

REFERENDUM COMMISSION

Language Scheme

OFFICIAL LANGUAGES ACT 2003

Introduction

This scheme is submitted on behalf of the Referendum Commission. It has been prepared under the Official Languages Act and replaces the previous scheme which was approved on 16 October 2013.

Section 15 provides for the preparation by public bodies of a scheme detailing the services they will provide -

- through the medium of Irish,
- through the medium of Irish and English, and
- through the medium of English,

and the measures to be adopted to ensure that any service not provided by the public body through Irish will be so provided within an agreed time frame.

Background and Role of the Referendum Commission

The Referendum Commission is an independent body set up by the Referendum Act 1998 as amended by the Referendum Act 2001. The Act of 1998 provides that the Chairperson of the commission shall be a former judge of the Supreme Court, the Court of Appeal or the High Court or a judge of the High Court. The other members shall be the Clerk of Dáil Éireann, the Clerk of Seanad Éireann, the Ombudsman and the Comptroller and Auditor General. The Commission is independent in the performance of its functions and is supported by a secretariat from the Standards in Public Office Commission and the Office of the Ombudsman. The Commission has no full time staff. Whenever a referendum falls to be held, the establishment of a Referendum Commission is at the discretion of the Minister for Housing, Planning and Local Government. A Commission is created by means of an Establishment Order issued by the Minister in respect of the proposed referendum. Once a Commission completes its functions it furnishes a report to the Minister, within six months of polling day, on the carrying out of its functions and the Commission then dissolves one month after the submission of this report.

The primary role of the Commission is to explain the subject matter of referendum proposals, to promote public awareness of the referendum and to encourage the electorate to vote at the poll.

Operating Constraints

Each Commission, once established, must operate within the budget allocated to it for the campaign in question. The budget is allocated to the Commission by the Department which is sponsoring the referendum. On completion of its information campaign, any remaining funds are returned to the sponsoring Department. Expenditure during a campaign is at the discretion of the Commission having regard to its statutory functions.

Under the 1998 Act the Minister for Housing, Planning and Local Government may not issue the Establishment Order until after the date on which the Bill containing the constitutional amendment proposals has been initiated in Dáil Éireann. The setting of the date for a referendum is not a matter for the Referendum Commission. This has led to situations in the past where the Commission has been given a period of four to six weeks, from the date of establishment to the date of the referendum, to plan and implement its information campaign. This has led to serious logistical difficulties for the Commission in the past and similar circumstances in the future could hamper it in meeting commitments under the Official Languages Act 2003 as set out in this draft proposal.

Information Campaigns

The extent and nature of any particular information campaign is at the discretion of the Referendum Commission in question and depends on the budget available, the time available and the complexity of the referendum proposals. In normal circumstances, an information campaign and the campaign to encourage the electorate to vote in the referendum would comprise

- nation-wide delivery of information material to the electorate;
- radio and television campaign;
- press campaign;
- provision of information through the Commission's website and social media.

In relation to radio and television campaigns the Commission is granted free-to-air time for its referendum broadcasts and supplements these with bought advertising slots.

Approval of bodies

In addition to the provision of information to the electorate, the Commission must carry out the Approval of Bodies process and following each campaign the Commission must furnish a report to the Minister for Housing, Planning and Local Government on the carrying out of its functions.

Section 7 of the Referendum Act 1998 makes provision for a body to apply to the Referendum Commission to seek a declaration that it is an approved body for the purposes of a referendum. Approved bodies are entitled to appoint agents to attend at the issue and opening of postal voters ballot papers, at polling stations and at the counting of votes. Under the Act the Commission is obliged to put an advertisement in two national newspapers seeking applications from bodies seeking to become approved bodies for the purposes of the referendum in question. Applicants must comply with a

number of criteria to be eligible for approval. These advertisements are technical in nature and aimed at political parties and campaign groups and do not contain any explanatory information material on the referendum proposals.

Commitments under the Official Languages Act

In relation to future information campaigns each Referendum Commission, when established, will undertake the following -

- information material delivered nation-wide to the electorate will be published in each of the official languages simultaneously
- all information published on the Commission's website will be published in each of the official languages
- Referendum Commission broadcasts on radio and television will be produced in each of the official languages
- the Referendum Commission's report to the Minister for the Housing, Planning and Local Government will be published in each of the official languages simultaneously
- a spokesperson for the Commission will be available to the media to provide an Irish service, if advance notice is provided

The customer service standards commitments adopted by the Referendum Commission in relation to delivery of services to our customers shall apply to those services, whether delivered in the Irish language or in the English language. This scheme will be published on the Commission's website.

The Commencement Date

This scheme has been confirmed by the Minister for Culture, Heritage and the Gaeltacht with effect from 01 May 2018 and a copy has been forwarded to Oifig Choimisineir na dTeangacha Oifigiúla.