



TUARASCÁIL BHLIANTÚIL
ANNUAL REPORT

2009

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Don Aire Gnóthaí Pobail,
Tuaithe agus Gaeltachta:

De réir alt 30 d'Acht na dTeangacha Oifigiúla
2003, tá an tuarascáil seo don bhliain
2009 á cur i láthair ag an gCoimisinéir Teanga.

Seán Ó Cuirreáin
An Coimisinéir Teanga

Feabhra 2010

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 2009
is being presented by An Coimisinéir Teanga.

Seán Ó Cuirreáin
An Coimisinéir Teanga

February 2010

RÁITEAS MISIN

“Ag cosaint cearta teanga”

Seirbhís neamhspleách d’ardchaighdeán a chur ar fáil i gcomhlíonadh ár ndualgas reachtúil le cinntiú go ndéanann an státchóras beart de réir a bhriathair maidir le cearta teanga.

Cothrom na féinne a chinntiú do chách trí ghearáin maidir le deacrachtaí teacht ar sheirbhísí poiblí trí Ghaeilge a láimhseáil ar bhealach atá éifeachtach, gairmiúil agus neamhchlaonta.

Eolas soiléir, cruinn a chur ar fáil:

- don phobal maidir le cearta teanga, agus
- do chomhlachtaí poiblí maidir le dualgais teanga.

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.

CLÁR

| | |
|--|-----------|
| Réamhrá | 4 |
| Cúlra | 9 |
| Seirbhísí Eolais & Cumarsáide | 11 |
| An Ghaeilge sa Chúirt | 16 |
| Úsáid na Gaeilge ar Chomharthaí Tráchtá | 17 |
| Faireachán | 18 |
| Scéimeanna Teanga | 27 |
| Gearáin | 33 |
| Imscrúduithe | 37 |
| Achoimrí ar Imscrúduithe 2009 | 39 |
| Comhairle Contae na Gaillimhe | 39 |
| Oifig na gCoimisinéirí Ioncaim | 41 |
| Ard-Mhúsaem na hÉireann | 42 |
| Comhairle Cathrach Bhaile Átha Cliath | 44 |
| Feidhmeannacht na Seirbhíse Sláinte | 46 |
| An Roinn Oideachais & Eolaíochta | 48 |
| An Roinn Gnóthaí Eachtracha | 50 |
| Feidhmeannacht na Seirbhíse Sláinte | 52 |
| Oifig an Choimisinéara Faisnéise | 53 |
| An Chomhairle Ealaíon | 56 |
| An Roinn Oideachais & Eolaíochta | 57 |
| Coimisiún na Scrúduithe Stáit | 59 |
| Feidhmeannacht na Seirbhíse Sláinte | 60 |
| Comhairle Contae Fhine Gall | 62 |
| Feidhmeannacht na Seirbhíse Sláinte | 63 |
| Iarnród Éireann | 64 |
| Oifig na gCoimisinéirí Ioncaim | 65 |
| An Roinn Dlí agus Cirt, Comhionannais & Athchóirithe Dlí | 66 |
| Cúrsaí Airgeadais | 67 |
| Foireann agus Sonraí Teagmhála | 68 |

CONTENTS

| | |
|---|-----------|
| Foreword | 4 |
| Background | 9 |
| Information & Communication Services | 11 |
| Irish in the Courts | 16 |
| Use of Irish on Traffic Signs | 17 |
| Monitoring | 18 |
| Language Schemes | 27 |
| Complaints | 33 |
| Investigations | 37 |
| Summaries of 2009 Investigations | 39 |
| Galway County Council | 39 |
| Office of the Revenue Commissioners | 41 |
| National Museum of Ireland | 42 |
| Dublin City Council | 44 |
| Health Service Executive | 46 |
| Department of Education and Science | 48 |
| Department of Foreign Affairs | 50 |
| Health Service Executive | 52 |
| Office of the Information Commissioner | 53 |
| Arts Council | 56 |
| Department of Education and Science | 57 |
| State Examinations Commission | 59 |
| Health Service Executive | 60 |
| Fingal County Council | 62 |
| Health Service Executive | 63 |
| Iarnród Éireann | 64 |
| Office of the Revenue Commissioners | 65 |
| Department of Justice, Equality and Law Reform | 66 |
| Financial Matters | 67 |
| Staff and Contact Details | 68 |



RÉAMHRÁ

Cloch mhíle shuntasach a bhí sa bhliain 2009 i saolré na hOifige seo sa mhéid is gur thug sí chun críche, geall leis, mo théarma 6 bliana mar an chéad Choimisinéir Teanga.

Glacaim leis gan cheist gur onóir a bhí ann dom an deis a bheith tugtha dom an Oifig nua reachtúil, neamhspleách seo a bhunú agus a fhorbairt ón mbliain 2004 i leith. Ba mhaith liom ag an tráth seo mo bhuíochas a chur in iúl dóibh siúd ar fad a chabhraigh le comhlíonadh fheidhmeanna na hOifige i gcaitheamh na tréimhse ama seo.

Ginearálta

Tá dhá rud dhearfacha is féidir a rá go cinnte ag deireadh na tréimhse ama seo:

- go bhfuil forbairt áirithe déanta ag cuid mhór den státchóras ar líon agus ar chaighdeán na seirbhísí a chuirtear ar fáil trí Ghaeilge, agus
- go bhfuil méadú ar thuiscint an phobail agus an státchórais ar chearta teanga.

Os a choinne sin, tá bearnaí suntasacha fós idir leibhéal na seirbhíse a sholáthraítear trí Ghaeilge i gcomparáid leis na seirbhísí céanna sin trí Bhéarla. Tionscnamh fadtéarmach a bheidh ann a chinntiú go líonfar na bearnaí sin.

Baineann soláthar seirbhísí trí Ghaeilge, thar aon ní eile, le cumas teanga na foirne sa státchóras. Go dtí go dtugtar aghaidh ar an bhfíric sin ar bhealach réalaíoch agus tomhaiste, ní bheidh sé furasta na bearnaí a líonadh.

Chomh maith leis sin, go dtí go mbíonn an pobal fíormhuiníneach maidir le seirbhísí a bheith ar fáil trí Ghaeilge atá ar chomhchaighdeán lena macasamhail trí Bhéarla, braithfear nach bhfuil de rogha ag daoine ach a gcearta agus a mianta teanga a thréigean agus géilleadh don Bhéarla éigeantach.

Seo é an spás ina mairimid agus is iad seo na hábhair a gcaithfear dul i ngleic leo.

Mura féidir le daoine an Ghaeilge a úsáid go furasta agus iad i mbun gnóthaí leis an stát nó lena chuid ball, baintear an bonn ó bhailíocht an choincheapa den stát a bheith ag tabhairt tacaíochta dá chéad teanga oifigiúil, bíodh sí ina teanga dhúchais a thugtar anuas ó ghlúin go glúin sa Ghaeltacht nó ina teanga a fhoghlaimítear sa chóras oideachais go náisiúnta.

Má thacaíonn an stát le sealbhú na teanga mar theanga dhúchais sa Ghaeltacht agus má éilítear ar an aos scoile go náisiúnta an teanga a fhoghlaim, luíonn sé le réasún go gcaithfidh an stát céanna úsáid na teanga ag an bpobal sin a éascú, go háirithe agus iad ag déileáil le heagraíochtaí stáit. B'fhéidir gur saothar in aisce a bheidh in iarrachtaí an stáit i leith na ceiste seo mura gcothaítear agus mura slánaítear go gníomhach an nasc idir sealbhú agus úsáid na teanga.

FOREWORD

The year 2009 was a significant milestone in the life of this Office in that it marked the imminent end of my 6 year term as the first Coimisinéir Teanga.

I accept without question that it was an honour to have been given the opportunity from 2004 onwards to establish and develop this new statutory, independent Office. I would like at this stage to express my thanks to all those who helped in the performance of the functions of the Office during this period.

General

Two positive claims can be made with certainty at the end of this period:

- that many of the state's public bodies have made progress in relation to the quantity and quality of services provided through Irish, and
- that awareness of language rights has increased amongst the public in general and within the public sector.

On the other hand, there are still significant gaps between the level of service provided through Irish in comparison with the same services through English. Ensuring the closure of those gaps will be a long-term project.

The supply of services through Irish is dependent, above all else, on the language capacity of staff in the state sector. Until this fact is addressed in a realistic and measured way, the gaps will not easily be filled.

In addition, until there is strong public confidence that services through Irish are available on an equal footing with services through English, people will feel that there is little choice other than to abandon their language rights and wishes and to concede to compulsory English.

This is the space in which we are operating and these are the matters which need to be addressed.

The whole concept of the state's positive support for its first official language, either as a native language handed down though the generations in the Gaeltacht or as a language taught through the education system nationally, loses validity if that language cannot be used with ease in conducting business with the state itself or its component parts.

If the state supports the acquisition of the language as a native language in the Gaeltacht and if it insists that students nationally are required to study the language, it stands to reason that the same state must facilitate the use of the language by those people, especially in their dealings with state organisations. The state's efforts in this regard may be in vain if the link between language acquisition and usage is not actively encouraged and promoted.

Straitéis 20 Bliain don Ghaeilge

Bhí foilsíú *Straitéis 20 Bliain don Ghaeilge 2010 – 2030* (dréacht) ag an rialtas le linn 2009 ina ghníomh an-suntasach. Moladh bearta i réimse amháin den dréacht sin le cinntiú go mbeidh cion níos mó d'fhoireann na seirbhíse poiblí in ann feidhmiú i nGaeilge go fírinneach agus in ann seirbhísí a sheachadadh i nGaeilge do chustaiméirí a bhíonn á iarraidh sin. Moladh go ndéanfaí sin trí chlár feasacht teanga agus clár oiliúna teanga a fhorbairt/a neartú. Maidir le cur leis an gcohort seirbhíseach poiblí atá in ann feidhmiú go dátheangach, dúradh go mbeadh comhshocrúithe cuí le ceapadh ag an Roinn Airgeadais agus ag an tSeirbhís um Cheapacháin Phoiblí agus go mbunófaí na socruithe sin thar am, ós rud é go bhfuil srianta i bhfeidhm faoi láthair ar earcaíocht chuig an earnáil poiblí.

Cé gur maith ann na bearta seo sa dréachtstraitéis, níl siad chomh láidir, chomh soiléir nó chomh dearfach lena raibh molta sa réimse seo agamsa nó ag an ngrúpa comhairleach de shaineolaithe idirnáisiúnta a tugadh le chéile faoi stiúir Fiontar, Ollscoil Chathair Bhaile Átha Cliath mar chuid d'ullmhú na dréachtstraitéise. Bhí an grúpa sin ar aon fhocal liom faoin riachtanas dul i ngleic le heaspa foirne le Gaeilge sa tseirbhís poiblí ag tráth na hearcaíochta. Mhol an grúpa comhairleach an méid seo:

“De dheasca a laghad d'oibrithe na hearnála poiblí a bhfuil sé d'acmhainn iontu seirbhísí poiblí a sheachadadh trí Ghaeilge, is gá gníomh cothromúcháin chun a chinntiú go mbeidh líon dóthanach foirne sa tseirbhís poiblí atá inniúil ar an nGaeilge. Molaimid dá réir sin ceanglas a thabhairt isteach arís i dtaca le scileanna Gaeilge san earnáil poiblí trí scéim earcaíochta a cheapadh a bheadh i bhfabhar daoine inniúla dátheangacha.”

Gearáin & Imscrúduithe

Ba í an bhliain 2009 an bhliain ba mhó ar cuireadh gearáin ón bpobal i láthair m'Oifige ó bunaíodh í maidir le deacrachtaí nó fadhbanna le seirbhísí stáit trí Ghaeilge. Rinneadh 687 gearán éagsúil leis an Oifig le linn na bliana, méadú 15% ar an mbliain roimhe sin. Léiríonn na staitisticí gur dhéileáil an Oifig le beagnach 3,000 gearán ar fad ó bunaíodh í sa bhliain 2004. Réitíodh formhór mór na gcásanna sin trí chomhairle a sholáthar don ghearánach nó trí idirbheartaíocht neamhfhoirmiúil leis an gcomhlacht poiblí cuí. Is mór agam an comhoibriú a tugadh d'fhoireann na hOifige sa ghnó seo. Glacaim buíochas ar leith le státseirbhísigh agus le seirbhísigh poiblí as a gcúnamh chun gearáin ón bpobal a réiteach ar an mbealach sin. Aithním freisin an dua a chaith mórán acu le cinntiú go raibh dualgais reachtúla teanga á gcomhlíonadh go cuí.

Seoladh 17 gcinn d'imscrúduithe foirmiúla le linn na bliana 2009 sa bhreis ar phéire a bhí fós idir lámha ó dheireadh na bliana roimhe sin. Tugadh chun críche 16 cinn de na himscrúduithe sin agus scoradh de phéire eile nuair a tháinig na comhlachtaí

20 Year Strategy for the Irish Language

The publication during 2009 of the *20 Year Strategy for the Irish Language 2010 – 2030* (draft) by the government was of great significance. One element of the draft was the inclusion of recommendations to ensure that a higher proportion of public service staff is truly capable of functioning in Irish and can deliver services in Irish to customers who seek them. It recommended that this be achieved through the development/strengthening of language awareness and language training programmes. To increase the cohort of public servants who are functioning bilinguals, the Department of Finance and the Public Appointments Service would be required to devise appropriate arrangements, to be put in place over time, recognising the present constraints on public sector recruitment.

Although these recommendations in the draft strategy are to be welcomed, they are neither as strong, clear or positive as those which I had made or which were made by the advisory group of international experts led by Fiontar, Dublin City University as part of the draft strategy's preparation. That group supported my contention that a lack of staff with competence in Irish in the public sector should be dealt with at the recruitment stage. They made the following recommendation:

“Due to the low level of public sector workers with the capacity to deliver public services through Irish, a rebalancing action is required to ensure an adequate number of staff with competence in the Irish language in the public service. Therefore, we recommend the reintroduction of a requirement regarding Irish language skills in the public sector by devising a recruitment policy in favour of competent bilinguals.”

Complaints & Investigations

More complaints were made by members of the public to my Office in 2009 about difficulties or problems accessing state services through Irish than in any other year since the Office was established. A total of 687 complaints were made to the Office which was an increase of 15% on the previous year. The statistics show that the Office dealt with almost 3,000 complaints in total since it was established in 2004. Most of those complaints were dealt with by the provision of advice to the complainant or through informal negotiations with the appropriate public body. I greatly appreciate the cooperation received by the staff of the Office in these matters. I especially wish to thank civil servants and public servants for their help in resolving complaints from the public in this manner. I also recognise the effort made by many of them to ensure that statutory language obligations were complied with.

A total of 17 formal investigations were commenced during 2009 in addition to two which were ongoing from the end of the previous year. 16 of those investigations were completed and two others were discontinued when the public bodies

poiblí a bhí i gceist ar chomhaontú sásúil le m'Oifig. Bhí imscrúdú amháin fós idir lámha ag deireadh na bliana.

Ó ghearáin nár réitíodh tríd an gcóras neamhfhoirmiúil réitithe gearán a d'eascair 11 cheann de na himscrúduithe agus is ó fheidhm faireacháin na hOifige mar ghníomhaireacht ghéilliúlachta a tháinig an chuid eile. As na 16 imscrúdú ar eisíodh tuarascálacha críochnúla ina leith, rinneadh fionnachtana i gcoinne na gcomhlachtaí poiblí cuí i 13 chás acu agus sa 3 chás eile, cinneadh nár sháraigh na comhlachtaí poiblí cuí a ndualgais reachtúla teanga.

Cinneadh i dtrí imscrúdú éagsúla gur sháraigh Feidhmeannacht na Seirbhíse Sláinte dualgais reachtúla teanga. Chruthaigh dhá imscrúdú ar leith go raibh dualgais sáraithe ag an Roinn Oideachais agus Eolaíochta agus b'amhlaidh an scéal i gcás amháin ag an Roinn Gnóthaí Eachtracha agus ag Oifig na gCoimisinéirí Ioncaim. Rinne dhá údarás áitiúla, Comhairle Contae na Gaillimhe agus Comhairle Contae Fhine Gall, faillí ina ndualgais teanga de réir imscrúduithe. Bhí teip i gcomhlíonadh dualgais reachtúla teanga i gceist freisin i gcás na gcomhlachtaí poiblí seo a leanas: An Chomhairle Ealaíon, Ard-Mhúsaem na hÉireann, Oifig an Choimisinéara Faisnéise agus Iarnród Éireann.

D'fhonn amhras a sheachaint, is ceart a rá gur bhain na himscrúduithe i mbeagnach gach cás le hábhair shonracha ar leith seachas le tiomantas ginearálta maidir le forfheidhmiú dualgais reachtúla teanga. Dá bhrí sin, má theip ar chomhlachtaí poiblí dualgais teanga ar leith a chomhlíonadh go cuí, ní hionann sin agus a rá go raibh faillí á déanamh acu i leith dualgais teanga go ginearálta ná go raibh forálacha Acht na dTeangacha Oifigiúla i gcoitinne á sárú acu.

Géilliúlacht

Le linn 2009, lean m'Oifig le mionchlár iniúchtaí ar chomhlachtaí poiblí le monatóireacht a dhéanamh ar chomhlíonadh fhorálacha Acht na dTeangacha Oifigiúla. Bhain na hiniúchtaí sin le gnéithe ar leith de na dualgais dhíreacha faoin Acht féin, leis na Rialacháin atá déanta faoin Acht agus le scéimeanna reachtúla teanga. Rinneadh iniúchtaí freisin le cinntiú go raibh na moltaí a bhí déanta de thoradh imscrúduithe go dtí seo á gcomhlíonadh go cuí. Tá eolas cuimsitheach tugtha faoin ngné seo d'obair na hOifige sa chaibidil dar teideal "Faireachán" sa tuarascáil seo.

Comhairle & Cumarsáid

Tháinig méadú an-suntasach le linn 2009 ar obair na hOifige i dtaca le comhairle a sholáthar do chomhlachtaí poiblí faoina ndualgais reachtúla teanga. Eagraíodh seimineáir eolais ar fud na tíre d'fhostaithe stáit agus d'fhreastail ionadaithe ó 160 comhlacht poiblí ar na hócáidí sin. Anuas air sin, cuireadh seisiúin eolais ar leith ar fáil do bhainistíocht 45 comhlacht

concerned reached satisfactory agreements with my Office. One investigation remained ongoing at year-end.

Complaints which could not be resolved through the informal complaints resolution process led to 11 of the investigations, while the rest were as a result of the monitoring function of the Office acting as a compliance agency. Of the 16 investigations where final reports were issued, findings were made in 13 cases against the public bodies concerned while in the remaining three cases, the public bodies concerned were found not to have breached their statutory language duties.

Three different investigations found the Health Service Executive to have breached statutory language obligations. Findings were made against the Department of Education and Science in two separate investigations while the Department of Foreign Affairs and the Office of the Revenue Commissioners were found to have breached language legislation on one occasion each. Two local authorities, Galway County Council and Fingal County Council, were found in investigations to have failed to comply with statutory duties. The following public bodies were also found to have failed to comply with statutory language obligations: the Arts Council, the National Museum of Ireland, the Office of the Information Commissioner and Iarnród Éireann.

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 public bodies failed to comply appropriately with specific language obligations, this should not necessarily be taken to mean that they were generally negligent in relation to their language obligations or in relation to the provisions of the Official Languages Act.

Compliance

Throughout 2009, my Office continued with a detailed audit programme of public bodies to monitor compliance with provisions of the Official Languages Act. These audits focused on specific direct provisions of the Act, on Regulations made under the Act and on statutory language schemes. Audits were also carried out to ensure appropriate compliance with the recommendations of previous investigations. Comprehensive information on this aspect of the Office's work is given in the chapter entitled "Monitoring" in this report.

Advice & Communications

There was a very significant increase during 2009 in the provision by my Office of advice to public bodies in relation to their statutory language duties. Information seminars were organised throughout the country for state sector employees and representatives of 160 public bodies attended these briefings. In addition, individual information sessions were

poiblí. Bhain na feachtais seo le heolas a scaipeadh faoi na Rialacháin nua a tháinig i bhfeidhm ar an 1 Márta 2009 i dtaca le húsáid na Gaeilge ar chomharthaíocht, ar stáiseanáireacht agus ar fhorálacha eile na reachtaíochta.

Díol suntais é gur tháinig méadú ollmhór – 153% d'ardú ón mbliain roimhe sin – ar líon na n-iarratas a tháinig chugainn ar chomhairle faoina ndualgais teanga ó fhostaithe i gcomhlachtaí poiblí. Rinneadh 377 iarratas ar chomhairle dá leithéid in 2009 i gcomparáid le 149 sa bhliain 2008.

Seoladh feachtais eolais ar leith i dtaca le húsáid na Gaeilge sna cúirteanna agus maidir le húsáid na Gaeilge ar chomharthaí tráchtacha.

Ba í an bhliain 2009 an chéad bhliain ó bunaíodh an Oifig a raibh níos mó ná milliún “amas” ar an suíomh gréasáin www.coimisineir.ie, méadú 57% ar an mbliain roimhe sin. Rinneadh íoslódáil le linn na bliana ar bheagnach 30,000 cóip leictreonach den Treoirleabhar dátheangach ar Acht na dTeangacha Oifigiúla 2003. Tá tuilleadh eolais faoin obair chomhairleach agus chumarsáide a rinne an Oifig le linn 2009 le fáil sa chaibidil dar teideal “Seirbhísí Eolais agus Cumarsáide” sa tuarascáil seo.

Scéimeanna Teanga

Léirigh mé imní i dtuarascáil bhliantúil 2008 faoin mhoill a bhí ar dhaingniú an dara babhta scéimeanna teanga le comhlachtaí poiblí. Fáiltím roimh dhaingniú 8 gcinn de dhara scéimeanna teanga nua le linn 2009. Daingníodh 15 scéim nua den chéad bhabhta freisin.

Mhéadaigh líon na gcomhlachtaí poiblí, áfach, a raibh a gcéad scéimeanna imithe “in éag” orthu, mar a deirtear i bhfo-alt 15(1) den Acht, go dtí 33 ag deireadh na bliana. Cé go mbeidh ar na comhlachtaí poiblí atá i gceist leanúint de sholáthar seirbhísí trí Ghaeilge mar a bhí geallta ina gcéad scéim teanga, ciallaíonn sé seo nach mbeidh tuilleadh forbartha le déanamh ar na seirbhísí sin in éagmais scéim nua. Creidim go bhfuil gá le tuilleadh dlúis a chur le comhaontú agus le daingniú dara scéimeanna teanga chun folús a sheachaint sa dul chun cinn atá le déanamh.

Faoi dheireadh na bliana 2009, bhí líon na gcomhlachtaí poiblí a raibh dualgais áirithe teanga orthu daingnithe i scéimeanna teanga (bíodh na scéimeanna sin ina gcéad scéimeanna, dara scéimeanna nó scéimeanna a bhí imithe “in éag”) méadaithe go dtí 181, faoi bhun 30% de chomhlachtaí poiblí na tíre atá faoi scáth na reachtaíochta.

provided for the management teams of 45 public bodies. These campaigns were aimed at increasing awareness of the Regulations which came into effect on 1 March 2009 in relation to the use of Irish on signage, stationery and on other provisions of the legislation.

It is significant that a substantial increase – a 153% increase on the previous year – was recorded in the number of requests received from employees of public bodies for advice in relation to language obligations. A total of 377 requests of that nature were dealt with in 2009 compared to 149 in 2008.

Specific information campaigns were undertaken in relation to the use of Irish in the courts and the use of Irish on road signs.

For the first time since the establishment of the Office, more than one million “hits” were made on our website www.coimisineir.ie in 2009, a 57% increase on the previous year. During the year, nearly 30,000 electronic copies of the bilingual Guidebook to the Official Languages Act 2003, were downloaded from the website. Further information on the advisory and communications work of the Office during 2009 is provided in the chapter entitled “Information and Communication Services” in this report.

Language schemes

I expressed concern in the 2008 annual report at the delay in the confirmation of the second round of language schemes with public bodies. I welcome the confirmation of 8 second round language schemes during 2009. A further 15 first round schemes were also confirmed during the year.

The number of public bodies whose first language schemes had reached “expiration” as outlined in subsection 15(1) of the Act increased, however, during the year to 33. Although such public bodies are required to continue with the provision of services through Irish in accordance with the commitments of their first schemes, no development of these services is required in the absence of new schemes. I believe that the drive to agree and confirm second round schemes needs to be intensified to avoid a vacuum in potential progress.

By the end of 2009, the number of public bodies which had particular language obligations confirmed in language schemes (be they first schemes, second round schemes, or schemes which had reached “expiration”) had increased to 181, less than 30% of the state’s public bodies which come under the remit of the legislation.

Foireann & Comhoibriú

Dála cuid mhór eile den státchóras, bhí fadhbanna suntasacha foirne tagtha chun cinn san Oifig ag deireadh na bliana 2009 de bharr an choisc ar earcaíocht. Tá cuóta foirne d'ochtar státseirbhíseach ceadaithe don Oifig ach bhí líon na bhfolúntas méadaithe go péire faoi dheireadh na bliana 2009. Is ionann sin agus an Oifig a bheith ag feidhmiú le 25% níos lú ná an t-íosmhéid foirne a bhí ceadaithe di, ag tráth is léir obair na hOifige a bheith ag méadú.

Thug an Roinn Gnóthaí Pobail, Tuaithe agus Gaeltachta – atá freagrach i gcomhar leis an Roinn Airgeadais as soláthar foirne na hOifige – le fios i ndeireadh 2009 go mbeadh athbhreithniú á dhéanamh aici ar chúrsaí foirne sa Roinn agus go mbeadh athdháileadh áirithe foirne á dhéanamh aici go luath sa bhliain 2010. Ach, ar ndóigh, tá folúntais foirne ag an Roinn féin freisin.

Is ceart a aithint go mbeadh sé ionann agus dodhéanta na dualgais reachtúla atá leagtha ag an Oireachtas ar an Oifig a chomhlíonadh go cuí mura mbeadh an fhoireann atá riachtanach chuige sin ar fáil. Glacaim leis an deis seo le mo bhuíochas pearsanta a chur in iúl don fhoireann oibre as a ndúthracht agus a ndílseacht le linn na bliana. Glacaim buíochas freisin leis an Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta agus le foireann a Roinne.

Go deimhin, fuair m'Oifig comhoibriú an-mhaith ar fad ó iliomad daoine le linn na bliana agus arís, ba mhaith liom an deis seo a thapú le buíochas a ghlacadh leosan freisin. Ina measc, bhí fostaithe de chuid na státseirbhíse agus na seirbhíse poiblí i gcoitinne, ionadaithe ó eagraíochtaí Gaeilge agus Gaeltachta, na meáin chumarsáide, lucht taighde agus acadúil agus iliomad daoine eile nach iad.

Staff & Cooperation

As in much of the state sector, significant staff problems had arisen in the Office by the end of 2009 as a result of the recruitment embargo. While a quota of eight civil servants has been sanctioned for the Office, the number of vacancies had risen to two by year-end. In effect, this left the Office functioning with 25% less than the minimum staff sanctioned at a time when it is clear that the workload of the Office is increasing.

The Department of Community, Rural and Gaeltacht Affairs – which is responsible in association with the Department of Finance for the provision of staff to the Office – indicated at the end of 2009 that it was undertaking a review of staffing within the Department itself and that some redistribution of staff would be made in early 2010. The Department, however, also has staff shortages of its own.

It must be acknowledged that it would be practically impossible to carry out the statutory obligations placed by the Oireachtas on the Office appropriately without the proper staffing allocation. I would like to take this opportunity to offer my personal thanks to the staff for their enthusiasm and commitment to the work throughout the year. I would also like to thank the Minister for Community, Rural and Gaeltacht Affairs and the staff of his Department.

Indeed my Office also received excellent cooperation from many people during the year and again, I would like to take this opportunity to thank them also. 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 many others.



*Seisiún eolais le foireann na Roinne Gnóthaí Sóisialacha agus Teaghlaigh.
Information session with staff of the Department of Social and Family Affairs.*

CÚLRA

Cheap an tUachtarán mé mar Choimisinéir Teanga go foirmiúil ar an 23 Feabhra 2004 ar chomhairle an Rialtais tar éis do Thithe an Oireachtais rún a rith ag moladh an cheapacháin.

Cuireadh tús gan mhoill ina dhiaidh sin le bunú na hOifige agus is í seo an séú tuarascáil bhliantúil de chuid m'Oifige. Tá mionchur síos ar obair na hOifige go dtí seo sna tuarascálacha bliantúla atá ar fáil ar shuíomh gréasáin na hOifige www.coimisineir.ie. Tá fáil ar an suíomh freisin ar na cuntais airgeadais chuí.

Oifig neamhspleách reachtúil í Oifig an Choimisinéara Teanga a bhfuil sé mar chúram uirthi monatóireacht a dhéanamh ar an gcaoi a bhfuil forálacha Acht na dTeangacha Oifigiúla 2003 á gcomhlíonadh ag comhlachtaí poiblí an stáit. Déanann an Oifig gach beart riachtanach chun a chinntiú go gcomhlíonann comhlachtaí poiblí a ndualgais faoin Acht féin, faoi na Rialacháin faoin Acht agus faoi scéimeanna teanga, san áit arb ann dóibh.

Fiosraíonn an Oifig gearáin ón bpobal i gcásanna ina gcreidtear go bhfuil teipthe ar chomhlachtaí poiblí a ndualgais a chomhlíonadh faoi Acht na dTeangacha Oifigiúla. Fiosraíonn an Oifig freisin aon ghearán bailí ina líomhnaítear nach bhfuil foráil d'aon achtachán eile a bhaineann le stádas nó le húsáid na Gaeilge á comhlíonadh.

Cuireann m'Oifig comhairle ar fáil don phobal maidir lena gcearta teanga agus comhairle ar chomhlachtaí poiblí maidir lena ndualgais teanga faoin Acht. Tá sé mar phríomhchuspóir ag an Acht a chinntiú go soláthraíonn an státseirbhís agus an tseirbhís phoiblí seirbhísí Gaeilge níos líomhaire agus ar chaighdeán níos airde thar thréimhse ama.

Bheadh súil go mbeadh sé mar thoradh ar fheidhmiú an Achta go gcruthófaí spás nua don Ghaeilge i gcóras riaracháin phoiblí na tíre. Is léiriú é ar ghné amháin de pholasaí an stáit i leith na Gaeilge agus tá sé mar thaca leis na hiarrachtaí eile an teanga a chur chun cinn san oideachas, sa chraoltóireacht, sna healaíona, i saol na Gaeltachta agus i gcúrsaí an tsaoil go ginearálta.

Shínigh an tUachtarán Acht na dTeangacha Oifigiúla ina dhlí ar an 14 Iúil 2003 agus trí bliana ina dhiaidh sin ar an 14 Iúil 2006, tháinig gach foráil den Acht nach raibh tagtha i bhfeidhm le hOrdú Aire roimhe sin i bhfeidhm go hoifigiúil. Chiallaigh sin go raibh bunús reachtúil ón dáta sin ar aghaidh le gach foráil de chuid an Achta.

Is ar an 1 Deireadh Fómhair 2008 a shínigh an tAire Gnóthaí Pobail, Tuaithe agus Gaeltachta na Rialacháin um Acht na dTeangacha Oifigiúla 2003 (Alt 9) 2008 (I.R. Uimh. 391 de 2008). Ba é an dáta feidhme ba thúisce faoi na Rialacháin ná an

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 sixth annual report of my Office. A detailed account of the work of the Office to date is provided in the annual reports available on the Office's website www.coimisineir.ie. The relevant financial accounts are also available online.

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

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

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

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

On 1 October 2008, the Minister for Community, Rural and Gaeltacht Affairs signed the Official Languages Act 2003 (Section 9) Regulations 2008 (S.I. No. 391 of 2008). The earliest implementation date under the Regulations was 1 March 2009

1 Márta 2009 nuair a tháinig dualgais faoi leith i bhfeidhm maidir le húsáid na Gaeilge i gcomharthaí nua agus i stáiseanóireacht. Ní raibh aon Rialacháin déanta faoi dheireadh na bliana 2009 maidir le fógraí ná maidir le fógaírtí beo béil.

Faoi na Rialacháin, tá dualgas ar chomhlachtaí poiblí a chinntiú go bhfuil a gcuid stáiseanóireachta, a gcuid comharthaíochta agus a gcuid fógaírtí taifeadta béil á soláthar i nGaeilge amháin, nó i nGaeilge agus i mBéarla, de réir critéir ar leith atá daingnithe sna Rialacháin. Chuir m'Oifig go leor seisiúin eolais ar fáil do chomhlachtaí poiblí in 2009 chun na Rialacháin úra a mhíniú.

Le linn na bliana 2009, dhaingnigh an tAire Gnóthaí Pobail, Tuaithe agus Gaeltachta tuilleadh scéimeanna teanga faoi Acht na dTeangacha Oifigiúla agus faoi dheireadh na bliana 2009 bhí 92 scéim teanga sa chéad bhabhta scéimeanna agus 8 scéim teanga sa dara babhta. Chlúdaigh na scéimeanna daingnithe móriomlán de 181 comhlacht poiblí.

Ag deireadh na bliana 2009, bhí 31 comhlacht poiblí ag ullmhú dréachtscéimeanna den chéad uair agus bhí treoir tugtha ag an Aire do 48 comhlacht poiblí an dara dréachtscéim a ullmhú. Scéimeanna nua atá i gceist sa dara babhta scéimeanna a leathnóidh agus a fhorbróidh na seirbhísí trí Ghaeilge atá á gcur ar fáil ag comhlachtaí poiblí mar thoradh ar chur i bhfeidhm a gcéad scéimeanna teanga. I gcaitheamh na bliana, lean m'Oifig de phróiseas léirmheasa agus iniúchta ar chomhlachtaí poiblí a raibh scéimeanna teanga daingnithe acu.

when specific duties came into effect with regard to the use of Irish on new signage and stationery. No Regulations had been made by the end of 2009 regarding advertisements or live oral announcements.

Under the Regulations, public bodies are obliged to ensure that their stationery, their signage and their recorded oral announcements are provided in Irish only, or in Irish and English, in accordance with certain provisions set out in the Regulations. My Office provided a significant number of information sessions to public bodies during 2009 to explain the new Regulations.

During 2009, the Minister for Community, Rural and Gaeltacht Affairs confirmed additional language schemes and by the end of 2009, a total of 92 first round schemes and 8 second round schemes, which covered 181 public bodies, had been confirmed under the Official Languages Act.

By the end of 2009, 31 public bodies were preparing draft schemes for the first time and the Minister had directed 48 public bodies to prepare their second draft scheme. This second round of schemes consists 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. During the year, my Office continued its assessment and audit process of public bodies which had schemes agreed.

SEIRBHÍSÍ EOLAIS & CUMARSÁIDE

Le linn na bliana 2009, lean m'Oifig le feachtais éagsúla le heolas a scaipeadh faoi Acht na dTeangacha Oifigiúla 2003 agus faoi obair na hOifige féin. Cuireadh béim láidir in 2009 ar sheisiúin eolais a thairiscint ar bhonn réamhghníomhach do chomhlachtaí poiblí maidir le cur i bhfeidhm an Achta agus na Rialachán úr faoin Acht. Eagraíodh idir sheisiúin réigiúnacha agus sheisiúin ar leith do chomhlachtaí poiblí. Anuas air sin, thug m'Oifig faoi fheachtais eolais faoi úsáid na Gaeilge sna cúirteanna agus faoi úsáid na Gaeilge ar chomharthaí bóthair.

Seisiúin Eolais

Cuireadh béim láidir in 2009 ar sheisiúin eolais a chur ar fáil do chomhlachtaí poiblí ar bhonn réamhghníomhach. Aithním gur féidir leis an reachtaíocht a bhaineann le húsáid na Gaeilge a bheith casta go leor agus go bhféadfadh mearbhall a bheith ar oifigh i gcomhlachtaí poiblí ó am go chéile maidir le comhlíonadh dualgaís teanga faoi fhorálacha díreacha an Achta féin, faoi na Rialacháin faoin Acht agus faoi scéimeanna teanga, san áit arb ann dóibh.

I mí Feabhra agus i mí an Mhárta 2009, d'eagraigh m'Oifig 6 sheisiún eolais réigiúnacha do chomhlachtaí poiblí maidir leis na Rialacháin nua; ceann amháin i Sligeach, i gCorcaigh agus i nGaillimh agus trí cinn i mBaile Átha Cliath. D'fhreastail 304 duine as 160 comhlacht poiblí ar na cruinnithe sin agus d'fhreagair m'Oifig go leor ceisteanna maidir le cur i bhfeidhm na Rialachán ag na cruinnithe sin agus ina ndiaidh. Sa bhreis air sin, rinne ionadaithe ó m'Oifig cur i láthair ag 45 seisiún eolais faoi leith don bhainistíocht agus don fhoireann i gcomhlachtaí poiblí ar fud na tíre.

Thug ionadaithe ó m'Oifig cuairt freisin ar choláistí tríú leibhéal in 2009 le cur i láthair a dhéanamh faoi obair na hOifige seo agus le heolas a scaipeadh faoi na seirbhísí atá ar fáil trí Ghaeilge ón státchóras. Tá sé mar aidhm ag an tionscnamh seo mic léinn le Gaeilge atá ag freastal ar choláistí tríú leibhéal a chur ar an eolas faoina gcearta an Ghaeilge a roghnú mar theanga chumarsáide leis an státchóras.

Gréasán Tacaíochta

Le linn na bliana 2009, lean m'Oifig le gréasán tacaíochta a reáchtáil do chomhlachtaí poiblí a bhfuil scéimeanna teanga daingnithe acu. Tá an gréasán tacaíochta rangaithe i dtrí chuid: (1) ranna agus oifigí rialtais, (2) údaráis áitiúla agus (3) comhlachtaí poiblí eile.

INFORMATION & COMMUNICATION SERVICES

During 2009, my Office continued with various campaigns to promote awareness of the Official Languages Act 2003 and the work of the Office itself. In 2009, a strong emphasis was placed on proactively providing information sessions to public bodies regarding the implementation of the Act and the new Regulations under the Act. Both regional and individual information sessions were arranged for public bodies. In addition, my Office undertook information campaigns regarding the use of Irish in the courts and regarding the use of Irish on road signs.

Information Sessions

A strong emphasis was placed in 2009 on the proactive provision of information sessions to public bodies. I recognise that the legislation in relation to the use of Irish can be quite complex and that officials in public bodies could at times be confused in relation to the implementation of language duties under the direct provisions of the Act itself, under the Regulations under the Act and under language schemes, where they exist.

In February and March 2009, my Office organised six regional information sessions for public bodies with regard to the new Regulations, one each in Sligo, Cork and Galway and three in Dublin. The meetings were attended by 304 people from 160 public bodies and my Office answered many questions in relation to the implementation of the Regulations at those meetings and subsequently. In addition, representatives from my Office gave presentations at 45 individual information sessions for management and staff in public bodies throughout the country.

Representatives from my Office also visited third level colleges in 2009 to give presentations in relation to the work of this Office and to provide information about the services that are available through Irish from the state. The aim of this initiative is to inform Irish speaking students attending third level colleges of their right to choose Irish as their language of communication with the state.

Support Network

During 2009, my Office continued to facilitate the organisation of a support network for public bodies which have confirmed language schemes. The support network is divided into three sections: (1) government departments and offices, (2) local authorities and (3) other public bodies.

In 2009, chas baill an ghréasáin le chéile faoi dhó – i mBaile Átha Cliath i mí an Mheithimh agus i Leitir Ceanainn, Co. Dhún na nGall i mí na Samhna – le ceisteanna a bhain le feidhmiú a gcuid scéimeanna teanga agus forálacha eile an Achta a phlé. Rinneadh go leor plé ag na cruinnithe maidir leis na dúshláin a bhaineann le cur i bhfeidhm an Achta i bhfianaise cúinsí reatha eacnamaíocha agus an choisc ar earcaíocht san earnáil phoiblí. Thug ionadaithe ó na comhlachtaí poiblí atá páirteach sa ghréasán tacaíochta eolas faoin gcaoi a bhfuil siad féin ag cur a gcuid scéimeanna teanga i bhfeidhm.

Rinne aoichainteoirí éagsúla cur i láthair don ghréasán le léargas a thabhairt ar ghnéithe áirithe de sheirbhísí dátheangacha, mar shampla luach ar airgead a fháil le linn an phróisis choimisiúnaithe aistriúcháin, tábhacht na tairisceana gníomhaí le húsáid teanga a mhéadú agus na seirbhísí tacaíochta atá á dtairiscint ag Foras na Gaeilge do chomhlachtaí poiblí.

Comhairle do Chomhlachtaí Poiblí

Is ceann d'fheidhmeanna na hOifige seo comhairle nó cúnamh a sholáthar do chomhlachtaí poiblí a thagann faoi scáth na reachtaíochta maidir lena ndualgais faoi Acht na dTeangacha Oifigiúla.

Le linn na bliana 2009, rinne oifigigh ó chomhlachtaí poiblí teagmháil le m'Oifig ar 377 ócáid éagsúil le ceisteanna sonracha nó le comhairle a fháil maidir le dualgais teanga faoin Acht. Bhain 220 de na fiosrúcháin seo le comhairle maidir leis na Rialacháin nua faoi chomharthaíocht, stáiseanóireacht agus fógairtí taifeadta béil.

Tugadh an chomhairle seo sa bhreis ar cheisteanna a cuireadh ag seisiúin eolais agus ag cruinnithe den ghréasán tacaíochta. Ar ndóigh, dá mhéad comhairle agus eolas soiléir, cruinn a chuirtear ar fáil do chomhlachtaí poiblí faoina ndualgais faoin Acht, is ea is fearr is féidir a chinntiú go gcloítear le forálacha an Achta.

Suíomh Gréasáin

Feidhmíonn an suíomh gréasáin www.coimisineir.ie mar fhoinse eolais faoi gach a mbaineann le hOifig an Choimisinéara Teanga, le hAcht na dTeangacha Oifigiúla agus leis na Rialacháin nua maidir le húsáid na Gaeilge agus an Bhéarla i gcomharthaíocht, i stáiseanóireacht agus i bhfógairtí taifeadta béil. Tá cóip le fáil ar an suíomh de gach scéim teanga atá daingnithe faoin Acht, de gach Ordú Logainmneacha atá déanta faoin Acht agus den ábhar atá foilsithe ag m'Oifig idir thuarascálacha bliantúla agus achoimrí ar imscrúduithe oifigiúla. Anuas air seo, más mian le duine comhairle a lorg nó gearán a dhéanamh, is féidir foirm ghearáin ar líne a chomhlánú agus a sheoladh go leictreonach chuig m'Oifig. Baineann leibhéal inrochtaineachta AA ar a laghad le gach leathanach den suíomh.

In 2009, members of the network met twice – in Dublin in June and in Letterkenny, Co. Donegal in November – to discuss issues in relation to the implementation of their schemes and other provisions of the Act. Much discussion at the meetings concerned the challenges involved with implementing the Act in light of current economic circumstances and the moratorium on public sector recruitment. Representatives of the public bodies involved in the support network provided information about the ways in which they are implementing their language schemes.

Various guest speakers gave presentations to the network explaining particular aspects of bilingual service provision, such as how to get value for money when commissioning translations, the importance of the proactive offer in increasing language usage and the support services provided by Foras na Gaeilge to public bodies.

Advice to Public Bodies

It is one of the functions of this Office to provide advice or assistance to public bodies that are under the aegis of the legislation with regard to their obligations under the Official Languages Act.

In 2009, officials from public bodies contacted my Office on 377 separate occasions with specific questions or seeking advice about their language obligations under the Act. Some 220 of these queries related to advice sought in relation to the new Regulations on signage, stationery and recorded oral announcements.

This advice was provided in addition to the replies given at seminars and meetings of the support network. Undoubtedly, the more clear and accurate the advice and information that is provided to public bodies regarding their obligations under the Act, the easier it will be to ensure compliance with the provisions of the Act.

Website

The website www.coimisineir.ie serves as a comprehensive information point with regard to the Office of An Coimisinéir Teanga, the Official Languages Act 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 all language schemes confirmed under the Act, of all Placenames Orders made under the Act and of all material published by my Office including annual reports and summaries of official investigations. 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. All pages of the website are, at a minimum, AA accessible.

Sa tréimhse ó thús Eanáir 2009 go deireadh mhí na Nollag 2009, bhí 1,002,735 “amas” ar an suíomh, figiúr a bhí níos mó ná aon bhliain roimhe sin ó bunaíodh an Oifig.

Tá an *Treoirleabhar d'Acht na dTeangacha Oifigiúla* le fáil ar an suíomh gréasáin chun cúnamh a sholáthar don phobal maidir lena gcearta teanga agus go háirithe chun comhairle a sholáthar do chomhlachtaí poiblí maidir lena ndualgais faoin Acht. Tá soiléiriú tugtha sa Treoirleabhar faoi na Rialacháin maidir le húsáid na Gaeilge ar stáiseanóireacht, chomharthaíocht agus fhógairtí taifeadta béil. Tá an Treoirleabhar dátheangach 68 leathanach ar fáil go príomha i bhfoirm leictreonach agus is féidir é a íoslódáil ón suíomh ag www.coimisineir.ie/treoirleabhar. Ón dáta a foilsíodh é i bhfómhar na bliana 2008, scaipeadh timpeall 3,000 cóip chrua den Treoirleabhar ar chomhlachtaí poiblí ag seisiúin eolais agus ar iarratas. Le linn na bliana 2009, rinneadh beagnach 30,000 cóip den Treoirleabhar a íoslódáil ón suíomh gréasáin, 20,708 ón suíomh i mBéarla agus 9,281 ón suíomh i nGaeilge.

Meáin Chumarsáide

Le linn na bliana 2009, lean mé d'agallaimh a dhéanamh leis na meáin chumarsáide le léargas a thabhairt ar obair na hOifige, ar fheidhmiú an Achta agus ar cheisteanna gaolmhara. Ba mhaith liom buíochas a ghabháil leis na hiriseoirí ar fad a chuir an oiread sin suime in obair na hOifige le linn na bliana agus a chabhraigh le cur chun cinn na hoibre sin trína gcuid tuairisceoireachta i mBéarla agus i nGaeilge.

Duaiseanna an Choimisinéara Teanga

Tá ceangal ag m'Oifig leis an gcúrsa céime MA sa Chleachtas Dátheangach in Fiontar in Ollscoil Chathair Bhaile Átha Cliath, áit a mbronnar Bonn Óir an Choimisinéara Teanga ar an gcéimí a fhaigheann na marcanna is airde sa tráchtas iarchéime.

Ar Áine Ní Cheárnaigh a bronnadh Bonn Óir na bliana 2009 dá tráchtas ag ócáid bhronnadh na gcéimeanna in Fiontar, Ollscoil Chathair Bhaile Átha Cliath ar an 9 Samhain.

Tá sé mar aidhm ag an gcúrsa MA sa Chleachtas Dátheangach – a bhfuil Stiúirthóir Fiontar, an Dr. Peadar Ó Flatharta, ina cheannas – oiliúint a chur ar fhoireann a bheidh ag obair sna hearnálacha poiblí agus deonacha le seirbhís ardcháilíochta do chustaiméirí a bhainistiú agus a sholáthar go dátheangach, ag freagairt go háirithe do riachtanais Acht na dTeangacha Oifigiúla. Tugtar an t-eolas agus an scil is gá dóibhsean atá páirteach lena chinntiú go soláthrófar seirbhís ardcháilíochta dhátheangach don phobal a bheidh ag teacht le caighdeáin idirnáisiúnta.

Bronntar duais bhliantúil chomh maith don aiste thaighde is fearr sa scrúdú sochtheangeolaíochta don chéim BA in Ollscoil na hÉireann, Gaillimh. Ar Dhoireann McCombe a bronnadh Duais an Choimisinéara Teanga do 2009.

In the period from the beginning of January 2009 to the end of December 2009, the number of “hits” on the website was 1,002,735, which exceeded that of any previous year since the Office was founded.

A *Guidebook to the Official Languages Act* is available on the website 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 Act. The Guidebook explains the Regulations in relation to the use of Irish on stationery, signage and recorded oral announcements. The 68 page bilingual Guidebook is available primarily in electronic format and can be downloaded from the website at www.coimisineir.ie/guidebook. Since its publication in autumn 2008, approximately 3,000 hard copies of the Guidebook have been distributed to public bodies at information sessions and on request. During 2009, almost 30,000 copies of the Guidebook were downloaded from the website, 20,708 from the website in English and 9,281 from the website in Irish.

Media

During 2009, I continued to undertake media interviews in order to provide an insight into the work of the Office, the implementation of the Act and related matters. 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.

Prizes of An Coimisinéir Teanga

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

The 2009 Gold Medal was presented to Áine Ní Cheárnaigh for her thesis at the graduation ceremony in Fiontar, Dublin City University on 9 November.

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

An award is also presented annually for the best research essay in the sociolinguistics exam for the BA degree in the National University of Ireland, Galway. An Coimisinéir Teanga's prize for 2009 was presented to Doireann McCombe.



An Coimisinéir Teanga ag bronnadh Bonn Óir na bliana 2009 ar Áine Ní Cheárnaigh in Fiontar, Ollscoil Chathair Bhaile Átha Cliath.

An Coimisinéir Teanga presenting the 2009 Gold Medal to Áine Ní Cheárnaigh in Fiontar, Dublin City University.



Bronnadh Duais an Choimisinéara Teanga 2009 don chéim BA in Ollscoil na hÉireann, Gaillimh ar Dhoireann McCombe.

An Coimisinéir Teanga's prize for 2009 for the BA degree in the National University of Ireland, Galway was presented to Doireann McCombe.

Caidreamh Seachtrach

Le linn 2009, lean m'Oifig den pholasáí glacadh le cuirí le labhairt maidir le cearta agus dualgaís teanga ag seimineáir, léachtaí agus ócáidí poiblí éagsúla eile mar ba chúil.

D'fhreastail Stiúrthóir na hOifige ar Chomhdháil Dhébhlantúil Chumann Ombudsman na Breataine agus na hÉireann a tionóladh in Ollscoil Warwick i Sasana ar an 7 Bealtaine 2009.

Ar an 22 Iúil 2009, d'fhreastail ionadaithe ó m'Oifig ar lá oiliúna de chuid Bhord na Breatnaise i gCaerdydd, an Bhreatain Bheag agus rinne siad cur i láthair i dtaca le himscrúduithe agus cúrsaí géilliúlachta. Ba mhór ag an Oifig seo an deis a tugadh dúinn ár dtaithí a roinnt le Bord na Breatnaise agus eolas a fháil ar an gcur chuige atá acu féin i leith na n-ábhar seo.

Lean m'Oifig le linn na bliana dá caidreamh dearfach le hOifig Choimisinéir na dTeangacha Oifigiúla i gCeanada. Ar an 17 Lúnasa 2009, labhair mé féin agus Graham Fraser, Coimisinéir na dTeangacha Oifigiúla i gCeanada, ag comhdháil leathlae ar chearta teanga i mBaile Átha Cliath. Bhí an chomhdháil eagraithe mar chuid de chomhdháil dlí ag Comhlachas Barra Cheanada.

External Relations

During 2009, my Office continued its policy of accepting invitations to speak about language rights and duties at seminars, lectures and other public events, as appropriate.

The Director of the Office attended the Biennial Conference of the British and Irish Ombudsman Association at the University of Warwick in England on 7 May 2009.

On the 22 July 2009, representatives of my Office attended a training day organised by the Welsh Language Board in Cardiff, Wales and gave presentations about investigations and compliance issues. This Office was pleased to have the opportunity to share our experience with the Welsh Language Board and to learn about its approach to such matters.

During the year, my Office continued its positive relationship with the Office of the Official Languages Commissioner in Canada. Both Graham Fraser, the Commissioner of Official Languages in Canada, and I spoke at a half day conference on language rights in Dublin on the 17 August 2009. The conference was held as part of a legal conference organised by the Canadian Bar Association.

Labhair Stiúrthóir na hOifige ag teacht le chéile de mhic léinn Fulbright in Ollscoil na hÉireann, Má Nuad ar an 2 Deireadh Fómhair 2009. An mhí chéanna, d'fhreastail Bainisteoir Imscrúduithe na hOifige ar chúrsa oiliúna de chuid Chumann Ombudsman na Breataine agus na hÉireann i nDún Éideann in Albain.

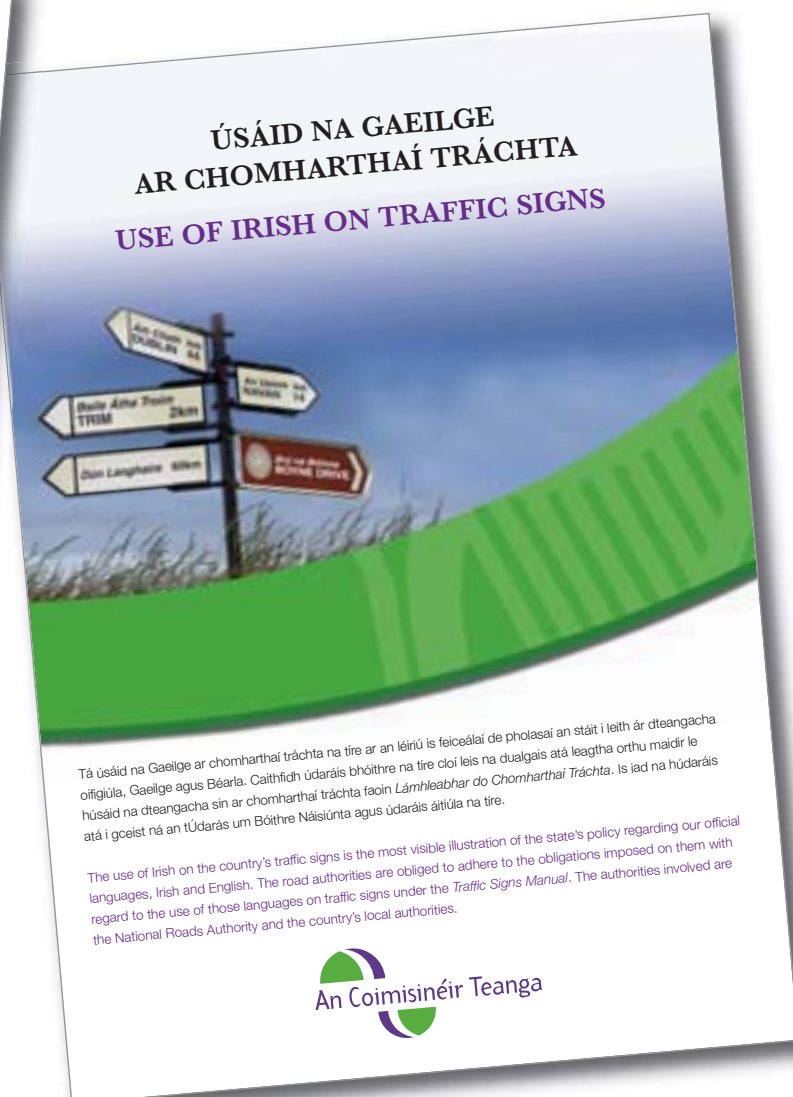
Ar an 13 Samhain 2009, labhair mé ag Comhdháil Idirnáisiúnta Teanga de chuid ALTE (Cumann Thástálaithe Teanga na hEorpa) a d'eagraigh Ollscoil na hÉireann, Má Nuad. D'fhreastail ionadaithe ó 31 tír, a bhí ionadaíoch ar 26 teanga, ar an gcomhdháil.

Ar an 27 Samhain 2009, thug mé an eochairchaint ag ócáid bhronnta teastas sa Ghaeilge sa Centre Culturel Irlandais i bPáras na Fraince. Bhí an ócáid eagraithe ag Ollscoil na hÉireann, Má Nuad i gcomhar leis an Centre Culturel Irlandais.

The Director of the Office spoke at a meeting of Fulbright students in the National University of Ireland, Maynooth on the 2 October 2009. In the same month, our Investigations Manager attended a training course run by the British and Irish Ombudsman Association in Edinburgh, Scotland.

I spoke at the International Language Conference of ALTE (the Association of Language Testers in Europe) organised by the University of Ireland, Maynooth on 13 November 2009. The conference was attended by representatives from 31 countries, representing 26 languages.

On the 27 November 2009, I gave the keynote address at an Irish language graduation ceremony at the Centre Culturel Irlandais in Paris in France. The event was organised by the University of Ireland, Maynooth in conjunction with the Centre Culturel Irlandais.



AN GHAELGE SA CHÚIRT

Tá ceart an duine an Ghaeilge a úsáid in aon chúirt daingnithe sa dlí in alt 8 d'Acht na dTeangacha Oifigiúla agus ní féidir duine a fhágáil faoi aon mhíbhuntáiste ná aon cheataí nó caiteachas breise a chur air/uirthi de bharr na rogha teanga sin. Sheol mé feachtas eolais in 2009, a bhí dírithe ar phobal na Gaeilge agus na Gaeltachta ach go háirithe, le dul i ngleic leis an tuairim go bhfuil Béarla éigeantach sna cúirteanna.

Mar chuid den fheachtas, d'fhoilsigh m'Oifig bileog dar teideal *An Ghaeilge sa Chúirt* agus póstaer dar teideal *Tá sé de cheart agat an Ghaeilge a úsáid in aon chúirt*. Seoladh iad tríd an bpost chuig na cúirteanna ar fud na tíre agus chuig na heagrais Ghaeilge agus Ghaeltachta. Cuireadh ar fáil iad, chomh maith, ag Oireachtas na Gaeilge agus dáileadh an bhileog le nuachtáin áitiúla i roinnt ceantair Ghaeltachta. Is féidir an bhileog eolais agus an póstaer a íoslódáil ón suíomh gréasáin ag an nasc www.coimisineir.ie/cuirteanna.

Dealraíonn sé ó thuairiscí sna meáin chumarsáide go gcosnaíonn an tseirbhís ateangaireachta i gcúirteanna na tíre os cionn €2 mhilliún sa bhliain. Is seirbhís í seo atá ríthábhachtach agus ní bheadh sé inghlactha ar bhealach ar bith mura raibh sé iomlán soiléir go raibh cothrom na féinne le fáil gan cheist ag daoine beag beann ar a gcumas teanga le linn dóibh a bheith os comhair cúirte.

Léiríonn an tuarascáil bhliantúil is déanaí a d'fhoilsigh an tSeirbhís Chúirteanna go bhfuarthas breis agus 10,000 iarratas le haghaidh ateangairí i rith 2008. Bhí 71 teanga ar fad i gceist agus is san ord seo a bhí na teangacha de réir mhéid an éilimh: Polainnis, Rómáinis, Liotuáinis, Rúisis, Sínis Mhandairín, Laitvis, Portaingéilis, Fraincis, Seicis agus Araibis.

Ní raibh an Ghaeilge fiú san áireamh ar an liosta den deich dteanga ba choitianta ar soláthraíodh ateangairí dóibh sna cúirteanna le linn 2008. De réir figiúirí a chuir an tSeirbhís Chúirteanna ar fáil, bhí caiteachas de €1,933 ar sheirbhísí ateangaireachta Gaeilge sa bhliain 2006. Thit sé go dtí €1,012 sa bhliain 2007. Mar sin, is faoi bhun €3,000 a caitheadh ar ateangaireacht Ghaeilge as buiséad de níos mó ná €4 mhilliún in imeacht dhá bhliain.

Tugann an chuid den bhuiséad ateangaireachta a chaitear ar an nGaeilge sna cúirteanna léargas spéisiúil dúinn. Feictear dom gur minic a fhágann pobal na Gaeilge, sa Ghaeltacht agus ar fud na tíre, a gcearta agus a rogha teanga ar leataobh nuair a bhíonn siad ag plé le gnóthaí oifigiúla cúirte. Ó tharla an ceart teanga sin a bheith daingnithe le dlí, ní miste an t-eolas maidir le húsáid na Gaeilge sa chúirt a scaipeadh go forleathan agus sin a bhí i gceist agam a dhéanamh leis an bhfeachtas eolais seo. Má fhágtar an Ghaeilge ar leataobh nó ar lár ó imeachtaí cúirte na tíre seo, ní chun leas na teanga a bheidh sé. Má chruthaítear áit níos lárnaí di sa réimse seo, beidh a thoradh dearfach sin le feiceáil sna blianta amach romhainn.

IRISH IN THE COURTS

The right of a person to use Irish in any court is confirmed in section 8 of the Official Languages Act and a person may not be disadvantaged or may not incur any inconvenience or additional expense as a result of his/her language choice. I launched an information campaign in 2009 to counteract the perception that English is obligatory in the courts. This campaign was primarily aimed at Irish speaking and Gaeltacht communities.

As part of the campaign, my Office published a leaflet entitled *An Ghaeilge sa Chúirt (Irish in the Courts)* and a poster entitled *Tá sé de cheart agat an Ghaeilge a úsáid in aon chúirt (You have a right to use Irish in any court)*. Copies of the leaflet and the poster were sent by post to courts throughout the country and to Irish language and Gaeltacht organisations, they were made available at Oireachtas na Gaeilge and the leaflet was distributed with local papers in some Gaeltacht areas. The information leaflet and the poster may be downloaded from the website by following the link www.coimisineir.ie/courts.

It appears from media reports that the interpretation service in the court system costs more than €2 million annually. This is a very important service and it would be completely unacceptable if it was not abundantly clear that people were entitled, irrespective of their language ability, to a fair hearing before the courts.

The most recent annual report published by the Courts Service shows that it received more than 10,000 applications for interpreters in 2008. These involved a total of 71 languages and were in the following order with regard to level of demand: Polish, Romanian, Lithuanian, Russian, Mandarin Chinese, Latvian, Portuguese, French, Czech and Arabic.

Irish was not even mentioned in the list of the ten most common languages for which interpreters were required in the courts in 2008. According to figures provided by the Courts Service, there was a cost of €1,933 for Irish language interpretation services in 2006. This cost fell to €1,012 in 2007. Therefore, less than €3,000 out of a budget of more than €4 million was spent on Irish language interpretation over the course of two years.

The portion of the interpretation budget spent on Irish in the courts provides some interesting insights. It appears to me that the Irish speaking public, in the Gaeltacht and throughout the country, often put their language rights and their language choices aside when they are involved in official court business. Since that language right is confirmed in law, it is important that information about the use of Irish in the courts is widely publicised and that is why I initiated this information campaign. If the Irish language is marginalised or completely excluded from court business in this country, this will not benefit the language. If the language achieves a more central role in this sphere, the positive results will be apparent in the years to come.

ÚSÁID NA GAEILGE AR CHOMHARTHAÍ TRÁCHTA

Sheol mé feachtas eolais in 2009 le dul i ngleic le botúin agus/nó faillí in úsáid na Gaeilge ar chomharthaí tráchta na tíre. D'fhoilsigh m'Oifig bileog eolais dar teideal *Úsáid na Gaeilge ar Chomharthaí Tráchta* agus foirm ghearáin mar chuid den fheachtas sin.

Tá úsáid na Gaeilge ar chomharthaí tráchta na tíre ar an léiriú is feiceálaí de pholasaí an stáit i leith ár dteangacha oifigiúla, Gaeilge agus Béarla. Caithfidh údarais bhóithre na tíre cloí leis na dualgais atá leagtha orthu maidir le húsáid na dteangacha sin ar chomharthaí tráchta faoin *Lámhleabhar do Chomharthaí Tráchta*. Is iad na húdarais atá i gceist ná an tÚdarás um Bóithre Náisiúnta agus údarais áitiúla na tíre.

Tugtar achoimre sa bhileog eolais *Úsáid na Gaeilge ar Chomharthaí Tráchta* ar na príomhdhualgais teanga atá leagtha ar na húdarais bhóithre maidir le comharthaí tráchta. An pointe is tábhachtaí atá ann ná go gcaithfidh logainmneacha ar chomharthaí eolais a bheith i nGaeilge agus i mBéarla ach amháin:

- I gcás logainmneacha Gaeltachta, a chaithfidh a bheith i nGaeilge amháin.
- Sa chás gur cosúil litriú logainm sa dá theanga, is í foirm Ghaeilge an logainm amháin ba chóir a úsáid.

Ba chóir don téacs i nGaeilge a bheith i gcló iodálach, i gcás íochtair, leis an túslior mar cheannlior. Ba chóir go mbeadh claonadh 15 chéim ar dheis ar an script i nGaeilge. Ba chóir don téacs i mBéarla a bheith i gcló rómhánach agus i gcás uachtair. Ba chóir na riachtanais thuasluaite a chur i bhfeidhm ar gach uile chomhartha eolais, ar a n-áirítear comharthaí rabhaidh agus plátaí eolais a chuirtear in airde in éineacht le comharthaí.

Go dtí le déanaí, is ar bhonn neamhfhoirmiúil a lorg m'Oifig comhoibriú agus dea-thoil na n-údarais bóithre cuí le ceartú a dhéanamh ar chomharthaí tráchta a bhí ag sárú forálacha teanga sa *Lámhleabhar do Chomharthaí Tráchta*. Tá sé dearbhaithe anois go bhfuil údarás ag m'Oifig gearáin a fhiosrú go hoifigiúil maidir le fadhbanna a bhaineann le húsáid na Gaeilge nó le heaspa Gaeilge ar chomharthaí tráchta.

Cuireadh cóipeanna den bhileog eolais agus den fhoirm ghearáin chuig na heagrais Ghaeilge agus Ghaeltachta agus chuig na húdarais bhóithre. Anuas air sin, cuireadh iad ar fáil don phobal ag seastán na hOifige ag Oireachtas na Gaeilge i Leitir Ceanainn i gCo. Dhún na nGall.

Is féidir an bhileog eolais agus an fhoirm ghearáin a íoslódáil ón suíomh gréasáin ag an nasc www.coimisineir.ie/comharthaitrachta.

USE OF IRISH ON TRAFFIC SIGNS

I launched an information campaign in 2009 to deal with mistakes and/or omissions in relation to the use of Irish on traffic signs throughout the country. My Office published an information leaflet entitled *Use of Irish on Traffic Signs* and an accompanying complaint form as part of that campaign.

The use of Irish on the country's traffic signs is the most visible expression of the state's policy in relation to our official languages, Irish and English. The country's road authorities must comply with the duties placed on them in relation to the use of those languages on road signs under the *Traffic Signs Manual*. The authorities in question are the National Roads Authority and the country's local authorities.

The information leaflet entitled *Use of Irish on Traffic Signs* gives a summary of the primary language duties placed on the road authorities with regard to traffic signs. The most important point is that placenames on information signs must be in both Irish and English except:

- Gaeltacht placenames, which must be in Irish only.
- Where the spelling of a placename is similar in both languages, in which case only the Irish form of the placename should be shown.

All Irish text should be in italic print, in lower case lettering, with initial letters in capitals. Irish script should be inclined to the right at an angle of 15 degrees to the vertical. All English text should be in upper case roman letters. The above requirements should also be applied to all other information signs, including warning signs and information plates which may accompany signs.

Until recently, my Office dealt on an informal basis with local authorities and relied on their cooperation and goodwill in order to correct roads signs that were not in compliance with the *Traffic Signs Manual*. It has now been confirmed that my Office has the authority to officially investigate complaints in relation to difficulties with the use of Irish or the lack of Irish on road signs.

Copies of the information leaflet and the complaint form were sent to Irish language and Gaeltacht organisations and to the roads authorities. In addition, copies were made available to the public at our exhibition stand at Oireachtas na Gaeilge in Letterkenny, Co. Donegal.

The information booklet and the complaint form can be downloaded from the website by following the link www.coimisineir.ie/trafficsigns.

FAIREACHÁN

Scéimeanna Teanga

Le linn na bliana 2009, ba léir dúinn go raibh níos mó deacrachtaí ná riamh ag roinnt comhlachtaí poiblí na scéimeanna reachtúla teanga a bhí aontaithe acu féin a chur i bhfeidhm. Go ginearálta, bhain an chuid is mó de na deacrachtaí le heaspa pleanála agus leis na struchtúir chuí agus acmhainní mar is ceart gan a bheith curtha ar fáil chun an méid a bhí geallta a bhaint amach. Léiríonn an t-iniúchadh a rinneadh ar scéimeanna teanga a bhí sa tríú bhliain nach raibh an scéim teanga á cur i bhfeidhm go hiomlán sásúil ach ag 22% de na comhlachtaí poiblí a raibh scéimeanna acu. Ba ghá céimeanna a aontú leis an 78% eile le cinntiú go raibh siad ag cloí lena ndualgais teanga.

Fearacht blianta eile, leanadh de phróiseas caighdeánach léirmheasa agus iniúchta ar chomhlachtaí poiblí a raibh scéimeanna teanga daingnithe acu. Feidhmíodh plean iniúchta a chuir san áireamh scéimeanna teanga a raibh a gcéad bhliain agus a dtríú bliain feidhme tagtha chun críche. Faoi dheireadh na bliana 2009, bhí an próiseas iniúchta críochnaithe i gcás 39 scéim teanga. Bhain 21 acu seo le léirmheas céad bhliana agus bhain 18 acu le hiniúchadh tríú bhliain.

Dhírigh iniúchadh na chéad bhliana ar aon bhaol d'fhorfheidhmiú a aithint go luath sa phróiseas agus aird bhainistíocht na gcomhlachtaí poiblí a dhíríú ar an méid a bhí tagtha chun solais de dheasca an phróisis faireacháin.

Le linn 2009, lean m'Oifig d'iniúchadh tríú bhliain a dhéanamh ar scéimeanna teanga a raibh a dtréimhse feidhme tagtha chun críche. Tugadh faoi chóras iniúchta a leanúint inar lorgaíodh cruthúnas agus dearbhú go raibh na gealltanais reachtúla a bhí tugtha sna scéimeanna teanga curtha i bhfeidhm ina n-iomláine. Chomh maith leis seo, fiosraíodh na córais a bhí i bhfeidhm ag comhlachtaí poiblí chun a chinntiú go raibh sé d'acmhainn acu seirbhís trí Ghaeilge a thabhairt don phobal, mar a bhí geallta.

Nuair a tháinig sé chun solais nach raibh gealltanais áirithe curtha i bhfeidhm ag comhlachtaí poiblí, lorgaíodh míniú, réiteach agus amscála cuí forfheidhmithe uathu. Ba ghá tabhairt faoin gcéim seo i gcás 78% de na hiniúchtaí ar cuireadh tús leo le linn na bliana 2009, sin ardú ó 60% sa bhliain 2008. Tá monatóireacht leanúnach á déanamh ar na pleananna forfheidhmithe sin. Cé gur éirigh linn teacht ar réiteach sásúil leis na comhlachtaí poiblí i bhformhór na gcásanna, theip orainn an méid sin a dhéanamh chomh fada agus a bhain sé le ceithre chomhlacht poiblí. Sna cásanna sin, ní raibh de rogha againn ach dul i muinín an phróisis fhoirmiúil imscrúdaithe.

Feictear dúinn go dteipeann ar chomhlachtaí poiblí gnéithe áirithe dá scéimeanna teanga a chur i bhfeidhm go sásúil mura bhfuil:

- (1) Anailís agus cúram mar is ceart déanta de na riachtanais agus de na ciallachais, idir chórais, chostais agus acmhainní daonna, a bhaineann le gealltanais áirithe a thugtar i scéim teanga.
- (2) Úinéireacht glactha ag ardbhainistíocht an chomhlachta poiblí ar an scéim teanga.
- (3) Struchtúr feiliúnach forfheidhmithe agus tuairiscithe bunaithe ag an gcomhlacht poiblí.

MONITORING

Language Schemes

During 2009, it was clear that some public bodies experienced increased difficulties in implementing statutory language schemes to which they had agreed. In general, most of the difficulties related to lack of planning and to lack of appropriate structures and resources being provided to implement commitments given. The audit of language schemes in their third year indicated that only 22% of public bodies had properly implemented their schemes. Agreement had to be reached with the other 78% to ensure that they were in compliance with their language duties.

In line with other years, a standardised process of assessing and auditing public bodies which had confirmed language schemes was continued. An audit plan was implemented which included the audit of language schemes at the end of years 1 and 3. By the end of 2009, the audit process had been completed for 39 language schemes. Some 21 of these related to first year reviews and 18 related to third year audits.

The first year audit related to recognising any implementation risks early in the process and to directing the attention of the management of public bodies to matters which had arisen as a result of the monitoring process.

During 2009, my Office continued to conduct third year audits of language schemes whose implementation period had come to an end. An audit system was followed in which evidence and confirmation were sought that the statutory commitments given in language schemes had been fulfilled in their entirety. In addition, the systems put in place by public bodies were examined in order to ascertain that they could deliver a service in Irish to the public, as promised.

Where it became apparent that specific commitments had not been implemented by public bodies, we sought an explanation, a solution and an appropriate implementation timeframe. It was necessary to adopt this approach in the case of 78% of audits begun during 2009, an increase from 60% in 2008. These implementation plans are being monitored on an ongoing basis. Although we succeeded in reaching a satisfactory agreement with public bodies in most cases, we failed to do so with regard to four public bodies. In those cases, we were obliged to resort to the formal investigative process.

It appears to us that public bodies fail to implement particular aspects of their language schemes satisfactorily unless there is:

- (1) Appropriate analysis of and attention to the requirements and implications, including systems, costs and human resources, of particular commitments given in a language scheme.
- (2) Ownership by the public body's senior management of the language scheme.
- (3) An appropriate implementation and report structure established by the public body.

- (4) Plean forfheidhmithe leis na hacmhainní cuí ullmhaithe ag an gcomhlacht poiblí.
- (5) Gealltais na scéime aontaithe agus curtha in iúl don fhoireann chuí atá ceaptha iad a chur i bhfeidhm.
- (6) Córas monatóireachta feiliúnach forbartha ag an gcomhlacht poiblí.

Is léir ón bpróiseas faireacháin go laghdaítear go mór an éifeacht agus an tionchar atá ag scéim teanga má tá sí aontaithe i bhfolús seachas a bheith ina cuid dhílis de struchtúr agus de sheachadadh seirbhíse an chomhlachta poiblí.

- (4) An implementation plan with the appropriate resources prepared by the public body.
- (5) Agreement reached on the commitments and the agreement is conveyed to the appropriate staff with responsibility for implementing them.
- (6) An appropriate monitoring system developed by the public body.

It is clear from the monitoring process that the effect and impact of a language scheme is significantly reduced if it is agreed in a vacuum instead of being embedded into the public body's structure and provision of services.

Léirmheas déanta agus tuairiscí eisithe 2009

Reviews completed and reports issued 2009

| Ainm an Chomhlachta Phoiblí | Name of Public Body |
|---|--|
| Údarás Áitiúla Chontae na Gaillimhe | County Galway Local Authorities |
| Feidhmeannacht na Seirbhíse Sláinte, Limistéar an Iarthair | Health Service Executive, Western Area |
| Institiúid Teicneolaíochta na Gaillimhe-Maigh Eo | Galway-Mayo Institute of Technology |
| Oifig na gCoimisinéirí Ioncaim | Office of the Revenue Commissioners |
| Údarás Áitiúla Dhún na nGall | Donegal Local Authorities |
| An Roinn Oideachais agus Eolaíochta | Department of Education and Science |
| An Roinn Airgeadais | Department of Finance |
| Ollscoil Chathair Bhaile Átha Cliath | Dublin City University |
| Seirbhís Oideachais Chontae Chiarraí | Kerry Education Service |
| An Roinn Talmhaíochta agus Bia | Department of Agriculture and Food |
| Ollscoil Luimnigh | University of Limerick |
| An Roinn Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí | Department of Justice, Equality and Law Reform |
| Comhairle Cathrach Bhaile Átha Cliath | Dublin City Council |
| Coiste Gairmoideachais Chontae na Gaillimhe | County Galway Vocational Education Committee |
| Óglaigh na hÉireann | The Defence Forces |
| Comhairle Cathrach na Gaillimhe | Galway City Council |
| Údarás Áitiúla Fhine Gall | Fingal Local Authorities |
| Banc Ceannais & Údarás Seirbhísí Airgeadais na hÉireann | Central Bank and Financial Services Authority of Ireland |
| Institiúid Teicneolaíochta Leitir Ceanainn | Letterkenny Institute of Technology |
| Coiste Gairmoideachais Chathair Bhaile Átha Cliath | City of Dublin Vocational Education Committee |
| Comhairle Cathrach Luimnigh | Limerick City Council |
| Coláiste Oideachais Eaglais na hÉireann | Church of Ireland College of Education |
| An Phríomh-Oifig Staidrimh | Central Statistics Office |
| Údarás Áitiúla Lú | Louth Local Authorities |
| Teagasc | Teagasc |
| An Foras Áiseanna Saothair (FÁS) | The Training and Employment Authority (FÁS) |
| An Crannchur Náisiúnta | The National Lottery |
| Comhairle Contae Luimnigh | Limerick County Council |
| Bord Soláthair an Leictreachais | Electricity Supply Board |
| An tÚdarás um Ard-Oideachas | Higher Education Authority |
| Údarás Áitiúla Chontae Mhuineacháin | Monaghan Local Authorities |
| Comhairle Cathrach Phort Láirge | Waterford City Council |
| Leabharlann Chester Beatty | Chester Beatty Library |
| Údarás Áitiúla an Longfoirt | Longford Local Authorities |
| An Bord um Fhaisnéis do Shaoránaigh | Citizens Information Board |
| Oifig an Stiúrthóra um Fhorfheidhmiú Corparáideach | Office of the Director of Corporate Enforcement |
| Údarás Áitiúla Chontae Chill Dara | Kildare Local Authorities |
| Coiste Gairmoideachais Chontae Átha Cliath | County Dublin Vocational Education Committee |
| Údarás Áitiúla Cheatharlach | Carlow Local Authorities |

Faireachán ar chur i bhfeidhm moltaí imscrúduithe

Cúlra

I ndiaidh do thréimhse réasúnta ama a bheith caite, tá sé de cheart ag an gCoimisinéir Teanga tuarascáil a thabhairt do gach Teach den Oireachtas más rud é go dtagann sé ar an tuairim nach bhfuil moltaí imscrúduithe curtha i bhfeidhm ag comhlacht poiblí.

Is le linn 2007 a tionscnaíodh na chéad imscrúduithe agus mar chuid de phlean gnó inmheánach Oifig an Choimisinéara Teanga do 2009, socraíodh faireachán a dhéanamh ar an mbealach ina raibh comhlachtaí poiblí ag cur i bhfeidhm na moltaí a d'eascair ó na himscrúduithe éagsúla a rinneadh in 2007 agus 2008. Ba í seo an chéad bhliain don Oifig tabhairt faoin bpróiseas seo.

Modh Iniúchta

Tugadh faoin iniúchadh trí:

- (1) Scrúdú a dhéanamh ar na comhaid imscrúduithe agus trí aon chomhfhreagras agus deimhnithe a lean an t-imscrúdú a bhailiú.
- (2) Litir a eisiúint chuig ceann an chomhlachta phoiblí ag lorg breis eolais, dearbhaithe agus cruthúnais faoi mar ba ghá.
- (3) I gcásanna áirithe, cruinniú a reáchtáil leis an gcomhlacht poiblí chun soiléiriú agus eolas breise a fháil.

Torthaí

Tá sé le feiceáil ón tábla thíos go bhfuil formhór mór na gcomhlachtaí poiblí ag cur i bhfeidhm mholtaí na n-imscrúduithe go sásúil. I roinnt cásanna, ba ghá teacht ar chomhaontú maidir le clár ama sonrach ina mbeadh na moltaí éagsúla comhlíonta. Sna cásanna sin, déanfar athbhreithniú ar chur i bhfeidhm an mhéid a aontaíodh in am trátha. Ag deireadh 2009, bhíothas fós i mbun idirphlé le dhá chomhlacht phoiblí maidir leis an mbealach ina raibh siad ag cur i bhfeidhm mholtaí na n-imscrúduithe a bhain leo.

| Bliain inar tionscnaíodh na himscrúduithe | 2007 | 2008 |
|--|----------|-----------|
| Líon imscrúduithe críochnaithe | 10 | 17 |
| Gan sárú | 1 | 2 |
| Scortha | 1 | 0 |
| Líon na n-imscrúduithe a ndearnadh faireachán orthu | 8 | 15 |
| Deimhniú sásúil faighte | 8 | 10 |
| Cur chuige aontaithe ach monatóireacht le déanamh ar chur i bhfeidhm | 0 | 3 |
| I mbun faireacháin go fóill | 0 | 2 |
| Iomlán | 8 | 15 |

Monitoring of the implementation of the recommendations of investigations

Background

After a reasonable time, An Coimisinéir Teanga has the right to provide a report to both Houses of the Oireachtas if he is of the opinion that the recommendations of an investigation are not being implemented by a public body.

The first investigations were begun in 2007 and as part of the 2009 internal business plan for the Office of An Coimisinéir Teanga, it was decided to monitor the way in which public bodies were implementing the recommendations which arose from the various investigations conducted during 2007 and 2008. This was the first year in which the Office undertook this process.

Audit Methodology

The audit was conducted by:

- (1) Examining the investigation files and collating any correspondence and confirmation which followed the investigation.
- (2) Issuing a letter to the head of public body requesting further information, confirmation and evidence as required.
- (3) In particular cases, organising a meeting with the public body to receive further clarification and information.

Results

It is apparent from the table below that most of the public bodies are satisfactorily implementing the recommendations of investigations. In certain cases, it was necessary to reach an agreement regarding a specific timetable in which various recommendations would be implemented. In those cases, a review of the implementation of the matter agreed will be conducted at an appropriate time. At the end of 2009, my Office was still in discussions with two public bodies regarding the manner in which they were implementing the recommendations of investigations relating to them.

| Year in which investigations were begun | 2007 | 2008 |
|---|----------|-----------|
| Number of investigations completed | 10 | 17 |
| No contravention | 1 | 2 |
| Discontinued | 1 | 0 |
| Number of investigations which were audited | 8 | 15 |
| Satisfactory confirmation received | 8 | 10 |
| Agreement reached but monitoring of implementation required | 0 | 3 |
| Ongoing monitoring | 0 | 2 |
| Total | 8 | 15 |

Bliain Imscrúdaithe: 2007

| Comhlacht Poiblí | Reachtaíocht | Ábhar | Stádas |
|---|--|--|------------------|
| An Roinn Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí | Alt 71 – Acht Cúirteanna Breithiúnais, 1924 | Ceapadh breithimh | Scortha |
| Coimisiún na Scrúduithe Stáit | Alt 7(2)(d) – Acht Oideachais, 1998 | Scéimeanna marcála | Deimhniú faighte |
| Feidhmeannacht na Seirbhíse Sláinte | Alt 18 – Acht na dTeangacha Oifigiúla, 2003 | Seirbhís fioclóra scoile sa Ghaeltacht | Deimhniú faighte |
| An Garda Síochána | Alt 9(2) – Acht na dTeangacha Oifigiúla, 2003 | Fógra Muirear Seasta | Deimhniú faighte |
| An tÚdarás Náisiúnta Míchumais | Alt 9(3) – Acht na dTeangacha Oifigiúla, 2003 | Cora poist | Deimhniú faighte |
| An Roinn Oideachais & Eolaíochta | Alt 7(2)(d) – Acht Oideachais, 1998 | Siollabais dara leibhéal & foilseacháin eile | Deimhniú faighte |
| Bus Éireann | Alt 57(2) – Acht Iompair, 1950 | Ticéad bus scoile | Deimhniú faighte |
| Comhairle Contae Fhine Gall | Alt 9(2) – Acht na dTeangacha Oifigiúla, 2003 | Freagra i mBéarla ar chumarsáid i nGaeilge | Deimhniú faighte |
| An Roinn Gnóthaí Sóisialacha agus Teaghlaigh | Alt 10(a) – Acht na dTeangacha Oifigiúla, 2003 | Páipéar Glas ar Phinsin | Deimhniú faighte |
| Oifig Thithe an Oireachtais | Alt 7 – Acht na dTeangacha Oifigiúla, 2003 | Foilsíú billí Oireachtais | Gan sárú |

Investigation Year: 2007

| Public body | Legislation | Subject | Status |
|--|--|--|-----------------------|
| Department of Justice, Equality & Law Reform | Section 71 – Courts of Justice Act, 1924 | Appointment of a judge | Discontinued |
| State Examinations Commission | Section 7(2)(d) – Education Act, 1998 | Marking schemes | Confirmation received |
| Health Service Executive | Section 18 – Official Languages Act, 2003 | School dental service in the Gaeltacht | Confirmation received |
| An Garda Síochána | Section 9(2) – Official Languages Act, 2003 | Fixed Charge Notice | Confirmation received |
| National Disability Authority | Section 9(3) – Official Languages Act, 2003 | Mailshots | Confirmation received |
| Department of Education & Science | Section 7(2)(d) – Education Act, 1998 | Second level syllabuses & other publications | Confirmation received |
| Bus Éireann | Section 57(2) – Transport Act, 1950 | School bus ticket | Confirmation received |
| Fingal County Council | Section 9(2) – Official Languages Act, 2003 | Reply in English to communication in Irish | Confirmation received |
| Department of Social & Family Affairs | Section 10(a) – Official Languages Act, 2003 | Green Paper on Pensions | Confirmation received |
| Office of the Houses of the Oireachtas | Section 7 – Official Languages Act, 2003 | Publication of Oireachtas bills | No contravention |

Bliain Imscrúdaithe: 2008

| Comhlacht Poiblí | Reachtaíocht | Ábhar | Stádas |
|---|--|---|---|
| An Chomhairle Oidhreachta | Alt 18(1) – Acht Oidhreachta, 1995 | Líon leordhóthanach foirne le seirbhís trí Ghaeilge a sholáthar | Cur chuige aontaithe & monatóireacht le déanamh |
| An Roinn Gnóthaí Pobail, Tuaithe & Gaeltachta | Alt 18 – Acht na dTeangacha Oifigiúla, 2003 | Agallaimh agus cúrsaí oiliúna | Deimhniú faighte |
| An Roinn Iompair | Alt 10(a) – Acht na dTeangacha Oifigiúla, 2003 | Foilsíú an doiciméid <i>2020 Vision – Sustainable Travel and Transport: Public Consultation</i> | Deimhniú faighte |
| An Roinn Comhshaoil, Oidhreachta agus Rialtais Áitiúil | Alt 18 – Acht na dTeangacha Oifigiúla, 2003 | Suíomh gréasáin www.npws.ie | Cur chuige aontaithe & monatóireacht le déanamh |
| An Roinn Comhshaoil, Oidhreachta agus Rialtais Áitiúil | Alt 10(a) – Acht na dTeangacha Oifigiúla, 2003 | Páipéar Glas faoin Rialtas Áitiúil | Deimhniú faighte |
| Feidhmeannacht na Seirbhíse Sláinte | Alt 18 – Acht na dTeangacha Oifigiúla, 2003 | Cigireacht réamhscoilaíochta | Deimhniú faighte |
| An Chomhairle um Thaighde sna Dána & sna hEolaíochtaí Sóisialta | Alt 9(2) – Acht na dTeangacha Oifigiúla, 2003 | Freagra i mBéarla ar chumarsáid i nGaeilge | Deimhniú faighte |
| Comhairle Cathrach Bhaile Átha Cliath | Alt 10(a) – Acht na dTeangacha Oifigiúla, 2003 | Foilsíú an doiciméid <i>Maximising the City's Potential</i> | Gan sárú |
| Iarnród Éireann | Alt 57(2) – Acht Iompair, 1950 | Ticéad taistil traenach | I mbun idirphlé |
| An Roinn Comhshaoil, Oidhreachta agus Rialtais Áitiúil | Alt 10(a) – Acht na dTeangacha Oifigiúla, 2003 | Foilsíú an doiciméid <i>Resourcing the Planning System</i> | Deimhniú faighte |
| An tÚdarás Comhionannais | Alt 10(b) – Acht na dTeangacha Oifigiúla, 2003 | Tuarascáil bhliantúil gan a bheith foilsithe go comhuaineach sa dá theanga oifigiúla | Deimhniú faighte |
| An tÚdarás um Bóithre Náisiúnta | Alt 9(3) – Acht na dTeangacha Oifigiúla, 2003 | Cora poist eFlow – córas dola | Deimhniú faighte |
| An Roinn Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí | Alt 18 – Acht na dTeangacha Oifigiúla, 2003 | Suíomh gréasáin na Roinne | Deimhniú faighte |
| An Roinn Gnóthaí Sóisialacha agus Teaghlaigh | Alt 9(3) – Acht na dTeangacha Oifigiúla, 2003 | Cora poist maidir le heolas a bhí ar ríomhaire glúine | Deimhniú faighte |
| FBD | Alt 108 – Acht Árachais, 1936 | Doiciméid áirithe árachais gan a bheith i nGaeilge | Gan sárú |
| An Roinn Oideachais agus Eolaíochta | Alt 7(2)(d) – Acht Oideachais, 1998 | Treoirlínte do mhúinteoirí | I mbun idirphlé |
| An Roinn Gnóthaí Sóisialacha agus Teaghlaigh | Alt 18 – Acht na dTeangacha Oifigiúla, 2003 | Cumas córas ríomhaireachta déileáil leis an nGaeilge | Cur chuige aontaithe & monatóireacht le déanamh |

Investigation Year: 2008

| Public body | Legislation | Subject | Status |
|---|--|--|--------------------------------------|
| Heritage Council | Section 18(1) – Heritage Act, 1995 | Sufficient staff to provide a service in Irish | Agreed approach & ongoing monitoring |
| Department of Community, Rural & Gaeltacht Affairs | Section 18 – Official Languages Act, 2003 | Interviews & training courses | Confirmation received |
| Department of Transport | Section 10(a) – Official Languages Act, 2003 | Publication of the document <i>2020 Vision – Sustainable Travel and Transport: Public Consultation</i> | Confirmation received |
| Department of Environment, Heritage & Local Government | Section 18 – Official Languages Act, 2003 | Website www.npws.ie | Agreed approach & ongoing monitoring |
| Department of Environment, Heritage & Local Government | Section 10(a) – Official Languages Act, 2003 | Green Paper on Local Government | Confirmation received |
| Health Service Executive | Section 18 – Official Languages Act, 2003 | Preschool inspections | Confirmation received |
| Irish Research Council for the Humanities & Social Sciences | Section 9(2) – Official Languages Act, 2003 | Reply in English to communication in Irish | Confirmation received |
| Dublin City Council | Section 10(a) – Official Languages Act, 2003 | Publication of the document <i>Maximising the City's Potential</i> | No contravention |
| Iarnród Éireann | Section 57(2) – Transport Act, 1950 | Rail ticket | Ongoing discussions |
| Department of Environment, Heritage & Local Government | Section 10(a) – Official Languages Act, 2003 | Publication of the document <i>Resourcing the Planning System</i> | Confirmation received |
| Equality Authority | Section 10(b) – Official Languages Act, 2003 | Annual report not published simultaneously in both official languages | Confirmation received |
| National Roads Authority | Section 9(3) – Official Languages Act, 2003 | eFlow mailshots – toll system | Confirmation received |
| Department of Justice, Equality & Law Reform | Section 18 – Official Languages Act, 2003 | Department's website | Confirmation received |
| Department of Social & Family Affairs | Section 9(3) – Official Languages Act, 2003 | Mailshots regarding information on a laptop | Confirmation received |
| FBD | Section 108 Insurance Act, 1936 | Specific insurance documents not available in Irish | No contravention |
| Department of Education & Science | Section 7(2)(d) – Education Act, 1998 | Guidelines for teachers | Ongoing discussions |
| Department of Social & Family Affairs | Section 18 – Official Languages Act, 2003 | Capacity of IT system to deal with Irish | Agreed approach & ongoing monitoring |

Faireachán ar Stáiseanóireacht de chuid Comhlachtaí Poiblí

Ar an 1 Deireadh Fómhair 2008, shínigh an tAire Gnóthaí Pobail, Tuaithe agus Gaeltachta Ionstraim Reachtúil a thug tús feidhme d'fho-alt 9(1) d'Acht na dTeangacha Oifigiúla 2003. Tá soláthar déanta don Ghaeilge ar stáiseanóireacht, comharthaí agus fógairtí taifeadta béil sna Rialacháin sin (I.R. Uimh. 391 de 2008). Tá na riachtanais atá leagtha ar chomhlachtaí poiblí faoi na Rialacháin le teacht i bhfeidhm go hincriminteach agus tá spriocdhátaí faoi leith sonraithe do na catagóirí éagsúla.

D'eisigh an Oifig seo Treoirleabhar i bhfómhar na bliana 2008 inar tugadh eolas cuimsitheach ar an Acht agus ar na Rialacháin. Ina theannta seo, eagraíodh seisiúin eolais maidir leis na Rialacháin le haghaidh comhlachtaí poiblí, idir sheisiúin ghinearálta agus sheisiúin i gcomhair comhlachtaí poiblí ar leith le linn 2008 agus 2009.

Mar chuid de phlean iniúchta na hOifige seo don bhliain 2009, socraíodh iniúchadh a dhéanamh ar an mbealach ina raibh grúpa sainiúil de chomhlachtaí poiblí ag cur na Rialachán a bhaineann le stáiseanóireacht i bhfeidhm.

Critéir Iniúchta

De réir na Rialachán, baineann na riachtanais Ghaeilge maidir le ceannteidil stáiseanóireachta leis na haicmí stáiseanóireachta seo a leanas: nóta-pháipéar, duillíní dea-mhéine, leatháin clúdaigh facs, clúdaigh comhaid agus fillteáin eile, lipéid agus clúdaigh litreach.

Tá dualgas ar chomhlachtaí poiblí a chinntiú go bhfuil ceannteidil na n-aicmí stáiseanóireachta thuasluaite ag teacht leis na critéir ar leith atá sonraithe faoi na Rialacháin. Tá sé de dhualgas orthu freisin a chinntiú go bhfuil gach stáiseanóireacht ar glacadh seilbh air ón 1 Márta 2009 ag teacht leis na Rialacháin.

Modh Iniúchta

Iarradh ar na comhlachtaí poiblí atá liostáilte i bhfo-alt 1(1) de Sceideal 1 d'Acht na dTeangacha Oifigiúla, 25 comhlacht poiblí ina n-íomláine (ranna agus oifigí rialtais), samplaí a chur chugainn d'aon nóta-pháipéar, duillíní dea-mhéine agus clúdaigh litreach ar glacadh seilbh orthu ón 1 Márta 2009. Sa chás nár glacadh seilbh ar aon ábhar nua ón dáta sin, iarradh ar na comhlachtaí poiblí an méid sin a dhearbhu.

Torthaí

Léiríonn an tábla thíos torthaí an tsuirbhé.

| Sonraí | Líon |
|--|------|
| Comhlachtaí poiblí liostáilte i bhfo-alt 1(1) de Sceideal 1 den Acht | 25 |
| Freagraí faighte faoi dheireadh na bliana 2009 | 21 |
| Líon comhlachtaí poiblí a ghlac seilbh ar stáiseanóireacht tar éis an 1 Márta 2009 | 17 |
| Stáiseanóireacht atá ag cloí go hiomlán leis na Rialacháin | 7 |

Monitoring of Stationery of Public Bodies

On 1 October 2008, the Minister for Community, Rural and Gaeltacht Affairs signed the Statutory Instrument which implemented subsection 9(1) of the Official Languages Act 2003. Those Regulations (S.I. No. 391 of 2008) provide for the use of Irish on stationery, signage and recorded oral announcements. The requirements imposed on public bodies under the Regulations come into effect incrementally and specific target dates are set for the various categories.

This Office issued a Guidebook during autumn 2008 in which comprehensive information was provided on the Act and the Regulations. In addition, general and individual information sessions about the Regulations were organised for public bodies during 2008 and 2009.

As part of this Office's audit plan for 2009, it was decided to audit the manner in which a particular group of public bodies were implementing the Regulations regarding stationery.

Audit Criteria

Under the Regulations, the Irish language requirements apply to stationery headings under the following stationery categories: notepaper, compliment slips, fax cover sheets, file covers and other folders, labels and envelopes.

Public bodies have a duty to ensure that the headings on the aforementioned stationery items are in accordance with specific criteria under the Regulations. They must also ensure that all stationery which came into their possession since 1 March 2009 complies with the Regulations.

Audit Methodology

The 25 public bodies (government departments and offices) listed under subsection 1(1) of Schedule 1 of the Official Languages Act were asked to provide samples of any notepaper, compliment slips and envelopes which came into their possession since 1 March 2009. Where public bodies had not taken possession of any new stationery since that date, they were asked to confirm that this was the case.

Results

The table below shows the results of the survey.

| Details | Number |
|--|--------|
| Public bodies listed in subsection 1(1) of Schedule 1 of the Act | 25 |
| Replies received by the end of 2009 | 21 |
| Number of public bodies which took possession of stationery after 1 March 2009 | 17 |
| Stationery which is completely in compliance with the Regulations | 7 |

Mar a fheictear ón tábla seo, bhí an stáiseanóireacht ag cloí go hiomlán leis na Rialacháin i gcás 41% de na comhlachtaí poiblí sin a chuir samplaí ar fáil. Is gá a aithint, áfach, go raibh roinnt mhaith cásanna ina raibh mórchuid den stáiseanóireacht ag cloí leis na Rialacháin ach go raibh roinnt áirithe de na ceannteidil nach raibh go hiomlán sásúil. Go ginearálta, ba léir dúinn gur tugadh aird ar na Rialacháin ach nach rabhthas go hiomlán críochnúil maidir le gach cuid den cheanteideal stáiseanóireachta a bheith ag teacht leis na Rialacháin.

Ba léir dúinn, áfach, go raibh easnaimh eile a bhí níos tromchúisí agus a mbeadh de thionchar acu laghdú a dhéanamh ar stádas na Gaeilge le hais an Bhéarla ar na ceannteidil stáiseanóireachta. Bhain na heasnaimh seo:

- (1) Leis an téacs i nGaeilge gan a bheith chomh feiceálach, chomh sofheicthe agus chomh hinléite céanna leis an téacs i mBéarla, go háirithe i gcás ainm an chomhlachta poiblí.
- (2) Le húsáid a bheith á baint as leagan ar leith i nGaeilge agus i mBéarla de dhuillíní dea-mhéine.
- (3) Le hainm an chomhlachta poiblí a bheith i mBéarla ar dtús.
- (4) Le húsáid a bheith á baint as ceannteidil i mBéarla amháin i gcás sonraí teagmhála nó leis na ceannteidil a bheith i mBéarla ar dtús.

Tá na comhlachtaí poiblí éagsúla curtha ar an eolas maidir leis na deacrachtaí nó na heasnaimh a bhain leis na samplaí a cuireadh ar fáil dúinn. Le linn 2010, breathnófar ar an dul chun cinn a bheidh déanta ag na comhlachtaí sin agus ag aicmí eile de chomhlachtaí poiblí, más cuí, chun a chinntiú go dtagann a gcuid stáiseanóireachta leis na Rialacháin.

Faireachán ar fhoilsiú pleananna forbartha agus dréachtphleananna forbartha na n-údarás áitiúil

Cúlra

Tá sé sonraithe i bhfo-ailt 9(1) agus 9(2) den Acht um Pleanáil agus Forbairt 2000 go bhfuil dualgas ar gach údarás pleanála plean forbartha den limistéar feidhme atá faoina chúram a ullmhú gach 6 bliana.

De réir fho-alt 10(a) d'Acht na dTeangacha Oifigiúla 2003, tá sé riachtanach go bhfoilseodh gach comhlacht poiblí a thagann faoi scáth na reachtaíochta aon doiciméad a leagann amach tograí beartais poiblí go comhuaineach i ngach ceann de na teangacha oifigiúla. Tá tagairt déanta san Ordú um Thosach Feidhme a bhaineann leis an gcuid seo den Acht (I.R. Uimh. 32 de 2004) den riachtanas atá curtha ar údarais áitiúla agus iad ag foilsiú doiciméad a leagann amach tograí beartais poiblí.

As can be seen from this table, the stationery was in compliance with the Regulations in the case of 41% of those public bodies which provided samples. One must recognise, however, that there were a number of cases where the stationery was generally in compliance with the Regulations except that some of the headings were not completely satisfactory. In general, it was clear that attention had been paid to the Regulations but that this was not always sufficiently thorough to ensure that all aspects of stationery headings were in compliance with the Regulations.

It was clear, however, that there were other omissions which were more serious and which resulted in a reduction in the status of the text in Irish in comparison with the text in English on the stationery headings. These omissions related to:

- (1) The text in Irish not being as prominent, visible and legible as the text in English, in particular with regard to the name of the public body.
- (2) Use being made of separate Irish and English versions of compliment slips.
- (3) The name of the public body being provided in English first.
- (4) Use being made of headings in English only in the case of contact details or the headings being provided in English first.

The various public bodies have been informed of the difficulties and the deficiencies with regard to the samples provided to us. During 2010, progress made by those bodies and by other classes of public bodies, if appropriate, will be monitored to ensure that their stationery is in compliance with the Regulations.

Monitoring of the publication of local authorities' development plans and draft development plans

Background

It is specified in subsections 9(1) and 9(2) of the Planning and Development Act 2000 that each planning authority has a duty to prepare a development plan every 6 years for the operational area under its jurisdiction.

Under subsection 10(a) of the Official Languages Act 2003, it is necessary for all public bodies which are under the aegis of the legislation to publish any document which sets out public policy proposals simultaneously in both official languages. A reference is made in the Commencement Order relating to this section of the Act (S.I. No. 32 of 2004) to the requirement imposed on local authorities publishing documents which set out public policy proposals.

Tá sé aitheanta gur doiciméad é an dréachtphlean forbartha a chuimsíonn tograí beartais phoiblí agus a thagann faoi scáth fho-alt 10(a) d'Acht na dTeangacha Oifigiúla. Chun go gcomhlíonfaí riachtanais an Achta, ba cheart go mbeadh gach dréachtphlean forbartha a foilsíodh ón 1 Bealtaine 2004 curtha ar fáil go comhuaineach sa dá theanga oifigiúla.

Faireachán ar chur i bhfeidhm

Mar chuid de phlean gnó inmheánach Oifig an Choimisinéara Teanga do 2009, socraíodh faireachán a dhéanamh ar an mbealach ina gcomhlíonann údaráis áitiúla riachtanais Acht na dTeangacha Oifigiúla agus iad ag foilsiú pleananna forbartha agus dréachtphleananna forbartha. Tugadh faoin obair seo trí cheistneoir a eisiúint chuig gach údarás áitiúil sa tír ag lorg sonraí maidir leis na cleachtais foilseacháin a leanadh don dhréachtphlean agus don phlean forbartha contae/cathrach ba dhéanaí a foilsíodh. Dhírigh an ceistneoir ar na réimsí seo a leanas:

(1) Na modhanna foilsitheoireachta a úsáideadh don leagan Gaeilge agus Béarla de na doiciméid éagsúla, agus

(2) Ar foilsíodh na doiciméid éagsúla go comhuaineach?

Scaipeadh an ceistneoir i measc na 33 údarás áitiúil sa tír agus tá ár gcuid anailíse bunaithe ar fhreagraí ó 27 acu sin (82%) a bhí faighte againn roimh dheireadh na bliana 2009.

Bhí 6 údarás áitiúla nach raibh aon dréachtphlean forbartha foilsithe acu ón 1 Bealtaine 2004. Chomh maith leis seo, bhí 7 n-údarás áitiúla a d'fhoilsigh an phlean forbartha tar éis an 1 Bealtaine 2004 ach go raibh an dréachtphlean foilsithe acu roimh an dáta sin. Tháinig siad seo faoi dhíolúine an Ordaithe um Thosach Feidhme.

Príomhthorthaí

Is é príomhthoradh an iniúchta go dáta ná gur fhoilsigh 90% de na húdaráis áitiúla an phlean forbartha sa dá theanga oifigiúla. Ba níos lú ná 50% de na húdaráis áitiúla a d'fhoilsigh an dréachtphlean forbartha sa dá theanga oifigiúla. Díol suntais is ea é freisin nár cuireadh ach timpeall 50% de na pleananna agus de na dréachtphleananna a foilsíodh i nGaeilge ar fáil go comhuaineach.

a. Plean Forbartha

- D'fhoilsigh 89% de na húdaráis áitiúla a thagann faoi scáth riachtanas na reachtaíochta leagan Gaeilge den phlean forbartha.
- Chuir 53% de na húdaráis áitiúla sin an leagan Gaeilge den phlean forbartha ar fáil ag an am céanna leis an leagan Béarla.
- Cuireadh an leagan Gaeilge agus an leagan Béarla ar fáil sna slite céanna i gcás 65% dóibh siúd a foilsíodh.
- Maidir le contaetha ina bhfuil ceantair Ghaeltachta agus a tháinig faoi scáth riachtanas na reachtaíochta, d'fhoilsigh 80% acu an phlean forbartha go comhuaineach sa dá theanga oifigiúla.

It is clear that draft development plans come under subsection 10(a) of the Official Languages Act as documents which set out public policy proposals. In order to comply with the requirements of the Act, all draft development plans published after 1 May 2004 must be published simultaneously in both official languages.

Monitoring of implementation

As part of the 2009 internal business plan for the Office of An Coimisinéir Teanga, it was decided to monitor the way in which local authorities implement the requirements of the Official Languages Act when publishing development plans and draft development plans. This involved issuing a questionnaire to all local authorities in the country requesting details of the publication methodology used for the publication of their latest county/city draft development plan and development plan. The questionnaire addressed the following issues:

- (1) The publication methods used for the Irish and English versions of the various documents, and
- (2) Whether the various documents had been published simultaneously.

The questionnaire was issued to the country's 33 local authorities and our analysis is based on answers received from 27 of them (82%) by the end of 2009.

Some six local authorities had not published any draft development plan since 1 May 2004. In addition, seven local authorities had published their development plans since 1 May 2004 but their draft development plans had been published prior to that date. The exemption given under the Commencement Order applied to them.

Main Findings

The main finding of the audit to date is that 90% of the local authorities published the development plan in both official languages. Less than 50% of the local authorities published the draft development plan in both official languages. It is also noteworthy that only about 50% of both plans and draft plans which were published in Irish were published simultaneously in both languages.

a. Development Plan

- 89% of local authorities which are obliged to do so under the legislation published an Irish version of their development plan.
- 53% of those local authorities provided the Irish version of the development plan at the same time as the English version.
- The Irish and English versions were made available in the same way in the case of 65% of plans published.
- With regard to counties which contain Gaeltacht areas and which came under the legislation, 80% of them published their development plan simultaneously in both official languages.

b. Dréachtphlean Forbartha

- D'fhoilsigh 48% de na húdaráis áitiúla a thagann faoi scáth riachtanas na reachtaíochta leagan Gaeilge den dréachtphlean forbartha.
- Chuir 50% de na húdaráis áitiúla sin an leagan Gaeilge den dréachtphlean ar fáil ag an am céanna leis an leagan Béarla.
- Cuireadh an leagan Gaeilge agus an leagan Béarla ar fáil sna slite céanna i gcás 80% dóibh siúd a foilsíodh.
- Maidir le contaetha ina bhfuil ceantair Ghaeltachta agus a tháinig faoi scáth riachtanas na reachtaíochta, d'fhoilsigh 50% acu an dréachtphlean forbartha go comhuaineach sa dá theanga oifigiúla.

Nuair a chuirfear bailchríoch ar an bpróiseas iniúchta seo, scaipfear nóta dea-chleachtais ar na húdaráis áitiúla.

Faireachán ar Thuarascálacha Bliantúla, ar Chuntais Iniúchta nó Ráitis Airgeadais

Tá dualgas ar gach comhlacht poiblí a thagann faoi scáth Acht na dTeangacha Oifigiúla 2003 aon tuarascáil bhliantúil agus aon chuntais iniúchta nó ráitis airgeadais a fhoilsiú go comhuaineach sa dá theanga oifigiúla. Chun go gcomhlíonfaí riachtanais an Achta, is gá go mbeadh aon tuarascáil bhliantúil, cuntais iniúchta nó ráitis airgeadais a bhaineann leis an mbliain 2003 nó aon bhliain ina dhiaidh sin foilsithe go comhuaineach i nGaeilge agus i mBéarla.

Le linn 2009, bheartaigh Oifig an Choimisinéara Teanga faireachán a dhéanamh ar an mbealach ina raibh institiúidí tríú leibhéal ag comhlíonadh an dualgais seo. Scaipeadh ceistneoir ar 31 institiúid tríú leibhéal agus lorgaíodh eolas maidir leis an mbealach inar foilsíodh an tuarascáil bhliantúil dheireanach agus na cuntais iniúchta nó na ráitis airgeadais ba dhéanaí. Bhí freagra faighte faoi dheireadh na bliana 2009 ar an gceistneoir ó 23 institiúid tríú leibhéal, nó 74% díobh siúd ar scaipeadh an ceistneoir orthu.

De réir an eolais a cuireadh ar fáil dúinn, tríd is tríd tá institiúidí tríú leibhéal ag cloí leis na dualgais reachtúla atá leagtha orthu faoi alt 10 d'Acht na dTeangacha Oifigiúla. Tugann an tábla thíos léargas ar thorthaí an iniúchta.

| Sonraí | Tuarascáil Bhliantúil | Cuntais Iniúchta / Ráitis Airgeadais |
|--|-----------------------|--------------------------------------|
| Líon freagraí faighte ag deireadh 2009 | 23 | 23 |
| Institiúidí nár fhoilsigh aon tuarascáil bhliantúil ná cuntais iniúchta/ráitis airgeadais ón mbliain 2003 ar aghaidh | 6 | 7 |
| Dearbhú faighte gur foilsíodh na cáipéisí cuí go dátheangach agus go comhuaineach | 16 | 15 |

b. Draft Development Plan

- 48% of local authorities which are obliged to do so under the legislation published an Irish version of their draft development plan.
- 50% of those local authorities provided the Irish version of the draft plan at the same time as the English version.
- The Irish and English versions were made available in the same way in the case of 80% of draft plans published.
- With regard to counties which contain Gaeltacht areas and which came under the legislation, 50% of them published their draft development plan simultaneously in both official languages.

When this audit process is complete, a note outlining best practice will be circulated to the local authorities.

Monitoring of Annual Reports, Audited Accounts or Financial Statements

All public bodies which come under the remit of the Official Languages Act 2003 have a duty to publish any annual report and any audited accounts or financial statements simultaneously in both official languages. In order to fulfil the requirements of the Act, it is necessary to ensure that any annual report, audited accounts or financial statements relating to 2003 or later are published simultaneously in Irish and in English.

During 2009, the Office of An Coimisinéir Teanga decided to monitor the way in which third level institutions were fulfilling this obligation. A questionnaire was issued to the 31 third level institutions and information was requested about the way in which the latest annual report and the latest audited accounts or financial statements were published. Replies to the questionnaire were received by the end of 2009 from 23 third level institutions, or 74% of those surveyed.

According to the information provided to us, third level institutions are in general adhering to the statutory duties set out for them under section 10 of the Official Languages Act. The table below provides an insight into the results of the audit.

| Details | Annual Report | Audited Accounts/ Financial Statements |
|---|---------------|--|
| Number of replies received by the end of 2009 | 23 | 23 |
| Institutions which had not published any annual report or audited accounts/ financial statements since 2003 | 6 | 7 |
| Confirmation received that the relevant documents had been published bilingually and simultaneously | 16 | 15 |

SCÉIMEANNA TEANGA

Le linn na bliana 2009, dhaingnigh an tAire Gnóthaí Pobail, Tuaithe agus Gaeltachta 15 scéim teanga nua a chuimsigh 26 comhlacht poiblí. Chomh maith leis seo, dhaingnigh an tAire an dara scéim teanga le 8 gcomhlacht phoiblí. D'fhág sin go raibh 100 scéim teanga, a chuimsigh móriomlán de 181 comhlacht poiblí, daingnithe faoi dheireadh 2009.

Ag deireadh na bliana 2009, bhí 79 dréachtscéim ann a raibh an próiseas comhaontaithe agus daingnithe fós le críochnú ina leith. Bhain 31 acu seo le hiarratais ar chomhlachtaí poiblí an chéad dréachtscéim teanga a ullmhú agus bhain 48 le hiarratais ar ullmhú an dara dréachtscéim.

Bliain inar daingníodh an chéad Scéim Teanga

| Bliain | Scéimeanna | Comhlachtaí Poiblí san Áireamh |
|---------------|------------|--------------------------------|
| 2004 | 01 | 01 |
| 2005 | 22 | 35 |
| 2006 | 18 | 36 |
| 2007 | 29 | 55 |
| 2008 | 15 | 28 |
| 2009 | 15 | 26 |
| Iomlán | 100 | 181 |

Céad dréachtscéim fós le daingniú

| Bliain | Dréachtscéimeanna | Comhlachtaí Poiblí san Áireamh |
|--------|-------------------|--------------------------------|
| 2005 | 16 | 25 |
| 2006 | 71 | 129 |
| 2007 | 42 | 79 |
| 2008 | 30 | 54 |
| 2009 | 31 | 43 |

Dara dréachtscéim fós le daingniú

| Bliain | Dréachtscéimeanna | Comhlachtaí Poiblí san Áireamh |
|--------|-------------------|--------------------------------|
| 2007 | 20 | 33 |
| 2008 | 22 | 35 |
| 2009 | 48 | 84 |

Léirmheasanna / Iniúchtaí Críochnaithe

| Bliain | Scéimeanna | Comhlachtaí Poiblí san Áireamh |
|---------------|------------|--------------------------------|
| 2006 | 09 | 16 |
| 2007 | 25 | 43 |
| 2008 | 42 | 74 |
| 2009 | 39 | 73 |
| Iomlán | 115 | 206 |

LANGUAGE SCHEMES

During 2009, the Minister for Community, Rural and Gaeltacht Affairs confirmed 15 new language schemes covering 26 public bodies. In addition, the Minister confirmed the second language scheme of 8 public bodies. As a result, there were 100 language schemes which covered a total of 181 public bodies confirmed by the end of 2009.

At the end of 2009, there were 79 draft schemes which had still to complete the agreement and confirmation process. Some 31 of these related to public bodies from which a first draft language scheme had been requested and 48 related to requests for the preparation of the second draft scheme.

Year in which first Language Scheme was confirmed

| Year | Schemes | Public Bodies Included |
|--------------|------------|------------------------|
| 2004 | 01 | 01 |
| 2005 | 22 | 35 |
| 2006 | 18 | 36 |
| 2007 | 29 | 55 |
| 2008 | 15 | 28 |
| 2009 | 15 | 26 |
| Total | 100 | 181 |

First draft scheme to be confirmed

| Year | Draft Schemes | Public Bodies Included |
|------|---------------|------------------------|
| 2005 | 16 | 25 |
| 2006 | 71 | 129 |
| 2007 | 42 | 79 |
| 2008 | 30 | 54 |
| 2009 | 31 | 43 |

Second draft scheme to be confirmed

| Year | Draft Schemes | Public Bodies Included |
|------|---------------|------------------------|
| 2007 | 20 | 33 |
| 2008 | 22 | 35 |
| 2009 | 48 | 84 |

Reviews / Audits Completed

| Year | Schemes | Public Bodies Included |
|--------------|------------|------------------------|
| 2006 | 09 | 16 |
| 2007 | 25 | 43 |
| 2008 | 42 | 74 |
| 2009 | 39 | 73 |
| Total | 115 | 206 |

Scéimeanna daingnithe faoi dheireadh 2009

Schemes confirmed by the end of 2009

| Ainm an Chomhlachta Phoiblí | Name of Public Body | Dáta tosaithe na chéad scéime / an dara scéim. Commencement date of first scheme / of second scheme. | |
|--|--|---|------------|
| An Roinn Gnóthaí Pobail, Tuaithe & Gaeltachta | Department of Community, Rural & Gaeltacht Affairs | 22/09/2004 | 30/06/2009 |
| 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 | 11/05/2009 |
| An Roinn Ealaíon, Spóirt & Turasóireachta | Department of Arts, Sport & Tourism | 01/07/2005 | 07/05/2009 |
| 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 & Oifig an Choimisinéara Faisnéise | Office of the Ombudsman & Office of the Information Commissioner | 01/07/2005 | |
| Coiste Gairmoideachais Chontae Dhún na nGall | County Donegal Vocational Educational Committee | 01/07/2005 | 22/09/2009 |
| 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 & Rialtais Áitiúil | Department of the Environment, Heritage & Local Government | 15/08/2005 | 20/07/2009 |
| Údarás Áitiúla Chontae na Gaillimhe | County Galway Local Authorities | 23/08/2005 | |
| Roinn an Taoisigh | Department of the Taoiseach | 01/09/2005 | 21/12/2009 |
| 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 & Eolaíochta | Department of Education & 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 Service | 15/05/2006 | |
| An Roinn Talmhaíochta & Bia | Department of Agriculture & Food | 01/06/2006 | |
| Ollscoil Luimnigh | University of Limerick | 01/06/2006 | 29/12/2009 |
| An Roinn Dlí & Cirt, Comhionannais & Athchóirithe Dlí | Department of Justice, Equality & 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 | 23/12/2009 |
| Údarás Áitiúla na Mí | Meath Local Authorities | 01/09/2006 | |
| Údarás Áitiúla Fhine Gall | Fingal Local Authorities | 01/10/2006 | |
| An Roinn Cumarsáide, Fuinnimh & Acmhainní Náúúrtha | Department of Communications, Energy & 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 & 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 | |

| Ainm an Chomhlachta Phoiblí | Name of Public Body | Dáta tosaithe na chéad scéime / an dara scéim. Commencement date of first scheme / of second scheme. |
|--|---|--|
| Údarás 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 & Teaghlaigh | Department of Social & Family Affairs | 01/06/2007 |
| Coiste Gairmoideachais Chathair na Gaillimhe | Galway City Vocational Education Committee | 01/06/2007 |
| Údarás Áitiúla Thiobraid Árann Thuaidh & Comhchoiste Leabharlann Chontae Thiobraid Árann | North Tipperary Local Authorities & 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 |
| Údarás Áitiúla an Chláir | Clare Local Authorities | 20/08/2007 |
| An Bord Pleanála | An Bord Pleanála | 01/09/2007 |
| Institiúid Teicneolaíochta Leitir Ceanainn | Letterkenny Institute of Technology | 26/09/2007 |
| Coiste Gairmoideachais Chathair Bhaile Átha Cliath | City of Dublin Vocational Education Committee | 01/10/2007 |
| Údarás Áitiúla Chorcaí | Cork Local Authorities | 01/10/2007 |
| Comhairle Cathrach Luimnigh | Limerick City Council | 01/10/2007 |
| Údarás Áitiúla Ros Comáin | Roscommon Local Authorities | 01/10/2007 |
| Údarás 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 |
| Údarás 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 |
| Údarás 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 |
| Údarás Áitiúla an Longfoirt | Longford Local Authorities | 01/07/2008 |
| An Bord um Fhaisnéis do Shaoránaigh | Citizens Information Board | 07/07/2008 |
| Oifig an Stiúrthóra um Fhorfheidhmiú Corparáideach | Office of the Director of Corporate Enforcement | 14/07/2008 |
| Údarás Áitiúla Chontae Chill Dara | Kildare Local Authorities | 08/09/2008 |
| Coiste Gairmoideachais Chontae Átha Cliath | County Dublin Vocational Education Committee | 01/10/2008 |

| Ainm an Chomhlachta Phoiblí | Name of Public Body | Dáta tosaithe na chéad scéime / an dara scéim. Commencement date of first scheme / of second scheme. |
|--|--|--|
| Údaráis Áitiúla Cheatharlach | Carlow Local Authorities | 01/10/2008 |
| Oifig an Ard-Reachtaire Cuntas & Ciste | Office of the Comptroller & Auditor General | 19/01/2009 |
| Coiste Gairmoideachais Chontae Chorcaí | County Cork Vocational Education Committee | 01/02/2009 |
| An Binse Comhionannais | The Equality Tribunal | 01/02/2009 |
| Gailearaí Náisiúnta na hÉireann | National Gallery of Ireland | 01/03/2009 |
| Bord Scannán na hÉireann | Irish Film Board | 27/04/2009 |
| An Garda Síochána | An Garda Síochána | 21/05/2009 |
| Údaráis Áitiúla Chill Mhantáin | Wicklow Local Authorities | 25/05/2009 |
| An Oifig um Chlárú Cuideachtaí & Clárlann na gCara-Chumann | Companies Registration Office & Registry of Friendly Societies | 26/05/2009 |
| Coiste Gairmoideachais Chontae an Chláir | County Clare Vocational Education Committee | 01/07/2009 |
| Foras na Mara | Marine Institute | 06/07/2009 |
| Údaráis Áitiúla Chontae an Chabháin | Cavan Local Authorities | 20/07/2009 |
| Comhairlí Contae & Cathrach Chill Chainnigh | Kilkenny County & City Councils | 10/08/2009 |
| Údaráis Áitiúla Chontae Laoise | Laois Local Authorities | 01/12/2009 |
| An Roinn Sláinte & Leanaí | Department of Health & Children | 15/12/2009 |
| Coláiste na Tríonóide, Baile Átha Cliath | Trinity College Dublin | 01/01/2010 |

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) from Date Expired |
|---|--|--------------------------------|---|
| Oifig an Uachtaráin | Office of the President | 27/04/2008 | 20 |
| Oifig an Stiúrthóra Ionchúiseamh Poiblí | Office of the Director of Public Prosecutions | 30/06/2008 | 18 |
| Oifig an Ombudsman & Oifig an Choimisinéara Faisnéise | Office of the Ombudsman & Office of the Information Commissioner | 30/06/2008 | 18 |
| An Chomhairle Ealaíon | The Arts Council | 30/06/2008 | 18 |
| An tSeirbhís Chúirteanna | The Courts Service | 30/07/2008 | 17 |
| Údaráis Áitiúla Chiarraí | Kerry Local Authorities | 25/07/2008 | 17 |
| Údaráis Áitiúla Chontae Phort Láirge | Waterford County Local Authorities | 31/07/2008 | 17 |
| Ollscoil na hÉireann, Má Nuad | National University of Ireland, Maynooth | 31/08/2008 | 16 |
| Údaráis Áitiúla Chontae na Gaillimhe | County Galway Local Authorities | 22/08/2008 | 16 |
| An tSeirbhís um Cheapacháin Phoiblí | Public Appointments Service | 02/10/2008 | 15 |
| Oifig na gCoimisinéirí Ioncaim | Office of the Revenue Commissioners | 30/09/2008 | 15 |
| Údaráis Áitiúla Chontae Dhún na nGall | Donegal Local Authorities | 30/09/2008 | 15 |
| Ollscoil na hÉireann, Gaillimh | National University of Ireland, Galway | 30/09/2008 | 15 |
| Institiúid Teicneolaíochta na Gaillimhe-Maigh Eo | Galway-Mayo Institute of Technology | 27/09/2008 | 15 |
| An Roinn Oideachais & Eolaíochta | Department of Education & Science | 30/11/2008 | 13 |
| An Roinn Airgeadais | Department of Finance | 31/01/2009 | 11 |
| Ollscoil Chathair Bhaile Átha Cliath | Dublin City University | 02/04/2009 | 9 |

| Ainm an Chomhlachta Phoiblí | Name of Public Body | Dáta a d'Éag* Date Expired* | Tréimhse (míonna) ón Dáta Éaga / Period (months) from Date Expired |
|--|---|--------------------------------|--|
| Seirbhís Oideachais Chiarraí | Kerry Education Service | 14/05/2009 | 8 |
| An Roinn Talmhaíochta, Iascaigh & Bia | Department of Agriculture, Fisheries & Food | 31/05/2009 | 7 |
| An Roinn Dlí & Cirt, Comhionannais & Athchóirithe Dlí | Department of Justice, Equality & Law Reform | 29/06/2009 | 6 |
| Comhairle Cathrach Bhaile Átha Cliath | Dublin City Council | 12/07/2009 | 6 |
| Coiste Gairmoideachais Chontae na Gaillimhe | County Galway Vocational Education Committee | 31/07/2009 | 5 |
| Óglaigh na hÉireann | The Defence Forces | 31/08/2009 | 4 |
| Údarás Áitiúla Chontae na Mí | Meath Local Authorities | 31/08/2009 | 4 |
| Údarás Áitiúla Fhine Gall | Fingal Local Authorities | 30/09/2009 | 3 |
| An Roinn Cumarsáide, Fuinnimh & Acmhainní Náúúrtha | Department of Communications, Energy & Natural Resources | 01/10/2009 | 3 |
| Banc Ceannais & Údarás Seirbhísí Airgeadais na hÉireann | Central Bank & Financial Services Authority of Ireland | 30/11/2009 | 1 |
| An Roinn Gnóthaí Eachtracha | Department of Foreign Affairs | 30/11/2009 | 1 |
| Ollscoil na hÉireann Corcaigh | University College Cork | 30/11/2009 | 1 |
| Comhairle Contae Bhaile Átha Cliath Theas | South Dublin County Council | 19/12/2009 | 0 |
| Údarás Áitiúla Mhaigh Eo | Mayo Local Authorities | 21/12/2009 | 0 |
| Comhairle Contae Liatroma | Leitrim County Council | 31/12/2009 | 0 |
| An Bord um Chúnamh Dlíthiúil | Legal Aid Board | - | 0 |
| 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 | - | 0 |
| Comhairle Contae Dhún Laoghaire-Ráth an Dúin | Dún Laoghaire-Rathdown County Council | - | 0 |
| An Bord Seirbhísí Ríomhaire Rialtais Áitiúil | Local Government Computer Services Board | - | 0 |
| An Roinn Cosanta | Department of Defence | - | 0 |
| Oifig an Choimisinéara Cosanta Sonraí | Office of the Data Protection Commissioner | - | 0 |
| An tÚdarás Clárúcháin Maoine | Property Registration Authority | - | 0 |
| An Foras Riaracháin | Institute of Public Administration | - | 0 |
| Coimisiún Forbartha an Iarthair | Western Development Commission | - | 0 |
| An Bord Seirbhísí Bainistíochta Rialtais Áitiúil | Local Government Management Services Board | - | 0 |
| An Roinn Iompair | Department of Transport | - | 0 |
| Coiste Gairmoideachais Chathair Chorcaí | Cork City Vocational Education Committee | - | 0 |
| Oifig na nOibreacha Poiblí | Office of Public Works | - | 0 |
| An Roinn Gnóthaí Sóisialacha & Teaghlaigh | Department of Social & Family Affairs | - | 0 |
| Coiste Gairmoideachais Chathair na Gaillimhe | Galway City Vocational Education Committee | - | 0 |
| Údarás Áitiúla Thiobraid Árann Thuaidh & Comhchoiste Leabharlann Chontae Thiobraid Árann | North Tipperary Local Authorities & County Tipperary Joint Libraries Committee | - | 0 |

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

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

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) |
|---|---|-------------------------------------|---|
| Údarás Áitiúla Thiobraid Árann Theas | South Tipperary Local Authorities | 30/07/2006 | 41 |
| An Ceoláras Náisiúnta | National Concert Hall | 21/09/2006 | 39 |
| Amharclann na Mainistreach (An Chuideachta Amharclann Náisiúnta Teoranta) | Abbey Theatre (National Theatre Society Ltd.) | 21/09/2006 | 39 |
| An tÚdarás Comhionannais | Equality Authority | 21/09/2006 | 39 |
| Coimisiún na Scrúduithe Stáit | State Examinations Commission | 21/09/2006 | 39 |
| Institiúid Teicneolaíochta Thamhlachta | Institute of Technology, Tallaght | 21/09/2006 | 39 |
| Institiúid Teicneolaíochta Thrá Lí | Institute of Technology, Tralee | 21/09/2006 | 39 |
| Leabharlann Náisiúnta na hÉireann | National Library of Ireland | 27/09/2006 | 39 |
| Ard-Mhúsaem na hÉireann | National Museum of Ireland | 27/09/2006 | 39 |
| Suirbhéireacht Ordanáis Éireann | Ordnance Survey Ireland | 27/09/2006 | 39 |
| An Chomhairle Oidhreacht | Heritage Council | 27/09/2006 | 39 |
| Údarás Áitiúla Shligigh | Sligo Local Authorities | 27/09/2006 | 39 |
| Údarás Áitiúla Chontae Uíbh Fhailí | Offaly Local Authorities | 10/06/2007 | 31 |
| Údarás Áitiúla Loch Garman | Wexford Local Authorities | 10/06/2007 | 31 |
| Feidhmeannacht na Seirbhíse Sláinte | The Health Service Executive | 10/06/2007 | 31 |
| An Roinn Fiontair, Trádála & Fostaíochta | Department of Enterprise, Trade & Employment | 10/02/2009 | 11 |
| An Post | An Post | 10/02/2009 | 11 |
| Coláiste na hOllscoile, Baile Átha Cliath | University College Dublin | 10/02/2009 | 11 |
| Institiúid Teicneolaíochta Chorcaí | Institute of Technology, Cork | 10/02/2009 | 11 |
| Institiúid Teicneolaíochta Bhaile Átha Cliath | Institute of Technology, Dublin | 10/02/2009 | 11 |
| Oifig Thithe an Oireachtas | Office of the Houses of the Oireachtas | 11/09/2009 | 4 |
| Institiúid Teicneolaíochta Shligigh | Institute of Technology, Sligo | 05/10/2009 | 3 |
| Institiúid Teicneolaíochta Bhaile Átha Luain | Institute of Technology, Athlone | 05/10/2009 | 3 |
| Institiúid Teicneolaíochta Dhún Dealgan | Institute of Technology, Dundalk | 05/10/2009 | 3 |
| Institiúid Teicneolaíochta Phort Láirge | Institute of Technology, Waterford | 05/10/2009 | 3 |
| Coiste Gairmoideachais Chontae Chill Dara | County Kildare Vocational Education Committee | 05/10/2009 | 3 |
| Coiste Gairmoideachais Chontae Chill Mhantáin | County Wicklow Vocational Education Committee | 05/10/2009 | 3 |
| Coiste Gairmoideachais Chontae na Mí | County Meath Vocational Education Committee | 05/10/2009 | 3 |
| Coiste Gairmoideachais Chontae Mhaigh Eo | County Mayo Vocational Education Committee | 05/10/2009 | 3 |
| Raidió Teilifís Éireann | Raidió Teilifís Éireann | 05/10/2009 | 3 |
| An tÚdarás um Bóithre Náisiúnta | National Roads Authority | 05/10/2009 | 3 |

GEARÁIN

Tháinig méadú suntasach le linn na bliana 2009 ar líon na gcásanna nua, 687 ar fad, a cuireadh faoi mo bhráid inar chreid baill den phobal go raibh cúis ghearáin acu de bharr deacrachta nó faidhbe seirbhís a fháil trí Ghaeilge ón státhóras. B'ionann seo agus méadú os cionn 15% ar líon na ngearán sa bliain 2008.

Mar a rinneadh sna blianta roimhe seo, fuarthas comhréiteach ar chuid mhór de na gearáin sin tríd an gcóras neamhfhoirmiúil réitithe gearán a fheidhmíonn m'Oifig nó trí chomhairle a chur ar fáil do ghearánaithe. Tá achoimre ar na cásanna nár réitíodh ar an mbealach sin sa chéad chaibidil eile den tuarascáil seo dar teideal "Imscrúduithe".

Is ceart a rá nár bhain na gearáin ar fad chun na hOifige le linn na bliana le sárú ar dhualgais reachtúla faoi Acht na dTeangacha Oifigiúla 2003 agus, mar a bhí i mblianta eile, gur bhain cuid díobh le deacrachtaí agus fadhbanna níos ginearálta gnó a dhéanamh trí Ghaeilge le heagraíochtaí stáit.

I measc na nithe a ndearnadh gearán fúthu, bhain an chuid ba líonmhaire díobh (28%) le cur i bhfeidhm gealltanais a thug comhlachtaí poiblí faoi scéimeanna reachtúla teanga a aontaíodh faoi alt 11 den Acht. Bhain 18% de na gearáin le húsáid na Gaeilge ar chomharthaíocht agus ar stáiseanáireacht comhlachtaí poiblí, i gcomhréir leis na Rialacháin faoi fho-alt 9(1) den Acht.

Bhí ardú beag ar chéatadán na ngearán maidir le deacrachtaí a bhain le hainm agus seoladh i nGaeilge, ó 9% in 2008 go dtí 10% in 2009. Bhain siadsan le hainmnéacha agus seoltaí a bheith litrithe go míchruinn i nGaeilge, nó litrithe i mBéarla, nó le córas ríomhaireachta gan a bheith in oiriúint don síneadh fada. Tháinig titim bheag ar chéatadán na ngearán i dtaca le freagraí i mBéarla ar chomhfhreagras i nGaeilge, ó 12% in 2008 go dtí 9% in 2009. Bhí méid áirithe gearán ann chomh maith a bhain le bileoga nó ciorcláin i mBéarla amháin (8%) agus le sárú ar fhorálacha d'achtacháin eile a bhaineann le stádas nó le húsáid na Gaeilge (9%).

Bhain 3% de na gearáin le húsáid na Gaeilge ar chomharthaí tráchta. Ní miste a lua nach bhfuil úsáid na Gaeilge ar chomharthaí tráchta san áireamh faoi na Rialacháin faoi fho-alt 9(1) d'Acht na dTeangacha Oifigiúla. Tá forálacha reachtúla eile ann, faoin *Lámhleabhar do Chomharthaí Tráchta*, a leagann dualgais i leith úsáid na Gaeilge ar chomharthaí tráchta ar na húdaráis bhóithre.

Tá sé soiléirithe anois go bhfuil údarás ag m'Oifig déileáil go hoifigiúil le gearáin maidir le húsáid na Gaeilge ar chomharthaí tráchta faoi fho-alt 21(f) den Acht, fo-alt a bhaineann le forálacha d'achtacháin maidir le stádas nó le húsáid teanga oifigiúla. Dá bhrí sin, chuir m'Oifig foirm ghearáin ar leith i dtoll a chéile i rith na bliana le dul i ngleic le gearáin sa réimse sin.

Ó thaobh na tíreolaíochta de, is ó Chontae Bhaile Átha Cliath is mó a tháinig na gearáin i mbliana arís, is é sin 38% de na gearáin. Is ó Chontae na Gaillimhe a tháinig an dara líon is mó, is é sin 16% de na gearáin. Ón nGaeltacht a tháinig 24% de na gearáin agus tháinig an 76% eile ó cheantair lasmuigh den Ghaeltacht.

COMPLAINTS

There was a significant increase during 2009 in the number of new cases brought to my attention, 687 in total, 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. This was the equivalent of an increase of over 15% in the number of complaints from 2008.

As happened in previous years, most of the complaints were resolved through the informal complaints resolution procedure operated by my Office or through providing advice to the complainants. Summaries of cases which were not resolved in this manner are provided in the next chapter of this report, entitled "Investigations".

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

Most of the issues which formed the basis of complaints (28%) related to the implementation of commitments given by public bodies under statutory language schemes agreed under section 11 of the Act. 18% of the complaints related to the use of Irish on public bodies' signage and stationery, in accordance with the Regulations under subsection 9(1) of the Act.

There was a small increase in the percentage of complaints regarding problems with the use of Irish names and addresses, from 9% in 2008 to 10% in 2009. These concerned names and addresses which were spelled incorrectly in Irish, or spelled in English, or where computer systems could not handle the síneadh fada. There was a small decrease in complaints with regard to replies in English to correspondence in Irish, from 12% in 2008 to 9% in 2009. There were also a number of complaints with regard to leaflets or circulars in English only (8%) and with regard to the contravention of provisions of other enactments relating to the use or status of the Irish language (9%).

3% of the complaints related to the use of Irish on traffic signs. It should be mentioned that the use of Irish on traffic signs is not included in the Regulations under subsection 9(1) of the Official Languages Act. Other statutory provisions which are set out in the *Traffic Signs Manual* place obligations in relation to the use of Irish on traffic signs on the roads authorities.

It has now been clarified that my Office has the authority to deal with complaints in relation to the use of Irish on road signs under subsection 21(f) of the Act. This subsection deals with provisions of enactments which relate to the status or use of an official language. As a result of this, my Office provided a specific complaint form during the year to deal with complaints in this area.

From a geographical perspective, the majority of the complaints came from County Dublin again this year, encompassing 38% of complaints. The second highest number of complaints came from County Galway, i.e. 16% of the complaints. 24% of the complaints came from Gaeltacht areas and 76% came from outside the Gaeltacht.

Gearáin: Deacrachtaí agus Fadhbanna – Staitisticí / Complaints: Problems and Difficulties – Statistics

Gearáin le linn 2009 / Complaints in 2009

Gearáin nua 2009 / New complaints 2009

687

Gearáin tugtha ar aghaidh ó 2008 / Complaints brought forward from 2008

18

Móriomlán gearán – fadhbanna agus deacrachtaí / Total complaints – problems and difficulties

705

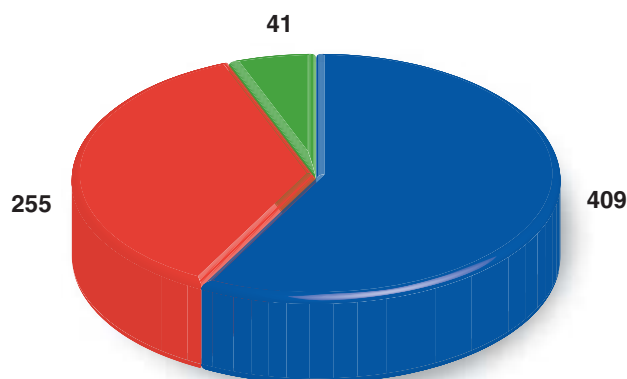
Comhairle tugtha maidir le gearáin / Advice provided in relation to complaints

Gearáin fiosraithe agus críochnaithe / Complaints examined and resolved

Gearáin oscailte ag deireadh na bliana / Complaints open at year end

IOMLÁN / TOTAL

| 2007 | 2008 | 2009 |
|------|------|------------|
| 282 | 329 | 409 |
| 378 | 271 | 255 |
| 22 | 18 | 41 |



Tá anailís ar na cásanna éagsúla sna staitisticí agus sna léaráidí seo a leanas:

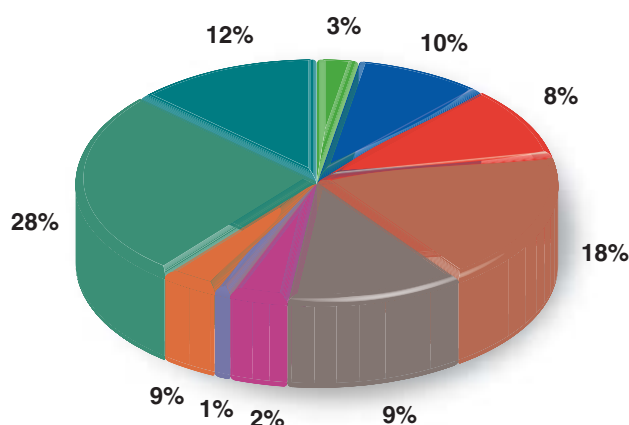
An analysis of the various cases is provided in the statistics and illustrations which follow:

Céatadán gearán de réir cineáil / Percentage of complaints by type

| | | | |
|--|-----|-----|------------|
| Easpa Gaeilge ar chomharthaí bóthair / Lack of Irish on road signs | 13% | 3% | 3% |
| Fadhb le hainm agus/nó seoladh i nGaeilge / Problem with use of name and/or address in Irish | 10% | 9% | 10% |
| Bileoga nó ciorcláin i mBéarla amháin / Leaflets or circulars in English only | 10% | 10% | 8% |
| Easpa Gaeilge i gcomharthaíocht & stáiseanóireacht / Lack of Irish on signage & stationery | 9% | 18% | 18% |
| Freagraí i mBéarla ar chumarsáid i nGaeilge / Replies in English to correspondence in Irish | 8% | 12% | 9% |
| Foilseacháin i mBéarla amháin / Publications in English only | 3% | 4% | 2% |
| Alt 8 – Na cúirteanna/Riaradh an cheartais / Section 8 – The courts/Administration of justice | - | 1% | 1% |
| Achtacháin eile a bhaineann le stádas nó le húsáid na Gaeilge / Other enactments relating to the use or status of Irish | - | 4% | 9% |
| Foráil de scéim teanga (san áireamh: cártaí aitheantas, suíomh gréasáin agus foirmeacha) / Provision of a language scheme (including identity cards, websites and forms) | 23% | 26% | 28% |
| Eile (cúiseanna aonair) / Other (individual issues) | 24% | 13% | 12% |

IOMLÁN / TOTAL

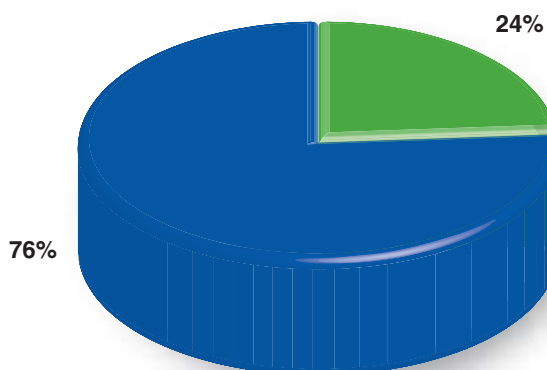
| 2007 | 2008 | 2009 |
|-------------|-------------|-------------|
| 13% | 3% | 3% |
| 10% | 9% | 10% |
| 10% | 10% | 8% |
| 9% | 18% | 18% |
| 8% | 12% | 9% |
| 3% | 4% | 2% |
| - | 1% | 1% |
| - | 4% | 9% |
| 23% | 26% | 28% |
| 24% | 13% | 12% |
| 100% | 100% | 100% |

**Gearáin: An Ghaeltacht agus lasmuigh den Ghaeltacht / Complaints: Gaeltacht and non-Gaeltacht**

| | | | |
|---|-----|-----|------------|
| An Ghaeltacht / An Ghaeltacht | 40% | 32% | 24% |
| Lasmuigh den Ghaeltacht / Non-Gaeltacht | 60% | 68% | 76% |

IOMLÁN / TOTAL

| 2007 | 2008 | 2009 |
|-------------|-------------|-------------|
| 40% | 32% | 24% |
| 60% | 68% | 76% |
| 100% | 100% | 100% |



Gearáin de réir contae / Complaints by county

Baile Átha Cliath / Dublin

Gaillimh / Galway

An Clár / Clare

Ciarraí / Kerry

Dún na nGall / Donegal

Liatroim / Leitrim

An Dún / Down

Corcaigh / Cork

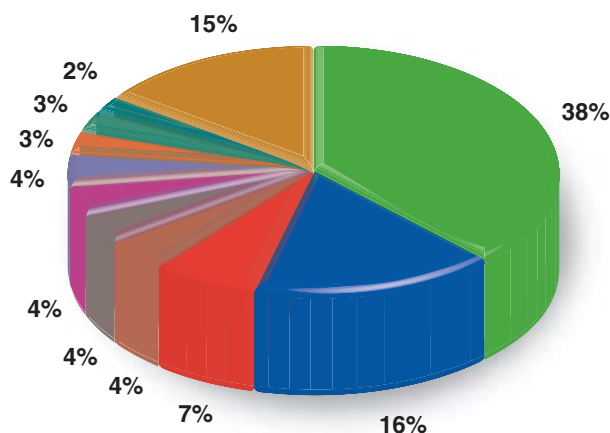
Cill Dara / Kildare

An Mhí / Meath

Eile / Others

IOMLÁN / TOTAL

| 2007 | 2008 | 2009 |
|-------------|-------------|-------------|
| 32% | 38% | 38% |
| 24% | 22% | 16% |
| 2% | - | 7% |
| 12% | 5% | 4% |
| 6% | 2% | 4% |
| 5% | 6% | 4% |
| - | - | 4% |
| 2% | - | 3% |
| - | 2% | 3% |
| 2% | 4% | 2% |
| 15% | 21% | 15% |
| 100% | 100% | 100% |



Gearáin de réir cineál comhlachta phoiblí / Complaints by type of public body

Ranna & oifigí rialtais / Government departments & offices

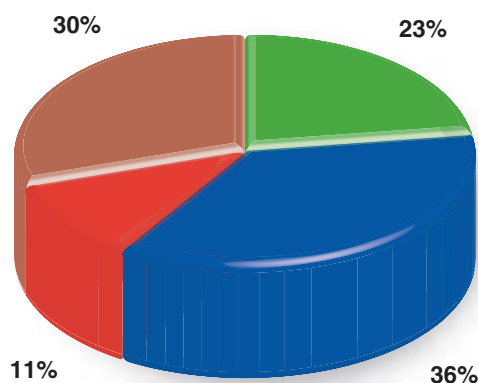
Údaráis áitiúla / Local authorities

Údaráis sláinte / Health authorities

Eagraíochtaí eile stáit / Other state organisations

IOMLÁN / TOTAL

| 2007 | 2008 | 2009 |
|-------------|-------------|-------------|
| 23% | 26% | 23% |
| 27% | 19% | 36% |
| 9% | 7% | 11% |
| 41% | 48% | 30% |
| 100% | 100% | 100% |



IMSCRÚDUI THE

Is é atá i gceist le himscrúdú ná fiosrúchán oifigiúil a sheoltar ar bhonn foirmiúil, reachtúil de réir na bhforálacha in Acht na dTeangacha Oifigiúla. Tá an t-údarás agus na cumhachtaí cuí chuige seo tugtha dom mar Choimisinéir Teanga faoin Acht, ní hamháin i gcásanna inar dóigh liom gur theip ar chomhlachtaí poiblí a ndualgais reachtúla a chomhlíonadh faoin Acht, ach chomh maith leis sin faoi aon achtacháin eile a bhaineann le stádas nó le húsáid na Gaeilge.

Is féidir imscrúdú a dhéanamh bunaithe ar ghearrán ó aon duine, ar iarratas ón Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta nó ar mo thionscnamh féin.

Is próiseas foirmiúil é an córas imscrúdaithe a thógann cuid mhaith ama agus acmhainní ar an gcomhlacht poiblí atá i gceist agus ar m'Oifig. Dá bhrí sin, is iondúil go ndéantar iarracht an gearán a réiteach ar dtús trí chóras neamhfhoirmiúil réitithe gearán na hOifige.

Tá dualgas reachtúil ar chomhlachtaí poiblí agus ar dhaoine ar leith ar oifigigh de chuid comhlachtaí poiblí iad comhoibriú leis an imscrúdú agus faisnéis nó taifid dá gcuid a bhaineann le hábhar an imscrúdaithe a thabhairt dom. Is iondúil go n-iarrtar tuairisc i scríbhinn maidir leis an ábhar ar an gcomhlacht poiblí chomh maith. Má iarraim ar aon duine ar leith teacht i mo láthair le faisnéis ó bhéal a thabhairt, tá an duine sin i dteideal na ndíolúintí agus na bpríhléidí céanna is atá ag finn é os comhair na hArd-Chúirte.

Forálann an tAcht d'fhineáil nach mó ná €2,000 agus/nó príosúnacht ar feadh téarma nach faide ná 6 mhí a ghearradh ar dhuine a chiontófaí i gcúirt as diúltú a bheith ag comhoibriú le himscrúdú, as loiceadh ina d(h)ualgas comhoibriú le himscrúdú nó as bac a chur le hobair imscrúdaithe.

Is féidir go ndéanfaí imscrúdú i gcásanna ina líomhnaítear gur theip ar chomhlacht poiblí a dhualgais reachtúla a chomhlíonadh i dtaca le:

- Forálacha díreacha an Achte,
- Rialacháin déanta faoin Acht,
- Scéim teanga atá daingnithe faoin Acht,
- Aon fhoráil d'aon achtachán eile a bhaineann le stádas nó le húsáid na Gaeilge.

Ciallaíonn “achtachán” reacht nó ionstraim arna déanamh faoi chumhacht a thugtar le reacht.

INVESTIGATIONS

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

An investigation may be conducted based on a complaint from an individual, on the request of the Minister for 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 in the first instance through the informal complaints procedure operated by the Office.

Public bodies and individuals who are officials of public bodies have a statutory obligation to cooperate with the investigation and to provide me with information or records they may have which relate to the subject of the investigation. A written report on the matter is usually requested from the public body also. If I require any person to attend before me to provide information orally, such 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 €2,000 and/or imprisonment for a term not exceeding 6 months for a person convicted of failing or refusing to cooperate with an investigation or who hinders or obstructs such an investigation.

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

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

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

Tá dualgas reachtúil orm faoin Acht tuarascáil a eisiúint chuig na páirtithe cuí i gcás ina seolaim imscrúdú. Bíonn mo chinneadh i leith an ghearáin agus na moltaí cuí sa tuarascáil sin. Is féidir achomharc a dhéanamh chuig an Ard-Chúirt ar phoinc dlí i gcoinne an chinnidh laistigh de cheithre seachtaine.

Seoladh 17 n-imscrúdú nua le linn 2009. Bhí dhá imscrúdú neamhchríochnaithe a tugadh ar aghaidh ó 2008. Mar sin, bhí 19 n-imscrúdú idir lámha le linn na bliana 2009 agus bhí ceann amháin acu sin nár chríochnaíodh faoi dheireadh na bliana. Dá bhrí sin, tá achoimre ar 18 n-imscrúdú sa tuarascáil seo.

| Líon na nImscrúduithe | 2007 | 2008 | 2009 |
|--|-------------|-------------|-------------|
| Tugtha ar aghaidh ón mbliain roimhe | 0 | 2 | 2 |
| Imscrúduithe seolta | 12 | 17 | 17 |
| Iomlán idir lámha | 12 | 19 | 19 |
| Tugtha ar aghaidh go dtí an chéad bhliain eile | 2 | 2 | 1 |
| Iomlán críochnaithe / scortha | 10 | 17 | 18 |

Is ceart a thuiscint go soiléir nach bhfuil sna hachoirí seo ar na himscrúduithe ach cuntais ghairide ar chásanna a bhí in amanna casta agus teicniúil agus a bhí bunaithe go minic ar argóintí dlíthiúla agus praiticiúla. Achoimrí atá iontu ar na tuarascálacha oifigiúla a eisíodh i nGaeilge faoi réir alt 26 den Acht chuig na páirtithe cuí de thoradh na n-imscrúduithe.

Is sna tuarascálacha oifigiúla sin, agus iontu sin amháin, atá na tuairiscí údarásacha ar na himscrúduithe.

I am statutorily obliged under the Act to issue a report to the relevant parties in cases where I have conducted an investigation. My decision on the complaint and the relevant recommendations are included in that report. An appeal 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 2009. Two uncompleted investigations were carried forward from 2008. Consequently, there were 19 investigations in hand during 2009 and one of those investigations had not been completed by the end of the year. Therefore, summaries are provided in this report of the 18 investigations completed.

| Number of Investigations | 2007 | 2008 | 2009 |
|---------------------------------------|-------------|-------------|-------------|
| Brought forward from previous year | 0 | 2 | 2 |
| Investigations launched | 12 | 17 | 17 |
| Total in hand | 12 | 19 | 19 |
| Brought forward to next year | 2 | 2 | 1 |
| Total completed / discontinued | 10 | 17 | 18 |

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.

ACHOIMRÍ AR IMSCRÚDUI THE 2009

Comhairle Contae na Gaillimhe

Léirigh imscrúdú gur sháraigh Comhairle Contae na Gaillimhe dualgais reachtúla teanga nuair a cuireadh oifigeach de chuid na Comhairle gan líofacht i nGaeilge i mbun oibre i gceantar Gaeltachta. Léirigh an t-imscrúdú freisin go raibh sárú breise i gceist sa chás céanna nuair a eisíodh freagra i scríbhinn i mBéarla ar chumarsáid i nGaeilge.

D'eascair an t-imscrúdú as gearán faoi eachtra pháirceála ar an Spidéal i gCo. na Gaillimhe ar an 16 Samhain 2007 a chuaigh os comhair na Cúirte Dúiche. Phléigh an Chúirt leis an bpáirceáil agus níor bhain sé sin le hábhar an imscrúdaithe. I mí Eanáir 2009, tar éis don chás cúirte críochnú, a rinneadh an gearán leis an gCoimisinéir Teanga. Bhain an t-imscrúdú le cumas Gaeilge an mhaoir phobail a bhí ag plé leis an ngearánach faoin eachtra pháirceála agus le cumarsáid idir an Chomhairle agus an gearánach faoin eachtra pháirceála. Thug an maor pobail fianaise faoi mhóid sa chúirt gur i mBéarla amháin a dhéileáil sé leis an ngearánach.

Chinn an Coimisinéir Teanga i ndeireadh an imscrúdaithe go raibh maor pobail gan inniúlacht leordhóthanach i nGaeilge curtha ar dualgas i gceantar Gaeltachta agus gur sárú ar scéim teanga na Comhairle faoi Acht na dTeangacha Oifigiúla a bhí ansin. Ní miste a lua gurb í an Chomhairle seachas an maor pobail féin a bhí faoi imscrúdú sa chás seo.

Ba é seasamh na Comhairle nár tháinig an maor pobail faoi théarmaí tagartha na scéime teanga ós rud é nach raibh aon tagairt ar leith déanta do sheirbhís an mhaoir phobail faoin scéim. Léirigh an t-imscrúdú, áfach, gur bhain an gealltanais teanga faoin scéim *“le haon phost a bhaineann le ceantar Gaeltachta, a bhíonn ag déileáil le ceantar Gaeltachta nó a bhíonn bunaithe i gceantar Gaeltachta”*.

Tháinig an scéim teanga i bhfeidhm le linn na tréimhse idir bunú scéim phíolótach na maor pobail agus cinneadh na Comhairle poist bhuana mar mhaoir phobail a fhógairt. Dá bhrí sin, dúirt an Chomhairle nach raibh dualgas uirthi cloí leis an scéim teanga sa chás seo ós rud é nár bh ann don scéim teanga nuair a bunaíodh scéim píolótach na maor pobail. Cé go raibh sé seo fíor i gcás na scéime píolótaí, chinn an Coimisinéir Teanga go raibh dualgas ar an gComhairle cloí leis an scéim teanga agus í i mbun ceapachán do na poist bhuana mar mhaoir phobail, beag beann ar na ceapacháin shealadacha a bhí déanta roimhe sin.

Ba léir ón eolas a soláthraíodh don imscrúdú nach raibh an Ghaeilge luaite fiú mar chumas *“inmhianaithe”* nuair a bhí na poist bhuana le líonadh cé go raibh sé sin mar choinníoll nuair a bhí na poist shealadacha don scéim píolótach á bhfógairt ag

SUMMARIES OF INVESTIGATIONS 2009

Galway County Council

An investigation found that Galway County Council had contravened statutory language obligations by assigning a council official without sufficient fluency in Irish to duty in a Gaeltacht area. The investigation also showed that a further breach occurred when, in the same case, a written reply in English was issued to communications in Irish.

The investigation arose out of a complaint about a parking incident in An Spidéal in Co. Galway on 16 November 2007 which went to the District Court. The Court dealt with the parking issue and this was not relevant to the matter under investigation. The complaint was made to An Coimisinéir Teanga in January 2009, following the conclusion of the court case. The investigation involved the Irish language ability of the community warden who dealt with the complainant in regard to the parking incident and communication between the Council and the complainant about the parking incident. The community warden gave evidence in court that he dealt solely in English with the complainant.

An Coimisinéir Teanga found on completion of the investigation that the Council's language scheme had been contravened due to the fact that a community warden with insufficient Irish was assigned to duty in a Gaeltacht area. It should be mentioned that it was the Council, rather than the community warden, which was being investigated in this case.

The Council's position was that the community warden did not come within the parameters of the language scheme since no specific mention was made regarding the community warden service in the scheme. However, the investigation showed that the language commitment in the scheme related to *“any position relating to, dealing with or based in a Gaeltacht area”*.

The language scheme came into effect during the period between the establishment of the pilot scheme for community wardens and the Council's decision to advertise permanent positions as community wardens. Therefore, the Council said that it did not have a duty to adhere to the language scheme in this case since the language scheme did not exist when the pilot scheme was established for community wardens. Although this was true in the case of the pilot scheme, An Coimisinéir Teanga found that the Council had a duty to adhere to the language scheme when making appointments to the permanent positions as community wardens, irrespective of the temporary positions in place prior to then.

It was clear from the information provided to the investigation that Irish was not mentioned even as a *“desirable”* ability when the permanent positions were to be filled although that was a condition when the Council advertised the temporary positions

an gComhairle. Níor ghlac an Coimisinéir Teanga le hargóint na Comhairle nach bhféadfadh sí coinníoll teanga a chur san áireamh do na ceapacháin bhuana ar fhaitíos go gcuirfeadh na ceardchumainn ina choinne. Dúirt an Coimisinéir Teanga go gcaithfí tús áite a thabhairt don scéim reachtúil teanga.

Thagair an Coimisinéir Teanga don chaighdeán Gaeilge a bhí leagtha síos ag an gComhairle faoina scéim teanga do phoist i gceantair Ghaeltachta, mar atá *“go mbeadh líofacht/inniúlacht i nGaeilge de chaighdeán dóthanach ag oifigeach a chuirfeadh ar a chumas nó a cumas déileáil go compordach le cainteoir dúchais/líofa agus comhrá a dhéanamh go compordach leis/léi.”*

Ba léir don Choimisinéir Teanga nár lorg an Chomhairle aon duine leis an gcaighdeán Gaeilge sin le linn an phróisis earcaíochta do na poist bhuana. Fiú dá mba ghá duine ar bheagán Gaeilge a cheapadh don phost mar mhaor pobail ar an Spidéal, léirigh an t-imscrúdú go raibh gealltanais eile tugtha faoi scéim teanga na Comhairle go gcuirfí coinníoll fostaíochta ar an duine sin an Ghaeilge a fhoghlaim, gealltanais eile nár chuir an Chomhairle san áireamh ach an oiread.

Maidir le ról an mhaor phobail, ba léir don imscrúdú gur samhlaíodh go mbeadh plé díreach ag an maor leis an bpobal ina raibh sé/sí ag feidhmiú agus go mbeadh an maor mar nasc idir an pobal agus an Chomhairle agus é/í ag soláthar seirbhísí ar leith don phobal sin. Ní fhacthas don Choimisinéir Teanga gurbh fhéidir le maor pobail an cúram a bhí socraithe don ról sin a fheidhmiú go sásúil mura mbeadh sé ar chumas an mhaor plé leis an bpobal sin ina theanga dhúchais féin – an Ghaeilge i gcás pobal Gaeltachta mar atá ar an Spidéal.

Níor mhiste a lua gur choinnigh an Chomhairle roinnt cáipéisí siar ón imscrúdú i dtús aimsire agus go raibh eolas curtha faoi cheilt i gcáipéisí eile ar an gcúis go raibh eolas pearsanta i gceist a bhain le hiarrthóirí don chomórtas earcaíochta. Níor ghlac an Coimisinéir Teanga leis go raibh pribhléid dlí nó rúndacht ag baint le haon cheann de na cáipéisí seo ós rud é gur bhain siad le himscrúdú reachtúil. Ag deireadh an lae, soláthraíodh na cáipéisí ar fad ina n-iomláine don imscrúdú.

Chinn an Coimisinéir Teanga freisin gur sháraigh an Chomhairle Acht na dTeangacha Oifigiúla nuair a cuireadh dhá mheabhrúchán i mBéarla maidir le cionta le táillí seasta chuig an ngearánach sa chás seo mar fhreagra ar chumarsáid i nGaeilge uathí. Cé gur mhaígh an Chomhairle nach freagraí sonracha ar chumarsáid i nGaeilge a bhí sna meabhrúcháin uathoibríocha a eisíodh i mBéarla, dearbhaíodh go raibh socrú á dhéanamh ag an gComhairle le cinntiú go n-eiseofaí meabhrúcháin uathoibríocha go dátheangach feasta. D’fháiltigh an Coimisinéir Teanga roimh an socrú seo agus mhínigh sé nár cheadaigh forálacha an Achta go mbeadh meabhrúcháin uathoibríocha i mBéarla mar fhreagra ar chumarsáid i scríbhinn i nGaeilge.

for the pilot scheme. An Coimisinéir Teanga did not accept the Council’s argument that it could not include a language condition for the permanent positions in case the unions would oppose such a condition. An Coimisinéir Teanga said that the statutory language scheme had to be given primacy.

An Coimisinéir Teanga referred to the standard of Irish which was set down by the Council in its language scheme for positions in Gaeltacht areas as having *“a fluency/competency in Irish of sufficient standard that would enable the officer to deal and converse comfortably with a native/fluent Irish speaker.”*

It was clear to An Coimisinéir Teanga that the Council had not sought anyone with that standard in Irish during the recruitment process for the permanent positions. Even if it were necessary to appoint someone with little Irish to the position as a community warden in An Spidéal, the investigation showed that there was another commitment in the Council’s language scheme with regard to imposing an employment condition on such a person to learn Irish, another commitment which was not complied with by the Council.

As regards the role of the community warden, it was clear to the investigation that it was envisaged that the warden would be dealing directly with the community in which he/she was based and that the warden would be a link between the community and the Council by providing particular services to that community. It did not appear to An Coimisinéir Teanga that a community warden could satisfactorily fulfil the duties assigned to that role unless he/she could deal with the community in its native language – Irish in the case of a Gaeltacht community as in An Spidéal.

It should be mentioned that the Council initially withheld some documents from the investigation and that information was blacked out on other documents on the basis that it involved personal information relating to the applicants for the recruitment competition. An Coimisinéir Teanga did not accept that legal privilege or confidentiality existed in relation to any of these documents since they related to a statutory investigation. Ultimately, all documents were provided in their entirety to the investigation.

An Coimisinéir Teanga also decided that the Council had contravened the Official Languages Act when it sent two reminders in English to the complainant in this case regarding fixed charge notices as a reply to communication in Irish from her. Although the Council claimed that the automatic reminders issued in English were not specific replies to the communication in Irish, it confirmed that it was making arrangements to ensure that automatic reminders would be issued bilingually in future. An Coimisinéir Teanga welcomed this arrangement and explained that the provisions under the Act did not allow for automatic reminders in English as a response to written communication in Irish.

Rinne an Coimisinéir Teanga sraith de mholtaí inar iarr sé ar an gComhairle leithscéal a ghabháil leis an ngearánach agus na socruithe cuí a chur i gcrích a luaithe agus ab fhéidir le cinntiú go mbeadh duine a bheadh líofa i nGaeilge ag feidhmiú mar mhaor pobail ar an Spidéal. Dúradh freisin nár cheart moltaí an imscrúdaithe a úsáid le seirbhísí maor pobail a chosc nó a theorannú sa cheantar Gaeltachta atá i gceist anseo. Ghlac an Chomhairle leis na moltaí.

Imscrúdú seolta: 18 Feabhra 2009
Tuarascáil eisithe: 8 Iúil 2009

Oifig na gCoimisinéirí Ioncaim

Léirigh imscrúdú gur sháraigh Oifig na gCoimisinéirí Ioncaim foráil de chuid Acht na dTeangacha Oifigiúla nuair nár comhlíonadh gealltanais ina scéim teanga maidir le foilsiú 20% dá preasráitis go dátheangach agus maidir le suíomh gréasáin scáthánaithe dátheangach a chur i gcrích.

Is mar thoradh ar iniúchadh a rinne Oifig an Choimisinéara Teanga ar chur i bhfeidhm na scéime teanga a tháinig sé chun solais nach raibh gealltanais áirithe curtha i gcrích ag Oifig na gCoimisinéirí Ioncaim.

Maidir leis an ngealltanas faoin scéim teanga i leith preasráiteas, dúradh: *"Foilseofar 20% de na preas-ráitis ar fad ar bhonn dátheangach."*

Rinne Oifig na gCoimisinéirí Ioncaim an argóint nár tugadh aon ghealltanas maidir le preasráitis a fhoilsiú go comhuaineach i nGaeilge agus i mBéarla. Níor aontaigh an Coimisinéir Teanga leis an léirmhíniú seo. Cé nach bhfuil an focal *"comhuaineach"* úsáidte faoin ngealltanas *per se*, chonacthas don Choimisinéir Teanga nárbh fhéidir le téacs a bheith *"dátheangach"* mura mbeadh sin déanta go *"comhuaineach"*.

Chonacthas don Choimisinéir Teanga go raibh modh oibre faoi leith ag Oifig na gCoimisinéirí Ioncaim maidir leis an leagan Gaeilge de phreasráitis a fhoilsiú ar bhonn siarghabhálach. Ba léir ó na taifid a tugadh don imscrúdú go raibh moill idir ceithre agus naoi mí idir céad fhoilsiú na bpreasráiteas i mBéarla agus foilsiú na bpreasráiteas i nGaeilge ar shuíomh gréasáin Oifig na gCoimisinéirí Ioncaim.

Chonacthas don Choimisinéir Teanga nach raibh an cleachtas seo inglachtha. Ós rud é gurb í aidhm an phreasráitis ná eolas tráthúil a sholáthar do na meáin chumarsáide, d'fhéadfaí a rá gur cur amú airgid agus áiseanna atá ann a bheith ag aistriú ualach de phreasráitis go siarghabhálach tar éis moille suas le naoi mí.

An Coimisinéir Teanga made a series of recommendations in which he requested that the Council apologise to the complainant and implement the appropriate measures as soon as possible to ensure that a person who was fluent in Irish would operate as a community warden in An Spidéal. It was also stated that the recommendations of the investigation should not be used to terminate or to limit community warden services in the Gaeltacht area referred to here. The Council accepted the recommendations.

Investigation launched: 18 February 2009
Report issued: 8 July 2009

Office of the Revenue Commissioners

An investigation showed that the Office of the Revenue Commissioners had contravened a provision of the Official Languages Act by failing to implement commitments in its language scheme with regard to the publication of 20% of press releases bilingually and with regard to providing a bilingual mirror website.

As a result of an audit by the Office of An Coimisinéir Teanga of the implementation of the language scheme, it emerged that particular commitments had not been implemented by the Office of the Revenue Commissioners.

The commitment given in the language scheme about press releases stated: *"20% of all press releases will be produced bilingually."*

The Office of the Revenue Commissioners argued that no commitment had been given regarding the publication of press releases simultaneously in Irish and English. An Coimisinéir Teanga did not agree with this interpretation. Although the word *"simultaneous"* is not used in the commitment *per se*, An Coimisinéir Teanga said that text could not be *"bilingual"* unless it was done *"simultaneously"*.

It appeared to An Coimisinéir Teanga that the Office of the Revenue Commissioners had a particular *modus operandi* with regard to publishing the Irish version of press releases retrospectively. It was clear from the records supplied to the investigation that there was a delay of between four and nine months between the initial publication of press releases in English and the publication of press releases in Irish on the website of the Office of the Revenue Commissioners.

It was apparent to An Coimisinéir Teanga that this practice was unacceptable. Since the aim of the press release is to provide timely information to the media, it could be argued that it is a waste of money and resources to translate press releases retrospectively in bulk after a delay of up to nine months.

Ní hamháin go raibh sé mar mhodh oibre ag Oifig na gCoimisinéirí loncaim preasráitis i nGaeilge a fhoilsiú ar bhonn siarghabhálach, ach léirigh an t-imscrúdú gur shocraigh sí éirí as preasráitis i nGaeilge a fhoilsiú ar an mbonn seo nuair a bhí an cuóta de 20% sáraithe aici. Mhol an Coimisinéir Teanga d'Oifig na gCoimisinéirí loncaim breathnú ar an ngealltanas ar bhonn straitéiseach agus 20% de na preasráitis réamhphleanáilte agus is mó tábhacht a fhoilsiú ar bhonn dátheangach.

Maidir le suíomh gréasáin Oifig na gCoimisinéirí loncaim, bhí an gealltanas seo tugtha faoina scéim teanga acu: *"Coimisiúnóimid forbairt bhreise ar an ngréasán chun suíomh scathánach dátheangach a thairiscint"*.

Ba í an bhrí a bhain Oifig na gCoimisinéirí loncaim as an ngealltanas seo ná go mbeadh an fhorbairt ar an suíomh gréasáin coimisiúnaithe acu ach nach gá go mbeadh sí curtha i gcrích acu. Ba léir don Choimisinéir Teanga, áfach, gurb é an léirmhíniú ar an ngealltanas seo ná go mbeadh leagan scáthánaithe dátheangach den suíomh gréasáin ar fáil faoi dheireadh na scéime.

Dá nglacfaí le hargóint Oifig na gCoimisinéirí loncaim nár chiallaigh "coimisiúnú" sa chás seo ach coimisiún a bhronnadh le hobair áirithe a dhéanamh, dúirt an Coimisinéir Teanga nach raibh aon amhras ann ach gur gealltanas fíortheoranta a bheadh i gceist in imeacht tréimhse ama trí bliana agus nach mbeadh aon toradh le feiceáil ar fhorbairt seirbhíse trí Ghaeilge i súile an phobail le linn an ama sin.

Rinne an Coimisinéir Teanga seacht gcinn de mholtaí san imscrúdú le cinntiú go gcloífeadh Oifig na gCoimisinéirí loncaim lena ndualgais reachtúla teanga feasta maidir lena suíomh gréasáin agus maidir le foilsiú preasráiteas, mar atá sonraithe faoina scéim teanga.

Imscrúdú seolta: 7 Aibreán 2009
Tuarascáil eisithe: 14 Lúnasa 2009

Ard-Mhúsaem na hÉireann

Rinne an Coimisinéir Teanga seacht gcinn de mholtaí, tar éis dó a theacht ar chinneadh go raibh Ard-Mhúsaem na hÉireann ag sárú dualgais reachtúla teanga faoin *National Cultural Institutions Act 1997* maidir le líon leordhóthanach foirne a bheith ag an gcomhlacht poiblí sin a bhí inniúil ar úsáid na Gaeilge chun seirbhísí a sholáthar sa teanga sin chomh maith lena soláthar trí Bhéarla.

Tháinig sé chun solais le linn an imscrúdaithe nach raibh cumas Gaeilge tugtha mar riachtanas i gcás aon cheann de na 103 folúntas a líonadh agus foireann bhreise á ceapadh ag an Ard-Mhúsaem ó thús feidhme na reachtaíochta i mí na Bealtaine

Not only did the Office of the Revenue Commissioners engage in a *modus operandi* of publishing press releases in Irish retrospectively, but the investigation showed that it decided to cease publishing press releases in Irish in this manner when it surpassed its quota of 20%. An Coimisinéir Teanga recommended to the Office of the Revenue Commissioners that it consider the commitment strategically and that it publish 20% of its pre-planned and most important press releases bilingually.

The commitment given in the language scheme about the website of the Office of the Revenue Commissioners stated: *"We will commission a further development of the website to offer a bilingual mirror site"*.

The Office of the Revenue Commissioners had interpreted this commitment to mean that it would *"commission"* the development of the website but that it was not necessary to have this implemented. It was clear to An Coimisinéir Teanga, however, that the interpretation of this commitment was that a bilingual mirror version of the website would be available by the end of the scheme.

If the argument made by the Office of the Revenue Commissioners had been accepted, i.e. that *"commissioning"* in this instance only meant granting a commission to do particular work, An Coimisinéir Teanga said that there was no doubt that this would be an extremely limited commitment to give over a period of three years and that the public would see no results in terms of the development of services in Irish during that period.

An Coimisinéir Teanga made seven recommendations in the investigation to ensure that the Office of the Revenue Commissioners adhered to its statutory language duties in future regarding its website and regarding the publication of press releases, as provided in its language scheme.

Investigation launched: 7 April 2009
Report issued: 14 August 2009

National Museum of Ireland

An Coimisinéir Teanga made seven recommendations on the basis of his decision that the National Museum of Ireland had contravened statutory language duties under the National Cultural Institutions Act 1997 requiring that organisation having sufficient staff with competence in Irish to provide services in that language as well as in English.

It emerged during the investigation that competence in Irish was not listed as an essential requirement in the case of any of the 103 vacancies which were filled when the National Museum appointed additional staff since the legislation came into effect

2005. Tugadh le fios go raibh an Ghaeilge “*inmhianaithe*” i gcás 17 de na folúntais ach ní dhearnadh aon tagairt ar chor ar bith do chumas teanga sna 86 cás eile.

Tá Ard-Mhúsaem na hÉireann ar an mbeagán comhlachtaí poiblí a bhfuil forálacha sonracha reachtúla teanga daingnithe ag an Oireachtas ina leith maidir le líon leordhóthanach foirne a bheith inniúil ar an nGaeilge a úsáid chun seirbhísí a sholáthar in dhá theanga oifigiúla an Stáit. Dá bhrí sin, dúirt an Coimisinéir Teanga nárbh fhéidir an tArd-Mhúsaem a áireamh ar an mbealach céanna le comhlachtaí poiblí eile nár bhain na dualgais reachtúla sin leo.

Ba léir ón eolas a tugadh don imscrúdú nach raibh an tArd-Mhúsaem ag cur san áireamh go cuí na dualgais teanga a bhí air le linn dó a bheith ag earcú foireann nua.

Ba léir, áfach, gur chuir an tArd-Mhúsaem réimse leathan seirbhísí ar fáil i nGaeilge agus i mBéarla. Rinne an tArd-Mhúsaem cás leis an imscrúdú go raibh sé ag déileáil le forbairt ar sheirbhísí trí Ghaeilge mar chuid dá dhréachtscéim teanga a bhí le haontú fós ag an tráth sin leis an Roinn Gnóthaí Pobail, Tuaithe agus Gaeltachta.

Dúirt an Coimisinéir Teanga gur bhunphrionsabal de chuid an dlí é nárbh fhéidir le haon fhoráil i scéim teanga maolú, laghdú nó leasú a dhéanamh ar fhorálacha reachtúla a bhí daingnithe cheana féin in Acht de chuid an Oireachtais, sa chás seo faoin *National Cultural Institutions Act 1997*.

D'eascair an t-imscrúdú as gearán ó bhall den phobal faoi ábhar poiblíochta – féilire imeachtaí de chuid an Ard-Mhúsaem – a bheith á fhoilsiú i mBéarla amháin.

Tuigeadh don Choimisinéir Teanga go gcaithfeadh an tArd-Mhúsaem feidhmiú laistigh den acmhainn airgeadais a bhí mar bhuiséad aige agus de réir na dteorainneacha earcaíochta a bhí i bhfeidhm san aeráid reatha eacnamaíochta. Fós féin, dúirt sé nach raibh aon teorannú déanta faoin reachtaíocht gur “*de réir mar is féidir le na hacmhainní atá againn*” a mheasfaí cé acu seirbhísí arbh fhéidir leis an Ard-Mhúsaem a sholáthar i nGaeilge agus i mBéarla.

Mhol an Coimisinéir Teanga go n-ullmhódh an tArd-Mhúsaem straitéis a luaithe agus ab fhéidir le cinntiú go mbeadh sé ag comhlíonadh na ndualgas atá daingnithe i bhfo-ailt 30(1) agus 11(2)(l) den *National Cultural Institutions Act 1997* maidir le hinniúlacht sa Ghaeilge a bheith ag líon leordhóthanach foirne le seirbhísí a sholáthar trí Ghaeilge chomh maith lena soláthar trí Bhéarla. Moladh freisin go nglacfaidh an tArd-Mhúsaem leis go bhféadfadh sé a bheith riachtanach foireann le hinniúlacht sa Ghaeilge a cheapadh ag gach deis earcaíochta feasta go dtí go mbeadh an líon leordhóthanach foirne le Gaeilge bainte amach chun na dualgais reachtúla teanga faoin *National Cultural Institutions Act 1997* a chomhlíonadh.

in May 2005. It was indicated that Irish was “*desirable*” in the case of 17 of the vacancies but no reference was made to ability in the language in the other 86 cases.

The National Museum of Ireland is among a limited number of public bodies for which the Oireachtas has confirmed specific statutory language provisions requiring it to have sufficient staff having competence in Irish to provide services in the two official languages of the State. As a result, An Coimisinéir Teanga said that the National Museum could not be considered in the same manner as other public bodies which did not have those statutory duties.

It was clear from the information provided to the investigation that the National Museum had not taken appropriate account of its language duties when recruiting new staff.

However, it was clear that the National Museum had provided a wide range of services in Irish and in English. The National Museum indicated to the investigation that it was dealing with the development of services through Irish as part of its draft language scheme which had still to be agreed at that time with the Department of Community, Rural and Gaeltacht Affairs.

An Coimisinéir Teanga said that it was a basic principle of law that no provision in a language scheme could mitigate, reduce or amend statutory provisions which had already been confirmed in an Act of the Oireachtas, in this instance under the *National Cultural Institutions Act 1997*.

The investigation arose as a result of a complaint from a member of the public regarding publicity material – a calendar of events for the National Museum – which was being published in English only.

An Coimisinéir Teanga said that he understood that the National Museum had to operate within the financial resources of its budget and within the recruitment limits which were in place in the current economic climate. Notwithstanding this, he said that there was no limit under the legislation indicating that it was “*in accordance with what is possible under the resources at our disposal*” (translation) that it would be considered what services the National Museum could provide in Irish and in English.

An Coimisinéir Teanga recommended that the National Museum prepare a strategy as soon as possible to ensure that it complied with the duties confirmed in subsections 30(1) and 11(2)(l) of the *National Cultural Institutions Act 1997* regarding having sufficient staff with competence in Irish to provide services in Irish as well as in English. It was also recommended that the National Museum accept that it could be essential to appoint staff with Irish at every future recruitment opportunity until a sufficient number of staff with Irish had been appointed in order to fulfil the statutory language duties under the *National Cultural Institutions Act 1997*.

Moladh gur cheart don Ard-Mhúsaem tús áite a thabhairt san idirlinn do phlean gníomhaíochta le soláthar seirbhísí trí Ghaeilge a fhorbairt trí úsáid a bhaint as na hacmhainní foirne a bhí ann nó as conraitheoirí nó gníomhairí ar conradh, dá mba ghá, nó trí aon bhealach cuí eile a bheartófaí.

Imscrúdú seolta: 26 Eanáir 2009
Tuarascáil eisithe: 15 Bealtaine 2009

Comhairle Cathrach Bhaile Átha Cliath

Léirigh imscrúdú nár sháraigh Comhairle Cathrach Bhaile Átha Cliath a dualgas reachtúil teanga i gcás comharthaí nua i mBéarla amháin a chur in airde ag fógairt tosaíochta d'iompar poiblí ag Faiche an Choláiste i gcathair Bhaile Átha Cliath.

Rinneadh dhá ghearán le hOifig an Choimisinéara Teanga gur chuir an Chomhairle comharthaí leictreonacha a raibh teachtaireachtaí inathraithe orthu in airde i mBéarla amháin ag Faiche an Choláiste.

Tháinig dualgais reachtúla i bhfeidhm faoi úsáid na Gaeilge ar chomharthaíocht phoiblí nua ón 1 Márta 2009 faoi réir Rialachán atá déanta ag an Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta faoi fho-alt 9(1) d'Acht na dTeangacha Oifigiúla. Tá díolúine ó na dualgais sin i gceist do chomharthaí tráchta atá déanta faoin Acht um Thrácht ar Bhóithre 1961. Baineann dualgais teanga de chineál eile leis na comharthaí tráchta sin a thagann faoin *Lámhleabhar do Chomharthaí Tráchta*.

Níor ghlac an Chomhairle leis gur sháraigh sí aon dualgas reachtúil teanga sa chás seo ós rud é go raibh díolúine tugtha do chomharthaí tráchta faoi na Rialacháin um Acht na dTeangacha Oifigiúla. Chomh maith leis sin, mhaígh an Chomhairle nár sháraigh sí aon dualgas reachtúil teanga faoin *Lámhleabhar do Chomharthaí Tráchta* ach an oiread.

Chonacthas don imscrúdú ón eolas a bhí foilsithe ar an gcuid sin de shuíomh gréasáin na Roinne Iompair a bhaineann le sábháilteacht ar na bóithre gur leasaíodh nó go ndearnadh nuashonrú ar Chaibidil 8 den *Lámhleabhar do Chomharthaí Tráchta* agus gur eisíodh é mar Ordachán faoi fho-alt 95(16) den Acht um Thrácht ar Bhóithre i mí na Samhna 2006.

Bhí an fhoráil seo a leanas luaite i mír 8.2.4.5 den *Lámhleabhar leasaithe maidir le húsáid na Gaeilge ar chomharthaí leictreonacha a bhfuil teachtaireachtaí inathraithe orthu nó comharthaí teachtaireachtaí dinimiciúla (VMS)*, mar a thugtar orthu:

"If a VMS is to be used to show text, each message should consist of either one or two phases, where the first sequence in the phase is in English and the second sequence is in Irish."

Ba léir, áfach, go raibh an Chomhairle ag brath ar leagan nuashonraithe eile den chaibidil chuí den *Lámhleabhar do Chomharthaí Tráchta*, leagan nach raibh ar fáil le linn an imscrúdaithe ar an gcuid sin de shuíomh gréasáin na Roinne

In the meantime, it was recommended that the National Museum prioritise an action plan to develop the provision of services in Irish by using its existing staff resources or by using contractors or agents on contract, if necessary, or in any other appropriate way.

Investigation launched: 26 January 2009
Report issued: 15 May 2009

Dublin City Council

An investigation showed that Dublin City Council had not contravened its statutory language duty with regard to new signs erected in English only indicating priority for public transport at College Green in Dublin city.

Two complaints were made to the Office of An Coimisinéir Teanga that the Council had erected electronic variable message signs in English only at College Green.

Statutory duties with regard to the use of Irish on new public signage came into effect on 1 March 2009 under Regulations made by the Minister for Community, Rural and Gaeltacht Affairs under subsection 9(1) of the Official Languages Act. There is a derogation from those duties for traffic signs made under the Road Traffic Act 1961. Different language duties apply to those traffic signs which come under the *Traffic Signs Manual*.

The Council did not accept that it had contravened any statutory language duty in this case since there was a derogation given to traffic signs under the Official Languages Act Regulations. In addition, the Council claimed that it had not contravened any statutory language duty under the *Traffic Signs Manual* either.

It appeared to the investigation from information published in the section of the Department of Transport's website relating to road safety that Chapter 8 of the *Traffic Signs Manual* had been amended or updated and that it was issued as a Direction under subsection 95(16) of the Road Traffic Act in November 2006.

The following provision was made in section 8.2.4.5 of the amended Manual with regard to the use of Irish on electronic signs with variable messages or variable message signs (VMS), as they are referred to:

"If a VMS is to be used to show text, each message should consist of either one or two phases, where the first sequence in the phase is in English and the second sequence is in Irish."

However, it was clear that the Council was referring to another further updated version of the relevant chapter from the *Traffic Signs Manual*, a version which was not available during the investigation in that section of the Department of Transport's

lompair a bhaineann le sábháilteacht ar bhóithre. Ba chosúil gur cuireadh an leagan úrnua seo ar fáil ar an gcuid sin de shuíomh gréasáin na Roinne Iompair a bhaineann le foilseacháin agus go ndearnadh sin ar oíche Nollag 2008.

Thagair an Chomhairle don athrú a bhí déanta ansin ar an bhforáil faoi úsáid na Gaeilge ar chomharthaí leictreonacha a bhfuil teachtaireachtaí inathraithe orthu nó ar chomharthaí teachtaireachtaí dinimiciúla (VMS). Seo a leanas mar a bhí an mhír 8.2.4.5 úrnua:

“If a VMS is to be used to show text, the message should consist of one or two phases – table 8.2.6 shows the minimum recommended text sizes.”

Ba léir go raibh deireadh iomlán curtha leis an riachtanas maidir le húsáid na Gaeilge sa leagan nua reatha den Ordachán. Chonacthas don imscrúdú go raibh sé spéisiúil go raibh cinneadh déanta ag roinn rialtais amháin (an Roinn Iompair) cúngú a dhéanamh ar úsáid na Gaeilge ar chomharthaíocht áirithe tráchta ag an am céanna is a bhí roinn rialtais eile (an Roinn Gnóthaí Pobail, Tuaithe agus Gaeltachta) ag tabhairt i bhfeidhm Rialacháin nua maidir le leathnú a dhéanamh ar úsáid na teanga ar chomharthaíocht ghinearálta comhlachtaí poiblí.

Dúirt an Coimisinéir Teanga nach raibh aon amhras ar bith ann ach gur gnó don Aire Iompair agus dósan amháin é Rialacháin nó Ordacháin a dhéanamh faoin Acht um Thrácht ar Bhóithre 1961, forálacha teanga ar chomharthaí tráchta san áireamh.

Dúirt an Coimisinéir Teanga nach raibh sé soiléir agus nár ghnó don imscrúdú seo an chúis a leasaíodh i mí na Nollag 2008 an fhoráil teanga a bhí i bhfeidhm ó mhí na Samhna 2006. Mar sin féin, dúirt an Coimisinéir Teanga go bhféadfaí leid a bhaint as cumarsáid na Comhairle Cathrach gur de bharr *“na fadhbanna sábháilteachta a fhéadfadh a bheith ann mar gheall ar chomharthaí dátheangacha”* a smaoineofaí ar fhorálacha teanga den chineál a bhí i gceist anseo a leasú.

Dúirt an Coimisinéir Teanga nach séanfadh aon duine ach go bhfuil sábháilteacht ar bhóithre fíorthábhachtach agus gur cóir tosaíocht a thabhairt do chúrsaí sábháilteachta. Fós féin, dúirt sé nárbh eol dó go raibh aon chás riamh ann inar cuireadh an locht ar chomharthaíocht dhátheangach mar chúis le timpiste.

Dúirt an Coimisinéir Teanga go n-úsáidtear dhá theanga oifigiúla ar chomharthaí leictreonacha a bhfuil teachtaireachtaí inathraithe orthu nó ar chomharthaí teachtaireachtaí dinimiciúla (VMS) i ndlínsí eile ina bhfuil níos mó ná teanga oifigiúil amháin, mar shampla sa Bhreatain Bheag (dearbhaithé ag an mBord Breatnaise) agus i gCeanada (dearbhaithé ag Oifig Choimisinéir na dTeangacha Oifigiúla, Ottawa).

Sa chás seo, ó tharla díolúine a bheith ag na comharthaí áirithe atá faoi chaibidil anseo ó na Rialacháin faoi fho-alt 9(1) d'Acht na dTeangacha Oifigiúla agus ó tharla go raibh leasú déanta ar na

website relating to road safety. It appeared that this latest version was uploaded to that section of the Department of Transport's website relating to publications and that this occurred on Christmas Eve 2008.

The Council referred to the change which had been made there to the provision regarding the use of Irish on electronic signs with variable messages or variable message signs (VMS). This was the new section 8.2.4.5:

“If a VMS is to be used to show text, the message should consist of one or two phases – table 8.2.6 shows the minimum recommended text sizes.”

It was clear that the requirement regarding the use of Irish had been removed completely from the current new version of the Order. It appeared interesting to the investigation that a decision had been made by one government department (the Department of Transport) to restrict the use of Irish on particular traffic signage at the same time as another government department (the Department of Community, Rural and Gaeltacht Affairs) was bringing into effect new Regulations to extend the use of Irish on general signage used by public bodies.

An Coimisinéir Teanga said that it was clear that the making of Regulations or Orders under the Road Traffic Act 1961, including language provisions on traffic signs, was a matter for the Minister for Transport alone.

An Coimisinéir Teanga said that it was unclear and that it was not a matter for this investigation to consider why the language provision which had been in place since November 2006 was amended in December 2008. Nonetheless, An Coimisinéir Teanga said that a hint could be deduced from the communication from the City Council that it was a result of *“safety problems which may be caused by bilingual signs”* that language provisions of this nature might be considered for amendment.

An Coimisinéir Teanga said that no one would deny that road safety is of paramount importance and that priority should be given to safety matters. Nonetheless, he said that he was not aware of any case in which bilingual signage had been found to be the cause of an accident.

An Coimisinéir Teanga said that two official languages are used on electronic variable message signs (VMS) in other jurisdictions which have more than one official language, for example in Wales (confirmed by the Welsh Language Board) and in Canada (confirmed by the Office of the Commissioner of Official Languages, Ottawa).

Since the derogation under the Regulations under subsection 9(1) of the Official Languages Act applies to the particular signs in this case and since the Directions in place between

hOrdacháin a bhí i gceist ina dtaobh ó Shamhain 2006 go Nollaig 2008, d'fhág sin nach raibh aon dualgas reachtúil teanga i bhfeidhm. Dúirt an Coimisinéir Teanga nach raibh amhras dá laghad air sa chás seo: níor sháraigh Comhairle Cathrach Bhaile Átha Cliath a dualgais reachtúla teanga i gcás comharthaí nua i mBéarla amháin a chur in airde ag fógairt tosaíochta d'iompar poiblí ag Faiche an Choláiste i gcathair Bhaile Átha Cliath.

Imscrúdú seolta: 25 Lúnasa 2009
Tuascáil eisithe: 15 Deireadh Fómhair 2009

Feidhmeannacht na Seirbhíse Sláinte

Léirigh imscrúdú gur sháraigh Feidhmeannacht na Seirbhíse Sláinte Acht na dTeangacha Oifigiúla agus í i mbun cumarsáide leis an bpobal maidir le heipidéim flú na muc. Rinneadh líon suntasach gearán le hOifig an Choimisinéara Teanga maidir leis seo.

Sholáthair Feidhmeannacht na Seirbhíse Sláinte comharthaí maidir le flú na muc do chomhlachtaí poiblí lena gcur in airde in aerfoirt, i gcalafoirt agus in ospidéal, i measc áiteanna eile, agus is i mBéarla amháin a bhí na comharthaí sin. Chomh maith leis sin, scaip an Fheidhmeannacht leabhrán faisnéise dar teideal *Influenza A(H1N1)* i mBéarla amháin i mí na Bealtaine 2009 ar an bpobal i gcoitinne.

Dúirt an Fheidhmeannacht gur mar thoradh ar éigeandáil náisiúnta sláinte poiblí nár scaipeadh leagan Gaeilge den leabhrán faisnéise agus gur measadh go raibh díolúine ann i gcásanna eisceachtúla ó Acht na dTeangacha Oifigiúla. Thug an Fheidhmeannacht le fios gur thrua léi nár eisíodh leagan Gaeilge den leabhrán faisnéise agus go ndéanfaí gach iarracht a chinntiú nach dtarlódh a leithéid de shárú arís.

Tugadh le fios go raibh an t-ábhar ar fad aistrithe go Gaeilge agus ar fáil ar shuíomh gréasáin na Feidhmeannachta ón uair a tionscnaíodh an t-imscrúdú. Cuireadh cóip ar fáil don imscrúdú den leabhrán faisnéise i nGaeilge.

Thug an Coimisinéir Teanga chun cruinnis nach bhfacthas dó go mbeadh oiread agus duine amháin ar cás leo cosaint agus cur chun cinn na Gaeilge a roghnódh beatha daoine a chur i mbaol ar mhaithe lena gcearta teanga a chosaint le linn éigeandáil náisiúnta sláinte poiblí. Gan bheatha agus sláinte, ní ann d'aon teanga, a dúirt sé.

An cheist a tháinig chun cinn san imscrúdú seo ná an raibh coimhlínt dáiríre idir na dualgais thromchúiseacha sláinte a bhí ar Fheidhmeannacht na Seirbhíse Sláinte in am na héigeandála agus dualgais i dtaca le cearta teanga? An gcabhródh beartais phleanála réamhghníomhacha le fadhbanna teanga a sheachaint? An ndéanfaí rogha i ndlínsí dátheangacha eile, in

November 2006 and December 2008 had been amended, this meant that no statutory language requirement existed. An Coimisinéir Teanga said that he was not in any doubt about the matter: Dublin City Council had not contravened its statutory language duties with regard to new signage erected in English only indicating priority for public transport at College Green in Dublin city.

Investigation launched: 25 August 2009
Report issued: 15 October 2009

Health Service Executive

An investigation showed that the Health Service Executive had contravened the Official Languages Act when communicating with the public with regard to the swine flu epidemic. A significant number of complaints were made to the Office of An Coimisinéir Teanga about this matter.

The Health Service Executive provided signs about swine flu to public bodies to erect at airports, at ports and in hospitals, among other places, and those signs were in English only. In addition, the Executive distributed an information booklet entitled *Influenza A(H1N1)* in English only in May 2009 to the public in general.

The Executive said that it had failed to distribute an Irish version of the information booklet as a result of a national public health emergency and that it thought there was a derogation in exceptional cases from the Official Languages Act. The Executive indicated that it regretted that an Irish version of the information booklet had not been issued and that it would make every effort to ensure that such a contravention would not occur again.

It was indicated that all the material had been translated to Irish and that it was available on the Executive's website since the investigation had been initiated. A copy of the information booklet in Irish was provided to the investigation.

An Coimisinéir Teanga made clear that it did not appear to him that anyone who was concerned about the protection and promotion of Irish would choose to put people's lives at risk for the sake of protecting language rights during a national public health emergency. Without life and health, languages do not exist.

The issue that arose in this investigation was whether there really was a conflict between the enormous health duties imposed on the Health Service Executive during an emergency and its duties with regard to language rights. Could proactive planning measures help to avoid language difficulties? Would a choice be

áiteanna ina raibh níos mó ná aon teanga oifigiúil amháin, gan faisnéis thábhachtach a sholáthar don phobal i gcoitinne ach i gceann amháin de na teangacha sin?

I gcás rogha teanga phobal na Gaeltachta, bhí an t-imscrúdú eolach ar thorthaí suirbhé a choimisiúnaigh Feidhmeannacht na Seirbhíse Sláinte féin ón gcomhlacht Ipsos Mori i mí Dheireadh Fómhair 2007 sna príomhcheantair Ghaeltachta a léirigh go roghnódh 84% den phobal sin seirbhísí sláinte trí Ghaeilge dá mbeadh na seirbhísí sin ar fáil ar chomhchéim agus ar chomhleibhéal leis na seirbhísí céanna i mBéarla. Léirigh an taighde céanna go raibh 75% den phobal Gaeltachta sin a dúirt gur fearr a d'fhéadfaidís cúinsí sláinte a phlé trí Ghaeilge ná trí Bhéarla.

Chonacthas don Choimisinéir Teanga gur éigeandáil agus míthuiscint ar fhorálacha an Achta a d'fhág gur i mBéarla amháin a scaipeadh an chumarsáid atá i gceist anseo ar an bpobal i gcoitinne. Ba léir, áfach, go raibh dóthain ama ag an bhFeidhmeannacht chun an leabhrán faisnéise i mBéarla a dhearadh agus dá bhrí sin chonacthas don Choimisinéir Teanga go raibh dóthain ama aici chun leabhrán 1,132 focal a aistriú go Gaeilge. Níorbh fhiú trácht ar an méid moille a bheadh i gceist.

Maidir leis na comharthaí a eisíodh i mBéarla amháin, dúirt an Fheidhmeannacht gur ceapadh gur *“póstaeir”* seachas comharthaí a bhí iontu agus dá bhrí sin nár tháinig siad faoi na Rialacháin faoin Acht maidir le comharthaíocht. Ba é seasamh an Choimisinéara Teanga go raibh na *“póstaeir”* sa chás seo ag feidhmiú mar chomharthaí sa mhéid is gur léir gur comharthaí rabhaidh nó eolais maidir le fliú na muc a bhí i gceist leo chun teachtaireacht shoiléir a thabhairt don phobal ag aerfoirt, calafoirt, ospidéal agus áiteanna eile.

Chinn an Coimisinéir Teanga go raibh sé rómhall an leabhrán faisnéise a scaipeadh i nGaeilge ag an tráth seo ach mhol sé go gcuirfí leagan Gaeilge den chomharthaíocht ar fáil do na húdaráis chuí. Dúirt sé nach bhféadfadh an cur chuige seo a bheith mar fhasach, áfach, dá dtarlódh sárúithe den chineál céanna arís ar Acht na dTeangacha Oifigiúla. Rinne sé sraith de mholtaí a chinnteodh go mbeadh Feidhmeannacht na Seirbhíse Sláinte ag cloí lena dualgais reachtúla teanga feasta.

made in other bilingual jurisdictions, where there was more than one official language, to provide important information to the public in general in only one of those languages?

In the case of the language choice of Gaeltacht communities, the investigation was aware of the results of a survey commissioned by the Health Service Executive itself from the company Ipsos Mori in October 2007 in the main Gaeltacht areas which showed that 84% of that community would choose to obtain health services in Irish if those services were available on equal terms and at the same standard as the corresponding services in English. The same research showed that 75% of that Gaeltacht community said that they could better discuss health matters through the medium of Irish than in English.

It appeared to An Coimisinéir Teanga that the communication in this case was distributed solely in English to the public in general as a result of an emergency and a misunderstanding of the provisions of the Act. It was clear, however, that the Executive had sufficient time to design the information booklet in English and therefore, An Coimisinéir Teanga deemed that it had sufficient time to translate a booklet of 1,132 words into Irish. No material delay would have ensued.

With regard to the signs which were issued solely in English, the Executive said that it thought they were *“posters”* rather than signs and that therefore they didn't come under the aegis of the Regulations under the Act regarding signage. An Coimisinéir Teanga considered that the *“posters”* in this case were operating as signs since it was clear that they were warning or information signs provided to give a clear message to the public about swine flu at airports, ports, hospitals and other places.

An Coimisinéir Teanga decided that it was too late at this stage to distribute the information booklet in Irish, but he recommended that an Irish version of the signage be provided to the appropriate authorities. However, he said that this approach could not be viewed as a precedent if similar infringements of the Official Languages Act were to happen again. He made a series of recommendations to ensure that the Health Service Executive adhered to its statutory language duties in future.

Inscrúdú seolta: 13 Bealtaine 2009
Tuarascáil eisiithe: 11 Meitheamh 2009

Investigation launched: 13 May 2009
Report issued: 11 June 2009

An Roinn Oideachais agus Eolaíochta

Léirigh imscrúdú gur sháraigh an Roinn Oideachais agus Eolaíochta foráil de chuid Acht na dTeangacha Oifigiúla nuair nár comhlíonadh gealltanais ina scéim teanga chomh fada is a bhain sé leis na nithe seo a leanas:

- (1) Foireann nuacheaptha/sannaithe – tosaíocht a thabhairt d'fhoireann a bhfuil inniúlacht sa Ghaeilge acu a shannadh do rannóga riaracháin a sholáthraíonn seirbhísí do bhunscoileanna sa Ghaeltacht agus do Ghaelscoileanna;
- (2) Céatadán d'ábhar Gaeilge ar a suíomh gréasáin a mhéadú go 30%;
- (3) Foilsiú leaganacha Gaeilge de phreaseisiúintí a fhógraíonn scéimeanna nua nó athruithe polasaí;
- (4) Uimhir theileafóin thiomnaithe a sholáthar le haghaidh fiafraithe as Gaeilge.

Mar chuid d'obair iniúchta Oifig an Choimisinéara Teanga a chinntiú go bhfuil comhlachtaí poiblí ag comhlíonadh a ndualgas reachtúil faoi Acht na dTeangacha Oifigiúla, tháinig sé chun cinn go raibh amhras áirithe maidir le cur i bhfeidhm cuí scéim teanga na Roinne chomh fada is a bhain sé leis na gealltanais thuasluaite. Níor mhiste a lua gur léirigh an t-iniúchadh a rinneadh ar chur i bhfeidhm scéim teanga na Roinne gur éirigh léi formhór mór na ngealltanais faoin scéim a chomhlíonadh go héifeachtach.

Cé gur thug an Roinn le fios don imscrúdú go raibh cur chuige uailmhianach aici, i gcomhréir le spiorad an Achta, agus í ag dréachtú a scéime teanga, dúradh go raibh dhá thoisic ann a d'fhéadfadh drochthionchar a imirt ar chur i bhfeidhm na scéime, .i. an dilárú agus an *moratorium* ar earcaíocht sa tseirbhís phoiblí. D'admhaigh an Roinn nár éirigh léi gealltanais na scéime a chur i gcrích go hiomlán ar na cúiseanna sin.

(1) Maidir leis an ngealltanas faoin scéim i dtaca le foireann nuacheaptha nó sannaithe, dúirt an Roinn nár éirigh léi an gealltanas seo a chur i gcrích mar gheall ar na hathruithe foirne a bhain le cúrsaí diláraithe. Chonacthas don Choimisinéir Teanga nach ndearnadh aon iarracht dháiríre tabhairt faoin ngealltanas seo a chomhlíonadh agus nach raibh aon straitéis nó polasaí curtha i bhfeidhm ag an Roinn a chiallóidh go mbeadh córas ann le hinniúlacht sa Ghaeilge a chur san áireamh nuair a bheadh foireann á sannadh aici. Dúirt an Coimisinéir Teanga gur ghealltanas an-tábhachtach é seo sa mhéid is gur luigh sé le réasún go mbeadh foireann le Gaeilge ar fáil sna rannóga a bhí ag cur seirbhísí ar fáil do bhunscoileanna sa Ghaeltacht agus do Ghaelscoileanna, mar a bhí geallta faoin scéim.

(2) Maidir leis an ngealltanas faoin scéim i dtaca le céatadán d'ábhar Gaeilge ar shuíomh gréasáin na Roinne a mhéadú go 30%, dúradh nár baineadh an sprioc seo amach mar gheall ar

Department of Education and Science

An investigation showed that the Department of Education and Science had contravened a provision of the Official Languages Act by failing to implement commitments in its language scheme with regard to the following matters:

- (1) Newly appointed/assigned staff – to prioritise the allocation of staff with a competency in Irish to the administrative sections providing services to primary schools in the Gaeltacht and to all-Irish schools;
- (2) To increase the percentage of Irish material on its website to 30%;
- (3) To publish Irish versions of press releases that announce new schemes or policy changes;
- (4) To provide a dedicated telephone number for queries in Irish.

As part of the audit work conducted by the Office of An Coimisinéir Teanga to ensure that public bodies are complying with their statutory duties under the Official Languages Act, it emerged that there was some doubt about the proper implementation of the Department's language scheme in relation to the above commitments. It should be mentioned that the audit of the implementation of the Department's language scheme showed that it had succeeded in effectively implementing most of the scheme's commitments.

Although the Department indicated to the investigation that it had adopted an ambitious approach, in accordance with the spirit of the Act, when drafting its language scheme, it said that there were two factors which could have a detrimental effect on the implementation of the scheme, i.e. decentralisation and the *moratorium* on recruitment to the public service. The Department acknowledged that it had not succeeded in fully implementing the scheme's commitments for those reasons.

(1) With regard to the scheme's commitment in relation to newly appointed or assigned staff, the Department said that it had not succeeded in achieving this commitment because of staff changes associated with decentralisation. An Coimisinéir Teanga considered that no serious attempt had been made to fulfil this commitment and that the Department had no strategy or policy in place which would ensure a system that would take competence in Irish into account when assigning staff. An Coimisinéir Teanga said that this was a very important commitment since it stood to reason that staff with Irish should be available in sections providing services to primary schools in the Gaeltacht and to all-Irish schools, as provided for in the scheme.

(2) With regard to the scheme's commitment to increase the percentage of Irish material on its website to 30%, it was said that this target was not reached because of the significant increase in the amount of additional material in English which was put on the

an méadú suntasach a tháinig ar an ábhar breise i mBéarla a cuireadh ar an suíomh. Rinneadh tagairt ar leith don líon ollmhór tuairiscí cigireachta scoile (beagnach 3,000 acu a bhí foilsithe go dáta) a bhí curtha ar an suíomh gréasáin, a bhformhór i mBéarla. Dúradh gur foilsíodh líon teoranta acu i nGaeilge.

Fiú dá bhfágfaí na tuairiscí cigireachta scoile as an áireamh, rud nach raibh déanta sa ghealltanas faoin scéim teanga, fós féin ba léir don Choimisinéir Teanga nár éirigh leis an Roinn an céatadán foriomlán d'ábhar Gaeilge ar an suíomh a mhéadú go dtí 30%. Thuairisc an Roinn don imscrúdú gur 21.6% an céatadán a bhí bainte amach aici. Dúirt an Coimisinéir Teanga gur feabhas beag a bhí ansin ar an 18% a bhí i gceist roimh thús na scéime, méadú de bheagán le cois 1% in aghaidh na bliana. Leis an ráta forbartha sin, ba léir dó go mbeadh fanacht fada i gceist go dtí go mbeadh suíomh iomlán dátheangach á thairiscint ag an Roinn.

(3) Maidir leis an ngealltanas faoin scéim i dtaca le foilsíú leaganacha Gaeilge de phreaseisiúintí a fhógraíonn scéimeanna nua nó athruithe polasaí, dúirt an Roinn gur cuireadh preaseisiúintí trí Ghaeilge ar fáil ar éileamh. Chonacthas don Choimisinéir Teanga nach raibh de rogha ag an Roinn ach tabhairt faoin sárú seo a cheartú láithreach agus a chinntiú go n-eiseofaí an leagan Gaeilge de phreasráitis a d'fhógródh scéimeanna nua nó athruithe polasaí chuig na meáin chuí a fheidhmíonn trí Ghaeilge go comhuaineach leis an leagan Béarla a d'eiseofaí chuig na meáin a fheidhmíonn sa teanga sin.

(4) Maidir leis an ngealltanas faoin scéim i dtaca le huimhir theileafóin thiomnaithe a sholáthar le haghaidh fiafraithe as Gaeilge, thug an Roinn le fios nach bhféadfadh sí an tseirbhís seo a sholáthar ón uair a díscaoileadh an tAonad Cumarsáide in 2006 ar chúinsí gnó. Dúirt an Coimisinéir Teanga nár bh ionann ar chor ar bith agus an rud a gealladh an socrú a cuireadh i bhfeidhm ag an Roinn, is é sin go ndearnadh tairiscint do chustaiméirí ar ghlaio a fháil ar ais taobh istigh de lá amháin oibre. Ba é seasamh an Choimisinéara Teanga gur mar thaca don tseirbhís sin a bhí an gealltanas tugtha i dtaca le huimhir thiomnaithe d'fhiosrúcháin trí Ghaeilge agus ní mar mhalairt ar an tseirbhís sin.

Dúirt an Coimisinéir Teanga gurb é an teileafón go minic an chéad phointe teagmhála a bhí ag baill den phobal leis an Roinn agus i gcás na Roinne áirithe seo, gur cinnte go raibh go leor páirtithe leasmhara aici ar mhian leo a ngnó a dhéanamh leis an Roinn trí mheán na Gaeilge. Ar an mbonn seo, chonacthas don Choimisinéir Teanga gurbh é seo ceann de na forálacha ba thábhachtaí i scéim teanga na Roinne – go mbeadh fáil ar sheirbhís trí Ghaeilge ar an nguthán ar an gcéad iarracht agus gur ghá an uimhir thiomnaithe d'fhiosrúcháin trí Ghaeilge chuige sin.

Ós rud é gur chinn an Coimisinéir Teanga go raibh na ceithre ghealltanas thuasluaite sáraithe ag an Roinn, rinne sé sraith de mholtaí le cinntiú go ndéanadh an Roinn grúpa ardleibhéil a

website. The huge number of school inspection reports (almost 3,000 published to date) which had been put on the website, mainly in English, was specifically mentioned. It was said that a limited number of them had been published in Irish.

Even if the school inspection reports had been omitted, something which had not been done in the language scheme's commitment, it was clear to An Coimisinéir Teanga that the Department had not succeeded in increasing the overall percentage of Irish language material on its website to 30%. The Department reported to the investigation that it had reached a percentage of 21.6%. An Coimisinéir Teanga said that this was a small improvement on the 18% which existed prior to the beginning of the scheme, an increase slightly in excess of 1% per annum. With that rate of development, it was clear that it would be a very long time before the Department would offer a completely bilingual website.

(3) With regard to the scheme's commitment to publish Irish versions of press releases that announce new schemes or policy changes, the Department said that it provided press releases in Irish on demand. An Coimisinéir Teanga said that the Department had no option except to correct this contravention immediately and to ensure that the Irish version of press releases announcing new schemes or policy changes should be issued to the appropriate media who operate through Irish at the same time as the English version is issued to the media who operate through that language.

(4) With regard to the scheme's commitment to provide a dedicated telephone number for queries in Irish, the Department said that it could not provide this service once the Communications Unit was dissolved in 2006 for business reasons. An Coimisinéir Teanga said that the arrangement which was put in place by the Department, i.e. that customers were offered a return call within one working day, was not at all the same thing as had been promised. An Coimisinéir Teanga said that the commitment to provide a dedicated telephone number for queries in Irish was to be in support of that service and not as an alternative to it.

An Coimisinéir Teanga said that the first point of contact by members of the public with the Department was frequently by phone and that in the case of this particular Department, it was certain that it had many stakeholders who wished to do their business with the Department through Irish. Therefore, An Coimisinéir Teanga perceived that this was one of the most important provisions in the Department's language scheme – that a service in Irish would be available by phone at the first point of contact and that in order for this to be so, it was necessary to provide the dedicated number for queries in Irish.

Since An Coimisinéir Teanga had decided that the aforementioned four commitments had been contravened by the Department, he made a series of recommendations to ensure

bhunú láithreach bonn leis na gealltanais seo a fhorfheidhmiú go hiomlán agus go críochnúil taobh istigh den tréimhse ama ba ghiorra.

Imscrúdú seolta: 3 Meitheamh 2009
Tuarascáil eisithe: 10 Meán Fómhair 2009

An Roinn Gnóthaí Eachtracha

Léirigh imscrúdú gur sháraigh an Roinn Gnóthaí Eachtracha Acht na dTeangacha Oifigiúla i bhfoilsíú trí Bhéarla amháin a dhéanamh ar an doiciméad ar a dtugtar *White Paper – The Lisbon Treaty 2009*, ar doiciméad é ina leagtar amach tograí beartais phoiblí, ag tráth nach raibh leagan Gaeilge ar fáil go comhuaineach.

Tháinig sé chun solais, de bharr fiosrúcháin a rinne Oifig an Choimisinéara Teanga mar chuid dár ndualgas faireacháin le cinntiú go gcomhlíonann comhlachtaí poiblí a ndualgais reachtúla faoi Acht na dTeangacha Oifigiúla, nach raibh fáil ar an leagan Gaeilge den doiciméad comhairliúcháin phoiblí seo ag tráth a fhoilsithe i mBéarla ar an 8 Iúil 2009.

Faoi fho-alt 10(a) den Acht, tá dualgas ar chomhlachtaí poiblí, an Roinn Gnóthaí Eachtracha san áireamh, a chinntiú go bhfoilsítear aon doiciméad ina leagtar amach tograí beartais phoiblí go comhuaineach i ngach ceann de na teangacha oifigiúla, is é sin i nGaeilge agus i mBéarla.

Tugadh eolas cuimsitheach don imscrúdú faoin gcúlra a bhain le foilsíú an Pháipéir Bháin. Ba é croí na hargóinte ag an Roinn nach raibh dóthain ama aici chun leagan Gaeilge a chur ar fáil mar go raibh práinn le foilsíú an doiciméid.

Tugadh le fios don imscrúdú nár cuireadh bailchríoch ar an téacs Béarla den Pháipéar Bán go dtí an 2 Iúil agus gur seoladh é chuig an gclódóir an lá dár gcionn. Dúradh gur tiolacadh an leagan Béarla don rialtas ar an 7 Iúil agus gur seoladh é ar an 8 Iúil i dTithe an Rialtais. Tugadh le fios go raibh an Roinn “*faoi bhrú mór ama*” chun cóipeanna den Pháipéar Bán a chur ar fáil do Theachtaí agus do Sheanadóirí tráthnóna an 7 Iúil de bharr go raibh an reachtaíocht le plé i dTithe an Oireachtais ar an 8 agus 9 Iúil.

Tugadh le fios don imscrúdú gur foilsíodh an leagan Gaeilge den Pháipéar Bán ar láithreán gréasáin Chonradh Liospóin ar an 23 Iúil. Dúradh gur cuireadh an leagan clóite de leagan Gaeilge an Pháipéir Bháin ar fáil ar an 30 Iúil agus gur fógraíodh é san *Irish Independent* ar an 31 Iúil.

Dúradh go raibh toradh na hidirbheartaíochta maidir leis an bPáipéar Bán go hiomlán oscailte go dtí an 19 Meitheamh agus go raibh dréachtaí á malartú idir ranna rialtais éagsúla suas go

that the Department would establish a high level group immediately to implement these commitments fully and comprehensively within the shortest possible timeframe.

Investigation launched: 3 June 2009
Report issued: 10 September 2009

Department of Foreign Affairs

An investigation showed that the Department of Foreign Affairs had contravened the Official Languages Act in publishing in English only the document entitled *White Paper – The Lisbon Treaty 2009*, which is a document setting out public policy proposals, at a time when the Irish version was not available simultaneously.

As a result of an inquiry made by the Office of An Coimisinéir Teanga, as part of monitoring duties to ensure that public bodies comply with their statutory duties under the Official Languages Act, it emerged that the Irish version of this public consultation document was not available when the document was published in English on 8 July 2009.

Under subsection 10(a) of the Act public bodies, including the Department of Foreign Affairs, have a duty to ensure that any document which sets out public policy proposals is published simultaneously in both official languages, i.e. in Irish and in English.

The investigation was given comprehensive information about the background which led to the publication of the White Paper. The Department's central argument was that it had insufficient time to provide an Irish version due to the urgency associated with the publication of the document.

The investigation was informed that the finishing touches were not put to the English text of the White Paper until 2 July and that it was sent to the printers the following day. It was stated that the English version was presented to the government on 7 July and that it was launched in Government Buildings on 8 July. It was indicated that the Department was “*under huge time pressures*” (translation) to provide copies of the White Paper to TDs and to Senators on the evening of 7 July since the legislation was to be discussed in the Houses of the Oireachtas on 8 and 9 July.

The investigation was informed that the Irish version of the White Paper was published on the website of the Lisbon Treaty on 23 July. It was stated that the print version of the Irish version of the White Paper was available on 30 July and that this was brought to public attention in the *Irish Independent* on 31 July.

It was indicated that the result of negotiations on the White Paper remained open until 19 June and that drafts were being exchanged between various government departments up to 2

dtí an 2 Iúil. Tugadh le fios go raibh 12 chaibidil sa Pháipéar Bán agus gur cuireadh téacsanna de na caibidlí chuig an aistritheoir ar bhonn céimnithe.

Cé is moite den eolas a tugadh faoi fhoilsiú an Pháipéir Bháin, dúirt an Roinn gur cuireadh cárta poist dátheangach chuig 1.9 milliún teaghlach ag tús mhí Iúil agus go raibh réimse forleathan ábhair ar fáil i nGaeilge ar shuíomh gréasáin Chonradh Liospóin www.lisbontreaty.ie. Tugadh le fios freisin go raibh aistriúchán Gaeilge déanta ar an mbileog a bhí le scaipeadh ar gach teaghlach i mí Mheán Fómhair agus go raibh cainteoir líofa Gaeilge ag déileáil le fiosruithe i nGaeilge maidir le Conradh Liospóin.

Thug an Coimisinéir Teanga chun cruinnis nach raibh faoi chaibidil san imscrúdú seo ach an Páipéar Bán amháin, agus thréaslaigh sé a cuid dea-oibre leis an Roinn maidir leis an gcáipéisíocht eile a bhain le Conradh Liospóin a chur ar fáil go dátheangach.

Ba léir don Choimisinéir Teanga gur sháraigh an Roinn Acht na dTeangacha Oifigiúla nuair a foilsíodh an Páipéar Bán i mBéarla amháin i dtús báire. Cé gur ghlac sé leis go raibh an t-amscála an-ghairid, dúirt sé nár leor mar leithscéal fadhbanna den sórt sin le cealú, laghdú nó leasú a dhéanamh ar dhualgas reachtúil a bhí daingnithe i ndlí ag an Oireachtas.

Chonacthas don Choimisinéir Teanga nach raibh leagan críochnúil den doiciméad ar fáil i gcló i nGaeilge go dtí an 30 Iúil, os cionn trí seachtaine tar éis sheoladh oifigiúil an leagain Bhéarla. Ba léir dó nach raibh fáil ach ar an leagan Béarla den doiciméad ag an tráth is mó a raibh aird agus díospóireacht air sna meáin chumarsáide tar éis a sheolta. Ina fhianaise sin, dúirt sé nach bhféadfaí a bheith ag brath go gceapadh pobal na Gaeilge go raibh an tseirbhís chéanna ar chomhchaighdeán á cur ar fáil dóibh le hais mar a bhí déanta don chuid sin den phobal arbh é an Béarla a rogha teanga oifigiúil.

Ós rud é go raibh an dara reifreann le bheith ann faoi Chonradh Liospóin ar an 2 Deireadh Fómhair, mheas an Coimisinéir Teanga go raibh tábhacht faoi leith ag baint le foilsiú an Pháipéir Bháin go comhuaineach i nGaeilge agus i mBéarla sa chaoi is nach mbeadh pobal na Gaeilge fágtha faoi aon mhíbhuntáiste agus na hargóintí i bhfabhar agus i gcoinne an Chonartha á bplé roimh lá an reifrinn.

Rinne an Coimisinéir Teanga sraith de mholtaí don Roinn le cinntiú nach dtarlódh sárú den chineál céanna arís.

July. It was stated that there were 12 chapters in the White Paper and that texts of the chapters were sent to the translator in stages.

Apart from the information provided about the publication of the White Paper, the Department said that it had sent a bilingual postcard to 1.9 million households at the beginning of July and that there was a wide range of material available in Irish on the website of the Lisbon Treaty www.lisbontreaty.ie. It was also indicated that the leaflet which was to be sent to each household in September had been translated and that a fluent Irish speaker was dealing with queries in Irish regarding the Lisbon Treaty.

An Coimisinéir Teanga made clear that this investigation only related to the White Paper and he praised the Department's good work in making other documentation relating to the Lisbon Treaty available bilingually.

It was clear to An Coimisinéir Teanga that the Department had contravened the Official Languages Act when it published the White Paper solely in English at the outset. Although he accepted that the timescale was very short, he said that such problems did not suffice as an excuse to rescind, reduce or amend statutory duties which had been confirmed in law by the Oireachtas.

It appeared to An Coimisinéir Teanga that the final version of the document was not available in print in Irish until 30 July, over three weeks after the official launch of the English version. It was clear to him that only the English version of the document was available at the time when most media attention and debate were focused on it after its launch. In light of this, he said that the Irish speaking community could not be considered to have obtained the same service to the same standard as that received by those for whom English is their official language of choice.

Since the second referendum on the Lisbon Treaty was to be held on 2 October, An Coimisinéir Teanga deemed that it was particularly important that the White Paper be published simultaneously in Irish and in English so that the Irish speaking community would not be disadvantaged while the arguments in favour of and against the Treaty were being discussed before the day of the referendum.

An Coimisinéir Teanga made a series of recommendations to the Department to ensure that such a contravention would not occur again.

Imscrúdú seolta:
Tuarascáil eisithe:

16 Iúil 2009
2 Deireadh Fómhair 2009

Investigation launched: 16 July 2009
Report issued: 2 October 2009

Feidhmeannacht na Seirbhíse Sláinte

Léirigh imscrúdú nach raibh sárú déanta ag Feidhmeannacht na Seirbhíse Sláinte ar Acht na dTeangacha Oifigiúla maidir le cur i bhfeidhm gealltanais ar leith de chuid a scéime teanga do Limistéar an Iarthair. D'eascair an t-imscrúdú as gearán a rinne coiste forbartha pobail i nGaeltacht na Gaillimhe le linn na bliana 2009 maidir le córas nua a bhí curtha i bhfeidhm in 2008 ag an bhFeidhmeannacht chun cúram iarobráide a chur ar fáil d'othair i gContae na Gaillimhe.

Bhí an coiste den tuairim go raibh éagóir á déanamh ar lucht labhartha na Gaeilge agus ar mhuintir na Gaeltachta de bharr gur shíl an coiste nach raibh cúinsí teanga curtha san áireamh ag an bhFeidhmeannacht nuair a lorg sí tairiscintí in 2008 ó thithe altranais príobháideacha i gContae na Gaillimhe don tseirbhís iarobráide. Ní miste a lua nach de bharr aon ghearán ar leith ó dhuine den phobal nó ó othar a bhí thíos le cinneadh na Feidhmeannachta a tharraing an coiste an cheist anuas leis an gCoimisinéir Teanga.

Ba léir don Choimisinéir Teanga go raibh forálacha ar leith de scéim teanga na Feidhmeannachta do Limistéar an Iarthair a leag dualgas uirthi cúram iarobráide a chur ar fáil trí Ghaeilge agus cúinsí teanga a chur san áireamh agus polasaithe nua á n-ullmhú aici. Shéan an Fheidhmeannacht go tréan go raibh aon sárú déanta aici ar fhorálacha a scéime teanga.

Mar chúlra, thug an Fheidhmeannacht le fios gur tosaíodh roinnt blianta ó shin ar othair de chuid Ospidéal na hOllscoile Gaillimh agus Ospidéal Pháirc Mheirlinne i nGaillimh a threorú chuig ionaid altranais sa phobal tar éis dóibh a gcóireáil leighis a chríochnú, ar mhaithe le leapacha a shaoradh.

Tar éis don Fheidhmeannacht athbhreithniú a dhéanamh ar an bpolasaí seo le déanaí, dúradh go raibh sé beartaithe aici tús a chur le pacáistí cúram baile. Mar mhíniú ar an gcóras nua, thug an Fheidhmeannacht le fios gur baineadh 15 mhilliún Euro de bhuiséad na n-ospidéal le linn na bliana agus gurbh éigean ciorrú a dhéanamh ina réimse seirbhísí ar fad dá bharr.

Mar thoradh air seo, d'iarr an Fheidhmeannacht ar gach ionad altranais a bhí cláraithe i gcathair agus i gcontae na Gaillimhe tairiscintí a dhéanamh chun seirbhís a sholáthar, bunaithe ar chaighdeán cúraim, shuíomh tíreolaíochta agus chostas.

Dúirt an Fheidhmeannacht gur roghnaíodh cúig ionad altranais ar fad ón bpróiseas tairisceana. Dhearbhaigh sí go raibh péire de na hionaid altranais a roghnaíodh lonnaithe sa Ghaeltacht, is é sin i mBaile Chláir agus i Maigh Cuilinn. Tugadh le fios go raibh an dá ionad altranais seo ábalta freastal ar othair a labhraíonn Gaeilge agus go raibh othair a raibh Gaeilge acu ag freastal ar na tithe altranais seo.

Tar éis dó an scéal a fhiosrú, chonacthas don Choimisinéir Teanga nach raibh a scéim teanga sáraithe ag an

Health Service Executive

An investigation showed that the Health Service Executive had not contravened the Official Languages Act in relation to a specific commitment in its Western Area language scheme. The investigation arose out of a complaint which a community development committee in the Galway Gaeltacht made during 2009 about a new system which was implemented by the Executive in 2008 in order to provide post-operative care for patients in County Galway.

The committee was of the opinion that an injustice was being done to Irish language speakers and to the Gaeltacht community since the committee thought that language circumstances were not taken into account by the Executive when it sought applications in 2008 from private nursing homes in County Galway for the post-operative service. It should be mentioned that the committee did not raise the issue with An Coimisinéir Teanga as a result of any specific complaint from a member of the public or from a patient who had suffered as a result of the Executive's decision.

It was clear to An Coimisinéir Teanga that there were particular provisions in the Executive's language scheme for the Western Area which imposed a duty on it to provide post-operative care through Irish and to take language circumstances into account when preparing new policies. The Executive strenuously denied that it had contravened the provisions of its language scheme.

As background information, the Executive indicated that it had begun some years ago to direct patients of University College Hospital Galway and Merlin Park Hospital in Galway to nursing homes in the community after they had completed their medical treatment, in order to release beds.

After the Executive had recently reviewed this policy, it was decided to instigate home care packages. As an explanation for the new system, the Executive said that the hospitals' budget had been reduced by 15 million Euro during the year and that as a result it was obliged to make reductions in its full range of services.

As a result, the Executive requested that all nursing homes which were registered in Galway city and county tender for approval as a service provider based on standard of care, geographical location and cost.

The Executive said that 5 nursing homes in total were selected as a result of the tender process. It confirmed that two of the nursing homes selected were based in the Gaeltacht, i.e. in Baile Chláir and in Maigh Cuilinn. It said that these two nursing homes were able to provide care to patients who speak Irish and that patients with Irish were attending these nursing homes.

Having investigated the matter, it appeared to An Coimisinéir Teanga that the Executive had not contravened its language

bhFeidhmeannacht sa chás seo. Ba léir dó go raibh dhá ionad as na cúig ionad a roghnaíodh ón bpróiseas tairisceana lonnaithe i gceantair oifigiúla Ghaeltachta de réir na dteorainneacha a bhí leagtha síos faoin reachtaíocht. Cuireadh mioneolas ar fáil freisin don imscrúdú faoi líon na bhfostaithe sa dá ionad le líofacht i nGaeilge.

Cé gurbh eol dó nár cheantair láidre Ghaeltachta iad ceachtar den dá cheantar a bhí san áireamh (.i. Baile Chláir agus Maigh Cuilinn), dúirt an Coimisinéir Teanga nach bhféadfaí a shéanadh gur cheantair oifigiúla Ghaeltachta iad faoi láthair agus nár ghnó dó teorainneacha na Gaeltachta a athrú. Dúirt an Coimisinéir Teanga go gcaithfeadh sé plé leis an gcás ar bhonn reachtúil agus feidhmiú dá réir sin.

Agus sin ráite, ba léir don Choimisinéir Teanga nach raibh ceist na Gaeilge ná na Gaeltachta curtha san áireamh go foirmiúil in aon iarratas ar thairiscintí ón bhFeidhmeannacht. Cé go ndúirt an Fheidhmeannacht go raibh cúram ar fáil trí Ghaeilge sna hionaid altranais atá lonnaithe i gceantair Ghaeltachta, ba chosúil don Choimisinéir Teanga go raibh sé seo amhlaidh mar thoradh ar chomhtharlú agus nach de thoradh ar bheartas réamhghníomhach de chuid na Feidhmeannachta a tharla sé.

Ba chúis imní don Choimisinéir Teanga gur mar seo a bhí i bhfianaise fhorálacha scéim teanga na Feidhmeannachta a thugann le fios go *“measfar an tionchar teanga nuair a bheidh polasaithe agus beartais nua á n-ullmhú.”* Dúirt an Coimisinéir Teanga go raibh sé tábhachtach don Fheidhmeannacht a chinntiú go gcuirfí é seo san áireamh ar bhonn réamhghníomhach in aon phróiseas tairisceana feasta le deimhin a dhéanamh de go mbeifí ag cloí le forálacha na scéime.

Imscrúdú seolta: 23 Meitheamh 2009
Tuarascáil eisithe: 25 Meán Fómhair 2009

Oifig an Choimisinéara Faisnéise

Léirigh imscrúdú gur sháraigh Oifig an Choimisinéara Faisnéise foráil de chuid Acht na dTeangacha Oifigiúla nuair nár comhlíonadh go cuí gealltanais amháin ina scéim teanga maidir le príomhchinnntí an Choimisinéara Faisnéise a fhoilsiú ar shuíomh gréasáin na hOifige go comhuaineach agus go dátheangach.

Mar chuid d'fheidhm faireacháin Oifig an Choimisinéara Teanga, rinneadh iniúchadh ar chur i bhfeidhm scéim teanga Oifig an Ombudsman agus Oifig an Choimisinéara Faisnéise. De thoradh an phróisis iniúchta, thángthas ar chomhaontú a chinntigh go raibh beagnach gach gealltanais faoin scéim teanga curtha i bhfeidhm go cuí cé is moite de ghealltanais i dtaca le príomhchinnntí an Choimisinéara Faisnéise a fhoilsiú go comhuaineach ar an suíomh gréasáin i ngach ceann de na teangacha oifigiúla.

scheme in this instance. It was clear that two out of the five homes chosen as a result of the tender process were located in official Gaeltacht areas in accordance with the boundaries set down under the legislation. Detailed information was provided to the investigation on the numbers of staff in each of the two locations with fluency in Irish.

Although An Coimisinéir Teanga was aware that neither of these two locations (i.e. Baile Chláir and Maigh Cuilinn) were strong Gaeltacht areas, he said that he could not deny that they were currently official Gaeltacht areas and that it was not a matter for him to alter the Gaeltacht boundaries. An Coimisinéir Teanga said that he had to deal with the matter on a statutory basis and act accordingly.

Notwithstanding that fact, it was clear to An Coimisinéir Teanga that the Executive had not formally considered the issue of the Irish language or of the Gaeltacht in any request it had made for tenders. Although the Executive said that the nursing homes located in Gaeltacht areas could provide care in Irish, it appeared to An Coimisinéir Teanga that this was as a result of a coincidence rather than as a result of a proactive policy undertaken by the Executive.

It was a matter of concern for An Coimisinéir Teanga that this was the case in light of the provisions of the Executive's language scheme which make clear that *“when new policies and initiatives are being formulated, the linguistic consequences will be assessed.”* An Coimisinéir Teanga said that it was important that the Executive would bear this in mind in a proactive manner in any tender process in future in order to ensure that it was adhering to the provisions of the scheme.

Investigation launched: 23 June 2009
Report issued: 25 September 2009

Office of the Information Commissioner

An investigation showed that the Office of the Information Commissioner had contravened a provision of the Official Languages Act by failing to appropriately implement one commitment in its language scheme with regard to the key decisions of the Information Commissioner being published on the Office's website simultaneously and bilingually.

As part of the monitoring function of the Office of An Coimisinéir Teanga, an audit was conducted of the implementation of the language scheme of the Office of the Ombudsman and the Office of the Information Commissioner. As a result of the audit process, an agreement was reached which ensured that practically all of the commitments in the language scheme were properly implemented apart from a commitment relating to the Information Commissioner's key decisions being published simultaneously in both official languages on the website.

Deimhníodh d'Oifig an Choimisinéara Teanga i mí Mheán Fómhair 2008 nach rabhthas tar éis aon cheann de na príomhchinnntí a fhoilsiú go comhuaineach agus go dátheangach ar an suíomh gréasáin go dtí sin. Is go siarghabhálach a bhí leaganacha Gaeilge á bhfoilsiú ar an suíomh gréasáin.

Tugadh le fios ag cruinniú i mí Lúnasa 2009 go raibh cinneadh déanta ag Oifig an Choimisinéara Faisnéise gan aon leagan Gaeilge de na príomhchinnntí a fhoilsiú ar chor ar bith ón 1 Meitheamh 2009 ar aghaidh. Ag an bpointe sin, bheartaigh an Coimisinéir Teanga imscrúdú a thionscnamh.

Chun amhras a sheachaint, ní miste a dhearbhu nár bhain an t-imscrúdú seo ach le gealltanais amháin de chuid na scéime teanga agus nach raibh amhras de chineál ar bith á chaitheamh san imscrúdú ar thiomantas ginearálta Oifig an Choimisinéara Faisnéise (nó, go deimhin, Oifig an Ombudsman) i leith soláthar seirbhísí trí Ghaeilge nó i leith ghealltanais eile na scéime.

As na príomhchinnntí a foilsíodh ar an suíomh gréasáin ó Eanáir 2006 ar aghaidh, ba chosúil go raibh 14 acu sin (as 32) nach raibh aon leagan Gaeilge díobh foilsithe fós faoin 1 Meán Fómhair 2008. Thug sé seo le fios go bhféadfadh, i gcásanna áirithe, moill bliana nó dhó a bheith i gceist leis na leaganacha Gaeilge nó nach raibh fáil in aon chor orthu i nGaeilge faoin dáta sin.

Dúirt Oifig an Choimisinéara Faisnéise gur sárú teicniúil seachas sárú substainteach ar an scéim teanga a bhí i gceist. Cuireadh in iúl go soiléir nach trí dhearmad ná trí fhaill a tharla an sárú. Dúradh gur glacadh cinneadh éirí as na cinntí a fhoilsiú go dátheangach tar éis na cúinsí a bhreithniú go cuimsitheach agus tar éis teacht ar an tuiscint go raibh an gealltanais a tugadh ró-uailmhianach.

Ba léir don Choimisinéir Teanga nár cloíodh go hiomlán agus go cuí leis an ngealltanais faoin scéim ag aon tráth le linn na scéime. Dúirt sé nach raibh aon bhunús reachtúil leis an gcur chuige nua a tharraing Oifig an Choimisinéara Faisnéise chuici féin ón 1 Meitheamh 2009 ar aghaidh gan aon leagan Gaeilge de na príomhchinnntí cuí a fhoilsiú ar a suíomh gréasáin.

Maidir le tagairt a bhí déanta d'alt 16 den Acht maidir le scéimeanna a leasú de thoradh imthosca áirithe, dúirt an Coimisinéir Teanga gur gnó don Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta go príomha aon leasú den chineál sin a dhainiú. Thug an Coimisinéir Teanga chun cruinnis nár bhféidir le comhlacht poiblí leasú a dhéanamh as a stuaim féin ar aon fhoráil i scéim teanga agus nach raibh an t-údarás aige féin ach an oiread leasú a dhéanamh ar scéim teanga.

Tugadh léargas cuimsitheach don imscrúdú ar na fadhbanna a bhí ag Oifig an Choimisinéara Faisnéise i gcomhlíonadh an ghealltanais seo faoin scéim, agus orthu sin bhí fadhbanna

It was confirmed to the Office of An Coimisinéir Teanga in September 2008 that no key decision had been published bilingually and simultaneously to date on the website. The Irish versions were being published retrospectively on the website.

It was indicated at a meeting in August 2009 that the Office of the Information Commissioner had decided to discontinue publishing any Irish version of key decisions from 1 June 2009. At that stage An Coimisinéir Teanga decided to launch an investigation.

For the avoidance of doubt, it should be noted that this investigation only related to one commitment of the language scheme and that no aspersions were being cast by this investigation on the general commitment of the Office of the Information Commissioner (or, indeed, the Office of the Ombudsman) to the provision of services in Irish or to other commitments of the scheme.

Of the key decisions published on the website from January 2006 onwards, it appeared that 14 (out of 32) did not have an Irish version published by 1 September 2008. This indicated that in certain cases, there could be a delay of a year or two with the Irish versions or that they may not have been provided at all in Irish by that date.

The Office of the Information Commissioner said that it was a technical contravention as opposed to a substantive contravention of the language scheme. It clearly indicated that the contravention did not occur as a result of error or negligence. It was stated that a decision was taken to discontinue publishing the decisions bilingually having fully considered the circumstances and having come to the understanding that the commitment given was too ambitious.

It was clear to An Coimisinéir Teanga that the commitment in the scheme was not adhered to fully and properly at any stage during the scheme. He said that there was no statutory basis for the new approach which the Office of the Information Commissioner adopted from 1 June 2009 in deciding not to publish the Irish version of any key decision on its website.

With regard to the reference made to section 16 of the Act which provides for the amendment of schemes as a result of particular circumstances, An Coimisinéir Teanga said that the confirmation of any amendment of that nature was primarily a matter for the Minister for Community, Rural and Gaeltacht Affairs. An Coimisinéir Teanga made clear that a public body could not decide of its own volition to amend any provision of a language scheme and that he did not have the authority either to amend a language scheme.

The investigation was given a comprehensive insight into the difficulties faced by the Office of the Information Commissioner in implementing this commitment in the scheme, including

aistriúcháin, fadhbanna teicniúla, am foirne agus acmhainní. Tagraíodh don easpa éilimh ón bpobal.

Chonacthas don Choimisinéir Teanga nár leor na hargóintí seo le leasú a dhéanamh ar fhoráil reachtúil. Dúirt sé gurbh ionann cumhachtaí nua nach raibh i gceist ag an Oireachtas a bhronnadh air féin mar Choimisinéir Teanga agus aontú le leasú den chineál a bhí i gceist anseo nó neamhaird a thabhairt ar chomhlíonadh an dualgais a bhí i gceist. Dúirt sé go mbeadh fasach nach bhféadfaí a chosaint á chruthú aige.

Maidir le ceist an éilimh, dúirt an Coimisinéir Teanga gur dheacair forbairt a dhéanamh ar an éileamh ar sheirbhísí trí Ghaeilge nó measúnú ceart a dhéanamh ar an éileamh sin mura raibh fáil ar na seirbhísí sin go comhuaineach agus ar aon chaighdeán le seirbhísí trí Bhéarla.

Ní fhacthas don Choimisinéir Teanga gur sárú teicniúil a bhí i gceist anseo. Chonacthas dó gurbh ionann sárú teicniúil agus sárú gan tábhacht nó ar bheagán substainte. Dúirt an Coimisinéir Teanga go raibh sárú leanúnach i gceist anseo ó thus feidhme na scéime agus gur tógadh cinneadh comhfhiúchach níos déanaí cúlú go hiomlán ón bhforáil.

Bhí sé mar argóint ag Oifig an Choimisinéara Faisnéise go raibh moill fhada ar chomhaontú an dara dréachtscéim aici leis an Roinn Gnóthaí Pobail, Tuaithe agus Gaeltachta. Dúirt an Coimisinéir Teanga go raibh sé ar an taifead faoin imní a bhí air faoin moill a bhain le comhaontú dara scéimeanna. Mar sin féin, dúirt sé nárbh eol dó gur cealaíodh riamh aon ghealltanas sa chéad scéim teanga trí chomhaontú an dara scéim.

Bhí sé molta ag Oifig an Choimisinéara Faisnéise don Choimisinéir Teanga dearcadh réasúnta a ghlacadh san imscrúdú seo seachas dearcadh docht dlí. Dúirt an Coimisinéir Teanga go raibh a Oifig ag feidhmiú mar ghníomhaireacht ghéilliúlachta sa chás seo. Dúirt sé nach raibh aon cheist ann maidir le pionós a ghearradh ach go raibh air fionnachtana a dhéanamh agus bearta réasúnta a mholadh chun a chinntiú go gcomhlíonadh Oifig an Choimisinéara Faisnéise an gealltanas faoina scéim teanga feasta.

Ní dhearnadh aon achomharc i gcoinne chinneadh an imscrúdaithe agus dheimhnigh Oifig an Choimisinéara Faisnéise go gcuirfí moltaí an imscrúdaithe i bhfeidhm.

translation difficulties, technical difficulties, staff time and resources. A reference was made to the lack of demand from the public.

It appeared to An Coimisinéir Teanga that these arguments were not sufficient to amend a statutory provision. He said that it would be equivalent to assuming new powers as An Coimisinéir Teanga, which were not intended by the Oireachtas, if he were to sanction an amendment or to disregard the requirement to comply with the obligation involved. He said that it would create a precedent which could not be defended.

As regards the issue of demand, An Coimisinéir Teanga said that it was difficult to develop the demand for services in Irish or to accurately assess that demand if those services were not available simultaneously and to the same standard as services in English.

It did not appear to An Coimisinéir Teanga that this was a technical contravention. It appeared to him that a technical contravention was synonymous with an unimportant contravention or one of little substance. An Coimisinéir Teanga said that this was an ongoing contravention since the beginning of the scheme and that a conscious decision had been taken at a later stage to withdraw entirely from the provision.

The Office of the Information Commissioner had argued that there was a long delay in agreeing its second draft scheme with the Department of Community, Rural and Gaeltacht Affairs. An Coimisinéir Teanga said that he was on the record regarding his concern about the delay associated with the agreement of second schemes. Nonetheless, he said that he was not aware that a commitment given in a first language scheme had ever been rescinded through agreeing a second scheme.

The Office of the Information Commissioner had recommended to An Coimisinéir Teanga that he adopt a reasonable approach to this investigation rather than a strictly legal one. An Coimisinéir Teanga said that his Office was operating as a compliance agency in this case. He said that there was no question of a penalty; rather that he had to make findings and recommend reasonable actions to ensure that the Office of the Information Commissioner complied with the commitment in its language scheme in future.

The investigation's finding was not appealed and the Office of the Information Commissioner confirmed that the recommendations of the investigation would be implemented.

Imscrúdú seolta: 12 Lúnasa 2009
Tuarascáil eisiithe: 5 Samhain 2009

Investigation launched: 12 August 2009
Report issued: 5 November 2009

An Chomhairle Ealaíon

Chinn an Coimisinéir Teanga tar éis imscrúdú go raibh an Chomhairle Ealaíon ag sárú dhá fhoráil éagsúla reachtúla a bhain le húsáid na Gaeilge agus preasráitis á n-eisiúint aici.

Bhain foráil amháin le hAcht na dTeangacha Oifigiúla 2003 agus bhain an fhoráil eile leis an Acht Ealaíon 2003.

Le heisiúint preasráiteas amháin a bhain an t-imscrúdú seo agus ní raibh amhras á chaitheamh ar thiomantas ginearálta na Comhairle Ealaíon maidir le seirbhísí i nGaeilge a sholáthar.

Bhí gealltanais i scéim teanga na Comhairle Ealaíon go raibh sí *“tiomanta do gach preasráiteas a eisiúint i nGaeilge agus i mBéarla.”* Sa bhreis air sin, tá dualgas ar an gComhairle Ealaíon faoi fho-alt 29(5) den Acht Ealaíon 2003 dóthain líofachta a bheith ag oiread d’fhoireann na Comhairle Ealaíon i nGaeilge agus i mBéarla le go mbeidh sí in ann a cuid feidhmeanna a chur i gcrích i gceachtar teanga.

Tháinig sé chun solais in iniúchadh a rinne Oifig an Choimisinéara Teanga ar chur i gcrích na ngealltanais a bhí tugtha i scéim teanga na Comhairle Ealaíon go raibh amhras ann maidir le preasráitis a bheith á n-eisiúint ar an mbealach céanna i nGaeilge agus i mBéarla. Ba chosúil go raibh preasráitis á n-eisiúint i mBéarla amháin don chuid is mó agus á bhfoilsíú ag tráth níos déanaí i nGaeilge ar shuíomh gréasáin na Comhairle Ealaíon.

Mhaígh an Chomhairle Ealaíon nach raibh aon tiomantas ina scéim teanga go n-eiseofaí preasráitis sa dá theanga oifigiúla go comhuaineach. *“Is tiomantas dífriúil ar fad a bheadh ansin, agus ceann nach ndearnamar,”* a dúradh.

Séanadh freisin go raibh fo-alt 29(5) den Acht Ealaíon á shárú agus dúradh go raibh Gaeilge mhaith ag go leor de bhaill foirne bhuana na Comhairle Ealaíon.

Má bhí dóthain foirne ag an gComhairle Ealaíon lena feidhmeanna a chomhlíonadh i nGaeilge, níor léir don Choimisinéir Teanga an chúis nach mbeadh an tseirbhís chumarsáide a bhaineann le heisiúint preasráiteas, a sholáthraítear de bhun agus de bhua a feidhmeanna, á tairiscint aici ar chomhchéim agus go comhuaineach i nGaeilge agus i mBéarla.

Dúirt an Coimisinéir Teanga gur cinnte go raibh dualgas teanga ar leith daingnithe san fhoráil ábhartha den Acht Ealaíon (fo-alt 29(5)) agus nach bhféadfaí cás a dhéanamh ach gur dhualgas lárnach seachas dualgas imeallach nó fánach é.

Maidir leis an ngealltanais i scéim teanga na Comhairle Ealaíon i dtaca le heisiúint preasráiteas, dúirt an Coimisinéir Teanga nárbh ionann na téarmaí *“foilsíú”* agus *“eisiúint”* agus nár leor an leagan Gaeilge a bheith foilsithe ar an suíomh gréasáin le go

The Arts Council

An Coimisinéir Teanga decided as a result of an investigation that the Arts Council was in contravention of two different statutory provisions regarding the use of Irish when issuing press releases.

One provision involved the Official Languages Act 2003 and the other provision involved the Arts Act 2003.

This investigation related only to the issuing of press releases and did not cast doubt on the general commitment of the Arts Council to providing services in Irish.

There was a commitment given in the Arts Council language scheme that it was *“committed to issuing all press releases in Irish and English.”* In addition, the Arts Council has a duty under subsection 29(5) of the Arts Act 2003 to ensure “that such and such number of members of the staff of the Council are sufficiently fluent in both the Irish language and the English language as will enable the Council to perform its functions through the medium of either such language”.

It emerged from an audit by the Office of An Coimisinéir Teanga of the implementation of the commitments given in the Arts Council’s language scheme that it was unclear whether press releases were being issued in the same manner in Irish and in English. It appeared that press releases were mainly being issued in English and being published at a later date in Irish on the Arts Council’s website.

The Arts Council claimed that there was no commitment in its language scheme to issue press releases in the two official languages simultaneously. *“That would be an entirely different commitment, one which we did not make,”* (translation) it said.

It was also denied that subsection 29(5) of the Arts Act was being contravened and it was stated that many of the Arts Council’s permanent staff had good Irish.

If the Arts Council had sufficient staff to fulfil its functions in Irish, it was not clear to An Coimisinéir Teanga why the communications service relating to the issuing of press releases, which is provided in pursuance of and by virtue of its functions, was not being offered equally and simultaneously in Irish and in English.

An Coimisinéir Teanga said that it was clear that there was a particular language duty confirmed in the relevant provision of the Arts Act (subsection 29(5)) and that it was clear that this was a central duty as opposed to a marginal or insignificant duty.

Regarding the commitment given in the Arts Council’s language scheme about issuing press releases, An Coimisinéir Teanga said that the terms *“publish”* and *“issue”* were not synonymous and that it was not sufficient to publish the Irish version on the

gcomhlíonfaí an gealltanas sa mhír seo den scéim teanga má bhí, mar shampla, an leagan Béarla á eisiúint chuig na meáin chumarsáide.

Anuas air sin, cé nach raibh an téarma “*go comhuaineach*” luaite go sonrach i ngealltanas na scéime teanga, chonacthas don Choimisinéir Teanga go raibh sé intuigthe ón gcomhthéacs. Dúirt sé nach raibh aon idirdhealú déanta faoin am nó faoin mbealach ina n-eiseofaí an dá leagan den phreasráiteas agus nach raibh aon cháilíocht eile déanta ar an ngealltanas.

Chinn an Coimisinéir Teanga nár leor go n-eiseofaí preasráiteas i dteanga amháin i dtosach agus go bhfoilseofaí sa teanga eile é ar shuíomh gréasáin trí lá níos déanaí ar an meán nó, go deimhin, aon tréimhse níos déanaí.

Mheas an Coimisinéir Teanga go raibh dualgas dubailte ar an gComhairle Ealaíon ar an ábhar seo faoina scéim teanga agus faoin Acht Ealaíon. Dúirt sé nach raibh aon choimhlint idir an dá dhualgas reachtúla agus go raibh ceann acu ag treisiú leis an gceann eile.

Rinne an Coimisinéir Teanga 6 cinn de mholtaí de thoradh an imscrúdaithe a chinnteodh go mbeadh an Chomhairle Ealaíon ag cloí lena dualgais reachtúla teanga feasta ar an ábhar ar leith seo.

Imscrúdú seolta: 31 Nollaig 2008
Tuarascáil eisithe: 5 Meitheamh 2009

An Roinn Oideachais agus Eolaíochta

Léirigh imscrúdú gur sháraigh an Roinn Oideachais agus Eolaíochta Acht na dTeangacha Oifigiúla maidir le cumarsáid a fhreagairt sa teanga oifigiúil chéanna i gcás freagra a eisíodh chuig cathaoirleach bord bainistíochta gaelscoile.

D'eascair an t-imscrúdú as gearán a rinneadh le hOifig an Choimisinéara Teanga i mí Iúil 2009 gur eisigh an Roinn admháil i mBéarla mar fhreagra ar litir i nGaeilge chuig an Aire Oideachais agus Eolaíochta.

Roimhe seo, ba chosúil go raibh litir dháttheangach curtha ceithre huaire ag an ngearánach chuig an Roinn idir mí an Mhárta agus mí na Bealtaine gan aon fhreagra a bheith faighte aige. Dá bhrí sin, shocraigh an gearánach litir i nGaeilge a chur chuig an Aire Oideachais agus Eolaíochta inar lorg sé go sonrach freagra i nGaeilge ón Aire. Admháil i mBéarla amháin a fuair sé ón Aire i mí an Mheithimh.

Leagann fo-alt 9(2) d'Acht na dTeangacha Oifigiúla dualgas ar chomhlachtaí poiblí, an Roinn Oideachais agus Eolaíochta san áireamh, a chinntiú gur i nGaeilge a fhreagraítear aon chumarsáid i scríbhinn a dhéantar leis an gcomhlacht poiblí sa teanga sin.

website in order to fulfil the commitment given in this section of the language scheme if, for example, the English version was being issued to the media.

In addition, although the term “*simultaneously*” had not been specifically mentioned in the language scheme’s commitment, An Coimisinéir Teanga found that it was implied by the context. He said that there was no distinction made regarding the time or the manner in which the two versions of the press release were to be issued nor was the commitment qualified in any other way.

An Coimisinéir Teanga decided that it was insufficient to issue press releases in one language in the first instance and to publish them in the other language on a website three days later on average or, indeed, at any later date.

An Coimisinéir Teanga considered that the Arts Council had a double duty regarding this matter under its language scheme and under the Arts Act. He said that there was no conflict between the two statutory duties and that one supported the other.

As a result of the investigation, An Coimisinéir Teanga made six recommendations to ensure that the Arts Council complied with its statutory language duties in future on this specific matter.

Investigation launched: 31 December 2008
Report issued: 5 June 2009

Department of Education and Science

An investigation showed that the Department of Education and Science had contravened the Official Languages Act with regard to responding to communication in the same official language in the case of a reply issued to the chairperson of a board of management of an Irish medium school.

The investigation arose out of a complaint made to the Office of An Coimisinéir Teanga in July 2009 because the Department had issued an acknowledgement in English in reply to a letter in Irish to the Minister for Education and Science.

Prior to this, it appeared that the complainant had sent a bilingual letter four times to the Department between March and May without receiving any reply. As a result, the complainant decided to send a letter in Irish to the Minister for Education and Science in which he specifically requested a reply in Irish from the Minister. He received an acknowledgement in English only from the Minister in June.

Subsection 9(2) of the Official Languages Act imposes a duty on public bodies, including the Department of Education and Science, to ensure that any communication in writing with the public body in Irish is replied to in Irish.

Toisc go raibh a mhacasamhail de cheist tarraingthe anuas ag Oifig an Choimisinéara Teanga ar bhonn neamhfhoirmiúil i gcásanna eile leis an Roinn, chinn an Coimisinéir Teanga go raibh sé riachtanach imscrúdú foirmiúil a thionscnamh sa chás seo. Bhí a chinneadh spreagtha ag an eolas nárbh é seo an chéad uair le tamall roimhe sin a bhí sárúithe ar an bhfo-alt seo den Acht admhaithe ag an Roinn le linn an phróisis neamhfhoirmiúil réitithe gearán atá ag Oifig an Choimisinéara Teanga.

Ghlac an Roinn leis gan cheist gur sháraigh sí an tAcht sa chás seo i dtaca le heisiúint admhála i mBéarla ar litir i nGaeilge chuig an Aire. Mar chúlra, thug an Roinn le fios gur cosúil go raibh meascán éigin ann de bhrí go raibh cuid den chomhfhreagras ón ngearánach dátheangach agus dá bhrí sin gur eisiódh admháil i mBéarla go hearráideach. D'aontaigh an Roinn go mba cheart, sa chás seo, admháil a eisiúint i nGaeilge.

Thug an Roinn eolas don imscrúdú maidir le nósanna imeachta Oifig an Aire Oideachais agus Eolaíochta chun déileáil le comhfhreagras sa dá theanga oifigiúla agus dúradh go raibh athbhreithniú déanta ar na nósanna imeachta seo chun a chinntiú nach dtarlódh an earráid seo arís. Dúradh freisin go raibh fógra oifige maidir leis na nósanna imeachta athbhreithnithe curtha chuig gach ball foirne lenar bhain siad.

Ós rud é go bhfuil an fhoráil reachtúil seo den Acht i bhfeidhm anois le beagnach cúig bliana, dúirt an Coimisinéir Teanga go mbeifí ag súil go mbeadh an dualgas a ghabhann leis daingnithe go maith faoin am seo i nósanna agus i gcleachtais bhaill foirne na gcomhlachtaí poiblí, an Roinn Oideachais agus Eolaíochta san áireamh.

Dúirt an Coimisinéir Teanga nárbh é seo an chéad uair a bhí ceist ann faoi fheasacht baill foirne éagsúla sa Roinn faoin dualgas a bhaineann le cumarsáid scríofa i nGaeilge a fhreagairt sa teanga chéanna sin. Rinne sé sraith de mholtaí don Roinn agus é ag súil mar thoradh ar chur i bhfeidhm na moltaí go ndaingneofaí faisnéis faoin dualgas reachtúil seo i gcleachtais oibre na foirne ar fad agus go laghdófaí nó go gcuirfí ar ceal ar fad tuilleadh gearán faoi shárú na forála seo ag foireann na Roinne.

Imscrúdú seolta: 7 Lúnasa 2009
Tuarascáil eisiithe: 15 Meán Fómhair 2009

Since a similar issue had been informally raised by the Office of An Coimisinéir Teanga in other instances with the Department, An Coimisinéir Teanga decided that it was necessary to conduct a formal investigation in this case. His decision was informed by the fact that this was not the first time that infringements of this subsection of the Act had been admitted by the Department as part of the informal dispute resolution process used by the Office of An Coimisinéir Teanga.

The Department accepted without reservation that it had contravened the Act in this case with regard to the issuing of an acknowledgement in English to a letter in Irish to the Minister. As background information, the Department indicated that it appeared that there was some confusion since some of the correspondence from the complainant was bilingual and therefore it issued an acknowledgement in English in error. The Department agreed that it should have issued an acknowledgement in Irish in this case.

The Department provided information to the investigation about the procedures used by the Office of the Minister for Education and Science to deal with correspondence in both official languages and said that it had carried out a review of these procedures to ensure that this error would not occur again. It was also stated that it had issued an office notice about the reviewed procedures to all relevant staff.

Since this legislative provision of the Act has been in place for almost five years, An Coimisinéir Teanga said that one would expect that the duty associated with it would be well embedded at this stage in the custom and practice of staff of public bodies including the Department of Education and Science.

An Coimisinéir Teanga said that this was not the first time that an issue had arisen in relation to the awareness of various Departmental staff about the duty to reply to written communication in Irish in that same language. He made a series of recommendations to the Department in the expectation that, as a result of the implementation of the recommendations, information about this statutory duty would become embedded in the work practices of all staff and further complaints about the contravention of this provision by Departmental staff would be reduced or eliminated.

Investigation launched: 7 August 2009
Report issued: 15 September 2009

Coimisiún na Scrúduithe Stáit

Léirigh imscrúdú nár sháraigh Coimisiún na Scrúduithe Stáit foráil den Acht Oideachais 1998 i dtaca le cinntiú go raibh inniúlacht sa Ghaeilge ag scrúdaitheoirí agus ag scrúdaitheoirí comhairleacha na scrúduithe stáit a roghnaíodh le marcáil a dhéanamh ar pháipéir a freagraíodh sa teanga sin.

D'eascair an gearán ba chúis leis an imscrúdú as riachtanas a bhí ag mac léinn dara leibhéal achomharc a dhéanamh ar an athsheiceáil ar pháipéar Ardeistiméireachta a freagraíodh trí Ghaeilge agus an imní a bhí air go bhféadfadh baint a bheith ag cumas Gaeilge an scrúdaitheora a bhí i mbun marcála ar an bpáipéar leis na fadhbanna a tháinig chun cinn.

Bhain an t-imscrúdú le foráil a bhaineann le stádas nó le húsáid teanga oifigiúla, .i. fo-alt 7(2)(d) den Acht Oideachais, a deir gur feidhm de chuid an Aire Oideachais agus Eolaíochta é *"seirbhísí taca trí Ghaeilge a sholáthar do scoileanna aitheanta..."*.

Ba é dearcadh Choimisiún na Scrúduithe Stáit nach raibh dlínse ag an gCoimisinéir Teanga an t-imscrúdú seo a thionscnamh. Dúirt an Coimisiún gur seirbhísí taca do scoláirí seachas do scoileanna iad na scrúduithe stáit. Chonacthas don Choimisinéir Teanga, áfach, go raibh dlínse aige an t-imscrúdú seo a thionscnamh ós rud é nach raibh aon sainmhíniú tugtha nó aon teorannú déanta ar na scrúduithe stáit faoin Acht Oideachais a léireodh gur seirbhís taca do scoláirí amháin iad. Dúirt an Coimisinéir Teanga gur seirbhísí taca iad na scrúduithe stáit a raibh an-tábhacht ag baint leo le haghaidh chóras oideachais na tíre ina iomláine agus nach bhféadfaí aon chás a dhéanamh nach raibh na scoileanna i gcoilár an chórais sin.

Maidir le substaint an imscrúdaithe, tugadh eolas cuimsitheach don imscrúdú maidir leis an bpróiseas a bhí i bhfeidhm ag Coimisiún na Scrúduithe Stáit le slánchúis na scrúduithe a chosaint. D'admhaigh an Coimisiún nárbh fhéidir le haon chóras scrúduithe a bheith gan earráid mar go raibh sé á fheidhmiú agus á riar ag daoine agus go raibh daoine inearráide. Mar sin féin, thug an Coimisiún le fios go raibh córas réasúnta cuí i bhfeidhm leis na scrúduithe stáit a mharcáil agus go rabhthas sásta go raibh inniúlacht leordhóthanach sa teanga chuí ag na scrúdaitheoirí a ceapadh.

Leag an Coimisiún amach don imscrúdú na nósanna imeachta a bhí ann le hiontaofacht na hoibre a fheabhsú agus le hearráidí a laghdú. Dhearbhaigh an Coimisiún go raibh córas achomhairc i bhfeidhm faoina bhféadfadh scoláirí a gcuid scrípteanna a fheiceáil agus iarratas a dhéanamh go ndéanfaidh scrúdaitheoir agus scrúdaitheoir comhairleach eile an script a athmharcáil. Dúradh freisin gurbh fhéidir achomharc a dhéanamh ar an toradh sin chuig an mBord Neamhspleách Achomhairc.

I bhfianaise an eolais a tugadh don imscrúdú, dúirt an Coimisinéir Teanga go raibh córas cuí i bhfeidhm ag Coimisiún na Scrúduithe Stáit le cinntiú go mbeadh inniúlacht sa Ghaeilge

State Examinations Commission

An investigation showed that the State Examinations Commission had not contravened a provision of the Education Act 1998 with regard to ensuring that examiners and advising examiners of the state examinations chosen to mark papers answered in Irish were competent in that language.

The investigation arose out of a complaint involving a second level student who was compelled to appeal the rechecking of a Leaving Certificate paper which was answered through Irish and his concern that the Irish language competence of the examiner who was marking the paper could have led to the problems which had arisen.

The investigation related to a provision involving the status or use of an official language, i.e. subsection 7(2)(d) of the Education Act, which states that it is a function of the Minister for Education and Science *"to provide support services through Irish to recognised schools..."*.

The position of the State Examinations Commission was that An Coimisinéir Teanga did not have the jurisdiction to conduct this investigation. The Commission said that the state examinations were a support service for students rather than for schools. However, An Coimisinéir Teanga found that he did have the jurisdiction to conduct the investigation since no definition had been given or no limit set regarding state examinations under the Education Act which would show that they were support services for students only. An Coimisinéir Teanga said that the state examinations were very important support services for the entire education system of the country and that it was not possible to consider that schools are not an integral part of that system.

Regarding the substance of the investigation, comprehensive information was provided regarding the process which the State Examinations Commission had in place to protect the integrity of the examinations. The Commission acknowledged that no examination system could be infallible because it was being implemented and administered by people and that people were fallible. Nonetheless, the Commission indicated that a reasonably appropriate system was in place to mark the state examinations and that it was satisfied that examiners appointed had sufficient competence in the appropriate language.

The Commission explained to the investigation the procedures in place to improve the reliability of its work and to reduce errors. The Commission confirmed that an appeal system was in place through which students could view their scripts and request that another examiner and advising examiner remark the script. It was also stated that that result could be appealed to the Independent Appeals Board.

In light of the information given to the investigation, An Coimisinéir Teanga said that the State Examinations Commission had an appropriate system in place to ensure that

ag scrúdaitheoirí agus ag scrúdaitheoirí comhairleacha na scrúduithe stáit a roghnófaí le marcáil a dhéanamh ar pháipéir a d'fhreagrófaí sa teanga sin. Dúirt an Coimisinéir Teanga gur léiriú follasach iad na staitisticí achomhairc ó 2008 go raibh córas cuí ann le cinntiú go ndéanfaí marcáil chóir ar na scrípteanna Gaeilge agus go raibh an córas sin ag feidhmiú chomh maith agus a d'fhéadfaí a bheith ag súil leis.

Cé gur admhaigh Coimisiún na Scrúduithe Stáit don imscrúdú gur le féinmheasúnú seachas le tástáil fhoirmiúil a fiosraíodh inniúlacht Gaeilge na scrúdaitheoirí nuair a chéadcheapadh iad, tugadh le fios go raibh an córas féinmheasúnaithe seo ag teacht leis an gcleachtas idirnáisiúnta. Cé go ndúirt an Coimisinéir Teanga go mbeadh sé inmholtá tástáil fhoirmiúil a dhéanamh ar chumas Gaeilge na scrúdaitheoirí, ghlac sé leis nach raibh aon fhianaise ann a léireodh go mbeadh aon athrú dá bharr ar thorthaí na bpáipéar a freagraíodh i nGaeilge.

Imscrúdú seolta: 2 Márta 2009
Tuarascáil eisithe: 23 Deireadh Fómhair 2009

Feidhmeannacht na Seirbhíse Sláinte

Léirigh imscrúdú go raibh sárú déanta ag Feidhmeannacht na Seirbhíse Sláinte ar fhoráil d'Acht na dTeangacha Oifigiúla maidir le cur i bhfeidhm gealltanais áirithe dá scéim teanga do Limistéar an Iarthair. I measc na ngealltanais a sáraíodh, bhí forálacha maidir le leaganacha dátheangacha d'fhoirmeacha a bheith ar fáil, gealltanais maidir le hearcaíocht agus socrúcháin i gceantair Ghaeltachta, cúram othar a bheith ar fáil sna hospidéal i rogha teanga an othair agus aonad riaracháin Gaeilge ar leith le foireann le Gaeilge líofa a bheith bunaithe i nGaeltacht na Gaillimhe.

Is mar thoradh ar iniúchadh a rinne Oifig an Choimisinéara Teanga ar chur i bhfeidhm na scéime teanga a tháinig sé chun solais nach raibh gealltanais áirithe curtha i gcrích ag Feidhmeannacht na Seirbhíse Sláinte i Limistéar an Iarthair.

Ghlac an Fheidhmeannacht leis gur sáraíodh an scéim teanga. Tugadh le fios gur tharla sé seo toisc gurb é Bord Sláinte an Iarthair a d'aontaigh an scéim teanga do Limistéar an Iarthair agus go ndeachaigh rudaí ar gcúl nuair a nascadh na boird sláinte ar fad le chéile faoin bhFeidhmeannacht. Dúradh go raibh sé an-deacair a chur ina luí ar an eagraíocht nua go raibh ciallachais ag na gealltanais a tugadh sa scéim teanga don eagraíocht ina hiomláine.

Tugadh le fios don imscrúdú gur tionscnaimh náisiúnta a bhí i go leor de na tograí nár baineadh amach agus gur dá bharr sin a bhí moill ann iad a fheidhmiú. Luadh chomh maith go mbeadh tionchar ag géarchéim eacnamaíochta na tíre ar chur i bhfeidhm na scéime teanga amach anseo. Dúirt an Coimisinéir Teanga

examiners and advising examiners of the state examinations chosen to mark papers answered in Irish were competent in that language. An Coimisinéir Teanga said that the appeal statistics from 2008 were a clear indication that there was an appropriate system in place to ensure that scripts in Irish were marked in a fair manner and that that system was functioning as well as could be expected.

Although the State Examinations Commission admitted to the investigation that the Irish language competence of examiners was ascertained by self-assessment rather than by formal testing when they were first appointed, it was indicated that this self-assessment system was in accordance with international practice. Although An Coimisinéir Teanga said that it would be preferable to formally test the Irish language competence of examiners, he accepted that there was no evidence to demonstrate that this would lead to any change in the results of papers answered in Irish.

Investigation launched: 2 March 2009
Report issued: 23 October 2009

Health Service Executive

An investigation showed that the Health Service Executive had contravened a provision of the Official Languages Act regarding particular commitments of its Western Area language scheme. The commitments which were infringed included provisions regarding bilingual versions of forms, commitments regarding recruitment and placements in Gaeltacht areas, patient care being available in hospitals in the language choice of the patient and a dedicated administrative unit with staff who were fluent in Irish being established in the Galway Gaeltacht.

As a result of an audit of the implementation of the language scheme by the Office of An Coimisinéir Teanga, it emerged that particular commitments had not been implemented by the Health Service Executive, Western Area.

The Executive accepted that it had contravened the language scheme. It indicated that this had occurred because the Western Health Board had agreed the language scheme for the Western Area and that the situation had regressed when all the health boards were amalgamated under the Executive. It stated that it was very difficult to impress on the new organisation that the commitments given in the scheme had implications for the whole organisation.

The investigation was informed that many of the projects which had not been achieved were national initiatives and as a result, there was a delay in their implementation. It was also mentioned that the country's economic crisis would impact on the implementation of the language scheme in the future. An

nár leor aon cheann nó fiú gach ceann acu sin le chéile mar leithscéal chun dualgas atá daingnithe go reachtúil a leasú, a mhaolú, a mhoilliú ná a chur ar ceal.

Thairg an Fheidhmeannacht mar réiteach don imscrúdú go bhféadfaí na gealltanais seo nach raibh comhlíonta a chur san áireamh faoin scéim teanga náisiúnta a bhí á beartú don chomhlacht poiblí. Dhiúltaigh an Coimisinéir Teanga don mholadh seo toisc nach bhfuil aon bhunús reachtúil ann le gealltanais i scéim teanga a chur ar athló go dtí an chéad scéim eile.

Ba léir don Choimisinéir Teanga nár ghlac an Fheidhmeannacht freagracht as an scéim ó thús ama in ainneoin dualgas reachtúil a bheith uirthi an scéim a chur i bhfeidhm. Léirigh an saothar ollmhór de cháipéisíocht inmheánach riaracháin a cuireadh ar fáil don imscrúdú nach ndearnadh aon phoiblíocht ar an scéim. B'ábhar mór imní don Choimisinéir Teanga an méid sin. Dúirt sé nár léir go ndearna an Fheidhmeannacht aon iarracht an pobal a chur ar an eolas go gníomhach faoi fhorálacha na scéime agus gur dheacair a thuiscint cén chúis a cheapfaí go n-éireodh le scéim den chineál seo nuair nár cuireadh an pobal a bhí le tairbhe a bhaint aisti ar an eolas gurbh ann di ar chor ar bith.

Ba léir don Choimisinéir Teanga go raibh fadhbanna ann ón tús maidir le cur i bhfeidhm na scéime agus nár ghlac an eagraíocht nua, Feidhmeannacht na Seirbhíse Sláinte, freagracht as nó seilbh ar an scéim ó thús ama, d'ainneoin an dualgas reachtúil sin a bheith uirthi. Ba chosúil gur chothaigh lárú na gcumhachtaí i bhFeidhmeannacht na Seirbhíse Sláinte deacrachtaí suntasacha maidir le cur i bhfeidhm na scéime.

Fiú nuair a díriodh aird ar chásanna ar leith trí ghearáin, imscrúduithe eile, iniúchadh agus tuairisc de chuid Oifig an Choimisinéara Teanga ar an gcéad bhliain feidhme den scéim, dúirt an Coimisinéir Teanga gur theip ar an bhFeidhmeannacht dul i ngleic go foirfe leis an scéim. Níor léir dó gur thug an Fheidhmeannacht riamh faoin tionscnamh leis an dúthracht agus an díograis a theastaigh leis an scéim a chur i bhfeidhm ina hiomláine.

Chinn an Coimisinéir Teanga go gcaithfí an scéim ina hiomláine a chur i bhfeidhm agus mhol sé go mbunófaí grúpa ardleibhéil laistigh den Fheidhmeannacht leis na cumhachtaí, leis an údarás agus leis na hacmhainní cuí le forfheidhmiú na scéime a chinntiú go hiomlán agus go críochnúil taobh istigh den tréimhse ama ba ghiorra agus laistigh de 6 mhí ó dháta thuarascáil an imscrúdaithe seo ar a dheireanaí.

Coimisinéir Teanga said that none or even all of those reasons sufficed as an excuse to amend, mitigate, delay or put an end to commitments which had been statutorily confirmed.

The Executive offered to have those commitments which had not been implemented included in the new national language scheme which was being devised for the public body. An Coimisinéir Teanga refused to accept this proposal since there is no statutory basis by which commitments given in a language scheme may be postponed to the next scheme.

It was clear to An Coimisinéir Teanga that the Executive had never accepted responsibility for the scheme despite the statutory duty it had to implement the scheme. The huge body of internal administrative documentation which was provided to the investigation showed that the scheme had not been publicised. This was of major concern to An Coimisinéir Teanga. He said that it was not clear that the Executive had made any attempt to actively inform the public about the provisions of the scheme and that it was difficult to understand how one could consider that a scheme of this nature would succeed when the public which was to benefit from it had not been informed of its existence.

It was clear to An Coimisinéir Teanga that there had been problems from the outset with the implementation of the scheme and that the new organisation, the Health Service Executive, had not accepted responsibility for, or ownership of, the scheme from the beginning, despite its statutory duty to do so. It appeared that the centralisation of powers in the Health Service Executive created significant difficulties for the implementation of the scheme.

Even when attention was drawn to particular cases through complaints, other investigations, an audit and a report by the Office of An Coimisinéir Teanga of the first year of implementation of the scheme, An Coimisinéir Teanga said that the Executive had failed to properly implement the scheme. It was not clear to him that the Executive had ever approached the initiative with the diligence and zeal required to fully implement the scheme.

An Coimisinéir Teanga decided that the scheme had to be implemented in full and he recommended that a high level group be established by the Executive with the appropriate powers, authority and resources to ensure the full implementation of the scheme within the shortest possible timeframe and within 6 months from the date of this investigation's report at the latest.

Imscrúdú seolta: 17 Nollaig 2008
Tuarascáil eisithe: 9 Márta 2009

Investigation launched: 17 December 2008
Report issued: 9 March 2009

Comhairle Contae Fhine Gall

Léirigh imscrúdú gur sháraigh Comhairle Contae Fhine Gall Acht na dTeangacha Oifigiúla nuair a scaipeadh leabhrán faisnéise dar teideal *Your Fingal – The Future is in Your Hands* ar dhaoine i gceantar feidhme na Comhairle i mBéarla amháin. D'eascair an t-imscrúdú as gearán ó bhall den phobal maidir le scaipeadh an leabhráin a bhain le Plean Forbartha Fhine Gall 2011-2017.

Thug an Chomhairle le fios don imscrúdú gur tarraingíodh anuas ceist na reachtaíochta sular dáileadh an leabhrán ach measadh an cás faoi alt 10 den Acht a bhaineann le foilsiú doiciméad áirithe go comhuaineach sa dá theanga oifigiúla. Léirigh an t-imscrúdú go raibh an Chomhairle i gceart sa mhéid is nár bhain alt 10 le hábhar anseo ós rud é nach raibh an leabhrán seo áirithe i measc na ndoiciméad a bhí sonraithe faoi alt 10 den Acht. Ba léir don imscrúdú, áfach, go ndearna an Chomhairle neamhaird ar fho-alt 9(3) den Acht maidir le cora poist a eisiúint i nGaeilge amháin nó go dátheangach.

Ghlac an Chomhairle leis go raibh botún déanta aici gan fo-alt 9(3) den Acht a chur san áireamh. Thug an Chomhairle le fios go raibh céimeanna áirithe á dtógáil aici le cinntiú nach dtarlódh a leithéid arís. I measc na gcéimeanna seo, bhí comhordaitheoir aistriúcháin ceaptha i ngach roinn de chuid na Comhairle agus bhí leabhrán inmheánach maidir le dualgais teanga curtha ar fáil do na comhordaitheoirí sin. Chomh maith leis sin, bhí eolas maidir le dualgais na Comhairle faoin Acht curtha ar fáil ar infion na Comhairle in éineacht le sonraí na gcomhlachtaí aistriúcháin a bhí ar phainéal na Comhairle.

Chonacthas don Choimisinéir Teanga gur earráid dhaonna agus míthuiscint ar fhorálacha an Achta a d'fhág gur i mBéarla amháin a scaipeadh an leabhrán. Bhí an Coimisinéir Teanga sásta glacadh le moltaí na Comhairle a cuireadh faoi bhráid an imscrúdaithe le cinntiú nach dtarlódh a leithéid de shárú ar an Acht arís.

Ba léir don Choimisinéir Teanga go raibh sé rómhall agus nach mbeadh sé chun leas an phobail ná an státchórais ag an tráth seo, ag féachaint do thosca iomlána an cháis, leagan Gaeilge den leabhrán a dháileadh ar an aicme den phobal i gcoitinne chun an dochar a rinne an sárú ar dhualgais reachtúla a chealú nó a laghdú. Dúirt sé, áfach, nach bhféadfadh an cur chuige seo a bheith mar fhasach dá dtarlódh sárú den chineál céanna arís ar an bhforáil i bhfo-alt 9(3) den Acht.

Imscrúdú seolta: 15 Bealtaine 2009
Tuascáil eisiithe: 10 Meitheamh 2009

Fingal County Council

An investigation showed that Fingal County Council had contravened the Official Languages Act by distributing an information booklet entitled *Your Fingal – The Future is in Your Hands* to people in the Council's administrative area in English only. The investigation arose out of a complaint from a member of the public about the distribution of the booklet which related to Fingal's Development Plan 2011-2017.

The Council indicated to the investigation that the question of the legislation had been raised before the booklet was distributed but that the matter was considered in respect of section 10 of the Act which concerns the publication of designated documents simultaneously in both official languages. The investigation showed that the Council was correct in that section 10 is not relevant here since this particular booklet is not specified among the documents listed under section 10 of the Act. It was clear to the investigation, however, that the Council failed to consider subsection 9(3) of the Act which concerns the issuing of mail shots in Irish only or bilingually.

The Council accepted that it had made an error in overlooking subsection 9(3) of the Act. The Council indicated that it was taking particular measures to ensure that this would not occur again. These measures included appointing a translation coordinator in each Council section and providing an internal booklet about language duties to those coordinators. In addition, information about the Council's duties under the Act had been provided on the Council's intranet system along with details of translation companies listed on the Council's panel.

An Coimisinéir Teanga considered that the booklet was circulated in English only as a result of human error and a misunderstanding of the provisions of the Act. An Coimisinéir Teanga was willing to accept the recommendations of the Council which were forwarded to the investigation to ensure that such contraventions of the Act would not occur again.

Considering all the circumstances of the case, it was clear to An Coimisinéir Teanga that it was too late and that it would not benefit the public or the state system at this stage to distribute an Irish version of the booklet to the class of the public in general in order to remedy or reduce the damage caused by the contravention of statutory duties. However, he indicated that this approach could not be viewed as a precedent should a similar infringement of the provision in subsection 9(3) of the Act occur again.

Investigation launched: 15 May 2009
Report issued: 10 June 2009

Feidhmeannacht na Seirbhíse Sláinte

Léirigh imscrúdú gur sháraigh Feidhmeannacht na Seirbhíse Sláinte Acht na dTeangacha Oifigiúla nuair a scaipeadh cumarsáid i mBéarla amháin maidir leis an leicneach i mí Aibreáin 2009. Scaipeadh an chumarsáid ar gach dalta dara leibhéal ón Idirbhliain go dtí an Ardteistiméireacht agus ar a gcuid tuismitheoirí/caomhnóirí le faisnéis a thabhairt maidir leis an leicneach.

Leagann fo-alt 9(3) d'Acht na dTeangacha Oifigiúla dualgas ar chomhlachtaí poiblí, Feidhmeannacht na Seirbhíse Sláinte san áireamh, a chinntiú gur i nGaeilge nó go dátheangach a dhéantar aon chumarsáid i scríbhinn nó leis an bpost leictreonach leis an bpobal i gcoitinne nó le haicme den phobal i gcoitinne, más chun faisnéis a thabhairt don phobal nó don aicme atá an chumarsáid sin.

Ós rud é go raibh an ráig leicní is mó sa tír ó 1988 tar éis briseadh amach, bheartaigh an Fheidhmeannacht feachtas práinneach Vacsaíniú MMR a reáchtáil do 132,000 mac léinn i 735 scoil dara leibhéal.

Dúirt an Fheidhmeannacht gur sháraigh sí Acht na dTeangacha Oifigiúla mar thoradh ar bhrú ama. Fiú leis an mbrú ama seo, áfach, dhearbhaigh an Fheidhmeannacht gur éirigh léi leagan Gaeilge den ábhar ba thábhachtaí a fhoilsiú ar an suíomh www.mumps.ie agus a chur chuig na hOifigigh Shláinte Áitiúla i bhfoirm leictreonach sular thosaigh an feachtas ag plé leis na daltaí scoile. Tugadh le fios gur chuir na hOifigigh Shláinte Áitiúla an leagan Gaeilge den ábhar i gcló de réir mar a bhí gá leis.

Dúirt an Fheidhmeannacht gur thrua léi gur sáraíodh Acht na dTeangacha Oifigiúla agus go ndéanadh sí gach iarracht feasta a chinntiú go gcoifí leis na riachtanais a bhí ann maidir le hábhar faisnéise a chur ar fáil i nGaeilge agus i mBéarla araon.

Dúirt an Coimisinéir Teanga nach raibh aon amhras ann faoi cé chomh tromchúiseach agus a bhí an fhreagracht ar an bhFeidhmeannacht dul i ngleic ar bhonn práinne leis an bhfeachtas Vacsaíniú MMR le ráig den leicneach a smachtú.

Ba í an cheist a tháinig chun cinn san imscrúdú seo ná an raibh coimhlínt dáiríre idir na dualgais thromchúiseacha náisiúnta i dtaca le sláinte phoiblí a bhí ar an bhFeidhmeannacht in am na práinne agus a cuid dualgas i dtaca le cearta teanga. Chonacthas don Choimisinéir Teanga go raibh trí seachtaine de thréimhse réamhphleanála ag an bhFeidhmeannacht chun toisí teanga a chur san áireamh i measc na ngnéithe eile den fheachtas cumarsáide.

Dúirt an Coimisinéir Teanga gur glacadh leis go raibh réamhphleanáil ag teastáil le dul i ngleic leis na dúshláin a bhain le déileáil le ráig den chineál seo. Ba léir dó gur cheart go mbeadh an réamhphleanáil chéanna déanta le déileáil leis na toisí teanga a bhainfeadh le feachtas cumarsáide nó faisnéise dá leithéid.

Health Service Executive

An investigation showed that the Health Service Executive had contravened the Official Languages Act when it distributed information about mumps in English only in April 2009. The information was distributed to every second level student from Transition Year to Leaving Certificate and to their parents/guardians to provide information about mumps.

Subsection 9(3) of the Official Languages Act places a duty on public bodies, including the Health Service Executive, to ensure that any communication in writing or by email with the public in general or with a class of the public in general is done in Irish or bilingually if the communication is to provide information to the public or to a class of the public.

Since the largest epidemic of mumps in the country since 1988 had broken out, the Executive decided to organise an emergency campaign of MMR Vaccination for 132,000 students in 735 second level schools.

The Executive said that it had contravened the Official Languages Act as a result of time pressure. However, even with this time pressure, the Executive confirmed that it had succeeded in providing an Irish version of the most important material on the website www.mumps.ie and that it had sent the material electronically to the Local Health Officers before the campaign began dealing with the students. It was indicated that the Local Health Officers printed the Irish version of the material as the necessity arose.

The Executive said that it regretted that the Official Languages Act had been contravened and that it would make every effort in future to ensure compliance with its provisions with regard to providing information in both Irish and English.

An Coimisinéir Teanga said that there was no doubt about the vital responsibility of the Executive in urgently implementing the MMR Vaccination campaign in order to control the mumps epidemic.

The issue that arose in the investigation was whether there really was a conflict between the important national duties regarding public health imposed on the Executive during an emergency and its duties regarding language rights. An Coimisinéir Teanga considered that the Executive had three weeks preparation time to take the language factors into consideration along with the other aspects of the communication campaign.

An Coimisinéir Teanga said that it was accepted that advance planning was necessary in order to deal with the challenges associated with an epidemic of this kind. It was clear to him that the same preparation should be made in order to deal with the language factors associated with a communication or information campaign of this kind.

Níor ghlac an Coimisinéir Teanga le tuairim na Feidhmeannachta go raibh díolúine ar fáil ó Acht na dTeangacha Oifigiúla i gcásanna éigeandála ós rud é nach bhfuil aon díolúine daingnithe ag an Oireachtas faoi fho-alt 9(3) den Acht.

Dúirt an Coimisinéir Teanga go raibh sé rómhall, agus nach mbeadh sé chun leas an phobail ná an stáitchórais, an chumarsáid a scaipeadh i nGaeilge ag an tráth seo. Ach ós rud é go raibh imscrúdú eile tionscanta aige maidir le cumarsáid a scaip an Fheidhmeannacht i gcás eile, dúirt sé nach bhféadfadh sí leanúint uirthi ag tabhairt neamhairde ar Acht na dTeangacha Oifigiúla.

Thug an Coimisinéir Teanga le fios go gcaithfeadh Feidhmeannacht na Seirbhíse Sláinte cosc a chur le rannóga de chuid na Feidhmeannachta ó a bheith ag tabhairt neamhairde ar dhualgais reachtúla teanga le linn feachtais chumarsáide le faisnéis i scríbhinn a sholáthar don phobal i gcoitinne nó d'aicme den phobal i gcoitinne.

Sa chás is go dtarlódh sárú den chineál céanna ar Acht na dTeangacha Oifigiúla arís, dúradh gur cheart don Fheidhmeannacht glacadh leis an imscrúdú seo mar réamhfhógra rabhaidh nach mbeadh de rogha ag an gCoimisinéir Teanga ach céimeanna i bhfad Éireann níos tromchúisí a mholadh. Dúradh nach bhféadfaí leanúint d'imscrúduithe mura mbeadh gníomh cinnte mar thoradh orthu.

Imscrúdú seolta: 21 Bealtaine 2009
Tuarascáil eisithe: 1 Iúil 2009

Iarnród Éireann

Léirigh imscrúdú gur sháraigh Iarnród Éireann Acht na dTeangacha Oifigiúla i gcás inar scaipeadh bileog eolais i mBéarla amháin ar aicme den phobal i gcoitinne i mí an Mheithimh 2009 i dtaca le cruinniú poiblí a bhí á reáchtáil in Inse Chór i mBaile Átha Cliath an mhí sin. D'eascair an t-imscrúdú as gearán ó bhall den phobal.

Leagann fo-alt 9(3) den Acht dualgas ar chomhlachtaí poiblí, Iarnród Éireann san áireamh, a chinntiú gur i nGaeilge nó go dátheangach a dhéantar aon chumarsáid i scríbhinn nó leis an bpost leictreonach leis an bpobal i gcoitinne nó le haicme den phobal i gcoitinne, más chun faisnéis a thabhairt don phobal nó don aicme atá an chumarsáid sin.

Ghlac Iarnród Éireann leis go neamhbhalbh gur sáraíodh an tAcht sa chás seo. Míníodh gur tharla an sárú toisc gur bhraith Iarnród Éireann *"go raibh débhríocht sna treoirlínte do bhileoga eolais den chineál sin agus sna riachtanais dátheangachais, agus ní raibh sé soiléir gur chóir don bhileog a bheith dhátheangach."*

Dúirt an Coimisinéir Teanga gur ar chomhlachtaí poiblí féin amháin atá an dualgas a chinntiú go bhfuil siad ar an eolas agus

An Coimisinéir Teanga did not accept the Executive's opinion that there is a derogation from the Official Languages Act in exceptional circumstances since no such exemption was confirmed by the Oireachtas under subsection 9(3) of the Act.

An Coimisinéir Teanga said that it was too late and that it would not benefit the public or the state system to distribute the information in Irish at this stage. However, since he had initiated another investigation regarding the distribution of information by the Executive in another case, he said it could not continue to disregard the Official Languages Act.

An Coimisinéir Teanga indicated that the Health Service Executive had to prohibit sections of the Executive from disregarding statutory language duties during communication campaigns to provide information in writing to the public in general or to a class of the public in general.

If a similar contravention of the Official Languages Act occurred again, it was stated that the Executive should accept this investigation as an advance warning that An Coimisinéir Teanga would have no option except to recommend far more drastic measures. It was indicated that there was no point in continuing to conduct investigations if specific actions were not taken as a result of them.

Investigation launched: 21 May 2009
Report issued: 1 July 2009

Iarnród Éireann

An investigation found that Iarnród Éireann had contravened the Official Languages Act in a case in which it distributed an information leaflet in English only in June 2009 to a class of the public in general with regard to a public meeting which it was organising in Inchicore in Dublin that month. The investigation arose as a result of a complaint from a member of the public.

Under subsection 9(3) of the Act public bodies, including Iarnród Éireann, have a duty to ensure that any communication in writing or by electronic mail with the public in general or with a class of the public in general is provided in Irish or bilingually, if the purpose of that communication is to provide information to the public or to a class of the public.

Iarnród Éireann accepted unreservedly that it had contravened the Act in this case. It explained that the contravention occurred because it thought *"that there was ambiguity in the guidelines for information leaflets of that type and in the bilingual requirements, and it was not clear that the leaflet should be bilingual."* (translation)

An Coimisinéir Teanga said that the onus lies solely with public bodies to ensure that they are informed and up to date with their

cothrom le dáta faoina ndualgais reachtúla faoin dlí. Má bhí larnród Éireann den tuairim go raibh débhríocht sna treoirínte, dúirt an Coimisinéir Teanga nach raibh le déanamh ag an gcomhlacht poiblí ach soiléiriú a lorg maidir leis an ábhar sular scaipeadh an bhileog. Dúirt sé freisin go bhféadfaí an t-imscrúdú seo a sheachaint ar fad agus déileáil leis an ábhar ar bhonn neamhfhoirmiúil dá gcuirfí in iúl i scríbhinn le linn an phróisis neamhfhoirmiúil réitithe gearáin an seasamh a bhí ag larnród Éireann, rud a bhí déanta ó bhéal.

Imscrúdú seolta: 2 Meán Fómhair 2009
Tuarascáil eisithe: 23 Deireadh Fómhair 2009

Oifig na gCoimisinéirí Ioncaim

Imscrúdú scortha

Rinne an Coimisinéir Teanga cinneadh imscrúdú a scor i gcás a bhain le hOifig na gCoimisinéirí Ioncaim nuair a tugadh dearbhuithe ar leith a chinnteodh go mbeadh an dualgas teanga a bhí ina ábhar amhrais san imscrúdú seo á chomhlíonadh go cuí ag an gcomhlacht poiblí sin.

Bhain an t-imscrúdú le leabhrán eolais de chuid Oifig na gCoimisinéirí Ioncaim a bhí seolta chuig an bpobal i gcoitinne sa chlúdach céanna leis an teastas cánach a eisíodh tar éis na cáinainseise.

De réir fho-alt 9(3) d'Acht na dTeangacha Oifigiúla, tá dualgas ar chomhlachtaí poiblí a chinntiú go bhfuil cora poist a eisítear chuig an bpobal i gcoitinne i nGaeilge nó dátheangach.

Shocraigh an Coimisinéir Teanga an t-imscrúdú a scor nuair a dhearbhaigh Oifig na gCoimisinéirí Ioncaim i scríbhinn gur mar seo a leanas a bheadh a cleachtas ar an ábhar seo feasta:

- Go mbeadh aon bhileoga agus/nó leabhráin eolais a d'eiseofaí ar an mórchóir dá gcustaiméirí ÍMAT (.i. PAYE) i bhfoirm dhátheangach nó i nGaeilge, de réir fho-alt 9(3) den Acht.
- Nuair a sheolfaí comhfhreagras scríofa pearsanta (m.sh. deimhniú creidmheasanna cánach) chuig custaiméirí, go mbeadh comhfhreagras den sórt sin i nGaeilge áit a mbeadh sé tugtha le fios ag an gcustaiméir gur theastaigh uaidh/uaithi go ndéileálfaí leis/léi trí Ghaeilge, agus go mbeadh sé i mBéarla áit nach mbeadh iarratas den sórt sin déanta ag an gcustaiméir.
- Áit a n-eiseofaí eolas pearsanta scríofa agus eolas ginearálta ar ÍMAT (.i. PAYE) i dteannta a chéile, go mbeadh an t-eolas pearsanta i nGaeilge áit a mbeadh sé tugtha le fios ag an gcustaiméir gur theastaigh uaidh/uaithi go ndéileálfaí leis/léi trí Ghaeilge, nó i mBéarla áit nach mbeadh iarratas den sórt sin déanta ag an gcustaiméir, agus go mbeadh an t-eolas ginearálta dátheangach nó i nGaeilge.

statutory legal duties. If larnród Éireann was of the opinion that the guidelines were ambiguous, An Coimisinéir Teanga said that it only had to seek clarification about the matter before the leaflet was distributed. He also said that the entire investigation could have been avoided and the matter dealt with informally if larnród Éireann had indicated its position in writing during the informal dispute resolution process, something which it had done verbally.

Investigation launched: 2 September 2009
Report issued: 23 October 2009

Office of the Revenue Commissioners

Investigation discontinued

An Coimisinéir Teanga decided to discontinue an investigation in a case relating to the Office of the Revenue Commissioners when specific assurances were given to ensure that the language duty which was a cause for concern in this investigation would be appropriately implemented by that public body.

The investigation related to an information booklet of the Office of the Revenue Commissioners which was sent to the public in general in the same envelope as the tax certificate which was issued after the budget.

Under subsection 9(3) of the Official Languages Act, public bodies have a duty to ensure that mail shots issued to the public in general are in Irish or bilingual.

An Coimisinéir Teanga decided to discontinue the investigation when the Office of the Revenue Commissioners confirmed in writing that its approach to this matter would be as follows in future:

- That any leaflets and/or information booklets issued in bulk to its PAYE customers would be in bilingual form or in Irish in accordance with subsection 9(3) of the Act.
- Where personal written communication (e.g. certificate of tax credits) is sent to customers, that any correspondence of that kind would be in Irish where the customer had indicated that he/she would like to be dealt with in Irish, and that it would be in English where no such indication had been made by the customer.
- Where personal written information and general PAYE information are issued together, that the personal information would be in Irish where the customer had indicated that he/she would like to be dealt with in Irish, or in English where no such indication had been made by the customer, and that the general information would be bilingual or in Irish.

Toisc gur réitigh an dearbhú seo an t-ábhar a bhí á fhiosrú san imscrúdú, chinn an Coimisinéir Teanga go bhféadfaí an t-imscrúdú a scor. Thug sé le fios gur mhór aige comhoibriú Oifig na gCoimisinéirí Ioncaim leis an toradh seo a bhaint amach agus d'aithin sé dearbhú na hOifige sin maidir le cloí feasta leis an dualgas atá daingnithe faoi fho-alt 9(3) den Acht.

Imscrúdú seolta: 24 Feabhra 2009
Imscrúdú scortha: 30 Meitheamh 2009

An Roinn Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí

Imscrúdú scortha

Rinne an Coimisinéir Teanga cinneadh imscrúdú a scor i gcás a bhain leis an Roinn Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí nuair a tugadh dearbhú ar leith a chinnteodh go mbeadh an dualgas teanga a bhí ina ábhar amhrais san imscrúdú seo á chomhlíonadh go cuí ag an gcomhlacht poiblí sin.

Bhain an t-imscrúdú le cur i bhfeidhm gealltanais de chuid scéim teanga na Roinne maidir le *Lámhleabhair Shaorála Faisnéise (Alt 15 & 16)* na Roinne a fhoilsiú i nGaeilge agus i mBéarla faoi dheireadh dara bliain na scéime.

Mar chuid d'obair iniúchta Oifig an Choimisinéara Teanga a chinntiú go bhfuil comhlachtaí poiblí ag comhlíonadh a ndualgas reachtúil teanga, tháinig sé chun cinn go raibh amhras áirithe ann maidir le cur i bhfeidhm cuí scéim teanga na Roinne chomh fada is a bhain sé leis na *Lámhleabhair Shaorála Faisnéise*. Níor mhiste a lua gur léirigh an t-iniúchadh a rinne Oifig an Choimisinéara Teanga ar chur i bhfeidhm scéim teanga na Roinne nach raibh amhras maidir le comhlíonadh na ngealltanais eile sa scéim.

Shocraigh an Coimisinéir Teanga an t-imscrúdú a scor nuair a dhearbhaigh an Roinn i scríbhinn gur mar seo a leanas a bheadh a cleachtas ar an ábhar seo feasta:

"Déanfaidh an Roinn Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí an chéad eagrán eile de Lámhleabhair Shaorála Faisnéise (Alt 15 & 16) na Roinne a fhoilsiú i nGaeilge agus i mBéarla san am céanna.

Foilseofar na lámhleabhair sin faoi dheireadh 2010 ar a dhéanaí."

Toisc gur réitigh an dearbhú seo an t-ábhar a bhí á fhiosrú san imscrúdú, chinn an Coimisinéir Teanga go bhféadfaí an t-imscrúdú a scor. Ba mhór aige comhoibriú na Roinne leis an toradh seo a bhaint amach agus d'aithin sé dearbhú na Roinne maidir le cloí feasta leis an dualgas atá daingnithe faoina scéim reachtúil teanga.

Imscrúdú seolta: 4 Meán Fómhair 2009
Imscrúdú scortha: 23 Deireadh Fómhair 2009

Since this confirmation resolved the matter under investigation, An Coimisinéir Teanga decided to discontinue the investigation. He indicated that he appreciated the cooperation of the Office of the Revenue Commissioners in achieving this outcome and he recognised that Office's assurance that it would adhere to the duty confirmed in subsection 9(3) of the Act in future.

Investigation launched: 24 February 2009
Investigation discontinued: 30 June 2009

Department of Justice, Equality and Law Reform

Investigation discontinued

An Coimisinéir Teanga decided to discontinue an investigation in a case involving the Department of Justice, Equality and Law Reform when a specific assurance was given to ensure that the language duty which was a cause for concern in the investigation would be appropriately implemented by that public body.

The investigation related to the implementation of a commitment in the Department's language scheme regarding the publication of the Department's *Freedom of Information Manuals (Sections 15 & 16)* in Irish and English by the end of year 2 of the scheme.

As part of the audit work of the Office of An Coimisinéir Teanga to ensure that public bodies are fulfilling their statutory language duties, it emerged that there was some doubt about the proper implementation of the Department's language scheme with regard to the *Freedom of Information Manuals*. It should be mentioned that the audit conducted by the Office of An Coimisinéir Teanga of the implementation of the Department's language scheme showed that the implementation of the other commitments in the scheme was not in doubt.

An Coimisinéir Teanga decided to discontinue the investigation when the Department confirmed in writing that its approach to this matter would in future be as follows:

"The Department of Justice, Equality and Law Reform will publish the next edition of the Department's Freedom of Information Manual (Sections 15 & 16) in Irish and English simultaneously.

Those manuals will be published by the end of 2010 at the latest." (translation)

Since this confirmation resolved the matter under investigation, An Coimisinéir Teanga decided to discontinue the investigation. He indicated that he appreciated the cooperation of the Department in achieving this outcome and he recognised the Department's assurance that it would adhere to the duty confirmed in its statutory language scheme in future.

Investigation launched: 4 September 2009
Investigation discontinued: 23 October 2009

CÚRSAÍ AIRGEADAIS

Bhí buiséad €960,000 curtha ar fáil don Oifig don bhliain 2009 ach níor tarraingíodh anuas ach €864,438 den airgead sin. Tharla sin toisc folúntais foirne a bheith gan líonadh agus toisc go ndearnadh coigilteas ag teacht le polasaí an stáit i leith cúrsaí fógraíochta agus eile le linn na bliana.

Tá cuntais na hOifige don bhliain 2009 ullmhaithe don Ard-Reachtaire Cuntas agus Ciste lena n-iniúchadh de réir fho-alt 8(2) den Dara Sceideal d'Acht na dTeangacha Oifigiúla 2003.

A luaithe agus is féidir tar éis an iniúchta, déanfaidh an Coimisinéir Teanga cóip de na cuntais sin, nó de cibé sleachta as na cuntais sin a shonróidh an tAire Gnóthaí Pobail, Tuaithe agus Gaeltachta, mar aon le tuarascáil an Ard-Reachtaire Cuntas agus Ciste maidir leis na cuntais, a chur i láthair an Aire.

Beidh cóipeanna de na doiciméid sin á leagan faoi bhráid Thithe an Oireachtais. Foilseofar freisin iad ar shuíomh gréasáin na hOifige seo.

FINANCIAL MATTERS

A budget of €960,000 was provided for the Office for the year 2009 but only €864,438 of that money was drawn down. This happened because of staff vacancies and because savings were made in relation to advertising and other expenses in line with state policy during the year.

The accounts of the Office for 2009 have been prepared for audit by the Comptroller and Auditor General in accordance with subsection 8(2) of the Second Schedule of the Official Languages Act 2003.

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

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

FOIREANN AGUS SONRAÍ TEAGMHÁLA / STAFF AND CONTACT DETAILS

FOIREANN / STAFF

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

SONRAÍ TEAGMHÁLA / CONTACT DETAILS

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

Contact can be made with this Office by post, fax, email or telephone, at the cost of a local call, as follows:

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

FÓN / PHONE: 091-504 006
GLAO ÁITIÚIL / LO-CALL: 1890-504 006
FACS / FAX: 091-504 036
RÍOMHPHOST / EMAIL: eolas@coimisineir.ie
SUÍOMH GRÉASÁIN / WEBSITE: www.coimisineir.ie

Is é an leagan Gaeilge an bhunchóip den tuarascáil seo.
The Irish language version is the original text of this report.



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