinéir Teanga on 161 separate occasions either with specific questions or seeking advice about their obligations under the Act. Approximately 41% of these queries concerned advice on the duties of public bodies with regard to the use of the Irish and English languages on signage, stationery and recorded oral announcements, 22% concerned language schemes, 14% the publication of documents bilingually under section 10 of the Act and 23% concerned other matters to do with the Act.

Without doubt, the more clear and accurate the advice and information that is provided to public bodies regarding their obligations under the Act, the easier it will be to ensure compliance with the provisions of the legislation.

### **Website**

The website [www.coimisineir.ie](http://www.coimisineir.ie) serves as a comprehensive source of information on all aspects of the Office of An Coimisinéir Teanga and the Official Languages Act 2003. A Guidebook to the Official Languages Act is available on the website to assist the public with regard to their language rights and, in particular, to advise public bodies in relation to their obligations under the Act.

An electronic version of an educational resource, Cearta Teanga / Language Rights, is available online at [www.coimisineir.ie/schools](http://www.coimisineir.ie/schools). If a member of the public wishes to seek advice or make a complaint, there is an online form that can be completed and sent electronically to my Office.

In accordance with the eGovernment agenda, the website is included in [www.gov.ie](http://www.gov.ie) and a link is available under 'online services/complain'. All pages of the website are, at a minimum, AA accessible.

### **Media**

During 2012, An Coimisinéir Teanga continued to undertake media interviews in order to provide an insight into the work of the Office, the implementation of the Act, and related matters. The efforts of journalists who showed such an interest in the work of the Office during the year and who helped to progress that work through their reports both in English and in Irish are much appreciated.

## **Gradam Ghlór na nGael**

At a function in Carton House, Maynooth, Co Kildare on Saturday 25 February 2012, the GRADAM Ghlór na nGael award for 2011 was presented to the Office of An Coimisinéir Teanga. The presentation was made by Donnchadh Mac Fhionnlaoich TD, Minister of State at the Department of Arts, Heritage and the Gaeltacht and was accepted on behalf of the Office by staff member, Deirdre Nic Dhonncha.

It was a great honour for the Office to have received this award and An Coimisinéir Teanga, Seán Ó Cuirreáin, thanked the committees, adjudicators, directors and staff of Glór na nGael for choosing the Office for the award.

### **Picture 1 Gradam Ghlór na nGael**

The picture shows An Coimisinéir Teanga, **Seán Ó Cuirreáin; Deirdre Nic Dhonncha**, Office of An Coimisinéir Teanga; Minister of State **Donnchadh Mac Fhionnlaoich** TD; and **Pat Carey**, Chairman of Glór na nGael (former Minister for Community, Rural and Gaeltacht Affairs).

### **Prizes of An Coimisinéir Teanga**

Oifig an Choimisinéara Teanga is associated with the MA degree course in Bilingual Practice in Fiontar in Dublin City University, where the Gold Medal of An Coimisinéir Teanga is presented annually to the graduate who receives the highest marks for their postgraduate thesis.

The 2012 Gold Medal was presented to Laura Ní Mháille for her thesis at the graduation ceremony in Fiontar, Dublin City University on November 5th 2012. The aim of the MA course in Bilingual Practice – under the stewardship of the Director of Fiontar, Dr Peadar Ó Flatharta – is to train people who will work in the public and voluntary sectors in the management and delivery of high quality bilingual customer services, in response to the requirements of the Official Languages Act in particular. This course provides participants with the knowledge and skills necessary to ensure that the public is provided with a high quality bilingual service in accordance with international standards.

An award is also presented annually for the best research essay in the sociolinguistics examination for the BA degree under the direction of Dr John Walsh in the National University of Ireland, Galway. In 2012, two students shared first place and it was decided that two prizes of €500 would be awarded. The joint winners of An Coimisinéir Teanga's prize for 2012 were Senan Mac Aoidh and Stephen Joyce.

### **Picture 2 Presentation of prizes**

The 2012 Gold Medal was presented to Laura Ní Mháille for the MA degree in Bilingual Practice in Fiontar, Dublin City University. She is seen here being presented with the prize by An Coimisinéir Teanga, Seán Ó Cuirreáin.

### **Picture 3 Presentation of prizes**

Senan Mac Aoidh, joint winner of An Coimisinéir Teanga's prize in 2012 for the BA degree in the National University of Ireland, Galway is pictured at the conferring with his grandmother, Eileen Moloney.

### **Picture 4 Presentation of prizes**

Stephen Joyce, joint winner of An Coimisinéir Teanga's prize in 2012 for the BA degree in the National University of Ireland, Galway, pictured here with his father, Micheál Seoighe.

## **LANGUAGE AWARENESS: IRISH IN THE COURTS**

During 2012, the Office of An Coimisinéir Teanga was involved in an initiative, one of whose aims was to increase public awareness in relation to the right to use Irish in any court in the country.

This right applies in all courts, for example, the District Court, the Circuit Court, the High Court, the Supreme Court, and tribunals. Section 8 of the Official Languages Act provides that a person can choose to use Irish in court irrespective of the reason for being in court, for example as a witness, a defendant, a plaintiff or a victim. A person has the right to be heard in Irish in court and may not be disadvantaged or incur additional expense because of that choice of official language. The court may make arrangements as it considers appropriate for the interpretation of proceedings from one official language to the other (Irish/English).

In order to emphasise the importance of that right, the Office of An Coimisinéir Teanga – in conjunction with Galway City Museum and Conradh na Gaeilge – organised a commemorative event in December 2012 in relation to the Maamtrasna Murders which occurred 130 years previously at a stage where such Irish language rights did not exist.

Attendance at the event included President Michael D. Higgins. The event focused in particular on the case of Maolra Seoighe/Myles Joyce who was unjustly executed having been convicted in connection with the slaughter of a family in a remote valley on the Galway-Mayo border in 1882; he was hanged and buried at the then Galway Gaol on the site where Galway Cathedral now stands.

The case of Maolra Seoighe is recognised as one of most significant and distressing cases ever concerning the denial of language rights. A native Irish speaker from the Gaeltacht, Maolra Seoighe, who had no English, was defended in court in Dublin by a solicitor and barristers who spoke no Irish. The judge and jury who convicted him had no Irish and the jury deliberated for less than six minutes to decide on his guilt before sentence of death was passed. The evidence he gave in Irish was ignored in court while evidence that might have helped his defence was withheld and informers gave false evidence against him.

As well as raising awareness of the public's rights now to opt to use either official language in court proceedings, the event also sought to support an initiative by Lords Alton and Avebury in the British House of Lords to have the authorities there reopen the case of Maolra Seoighe and to declare him a victim of a miscarriage of justice and to concede that he had been unjustly convicted and executed.

Following Mass in Irish in Galway Cathedral, wreaths were laid at the site of the gallows where Maolra Seoighe was hanged and buried. A symposium in Galway City Museum heard contributions from historian, Prof. Gearóid Ó Tuathaigh; Lord David Alton of Liverpool; and Johnny Joyce from Dublin - a descendant of the Joyce family whose murder in Maamtrasna

lead to the conviction of Maolra Seoighe. An exhibition, historical readings and an RTÉ film on the Maamtrasna murders were also included as well as newly composed poetry and music inspired by the event.

**Picture 5**

Myles Joyce, who was unjustly executed in 1882.

**Picture 6**

Lord David Alton laying a wreath at the site where Myles Joyce was hanged and buried.

**Picture 7**

President Michael D. Higgins and Lord Alton at the commemorative event.



## OIREACHTAS JOINT COMMITTEE

During 2012, An Coimisinéir Teanga was invited for the first time to present evidence to the Oireachtas Joint Committee on Investigations, Oversight and Petitions in relation to reports he had laid before the Houses of the Oireachtas regarding public bodies that had failed to appropriately or fully implement recommendations he had made following investigations.

The reports concerned the Health Service Executive (Western Region), the National Museum, and the Department of Social Protection.

Among those who questioned An Coimisinéir Teanga at the meeting in Leinster House on May 2, 2012 were the Chairman of the Committee, Peadar Tóibín TD, Sen. Trevor Ó Clochartaigh, Gerry Adams TD, Peter Mathews TD, Michael Healy-Rae TD, Aengus Ó Snodaigh TD, Michelle Mulhern TD, and Sen. Tony Mulcahy.

Following the meeting, the Joint Committee issued a statement on May 4, 2012. Chairman Peadar Tóibín TD, said: *“Having considered Mr Ó Cuirreáin’s persuasive arguments, Members agreed to invite the Secretaries General of the relevant Government Departments before the Committee.”*

He added: *“Committee Members agreed a motion to support the continued independent functions of the Office of An Coimisinéir Teanga, as it continues its work in ensuring that Irish language rights are protected.”*

It appears that the Committee decided to conduct a specific investigation, following reports from this Office, concerning the system where recognition is given to competence in Irish in internal promotion competitions in the Civil Service and that four public bodies were requested to present evidence to the Joint Committee on November 21, 2012. The public bodies concerned were the Department of Social Protection, the Department of Public Expenditure and Reform, the Public Appointments Service, and the Commission on Public Service Appointments.

The Office of An Coimisinéir Teanga welcomes the work of the Oireachtas Joint Committee, which supports the functioning of this Office. This Office would interpret as a challenge to the right of members of the Houses of the Oireachtas to enact legislation if public bodies were to disregard such legislative provisions. It should be mentioned that the occasions where special reports are required to be placed by this Office before the Houses of the Oireachtas are exceptional ones and, generally, there is good cooperation between the Office of An Coimisinéir Teanga and most state agencies. Difficulties are usually resolved through an amicable, informal resolution mechanism and if formal investigations are required, the subsequent recommendations are implemented in an appropriate manner. If this doesn’t happen, the Joint Committee has a very valuable role to play in resolving issues.

The formal investigation in relation to Irish in the Civil Service by the Oireachtas Joint Committee on Investigations, Oversight and Petitions was still in progress at the end of 2012.

**Picture 8 Oireachtas Joint Committee**

## **MONITORING**

One of the functions of the Office of An Coimisinéir Teanga is to monitor the way public bodies fulfil their statutory language duties under the Official Languages Act. During 2012, the Office implemented an audit plan to assess the level of compliance with the Official Languages Act. Due to the limited staffing resources available to the Office, the focus of the compliance work was on the way public bodies were implementing their language schemes.

As in previous years, particular importance was attached to ensuring that public bodies were complying with the recommendations made by An Coimisinéir Teanga in reports of investigations. As a result of this compliance work, An Coimisinéir Teanga laid special reports before the Houses of the Oireachtas after forming the opinion that certain public bodies were not appropriately implementing the recommendations made.

### **Monitoring of language schemes**

Language schemes are the mechanism used to ensure public bodies develop services through Irish for the public, in addition to the general provisions of the Act. The Minister for Arts, Heritage and the Gaeltacht is responsible for the confirmation of language schemes; the Office of An Coimisinéir Teanga does not play any part in that process. This Office is responsible for monitoring the way in which public bodies implement their language schemes.

It is standard practice for this Office to review the implementation of language schemes after the first year of operation. This is done to ensure that the public body is taking ownership of the implementation of the scheme and that activities have been initiated to ensure satisfactory outcomes. The third year audits require supporting evidence to demonstrate that the provisions contained in the scheme have been implemented appropriately. For the last two years, this Office has audited certain schemes that the Minister agreed six or more years ago. In certain cases, there is a limit to the effectiveness of audit work attached to schemes that were agreed a long number of years ago. Despite this, it is important to maintain communications with these public bodies so as to underline that the commitments given in a language scheme continue in operation until such time as a new language scheme may be agreed by the Minister.

During 2012, this Office monitored the implementation of 21 language schemes. The audits were implemented as follows:

<b>Type of scheme</b>	<b>Period scheme in operation</b>	<b>Total audits</b>
<b>First language scheme</b>	One year	3
	Three years	9
	Seven years	3
<b>Second language scheme</b>	One year	5
	Three years	1

The monitoring process found that very few public bodies manage to satisfactorily implement all the commitments given in the language scheme within the agreed timelines. Despite this, this Office managed to reach a satisfactory agreement with most public bodies in relation to commitments that had not been fully implemented at the time of the audit. This Office is left with little alternative other than to initiate an official investigation in instances where we cannot come to a satisfactory agreement.

During 2012, it was apparent that the absence of sufficient numbers of staff with competence in Irish was the main obstacle for public bodies in achieving the commitments given in language schemes. This issue is becoming more pronounced as staff numbers continue to fall in the Civil Service. The absence of sufficient numbers of staff with Irish results in citizens finding it harder to access interpersonal services through Irish to the same standard as services available in English. This much is occurring despite arrangements put in place by public bodies to cater for those who wish to conduct their business through Irish.

**Léirmheasanna a rinneadh agus tuairiscí a eisíodh, 2012** \* *Reviews completed and reports issued, 2012*

<b>Ainm an Chomhlachta Phoiblí</b>	<b>Name of Public Body</b>
Comhairlí Contae & Cathrach Chill Chainnigh	Kilkenny County & City Councils
Údaráis Áitiúla Shligigh	Sligo Local Authorities
Institiúid Teicneolaíochta Dhún Dealgan	Dundalk Institute of Technology
Coláiste Oideachais Eaglais na hÉireann	Church of Ireland College of Education
Údaráis Áitiúla Chontae Mhuineacháin	Monaghan Local Authorities
Údaráis Áitiúla Chontae Chill Dara	Kildare Local Authorities
Coiste Gairmoideachais Chontae Bhaile Átha Cliath	County Dublin Vocational Education Committee
Oifig an Ard-Reachtair Cuntas & Ciste	Office of the Comptroller & Auditor General
Gailearaí Náisiúnta na hÉireann	National Gallery of Ireland
An Oifig um Chlárú Cuideachtaí & Clárlann na gCara-Chumann	Companies Registration Office & Registry of Friendly Societies
An Garda Síochána	An Garda Síochána
Foras na Mara	Marine Institute
Oifig an Uachtaráin	Office of the President
Ollscoil na hÉireann, Gaillimh	National University of Ireland, Galway
An Roinn Gnóthaí Eachtracha agus Trádála	Department of Foreign Affairs and Trade
Oifig an Stiúrthóra Ionchúiseamh Poiblí	Office of the Director of Public Prosecutions
Coiste Gairmoideachais Chontae na Gaillimhe	County Galway Vocational Education Committee
Údaráis Áitiúla Dhún na nGall	Donegal Local Authorities
Údaráis Áitiúla Chiarraí	Kerry Local Authorities
Óglaigh na hÉireann	The Defence Forces
Oifig an Choimisiúin um Cheapacháin Seirbhíse Poiblí	Office of the Commission for Public Service Appointments

## **Monitoring the implementation of the recommendations of investigations**

In accordance with the Official Languages Act, An Coimisinéir Teanga has the right to submit a report to each House of the Oireachtas if he forms the opinion that a public body is not implementing recommendations made by him in a report on an investigation after a reasonable period of time has elapsed. To date, An Coimisinéir Teanga has submitted four special reports to the Houses of the Oireachtas.

During 2012, the Office of An Coimisinéir Teanga initiated a review as to the compliance of public bodies in implementing recommendations made in fourteen investigations. Eleven of these reviews were brought to a conclusion by year end. As a result of our enquiries, we were satisfied that the majority of public bodies were implementing the recommendations made in these cases.

However, An Coimisinéir Teanga was of the opinion that two public bodies were not satisfactorily implementing recommendations made following investigations. The two public bodies concerned were the Office of Public Works and Westmeath County Council.

### **The Office of Public Works**

In accordance with the Regulations made under section 9(1) of the Official Languages Act 2003, all public bodies must comply with certain provisions in relation to visibility, legibility, font size, equality of information, etc. in the use of both official languages of the State on their stationery and signs.

An investigation conducted in 2011 concluded that the stationery and signage of the Office of Public Works did not comply with the Regulations, as priority was given to the English version of the name of the public body.

Although the Office of Public Works did not accept that it was in breach of the legislation, it did not appeal the decision of An Coimisinéir Teanga to the High Court on a point of law.

In response to the audit conducted on the implementation of the investigation's recommendations, the Office of Public Works repeated that it believed the name of the public body formed part of the logo and was a registered trademark. Accordingly, it did not intend to implement the investigation's recommendations. An Coimisinéir Teanga had already dealt with this argument as part of the investigation and he was satisfied that the name of a public body was not exempted from the language requirements of the regulations.

The Office of Public Works informed us that it had recommended, as part of the review of the Official Languages Act, that exemptions available in the regulations be amended to include registered trademarks. As the Office of Public Works confirmed that it did not intend to implement the recommendations made in the investigation, An Coimisinéir Teanga has no alternative other than to submit a special report to the Houses of the Oireachtas.

## **Westmeath County Council**

An investigation completed in 2011 found that Westmeath County Council was in breach of statutory language requirements arising from the organisation's language scheme. The investigation concluded that commitments contained in the language scheme relating to the provision of application forms, brochures, information leaflets and website in Irish were not fully implemented.

During the audit of the implementation of the investigation's recommendations, Westmeath County Council stated that progress was being made in relation to the provision of application forms in Irish or bilingually. However, the Council stated that it did not have the resources to provide an Irish version of its website other than by using the 'Google Translate' facility. An Coimisinéir Teanga had already stated in the report of the investigation that this system was not satisfactory as a means of implementing the commitments given in the language scheme.

As a result of the lack of progress made in implementing the recommendations following the investigation, it was decided that no statutory alternative was available other than to lay a special report before the Houses of the Oireachtas.

## **LANGUAGE SCHEMES**

### **Schemes confirmed**

The Minister for Arts, Heritage and the Gaeltacht confirmed three new language schemes during 2012. The Minister also confirmed a second language scheme with six public bodies.

Due to a change in the status of certain public bodies, four language schemes have lapsed. During the current year, two language schemes were superseded and a further two public bodies who had agreed language schemes with the Minister were dissolved.

As a result, there were 104 language schemes covering a total of 191 public bodies confirmed by the end of 2012.

### **Schemes expired**

Of the 104 language schemes, 79 had expired by year end, 2012. This meant that, in the absence of a second or a third language scheme, no additional commitments in relation to improved services in Irish were required of those public bodies.

### **Draft schemes**

By the end of 2012, some 39 first draft schemes remained to be confirmed by the Minister for Arts, Heritage and the Gaeltacht. In addition, the Minister had requested 73 public bodies to prepare a second draft scheme and 7 public bodies to prepare a third draft scheme. As a result, 119 public bodies have been requested to prepare a language scheme by year end.



<b>Bliain inar daingníodh an chéad Scéim Teanga</b>		
<b>Bliain</b>	<b>Scéimeanna</b>	<b>Comhlachtaí Poiblí san Áireamh</b>
2004	01	01
2005	22	35
2006	18	36
2007	29	55
2008	15	28
2009	15	26
2010	05	10
2011	0	0
2012	03	03
	<b>108</b>	<b>194</b>
<b>Scéimeanna dímholta</b>	<b>02</b>	<b>02</b>
<b>Scéimeanna as feidhm</b>	<b>02</b>	<b>02</b>
<b>Iomlán</b>	<b>104</b>	<b>190</b>

<b>Year in which first Language Scheme was confirmed</b>		
<b>Year</b>	<b>Schemes</b>	<b>Public Bodies Included</b>
2004	01	01
2005	22	35
2006	18	36
2007	29	55
2008	15	28
2009	15	26
2010	05	10
2011	0	0
2012	03	03
	<b>108</b>	<b>194</b>
<b>Schemes superseded</b>	<b>02</b>	<b>02</b>
<b>Lapsed schemes</b>	<b>02</b>	<b>02</b>
<b>Total</b>	<b>104</b>	<b>190</b>

<b>An chéad dréachtscéim fós le daingniú</b>		
<b>Bliain</b>	<b>Dréacht-scéimeanna</b>	<b>Comhlachtaí Poiblí san Áireamh</b>
2005	16	25
2006	71	129
2007	42	79
2008	30	54
2009	31	43
2010	26	34
2011	28	36
2012	39	49

<b>First draft scheme not yet confirmed</b>		
<b>Year</b>	<b>Draft Schemes</b>	<b>Public Bodies Included</b>
2005	16	25
2006	71	129
2007	42	79
2008	30	54
2009	31	43
2010	26	34
2011	28	36
2012	39	49

<b>An dara dréachtscéim fós le daingniú</b>		
<b>Bliain</b>	<b>Dréacht-scéimeanna</b>	<b>Comhlachtaí Poiblí san Áireamh</b>
2007	20	33
2008	22	35
2009	48	84
2010	54	104
2011	72	139
2012	73	149

<b>Second draft scheme not yet confirmed</b>		
<b>Year</b>	<b>Draft Schemes</b>	<b>Public Bodies Included</b>
2007	20	33
2008	22	35
2009	48	84
2010	54	104
2011	72	139
2012	73	149

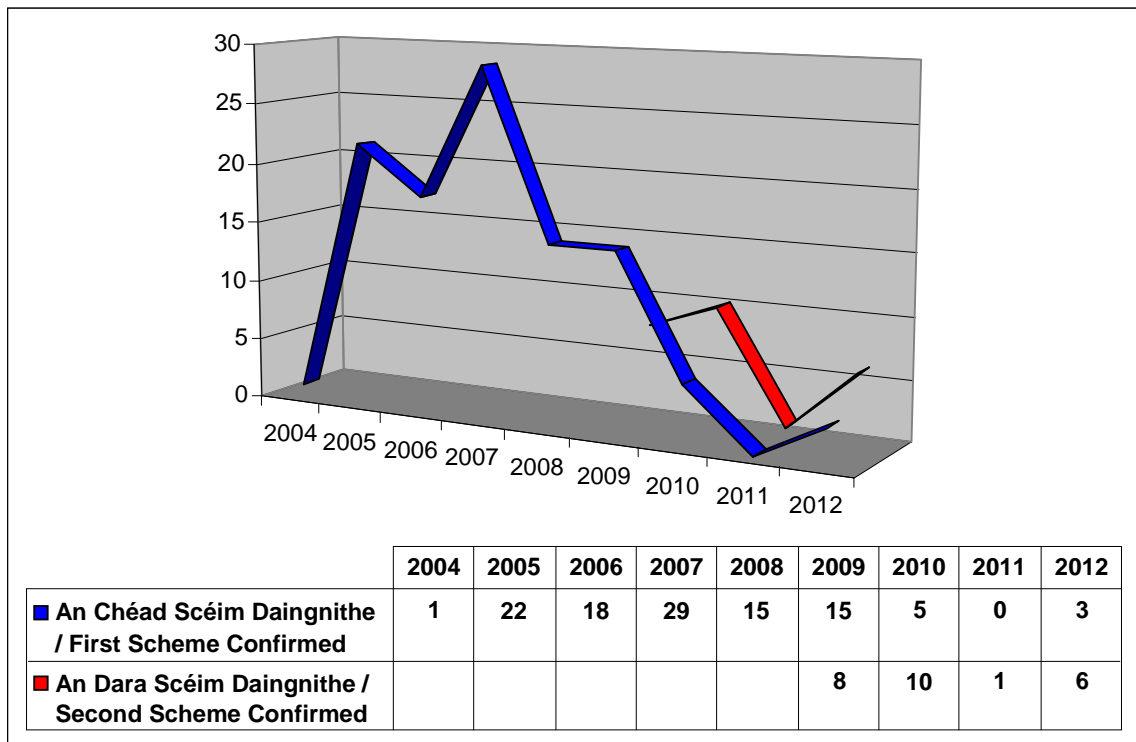
<b>An tríú dréachtscéim fós le daingniú</b>		
<b>Bliain</b>	<b>Dréacht-scéimeanna</b>	<b>Comhlachtaí Poiblí san Áireamh</b>
2011	1	1
2012	7	8

<b>Third draft scheme not yet confirmed</b>		
<b>Year</b>	<b>Draft Schemes</b>	<b>Public Bodies Included</b>
2011	1	1
2012	7	8

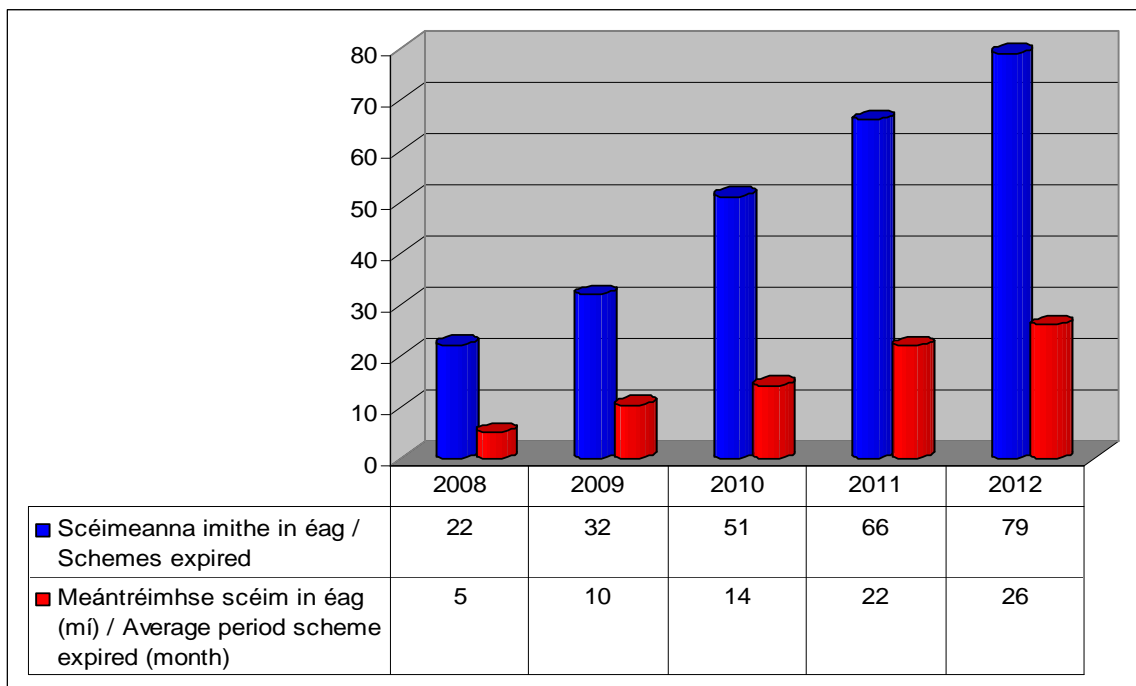
<b>Léirmheasanna / Iniúchtaí Críochnaithe</b>		
<b>Bliain</b>	<b>Scéimeanna</b>	<b>Comhlachtaí Poiblí san Áireamh</b>
2006	09	16
2007	25	43
2008	42	74
2009	39	73
2010	33	50
2011	29	62
2012	21	34
<b>Iomlán</b>	<b>198</b>	<b>352</b>

<b>Reviews / Audits Completed</b>		
<b>Year</b>	<b>Schemes</b>	<b>Public Bodies Included</b>
2006	09	16
2007	25	43
2008	42	74
2009	39	73
2010	33	50
2011	29	62
2012	21	34
<b>Total</b>	<b>198</b>	<b>352</b>

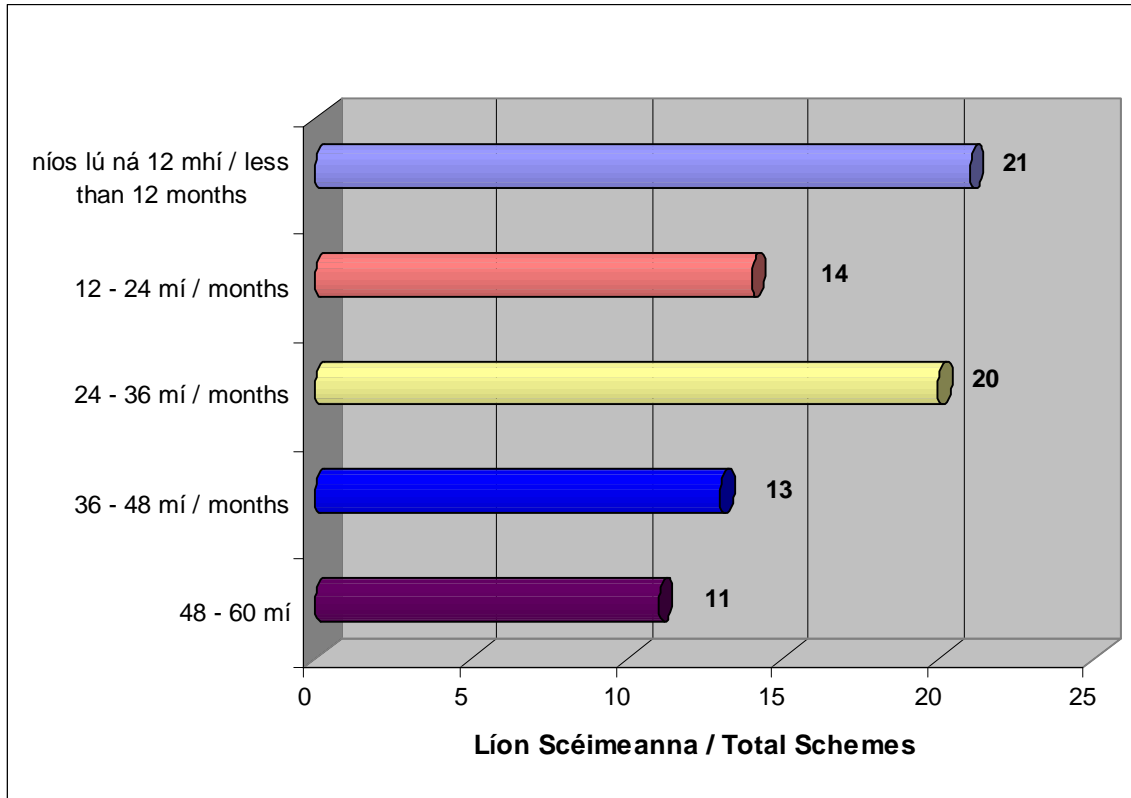
### Scéimeanna Daingnithe ag an Aire / Schemes Confirmed by the Minister



### Scéimeanna imithe in éag / Schemes expired



**Tréimhse scéimeanna in éag / Period schemes expired**



Scéimeanna daingnithe faoi dheireadh 2012 / Schemes confirmed by the end of 2012

Ainm an Chomhlachta Phoiblí	Name of Public Body	Dáta tosaithe	
		na chéad scéime / first scheme	an dara scéim / second scheme
Oifig an Uachtaráin	<i>Office of the President</i>	28/04/2005	
Oifig an Choimisiúin um Cheapacháin Seirbhíse Poiblí	<i>Office of the Commission for Public Service Appointments</i>	30/05/2005	11/05/2009
Oifig an Stiúrthóra Ionchúiseamh Poiblí	<i>Office of the Director of Public Prosecutions</i>	01/07/2005	20/04/2010
An Chomhairle Ealaíon	<i>The Arts Council</i>	01/07/2005	
Oifig an Ombudsman & Oifig an Choimisinéara Faisnéise	<i>Office of the Ombudsman &amp; Office of the Information Commissioner</i>	01/07/2005	27/11/2012
Coiste Gairmoideachais Chontae Dhún na nGall	<i>County Donegal Vocational Educational Committee</i>	01/07/2005	22/09/2009
Údaráis Áitiúla Chiarraí	<i>Kerry Local Authorities</i>	26/07/2005	26/10/2010
An tSeirbhís Chúirteanna	<i>The Courts Service</i>	31/07/2005	
Údaráis Áitiúla Chontae Phort Láirge	<i>Waterford County Local Authorities</i>	01/08/2005	
An Roinn Comhshaoil, Pobail & Rialtais Áitiúil *	<i>Department of the Environment, Community &amp; Local Government</i>	15/08/2005	20/07/2009
Údaráis Áitiúla Chontae na Gaillimhe	<i>County Galway Local Authorities</i>	23/08/2005	
Roinn an Taoisigh	<i>Department of the Taoiseach</i>	01/09/2005	21/12/2009
Feidhmeannacht na Seirbhíse Sláinte, Limistéar an Iarthair	<i>Health Service Executive, Western Area</i>	01/09/2005	
Ollscoil na hÉireann, Má Nuad	<i>National University of Ireland, Maynooth</i>	19/09/2005	
Institiúid Teicneolaíochta na	<i>Galway-Mayo Institute of</i>	28/09/2005	

Gaillimhe-Maigh Eo	<i>Technology</i>		
Oifig na gCoimisinéirí Ioncaim	<i>Office of the Revenue Commissioners</i>	01/10/2005	
Ollscoil na hÉireann, Gaillimh	<i>National University of Ireland, Galway</i>	01/10/2005	23/10/2012
Údaráis Áitiúla Dhún na nGall	<i>Donegal Local Authorities</i>	01/10/2005	01/07/2010
An tSeirbhís um Cheapacháin Phoiblí	<i>Public Appointments Service</i>	03/10/2005	
An Roinn Oideachais & Scileanna	<i>Department of Education &amp; Skills</i>	01/12/2005	
An Roinn Airgeadais	<i>Department of Finance</i>	01/02/2006	
Ollscoil Chathair Bhaile Átha Cliath	<i>Dublin City University</i>	03/04/2006	
Seirbhís Oideachais Chontae Chiarraí	<i>Kerry Education Service</i>	15/05/2006	25/10/2010
An Roinn Talmhaíochta, Bia agus Mara	<i>Department of Agriculture, Food and the Marine</i>	01/06/2006	
Ollscoil Luimnigh	<i>University of Limerick</i>	01/06/2006	29/12/2009
An Roinn Dlí agus Cirt agus Comhionannais	<i>Department of Justice and Equality</i>	30/06/2006	
Comhairle Cathrach Bhaile Átha Cliath	<i>Dublin City Council</i>	13/07/2006	
Coiste Gairmoideachais Chontae na Gaillimhe	<i>County Galway Vocational Education Committee</i>	01/08/2006	28/06/2010
Óglaigh na hÉireann	<i>The Defence Forces</i>	01/09/2006	22/12/2010
Comhairle Cathrach na Gaillimhe	<i>Galway City Council</i>	01/09/2006	23/12/2009
Údaráis Áitiúla na Mí	<i>Meath Local Authorities</i>	01/09/2006	
Údaráis Áitiúla Fhine Gall	<i>Fingal Local Authorities</i>	01/10/2006	
An Roinn Cumarsáide, Fuinnimh & Acmhainní Nádirtha	<i>Department of Communications, Energy &amp; Natural Resources</i>	02/10/2006	
An Roinn Gnóthaí Eachtracha agus Trádála	<i>Department of Foreign Affairs and Trade</i>	01/12/2006	
Banc Ceannais na hÉireann	<i>Central Bank of Ireland</i>	01/12/2006	

Coláiste na hOllscoile, Corcaigh	<i>University College Cork</i>	01/12/2006	
Comhairle Contae Bhaile Átha Cliath Theas	<i>South Dublin County Council</i>	20/12/2006	30/7/2012
Údaráis Áitiúla Mhaigh Eo	<i>Mayo Local Authorities</i>	22/12/2006	
Comhairle Contae Liatroma	<i>Leitrim County Council</i>	01/01/2007	
An Roinn Cosanta	<i>Department of Defence</i>	26/02/2007	25/10/2010
Oifig an Choimisinéara Cosanta Sonraí	<i>Office of the Data Protection Commissioner</i>	01/04/2007	18/10/2010
An tÚdarás Clárúcháin Maoine	<i>Property Registration Authority</i>	02/04/2007	
An Foras Riaracháin	<i>Institute of Public Administration</i>	10/04/2007	
Coimisiún Forbartha an Iarthair	<i>Western Development Commission</i>	10/04/2007	
An Roinn Iompair, Turasóireachta agus Spóirt	<i>Department of Transport, Tourism and Sport</i>	30/04/2007	
Coiste Gairmoideachais Chathair Chorcaí	<i>Cork City Vocational Education Committee</i>	30/04/2007	
Oifig na nOibreacha Poiblí	<i>Office of Public Works</i>	08/05/2007	
An Bord um Chúnamh Dlíthiúil	<i>Legal Aid Board</i>	28/05/2007	
An Roinn Coimirce Sóisialaí	<i>Department of Social Protection</i>	01/06/2007	
Coiste Gairmoideachais Chathair na Gaillimhe	<i>Galway City Vocational Education Committee</i>	01/06/2007	
Údaráis Áitiúla Thiobraid Árann Thuaidh & Comhchoiste Leabharlann Chontae Thiobraid Árann	<i>North Tipperary Local Authorities &amp; County Tipperary Joint Libraries Committee</i>	01/06/2007	
Oifig an Ard-Aighne; Oifig na nDréachtóirí Parlaiminte don Rialtas; Oifig an Phríomh-Aturnae Stáit	<i>Office of the Attorney General; Office of the Parliamentary Counsel to the Government; Chief State Solicitor's Office</i>	20/06/2007	18/10/2010
Comhairle Contae Dhún Laoghaire-Ráth an Dúin	<i>Dún Laoghaire-Rathdown County Council</i>	01/07/2007	
Údaráis Áitiúla an Chláir	<i>Clare Local Authorities</i>	20/08/2007	



An Bord Pleanála	<i>An Bord Pleanála</i>	01/09/2007	29/08/2011
Institiúid Teicneolaíochta Leitir Ceanainn	<i>Letterkenny Institute of Technology</i>	26/09/2007	20/06/2012
Coiste Gairmoideachais Chathair Bhaile Átha Cliath	<i>City of Dublin Vocational Education Committee</i>	01/10/2007	15/11/2010
Údaráis Áitiúla Chorcaí	<i>Cork Local Authorities</i>	01/10/2007	
Comhairle Cathrach Luimnigh	<i>Limerick City Council</i>	01/10/2007	
Údaráis Áitiúla Ros Comáin	<i>Roscommon Local Authorities</i>	01/10/2007	
Údaráis Áitiúla na hIarmhí	<i>Westmeath Local Authorities</i>	01/10/2007	
Comhairle Cathrach Chorcaí	<i>Cork City Council</i>	31/10/2007	
Coláiste Oideachais Eaglais na hÉireann	<i>Church of Ireland College of Education</i>	01/11/2007	07/08/2012
An Phríomh-Oifig Staidrimh	<i>Central Statistics Office</i>	05/11/2007	
Údaráis Áitiúla Lú	<i>Louth Local Authorities</i>	20/11/2007	
Teagasc	<i>Teagasc</i>	01/01/2008	
An Foras Áiseanna Saothair (FÁS)	<i>The Training and Employment Authority (FÁS)</i>	02/01/2008	
An Crannchur Náisiúnta	<i>The National Lottery</i>	02/01/2008	20/08/2012
Comhairle Contae Luimnigh	<i>Limerick County Council</i>	01/02/2008	
An Coimisiún Reifrinn	<i>The Referendum Commission</i>	06/03/2008	
Bord Soláthair an Leictreachais	<i>Electricity Supply Board</i>	17/03/2008	
An tÚdarás um Ard-Oideachas	<i>Higher Education Authority</i>	01/06/2008	
Údaráis Áitiúla Chontae Mhuineacháin	<i>Monaghan Local Authorities</i>	01/06/2008	
Comhairle Cathrach Phort Láirge	<i>Waterford City Council</i>	01/06/2008	
Leabharlann Chester Beatty	<i>Chester Beatty Library</i>	15/06/2008	
Údaráis Áitiúla an Longfoirt	<i>Longford Local Authorities</i>	01/07/2008	

An Bord um Fhaisnéis do Shaoránaigh	<i>Citizens Information Board</i>	07/07/2008	
Oifig an Stiúrthóra um Fhorfheidhmiú Corparáideach	<i>Office of the Director of Corporate Enforcement</i>	14/07/2008	
Údaráis Áitiúla Chontae Chill Dara	<i>Kildare Local Authorities</i>	08/09/2008	
Coiste Gairmoideachais Chontae Bhaile Átha Cliath	<i>County Dublin Vocational Education Committee</i>	01/10/2008	
Údaráis Áitiúla Cheatharlach	<i>Carlow Local Authorities</i>	01/10/2008	
Oifig an Ard-Reachtair Cuntas & Ciste	<i>Office of the Comptroller &amp; Auditor General</i>	19/01/2009	
Coiste Gairmoideachais Chontae Chorcaí	<i>County Cork Vocational Education Committee</i>	01/02/2009	
An Binse Comhionannais	<i>The Equality Tribunal</i>	01/02/2009	
Gailearaí Náisiúnta na hÉireann	<i>National Gallery of Ireland</i>	01/03/2009	
Bord Scannán na hÉireann	<i>Irish Film Board</i>	27/04/2009	
An Garda Síochána	<i>An Garda Síochána</i>	28/05/2009	
Údaráis Áitiúla Chill Mhantáin	<i>Wicklow Local Authorities</i>	25/05/2009	
An Oifig um Chlárú Cuideachtaí & Clárlann na gCara-Chumann	<i>Companies Registration Office &amp; Registry of Friendly Societies</i>	26/05/2009	
Coiste Gairmoideachais Chontae an Chláir	<i>County Clare Vocational Education Committee</i>	01/07/2009	
Foras na Mara	<i>Marine Institute</i>	06/07/2009	
Údaráis Áitiúla Chontae an Chabháin	<i>Cavan Local Authorities</i>	20/07/2009	
Comhairlí Contae & Cathrach Chill Chainnigh	<i>Kilkenny County &amp; City Councils</i>	10/08/2009	
Údaráis Áitiúla Laoise	<i>Laois Local Authorities</i>	01/12/2009	
An Roinn Sláinte	<i>Department of Health</i>	15/12/2009	
Coláiste na Tríonóide, Baile Átha Cliath	<i>Trinity College Dublin</i>	01/01/2010	

Údaráís Áitiúla Loch Garman	<i>Wexford Local Authorities</i>	11/01/2010	
Údaráís Áitiúla Shligigh	<i>Sligo Local Authorities</i>	28/07/2010	
Institiúid Teicneolaíochta Thrá Lí	<i>Institute of Technology, Tralee</i>	18/10/2010	
Institiúid Teicneolaíochta Dhún Dealgan	<i>Dundalk Institute of Technology</i>	18/10/2010	
An Roinn Post, Fiontar agus Nuálaíochta*	<i>Department of Jobs, Enterprise &amp; Innovation</i>	25/10/2010	
An Roinn Ealaíon, Oidhreachta & Gaeltachta	<i>Department of Arts, Heritage &amp; the Gaeltacht</i>	01/05/2012	
Institiúid Teicneolaíochta Bhaile Átha Cliath	<i>Dublin Institute of Technology</i>	22/05/2012	
Oifig Thithe an Oireachtais	<i>Office of the Houses of the Oireachtas</i>	31/07/2012	

**\* Ar an 26, Lúnasa 2011, d'iarr an tAire Ealaíon, Oidhreachta agus Gaeltachta ar na comhlachtaí poiblí seo leasuithe a mholadh ar na scéimeanna teanga atá daingnithe i gcomhréir le halt 16 d'Acht na dTeangacha Oifigiúla, 2003.**

**On 26 August 2011, the Minister for Arts, Heritage and the Gaeltacht asked these public bodies to propose amendments to the confirmed language schemes in accordance with section 16 of the Official Languages Act 2003.**

**Dréachtscéimeanna le daingniú / Draft Schemes to be confirmed**

**An Chéad Scéim / First Scheme**

<b>Ainm an Chomhlachta Phoiblí</b>	<b>Name of Public Body</b>	<b>Dáta an Fhógra / Date Notice Issued</b>	<b>Tréimhse ó Dháta an Fhógra (míonna) / Period Elapsed from Date of Notice (months)</b>
Údaráis Áitiúla Thiobraid Árann Theas	South Tipperary Local Authorities	30/07/2006	77
An Ceoláras Náisiúnta	National Concert Hall	21/09/2006	75
Amharclann na Mainistreach (An Chuideachta Amharclann Náisiúnta Teoranta)	Abbey Theatre (National Theatre Society Ltd.)	21/09/2006	75
An tÚdarás Comhionannais	Equality Authority	21/09/2006	75
An Coimisiún um Scrúduithe Stáit	State Examinations Commission	21/09/2006	75
Institiúid Teicneolaíochta Thamhlachta	Institute of Technology, Tallaght	21/09/2006	75
Leabharlann Náisiúnta na hÉireann	National Library of Ireland	27/09/2006	75
Ard-Mhúsaem na hÉireann	National Museum of Ireland	27/09/2006	75
Suirbhéireacht Ordanáis Éireann	Ordnance Survey Ireland	27/09/2006	75
An Chomhairle Oidhreachta	Heritage Council	27/09/2006	75
Údaráis Áitiúla Uíbh Fhailí	Offaly Local Authorities	10/06/2007	67
Feidhmeannacht na Seirbhíse Sláinte	Health Service Executive	10/06/2007	67
An Post	An Post	10/02/2009	47
Coláiste na hOllscoile, Baile Átha Cliath	University College Dublin	10/02/2009	47

Institiúid Teicneolaíochta Chorcaí	Institute of Technology, Cork	10/02/2009	47
Institiúid Teicneolaíochta Shligigh	Institute of Technology, Sligo	05/10/2009	39
Institiúid Teicneolaíochta Bhaile Átha Luain	Institute of Technology, Athlone	05/10/2009	39
Institiúid Teicneolaíochta Phort Láirge	Institute of Technology, Waterford	05/10/2009	39
Coiste Gairmoideachais Chontae Chill Dara	County Kildare Vocational Education Committee	05/10/2009	39
Coiste Gairmoideachais Chontae Chill Mhantáin	County Wicklow Vocational Education Committee	05/10/2009	39
Coiste Gairmoideachais Chontae na Mí	County Meath Vocational Education Committee	05/10/2009	39
Coiste Gairmoideachais Chontae Mhaigh Eo	County Mayo Vocational Education Committee	05/10/2009	39
Raidió Teilifís Éireann	Raidió Teilifís Éireann	05/10/2009	39
An tÚdarás um Bóithre Náisiúnta	National Roads Authority	05/10/2009	39
An Roinn Caiteachais Phoiblí agus Athchóirithe	Department of Public Expenditure and Reform	26/08/2011	16
An Roinn Leanaí agus Gnóthaí Óige	Department of Children and Youth Affairs	26/08/2011	16
Grúpa Chóras Iompair Éireann	CIE Group	14/09/2012	3
Údarás Aerfort Chorcaí	Cork Airport Authority	14/09/2012	3
Údarás Aerfort Bhaile Átha Cliath	Dublin Airport Authority	14/09/2012	3
Údarás Aerfort na Sionainne	Shannon Airport Authority	14/09/2012	3
An Bord Bia	An Bord Bia	14/09/2012	3
Bord na Móna	Bord na Móna	14/09/2012	3
Bord Gáis Éireann	Bord Gáis Éireann	14/09/2012	3
Bord Iascaigh Mhara	Bord Iascaigh Mhara	14/09/2012	3
Fiontraíocht Éireann	Enterprise Ireland	14/09/2012	3

GFT Éireann	IDA Ireland	14/09/2012	3
Coillte	Coillte	14/09/2012	3
Fáilte Ireland – an tÚdarás Náisiúnta Forbartha Turasóireachta	Fáilte Ireland – National Tourism Development Authority	14/09/2012	3
Údarás Craolacháin na hÉireann	Broadcasting Authority of Ireland	14/09/2012	3

**Dréachtscéimeanna le daingniú / Draft Schemes to be confirmed****An Dara Scém / Second Scheme**

<b>Ainm an Chomhlachta Phoiblí</b>	<b>Name of Public Body</b>	<b>Dáta Scém in Éag* Date Scheme Expires*</b>	<b>Tréimhse (míonna) ón Dáta Éaga / Period (months) from Date Expired</b>
Oifig an Uachtaráin	Office of the President	27/04/2008	56
An Chomhairle Ealaíon	The Arts Council	30/06/2008	54
An tSeirbhís Chúirteanna	The Courts Service	30/07/2008	53
Údaráis Áitiúla Chontae Phort Láirge	County Waterford Local Authorities	31/07/2008	53
Údaráis Áitiúla Chontae na Gaillimhe	County Galway Local Authorities	22/08/2008	52
Ollscoil na hÉireann, Má Nuad	National University of Ireland, Maynooth	18/09/2008	51
Institiúid Teicneolaíochta na Gaillimhe-Maigh Eo	Galway-Mayo Institute of Technology	27/09/2008	51
Oifig na gCoimisinéirí Ioncaim	Office of the Revenue Commissioners	30/09/2008	51
An tSeirbhís um Cheapacháin Phoiblí	Public Appointments Service	02/10/2008	51
An Roinn Oideachais & Scileanna	Department of Education & Skills	30/11/2008	49
An Roinn Airgeadais	Department of Finance	31/01/2009	47
Ollscoil Chathair Bhaile Átha Cliath	Dublin City University	02/04/2009	45
An Roinn Talmhaíochta, Bia agus Mara	Department of Agriculture, Food and the Marine	31/05/2009	43

An Roinn Dlí agus Cirt agus Comhionannais	Department of Justice and Equality	29/06/2009	42
Comhairle Cathrach Bhaile Átha Cliath	Dublin City Council	12/07/2009	42
Údaráis Áitiúla na Mí	Meath Local Authorities	31/08/2009	40
Údaráis Áitiúla Fhine Gall	Fingal Local Authorities	30/09/2009	39
An Roinn Cumarsáide, Fuinnimh & Acmhainní Náidúrtha	Department of Communications, Energy & Natural Resources	01/10/2009	39
Banc Ceannais na hÉireann	Central Bank of Ireland	30/11/2009	37
An Roinn Gnóthaí Eachtracha agus Trádála	Department of Foreign Affairs and Trade	30/11/2009	37
Ollscoil na hÉireann, Corcaigh	University College Cork	30/11/2009	37
Údaráis Áitiúla Mhaigh Eo	Mayo Local Authorities	21/12/2009	36
Comhairle Contae Liatroma	Leitrim County Council	31/12/2009	36
An tÚdarás Clárúcháin Maoine	Property Registration Authority	01/04/2010	33
An Foras Riaracháin	Institute of Public Administration	09/04/2010	33
Coimisiún Forbartha an Iarthair	Western Development Commission	09/04/2010	33
An Roinn Iompair, Turasóireachta agus Spóirt	Department of Transport, Tourism and Sport	29/04/2010	32
Coiste Gairmoideachais Chathair Chorcaí	Cork City Vocational Education Committee	29/04/2010	32
Oifig na nOibreacha Poiblí	Office of Public Works	07/05/2010	32
An Bord um Chúnamh Dlíthiúil	Legal Aid Board	27/05/2010	31



An Roinn Coimirce Sóisialaí	Department of Social Protection	31/05/2010	31
Coiste Gairmoideachais Chathair na Gaillimhe	Galway City Vocational Education Committee	31/05/2010	31
Údaráis Áitiúla Thiobraid Árann Thuaidh & Comhchoiste Leabharlann Chontae Thiobraid Árann	North Tipperary Local Authorities & County Tipperary Joint Libraries Committee	31/05/2010	31
Comhairle Contae Dhún Laoghaire-Ráth an Dúin	Dún Laoghaire-Rathdown County Council	30/06/2010	30
Údaráis Áitiúla an Chláir	Clare Local Authorities	19/08/2010	28
Údaráis Áitiúla Chorcaí	Cork Local Authorities	30/09/2010	27
Comhairle Cathrach Luimnigh	Limerick City Council	30/09/2010	27
Údaráis Áitiúla Ros Comáin	Roscommon Local Authorities	30/09/2010	27
Údaráis Áitiúla na hIarmhí	Westmeath Local Authorities	30/09/2010	27
Comhairle Cathrach Chorcaí	Cork City Council	30/10/2010	26
An Phríomh-Oifig Staidrimh	Central Statistics Office	04/11/2010	26
Údaráis Áitiúla Lú	Louth Local Authorities	19/11/2010	25
Teagasc	Teagasc	31/12/2010	24
An Foras Áiseanna Saothair (FÁS)	The Training and Employment Authority (FÁS)	01/01/2011	24
Comhairle Contae Luimnigh	Limerick County Council	31/01/2011	23
An Coimisiún Reifrinn	The Referendum Commission	06/03/2011	22
Bord Soláthair an Leictreachais	Electricity Supply Board	17/03/2011	22

An tÚdarás um Ard-Oideachas	Higher Education Authority	01/06/2011	19
Údaráis Áitiúla Chontae Mhuineacháin	Monaghan Local Authorities	01/06/2011	19
Comhairle Cathrach Phort Láirge	Waterford City Council	01/06/2011	19
Leabharlann Chester Beatty	Chester Beatty Library	15/06/2011	19
Údaráis Áitiúla an Longfoirt	Longford Local Authorities	01/07/2011	18
An Bord um Fhaisnéis do Shaoránaigh	Citizens Information Board	07/07/2011	18
Oifig an Stiúrthóra um Fhorfheidhmiú Corparáideach	Office of the Director of Corporate Enforcement	14/07/2011	18
Údaráis Áitiúla Chontae Chill Dara	Kildare Local Authorities	08/09/2011	16
Coiste Gairmoideachais Chontae Átha Cliath	County Dublin Vocational Education Committee	01/10/2011	15
Údaráis Áitiúla Cheatharlach	Carlow Local Authorities	01/10/2011	15
Oifig an Ard-Reachtair Cuntas & Ciste	Office of the Comptroller & Auditor General	19/01/2012	12
Coiste Gairmoideachais Chontae Chorcaí	County Cork Vocational Education Committee	01/02/2012	11
An Binse Comhionannais	The Equality Tribunal	01/02/2012	11
Gailearaí Náisiúnta na hÉireann	National Gallery of Ireland	01/03/2012	10
Bord Scannán na hÉireann	Irish Film Board	27/04/2012	8
An Garda Síochána	An Garda Síochána	28/05/2012	7
Údaráis Áitiúla Chill Mhantáin	Wicklow Local Authorities	25/05/2012	7
An Oifig um Chlárú Cuideachtaí & Clárlann na	Companies Registration Office & Registry of	26/05/2012	7

gCara-Chumann	Friendly Societies		
Coiste Gairmoideachais Chontae an Chláir	County Clare Vocational Education Committee	01/07/2012	6
Foras na Mara	Marine Institute	06/07/2012	6
Údaráis Áitiúla Chontae an Chabháin	Cavan Local Authorities	20/07/2012	5
Comhairlí Contae & Cathrach Chill Chainnigh	Kilkenny County & City Councils	10/08/2012	5
Údaráis Áitiúla Laoise	Laois Local Authorities	01/12/2012	1
An Roinn Sláinte	Department of Health	15/12/2012	-
Coláiste na Tríonóide, Baile Átha Cliath	Trinity College Dublin	31/12/2012	-
Údaráis Áitiúla Loch Garman	Wexford Local Authorities	11/01/2013	-

## Dréachtscéimeanna le daingniú / Draft Schemes to be confirmed

### An Tríú Scéim / Third Scheme

<b>Ainm an Chomhlachta Phoiblí</b>	<b>Name of Public Body</b>	<b>Dáta Scéim in Éag* Date Scheme Expires*</b>	<b>Tréimhse (míonna) ón Dáta Éaga / Period (months) from Date Expired</b>
Oifig an Choimisiúin um Cheapacháin Seirbhíse Poiblí	Office of the Commission for Public Service Appointments	11/5/2012	8
An Roinn Comhshaoil, Pobail & Rialtais Áitiúil	Department of the Environment, Community & Local Government	20/07/2012	5
Coiste Gairmoideachais Chontae Dhún na nGall	County Donegal Vocational Educational Committee	22/09/2012	3
Roinn an Taoisigh	Department of the Taoiseach	21/12/2012	-
Comhairle Cathrach na Gaillimhe	Galway City Council	23/12/2012	-
Ollscoil Luimnigh	University of Limerick	29/12/2012	-
Oifig an Stiúrthóra Ionchúiseamh Poiblí	Office of the Director of Public Prosecutions	20/04/2013	-

\* Nuair a théann scéim “in éag” (fo-alt 15(1) d’Acht na dTeangacha Oifigiúla), fanann forálacha na scéime i bhfeidhm go dtí go ndaingnítear scéim nua (fo-alt 14(3) den Acht).

\* When a scheme “expires” (subsection 15(1) of the Official Languages Act), the scheme’s provisions remain in force until a new scheme has been confirmed (subsection 14(3) of the Act).

### Scéimeanna teanga dímholta / Superseded language schemes

Bunscéim / Original Scheme		Scéim dímholta ag: / Scheme Superseded by:	
Ainm an Chomhlachta Phoiblí	Name of Public Body	Ainm an Chomhlachta Phoiblí	Name of Public Body
An Roinn Gnóthaí Pobail, Comhionannais & Gaeltachta	Department of Community, Equality & Gaeltacht Affairs	An Roinn Ealaíon, Oidhreachta & Gaeltachta	Department of Arts, Heritage & the Gaeltacht
An Roinn Ealaíon, Spóirt agus Turasóireachta	Department of Arts, Sport and Tourism		

### Scéimeanna as feidhm / Schemes lapsed

Ainm an Chomhlachta Phoiblí	Name of Public Body	Cúis / Reason
An Bord Seirbhísí Ríomhaire Rialtais Áitiúil	Local Government Computer Services Board	An comhlacht poiblí scortha – an tAcht Rialtais Áitiúil (Forálacha Ilghnéitheacha), 2012  Public body dissolved – Local Government (Miscellaneous Provisions) Act 2012
An Bord Seirbhísí Bainistíochta Rialtais Áitiúil	Local Government Management Services Board	An comhlacht poiblí scortha – an tAcht Rialtais Áitiúil (Forálacha Ilghnéitheacha), 2012  Public body dissolved – Local Government (Miscellaneous Provisions) Act 2012

## COMPLAINTS

There was an increase of 3% during 2012 in the number of new cases – from 734 in 2011 to 756 in 2012 – which were brought to my attention in which members of the public considered they had reason to complain because of difficulties or problems associated with obtaining services through Irish from public bodies.

As happened in previous years, most of the complaints were resolved through the informal complaints resolution mechanism operated by my Office or through providing advice to the complainants. I am grateful for the cooperation my Office received in dealing with cases in that way. The range of complaints is wide and varied and the amount of time and effort required often depends on the attitude of the public body concerned. Public bodies are, for the most part, cooperative. Examples of resolutions achieved during 2012 include the dedication and cooperation shown by the staff of the Department of the Environment, Community and Local Government and the Local Government Management Agency in providing an Irish version of the forms, website and online payments system in respect of the Household Charge, and the provision of an Irish version of the online payments system for TV licences by An Post. Summaries of cases that were not resolved in this manner and in respect of which formal investigations were launched are provided in the chapter of this Report entitled “Investigations”.

It should be noted that not all complaints received during the year referred to breaches of statutory obligations under the Official Languages Act 2003, and as was the case in previous years, some related to more general difficulties and problems experienced by those attempting to conduct their business through Irish with state organisations.

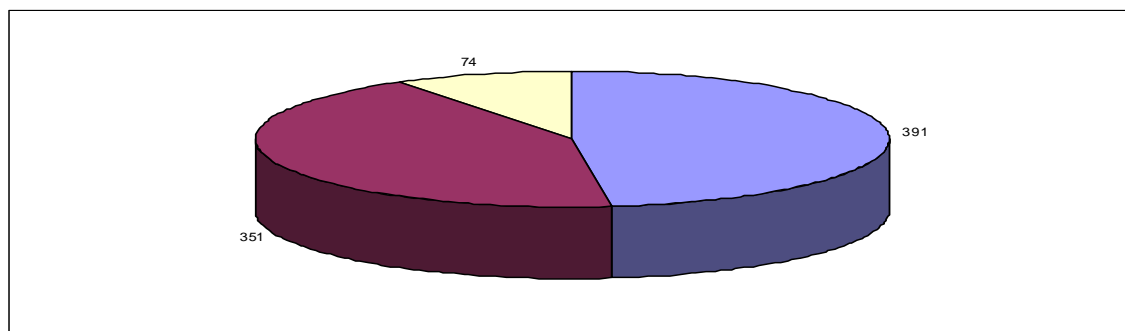
From a geographical perspective, the majority of the complaints once more came from County Dublin, although this percentage reduced to 38% this year. A substantial amount came from County Galway once more (14.5%), from County Kerry (7%), County Kilkenny (5%), County Donegal (4%), County Meath (4%), and County Cork (2.5%). 26% of complaints came from within the Gaeltacht – an increase from the previous year – with the remaining 74% from areas outside the Gaeltacht.

## COMPLAINTS: DIFFICULTIES AND PROBLEMS – STATISTICS

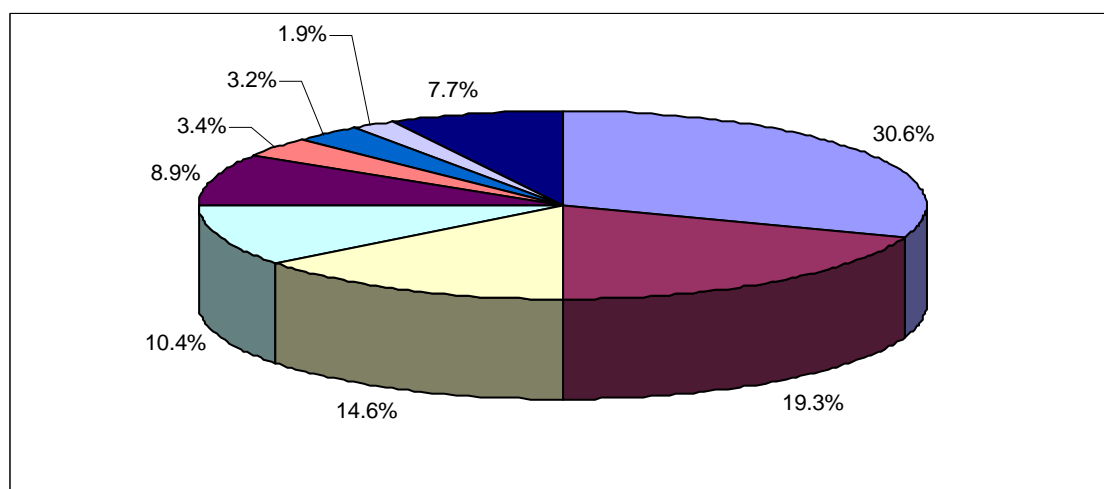
### Complaints during 2012

New complaints, 2012	756
Complaints brought forward from 2011	<u>60</u>
<b>Total complaints – problems and difficulties</b>	<b>816</b>

	2011	2012
Advice given in respect of complaints	369	391
Complaints investigated and finalised	353	365
Complaints open at year end	60	74

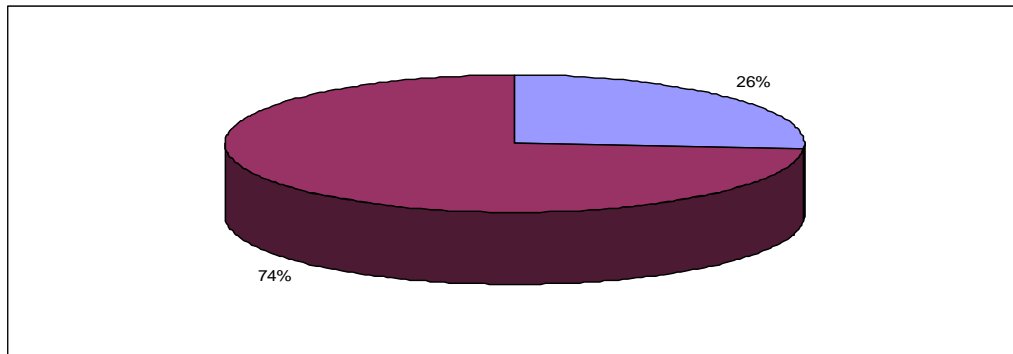


Percentage of complaints by type	2011	2012
Provision of a language scheme (including identity cards, websites and forms)	25.9%	30.6%
Lack of Irish on signage and stationery	19.8%	19.3%
Lack of Irish on road signs	15.7%	14.6%
Problem with use of name and/or address in Irish	8.6%	10.4%
Replies in English to correspondence in Irish	7.5%	8.9%
Leaflets or circulars in English only	3.3%	3.4%
Other enactments relating to the use or status of Irish	7.2%	3.2%
Section 32/33 – Gaeltacht placenames	1.5%	1.9%
Other (individual issues)	10.5%	7.7%
<b>TOTAL</b>	<b>100%</b>	<b>100%</b>



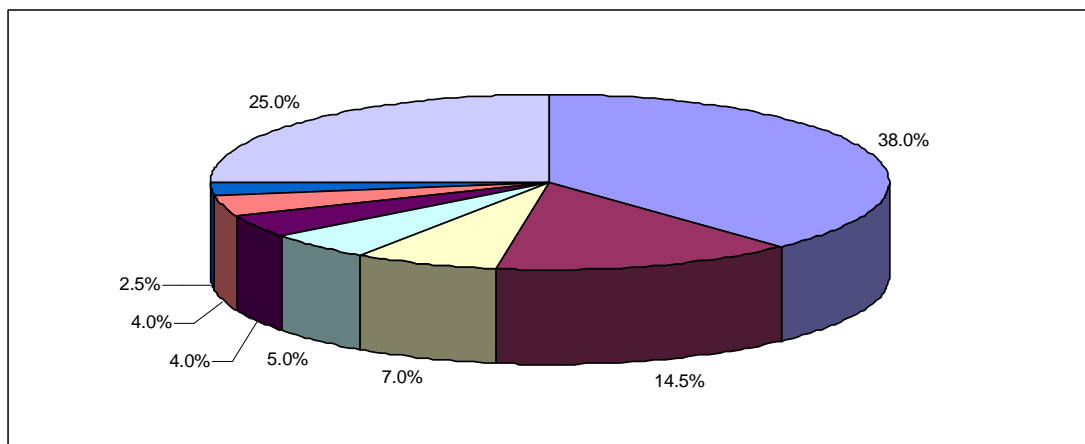
**Complaints: Gaeltacht and non-Gaeltacht**

	2011	2012
Gaeltacht	21%	26%
Non-Gaeltacht	79%	74%
<b>TOTAL</b>	<b>100%</b>	<b>100%</b>



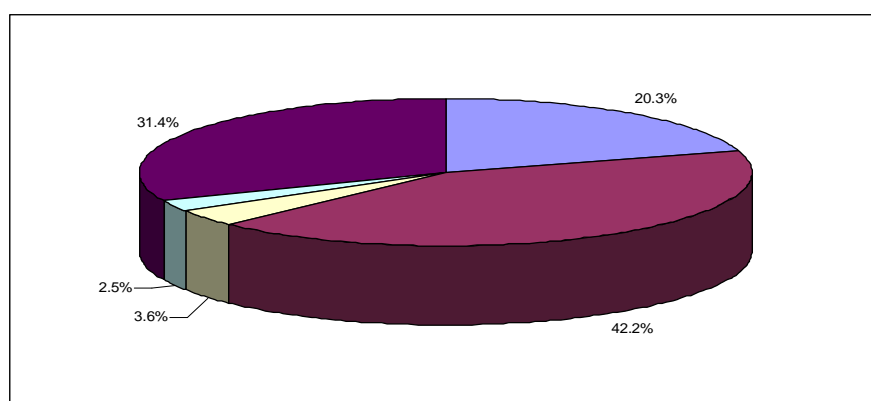
**Complaints by county**

	2011	2012
Dublin	50%	38%
Galway	12.5%	14.5%
Kerry	6.5%	7%
Kilkenny	-	5%
Donegal	4.5%	4%
Meath	-	4%
Cork	4.0%	2.5%
Other	17.0%	25%
<b>TOTAL</b>	<b>100%</b>	<b>100%</b>





<b>Complaints by type of public body</b>	<b>2011</b>	<b>2012</b>
Government departments & offices	16.5%	20.3%
Local authorities	39.5%	42.2%
Health authorities	5.0%	3.6%
Education authorities	-	2.5%
Other state organisations	39.0%	31.4%
<b>TOTAL</b>	<b>100%</b>	<b>100%</b>



## Statistics

As the above statistics show, the largest number of complaints (30.6%) related to the implementation of commitments made by public bodies in statutory language schemes agreed under section 11 of the Act. There was a decrease from 19.8% to 19.3% in the percentage of the complaints relating to the use of Irish on public bodies' signage and stationery, in accordance with the Regulations under subsection 9(1) of the Act. There was a decrease in the percentage of complaints relating to a breach of the provisions of other enactments concerning the status or use of Irish, from 7.2% to 3.2%. Of course, complaints relating to the use of Irish on road signs belong by right to this category, but this is generally provided as an independent figure: 14.6% of complaints related to the use of Irish on traffic signs, a small reduction on last year's figure. The obligations on roads authorities in respect of road traffic signage are set out in the *Traffic Signs Manual*.

There was an increase in 2012, to 10.4%, in the percentage of complaints regarding problems with the use of names and addresses in Irish. These concerned names and addresses that were spelt incorrectly in Irish, or spelt in English, or where computer systems could not handle the *síneadh fada*. There was an increase in complaints regarding replies in English to correspondence in Irish, from 7.5% in 2011 to 8.9% in 2012. There were also a number of complaints with regard to leaflets or circulars in English only (3.4%) and Gaeltacht placenames (1.9%).

## **INVESTIGATIONS**

An investigation is an official enquiry carried out on a formal statutory basis in accordance with the provisions of the Official Languages Act. As Coimisinéir Teanga, I have been given the relevant authority and powers under the Act to carry out investigations, not only in cases where I suspect that public bodies have failed to comply with their statutory obligations under the Act, but also under any provisions of any other enactments which relate to the status or use of Irish.

An investigation may be conducted based on a complaint from an individual, on the request of the Minister for Arts, Heritage and the Gaeltacht, or on my own initiative.

The investigation process is a formal procedure, the completion of which may require a substantial amount of time and resources from both the public body concerned and my Office. As a result, efforts are usually made to resolve the complaint in the first instance through the informal complaints procedure operated by the Office.

Public bodies and individuals who are officials of public bodies have a statutory obligation to cooperate with the investigation and to provide me with information or records they may have which relate to the subject of the investigation. A written report on the matter is usually requested from the public body also. If I require any person to attend before me to provide information orally, such person is entitled to the same immunities and privileges as a witness before the High Court.

The Act provides for a fine not exceeding €2,000 and/or imprisonment for a term not exceeding 6 months for a person convicted of failing or refusing to cooperate with an investigation or who hinders or obstructs such an investigation.

An investigation may be conducted in cases where it is alleged that a public body failed to comply with its statutory obligations in respect of:

- Direct provisions of the Act;
- Regulations made under the Act;
- A language scheme confirmed under the Act;
- Any provision of any other enactment relating to the status or use of Irish.

An “enactment” is defined as a statute or an instrument made under a power conferred by a statute.

I am statutorily obliged under the Act to issue a report to the relevant parties in cases where I have conducted an investigation. My decision on the complaint and the relevant recommendations are included in that report. An appeal may be made to the High Court on a point of law against the decision within a period of four weeks.

A total of 13 new investigations were commenced in 2012. Four uncompleted investigations were carried forward from 2011. Consequently, there were 17 investigations in hand during 2012 and all but three of those investigations had been completed by the end of the year. Therefore, summaries are provided in this Report of 14 investigations.

<b>Number of Investigations</b>	<b>2011</b>	<b>2012</b>
Brought forward from previous year	1	4
Investigations launched	<u>15</u>	<u>13</u>
<b>Total in hand</b>	<b>16</b>	<b>17</b>
Brought forward to next year	<u>4</u>	<u>3</u>
<b>Total completed / discontinued</b>	<b>12</b>	<b>14</b>

It should be clearly understood that these summaries of investigations are merely condensed accounts of the actual investigations – cases which were at times of a complex and technical nature and which were often based on legal and practical arguments. They are summaries of the official reports issued in accordance with section 26 of the Act to the relevant parties in Irish as a result of the investigations.

It is in those official reports, and in those reports alone, that the authoritative accounts of investigations may be found.

## **An Garda Síochána**

An investigation found that An Garda Síochána failed to comply with the statutory duties in subsection 18(1) of the Official Languages Act with regard to subsection 1.3 of the Garda Síochána language scheme when the complainant in this case was arrested in Dundrum, Dublin on 11 February 2011 under section 107 of the Road Traffic Acts, 1961-2011. An Garda Síochána, as an organisation, failed to grant him the right which its language scheme confirms as the right of every citizen to conduct their business through Irish, which led to his arrest at the roadside.

A complaint was made to the Office of An Coimisinéir Teanga that a man had been unjustly arrested, because he asked a Garda to deal with him through Irish when he was stopped in relation to a traffic offence. The man was taken in handcuffs to a Garda station where he was detained until a Garda was available who could speak with him in Irish.

The complainant said that the experience left him *“shamed and insulted and I was told several times that I did not have a right to conduct business through Irish, that I should desist and that I would not have been arrested if I hadn’t spoken in Irish. It was approximately one hour from the time of my arrest to my release but I felt under threat and nervous all the time. I am convinced that I was arrested for speaking Irish and for that reason alone. Their excuse was that I was refusing to give them my licence but that was not true at all. I am very disappointed, angry and upset about what happened and about the lack of respect for and the infringement of my rights...”* (trans.)

During the investigation, replies were received in writing from the Garda Síochána authorities and those involved in the incident were interviewed separately. The investigation found it surprising that neither of the two members of An Garda Síochána who stopped the driver at the roadside had sufficient Irish to ask *“Cad is ainm duit?”* or to request the driver’s address in Irish; nor was there any effective system in place to support them in dealing with the case without resorting to arresting the driver and escorting him in handcuffs to the Garda station. If they had established the driver’s identity through Irish, he would not have been arrested under section 107 of the Road Traffic Act 1961. The Gardaí in question were members of the force who had received their education through the Irish education system and had completed their training as members of An Garda Síochána in Templemore some short years previously. It emerged during the investigation that the Gardaí involved appeared to suggest that those who wished to conduct their business through Irish should be treated in the same way as “foreign nationals”; that concept came into use regularly in the discourse surrounding this matter.

The following is confirmed in the Garda language scheme which came into force on 28 May 2009:

*“An Garda Síochána recognises the right of citizens to conduct their business in Irish and is committed to the full implementation of the Official Languages Act 2003.”*

It is also confirmed in subsection 3.10 of the language scheme that arrested persons have the right to be dealt with in Irish:

*“Arrested persons have a legal entitlement to have their business conducted in Irish.”*

Subsection 18(1) of the Official Languages Act provides that where the Minister confirms a language scheme under the Act, the public company is obliged to implement the scheme.

The Garda Síochána authorities did not accept that the organisation had breached its language duties as set out in subsections 1.3 and 3.10 of the Garda Síochána Language Scheme 2009-2012:

*“An Garda Síochána is the police service of the Republic of Ireland and is a national organisation with a staff of circa 14,200 Gardaí and 2700 civilian staff and contains over 700 Garda stations and other offices nationwide. The Garda organisation is fortunate in having many staff who can deal with members of the public through the medium of the Irish and English languages.*

*However, the organisation will encounter difficulty in having personnel with the necessary skills at every location or interface with the public and so a reasoned approach is required to meet our responsibilities under the Act and to allow the organisation to provide a quality policing service in Irish and English.*

*An Garda Síochána has attempted to nurture the Irish language through various internal policies for many years even prior to the introduction of the Act. To this end, An Garda Síochána maintains an in-depth Irish language training programme which all personnel must successfully complete before they are attested into the organisation. This course consists of 41 hours of teaching on Phase I of Garda training and a further 22 hours of teaching on Phase III of training.”*

The Garda Síochána authorities also pointed out that a comprehensive list had been compiled of all fluent Irish speakers within the organisation. It said that the complainant was arrested because of a road traffic offence. The following was said in relation to the case, from the time the complainant was brought to the Garda Station: “...a proficient Irish speaking Garda was notified to attend in order to converse with the complainant. The complainant was then informed through Irish of the reason for his arrest and this was explained in ordinary language to him. All subsequent dealings with the complainant were then conducted through the Irish language. This was achieved as soon as practicable.”

An allegation about a traffic offence under section 53 of the Road Traffic Acts 1961-2011 was not an issue for the investigation but for an appropriate court. The investigation dealt only with the language aspect of the incident and the allegations about a breach of An Garda Síochána’s statutory language duties, as a public body.

The investigation was concerned that the discourse with some members of An Garda Síochána about this matter was framed by an understanding that members of the force should deal with Irish speakers, in their own country, in the same way that they would deal with speakers of foreign languages. It appeared that Irish speakers were obliged to explain themselves to An Garda Síochána rather than that An Garda Síochána would take the proper steps to ensure that the force could understand the language of a client using the first official language and the national language of the country.

The investigation made a finding of fact that the driver would not have been arrested under section 107 of the Road Traffic Acts 1961-2011:

- if he had spoken English;
- if either of the two Gardaí had sufficient Irish to establish the driver’s identity at the roadside;

and

- that the Garda Síochána authorities had provided insufficient information to make members of the force aware of the languages duties in their language scheme so as to ensure that members who stopped a driver in these circumstances would know how to manage the situation;

- that, notwithstanding the language duty that was contained in their language scheme, the Garda Síochána authorities had not put in place any clear protocol to cater for a situation where a member of the public, who was stopped on the roadside but had not been arrested, sought to make the legitimate choice of conducting his business with An Garda Síochána in Irish.

The investigation confirmed that the driver had a statutory right to choose to speak Irish in this case and that the witnesses at the scene were not under any obligation to provide an interpreting service as it was clear that the driver was taking a principled stand on a matter that was of importance to him.

An Garda Síochána argued that the driver was arrested for an offence under section 53 of Road Traffic Acts 1961-2011. The investigation was not convinced that it is common practice for An Garda Síochána to take every person who is accused of a driving offence to a Garda Station in handcuffs, especially when, as in this case, there had been no accident, no injury and no damage caused; nor were there any allegations of drink driving or speeding. The witnesses and the Gardaí all agreed that the driver was polite to the extent of being “passive”.

The investigation team was concerned that An Garda Síochána was reliant on individual Gardaí with Irish being easily available and willing to provide interpreting services. Interpreting is difficult, skilled work and must be undertaken with care, especially in criminal cases. A person who is arrested is entitled to conduct his/her business in Irish. It is a serious matter to be arrested by the Gardaí and it is important in such a case that there is a very good system in place to protect language rights. This should not in any way be interpreted as a criticism of the personal efforts of the Garda who voluntarily acted as an interpreter at the Garda station, but a commentary on the general principle.

A further cause of concern is the lack of effective systems and protocols to clarify for the Garda on duty what he/she must do, taking into account the provisions of the language scheme, if a member of the public wishes to conduct business through Irish and the Garda is not able to deal with him/her effectively in that language.

The investigation made the following recommendations:

- That Garda management apologise to the complainant, in writing, within six weeks of the date of the report of the investigation for breaching his right under subsection 1.3 of the Garda Síochána language scheme to conduct business through Irish. This occurred when he was arrested under section 107 of the Road Traffic Acts 1961-2011 for refusing/failing to give a name and address, a situation which arose due to no fault of his own.
- That Garda management ensure that all members of the force are aware within two months of the date of the report of their language duties under the Garda Síochána language scheme, in particular the provision that states that An Garda Síochána recognises the right of each citizen to conduct his/her business in Irish.
- That Garda management prepare a clear, effective protocol, in writing, setting out the manner in which Gardaí, who are not fluent in Irish, should deal with members of the public who choose to conduct their business in Irish. To assist in this process, they should consider best practice in this area in police services in other bilingual jurisdictions, such as Canada or Wales.
- That the above protocol be confirmed within four months of the date of the report and communicated, as soon as possible after that, to the general members of the force.

- That Garda management raise awareness among Gardaí of the language rights of Irish speakers dealing with the force, for instance by means of suitable posters in Garda stations, information on the Garda internal intranet, etc.
- Where in-service training for members of the force exists in general, that tuition in the Irish language be included.
- That Garda management examine the feasibility of providing a small information card to each Garda to aid the recall of a limited number of the most basic expressions needed by a Garda on duty, including phrases such as “Cad is ainm duit?”, “Cén seoladh atá agat?”, “An bhfuil ceadúnas tiomána, árachas, etc, agat?”
- That Garda management ensure that the interpreting system available to them to deal with those who are arrested and who would choose to have their business conducted through Irish is as effective as possible.

**Investigation launched: 29 June 2011**

**Report issued: 3 August 2012**

## **Department of Justice and Equality**

An investigation found that the Department of Justice and Equality did not comply with its statutory obligation to implement its language scheme as set out in subsection 18(1) of the Official Languages Act in so far as it failed to implement subsection 4.8 of the scheme when it did not issue the “*Fit for Viewing*” section of video/DVD labels in bilingual format.

The language scheme was confirmed and came into effect on 30 June, 2006. Among the associated bodies included in the scheme was the Film Censor’s Office (now the Film Classification Office). Under subsection 14(3) of the Act, the provisions of the scheme remain in force for three years from the date the scheme is confirmed by the Minister for Arts, Heritage and the Gaeltacht or until a new scheme has been confirmed by the Minister pursuant to section 15 of the Act, whichever is the later.

A complaint was made to the Office of An Coimisinéir Teanga in January 2012 that the guidance “*Fit for viewing*” – that is the text that accompanies the age classification section on video and DVD labels – was in English only.

The provision of the Department’s statutory language scheme was as follows:

### ***“4.8 Irish Film Censor’s Office***

*The Irish Film Censor’s Office’s Retail Licence, and related Application Form, and the ‘Fit for Viewing’ section of video/DVD labels will be produced in bilingual format. (by end of the scheme)”*

The commitments in a language scheme have statutory effect, and in accordance with subsection 18(1) of the Official Languages Act, public bodies – such as the Department of Justice and Equality – have a duty to implement those commitments:

*“18(1) Where the Minister confirms a scheme under this Act, the public body shall proceed to carry out the scheme.”*

Efforts were made to achieve an informal resolution of the issue with the Department, but these efforts were unsuccessful. As a valid complaint had been received from a member of the public, the only option remaining was for a formal investigation to make findings and recommendations in relation to the case.

After the commencement of the investigation in April, the Department indicated that it had requested the Minister for Arts, Heritage and the Gaeltacht to amend subsection 4.8 of the language scheme in accordance with section 16 of the Official Languages Act and it requested the suspension of the investigation until the outcome of that request was decided.

Section 16 of the Act provides as follows:

*“16.—(1) Where the Minister is satisfied that, owing to any change—*

*(a) in the functions of a public body, or*

*(b) in the circumstance in which such functions are performed,*

*it may be appropriate to amend any scheme in force in relation to it, he or she may, on his or her own initiative or on request by the public body concerned, by notice in writing to the public body propose amendments to the scheme.”*

The investigation team considered that it could not suspend the investigation as it had received a valid complaint from a member of the public. Members of the investigation team met with representatives of the Department and the Acting Director of the Film Classification Office to get a better understanding of the subject matter of the investigation.

The Department maintained that it had reached an agreement with the Office of An Coimisinéir Teanga in relation to this element of the scheme in the course of an audit on the implementation of the scheme in 2009. In addition, the Department claimed that this was a voluntary commitment, as it did not have any obligation to include the Film Classification Office in its scheme.

With regard to section 4.8 of the language scheme, the Department confirmed that it had complied with two thirds of the commitment i.e. the Irish Film Censor’s Office’s Retail Licence and related Application Form were produced in bilingual format. As regards the rest of the commitment, to produce the “*Fit for Viewing*” section of video/DVD labels in bilingual format, this commitment was now redundant because, as a result of technical advances, the Film Classification Office had not been asked to register a video for a number of years.

In relation to the video/DVD label, the Department said as follows:

*“.. as a result of continuous technical advances there only a fraction of our voluntary commitment that is not now redundant and that fraction is continually decreasing. On the other hand, there was and is a recognition of the technical changes in the agreement we reached with your Office with regard to the labels in that the ‘Fit for Viewing’ section of the label is available bilingually on the website of Film Classification Office.”* (trans.)

Among the points made at the meeting of the investigation team with the Department were certain practical arguments in relation to space, the familiarity of the public with the system, a



change in the Statutory Instrument, the fact that there was certain stock on hand, and the reduction in the use of labels as a result of technical developments.

The investigation found that there was a very clear commitment given in the Department's language scheme. That commitment should have been implemented by the end of the scheme. Although the age classification section of the labels on the front covers, on the back and on the back cover of the DVD boxes was bilingual, that part of the label on the back of the box that gives information in text about those for whom the film is "*Fit for Viewing*" is in English only.

The investigation did not accept that this was a voluntary commitment as the Minister had confirmed the scheme; this put the scheme on a statutory basis. The investigation also rejected that an agreement was in place with the Office of An Coimisinéir Teanga on this matter as the Office did not accept the Department's suggestion of an agreement, and could never have accepted it, because acceptance would amount to an unauthorised amendment of a statutory scheme confirmed by the Minister.

With regard to the practical objections put forward by the Department in the course of the investigation, it was found that the Department and the Film Classification Office had decided that the provision of this material bilingually should be identified as a priority during their initial scheme, and that this was a free choice completely under their own control; this commitment was not forced on them against their will but was made in the full knowledge of the statutory nature of the commitment and the agreed scheme.

Although the Department said that the era of video was over and technology had moved on, the investigation team did not consider that this altered the obligation confirmed in the scheme as DVD is still in use and there are new systems in place including *blu-ray*. The investigation found that the Department and the Film Classification Office were obliged to ensure that the "*Fit for Viewing*" section of the labels on blu-ray boxes were in bilingual format as a consequence of the provision in section 6 of the Interpretation Act 2005, which lays down certain principals in relation to construal in changing circumstances:

*"In construing a provision of any Act or statutory instrument, a court may make allowances for any changes in the law, social conditions, technology, the meaning of words used in that Act or statutory instrument and other relevant matters, which have occurred since the date of the passing of that Act or the making of that statutory instrument, but only in so far as its text, purpose and context permit."*

Ultimately, this was a very simple obligation which was confirmed in a statutory scheme and the investigation found it regrettable that the spirit and the letter of the law were not honoured. It was also regrettable, in the context of such a clear commitment, that the time and effort of the public service was spent trying to make a case to set aside an obligation that was neither costly nor difficult to implement.

The investigation recommended, without prejudice to the statutory requirement to implement this commitment immediately, that the current stock of English only labels "*Fit for Viewing*" be used but that no new stock in English only be ordered, and that once the current stock was exhausted the bilingual labels should be used.

On 20 December 2012, the Office of An Coimisinéir Teanga received a letter from the Secretary General of the Department of Arts, Heritage and the Gaeltacht indicating that the Minister of State had decided to annul the obligation in relation to the label “*Fit for Viewing*”, as set out in section 4.8 of the language scheme of the Department of Justice and Equality. This was the very first time that a commitment in a confirmed language scheme was annulled.

**Investigation launched: 5 April 2012**

**Report issued: 4 September 2012**

## **Ennis Town Council**

An investigation found that Ennis Town Council was in breach of its statutory language duties as confirmed in the regulations and orders made under subsection 95(2) and 95(16) of the Road Traffic Act 1961 in that road signs in English only were erected in the Town Council’s functional area. However, it appeared the Town Council had put a system in place to ensure that similar breaches would not reoccur. The investigation made a finding that the Town Council had a duty to amend as soon as possible those signs erected previously which did not comply with the legislation.

A series of complaints were made to the Office of An Coimisinéir Teanga over a period of years with regard to the road signs, in English only, in the Ennis area.

Originally, the Town Council planned to correct these signs one by one; however, at a meeting between staff of the Office of An Coimisinéir Teanga and officials of the Town Council in September 2010, a new approach was agreed. As a result of this meeting, it was decided to compile a four year plan for the correction of all incorrect signage.

As part of the plan, the town was divided into four districts and it was understood that an audit of all the road signs in the first district would be completed by the end of 2010 and all the corrective work in that district would be completed by the end of April 2011. The Town Council said that work would commence in the next district in November 2010 and be completed in 2011, with the remaining two districts completed in 2012 and 2013.

It appears that the survey of the first district was completed in May 2011. The survey showed that there were about 217 signs in that area that failed to comply with the statutory language obligations confirmed in law.

The Office was happy to accept the Town Council's plan to have the problem resolved on a phased basis; however, although the matter was discussed regularly, based on the information received, it appeared by April 2012 that little progress had been made with regard to the correction of the signs. Clearly, in accordance with the legislation, the complainant had a statutory right to have findings and recommendations made on the matter and therefore it was decided that it was necessary to launch an investigation.

The Town Council informed the investigation that the audit of the second quarter of the town was complete and that 115 signs had been identified there which were not in compliance with the language legislation. The Council said this was a nationwide problem and that if there was a breach of legislation it was an unintentional technical breach.

The Town Council said that most of the signs under consideration by the investigation were a legacy problem and that it was committed to replacing these signs but "*could only do so as resources became available.*" (trans.)

The investigation found that the Town Council had confirmed that, in its estimation, there were 332 signs (217 + 115) in total, in the half of the town surveyed, that breached the language requirements. In reply to a question about the total public monies spent on signs that did not comply with the legislation, the Town Council said that it did not have sufficient staff at the time to research that information. It also said that it was making every effort to implement plans to deal with the historic problem of incorrect signage.

The investigation accepted the Town Council's contention that these historical breaches of legislation had not necessarily been intentional and that the same problem could be seen in other areas. Indeed, the Office regularly had to draw attention to signs which were in English only in many other towns and counties.

The investigation found that Ennis Town Council had taken a strategic, measured approach to the problem by drawing up a plan to deal with the matter on a phased basis. In May 2012, the Town Council confirmed that 40% of the process with regard to the first quarter of the town was complete.

The investigation praised the manner in which the Town Council approached the issue; however, although an excellent plan was drawn up with the best of intentions, there was a major problem with the implementation of the plan. The investigation was of the opinion that the Council would have made good progress with the correction of the unsatisfactory signs but for the advent of the economic recession and its effect on staffing and financial resources. The investigation also accepted that the Town Council had informed staff of the requirement in relation to the Irish language in the case of newly erected signs, and that in general it had an effective system in place for ordering and proofing signs before they were erected.

However an historical problem still existed in relation to old signage that had to be addressed, and while it was evident from the Town Council's reports that a significant amount of work had been undertaken on this matter, the results were not evident on the streets of Ennis. The

investigation made recommendations to deal with the matter, on a phased basis, over a period of time. .

**Investigation launched: 19 April 2012**

**Report issued: 21 September 2012**

## **Ordnance Survey Ireland**

An investigation showed that a breach of statutory language obligations occurred when Ordnance Survey Ireland (OSi) published maps without showing placenames and ancient features in Irish or bilingually (in Irish and English), as required by section 34 of the Official Languages Act.

A complaint was made to the Office of An Coimisinéir Teanga in November 2011 that OSi had failed to provide an up-to-date map of Ireland with names displayed in Irish, or in Irish and English.

The Office raised the issue with the OSi through the informal complaints resolution system but could not reach a resolution of the complaint, and therefore a formal investigation was launched.

Section 34 of the Official Languages Act, which was brought into operation on 30 October 2003 by S.I. No. 518 of 2003, amends the Ordnance Survey Ireland Act 2001 by giving following revised function to the organisation:

*“(h) to depict placenames and ancient features in the national mapping and related records and databases in the Irish language or in the English and Irish languages.”*

From the information provided to the investigation, it appeared that the necessary arrangements were not put in place within OSi at that time to allow it to comply immediately with this new requirement.

Essentially, it seemed that OSi continued to follow its previous practices and customs, regardless of the wishes of the members of the Houses of the Oireachtas who had enacted this statutory provision. This is evident from the fact that the list of the organisation’s functions on its website was not amended to include the new function until very recently. The amendment on the website to acknowledge the new function was made more than eight years after that function came into force on 30 October 2003, and only after the Office of An Coimisinéir Teanga raised this complaint with the organisation.

The investigation found that there were only two options offered in the legislation:

- to show the content in Irish, or
- to show the content bilingually, in English and Irish.

OSi indicated that where possible, taking into account issues of scale and the output, both languages were used on maps such as road atlases, national maps and Discovery series maps;

however, where space was limited on a map only English was used, except in the case of Gaeltacht areas where Irish only was used.

The investigation found that this was not what was intended by those that drafted the legislation.

The OSi referred to cartographic limitations resulting from the scale of the output and the size of paper used. The investigation considered that these restrictions were not sufficient to modify in any way the will of Members of the Houses of the Oireachtas as enacted in this statutory provision. Only a change of design could resolve these restrictions.

The investigation acknowledged that definitive Irish versions of placenames and ancient features are not available in all cases. However, many are available and the Placenames Commission is there to assist those who need official versions of particular placenames.

The OSi pointed out that there are restrictions on the amount of text that can be used on a map which is used for travel, information etc. But the investigation did not consider this fact was sufficient to amend or annul a statutory provision which was ratified in law. The OSi also stated that there was little demand for certain maps and it considered that *“that there would be limited sale for a map in Irish, it would provide little income stream and therefore it would be necessary for the State to carry the cost of production through a service agreement.”* (trans.)

No evidence, such as market research or other study, was presented to prove that lack of demand. This argument does not deal at all with the other option that was allowed by statute, i.e. the production of totally bilingual maps. In addition, it was of concern to the investigation that maps of Gaeltacht areas, with placenames in Irish only, for the purpose of subsection 33(2)(a) of the Official Languages Act, were not available. This makes it difficult for public bodies to comply with the legislation in cases where a Statutory Instrument includes a map of a Gaeltacht area.

When OSi was asked explicitly if they published maps in English only, or with some of the placenames in English only, they denied this and said that they used bilingual terms *“to the extent feasible in cartography”*. (trans.) The legislation does not recognise the existence of a condition such as *“to the extent feasible”* and cartographic practice must yield to the law rather than vice versa. In response to the same question, OSi also said that *“all Gaeltacht areas are in the Irish language.”*(trans.) The investigation found as a matter of fact that this was not the case.

In reply to another specific question, as to whether any current Ordnance Survey map exists with all placenames entirely in Irish or bilingual, OSi said that *“in accordance with demand”* they could *“print a map of the Island of Ireland with all placenames in Irish, but that some of the new roads infrastructure and a number of towns would not be included in the road map because it is at a scale of approximately 1:450,000.”* (trans.)

Based on the evidence provided, the investigation found that OSi was in breach of section 34 of the Official Languages Act which amended paragraph (h) of section 4(2) of the Ordnance Survey Ireland Act 2001 and made it a function of the organisation to show placenames and ancient features in the national mapping and related records and databases in Irish, or in English and Irish.

The investigation recommended that in future OSi comply with the statutory duties confirmed in section 34 and, without prejudice to the full and immediate obligations associated with the statutory provision, that OSi be allowed to publish any map ready to print at the time of the investigation or any map that would be available to the general public within a period of six months from the date of the report.

It also recommended that OSi arrange to make a map available, with Gaeltacht placenames in Irish only, to meet the requirements of government departments and offices, who must comply with subsection 33(2)(a) of the Official Languages Act where such maps form an integral part of a Statutory Instrument.

**Investigation launched: 6 December 2011**

**Report issued: 17 April 2012**

## **Department of Public Expenditure and Reform**

An investigation found that the Department of Public Expenditure and Reform had breached a statutory obligation by failing to provide competency tests in Irish as provided for in circulars 43/75 and 30/90 of the Department of Finance, issued pursuant to and by virtue of section 17 of the Civil Service Regulation Act 1956.

A complaint was made to the Office of An Coimisinéir Teanga in March 2012 that no proper system was in place for bonus marks to be earned for proficiency in both Irish and English in the Civil Service promotion competitions.

The complainant, a civil servant, claimed that her statutory language rights were being infringed as she could not attain the bonus marks for her proficiency in Irish and English, to which she felt she was entitled, because neither a language competency test nor a Gaeleagras Irish language course were available.

The following are the relevant extracts from circular 43/75, as revised by circular 30/90, issued pursuant to and by virtue of powers conferred on the Minister for Finance under section 17 of the Civil Service Regulation Act 1956 – powers now transferred to the Minister for Public Expenditure and Reform.

*“The formal promotion tests hitherto conducted by the Civil Service Commission will continue to be available to give staff an opportunity of having their knowledge of Irish assessed.*”

*The courses provided by Gaeleagras na Seirbhíse Poiblí, which enable staff to acquire a knowledge of Irish or to improve their existing knowledge, will be expanded. Successful completion of these courses will continue to be accepted as the equivalent of passing the Civil Service Commission promotion tests.”*

And:

*“2. The revised credit system provides as follows:*

*(c) subject to certain transitional arrangements (referred to below), continued entitlement to the proficiency bonus will entail periodic retesting of a candidate's proficiency.”*

The complainant applied for an Irish language proficiency test as she intended to submit an application for an internal competition. She was informed, however, that neither a Gaeleagras Irish language courses nor an Irish language competency test was available or planned.

The Office of An Coimisinéir Teanga attempted to resolve the matter through its informal complaints resolution process, but those efforts were not successful, and a formal investigation was initiated.

In a letter dated 17 April 2012, the Department told the investigation that arrangements were being made to re-establish language competency tests, and it was hoped that a suitable system would be in place shortly. The investigation was suspended temporarily to allow the Department to make the necessary arrangements.

Having sought a report on the matter, the investigation was informed, on 27 August 2012, that the Department of Public Expenditure and Reform was still engaged in negotiating a permanent resolution of the issue, but that interim arrangements had been made to facilitate individual competitions where requested by departments.

It was decided, as a result of the letter, to continue the investigation and make a formal finding on the question of language rights and obligations in this case.

The Department informed the investigation by letter on 3 October 2012 that responsibility for Irish language training and competence testing, previously a matter for Gaeleagras, would be transferred to the Department of Arts, Heritage and the Gaeltacht from the beginning of 2013.

The complainant in this case had not sought that specific recommendations be made in her own case but, rather, that the breach of her statutory language rights be recognised and that a system be put in place to ensure that other candidates would have the opportunity to have their competence in the two official languages of the State evaluated in order that they might be credited with bonus marks in Civil Service promotion competitions.

The investigation concluded that, as a minimum, the arrangements outlined in the Department's letter of 3 October 2012 be implemented and that the new arrangements be in place from the beginning of 2013.

While it was a matter for the Minister and Department to make statutory provisions in relation to competence in both official languages in the Civil Service and to issue circulars pursuant to and by virtue of powers under section 17 of the Civil Service Regulation Act 1956, the report

of the investigation suggested that it would be advisable, at a time when certain reforms were in hand, that the opportunity be seized to undertake a comprehensive review of the issue in order that changes be made to ensure that the system was fit for purpose.

The investigation considered that the changes being envisaged would be merely pretence and a waste of time if they resulted only in the continuation of the same flawed system which was seen, with the evidence of 40 years, to have failed in ensuring an adequate supply of staff with competence in Irish at various levels in the Civil Service. The investigation pointed out that the changing circumstances provided an historic opportunity to deal decisively with the matter.

The Minister for Public Expenditure and Reform, having considered the report of the investigation, said that the transfer of the service to the Department of Arts, Heritage and the Gaeltacht would provide an opportunity to reform the current practices and that his own Department was committed to providing a mechanism by which departments could acquire or develop the skills to provide their services bilingually.

**Investigation launched: 22 March 2012**

**Report issued: 26 October 2012**

## **National Transport Authority**

An investigation found that the in-vehicle information issued by the National Transport Authority, for display in small public service vehicles (such as taxis), constituted signage to which language stipulations apply and, therefore, it was a breach of statutory obligations when the material was issued in English only rather than bilingually as had been the case previously.

A complaint was made to the Office of An Coimisinéir Teanga alleging that the National Transport Authority had breached subsection 9(1) of the Official Languages Act with regard to its issuance of the two pieces of information for display in taxis concerning trips and travel charges. The material, in English only, replaced already existing bilingual information and taxis were in future required to display two copies in English.

The issue to be decided was whether or not these items were “signs” for the purposes of the legislation. If they were, there would be no question but that they must be in Irish or bilingual (in Irish and English).

The regulations in relation to the use of the official languages on signs are clear and, except in the case of specific exemptions, they apply to all signs placed by public bodies. In accordance with subsection 6(1) of the regulations, the provisions apply to any sign placed by a public body, or on its behalf, at any location.

The Authority said that licensed taxis are seen not as public property but as equivalent to private vehicles; however, it is a requirement of registration that “*all taxis, hackneys and limousines make this information available in-vehicle to their customers*”. (trans.) It was clear that the National Transport Authority required this information to be displayed by statutory obligation, and it would be difficult to distinguish between this requirement to display information under those conditions and its placement as a sign.



The National Transport Authority had reached this conclusion – that the information did not constitute signage –*inter alia*, as a result of correspondence with a senior official in the former Department of Community, Rural and Gaeltacht Affairs, at a time when the regulations were still in draft form. It was clear to the investigation that the official gave advice based on drafts of regulations that had not yet been confirmed. The regulations weren't enacted for a further two and a half years and in the intervening period the early drafts were discussed and amended by a joint Oireachtas Committee.

It is important to point out also that the statutory duty to provide advice to public companies in relation to their language obligations under the Official Languages Act is legally vested in the Office of An Coimisinéir Teanga, in accordance with subsection 21(e) of the Official Languages Act. The National Transport Authority should more properly have sought advice from this Office before the expenditure of considerable public monies on this project.

The National Transport Authority maintained that “*Normally, a sign means a structure which is displayed and indicates a business location, or gives notices or directions. This sticker and the SPSV information card are not designed for this purpose; they exist only to provide information to service users. The Regulations refer to signs “placed” at “locations” (which implies that they are placed permanently in a fixed location) rather than in vehicles, and at one point there is reference to public authorities proposing “to erect” signs, which implies also that they are permanent fittings – and therefore not relevant to our cards.*” (trans.)

The investigation did not concur with this interpretation. No specific definition has been provided for the word “sign” for the purposes of the Official Languages Act or the regulations made under the Act. When no specific definition is provided in an enactment, the statutory interpretation rule applies and the entire context in which the word is used and the normal meaning of the word must be taken into account.

The investigation concluded that a sign is the display of information which includes but is not limited to the following types of sign – a warning sign, an informational sign, an instructional sign, a directional sign, a mandatory sign, an emergency sign, a prohibition sign, a hazard or risk sign, a safety sign, an illuminated sign, an electronic sign.

The investigation noted that the relevant information was to be displayed on a continuous basis for the information of the general public and that it was an offence to remove it from the place where it was displayed in the vehicle.

The investigation team was therefore in no doubt that these were signs for the purposes of the regulations in regard to the use of the official languages. The information cards function as informational signs and are placed in the back of the vehicle to inform taxi users about their rights and their responsibilities. Stickers with information on fares are also placed on sun visors on the passenger's side for the same purpose, and these are also informational signs for the general public.

The investigation recommended that the National Transport Authority ensure that the in-vehicle information signs it issued for display in small public service vehicles were in Irish or bilingual (in Irish and English) in accordance with the statutory requirement set out in the Regulations (S.I. Number 391 of 2008) made under the Official Languages Act. However, without prejudice to the statutory requirement to ensure that the signs complied immediately with the provisions of the regulations, it was recommended that full compliance with the

relevant language obligations be achieved at the next redesign or updating of the informational signs, and in the meantime that Irish language versions would be made available in any case in which they were requested.

**Investigation launched: 1 March 2012**

**Report issued: 10 May 2012**

## **University of Limerick**

An investigation found that the University of Limerick was in breach of the statutory language obligations that are set out in subsection 7(2) of Statutory Instrument (S.I. No. 391 of 2008) – [Official Languages Act 2003 (Section 9) Regulations 2008] - as far as it concerned the use of the public body's name on its stationery.

A question arose as to the compliance of the University with the statutory obligations in relation to the use of the official languages in headings of stationery and new signage during an audit by the Office of An Coimisinéir Teanga of the commitments in the University's Irish language scheme.

While the matter was still under discussion between the Office and the University authorities, a complaint was made to the Office in which it was alleged that English was being put in prime position in headings of stationery and signs of the University in conflict with statutory requirements. The informal complaints resolution process which the Office uses failed to reach a resolution in the case and there was therefore no alternative but to proceed to a statutory investigation of the matter.

The University's *logo*, the definition of "*logo*" and the exemption in respect of "*logos*" set out in subsection 9(1)(b) of the relevant regulations were the core issues in the case that the University of Limerick put to the investigation.

The University told the investigation that it considered it had an exemption from the obligations confirmed in section 7 of the Regulations because it was using a logo and, in the case of a logo, subsection 9(1)(b)(ii) of the Regulations provides that a public body is not obliged to translate from one official language to another. The University claimed that it is a "*general exemption with regard to logos*" (trans.) that is set out in the Statutory Instrument and that "*an error of law was made ... with regard to the meaning of the word 'logo'*" (trans.) and that "*a logo can be more than a type of design or graphic.*" (trans.) The University stated that it had registered the "*logo*" as a trademark in 1990, that it set out the detail of the brand in that year, that the Executive Committee of the University approved it again in 2011 and that it was an integral part of that trademark that the design/symbol/graphic and words (the name of the public body) were shown, with that name in large English letters first and in small letters in Irish under the name in English.

A copy of the material that is filed as a registered trademark was provided to the investigation, along with a document which set out the detail of that brand. The University advised that the crest/badge of the University could not be used without using the words also. The University reported that a lot of time and money had been invested in the development and protection of this logo and that it was a property right due to the fact that it was registered as a trademark, and stated:

*“If any attempt is made to say that the Regulations require the University of Limerick’s logo to be altered, that would be seen as an unconstitutional misunderstanding of the Regulations and an unwarranted attack on the University of Limerick’s property rights in its logo.” (trans.)*

It appeared that the University believed that the trade mark as registered and the logo referred to in subsection 9 of Statutory Instrument 391 of 2008 were one and the same. There is no specific definition given for the word “logo” in the Act or in the Regulations made under the Act. The interpretative rule is based on the concept of the usual meaning of the word. It should be noted, however, that a “trade mark” is not specifically mentioned as being exempt under the Regulations. The usual definition of “logo” is a symbol, image, sign, design or pictorial graphic which is used to facilitate specific identification. In the Trade Marks Act 1996 (Number 6), a “trade mark” is defined as “any sign capable of being represented graphically which is capable of distinguishing goods or services from one undertaking from those of other undertakings”. Subsection (2) of section 6 of the Act states – “a trade mark may, in particular, consist of words (including personal names), designs, letters, numbers or the shape of goods or their packaging”. The investigation noted that “logo” is not mentioned in the Trade Marks Act.

As regards the question of signage, the University provided photographs of signs which complied with the Regulations and advised that it could not progress the matter if details of the complaint received by the Office were not provided. The University advised that it did not accept that the stationery and new signage of the University were in breach of the statutory language obligations. Although it did not accept that the legislation was being breached, the University offered to put the name of the University in Irish and in English, in that order and of equivalent size, on its stationery, “but in addition to this, the logo will remain as it currently appears.” (trans.)

The Regulations made under section 9(1) of the Official Languages Act relate to the use of the official languages – Irish and English – on stationery and signage of the public bodies which come under the auspices of the Act and specify the following in relation to bilingual stationery and signage:

- *The text in the Irish language shall appear first.*
- *The text in the Irish language shall not be less prominent, visible or legible than the text in the English language.*
- *The letters in the text in the Irish language shall not be smaller in size than the letters in the text in the English language.*
- *The text in the Irish language shall communicate the same information as the text in the English language.*
- *A word in the text in the Irish language shall not be abbreviated unless the word in the text in the English language, of which it is the translation, is also abbreviated.*

Certain exemptions are provided for in the Regulations and some of these were relevant to this investigation. Public bodies are not obliged to translate from one official language to the other official language in respect of the following:–

- (i) A person’s name
- (ii) A logo
- (iii) A brand name, or
- (iv) The name of a body (other than a public body)

The University of Limerick claimed that the exemption in respect of logos in Regulation 9(1)(b)(ii) is a general one. The consequence of that interpretation would be that any public body could evade the requirement of the provision in subsection 7(2) of the Regulations, for example by declaring the name of the public body in English only as its logo or by putting the name of the public body in English first and putting the text in Irish in second place or in smaller letters, etc. Under this interpretation, the provision in subsection 9(1)(b)(ii) would nullify the effect of the provision of subsection 7(2) of the same Regulations, so that essential aspects of the stationery and signage of the country's public bodies could be in English only as long as it was claimed that they were "*logos*".

In other words, instead of "*to promote the use of the Irish language for official purposes in the State;*" and "*to provide for the use of both official languages ... in carrying out the work of the public bodies*" as is the objective of the Act, the Regulations would be strengthening the right of public bodies to use English only for this purpose, or, at the very least, to leave Irish in a subsidiary position in these matters. That would be equivalent to saying that the exemption had been inserted in order to nullify subsection 7(2) of the regulations in both aim and effect. That would produce an absurd result and it could not be conceded that that was the objective of the Minister who authorised the Regulations.

In addition, it was clear to the investigation that a decision was made to grant an exception or exemption to every type of body other than a public body. That exemption is confirmed in subsection 9(1)(b)(iv) of the Regulations where an exemption is allowed from the statutory language obligation in the case of "*the name of a body (other than a public body)*".

It was clear to the investigation that the logo and full name of the University of Limerick in English and Irish were registered as a trade mark (not as a logo) but that that action was not sufficient to ensure an exemption from the statutory language regulations; those Regulations do not provide for an exemption in the case of trade marks and it is confirmed in those Regulations that there is no exemption from the statutory language obligations in the case of the name of a public body.

As regards the University of Limerick's headings of stationery, in so far as it pertained to the name of the public body itself, it was clear that the text in Irish did not appear first, that the text in Irish was not as prominent, visible or legible as the text in English, and that the letters in the text in Irish were smaller in size than the letters in the text in English. As a result, the finding of the investigation was that the statutory language obligations that are contained in subsection 7(2) of the Regulations in S.I. 391 of 2008 were not being appropriately complied with by the University of Limerick.

In light of the current economic situation, the investigation recommended to the University of Limerick to use up all the current stock of stationery in its possession and that the appropriate amendments to place the Irish version of the public body's name in prime position be made when ordering any new stock.

**Investigation launched: 7 December 2011**

**Report issued: 31 July 2012**

## Department of the Environment, Community and Local Government

An investigation found that the Department of the Environment, Community and Local Government contravened its statutory obligations, as set out in subsection 18(1) of the Official Languages Act, with regard to a commitment in its statutory language scheme, by publishing the document *Reform of the water sector in Ireland* in English only and failing to provide an Irish version simultaneously as agreed in the scheme. The investigation concluded, however, that the Department had not contravened subsection 10(a) of the Act in this instance.

The complainant had argued that the document in question was one that set out a public policy proposal.

According to subsection 10(a) of the Official Languages Act, public bodies are obliged to publish any document setting out public policy proposals simultaneously, in each of the official languages. In addition, the Department of the Environment has a specific obligation, under its own language scheme, to provide Irish versions of core publications.

The Department argued that the publication merely provided background information on the water sector and that the document did not set out public policy proposals, rather it “*reiterated proposals that were agreed and published previously in the Programme for Government and in the EU/IMF Programme of Financial Support for Ireland as part of a process designed to advise on the implementation of those public policy proposals.*” (trans.)

If, in truth, the document did not contain “public policy proposals”, it appeared at the very least to contain measures which echoed such proposals, and where such an uncertainty existed it would be argued that the benefit of the doubt should favour a bilingual approach, particularly in the case of a short document where neither significant delay nor costs would attach to translation.

As regards the question of core publications, because of a commitment in its language scheme, the Department is obliged to publish such documents in Irish and in English. It would be hard to maintain that a document recommending fundamental changes to the delivery of water services throughout the country, as well as the introduction of a metering system and water charges for the very first time, is not a major publication. The argument that it was not a “core publication” was in direct conflict with the essence of the message contained in the press releases accompanying its launch.

The investigation found that the document *Reform of the water sector in Ireland* was a core publication of the Department of the Environment, Community and Local Government and that, therefore, there was an obligation to provide it in Irish as well as in English.

The investigation accepted the *bona fide* of the Department when it said that it had not deliberately breached the statutory provision in this case. Essentially, this was a question of interpretation of language obligations. This Office would have been proactive in providing advice; unfortunately, such advice was not sought.

Since the consultation period envisaged in the document had concluded by the time the investigation was complete, it was decided that it would not be of benefit to anyone to recommend that the Department provide an Irish version of the document at that stage.

**Investigation launched: 23 February 2012**

**Report issued: 2 April 2012**

## **Health Service Executive**

An investigation found that the Health Service Executive (HSE) contravened the statutory language obligation set out in subsection 9(2) of the Official Languages Act, which requires a public body to respond to a communication in the same official language in which it is received. This occurred four times in a row to the same complainant with regard to an application for a medical card.

A complaint was made to the Office of An Coimisinéir Teanga in February 2012 that the HSE issued a letter in English in response to a request in Irish to the Client Registration Unit. This occurred despite assurances being given by the HSE to the Office, as a result of a previous complaint from the same client, that a system had been put in place to ensure it did not happen again.

The Office raised the matter in November 2011 after the complainant said that he had received a reply in English twice from the HSE, even though he had reminded them of their obligations under the Official Languages Act after the first reply and had written to request correspondence in Irish.

Eventually, after some discussion, an Irish version of the correspondence was issued to the complainant; the HSE apologised and it indicated that it would make every effort to avoid any further breach of this legislative provision.

On 21 December, yet again, a letter in English issued to the complainant. The matter was raised again with the HSE and on 6 January it indicated that the case had been reviewed and arrangements confirmed to ensure that correspondence in English would not issue again. However, an e-mail, in English only, issued to the complainant on 23 February in response to an e-mail in Irish.

The following response from the HSE gave an account of what had happened in the case: *“These problems occurred as a result of the introduction of a major national project to centralise the processing of medical cards, the additional workload that resulted from this project and also the transfer in of new staff in the first seven months of the processing period. During the initial phase of the project, our main goal was to meet the unprecedentedly high demand for service and, unfortunately, we did not manage to comply with our obligations under the Official Languages Act as well as we would have wished. We have addressed these shortcomings in the short term as set out above; and our current formal review of the existing processes will address future difficulties in the medium and longer term.”* (trans.)

The HSE accepted that it had breached the statutory duty set out in subsection 9(2) of the Act and apologised for any infringement of the legislation.

Having considered the case presented by the HSE, the investigation concluded that the system which was supposed to be in place to deal with correspondence in Irish failed because of a lack of awareness among staff. It was clear that specific care was required to ensure that applications in Irish were answered in Irish.

**Investigation launched: 6 March 2012**

**Report issued: 5 April 2012**

## **Kildare County Council**

An investigation found that Kildare County Council failed to comply with the statutory language obligations confirmed in subsection 9(3) of the Official Languages Act when it wrote in English to c. 26,000 people in Kildare in relation to the Household Charge.

A complaint was made to the Office of An Coimisinéir Teanga that Kildare County Council wrote in English to people throughout the county in October 2012, to provide them with information about the Household Charge. The complainant was of the opinion that the Council should have sent him an Irish or bilingual version of the letter under the provisions of the Official Languages Act.

Subsection 9(3) of the Act obliges public bodies to ensure that information communicated by them in writing or by e-mail to the general public or to a class of the general public should be in Irish, or in English and Irish:

*“Where a public body communicates in writing or by electronic mail with the general public or a class of the general public for the purpose of furnishing information to the public or the class, the body shall ensure that the communication is in the Irish language or in the English and Irish languages.”*

The Office attempted to resolve the matter informally with the County Council, but those efforts did not reach a successful conclusion.

The Council did not accept that its action was in breach of subsection 9(3) of the Act. It confirmed that letters had issued in English, but claimed that these were not communications of the type covered by subsection 9(3), as providing information was not the aim of the communication and as it had not been issued to the general public or to a class of the general public. The Council maintained that the objective of the communication was to seek the payment of the Household Charge from named persons at specific addresses.

The investigation believed that the clear objective of the communication was to furnish information, as it contained information about the amount of the charge, the additional penalties for late payment, about the legislation under which the charge was being levied, about the commencement date of this provision, about the use of addresses and how addresses had been recorded, and about the right to exemptions and the steps necessary to seek exemptions, as well as contact details in relation to payments or to seek further information. What was being furnished was “information” for the purposes of subsection 9(3) of the Official Languages Act in accordance with the rules of interpretation as recognised in law. Certainly, it was the Council’s aim to encourage people to pay the Household Charge and the written communication contained general information towards that objective.

The Council also maintained that it was not communicating with the public in general or with a class of the public in general, but that these were individual letters to people at specific addresses.

The investigation found that the Council as a public body was in communication in this case with a class of the public in general, due to the fact that 26,000 letters or communications issued from the County Council with the same basic message or text with a generic signature. Apart from the name and address, there was no personal information in any one of the 26,000 letters which would distinguish them apart as individual letters, as for example, the amount of the charge still to be paid by that individual, etc. It was standard information which was shared alike in all letters concerning the charge, penalties, exemptions, payment methods, etc. The investigation did not accept that a different name and address on each letter was sufficient to make a “personal letter” of a mail shot.

The investigation found that the objective of the communication was to furnish information to a class of the general public about aspects of the process of the Household Charge, and a series of recommendations were made to ensure future compliance with the statutory language obligations that are confirmed in respect of this matter in subsection 9(3) of the Act.

**Investigation launched: 8 November 2012**

**Report issued: 21 December 2012**

## **Galway County Council**

An investigation was discontinued when photographs were submitted showing that amendments had been made by Galway County Council to road signs which were not in compliance with statutory language obligations.

The investigation arose from a complaint that the unofficial English version of a Gaeltacht placename was in use by Galway County Council on certain road signs. Efforts to resolve the issue by the informal complaints resolution mechanism operated by the Office of An Coimisinéir Teanga failed, and a formal investigation ensued.

The statutory obligation in relation to the use of official Irish versions of Gaeltacht placenames on road signs is contained in subsection 33(2)(c) of the Official Languages Act where it states that the English version of placenames will no longer have any force and effect once the Irish version of the placename has been confirmed by the Minister under section 32 of the Act. Such a confirmation had been made by the Minister in this instance.

The complainant was concerned that the Council had already dealt with this issue in 2010 and that old signs had already been modified with the official Irish language version of the Gaeltacht placename in use. He was surprised to find additional new signs put in place which were not in compliance with the statutory language requirements.

The Council confirmed that the additional new signs had been modified, and when photographs were submitted in support of this, the investigation was discontinued as there was no longer a breach of a statutory language obligation to be resolved.

**Investigation launched: 22 November 2011**

**Investigation discontinued: 15 February 2012**



## Donegal County Council

An investigation found that Donegal County Council failed to comply with the statutory language obligations confirmed in subsection 9(3) of the Official Languages Act when it wrote in English to 30,000 people in Donegal in relation to the Household Charge. In issuing that communication it also failed to comply with subsection 18(1) of the same Act in regard to section 4.10 of its statutory language scheme when it used English versions of Gaeltacht placenames in addresses.

Various members of the public complained to the Office of An Coimisinéir Teanga that letters they received from Donegal County Council in relation to the Household Charge on 8 October 2012 were in English only. They believed such communications from the Council should be in Irish or bilingual in accordance with the provisions of the Official Languages Act.

Subsection 9(3) of the Act requires that information from a public body communicated by post or e-mail to the general public or to a class of the general public should be in Irish or bilingual (Irish and English):

*“Where a public body communicates in writing or by electronic mail with the general public or a class of the general public for the purpose of furnishing information to the public or the class, the body shall ensure that the communication is in the Irish language or in the English and Irish languages.”*

In addition, some complainants said that the communication had been sent to them with their addresses in English although they lived in the Gaeltacht. A provision in the Council’s statutory language scheme requires it to use official Irish versions of Gaeltacht placenames.

The clause provides as follows:

*“4.10 Placenames (scheme 2010) In addition to the statutory requirements of An tOrdú Logainmneacha (Ceantair Ghaeltachta) 2004, Donegal Local Authorities will continue to promote the use of the Irish language versions of Gaeltacht placenames across areas of work and activities not specifically referred to in the Order (e.g. databases, mail etc).*

*Donegal Local Authorities will continue to encourage staff to make greater use of the Irish version of placenames outside the Gaeltacht...”*

Subsection 18(1) of the Official Languages Act requires a public body to proceed to carry out the commitments confirmed in a language scheme. The Office attempted to resolve the matter informally with Donegal County Council but those efforts failed to reach a successful conclusion.

The Council did not accept that its action was in breach of subsection 9(3) of the Act. It confirmed it had issued the letters in English, but it claimed that these were not communications of the type covered by subsection 9(3). As background, the Council explained that it had issued publicity post in relation to the Household Charge to the public in general in the county earlier in the year and that this communication had been in Irish and English.

The Council said that responsibility for recording the payment of the Household Charge rested with the Local Government Management Agency (LGMA), who maintained a national database. Local authorities, in compliance with the legislation involved, were allowed to access records held by other public bodies. Under this provision, the Property Registration Authority (PRA) provided a database of registered properties in the county to the LGMA which was acting on behalf of the local authorities.

Referring to the communication issued on 8 October 2012, the Council argued that the material had been sent to named individuals and that it applied to each specific individual as follows:

- Name and address in accordance with the records held by the PRA;
- A greeting to the named individual;
- The address of the registered property (within the first paragraph of the letter);
- A reference number, specific to this case.

With reference to a breach of subsection 9(3) of the Official Languages Act, the Council maintained that the communication was not with “the public in general” or with “a class of the public in general”, but was a notice to specific householders and on that basis that subsection 9(3) was not breached.

In relation to the addresses used for the communication, it maintained that the addresses were the same as those recorded by the PRA and that they may have been recorded in either Irish or in English. The Council held that it had no control over how property had been registered and that it would be impractical to individually translate 30,000 addresses. The Council also argued that the PRA records would have come originally from the owners of the registered property or their legal representatives and that the way in which they might have been recorded in Irish or English was not within the control of Donegal County Council. The Council maintained on that basis that it was not in breach of the commitments in its statutory language scheme.

The investigation believed that the clear objective of the communication was to furnish information, as it contained details about the amount of the charge, the additional penalties for late payment, the legislation under which the charge was being implemented, the commencement date of this provision, the use of addresses and how addresses had been recorded, the right to exemptions and the steps necessary to seek exemptions, as well as contact details in relation to payments or to seek further information. What was being furnished was “information” for the purposes of subsection 9(3) of the Official Languages Act in accordance with the rules of interpretation as recognised in law.

Since the communication was issued by a public body under the Act for the purpose of furnishing information, it should have been in Irish or bilingual if the communication was with the public in general or a class of the public in general. The County Council’s case hinged on that point – it maintained that the notice was to specific householders rather than to the public in general or a class of the public in general.

The investigation did not accept that the inclusion of a name, reference number and different addresses was sufficient to create a “notice to specific householders” from what was in essence a mailshot from the County Council with the exact same message or text sent to 30,000 households and with a generic signature on that communication. Apart from the name,

reference number and address, there was no personal information in the 30,000 letters which would distinguish them apart as individual letters, as for example, the amount of the charge still to be paid by that individual, etc. It was standard information which was shared alike in all letters concerning the charge, penalties, exemptions, payment methods, etc. The name, address and reference numbers were merely a delivery mechanism and were insufficient to create personal letters from the same basic shared information sent to 30,000 people who had a common connection, as a class of the public in general, and who satisfied a specific criterion set down by the County Council as people who ought to have information about the Household Charge issued to them.

In relation to the commitment given by the County Council in its language scheme regarding the use of the Irish version of Gaeltacht placenames, the investigation did not concur with the Council's interpretation as a very precise commitment was given in the scheme in relation to the use of Gaeltacht placenames in databases and for postal purposes and there was no condition attached in relation to the source of the databases or postal lists. There was a statutory obligation to amend the lists in relation to Gaeltacht placenames to comply with the statutory commitment in the language scheme.

The investigation was in no doubt that it was a breach of the County Council's statutory language obligations to use English versions of placenames for Gaeltacht addresses.

It was a matter of some surprise to the investigation that only two internal e-mails existed as records within the Council as regards the decision not to issue an Irish version of this communication in relation to the Household Charge. The Council confirmed that it had no further written records apart from those two e-mails and that it had no record of any debate or discussion about the language dimension nor any evaluation of the question of language as part of this process.

In a county with such a large Gaeltacht area, it appeared strange that so little consideration was devoted at executive level in the County Council to the issue of the use of Irish in this case, particularly when communicating with a large class (30,000) of the public in general, a significant number of whom lived in the Gaeltacht.

It was a matter of concern to the investigation to find that the language issue was so low on the agenda that the only record held by the Council in relation to this unilingual policy decision were two e-mails which arose from contact with the Office of An Coimisinéir Teanga.

The investigation made a series of recommendations to ensure compliance with these statutory language obligations in future.

**Investigation commenced: 26 October 2012**

**Report issued: 28 December 2012**

## **County Dublin Vocational Education Committee**

A decision was made to discontinue an investigation when County Dublin Vocational Education Committee confirmed that it would comply with the language obligations which were the subject of the investigation.

The investigation arose from an audit in relation to the implementation of the VEC's language scheme, which came into force on 1 October 2008. The audit was undertaken by the Office of An Coimisinéir Teanga as part of its monitoring function. It came to light during the audit process that a new interactive enrolment system for adult education and for the IAT courses (PLC) had come into use during the period of the scheme, but no Irish version had been made available, contrary to what had been agreed in the scheme. The Office of An Coimisinéir Teanga made every effort to resolve this matter with the VEC during the audit process, but these efforts were unsuccessful.

Following the launch of the investigation, a letter was received from the VEC asking that the investigation be discontinued as the Committee intended to cooperate fully. The investigation was postponed for three months to allow the Committee to take the corrective action as promised.

In light of a letter and report confirming that the Irish version of the interactive service was available, which the investigation received from the VEC in October, it was decided to discontinue the investigation.

**Investigation launched: 10 May 2012**

**Investigation discontinued: 14 November 2012**

## **Central Bank of Ireland**

An investigation found that the Central Bank of Ireland breached the statutory language obligation set out in section 9 of the Official Languages Act 2003 for the third time in succession when communicating with the named complainant with regard to an application to purchase commemorative coins.

An individual complained to the Office in October 2012 that the Central Bank of Ireland had once more issued a response in English to him in reply to his application in Irish to purchase a commemorative coin. This had occurred despite the fact that, as a result of a previous complaint by the same individual, a written assurance had been provided by the Bank to the Office of An Coimisinéir Teanga that a system had been put in place to ensure that this breach would not reoccur. A complaint was also made that the Bank's headings of stationery were not in compliance with the Regulations in respect of use of official languages in stationery issued under subsection 9(1) of the Act.

Subsection 9(2) of the Act is as follows:

*“Where a person communicates in writing or by electronic mail in an official language with a public body, the public body shall reply in the same language.”*

The Central Bank accepted in its response that it had breached subsection 9(2) in this instance.

As background, the Bank explained that normally there are about 10,000 coin sets involved in each issue of collector coins. In the case of the Michael Collins commemorative coin, however, about 26,000 coin sets issued and most of these were purchased in a four week period. The Bank advised that the Collector Coin Unit had insufficient resources to deal with the volume of incoming requests and that staff numbers were increased on a temporary basis by transferring staff members from other units to deal with the demand.

The Bank explained that the automated system which was in use was unable to differentiate between requests in Irish and English and that a procedure was in place since 2010 to process orders in Irish, in addition to Irish speakers being available to deal with phone orders.

Up to 15 members of staff had been transferred from other units of the Currency Centre to the Collector Coin Unit to assist with the processing, packaging and issuing of the coins which were ordered. Signs were erected in the Collector Coin Unit's workspace to remind staff of their obligations in respect of Irish language requests and to ensure that communications in Irish would be replied to in that same language.

The Bank stated that a mistake had been made in the complainant's case, despite the steps taken by the Bank in respect of applications in the Irish language, and that the *“reason for this mistake was the huge administrative challenge to the Collector Coin Unit to process and dispatch orders in a timely fashion despite unprecedented levels of demand”* (trans.).

The Bank demonstrated that it had taken steps to address the issues which had arisen in this case.

As regards the compliments slip which issued to the complainant, the Bank explained that steps had been taken to ensure that its stationery was in compliance with the statutory language obligations, and that further steps had been taken as a result of this complaint. It was confirmed that the Bank's compliments slip was now fully bilingual in accordance with subsection 9(1). The Bank expressed its regret that the complaint had arisen.

**Investigation launched: 8 November 2012**

**Report issued: 21 December 2012**

## **FINANCIAL MATTERS**

A budget of €650,000 was provided for my Office for 2012 and €606,784 of that money was drawn down.

The accounts of the Office for 2012 have been prepared for audit by the Comptroller and Auditor General in accordance with subsection 8(2) of the Second Schedule of the Official Languages Act 2003.

As soon as possible after the audit, a copy of those accounts, or of such extracts from those accounts as the Minister for Arts, Heritage and the Gaeltacht may specify, shall be presented to the Minister together with the report of the Comptroller and Auditor General on the accounts.

Copies of those documents shall be laid before the Houses of the Oireachtas by the Minister. They will also be published on this Office's website.

### **Prompt Payments**

In accordance with Government decisions made on the 2nd and 8th of March 2011, public bodies are required to have appropriate systems in place to ensure that valid invoices are paid within 15 days from the date they are received. Public bodies are also required to publish a quarterly report on this matter on their websites.

**Tuairisc ar Íocaíochtaí Prasa \* *Prompt Payments Report***

**Tréimhse Clúdaithe: an 1Eanáir – an 31 Nollaig 2012 \* Period Covered: 1 January 2012 – 31 December 2012**

<p style="text-align: center;"><b>Sonraí</b> <i>Details</i></p>	<p style="text-align: center;"><b>Uimhir</b> <i>Number</i></p>	<p style="text-align: center;"><b>Luach (€)</b> <i>Value (€)</i></p>	<p style="text-align: center;"><b>Céatadán n-íocaíochtaí</b> <i>Percentage of Invoices</i></p>
<p><b>Líon na n-íocaíochtaí a rinneadh laistigh de 15 lá</b> <i>Number of payments made within 15 days</i></p>	225	143,739	
<p><b>Líon na n-íocaíochtaí a rinneadh laistigh de thréimhse 16 lá agus 30 lá</b> <i>Number of payments made within 16 days to 30 days</i></p>	5	3,056	
<p><b>Líon na n-íocaíochtaí a rinneadh sa bhreis ar 30 lá</b> <i>Number of payments made in excess of 30 day</i></p>	1	659	
<p><b>Líon na n-íocaíochtaí sa tréimhse</b> <i>Total payments made</i></p>	<b>231</b>	<b>147,454</b>	
<p><sup>1</sup><b>Sonraisc faoi dhíospóid</b> <sup>1</sup><i>Disputed Invoices</i></p>			

<sup>1</sup> Sonraisc a fuarthas i rith na tréimhse agus a bhí fós faoi dhíospóid ag deireadh na tréimhse tuairiscithe.

<sup>1</sup> Invoices received during the period and still under dispute at the end of the reporting period.

## **ENERGY**

The following information is provided in accordance with the provisions of S.I. 542 of 2009.

### **Overview of Energy Usage in 2012**

The use of electricity in the office building in An Spidéal, Co. Galway constitutes the total energy consumption of the Office of An Coimisinéir Teanga. This includes the heating and aeration of the building, water heating, lighting and the use of office equipment.

In 2012, the Office of An Coimisinéir Teanga consumed 61.11 MWh of electricity. While this constituted an increase of 6.8% in comparison with 2011 (57.23 MWh), it was substantially less than the usage in 2010 (73.29 MWh).

Most of the difference in energy consumption can be attributed to the main heating and aeration system in the office building. This system was repaired in 2011 and was in use throughout the year for the first time in 2012.

### **Actions Taken in 2012**

The established energy-saving practices were continued: ensuring that equipment is turned off when not in use and examining the office at the end of every working day to ensure that lights and equipment are switched off overnight and when the building is not occupied. Energy consumption was used as a criterion in choosing electronic equipment and in evaluating tenders for equipment.

### **Actions Planned for 2013**

The Office will continue the energy-saving policies already initiated and it is intended to monitor electricity consumption on a regular basis during 2013, especially in relation to the heating and aeration system with a view to reducing consumption.



## **FOIREANN AGUS SONRAÍ TEAGMHÁLA/STAFF AND CONTACT DETAILS**

### **FOIREANN/STAFF**

An Coimisinéir Teanga	Seán Ó Cuirreáin
Stiúrthóir / Director	folúntas/vacancy
Bainisteoir Cumarsáide / Communications Manager	Damhnait Uí Mhaoldúin
Bainisteoir Imscrúduithe / Investigations Manager	Órla de Búrca
Bainisteoir Géilliúlachta / Compliance Manager	Colm Ó Coisdealbha
Riarthóir Oifige / Office Administrator	Éamonn Ó Bróithe
Oifigeach Feidhmiúcháin / Executive Officer	folúntas/vacancy
Oifigeach Cléireachais / Clerical Officer	Deirdre Nic Dhonncha
Oifigeach Cléireachais / Clerical Officer	folúntas/vacancy

### **SONRAÍ TEAGMHÁLA /CONTACT DETAILS**

Is féidir teagmháil a dhéanamh leis an Oifig tríd an bpost, ar facs, le ríomhphost nó ar an teiléafón ar chostas glao áitiúil, mar seo a leanas:

This Office may be contacted by post, fax, email or telephone, at the cost of a local call, as follows:

POST / POST: An Coimisinéir Teanga, An Spidéal, Co. na Gaillimhe, Éire

FÓN / PHONE: 091-504 006

GLAO ÁITIÚIL / LO-CALL: 1890-504 006

FACS / FAX: 091-504 036

RÍOMHPHOST / EMAIL: [eolas@coimisineir.ie](mailto:eolas@coimisineir.ie)

SUÍOMH GRÉASÁIN / WEBSITE: [www.coimisineir.ie](http://www.coimisineir.ie)

Is é an leagan Gaeilge buntéacs na Tuarascála seo.

The Irish language version is the original text of this Report.