

ANNUAL REPORT 2008

To the Minister for Community, Rural and Gaeltacht Affairs:

In accordance with Section 30 of the Official Languages Act 2003, this report for the year 2008 is being presented by An Coimisinéir Teanga.

Seán Ó Cuirreáin
An Coimisinéir Teanga

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Department of Justice, Equality and Law Reform

Department of Education and Science

Department of the Environment, Heritage and Local Government

Department of Community, Rural and Gaeltacht Affairs

Department of the Environment, Heritage and Local Government

Department of Transport

Department of the Environment, Heritage and Local Government

Department of Social and Family Affairs

Heritage Council

Equality Authority

Health Service Executive

Dublin City Council

Irish Research Council for the Humanities and Social Sciences

Iarnród Éireann

National Roads Authority

A named insurance company

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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.

FOREWORD

2008 was a very busy year for the Office of An Coimisinéir Teanga.

For the third successive year, nearly 600 complaints were made to my Office in relation to allegations of breaches of statutory language rights.

It is encouraging that 2008 was the first year since the establishment of the Office in which the overall number of complaints did not increase and I welcome the reduction, though small (4%), in the total number of complaints compared with 2007.

Although not absolutely certain yet, it is hoped that any reduction in the difficulties faced by the public in conducting their business through Irish with state organisations may be as a result of a satisfactory increase in the quantity and quality of state services provided through Irish. It may also be that my Office's efforts over the years may have helped state organisations to establish and implement systems which ensure that basic language rights are not regularly breached. During 2008 this Office continued its proactive efforts to ensure that state organisations complied with language obligations in order to achieve a higher standard of customer service through Irish and that there was a consequent reduction in complaints.

A very significant change occurred in the economic climate during the year. In that context, I would be the first to suggest that all sensible approaches ought be adopted in order to control the cost of providing services bilingually, notwithstanding the fact that I believe that the support required for our national language should not, and can not, be perceived as an optional extra. My Office continued to advise state organisations on methods of controlling costs without reducing the supply of quality services through Irish. Suggestions made by my Office in this regard to state organisations included a more extensive use of online and Web-based services, the publication of bilingual material for the public in electronic rather than printed format, the recruitment of staff with competence in Irish and English rather than the appointment of people competent in one language only, and additional cooperation between related organisations in developing their services through Irish.

Investigations

It was a matter of concern to my Office that 2008 saw a substantial increase in the number of formal investigations launched in cases where informal attempts to resolve complaints failed. A total of 17 new investigations were launched during the year – an increase of 70% on 2007.

When two investigations which had not been completed by the end of 2007 are included, a total of 19 investigations were in hand during 2008. Of these, 17 investigations were completed before the end of the year and again two investigations were brought forward to 2009.

The 17 investigations completed during 2008 mean that a formal report of an investigation under Section 26 of the Official Languages Act was issued by my Office on average once every three weeks during the course of the year.

In 15 of those investigations breaches of statutory language rights were found and in the other two cases the findings were that no statutory language obligations had been infringed.

A total of nine investigations - more than half - involved 6 government departments: the Department of the Environment, Heritage and Local Government, the Department of Social and Family Affairs, the Department of Community, Rural and Gaeltacht Affairs, the Department of Justice, Equality and Law Reform, the Department of Education and Science, and the Department of Transport.

Other state agencies that were found to have breached statutory language obligations were the Heritage Council, the Equality Authority, the Health Service Executive, Iarnród Éireann, the National Roads Authority and the Irish Research Council for the Humanities and Social Sciences.

For the first time my Office carried out an investigation into a company which was not a public body. The complaint involved the obligation placed by the Insurance Act 1936 on insurance companies to provide insurance documentation in Irish for customers who fully complete proposal forms in Irish. In this particular case the investigation found that the insurance company had not, due to the specific factors involved, breached the statutory provisions.

In the interests of clarity, it should be stated that nearly all of the investigations involved very specific issues rather than general commitment to the implementation of statutory language obligations. Consequently, if a state organisation failed to comply appropriately with a specific language obligation, that is not to say that that organisation was negligent in relation to its language obligations or to the provisions of the Official Languages Act in general.

Monitoring

During the year my Office conducted 42 formal audits of the implementation of the confirmed language schemes of public bodies, an increase of nearly 70% from 2007.

Some 27 of the audits involved language schemes at the conclusion of their first or second year of operation while the 15 others were the final audits of schemes after their full three years of existence.

Those final audits revealed that all of their commitments had been implemented by six of the public bodies concerned. My Office reached agreement with seven other public bodies and agreed measures which were to be implemented and appropriate time scales to ensure all the commitments of those schemes were adhered to.

In the remaining two cases our efforts to achieve agreement after the audit process were not successful and in those cases statutory investigations were commenced.

Regulations and Communications

During the year the Minister for Community, Rural and Gaeltacht Affairs took important steps in relation to increasing the visibility of the language when he made new regulations concerning the use of Irish and English in the stationery, signage and recorded oral announcements of public bodies.

The first stage of those regulations, made under sub-section 9(1) of the Official Languages Act, will come into effect from 1 March 2009.

In order to inform public bodies of the new regulations, my Office prepared and published a guidebook to the Official Languages Act, primarily as an electronic publication. We were pleased to note that nearly 3,500 copies of the new guidebook were downloaded from the Office's website in the weeks between its publication and the end of the year. Two thirds of those who downloaded the guidebook chose the English language version and the other third chose the Irish language version. A number of seminars were also organised to provide public bodies with a more comprehensive insight into the new regulations.

During the year my Office undertook a complete overhaul of our website www.coimisineir.ie to ensure that the information on it would be more accessible to the public in general. We also prepared a new television advertisement featuring well known personality Des Bishop to inform the public of their statutory language rights. As usual, my Office continued to take an active part during the year in appropriate public events – lectures, seminars and other occasions – throughout the country to provide further information in relation to language rights and obligations.

Twenty Year Strategy for Irish

My Office accepted an invitation to present a discussion document to the advisory group established to help prepare a twenty year strategy for the Irish language. I met the members of the advisory group in September 2008 to consider in detail the discussion document. Further information in relation to that discussion document is available in this report. I am still of the opinion that the preparation and implementation of this strategy could be one of the most important exercises in relation to the future of the Irish language since the foundation of the State if it entailed the production and execution of a new agreed roadmap which would ensure the future of the national language of this country.

Concern

I informed the Department of Community, Rural and Gaeltacht Affairs during 2008 of my concern in relation to the confirmation of the second round of language schemes with public bodies under the Act.

It appeared to me that a second language scheme had not yet been confirmed in the case of any public body and that 22 language schemes had reached “expiration”, as it is referred to in sub-section 15(1) of the Act. According to the legislation, public bodies must continue to supply services through Irish in accordance with their commitments in their first schemes but are not obliged to further develop those services in any way in the absence of a new language scheme.

I suggested that it appeared to me that the vacuum being created was not in accordance with the provisions of the Act or the statutory regulations made under the Act.

I also expressed my concern that no new language scheme had been confirmed in the case of the Department of Community, Rural and Gaeltacht Affairs itself although its first scheme had “expired” on 21 September 2007.

I said that I was concerned that there was a danger that the whole project could lose its momentum and speed, something that could potentially be a very serious blow. I also said that in my view the public and public bodies could lose confidence in the implementation of the provisions of the Act in general if there were inappropriate delays in confirming schemes, particularly the second round of schemes, including the Department’s own second schemes including the Department’s own second scheme. In reply the Minister for the Department of Community, Rural and Gaeltacht Affairs said that he and his Department were as committed as ever to the implementation of the provisions of the Act and to achieving the objectives associated with it.

He also said that he had received drafts of second schemes from most of the public bodies who had been required to prepare such and that there was active discussion between officials of his Department and those public bodies in order to complete the process of agreeing and confirming the second scheme as soon as possible. The work in relation to the confirmation of a second scheme for his own Department had “also progressed considerably,” he said.

Staff and Cooperation

I welcome the appointment of additional staff to the Office during the year 2008. A quota of eight civil servants has been sanctioned for the Office and seven of those positions were filled by the end of 2008. I take this opportunity to offer my personal thanks to the staff for their enthusiasm and commitment to the work.

My Office also received excellent cooperation from many people during the year and I would like to take this opportunity to thank them also for that. Included here are

employees of the civil service and public service in general, representatives of Irish language and Gaeltacht organisations, the media, researchers and academics and very many others.

BACKGROUND

The President formally appointed me as Coimisinéir Teanga on 23 February 2004 on the advice of Government following a resolution passed by Dáil Éireann and Seanad Éireann recommending the appointment.

The process of establishing the new Office began soon afterwards and this is the fifth annual report of my Office. A detailed account of the work of the Office to date is in the annual reports for 2004, 2005, 2006 and 2007 which are available from my Office and from our website. The relevant annual accounts are also available from the same sources.

The Office of An Coimisinéir Teanga is an independent statutory office whose responsibility it is to monitor the manner in which the State's public bodies comply with the provisions of the Official Languages Act 2003 and to take all necessary measures to ensure that public bodies fulfil their obligations under the Act.

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 2003. The Office also enquires into complaints regarding allegations that other enactments relating to the status or use of Irish have 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 of the country. It is an expression of one element of the State's language objective, and complements other efforts to promote Irish in education, in broadcasting, in the arts, in Gaeltacht life and in 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 that date on, every provision of the Act had a statutory basis.

During 2008 the Minister for Community, Rural and Gaeltacht Affairs confirmed further language schemes under the Act and by the end of 2008, 85 schemes covering 155 public bodies had been confirmed under the Official Languages Act. In addition, at the end of the year 30 public bodies were preparing draft schemes for the first time and the Minister had directed 22 public bodies to prepare their second draft scheme.

This second round of schemes will consist of new schemes that will lead to the expansion and development of the services in Irish provided by public bodies as a result of the implementation of their first language schemes. No scheme in the second round of schemes had been confirmed by the end of 2008.

There are, in addition, a large number of public bodies that have not yet had a first scheme confirmed. There are approximately 650 public bodies subject to the legislation and many of these had not prepared a draft scheme by the end of 2008. In fact, no additional public body was required during 2008 to begin preparation of their first draft scheme. The full effect of the legislation cannot be evaluated until language schemes have been confirmed in a very significant number of state organisations. Although the same urgency need not apply to having schemes confirmed in the case of smaller public bodies which may not have many dealings with large sections of the public, it is clear that a significant number of language schemes have yet to be agreed and confirmed.

The new regulations in relation to the use of Irish and English in the stationery, signage and recorded oral announcements of public bodies were brought into effect in 2008. 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).

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 the provisions set out in the regulations. At the end of 2008, no regulations had been made in relation to advertising or in relation to live oral announcements, i.e. announcements that have not been recorded.

INFORMATION SERVICES

During 2008 my Office continued with various campaigns to promote awareness of the Official Languages Act 2003 and the work of the Office itself. This included publication of a Guidebook to the Official Languages Act, upgrading of our website, commissioning of a new television advertisement, an information campaign in relation to the new regulations, participation in seminars and other public events, interviews with the media, exhibitions at Irish language events and other activities.

Publication of Guidebook

In November 2008 my Office published a Guidebook to the Official Languages Act to provide assistance to the public in relation to their language rights and in particular to provide advice to public bodies in relation to their obligations under the Official Languages Act. The 68 page bilingual guidebook is available primarily in electronic format and can be downloaded from our website www.coimisineir.ie. For reference purposes at least one copy of the guidebook was sent to every public body that comes under the legislation and to county libraries throughout the country. Almost 3,500 copies of the guidebook were downloaded from the website between the date of publication and the end of the year.

Website

My Office undertook a major development of our website www.coimisineir.ie during the year to ensure that the site would be as accessible as possible. As a result of this work all pages are, at a minimum, AA accessible. In addition, while undertaking this improvement we took the opportunity to completely renew the text and the images on the website. The website now serves as a central information point in relation to the Office of An Coimisinéir Teanga, the Official Languages Act 2003 and the new regulations in relation to the use of Irish and English on signage, stationery and recorded oral announcements. A copy is available on the website of every language scheme confirmed under the Act, of every Placenames Order made under the Act and of both the annual reports and summaries of official investigations that have been published by my Office. In addition, if a member of the public wishes to seek advice or make a complaint, there is an online form available that can be completed and sent electronically to my Office.

In the course of the year from the beginning of January to the end of December 2008 the number of “hits” on the website, 635,000, exceeded that of any previous year.

Regulations

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). These regulations are made under Section 9(1) of the Act.

In accordance with the regulations public bodies are obliged to ensure that:

- their stationery (note-paper, compliment slips, fax cover sheets, file covers and other folders, labels and envelopes)
- their signage and
- their recorded oral announcements are provided in Irish or bilingually by certain dates that are set out in the regulations.

My Office organised an information session for public companies in Dublin on 12 December 2008 in relation to the new regulations and promised further regional information sessions in the new year.

Seminars and Media

In 2008 I continued with the policy of accepting invitations to speak about language rights and duties at seminars, lectures and other public events throughout the country. I also continued to undertake media interviews in order to provide details of the work of the Office, the implementation of the Act and related matters. I would like to thank all the 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 in English and in Irish.

Exhibitions and Events

My Office had information stands at various Irish language events during the year. These included: the Merriman Summer School in Westport on 1-3 February 2008, Tóstal na Gaeilge in Galway on 22-23 February 2008, an event for Seachtain na Gaeilge organised by South Dublin County Council on 6 March 2008; an event organised by Eagraíocht na Scoileanna Gaeltachta in Galway on 12 April 2008, Ard-Fheis Chonradh na Gaeilge in Tralee on 26-27 September 2008, the Douglas Hyde Conference “Comhdháil an Chraoibhín” in Ballaghaderreen on 17-18 October 2008, “Lá Gairme” – a careers day in the National University of Ireland, Galway on 20 November 2008 and Oireachtas na Gaeilge 2008 in Cork in November. In addition representatives from my Office visited third level colleges to make presentations about the work of the Office and to deliver information on the services that are available in Irish from the State. The aim of this project is to inform Irish speaking students of their right to choose Irish as their language of communication with the State.

Television Advertisement

My Office commissioned and broadcast a new television advertisement during the year. Following a tender process, the contract for the production of the advertisement went to ROSG, a television and film production company based in An Spidéal in Co. Galway. The well-known personality, Des Bishop, presented the advertisement and it was broadcast on TG4 and RTE1 television services during or adjacent to Irish language programmes. The aim of the advertisement was to make the public, and in particular

young people, aware of state services that are now available in Irish as a result of the Official Languages Act 2003. The advertisement can be seen in the media section of our website www.coimisineir.ie.

Prizes

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

The 2008 Gold Medal was presented to Colm de Búrca, for his thesis on support services for children with literacy difficulties in gaelscoileanna, at the graduation ceremony in Fiontar, Dublin City University, on 11 November 2008.

The aim of the MA course in Bilingual Practice- of which Dr. Peadar Ó Flatharta, the Director of Fiontar, is in charge- is to train people who will work in the public and voluntary sectors in the management and delivery of quality bilingual customer services, and in particular to respond to the requirements of the Official Languages Act. This programme provides participants with the knowledge and skills necessary to ensure that the public is provided with a quality bilingual service according to international standards.

My Office introduced an additional academic prize in 2008 when I presented An Coimisinéir Teanga's Prize to Mick McGee, the student who wrote the best research essay in Irish in the sociolinguistic examination of the BA course under the direction of Dr. John Walsh in the National University of Ireland, Galway. The prize was presented on 17 October 2008 at the official opening of Comhdháil Litríocht agus Cultúr na Gaeilge (the Conference of Irish Literature and Culture) hosted by Scoil na Gaeilge in the university.

Support Network

During 2008 my Office continued to facilitate the organisation of a support network for public bodies which had confirmed language schemes. Currently the network is divided into three sections: (1) government department and offices, (2) local authorities, other public bodies. The language schemes are at the core of the Official Languages Act, and apart from direct provisions and regulations under the Act, it is through language schemes that public bodies outline on a statutory basis the steps which they guarantee to undertake in order to gradually develop their services through Irish. Each scheme is a three year plan and my Office monitors the implementation of the language schemes.

In 2008 members of the networks met on three occasions twice in Dublin and once in Galway – to discuss questions in relation to the implementation of schemes and other provisions of the Act. Much of the discussion in 2008 concerned the new regulations in relation to stationery, signage and recorded oral announcements.

Advice to Public Bodies

It is one of the functions of this Office to provide advice or other assistance to public bodies that come within the scope of the legislation with regard to their obligations under the Act.

During 2008 my Office was contacted by officials of public bodies on 149 separate occasions with specific questions or seeking comprehensive briefings on their obligations under the Act. This was in addition to information provided at seminars and meetings of the support network.

It is obvious that the more clear accurate 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 Act.

Staff Matters

New appointments at senior grades were sanctioned for my Office in 2007, but it was during 2008 that those vacancies were filled. A quota of eight civil servants has been sanctioned for the Office and by the end of 2008, seven of those appointments were filled. Further information on the current structure of the Office is available at the end of this report.

Data Protection

My Office is registered with the Office of the Data Protection Commissioner as a body that holds personal information on computer or in files. My Office is determined to fulfil its obligations under the legislation in relation to data protection.

External Relations

On 28 November 2008, I spoke about the role and function of my Office at an occasion organised by the North Wales Bilingual Forum. There are plans to establish a Language Commissioner's Office there for the Welsh language. On the same occasion I was pleased to meet with the newly appointed Minister for Heritage and Language, Alun Ffred Jones.

On 4 August 2008, I took part in a public interview with the well-know journalist, Póilín Ní Chiaráin, in relation to the work of my Office. The interview, in front of an audience in An Chultúrlann in Belfast, was organised as part of Féile an Phobail. The event was arranged by Pobal, the Irish language umbrella organisation, as part of its campaign for the introduction of a Language Act in Northern Ireland.

I attended the Annual General Meeting of the British and Irish Ombudsman Association which was convened in Edinburgh on 9 May 2008.

In 2008 my Office continued our positive relationship with the Office of the Official Languages Commissioner of Canada.

20 YEAR STRATEGY FOR IRISH

My Office accepted an invitation in July 2008 to submit a discussion document to the advisory group appointed to assist in the preparation of a 20 year strategy for the Irish language. I met the members of the group to discuss in detail the contents of the discussion document in September 2008.

The following members of the advisory group attended that meeting: Dr. Peadar Ó Flatharta (Chairman), Fiontar, Dublin City University, An Dr. Caoilfhionn Nic Pháidín, Fiontar, Dublin City University, Prof. Colin Williams, Cardiff University, Prof. Joseph Lo Bianco, University of Melbourne and Prof. François Grin, University of Geneva.

I suggested to the group that the preparation and implementation of the strategy could be one of the most important exercises in relation to the future of the Irish language since the foundation of the State if it entailed the production and execution of a new, agreed road map which would ensure the future of the national language of this country.

The following is a summary of some the arguments I offered in the discussion paper and subsequent debate:

The language strategy must engage with the new, as yet unknown, lifestyle which lies ahead and must attempt to shape the language factors associated with it.

I believe that it is of key importance that the strategy is fully comprehensive and cross-departmental so as to have the maximum effect and that it should include specific goals which will be ambitious yet achievable.

It is essential that the strategy identifies determined, prudent and balanced approaches which will bring the language from the margins to the mainstream of society. However, it will be crucial that the strategy is not too rigid or unyielding so as not to prevent adaptation to changes which are at present unexpected or unimaginable.

Capacity, Rights, Opportunities and Leadership

Therefore, I believe that the strategy should outline policies to develop language capacity, rights, opportunities and leadership to ensure a continuous increase in the Irish speaking community.

In general, I imagine:

- that an action plan for the implementation of the strategy with clear goals and appropriate timescales ought to be a core element of the project;
- that the responsibility for the implementation of the strategy ought to be vested at the most senior level of the state sector, in a High Level Group or its equivalent with the necessary authority, power and resources for the task;

- that the strategy ought to design a strong, independent mechanism to monitor the implementation of the strategy which would report regularly on the progress or lack thereof of the process;
- that concerns regarding the need for legislative or institutional change to ensure the proper implementation of the strategy should not limit, obstruct or interfere with the preparation of the most appropriate strategy for this matter of particular importance.

It ought to be a core component of the strategy that all elements of the State's language support system should function to full effect, that the results of those efforts ought to be measured and evaluated regularly, and that they ought to be amended when such were proven to be necessary.

Simply put, I believe that policies ought to be developed within the strategy to ensure that individuals would be afforded the right and the opportunity to acquire the language (as native speakers in the Gaeltacht and/or through the education system) and, consequently, to use that acquired language in society, particularly with the state sector.

An Ghaeltacht

I would propose that the strategy address the systematic and institutional changes required in order to provide the greatest possible element of support for the language in Gaeltacht areas where the language remains a living community language in order to ensure:

- that the choice of raising children with Irish as their native language continues, that the number of people who make this choice increases and that the appropriate support is made available to those people to implement that choice;
- that the decline in the use of Irish as a means of communication within Gaeltacht communities is halted, particularly among young people, and that usage of Irish as a living community language is increased again gradually;
- that issues associated with the Irish language in the education system in Gaeltacht areas be dealt with as an urgent priority and that all state services in the Gaeltacht be made available through Irish; and
- that the connections between community, employment and economic development in the Gaeltacht and their influence on language viability be recognised.

Education

I stated in my Office's 2004 annual report that I believed that there was an urgent need for a comprehensive and impartial review of every aspect of the learning and teaching of Irish in the educational system with a view to ensuring that the continuous and substantial state investment in Irish would mean that students, having spent thirteen years learning the language, would acquire a basic fluency in the language before leaving school.

I also said:

“I believe that it is necessary to look closely at every aspect of language learning – taking into account such matters as teacher training, the curriculum, textbooks and teaching resources, support services, teaching methods, inspection systems and examinations. The aim should be to develop an integrated and progressive system which will ensure competency in the language in return for the substantial state investment in this area of education”.

I have not changed my mind on this issue since then.

I do not believe that this vitally important issue can be addressed by reference only to schools which teach through the medium of Irish. Varying strategies are required for schools which operate through the medium of Irish (in the Gaeltacht and outside it) and for other schools throughout the country which function through the medium of English. We must remain conscious of the fact that c.93% of Irish schoolchildren are not educated through Irish.

Opportunity to Use

If it is State policy to support the language by providing the public with the right and opportunity to acquire the language (as a native speaker in the Gaeltacht and/or through the education system), it follows naturally therefore that the opportunity to use the language ought to be provided to those who would choose to use the language for communication in society in general and with the state and its organs in particular.

The capacity and competence of the State in the provision of opportunities for language use must be increased.

I believe that a “rebalancing” action may be required to ensure an adequate number of staff with competence in Irish in the civil and public services. A system to help achieve cross-community rebalancing through positive discrimination was found for the Police Service of Northern Ireland as a result of the Patten Report. A similar effort would be required here, even temporarily, to have a positive effect in rebalancing staffing levels in the state sector to ensure sufficient staff with competence in Irish and in English.

Review of Act

I think it would be appropriate that the Official Languages Act be reviewed in 2013 – ten years after its enactment.

Leadership

I also envisage that new strategies are required to bridge the gap between existing language rights and the practical use of the language.

The strategy needs to stress the importance of leadership from elected members of the public, particularly in the Houses of the Oireachtas, and should identify policies to move the language from its marginal position in public discourse at present to a more central role in debates and other proceedings in parliamentary affairs.

I believe that a major, continuous language awareness campaign is needed to increase the public's awareness of the importance of our national language to our identity.

I think that the strategy should develop policies to build on the principles suggested by the OECD regarding collaboration between public bodies to achieve better results and that each individual action which has language promotion at its heart should be seen as part of an overall, agreed, multi-faceted language project. Partnerships could also be encouraged with other stakeholders who support the language outside the remit of the state sector – including the Gaelic Athletic Association, Comhaltas Ceoltóirí Éireann and other organisations.

The language situation, and the public's confidence in its future, would be enhanced if the 20 year strategy ensured that so many single, independent actions were united in one agreed major national effort.

It should be clear from the strategy that the Irish language is part of our national identity and that no independent, sovereign nation has ever, of its own accord, abandoned such a unique and integral tenet of its heritage.

In relation to timescales, I imagine that if the strategy is published at some stage during 2009 that its period of implementation should extend from the beginning of 2010 up to 2030. This would allow some time to prepare for its introduction. It would also be advisable to identify key performance indicators to be achieved over periods of six years:

- 2016 (to coincide with the 100th anniversary of the Easter Rising),
- 2022 (to coincide with the 100th anniversary of the foundation of the State),
- 2028 (to coincide with the 100th anniversary of the first Gaeltacht boundaries).

MONITORING

The language schemes are core elements of the Official Languages Act in that they provide public bodies with the opportunity to prioritise the development of the number, range and quality of services through Irish. In this way, the language schemes build on the direct provisions placed on public bodies by the Act and place the agreed provisions on a statutory basis.

During the year we continued a process of appraising and auditing the confirmed language schemes of public bodies. An audit plan was implemented which included language schemes at the completion of their first year of operation and a final audit at the end of the three year cycle. In addition to this we returned to two public bodies which had specific unfulfilled commitments outstanding at the end of 2007.

As in previous years the main objective of the first year audit was to identify at an early stage any threat to the implementation of the scheme's provisions and to alert the management of public bodies to what had emerged as a result of the monitoring process. A total of 28 first year audits were begun during 2008 and 25 of those were completed by year end.

A wider audit process was undertaken in the case of public bodies whose three year language schemes had expired. During the course of the year, the audit process was begun in the case of 21 public bodies that had agreed language schemes in 2005 and 15 of those were concluded by year end. Evidence and confirmation were sought that the statutory commitments had been fully implemented. In addition, the systems in place by public bodies to ensure that they had the capacity to provide public services through Irish in accordance with their commitments were examined.

In cases where it came to light that certain commitments were not being implemented, an explanation was sought from the public body in addition to a solution and a timescale for implementation. It is noteworthy that this was necessary in 11 cases or 60% of those involved in the 3 year end-of-cycle audits. In most cases a satisfactory outcome was agreed with the public bodies, but we failed to achieve this in two cases and we had no choice except to begin formal investigations in those instances.

Although there were significant differences between the difficulties which arose in the implementation of various language schemes, it was noticeable that there was a common problem regarding communications and especially websites and press releases. It was also noteworthy that some public bodies had failed to establish or apply suitable systems to ensure that they fulfilled the statutory obligations under their language schemes including public availability of information leaflets and application forms. When public bodies make statutory commitments about improving the quantity and range of services in Irish, it is imperative that satisfactory systems are put in place to ensure the fulfilment of those obligations. However, it emerged in some cases that this basic requirement was not adhered to.

Another common theme which emerged during our enquiries was the reluctance of some organisations to appropriately publicise the services available through Irish. It stands to reason that there will only be a limited demand for services if the public is not informed of the availability of those services. This situation was discussed with a significant number of organisations, particularly at the expiration of the first year of their language scheme.

Léirmheas déanta agus Tuairiscí eisithe 2008

Reviews completed and Reports issued 2008

Ainm an Chomhlachta Phoiblí	Name of Public Body
An Roinn Gnóthaí Pobail, Tuaithe & Gaeltachta	Department of Community, Rural & Gaeltacht Affairs
Oifig an Uachtaráin	Office of the President
Oifig an Choimisiúin um Cheapacháin Seirbhíse Poiblí	Office of the Commission for Public Service Appointments
An Roinn Ealaíon, Spóirt agus Turasóireachta	Department of Arts, Sport and Tourism
Oifig an Stiúrthóra Ionchúiseamh Poiblí	Office of the Director of Public Prosecutions
An Chomhairle Ealaíon	The Arts Council
Oifig an Ombudsman agus Oifig an Choimisinéara Faisnéise	Office of the Ombudsman and Office of the Information Commissioner
Coiste Gairmoideachais Chontae Dhún na nGall	County Donegal Vocational Educational Committee
Údarás Áitiúla Chiarraí	Kerry Local Authorities
An tSeirbhís Chúirteanna	The Courts Service
Údarás Áitiúla Chontae Phort Láirge	Waterford County Local Authorities
An Roinn Comhshaoil, Oidhreachta agus Rialtais Áitiúil	Department of the Environment, Heritage and Local Government
Roinn an Taoisigh	Department of the Taoiseach
Ollscoil na hÉireann, Má Nuad	National University of Ireland, Maynooth
Ollscoil na hÉireann, Gaillimh	National University of Ireland, Galway
An tSeirbhís um Cheapacháin Phoiblí	Public Appointments Service
Ollscoil Luimnigh	University of Limerick
Comhairle Cathrach Bhaile Átha Cliath	Dublin City Council
Coláiste na hOllscoile Corcaigh	University College, Cork
Údarás Áitiúla Mhaigh Eo	Mayo Local Authorities
An Bord Seirbhíse Ríomhaire Rialtais Áitiúil	Local Government Computer Services Board
An Roinn Cosanta	Department of Defence
Oifig an Choimisinéara Cosanta Sonraí	Office of the Data Protection Commissioner
An tÚdaráis Clárúcháin Maoine	Property Registration Authority
An Foras Riaracháin	Institute of Public Administration
Coimisiún Forbartha an Iarthair	Western Development Commission
An Bord Seirbhíse Bainistíochta Rialtais Áitiúla	Local Government Management Services Board
An Roinn Iompair	Department of Transport
Coiste Gairmoideachais Chathair Chorcaí	Cork City Vocational Education Committee
Oifig na nOibreacha Poiblí	Office of Public Works
An Bord um Chúnamh Dlíthiúil	Legal Aid Board
An Roinn Gnóthaí Sóisialacha agus Teaghlaigh	Department of Social and Family Affairs
Coiste Gairmoideachais Chathair na Gaillimhe	Galway City Vocational Education Committee
Údarás Áitiúla Thiobraid Árann Thuaidh agus Comhchoiste Leabharlann Chontae Thiobraid Árann	North Tipperary Local Authorities and County Tipperary Joint Libraries Committee

Oifig an Ard-Aighne; Oifig na nDréachtóirí Parlaiminte don Rialtas; Oifig an Phríomh-Aturnae Stáit	Office of the Attorney General; Office of the Parliamentary Counsel to the Government; Chief State Solicitor's Office
Comhairle Contae Dhún Laoghaire-Ráth an Dúin	Dún Laoghaire-Rathdown County Council
Údarás Áitiúla an Chláir	Clare Local Authorities
An Bord Pleanála	An Bord Pleanála
Údarás Áitiúla Chorcaí	Cork Local Authorities
Údarás Áitiúla Ros Comáin	Roscommon Local Authorities
Údarás Áitiúla na hIarmhí	Westmeath Local Authorities
Comhairle Cathrach Chorcaí	Cork City Council

LANGUAGE SCHEMES UNDER THE ACT

During 2008, the Minister for Community, Rural and Gaeltacht Affairs confirmed 15 new language schemes covering 28 public bodies. As a result, there were 85 language schemes confirmed by the end of 2008, which covered a total of 155 public bodies since the legislation was enacted.

At the end of 2008, there were 52 draft schemes which had still to complete the confirmation process. 30 of these related to public bodies from which a first draft language scheme had been requested and 22 related to requests for the preparation of the second draft scheme. It is noteworthy that no new language scheme had been agreed with any of the 22 public bodies whose first language scheme had expired at the end of the current year.

Scéimeanna Daingnithe de réir Dáta Feidhme		
Bliain	Scéimeanna	Comhlachtaí Poiblí san Áireamh
2004	01	01
2005	22	35
2006	18	36
2007	29	55
2008	15	28
Iomlán	85	155

Schemes Confirmed by Commencement Date		
Year	Schemes	Public Bodies Included
2004	01	01
2005	22	35
2006	18	36
2007	29	55
2008	15	28
Total	85	155

Céad dréachtscéim fós le daingniú		
Bliain	Dréachtscéim-eanna	Comhlachtaí Poiblí san Áireamh
2005	16	25
2006	71	129
2007	42	79
2008	30	54

First draft scheme to be confirmed		
Year	Draft Schemes	Public Bodies Included
2005	16	25
2006	71	129
2007	42	79
2008	30	54

Dara dréachtscéim fós le daingniú		
Bliain	Dréachtscéim-eanna	Comhlachtaí Poiblí san Áireamh
2007	20	33
2008	22	35

Second draft scheme to be confirmed		
Year	Draft Schemes	Public Bodies Included
2007	20	33
2008	22	35

Léirmheasanna / Iniúchtaí Críochnaithe		
Bliain	Scéimeanna	Comhlachtaí Poiblí san Áireamh
2006	09	16
2007	25	43
2008	42	74
Iomlán	76	133

Reviews / Audits Completed		
Year	Schemes	Public Bodies Included
2006	09	16
2007	25	43
2008	42	74
Total	76	133

Scéimeanna daingnithe faoi dheireadh 2008

Schemes confirmed by the end of 2008

Ainm an Chomhlachta Phoiblí	Name of Public Body	Dáta a thiochfaidh an Scéim i bhfeidhm / Commencement Date of the Scheme
An Roinn Gnóthaí Pobail, Tuaithe & Gaeltachta	Department of Community, Rural & Gaeltacht Affairs	22/09/2004
Oifig an Uachtaráin	Office of the President	28/04/2005
Oifig an Choimisiúin um Cheapacháin Seirbhíse Poiblí	Office of the Commission for Public Service Appointments	30/05/2005
An Roinn Ealaíon, Spóirt agus Turasóireachta	Department of Arts, Sport and Tourism	01/07/2005
Oifig an Stiúrthóra Ionchúiseamh Poiblí	Office of the Director of Public Prosecutions	01/07/2005
An Chomhairle Ealaíon	The Arts Council	01/07/2005
Oifig an Ombudsman agus Oifig an Choimisinéara Faisnéise	Office of the Ombudsman and Office of the Information Commissioner	01/07/2005
Coiste Gairmoideachais Chontae Dhún na nGall	County Donegal Vocational Educational Committee	01/07/2005
Údarás Áitiúla Chiarraí	Kerry Local Authorities	26/07/2005
An tSeirbhís Chúirteanna	The Courts Service	31/07/2005
Údarás Áitiúla Chontae Phort Láirge	Waterford County Local Authorities	01/08/2005
An Roinn Comhshaoil, Oidhreacht agus Rialtais Áitiúil	Department of the Environment, Heritage and Local Government	15/08/2005
Údarás Áitiúla Chontae na Gaillimhe	County Galway Local Authorities	23/08/2005
Roinn an Taoisigh	Department of the Taoiseach	01/09/2005
Feidhmeannacht na Seirbhíse Sláinte, Limistéar an Iarthair	Health Service Executive, Western Area	01/09/2005
Ollscoil na hÉireann, Má Nuad	National University of Ireland, Maynooth	19/09/2005
Institiúid Teicneolaíochta na Gaillimhe-Maigh Eo	Galway-Mayo Institute of Technology	28/09/2005
Oifig na gCoimisinéirí Ioncaim	Office of the Revenue Commissioners	01/10/2005
Ollscoil na hÉireann, Gaillimh	National University of Ireland, Galway	01/10/2005
Údarás Áitiúla Dhún na nGall	Donegal Local Authorities	01/10/2005
An tSeirbhís um Cheapacháin Phoiblí	Public Appointments Service	03/10/2005
An Roinn Oideachais agus Eolaíochta	Department of Education and Science	01/12/2005
An Roinn Airgeadais	Department of Finance	01/02/2006
Ollscoil Chathair Bhaile Átha Cliath	Dublin City University	03/04/2006
Seirbhís Oideachais Chontae Chiarraí	Kerry Education Services	15/05/2006
An Roinn Talmhaíochta agus Bia	Department of Agriculture and Food	01/06/2006
Ollscoil Luimnigh	University of Limerick	01/06/2006

An Roinn Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí	Department of Justice, Equality and Law Reform	30/06/2006
Comhairle Cathrach Bhaile Átha Cliath	Dublin City Council	13/07/2006
Coiste Gairmoideachais Chontae na Gaillimhe	County Galway Vocational Education Committee	01/08/2006
Óglaigh na hÉireann	The Defence Forces	01/09/2006
Comhairle Cathrach na Gaillimhe	Galway City Council	01/09/2006
Údaráis Áitiúla na Mí	Meath Local Authorities	01/09/2006
Údaráis Áitiúla Fhine Gall	Fingal Local Authorities	01/10/2006
An Roinn Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha	Department of Communications, Energy and Natural Resources	02/10/2006
An Roinn Gnóthaí Eachtracha	Department of Foreign Affairs	01/12/2006
Banc Ceannais & Údarás Seirbhísí Airgeadais na hÉireann	Central Bank and Financial Services Authority of Ireland	01/12/2006
Coláiste na hOllscoile Corcaigh	University College Cork	01/12/2006
Comhairle Contae Átha Cliath Theas	South Dublin County Council	20/12/2006
Údaráis Áitiúla Mhaigh Eo	Mayo Local Authorities	22/12/2006
Comhairle Contae Liatroma	Leitrim County Council	01/01/2007
An Bord Seirbhísí Ríomhaire Rialtais Áitiúil	Local Government Computer Services Board	02/01/2007
An Roinn Cosanta	Department of Defence	26/02/2007
Oifig an Choimisinéara Cosanta Sonraí	Office of the Data Protection Commissioner	01/04/2007
An tÚdarás Clárúcháin Maoine	Property Registration Authority	02/04/2007
An Foras Riaracháin	Institute of Public Administration	10/04/2007
Coimisiún Forbartha an Iarthair	Western Development Commission	10/04/2007
An Bord Seirbhísí Bainistíochta Rialtais Áitiúil	Local Government Management Services Board	23/04/2007
An Roinn Iompair	Department of Transport	30/04/2007
Coiste Gairmoideachais Chathair Chorcaí	Cork City Vocational Education Committee	30/04/2007
Oifig na nOibreacha Poiblí	Office of Public Works	08/05/2007
An Bord um Chúnamh Dlíthiúil	Legal Aid Board	28/05/2007
An Roinn Gnóthaí Sóisialacha agus Teaghlaigh	Department of Social and Family Affairs	01/06/2007
Coiste Gairmoideachais Chathair na Gaillimhe	Galway City Vocational Education Committee	01/06/2007
Údaráis Áitiúla Thiobraid Árann Thuaidh agus Comhchoiste Leabharlann Chontae Thiobraid Árann	North Tipperary Local Authorities and County Tipperary Joint Libraries Committee	01/06/2007
Oifig an Ard-Aighne; Oifig na nDréachtóirí Parlaiminte don Rialtas; Oifig an Phríomh-Aturnae Stáit	Office of the Attorney General; Office of the Parliamentary Counsel to the Government; Chief State Solicitor's Office	20/06/2007
Comhairle Contae Dhún Laoghaire-Ráth an Dúin	Dún Laoghaire-Rathdown County Council	01/07/2007
Údaráis Áitiúla an Chláir	Clare Local Authorities	20/08/2007
An Bord Pleanála	An Bord Pleanála	01/09/2007
Institiúid Teicneolaíochta Leitir	Letterkenny Institute of	26/09/2007

Ceanainn	Technology	
Coiste Gairmoideachais Chathair Bhaile Átha Cliath	City of Dublin Vocational Education Committee	01/10/2007
Údaráis Áitiúla Chorcaí	Cork Local Authorities	01/10/2007
Comhairle Cathrach Luimnigh	Limerick City Council	01/10/2007
Údaráis Áitiúla Ros Comáin	Roscommon Local Authorities	01/10/2007
Údaráis Áitiúla na hIarmhí	Westmeath Local Authorities	01/10/2007
Comhairle Cathrach Chorcaí	Cork City Council	31/10/2007
Coláiste Oideachais Eaglais na hÉireann	Church of Ireland College of Education	01/11/2007
An Phríomh-Oifig Staidrimh	Central Statistics Office	05/11/2007
Údaráis Áitiúla Lú	Louth Local Authorities	20/11/2007
Teagasc	Teagasc	01/01/2008
An Foras Áiseanna Saothair (FÁS)	The Training and Employment Authority (FÁS)	02/01/2008
An Crannchur Náisiúnta	The National Lottery	02/01/2008
Comhairle Contae Luimnigh	Limerick County Council	01/02/2008
An Coimisiún Reifrinn	The Referendum Commission	06/03/2008
Bord Soláthair an Leictreachais	Electricity Supply Board	17/03/2008
An tÚdarás um Ard-Oideachas	Higher Education Authority	01/06/2008
Údaráis Áitiúla Chontae Mhuineacháin	Monaghan Local Authorities	01/06/2008
Comhairle Cathrach Phort Láirge	Waterford City Council	01/06/2008
Leabharlann Chester Beatty	Chester Beatty Library	15/06/2008
Údaráis Áitiúla an Longfoirt	Longford Local Authorities	01/07/2008
An Bord um Fháisnéis do Shaoránaigh	Citizens Information Board	07/07/2008
Oifig an Stiúrthóra um Fhorfheidhmiú Corparáideach	Office of the Director of Corporate Enforcement	14/07/2008
Údaráis Áitiúla Chontae Chill Dara	Kildare Local Authorities	08/09/2008
Coiste Gairmoideachais Chontae Átha Cliath	County Dublin Vocational Education Committee	01/10/2008
Údaráis Áitiúla Cheatharlach	Carlow Local Authorities	01/10/2008

Dréachtscéimeanna le daingniú / Draft Schemes to be confirmed

Dara Scéim / Second Scheme

Ainm an Chomhlachta Phoiblí	Name of Public Body	Dáta a d'Éag* / Date Expired*	Tréimhse (míonna) ón Dáta Éaga / Period (months) Expired
An Roinn Gnóthaí Pobail, Tuaithe & Gaeltachta	Department of Community, Rural & Gaeltacht Affairs	22/09/2007	15
Oifig an Uachtaráin	Office of the President	28/04/2008	8
Oifig an Choimisiúin um Cheapacháin Seirbhíse Poiblí	Office of the Commission for Public Service Appointments	30/05/2008	7
An Roinn Ealaíon, Spóirt agus Turasóireachta	Department of Arts, Sport and Tourism	01/07/2008	6
Oifig an Stiúrthóra Ionchúiseamh Poiblí	Office of the Director of Public Prosecutions	01/07/2008	6
An Chomhairle Ealaíon	The Arts Council	01/07/2008	6
Oifig an Ombudsman agus Oifig an Choimisinéara Faisnéise	Office of the Ombudsman and Office of the Information Commissioner	01/07/2008	6
Coiste Gairmoideachais Chontae Dhún na nGall	County Donegal Vocational Educational Committee	01/07/2008	6
Údarás Áitiúla Chiarraí	Kerry Local Authorities	26/07/2008	5
An tSeirbhís Chúirteanna	The Courts Service	31/07/2008	5
Údarás Áitiúla Chontae Phort Láirge	Waterford County Local Authorities	01/08/2008	5
An Roinn Comhshaoil, Oidhreacht agus Rialtais Áitiúil	Department of the Environment, Heritage and Local Government	15/08/2008	4
Údarás Áitiúla Chontae na Gaillimhe	County Galway Local Authorities	23/08/2008	4
Roinn an Taoisigh	Department of the Taoiseach	01/09/2008	4
Feidhmeannacht na Seirbhíse Sláinte, Limistéar an Iarthair	Health Service Executive, Western Area	01/09/2008	4
Ollscoil na hÉireann, Má Nuad	National University of Ireland, Maynooth	19/09/2008	3
Institiúid Teicneolaíochta na Gaillimhe-Maigh Eo	Galway-Mayo Institute of Technology	28/09/2008	3
Oifig na gCoimisinéirí Ioncaim	Office of the Revenue Commissioners	01/10/2008	3
Ollscoil na hÉireann, Gaillimh	National University of Ireland, Galway	01/10/2008	3
Údarás Áitiúla Dhún na nGall	Donegal Local Authorities	01/10/2008	3
An tSeirbhís um Cheapacháin Phoiblí	Public Appointments Service	03/10/2008	3
An Roinn Oideachais agus Eolaíochta	Department of Education and Science	01/12/2008	1

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

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

Dréachtscéimeanna le daingniú / Draft Schemes to be confirmed

An Chéad Scéim / First Scheme

Ainm an Chomhlachta Phoiblí	Name of Public Body	Dáta an Fhógra / Date Notice Issued	Tréimhse ó Dháta an Fhógra (míonna) / Period Elapsed from Date of Notice (months)
Coiste Gairmoideachais Chontae an Chláir	County Clare Vocational Education Committee	30/07/2006	29
Údarás Áitiúla Thiobraid Árann Theas	South Tipperary Local Authorities	30/07/2006	29
Oifig an Ard-Reachtair Cuntas agus Ciste	Office of the Comptroller and Auditor General	21/09/2006	27
An Ceoláras Náisiúnta	National Concert Hall	21/09/2006	27
Dánlann Náisiúnta na hÉireann	National Gallery of Ireland	21/09/2006	27
Amharclann na Mainistreach (An Chuideachta Amharclann Náisiúnta Teoranta)	Abbey Theatre (National Theatre Society Ltd.)	21/09/2006	27
An Oifig um Chlárú Cuideachtaí	Companies Registration Office	21/09/2006	27
An tÚdarás Comhionannais	Equality Authority	21/09/2006	27
Oifig Chláraitheoir na gCara-Chumann	Office of the Registrar of Friendly Societies	21/09/2006	27
Coimisiún na Scrúduithe Stáit	State Examinations Commission	21/09/2006	27
An Binse Comhionannais	Equality Tribunal	21/09/2006	27
Institiúid Teicneolaíochta Thamhlachta	Institute of Technology, Tallaght	21/09/2006	27
Institiúid Teicneolaíochta Trá Lí	Institute of Technology, Tralee	21/09/2006	27
Coiste Gairmoideachais Chontae Chorcaí	Cork County Vocational Education Committee	21/09/2006	27
An Roinn Sláinte agus Leanaí	Department of Health and Children	27/09/2006	27
Leabharlann Náisiúnta na hÉireann	National Library of Ireland	27/09/2006	27
Ard-Mhúsaem na hÉireann	National Museum of Ireland	27/09/2006	27
Suirbhéireacht Ordanáis Éireann	Ordnance Survey Ireland	27/09/2006	27
An Chomhairle Oidhreachta	Heritage Council	27/09/2006	27
Údarás Áitiúla Shligigh	Sligo Local Authorities	27/09/2006	27
Bord Scannán na hÉireann	Irish Film Board	31/03/2007	21
Foras na Mara	Marine Institute	10/06/2007	19
Údarás Áitiúla Laoise	Laois Local Authorities	10/06/2007	19
Údarás Áitiúla Uíbh Fhailí	Offaly Local Authorities	10/06/2007	19
Údarás Áitiúla Loch Garman	Wexford Local Authorities	10/06/2007	19
Údarás Áitiúla Chill Mhantáin	Wicklow Local Authorities	10/06/2007	19
Feidhmeannacht na Seirbhíse Sláinte	The Health Service Executive	10/06/2007	19
Údarás Áitiúla an Chabháin	Cavan Local Authorities	17/06/2007	18
Údarás Áitiúla Chill Chainnigh	Kilkenny Local Authorities	17/06/2007	18
An Garda Síochána	An Garda Síochána	03/10/2007	15

COMPLAINTS

For the third year in succession, I received almost 600 new complaints in 2008 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.

Most of the complaints were resolved through the informal complaints resolution procedure operated by my Office. There are summaries of those which were not resolved in this manner in the next chapter of this report (Investigations).

It should be mentioned that not all complaints received during 2008 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 transact their business through Irish with state organisations.

A significant number of complaints (9%) related to problems with the use of Irish names and addresses – that they were incorrect, in English or that a computer system could not handle the *sineadh fada*.

There were a number of other complaints in relation to online interactive systems being available in English but not in Irish. Any obligation to provide or adapt systems of this kind would be covered by a language scheme under the Act and therefore the obligation on any particular public body would depend on what had been agreed in any such confirmed scheme. However, it should be noted that services in Irish can be provided very effectively through on-line systems using limited staff resources.

18% of the complaints received related to a lack of Irish on signage or advertising, 26% to a breach of a provision of a language scheme, 12% to replies in English to correspondence in Irish and 3% to a lack of Irish on road signs. A certain amount related to leaflets or circulars in English only (10%) and to contravention of provisions of other enactments relating to the use or status of the Irish language (4%).

My Office had no official authority to deal with problems relating to the use of Irish in signage, stationery or recorded oral announcements as the new regulations in this area had no practical effect during the year. The relevant regulations have been made by the Minister for Community, Rural and Gaeltacht Affairs and will have practical effect from 1 March 2009. Since the new regulations do not include provisions in relation to the use of Irish in advertisements or road signs, my Office has no authority to deal with these matters.

From a geographical viewpoint, the majority of the complaints came from County Dublin. 32% of the complaints came from Gaeltacht areas and 68% came from outside the Gaeltacht.

COMPLAINTS: PROBLEMS AND DIFFICULTIES - STATISTICS

Complaints in 2008

New complaints 2008	596
Complaints brought forward from 2007	22
Total complaints– problems and difficulties	618

	2006	2007	2008
Advice provided in relation to complaints	285	282	329
Complaints examined and resolved	294	378	271
Complaints brought forward	60	22	18
TOTAL	639	682	618

An analysis of the various cases is provided in statistics and illustrations which follow:

Percentage of Complaints by Type

	2006	2007	2008
Lack of Irish on road signs	16%	13%	3%
Problem with use of name and/or address in Irish	16%	10%	9%
Leaflets or circulars in English only	5%	10%	10%
Lack of Irish on signage/advertisements	6%	9%	18%
Replies in English to correspondence in Irish	14%	8%	12%
Publications in English only	3%	3%	4%
Section 8 – The Courts/Administration of justice	-	-	1%
Other enactments relating to the use or status of Irish	-	-	4%
Provision of language scheme (including identity cards, websites and forms)	23%	23%	26%
Other (individual issues)	17%	24%	13%
TOTAL	100%	100%	100%

Complaints by County

	2006	2007	2008
Dublin	38%	32%	38%
Galway	17%	24%	22%
Kerry	4%	12%	5%
Donegal	7%	6%	2%
Leitrim	3%	5%	6%
Mayo	-	-	2%
Wicklow	4%	2%	4%
Meath	2%	2%	4%
Kildare	-	-	2%
Others	25%	17%	15%
TOTAL	100%	100%	100%

Complaints: Gaeltacht and non-Gaeltacht

	2006	2007	2008
An Ghaeltacht	30%	40%	32%
Non-Gaeltacht	70%	60%	68%
TOTAL	100%	100%	100%

Complaints by Type of Public Body

	2006	2007	2008
Government Departments & Offices	27%	23%	26%
Local Authorities	28%	27%	19%
Health Authorities	6%	9%	7%
Other State Organisations	39%	41%	48%
TOTAL	100%	100%	100%

INVESTIGATIONS

An investigation is an official enquiry carried out on a formal statutory basis in accordance with the provisions of the Act. An Coimisinéir Teanga has been given the relevant authority and powers under the Act, to carry out investigations in cases where a public body may have failed to comply with their statutory obligations under the Official Languages Act, or with provisions of any other enactment which relates 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 Community, Rural and Gaeltacht Affairs 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 of this, efforts are usually made to resolve the complaint initially through the informal complaints procedure operated by the Office in the first instance.

Public bodies and officials of those bodies have a statutory obligation to cooperate with an investigation and to provide my Office with information or records 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, such a person is entitled to the same immunities and privileges as a witness before the High Court.

The Act provides for a fine not exceeding €2000 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. The decision on the complaint and the relevant recommendations are included in that report. An appeal can be made to the High Court on a point of law against the decision within a period of four weeks.

A total of 17 new investigations were launched in 2008. Two uncompleted investigations had been carried forward from 2007. Consequently, there were 19 investigations in hand

during 2008 and two of those investigations had not been completed by the end of the year. Therefore, summaries are provided in this report of the 17 investigations completed.

Number of Investigations	2007	2008
Brought forward from previous year	0	2
Investigations launched	<u>12</u>	<u>17</u>
Total in hand	12	19
Brought forward to next year	<u>2</u>	<u>2</u>
Total completed	10	17

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 can be found.

SUMMARIES OF INVESTIGATIONS 2008

Department of Social and Family Affairs

Subject of Investigation

Is the Department of Social and Family Affairs contravening the statutory language duties confirmed in Section 18(1) of the Official Languages Act 2003 with regard to the implementation of the Department's Language Scheme in so far as it relates to the commitments specified in Paragraph 2.5(c) and Paragraph 4.9(a) of the Scheme regarding the Service Delivery Model (SDM) computer system's capability to handle the Irish language and the availability of language choice on a form issued automatically arising from the registration of a child's birth?

Background

A complaint was made to me in October 2008 that the Department of Social and Family Affairs had informed the complainant in writing that the system for inputting data for the purposes of child benefit payments was unable to deal with the síneadh fada and, as a consequence, his daughter's names could not be registered as shown on her birth certificate (Róise Máire) and that Roise Maire would have to be used.

Two other complainants approached me soon afterwards with the same issue – the síneadh fada having been omitted from their newly registered children's names and surnames.

It was also clear from copies of the forms provided to me that the registration form automatically issued on the birth of these children did not provide an opportunity to register choice of language.

The complainants were of the opinion that the Department's computer system should have the capability to deal with the síneadh fada and to use their children's names/surnames as registered on their birth certificates. The first complainant considered the Department's Language Scheme (which came into effect on 1 June 2007) contained specific paragraphs which imposed duties on the Department with regard to this – Paragraph 2.5(c) and Paragraph 4.9(a).

Those two paragraphs of the confirmed Language Scheme are as follows:

“2.5 Service delivery in Irish at present

The following is a description of service in Irish through the various methods in use at present:

(c) Automatic issue of language-of-choice forms

At present electronic transfer of birth registration data from the General Registrar's Office to the Department's Client Identity Services and subsequently

to the Child Benefit system via the Service Delivery Model (SDM) is in operation. Using the birth data, a claim form is issued by Child Benefit to the claimant. This form includes a question on language preference.”

And

*“4.9(a) Application systems developed under SDM
These systems are being developed with enhanced language-handling capability and are capable of handling the Irish language.”*

My Office attempted to resolve this case on an informal basis with the Department but despite the co-operation received, did not succeed in reaching a compromise. I decided to launch an investigation on 7 November 2008 on my own initiative although complaints from members of the public prompted me to do so.

Department’s Response

SDM Computer System

The Department stated that it considered it was complying with the statutory duty regarding the SDM computer system’s capability to handle the Irish language and to use the *síneadh fada*. The Department explained that the SDM system does not operate in a vacuum:

“Some of the customer details used by the SDM system are shared with systems and equipment which are not fully adapted with regard to character sets supporting the use of the síneadh fada. In order to share the details compatibly across all of the Department’s systems, it is customary for us at present to remove the síneadh fada and other differentiating signs from names, addresses and other shared details.” (translation)

Regarding details in Irish provided to the Department by the General Registrar’s Office, the Department said:

“With regard to details received from the General Registrar’s Office, the síneadh fada is removed before the details are updated to the Department’s primary database of customer details... This enables the system to issue correspondence in Irish but the details regarding customer names and addresses which are inserted automatically in that correspondence do not contain the síneadh fada...” (translation)

Opportunity for Language Choice on Forms

The Department confirmed that, except in the case of a mother’s first child, language choice is not offered on forms:

“From 2003, on registration of a child’s birth, both the mother’s and child’s details are transferred electronically from the General Registrar’s Office to the Department of Social and Family Affairs.

Where the mother is not in receipt of Child Benefit for another child, an incomplete application form is prepared and issued... that form contains a question as to the language in which the applicant wishes to be communicated with by the Department in future, i.e. Irish or English.” (translation)

The position is completely different if the mother had a child previously and if she is already in receipt of child benefit:

“If the new mother is a current customer in receipt of Child Benefit, it is not necessary to send in an application and an application form is not issued... An information letter is issued to the mother telling her of the additional payment. That letter is issued in Irish if the customer has indicated to the Child Benefit office that her preference is to be communicated with in Irish.” (translation)

The Department told the investigation that it considered that *“the automatic issuing of claim forms to new mothers not previously in receipt of Child Benefit is working as was expected when the system was created”* and that *“that system complies with the standards set out”* in Paragraph 2.5(c) of its Language Scheme.

General Overview of Investigation

SDM Computer System

The Department confirmed that the SDM system had no problem in handling the síneadh fada. It also confirmed that the system had no difficulty in handling the síneadh fada in information relating to names and addresses.

The Department’s central argument was that full advantage could not be taken of the SDM system’s ability to handle names and addresses containing the síneadh fada while those details were generally shared with other systems not capable of handling the síneadh fada.

With regard to details in Irish containing the síneadh fada forwarded to it by the General Registrar’s Office when a child’s birth is registered, the Department confirmed that the síneadh fada is actively removed before those details are entered into the Department’s main customer database.

The Department explained to the investigation that the current practice of removing the síneadh fada from the Department’s database would be phased out gradually, as more systems were transferred to the new SDM system and as other more modern printing and processing equipment was purchased.

Interpretation of Language Scheme's Commitments

Having considered the Department's entire case carefully, it appeared to the investigation that the Department's work practice in this matter was at variance with an accurate interpretation of the Scheme's commitments.

It appeared to the investigation that the Department's statement in its Scheme that the SDM system was "*capable of handling the Irish language*" meant that the síneadh fada could be used therein.

It did not appear to the investigation that the Scheme's commitment was being complied with if the capability of the SDM system to handle Irish could only be utilised in the "body" of the correspondence in Irish and on the removal of the síneadh fada from names and surnames.

Right to a Name

It did not appear to the investigation that it was right to amend without permission a name in Irish containing a síneadh fada to facilitate an administrative or computer application when registering for children's allowance. It did not appear to the investigation that this could be done when a statutorily confirmed language scheme indicated that the appropriate computer system could "*handle the Irish language*".

It should be borne in mind also that the síneadh fada is not merely an optional extra that may be inserted or omitted at random or as one chooses. It is a central component of the structure of the language. A síneadh fada which is necessary to spell the words properly is an integral part of a person's given name and surname in Irish.

Particular importance attaches to the way in which a child's name and surname is registered for child benefit purposes because the registration forms the basis for other actions which follow a child throughout his/her life, including the issue of a personal public service number.

It appeared to the investigation that if official registration in a central civil repository meant anything, no element of the state system should amend any information "*for their own business affairs*" (translation) without the permission of the person to whom that information related.

It appeared to the investigation also that the Language Scheme did not make any exception which would mean that the Department was not required to use those information technology systems in respect of which it was stated that they were capable of "handling" the Irish language. In addition, it was very clear that the Scheme did not include a provision stating that the síneadh fada would only be used with the passage of time on names, surnames and other details transferred by the General Registrar's Office to the department on the registration of a child's birth.

Opportunity for Language Choice on Forms Relating to the Registration of a Child's Birth

The Department explained that a claim form containing a question with regard to the customer's language choice is issued to each new mother when details relating to the birth of a new child are transferred automatically to the Department from the General Registrar's Office.

However, according to the Department, the form issued is not a claim form if the mother is already in receipt of child benefit for another child or children, according to the Department.

Although the Department contended that this communication constituted "*an information letter*" (translation), it appeared to the investigation to be a form. The word "*form*" is actually mentioned three times in the English version sent to the investigation by a complainant: "*Please check the details... and return this form to us. If the details are correct there is no need to return the form.*" And at the bottom of the form: "*Explanations and terms used in this form are intended...*"

It also appeared to the investigation that the commitment in sub-section 2.5(c) of the Scheme involved no limitation which would mean that language communication choice would be offered to a mother with regard to child benefit matters on the birth of her first child only.

The investigation accepted that a "claim form" of the kind referred to in sub-section 2.5(c) of the Language Scheme was not at issue since the claim did not depend on the form being completed or returned.

It was not clear to the investigation that the Department had a statutory duty, under the usual rules of interpretation, to take the commitment in sub-section 2.5(c) to mean that it was required to offer language choice on this "form" which was not a "*claim form*".

Although it did not appear to the investigation that the Department was contravening this particular commitment in the Scheme, it would undoubtedly be desirable for the Department to reconsider –even if it was not statutorily bound to do so– if it should offer language choice for communication purposes to mothers when sending an information form to them with regard to a change in child benefit on the birth of a new child, particularly when that choice had not been given to them previously under the current system.

Findings of the Investigation

These were the investigation's findings:

- That the Department of Social and Family Affairs was contravening the statutory language duty confirmed in Section 18(1) of the Official Languages Act 2003

with regard to the implementation of the Department's Language Scheme in so far as it related to the commitment in sub-section 4.9(a) of that Language Scheme regarding the use of Irish in the Service Delivery Model (SDM) information technology system.

- That the Department of Social and Family Affairs was not contravening the statutory language duty confirmed in Section 18(1) of the Official Languages Act 2003 with regard to the implementation of the Department's Language Scheme in so far as it related to the commitment in sub-section 2.5(c) of that Language Scheme regarding language choice on a claim form issued as a consequence of the registration of a child's birth.

Recommendations of the Investigation

Having regard to the Investigation, these are the recommendations which I made as Coimisinéir Teanga:

1. That the Department of Social and Family Affairs take the appropriate steps immediately to ensure that its statutory duty under the Official Languages Act 2003 and the commitment specified in sub-section 4.9(a) of its Irish Language Scheme would be complied with fully and properly.
2. That the Department set out a work plan which would ensure that only the accurate versions of birth registration details from the General Registrar's Office, including the síneadh fada, would be used for child benefit matters under the Service Delivery Model (SDM) system.
3. That the Department acknowledge in its work plan, referred to in recommendation 2 above, that its present practice of removing the síneadh fada from names and other details relating to the child benefit payment process contravenes language rights.
4. That the work plan referred to in recommendations 2 and 3 above be implemented in the shortest possible timeframe required subject to whatever administrative and computer arrangements would be required.
5. That the Department ensure that information details relating to the three complainants in this case would be re-registered immediately with the síneadh fada included correctly.
6. That the Department reconsider of its own volition and with no statutory duty at issue if it should refer to the availability of language choice for communication purposes when sending an information form to mothers with regard to a change in child benefit on the birth of a new child, particularly to those who were not given that choice under the current system.

Appeals to the High Court

I noted in the report that any party to the investigation had the statutory right to appeal the decision to the High Court on a point of law within four weeks but no such appeal was made.

Investigation launched: 7 November 2008
Report issued: 30 December 2008

Department of Justice, Equality and Law Reform

Subject of Investigation

Had the Department of Justice, Equality and Law Reform contravened or is it contravening the statutory duty confirmed in Section 18(1) of the Official Languages Act 2003 with regard to certain commitments of the Department's Language Scheme relating to the website specified in Paragraph 4.12 of the Scheme?

Background

Paragraph 4.12 of the Language Scheme of the Department of Justice, Equality and Law Reform, which came into force on 30 June 2006, sets out the following statutory commitment regarding the use of Irish on the Department's website:

4.12 Website

"The Department's website is currently undergoing a process of redesign. While the current version of the website can host Irish language content it is relatively sparsely populated in that regard. It is proposed that the Department's re-launched website, subject to any qualifications which may appear elsewhere in this document, will host a far greater amount of bilingual content."

As part of the assessment of the first year's operation of the Department's Scheme in October 2007 my Office was informed that the website had been re-launched and that all the principal headings on the various pages were in Irish. It was stated also that all the static material on the home page, as well as the principal entry on that page, was available bilingually and that more material was about to be provided bilingually. It was indicated that the Department was recruiting a new translator and that it was hoped that he/she would be able to add to the material in Irish on the website.

On 13 February 2008, a member of the public complained to me about the scarcity of material in Irish on the Department's website. My Office contacted the Department about the complaint. The Department was given a six week period to show progress regarding this matter.

In its letter of 10 April 2008, the Department informed my Office that when the Scheme was launched it had envisaged that *"by now our website would have contained more material in Irish. Circumstances beyond our control affected this, however, and the expected rate of progress was curtailed for this reason."* (translation)

The reference to *"circumstances beyond our control"* related to the Department's difficulties in recruiting a translator. My Office was informed that the recruitment process for a new internal translator was *"almost completed"* and, on that basis, it was decided to review progress again on 14 July 2008. The Department also stated that its experience was that *"the provision of Irish translation services of an acceptable standard*

which is available to public bodies in order to service the demand created by the Official Languages Act 2003, is not sufficient.” (translation)

My Office contacted the Department again on 17 July seeking details of progress made in the intervening period. No information was provided regarding any progress with static material, old or new, being translated incrementally and it was not clear from the website that any of the Department’s application forms were available on the website in Irish. It was indicated *“that the process of recruiting a second in-house translator was taking more time than initially expected.”* (translation)

My Office made every effort to reach agreement with the Department through an informal process from December 2007 onwards but without success. I decided that I had no other option except to commence an investigation on 18 August 2008.

Department’s Responses

The Department did not accept in its first response to the investigation that the commitments set out in its Language Scheme with regard to its website had been contravened. It said:

“The Department has, in fact, worked proactively to ensure compliance with the scheme’s commitments since its commencement”. (translation)

The Department stated that it had intended to use external translation services to assist it in populating the re-launched website in Irish but that *“our experience in employing such translators for other translation jobs disappointed us so much that we decided to recruit a second in-house translator, with the assistance of the Public Appointments Service, to help us fulfil our commitments regarding the website”* (translation). At least nine members of the Department’s staff were involved in that recruitment process in the period from August 2007 until the process came to an unsuccessful end in August 2008 when the person found for the position refused it.

In its second reply to the investigation, the Department stated that it was of the opinion that the fulfilment of the commitments in its Scheme was conditional and dependent on the timely availability of the necessary resources. The Department perceived that the essential resources included accredited translation services and staff with the required language skills.

When considering a draft of this report (without the overview, findings or recommendations) with a view to rectifying mistakes, misunderstandings or inaccuracies, the Department stated that it would be most regrettable if the report’s readers got the impression that the Department lacked respect for the accredited translators. The Department also stated that it considered that *“the central fact that we made a decision to recruit a second in-house translator – an investment which showed the Department’s commitment to its Irish scheme – had not been taken into account by you.”* (translation)

The Department stated:

“That was the reason we did not choose to obtain external translators to do the work which we had set out for the new translator.” (translation)

The Department requested that the final report would give a more balanced view of *“our honest endeavours to establish a permanent viable translation system in the Department.”* (translation)

General Overview of the Investigation

Paragraph 4.12 of the Department’s Scheme makes specific commitments regarding the use of Irish on the Department’s website and explicit time frames are given with those commitments. The website was re-launched in May 2007 and it would be expected that from then onwards it would be *“populated with a bilingual version of all the new static material on the site after re-launch.”*

It was sufficient to look at the website at the time the investigation was launched and again when the report of the investigation was being prepared to see that the Department had not succeeded in fulfilling the commitments, and the Department admitted that *“we have not put as much Irish text on our website as we expected when we started our scheme.”* (translation)

The Department denied that this contravened the Scheme’s commitments. The Department’s central argument was that the commitments in its Scheme were conditional and that this was envisaged in Paragraph 4.12 where it was stated that the commitments regarding hosting *“a far greater amount of bilingual content”* on the website were *“subject to any qualifications that may appear elsewhere in this document.”*

It was clear to the investigation that certain conditions had been attached to the Scheme’s commitments which meant that they may be considered to be qualified commitments. However, the basic question that arose was whether the information provided by the Department to the investigation established that the lack of accredited translation services, in addition to the lack of timely availability of staff with the necessary Irish skills, had so hampered and hindered the Department that it could not fulfil the Scheme’s commitments.

Accredited Translation Services

The official accreditation system for translators was developed under the aegis of Foras na Gaeilge who confirmed to my Office that there were 98 people on the panel of accredited translators by October 2007 when the Department confirmed the re-launch of its website to my Office.

The Department claimed that it was not stating that it had no confidence in the capability of any of the members of the panel of accredited translators. However, it detailed the

difficulties its staff had encountered in obtaining a satisfactory external translation service at times prior to “*populating*” the website with text in Irish.

Without any doubt, the investigation received mixed messages from the Department regarding its attitude to the accredited translators. It was clear to the investigation that the Department had not made any serious attempt to actively seek a person/persons from the panel of accredited translators to translate the text for the redesigned website.

I concluded as a matter of fact that the Department had not sought a person/persons from the panel of accredited translators to complete the translation task and, as a consequence, it was not possible that the Department’s ability to fulfil the Scheme’s commitment properly was limited because there was no accredited translation service available.

Staff with the Necessary Irish Skills

In addition to accredited translation services, the timely availability of “*staff with the requisite Irish language skills*” was indicated as a constraint on the Department’s ability to fulfil its commitments regarding the website.

As an alternative to using translators from the panel of accredited translators, the Department decided “*to recruit a second in-house translator... to assist us in fulfilling our commitments regarding the website.*” (translation)

It appeared to the investigation that the recruitment attempt was not initiated until August 2007. That meant that the deadlines for the proper fulfilment of this commitment could not have been achieved through the work of the new internal translator. The populating of the website with Irish/bilingual material was to begin “*within 3 months of the website’s re-launch*”, i.e. in August 2007, three months after the re-launch in May 2007. Accordingly, it could be said that the terms of the commitment were already being breached when the recruitment attempt began.

The Department did not present any case to the investigation indicating that it was impossible to recruit a translator. The Department’s case was that the attempt it had made had failed. When considering a draft report of the investigation (without the overview, findings or recommendations), the Department stated that, as a decision had been made to recruit a new internal translator, it was decided not to obtain external translators for the work on the website work which was intended for that new translator. The decision to undertake a recruitment process to appoint a new translator did not appear to me to be sufficient to amend, mitigate or diminish the commitment confirmed in Paragraph 4.12 of the Scheme.

External or Internal Translators

The Department admitted that the task of populating the website with Irish/bilingual text was set aside for a year while the recruitment attempt was underway and it explained the reason for that, i.e., an external translator should not be sought for the work while it

expected to engage an internal translator. But even when that attempt failed, it was not clear that a decision was made to undertake the task in any other way.

The Department did not give any insight to the investigation that it had a plan to deal with the matter until it was given a draft of the report of the investigation for consideration. At that stage the Department stated that it was *“looking afresh at how we will fulfil our duties under our Irish scheme”* as it had not succeeded up to then in recruiting a second internal translator.

The information provided to the investigation showed that the difficulties in fulfilling this particular commitment of the Scheme appeared to be due to a weakness in the approach regarding efficient and effective planning of the project rather than a scarcity of accredited translators and staff with the requisite Irish language skills.

Finding of the Investigation

The following was the finding of the investigation:

- That the Department of Justice, Equality and Law Reform had contravened the statutory duty confirmed in Section 18(1) of the Official Languages Act 2003 with regard to certain commitments of the Department’s Language Scheme relating to the website specified in Paragraph 4.12 of the Scheme.

Recommendations of the Investigation

These were the recommendations I made as Coimisinéir Teanga:

1. That the Department of Justice, Equality and Law Reform take the appropriate measures immediately to ensure that its statutory duties under the Act and the commitments specified in Paragraph 4.12 of its Language Scheme be fully fulfilled.
2. That the Department set out a work plan:
 - To start populating its website with bilingual/Irish versions of static material in accordance with the commitments in its Language Scheme;
 - To provide Irish versions of forms intended for use by the general public on the website on an incremental basis; and that the work plan be implemented as soon as possible.
3. Without prejudice to recommendation 2 above with regard to implementing the commitments as soon as possible, that the Department ensure that those commitments be fully and properly implemented, at the latest, before the Department’s three year Scheme expires in June 2009.

4. That the Department accept that the implementation of the recommendations of this investigation would not amend or diminish any other statutory or legal duty it has in relation to Irish.

Appeals to the High Court

I noted in the report that any party to the investigation had the statutory right to appeal the decision to the High Court on a point of law within four weeks but no such appeal was made.

Investigation launched: 18 August 2008
Report issued: 9 December 2008

Department of Education and Science

Subject of Investigation

Are certain provisions in Section 6 and sub-section 7(2)(d) of the Education Act 1998 - being provisions relating to the status or use of an official language being complied with in relation to the provision of certain Department of Education and Science publications (guidelines for teachers with regard to post-primary subjects) for recognised schools providing teaching through Irish?

Background

The principal of a recognised post-primary school providing teaching through Irish made an official complaint to me that Irish versions of the Department of Education and Science's guidelines with regard to post-primary subjects were not available. These publications were readily available in English for a considerable number of subjects as a support service for schools operating through the medium of that language.

Legislation

The Education Act 1998 contains certain provisions with regard to the status or use of Irish, i.e. Section 6(i) and (k) and sub-section 7(2)(d):

Section 6. *“Every person concerned in the implementation of this Act shall have regard to the following objects in pursuance of which the Oireachtas has enacted this Act:*

- (i) to contribute to the realisation of national policy and objectives in relation to the extension of bi-lingualism in Irish society and in particular the achievement of a greater use of the Irish language at school and in the community;*
- (k) to promote the language and cultural needs of students having regard to the choices of their parents...”*

Section 7(2). *“Without prejudice to the generality of sub-section (1) each of the following shall be a function of the Minister:*

- (d) to provide support services through Irish to recognised schools which provide teaching through Irish and to any other recognised school which requests such provision”.*

In the interpretation section, Section 2, of that Act the word “functions” is defined to include powers and duties and Section 2(3) provides as follows: *“Any reference in this Act to the performance of functions, includes, in respect to powers and duties, a reference to the exercise of powers and the carrying out of duties.”*

In the interpretation section, Section 2 of the Act, “*support services*” is defined as follows: “*‘support services’ means the services which the Minister provides to students or their parents, schools or centres of education in accordance with Section 7 and shall include any or all of the following:*

- (m) curriculum support services and advice services for staff, and*
- (n) such other services as are specified in this Act or considered appropriate by the Minister...*”

Investigation

The following publications were the focus of the investigation, which was launched on 16 October 2008:

- Print copies of the guidelines for each post-primary subject taught through Irish, and
- Electronic copies of the guidelines for each post-primary subject taught through Irish available on the Department of Education and Science’s website.

My Office attempted to resolve the matter informally with the Department but did not succeed in reaching a solution.

Department’s Response

The Department’s position was that providing teacher guidelines in English only did not contravene any provision of the Education Act 1998 with regard to the status or use of Irish.

The Department also stated that the guidelines were not available in Irish for any post-primary subject (except Irish) either in print form or electronically.

Statistics

A table provided by the Department indicated that guidelines for 20 subjects at Leaving Certificate level and 14 subjects at Junior Certificate level were available in English.

Cost

The Department stated that it would cost approximately €250,000 to provide the guidelines in Irish.

Section 6 of Education Act 1998

The Department’s position was that it was a matter for the Minister for Education and Science to decide on the best way of achieving the objectives of Section 6 and that a priority list was dependent on the resources available.

The Department outlined a range of policies it had in place to support Irish and said:

“Having regard to the overall funding limits available for education and the competing priorities for resources, it is necessary to direct investment to where it will have the maximum strategic effect and benefit for learners. In that context, we consider that attending to the services outlined above (i.e. range of policies) is more of a priority than investing in the translation of documents which are not directed at students, parents or the general public.” (translation)

Section 7 of Education Act 1998

With regard to Section 7 of the Education Act, the Department stated:

“Section 7(2)(d) of the Education Act empowers the Minister to provide support services through Irish to recognised schools providing teaching through Irish and to any other recognised school which requests such a provision, and Section 7(4)(a)(i) requires the Minister to have regard to the resources available. Section 7(2)(a) requires the provision of support services ‘in accordance as the Minister considers appropriate and in accordance with this Act.’ Section 2 of the Act sets out that curriculum support services and services to teachers come within the interpretation of ‘support services’. We do not accept, however, that this places a duty on the Minister to provide all support services through Irish, particularly services directed at teachers only. The Minister is permitted to form a reasonable opinion with regard to the services which should be provided through Irish, having regard to the provisions of Section 6 and 7 of the Act.

Providing support services is a Ministerial function (rather than a duty). In that regard it is unavoidable that many competing demands will be made on the Minister. It is a matter for the Minister, and for him only, to resolve those competing demands and to decide which educational and support services will be provided. In this case the Minister has no option but to make a choice. It is only if the exercise of that choice is arbitrary, capricious, irrational or unreasonable that the Minister may be said to be acting unlawfully and (by extension) in breach of the Section.” (translation)

Court Decisions and Precedents

The Department outlined court decisions and precedents which, it contended, supported its position:

“The Minister cannot be said to have contravened the Section only because he chose one particular option. In so far as the Minister has decided to prioritise particular educational services (including support services) over other (support) services, he has acted legally and in accordance with his powers and functions. The view that the Minister had contravened the Section only because he chose not to provide particular support services (in English or in Irish) is without foundation.

As Judge Costello noted (in another context) in Donegal Fuel & Supply Company v The Londonderry Port & Harbour Commissioners [1994] IIR 24 Page 40:

‘The Harbour Commissioners have a statutory duty to raise income and to supply it in fulfilment, inter alia, of the powers to maintain and repair quays and piers. That income may not be sufficient to repair and maintain every part of their undertaking and the Harbour Commissioners must have a discretion of how its income is to be used’

The High Court summarised the position in CK -v- The Northern Area Health Board (in the context of the Health Acts) where Judge Finnegan accepted:

‘The decision as to the services which ought to be provided in any particular case is an administrative one. However, the decision as to the services to be provided must not be capricious or arbitrary... This Court acting on a judicial review application however is not to substitute its decisions for that of the decision maker merely because it considers that it would have made a different decision...’

Proposal

Notwithstanding its position that no provision of any enactment relating to the status or use of an official language was being contravened, the Department made a proposal to begin a process of producing Irish versions of the guidelines gradually provided the resources were available.

Overview of Investigation

The question to be answered in this investigation was the following: as the Department had provided a series of 34 curriculum guidelines through English, had it a statutory duty under the Education Act 1998 to provide those guidelines through Irish as support services to recognised schools providing teaching through Irish and to any other school requesting such provision?

Support Services

As the Department had informed the investigation that the guidelines were specifically aimed at providing additional assistance for teachers and at giving examples and cultivating the approach to be used in implementing the syllabus, it appeared to me that no doubt whatsoever existed but that they were provided as “*support services*” under the provisions of the Act.

Referring to the statutory objectives to which the Minister must have regard, the Department said it was a matter for the Minister to decide what the best way was of achieving those objectives and of prioritising resources to that end.

It appeared to the investigation that the provision of support services under Section 7 was a “*function*” of the Minister, and that “*functions*” included powers and duties. The provision in sub-section 2(3) states: “*Any reference in this Act to the performance of*

functions, includes, in respect to powers and duties, a reference to the exercise of powers and the carrying out of duties.”

That interpretation is in accordance with court decisions and precedents:

In *Sinnott v. Minister for Education* [2001] IESC 63 Chief Justice Keane, C.J., made the following reference to the defendants (The Department of Education):

*“They acknowledge that, by virtue of s. 7(1) of the 1998 Act, the Minister **is obliged** ‘to ensure, subject to the provisions of this Act, that there is made available to each person resident in the State, including a person with a disability or who has other special educational needs, support services and a level and quality of education appropriate to meeting the needs and abilities of that person...’”* [Emphasis added].

In the same case, *Sinnott v. Minister for Education* [2001] IESC 63, Hardiman, J., refers to some various sections of the Education Act 1998, including sub-section 7(1)(a), and says: *“It appears that these provisions, together with those of the Equal Status Act, 2000 and the Education (Welfare) Act, 2000 **impose duties** on public authorities which may be relevant to a person in the position of...”* [Emphasis added].

It appeared to the investigation also that the reference in sub-section 7(4)(a)(i) related to the Minister having regard to the available resources in performing his functions generally and was not limited, or associated in any particular or specific way, to the function of providing *“support services”* through Irish rather than the provision of support services in general.

The Department stated also that sub-section 7(2) required support services to be provided *“as considered appropriate by the Minister and in accordance with this Act.”*

The following statement provided the Department’s central argument in this investigation: *“We do not accept, however, that this confers a duty on the Minister to provide all support services through the medium of Irish, particularly services directed at teachers only. The Minister is permitted to form a reasonable opinion as to the support services which should be provided through Irish, having regard to the provisions of Sections 6 and 7 of the Act.*

The provision of support services is a Ministerial function (rather than a duty)...”
(translation)

Certainly the Minister has discretion with regard to the provision of support services generally under sub-section 7(1)(a) and sub-section 7(2)(a) and subject to the available resources (sub-section 7(4)(a)(i)). However, it appeared to the investigation that if the Minister were to decide to provide particular support services under those sub-sections, he would have no choice but to provide those same support services through Irish under sub-section 7(2)(d).

It appeared to the investigation also that, at the time he would decide to provide support services generally, the Minister would have the option to provide or not to provide such services subject to the resources available. That would be a free choice. However as soon as he would decide to provide a support service through English, sub-section 7(2)(d) provided that the same support service be made available through Irish.

The investigation noted the court precedents to which the Department referred. When the Minister decides to provide particular support services through English, sub-section 7(2)(d) then has mandatory effect and he does not, according to the investigation's interpretation of the statutory provision, have free choice at that stage. It is not a matter of discretion nor is an administrative decision to be made.

The Minister is responsible for managing his Department's resources but he must manage those resources in accordance with the statutory arrangements confirmed in the Act by the Oireachtas.

The availability of guidelines in the language of the school is of major importance to teachers even if the guidelines were only to acquaint them with the Irish terminology used in syllabuses and examinations and to familiarise them with the use of that terminology.

Finding of the Investigation

The following was the finding of the investigation:

- The provision in sub-section 7(2)(d) of the Education Act 1998 – being a provision relating to the status or use of an official language – had been and is being contravened by the Department of Education and Science with regard to the provision of the guidelines at issue in this investigation for recognised schools providing teaching through Irish and any other recognised school requesting such provision.

Recommendations of the Investigation

Having regard to the Investigation, these were the recommendations I made as Coimisinéir Teanga:

1. That the Department of Education and Science henceforth comply with its statutory functions under sub-section 7(2)(d) of the Education Act 1998.
2. That the Department of Education and Science ensure that an Irish version of the various guidelines for subjects taught through Irish for which guidelines in English are already available at post-primary level be provided.

3. Without prejudice to the overall obligation that I consider to exist, that the Department of Education and Science implement Recommendation 2 (above) as follows:
 - That an Irish version of the guidelines be provided before the end of 2009 for at least one third of the appropriate subjects most commonly taught through Irish.
 - That an Irish version of the guidelines be provided before the end of 2010 for at least two thirds of the appropriate subjects most commonly taught through Irish.
 - That an Irish version of the guidelines be provided before the end of 2011 for each appropriate subject taught through Irish.
4. That the Department of Education and Science ensure that each time guidelines were provided for an additional subject in English an Irish version be made available simultaneously.
5. That the Department of Education and Science ensure that each time new versions of the guidelines in English were updated, amended or re-published, that the same be done at the same time with the Irish versions.
6. If guidelines in English for teachers were provided electronically on the Department of Education and Science's website, or on any other website under the aegis or control of that Department, or if the publication was made available in another format (for example CD-ROM), the same be done simultaneously with regard to the Irish version in the case of newly-published guidelines or in accordance with the time scales in Recommendation 3 (above) for the arrears to be translated.
7. That the Department of Education and Science ensure that no finding or recommendation of this investigation would be relied upon to abate or delay the actions to support the Irish language listed in its letter of 19 November 2008 to the investigation.

Appeals to the High Court

I noted in the report that any party to the investigation had the statutory right to appeal the decision to the High Court on a point of law within four weeks but no such appeal was made.

Investigation launched: 16 October 2008
Report issued: 30 December 2008

Department of the Environment, Heritage and Local Government

Subject of Investigation

Did the Department of the Environment, Heritage and Local Government contravene the statutory duty confirmed in Section 18(1) of the Official Languages Act 2003 in relation to certain commitments of that Department's Language Scheme, as in Paragraph 2.8 of the Scheme which affirms that the website www.npws.ie is available bilingually?

Background

The following statutory commitment is given in the Language Scheme of the Department of the Environment, Heritage and Local Government which came into effect on 15 August 2005:

*"2.8 National Parks and Wildlife
The National Parks & Wildlife Service manages the Irish State's nature conservation responsibilities under National and European law. Its website at www.npws.ie is available on a bilingual basis."*

It came to my attention during my Office's first year assessment of the operation of the Department's Language Scheme in December 2006 that the website was not bilingual.

My Office made every effort between December 2006 and March 2008 to reach an agreement on this matter with the Department through an informal process but these efforts were unsuccessful in ensuring a bilingual website.

In January 2008 a member of the public complained to me about the same matter. I decided at that particular time not to initiate an investigation immediately as the Department indicated that it was dealing with the matter. On 31 March 2008, however, it didn't appear that any part of the website was available in Irish. I decided that I had no other choice but to initiate an investigation on 31 March 2008.

Department's Response

The Department confirmed that the website www.npws.ie had been a unilingual English website when the first year review of the implementation of the Language Scheme took place. The Department indicated that a redeveloped NPWS website had been launched on 1 March 2007. It was clear that the site had been redeveloped solely as a unilingual English website.

The Department informed the investigation:

"Although the Department recognises the necessity to ensure that the website is developed and maintained continuously in order to fulfil its commitments set out in the

Language Scheme, the NPWS was under significant work pressures lately with limited resources available to address a wide range of commitments in regard to Ireland's nature preservation obligations. As a result, the time needed to address the technical problems relating to the website was not always available. However, every effort was made, with the limited resources available, to address this issue.” (translation)

In addition to the above explanation, the Department stated:

1. *“The Department fully accepts its responsibility to provide material in Irish on the website www.npws.ie.*
2. *Since the new www.npws.ie was launched in March 2007, much has been done to develop static Irish material for the website.*
3. *However, a significant range of technical problems arose while the website was being developed. As a result, the English version of the website was not functioning fully and the transfer of the Irish material to the new website was significantly delayed.*
4. *However, as the Coimisinéir Teanga's Office was informed on 1 April 2008, the technical problems have been solved and the uploading of the translated Irish material to the website was begun then.*
5. *At that stage the material in Irish on the website was reviewed and it was decided to translate more material. That material is expected back from the translator in early May and it will be uploaded on the website shortly afterwards.” (translation)*

General Overview of the Investigation

It was clear that the Department had confirmed that *“its website at www.npws.ie is available on a bilingual basis”* (Paragraph 2.8 of the Scheme). It was evident that a new modern version of the website in English only was launched in March 2007, irrespective of the Department's statutory duty under the Language Scheme to have the website available bilingually.

It appeared that it would have been more beneficial for the Department to establish the brand new website on a bilingual basis during its development rather than, as happened, provide it in English and then address the issues arising from changing it to a bilingual website.

Even when attention was drawn to this matter, it did not appear to the investigation that the Department applied itself to the project with the diligence and fervour needed to provide a truly bilingual website. Reference was made to technical problems with a server, difficulties with management tools for the website and lack of staff. None of these, nor indeed all of these together, amounted to a sufficient excuse to amend, modify, delay or rescind a statutorily confirmed duty.

At the start of the investigation at the beginning of April 2008, it was clear that the Department took steps to provide some of the material on the website bilingually. While the report of this investigation was being completed in June 2008, it was clear that only a small part of the site was being offered on a bilingual basis.

In the end, it appeared to the investigation that a process had been started to provide the website on a bilingual basis but that the difference between the sparse material provided in Irish and the amount provided in English was significant. It appeared to the investigation that there was no reason why the Department of the Environment, Heritage and Local Government could not fulfil its statutory duty properly and offer the website on a bilingual basis as promised in its Language Scheme.

Finding of the Investigation

This was the finding of the investigation:

- That the Department of the Environment, Heritage and Local Government was contravening the statutory duty confirmed in Section 18(1) of the Official Languages Act 2003 by not making the website at www.npws.ie available bilingually as promised in Paragraph 2.8 of that Department's Language Scheme.

Recommendations of the Investigation

These were the recommendations I made as Coimisinéir Teanga:

1. That the Department of the Environment, Heritage and Local Government ensure that it took the appropriate steps immediately with regard to the statutory duty to provide the website bilingually.
2. That the Department set out a plan with specific deadlines for the development of the website on a bilingual basis, and that that plan be implemented in the shortest reasonable time.
3. That the Department's objective with regard to this project would be to ensure that the Irish version of the website would be as complete, useful and comprehensive as the English version.
4. That the Department accept the right of the Office of An Coimisinéir Teanga to revert to the matter again in due course, if necessary, to ensure that the commitment in the Department's Language Scheme regarding the website being available on a bilingual basis was being complied with.

Appeals to the High Court

I noted in the report that any party to the investigation had the statutory right to appeal the decision to the High Court on a point of law within four weeks but no such appeal was made.

Investigation launched: 31 March 2008
Report issued: 13 June 2008

Department of Community, Rural and Gaeltacht Affairs

Subject of Investigation

Did the Department of Community, Rural and Gaeltacht Affairs contravene the statutory duty confirmed in Section 18(1) of the Official Languages Act 2003 with regard to certain commitments of the Department's Language Scheme (2004-2007), as set out in Paragraph 4.2 of the Scheme (in the case of Departmental interviews through Irish or English) and in Paragraph 4.4 (in the case of the Training Unit's services and courses through Irish and English)?

Background

The following are the relevant extracts from the provisions of the Department's Language Scheme that came into effect on 22 September 2004:

"Departmental interviews through Irish or English will be available to staff, subject to advance notice by interviewees of their language choice. This option will not, however, apply where Irish is a particular requirement for the post in question". (Paragraph 4.2 of the Scheme)

"Services and courses provided by the Training Unit will be available through Irish and English, as required." (Paragraph 4.4 of the Scheme)

The Department announced an internal competition for promotion to Principal Officer on 9 November 2007. Irish was not a specific requirement for the position. A complaint was made to me on 12 November 2007 that the notice contained no reference to interviews being available to staff in Irish or English. Neither the notice nor the application form gave staff the opportunity to indicate their language choice. My Office contacted the Department informally on that same day to draw attention to the matter.

On 13 November 2007 the Department clarified the notice by email to the appropriate staff stating, inter alia:

"...Applicants wishing to have their interview in Irish should contact Personnel Division for details of the arrangements that will apply".

The complainant was of the opinion that the above statement contained in the email from the Department was not the same as the commitment given in the Scheme. The complainant believed that an additional obligation which was not in accordance with the Scheme was being placed on the person seeking an interview through Irish compared to the person choosing an interview through English and that the reference in the notice to *"the details of the arrangements that will apply"* could lead one to believe that this arrangement was not necessarily the same as the arrangement for the person choosing to be interviewed through English.

At the same time, it came to my attention that a provision in another notice a short time previously provided for specific interviews (for a position as Assistant Principal Officer) to be conducted through English unless particular applicants sought to be interviewed through Irish. Another issue also arose regarding the training course for applicants for these competitions being offered through English only.

The issue regarding the availability of interviews in the candidates' language of choice had arisen during my Office's assessment process regarding the implementation of the Department's Language Scheme. Since this case involved both a complaint and the monitoring work of the Office, and when informal efforts did not achieve a solution, I decided to launch an investigation on 30 November 2007.

Department's Viewpoint

Language Choice for Interviews (Paragraph 4.2 of Language Scheme)

The information provided by the Department for the investigation stated:

"Having obtained legal advice in the case, the Department's position is that paragraph 4.2 of the Scheme can only be contravened if the Department refuses to provide an interview in Irish or English to a person so choosing who gives prior notice of his/her language choice.

It is clear that paragraph 4.2 of the Department's Scheme imposes an obligation on applicants to inform the Department of their language choice. Staff are well aware of that provision and there are various ways for them to indicate their choice." (translation)

The Department explained that it was customary to organise interviews through Irish for positions in Na Forbacha, where Irish was predominantly the working language. For positions in Dublin and Tubbercurry, where English is predominantly the working language: *"the Department's experience is that the vast majority of applicants – including those who are fluent in Irish – choose to undergo interviews in English."* (translation)

"It is considered reasonable to accept as a working basis also that staff who are fluent in Irish and who wish to be interviewed through Irish for positions in which English is the working language, should inform the Department of that choice so that arrangements for interviews through Irish may be made." (translation)

The Department also stated that:

- One competition was organised where it was stated that the interviews would be in English unless an alternative was sought, i.e. the competition for Assistant Principal positions in Dublin/Tubbercurry/Charlestown, but the Department did not accept that this contravened the provision in the Scheme;
- No one sought to be interviewed in Irish for the Principal Officer competition;
- No one sought to be interviewed in Irish for the Assistant Principal Officer positions in Dublin/Tubbercurry/Charlestown;

- Of the 10 internal promotion competitions organised by the Department since the Language Scheme came into effect, only one person requested to be interviewed in Irish and arrangements were made accordingly;
- The competency of interview boards in both Irish and English would not arise unless a staff member or staff members were to indicate their preference to be interviewed in Irish.

The Department stated that it had decided to use “*an amended application form at a future stage for internal promotion competitions which will enable applicants to indicate their language choice (except where Irish is a specific requirement for the position in question).*” (translation). It was stated that this measure had been decided upon “*in order to assist staff and to clarify the current policy*” rather than as a duty in pursuance of, or by virtue of, any provision of the Department’s Language Scheme.

Services and Training Courses (Paragraph 4.4 of Language Scheme)

In the first eight internal promotion competitions organised by the Department since the Language Scheme came into effect, the Training Unit’s services and courses were provided in Irish and in English. This did not occur in the last two competitions – for Principal and Assistant Principal Officers.

The Department accepted that the provision of these courses through English only contravened the provision in Paragraph 4.4 of the Language Scheme. The Department stated that to proceed with training through English in this particular case was in the interest of staff:

“...the Department issued a tender for training through Irish and English for Assistant Principal Officers but only succeeded in obtaining training through English. The training for Principal Officers was an extension of this.” (translation)

The Department stated that it was “*basically on account of the short time scale which the Department had to fulfil*” that no company was able to meet the training needs through Irish. Information from the Department’s files showed that contact had been made with five companies in order to obtain training tenders from them. They were given less than four working days to prepare a tender. No company tendered to provide the training service although two companies said that they could deliver a service in Irish but that the notice was too short. The Department decided to provide training in English only.

Overview of the Investigation

Language Choice for Interviews (Paragraph 4.2 of Language Scheme)

This provision initiated a new regime in the Department’s personnel affairs in that it placed a statutory duty henceforth on the Department to ensure that “*Departmental interviews through Irish or English will be available for staff, subject to advance notice by interviewees of their language choice.*”

As a result of advice from the Office of the Attorney General, the Department stated:

“It is also the Department’s position, one supported by legal advice, that it is not possible to contravene paragraph 4.2 except where the Department refuses to provide an interview in Irish to a person who requests such an interview...” (translation)

I considered the actual provision in the Language Scheme carefully. In accordance with the standard rules of interpretation, it was to be understood from the normal meaning of the words in Paragraph 4.2 that there would be freedom of choice in regard to being interviewed in either of the two official languages and that that freedom of choice would be specified on the application form for the position in question. It was necessary to have freedom of choice since it was stated that the applicants should provide *“advance notice”* regarding their language choice. How could they give such notice unless an opportunity to do so was given to them? The Department had an obligation to ensure that interview candidates had a fair and equal opportunity to make and to indicate that choice.

Secondly, how could the person arranging the interviews know if a particular person wanted to be interviewed in English or in Irish if that choice was not indicated on the application form? The freedom of choice given in Paragraph 4.2 did not exist if specific obligations were placed solely on candidates seeking to be interviewed in Irish to indicate that choice or if it was said as a default arrangement that the interviews would be in English unless an alternative was actively sought.

It did not appear to me that the Department’s approach would fulfil the requirement confirmed in this provision. It appeared to me that the Department’s interpretation of the obligations placed on it by Paragraph 4.2 was too narrow, too limited and too literal. It did not appear to me that the obligation which this provision placed on the Department, to ensure fairness and equality for those choosing one official language rather than the other for a promotion interview, was in any way vague.

The Department referred to its *“experience”* that *“the vast majority of applicants – including applicants who are fluent in Irish – choose to undergo interviews in English for positions in Dublin or in Tubbercurry”*. (translation). I perceived that the subtext here was that in the case where a minority group sought to be interviewed in Irish, an exceptional arrangement would be made for them if they made an exceptional application to be interviewed in Irish. This custom and *“experience”* was in contravention of my interpretation of the commitment in Paragraph 4.2 since this provision initiated a new regime in the Department’s personnel affairs.

Services and Training Courses

(Paragraph 4.4 of the Language Scheme)

The Department admitted that it had contravened the provision in Paragraph 4.4 of the Language Scheme by providing training courses in English only in the case of the two competitions for promotions – for Principal Officers and Assistant Principal Officers. Therefore, it had contravened Section 18(1) of the Official Languages Act 2003.

The Department failed to obtain any tender for the provision of training on account of the short timescale and the Department decided to provide the training solely in English. It appeared clear to the investigation that lack of planning was the central problem here. The “*short time scale*” and the “*time pressure*” referred to by the Department were solely under its own control.

The Department could have availed of other options to ensure that it did not contravene its statutory duty under the Scheme and under the Act, including postponing the competition temporarily until it would be in a position to fulfil its obligation regarding training through Irish and English. Ultimately, it appeared clear to the investigation that it was not acceptable for any public body to use the “*time pressure*” that occurred due to a lack of planning as a justification to rescind, modify or amend a provision confirmed by law.

Finding of the Investigation

This was the finding of the investigation:

- That the Department of Community, Rural and Gaeltacht Affairs had contravened the statutory duty confirmed in Section 18(1) of the Official Languages Act 2003 with regard to certain commitments of the Department’s Language Scheme (2004-2007), as set out in Paragraph 4.2 of the Scheme (in the case of Departmental interviews in Irish or English) and in Paragraph 4.4 (in the case of the Training Unit’s services and courses in Irish or English).

Recommendations of the Investigation

These were the recommendations which I made as Coimisinéir Teanga:

- That the Department of Community, Rural and Gaeltacht Affairs henceforth properly adhere to the statutory duties confirmed in Paragraph 4.2 of the Scheme:
 - By ensuring that each applicant would be given a fair and equal opportunity to choose either official language for promotion interviews and to express that choice on application forms for all competitions after the date of the report of this investigation;
 - By ensuring that no additional responsibility or inconvenience would be placed on a person wishing to choose one particular official language in these matters other than that occurring if he/she chose the other official language;
 - By ensuring that any candidate wishing to choose one particular official language for Departmental interviews rather than the other language would not be disadvantaged as a result of that choice or because he/she had not chosen the other official language;

- By ensuring that, in selecting members of interview boards, proper attention would be given to competency in Irish and English so that each applicant in competitions could be fully certain that fairness and equality as regards language would apply and that he/she would not be disadvantaged because of his/her choice of official language or because he/she had not chosen the other official language.
- That the Department of Community, Rural and Gaeltacht Affairs henceforth properly adhere to the statutory duties confirmed in Paragraph 4.4 of the Scheme by ensuring that every service and course provided by the Training Unit would be made available through Irish and English, as required, including each course organised in support of internal promotion competitions.
- That the Department of Community, Rural and Gaeltacht Affairs ensure that a person attending a training course for promotion in one official language would not be at any disadvantage because he/she did not attend the training course in the other official language.
- That the Department of Community, Rural and Gaeltacht Affairs issue an information note to all members of the organisation's staff as soon as possible, but within six weeks of the date of the report of this investigation at the latest, affirming, in accordance with statutory duties under the Language Scheme, that the opportunity would henceforth be given on every application form for applicants to indicate their choice of official language in promotion competitions and that all training courses in support of promotion competitions would henceforth be provided through Irish and English.
- That the Department of Community, Rural and Gaeltacht Affairs accept that the findings and recommendations of this investigation would not apply to competitions for positions in which Irish was a specific requirement for the position in question.

Appeals to the High Court

I noted in the report that any party to the investigation had the statutory right to appeal the decision to the High Court on a point of law within four weeks but no such appeal was made.

The Department clarified in writing after receiving the report on the investigation that the administration of personnel matters was solely a matter for the Department's officials and that the Minister had no responsibility in this matter.

Investigation launched: 30 November 2007
Report issued: 21 May 2008

Department of the Environment, Heritage and Local Government

Subject of Investigation

Did the Department of the Environment, Heritage and Local Government contravene the statutory language duty confirmed in Section 10(a) of the Official Languages Act 2003 by publishing in English the document entitled Resourcing the Planning System when the Irish version was not simultaneously available?

Background

A complaint was made to me on 15 April 2008 that the Department of the Environment, Heritage and Local Government had published a consultation paper entitled Resourcing the Planning System in English only. The complainant was of the view that a bilingual version or a copy in Irish of the full document should have been simultaneously available with the English version in accordance with the provisions of the Official Languages Act 2003.

According to Section 10(a) of that Act, a public body, including the Department of the Environment, Heritage and Local Government, has a duty to ensure that any document made by it or under its authority setting out “public policy proposals” is published simultaneously in both Irish and English.

Since my Office could not resolve the complaint with the Department on an informal basis, I decided to initiate an investigation on 16 June 2008.

Department of the Environment, Heritage and Local Government’s Case

The Department did not accept that it had contravened Section 10(a) of the Act or the Department’s Irish Scheme by publishing the document in English only. It was indicated that this public consultation document was published pursuant to a government decision of 7 March 2008.

The Department explained the publication as follows:

“The purpose of the paper was to ‘set out the rationale for reviewing and updating planning application fees for various classes of development and land use and the types of service improvements that members of the public should expect in return for any increase in fees’.” (translation)

The Department made the case that documents referred to under Section 10(a) of the Act related to “official” policy proposals, “for example Green/White papers, rather than consultation documents”. (translation)

The Department explained this viewpoint as follows:

“Although a consultation paper may set out policy proposals, it does not indicate a public policy position and it is made available to the public with a view to directing / developing a policy proposal further through the consultation process.” (translation)

General Overview of the Investigation

It was clear that a number of basic requirements existed to bring a document under Section 10(a) of the Act:

- A document must exist.
- That document must be published and that means made available to the public.
- The document must be that of a public body under the Act and must be *“made by it or under its authority”*.
- The document must contain *“public policy proposals”*.

It was clear that *“Resourcing the Planning System”* was a document and that it was published. It was clear also that the document was made under the authority of a public body under the aegis of the Act.

With regard to the document containing *“public policy proposals”*, these words are not defined in the Act. It appears that they encompass consultation documents in which proposals on public policy, which may or may not be implemented as policy, are presented for consideration, including White and Green Papers and draft development plans, although not limited to these documents.

Although the Department argued that Section 10(a) of the Act referred to *“official”* public policy proposals, there is no reference in the Act to such wording and, consequently, it did not appear to me that this word could be used to define the provision in the Section. In addition, it was difficult for me to believe at any rate that any document in relation to which a government decision had been taken would not be construed as an *“official”* public policy proposal, as was the case in this instance.

When a public body under the Act publishes a document on public policies containing proposals - irrespective of whether the proposals are ultimately accepted or rejected - it can be argued that that document comes under Section 10(a) of the Act. I considered that it was sufficient for the document to contain public policy proposals to accord with the meaning of this Section of the Act.

Having closely examined the document in this case, it was clear to me that it was a discussion document as part of a consultation process and that it contained public policy proposals. There was no question but that the level of fees charged in the planning process was public policy. Therefore, I considered that all the requirements were fulfilled in order to bring this document under Section 10(a) of the Act.

Finding of the Investigation

This was the finding of the investigation:

- That the Department of the Environment, Heritage and Local Government had contravened the statutory language duty confirmed in Section 10(a) of the Official Languages Act 2003 by publishing in English only the document entitled Resourcing the Planning System, at a time when the Irish version was not simultaneously available.

Recommendations of the Investigation

These were the recommendations I made as Coimisinéir Teanga:

1. That the Department of the Environment, Heritage and Local Government ensure compliance henceforth with its statutory duties under the Official Languages Act 2003.
2. That the Department of the Environment, Heritage and Local Government ensure that any document setting out public policy proposals henceforth published by it or under its authority would be published simultaneously in both official languages as confirmed in Section 10(a) of the Official Languages Act 2003, and that publication of the kind of document at issue here would not in any circumstances be proceeded with unless due compliance with this statutory duty were fully satisfied.
3. That the Department of the Environment, Heritage and Local Government send an information note (in writing or by electronic mail) within 6 weeks of the date of this report to its staff who could henceforth be responsible for the preparation for publication of documents setting out public policy proposals, affirming that:
 - That this investigation had found that the Department had in this case contravened its statutory duty confirmed in Section 10(a) of the Official Languages Act 2003 and;
 - That the Department was obliged to ensure that such a contravention would not occur again.

Appeals to the High Court

I noted in the report that any party to the investigation had the statutory right to appeal the decision to the High Court on a point of law within four weeks but no such appeal was made.

Investigation launched: 16 June 2008
Report issued: 1 August 2008

Department of Transport

Subject of Investigation

Had the Department of Transport contravened the statutory language duty confirmed in Section 10(a) of the Official Languages Act 2003 by publishing in English only the document entitled 2020 Vision – Sustainable Travel and Transport: Public Consultation, being a document setting out public policy proposals, at a time when an Irish version was not simultaneously available?

Background

It emerged, following an enquiry by my Office as part of its monitoring obligation under the Official Languages Act, that an Irish version of the public consultation document entitled “2020 Vision – Sustainable Travel and Transport” was not available when the Minister for Transport launched it on 25 February 2008.

In accordance with Section 10(a) of the Act public bodies, including the Department of Transport, have a duty to ensure that any document setting out public policy proposals is simultaneously published in Irish and English.

My Office searched for the document on the specific website established for this project www.sustainabletravel.ie. Only the English version of the publication was available on the website at that time with a notice stating that the Irish version would be “*coming shortly*”. I decided to launch an investigation on 28 February 2008.

Department’s First Reply

Although the Department was not “*absolutely certain*” that it had a duty under the Official Languages Act to publish this document simultaneously in both official languages, it stated that the public consultation process was to be bilingual in order to be “*in tune with the spirit of the Act*”. (translation)

Although the Department claimed that it was not “*absolutely certain*” of its duty under the Act, it was stated in the document sent to various companies seeking tenders to design, prepare and print the document that: “*The Department is bound by the provisions of the Official Languages Act 2003. Under this Act we must publish and print the document simultaneously in Irish and English.*”

The Department’s central argument was that the commercial company which was awarded the contract failed to provide the document bilingually and, by the time this emerged, it was “*impossible to cancel the event and the decision was made to proceed with the Irish version as soon as possible thereafter*” (translation). It had been decided that the Minister for Transport would launch the public consultation process in front of an invited audience. I sought further information for the investigation from the Department.

Department's Second Reply

The Department then explained that all the companies had tendered a price to provide an English version only of the document, although the Department required a bilingual publication. The Department indicated that it "*appraised all the tenders and the tender from XXXX was strongly considered as it was noted that it could provide translation services...*" (translation)

The Department stated that the Irish version was made available to the public on 18 March 2008 and that Ministerial approval was obtained to defer the deadline for submissions by three weeks to give further time to those who wished to make submissions in Irish. It was clear that there was a delay of almost three weeks between the publication in English and in Irish of this document.

General Overview of the Investigation

A Green Paper issued by a government department is most definitely a document setting out public policy proposals. It was clear that in this case the Department of Transport had failed to comply properly with its statutory duty under the Official Languages Act.

Regarding the Department's explanation that the commercial company awarded the contract to supply the document in Irish and English had failed to do so, ultimately it was solely a matter for the Department to ensure compliance with its statutory duty. It was not a sufficient excuse to use difficulties, even those difficulties which were claimed not to be fully under the Department's control, to rescind, reduce or amend a statutory duty confirmed in law by the Oireachtas.

A complete version of the document was not available in Irish until 18 March 2008, almost three weeks after the English version had been officially launched. The Department stated that it would have been "*impossible*" to postpone the launch until the Irish and English versions were available.

The Department's decision to extend by three weeks the period for receipt of submissions from the public in relation to the Green Paper was commendable. The investigation understands that the Department incurred expense in order to publicise this extension. However, only the English version of the document was available at the time of most media attention and discussion after the launch and, therefore, it could not be expected that the Irish speaking community would be fully confident that submissions in Irish would receive the same attention as those in English.

Finding of the Investigation

This was the finding of the investigation:

- That the Department of Transport had contravened the statutory language duty confirmed in Section 10(a) of the Official Languages Act 2003 by publishing in

English only the document entitled 2020 Vision – Sustainable Travel and Transport: Public Consultation, being a document setting out public policy proposals, at a time when an Irish version was not simultaneously available.

Recommendations of the Investigation

These were the recommendations I made as Coimisinéir Teanga:

1. That the Department of Transport ensure that any document setting out public policy proposals henceforth published by it or under its authority would be done simultaneously in both official languages, in accordance with Section 10(a) of the Official Languages Act 2003, and that publication would not for any reason be proceeded with unless full compliance with this statutory duty was ensured.
2. That the Department of Transport send an information memorandum within 6 weeks of the date of this report to its staff who could henceforth be responsible for the preparation of documents setting out public policy proposals for publication stating that:
 - This investigation had found that the Department had in this instance contravened its statutory duty confirmed in Section 10(a) of the Official Languages Act 2003, and
 - The Department was obliged to ensure that such a contravention would not occur again.
3. That a copy of the aforementioned information memorandum be sent to me as Coimisinéir Teanga as soon as it was issued.
4. That the Department of Transport ensure that it complied henceforth with its statutory duties under the Official Languages Act 2003.

Appeals to the High Court

I noted in the report that any party to the investigation had the statutory right to appeal the decision to the High Court on a point of law within four weeks but no such appeal was made.

Investigation launched: 28 February 2008
Report issued: 20 May 2008

Department of the Environment, Heritage and Local Government

Subject of Investigation

Did the Department of the Environment, Heritage and Local Government contravene the statutory language duty confirmed in Section 10(a) of the Official Languages Act 2003 by publishing in English only the document entitled Green Paper on Local Government, being a document setting out public policy proposals, at a time when an equivalent and accurate version in Irish was not simultaneously available?

Background

As part of my Office's statutory obligation to monitor the implementation of the Official Languages Act, my attention was drawn in May 2008 to a document entitled Green Paper on Local Government prepared under the aegis of the Department of the Environment, Heritage and Local Government and launched on 22 April 2008.

In accordance with Section 10(a) of the Official Languages Act, public bodies, including the Department of the Environment, Heritage and Local Government, have a duty to ensure that any document setting out "*public policy proposals*" is published simultaneously in Irish and English.

The Department indicated, following an informal enquiry from my Office, that an executive summary of the document in Irish and English had been prepared and published simultaneously in both languages, that an uncorrected Irish version had been prepared in Word form but that a complete printed Irish version of the same standard as the English version had not been simultaneously available at the time of the launch. I decided to initiate an investigation on 13 May 2008.

Department's Response

It was clear from the Department's response that it intended to make both English and Irish versions of the full document available simultaneously:

"While the Department was preparing to publish the document, it ensured that the Green Paper would be published in both official languages in accordance with Section 10 of the Official Languages Act." (translation)

Although the Department had been in contact with seven translation companies at the beginning of the year, it appeared that only one company was available to undertake the work when the original text was ready for translation. The Department stated:

"The text was sent to a translation company on 13 March. The Department was told that it would take 20-21 working days to provide the translation. On that basis, it was decided

to launch the Green Paper on Tuesday 22 April. That would give the Department an extra week at least to design the document. Due to circumstances not related to the Department, the translation was delayed.” (translation)

The Department also gave an insight into its understanding as to why publication of the document could not be postponed until both Irish and English versions were available for simultaneous publication:

“All the country’s mayors, county and city chairpersons and managers were invited to attend the launch on 22 April and that occasion could not be postponed. To fulfil the duties under the Act, it was ensured that an Irish copy of the document would be available on 22 April. Hard copies were available at the press launch and later at the official launch on that day. The Paper was available on the Department’s website on the same day. As a result of the translation difficulties, however, these were uncorrected copies only.” (translation)

The Department also explained that *“a bilingual summary was published on the same day and widely circulated”*. (translation). Over a week after the official launch, the translation company provided the complete corrected version of the document.

General Overview of the Investigation

A Green Paper issued by a government department is definitely a document setting out public policy proposals. The Department did not make a case that it had no statutory obligation regarding this document. It was clear that the Department failed to fully and properly fulfil its statutory obligation. This was explained by the fact that there was a delay in the translation to Irish of the document’s text by a commercial company.

There is a clear statutory duty under Section 10 of the Act to publish the entire document simultaneously in Irish and English. A bilingual executive summary does not fulfil that duty and it is clear that typed, uncorrected copies in Word form of the Irish version are not sufficient when a fully accurate, corrected version, designed and printed professionally, is provided of the English version.

It appeared to the investigation that no fault could be found with providing an accurate typed Irish version of the document in Word form if the English version were provided in that form also. Similarly, it would be sufficient to provide a document in electronic format in Irish if the document was only available electronically in English. The aim of Section 10 of the Act is to ensure linguistic equality in the case of the limited number of core publications which come under that section of the legislation.

As regards the *“translation difficulties”* referred to by the Department, it appeared to the investigation that the case could be made that this was more of a planning difficulty than a difficulty in translation. The launch date for the document of 22 April did not leave much space to deal with unexpected problems.

Public bodies often depend on external translation services, but there is another option that should be examined in certain circumstances, particularly in large government departments requiring a lot of translation work, namely to develop an internal translation resource by employing a professional translator on the staff.

Ultimately, in this case it was solely a matter for the Department of the Environment, Heritage and Local Government to ensure compliance with its statutory duties. Difficulties, even if they were not fully under the Department's control, were not a sufficient excuse to rescind, reduce or amend a statutory duty confirmed in law by the Oireachtas.

It appeared to the investigation that it would be a positive step in the planning of publication projects of this nature to ensure fully the availability of Irish and English versions for the launch before invitations for the event were issued publicly. It appeared to the investigation that a decision to proceed with a launch of this nature would not have been made unless the final version of the English document were definitely available.

Finding of the Investigation

This was the finding of the investigation:

- That the Department of the Environment, Heritage and Local Government had contravened the statutory language duty confirmed in Section 10(a) of the Official Languages Act 2003 by publishing in English only the document entitled Green Paper on Local Government, being a document setting out public policy proposals, at a time when an equivalent and accurate version in Irish was not simultaneously available.

Recommendations of the Investigation

These were the recommendations I made as Coimisinéir Teanga:

1. That the Department of the Environment, Heritage and Local Government ensure compliance henceforth with its statutory duties under the Official Languages Act 2003.
2. That the Department of the Environment, Heritage and Local Government ensure that any document setting out public policy proposals henceforth published by it or under its authority would be published simultaneously in both official languages in accordance with Section 10(a) of the Official Languages Act and that publication would not in any circumstances be proceeded with unless full compliance with this statutory duty was ensured.
3. That the Department of the Environment, Heritage and Local Government send an information memorandum within 6 weeks of the date of the report of this investigation to members of its staff who could henceforth be responsible for the

preparation of documents for publication setting out public policy proposals, affirming that:

- This investigation had found that the Department had in this case contravened its statutory duty confirmed in Section 10(a) of the Official Languages Act 2003;
 - The Department was obliged to ensure that such a contravention would not occur again.
4. That the Department of the Environment, Heritage and Local Government send a copy of the information memorandum referred to in recommendation 3 above to me as Coimisinéir Teanga as soon as it was issued.

Appeals to the High Court

I noted in the report that any party to the investigation had the statutory right to appeal the decision to the High Court on a point of law within four weeks but no such appeal was made.

Investigation launched: 13 May 2008
Report issued: 13 June 2008

Department of Social and Family Affairs

Subject of Investigation

Did the Department of Social and Family Affairs contravene the statutory language duty confirmed in Section 9(3) of the Official Languages Act 2003 by communicating in writing with the general public or a class of the general public for the purpose of furnishing information to the public or the class by issuing a mailshot in English only in August 2008 with regard to information on a laptop stolen in April 2007?

Background

Subsection 9(3) of the Official Languages Act 2003 places a duty on public bodies, including the Department of Social and Family Affairs, to ensure that where they communicate 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 communication shall be in Irish or in English and Irish.

An officer of the Department of Social and Family Affairs contacted my Office by telephone on 12 August 2008 seeking advice on the language duty involved in subsection 9(3) of the Act in the context of a letter to be issued to the people whose details were thought to be on a laptop that had been stolen. The officer was advised that an information mailshot to the general public or a class of the general public should be in Irish or bilingual.

A member of the public made an official complaint to me afterwards that a copy in Irish or a bilingual copy of the Department's letter should have been sent to her with regard to the stolen laptops under the provisions of the Official Languages Act.

I decided to launch an investigation on my own initiative on 12 September 2008 although a complaint from a member of the public prompted me to do so.

Department's Case

The Department confirmed that letters in English had been issued but that Irish versions had been sent to some of its customers who were known to prefer Irish as a medium of communication in official matters.

The Department did not accept that it had contravened subsection 9(3) of the Official Languages Act in this instance, as the letters issued did not constitute a communication of the kind involved in the subsection.

In summary, explaining its position, the Department stated:

“On 1 August 2008, on being informed by the Office of the Comptroller and Auditor General that one of its missing laptops contained personal social welfare customer details, the Department decided to write to each of the respective customers involved, informing him/her of the information relating to him/her contained in that laptop.

For that reason, the letter was a personal letter to selected customers in the language of their choice – a letter in English or in Irish, as pertained to each customer’s personal circumstances, respectively.

In making that decision, regard was had to the particular kind of communication involved and to the general advice Oifig an Choimisinéara Teanga had furnished in August 2007 on a question relating to the issuing of Budget material.” (translation)

(My Office had indeed provided advice to the Department on 20 August 2007 when it was issuing budget information to pensioners. As pensioners are a class of the general public, my Office advised the Department that it appeared that a communication to pensioners would come under subsection 9(3).)

The Department accepted that *“persons benefiting from the Department’s social welfare schemes”* (translation) were are a class of the general public.

It did not accept, however, that the same applied to the *“particular individual persons whose personal information was contained in the missing laptop”*. (translation)

In support of its position that a personal letter to each particular customer was involved, the Department indicated that various versions of the letter had been issued.

I decided that it was important to obtain copies of the various versions of the communication issued as well as figures with regard to the number in each case. The following are the appropriate statistics:

	English	Irish
Letter A (Customers paid by cheque or through Post Office)	247,207	8
Letter B (Customers paid through bank account)	93,093	10
Total	340,300	18
Percentage	99.995%	0.005%

General Overview of the Investigation

If the communication under discussion in this investigation were with the public in general or a class of the public in general, that would have been sufficient to bring it under the aegis of subsection 9(3) of the Act.

The communication was not with the public in general, as it was not circulated to every person/premises throughout the country.

Was this communication with a class of the public in general?

Definitely not, said the Department. It was a personal letter to each respective customer whose personal information was contained on the missing laptop, based on his/her personal circumstances, stated the Department.

The Department accepted that the group of people benefiting from social welfare schemes was a class of the public in general but did not consider that the particular people whose personal information was contained on the stolen laptop constituted a class of the public in general.

It is clear that in the usual sense of the words used, “a class” in this instance means a classification, category, sector, gathering, kind, type, group, set or band of people from the public with a common link, genus or connection. Any individual person could be included in many various groups of the public in general, for example, as a pensioner, a university graduate, an unemployed person, a disabled person, etc. A person could be part of a particular class of the public in general permanently or for a particular occasion.

It appeared to the investigation that the Comptroller and Auditor General’s decision to classify people together or, in other words, to select a class of them on a particular occasion for audit, constituted them as a “class of the public in general”.

It was clear that the theft/loss of the laptop created a common connection between the Department’s 340,318 customers whose personal details were contained on it. That connection made them a “class of the public in general”.

The Department made the case that the communication was a personal letter to “*each respective customer... based on his/her particular circumstances*” (translation). The letter received by each customer certainly contained his or her particular name and address, but that was a delivery mechanism and the difference was not sufficient to make the same basic information delivered to a third of a million people with a common connection a personal letter.

None of the letters contained any personal details to make a personal distinction between them, for example: the customer’s PPSN or the type or amount of payment of which he/she was in receipt of. I would accept that if such a distinction had been made it could be said that the letter was personal.

The purpose of the Department's communication, in the investigation's view, was to furnish information to a class of the public in general with regard to whom information was contained on a missing laptop. The Department decided to divide "*that class of the public in general*". (translation) in two, but the investigation did not consider that decision a sufficient reason to lower the classification of those people from "*a class of the public in general*".

Although the Department had sought and obtained advice in advance with regard to the circulation of this information, it had decided not to accept that advice which was its right.

It appeared to the investigation, however, that there was no evidence whatsoever that the Department had deliberately sought to contravene its statutory duty in this instance but that it made a legal interpretation of the provision of the Act which was not in keeping with the aims and intention of the Oireachtas in enacting the legislation.

In the view of the investigation, the Department was communicating in this instance with a class of the public in general to furnish information to that class and, as a consequence, it was required to comply with the statutory language duties in subsection 9(3) of the Act.

Finding of the Investigation

This was the finding of the investigation:

- The Department of Social and Family Affairs had contravened the statutory language duty confirmed in Section 9(3) of the Official Languages Act 2003 by communicating in writing with a class of the public in general for the purpose of furnishing information to the class by issuing a mailshot in English only in August 2008 with regard to information on a laptop stolen in April 2007.

Recommendations of the Investigation

Having regard to the Investigation, these were the recommendations I made as Coimisinéir Teanga:

1. That the Department of Social and Family Affairs henceforth ensure it complied with its statutory duties under the Official Languages Act.
2. That the Department of Social and Family Affairs ensure that henceforth if it were to communicate in writing with the public in general or a class of the public in general in order to furnish information, that it would adhere to the provision set out in subsection 9(3) of the Official Languages Act 2003, i.e. the communication would be in Irish or in English and Irish.

3. That the Department of Social and Family Affairs send an information memorandum (in writing or by electronic mail) within 6 weeks of the date of this report to those of the Department's staff who could henceforth be responsible for communicating in writing with the public in general or a class of the public in general to furnish information, affirming the following:
 - That this investigation had found that the Department of Social and Family Affairs had in this case contravened its statutory duty under subsection 9(3) of the Official Languages Act 2003; and
 - That the Department was obliged to ensure that such a contravention would not occur again.

Appeals to the High Court

I noted in the report that any party to the investigation had the statutory right to appeal the decision to the High Court on a point of law within four weeks but no such appeal was made.

Investigation launched: 12 September 2008
Report issued: 11 December 2008

Heritage Council

Subject of Investigation

Was the statutory duty confirmed in Section 18(1) of the Heritage Act 1995 – regarding a sufficient number of Heritage Council staff being competent in the use of Irish in order to be able to provide a service through Irish as well as English – being complied with?

Background

A member of the public contacted my Office in October 2007 regarding the limited amount of Irish on the Heritage Council’s website. A member of staff in my Office contacted the Council by telephone seeking information, but she was given to understand that no member of the Council’s staff had sufficient Irish to speak to her.

A specific provision in the Heritage Act 1995 relates to the employment of staff in the Heritage Council (Section 18(1)) and there is a specific duty referring to competency in Irish and English:

“The Council shall employ its own staff (an adequate number of whom should be competent in the Irish language so as to provide service through Irish as well as English...)”

I have a statutory duty under Section 21(f) of the Official Languages Act 2003 to carry out an investigation *“to ascertain whether any provision of any other enactment relating to the status or use of an official language was not or is not being complied with.”* It was clear that Section 18(1) of the Heritage Act 1995 was a provision of an enactment relating to the status or use of an official language. I decided to initiate an investigation on 25 October 2007.

Heritage Council’s Case

The Council sent me a report in writing on 28 November 2007 and further information on 12 December 2007. At the Council’s request, I met with representatives of the organisation on 23 January 2008 and, as a result of that meeting, the Council sent me further information on 18 February in which it admitted that it was not complying with the statutory duty regarding the appointment of a sufficient number of staff competent in the use of Irish. The Council had a permanent staff of 15.

The Council offered a series of recommendations that it was prepared to implement to address the contravention of its statutory duty:

“We very much hope to resolve as soon as possible the absence of Irish-speaking staff depending on the number of staff and recruitment conditions. We are prepared to recommend the following actions to facilitate the resolution of the issue:

1. *To recruit one staff member with specialised skills in Irish... Permission would however be required from the Department of the Environment, Heritage and Local Government and the Department of Finance. In the absence of such permission, it is recommended that competency in Irish be necessary for any position arising until the statutory requirement is fulfilled. If we do not succeed in recruiting a suitable person, the Heritage Council would have to recruit a person without the language requirement.
(The temporary staff employed at present cannot be displaced as a result of the introduction of competitions of that kind, therefore open competitions may be necessary until the current temporary staff have had the opportunity to compete for the positions they have at present.)*
2. *All staff should be trained to a basic level of Irish enabling them to direct any query to the appropriate person.*
3. *That up to 20% of staff would acquire an average level of competency enabling them to deal with simple matters.” (translation)*

Regarding a service through Irish on the Council’s website, it was stated:

“I would like to confirm that all the policy documents are available through Irish with the exception of the policy paper on Building Regulations written in 1999 which is not very relevant now... It is Heritage Council policy and a statutory requirement that all policy documents be printed in Irish. It is Heritage Council policy that policy documents be available on the website. The Heritage Council is currently developing a new website which will provide an improved level of Irish for the public.” (translation)

General Overview of Investigation

The case could be made that in enacting Section 18(1) of the Heritage Act, the Oireachtas was of the view that the Heritage Council would be providing a bilingual service and that consequently a sufficient number of staff competent in the use of Irish would be required. It was clear that it was not considered to be sufficient that a service through Irish be provided solely by external contractors or consultants but rather that the service through Irish be offered through the organisation’s own staff. There was no doubt that the Council was negligent in this matter over the years and that the organisation was operating outside the legislative parameters set for it by the Oireachtas regarding this responsibility.

It was very clear that the Council needed to prepare and implement a plan immediately to address this infringement of legislation and to take every practicable step as soon as possible so that the organisation would be operating in accordance with the legislative intention of the Oireachtas.

It was clear that the question of a “*sufficient number*” of staff competent in the use of Irish would have to be dealt with when any new appointment was being made. The Council’s concept that it could appoint a person without Irish “*if we do not succeed in*

recruiting a suitable person” could not in any way be accepted. It cannot be said that the statutory linguistic duty in Section 18(1) of the Heritage Act is an “*à la carte*” duty.

It would be an insult to the Oireachtas and a complete disregard of acknowledged statutory duties to appoint any additional person without competence in the use of Irish to the staff of the Council until such time as the organisation had employed a sufficient number of persons competent in the use of Irish.

In the short term, it was clear that the Council should prioritise an action plan to develop its provision of a service through Irish by using contractors or agents on contract, if necessary, or in any other appropriate way. This should not, however, be seen as an alternative to the statutory duty of employing staff competent in the use of Irish, but rather as an interim, short-term measure.

Finding of the Investigation

This was the finding of the investigation:

- The statutory duty confirmed in Section 18(1) of the Heritage Act 1995 – regarding a sufficient number of Heritage Council staff being competent in the use of Irish in order to be able to provide a service through Irish as well as English – was not being complied with.

Recommendations of the Investigation

These were the recommendations I made as Coimisinéir Teanga:

1. That the Heritage Council would as soon as possible prepare and implement a plan to ensure its compliance with the statutory duty confirmed in Section 18(1) of the Heritage Act 1995 with regard to competency in the use of Irish by a sufficient number of its staff in order to provide a service in Irish as well as in English.
2. That the Heritage Council’s plan be a road map to guide the organisation from its present non-statutory position to a position where it would be compliant with its statutory duty as confirmed in law by the Oireachtas and that that journey be completed in the shortest possible timeframe.
3. Until it had a sufficient number of staff to provide a service through Irish as well as English, that the Heritage Council would ensure that competency in Irish would henceforth be necessary for any person appointed to the staff of the organisation, irrespective of whether that would be as a result of a new post or posts being created and authorised for the Council or as a result of a vacancy/vacancies arising among the current permanent staff.

4. In the meantime, if necessary, as an interim, short-term measure until the statutory language requirement was completely fulfilled, that the Heritage Council give priority to appropriate efforts to develop the organisation's provision of a service through Irish by using contractors or agents on contract, or in any other appropriate way – including opportunities for the current permanent staff to learn Irish – and that part of that service include the provision of Irish/bilingual versions of the website, brochures, leaflets, application forms, etc.
5. That the Heritage Council inform the Department of the Environment, Heritage and Local Government and the Department of Finance of the investigation's finding and recommendations and the fact that the statutory duties under Section 18(1) of the Heritage Act would continue to be contravened until the recommendations of the investigation were fully implemented.
6. That the Heritage Council accept the right of the Office of An Coimisinéir Teanga to revert to the matter again in due course, if appropriate, to ensure that the language duty confirmed in Section 18(1) of the Heritage Act, being a provision of an enactment relating to the status or use of an official language, was being complied with.

Appeals to the High Court

I noted in the report that any party to the investigation had the statutory right to appeal the decision to the High Court on a point of law within four weeks but no such appeal was made.

Investigation launched: 25 October 2007
Report issued: 26 March 2008

The Equality Authority

Subject of Investigation

Did the Equality Authority contravene the statutory language duty confirmed in Section 10(b) of the Official Languages Act 2003 by publishing the 2007 Annual Report in English only, at a time when an Irish version was not simultaneously available?

Background

It emerged in July 2008 that the Equality Authority had published the 2007 Annual Report in English only. According to Section 10(b) of the Official Languages Act, a public body, including the Equality Authority, has a duty to ensure that any annual report made by it or under its authority is published simultaneously in Irish and English.

Following informal correspondence with the Authority, I decided that I had no option but to initiate an investigation on 6 August 2008.

The Equality Authority's Case

The Authority accepted unequivocally that publishing the 2007 Annual Report in English only had contravened Section 10(b) of the Act. It was stated that the Authority regretted this and that the contravention occurred because of "*personal circumstances relating to the personnel engaged in or responsible for the translation, a desire to ensure an excellent translation, the necessity to reduce as much as possible breaches of legislation, human errors and omissions.*" (translation). Reference was also made to illness which impeded the progress and preparation of the report.

The Equality Authority has a duty to publish an annual report within 6 months of the beginning of each new calendar year. The Authority stated that when it became clear from 11 July that it was contravening both the Official Languages Act and the Employment Equality Acts 1998-2008 that "*it would not have been possible or practical to secure another translator with the equivalent expert proficiency and this would have significantly delayed the translation.*" (translation)

It was stated that "*the Chief Executive decided to minimise the ongoing breaches of legislation by publishing the Annual Report.*" (translation) The Chief Executive confirmed that he strongly intended "*that this will not happen again*" (translation)

General Overview of Investigation

It was clear to the investigation that there was no conflict between the duty under the Employment Equality Acts 1998-2008 in regard to publishing an annual report within 6 months of the start of the year and the duty to publish that report simultaneously in both official languages.

The investigation accepted that personal circumstances arise with regard to illness or otherwise in any public body and that the pressure this places on individuals, on staff and on the public body must be appreciated. This is not sufficient, however, to set statutory duties aside.

Although the fact that no one requested the Irish version of the report when it was published many weeks after the English version had been made available was not used as an explanation in defence of the contravention, this could not be seen in any way as an indication of the demand that would have existed had the report been available simultaneously in Irish and English. It appeared also that only the English version was circulated proactively to the media (including the Irish language media), politicians and other stakeholders, irrespective of their language choice. It appeared to the investigation that to actively decide to proceed with the publication of a document with the clear knowledge that it was contravening legislation was a most serious action to be taken by any statutory organisation, especially one with responsibility for equality.

Finding of the Investigation

This was the finding of the investigation:

- That the Equality Authority had contravened the statutory language duty confirmed in Section 10(b) of the Official Languages Act 2003 by publishing the 2007 Annual Report in English only, at a time that an Irish version was not simultaneously available.

Recommendations of the Investigation

These were the recommendations I made as Coimisinéir Teanga:

1. That the Equality Authority ensure compliance henceforth with its statutory duties under the Official Languages Act 2003.
2. That the Equality Authority ensure that any annual report henceforth published by it or under its authority would be published simultaneously in each of the official languages, in accordance with Section 10(b) of the Official Languages Act 2003, and that publication of the kind of document at issue here would not in any circumstances be proceeded with unless full compliance with this statutory duty could be ensured.
3. That the Equality Authority send an information memorandum within 6 weeks of the date of this report to those of its staff who could henceforth be responsible for the preparation of the annual report for publication, affirming that:
 - This investigation had found that the Authority had in this case contravened its statutory duty confirmed in Section 10(b) of the Official Languages Act 2003;

- The Authority was obliged to ensure that such a contravention would not occur again.
4. That the Equality Authority send an information memorandum within 6 weeks of the date of this report to the chairman and members of the board of the Equality Authority and to the organisation's parent department – the Department of Justice, Equality and Law Reform – informing them of the investigation's finding.
 5. That the Equality Authority send a copy of the information memorandum referred to in recommendations 3 and 4 above to me as Coimisinéir Teanga as soon as it was issued.

Appeals to the High Court

I noted in the report that any party to the investigation had the statutory right to appeal the decision to the High Court on a point of law within 4 weeks but no such appeal was made.

Investigation launched: 6 August 2008
Report issued: 15 October 2008

Health Service Executive

Subject of Investigation

Did the Health Service Executive contravene the statutory duty confirmed in Section 18(1) of the Official Languages Act 2003 with regard to a particular commitment of the Health Service Executive (Western Area) Language Scheme, in Paragraph 4.6 of the Scheme, in a case in which it was alleged that preschool inspection services were provided in English only in the Galway Gaeltacht in February 2008?

Background

The owner of a preschool in the Galway Gaeltacht complained to my Office in February 2008 that an inspection of her nursery was conducted through English only. The complainant stated that it was indicated to her that she had no other choice but to cooperate with that inspection through English.

The Health Service Executive (Western Area) Language Scheme, which came into effect on 1 September 2005, confirmed that an Irish speaker would be appointed to inspect the preschool system in the Gaeltacht from January 2006 onwards.

A similar complaint had arisen in February 2007 with regard to a preschool in the Connemara Gaeltacht being inspected through English. Following a complaint from my Office, the Health Service Executive confirmed in writing on 3 May 2007 that *“arrangements would be made to ensure that Gaeltacht preschools in Connemara would be inspected etc. through Irish”*. (translation) It appeared from the new complaint in February 2008 that this had not occurred.

Although I considered the issue to be more serious as the Health Service Executive had confirmed in writing that it would deal with the matter as a result of the complaint made in 2007, my Office made yet another attempt to resolve the case on an informal basis but that effort did not succeed. It was clear to me that I had no other choice but to launch a statutory investigation on 29 February 2008.

First Response

In a letter dated 28 March 2008, the Health Service Executive accepted that in this case the statutory duty confirmed in Section 18(a) of the Official Languages Act 2003 had been contravened with regard to Paragraph 4.6 of the Language Scheme. As an explanation, it was stated: *“This happened because the HSE did not succeed in recruiting a preschool inspector with fluent Irish in 2005.”* (translation)

It was also explained that a position as a preschool inspector for Galway had been advertised internally in June 2005, that one application was received for this vacancy and that the position was offered to the applicant in question, but that she had not accepted it. It was stated as well that the position was advertised internally again in November 2005

but that no application was received on that occasion. As a result, the Health Service Executive stated: *“It was decided to advertise the position as an English language post on 5/12/2005.”* (translation)

Records

As is the norm in these investigations, the Health Service Executive was asked to provide any records relating to the subject of this investigation. When those records were provided, the investigation was surprised to find that up to 137 documents were involved in the matter, containing approximately 156 pages, mostly of internal memos and emails. It appeared also that this internal administrative effort achieved little result in terms of dealing with the matter.

Additional Responses

Having examined the Health Service Executive’s response, I decided to seek clarification on certain issues. The second reply came from the Health Service Executive in a letter dated 19 May 2008.

From the time the Language Scheme’s provision with regard to inspections through Irish came into effect in January 2006, it appeared that 16 Gaeltacht and Irish language preschools out of a total of 32 of that type listed by the Health Service Executive in Co. Galway were inspected through English.

From the time the Health Service Executive confirmed in writing to my Office on 3 May 2007 that inspections in Gaeltacht preschools in Connemara would be conducted through Irish, a total of seven were nonetheless inspected between that date and the date of this investigation through English only. It was stated that the inspection was conducted through English *“because we have not employed any Preschool Inspector with Irish.”* (translation)

In reply to a question from the investigation seeking the Health Service Executive’s opinion as to whether an officer of theirs without Irish could carry out a proper inspection of an Irish language/Gaeltacht nursery in which the appropriate files were kept in Irish, the following was stated:

“...the Manager of Pre-School Services is of the opinion that the officers currently employed have sufficient Irish to communicate with the service provider while conducting inspections. However, after taking the above into account, we accept that they are not capable of speaking Irish fluently.

The inspection reports are made available to the Preschool provider in Irish and English.” (translation)

Although the first reply to the investigation indicated that the position as an inspector was advertised as an English post, a different reply was given in the second letter:

“...the position was not advertised as solely an English post. Applications were welcome from fluent Irish speakers. No decision was taken to advertise the position as an English post...” (translation)

Nevertheless, it was clear that someone with Irish was not appointed to the position.

When a draft report on the investigation was sent to the Health Service Executive to provide the opportunity to correct any mistakes, misunderstandings or inaccuracies in the draft report before findings or recommendations were made, the Executive availed of the opportunity to clarify a number of points.

The Executive indicated that the inspection of preschool centres had a statutory basis under various enactments and stated, inter alia:

“Priority is given to the child’s welfare in every decision made by the preschool Service and the Health Service Executive’s management...”

Accordingly, the Preschool Officer has to find a balance between complying with duties regarding the child’s welfare in the preschool setting and showing respect for the cultural needs of the child, the family and the Preschool.

The Preschool Officer had to resolve the problem that arose i.e. finding a balance between the danger of harm or misconduct and the rights of the preschool to have the inspection conducted through Irish.

The Preschool Service never intended to weaken the obligations in the Language Scheme.” (translation)

With regard to the complainant in this investigation, it was stated that the inspection was conducted as a result of a requirement which the preschool itself had (in support of and as part of an application for capital funding), that it was conducted as a result of a request from the preschool and with the full agreement of the preschool, and that at the end of the process, the inspector understood that the director of the preschool had said she was satisfied.

Overview of the Investigation

I fully accepted the importance of statutory inspections and the serious and grave duties they placed on the Health Service Executive with regard to children’s welfare. Part of that statutory duty is also to ensure that inspections of preschools in the Galway Gaeltacht are conducted through Irish by virtue of Section 18(1) of the Official Languages Act 2003 with regard to the commitment in Paragraph 4.6 of the Health Service Executive (Western Area) Language Scheme. The stakeholders are entitled to expect that inspections conducted through Irish are of the same standard and on an equal footing with inspections conducted through English, including the inspection of written documents and oral interviews.

I did not accept in any way the case that one right should give way to the other when it was clear that appropriate personnel arrangements could be made to ensure protection of the various rights (inspection and language).

It was the Health Service Executive itself which chose to include preschool inspections through Irish in the Galway Gaeltacht among its priorities in the organisation's Language Scheme in the Western Area. The Health Service Executive has no option but to properly comply with the relevant statutory duties.

Finding of the Investigation

This was the finding of the investigation:

- The Health Service Executive contravened the statutory duty confirmed in Section 18(1) of the Official Languages Act 2003 with regard to a particular commitment of the Health Service Executive (Western Area) Language Scheme, in Paragraph 4.6 of the Scheme, when preschool inspection services were provided through English only in the Galway Gaeltacht in February 2008.

Recommendations of the Investigation

These were the recommendations I made as Coimisinéir Teanga:

1. That the Health Service Executive appoint a person fluent in Irish to inspect preschool centres in the Galway Gaeltacht, as promised in Paragraph 4.6 of the organisation's (Western Area) Language Scheme, as soon as possible.
2. In the short term, until that appointment was made, that the Health Service Executive would make appropriate personnel arrangements to ensure that preschool centres in the Galway Gaeltacht would be inspected through Irish and that no child, parent, guardian or provider of nursery services would be at any disadvantage or in any danger of any kind as a result of the Executive's language duty in this regard.
3. That the appropriate staff of the Health Service Executive accept that in this case there need not be any conflict between children's welfare and safety rights and language rights and that they would, in future, be vigilant in protecting those joint rights.
4. That the Health Service Executive send an information memorandum in Irish, as soon as possible and at the latest within 6 weeks of the date of this report, to the directors of nurseries in the Galway Gaeltacht confirming that preschool inspections would henceforth be conducted through Irish as promised in the Executive's Language Scheme.

5. That the Health Service Executive send a copy of the information memorandum referred to in recommendation 4 above to me as Coimisinéir Teanga as soon as it was issued.

Appeals to the High Court

I noted in the report that any party to the investigation had the statutory right to appeal the decision to the High Court on a point of law within four weeks but no such appeal was made.

Investigation launched: 29 February 2008

Report issued: 13 June 2008

Dublin City Council

Subject of Investigation

Did Dublin City Council contravene its statutory duty, confirmed in Section 10(a) of the Official Languages Act 2003, by publishing a document entitled Maximising the City's Potential: a Strategy for Intensification and Height in English only at a time when the Irish version was not available simultaneously?

Background

A member of the public made an official complaint to me on 7 March 2008 about a document entitled Maximising the City's Potential: a Strategy for Intensification and Height published by Dublin City Council in February 2008. The complainant was of the view that a bilingual version or a copy in Irish of the full document should have been available simultaneously with the English version in accordance with the provisions of the Official Languages Act 2003.

Under Section 10(a) of the Act, public bodies have a duty to publish documents setting out "*public policy proposals*" simultaneously in Irish and English.

Dublin City Council is a public body under the Act. The City Council denied in writing to the complainant that it had a duty under the Official Languages Act or under the Council's Language Scheme to provide the document in Irish. Since my Office did not succeed in resolving the complaint on an informal basis, I decided to initiate an investigation on 20 March 2008.

Dublin City Council's Case

The City Council's case could be divided into two parts:

(a) Document setting out public policy proposals

The City Council stated that the document did not set out any public policy proposals:

"It is not a document of that kind until a statutory recommendation arises from it, that is a recommendation to alter the City's Development Plan under Section 13 of the Planning and Development Act, 2000... In the current context, it is only by altering the City's Development Plan under Section 13 that public policy proposals can be set out."
(translation)

(b) Document made by or under the authority of a local authority

The City Council also said that it was necessary that a document be "*a statutory document made in accordance with the appropriate local government legislation*" in order for it to come under Section 10 of the Official Languages Act. The City Council

said that the document was a discussion document in regard to which the Council sought submissions from the public before deciding on making any statutory change under the Draft City Development Plan 2005-2011: *“On that basis, we do not believe that it is a document ‘made by or under the Authority’ of the City Council, as Section 10 of the Act requires.”* (translation)

The City Council emphasised the difference between the role of the elected members of the Council and the Council’s executive in these matters:

Only the statutory body makes policy decisions (i.e. the Elected Council). There are administrative processes in place and the management executive makes decisions accordingly to ensure that the organisation is run efficiently and effectively. It is clearly specified in Section 130 of the Local Government Act 2001 that the policy making function of local authorities rests solely with the elected representatives.” (translation)

As a summary of the City Council’s central arguments, it appeared to the Council that the document did not come under Section 10(a) of the Official Languages Act since the document was not made officially by the Council in accordance with local government legislation and since no Council document would set out public policy proposals without a statutory recommendation.

General Overview of the Investigation

Section 10 of the Official Languages Act has the power to amend provisions of other enactments. This means that other enactments cannot be used to limit or rescind obligations under this provision; it is necessary to comply with the obligation under this provision.

It was clear that there were a number of basic requirements in order to bring a document under Section 10 of the Act:

- A written document must exist.
- That document must be published and this would mean that it must be available to the public.
- The document must be that of a public body under the Act *“made by or under its authority”*.
- The document must contain *“public policy proposals”*. It appears that this encompasses consultation documents in which proposals on public policy, which may or may not be implemented as policy, are presented for consideration. This includes White and Green Papers and draft development plans, although it is not limited to these documents.

The City Council argued strongly that the document under scrutiny in the investigation was not made by or under the authority of the Council. The Council relied on the argument that it could not be a document of this kind until it became subject to a statutory recommendation, i.e. a recommendation to change the City Development Plan under Section 13 of the Planning and Development Act 2000.

Taking the normal meaning of the words and using the usual rules of interpretation, I believed that this interpretation of the concept regarding a public body's document "*made by it or under its authority*" was too narrow and I did not accede to it.

It was clear to me that this provision (i.e. "*made by it or under its authority*") related to every kind of public body coming under the legislation. It did not appear to me that the concept should be construed by a definition or an interpretation from legislation in one area (i.e. local authorities), especially when the provision began with "*Notwithstanding any other enactment...*".

As regards the distinction made by the City Council between the Council's elected members and the Council's executive in these matters, it did not appear to me that this related to the central issue in this case. It is clear that elected members of the Council have the power and authority to sanction public policy proposals but it is not clear that the executive management is prohibited from publishing a discussion document or draft document containing a choice of public policy proposals that could be accepted or rejected in due course. As a result of all of this, I was certain that this document had been made by the City Council or under its authority.

The only other question that arose was whether or not "*public policy proposals*" were set out in the document. Although it was clear that it was a discussion paper as part of a consultation process, I failed to find public policy proposals in it. It appeared to me that it was closer to a position paper on the current situation, or that it was a guide or information booklet rather than a document setting out public policy proposals.

For that reason and that reason only, it did not appear to me that it was a document under Section 10(a) of the Official Languages Act and, therefore, it did not appear to me that Dublin City Council had a statutory duty to publish it simultaneously in Irish and English.

Finding of the Investigation

This was the finding of the investigation:

- Dublin City Council did not contravene the statutory language duty confirmed in Section 10(a) of the Official Languages Act 2003 by publishing the document entitled *Maximising the City's Potential: a Strategy for Intensification and Height* in English only at a time when an Irish version was not simultaneously available.

Recommendations of the Investigation

Since there was no contravention of the Act, I had no recommendations to make in this case.

Appeals to the High Court

I noted in the report that any party to the investigation had the statutory right to appeal the decision to the High Court on a point of law within four weeks but no such appeal was made.

Investigation launched: 20 March 2008

Report issued: 11 June 2008

Irish Research Council for the Humanities and Social Sciences

Subject of Investigation

Did the Irish Research Council for the Humanities and Social Sciences contravene the statutory language duty confirmed in sub-section 9(2) of the Official Languages Act 2003 by replying in writing in English to a communication in writing in Irish in May 2008, as alleged by the complainant in this case?

Background

A member of the public complained that she had forwarded an application form, which was not available in Irish but was completed by her in Irish, as well as supporting documents in Irish to the Irish Research Council for the Humanities and Social Sciences at the beginning of 2008 seeking a research scholarship.

She received a letter in English dated 9 May 2008 accepting her application and awarding her a scholarship. There was a declaration form, also in English, with this letter and again she completed it in Irish.

Under sub-section 9(2) of the Official Languages Act 2003, a person has the right to receive a reply in Irish to written correspondence in Irish with a public body which comes under the legislation. The Irish Research Council for the Humanities and Social Sciences is such a body.

My Office had contacted the Irish Research Council for the Humanities and Social Sciences with regard to a similar complaint during 2007. At that time we were informed that a memorandum had been issued to all staff with regard to their duties under the Act and that a system had been put in place to ensure that any communication in Irish would be answered in that same language.

I also noticed a warning given in the Council's documentation concerning the terms and conditions of its schemes where it was stated that applications could be made in either Irish or English but that those choosing Irish were advised "*to submit their own English translations in order to facilitate evaluation by the International Board of Assessors...*". I wished to understand the basis for that statement. I decided to initiate an investigation on 26 May 2008.

Council's Response

The Council accepted that it had contravened the statutory duty under sub-section 9(2) of the Act. It said that it regretted what had happened in this case while they were "*anxious to issue the results of the competition*". (translation)

The Council provided this insight into the Irish Government's Funding Scheme for Postgraduate Scholarships in the Arts and Social Sciences in relation to which the complaint made to me had arisen:

"We received 501 applications under the 2008/09 scheme... Due to the large number of applications sent, the Microsoft Word mailmerge composite postal system was used to issue the letters containing the results. Because of this, [the complainant] received a reply in English.

The Council accepts that this was an administrative error that should not have occurred at all... we wished to inform all the applicants of the result of the evaluation process as soon as possible..." (translation)

The Council referred also to the question which I had raised with regard to Paragraph 12 of the Scheme's terms and conditions, namely:

"Applications may be made in either English or Irish. Should applicants wish to apply in Irish, they are advised to submit their own English translation along with the application in order to facilitate evaluation by the International Board of Assessors. If an English translation is not provided, applicants will be bound by the translation which the Council provides on their behalf to the International Board of Assessors". (translation)

That provision was clarified as follows:

"The assessment process is conducted through English as the academics on our Assessment Boards come from all over the world. Consequently, the board members require an English translation for all applications in order to review them." (translation)

General Overview of the Investigation

The Council had certainly contravened the statutory duty confirmed in sub-section 9(2) of the Official Languages Act in this instance. The Council's approach regarding the provision in the terms and conditions of the Council's schemes was of concern to the investigation.

Although the Council was prepared to provide a translation in English, the statement that if applicants did not provide their own translation in English, they would *"be bound by the translation which the Council provides to the International Assessment Board on their behalf"* could clearly be taken as a warning. It appeared to the investigation that in recommending that an English translation accompany the application in Irish, the service offered through Irish was conditional.

It is a matter for the Council to direct its own affairs as it sees fit as long as it is not contravening the legislation. If the Council considered that the best possible way for it to function was by way of English translations of applications in Irish, it was solely the responsibility of the Council to provide an accurate translation. I did not believe that sub-

section 9(2) of the Act authorised the attaching of conditions of any kind to the public's right to use either of the official languages in written communication with a public body specified under that Act.

A public body should not impose any inconvenience or any additional expenditure on a person choosing to apply through Irish beyond that incurred if he or she chose to apply in English. In addition, it was clear that a public body must provide whatever facilities it considered appropriate in this matter in order to ensure that a person choosing one official language would not be at a disadvantage because he or she had not chosen the other official language.

Finding of the Investigation

This was the finding of the investigation:

- That the Irish Research Council for the Humanities and Social Sciences had contravened the statutory language duty confirmed in sub-section 9(2) of the Official Languages Act 2003 by replying in writing in English to a communication in writing in Irish in May 2008, as alleged by the complainant in this case.

Recommendations of the Investigation

These were the recommendations I made as Coimisinéir Teanga:

1. That the Irish Research Council for the Humanities and Social Sciences properly comply henceforth with the statutory duty confirmed in sub-section 9(2) of the Official Languages Act 2003 by:
 - Ensuring that a person communicating with it in an official language, in writing or by electronic mail, would receive a reply in the same language;
 - Ensuring that no additional responsibility or inconvenience would be placed on a person choosing one official language to communicate in writing or by electronic mail with the Council other than that occurring if he or she chose the other official language;
 - Ensuring that a person choosing one official language rather than the other in communicating in writing or by electronic mail with the Council would not be at a disadvantage because of that choice or because he or she did not choose the other official language;
 - Ensuring that the provision in its schemes' terms and conditions would be appropriately amended to ensure language equality.
2. That the Irish Research Council for the Humanities and Social Sciences issue an official information note to all its staff as soon as possible, but within 6 weeks of this report's date at the latest, stating:

- That this investigation had decided that the organisation had contravened its statutory language duty in this instance and that it was obliged to ensure that this would not happen again;
- That work practices would be implemented to ensure compliance henceforth with statutory language duties; and
- That a copy of the information note would be sent to me as Coimisinéir Teanga as soon as it was issued.

Appeals to the High Court

I noted in the report that any party to the investigation had the statutory right to appeal the decision to the High Court on a point of law within four weeks but no such appeal was made.

Investigation launched: 26 May 2008
Report issued: 24 June 2008

Iarnród Éireann

Subject of Investigation

Is the provision in Section 57(2) of the Transport Act 1950 - a provision relating to the status or use of an official language - being complied with by Iarnród Éireann with regard to Iarnród Éireann travel tickets?

Background

A member of the public complained that the language usage on certain tickets issued by Iarnród Éireann did not comply with the following statutory language requirement confirmed in Section 57(2) of the Transport Act 1950:

“All passenger card tickets issued by the Board for journeys within the State shall be printed in the Irish language but may be printed in both the Irish and English languages”.

The travel ticket sent to me was printed in English only. I decided to initiate an investigation on 28 March 2008.

Iarnród Éireann’s Responses

Iarnród Éireann’s Chief Executive stated that the ticket was printed in English by an automatic ticket sales machine of a type used in many of Iarnród Éireann’s stations. It was stated that at present those machines print tickets in English only.

Iarnród Éireann’s central argument was that the type of ticket obtained by the complainant was not a passenger card ticket, as defined in Section 57(2) of the Transport Act 1950. The Chief Executive said that this was because *“the term passenger card ticket used in the Act refers to a pre-printed ticket which is not in use any more.”* (translation)

The Chief Executive further clarified as follows: *“All tickets now issued by Iarnród Éireann are paper tickets printed at the point of issue.”* (translation)

The Chief Executive stated that the company recognised *“the importance of affording equal status to the State’s two official languages”.* (translation) He made the following offer:

“For this purpose, our Information Technology division is already in discussions with suppliers of our Automatic Ticket Sales Machines in order to alter the systems to ensure the availability of tickets printed in Irish for customers choosing to purchase tickets through Irish.” (translation)

Overview of the Investigation

It was clear that Iarnród Éireann did not accept that the type of train ticket at issue in this investigation was the same as the “*passenger card tickets*” referred to in Section 57(2) of the Transport Act 1950. It was evident, therefore, that it was necessary to define the legal interpretation of the Section and to consider Iarnród Éireann’s position in that context.

That Act came into force almost sixty years ago and, although various amendments were often made to other provisions of that Act over the years, the Oireachtas did not decide to amend this provision. It seemed that in enacting this provision, the Oireachtas intended that the “*card tickets*” issued to passengers for travel within the State would be printed in Irish or bilingually.

I was of the opinion that the “*card ticket*” referred to that instrument which is given to a passenger to prove that he/she has a permit, licence, voucher or warrant authorising travel on a particular journey within the State. It was the permission or the authority bestowed by this instrument on the person that was central in this provision rather than the material (card or paper) on which it was printed or the production process used to manufacture it (pre-printed or printed by an automatic machine at the point of issue).

If, however, the meaning of this section of the Act was vague or ambiguous or the clear intention of the Oireachtas was unclear from it – something I did not accept – the Interpretation Act 2005 (Section 5(1)) provided that the provision be given “*a construction that reflects the plain intention of the Oireachtas or parliament concerned, as the case may be, where that intention can be ascertained from the Act as a whole*”. It was evident from Section 57 in its totality that it provides for the use of Irish in elements of the company’s work, i.e. permanent notices, permanent public signs and tickets.

I did not consider that it was sufficient for Iarnród Éireann to enter into discussions “*with our suppliers of automatic ticket sales machines to find out the costs and the timeframe which would be involved in modifying our systems to ensure the availability of tickets printed in Irish for customers choosing to purchase tickets through Irish*” (translation) in order to comply with the duty which I perceived to be confirmed in Section 57(2) of the Transport Act 1950.

The obligation to provide tickets in Irish or bilingually applies to all tickets issued by the company for travel within the State. It is not confined solely to those tickets issued to customers choosing to purchase such tickets through Irish from an automatic ticket sales machine. Indeed, it appears that no statutory provision has been made permitting the company to provide unilingual tickets in English for travel within the State.

General

It is clear that in general Iarnród Éireann requires passengers to fulfil their obligations when undertaking train journeys, especially the duty to pay the correct fare in exchange for the right to travel. Iarnród Éireann must also fulfil its own obligations, particularly

those confirmed in law by the Oireachtas, including Section 57(2) of the Transport Act 1950.

Mr Justice Hardiman’s statement in a judicial review by the Supreme Court in 2001 is recalled:

“The modern State necessarily imposes many onerous duties on citizens in relation to various aspects of life, from tax compliance to planning law. Many of these duties are irksome, time-consuming and expensive to comply with, but compliance is properly required.

Equally the State itself must comply with its obligations, particularly those enshrined in the Constitution, and can no more be heard to complain that such compliance is irksome or onerous than can an individual citizen. In particular, the State cannot be heard to complain that its non-compliance over a period of decades have now rendered present compliance even more difficult.”

(Hardiman, J. – Judicial Review – Supreme Court. Ref: Ó Beoláin v Fahy [2001] 2 I.R. 279.)

Finding of the Investigation

This was the finding of the investigation:

- That the provision in Section 57(2) of the Transport Act 1950 – a provision relating to the status or use of an official language – was being contravened by Iarnród Éireann in relation to travel tickets for journeys within the State.

Recommendations of the Investigation

These were the recommendations I made as Coimisinéir Teanga:

1. Without prejudice to the full obligation that I considered to be at issue, that Iarnród Éireann ensures that it takes the appropriate steps as soon as possible to comply henceforth with the statutory language requirement confirmed in Section 57(2) of the Transport Act 1950 by ensuring that passenger tickets for railway journeys within the State were printed in Irish or bilingually and that a realistic plan be prepared and implemented with specific timeframes to achieve this.
2. That that plan act as a “road map” for Iarnród Éireann to lead the organisation from its current non-statutory position to a position of compliance with the statutory duty confirmed in law by the Oireachtas in Section 57(2) of the Transport Act 1950 and that that journey should be made in the shortest reasonable timeframe.

3. That Iarnród Éireann appreciate that the Office of An Coimisinéir Teanga retained the right to revert to the matter again in due course, if appropriate, in order to ensure that the language duty confirmed in Section 57(2) of the Transport Act 1950, a provision of an enactment relating to the status or use of an official language, was being complied with.

Appeals to the High Court

I noted in the report that any party to the investigation had the statutory right to appeal the decision to the High Court on a point of law within four weeks but no such appeal was made.

Investigation launched: 28 March 2008
Report issued: 17 June 2008

National Roads Authority

Subject of Investigation

Did the National Roads Authority contravene the statutory language duty confirmed in Section 9(3) of the Official Languages Act 2003 by communicating in writing with the public in general or a class of the public in general for the purpose of furnishing information to the public or the class by issuing a mailshot in English only in August 2008 with regard to new toll (e-flow) arrangements on the M50?

Background

A complaint was made to me that the National Roads Authority sent a mailshot in English only to the public in general through the postal system in August 2008 with regard to new toll (e-flow) arrangements on the M50.

Section 9(3) of the Official Languages Act 2003 places a duty on public bodies, including the National Roads Authority, to ensure that where they communicate in writing or by electronic mail with the public in general or a class of the public in general, for the purpose of furnishing information to the public or the class, the communication is in Irish or in English and Irish.

My office attempted unsuccessfully to reach agreement in this case on an informal basis with the Authority. I decided to initiate an investigation on 19 September 2008.

National Roads Authority's Case

The Authority did not accept that by sending this mailshot in English only it had contravened Section 9(3) of the Official Languages Act 2003.

The Authority explained the brochure's purpose as follows:

"Our main purpose in sending out this brochure was to urge people to register and open an e-flow toll account, and was a commercial proposal from the Authority..."
(Translation)

The Authority accepted that, while the communication furnished details on the operation of the M50 barrier-free toll, the brochure was provided as *"a basic marketing measure"* (translation) because, it stated, people would not register for the accounts unless they understood what it was they were registering for and why it was necessary for them to so do.

The Authority indicated that it was their understanding that Section 9(3) covered communications intended to *"provide information"* (translation) but was not concerned with advertising or commercial proposals.

The Authority stated:

“It is our understanding that advertising aimed at promoting commercial products or services is not covered by Section 9(3) – if it were, it is very probable that it would create considerable issues with regard to advertising and marketing capability, with particular restrictions on the State sector commercial organisations concerned in the Act, but not on similar companies in the private sector...” (translation)

General Overview of the Investigation

The case can be made that there are four different aspects to Section 9(3) of the Official Languages Act 2003 and that any proposed communication should be considered under those yardsticks to see if it does or does not come under the aegis of this section. The following are those yardsticks:

- Is the communication from a public body under the Act?
- Is the communication in writing or by electronic mail?
- Is the purpose of the communication to furnish information?
- Is the communication with the public in general or a class of the public in general?

If a communication meets each of those yardsticks, it would appear that it satisfies every criterion to bring it under Section 9(3) and should be made in Irish or bilingually – there being no provision to issue it in English only.

If the proposed communication does not meet any one or more of the above yardsticks, it appears that Section 9(3) does not cover it.

The Authority accepted that it was a public body under the Act, that the communication was done in writing and that that communication was with the public in general.

The Authority’s central argument was that it was its understanding that Section 9(3) covered communications *“to furnish information”* and was not concerned with advertising and commercial proposals.

It is clear that the language duty is not at issue unless the purpose of the communication is to furnish information. Consequently, the question to be answered was whether or not this communication furnished information?

The Authority’s communication in this case was, for the most part, presented as a series of questions and answers. Each individual question was answered accurately and clearly in such a manner that, to my mind, no argument could really be made but that information was being provided.

In addition, information on toll charges to be charged during 2008 on various types of vehicles was set out, depending on the kind of account involved. Again, unquestionably information was furnished in that communication.

With regard to the Authority's argument that commercial advertising or marketing was the reason for circulating this particular communication to the general public, thus excluding it from the duties of Section 9(3) of the Act, it appeared to me that the Oireachtas, in enacting this provision, did not make any exception or limitation of this kind.

The language duty confirmed in Section 9(3) relates only to a communication in writing or by electronic mail from a public body under the Act. The duty does not relate to notices printed in newspapers or other publications, radio, television and website notices, brochures, information leaflets, etc.

It appeared to me from the case presented to the investigation by the Authority that, because the organisation wrongly interpreted the meaning of sub-section 9(3) of the Act, the communication in question was circulated in English only to the public in general.

Nonetheless, it was evident to me that it was too late at that juncture, and not in the public interest or that of the state system, to print and circulate at that stage an Irish version of this communication to the public in general throughout the country to abate or reduce the harm caused by the breach of statutory duties.

This approach is not necessarily a precedent, however, if the provision in Section 9(3) of the Act were similarly contravened in the future.

Finding of the Investigation

This was the finding of the investigation:

- That the National Roads Authority had contravened the statutory language duty confirmed in Section 9(3) of the Official Languages Act 2003 by communicating in writing with the public in general for the purpose of furnishing information to the public by delivering a publication in English only as a mailshot in August 2008 with regard to new toll (e-flow) arrangements on the M50.

Recommendations of the Investigation

Having regard to the Investigation, these were the recommendations I made as Coimisinéir Teanga:

- That the National Roads Authority take every appropriate step to ensure its awareness of its statutory duties under the Official Languages Act 2003 and that it fully and properly complies with the Act's provisions.

- That the National Roads Authority ensure that henceforth if it were to communicate in writing with the public in general or a class of the public in general to furnish information to the public in general or class of the public in general, that the communication be bilingual (in English and Irish) if not fully in Irish.
- That the National Roads Authority's management send an information memorandum (in writing or by electronic mail) within 6 weeks of the date of this report to those of its staff who could henceforth be responsible for communicating in writing with the public in general or a class of the public in general to furnish information to the public in general or a class of the public in general, affirming the following:
 - That this investigation had found that the National Roads Authority had in this case contravened its statutory duty under Section 9(3) of the Official Languages Act 2003;
 - And that the National Roads Authority was obliged to ensure that such a contravention would not occur again.

Appeals to the High Court

I noted in the report that any party to the investigation had the statutory right to appeal the decision to the High Court on a point of law within four weeks but no such appeal was made.

Investigation launched: 19 September 2008
Report issued: 18 November 2008

A Named Insurance Company

Subject of Investigation

Did a named insurance company adhere to the provision in Section 108 of the Insurance Act 1936 – a provision of an enactment relating to the status or use of an official language – with regard to a named complainant who sought insurance documents in Irish?

Background

A complaint was made to my Office on 28 May 2008 that a named insurance company had refused to provide certain insurance documents in Irish. The complainant considered that this refusal contravened Section 108 of the Insurance Act 1936.

Section 108 of the Insurance Act 1936 provides as follows:

108. *“—Whenever a form of proposal for a policy of assurance is filled in wholly in the Irish language every policy of assurance issued in pursuance or as a consequence of such proposal and any other document issued in connection with such policy by the assurance company or syndicate to which such proposal was made shall, if the proposer so requires, be issued by such assurance company or syndicate (as the case may be) in the Irish language.”*

An amendment of the Insurance Act 2000 specifically confirmed the necessity to continue to provide insurance documents in Irish by specifying that the appropriate documents should be provided in English except in cases coming under Section 108 of the Insurance Act 1936.

Section 108 of the Insurance Act 1936 was clearly a provision relating to the status or use of Irish, an official language.

My Office endeavoured in the first instance to resolve this case through its informal complaints resolution system, but that attempt was unsuccessful. Consequently, I had a duty to launch a formal investigation, which was initiated on 21 October 2008.

Response from the Named Insurance Company

The named insurance company maintained that it had not contravened Section 108 of the Insurance Act 1936, stating:

“Section 108 of the Insurance Act 1936 is very specific on the conditions entitling a policyholder to require documents to be produced in the Irish language. The proposal form must be filled wholly in the Irish language. In the complainant’s case, this did not occur...”

The named insurance company furnished the investigation with a photocopy of the proposal form the complainant had completed and signed. Part of the form had been completed in Irish, another part in English and one section bilingually.

The complainant had confirmed that he had completed the proposal form in Irish and furnished a copy of that form to the investigation.

It was clear that two different proposal forms existed, one completed wholly in Irish and one not so completed.

The named insurance company confirmed the following:

“The original proposal form, the proposal on foot of which the policy of insurance was issued, is the signed proposal, a copy of which I sent to you with my letter of 7 November 2008. This was dated by the complainant as 28-5-08.”

Overview of the Investigation

I had no doubt of the complainant’s bona fide attempts to obtain his insurance documents in Irish, in accordance with the legislation.

When the complainant brought the form to the insurance company’s office personally, it appears to have been amended further and that as a result a new proposal form was generated, which he signed and dated.

The insurance company argued – and I accepted that argument – that an insurance policy had not been issued in pursuance nor as a consequence of the original proposal form in Irish and that the insurance policy was issued in pursuance of the proposal form signed by the complainant and dated 25-08-08 by him.

The legislation is clear and unambiguous.

Section 108 of the Insurance Act 1936 clearly provides that the insurance company or the syndicate will issue in Irish every insurance policy issued as a consequence of a proposal form (*“form of proposal”*) *“filled in wholly in the Irish language”*, if the proposer so requires, and any other document issued relating to the policy.

It was clear to me that the proposal form signed and dated 25-08-08, which was the originating form from which the issued policy derived, had not been filled in wholly in Irish.

On that basis, I had no choice but to find that the named insurance company had not contravened Section 108 of the Insurance Act 1936 by refusing to provide documents in Irish in this case.

Having said that, as the applicant had clearly requested that the insurance documents be provided in Irish, the named insurance company could consider furnishing documents in Irish as an expression of quality customer care, despite not having a statutory duty in that regard.

Finding of the Investigation

This was the finding of the investigation:

- The named insurance company had not contravened the provision in Section 108 of the Insurance Act 1936 – a provision of an enactment relating to the status or use of an official language – with regard to a named complainant who sought insurance documents in Irish, as the form from which the issue of the policy document derived was not filled in wholly in Irish, an absolute requirement of this Section.

Recommendations of the Investigation

Having regard to the finding above, it did not appear to me to be proper to make any recommendations in this investigation.

Appeals to the High Court

I noted in the report that any party to the investigation had the statutory right to appeal the decision to the High Court on a point of law within four weeks but no such appeal was made.

Investigation launched: 21 October 2008
Report issued: 17 December 2008

FINANCIAL MATTERS

A budget of €1,040,000 was provided for the Office for the year 2008 but only a little over €830,000 of that money was drawn down. This happened firstly because the new posts sanctioned for the Office were not filled in the early part of the year and secondly because, in the course of the year, savings were made in relation to advertising and other expenses in line with State policy.

The accounts of the Office for 2008 have been prepared for the Comptroller and Auditor General for audit in accordance with Section 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 Community, Rural and Gaeltacht Affairs may specify, together with the report of the Comptroller and Auditor General on the accounts, shall be presented to the Minister.

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

STAFF AND CONTACT DETAILS

STAFF

An Coimisinéir Teanga – Seán Ó Cuirreáin
Director – Máire Killoran
Communications Manager – Damhnait Uí Mhaoldúin
Investigations Manager – Órla de Búrca
Compliance Manager – Colm Ó Coisdealbha
Office Administrator – Éamonn Ó Bróithe
Executive Officer – Cáit Uí Mhaoilriain
Clerical Officer – Deirdre Nic Dhonncha
Clerical Officer – vacancy

CONTACT DETAILS

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