



Tuarascáil Bhliantúil 2013 Annual Report



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An Deichiú Tuarascáil Bhliantúil
ón gCoimisinéir Teanga
The Tenth Annual Report
of An Coimisinéir Teanga

TUARASCÁIL BHLIANTÚIL ANNUAL REPORT

2013



Don Aire Ealaíon, Oidhreacht agus Gaeltachta:

De réir alt 30 d'Acht na dTeangacha Oifigiúla, 2003, tá an Tuarascáil seo don bhliain 2013 á cur i láthair ag an gCoimisinéir Teanga.

Seán Ó Cuirreáin
An Coimisinéir Teanga

Feabhra 2014

To the Minister for Arts, Heritage and the Gaeltacht:

In accordance with section 30 of the Official Languages Act 2003, this Report for the year 2013 is being presented by An Coimisinéir Teanga.

Seán Ó Cuirreáin
An Coimisinéir Teanga

February 2014

RÁITEAS MISIN

“Ag cosaint cearta teanga”

Seirbhís neamhspleách ar ardchaighdeán a chur ar fáil i gcomhlíonadh ár ndualgas reachtúil le cinntiú go ndéanann an státhóras 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 neamhchlaon.

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.

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RÉAMHRÁ

Seo téacs na cainte a thug an Coimisinéir Teanga do Chomhchoiste de chuid Thithe an Oireachtais i dTeach Laighean ar an 4 Nollaig 2013 nuair a d'fhógair sé go mbeadh sé ag éirí as a cheapachán mar Choimisinéir Teanga ar an 23 Feabhra 2014, tráth a mbeadh 10 mbliana caite aige i mbun chúraimí na hoifige sin. D'fhógair sé a chinneadh agus é ag tabhairt fianaise don Chomhchoiste um Fhormhaoirsiú ar an tSeirbhís Phoiblí agus Achainíocha.

A Chathaoirigh,

Ba mhaith liom buíochas a thabhairt don Chomhchoiste as bhur gcuireadh teacht in bhur láthair inniu. Bunaíodh m'Óifige le reachtaíocht beagnach 10 mbliana ó shin agus cuireadh trí cinn de chúraimí reachtúla ar leith orainn: feidhmiú mar sheirbhís ombudsman; feidhmiú mar ghníomhaireacht ghéilliúlachta i dtaca le seirbhísí stáit trí Ghaeilge; agus comhairle a sholáthar i dtaca le cearta agus dualgais teanga.

Tugadh tuarascáil bhliantúil na hÓifige don bhliain 2012 d'Aire Stáit na Gaeltachta ar an 31 Eanáir 2013 le leagan os comhair Thithe an Oireachtais agus seoladh go hoifigiúil í ar an 12 Márta seo caite.

Go ginearálta, ní sárbhliain a bhí in 2012 maidir le cur chun cinn na Gaeilge i státchóras na tíre, agus ar scáth aon choiscéim amháin a tugadh chun tosaigh, ba chosúil go raibh péire á dtabhairt ar gcúl.

Ról ombudsman

Maidir lenár seirbhís ombudsman, dhéileáil muid anuraidh le 756 cás i dtaca le deacrachtaí nó fadhbanna le seirbhísí stáit trí Ghaeilge – an bhliain ba mhó ar cuireadh gearáin ón phobal i láthair na hÓifige ó bunaíodh í. B'ionann sin agus méadú 3% ar líon na gcásanna a bhí ann an bhliain roimhe sin. Réitíodh formhór mór na gcásanna sin trí idirbheartaíocht neamhfhoirmiúil leis an chomhlacht phoiblí chuí nó trí chomhairle a chur ar an ghearánach.

Seoladh 13 cinn d'imscrúduithe foirmiúla le linn na bliana 2012. Rinneadh cinneadh gur sáraíodh gnéithe ar leith den reachtaíocht teanga i gcás meascán eagraíochtaí stáit; orthu sin bhí an Garda Síochána agus trí cinn de ranna rialtais.

Gníomhaireacht ghéilliúlachta

Mar ghníomhaireacht ghéilliúlachta, is trua liom a thuairisciú go raibh trí cheathrú de na scéimeanna teanga – pleananna reachtúla teanga – a bhí comhaontaithe ag an Roinn Ealaíon, Oidhreacht agus Gaeltachta le heagraíochtaí éagsúla stáit ligthe in éag gan athnuachan a bheith déanta orthu faoi dheireadh 2012 agus an ceathrú cuid acu as dáta le breis agus 3 bliana. I 10 gcinn de chásanna eile, bhí breis agus 6 bliana imithe ó d'iarr an tAire Ealaíon, Oidhreacht agus Gaeltachta ar eagrais stáit dréachtscéimeanna teanga a ullmhú ach bhí siad fós le haontú. Tá an teip an ghné seo den reachtaíocht teanga a chur chun cinn go stuama aitheanta ag an choiste iniúchta neamhspleách i m'Óifig mar riosca suntasach.

Bhí na scéimeanna teanga sin le bheith mar chrann taca i gcroílár na reachtaíochta agus mar bhunús le líon agus le caighdeán na seirbhísí stáit trí Ghaeilge a mhéadú.

FOREWORD

The following is a translation into English of the address given by An Coimisinéir Teanga to a Joint Committee of the Oireachtas in Leinster House on 4 December 2013 when he announced his intention to step down from the position of Coimisinéir Teanga on 23 February 2014, by which date he will have completed 10 years in that role. He announced his decision while giving evidence to the Joint Committee on Public Service Oversight and Petitions.

A Chathaoirigh,

I would like to thank the Joint Committee for your invitation to appear before you today. My Office was established by legislation nearly 10 years ago with three distinct statutory functions: to provide an ombudsman service; to act as a compliance agency in relation to state services through Irish; and to provide advice on language rights and obligations.

Our Annual Report for 2012 was provided to the Minister for State for the Gaeltacht for laying before both Houses of the Oireachtas on 31st January 2013 and subsequently published on 12th March last.

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

Ombudsman role

In relation to our role as an ombudsman service, we dealt last year with 756 cases of difficulties or problems with state services through Irish – the largest number of complaints from the public to the Office since its establishment. This represented an increase of 3% on the number of cases in the previous year. The vast majority of cases were resolved by means of informal negotiations with the relevant state bodies or by providing advice to the complainant.

A total of 13 formal investigations were commenced during 2012. Findings of breaches of individual elements of language legislation were made against a mix of public bodies including An Garda Síochána and 3 government departments.

Compliance agency

As regards functioning as a compliance agency, it is with regret that I report that three quarters of language schemes or statutory language plans agreed by the Department of Arts, Heritage and the Gaeltacht with various state bodies had expired without renewal by the end of 2012, with a quarter of them out of date for three years or more. In 10 other cases, more than 6 years have elapsed since the Minister for Arts, Heritage and the Gaeltacht requested state bodies to prepare draft language schemes but they remain to be agreed. The failure to promote this element of language legislation in a meaningful way has been identified by the independent audit committee in my Office as a significant risk.

Such language schemes were to be the fundamental pillars of the legislation on which an increase in quantity and quality of services through Irish were to be based.

Tháinig fasach contúirteach chun cinn den chéad uair riamh in 2012 nuair a leasaíodh scéim teanga le dualgas a bhí daingnithe ansin a chealú ar fad cé nach mbeadh aon chostas ná stró arbh fhiú cainte air ag baint lena chur i bhfeidhm.

Seachas cinntiú go gcoifí le dualgas a bhí neafaiseach go maith – an chuid “Oiriúnach le Breathnú” de lipéid fiseán/dioscaí digiteacha ilúsáide de chuid Oifig Aicmithe Scannán na hÉireann a bheith i bhformáid dhátteangach – spreag gearán ó dhuine den phobal cealú iomlán an ghealltanais reachtúil i ndeireadh na dála nuair a ghéill an Roinn Ealaíon, Oidhreacht agus Gaeltachta d’iarratas ón Roinn Dlí agus Cirt agus Comhionannais, agus cuireadh an gealltanais scéime sin ar neamhní ar fad.

2013

Tá méadú beag sa bhliain reatha ar líon na scéimeanna teanga – tá 15 daingnithe go dáta ach 20 imithe in éag sa tréimhse chéanna – ach is mó de chúis imní agam é an caighdeán atá i gcuid de na scéimeanna sin. Tá barraíocht acu ann a bhfuil na gealltanais faoi sholáthar seirbhísí trí Ghaeilge coinníollach ar ‘acmhainní a bheith ar fáil’, rud a thugann le tuiscint go bhfeictear na seirbhísí sin mar rudaí roghnacha breise seachas mar chearta bunúsacha. I scéim amháin acu seo, agus gealltanais i leith soláthar seirbhísí trí Ghaeilge á leagan amach, tá coinníoll luaite 11 uair in imeacht 3 leathanach go mbeidh na seirbhísí sin ar fáil “mar a cheadaíonn acmhainní”.

I scéim eile, gealltar leagan Gaeilge a eisiúint d’aicme theoranta de phreasráitis ach i bhfonóta deirtear nach gá go gciallóidh sin go n-eiseofar na preasráitis Ghaeilge agus Bhéarla ag an am chéanna – is masla é d’aighe nó d’intleacht an iriseora Gaeilge go gcuirfí bonn reachtúil faoi ghealltanais den chineál sin.

Nár dhona agus nár shoiniciúil an scéal a bheadh ann mura mbeadh i ndaingniú scéimeanna teanga ach gníomh le tic a chur i mbosca seachas iad a bheith ina n-uirlis éifeachtach d’fhorbairt seirbhísí stáit trí Ghaeilge? Tá ráite liom ag an Roinn Ealaíon, Oidhreacht agus Gaeltachta go bhfuil dlús breise le cur faoi obair na scéimeanna teanga ach tá eagla orm go bhfuil oiread dochair déanta agus easpa muiníne sa chóras nach féidir é a tharrtháil anois.

An Garda Síochána

Tá áthas orm a thuairisciú go bhfuil dul chun cinn á dhéanamh ag lucht bainistíochta an Gharda Síochána i dtaca le soláthar seirbhísí na nGardaí trí Ghaeilge de thoradh gearáin le m’Oifig. Tá feachtas feasachta teanga á chur chun cinn ag an lucht ardbhainistíochta mar thoradh ar eachtra i mBaile Átha Cliath inar gabhadh fear óg agus inar tugadh i nglais lámh é chuig stáisiún Gardaí nuair a rinne sé iarracht a chuid gnó a dhéanamh trí Ghaeilge le Gardaí a stop é maidir le mionchion tráchta. Coinníodh é sa stáisiún go dtí go raibh fáil ar Gharda a bhí in ann déileáil leis trí Ghaeilge. Sháraigh an Garda Síochána sa chás seo an gealltanais reachtúil go n-aithníonn an fórsa ceart an phobail gnó a dhéanamh leo ina rogha teanga oifigiúil, Gaeilge nó Béarla.

Thug mé suntas do dhearcadh san fhiosrúchán a rinne mé gur cheart caitheamh le daoine a labhraíonn Gaeilge amhail is gur theanga eachtrach a bhí á labhairt acu, d’ainneoin stádas bunreachtúil na Gaeilge. Cuireadh “úsáid na Gaeilge” agus “déileáil le náisiúnach eachtrach” sa spás céanna

A dangerous precedent emerged for the first time in 2012 where a language scheme was amended to cancel a previously confirmed statutory obligation which would have cost little and would have been relatively simple to implement.

Rather than ensuring the implementation of the fairly innocuous obligation – that the “Fit for viewing” section of video/ DVD labels supplied by the Irish Film Classification Office be produced in bilingual format – a complaint from a member of the public prompted the eventual cancellation of the statutory commitment when the Department of Arts, Heritage and the Gaeltacht acceded to a request from the Department of Justice and Equality to have the commitment deleted from the scheme.

2013

The current year has seen a limited increase in the quantity of language schemes – 15 have been confirmed to date, yet 20 have expired in the same timeframe – but I am more concerned by the quality of some of those schemes. In too many instances the provision of services through Irish is conditional on “available resources”, which suggests that such services may be perceived as optional extras rather than fundamental rights. In one such scheme, commitment to the provision of services through Irish, detailed over 3 pages, has the condition “subject to available resources” listed 11 times.

In another scheme, a commitment to issue Irish versions of a limited category of press releases has the footnote that this will not require the Irish and English versions to be issued simultaneously – putting such a commitment on a statutory basis is an affront to the intelligence of any journalist working through Irish.

Would it not be an unfortunate and cynical practice if confirming language schemes were to become a box-ticking exercise rather than an effective mechanism for developing state services through Irish? I have been told by the Department of Arts, Heritage and the Gaeltacht that it is to redouble its efforts in relation to language schemes but I am concerned that with the damage already caused and the lack of confidence in the system, that it may prove impossible to salvage it now.

An Garda Síochána

I am glad to report that progress has been made by the management of An Garda Síochána in the provision of Garda services through Irish on foot of a complaint to my Office. A language rights awareness campaign is being promoted by senior management following an investigation into an incident in Dublin where a young man, who attempted to conduct his business through Irish when stopped by Gardaí in relation to a minor road traffic matter, found himself arrested and escorted in handcuffs to a Garda station where he was detained until a Garda was found who could deal with him through Irish. An Garda Síochána had failed in this instance to comply with a statutory commitment which recognises the right of the public to conduct business with the force in either official language, Irish or English.

In dealing with this case I noted an attitude, notwithstanding the constitutional status of Irish, that Irish speakers should be dealt with as if they were speakers of a foreign language. The discourse with Garda members involved in the incident placed “using Irish” and “dealing with

go rialta sa dioscúrsa i measc na nGardaí a bhain leis an imscrúdú seo, rud a chothódh inné faoin bhealach a gcaithfí leis an dá ghrúpa.

Níor bhain an eachtra a bhí i gceist sa chás le haon timpiste ná le haon líomhaintí faoi thiomáint faoi luas nó faoi thionchar óil. B'ábhar suntais dom nach raibh Gardaí a raibh a gcuid oideachais faighte acu i gcóras scolaíochta na tíre seo agus nach raibh a gcuid oiliúna mar Ghardaí sa Teampall Mór críochnaithe acu ach le beagán blianta roimhe sin ábalta "Cad is ainm duit?" a fhiafraí ná seoladh tiománaí a lorg trí Ghaeilge ar thaobh an bhóthair. Ní raibh córas sásúil tacaíochta ar fáil dóibh ar an láthair sin le cabhrú leo déileáil go furasta le duine den phobal a roghnaigh a chuid gnóthaí a dhéanamh leo trí Ghaeilge.

Fáiltim, áfach, roimh dhearcadh dearfach Choimisinéir an Gharda Síochána agus lucht ard bhainistíochta an fhórsa i dtaca le feidhmiú na moltaí a rinne mé de thoradh an cháis seo agus tá súil agam de bharr na n-athruithe córasacha atá á dtabhairt i bhfeidhm nach dtarlóidh a mhacasamhail d'eachtra arís.

Tá aird níos mó ná riamh á dhíriú freisin ag lucht bainistíochta an Gharda Síochána ar dhualgas atá daingnithe in Acht an Gharda Síochána, 2005 gur comhaltai le líofacht i nGaeilge amháin is ceart a lonnú i gceantair Ghaeltachta. Tharla sé seo de bharr gearán a thuairiscigh mé roimhe seo faoi a laghad Gardaí le Gaeilge a bhí lonnaithe i nGaith Dobhair i gcroílár na Gaeltachta i nDún na nGall. Cé nach bhfuil réiteach iomlán amach is amach ar an cheist go fóill, tá áthas orm a thuairisciú go bhfuil sé deimhnithe anois ag Coimisinéir an Gharda Síochána, le gur féidir cloí go cuí leis na forálacha in Acht an Gharda Síochána, go mbeidh céatadán ar leith (suas go 10%) d'áiteanna d'earcaithe nua san fhórsa á gcur ar leataobh go speisialta feasta do dhaoine le líofacht i nGaeilge agus dualgas orthu feidhmiú ina dhiaidh sin ar feadh tréimhse suas le 5 bliana i stáisiúin Ghaeltachta. Ba cheart go gcinnteodh seo go mbeidh 100% de Ghardaí na Gaeltachta líofa i nGaeilge faoi cheann roinnt bheag blianta.

Inniúlacht sa Ghaeilge

Go ginearálta, tá an easpa foirne le hinniúlacht in dhá theanga oifigiúla an Stáit ar cheann de na cúiseanna is mó go mbíonn deacrachtaí ag eagraíochtaí stáit a gcuid seirbhísí a sholáthar don phobal i nGaeilge chomh maith le Béarla. Tá córas nua le cur ar bun mar scéim phiolótach in áit an chórais faoinar gealladh marcanna bónais le linn earcaíochta nó i gcás arduithe céime sa Státseirbhís do dhaoine le hinniúlacht i nGaeilge agus i mBéarla araon.

Theip ar chóras na marcanna bónais a tháinig in áit na 'Gaeilge éigeantaí' de bharr nár cuireadh i bhfeidhm mar is ceart riamh é. Creidim go dteipfidh fosta ar an chóras úrnua, atá lochtach ó thaobh an choincheapa de, agus go leanfar d'imeallú na teanga sa chóras riaracháin phoiblí. Mar shampla amháin, léiríonn taighde atá déanta dúinn ar fhigiúirí oifigiúla ón Roinn Oideachais agus Scileanna go dtógfadh an córas nua, dá gcuirfí i bhfeidhm go hiomlán agus ar an bhealach is dearfaí é, thart ar 28 mbliana le líon na foirne riaracháin sa Roinn sin le líofacht i nGaeilge a mhéadú ón 1½% atá ann faoi láthair go dtí 3%.

Déanaim achainí inniu ar na húdaráis athchuid a thabhairt ar an bheartas seo ar bhealach a mbeidh brí leis nuair a bheas athbhreithniú agus leasú á dhéanamh ar Acht na dTeangacha Oifigiúla.

foreign nationals" in the same space which might give rise to concern about how both groups were perceived.

The person detained in the case was not involved in an accident nor were there any allegations made concerning speeding or driving under the influence of alcohol. I was struck by the fact that Gardaí who had received their education within this country's schools system and had finished their training in Templemore some short years previously had insufficient command of Irish to ask a driver when stopped at the roadside "Cad is ainm duit?" or to seek his address through Irish. No adequate support system was in place to facilitate their interaction with a member of the public who sought in this situation to conduct his business through Irish.

However, I welcome the positive attitude of the Garda Commissioner and senior management to the implementation of the recommendations I made on foot of this case and hope that the systematic change being introduced will prevent the occurrence of similar incidents.

An obligation confirmed in the Garda Síochána Act 2005 that only members fluent in Irish should be stationed in Gaeltacht areas is also receiving more focussed attention from Garda management following a complaint detailed in a previous report about the absence of Gardaí with Irish in Gaith Dobhair, a heartland of the Donegal Gaeltacht. While the matter is not yet fully resolved, I am glad to report that the Garda Commissioner has now confirmed that, in order to facilitate compliance with the requirement of the Garda Síochána Act, future recruitment to the organisation will see a percentage (up to 10%) of places reserved specifically for Irish speakers who will subsequently be attached to Gaeltacht stations for a period of up to 5 years. This should ensure in a number of years that 100% of Gaeltacht Gardaí are fluent Irish speakers.

Competence in Irish

In general, the absence of staff with competence in both official languages of the State remains one of the main factors restricting state bodies in their delivery of services to the public in Irish as well as in English. The system of awarding bonus marks for competence in both Irish and English at recruitment and promotional competitions in the Civil Service which replaced 'compulsory Irish' in 1975 is currently being replaced by a new system on a pilot basis.

The old system – of bonus marks – failed because it was never properly implemented. I firmly believe that the new system, which I consider to be ill-conceived, will also fail and that consequently the Irish language will continue to be marginalised in public administration. For example, research we have to hand using official figures from the Department of Education and Skills suggests that if the new system were to be fully implemented in the most positive way, it would take in the region of 28 years to raise the current level of fluency in Irish in that Department from 1½% to 3%.

I would appeal today to the authorities to revisit the proposed system in a meaningful way when the Official Languages Act is being reviewed and amended.

An Ghaeltacht

Tá molta fosta agam agus an tAcht á leasú gur cheart foráil shoiléir a chur ann a thabharfadh ar gach eagrais stáit a chinntiú go raibh Gaeilge líofa ag a mbaill foirne a bheadh ag soláthar seirbhíse do phobal na Gaeltachta, gan cheist gan choinníoll. Léirigh taighde a rinne m'Oifig ar na mallaibh gur socraíodh seo a dhéanamh ar bhonn reachtúil sa bhliain 1928 ach gur cuireadh dáta tosaithe na rialachán seo ar athló le hionstraim reachtúil ar 54 ócáid dhifriúil go dtí gur caitheadh in aer go ciúin é sa bhliain 1966. Ní rogha a thuilleadh é leanúint de bheith ag cur na gcaorach thar an abhainn ar an ábhar seo mar a bhí á dhéanamh mar ghnáthchleachtas leis na scórtha bliain.

Tuairiscí chuig Tithe an Oireachtais

Ar nós seirbhísí ombudsman eile, tá sé de cheart agam fionnachtana nó cinntí agus moltaí a dhéanamh, agus iad sin bunaithe ar imscrúduithe. Is féidir achomharc a dhéanamh i gcoinne na gcinntí sin ar phonc dlí chun na hArd-Chúirte. Mura ndéantar achomharc, ach fós féin mura gcuirtear na moltaí i bhfeidhm, tá dualgas orm tuairiscí a sholáthar do Thithe an Oireachtais. Tá sin déanta agam 3 huaire in imeacht na mblianta agus is mian liom mo bhuíochas thabhairt don Chomhchoiste as an obair leantach a rinne sibh leis na heagrais stáit a bhí i gceist. Is trua liom a rá go raibh orm 3 cinn eile de thuarascálacha a thabhairt le gairid do Thithe an Oireachtais i gcás eagrais stáit nach ndearna achomhairc i gcoinne cinntí a rinne mé ach fós féin nár chur i bhfeidhm na moltaí cuí. Is iad Iarnród Éireann, Comhairle Contae na hIarmhí agus Oifig na nOibreacha Poiblí na heagrais a bhí i gceist. Faoi Thithe an Oireachtais atá sé anois cibé céimeanna eile is mian leo a thógáil, más cuí leo sin, sna cásanna seo.

Athbhreithniú

Cé gur fógraíodh athbhreithniú ar Acht an dTeangacha Oifigiúla i mí na Samhna 2011 – breis agus 2 bhliain ó shin – agus gur mhair próiseas suntasach comhairliúcháin phoiblí go dtí deireadh mhí Eanáir 2012 – is beag atá cloiste go poiblí go dtí seo faoi thorthaí an phróisis seo. Níor chuidiú ar bith é an folús seo.

Rinneadh cinneadh Rialtais i mí na Samhna 2011 m'Oifig a chónascadh le hOifig an Ombudsman faoi *Phlean Athchóirithe an Rialtais don tSeirbhís Phoiblí*. Rinneadh an cinneadh sin i ngan fhios dom féin agus don Ombudsman ag an am. Níl aon mhionsonraí ar fáil go poiblí faoina bhfuil molta nó faoin bhealach a cheaptar a n-oibreodh sé agus bheadh imní orm faoi inmhathasacht na hOifige amach anseo, agus na himpleachtaí foirne a ghabhann leis sin.

Tá an Oifig ar cheann de na heagrais stáit is lú dá bhfuil ann – agus buiséad againn atá níos lú ná rúnseirbhís na tíre, fiú! Tá foireann reatha de 4.4 státseirbhíseach ag obair inti. Tá 3 cinn d'fholúntais foirne againn faoi láthair agus ár mbuiséad tite 45% ón bhliain 2008. Níor tugadh don Oifig riamh na hacmhainní riachtanacha lena cúraimí reachtúla a chomhlíonadh go cuí agus go hiomlán.

Conclúid

Go ginearálta, dóibh siúd atá gafa go gairmiúil nó go deonach le cosaint nó cur chun cinn na teanga, is tréimhse í seo atá lán le héiginnteacht. Ní

Gaeltacht

I have also suggested that in amending the Act a clear provision should be added requiring the staff members of all state agencies assigned to providing services to Gaeltacht communities to be fluent in Irish without terms or conditions applying. Research by my Office recently revealed that such a statutory provision was in fact enacted in 1928 but its introduction was regularly postponed by statutory instruments on 54 occasions until it was quietly shelved in 1966. The idea of continuously 'kicking the can down the road' on this matter, as has been the norm for decades, is no longer an option.

Reports to both Houses

In common with other ombudsman services, I am empowered to make findings and recommendations following an investigation. Such findings may be appealed to the High Court on a point of law. However, if findings or recommendations are not appealed but are nevertheless not implemented, I am required to report such failure to the Houses of the Oireachtas. I have done this on 3 occasions in the past and I thank this Joint Committee for the follow-up work it has undertaken with the state bodies involved. I regret to say that I have recently laid 3 further reports before both Houses in cases where the state bodies in question did not appeal my findings to the High Court but subsequently failed to implement the recommendations. The organisations involved are Iarnród Éireann, Westmeath County Council and the Office of Public Works. It falls to the Houses of the Oireachtas to take whatever action they deem appropriate, should they so wish, in these cases.

Review

While a review of the Official Languages Act was announced in November 2011 – more than 2 years ago – and a substantial public consultation process ensued which ended in January 2012, little or nothing has been heard publicly of the results of that process since then. This vacuum simply has not been helpful.

A Government decision was made in November 2011 to merge the functions of my Office with the Office of the Ombudsman as part of the *Public Service Reform Plan*. This decision was made without reference to me or to the then Ombudsman. No details are available publicly of the proposed arrangement or how it is thought it ought to work and I would be concerned about the future viability of the Office itself, including the implications for its staffing.

The Office is one of the smallest agencies of the State – with a budget smaller even than the Irish secret service! We have a current staff level of 4.4 civil servants. We have 3 unfilled vacancies at present and our budget has shrunk by 45% since 2008. The Office was never given adequate resources to fully perform its statutory obligations in a satisfactory manner.

Conclusion

For those generally involved with the protection or promotion of the Irish language, either professionally or voluntarily, we are in a time of great uncertainty. Never before have I seen in over 30 years' experience – as a

fhaca mé in imeacht 30 bliain mar iriseoir nó mar Choimisinéir Teanga an oiread ísle brí agus laghmhisnigh. D'ainneoin tacaíocht ollmhór ag tromlach an phobail i gcoitinne sa tír don teanga, tá sí á ruaigeadh go leanúnach chuig imeall na sochaí, agus áiríom anseo cuid mhaith den riarachán phoiblí; ní bheidh sé furasta í a thabhairt ar ais go háit níos lárnaí.

Mar bhunchéim riachtanach agus Acht na dTeangacha Oifigiúla á leasú mar chuid de chlár an Rialtais, creidim go láidir go gcaithfear foráil shoiléir a chur ann a chinnteoidh go mbeidh Gaeilge ag fostaithe an Stáit a bheidh ag freastal ar phobal na Gaeltachta, gan cheist, gan choinníoll – ní féidir leanúint ag tabhairt ar chainteoirí dúchais Gaeilge an Béarla a úsáid agus iad ag déileáil le heagraíochtaí stáit. Agus comhthreomhar leis seo, caithfear athchuid a thabhairt láithreach ar cheist na teanga san earcaíocht agus i gcomórtais arduithe céime sa Státseirbhís agus sa tSeirbhís Phoiblí i gcoitinne – go simplí, níl bealach ar bith go n-oibreoidh na beartais is deireanaí atá fógartha ina leith seo.

Mura féidir leis an Stát aghaidh a thabhairt ar an dá ghné sin – úsáid na Gaeilge i mbun cumarsáide le pobal na Gaeltachta agus cinntiú go mbeadh dóthain foirne le cumas sa Ghaeilge sa chóras riaracháin phoiblí – nuair a bheas an tAcht á leasú, creidim go dtuigfear ansin gur mugadh magadh, briolla brealla nó bréaga a bheas i gceist.

Tráth a bhfuil muid ag teannadh lenár bhflaitheas eacnamaíoch a fháil ar ais, ba mhór an feall é dá gcaillfimis ár bhflaitheas teanga – bunchloch dár bhféiniúlacht chultúrtha, dár n-oidhreacht agus dár n-anam mar náisiún. Creidim gur measa mar bhaol é sin anois ná riamh.

Beidh 10 mbliana caite agam i mbun oibre mar Choimisinéir Teanga i ndeireadh mhí Feabhra seo chugainn. Cé go bhfuil 2 bhliain eile fágtha i mo thréimhse ceapacháin, creidim i mo chroí istigh i bhfianaise na faisnéise atá curtha in bhur láthair agam anseo inniu gur beag eile a d'fhéadfainn a bhaint amach go pearsanta sa thréimhse ama sin i dtaca le cearta teanga phobal na Gaeilge agus na Gaeltachta. Is trua liom a rá, mar sin, go bhfuil cinneadh déanta agam seasamh siar ó mo cheapachán mar Choimisinéir Teanga ar an 23 Feabhra seo chugainn. Tá an cinneadh seo curtha in iúl inniu agam i scríbhinn d'Uachtarán na hÉireann mar a leagtar síos sa dlí.

Ba mhaith liom ag an tráth seo mo bhuíochas a chur in iúl dóibh siúd ar fad a chuidigh liom le linn na mblianta atá caite agam i mbun chúraimí an phoist seo – go háirithe foireann bheag dhíograiseach na hOifige. Glacaim buíochas leo sin ar fad i réimse na polaitíochta agus sa státchóras a thacaigh lenár gcuid oibre. Ba mhór agam an tacaíocht in imeacht na mblianta ó na meáin chumarsáide, go speisialta iriseoirí na Gaeilge, ó na heagrais Ghaeilge agus Ghaeltachta, ón lucht acadúil, uathu sin a chuir comhairle orm go gairmiúil nó go deonach, ó choimisinéirí teanga eile as gach cearn den domhan, ó bhaill den Státseirbhís agus den tSeirbhís Phoiblí, ó chairde agus ó gach duine eile a chuidigh linn.

Thar aon ní eile, ba mhaith liom buíochas ó chroí a ghlacadh le pobal na Gaeilge agus na Gaeltachta as an mhuinín a chur siad ionam féin agus i bhfoireann na hOifige le 10 mbliana anuas.

Mo bhuíochas fosta leatsa, a Chathaoirigh, agus le baill an Chomhchoiste as éisteacht liom inniu.

Go raibh míle maith agaibh.

journalist or language commissioner – morale and confidence so low. Despite the enormous goodwill of the vast majority of the people of this country, the language continues to drift further to the margins of society including within much of the public sector; bringing it back to the mainstream is no simple procedure.

An essential first step would require that in amending the Official Languages Act as part of the programme for Government, that a clear provision be made to ensure that state employees serving the Gaeltacht communities are Irish speaking without question or conditions – forcing native Irish speakers to use English in dealing with the agencies of the State must not be allowed to continue. And in parallel, it is essential that the issue of the Irish language in recruitment and promotion in the Civil and Public Service in general be revisited immediately – there is absolutely no way that the most recent proposal in relation to the Civil Service will work.

If those two elements – the use of Irish in dealing with Gaeltacht communities and ensuring an adequate Irish language capacity in public administration – are not addressed by the State when the legislation is being amended, I fear that the exercise will be seen as a fudge, a farce or a falsehood.

As we begin to regain our economic sovereignty, it would be a travesty if we were to lose our linguistic sovereignty – a cornerstone of our cultural identity, heritage and soul as a nation. I believe this to be a clear and present danger.

By the end of February next I will have held the position of Coimisinéir Teanga for 10 years. Although my term of office runs for a further 2 years my heartfelt belief is, in view of the information I have presented to you today, that there is little else I can personally achieve in that timeframe in relation to language rights for Irish speakers and Gaeltacht communities. It is therefore with regret that I announce that I have decided to resign from my position as Coimisinéir Teanga on 23 February next. I have informed the President of Ireland of this decision today as required by legislation.

I would like at this stage to thank everyone who has helped me during the years in which I have held this position – in particular the small, dedicated team of staff in my Office. I thank all of those in politics and in the state sector in general who supported our work. I appreciate the support we received from the media, particularly from Irish language journalists, from Gaeltacht and Irish language organisations, from academia, from those who provided advice either professionally or voluntarily, from other language commissioners throughout the world, from civil and public servants, friends and many others who have helped in so many ways.

But above all, I wish to express my sincere thanks to the people of the Gaeltacht and to Irish speakers in general for the confidence they placed in me and the staff of my Office over the past 10 years.

I thank you, a Chathaoirigh, and the members of the Joint Committee for your attention today.

Go raibh míle maith agaibh.

CÚLRA

Rinne Uachtarán na hÉireann mé a athcheapadh i mo Choimisinéir Teanga go foirmiúil ar an 23 Feabhra 2010 ar chomhairle an Rialtais tar éis do Thithe an Oireachtais rún a rith ag moladh an cheapacháin. Fuair an t-athcheapachán sin do thréimhse 6 bliana tacaíocht ó na páirtithe uile sa Dáil agus sa Seanad agus ó chomhaltaí an Chomhchoiste um Ghnóthaí Ealaíon, Spóirt, Turasóireachta, Pobail, Comhionannais, agus Gaeltachta.

Ar an 4 Nollaig 2013, chuir mé in iúl don Uachtarán, Michael D. Higgins, agus ina dhiaidh sin do Chomhchoiste de chuid Thithe an Oireachtais i dTeach Laighean, go mbeinn ag éirí as mo cheapachán mar Choimisinéir Teanga ar an 23 Feabhra 2014, tráth a mbeadh 10 mbliana caite agam i mbun chúraimí na hOifige sin.

Tá cur síos mion ar obair Oifig an Choimisinéara Teanga ó 2004 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 de 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, sa chás gur 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 líomhaítear nach bhfuil foráil d'aon achtachán eile a bhaineann le stádas nó le húsáid na Gaeilge á comhlíonadh.

Cuireann an 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 ar bhonn níos líomhaire agus ar chaighdeán níos airde in imeacht thréimhse ama.

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.

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) ar an 1 Deireadh Fómhair 2008. Faoi na Rialacháin, tá dualgas ar chomhlachtaí poiblí a chinntiú go bhfuil a gcuid stáiseanóireachta, a gcuid comharthaíochta agus a gcuid fógartóirí taifeadta béal á soláthar i nGaeilge amháin, nó i nGaeilge agus i mBéarla, de réir critéir ar leith atá daingnithe sna Rialacháin. Ní raibh aon Rialachán déanta faoi dheireadh na bliana 2013 maidir le fógraí nár maidir le fógartóirí beo béal.

Rinneadh leasú ar Acht na dTeangacha Oifigiúla in Alt 62 den Acht um an Dlí Sibhialta (Forálacha Ilghnéitheacha), 2011. Chiallaíonn an leasú gur féidir aon Acht den Oireachtas a fhoilsiú ar an idirlíon in aon teanga oifigiúil

BACKGROUND

The President formally reappointed me as Coimisinéir Teanga on 23 February 2010 on the advice of the Government following a resolution passed by both Houses of the Oireachtas recommending the appointment. The reappointment for 6 years received the support of all the parties in the Dáil and Seanad and of members of the Oireachtas Joint Committee on Arts, Sports, Tourism, Community, Equality and Gaeltacht Affairs.

On 4 December 2013, I informed the President, Michael D. Higgins, and later told a Joint Oireachtas Committee in Leinster House that I intended to resign from my position as Coimisinéir Teanga on 23 February 2014, on completing 10 years in office.

A detailed account of the work of the Office since its establishment in 2004 is provided in the annual reports available on the Office's website: www.coimisineir.ie. The relevant financial accounts are also available on the website.

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

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

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

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

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

An amendment was made to the Official Languages Act in Section 62 of the Civil Law (Miscellaneous Provisions) Act 2011. The amendment means that any Act of the Oireachtas may be published online in one official

amháin sula ndéanfar é a chló agus a fhoilsiú go comhuaineach sa dá theanga oifigiúla.

Rinneadh leasú eile in alt 48 den Acht Comhshaoil (Forálacha Ilghnéitheacha), 2011 ar fhoráil d'Ionstraim Reachtúil Uimh. 872 de 2004 – an tOrdú Logainmneacha (Ceantair Ghaeltachta), 2004 – fad is a bhaineann sé leis an logainm, 'An Daingean'. Daingnítear sa leasú sin gurb iad 'Daingean Uí Chúis' i nGaeilge agus 'Dingle' i mBéarla na hainmneacha oifigiúla anois san áit a raibh 'An Daingean' roimhe sin.

Fógraíodh athbhreithniú foirmiúil ar Acht na dTeangacha Oifigiúla mar ghné amháin de chlár oibre an Rialtais nua a tháinig i gcumhacht in 2011. I mí Iúil 2011, d'fhoilsigh m'Oifig tráchttaireacht mar thuairisc speisialta faoi alt 29 d'Acht na dTeangacha Oifigiúla, ar fheidhm phraiticiúil agus ar oibriú fhorálacha an Achta. Ar an 31 Eanáir 2012, tháinig deireadh le tréimhse comhairliúcháin phoiblí a d'eagraigh an Roinn Ealaíon, Oidhreacht agus Gaeltachta maidir leis an athbhreithniú. Faoi dheireadh 2013 ní raibh aon eolas ná anailís faoi mhianta an phobail mar a léiríodh iad sa phróiseas comhairliúcháin phoiblí sin foilsithe ag an Roinn.

Fógraíodh i mí na Samhna 2012 go rachfaí chun cinn le cinneadh an Rialtais (Samhain 2011) Oifig an Choimisinéara Teanga a chónascadh le hOifig an Ombudsman faoi *Phlean Athchóirithe an Rialtais don tSeirbhís Phoiblí*. Fógraíodh go leanfaí de cheapachán reachtúil a dhéanamh ar Choimisinéir Teanga a bheadh lonnaithe sa Ghaeltacht agus a bheadh ag feidhmiú chumhachtaí reatha an Choimisinéara Teanga go neamhspleách faoi Acht na dTeangacha Oifigiúla, 2003.

language before it is printed and published simultaneously in both official languages.

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

A formal review of the Official Languages Act formed part of the programme for government of the new administration that came to power in 2011. In July 2011, my Office published a commentary, as a special report, under section 29 of the Official Languages Act on the practical application and operation of the Act. A public consultation period organised by the Department of Arts, Heritage and the Gaeltacht in relation to a review of the Official Languages Act ended on 31 January 2012. By the end of 2013 the Department of Arts, Heritage and the Gaeltacht had not published any information or analysis on the public's wishes as reflected in the public consultation exercise.

In November 2012, the Government announced that it would proceed with its decision (November 2011) to merge the functions of the Office of An Coimisinéir Teanga with the Office of the Ombudsman as part of the *Public Service Reform Plan*. It was announced that An Coimisinéir Teanga would continue to be appointed statutorily, be based in the Gaeltacht and would continue to perform the current functions of An Coimisinéir Teanga in an independent manner under the Official Languages Act 2003.



An Comhchoiste Oireachtais um Fhormhaoirsiú ar an tSeirbhís Phoiblí agus Achainíocha.

Oireachtas Joint Committee on Public Service Oversight and Petitions.

CEANNLÍNTE LE 10 MBLIANA ANUAS: 2004 – 2014

- Gearáin ... 6,126 go dtí an 31 Nollaig 2013 (28% ón nGaeltacht)
- Bhain 23% de na gearáin le Ranna agus Oifigí Rialtais, 32% le húdaráis áitiúla, an chuid eile le réimse leathan eagraíochtaí stáit
- 1,862 iarratas ar chomhairle i dtaca le dualgais teanga ó eagraíochtaí stáit
- 96 imscrúdú foirmiúil seolta
- 213 léirmheas/iniúchadh déanta ar scéimeanna teanga
- 9 gcinn de thuarascálacha bliantúla agus ráitis iniúchta airgeadais foilsithe
- 6 thuarascáil speisialta curtha i láthair Thithe an Oireachtais
- Suíomh gréasáin forbartha mar ionad ilfhreastail i dtaca le gach a mbaineann le cearta agus dualgais teanga
- Cairt Cearta Teanga foilsithe
- Treoirleabhair ar Acht na dTeangacha Oifigiúla foilsithe
- Moltaí faoi leasuithe ar Acht na dTeangacha Oifigiúla foilsithe
- Feachtais fógraíochta teilifíse ar chearta teanga eagraithe agus craolta
- Acmhainn oideachais ar Chearta Teanga don chúrsa san Oideachas Saoránach, Sóisialta agus Polaitiúil (OSSP) sa Teastas Sóisearach forbartha agus scaipthe ar scoileanna
- Ócáid cearta teanga i gcuimhne ar Mhaolra Seoighe agus dúnmharuithe Mhám Trasna eagraithe i nGaillimh
- Páirtíocht in iliomad ócáidí i dtaca le forbairt feasachta ar chearta agus dualgais teanga
- Léachtaí ar chearta teanga tugtha i mbeagnach gach institiúid oideachais tríú leibhéal in Éirinn
- Cúnamh tugtha go rialta le taighde náisiúnta agus idirnáisiúnta ar chearta agus ar dhualgais teanga
- Comhairle agus traenáil curtha ar fáil tríd an OSCE do bhunú oifig coimisinéara teanga sa Chosaiv i gcomhar le Rialtas na Cosaive
- Comhdháil idirnáisiúnta ar chearta teanga eagraithe i mBaile Átha Cliath
- Réamhghníomhach i dtaca le Cumann Idirnáisiúnta do Choimisinéirí Teanga an domhain a bhunú.

HEADLINES OVER THE PAST 10 YEARS: 2004-2014

- Complaints ... 6,126 to 31 December 2013 (28% from the Gaeltacht)
- 23% of complaints related to Government Departments and Offices, 32% to local authorities and the rest to a wide range of state organisations
- 1,862 requests for advice concerning language obligations from state organisations
- 96 formal investigations undertaken
- 213 reviews/audits of language schemes completed
- 9 annual reports and audited financial accounts published
- 6 special reports laid before the Houses of the Oireachtas
- Website developed as a one stop shop on all aspects of language rights and obligations
- Language Rights Charter published
- Guidebook to the Official Languages Act published
- Recommendations on the reform of the Official Languages Act published
- Television advertising campaigns on language rights developed and broadcast
- Educational resource on Language Rights for the Junior Certificate Civic, Social and Political Education (CPSE) course developed and distributed to schools
- Language rights event commemorating Myles Joyce and the Mám Trasna Murders organised in Galway
- Participation in numerous events to develop awareness of language rights and obligations
- Lectures given on language rights in almost all third level institutions in Ireland
- Regular assistance given in relation to national and international research on language rights and obligations
- Advice and training provided through the OSCE to the Government of Kosovo on the establishment of a language commissioner's office in Kosovo
- International conference on language rights organised in Dublin
- Proactive in establishing the International Association of Language Commissioners

SEIRBHÍSÍ EOLAIS & CUMARSÁIDE

Le linn na bliana 2013, lean Oifig an Choimisinéara Teanga le heolas a scaipeadh ar an bpobal agus ar chomhlachtaí poiblí faoi Acht na dTeangacha Oifigiúla agus faoi obair na hOifige féin.

Comhairle do Chomhlachtaí Poiblí

Ceann d'fheidhmeanna na hOifige seo is ea 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 2012, rinne oifigigh ó chomhlachtaí poiblí teagmháil le hOifig an Choimisinéara Teanga ar 126 ócáid éagsúil le ceisteanna sonracha nó le comhairle a fháil maidir le dualgais teanga faoin Acht. Bhain thart ar 57% de na fiosrúcháin sin leis na dualgais atá ar chomhlachtaí poiblí maidir le húsáid na Gaeilge agus an Bhéarla ar chomharthaíocht, i stáiseanóireacht agus i bhfógairtí taifeadta béil, 12% le ceisteanna maidir le scéimeanna teanga, 6% le ceisteanna maidir le foilsiú doiciméad go dátheangach de réir Alt 10 den Acht, agus 25% le ceisteanna eile i dtaca le hAcht na dTeangacha Oifigiúla.

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 gcoilítear le forálacha na reachtaíochta.

Suíomh Gréasáin

Feidhmíonn an suíomh gréasáin <http://www.coimisineir.ie> mar fhoinsé eolais faoi gach a mbaineann le hOifig an Choimisinéara Teanga agus le hAcht na dTeangacha Oifigiúla. Tá Treoirleabhar d'Acht na dTeangacha Oifigiúla le fáil ar an suíomh gréasáin chun cúnamh a thabhairt don phobal maidir lena gcearta teanga agus go háirithe chun comhairle a chur ar chomhlachtaí poiblí maidir lena ndualgais faoin Acht, agus tá cóip ar an suíomh gréasáin de gach scéim teanga atá aontaithe go dtí seo.

Tá leagan leictreonach den acmhainn oideachais, Cearta Teanga / Language Rights, le fáil ar líne ag www.coimisineir.ie/scoileanna. 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 an Oifig.

I gcomhréir le clár oibre r-sheirbhísí an rialtais, tá fáil ar an suíomh gréasáin trí www.gov.ie and tá nasc ar fáil anois faoin rogha 'seirbhísí ar líne/gearáin'. Baineann leibhéal inrochtaineachta AA ar a laghad le gach leathanach den suíomh.

Na Meáin Chumarsáide

Le linn na bliana 2013, lean an Coimisinéir Teanga d'agallaimh a dhéanamh leis na meáin chumarsáide le léargas a thabhairt ar obair na hOifige, ar fheidhmiú an Achta agus ar cheisteanna gaolmhara. Glactar buíochas 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.

INFORMATION & COMMUNICATION SERVICES

During 2013, the Office of An Coimisinéir Teanga continued to provide information to the public and to public bodies about the Official Languages Act and about the Office itself.

Advice to Public Bodies

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

During 2013, officials from public bodies contacted the Office of An Coimisinéir Teanga on 126 separate occasions either with specific questions or seeking advice about their obligations under the Act. Approximately 57% of these queries concerned advice on the duties of public bodies with regard to the use of the Irish and English languages on signage, stationery and recorded oral announcements, 12% concerned language schemes, 6% the publication of documents bilingually under Section 10 of the Act and 25% concerned other matters to do with the Act.

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

Website

The website www.coimisineir.ie serves as a comprehensive source of information on all aspects of the Office of An Coimisinéir Teanga and the Official Languages Act 2003. A Guidebook to the Official Languages Act is available on the website to assist the public with regard to their language rights and, in particular, to advise public bodies in relation to their obligations under the Act. In addition, the website provides a copy of every language scheme agreed to date.

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

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

Media

During 2013, An Coimisinéir Teanga continued to undertake media interviews in order to provide an insight into the work of the Office, the implementation of the Act, and related matters. The efforts of journalists who showed such an interest in the work of the Office during the year and who helped to progress that work through their reports both in English and in Irish are much appreciated.

Duaiseanna an Choimisinéara Teanga

Bronntar duais bhliantúil don aiste taighde is fearr sa scrúdú sochtheangeolaíochta don chéim BA in Ollscoil na hÉireann, Gaillimh faoi stiúir an Dr John Walsh. In 2013, tháinig beirt chomhbhuaiteoirí sa chéad áit agus socraíodh go mbronnfaí dhá dhuais €250 orthu araon. Ar Chliona Ní Chatháin agus Sarah Mulvey a bronnadh Duaiseanna an Choimisinéara Teanga, 2013.

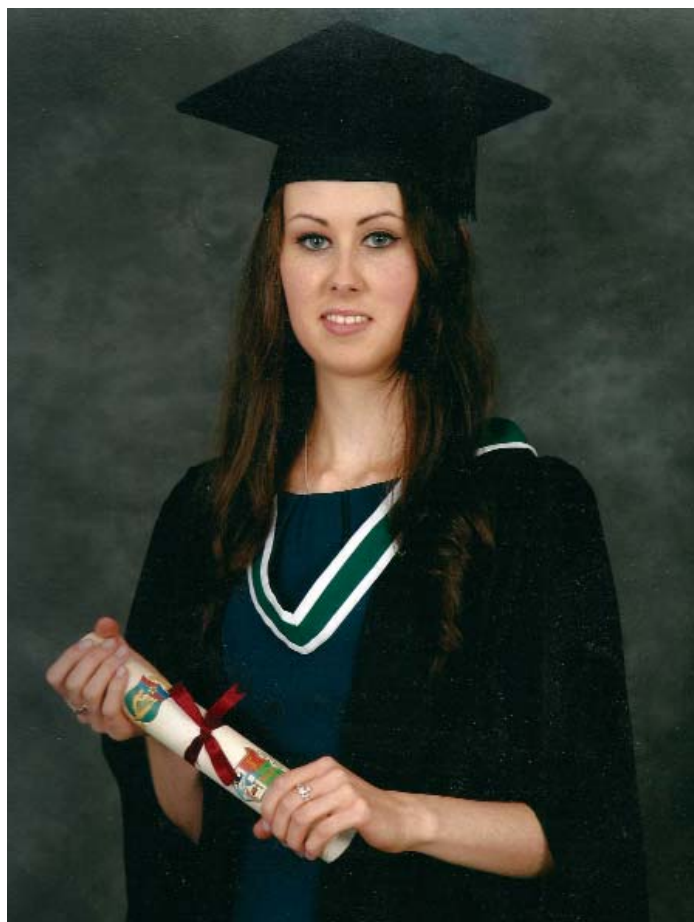
Prizes of An Coimisinéir Teanga

An award is also presented annually for the best research essay in the sociolinguistics examination for the BA degree under the direction of Dr John Walsh in the National University of Ireland, Galway. In 2013, two students shared first place and it was decided that two prizes of €250 would be awarded. The joint winners of An Coimisinéir Teanga's prize for 2013 were Cliona Ní Chatháin and Sarah Mulvey.



Cliona Ní Chatháin, comhbhuaiteoir Dhuais an Choimisinéara Teanga, 2013 don chéim BA in Ollscoil na hÉireann, Gaillimh le feiceáil anseo ag an searmanas bronnta.

Cliona Ní Chatháin, joint winner of An Coimisinéir Teanga's prize in 2013 for the BA degree in the National University of Ireland, Galway, pictured here at the conferring.



Sarah Mulvey, comhbhuaiteoir Dhuais an Choimisinéara Teanga, 2013 don chéim BA in Ollscoil na hÉireann, Gaillimh, le feiceáil anseo ag an searmanas bronnta.

Sarah Mulvey, joint winner of An Coimisinéir Teanga's prize in 2013 for the BA degree in the National University of Ireland, Galway, pictured here at the conferring.

COMHDHÁIL IDIRNÁISIÚNTA AR CHEARTA TEANGA

D'eagraigh Oifig an Choimisinéara Teanga, i gcomhar le Fiontar DCU agus Uned Ymchwil Iaith, Polisi a Chynllunio, Ollscoil Caerdydd, an Bhreatain Bheag, Comhdháil Idirnáisiúnta ar Chearta Teanga i mBaile Átha Cliath ar an 23 agus an 24 Bealtaine 2013, deich mbliana ó achtaíodh Acht na dTeangacha Oifigiúla (2003) in Éirinn agus tráth a raibh an reachtaíocht sin faoi athbhreithniú ag an Rialtas.

D'fhreastail coimisinéirí teanga ón Eoraip, ó Mheiriceá Thuaidh agus ón Afraic ar an gcomhdháil agus chuir Uachtarán na hÉireann, Micheál D. Ó hUiginn, fáilte roimh na coimisinéirí teanga idirnáisiúnta in Áras an Uachtaráin ar an gcéad lá den chomhdháil.

Ba iad príomhchuspóirí na comhdhála ná deis a chur ar fáil don lucht freastail an dea-chleachtas a roinnt, eolas a mhalartú, agus plé a dhéanamh ar na ceachtanna a bhí foghlamtha i réimse na dteangacha. Thug an chomhdháil deis do thoscairí na hÉireann staid na Gaeilge sa Ghaeltacht agus ar fud na tíre a mheas i gcomhthéacs idirnáisiúnta. Anuas air sin, bhí sé de sprioc ag lucht eagraithe na comhdhála coimisinéirí teanga as gach cearn den domhan a thabhairt le chéile chun plé a dhéanamh ar bhunú cumann idirnáisiúnta coimisinéirí teanga.

Tá fáil ar na láithreoiréachtaí a tugadh ag an gcomhdháil ar shuíomh gréasáin na hOifige ag www.coimisineir.ie/meain agus tá eolas breise faoin gcomhdháil le fáil ar <http://anghaeltacht.net/CICT>

INTERNATIONAL CONFERENCE ON LANGUAGE RIGHTS

An International Conference on Language Rights was organised in Dublin by the Office of An Coimisinéir Teanga in association with Fiontar DCU and the Language, Policy and Planning Research Unit, Cardiff University, Wales on 23 and 24 May 2013. The conference took place ten years after the enactment of the Official Languages Act (2003) in Ireland and at a time when that legislation was under review by Government.

Language commissioners from Europe, North America and Africa participated in the conference. They were received in Áras an Uachtaráin by the President of Ireland, Michael D. Higgins, on the first day of the event.

The core objectives of the conference were the sharing of best practice and the exchange of information and lessons learnt in the area of languages. The gathering also provided delegates from Ireland an opportunity to evaluate the position of the Irish language, both in the Gaeltacht and throughout the country, in an international context. In addition, the organisers of the conference aimed to bring together language commissioners from around the world to discuss the formation of an international association of language commissioners.

The presentations given at the conference are available on the Office website at www.coimisineir.ie/media and there is additional information on the conference at <http://anghaeltacht.net/CICT>



Áras an Uachtaráin / Comhdháil.

Áras an Uachtaráin / Conference.

CUMANN IDIRNÁISIÚNTA NA gCOIMISINÉIRÍ TEANGA

Bunaíodh Cumann Idirnáisiúnta na gCoimisinéirí Teanga nuair a tháinig Coimisinéirí Teanga ó Ceanada, an Chatalóin, an Afraic Theas, an Bhreatain Bheag, New Brunswick, Éire, Ontario, an Chosaiv, agus Nunavut le chéile ar an 24 Bealtaine 2013 ag Comhdháil Idirnáisiúnta ar Chearta Teanga i mBaile Átha Cliath.

Toghadh Graham Fraser, Coimisinéir na dTeangacha Oifigiúla i gCeanada, mar chéad Chathaoirleach ar an gCumann agus Seán Ó Cuirreáin mar chéad Rúnaí.

Is é **misean** CHUMANN IDIRNÁISIÚNTA NA gCOIMISINÉIRÍ TEANGA an combhionannas agus an éagsúlacht i gcúrsaí teanga ar fud an domhain a chur chun cinn agus tacaíocht a thabhairt do choimisinéirí teanga caighdeán phroifisiúnta den scoth a bhaint amach:

- trí thaithí a chomhroinnt agus eolas ar an gcleachtas is fearr a mhalartú;
- trí chomhairle agus cúnamh a thabhairt agus oifigí coimisinéirí teanga á mbunú;
- trí mhalartú acmhainní, taighde agus eolais ar oiliúint agus forbairt ghairmiúil a éascú;
- trí chomhoibriú le heagrais chomhchosúla ar mór acu cearta agus éagsúlacht teanga a chosaint agus a chur chun cinn.

Cuirfidh an Cumann prionsabal an neamhspleáchais maidir le coimisinéirí teanga chun cinn; tabharfaidh sé tacaíocht dá bhaill trí chomhairle agus cúnamh den scoth a thabhairt de réir mar is cuí. Anuas air sin, beidh an Cumann sásta tacaíocht a thabhairt do réigiúin ar mian leo coimisinéir teanga a bhunú nó a gcearta teanga a chur chun tosaigh.

Beidh an chéad chruinniú bliantúil den Chumann ar siúl in Barcelona na Spáinne i mí an Mhárta 2014 ach is go leictreonach, le físchomhdhála ar líne, is mó a bhuaileann na coimisinéirí le chéile le gnóthaí an Chumainn a chur chun cinn.

INTERNATIONAL ASSOCIATION OF LANGUAGE COMMISSIONERS

The International Association of Language Commissioners was founded by Language Commissioners from Canada, Catalonia, South Africa, Wales, New Brunswick, Ireland, Ontario, Kosovo and Nunavut when they met at the International Conference on Language Rights which took place in Dublin on 24 May 2013.

Graham Fraser, Commissioner of Official Languages, Canada, was elected as the first Chairperson of the Association and Seán Ó Cuirreáin as the first Secretary.

The **mission** of the INTERNATIONAL ASSOCIATION OF LANGUAGE COMMISSIONERS is to support and advance language rights, equality and diversity throughout the world and to support language commissioners so they may work to the highest professional standards by:

- sharing experience and exchanging knowledge of best practice;
- advising or assisting in the establishment of language commissioners offices;
- facilitating an exchange of training and professional development resources, research and information;
- cooperating with like-minded organisations who value language rights, diversity, promotion and protection.

The Association will promote the principle of independence of language commissioners and will support its membership by providing the best advice and assistance as appropriate. In addition, the Association will support regions that wish to create a position of language commissioner or advance their language rights.

The next annual general meeting and conference of the Association will take place in Barcelona, Spain in March 2014. In general, however, in advancing the work of the Association, the language commissioners regularly meet online by means of videoconferencing.



INTERNATIONAL ASSOCIATION OF LANGUAGE COMMISSIONERS

FAIREACHÁN

Faoi réir fhorálacha na reachtaíochta, tá sé de dhualgas ar an gCoimisinéir Teanga faireachán a dhéanamh ar an mbealach a gcomhlíonann comhlachtaí poiblí na dualgais reachtúla atá sonraithe in Acht na dTeangacha Oifigiúla. Is é an príomhchuspóir atá leis an obair faireacháin seo ná a chinntiú, a oiread agus is féidir, go gcloíonn comhlachtaí poiblí leis na dualgais atá leagtha orthu maidir le húsáid na dteangacha oifigiúla.

Ullmhaíodh plean iniúchta don bhliain inar cuireadh san áireamh trí mhóir-réimse faireacháin agus a chuir san áireamh an teorainn a bhain leis an acmhainn faireacháin atá ar fáil don Oifig. Is ar na réimsí oibre seo a leanas a dhírigh obair faireacháin na bliana:

- Faireachán ar chur i bhfeidhm scéimeanna teanga
- Iniúchadh ar úsáid na dteangacha oifigiúla ar chomharthaíocht ag Ranna Rialtais
- Faireachán ar chur i bhfeidhm moltaí imscrúdaithe

Faireachán ar scéimeanna teanga

Tá córas na scéimeanna teanga ina chuid lárnach den Acht ó tharla gurb é seo an phríomh-mheicníocht atá ar fáil chun dualgas reachtúil a leagan ar chomhlachtaí poiblí breis seirbhísí a sholáthar trí Ghaeilge. Is é an tAire Ealaíon, Oidhreacht agus Gaeltachta a aontaíonn scéimeanna teanga le comhlachtaí poiblí agus níl aon bhaint ag Oifig an Choimisinéara Teanga leis an bpróiseas sin. Is cúram don Oifig, áfach, faireachán a dhéanamh ar an mbealach a gcuireann comhlachtaí poiblí na scéimeanna teanga i bhfeidhm.

Is gnách leis an Oifig seo scrúdú a dhéanamh ar an dul chun cinn atá á dhéanamh ag comhlachtaí poiblí i gcur i bhfeidhm na scéime teanga tar éis chéadbhlain feidhme na scéime. Tá sé mar chuspóir leis an méid seo a chinntiú go bhfuil córais, struchtúir agus socruithe cuí á gcur in áit a chinnteoidh go n-éireoidh leis an gcomhlacht poiblí na gealltanais reachtúla a chur i ngníomh laistigh de thréimhse feidhmiúcháin na scéime. Díritear san iniúchadh trí bliain ar fhianaise a bheith ar fáil a léiríonn ar éirigh leis an gcomhlacht poiblí forálacha na scéime teanga a chur i bhfeidhm go cuí.

Le linn na bliana 2013, rinne an Oifig monatóireacht ar chur i bhfeidhm 15 scéim teanga. Is mar seo a leanas a comhlíonadh na hiniúchtaí sin:

Cineál scéime	Tréimhse scéim i bhfeidhm	Líon iniúchtaí
An chéad scéim teanga	Bliain amháin	2
	Trí bliana	9
An dara scéim teanga	Bliain amháin	1
	Trí bliana	3

Léirigh an faireachán a rinneadh ar scéimeanna teanga nach n-éiríonn le formhór na gcomhlachtaí poiblí an méid a bhíonn geallta acu go reachtúil ina scéim teanga a chur i bhfeidhm go cuí laistigh den sprioc ama aontaithe. Is gnách go n-éiríonn leis an Oifig seo teacht ar shocrú leis na comhlachtaí poiblí a chinntíonn go mbaintear amach, in am trátha, an méid a bhíonn geallta go reachtúil. Faoi réir fhorálacha na reachtaíochta, níl sé

MONITORING

In accordance with the provisions of the legislation, An Coimisinéir Teanga is responsible for monitoring the way in which public bodies comply with the requirements set out in the Official Languages Act. The primary objective of the monitoring role is to ensure, insofar as possible, that public bodies comply with requirements in relation to the use of the official languages.

An audit plan was prepared for the year that focused on three compliance objectives whilst also taking account of the monitoring resources available to the Office. The monitoring work for the year concentrated on the following compliance areas:

- Monitoring the implementation of language schemes
- An audit on the use of official languages on signage by Government Departments
- Monitoring the implementation of recommendations made in investigative reports

Monitoring of language schemes

Language schemes are an integral part of the Act as they are the primary mechanism available to statutorily require public bodies to provide additional services through Irish. The Minister for Arts, Heritage and the Gaeltacht is responsible for the confirmation of language schemes and the Office of An Coimisinéir Teanga does not play any part in that process. This Office is responsible for monitoring the way in which public bodies implement their language schemes.

It is customary for this Office to examine the progress made by public bodies in implementing the language scheme once the first year of its operation has passed. The objective of this review is to ensure that public bodies have the appropriate systems, structures and arrangements in place to allow for the successful implementation of their statutory commitments within the operational timeframe of the scheme. The third year audit concentrates on obtaining evidence that demonstrates whether or not the provisions of the language scheme were implemented successfully by the public body.

During 2013, this Office monitored the implementation of 15 language schemes. The audits were implemented as follows:

Type of scheme	Period scheme in operation	Total audits
First language scheme	One year	2
	Three years	9
Second language scheme	One year	1
	Three years	3

The monitoring process found that very few public bodies manage to satisfactorily implement all the commitments given in the language scheme within the agreed timelines. In the majority of cases, this Office manages to reach a satisfactory agreement with most public bodies to ensure that statutory commitments are implemented in due course. In accordance with the provisions of the legislation, this Office does not have

de chumhacht ná d'údarás ag an Oifig seo aon leasú a dhéanamh ar an méid a bhíonn daingnithe ag an Aire i scéim teanga le comhlacht poiblí. Sa chás nach féidir leis an Oifig seo teacht ar réiteach sásúil le comhlacht poiblí, ní bhíonn de rogha aici ach imscrúdú oifigiúil a thionscnamh ar an ábhar.

Tugadh faoi deara gurbh é an easpa foirne le Gaeilge agus easpa acmhainní airgeadais na deacrachtaí is mó a bhí ag comhlachtaí poiblí le linn na bliana 2013 chomh fada agus a bhain sé le feidhmiú na ngealltanais a bhí tugtha ina scéimeanna teanga. Is minic a chiallaigh sé seo gur bhain moill le comhlíonadh gealltanais áirithe a raibh mar chuspóir acu cur le raon agus caighdeán na seirbhísí a bhí le cur ar fáil trí Ghaeilge.

the power nor the authority to amend commitments given by a public body that have been confirmed in a language scheme by the Minister. This Office is left with little alternative other than to initiate an official investigation in instances where it cannot come to a satisfactory agreement with a public body in relation to outstanding commitments.

During 2013, it was apparent that the absence of sufficient numbers of staff with competence in Irish and the lack of financial resources were the main obstacles for public bodies in achieving the commitments given in language schemes. Often, this delayed the implementation of certain commitments that had the objective of increasing the range and quality of services to be provided in Irish.

Léirmheasanna a rinneadh agus tuairiscí a eisíodh, 2013

Reviews completed and reports issued, 2013

Ainm an Chomhlachta Phoiblí	Name of Public Body
An Roinn Ealaíon, Oidhreacht & Gaeltachta	Department of Arts, Heritage & the Gaeltacht
Institiúid Teicneolaíochta Bhaile Átha Cliath	Dublin Institute of Technology
Údarás Áitiúla Cheatharlach	Carlow Local Authorities
Bord Scannán na hÉireann	Irish Film Board
An Binse Comhionannais	The Equality Tribunal
Údarás Áitiúla Chontae an Chabháin	Cavan Local Authorities
Údarás Áitiúla Laoise	Laois Local Authorities
An Roinn Sláinte	Department of Health
Coiste Gairmoideachais Chontae an Chláir	County Clare Vocational Education Committee
An Foras Áiseanna Saothair (FÁS)	The Training and Employment Authority (FÁS)
Ollscoil Luimnigh	University of Limerick
An Roinn Cosanta	Department of Defence
Coláiste na Tríonóide, Baile Átha Cliath	Trinity College Dublin
Roinn an Taoisigh	Department of the Taoiseach
An Roinn Comhshaoil, Pobail & Rialtais Áitiúil	Department of the Environment, Community & Local Government

Iníúchadh ar chomharthaíocht

I mí Dheireadh Fómhair 2008, d'fhoilsigh an tAire Pobail, Tuaithe agus Gaeltachta rialacháin faoi fho-alt 9(1) d'Acht na dTeangacha Oifigiúla, 2003. Bhain na rialacháin sin le húsáid na dteangacha oifigiúla ar stáiseanóireacht, comharthaíocht agus fógraí taifeadta béil. Le linn na bliana reatha, thug an Oifig seo iníúchadh chun críche inar scrúdaíodh an bealach a raibh ranna rialtais ag cloí leis an gcuid sin de na rialacháin a bhaineann le comharthaíocht.

Go hachomair, chomh fada agus a bhaineann sé le comharthaíocht, tá dualgas ar gach comhlacht poiblí a chinntiú go bhfuil gach comhartha nua a cuireadh in airde ón 1 Márta 2009 i nGaeilge nó i nGaeilge agus i mBéarla. Bhí go dtí an 1 Márta 2013 ag comhlachtaí poiblí leasú a dhéanamh ar aon comharthaí a bhí i mBéarla amháin agus in airde roimh thosach feidhme na rialachán. Go praiticiúil, ciallaíonn sé seo gur chóir go mbeadh gach comhartha a thagann faoi scáth na reachtaíochta i nGaeilge nó dátheangach cé is moite díobh siúd lena mbaineann díolúine.

Audit of Signage

In October 2008, the Minister for Community, Rural and Gaeltacht Affairs published regulations under subsection 9(1) of the Official Languages Act 2003. These regulations related to the use of the official languages on stationery, signage agus recorded oral announcements. During the current year, this Office completed an audit that examined the way in which government departments where complying with the provisions of the regulations that related to signage.

In summary, insofar as it relates to signage, all public bodies must ensure any new signs erected since 1 March 2009 are in Irish or in Irish and English. Public bodies had until 1 March 2013 to modify any signs that were in English only and erected before the commencement of the regulations. In practicable terms this should ensure that all signs covered by the regulations are in Irish or bilingual other than those that may be subject to an exemption.

I mí an Aibreáin 2013, thug an Oifig seo fógra do gach roinn rialtais go mbeifí ag tabhairt faoi iniúchadh ar chomharthaíocht na roinne cuí san fhómhar. Tugadh faoin iniúchadh in dhá chéim: bhain an chéad chéim le heolas a bhailiú ó na ranna rialtais maidir leis na socruithe a bhí in áit acu chun a chinntiú go raibh comharthaí ag teacht le riachtanais na rialachán; bhain an dara céim le cuairt ar roinnt láithreacha oibre chun scrúdú a dhéanamh ar na comharthaí a bhí in úsáid.

Mar chuid de scóip na hoibre, socraíodh go scrúdófaí dhá láthair oibre i gcás ranna rialtais nach raibh aon oifigí seirbhíse poiblí acu. Ó tharla oifigí seirbhíse poiblí a bheith ag an Roinn Coimirce Sóisialaí agus ag an Roinn Talmhaíochta, Bia agus Mara, socraíodh go scrúdófaí ceithre láthair oibre réigiúnacha agus dhá phríomhoifig dá gcuid. Tugadh grád sásúil, gan a bheith iomlán sásúil nó míshásúil, do na ranna rialtais bunaithe ar líon na gcomharthaí géilliúla agus neamhghéilliúla a bhí in úsáid.

Léirigh torthaí an iniúchta go raibh formhór na ranna rialtais ag cloí go sásúil le riachtanais na rialachán. Fuair dhá roinn rialtais, nó 12.5% den sampla, grád míshásúil agus roinn rialtais amháin, nó 6% den sampla, grád gan a bheith iomlán sásúil. Chiallaigh sé sin go raibh beagnach 20% de na ranna rialtais nár éirigh leo grád sásúil a bhaint amach, in ainneoin fógra a bheith faighte roimh ré acu maidir leis an iniúchadh féin.

Ba cheart a thabhairt san áireamh nach iniúchadh gan choinne a bhí anseo agus gur admhaigh cuid mhaith ranna gur ghníomhaigh siad chun géilliúlacht a chinntiú nuair a tugadh fógra faoin iniúchadh dóibh.

Tá iarrtha ar na ranna rialtais sin a fuair grád míshásúil plean a chur faoi bhráid na hOifige seo ina sonrú na céimeanna atá i gceist ag an roinn a thógáil chun géilliúlacht do na Rialacháin a chinntiú. Scrúdófar cur i bhfeidhm an phlean sin le linn na bliana seo chugainn.

In April 2013, this Office notified all government departments that we would be conducting an audit of signage in the autumn. The audit was carried out in two parts: the first part related to ascertaining details from the government departments as to the arrangements in place to ensure that signage was in compliance with the regulations; the second part was a site visit of various workplaces to examine the signage in use.

As part of the scoping exercise, it was decided to examine two workplaces for government departments that did not have public offices. As both the Department of Social Protection and the Department of Agriculture, Food and the Marine have public offices, it was decided to examine four of their regional offices and two of their principal offices. Government departments received a grade of satisfactory, not completely satisfactory or unsatisfactory depending on the level of compliant and non-compliant signage in use.

The audit findings showed that most government departments were complying with the requirements of the regulations. Two government departments, or 12.5% of the sample, received a grade of unsatisfactory and another government department, or 6% of the sample, received a grade of not completely satisfactory. In total, almost 20% of the government departments did not receive a grade of satisfactory despite having received prior notification of the audit.

It should be noted that this was not an unannounced audit and that many departments admitted that they acted to ensure compliance once they received notification of the audit.

Government departments that received a grade of unsatisfactory have been asked to submit a plan to this Office outlining the steps the department intends to take to ensure compliance with the regulations. The implementation of that plan will be examined next year.

✓ **Samplaí de chomharthaí géilliúla**
Examples of compliant signage



✗ **Samplaí de chomharthaí neamhghéilliúla**
Examples of non-compliant signage



Ainm na Roinne	Department Name	Grád Grade	Ionaid scrúdaithe Sites examined
An Roinn Airgeadais	Department of Finance	Sásúil / Satisfactory	2
An Roinn Coimirce Sóisialaí	Department of Social Protection	Sásúil / Satisfactory	6
An Roinn Comhshaoil, Pobail & Rialtais Áitiúil	Department of the Environment, Community & Local Government	Sásúil / Satisfactory	2
An Roinn Cosanta	Department of Defence	Sásúil / Satisfactory	2
An Roinn Cumarsáide, Fuinnimh & Acmhainní Nádurtha	Department of Communications, Energy & Natural Resources	Sásúil / Satisfactory	2
An Roinn Dlí agus Cirt agus Comhionannais	Department of Justice and Equality	Sásúil / Satisfactory	2
An Roinn Ealaíon, Oidhreachta & Gaeltachta	Department of Arts, Heritage & the Gaeltacht	Sásúil / Satisfactory	3
An Roinn Leanaí agus Gnóthaí Óige	Department of Children and Youth Affairs	Sásúil / Satisfactory	1
An Roinn Oideachais & Scileanna	Department of Education & Skills	Sásúil / Satisfactory	2
An Roinn Post, Fiontar agus Nuálaíochta	Department of Jobs, Enterprise & Innovation	Sásúil / Satisfactory	2
An Roinn Sláinte	Department of Health	Sásúil / Satisfactory	1
Roinn an Taoisigh	Department of the Taoiseach	Sásúil / Satisfactory	1
An Roinn Caiteachais Phoiblí agus Athchóirithe	Department of Public Expenditure and Reform	Sásúil / Satisfactory	2
An Roinn Talmhaíochta, Bia agus Mara	Department of Agriculture, Food and the Marine	Míshásúil / Unsatisfactory	6
An Roinn Gnóthaí Eachtracha agus Trádála	Department of Foreign Affairs and Trade	Míshásúil / Unsatisfactory	2
An Roinn Iompair, Turasóireachta agus Spóirt	Department of Transport, Tourism and Sport	Gan a bheith iomlán sásúil Not completely satisfactory	2

Faireachán ar chur i bhfeidhm moltaí imscrúdaithe

Faoi Acht na dTeangacha Oifigiúla, tá sé de chúram ar an gCoimisinéir Teanga tuarascáil a chur faoi bhráid gach Tí den Oireachtas má fheictear dó nach bhfuil comhlacht poiblí ag cur moltaí a rinne sé i dtuarascáil imscrúdaithe i ngníomh, i ndiaidh do thréimhse réasúnach ama a bheith caite. Is í seo an chéim dheireanach atá ar fáil don Choimisinéir Teanga faoin Acht nuair nach gcloíonn comhlacht poiblí leis na moltaí a bhíonn déanta i dtuarascáil imscrúdaithe.

Go dtí seo, tá sé tuarascáil speisialta curtha faoi bhráid Thithe an Oireachtais ag an gCoimisinéir Teanga.

Monitoring the implementation of the recommendations of investigations

In accordance with the Official Languages Act, An Coimisinéir Teanga has the right to submit a report to each House of the Oireachtas if he forms the opinion that a public body is not implementing recommendations made by him in a report on an investigation after a reasonable period of time has elapsed. In accordance with legislation, this is the final recourse available to An Coimisinéir Teanga where a public body does not comply with the recommendations made in an investigative report.

To date, six special reports have been laid before the Houses of the Oireachtas by An Coimisinéir Teanga.

Bliain Year	Ainm an Chomhlachta Phoiblí Name of Public Body	Ábhar na Tuarascála Report matter
2011	Feidhmeannacht na Seirbhíse Sláinte Health Service Executive	Gealltanais áirithe den scéim teanga gan a bheith curtha i ngníomh agus comharthaíocht a bhain le fliú na muc gan a bheith ag cloí leis na rialacháin atá déanta faoi fho-alt 9(1) den Acht. <i>Non-implementation of certain commitments contained in its language scheme agus signage relating to the swine flu that were not in accordance with the regulations made under subsection 9(1) of the Act.</i>
2011	Ard-Mhúsaem na hÉireann National Museum of Ireland	Gan líon leordhóthanach foirne le hinniúlacht sa Ghaeilge a bheith ag an gcomhlacht poiblí chun cur ar a chumas seirbhís a sholáthar sa dá theanga oifigiúla. <i>Public body not having sufficient staff with competency in Irish to enable it to provide services in both official languages.</i>
2012	An Roinn Coimirce Sóisialaí Department of Social Protection	Córas a úsáideadh do bhronnadh marcanna bónais as inniúlacht Gaeilge i gcomórtais ardaithe céime sa Státseirbhís. <i>Procedures adopted for the awarding of bonus marks for competency in Irish in promotion competitions in the Civil Service.</i>
2013	Oifig na nOibreacha Poiblí Office of Public Works	Úsáid ainm an chomhlachta poiblí ar stáiseanóireacht agus comharthaíocht. <i>Use of the public body's name on stationery and signage.</i>
2013	Údaráis Áitiúla na hIarmhí Westmeath Local Authorities	Gealltanais áirithe den scéim teanga gan a bheith curtha i ngníomh. <i>Non-implementation of certain commitments contained in its language scheme.</i>
2013	Iarnród Éireann	Comharthaí leictreonacha i mBéarla amháin. <i>Electronic signage in English only.</i>

SCÉIMEANNA TEANGA

Scéimeanna daingnithe

Dhaingnigh an tAire Ealaíon, Oidhreacht agus Gaeltachta ceithre chéadscéim teanga agus 11 dara scéim teanga le linn na bliana 2013. Chomh maith leis seo, dhaingnigh an tAire an tríú scéim teanga le comhlacht poiblí amháin. San iomlán, dhaingnigh an tAire 16 scéim teanga le comhlachtaí poiblí in 2013.

Le linn na bliana reatha, scoireadh 12 chomhlacht phoiblí a raibh scéim teanga daingnithe ag an Aire leo.

Bhí 98 scéim teanga, a chuimsigh móriomlán 184 comhlacht poiblí, daingnithe faoi dheireadh 2013.

Scéimeanna in éag

Bhí 72 de na 98 scéim teanga thuasluaite imithe in éag faoi dheireadh na bliana 2013. In éagmais an dara scéim teanga nó an tríú scéim teanga a bheith aontaithe ag na comhlachtaí poiblí seo, ní raibh aon dualgas orthu treisiú ar na seirbhísí a chuirtear ar fáil don phobal trí Ghaeilge.

Dréachtscéimeanna

Ag deireadh na bliana, bhí 47 céad-dréachtscéim fós le daingniú ag an Aire Ealaíon, Oidhreacht agus Gaeltachta. Ina theannta seo, bhí iarrtha ag an Aire ar 60 comhlacht poiblí an dara dréachtscéim a ullmhú agus ar 11 chomhlacht poiblí an tríú dréachtscéim a ullmhú. Fágann sé seo go raibh iarrtha ar 118 comhlacht poiblí scéim teanga a ullmhú faoi dheireadh na bliana.

LANGUAGE SCHEMES

Schemes confirmed

The Minister for Arts, Heritage and the Gaeltacht confirmed four new language schemes and 11 second language schemes during 2013. The Minister also confirmed a third language scheme with one public body. In total, the Minister confirmed 16 language schemes with public bodies during 2013.

During the current year 12 public bodies, who had agreed language schemes with the Minister, were dissolved.

There were 98 languages schemes covering a total of 184 public bodies confirmed by the end of 2013.

Schemes expired

Of the 98 language schemes, 72 had expired by year end, 2013. This meant that, in the absence of a second or a third language scheme, no additional commitments in relation to improved services in Irish were required of those public bodies.

Draft schemes

By the end of 2013, some 47 first draft schemes remained to be confirmed by the Minister for Arts, Heritage and the Gaeltacht. In addition, the Minister had requested 60 public bodies to prepare a second draft scheme and 11 public bodies to prepare a third draft scheme. As a result, 118 public bodies have been requested to prepare a language scheme by year end.

Bliain inar daingníodh an chéad Scéim Teanga • Year in which first Language Scheme was confirmed

Bliain Year	Scéimeanna Schemes	Comhlachtaí Poiblí san Áireamh Public Bodies Included
2004	1	1
2005	22	35
2006	18	36
2007	29	55
2008	15	28
2009	15	26
2010	5	10
2011	0	0
2012	3	3
2013	4	4
	112	198
Scéimeanna dímholtá Schemes superseded	2	2
Scéimeanna as feidhm Lapsed schemes	12	12
Iomlán • Total	98	184

An chéad dréachtscéim fós le daingniú • *First draft scheme not yet confirmed*

Bliain Year	Dréachtscéimeanna Draft Schemes	Comhlachtaí Poiblí san Áireamh Public Bodies Included
2005	16	25
2006	71	129
2007	42	79
2008	30	54
2009	31	43
2010	26	34
2011	28	36
2012	39	49
2013	47	54

An dara dréachtscéim fós le daingniú • *Second draft scheme not yet confirmed*

Bliain Year	Dréachtscéimeanna Draft Schemes	Comhlachtaí Poiblí san Áireamh Public Bodies Included
2007	20	33
2008	22	35
2009	48	84
2010	54	104
2011	72	139
2012	73	149
2013	60	136

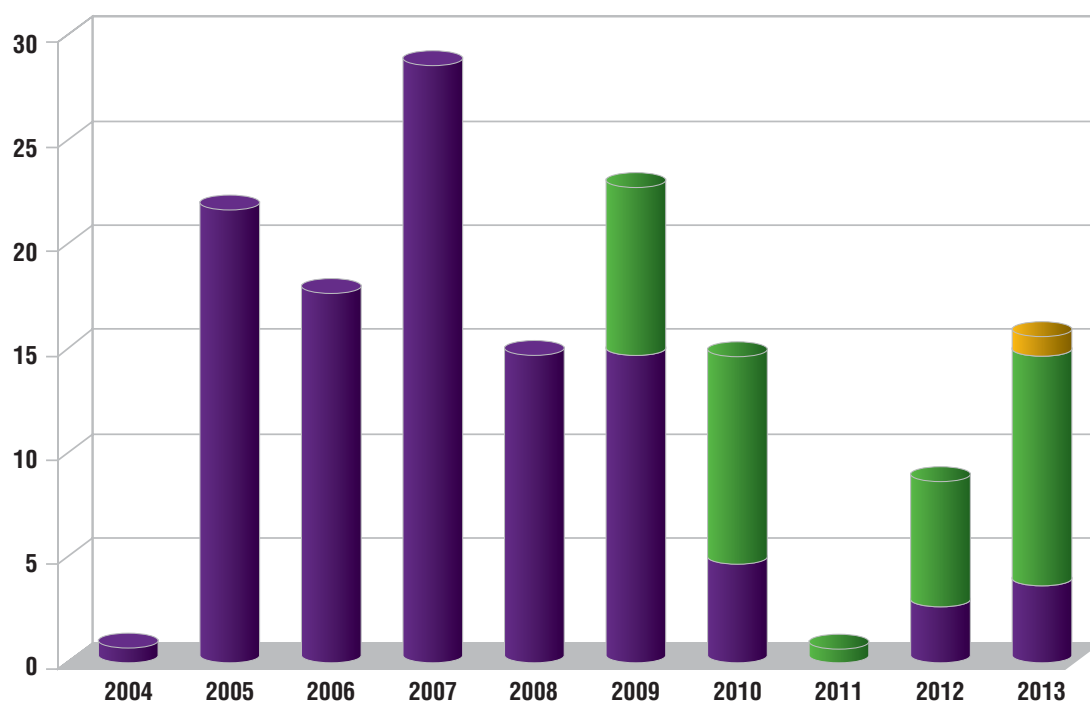
An tríú dréachtscéim fós le daingniú • *Third draft scheme not yet confirmed*

Bliain Year	Dréachtscéimeanna Draft Schemes	Comhlachtaí Poiblí san Áireamh Public Bodies Included
2011	1	1
2012	7	8
2013	11	19

Léirmheasanna / Iniúchtaí Críochnaithe • *Reviews / Audits Completed*

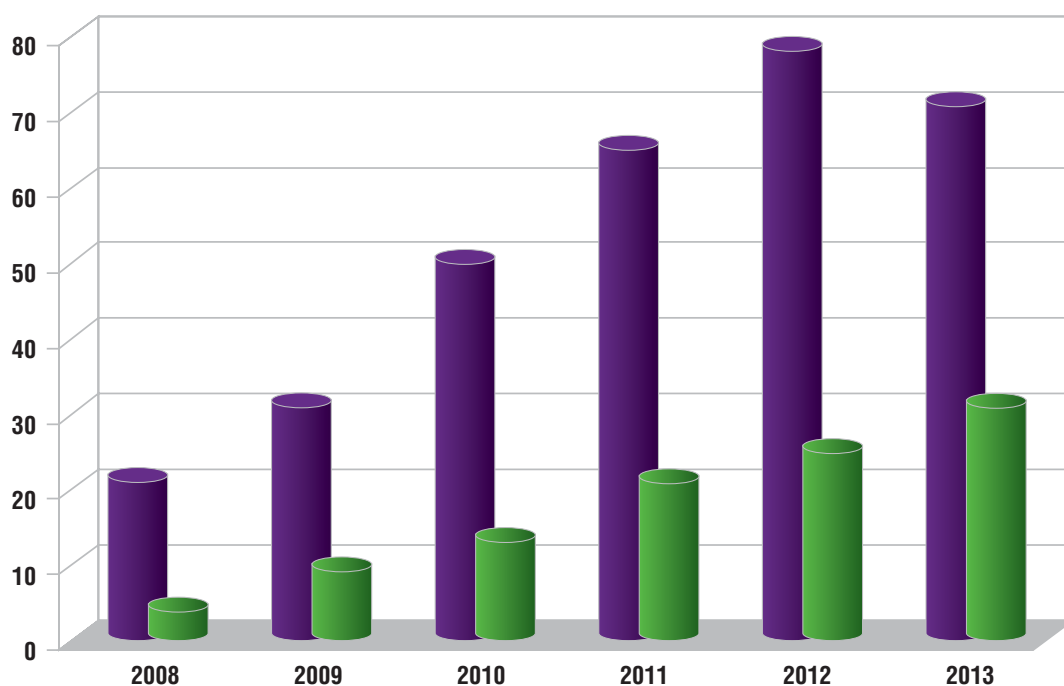
Bliain Year	Scéimeanna Schemes	Comhlachtaí Poiblí san Áireamh Public Bodies Included
2006	9	16
2007	25	43
2008	42	74
2009	39	73
2010	33	50
2011	29	62
2012	21	34
2013	15	22
Iomlán / Total	213	374

Scéimeanna Daingnithe ag an Aire • Schemes Confirmed by the Minister



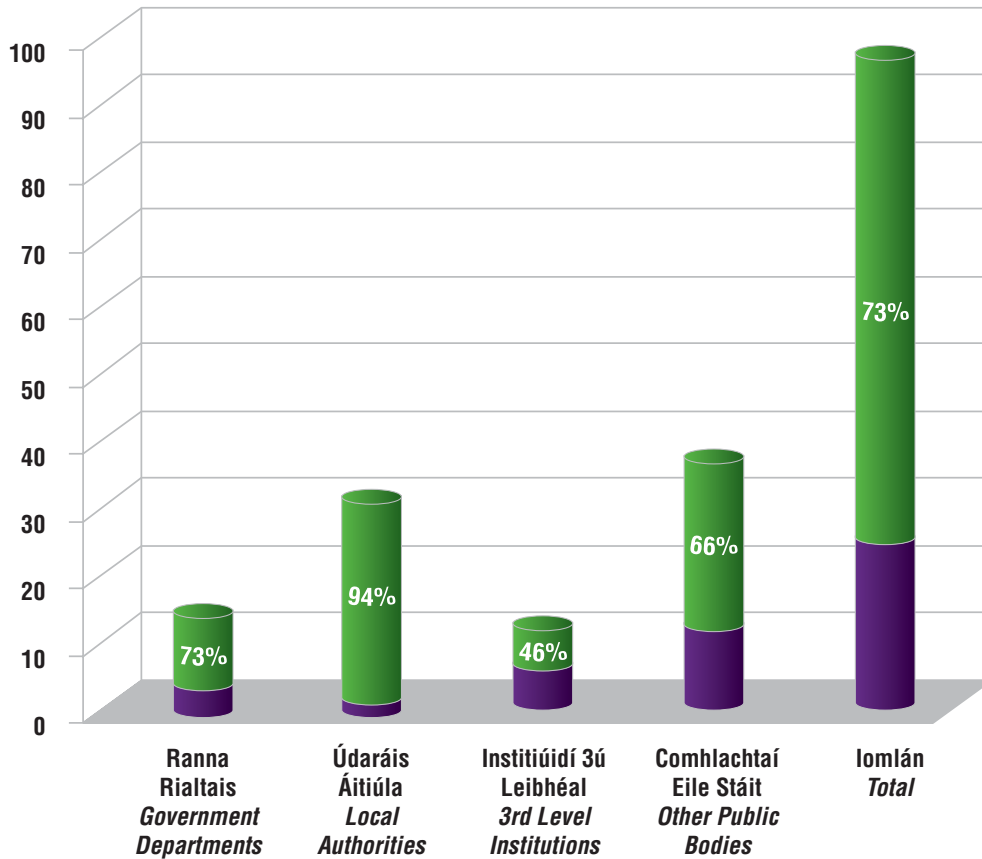
	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
■ An Tríú Scéim Daingnithe • <i>Third Scheme Confirmed</i>										1
■ An Dara Scéim Daingnithe • <i>Second Scheme Confirmed</i>						8	10	1	6	11
■ An Chéad Scéim Daingnithe • <i>First Scheme Confirmed</i>	1	22	18	29	15	15	5	0	3	4

Scéimeanna imithe in éag • Schemes expired



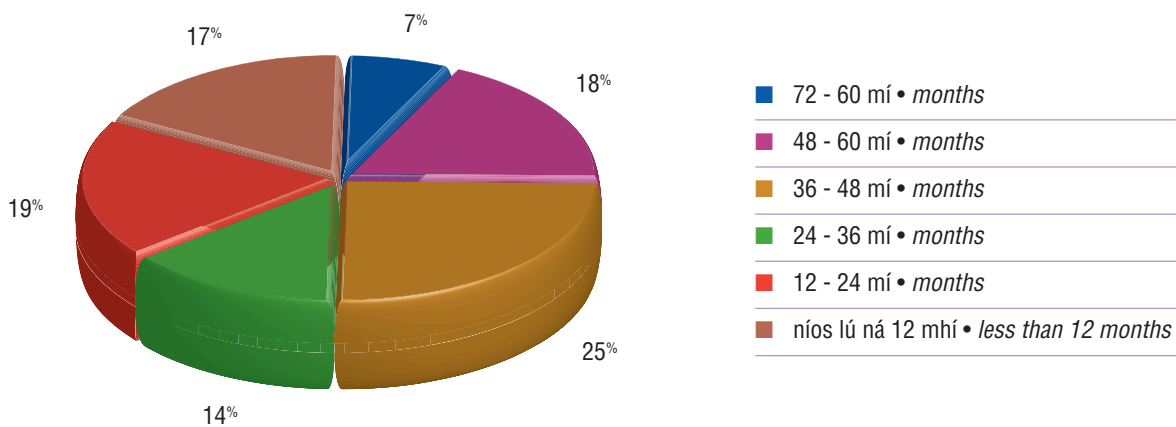
	2008	2009	2010	2011	2012	2013
■ Scéimeanna imithe in éag • <i>Schemes expired</i>	22	32	51	66	79	72
■ Meántréimhse scéim in éag (mí) • <i>Average period scheme expired (month)</i>	5	10	14	22	26	32

Scéimeanna in éag de réir cineál comhlachta phoiblí • Schemes expired by type of public body



	Ranna Rialtais Government Departments	Údaráis Áitiúla Local Authorities	Institiúidí 3ú Leibhéal 3rd Level Institutions	Comhlachtaí Eile Stáit Other Public Bodies	Iomlán Total
■ Scéimeanna in éag • Schemes expired	11	30	6	25	72
■ Scéimeanna nach bhfuil in éag • Schemes not expired	4	2	7	13	26

Tréimhse scéimeanna in éag • Period schemes expired



Scéimeanna daingnithe faoi dheireadh 2013 • Schemes confirmed by the end of 2013

Ainm an Chomhlachta Phoiblí	Name of Public Body	Tosach feidhme na scéime teanga is deireanaí Commencement date of most recent language scheme
Scéim 1	Scheme 1	
An Chomhairle Ealaíon	The Arts Council	01/07/05
Údaráis Áitiúla Chontae Phort Láirge	Waterford County Local Authorities	01/08/05
Údaráis Áitiúla Chontae na Gaillimhe	County Galway Local Authorities	23/08/05
Feidhmeannacht na Seirbhíse Sláinte, Limistéar an Iarthair	Health Service Executive, Western Area	01/09/05
Ollscoil na hÉireann, Má Nuad	National University of Ireland, Maynooth	19/09/05
An Roinn Airgeadais	Department of Finance	01/02/06
Ollscoil Chathair Bhaile Átha Cliath	Dublin City University	03/04/06
An Roinn Talmhaíochta, Bia agus Mara	Department of Agriculture, Food and the Marine	01/06/06
An Roinn Dlí agus Cirt agus Comhionannais	Department of Justice and Equality	30/06/06
Comhairle Cathrach Bhaile Átha Cliath	Dublin City Council	13/07/06
Údaráis Áitiúla na Mí	Meath Local Authorities	01/09/06
Údaráis Áitiúla Fhine Gall	Fingal Local Authorities	01/10/06
An Roinn Cumarsáide, Fuinnimh & Acmhainní Nádurtha	Department of Communications, Energy & Natural Resources	02/10/06
An Roinn Gnóthaí Eachtracha agus Trádála	Department of Foreign Affairs and Trade	01/12/06
Banc Ceannais na hÉireann	Central Bank of Ireland	01/12/06
Coláiste na hOllscoile, Corcaigh	University College Cork	01/12/06
Údaráis Áitiúla Mhaigh Eo	Mayo Local Authorities	22/12/06
Comhairle Contae Liatroma	Leitrim County Council	01/01/07
An tÚdarás Clárúcháin Maoine	Property Registration Authority	02/04/07
An Foras Riaracháin	Institute of Public Administration	10/04/07
Coimisiún Forbartha an Iarthair	Western Development Commission	10/04/07
An Roinn Iompair, Turasóireachta agus Spóirt	Department of Transport, Tourism and Sport	30/04/07
Oifig na nOibreacha Poiblí	Office of Public Works	08/05/07
An Bord um Chúnamh Dlíthiúil	Legal Aid Board	28/05/07
An Roinn Coimirce Sóisialaí	Department of Social Protection	01/06/07
Údaráis Áitiúla Thiobraid Árann Thuaidh & Comhchoiste Leabharlann Chontae Thiobraid Árann	North Tipperary Local Authorities & County Tipperary Joint Libraries Committee	01/06/07
Comhairle Contae Dhún Laoghaire-Ráth an Dúin	Dún Laoghaire-Rathdown County Council	01/07/07
Údaráis Áitiúla an Chláir	Clare Local Authorities	20/08/07
Údaráis Áitiúla Chorcaí	Cork Local Authorities	01/10/07
Comhairle Cathrach Luimnigh	Limerick City Council	01/10/07
Údaráis Áitiúla Ros Comáin	Roscommon Local Authorities	01/10/07
Údaráis Áitiúla na hIarmhí	Westmeath Local Authorities	01/10/07
Comhairle Cathrach Chorcaí	Cork City Council	31/10/07
An Phríomh-Oifig Staidrimh	Central Statistics Office	05/11/07
Údaráis Áitiúla Lú	Louth Local Authorities	20/11/07
Teagasc	Teagasc	01/01/08
Comhairle Contae Luimnigh	Limerick County Council	01/02/08
An tÚdarás um Ard-Oideachas	Higher Education Authority	01/06/08
Údaráis Áitiúla Chontae Mhuineacháin	Monaghan Local Authorities	01/06/08
Comhairle Cathrach Phort Láirge	Waterford City Council	01/06/08
Leabharlann Chester Beatty	Chester Beatty Library	15/06/08

Scéimeanna daingnithe faoi dheireadh 2013 • Schemes confirmed by the end of 2013

Ainm an Chomhlachta Phoiblí	Name of Public Body	Tosach feidhme na scéime teanga is deireanaí Commencement date of most recent language scheme
Scéim 1	Scheme 1	
Údaráis Áitiúla an Longfoirt	Longford Local Authorities	01/07/08
An Bord um Fhaisnéis do Shaoránaigh	Citizens Information Board	07/07/08
Oifig an Stiúrthóra um Fhorfheidhmiú Corparáideach	Office of the Director of Corporate Enforcement	14/07/08
Údaráis Áitiúla Chontae Chill Dara	Kildare Local Authorities	08/09/08
Údaráis Áitiúla Cheatharlach	Carlow Local Authorities	01/10/08
Oifig an Ard-Reachtair Cuntas & Ciste	Office of the Comptroller & Auditor General	19/01/09
An Binse Comhionannais	The Equality Tribunal	01/02/09
Bord Scannán na hÉireann	Irish Film Board	27/04/09
Údaráis Áitiúla Chill Mhantáin	Wicklow Local Authorities	25/05/09
An Oifig um Chlárú Cuideachtaí & Clárlann na gCara-Chumann	Companies Registration Office & Registry of Friendly Societies	26/05/09
An Garda Síochána	An Garda Síochána	28/05/09
Foras na Mara	Marine Institute	06/07/09
Údaráis Áitiúla Chontae an Chabháin	Cavan Local Authorities	20/07/09
Údaráis Áitiúla Laoise	Laois Local Authorities	01/12/09
An Roinn Sláinte	Department of Health	15/12/09
Údaráis Áitiúla Loch Garman	Wexford Local Authorities	11/01/10
Údaráis Áitiúla Shligigh	Sligo Local Authorities	28/07/10
Institiúid Teicneolaíochta Thrá Lí	Institute of Technology, Tralee	18/10/10
Institiúid Teicneolaíochta Dhún Dealgan	Dundalk Institute of Technology	18/10/10
An Roinn Post, Fiontar agus Nuálaíochta*	Department of Jobs, Enterprise & Innovation	25/10/10
An Roinn Ealaíon, Oidhreacht & Gaeltachta	Department of Arts, Heritage & the Gaeltacht	01/05/12
Institiúid Teicneolaíochta Bhaile Átha Cliath	Dublin Institute of Technology	22/05/12
Oifig Thithe an Oireachtas	Office of the Houses of the Oireachtas	31/07/12
Údarás Aerfort Bhaile Átha Cliath	Dublin Airport Authority	26/08/13
Údarás Craolacháin na hÉireann	Broadcasting Authority of Ireland	16/09/13
Institiúid Teicneolaíochta Bhaile Átha Luain	Athlone Institute of Technology	11/10/13
An Roinn Leanaí agus Gnóthaí Óige	Department of Children and Youth Affairs	14/10/13
Scéim 2	Scheme 2	
Oifig an Choimisiúin um Cheapacháin Seirbhíse Poiblí	Office of the Commission for Public Service Appointments	11/05/09
Roinn an Taoisigh	Department of the Taoiseach	21/12/09
Comhairle Cathrach na Gaillimhe	Galway City Council	23/12/09
Ollscoil Luimnigh	University of Limerick	29/12/09
Oifig an Stiúrthóra Ionchúiseamh Poiblí	Office of the Director of Public Prosecutions	20/04/10
Údaráis Áitiúla Dhún na nGall	Donegal Local Authorities	01/07/10
Oifig an Choimisinéara Cosanta Sonraí	Office of the Data Protection Commissioner	18/10/10
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	18/10/10
An Roinn Cosanta	Department of Defence	25/10/10
Údaráis Áitiúla Chiarraí	Kerry Local Authorities	26/10/10
Óglaigh na hÉireann	The Defence Forces	22/12/10
An Bord Pleanála	An Bord Pleanála	29/08/11

Scéimeanna daingnithe faoi dheireadh 2013 • Schemes confirmed by the end of 2013

Ainm an Chomhlachta Phoiblí	Name of Public Body	Tosach feidhme na scéime teanga is deireanaí Commencement date of most recent language scheme
Scéim 2 • Scheme 2		
Institiúid Teicneolaíochta Leitir Ceanainn	Letterkenny Institute of Technology	20/06/12
Comhairle Contae Bhaile Átha Cliath Theas	South Dublin County Council	30/07/12
Coláiste Oideachais Eaglais na hÉireann	Church of Ireland College of Education	07/08/12
An Crannchur Náisiúnta	The National Lottery	20/08/12
Ollscoil na hÉireann, Gaillimh	National University of Ireland, Galway	23/10/12
Oifig an Ombudsman & Oifig an Choimisinéara Faisnéise	Office of the Ombudsman & Office of the Information Commissioner	27/11/12
Oifig an Uachtaráin	Office of the President	28/01/13
Institiúid Teicneolaíochta na Gaillimhe-Maigh Eo	Galway-Mayo Institute of Technology	22/04/13
An Roinn Oideachais & Scileanna	Department of Education & Skills	22/04/13
Oifig na gCoimisinéirí Ioncaim	Office of the Revenue Commissioners	04/06/13
An tSeirbhís um Cheapacháin Phoiblí	Public Appointments Service	22/07/13
Bord Soláthair an Leictreachais	Electricity Supply Board	26/08/13
Gailearaí Náisiúnta na hÉireann	National Gallery of Ireland	16/09/13
An Coimisiún Reifrinn	The Referendum Commission	11/10/13
Comhairlí Contae & Cathrach Chill Chainnigh	Kilkenny County & City Councils	08/11/13
Coláiste na Tríonóide, Baile Átha Cliath	Trinity College Dublin	18/11/13
An tSeirbhís Chúirteanna	The Courts Service	01/01/14
Scéim 3		
An Roinn Comhshaoil, Pobail & Rialtais Áitiúil	Department of the Environment, Community & Local Government	18/09/13

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

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

Dréachtscéimeanna le daingniú • Draft Schemes to be confirmed**An Chéad Scéim • First Scheme**

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	<i>South Tipperary Local Authorities</i>	30/07/06	89
An Ceoláras Náisiúnta	<i>National Concert Hall</i>	21/09/06	87
Amharclann na Mainistreach (An Chuideachta Amharclann Náisiúnta Teoranta)	<i>Abbey Theatre (National Theatre Society Ltd.)</i>	21/09/06	87
An tÚdarás Comhionannais	<i>Equality Authority</i>	21/09/06	87
An Coimisiún um Scrúduithe Stáit	<i>State Examinations Commission</i>	21/09/06	87
Institiúid Teicneolaíochta Thamhlachta	<i>Institute of Technology, Tallaght</i>	21/09/06	87
Leabharlann Náisiúnta na hÉireann	<i>National Library of Ireland</i>	27/09/06	87
Ard-Mhúsaem na hÉireann	<i>National Museum of Ireland</i>	27/09/06	87
Suirbhéireacht Ordanáis Éireann	<i>Ordnance Survey Ireland</i>	27/09/06	87
An Chomhairle Oidhreacht	<i>Heritage Council</i>	27/09/06	87
Údarás Áitiúla Uíbh Fhailí	<i>Offaly Local Authorities</i>	10/06/07	79
Feidhmeannacht na Seirbhíse Sláinte	<i>Health Service Executive</i>	10/06/07	79
An Post	<i>An Post</i>	10/02/09	59
Coláiste na hOllscoile, Baile Átha Cliath	<i>University College Dublin</i>	10/02/09	59
Institiúid Teicneolaíochta Chorcaí	<i>Institute of Technology, Cork</i>	10/02/09	59
Institiúid Teicneolaíochta Shligigh	<i>Institute of Technology, Sligo</i>	05/10/09	51
Institiúid Teicneolaíochta Phort Láirge	<i>Institute of Technology, Waterford</i>	05/10/09	51
Raidió Teilifís Éireann	<i>Raidió Teilifís Éireann</i>	05/10/09	51
An tÚdarás um Bóithre Náisiúnta	<i>National Roads Authority</i>	05/10/09	51
An Roinn Caiteachais Phoiblí agus Athchóirithe	<i>Department of Public Expenditure and Reform</i>	26/08/11	28
Grúpa Chóras Iompair Éireann	<i>CIE Group</i>	14/09/12	16
Údarás Aerfort Chorcaí	<i>Cork Airport Authority</i>	14/09/12	16
Údarás Aerfort na Sionainne	<i>Shannon Airport Authority</i>	14/09/12	16
An Bord Bia	<i>An Bord Bia</i>	14/09/12	16
Bord na Móna	<i>Bord na Móna</i>	14/09/12	16
Bord Gáis Éireann	<i>Bord Gáis Éireann</i>	14/09/12	16
Bord Iascaigh Mhara	<i>Bord Iascaigh Mhara</i>	14/09/12	16
Fiontraíocht Éireann	<i>Enterprise Ireland</i>	14/09/12	16
GFT Éireann	<i>IDA Ireland</i>	14/09/12	16
Coillte	<i>Coillte</i>	14/09/12	16
Fáilte Ireland – an tÚdarás Náisiúnta Forbartha Turasóireachta	<i>Fáilte Ireland – National Tourism Development Authority</i>	14/09/12	16
Bord Oideachais agus Oiliúna an Chabháin agus Mhuineacháin	<i>Cavan and Monaghan Education and Training Board</i>	22/08/13	4
Bord Oideachais agus Oiliúna an Longfoirt agus na hIarmhí	<i>Longford and Westmeath Education and Training Board</i>	22/08/13	4
Bord Oideachais agus Oiliúna Bhaile Átha Cliath agus Dhún Laoghaire	<i>Dublin and Dún Laoghaire Education and Training Board</i>	22/08/13	4
Bord Oideachais agus Oiliúna Chathair Bhaile Átha Cliath	<i>City of Dublin Education and Training Board</i>	22/08/13	4
Bord Oideachais agus Oiliúna Chiarraí	<i>Kerry Education and Training Board</i>	22/08/13	4
Bord Oideachais agus Oiliúna Chill Dara agus Chill Mhantáin	<i>Kildare and Wicklow Education and Training Board</i>	22/08/13	4

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)
Bord Oideachais agus Oiliúna Chorcaí	Cork Education and Training Board	22/08/13	4
Bord Oideachais agus Oiliúna Chill Chainnigh agus Cheatharlach	Kilkenny and Carlow Education and Training Board	22/08/13	4
Bord Oideachais agus Oiliúna Dhún na nGall	Donegal Education and Training Board	22/08/13	4
Bord Oideachais agus Oiliúna Laoise agus Uíbh Fhailí	Laois and Offaly Education and Training Board	22/08/13	4
Bord Oideachais agus Oiliúna Lú agus na Mí	Louth and Meath Education and Training Board	22/08/13	4
Bord Oideachais agus Oiliúna Luimnigh agus an Chláir	Limerick and Clare Education and Training Board	22/08/13	4
Bord Oideachais agus Oiliúna Mhaigh Eo, Shligigh agus Liatroma	Mayo, Sligo and Leitrim Education and Training Board	22/08/13	4
Bord Oideachais agus Oiliúna na Gaillimhe agus Ros Comáin	Galway and Roscommon Education and Training Board	22/08/13	4
Bord Oideachais agus Oiliúna Phort Láirge agus Loch Garman	Waterford and Wexford Education and Training Board	22/08/13	4
Bord Oideachais agus Oiliúna Thiobraid Árann	Tipperary Education and Training Board	22/08/13	4

Dréachtscéimeanna le daingniú • Draft Schemes to be confirmed
An Dara Scéim • Second Scheme

Ainm an Chomhlachta Phoiblí	Name of Public Body	Dáta Scéim in Éag* Date Scheme Expired*	Tréimhse (míonna) ón Dáta Éaga Period (months) from Date Expired
An Chomhairle Ealaíon	The Arts Council	30/06/08	66
Údarás Áitiúla Chontae Phort Láirge	County Waterford Local Authorities	31/07/08	65
Údarás Áitiúla Chontae na Gaillimhe	County Galway Local Authorities	22/08/08	64
Ollscoil na hÉireann, Má Nuad	National University of Ireland, Maynooth	18/09/08	63
An Roinn Airgeadais	Department of Finance	31/01/09	59
Ollscoil Chathair Bhaile Átha Cliath	Dublin City University	02/04/09	57
An Roinn Talmhaíochta, Bia agus Mara	Department of Agriculture, Food and the Marine	31/05/09	55
An Roinn Díl agus Cirt agus Comhionannais	Department of Justice and Equality	29/06/09	54
Comhairle Cathrach Bhaile Átha Cliath	Dublin City Council	12/07/09	54
Údarás Áitiúla na Mí	Meath Local Authorities	31/08/09	52
Údarás Áitiúla Fhine Gall	Fingal Local Authorities	30/09/09	51
An Roinn Cumarsáide, Fuinnimh & Acmhainní Náúúrtha	Department of Communications, Energy & Natural Resources	01/10/09	51
Banc Ceannais na hÉireann	Central Bank of Ireland	30/11/09	49
An Roinn Gnóthaí Eachtracha agus Trádála	Department of Foreign Affairs and Trade	30/11/09	49
Ollscoil na hÉireann, Corcaigh	University College Cork	30/11/09	49
Údarás Áitiúla Mhaigh Eo	Mayo Local Authorities	21/12/09	48
Comhairle Contae Liatroma	Leitrim County Council	31/12/09	48
An tÚdarás Clárúcháin Maoine	Property Registration Authority	01/04/10	45
An Foras Riaracháin	Institute of Public Administration	09/04/10	45
Coimisiún Forbartha an Iarthair	Western Development Commission	09/04/10	45

Dréachtscéimeanna le daingniú • Draft Schemes to be confirmed**An Dara Scéim • Second Scheme**

Ainm an Chomhlachta Phoiblí	Name of Public Body	Dáta Scéim in Éag* Date Scheme Expired*	Tréimhse (míonna) ón Dáta Éaga Period (months) from Date Expired
An Roinn Iompair, Turasóireachta agus Spóirt	<i>Department of Transport, Tourism and Sport</i>	29/04/10	44
Oifig na nOibreacha Poiblí	<i>Office of Public Works</i>	07/05/10	44
An Bord um Chúnamh Dlíthiúil	<i>Legal Aid Board</i>	27/05/10	43
An Roinn Coimirce Sóisialaí	<i>Department of Social Protection</i>	31/05/10	43
Údaráis Áitiúla Thiobraid Árann Thuaidh & Comhchoiste Leabharlann Chontae Thiobraid Árann	<i>North Tipperary Local Authorities & County Tipperary Joint Libraries Committee</i>	31/05/10	43
Comhairle Contae Dhún Laoghaire-Ráth an Dúin	<i>Dún Laoghaire-Rathdown County Council</i>	30/06/10	42
Údaráis Áitiúla an Chláir	<i>Clare Local Authorities</i>	19/08/10	40
Údaráis Áitiúla Chorcaí	<i>Cork Local Authorities</i>	30/09/10	39
Comhairle Cathrach Luimnigh	<i>Limerick City Council</i>	30/09/10	39
Údaráis Áitiúla Ros Comáin	<i>Roscommon Local Authorities</i>	30/09/10	39
Údaráis Áitiúla na hIarmhí	<i>Westmeath Local Authorities</i>	30/09/10	39
Comhairle Cathrach Chorcaí	<i>Cork City Council</i>	30/10/10	38
An Phríomh-Oifig Staidrimh	<i>Central Statistics Office</i>	04/11/10	38
Údaráis Áitiúla Lú	<i>Louth Local Authorities</i>	19/11/10	37
Teagasc	<i>Teagasc</i>	31/12/10	36
Comhairle Contae Luimnigh	<i>Limerick County Council</i>	31/01/11	35
An tÚdarás um Ard-Oideachas	<i>Higher Education Authority</i>	01/06/11	31
Údaráis Áitiúla Chontae Mhuineacháin	<i>Monaghan Local Authorities</i>	01/06/11	31
Comhairle Cathrach Phort Láirge	<i>Waterford City Council</i>	01/06/11	31
Leabharlann Chester Beatty	<i>Chester Beatty Library</i>	15/06/11	31
Údaráis Áitiúla an Longfoirt	<i>Longford Local Authorities</i>	01/07/11	30
An Bord um Fhaisnéis do Shaoránaigh	<i>Citizens Information Board</i>	07/07/11	30
Oifig an Stiúrthóra um Fhorfheidhmiú Corparáideach	<i>Office of the Director of Corporate Enforcement</i>	14/07/11	30
Údaráis Áitiúla Chontae Chill Dara	<i>Kildare Local Authorities</i>	08/09/11	28
Údaráis Áitiúla Cheatharlach	<i>Carlow Local Authorities</i>	01/10/11	27
Oifig an Ard-Reachtair Cuntas & Ciste	<i>Office of the Comptroller & Auditor General</i>	19/01/12	23
An Binse Comhionannais	<i>The Equality Tribunal</i>	01/02/12	23
Bord Scannán na hÉireann	<i>Irish Film Board</i>	27/04/12	20
An Garda Síochána	<i>An Garda Síochána</i>	28/05/12	19
Údaráis Áitiúla Chill Mhantáin	<i>Wicklow Local Authorities</i>	25/05/12	19
An Oifig um Chlárú Cuideachtaí & Clárlann na gCara-Chumann	<i>Companies Registration Office & Registry of Friendly Societies</i>	26/05/12	19
Foras na Mara	<i>Marine Institute</i>	06/07/12	18
Údaráis Áitiúla Chontae an Chabháin	<i>Cavan Local Authorities</i>	20/07/12	17
Údaráis Áitiúla Laoise	<i>Laois Local Authorities</i>	01/12/12	13
An Roinn Sláinte	<i>Department of Health</i>	15/12/12	12
Údaráis Áitiúla Loch Garman	<i>Wexford Local Authorities</i>	11/01/13	12
Údaráis Áitiúla Shligigh	<i>Sligo Local Authorities</i>	27/07/13	5
Institiúid Teicneolaíochta Thrá Lí	<i>Institute of Technology, Tralee</i>	17/10/13	2
Institiúid Teicneolaíochta Dhún Dealgan	<i>Dundalk Institute of Technology</i>	17/10/13	2
An Roinn Post, Fiontar agus Nuálaíochta	<i>Department of Jobs, Enterprise & Innovation</i>	24/10/13	2

Dréachtscéimeanna le daingniú • Draft Schemes to be confirmed
An Tríú Scéim • Third Scheme

Ainm an Chomhlachta Phoiblí	Name of Public Body	Dáta Scéim in Éag* Date Scheme Expired*	Tréimhse (míonna) ón Dáta Éaga Period (months) from Date Expired
Oifig an Choimisiúin um Cheapacháin Seirbhíse Poiblí	Office of the Commission for Public Service Appointments	11/05/12	20
Roinn an Taoiseigh	Department of the Taoiseach	21/12/12	12
Comhairle Cathrach na Gaillimhe	Galway City Council	23/12/12	12
Ollscoil Luimnigh	University of Limerick	29/12/12	12
Oifig an Stiúrthóra Ionchúiseamh Poiblí	Office of the Director of Public Prosecutions	20/04/13	8
Údaráis Áitiúla Dhún na nGall	Donegal Local Authorities	30/06/13	6
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	17/10/13	2
Oifig an Choimisinéara Cosanta Sonraí	Office of the Data Protection Commissioner	17/10/13	2
An Roinn Cosanta	Department of Defence	24/10/13	2
Údaráis Áitiúla Chiarraí	Kerry Local Authorities	25/10/13	2
Óglaigh na hÉireann	The Defence Forces	21/12/13	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).

Scéimeanna teanga dímholta • Superseded language schemes

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

Scéimeanna as feidhm • *Schemes lapsed*

Ainm an Chomhlachta Phoiblí	Name of Public Body	Cúis • Reason
An Bord Seirbhísí Ríomhaire Rialtais Áitiúil	Local Government Computer Services Board	Na comhlachtaí poiblí scortha – an tAcht Rialtais Áitiúil (Forálacha Ilghnéitheacha), 2012
An Bord Seirbhísí Bainistíochta Rialtais Áitiúil	Local Government Management Services Board	<i>Public bodies dissolved – Local Government (Miscellaneous Provisions) Act 2012</i>
Coiste Gairmoideachais Chontae Dhún na nGall	County Donegal Vocational Educational Committee	Na comhlachtaí poiblí scortha – an tAcht um Boird Oideachais agus Oiliúna, 2013 <i>Public bodies dissolved – Education and Training Boards Act 2013</i>
Coiste Gairmoideachais Chontae na Gaillimhe	County Galway Vocational Education Committee	
Seirbhís Oideachais Chontae Chiarraí	Kerry Education Service	
Coiste Gairmoideachais Chathair Chorcaí	Cork City Vocational Education Committee	
Coiste Gairmoideachais Chathair na Gaillimhe	Galway City Vocational Education Committee	
Coiste Gairmoideachais Chontae Chorcaí	County Cork Vocational Education Committee	
Coiste Gairmoideachais Chontae an Chláir	County Clare Vocational Education Committee	
Coiste Gairmoideachais Chontae Bhaile Átha Cliath	County Dublin Vocational Education Committee	
Coiste Gairmoideachais Chathair Bhaile Átha Cliath	City of Dublin Vocational Education Committee	
An Foras Áiseanna Saothair (FÁS)	The Training and Employment Authority (FÁS)	An comhlacht poiblí scortha – an tAcht Breisoideachais agus Oiliúna 2013 <i>Public body dissolved – Further Education and Training Act 2013</i>

GEARÁIN

Tháinig laghdú ar líon na gcásanna nua – ó 756 sa bhliain 2012 go dtí 701 sa bhliain 2013 (-7%) – a cuireadh faoi mo bhráid inar chreid daoine den phobal go raibh cúis ghearáin acu de bharr deacrachta nó faidhbe i dtaca le seirbhís a fháil trí Ghaeilge ón státchóras.

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. Is mór agam an comhoibriú a fuair m’Oifig le déileáil le cásanna ar an mbealach sin. Tá réimse na ngearán fairsing agus ilghnéitheach, agus braitheann an cur chuige atá de dhíth go mór ar dhearcadh an chomhlachta phoiblí lena mbaineann sé. Bíonn comhoibriú maith le fáil go hiondúil ó fhormhór na gcomhlachtaí poiblí. Tá achomre ar na cásanna nár réitíodh tríd an gcóras neamhfhoirmiúil réitithe gearán agus inar seoladh imscrúduithe foirmiúla ina leith sa chaibidil den Tuarascáil 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, agus mar a bhí amhlaidh blianta eile, bhain cuid díobh le deacrachtaí agus fadhbanna níos ginearálta a bhain le gnó a dhéanamh trí Ghaeilge le heagraíochtaí stáit.

Ó thaobh na tíreolaíochta de, is ó Chontae Bhaile Átha Cliath is mó a tháinig na gearáin i mbliana arís, nach mór 38% de na gearáin, mar a bhí amhlaidh an bhliain roimh sin. Ón nGaeltacht a tháinig 24% de na gearáin agus tháinig an 76% eile ó cheantair lasmuigh den Gaeltacht.

Tháinig líon suntasach gearán arís ó Chontae na Gaillimhe (13.8%), Contae Chiarraí (8.8%), Contae Dhún na nGall (5.3%), Contae an Chláir (4.3%), Contae Chorcaí (3.4%), Contae Chill Chainnigh (2.7%), agus Contae na Mí (2.4%).

COMPLAINTS

There was a decrease in the number of new cases – from 756 in 2012 to 701 in 2013, (-7%) – which were brought to my attention in which members of the public considered they had reason to complain because of difficulties or problems associated with obtaining services through Irish from public bodies.

As happened in previous years, most of the complaints were resolved through the informal complaints resolution mechanism operated by my Office or through providing advice to the complainants. I am grateful for the cooperation my Office received in dealing with cases in that way. The range of complaints is wide and varied and the amount of time and effort required often depends on the attitude of the public body concerned. Public bodies are, for the most part, cooperative. Summaries of cases that were not resolved in this manner and in respect of which formal investigations were launched are provided in the chapter of this Report entitled “Investigations”.

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

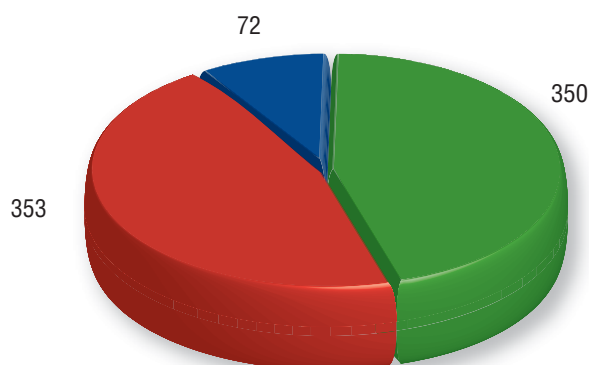
From a geographical perspective, the majority of the complaints once more came from County Dublin, almost 38% of complaints, as was the case last year. 24% of complaints came from within the Gaeltacht with the remaining 76% from areas outside the Gaeltacht. A substantial number came from County Galway once more (13.8%), from County Kerry (8.8%), County Donegal (5.3%), County Clare (4.3%), County Cork (3.4%), County Kilkenny (2.7%), and County Meath (2.4%).

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

Gearáin le linn 2013 • Complaints during 2013

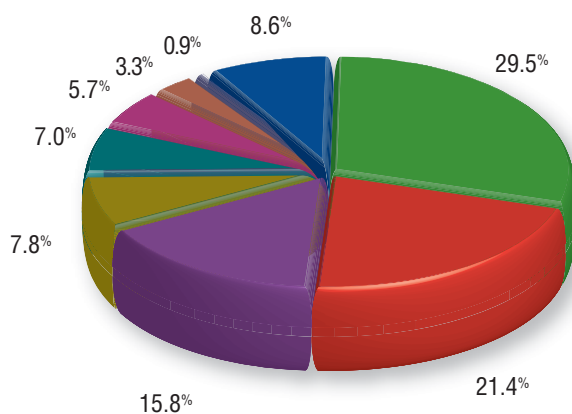
Gearáin nua, 2013 • <i>New complaints, 2013</i>	701
Gearáin tugtha ar aghaidh ó 2012 • <i>Complaints brought forward from 2012</i>	74
Móiriomlán na ngearán – deacrachtaí agus fadhbanna • <i>Total complaints – difficulties and problems</i>	775

	2012	2013
Comhairle tugtha maidir le gearáin <i>Advice given in respect of complaints</i>	391	350
Gearáin fiosraithe agus críochnaithe <i>Complaints investigated and finalised</i>	365	353
Gearáin oscailte ag deireadh na bliana <i>Complaints open at year end</i>	74	72



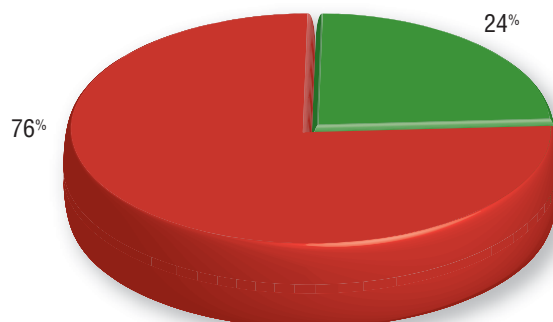
Céatadán na ngearán de réir cineáil • Percentage of complaints by type

	2012	2013
■ Foráil de scéim teanga (san áireamh: cártaí aitheantais, suíomhanna gréasáin agus foirmeacha) <i>Provision of a language scheme (including identity cards, websites and forms)</i>	30.6%	29.5%
■ Easpa Gaeilge ar chomharthaíocht & stáiseanóireacht • <i>Lack of Irish on signage and stationery</i>	19.3%	21.4%
■ Easpa Gaeilge ar chomharthaí bóthair • <i>Lack of Irish on road signs</i>	14.6%	15.8%
■ Fadhb le hainm agus/nó seoladh i nGaeilge • <i>Problem with use of name and/or address in Irish</i>	10.4%	7.8%
■ Freagraí i mBéarla ar chumarsáid i nGaeilge • <i>Replies in English to correspondence in Irish</i>	8.9%	7.0%
■ Achtacháin eile a bhaineann le stádas nó le húsáid na Gaeilge • <i>Other enactments relating to the use or status of Irish</i>	3.2%	5.7%
■ Bileoga nó ciorcláin i mBéarla amháin • <i>Leaflets or circulars in English only</i>	3.4%	3.3%
■ Alt 32/33 – Logainmneacha Gaeltachta • <i>Section 32/33 – Gaeltacht Placenames</i>	1.9%	0.9%
■ Eile (cúiseanna aonair) • <i>Other (individual issues)</i>	7.7%	8.6%
IOMLÁN • TOTAL	100%	100%



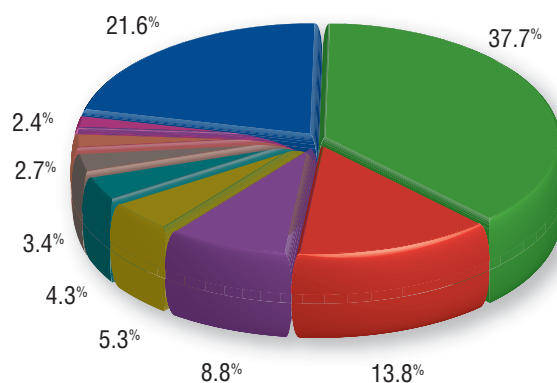
Gearáin: An Ghaeltacht agus lasmuigh den Ghaeltacht • Complaints: Gaeltacht and non-Gaeltacht

	2012	2013
■ An Ghaeltacht • <i>Gaeltacht</i>	26%	24%
■ Lasmuigh den Ghaeltacht • <i>Non-Gaeltacht</i>	74%	76%
IOMLÁN • TOTAL	100%	100%



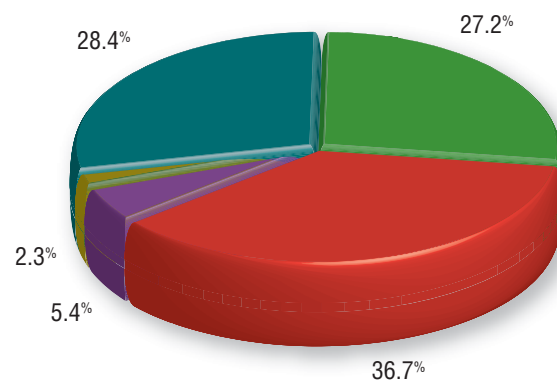
Gearáin de réir contae • Complaints by county

	2012	2013
Baile Átha Cliath • Dublin	38%	37.7%
Gaillimh • Galway	14.5%	13.8%
Ciarraí • Kerry	7%	8.8%
Dún na nGall • Donegal	4%	5.3%
Co. an Chláir • Clare	-	4.3%
Corcaigh • Cork	2.5%	3.4%
Cill Chainnigh • Kilkenny	5%	2.7%
An Mhí • Meath	4%	2.4%
Eile • Other	25%	21.6%
IOMLÁN • TOTAL	100%	100%



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

	2012	2013
Ranna & oifigí rialtais • Government departments & offices	20.3%	27.2%
Údaráis áitiúla • Local authorities	42.2%	36.7%
Údaráis sláinte • Health authorities	3.6%	5.4%
Údaráis oideachais • Education authorities	2.5%	2.3%
Eagraíochtaí eile stáit • Other state organisations	31.4%	28.4%
IOMLÁN • TOTAL	100%	100%



Staitisticí

Mar a léiríonn na staitisticí thuas, i measc na nithe a ndearnadh gearán fúthu, bhain an chuid ba líonmhaire díobh (29.5%) le cur i bhfeidhm gealltanais a thug comhlachtaí poiblí faoi scéimeanna reachtúla teanga a aontaíodh faoi alt 11 den Acht. Bhí ardú ó 19.3% go 21.4% ar chéatadán na ngearán a bhain le húsáid na Gaeilge ar chomharthaíocht agus ar stáiseanóireacht comhlachtaí poiblí, i gcomhréir leis na Rialacháin faoi fho-alt 9(1) den Acht. Bhí ardú ar chéatadán na ngearán a bhain le sárú ar fhorálacha d'achtacháin eile a bhaineann le stádas nó le húsáid na Gaeilge, ó 3.2% go 5.7%. Ar ndóigh, baineann na gearáin maidir le húsáid na Gaeilge ar chomharthaí tráchtacha leis an réimse seo chomh maith, ach léirítear an figiúr sin go hiondúil mar fhigiúr neamhspleách: 15.8% de na gearáin a bhain le húsáid na Gaeilge ar chomharthaí tráchtacha – ardú beag ar líon na bliana seo caite. Sa *Lámhleabhar do Chomharthaí Tráchtacha* a leagtar síos na dualgaí atá ar na húdaráis bóithre i leith úsáid na Gaeilge ar chomharthaí tráchtacha.

Bhí íslíú, go 7.8%, in 2013 ar chéatadán na ngearán maidir le deacrachtaí a bhain le hainm agus seoladh i nGaeilge. Bhain siad sin le hainmneacha 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 íslíú ar chéatadán na ngearán i dtaca le freagraí i mBéarla ar chomhfhreagras i nGaeilge, ó 8.9% in 2012 go 7.0% in 2013, rud a thabharfadh le fios go bhfuil méadú ar fheasacht sna comhlachtaí poiblí. Ábhar imní dom, áfach, líon na gcomhlachtaí atá ag baint úsáid as meaisín aistriúcháin ar nós 'Google translate' le freagra i nGaeilge a eisiúint. Níos minice ná a mhalairt, bíonn na freagraí sin doléite agus dothuigthe. Níl córas dá leithéid sách foirfe ná forbartha ag an bpointe seo ama do chomhfhreagras oifigiúil ó chomhlacht stáit.

Statistics

As the above statistics show, the largest number of complaints (29.5%) related to the implementation of commitments made by public bodies in statutory language schemes agreed under section 11 of the Act. There was an increase from 19.3% to 21.4% in the percentage of the complaints relating to the use of Irish on public bodies' signage and stationery, in accordance with the Regulations under subsection 9(1) of the Act. There was an increase in the percentage of complaints relating to a breach of the provisions of other enactments concerning the status or use of Irish, from 3.2% to 5.7%. Of course, complaints relating to the use of Irish on road signs belong by right to this category, but this is generally provided as an independent figure: 15.8% of complaints related to the use of Irish on traffic signs, a small reduction on last year's figure. The obligations on roads authorities in respect of road traffic signage are set out in the *Traffic Signs Manual*.

There was a decrease in 2013, to 7.8%, in the percentage of complaints regarding problems with the use of names and addresses in Irish. These concerned names and addresses that were spelt incorrectly in Irish, or spelt in English, or where computer systems could not handle the *síneadh fada*. There was a decrease in complaints regarding replies in English to correspondence in Irish, from 8.9% in 2012 to 7.0% in 2013, which would give one to believe that there may be an increased awareness of the legislation in public bodies. The increase in the use of machine translation systems such as 'Google translate' by public bodies to reply in Irish to official correspondence is a matter of some concern to me, however. These responses are invariably illegible and incomprehensible. These systems are not yet sufficiently developed or perfected for official correspondence from state bodies.

IMSCRÚDUI THE

Is é atá i gceist le himscrúdú ná fiosrúchán oifigiúil a sheoltar ar bhonn foirmiúil reachtúil de réir na bhforálacha atá in Acht na dTeangacha Oifigiúla. Tá an t-údarás agus na cumhachtaí cuí chuige seo tugtha dom mar Choimisinéir Teanga faoin Acht; baineann sé seo le cásanna inar dóigh liom gur theip ar chomhlachtaí poiblí a ndualgais reachtúla a chomhlíonadh faoin Acht, agus baineann sé fosta le haon fhoráil d'aon achtachán eile a bhaineann le stádas nó le húsáid na Gaeilge.

Is féidir imscrúdú a dhéanamh a bheadh bunaithe ar ghearán ó aon duine, ar iarratas ón Aire Ealaíon, Oidhreacht 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 a bhíonn i gceist agus ar m'Oifig. Dá bhrí sin, is iondúil go ndéantar iarracht an gearán a réiteach ar dtús trí chóras neamhfoirmiúil 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 a bheadh ag finn os comhair na hArd-Chúirte.

Déantar foráil san Acht d'fhéaíl 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 díoltú comhoibriú le himscrúdú, as loiceadh ina d(h)ualgas comhoibriú le himscrúdú nó as bac a chur le hobair imscrúdaithe.

Is féidir imscrúdú a sheoladh i gcásanna ina líomhnáítear gur theip ar chomhlacht poiblí a dhualgais reachtúla a chomhlíonadh i dtaca le:

- Forálacha díreacha an Achta;
- Rialacháin atá 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.

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 phonc dlí i gcoinne an chinnidh laistigh de cheithre seachtaine.

Seoladh 11 imscrúdú nua le linn 2013. Bhí trí imscrúdú neamhchríochnaithe ann a tugadh ar aghaidh ó 2012. Mar sin, bhí 14 imscrúdú idir lámha le linn na bliana 2013 agus críochnaíodh ar fad iad cé is moite de cheann amháin, faoi dheireadh na bliana. Dá bhrí sin, tá achoimre ar 13 imscrúdú sa Tuarascáil seo.

INVESTIGATIONS

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

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

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

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

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

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

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

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

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

A total of 11 new investigations were commenced in 2013. Three uncompleted investigations were carried forward from 2012. Consequently, there were 14 investigations in hand during 2013 and all but one of those investigations had been completed by the end of the year. Therefore, summaries are provided in this Report of 13 investigations.

Líon na himscrúduithe	2012	2013
Tugtha ar aghaidh ón mbliain roimhe	4	3
Imscrúduithe seolta	13	11
Iomlán idir lámha	17	14
Tugtha ar aghaidh go dtí an chéad bhliain eile	3	1
Iomlán críochnaithe / scortha	14	13

Is ceart a thuiscint go soiléir nach bhfuil sna hachóimrí 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 de 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.

Number of Investigations	2012	2013
Brought forward from previous year	4	3
Investigations launched	13	11
Total in hand	17	14
Brought forward to next year	3	1
Total completed / discontinued	14	13

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

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

ACHOIMRÍ AR IMSCRÚDUIHE 2013

An Roinn Oideachais agus Scileanna (a)

Léirigh imscrúdú gur sháraigh an Roinn Oideachais agus Scileanna na dualgais reachtúla i dtaca le haird a thabhairt ar na cuspóirí teanga atá daingnithe san Acht Oideachais, 1998 trí iarracht a dhéanamh tabhairt ar scoil Ghaeltachta a fheidhmíonn trí Ghaeilge glacadh le hath-imlonnú múinteora nuair nár chreid údarais na scoile sin ná na múinteoirí a bhí i gceist go raibh oiread líofachta ag na múinteoirí i nGaeilge lena gcuid oibre a dhéanamh go cuí sa teanga sin.

Anuas air sin, sháraigh an Roinn an dualgas atá uirthi na cuspóirí teanga thuasluaite a chur san áireamh go cuí agus comhaontuithe á ndéanamh leis na comhpháirtithe oideachais i dtaca le hath-imlonnú múinteoirí.

Rinne bunscoil Ghaeltachta ainmnithe gearán le hOifig an Choimisinéara Teanga gur dhiúltaigh an Roinn cead di a chinntiú gur múinteoir le líofacht Ghaeilge a cheapfaí ar fhoireann bhuan na scoile agus gur ceanglaíodh ar an scoil duine a roghnú ón ‘bpainéal breise’, ainneoin nach raibh aon duine ar an bpainéal sin a chreid go raibh an cumas nó an inniúlacht sa Ghaeilge aige nó aici chun feidhmiú go héifeachtach i scoil Ghaeltachta ina múintear na hábhair trí Ghaeilge.

Ba é seasamh na Roinne go raibh gach bunmhúinteoir cáilithe oiriúnach le múineadh in aon scoil sa tír atá maoinithe go poiblí. Dúirt an Roinn: *“Teacher qualifications, including those relating to Irish, are designed to equip teachers to teach in all publicly funded schools.”*

Ba leor na ráitis shamplacha seo mar léargas ar an dearcadh a bhí ag na múinteoirí féin ar a gcumas múineadh i scoil Ghaeltachta ina ndéantar an teagasc trí Ghaeilge:

“With respect to you, your principal and your pupils, I feel that my standard of Irish would not reach the requirement needed for a Gaeltacht school and Gaeltacht life in general.”

“Is oth liom a rá nach dóigh liom go mbeadh mé oiriúnach dod phost i scoil Ghaeltachta. Ní dóigh liom go bhfuil mo chuid Gaelainne ar caighdeán sách ard don shaghas sin scoil.”

“Unfortunately I don’t think I would be the best person for the job and I’m sure there’s someone on the panel with more experience in Gaelscoileanna and fluency with Irish than I have.”

“Tá brón orm, ach bhí me ag smaoineamh maidir leis an cruinniú, agus níl go leor Gaeilge agam chun a bheith ag obair sa Gaeltacht.”

Bunmhúinteoirí agus cumas Gaeilge

Fad is a bhí an t-imscrúdú seo ar siúl, sheol an tAire Oideachais agus Scileanna *Tuarascáil an Phríomhchigire 2010-2012*. I bpreasráiteas a d’eisigh an Roinn leis an tuarascáil, dúradh: *“I measc na dtosc a luaigh an Príomhchigire, bhí an t-easnamh ar chlár cuimsitheach Gaeilge do bhunscoileanna a bhí ag teagasc trí mheán an Bhéarla mar aon le hábhair imní maidir le cumas Gaeilge múinteoirí i líon beag, ach suntasach, ranganna.”*

SUMMARIES OF 2013 INVESTIGATIONS

Department of Education and Skills (a)

An investigation found that the Department of Education and Skills failed to comply with its statutory obligations under the Education Act 1998, to have regard to the language-related objectives in the Act when it attempted to compel a Gaeltacht school, teaching through the Irish language, to accept the re-assignment of a teacher when neither the school authorities nor the teachers themselves believed that they had sufficient fluency in Irish to teach through that language.

In addition, the Department failed to comply with its duty under the Act to have proper regard to the above-mentioned language-related objectives when drawing up agreements on re-assignment of teachers with the educational partners.

A complaint was made to the Office of An Coimisinéir Teanga by a named Gaeltacht primary school that the Department had refused to allow the school ensure that teachers appointed to the school had fluent Irish and had instead insisted that the school accept a person from the supplementary panel, for appointment on a permanent basis, even though no teacher on the panel believed that he or she had sufficient competence in Irish to work in a Gaeltacht school teaching through Irish.

The Department claimed that all qualified primary teachers are trained to teach in such schools saying: *“Teacher qualifications, including those relating to Irish, are designed to equip teachers to teach in all publicly funded schools.”*

The following examples are sufficient to illustrate the views of the teachers themselves in relation to their ability to teach through Irish in a Gaeltacht school:

“With respect to you, your principal and your pupils, I feel that my standard of Irish would not reach the requirement needed for a Gaeltacht school and Gaeltacht life in general.”

“I am sorry to say that I do not think that I would be suitable for your post in a Gaeltacht school. I don’t think my Irish is of a sufficiently high standard for that type of school.” (trans.)

“Unfortunately I don’t think I would be the best person for the job and I’m sure there’s someone on the panel with more experience in Gaelscoileanna and fluency with Irish than I have.”

“I am sorry, I was thinking about the meeting and I do not have sufficient Irish to work in the Gaeltacht.” (trans.)

Irish language competence of primary school teachers

While the investigation was ongoing, the Minister for Education and Skills launched the *Chief Inspector’s Report 2010-2012*. In a press release issued with the report, the Department said that *“The lack of a comprehensive Irish-language programme for English-medium primary schools and concerns about the Irish-language competence of teachers in a small but significant number of classrooms were among the factors noted by the Chief Inspector.”*

Tá na sleachta a leanas ón tuarascáil féin ábhartha:

Ar leathanach 51: *“I gcaitheamh na mblianta 2010-2012, thuairiscigh na cigirí go raibh deacrachtaí ag baint le cáilíocht an teagaisc don Ghaeilge sa chúigiú cuid de na ceachtanna a ndearnadh iniúchadh orthu le linn cigireachtaí teagmhásacha agus go raibh deacrachtaí ag baint le cáilíocht fhoghla na teanga ag daltaí i thart ar an ceathrú cuid (24%) de na ceachtanna sin.”*

Ar leathanach 59: *“I líon mór scoileanna Gaeltachta, tuairiscíodh gur minic ceachtanna Gaeilge á múineadh go dátheangach le Béarla in uachtar sa chumarsáid i measc na ndaltaí. Chuir sé seo bac ar chumas daltaí dúshlán a chur rompu féin smaoineamh go cognaíoch sa sprioctheanga.”*

Dúirt an Roinn go raibh clárúchán múinteoirí ag leibhéal na bunscoile á rialú ag Alt 3(5) den Acht um Chomhairle Mhúinteoireachta, 2001 agus Rialacháin na Comhairle Múinteoireachta [Clárúchán] 2009 agus dúirt: *“Faoi na rialacháin seo, aithníonn an Chomhairle Mhúinteoireachta go bhfuil bunmhúinteoirí cáilithe le teagasc i mbunscoil ar bith lena n-áirítear scoileanna a fheidhmíonn trí mheán na Gaeilge.”*

Is í fírinne an scéil nach ndéanann an Chomhairle Mhúinteoireachta aon mheastóireacht ar chumas múinteoirí múineadh i scoil Ghaeltachta seachas aon scoil eile. Cláraíonn an Chomhairle múinteoirí atá cáilithe go cuí de réir critéir oideachasúla ach níl aon rud i rialacháin na Comhairle a dheimhníonn cumas múinteora múineadh trí Ghaeilge i scoil Ghaeltachta.

San achoimre ar *“Staid Reatha na Scoileanna Gaeltachta”* (2004), deirtear go bhfuil an chosúlacht ar an scéal *“gur fearr atá ag éirí leis an gcóras oideachais sa Ghaeltacht úsáid an Bhéarla a chothú i measc cainteoirí dúchais Gaeilge ná mar atá ag éirí leis úsáid na Gaeilge a chothú i measc cainteoirí Béarla”* (leathanach 15).

Ag tagairt do thuairim na múinteoirí ar an bpainéal nach raibh a ndóthain Gaeilge acu le teagasc i scoil Ghaeltachta, dúirt an Roinn: *“Más rud é go ndearnadh ráitis dá leithéid, b’fhéidir go ndéanfaí cuid acu nó iad uile a aisghairm dá mba rud é gur thug na múinteoirí lena mbaineann aird ar na torthaí a bheadh ar mhaíomh dá leithéid i dtéarmaí a gcuid inniúlachta le cleachtadh in aon bhunscoil aitheanta agus a n-aitheantas leanúnach mar mhúinteoir.”*

Mheas an t-imscrúdú go mba thrua dá mbainfí de bhrí as an ráiteas sin gur bagairt dá seasamh mar mhúinteoir a bheadh ann do dhuine a rá go macánta nach raibh a dhóthain Gaeilge aige/aici le múineadh trí Ghaeilge i scoil Ghaeltachta. Seans nach raibh sin i gceist in abairt seo na Roinne. Deargamaid é a mhaíomh go bhféadfadh duine múineadh trí Ghaeilge i scoil Ghaeltachta mura bhfuil líofacht mhaith i nGaeilge aige/aici agus is léir don saol mór nach bhfuil líofacht mhaith i nGaeilge ag **gach** bunmhúinteoir cláraithe sa tír.

Chinn an t-imscrúdú mar chinneadh fíoraí é nach bhfuil gach múinteoir bunscoile atá cláraithe leis an gComhairle Mhúinteoireachta incháilithe le múineadh trí Ghaeilge i scoil Ghaeltachta agus nach bhféadfaidís a bheith cáilithe chuige sin gan líofacht mhaith i nGaeilge a bheith acu.

Cuspóirí

I measc na gcuspóirí in Alt 6 den Acht Oideachais, 1998, tá: cuidiú le réadú beartas náisiúnta i ndáil le leathadh an dátheangachais i sochaí na hÉireann

The following extracts from the report are relevant:

On page 47: *“During the years 2010-2012, inspectors reported that the quality of Irish teaching was problematic in one fifth of the lessons inspected during incidental inspections and the quality of pupils’ learning of the language was problematic in approximately one quarter (24%) of those lessons.”*

On page 57: *“In a considerable number of Gaeltacht schools, it was reported that Irish lessons were often taught bilingually with English as the dominant language of communication among students. This limited students’ capacity to challenge themselves cognitively in thinking through the target language.”*

The Department said that the registration of primary level teachers was regulated by Section 3(5) of the *Teaching Council Act 2001* and the *Teaching Council [Registration] Regulations 2009* and that *“Under these regulations, the Teaching Council confirms that teachers are qualified to teach in any primary school including schools which teach through Irish.”* (trans.)

The truth of the matter is that the Teaching Council does not assess the competency of teachers to teach in a Gaeltacht school as opposed to any other school. The Council registers teachers qualified in accordance with educational criteria but there is nothing in the regulations to confirm specifically that they have the ability to teach through Irish in a Gaeltacht school.

In the summary of *“A Study of Gaeltacht Schools”* (2004) published by An Chomhairle um Oideachas Gaeltachta agus Gaelscolaíochta, it is said that it would appear *“that the education system in the Gaeltacht is better equipped to inculcate the use of English amongst its first language speakers of Irish than it is to inculcate the use of Irish amongst its first language speakers of English.”* (page 16)

Referring to the belief expressed by the teachers on the panel that they did not have sufficient Irish to teach in a Gaeltacht school, the Department said: *“If such statements were made, perhaps some or all of the teachers would withdraw them if they were aware of the outcome of making such assertions in terms of their qualifications to teach in any recognised primary school and their continued recognition as teachers.”* (trans.)

The investigation considered that it would be regrettable if this statement from the Department were seen as a threat to the position of a teacher who said honestly that they did not have sufficient Irish to teach through Irish in a Gaeltacht school. Perhaps this was not what was meant by the Department’s statement. The investigation felt that it would be ludicrous to claim that a person without fluency in Irish could teach through Irish in a Gaeltacht school and it is well-known that not **all** registered primary teachers in the country have fluent Irish.

The investigation found as a matter of fact that not every teacher registered with the Teaching Council is qualified to teach through Irish in a Gaeltacht school and that they could not be qualified to do so without having fluency in Irish.

Objectives

The objectives listed in Section 6 of the Education Act 1998 include: to contribute to the realisation of national policy and objectives in relation to

agus go háirithe go mbainfí úsáid níos mó as an nGaeilge ar scoil agus sa phobal; cuidiú leis an nGaeilge a choinneáil mar phríomhtheanga an phobail i limistéir Ghaeltachta, agus riachtanais teanga agus chultúrtha mac léinn a chur chun cinn ag féachaint do roghanna a dtuismitheoirí.

Dúirt an Roinn leis an imscrúdú nach bhféadfaí na cuspóirí seo a mheas ina n-aonar agus iad scartha amach ó fhorálacha eile an Achta Oideachais, go raibh iliomad cuspóirí ag an Acht agus nach raibh rud ar bith sa reachtaíocht a thabharfadh le tuiscint go raibh aon ordlathas i measc na gcuspóirí seo nó gur chóir tosaíocht a thabhairt do cheann amháin níos mó ná do cheann eile. D'aontaigh an t-imscrúdú leis an léirmhíniú sin agus ba léir dá thoradh sin nach bhféadfaí aon chuspóir a fhágáil ar leataobh. Níorbh fhéidir géilleadh do na cuspóirí i dtaca leis an nGaeilge dá n-éileofaí ar mhúinteoirí gan líofacht mhaith i nGaeilge dul i mbun oibre i scoil Ghaeltachta.

Acmhainní

Dúirt an Roinn go ndearnadh c.7,000 múinteoir a ath-ímlonnú le blianta anuas agus go raibh coigilteas c.€150 milliún in aghaidh na bliana ann dá bharr sin. Níl ach c. 130 bunscoil Ghaeltachta sa tír – c.4% den iomlán. Ní thiocfadh ceist ath-ímlonnú foirne chun cinn ach i gcás fíorbheagán de na scoileanna sin. Agus i gcás cuid de na cásanna sin ní bheadh impleachtaí teanga i gceist sa mhéid is gur múinteoirí le Gaeilge a bheadh le hath-ímlonnú chuig scoileanna Gaeltachta. Céatadán beag de chéatadán beag a bheadh i gceist, mar sin, agus ní raibh aon fhianaise ag an imscrúdú ná aon chúis le creidiúint go gcuirfeadh seo oiread ceangail ar acmhainní na Roinne gur ghá cuspóirí sonracha de chuid an Achta Oideachais a shárú.

Comhaontuithe maidir le hath-ímlonnú

Daingnítear go reachtúil na socrúithe maidir le hath-ímlonnú múinteoirí sna hAchtanna Oideachais (1998 agus 2012). Ach deimhnítear na nósanna imeachta iad féin ó am go ham idir an tAire, an pátrún, eagraíochtaí aitheanta bainistíochta scoile agus aon cheardchumann aitheanta agus comhlachas foirne atá ionadaitheach do mhúinteoirí.

Chonacthas don imscrúdú nach bhféadfadh comhaontú den chineál sin a bheith ann beag beann ar na cuspóirí teanga in Alt 6 den Acht. Dá mbeadh coimhlint ann idir na nósanna imeachta maidir le hath-ímlonnú foirne agus cuspóirí teanga na reachtaíochta, is iad na nósanna imeachta ba ghá a leasú, dar leis an imscrúdú.

Mar fhreagra ar cheist ón imscrúdú faoin aird a tugadh ar an gcuspóir atá ag fo-alt 6(j) den Acht *“cuidiú leis an nGaeilge a choinneáil mar phríomhtheanga an phobail i limistéir Ghaeltachta”* agus nósanna ath-ímlonnaithe á gceapadh ag an Aire, dúradh go raibh na socrúithe i bhfeidhm i bhfad roimh achtú an Achta Oideachais, 1998. Dúirt an Roinn nár mheas sí *“go raibh sé ar intinn ag an Oireachtas, agus Acht Oideachais 1998 á achtú aige, go mbeadh athruithe á gcur i bhfeidhm ag an Acht go huathoibríoch ar na socrúithe ath-ímlonnaithe a aontaíodh ar dtús ag eascairt as forálacha fho-alt 6(j) den Acht nó go deimhin foráil ar bith eile den Acht”*.

Ach déantar na córais seo a athbhreithniú go rialta agus rinneadh leasú i dtaca le cúrsaí teanga ag cruinnithe athbhreithnithe in 2013 le socrú nua go mbeadh ‘tic’ le cur sa bhosca acu siúd a bhfuil suim ar leith acu in ath-ímlonnú chuig scoil a fheidhmíonn trí Ghaeilge.

the extension of bilingualism in Irish society and in particular the achievement of a greater use of the Irish language at school and in the community; to contribute to the maintenance of Irish as the primary community language in Gaeltacht areas, and to promote the language and cultural needs of students having regard to the choices of their parents.

The Department told the investigation that these objectives could not be viewed in isolation from the other provisions of the Education Act, that there are many objectives in the Act and that there was nothing in the legislation to indicate that there was any hierarchy among the objectives or that one should be emphasised above the others. The investigation agreed with this view and considered therefore that no objective could be set aside. It would not be possible to comply with the objectives in relation to Irish if teachers without the required fluency in Irish were required to work in Gaeltacht schools.

Resources

The Department said that c.7,000 teachers were redeployed in recent years resulting in a saving of c.€150m per year. There are only c. 130 Gaeltacht primary schools in the country – c.4% of the total. Redeployment only happens in a small number of those schools and often there are no language implications as teachers with Irish redeploy to Gaeltacht schools. This matter concerns a small percentage of a small percentage of cases and the investigation had no evidence to suggest it could cause a problem of such proportions for the resources of the Department as to justify the contravention of a specific objective of the Education Act.

Agreement in relation to redeployment

The arrangements for the redeployment of teachers are statutorily confirmed in the Education Acts (1998 and 2012). However, the actual procedures are agreed from time to time between the Minister, the patron, the recognised management organisation and any recognised trade union and staff association representing teachers.

The investigation found that such an agreement could not be made without regard to the language obligations in Section 6 of the Act. If a conflict should arise between the procedures for the redeployment of teachers and the objectives of the legislation, then it is the procedures that stand to be revised.

In reply to a question from the investigation as to the consideration given to the objective in subsection 6(j) of the Act *“to contribute to the maintenance of Irish as the primary community language in Gaeltacht areas”* when the Minister was setting out the redeployment procedures, the Department said that the procedures were in place long before the enactment of the Education Act 1998. The Department said that it did not think that *“the Oireachtas intended, in enacting the Education Act 1998, that the Act would automatically alter redeployment procedures already agreed as a result of subsection 6(j) or any other provision of the Act.”* (trans.)

However, these procedures are regularly reviewed and they were revised in relation to language issues in 2013 when a new arrangement was agreed allowing those who wished to indicate their interest in redeploying to an Irish-medium school to put a ‘tick’ in an appropriate box.

Cé gur léir go n-éascódh an ticbhosca an próiseas, is cosúil nach bhfacthas gur géilleadh a bhí ann nach bhféadfaí múinteoir gan líofacht mhaith i nGaeilge a ath-imlonnú chuig scoil a fheidhmíonn trí Ghaeilge.

Ag freagairt ceiste di ón imscrúdú ar aimsíodh comhréiteach eile do shocruithe ath-imlonnaithe i gcás go raibh an scoil, an múinteoir nó an péire acu míshásta faoin gcumas teanga a bhí i gceist, dheimhnigh an Roinn go raibh *“roinnt cásanna le blianta beaga anuas inar chinn an tOifigeach Painéil, agus machnamh déanta aige/aici ar na tosca ábhartha ar fad, gan múinteoir ar leith a shannadh do scoil a fheidhmíonn trí mheán na Gaeilge”*.

D’admhaigh an Roinn go ndéantar eisceachtaí freisin d’ath-imlonnú i gcásanna ar leith mar shampla i gcás *“sannacháin shealadach chuig folúntas i scoil de chineál éagsúil pátrúnachta [Bheadh ar mhúinteoirí dá leithéid cloí le riachtanais an Boird Bhainistíochta maidir lena dhualgas éiteas an scoile a cosaint, i gcomhréir leis an dlí. Tharla ath-imlonnú ó Scoileanna Le Chéile (Educate Together) chuig Scoileanna Caitliceacha agus chuig Scoileanna Eaglais na hÉireann agus ó Scoileanna Eaglais na hÉireann chuig Scoileanna Caitliceacha ar an mbealach sin].”*

Ní raibh ach breithiúnas amháin a d’fhéadfaí a dhéanamh ar an léargas seo – go gceadaítear eisceachtaí nuair a bhíonn cúis mhaith leo. Ba léir freisin gur cúis mhaith é an dualgas cloí le cuspóirí an Achta Oideachais agus a chinntiú go mbeadh líofacht mhaith i dteanga na scoile ag aon mhúinteoir. Ach níor chreid an t-imscrúdú gur ar bhonn “eisceacht” ba cheart déileáil leis an ábhar seo.

I ndeireadh na dála, mheas an t-imscrúdú gur bhocht an scéal é go mbeadh múinteoir ceaptha i scoil Ghaeltachta a bhí ag múineadh trí Ghaeilge agus go raibh cumas níos fearr sa teanga sin ag daltaí na scoile ná ag an múinteoir féin. Níor chreid an t-imscrúdú go seasadh aon roinn oideachais le socrú den chineál sin.

“Iomchuí”

Rinne an Roinn cás leis an imscrúdú nach mbeadh sé “iomchuí” córas dhá leibhéal a thabhairt isteach ina ndéanfaí sainmhúinteoirí a earcú do scoileanna Gaeltachta. Dúirt an Roinn: *“Gan amhras bheadh éileamh ann le sainmhúinteoirí a leathnú go dtí na scoileanna ar fad a fheidhmíonn trí mheán na Gaeilge. Tá sé de chontúirt ar chur chuige mar sin go mbeadh drochthoradh nach raibh beartaithe an don Ghaeilge i mbunscoile i gcoitinne; d’fhéadfadh sé an tuairim a chothú nach mbeadh dea-inniúlacht sa Ghaeilge i measc múinteoirí de dhíth ach do scoileanna a fheidhmíonn trí mheán na Gaeilge agus, de réir a chéile, d’fhéadfadh sé argóint a chothú nár chóir go mbeadh teagasc na Gaeilge de dhíth ach i scoileanna a fheidhmíonn trí mheán na Gaeilge.”* Níor chreid an t-imscrúdú go raibh bunús dá laghad leis an argóint sin agus bheadh lánmhuinín aige as ardchumas na Roinne argóint chomh neafaiseach leis sin a bhréagnú go cuimsitheach agus go foirfe.

D’fháiltigh an t-imscrúdú roimh dheimhniú go raibh *“tús curtha ag an Roinn le hathbhreithniú ar an soláthar oideachais sa Ghaeltacht d’fhonn a fháil amach conas is féidir an beartas is fearr maidir le soláthar oideachais sna limistéir seo a fhorbairt chun cuspóirí an Achta Oideachais, 1998 agus an Straitéis 20 Bliain don Ghaeilge a bhaint amach.”*

Although the tick box would obviously ease the process, apparently, it was not seen as acknowledging that a teacher without fluency in Irish could not be redeployed to an Irish-medium Gaeltacht school.

Replying to questions from the investigation about settlements reached in other instances where the school, the teacher or both were dissatisfied with the language ability of a teacher, the Department said that there were *“a number of cases in recent years in which the Panel Officer decided, having considered all the relevant factors, not to assign a particular teacher to a school teaching through the medium of Irish”*. (trans.)

The Department conceded that exceptions in relation to redeployment were also made in certain other cases, for example, in the case of a *“temporary assignment to a vacancy in a school under a different patronage. [Such teachers would have to comply with the requirements of the Management Board in relation to their duty to defend the ethics of the school in accordance with the law. Redeployment happened from Educate Together to Catholic Schools and to Church of Ireland Schools and from Church of Ireland Schools to Catholic Schools in that manner].”* (trans.)

Only one conclusion could be reached based on this information – that exceptions were permitted when there was a good reason for them. It was clear too that the duty to comply with the objectives of the Education Act and to ensure that the teachers are fluent in the language of the school are good reasons to allow exceptions. However, the investigation felt that the matter should not be dealt with on the basis of exceptions.

Finally, the investigation considered that it would be a sad day if a teacher were assigned to a Gaeltacht school teaching through Irish and that the students had more Irish than the teacher. The investigation did not believe that any department of education would condone such a situation.

“Appropriate”

The Department told the investigation that it would not be “appropriate” to create two levels of teachers so that specialist teachers would be recruited to Gaeltacht schools: *“Without doubt, the demand for specialist teachers would spread to all schools operating through Irish. The danger in this is that it would lead to an unintended bad outcome for Irish in the generality of primary schools; the attitude could be promoted that good fluency in Irish among teachers was only required in schools teaching through Irish, and gradually the contention could arise that the teaching of Irish should only be required in Irish medium schools”*. (trans.) The investigation considered this to be a baseless argument and had full confidence in the capacity of the Department to comprehensively reject such a trivial argument.

The investigation welcomed the statement that *“the Department has commenced a review of the provision of education in the Gaeltacht to find out how best to develop the most appropriate policy in relation to the provision of education in these areas in order to implement the objectives of the Education Act, 1998 and the 20 Year Strategy for the Irish language.”* (trans.)

Idir an dá linn, tá na forálacha reachtúla teanga san Acht Oideachais ann mar threoir ó Thithe an Oireachtais sa réimse seo.

Socrú sealadach

Thug an Roinn le fios go raibh réiteach sealadach ar chás na scoile ainmnithe. Réiteach sealadach a bhí ann ach níor dhéileáil sé go cuí le croí na ceiste.

Cluichíocht

Rinne an Roinn an pointe ginearálta, gan a dhearbhu gur tharla sé sa chás seo, nach dtaitníonn ath-implonú le scoileanna ná le múinteoirí agus gurb é rogha na múinteoirí ná fanacht i scoil a thaitníonn leo agus go mbíonn ‘cluichíocht’ ar an gcóras ar bun uaireanta má dhíláithrítear iad in iarracht go gcuirfí iad sa scoil is mó ar mhaith leo oibriú inti, dar leis an Roinn. Ní fhaca an t-imscrúdú aon fhianaise de chineál ar bith cluichíochta sa chás seo.

Go deimhin, bhí ardmholadh ag an imscrúdú d’údarás na scoile agus na múinteoirí a bhí ar an bpainéal cuí a ghlac an seasamh ionraic nár le leas na scoile, na ndaltaí ná na Gaeltachta é múinteoir gan líofacht mhaith sa teanga a cheapadh i scoil Ghaeltachta ina múintear na hábhair trí Ghaeilge.

Bord Bainistíochta

Tá dualgais reachtúla eile in Alt 15 den Acht Oideachais ar bhord bainistíochta scoile, ina measc:

*“déanfaidh sé spiorad saineiúil na scoile, mar a chinntear é de réir na luachanna agus na dtraidisiún **cultúrtha**, oideachais, morálta, creidimh, sóisialta, **teangeolaíocha** agus spioradálta is bun le cuspóirí agus stiúradh na scoile agus is saintréithe den chéanna, a chosaint agus beidh sé cuntasach don phátrún as iad a chosaint amhlaidh, agus gníomhóidh sé i gcónaí de réir aon Achta den Oireachtas nó aon ionstraime arna déanamh faoin gcéanna, agus de réir aon ghníomhais, cairte, airteagal bainistíochta nó aon ionstraime eile den sórt sin a bhaineann le bunú nó le hoibriú na scoile”* 15(b) (aibhsiú déanta)

*...beidh aird aige ar phrionsabail agus ar riachtanais sochaí daonlathaí agus beidh urraim aige don éagsúlacht luachanna, creideamh, traidisiún, **teangacha** agus modhanna maireachtála atá sa tsochaí agus cothóidh sé urraim don éagsúlacht sin”. 15(e) (aibhsiú déanta)*

Ba dheacair a chreidiúint go bhféadfadh bord bainistíochta i scoil Ghaeltachta ina múintear na hábhair trí Ghaeilge na dualgais sin a chomhlíonadh go cuí agus múinteoir nach raibh líofacht mhaith sa teanga aige/aici ar fhoireann na scoile. Go deimhin féin, d’fhéadfaí cás a dhéanamh go mbeadh bord bainistíochta – mar dhaoine a bhfuil baint acu leis an Acht Oideachais a chur i ngníomh, ceangailte le géilleadh do chuspóirí an Achta faoi Alt 6 – ag sárú a ndualgas reachtúil féin mura n-éileoidís líofacht mhaith i nGaeilge do mhúinteoirí i scoil Ghaeltachta.

Conclúid

Tá todhchaí na Gaeltachta mar limistéar ina maireann an Ghaeilge mar theanga bheo an phobail go mór i gcontúirt de réir tuarascálacha oifigiúla éagsúla le blianta anuas.

In the meantime, the statutory language provisions in the Education Act on this matter act as guidance from the Houses of the Oireachtas.

Temporary solution

The Department indicated that a temporary solution had been arrived at in relation to the school in question. This temporary solution did not address the core issue in an appropriate manner.

Deception

Without claiming that it occurred in this case, the Department made the point that neither schools nor teachers like redeployment, that teachers prefer to remain in the school they are happy in and sometimes, according to the Department, if they are redeployed there is a certain “deception” used to ensure that they are sent to their preferred school. The investigation did not consider that there was evidence of any kind of deception in this case.

Indeed, the investigation commended the school authorities and the teachers on the panel for their honest stance, that, to appoint a teacher without fluency in the language to a Gaeltacht school where subjects are taught through Irish would not be to the benefit of the school, the pupils or the Gaeltacht.

Board of Management

There are further statutory obligations on boards of management in Section 15 of the Education Act, including:

*“uphold, and be accountable to the patron for so upholding, the characteristic spirit of the school as determined by the **cultural**, educational, moral, religious, social, **linguistic** and spiritual values and traditions which inform and are characteristic of the objectives and conduct of the school, and at all times act in accordance with any Act of the Oireachtas or instrument made thereunder, deed, charter, articles of management or other such instrument relating to the establishment or operation of the school”* 15(b) (emphasis inserted)

*“have regard to the principles and requirements of a democratic society and have respect and promote respect for the diversity of values, beliefs, traditions, **languages** and ways of life in society,”* 15(b) (emphasis inserted)

It would be difficult to believe that any board of management in a Gaeltacht school teaching through Irish could fulfil those obligations while a teacher without fluency in Irish was on the staff of the school. A case could also be made that the board of management – as people concerned in the implementation of the Act who must have regard to the objectives in Section 6 – could be in breach of its own legal obligations if it did not insist on fluency in Irish in the case of teachers in Gaeltacht schools.

Conclusion

The future of the Gaeltacht as a region where Irish survives as the living language of the community is in great danger according to official reports over many years.

Fiú mura raibh dualgas reachtúil i gceist múinteoirí le líofacht mhaith i nGaeilge a cheapadh nó a ath-implonú chuig scoileanna Gaeltachta, ba léir fós gurbh é an rud ceart le déanamh é. Sa chás seo, chonacthas don imscrúdú go raibh an dualgas reachtúil faoin Acht Oideachais, 1998 á sháru.

Rinne an t-imscrúdú na moltaí seo a leanas:

- go gcinnteodh an Roinn nach gcuirfí aon bhac ar an scoil múinteoir leis an gcumas cuí i nGaeilge a fhostú le feidhmiú agus teagasc trí Ghaeilge;
- go ndéanadh an Roinn agus na comhpháirtithe oideachais athbhreithniú agus leasú cuí ar aon chomhaontú maidir le hath-implonú múinteoirí le cinntiú go ngéilleann na socruithe sin don dualgas reachtúil atá daingnithe ag an Oireachtas i dtaca le haird a thabhairt ar na cuspóirí teanga atá daingnithe i bhfo-ailt 6(i), 6(j) agus 6(k) den Acht Oideachais, 1998;
- nach ndéanfaí aon iarracht idir an dá linn múinteoir gan líofacht mhaith i nGaeilge a bhrú ar scoil Ghaeltachta ina ndéantar an teagasc trí Ghaeilge, agus
- go scrúdódh an Roinn Oideachais agus Scileanna agus na comhpháirtithe oideachais na himpleachtaí atá ag fionnachtana agus moltaí an imscrúdaithe do scoileanna eile – seachas scoileanna Gaeltachta – a chuireann teagasc trí Ghaeilge ar fáil agus go ngníomhóidís dá réir.

Imscrúdú seolta: an 7 Deireadh Fómhair 2013

Tuarascáil eisithe: an 20 Nollaig 2013

An Roinn Oideachais agus Scileanna (b)

Léirigh imscrúdú gur sháraigh an Roinn Oideachais agus Scileanna na dualgais reachtúla teanga atá daingnithe san Acht Oideachais, 1998 agus i Riall 16 den *Rules and Programmes for Secondary Schools* trí oideachas trí Ghaeilge go leibhéal na hArdteistiméireachta a dhiúltú do dhaltaí Gaeltachta agus daltaí eile ar rogha leo é i scoil dara leibhéal Gaeltachta.

Rinne Pobalscoil Chloich Chionnaola gearán leis an Oifig i mí Dheireadh Fómhair 2013 nach raibh acmhainní cuí á soláthar ag an Roinn Oideachais agus Scileanna le cinntiú gurbh fhéidir sruth Gaeilge na scoile a sholáthar go leibhéal na hArdteistiméireachta, agus go raibh an sruth Gaeilge a bhí ar fáil go dtí an Teastas Sóisearach á chur i mbaol ag an gcinneadh seo. Freastalaíonn an scoil seo ar abhantrach mhór, agus tá ceithre bhunscoil lán-Ghaeilge sa cheantar as a dtagann bunús na ndaltaí ar mian leo freastal ar an sruth Gaeilge.

Agus é ag tabhairt faoin imscrúdú seo, chuir an Coimisinéir Teanga ar an taifead go raibh eolas ar leith aige féin ar an bpobal a bhí i gceist anseo ó tharla gur i gceantar na scoile sin a rugadh agus a tógadh é agus go raibh gaolta aige sa cheantar. Chuir sé an t-eolas seo ar an taifead ar eagla go gceapfaí ar aon chúis go mbeadh coimhlint leasa i gceist agus é i mbun an imscrúdaithe seo.

Bhain an t-imscrúdú seo le léirmhíniú ar na dualgais reachtúla teanga a d'fhéadfadh a bheith i gceist faoin Acht Oideachais agus fíricí ábhartha faoin Aonad Gaelach sa scoil.

Even if there was no statutory requirement to assign teachers with fluent Irish to Gaeltacht schools, it would be the correct thing to do. In this case, the investigation found that there is a statutory requirement to do so, in the Education Act 1998.

The recommendations made by the investigation include:

- that the Department would not obstruct the school in question in the recruitment of a teacher with sufficient competence in Irish to teach through Irish;
- that the Department and the education partners would review and amend appropriately the agreement in relation to the redeployment of teachers so that it would comply with the legal requirements confirmed by the Oireachtas with regard to the language obligations in subsections 6(i), 6(j) and 6(k) of the Education Act 1998;
- that in the meantime no efforts be made to force a Gaeltacht school teaching through Irish to accept a teacher without fluency in Irish, and
- that the Department and the education partners examine the implications of these findings and recommendations for schools – other than Gaeltacht schools – teaching through Irish and that they act accordingly.

Investigation launched: 7 October 2013

Report issued: 20 December 2013

The Department of Education and Skills (b)

An investigation found that the Department of Education and Skills failed to comply with its statutory language obligations as confirmed under the Education Act 1998 and in Rule 16 of the *Rules and Programmes for Secondary Schools* by refusing to provide education through the medium of Irish to Leaving Certificate level in a Gaeltacht second level school for Gaeltacht students or for other students who wished to study through the medium of Irish.

Pobalscoil Chloich Chionnaola complained to the Office in October 2013 that appropriate resources were not being provided by the Department of Education and Skills to ensure that the Irish Language Unit in the school could provide education up to Leaving Certificate level, and that the failure of the Department to provide these resources was threatening the viability of the provision by the Unit of education up to Junior Certificate level. The school in question serves a wide catchment area which includes four Gaeltacht primary schools. The majority of the students who wish to avail of education through Irish come from the Gaeltacht schools.

When undertaking this investigation, An Coimisinéir Teanga placed on record the fact that he knew the community in question as he was born and raised in the area and had relatives there. He wished to put this information on the record in case it would be considered that he had any conflict of interest during his investigation of the subject matter.

The investigation involved the interpretation of the potential statutory language obligations arising under the Education Act and other relevant factors concerning the Irish language stream in the school.

Fo-ailt 6(i), 6(j) agus 6(k) den Acht Oideachais, 1998

De réir na dtrí fho-alt seo is gá aird a thabhairt, i gcur i ngníomh an Achta Oideachais, ar chuidiú le réadú beartas agus cuspóirí náisiúnta i ndáil le leathadh an dátheangachais i sochaí na hÉireann agus go háirithe go mbainfí úsáid níos mó as an nGaeilge ar scoil agus sa phobal. Is den riachtanas fosta é cuidiú leis an nGaeilge a choinneáil mar phríomhtheanga an phobail i limistéir Ghaeltachta, agus sa bhreis air sin, riachtanais teanga agus chultúrtha mac léinn a chur chun cinn ag féachaint do roghanna a dtuismitheoirí.

Dúirt an Roinn leis an imscrúdú nach bhféadfaí na cuspóirí seo a mheas ina n-aonar agus iad scartha amach ó fhorálacha eile an Achta Oideachais, go raibh iliomad cuspóirí ag an Acht, agus nach raibh rud ar bith sa reachtaíocht a thabharfadh le tuiscint go raibh aon ordlathas i measc na gcuspóirí seo nó go raibh ceannas ag ceann amháin nó níos mó de na cuspóirí ar chinn eile agus gur chóir tosaíocht a thabhairt dóibh.

D'aontaigh an t-imscrúdú le léirmhíniú na Roinne ar an bpointe sin. Ba léir go raibh oiread seasaimh agus substainte ag baint leis na cuspóirí reachtúla teanga agus a bhí ag aon chuspóirí eile. Ní raibh na cuspóirí éagsúla seo i gcoimhlint lena chéile agus níor ghá go mbeadh ordlathas i gceist leo. Is gá do “gach duine” a bhfuil baint aige nó aici leis an Acht Oideachais a chur i ngníomh géilleadh do na cuspóirí sin. Ba dheacair a cheapadh go bhféadfaí géilleadh do na cuspóirí sin dá ndíoltófaí oiliúint iomlán iarbhunscoile trí Ghaeilge a sholáthar do dhaltáí Gaeltachta.

Dúirt an Roinn go gcaithfeadh an tAire Oideachais aird a thabhairt ar na hacmhainní a bhí ar fáil. Faoi fho-alt 6(b) den Acht ní mór dó aird a thabhairt ar an gcuspóir seo: *“a fhoráil, a mhéid is indéanta agus ag féachaint do na hacmhainní atá ar fáil, go gcuirfear ar fáil do dhaoine a chónaíonn sa Stát leibhéal agus cáilíocht oideachais is cuí chun freastal ar riachtanais agus cumais na ndaoine sin.”*

Níl aon fhianaise ann go bhfuil ceannas ag an gcuspóir seo ar na cuspóirí reachtúla teanga. Níl fianaise ar bith ann ach an oiread go dteastódh oiread acmhainní sa chás seo go mbeadh sé dodhéanta ag an Aire géilleadh dóibh.

Alt 7(2)(d)

Baineann Alt 7(2)(d) den Acht Oideachais le seirbhísí taca trí Ghaeilge a sholáthar do scoileanna aitheanta a chuireann teagasc trí Ghaeilge ar fáil agus d'aon scoil aitheanta eile a iarrann soláthar den sórt sin. Dúirt an Roinn nach raibh Alt 7(2)(d) ábhartha. *“Tá soláthar in Alt 24, inter alia, do cheapacháin múinteoirí agus foirne eile ag scoileanna faoi réir nósanna imeachta comhaontaithe, lena n-áirítear ceapacháin maidir le hAonaid atá aitheanta chun críche an Achta”* a dúirt an Roinn.

I bhfo-alt 2(n) den Acht daingnítear mar sheirbhísí taca *“cibé seirbhísí eile a shonraítear leis an Acht seo nó is cuí leis an Aire.”* Ba léir gur seirbhís eile a shonraítear leis an Acht an soláthar in Alt 24 do cheapachán múinteoirí agus comhaltáí foirne eile ag scoileanna. Ba ghá, mar sin, faoi fho-alt 7(2)(d), na seirbhísí taca sin a sholáthar trí Ghaeilge do *“scoileanna a chuireann teagasc trí Ghaeilge ar fáil agus d'aon scoil aitheanta eile a iarrann soláthar den sórt sin.”* Ba scoil den chineál sin í Pobalscoil Chloich Chionnaola.

Subsections 6(i), 6(j) and 6(k) of the Education Act 1998

Under these three subsections, due regard must be given, in the implementation of the Education Act, to the following objectives: to contribute to the realisation of national policy and objectives in relation to the extension of bi-lingualism in Irish society and in particular the achievement of a greater use of the Irish language at school and in the community; to contribute to the maintenance of Irish as the primary community language in Gaeltacht areas, and to promote the language and cultural needs of students having regard to the choices of their parents.

The Department told the investigation that these objectives could not be viewed in isolation from other provisions of the Education Act, that there are many objectives in the Act and nothing in the legislation indicated that there was any hierarchy among the objectives or that one objective should be emphasised above the others.

The investigation agreed with the Department's assessment on that point. Clearly, the statutory objectives concerning the Irish language have the same substance and status as any of the other objectives. There was no conflict between the various objectives and no need to establish an order of priority. The Act requires that “every person” concerned in the implementation of the Education Act has regard to those objectives. If education, through the medium of Irish, is denied to second level Gaeltacht students it could hardly be said that a person is paying due regard to the language objectives of the Act.

The Department said that the Minister for Education must have regard to the resources available to him. Under subsection 6(b), the Minister must *“provide that, as far as is practicable and having regard to the resources available, there is made available to people resident in the State a level and quality of education appropriate to meeting the needs and abilities of those people.”*

There is no evidence that this objective has greater priority than the other statutory objectives, nor is there any evidence that the resources required in this case are such as to make it impossible for the Minister to provide them.

Section 7(2)(d)

Section 7(2)(d) of the Education Act concerns the provision of support services through Irish to recognised schools providing education through Irish and other recognised schools that request such services. The Department said that section 7(2)(d) was not relevant and said that *“Provision is made in Section 24, inter alia, for the appointment of teachers and other staff under the agreed current procedures which include appointments to Units that are recognised for the purposes of the Act.”* (trans.)

However, “support services” are defined in subsection 2(n) as including *“such other services as are specified by this Act or considered appropriate by the Minister”*. Clearly, the provision in Section 24 for the appointment of teachers and other staff in schools is another support service specified by the Act. It is essential, therefore, under section 7(2)(d) that support services be made available *“through Irish to recognised schools which provide teaching through Irish and to any other recognised school which requests such provision”*. Pobalscoil Chloich Chionnaola is such a school.

Riail 16

Maidir le Riail 16 de na *Rialacha do Mheánscoileanna* i dtaca le coinníollacha chun meánscoileanna a aithint, dúirt an Roinn nach féidir amharc ar an Riail seo ina haonar agus í scartha amach ó na rialacha lena rialaítear aitheantas do scoileanna nua agus na coinníollacha nach mór a shásamh maidir le daltaí incháilithe, mar a dtagraítear dóibh i Rialacha 13 agus 17.

Dúirt an Roinn: *“Ina leith siúd, is í tuairim na Roinne nach n-éiríonn a cheist maidir le sárú ar Riail 16 i gcás na Sraithe Sinsearaí toisc nach bhfuil Aonad ag an leibhéal son aitheanta ag an Aire do chúiseanna an Achta.”*

Ach ar nós na hargóna faoi na cuspóirí reachtúla teanga in Alt 6 den Acht, níl rud ar bith sna rialacha seo a thabharfadh le tuiscint go bhfuil aon ordlathas i measc na rialacha seo nó go bhfuil ceannas ag ceann amháin nó níos mó acu ar chinn eile agus gur chóir tosaíocht a thabhairt dóibh sin.

Go deimhin, tá Riail 16 soiléir agus sainordaitheach:

“No new school will be recognised in the Gaeltacht, or in any centre adjacent to the Gaeltacht, unless satisfactory provision is made for the teaching in the school of the subjects of the curriculum through the medium of Irish.”

Ní raibh aon amhras faoi stádas Chloich Chionnaola mar limistéar oifigiúil Gaeltachta faoi Acht na Gaeltachta, 2012. Ba dheacair a rá go raibh soláthar cuí á dhéanamh sa scoil do mhúineadh na n-ábhar trí Ghaeilge nuair nárbh fhéidir le daltaí Gaeltachta a gcuid ábhair Ardteistiméireachta a dhéanamh trí Ghaeilge.

Dúirt an Roinn go mbeadh an rogha is oiriúnaí d’oideachas trí Ghaeilge ag brath ar leibhéal an éilimh ar mhaithe le hinmharthanacht agus nár mhór aird a thabhairt ar chineál an éilimh agus an tsoláthair in áiteanna eile sa limistéar nó i limistéir chónagaracha.

Ach mura mbeadh an soláthar ann, cén bealach a bhféadfaí leibhéal an éilimh a chruthú nó a thástáil? Agus dá mbeadh críochnú an oideachais trí Ghaeilge sa scoil ag leibhéal an Teastais Shóisearaigh ina bhac ar dhaltá a mhealladh chuig an sruth Gaeilge – mar a mhaígh údarais na scoile – cén bealach a mbeadh aon tuiscint nó tomhas ar leibhéal an éilimh nó an Aonaid Ghaelaigh?

Figiúirí agus fíricí

Chuir an Roinn figiúirí agus fíricí faoi stair an Aonaid Ghaelaigh ar fáil don imscrúdú. Dheimhnigh an Roinn go raibh aitheantas buan ceadaithe d’Aonad Gaelach sa tSraith Shóisearach do Phobalscoil Chloich Chionnaola mar gheall ar líon na scoláirí *“atá nó is dócha a bheidh ag freastal ar an scoil, ach nár tugadh aitheantas don tsraith shinsearach toisc nach bhfuil na riachtanais d’aitheantas Aonaid á sásamh”*.

Ach bhí údarais na scoile lánchinnte go mbeadh éileamh suntasach ar Aonad Gaelach sa scoil dá mbeadh na hábhair á múineadh trí Ghaeilge go leibhéal na hArdteistiméireachta. Is chuig an bPobalscoil seo a théann na

Rule 16

With regard to Rule 16 of the *Rules and Programmes for Secondary Schools* in relation to the necessary conditions for the recognition of secondary schools, the Department said that this Rule could not be considered in isolation from the Rules that govern recognition of new schools and the conditions that must be satisfied in relation to eligible students as set out in Rules 13 and 17.

The Department said: *“With regard to those rules, the Department considers that there is no question of a breach of Rule 16 in relation to the Senior Stream as there is no Unit at that level recognised by the Minister for the purposes of the Act”*. (trans.)

But, as in the case of the argument about the statutory objectives in Section 6 of the Act, there is nothing in these Regulations to indicate that there is any hierarchy among the objectives or that one objective should be emphasised above the others.

Indeed, Rule 16 gives an unambiguous direction:

“No new school will be recognised in the Gaeltacht, or in any centre adjacent to the Gaeltacht, unless satisfactory provision is made for the teaching in the school of the subjects of the curriculum through the medium of Irish.”

There was never any doubt about the status of Cloich Chionnaola as an official Gaeltacht area under the Gaeltacht Act 2012. It could hardly be said that there was satisfactory provision in the school of subjects for the teaching of the curriculum through the medium of Irish when Gaeltacht students could not study their subjects through Irish to Leaving Certificate level.

The Department said that for reasons of sustainability the most suitable option regarding education through Irish depended on the level of demand, and that regard must be had to the nature of both the demand and provision in other parts of the area and in adjacent areas.

However, if there is no provision how can one either create or assess demand? And if, as the school authorities claimed, the termination of education through the medium of Irish at Junior Certificate level hinders the attraction of students to the Irish Language stream, how can one arrive at an accurate understanding or assessment of the level of demand for the Irish Language Unit?

Facts and figures

The Department provided facts and figures to the investigation in relation to the history of the Irish Language Unit which operates to Junior Certificate level. The Department confirmed that it had granted permanent recognition to the Irish Language Unit in Pobalscoil Chloich Chionnaola up to Junior Certificate level on account of the number of students *“that are or that would probably attend the school but that the recognition was not given up to senior level because the Unit does not satisfy the requirements for recognition.”* (trans.)

The school management was convinced that there would be significant demand for the Irish Language Unit if the subjects could be taught through Irish all the way up to Leaving Certificate level. Students from four

daltaí ó cheithre bhunscoil Ghaeltachta ina ndéantar an teagasc trí Ghaeilge: Scoil Mhachaire Rabhartaigh, Scoil Chnoc na Naomh, Scoil Chaiseal na gCorr agus Scoil Ghort an Choirce. Tá an ceantar ar cheann de na ceantair Ghaeltachta is láidre sa tír. Le Gaeilge a tógadh cuid mhór de dhaltai na scoileanna seo, agus d'fhreastail cuid mhaith acu ar naíonra agus ar bhunscoil trí Ghaeilge.

Is furasta a fheiceáil an bunús a bheadh le himní tuismitheoirí Gaeltachta gur cheart dá bpáistí freastal ar Aonad Gaelach ar feadh 3/4 bliana ach go mbeadh orthu a dteanga foghlama a athrú ar fad don 2 bhliain dheireanacha – an dá bhliain is tábhachtaí dóibh san oideachas iarbhunscoile.

Shíl an t-imscrúdú go raibh míbhuntáiste cultúrtha agus teanga á chruthú do na daltaí Gaeltachta sin nach rogha dóibh a gcuid oideachais a fháil trí Ghaeilge. Bhí míbhuntáiste praiticiúil eile ann dóibh sa mhéid is go séantar marcanna bónaís orthu i scrúdú na hArdteistiméireachta as a gcuid scrúduithe a dhéanamh trí Ghaeilge.

Chinn an t-imscrúdú, mar chinneadh fíorais, gur srian ar an éileamh ar an Aonad Gaelach i bPobalscoil Chloich Chionnaola é nárbh fhéidir faoi láthair leanúint den oideachas trí Ghaeilge go leibhéal na hArdteistiméireachta ansin.

Bord bainistíochta

Tá dualgas reachtúil teanga ar bhoird bhainistíochta scoileanna – na feidhmeanna a leagtar orthu in Alt 15 den Acht Oideachais ina measc:

*“déanfaidh sé spiorad saineiúil na scoile, mar a chinntear é de réir na luachanna agus na dtraidisiún **cultúrtha**, oideachais, morálta, creidimh, sóisialta, **teangeolaíoch** agus spioradálta is bun le cuspóirí agus stiúradh na scoile agus is saintréithe den chéanna, a chosaint agus beidh sé cuntasach don phátrún as iad a chosaint amhlaidh, agus gníomhóidh sé i gcónaí de réir aon Achta den Oireachtas nó aon ionstraime arna déanamh faoin gcéanna, agus de réir aon ghníomhais, cairte, airteagal bainistíochta nó aon ionstraime eile den sórt sin a bhaineann le bunú nó le hoibriú na scoile”* 15(b) (aibhsiú déanta)

Ba dheacair don imscrúdú creidiúint go bhféadfadh bord bainistíochta i scoil Ghaeltachta na dualgais sin a chomhlíonadh go cuí fad is a bhíthas ag ceilt oideachas trí Ghaeilge go leibhéal na hArdteistiméireachta ar dhaltai Gaeltachta. Go deimhin féin, d'fhéadfaí cás a dhéanamh go mbeadh bord bainistíochta – mar dhaoine a raibh baint acu leis an Acht Oideachais a chur i ngníomh, ceangailte le géilleadh do chuspóirí an Achta faoi alt 6 den Acht – ag sárú a ndualgas reachtúil féin mura ndéanfaidís sruth Gaeilge a thairiscint go leibhéal na hArdteistiméireachta i scoil Ghaeltachta.

Conclúid

Tá todhchaí na Gaeltachta mar limistéar ina maireann an Ghaeilge mar theanga bheo an phobail go mór i gcontúirt de réir tuarascálacha oifigiúla éagsúla le blianta anuas. Mar a deirtear san Fhocal Scoir san achoimre ar an tuarascáil faoi *Staid Reatha na Gaeltachta* (COGG, 2004) ar leathanach 23:

Gaeltacht primary schools which teach through Irish attend Pobalscoil Chloich Chionnaola. The schools in question are Scoil Mhachaire Rabhartaigh, Scoil Chnoc na Naomh, Scoil Chaiseal na gCorr and Scoil Ghort an Choirce. This is one of the strongest Gaeltacht areas in the country and most of the students in these schools were raised through Irish and attended both playschool and primary school through Irish.

It is easy to understand why parents would be anxious about a situation where their children would attend the Irish Language Unit for 3/4 years and then have to change their language of instruction for the last two years of schooling, the two most important years in their second level education.

The investigation considered that cultural and linguistic disadvantages were being created for Gaeltacht students who wished to receive their education through Irish. There was another practical disadvantage for them as they were denied the bonus marks they could have received for taking their examinations through Irish.

The investigation found that the inability of Pobalscoil Chloich Chionnaola to offer education through Irish to Leaving Certificate level restricted the demand for the Irish Language Unit.

Board of management

There are further statutory obligations on boards of management in Section 15 of the Education Act, including to:

*“uphold, and be accountable to the patron for so upholding, the characteristic spirit of the school as determined by the **cultural**, educational, moral, religious, social, **linguistic** and spiritual values and traditions which inform and are characteristic of the objectives and conduct of the school, and at all times act in accordance with any Act of the Oireachtas or instrument made thereunder, deed, charter, articles of management or other such instrument relating to the establishment or operation of the school”* 15(b) (emphasis inserted)

The investigation found it difficult to believe that any Board of Management in a Gaeltacht school could fulfil those obligations adequately while education through Irish to Leaving Certificate level was denied to Gaeltacht students. Indeed, a case could also be made that the board of management – as people concerned in the implementation of the Act who must have regard to the objectives in Section 6 – could be in breach of its own legal obligations if it did not offer an Irish language stream to Leaving Certificate level in a Gaeltacht school.

Conclusion

The future of the Gaeltacht as a region where Irish survives as the living language of the community is in great danger according to official reports over many years.

In the summary of *A Study of Gaeltacht Schools* (2004) published by An Chomhairle um Oideachas Gaeltachta agus Gaelscolaíochta, it is said on page 24 in the Final Comment that:

“Tá todhchaí na Gaeltachta fite fuaite le todhchaí an chórais oideachais sa Ghaeltacht. Dá réir sin, mura bhfaightear réiteach go luath ar an gcruachas géarchéime ina bhfuil an córas oideachais Gaeltachta i láthair na huaire, tá todhchaí na Gaeltachta féin i mbaol.”

Tá próiseas nua planála teanga á bheartú do na limistéir Ghaeltachta faoin *Straitéis 20 Bliain don Ghaeilge*. Is beag ciall a bheadh lena leithéid mura mbeadh oideachas trí Ghaeilge ar fáil do dhaltáí Gaeltachta ar mian lena muintir nó lena gcaomhnóirí é sin.

Agus é ag cinneadh gur sháraigh an Roinn Oideachais agus Scileanna a dualgais reachtúla teanga sa chás seo, mhol an Coimisinéir Teanga:

- go ndéanadh an Roinn Oideachais agus Scileanna na socruithe cuí a luaite agus ab fhéidir le húdaráis Phobalscoil Chloich Chionnaola le hoideachas trí Ghaeilge go leibhéal na hArdteistiméireachta a sholáthar do dhaltáí Gaeltachta agus do dhaltáí eile ar rogha leo é sa scoil sin agus go gcinnteodh an Roinn Oideachais agus Scileanna go gcuirfí na hacmhainní cuí ar fáil leis an moladh seo a chur i bhfeidhm;
- go n-oibreodh údaráis na scoile go gníomhach le cinntiú go mbeidh ardfhreastal ar an soláthar oideachais trí Ghaeilge i bPobalscoil Chloich Chionnaola; agus
- go ndéanadh an Roinn Oideachais agus Scileanna agus údaráis na scoile comhaontú faoi athbhreithniú a dhéanamh ar fheidhmiú an chórais oideachais trí Ghaeilge sa scoil tar éis tréimhse aontaithe blianta le cinntiú go bhfuil ag éirí leis.

Imscrúdú seolta: an 23 Deireadh Fómhair 2013

Tuarascáil eisithe: an 30 Nollaig 2013

Oifig na gCoimisinéirí Ioncaim

Léirigh imscrúdú gur sháraigh Oifig na gCoimisinéirí Ioncaim na dualgais reachtúla teanga atá daingnithe i bhfo-ailt 9(1) agus 9(3) d'Acht na dTeangacha Oifigiúla, 2003:

- i gcásanna inar eisíodh faisnéis i scríbhinn, i bhfoirm leabhrán eolais, i dtaca leis an gCáin Mhaoine Áitiúil (CMÁ) agus nach raibh an chumarsáid sin leis an bpobal i gcoitinne nó le haicme den phobal i gcoitinne i nGaeilge nó dátheangach (i mBéarla agus i nGaeilge);
- i gcásanna inar eisíodh litreacha chuig aicme den phobal i gcoitinne i dtaca leis an CMÁ agus gur i mBéarla amháin a eisíodh na litreacha sin;
- i gcásanna gur i mBéarla amháin a bhí na ceannteidil stáiseanóireachta ar litreacha arna seoladh amach ag na Coimisinéirí Ioncaim.

Le fo-alt 9(3) d'Acht na dTeangacha Oifigiúla, leagtar dualgas ar chomhlachtaí poiblí a chinntiú gur i nGaeilge, nó i mBéarla agus i nGaeilge, a bheidh cumarsáid faisnéise i scríbhinn nó leis an bpost leictreonach leis an bpobal i gcoitinne nó le haicme den phobal i gcoitinne. Ní ceadmhach í a bheith i mBéarla amháin.

Sa bhreis air sin, tá rialacháin reachtúla déanta in I.R. Uimh. 391 de 2008 faoi fho-alt 9(1) den Acht a chiallaíonn gur féidir le ceannteidil stáiseanóireachta a bheith i nGaeilge nó dátheangach (Gaeilge agus Béarla) ach nach féidir leo a bheith i mBéarla amháin.

“The future of the Gaeltacht is inextricably linked to the future of the Gaeltacht education system. As a result, if the perilous current state of Gaeltacht education is not resolved, the future of the Gaeltacht itself is threatened.”

Under the *20 Year Strategy for the Irish Language*, a new language planning process is proposed for the Gaeltacht. This will not be effective unless education through Irish is available to Gaeltacht students whose family or guardians want such education.

The investigation found that the Department of Education and Skills breached its statutory duties in this case and An Coimisinéir Teanga made the following recommendations:

- that the Department make appropriate arrangements, as soon as possible, in conjunction with Pobalscoil Chloich Chionnaola, to provide education through Irish to Leaving Certificate level for Gaeltacht students, and to other students in the school who wish to study through Irish, and that the Department ensure that sufficient resources are provided to implement this recommendation;
- that the school authorities make every effort to ensure a high level of attendance at the Irish Language Unit in Pobalscoil Chloich Chionnaola; and
- that the Department of Education and Skills and the school authorities agree to review the operation of the system of education through Irish in the school after an agreed number of years to ensure it is successful.

Investigation launched: 23 October 2013

Report issued: 30 December 2013

Office of the Revenue Commissioners

An investigation found that the Office of the Revenue Commissioners failed to comply with the statutory language duties set out in subsections 9(1) and 9(3) of the Official Languages Act 2003 in the following instances:

- when information was issued in writing, in the form of an information booklet with regard to the Local Property Tax (LPT), and that communication with the public in general or with a class of the public in general was not in Irish or bilingual (in Irish and English);
- when letters in English only were issued to a class of the public in general with regard to the LPT;
- when headings of stationery were in English only on letters sent by the Revenue Commissioners.

Subsection 9(3) of the Act requires that information from a public body communicated by post or email to the general public or to a class of the general public should be in Irish or bilingual (Irish and English). It may not be in English only.

In addition, regulations made in S.I. 391 of 2008 under subsection 9(1) of the Act provide that stationery headings must be in Irish or bilingual (Irish and English). Stationery headings may not be in English only.

D'eascair an t-imscrúdú as roinnt gearán a rinneadh le hOifig an Choimisinéara Teanga le linn mhíonna an Aibreáin agus na Bealtaine 2013 gur scaip Oifig na gCoimisinéirí loncaim leabhrán eolais i mí an Mhárta agus mí an Aibreáin 2013 i dtaca leis an CMÁ agus go raibh an chumarsáid sin i mBéarla amháin. Bhí an leabhrán eolais i dteannta litir phearsanta agus ba chosúil gur eisíodh leagan i mBéarla chuig an gcuid is mó den phobal agus leagan Gaeilge chuig na daoine a bhí cláraithe cheana féin le plé a dhéanamh i nGaeilge le hOifig na gCoimisinéirí loncaim. Lena chois sin, bhí na ceannteidil stáiseanóireachta i mBéarla amháin ar na litreacha Béarla.

Anuas air sin, rinneadh gearán leis an Oifig gur eisíodh cumarsáid i scríbhinn le faisnéis a thabhairt d'aicme den phobal i gcoitinne (i.e. dóibh siúd nach bhféadfaí uimhir chánach a aithint dóibh) i mí na Bealtaine, agus gur i mBéarla amháin a bhí an chumarsáid sin, na ceannteidil stáiseanóireachta san áireamh.

Scoir Oifig an Choimisinéara Teanga d'imscrúdú ar Oifig na gCoimisinéirí loncaim in 2009 ina mhacasamhail de chás, i dtaca le scaipeadh faisnéise ar an bpobal i gcoitinne, nuair a tugadh gealltanais faoin gcur chuige a bheadh in úsáid feasta ag na Coimisinéirí loncaim. Gheall Oifig na gCoimisinéirí loncaim, san áit a n-eiseofaí eolas pearsanta scríofa agus eolas ginearálta i dteannta a chéile, go mbeadh an t-eolas pearsanta i nGaeilge, áit a mbeadh sé tugtha le fios ag an gcustaiméir gur theastaigh uathu go ndéileálfai leo trí Ghaeilge, agus i mBéarla áit nach mbeadh iarratas den sórt sin déanta ag an gcustaiméir; ach go mbeadh an t-eolas ginearálta dátheangach nó i nGaeilge, mar a éilíonn fo-alt 9(3) den Acht.

Bunaithe ar an socrú seo ó 2009, rinne an Oifig iarracht na gearáin seo a réiteach ar bhonn neamhfhoirmiúil le hOifig na gCoimisinéirí loncaim ach níor éirigh leis na hiarrachtaí sin. Bhí gné amháin den ábhar a measadh a bheith réitithe go neamhfhoirmiúil: bhí glactha ag Oifig na gCoimisinéirí loncaim, le ríomhphost dar dáta an 25 Aibreáin, nár cheart ceannteidil stáiseanóireachta i mBéarla amháin a bheith in úsáid agus dúradh go mbeadh sin curtha ina cheart a luaithe agus ab fhéidir. Ach eisíodh litreacha úrnua chuig aicme den phobal i gcoitinne (i.e. chucu siúd nach bhféadfaí uimhreacha cánach a aithint dóibh) i mí na Bealtaine agus bhí na ceannteidil stáiseanóireachta sin fós i mBéarla amháin, rud a chiallaigh nár feidhmíodh an socrú neamhfhoirmiúil, agus bhí ar an Oifig déileáil leis an gceist mar chuid d'imscrúdú reachtúil.

Sheol an t-imscrúdú litir chuig Cathaoirleach na gCoimisinéirí loncaim ag lorg freagraí ar cheisteanna ar leith chomh maith le haon fhaisnéis, taifid, nó rud den sórt sin a bhain le hábhar an imscrúdaithe. Ar an 4 Meitheamh, thug Oifig na gCoimisinéirí loncaim tuairisc i scríbhinn mar fhreagra ar na ceisteanna a bhí tarraingthe anuas. I dteannta na tuairisce bhí cóip de thaifead amháin agus lorgaíodh dearbhú ina dhiaidh sin ó Oifig na gCoimisinéirí loncaim nárbh ann d'aon taifead ábhartha eile ar ábhar an imscrúdaithe seachas an ceann amháin sin. Cuireadh an dearbhú sin ar fáil i ríomhphost dar dáta an 28 Meitheamh.

Níor ghlac Oifig na gCoimisinéirí loncaim leis gur sháraigh sí fo-alt 9(3) d'Acht na dTeangacha Oifigiúla i gceachtar cás a bhí faoi chaibidil ag an imscrúdú. Dearbhaíodh don imscrúdú gur seoladh leagan Gaeilge den leabhrán faisnéise chucu siúd arb eol do na Coimisinéirí loncaim iad a bheith cláraithe lena ngnóthaí cánach a dhéanamh trí Ghaeilge agus gur leagan Béarla den leabhrán faisnéise a seoladh chuig gach duine eile. Ach ghlac Oifig na gCoimisinéirí loncaim leis go raibh na rialacháin i dtaca le

The investigation arose from a number of complaints received by the Office of An Coimisinéir Teanga in April/May 2013 which claimed that the Office of the Revenue Commissioners had issued an information booklet in March/April in relation to the LPT and that the communication was in English only. The information booklet was issued with an accompanying personal letter and it appeared that an English only version issued to the majority of the general public while an Irish language version was sent to those who had previously registered to conduct their tax affairs with Revenue through Irish. In addition, the stationery headings on the English language letters were in English only.

A complaint was also made to the Office that a communication, in writing, furnishing information was sent in May to a class of the public (i.e. those for whom tax reference numbers could not be identified) and that the letter itself and the stationery heading on the letter were in English only.

The Office of An Coimisinéir Teanga discontinued an investigation in 2009, in a similar case in relation to the issuing of information, when assurances were received from the Office of the Revenue Commissioners as to their future handling of the distribution of information to the public in general. Revenue confirmed that where items of personal information and items of general information were being issued together, the personal information would be in Irish, where the customer had indicated a wish to correspond with Revenue in Irish, and in English where no such indication had been given; however, the general information would be bilingual, or in Irish, as required by subsection 9(3) of the Act.

On the basis of the 2009 agreement, the Office tried, unsuccessfully, to resolve these current complaints on an informal basis. One element seemed to have been resolved informally when the Office of the Revenue Commissioners said in an email of 25 April that it should not have used English only stationery headings and agreed that this matter would be rectified as soon as possible. However, further letters were issued in May to a class of the public in general (i.e. to those for whom no tax reference number had been found) and the stationery headings on those letters were also in English only. This meant the informal agreement had not been implemented and the Office was obliged to deal with the matter as part of a statutory investigation.

The investigation sent a letter to the Chairperson of the Revenue Commissioners seeking replies to certain questions and also any information, record or thing relevant to the subject matter of the investigation. On 14 June the Office of the Revenue Commissioners sent a written report in reply to the questions asked. The report included a copy of just one record. The Office sought confirmation from Revenue that no other relevant record existed. That confirmation was received by email on 28 June.

The Office of the Revenue Commissioners did not accept that it had breached subsection 9(3) of the Official Languages Act in any of the cases under investigation. It confirmed that the Irish version of the information booklet had been sent to those registered to conduct their tax affairs through Irish and that the English version had been sent to everyone else.

stáiseanóireacht in I.R. Uimh. 391 de 2008 faoi fho-alt 9(1) den Acht sáraithe aici i gcás úsáid an Bhéarla amháin i gceannuideil stáiseanóireachta i litreacha a eisíodh.

Cuireadh in iúl don imscrúdú go raibh Oifig na gCoimisinéirí Ioncaim feasach ar a dualgais faoi Acht na dTeangacha Oifigiúla agus gur cinneadh chuige sin, in ainneoin na bhfadhbanna ollmhóra lóistíochtúla, go ndéanfaí an fhaisnéis uile CMÁ ar shuíomh gréasáin na gCoimisinéirí Ioncaim, na ceisteanna coitianta san áireamh, a chur ar fáil i nGaeilge agus i mBéarla ag an am céanna. Dúradh go raibh breis is 32,500 focal sna ceisteanna coitianta, Gaeilge agus Béarla araon, agus go raibh tuairim is 3,440 toghcheantar sa tír a raibh Gaeilge le cur orthu agus a chur isteach i gcáipéis chomhdhlúite, i dteannta cáipéisí cathrach agus contae ar leith i dtaobh luacháil maoine. Dúradh gur nuashonraíodh na ceisteanna coitianta go rialta agus gur cuireadh leaganacha Gaeilge agus Béarla ar fáil ag an am céanna, mar aon le leagan Gaeilge den pháipéar luachála teicniúil, agus breis is 8,000 focal ann, tamall gairid tar éis fhoilsiú an leagain Béarla agus gur cuireadh an chuid íocaíochta den suíomh gréasáin ar fáil i nGaeilge agus i mBéarla ón tús.

Thug Oifig na gCoimisinéirí Ioncaim le fios gur cuireadh leagan dátheangach den leabhrán faisnéise i dtaca leis an CMÁ ar fáil agus gur scaipeadh c.70,000 cóip den leabhrán dátheangach go forleathan trí na hoifigí faisnéise cánach, na leabharlanna áitiúla agus na hionaid faisnéise. Anuas air sin, dhearbhaigh Oifig na gCoimisinéirí Ioncaim gur socraíodh ón tús go mbeadh rogha Ghaeilge ar fáil ar an Líne Chabhach agus go mbeadh dóthain oibrithe ar fáil chun glacadh le glaonna trí Ghaeilge.

Thug Oifig na gCoimisinéirí Ioncaim le fios go raibh sí den tuairim gurb í *“an tsíl is fearr freastal ar riachtanais chainteoirí Gaeilge ná tríd na bearta thuasluaite.”* Ba é seasamh na hOifige sin ná gur éacht suntasach a bhí sa dul chun cinn a bhí déanta i dtréimhse ama an-ghearr agus go raibh sí lánsásta le leibhéal agus caighdeán na seirbhíse CMÁ a cuireadh ar fáil do chainteoirí Gaeilge sna cúinsí seo.

Ní raibh aon amhras ar an imscrúdú ach go raibh iarracht mhacánta déanta ag Oifig na gCoimisinéirí Ioncaim seirbhís shásúil a sholáthar trí Ghaeilge i dtaca leis an gCáin Mhaoine Áitiúil, i bhforbairt eolais ar an suíomh gréasáin, i bhfoilseacháin agus ar líne chabhach. Ach bhí ceisteanna faoi ghéilleadh na heagraíochta go cuí agus go hiomlán do na dualgais reachtúla teanga atá daingnithe san Acht agus sna rialacháin atá déanta faoin Acht i ngnéithe ar leith den scéal.

(1) Fo-alt 9(3) den Acht agus eisiúint faisnéise i scríbhinn (leabhrán eolais) i dtaca leis an gCáin Mhaoine Áitiúil i mí an Mhárta/an Aibreáin 2013.

Baineann an fhoráil i bhfo-alt 9(3) d'Acht na dTeangacha Oifigiúla le cineál ar leith cumarsáide faisnéise a dhéanann comhlachtaí poiblí faoin Acht leis an bpobal i gcoitinne nó le haicme den phobal i gcoitinne. Sa chás is go dtagann cumarsáid áirithe faoi scáth fho-alt 9(3) den Acht, tá dhá rogha ag comhlacht poiblí ina leith – go mbeadh an chumarsáid sin trí Ghaeilge amháin nó go mbeadh sí dátheangach (Gaeilge agus Béarla). Ní fhágtar an rogha sa chás sin gur i mBéarla amháin a dhéanfaí an chumarsáid.

Ní raibh aon amhras sa chás seo ach:

- gur comhlacht poiblí a thagann faoi scáth an Achta a bhí i mbun na cumarsáide;

However, the Office of the Revenue Commissioners did accept that it had breached the regulations in S.I. 391 of 2008 under subsection 9(1) of the Act when it issued letters with stationery headings in English only.

The Office of the Revenue Commissioners said that it was aware of its obligations under the Official Languages Act and, therefore, had decided in spite of huge logistical difficulties to provide all the LPT information, including the ‘frequently asked questions’ on the Revenue website, in Irish and English simultaneously. It pointed out that there were more than 32,500 words in English and Irish in the ‘frequently asked questions’; that the names of approximately 3,440 electoral districts had to be translated into Irish and inserted into consolidated documents along with certain city and county documents in relation to property valuations; that the ‘frequently asked questions’ were regularly updated and Irish and English versions were provided simultaneously; that an Irish version of the 8,000 word technical valuation paper was provided shortly after its publication in English and that, from the start, the payment section of the website was available in both Irish and English.

The Office of the Revenue Commissioners said it had provided a bilingual version of the information booklet in relation to the LPT agus c.70,000 copies of this bilingual booklet had been widely distributed through tax offices, local libraries and citizen information centres. In addition, it confirmed that, from the beginning, it had ensured that the option of choosing service through Irish was provided on the helpline and that sufficient staff were available to take calls in Irish.

The Office of the Revenue Commissioners said it believed that *“the best way to cater for the needs of Irish speakers was by taking the actions listed above”*. (trans.) It held that extraordinary progress had been made in a very short timeframe and that it was very satisfied with the level and standard of service in relation to the LPT provided to Irish speakers in the circumstances.

The investigation was in no doubt that the Office of the Revenue Commissioners had made an honest effort to provide a satisfactory service through Irish in relation to the LPT by providing information on the website, in publications and on the helpline. But there were still questions to be answered about the organisation’s compliance with the statutory obligations confirmed in the Act and the regulations made under the Act in relation to certain aspects of the situation.

(1) Subsection 9(3) of the Act and the issuing of information in writing (information booklet) in relation to the Local Property Tax in March/April 2013.

The provision in subsection 9(3) of the Official Languages Act relates to specific ways that public bodies, which come under the Act, communicate information to the public in general or to a class of the public in general. If a communication comes under subsection 9(3) of the Act, there are two choices – the communication can be through Irish only or it can be bilingual (Irish and English). The option of providing the communication in English only is not available.

There is no doubt in this case but that:

- the communication was issued by a public company under the Act;

- gur i scríbhinn, tríd an bpost, a eisíodh an chumarsáid;
- go raibh sé mar aidhm ag an gcumarsáid sin faisnéis a sholáthar.

Dá mba leis an bpobal i gcoitinne nó le haicme den phobal i gcoitinne an chumarsáid sin, ní bheadh aon amhras ach go mbeadh sé san áireamh faoi fho-alt 9(3) den Acht.

Bhí an leabhrán faisnéise i dteannta ábhar eile – litir phearsanta agus foirm thuairisceáin phearsanta a scaipeadh ar c.1.69 milliún sealbhóir maoine ar fud an Stáit.

Ní dhearnadh aon chás go raibh dualgas ar Oifig na gCoimisinéirí Ioncaim an litir phearsanta nó an fhoirm chuí a sholáthar go dátheangach. Bhí dualgas ar na Coimisinéirí Ioncaim, de bharr forálacha ina scéim teanga, an litir phearsanta agus an fhoirm a sholáthar trí Ghaeilge dóibh siúd a chláraigh leo lena ngnóthaí cánach a láimhseáil trí Ghaeilge. Bhí aird tugtha ag na Coimisinéirí Ioncaim ar an ngné seo agus is cosúil gur trí Ghaeilge a eisíodh an litir, an fhoirm agus an leabhrán faisnéise chucu siúd a bhí cláraithe lena ngnóthaí cánach a dhéanamh trí Ghaeilge.

Ba é seasamh Oifig na gCoimisinéirí Ioncaim nár eisíodh an leabhrán mar chumarsáid laistigh de théarmaí fho-alt 9(3) den Acht, mar go raibh sé tánaisteach don litir agus don tuairisceán CMÁ a eisíodh chuig daoine aonair ainmnithe ina raibh faisnéis phearsanta shonrach maidir le dualgais CMÁ an duine aonair. Dúirt na Coimisinéirí Ioncaim gur cheart breathnú ar an gclúdach litreach agus a raibh istigh ann ina n-iomláine mar chomhfhreagras faoi rún le cáiníocóirí aonair; i bhfocail eile, gur ghnó príobháideach é nár bhain ach leis na cáiníocóirí a bhí i gceist agus nár chumarsáid é le haicme den phobal i gcoitinne.

Chonacthas don imscrúdú gurbh é an bhunfhaisnéis chéanna a bhí á dáileadh ar bheagnach 1.7 milliún duine ar fud an Stáit sa leabhrán faisnéise seo; ba dhaoine iad a raibh ceangal comónta eatarthu mar shealbhóirí maoine – daoine ar cheart faisnéis ar leith faoin gCáin Mhaoine Áitiúil a sheoladh chucu. Ní raibh aon amhras ar an imscrúdú ach gurbh ‘aicme den phobal i gcoitinne’ iad na sealbhóirí maoine seo faoi réir na ngnáthchleachtas i dtaca le forléiriú reachtúil.

Níor leor litir phearsanta a bheith i dteannta na cumarsáide faisnéise seo le cealú a dhéanamh ar an dualgas é a eisiúint go dátheangach nó i nGaeilge amháin. D’fheadfaí idirdhealú sonrach a dhéanamh idir an chuid den chumarsáid a bhí aonarach agus pearsanta, agus an chuid arbh fhaisnéis don phobal i gcoitinne a bhí ann. Ní fhoráiltear sa reachtaíocht don chumarsáid a bheith ina aonar nó a bheith tánaisteach do chumarsáid eile. Fad is atá sí á déanamh ag comhlacht poiblí faoin Acht i scríbhinn le haicme den phobal i gcoitinne le faisnéis a sholáthar, tagann sí faoi bhrí na forála i bhfo-alt 9(3) den Acht.

Mar a dúradh cheana, scoireadh d’imscrúdú in 2009 de bharr dearbhuíthe go gcloifí leis an reachtaíocht feasta. Ba léir go raibh an Grúpa Ardleibhéil (HLG) sna Coimisinéirí Ioncaim eolach faoi seo agus rinneadh tagairt ar leith d’Acht na dTeangacha Oifigiúla san aon taifead amháin a cuireadh ar fáil don imscrúdú:

“Decision/Recommendations made by HLG (28th November 2012)... Issues re OLA (Official Languages Act) in the past...”

- the communication was issued in writing, by post;
- the aim of the communication was to furnish information.

If the communication was issued to the general public, or to a class of the general public, then undoubtedly it would come under subsection 9(3) of the Act.

The information booklet was issued jointly with other material – a personal letter and a LPT Return – and it was sent to c.1.69 million property owners throughout the State. The case was never made that there was an obligation on the Office of the Revenue Commissioners to provide the personal letter or the form bilingually. Due to provisions in its language scheme, the Office of the Revenue Commissioners is obliged to provide documents such as the letter and form in Irish to those registered to have their tax affairs handled through Irish. This obligation was recognised and it appears that the letter, the form and the information booklet were in fact issued in Irish to those who had registered to conduct their business through Irish.

The Office of the Revenue Commissioners maintained that the booklet did not come under the terms of subsection 9(3) of the Act because it was an adjunct to, or supplementary to, a letter and a LPT form sent to individually named people and containing specific personal information about the LPT obligations of these individuals. The Office of the Revenue Commissioners said that the envelope and all it contained should be seen as a single entity and as confidential correspondence with an individual taxpayer, in other words, as a private matter for the taxpayer in question and not as communication with the general public.

The investigation found that exactly the same information was being distributed to almost 1.7 million people throughout the State in this booklet; these were people who had a common bond, as property owners, who should receive certain information in relation to the LPT. The investigation was in no doubt that these property owners constituted “a class of the general public” under the usual terms of legal interpretation.

The fact that a personal letter was sent with the communication was not sufficient to cancel the obligation to issue the material bilingually or in Irish only. It is possible to make a clear distinction between the part of the material that was individual and personal and the part containing information aimed at the general public. The legislation does not specify that a communication must either be alone or attached to other communications. So long as a communication sent by a public body under the Act, in writing, to a class of the general public provides information, it comes under the terms of subsection 9(3) of the Act.

As previously stated, an investigation was discontinued in a similar case in 2009 because assurances were given that the legislation would be complied with in future. It was apparent that the High Level Group in the Office of the Revenue Commissioners was aware of the guarantee and referred to the Official Languages Act in the one record provided to the investigation:

“Decision/Recommendations made by HLG (28th November 2012)... Issues re OLA (Official Languages Act) in the past...”

Dúradh leis an imscrúdú go raibh athscrúdú déanta ar an ngealltanas sin agus gur creideadh nach raibh feidhm ag Alt 9(3) den Acht i gclár cumarsáide ina raibh leabhráin faisnéise i dteannta comhfhreagras a bhaineann le cáiníocóir aonair amháin. Níor tugadh aon léargas breise ar a raibh i gceist leis an athbhreithniú seo ach ba shocrú déthaobhach a bhí sa socrú idir Oifig na gCoimisinéirí Ioncaim agus an Oifig seo a chiallaigh gur scoireadh d'imscrúdú reachtúil. Is deacair a thuiscint cén bunús a bheadh le hathscrúdú aontaobhach ar an gcomhaontú sin.

B'ábhar iontais don imscrúdú nach raibh i seilbh na gCoimisinéirí Ioncaim mar thaifid ach tagairt fhánach amháin do chúrsaí teanga mar chuid de mhiontuairiscí ar chruinniú, go háirithe nuair a dúradh go ndearnadh athscrúdú/athbhreithniú ar an ábhar a ndearnadh comhshocrú ina thaobh in 2009.

(2) An litir i mBéarla amháin a eisíodh i mí na Bealtaine 2013 chuig aicme den phobal i gcoitinne, i.e. daoine nach raibh na Coimisinéirí Ioncaim ábalta UPSP a aithint dóibh.

Maidir le heisiúint litreacha chucu siúd nach bhféadfaí uimhir chánach (UPSP) a aithint dóibh, dúirt na Coimisinéirí Ioncaim ó tharla nach bhféadfaí a rá le cinnteacht an raibh siad cláraithe do ghnóthaí cánach trí Ghaeilge nó trí Bhéarla gur socraíodh na litreacha sin a bheith i mBéarla amháin.

Fiú dá ngéillfí don smaoineamh gur litir phearsanta a bhí anseo – agus ó tharla gan eolas faoin UPSP nó faoi rogha teanga an chustaiméara a bheith ag na Coimisinéirí Ioncaim is deacair sin a dhéanamh – bheadh dualgas reachtúil i gceist faoi scéim teanga na gCoimisinéirí Ioncaim cumarsáid a dhéanamh trí Ghaeilge leo siúd a bhí cláraithe chun na críche sin. Chonacthas don imscrúdú gur sárú reachtúil a bhí ann an litir chuig sealbhóirí maoine nárbh eol do na Coimisinéirí Ioncaim an UPSP a bhí acu a eisiúint i mBéarla amháin i mí na Bealtaine 2013.

(3) Na ceannteidil stáiseanóireachta i mBéarla amháin ar litreacha a eisíodh idir Márta agus Bealtaine 2013 i dtaca leis an gCáin Mhaoine Áitiúil, agus i gcás litreacha breise a eisíodh chucu sin nach raibh an UPSP aitheanta dóibh i mBealtaine 2013.

Bhí glactha ag Oifig na gCoimisinéirí Ioncaim leis go raibh na rialacháin i dtaca le stáiseanóireacht sáraithe aici i gcás úsáid an Bhéarla amháin i gceannteidil stáiseanóireachta i litreacha a eisíodh agus ní bheadh an t-ábhar seo ina chuid den imscrúdú murach gur eisigh na Coimisinéirí Ioncaim litreacha eile le ceannteidil stáiseanóireachta trí Bhéarla amháin i mí na Bealtaine chuig sealbhóirí maoine nach raibh UPSP aitheanta dóibh. Bhí gnéithe eile d'úsáid na dteangacha oifigiúla ar an stáiseanóireacht ar fheabhas i.e. clúdaigh na litreacha, ach bhí cuid de sheoladh na gCoimisinéirí Ioncaim agus eolas eile i mBéarla amháin sna ceannteidil stáiseanóireachta sna litreacha seo. Dhearbhaigh an t-imscrúdú gur sárú ar na Rialacháin atá déanta faoi fho-alt 9(1) den Acht (I.R. 391 de 2008) é nach raibh na ceannteidil stáiseanóireachta i nGaeilge go hiomlán nó dátheangach ar na litreacha i mBéarla a eisíodh idir Márta agus Bealtaine 2013 i dtaca leis an gCáin Mhaoine Áitiúil.

Rinne an t-imscrúdú na moltaí seo a leanas:

- go gcinnteodh Oifig na gCoimisinéirí Ioncaim go gcoífeadh sí feasta lena dualgais reachtúla faoi Acht na dTeangacha Oifigiúla, 2003;

The investigation was informed that a review of the guarantee took place and a decision was taken that subsection 9(3) of the Act did not apply in the case of a communication campaign where an information booklet was accompanied by personal information relating to an individual taxpayer. No further information was given about this review. However, the agreement between the Office of the Revenue Commissioners and the Office of An Coimisinéir Teanga was a bilateral agreement that led to the discontinuation of a statutory investigation; it is difficult to understand what validity could attach to any unilateral review of that agreement.

It was a matter of some surprise to the investigation that the Office of the Revenue Commissioners did not have any records apart from this one minor reference in the minutes of a meeting to Irish language issues, particularly since it was said that the matter had been the subject of a re-examination/review of the bilateral agreement reached in 2009.

(2) The letter in English issued in May 2013 to a class of the general public i.e. those for whom Revenue could not identify PPS numbers

As regards the issuing of letters to those for whom a tax reference number (PPSN) could not be found, the Office of the Revenue Commissioners said that since it could not be said definitively whether the recipients were registered for their tax affairs in Irish or in English, it was decided to issue these letters in English only.

Even if one conceded these were personal letters, and that is problematic as neither the PPSN nor the language choice of the customer was known, the Office of the Revenue Commissioners would have a statutory duty under its language scheme to communicate in Irish with those who had registered for service in Irish. The investigation found that a statutory obligation had been breached when the Office of the Revenue Commissioners issued letters in English only in May to property owners for whom it could not locate tax reference numbers.

(3) The stationery headings in English only on letters issued in the period from March to May 2013 in relation to the Local Property Tax and in the case of additional letters issued in May to those for whom PPSN could not be identified.

The Office of the Revenue Commissioners had accepted that it had breached the regulations when it issued letters with stationery headings in English only and this matter would not have been included in the investigation if Revenue had not issued further letters in May, again with stationery headings in English only, to those property owners for whom PPSN could not be identified. Other aspects of the use of the official languages on stationery were exemplary i.e. envelopes; however, on the letter itself part of the address of the Office of the Revenue Commissioner was in English only as was certain other information and this was a breach of the Regulations made under subsection 9(1) of the Act.

The investigation made the following recommendations:

- that the Office of the Revenue Commissioners comply in future with its statutory duties under the Official Languages Act 2003;

- sa chás go mbeadh aon chumarsáid i scríbhinn á déanamh leis an bpobal i gcoitinne nó le haicme den phobal i gcoitinne chun faisnéis a thabhairt, go gcloífe feasta leis an bhforáil atá leagtha amach i bhfo-alt 9(3) den Acht;
- go mbeadh na ceannuideil stáiseanóireachta atá in úsáid aici ag cloí go cuí feasta leis na Rialacháin atá déanta faoi fho-alt 9(1) den Acht;
- go seolfadh Oifig na gCoimisinéirí Ioncaim meamram eolais laistigh de 6 seachtaine ó dháta na tuarascála chuig baill foirne sin na heagraíochta a d'fhéadfadh a bheith freagrach feasta as cumarsáid a dhéanamh leis an bpobal i gcoitinne nó le haicme den phobal i gcoitinne chun faisnéis a thabhairt ina ndeimhneofaí go raibh fionnachtain déanta ag an imscrúdú gur sháraigh Oifig na gCoimisinéirí Ioncaim a dualgais reachtúla sa chás seo agus go bhfuil de dhualgas uirthi a chinntiú nach ligfead dá leithéid de shárú tarlú arís.

Thug Oifig na gCoimisinéirí Ioncaim le fios go raibh achomharc chun na hArd-Chúirte ar phonc dlí in aghaidh an chinnidh san imscrúdú seo á dhéanamh aici faoi Alt 28 den Acht. Socraíodh deis éisteachta don achomharc san Ard-Chúirt ar dháta i mí Feabhra 2014.

Imscrúdú seolta: an 16 Bealtaine 2013

Tuarascáil eisithe: an 2 Lúnasa 2013

Iarnród Éireann

Léirigh imscrúdú gur sháraigh Iarnród Éireann an dualgas reachtúil teanga atá daingnithe san Acht Iompair, 1950 i gcás buanchomharthaí poiblí i mBéarla amháin atá curtha in airde ar dhroichid traenach in áiteanna éagsúla ar fud na tíre.

Rinneadh roinnt gearán leis an Oifig thar thréimhse ama ó mhí Feabhra 2011 go raibh buanchomharthaí poiblí in airde ag Iarnród Éireann ar dhroichid traenach ar fud na tíre agus gur i mBéarla amháin a bhí na comharthaí sin. B'ábhar imní do na gearánaigh nach raibh na comharthaí seo ag teacht leis an bhforáil teanga san Acht Iompair, 1950 i dtaca le húsáid na Gaeilge agus an Bhéarla ar bhuancomharthaíocht.

Leagann fo-alt 57(1) den Acht Iompair, 1950 dualgas ar leith ar Iarnród Éireann a chinntiú gur i nGaeilge nó i mBéarla agus i nGaeilge a bhíonn aon bhuanfhógraí nó buanchomharthaí dá chuid.

Rinne an Oifig iarracht na gearáin a réiteach ar bhonn neamhfhoirmiúil le hIarnród Éireann in imeacht dhá bhliain ach níor éirigh leis na hiarrachtaí sin comhréiteach a aimsiú. Dá bhrí sin, chonacthas nach raibh de rogha ach imscrúdú a thionscnamh sa chás le teacht ar fhionnachtana agus ar mholtaí.

Thug Iarnród Éireann le fios go raibh sé den tuairim go raibh díolúine ag na comharthaí seo faoi na Rialacháin um Shábháilteacht, Sláinte agus Leas ag an Obair, 2007. Dúirt Iarnród Éireann:

"Moladh dúinn, faoi na Rialacháin um Shábháilteacht, Sláinte agus Leas ag an Obair 2007, go bhfuil an chomharthaíocht droichid seo

- that where it communicates in writing with the general public or a class of the general public to furnish information, the Office of the Revenue Commissioners must comply with the provisions of subsection 9(3) of the Act;
- that all its stationery headings comply in future with the Regulations made under subsection 9(1) of the Act;
- that a memorandum be issued within 6 weeks from the date of the report to those staff of the organisation that might in future have responsibility for communicating with the general public, or a class of the general public, for the purpose of furnishing information, indicating that an investigation found the Office of the Revenue Commissioners in breach of its statutory obligations in this instance and that it must ensure that this does not happen again.

The Office of the Revenue Commissioners confirmed that it would appeal the findings to the High Court on a point of law as provided for by Section 28 of the Act. A date in February 2014 was fixed for the High Court hearing.

Investigation commenced: 16 May 2013

Report issued: 2 August 2013

Iarnród Éireann

An investigation found that Iarnród Éireann breached the statutory language obligation confirmed in the Transport Act 1950 with regard to permanent public signs erected in English only on railway bridges in various locations around the country.

Over a period of time from February 2011, the Office received a number of complaints that Iarnród Éireann had erected signs on railway bridges around the country that were in English only. It was a matter of concern to the complainants that these signs were not in accordance with the language provision in the Transport Act 1950 in respect of the use of Irish and English on permanent signage.

Subsection 57(1) of the Transport Act 1950 imposes a particular obligation on Iarnród Éireann to ensure that any of its permanent public notices and signs are in Irish, or in English and Irish.

Over a period of more than two years, the Office attempted to resolve the matter with Iarnród Éireann through its informal complaints resolution system but these efforts failed to reach a resolution. It was decided, therefore, that there was no alternative but to launch an investigation in order to make findings and recommendations in the case.

Iarnród Éireann gave the investigation to understand that it was of the opinion that these signs had an exemption under the Safety, Health and Welfare at Work Regulations 2007. Iarnród Éireann said:

"It was recommended to us, under the Safety, Health and Welfare at Work Regulations 2007, that this bridge signage was essential under

riachtanach faoin Reachtaíocht Iompair agus tagraítear do in Alt 160 de na rialacháin sin.

Sin é an fáth go bhfuilimid den bharúil go bhfuil an chomharthaíocht sin díolmhaithe ón gceanglais le bheith dátheangach faoi na rialacháin. Mar thoradh, ní chreidimid go bhfuil fo-alt 57(1) den Acht Iompair 1950 sáraithe againn.”

Ba léir go raibh Iarnród Éireann ag tagairt ina fhreagra ar an imscrúdú do dhíolúine i dtaca le húsáid na dteangacha oifigiúla atá ceadaithe sna Rialacháin (I.R. 391 de 2008) faoi fho-alt 9(1) d'Acht na dTeangacha Oifigiúla, 2003 fad is a bhaineann sé le comharthaíocht a thagann faoi scáth na Rialachán um Shábháilteacht, Sláinte agus Leas ag an Obair, 2007.

Ach ní faoi na Rialacháin atá eisithe faoi fho-alt 9(1) d'Acht na dTeangacha Oifigiúla, 2003 atá dualgas ar Iarnród Éireann buanchomharthaí poiblí a bhíonn á gcothabháil aige a bheith i nGaeilge, nó i nGaeilge agus i mBéarla. Is é fo-alt 57(1) den Acht Iompair, 1950 an fhoráil reachtúil chuí sa chás seo, agus tá an mhír sin reachtaíochta an-soiléir ar an gceist:

“Ní foláir na buan-fhógraí agus na buan-chomharthaí poiblí uile (lena n-áirítear ainmneacha stáisiún) a bheas á gcothabháil ag an mBord a bheith i nGaeilge ach is cead iad a bheith i nGaeilge agus i mBéarla.”

Ní cheadaítear aon díolúine sa reachtaíocht seo, mar a mhaíonn Iarnród Éireann, i dtaca le haon chineál comharthaíochta, comharthaíocht sábháilteachta nó eile. Anuas air sin, is prionsabal seanbhunaithe é nach féidir le foráil atá déanta i reachtaíocht thánaisteach leasú a dhéanamh ar fhoráil atá daingnithe cheana féin i reachtaíocht phríomha (i.e. Acht de chuid an Oireachtas). Ní fhéadfadh, dá bhrí sin, díolúine sna Rialacháin (I.R. 391 de 2008) atá déanta faoi fho-alt 9(1) d'Acht an dTeangacha Oifigiúla leasú a dhéanamh ar an dualgas atá daingnithe i bhfo-alt 57(1) den Acht Iompair, 1950. Ní dhearna Iarnród Éireann aon chás nach buanchomharthaí poiblí a bhí sna comharthaí a bhí faoi chaibidil san imscrúdú.

Chinn an t-imscrúdú go bhfuil fo-alt 57(1) den Acht Iompair neamhchoinníollach sa dualgas a chuireann sé ar Iarnród Éireann i dtaca le húsáid na Gaeilge nó na Gaeilge agus an Bhéarla ar buanchomharthaí poiblí.

Imscrúdú seolta: an 4 Deireadh Fómhair 2013

Tuarascáil eisithe: an 21 Samhain 2013

the Transport Legislation and it is referred to in Section 160 of those regulations.

That is the reason we are of the opinion that this signage is exempted from the requirement to be bilingual under the regulations. As a result, we do not believe that we have breached subsection 57(1) of the Transport Act 1950.” (trans.)

It was apparent that Iarnród Éireann, in its response to the investigation, was referring to the exemption in respect of the use of the official languages which is granted in the Regulations (I.R. 391 of 2008) under subsection 9(1) of the Official Languages Act 2003 insofar as it pertains to signage which comes under the Safety, Health and Welfare at Work Regulations 2007.

However, the obligation on Iarnród Éireann to ensure that permanent signs which are maintained by them are in Irish, or in Irish and English, does not arise under the Regulations made under subsection 9(1) of the Official Languages Act 2003 but under subsection 57(1) of the Transport Act 1950 and that legislative provision is very clear on the issue:

“All permanent public notices and signs (including the names of stations) maintained by the Board shall be in the Irish language but may be in both the Irish and English languages.”

No exemptions are provided for in this legislation in respect of any kind of signage, safety signage or other. It is a long-established principle that a provision in secondary legislation cannot amend a provision which is already confirmed in primary legislation (i.e. an Act of the Oireachtas). An exemption granted in the Regulations (S.I. 391 of 2008) made under subsection 9(1) of the Official Languages Act 2003 could not, therefore, amend the obligation which is confirmed in subsection 57(1) of the Transport Act 1950. Iarnród Éireann did not make any case that the signs which were the subject of the investigation were not permanent public signs.

The investigation found that subsection 57(1) of the Transport Act was unconditional in the obligation it imposes on Iarnród Éireann in respect of the use of Irish or English and Irish on permanent public signs.

Investigation launched: 4 October 2013

Report issued: 21 November 2013

Bord Oideachais agus Oiliúna Chathair Bhaile Átha Cliath

Léirigh imscrúdú nach raibh córas oiriúnach i bhfeidhm ag SUSI (Tacaíocht Chomhchoiteann do Mhic Léinn in Éirinn) le cloí leis an dualgas reachtúil teanga atá daingnithe i bhfo-alt 9(2) d'Acht na dTeangacha Oifigiúla, 2003 agus í i mbun cumarsáid scríofa i nGaeilge. Is rannóg de chuid Bhord Oideachais agus Oiliúna Chathair Bhaile Átha Cliath é SUSI a phléann le deontais do mhic léinn. Bhí an fhoireann imscrúdaithe sásta, áfach, de thoradh an imscrúdaithe, go raibh córas cuí molta le dul i ngleic leis na deacrachtaí.

Rinne duine gearán leis an Oifig i mí Feabhra 2013 nach raibh ar chumas SUSI plé go cuí le hiarratas i nGaeilge ar dheontas mic léinn, go raibh comhfheagras i nGaeilge á fheagairt i mBéarla agus go raibh ar an ngearánach féin aistriúchán a sholáthar do SUSI ar litir i nGaeilge a scríobh sé chuige. Seo a leanas mar atá fo-alt 9(2) den Acht:

"I gcás ina ndéanfaidh duine cumarsáid i dteanga oifigiúil le comhlacht poiblí, i scríbhinn nó leis an bpost leictreonach, freagróidh an comhlacht poiblí sa teanga chéanna."

Níor éirigh le hiarrachtaí an ghearánaigh féin ná na hOifige an chás seo a réiteach ar bhonn neamhfhoirmiúil in imeacht tréimhse míonna agus b'éigean imscrúdú reachtúil a thionscnamh le teacht ar réiteach sásúil.

Sa fhreagra ó Bhord Oideachais agus Oiliúna Chathair Bhaile Átha Cliath ar an imscrúdú, thug sé le fios go bhfuair SUSI nach mór 70,000 iarratas ar dheontais ina chéad bhliain feidhme — an bhliain acadúil 2012/2013. D'áitigh an Bord cé go raibh fadhbanna le próiseáil iarratas ón mbliain acadúil 2012/2013 go raibh toradh níos fearr ná mar a ceapadh ar an gcóras, agus 70% de na deontais bronnta ag deireadh mhí na Nollag, 85% ag tús an dara seimeastar i mí Eanáir agus 93% i mí an Aibreáin 2013.

D'aithin an Bord, áfach, nach raibh feidhmíocht SUSI ar an gcaighdeán ard ba chóir a bheith ann i gcás seirbhís phoiblí stáit. Maidir leis an mbliain acadúil 2013-2014, mhínigh an Bord go raibh feabhsuithe déanta ar an gcóras de thoradh athbhreithniú neamhspleách i mí an Aibreáin 2013.

Ghlac an Bord leis gur sháraigh an eagraíocht an dualgas atá daingnithe i bhfo-alt 9(2) d'Acht na dTeangacha Oifigiúla, 2003 sa chás seo fad is a bhain sé le seirbhís SUSI agus é ag freagairt cumarsáid i nGaeilge ó mhac léinn ainmnithe i dtaca le hiarratas ar dheontas, agus ghabh sé leithscéal leis an mac léinn sin as an mbuairt agus an mhoill go léir.

Sholáthair sé don imscrúdú cóip den litir dheontais as Gaeilge a bhí de dhíth ar an mac léinn. Thug an Bord míniú don imscrúdú ar an tarla sa chás seo. Tugadh le fios go raibh an córas agus na litreacha ar fáil i nGaeilge ach nach ndearnadh tástáil chuí ar na córais ná ar an bpróiseas agus gur tarla earráid theicniúil dá bharr.

Thug an Bord le fios go raibh iarrtha acu ar an gcuideachta sheachtrach atá ag soláthar seirbhís deasc chabhrach thar a cheann breathnú go géar ar an tseirbhís atá á soláthar de bharr thuairisc an ghearánaigh sa chás seo.

City of Dublin Education and Training Board

An investigation found that SUSI (Student Universal Support Ireland) did not have an appropriate system in place to comply with the statutory language obligation confirmed in subsection 9(2) of the Official Languages Act 2003 when communicating in writing in Irish. SUSI is a section of the City of Dublin Education and Training Board (CDETB) that deals with student grants. The investigation team was satisfied, however, that as a result of the investigation an appropriate system was proposed to deal with the difficulties.

An individual made a complaint to the Office in February 2013 that SUSI was not capable of dealing appropriately with applications in Irish for student grants, that correspondence in Irish was being responded to in English and that the complainant himself had been obliged to provide a translation for SUSI of a letter in Irish which he had forwarded in support of his application. Subsection 9(2) of the Act provides as follows:

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

Neither the efforts of the complainant nor of the Office over a period of months were successful in reaching an informal resolution in this case and it was therefore necessary to carry out an investigation to reach a satisfactory resolution.

In the response from the CDETB, the Board advised the investigation that SUSI received almost 70,000 applications for grants in its first year of operation — the 2012/2013 academic year. Although there were problems with processing applications from the 2012/2013 academic year, the Board said that the results were better than expected, with 70% of grants awarded at the end of December, 85% at the start of the second semester in January and 93% in April 2013.

The Board acknowledged, however, that the effectiveness of SUSI was not of the high standard which should be expected from a state run public service. As regards the 2013/2014 academic year, the Board explained that improvements had been made to the system as a result of the independent review carried out in April 2013.

The Board accepted that the organisation had breached the obligation confirmed in subsection 9(2) of the Official Languages Act 2003 in this case insofar as it concerned the SUSI service responding to correspondence in Irish from a named student in respect of a grant application, and the Board apologised to that student for the resulting upset and delay.

The Board supplied the investigation with a copy of the letter in Irish required by the student and explained what had happened in this case. The investigation was advised that the system and the letters were all available in Irish but that neither the system nor the processes had been properly tested and that technical difficulties had arisen as a result.

The Board also advised the investigation that it had asked the external company providing helpdesk services on its behalf to examine the service being supplied closely as a result of the report of the complainant in this case.

Maidir leis an gcóras atá i bhfeidhm anois, bhí an méid seo le rá ag an mBord: *“Níl SUSI sásta gur theip orainn i roinnt gcásanna áirithe an bhliain seo caite ár dualgas reachtúil a chomhlíonadh. De bharr seo, táimid tar éis ollchóiriú a dhéanamh ar an gcóras i ndáil le litreacha a éisiúint i Gaeilge agus a thástáil go hiomlán chun a chinntiú nach tharlaíonn an rud cheanna i mbliana.”*

Thug an Bord le fios don imscrúdú gurb é an treoir a thugann SUSI do chomhaltaí foirne nua i rith an phróisis oiliúna ná go ndéileálfadh measúnóir atá líofa i nGaeilge le gach iarratas i nGaeilge. Má bhíonn treoir níos sinsearaí ag teastáil, téann an measúnóir go dtí an Bainisteoir Próiseála Deontas atá líofa i nGaeilge.

Is comhlacht poiblí é Bord Oideachais agus Oiliúna Chathair Bhaile Átha Cliath chun críche Acht na dTeangacha Oifigiúla agus dá réir sin tá dualgas air cloí leis na forálacha reachtúla i bhfo-alt 9(2) den Acht maidir le cumarsáid i nGaeilge.

Chonacthas don imscrúdú ón gcás a bhí curtha ina láthair nár oibrigh an córas a bhí in ainm is a bheith i bhfeidhm le plé le comhfhreagras i nGaeilge, ainneoin iarrachtaí an Bhoird córas cuí a chur i ngníomh agus SUSI á chur ar bun. Ghlac an Oifig leis nach raibh aon chúis ann lena chreidiúint gur d’aon ghnó a tharla an sárú sa chás seo. Ach ba léir ón gcaoi ar caitheadh le hiarratas an mhic léinn seo agus lena iarrachtaí eolas a fháil ina leith chun an cás a réiteach nach raibh aon chóras ceart i bhfeidhm le plé le cumarsáid i nGaeilge ón bpobal. Fiú nuair a chuaigh an Oifig i dteagmháil leis an mBord ar an ábhar, níor éirigh leis an mBord dul i ngleic leis an gceist go cuí.

Mar sin féin, ba léir go raibh céimeanna glactha ag an mBord leis an scéal a chur ina cheart. Bheifí ag súil, de thoradh an imscrúdaithe seo agus de bharr chur i bhfeidhm na mbeartas atá glactha ag an mBord, go ndaingneofar faisnéis faoin dualgas reachtúil seo i gcleachtais oibre na foirne ar fad agus go laghdófar nó go gcuirfear ar ceal ar fad gearáin faoi shárú na forála seo.

Imscrúdú seolta: an 3 Deireadh Fómhair 2013

Tuarascáil eisithe: an 12 Samhain 2013

Comhairle Contae Lú

Léirigh imscrúdú gur sháraigh Comhairle Contae Lú an dualgas reachtúil teanga atá daingnithe i bhfo-alt 9(3) d’Acht na dTeangacha Oifigiúla agus í i mbun cumarsáide le haicme den phobal i gcoitinne i gCo. Lú. Rinneadh gearán leis an Oifig gur scríobh an Chomhairle i mBéarla amháin chuig 17,177 duine ar fud an Chontae, in 2012, le faisnéis a roinnt leo faoin Muirear Teaghlaigh.

Bhí an gearánach den bharúil gur cheart go mbeadh leagan Gaeilge nó leagan dátheangach de litir na Comhairle seolta chuige de réir fhorálacha Acht na dTeangacha Oifigiúla. Ba chás leis an ngearánach chomh maith gur chuig an leagan Béarla dá sheoladh a eisíodh an litir, ainneoin é a bheith cláraithe don Muirear Teaghlaigh leis an leagan Gaeilge dá sheoladh.

As regards the system that is now in place, the Board said: *“It is a matter of some dissatisfaction to SUSI that we failed to comply with our statutory obligations in some cases last year. As a result of this, we have completely revamped and fully tested our system of issuing letters in Irish to ensure that the same thing does not happen this year.”* (trans.)

The Board advised the investigation that the direction given by SUSI to new staff members during training is that an assessor who is fluent in Irish deals with all Irish language applications. If direction at a more senior level is required, the assessor refers to the Grants Processing Manager who is fluent in Irish.

CDETB is a public body for the purposes of the Official Languages Act and is therefore obliged to adhere to the statutory provisions of the Act including subsection 9(2) of the Act concerning correspondence in Irish.

The investigation found from the case that was presented to it that the system which was supposedly in place to deal with correspondence in Irish failed, despite the efforts of the Board to put such a system in place when setting up SUSI. The Office accepted that there was no reason to believe that the breach was intentional in this case. However, it was apparent from the way in which this student’s application, and his attempts to access information to resolve the matter, were handled that there was no proper system in place to deal with communications in Irish from the public. Even when the Office contacted the Board on the matter, the Board did not succeed in dealing with the matter appropriately.

Nonetheless, it was clear that the Board had taken steps to correct this problem. It would be expected as a result of this investigation and due to the implementation of the policies that the Board has adopted that information about this statutory language obligation will be embedded in future work practices and that complaints about breaches of this provision will be reduced or will not arise.

Investigation launched: 3 October 2013

Report issued: 12 November 2013

Louth County Council

An investigation found that Louth County Council failed to comply with its statutory language duties under subsection 9(3) of the Official Languages Act when communicating with a class of the public in County Louth. A complaint was made to the Office that the Council had written, in English only, to 17,177 people throughout the county in 2012, giving information in relation to the Household Charge.

The complainant believed that such a communication from the Council should be in Irish or bilingual in accordance with the provisions of the Official Languages Act. In addition, he was concerned that the letter had been directed to the English version of his postal address, although he was registered in Irish for the Household Charge.

Leagann fo-alt 9(3) d'Acht na dTeangacha Oifigiúla dualgas ar chomhlachtaí poiblí a chinntiú gur i nGaeilge, nó i mBéarla agus i nGaeilge, a bheidh cumarsáid faisnéise i scríbhinn nó leis an bpost leictreonach leis an bpobal i gcoitinne nó le haicme den phobal i gcoitinne. Theip ar iarrachtaí Oifig an Choimisinéara Teanga réiteach a fháil ar an ngearán leis an gComhairle tríd an bpróiseas neamhfhoirmiúil réitithe gearán, agus b'éigean tabhairt faoi imscrúdú foirmiúil.

I litir chuig an imscrúdú, chuir an Chomhairle an t-eolas ar fad a bhí iarrtha ar fáil go críochnúil agus go gairmiúil. Ach ba léir ón bhfreagra nár ghlac sí leis gur sháraigh sí fo-alt 9(3) den Acht. Mhaígh an Chomhairle nach cumarsáid a bhí i gceist a thiocfadh faoi bhrí fho-alt 9(3) agus nár athraigh sí seoladh an ghearánaigh ó Ghaeilge go Béarla.

Dúirt an Chomhairle:

Bhain an comhfhreagras a d'eisigh an t-údarás seo i dtaca leis an muirear teaghlaigh go sonrach leis an seolaí aonair seo. Baineadh sonraí an tseolaí ó bhunachair shonraí éagsúla lena n-áirítear bunachar sonraí PRA ina gcláraítear na sonraí i mBéarla nó i nGaeilge de réir mar a sholáthraíonn an seolaí iad. Tá an seasamh sin ar aon dul leis an gcomhairle a thairg Bord an Mhuirir Theaghlaigh.

Eisíodh leagan Béarla den litir toisc gur cláraíodh sonraí an Úinéara Teaghlaigh i mBéarla ar an mbunachar sonraí ábhartha. Rinneadh comparáid idir seoltaí na daoine a d'íoc an Muirear Teaghlaigh agus na seoltaí ar bhunachar sonraí PRA. I gcás ar bith ina raibh difríocht idir an dá sheoladh (ar chúiseanna teanga, mar ab amhlaidh sa chás seo, nó toisc gur athraíodh uimhir tí, nó aon rud eile, ba chuma cé chomh beag a bhí an t-athrú), thug an ríomhaire 'neamhíoctha' mar fhreagra. Is é beartas an údaráis seo comhfhreagras a eisiúint i nGaeilge i gcásanna inar chláraigh úinéirí tí a sonraí i nGaeilge.

Is é beartas agus cleachtas an údaráis áitiúil seo doiciméid a eisiúint sa dá theanga de réir Alt 9(3) d'Acht na dTeangacha Oifigiúla agus cumarsáid á déanamh i scríbhinn nó i r-phost leis an bpobal i gcoitinne chun críoche eolas a sholáthar don phobal nó d'aicme den phobal.

D'áitigh an Chomhairle nár eisíodh an chumarsáid chuig an bpobal i gcoitinne ná chuig aicme den phobal i gcoitinne ach gur cumarsáid aonánach chuig duine ainmnithe ag seoladh faoi leith a bhí i ngach cás, agus go raibh *"an seasamh sin ar aon dul leis an gcomhairle a thairg Bord an Mhuirir Theaghlaigh."*

Is fiú a lua go bhfuil an oibleagáid i dtaca le comhairle a chur ar chomhlacht poiblí faoina dhualgas faoi Acht na dTeangacha Oifigiúla dílsithe d'Oifig an Choimisinéara Teanga de réir na reachtaíochta, ní ar Bhord an Mhuirir Teaghlaigh. Níor lorg Comhairle Contae Lú ná Bord an Mhuirir Teaghlaigh comhairle na hOifige seo ar an ábhar ag aon am.

Tar éis meá chúramach a dhéanamh ar argóint na Comhairle agus léirmhíniú cruinn a dhéanamh – de réir na gcleachtas maidir le léirmhíniú atá seanbhunaithe agus daingnithe sa dlí – ar an reachtaíocht agus ar an gcumarsáid féin a eisíodh, chreid an t-imscrúdú nár leor seoladh ar leith agus uimhir thagartha le cumarsáid aonánach a dhéanamh den chumarsáid seo.

Subsection 9(3) of the Act requires that information from a public body communicated by post or e-mail to the general public or to a class of the general public should be in Irish or bilingual (Irish and English). Efforts to resolve the issue by the informal complaints resolution mechanism operated by the Office of An Coimisinéir Teanga failed, and a formal investigation was launched.

In its reply to the investigation, the Council supplied all the information requested in a comprehensive and professional manner. However, it was clear that the Council did not accept that it had breached subsection 9(3) of the Act. The Council claimed that this communication did not come within the meaning of subsection 9(3) and also that it had not translated the complainant's address from Irish to English.

The Council said as follows:

"The correspondence issued by this authority in regard to the household charge related to this individual addressee. The addressee's details were taken from various databases including the PRA database where details are registered in English or Irish depending on how they are supplied by the addressee. This approach is consistent with the advice offered by the Household Charge Board.

An English version of the letter was issued as the Householder's details were registered in English on the relevant database. The addresses of those who paid the Household Charge were compared with the addresses on the PRA database. Where there was a difference between the two addresses (for language reasons, as in this case, or because the house number was changed, or for any other reason, no matter how insignificant), the computer gave the response "unpaid". It is the policy of this authority to issue correspondence in Irish in cases where house owners have registered their details in Irish.

It is the policy and practice of this local authority to issue documents bilingually in accordance with Section 9(3) of the Official Languages Act and to communicate in writing or by email with the public in general when supplying information to the public or a class of the public." (trans.)

The Council claimed that the correspondence had not issued to the public in general or to a class of the public in general but that in each case it was an individual communication to a named person at a specific address and this approach was *"consistent with the advice offered by the Household Charge Board."* (trans.)

The provision of advice to public bodies in relation to the Official Languages Act is the statutory responsibility of the Office of An Coimisinéir Teanga, not the Household Charge Board. Neither Louth County Council nor the Household Charge Board sought advice from the Office on the matter at any time.

Having considered the Council's arguments carefully and having interpreted the legislation and the communication – in the properly established legal manner – the investigation concluded that the inclusion of a specific address and a reference number was not sufficient to make this an individual communication.

Chinn an t-imscrúdú gur le haicme den phobal i gcoitinne a rinneadh an chumarsáid seo, de bharr gur eisíodh 17,177 litir nó mír chumarsáide ón gComhairle agus go raibh an bhunteachtairacht nó an buntéacs ceannann céanna i ngach litir acu seo, agus síniú clóite ar na litreacha. Lasmuigh d'ainm, seoladh agus uimhir thagartha, ní raibh aon sonraí pearsanta in aon cheann de na 17,177 litir a dhéanadh idirdhealú ar leith idir na litreacha “aonair” sin, mar shampla méid ar leith a bhí le híoc go fóill i gcás an duine sin. Is faisnéis choitianta a bhí comónta i ngach litir faoin muirear, pionóis, díolúine, bealaí íoctha agus eile. Ba mheicníocht seachadta a bhí san ainm, uimhir thagartha agus seoladh agus níor leor an difríocht sin le litir phearsanta a dhéanamh de mhíreanna cumarsáide ina raibh an bhunfhaisnéis chéanna.

Sa chás seo rinne Comhairle Contae Lú daoine áirithe a rangú le chéile nó, i bhfocail eile, aicme acu a roghnú de thuras na huaire i gcomhair faisnéise faoin muirear teaghlaigh. Chun na críche sin, rinne sí “aicme den phobal i gcoitinne” den ghrúpa sin ina raibh 17,177 duine. Bhí an Chomhairle mar chomhlacht poiblí i mbun cumarsáide sa chás seo le haicme den phobal i gcoitinne chun faisnéis a thabhairt don aicme sin dar leis an imscrúdú seo agus bhí aici géilleadh do na dualgais teanga i bhfo-alt 9(3) den Acht – an chumarsáid a eisiúint i nGaeilge, nó i mBéarla agus i nGaeilge.

Maidir le ceist na seoltaí, ba léir don imscrúdú nach raibh dóthain céimeanna glactha le cinntiú nach n-eiseofaí an chumarsáid seo in earráid chucu siúd a bhí cláraithe le seoladh i nGaeilge don Mhuirear Teaghlaigh, ainneoin an muirear a bheith íoctha acu. Próiseas sách simplí a bheadh ann, mheasfaí, comparáid a dhéanamh idir an bunachar sonraí a cuireadh ar fáil ón PRA agus an bunachar sonraí dóibh siúd a bhí cláraithe don Mhuirear Teaghlaigh, le cinntiú nach raibh an chumarsáid á heisiúint chucu siúd a d'íoc agus go raibh a seoltaí i nGaeilge. Ba léir, de bharr nár thóg an Chomhairle aon chéimeanna le “glanadh” a dhéanamh ar an mbunachar sonraí a chuir an PRA ar fáil, gur eisíodh an chumarsáid chuig daoine a raibh a seoladh i nGaeilge, beag beann ar íocaíocht a bheith déanta nó gan a bheith déanta acu.

Imscrúdú seolta: an 5 Nollaig 2012

Tuarascáil eisiithe: an 1 Márta 2013

Comhairle Contae an Chláir

Rinneadh cinneadh scor d'imscrúdú nuair a tugadh dearbhuithe go raibh gearáin i dtaca le húsáid an Bhéarla amháin ar chomharthaíocht bhóthair réitithe ag Comhairle Contae an Chláir.

D'eascair an t-imscrúdú as gearáin chun na hOifige gur i mBéarla amháin a bhí comharthaí in airde i dtrí áit éagsúla i gceantar feidhme na Comhairle. Rinne an Oifig iarracht an cheist seo a réiteach leis an gComhairle tríd an gcóras neamhfhoirmiúil réitithe gearán a fheidhmíonn an Oifig, ach níor éirigh leis na hiarrachtaí sin.

I measc na gcomharthaí a bhí faoi chaibidil bhí comhartha iomráiteach amháin ag Cnoc Uarchoille: “**Cross of Spancil Hill**”. Tharraing an

The investigation found that this communication was made to a class of the public as there were 17,177 letters or mailshots issued by the Council with exactly the same message or text in each letter and a generic printed signature on each letter. Apart from the name, address and reference number, there was no personal information in any of the 17,177 letters that would distinguish them as individual letters, as for example, the amount of the charge still to be paid by that person. Each letter contained standard information concerning the charge, penalties, exemptions, payment methods, etc. The name, address and reference numbers were merely a delivery mechanism and were insufficient to turn mailshots with the same basic shared information into personal letters.

In this case, Louth County Council grouped certain people together, in other words made them a class, for the purpose of supplying them with information on the Household Charge. To achieve its purpose, the Council created “a class of the public in general” consisting of a group of 17,177 people. The investigation found that the Council, as a public body, communicated with a class of the public to give information to that class and therefore should have complied with the statutory language duties in subsection 9(3) and issued the letters in Irish or in Irish and English.

In relation to postal addresses, it was clear to the investigation that insufficient steps had been taken to ensure that this communication was not issued in error to those, registered in Irish, who had paid the Household Charge. It would seem simple to compare the database provided by the PRA with the database of those who had paid the Household Charge to ensure that no communication was issued to those who had paid and whose addresses were in Irish. Because it failed to clean up the database provided by the PRA, the Council issued the communication to people with addresses in Irish, whether or not they had paid.

Investigation commenced: 5 December 2012

Report issued: 1 March 2013

Clare County Council

An investigation was discontinued when assurances were given that Clare County Council had resolved complaints in relation to the use of English only on road signage.

The investigations arose from complaints to the Office that signs in English only had been erected in three different places within the Council's functional area. The Office had made every effort to resolve the complaint using its informal complaints resolution process, but those efforts failed.

Among the signs that were the subject of the investigation was a celebrated sign at Cnoc Uarchoille: “**Cross of Spancil Hill**”. The



gearánach an cheist anuas leis an gComhairle Contae den chéad uair ar an 23 Meitheamh 2009, ar an “23rd of June, the day before the fair” mar atá ráite san amhrán. Ní bhfuair sé freagra sásúil agus chuaigh Oifig an Choimisinéara Teanga i dteagmháil leis an gComhairle ar a shon ar an 9 Deireadh Fómhair 2009. Thug an Chomhairle gealltanas soiléir i scríbhinn i mí Eanáir 2010 go gceartófaí an comhartha faoin 17 Márta 2010. Dúnadh an comhad ag an bpointe sin, ach bliain dár gcionn cuireadh in iúl don Oifig go raibh an comhartha i mBéarla fós in airde. Dúirt an Chomhairle Contae ar an 28 Deireadh Fómhair 2011 go raibh comhartha nua faighte ach toisc oibreacha bóthair a bheith fós ar siúl sa cheantar nár cuireadh in airde é.

I Márta 2012, lorg an Oifig deimhniú go raibh na comharthaí nua in airde agus dúradh go raibh “na comharthaí nua (dátteangacha) ceannaithe ag an innealtóir cuí. Tá oibreacha bóthar fós ar siúl ag an aomhal sin, agus crochfar na comharthaí nua ag deireadh na n-oibreacha sin. Idir an dá linn, tá sé bearthaithe go dtógfar anuas na comharthaí atá ann i mBéarla amháin.”

I Meitheamh 2012, sheol an gearánach grianghraf ón *Clare Champion*, eagrán an 29 Meitheamh 2012, inar léiríodh go raibh na seanchomharthaí Béarla crochta arís. Nuair a cuireadh an méid sin ar a súile don Chomhairle, cuireadh an freagra seo a leanas chuig an Oifig ar an 5 Samhain 2012: “Tá oibreacha bóthair fós ar siúl agus táthar dóchasach go gcuirfear i gcrích iad roimh dheireadh na bliana seo. Ag an bpointe sin, cuirfear comharthaí dátteangacha in airde.”

I mí an Mheithimh 2013, ceithre bliana ó tarraingíodh anuas an cheist leis an gComhairle Contae den chéad uair, nuair ba léir nach raibh aon dul chun cinn déanta i gcás na gcomharthaí ag Cnoc Uarchoille ná i gcás comharthaí eile a bhí ina n-ábhair ghearáin, rinneadh cinneadh tabhairt faoi imscrúdú.

I bhfianaise litreacha ón gComhairle Contae san fhómhar inar dearbhaíodh go raibh na comharthaí aonteangacha Béarla a bhí faoi chaibidil san imscrúdú seo bainte anuas, scoireadh den imscrúdú mar nach raibh sárú ar dhualgas reachtúil teanga i gceist a thuilleadh.

Imscrúdú seolta: an 27 Meitheamh 2013

Imscrúdú scortha: an 7 Deireadh Fómhair 2013

complainant first raised the issue with the County Council on, as in the song, “the 23 of June, the day before the fair”. As he did not receive a satisfactory reply, the Office of An Coimisinéir Teanga contacted the Council on his behalf on 9 October 2009. The Council gave an unambiguous commitment in writing in January 2010 that the sign would be corrected by 17 March 2010. The file was closed but a year later the Office was told that the sign was still in English only. On 28 October 2011, the County Council said that a new sign had been acquired but had not been erected because road works were still ongoing in the area.

In March 2012, the Office sought confirmation that the new signs had been erected and was told that: “the new bilingual signs have been purchased by the relevant engineer. The road works are still ongoing at that junction and the new signs will be erected on completion of the works. In the meantime, the English only signs will be taken down.” (trans.)

In June 2012, the complainant forwarded a photograph from the *Clare Champion*, dated 29 June 2012, clearly showing that the English only signs were in place again. This was sent to the County Council who replied on 5 November 2012 saying: “The road works are still ongoing and we hope they will be finished before the end of the current year. At that point, the bilingual signs will be erected.” (trans.)

In June 2013, four years after the matter was first raised with the County Council, when no progress had been made in relation to the signs at the Cross of Spencil Hill or in relation to other signs which had been the subject of complaints, an investigation was launched.

Following receipt of letters from the County Council in autumn 2013 indicating that the signs had been corrected in the three different areas that were the subject of complaint, the investigation was discontinued as there was no longer a breach of a statutory language obligation to be resolved.

Investigation launched: 27 June 2013

Investigation discontinued: 7 October 2013

Comhairle Buirge Loch Garman

Léirigh imscrúdú go raibh Comhairle Buirge Loch Garman ag sárú na ndualgas reachtúil teanga atá daingnithe sna rialacháin agus sna hordacháin atá déanta faoi fho-ailt 95(2) agus 95(16) den Acht um Thrácht ar Bhóithre, 1961 agus faoi na Rialacháin faoi fho-alt 9(1) d'Acht na dTeangacha Oifigiúla, 2003 i gcás comharthaí ar a raibh leaganacha Gaeilge a bhí míchruinn nó i mBéarla amháin agus a bhí curtha in airde i gceantar feidhme na Comhairle Buirge.

De thoradh gearáin éagsúla a rinneadh leis an Oifig maidir le húsáid na dteangacha oifigiúla, Gaeilge agus Béarla, ar chomharthaí i mBaile Loch Garman, tarraingíodh ceist na comharthaíochta anuas leis an gComhairle ar bhonn neamhfhoirmiúil, ag tosú i mí na Samhna 2012. Dhá chomhartha a bhí i mBéarla amháin a bhí i gceist ar dtús.

I mí an Mhárta 2013, tarraingíodh anuas ceist leis an gComhairle i dtaca le comharthaí nua a bhí curtha in airde ar na príomhbhóithre ar fad isteach chuig an mbaile a raibh an téacs “Wexford Borough Council twinned with Couëron France” orthu i mBéarla amháin.

Eisíodh meabhrúcháin i scríbhinn i dtaca leis an dá ábhar seo roinnt uaireanta, agus rabhadh deireanach i mí Lúnasa 2013. Níor chuir an Chomhairle aon fhreagra ar fáil i dtaca leis na gearáin seo.

Ar an 26 Lúnasa, fuair an Oifig gearáin eile ó dhaoine den phobal. Sa chéad ghearán acu seo, cuireadh in iúl go raibh comhartha eile breise ar a raibh an téacs “Annapolis, USA is a sister city to Wexford” curtha leis an gcomhartha “Wexford Borough Council twinned with Couëron France”, i mBéarla amháin, ainneoin an ghearáin a bhí tarraingthe anuas leis an gComhairle ar an ábhar i mí an Mhárta. Rinneadh gearán eile leis an Oifig ar an dáta céanna, an 26 Lúnasa, go raibh dhá comhartha ar a raibh leaganacha míchruinne Gaeilge de théacs curtha in airde ag timpeallán ar an mbaile.

Tá dualgais reachtúla i bhfeidhm faoi úsáid na Gaeilge ar chomharthaí trácht bóthair atá déanta faoi rialacháin agus ordacháin faoi fho-ailt 95(2) agus 95(16) den Acht um Thrácht ar Bhóithre, 1961. Tá na dualgais sin daingnithe sa *Lámhleabhar do Chomharthaí Trácht* agus caithfidh údaráis bóithre na tíre cloí leis na dualgais sin. Tá dualgais reachtúla eile i bhfeidhm faoi úsáid na Gaeilge agus an Bhéarla ar chomharthaí nach comharthaí trácht iad faoi na Rialacháin faoi fho-alt 9(1) d'Acht na dTeangacha Oifigiúla, 2003.

Sa fhreagra ó Chomhairle Buirge Loch Garman chuig an imscrúdú, cuireadh in iúl go raibh an tInnealtóir ar saoire nuair a tháinig na cáipéisí imscrúdaithe agus nach raibh aon duine ag feidhmiú ina áit de bharr chúrsaí eacnamaíocha na tíre.

Is mar seo a leanas a d'fhreagair an Chomhairle na ceisteanna ón imscrúdú:

Tá comharthaí nasctha neamhreachtúla ar imeall an bhaile. Ní comharthaí rialála nó treo iad, níl iontu ach comharthaí eolas agus dá bhrí sin táimid den tuairim nach gá na comharthaí seo a athrú.

*Athróidh Comhairle Bhuirge Loch Garman an scríbhinn ar na comharthaí atá ar na timpeallán suite ar na mbóthar nua gar don Chomhairle Chontae **chomh luath agus is féidir**. (aibhsiú déanta sa litir)*

Athrófar na comharthaí treo luaite roimh deireadh na bliana seo.

Wexford Borough Council

An investigation found that Wexford Borough Council was in breach of its statutory language obligations as confirmed in the regulations and orders made under subsection 95(2) and 95(16) of the Road Traffic Act 1961 and under the Regulations under subsection 9(1) of the Official Languages Act 2003 in respect of signs with incorrect Irish language versions and signs in English only that were erected in the Council's functional area.

As a result of various complaints made to the Office in respect of the use of the official languages, Irish and English, on signage in Wexford Town, the question of signage was raised with the Borough Council on an informal basis, commencing in November 2012 with regard to two signs which were in English only.

In March 2013, further questions were raised with the Council in respect of new signs which had been erected on all the primary access roads into the town on which the text “Wexford Borough Council twinned with Couëron France” appeared in English only.

A written reminder was issued in respect of both of these matters a number of times, and a final warning was issued in August 2013. The Council failed to provide any response to these complaints.

On 26 August, the Office received further complaints from members of the public. In the first of these complaints, the Office was advised that an additional sign with the text “Annapolis, USA is a sister city to Wexford” in English only had been added to the sign “Wexford Borough Council twinned with Couëron France”, in spite of the fact that the sign had been the subject of a complaint which had been raised with the Council in March. On the same date, another complaint was made to the Office in respect of two signs with incorrect text in Irish which had been erected at a roundabout in the town.

There are statutory obligations in respect of the use of Irish on traffic signs which are made under regulations and orders under subsections 95(2) and 95(16) of the Road Traffic Act 1961. These obligations are confirmed in the *Traffic Signs Manual* and all roads authorities have to comply with those obligations. There are other statutory obligations in effect in respect of the use of Irish and English on signs which are not traffic signs under the Regulations made under subsection 9(1) of the Official Languages Act 2003.

In its response to the investigation, Wexford Borough Council stated that the Engineer was on leave when the investigation papers were received and that, in the current economic situation, there was no replacement for someone on leave.

The Council said:

There are a number of non-statutory twinning signs on the outskirts of the town. These are not regulatory or directional signs, merely information signs. Therefore, it is our opinion that it is not necessary to alter these signs.

*The Borough Council will change the script on the two roundabout signs on the new road near County Hall, **as soon as possible**. (emphasis in letter)*

The directional signs mentioned will be changed before the end of this year.

Cé nár thug an Chomhairle Buirge le fios ina freagra gur ghlac sí leis go raibh dualgas reachtúla teanga á sárú i gcás na gcomharthaí bóthair seo, mar sin féin ghéill sí gur chóir iad a cheartú, agus thug sí le fios go ndéanfaí sin láithreach i gcás na gcomharthaí ar na timpealláin agus faoi dheireadh na bliana i gcás na gcomharthaí treo. D'fháiltigh an t-imscrúdú roimh an tairiscint sin.

Thug an Chomhairle Buirge le fios ina freagra nach mbeadh na "comharthaí nasctha" á gceartú mar nach comharthaí rialála ná comharthaí treo iad, agus nach raibh iontu ach comharthaí eolais.

Deirtear go soiléir, áfach, sa *Lámhleabhar do Chomharthaí Trácht*a go mbaineann an dualgas teanga le comharthaí rabhaidh, eolais agus turasóireachta chomh maith céanna le comharthaí treo agus rialála. Fiú dá bhféadfadh an Chomhairle an cás a dhéanamh nár chomharthaí trácht a iad na comharthaí seo, bheadh dualgas ar an gComhairle comharthaí dátheangacha a chur in airde de bharr na ndualgas reachtúil teanga a leagtar uirthi faoi na Rialacháin faoi fho-alt 9(1) d'Acht na dTeangacha Oifigiúla (I.R. 391 de 2008).

Luaigh an fhoireann imscrúdaithe gurbh ábhar imní di gur chuir an Chomhairle Buirge comharthaí nua aonteangacha Béarla in airde tar éis don Oifig gearán a tharraingt anuas léi i dtaca le comharthaí den chineál céanna san áit chéanna roinnt míonna roimhe sin. Ar ndóigh, bhí costas breise tarraingthe ag an gComhairle uirthi féin dá bharr sin.

D'áitigh an t-imscrúdú nach bhfuil sé de cheart ag aon údarás bóithre airgead de chuid an Stáit a chaitheamh ar chomharthaíocht aonteangach i mBéarla atá ag teacht salach ar ordacháin agus rialacháin atá déanta chun deimhin a dhéanamh de go mbeidh comharthaí den chineál seo i nGaeilge nó dátheangach. Chonacthas don imscrúdú gur mí-úsáid airgead stáit atá i gceist lena leithéid.

Imscrúdú seolta: an 29 Lúnasa 2013

Tuarascáil eisithe: an 19 Samhain 2013

Comhairle Contae Cheatharlach

Rinneadh cinneadh scor d'imscrúdú nuair a tugadh dearbhuithe go raibh an gearán a bhí i gceist i dtaca le húsáid an Bhéarla amháin ar chomharthaíocht bóthair réitithe ag Comhairle Contae Cheatharlach.

D'eascair an t-imscrúdú as gearán chun na hOifige gur i mBéarla amháin a bhí comhartha in airde i gceantar feidhme na Comhairle. Rinne an Oifig iarracht an cheist seo a réiteach leis an gComhairle tríd an gcóras neamhfhoirmiúil réitithe gearán a fheidhmíonn an Oifig ach níor éirigh leis na hiarrachtaí sin.

I bhfianaise na litreach ón gComhairle chuig an imscrúdú inar tugadh le fios gur ghlac an Chomhairle Contae le seasamh na hOifige i dtaca leis an gcomhartha i mBéarla amháin agus an dearbhaithe go raibh an cheist réitithe, rinneadh cinneadh scor den imscrúdú.

Imscrúdú seolta: an 21 Bealtaine 2013

Imscrúdú scortha: an 5 Iúil 2013

Although the Borough Council did not acknowledge in its response that it had breached the statutory language obligations in respect of these road signs, it conceded that they should be corrected, and it advised that this would be done immediately in the case of the signs at the roundabout and by the end of the year in the case of the directional signs. The investigation welcomed that offer.

The Borough Council stated in its reply that the twinning signs would not be altered as they were not regulatory or directional signs, merely information signs.

It is stated clearly, however, in the *Traffic Signs Manual* that the relevant language obligations relate to warning, information and tourist signs, as well as to directional and regulatory signs. Even if the Council could make the case that these were not traffic signs, it would still be obliged to erect bilingual signs due to the statutory language obligations imposed on it under the Regulations made under subsection 9(1) of the Official Languages Act (S.I. 391 of 2008).

The investigation team expressed concern in relation to the decision of the Borough Council to erect new monolingual signs in English after the Office had raised the issue of the other similar signs in the same location some months previously. Undoubtedly, the Council had brought additional costs upon itself because of this.

The investigation maintained that no roads authority has the right to spend state monies on monolingual English signage which is in conflict with the orders and regulations that are made to ensure that signs of this nature are in Irish or bilingual. The investigation found that this constituted a case of the misuse of state funds.

Investigation launched: 29 August 2013

Report issued: 19 November 2013

Carlow County Council

An investigation was discontinued when Carlow County Council gave assurances that a complaint in relation to the use of English only on road signage had been resolved.

The investigation arose from a complaint that signage had been erected in English only within the Council's functional area. The Office tried to resolve the complaint using its informal complaints resolution process but those efforts failed.

Following receipt of a letter from the County Council indicating acceptance of the stance taken by the Office in relation to the signage and confirming that the question had been resolved, a decision was taken to discontinue the investigation.

Investigation launched: 21 May 2013

Investigation discontinued: 5 July 2013

Bus Éireann

Léirigh imscrúdú gur sháraigh Bus Éireann na dualgais reachtúla teanga atá i bhfo-alt 9(1) d'Acht na dTeangacha Oifigiúla, 2003 i gcás clár ama a bhí curtha in airde ag an gcomhlacht i gCo. Chiarraí.

Rinneadh gearán leis an Oifig i mí an Mheithimh 2013 go raibh comhartha in airde ag Bus Éireann i nDaingean Uí Chúis, Co. Chiarraí nach raibh ag teacht leis na forálacha teanga san Acht Iompair, 1950 agus/ná leis na Rialacháin faoi fho-alt 9(1) d'Acht na dTeangacha Oifigiúla, 2003 i dtaca le húsáid na Gaeilge agus an Bhéarla ar chomharthaíocht.

Leagann fo-alt 57(1) den Acht Iompair, 1950 dualgais ar leith ar Bhus Éireann a chinntiú gur i nGaeilge nó i mBéarla agus i nGaeilge a bhíonn aon bhuanfhógraí nó buanchomharthaí dá chuid. Mar seo a leanas atá an fo-alt sin den Acht:

“Ní foláir na buan-fhógraí agus na buan-chomharthaí poiblí uile (lena n-áirítear ainmneacha stáisiúin) a bheas á gcothabháil ag an mBord a bheith i nGaeilge ach is cead iad a bheith i nGaeilge agus i mBéarla.”

Sa bhreis air sin, tá rialacháin reachtúla déanta in I.R. Uimh. 391 de 2008 faoi fho-alt 9(1) den Acht i dtaca le húsáid na dteangacha oifigiúla ar chomharthaíocht atá curtha in airde ag comhlachtaí poiblí a chiallaíonn gur féidir le comharthaí a bheith i nGaeilge nó dátheangach (Gaeilge agus Béarla) ach nach féidir leo a bheith i mBéarla amháin.

I bhfo-alt 6(1) de na Rialacháin deirtear:

“Faoi réir fhorálacha an Rialacháin seo, maidir le haon chomhartha a chuireann comhlacht poiblí in airde, nó a chuirtear in airde thar ceann aon chomhlachta phoiblí, in aon suíomh—

(a) sa Stát, nó

(b) ach amháin i gcás comhlachta forfheidhmithe, lasmuigh den Stát is i nGaeilge nó i nGaeilge agus i mBéarla a bheidh sé.

Rinne an Oifig iarracht an gearán a réiteach ar bhonn neamhfhoirmiúil le Bus Éireann ach níor éirigh leis na hiarrachtaí sin comhréiteach a aimsiú.

Mar fhreagra ar an imscrúdú, dúirt Bus Éireann nár ghlac sé leis gur sháraigh sé fo-alt 57(1) den Acht Iompair, 1950 agus/nó fo-alt 9(1) d'Acht na dTeangacha Oifigiúla, 2003 ar an gcúis gur comhthabacht fógraíochta a bhí sna taispeántais amhláir ag stadanna, scáthlár agus stáisiúin agus ar an gcúis nach buanfhógra a bhí sa chomhartha seo ar chaoi ar bith mar nach raibh an comhartha bailí ach go Meitheamh 2013.

Mar fhocal scoir, dúirt Bus Éireann:

“Cuireann Bus Éireann i láthair nach bhfuil baint ag aon chontrárthacht maidir le hAcht na dTeangacha Oifigiúla, 2003 leis an ábhar a bhfuil gearán déanta ina leith, ná le haon achtachán eile a bhaineann le stádas ná húsáid theanga oifigiúil ar na cúiseanna a léirítear thuas.

Tá sin gan dochar d'aon chearta eile dlí nó eile a d'fhéadfadh a bheith ar fáil do Bhus Éireann i gcomhthéacs imscrúdú den sórt sin.”

Tar éis do Bhus Éireann cóip den dréacht-tuarascáil imscrúduithe gan osradharc, fionnachtana ná moltaí a fháil, iarradh go gcuirfí na haighneachtaí seo a leanas san áireamh:

Bus Éireann

An investigation found that Bus Éireann breached the statutory language obligation set out in subsection 9(1) of the Official Languages Act in the case of a timetable which had been erected by the company in Co. Kerry.

A complaint was made to the Office in June 2013 that Bus Éireann had erected a sign in Dingle, Co. Kerry, which was not in accordance with the language provisions in the Transport Act 1950 and/or with the Regulations under subsection 9(1) of the Official Languages Act 2003 in respect of the use of the Irish and English languages in signage.

Subsection 57(1) of the Transport Act 1950 imposes a particular obligation on Bus Éireann to ensure that any of its permanent public notices and signs are in Irish, or in English and Irish. The section is as follows:

“All permanent public notices and signs (including the names of stations) maintained by the Board shall be in the Irish language but may be in both the Irish and English languages.”

There are further statutory regulations made in S.I. 391 of 2008 under subsection 9(1) of the Official Languages Act in relation to the use of the official languages on signage erected by public bodies which allows for signage to be in Irish or bilingual (English and Irish), but does not permit signage in English only.

Subsection 6(1) of the Regulations states:

Subject to the provisions of this Regulation, any sign placed by or on behalf of a public body at any location—

(a) in the State, or

(b) except in the case of an implementation body, outside the State shall be in the Irish language or in the Irish and English languages.

Efforts to resolve the issue by the informal complaints resolution mechanism operated by the Office of An Coimisinéir Teanga were unsuccessful.

In response to the investigation, Bus Éireann said that it did not accept that it had breached subsection 57(1) of the Transport Act 1950 and/or subsection 9(1) of the Official Languages Act 2003 as the displayed timetables at stops, screens and stations were collateral advertisements and as the signs were not permanent notices because they were only valid until June 2013.

In conclusion, Bus Éireann said:

“Bus Éireann submits that there is no contravention of the Official Languages Act 2003 or of any other enactment relating to the status or use of the Irish language in respect of the matter about which a complaint was made for the reasons stated above.

That is without prejudice to any other legal or other rights that may be available to Bus Éireann in the context of an investigation of that kind.” (trans.)

After receiving a copy of the draft report on the investigation, without the overview, findings or recommendations, Bus Éireann requested that the following submissions be included:

“Is mian le Bus Éireann uasdhátú a dhéanamh ar a haighneachtaí a rinneadh maidir le gearán faoin Amchlár (Tag: IM-057B). Tá an Rialtóir Iompair i mbun oibre ar uasdhátú a dhéanamh ar na Treoirlínte um Eolas Taistil le haghaidh Oibreoirí Iompair Phoiblí, a chuimsíonn Amchláir.

Is gá do Bhus Éireann na rialacháin seo a chomhlíonadh agus cuirfear amchláir ar fáil a réiteoidh leis an leagan amach a iarrfaidh an Rialtóir.

Mar chríoch, níl leagan amach an amchláir atá curtha suas i nDaingean Uí Chúis ag réiteach leis na treoirlínte atá le teacht ón Rialtóir agus ní bhainfidh Bus Éireann úsáid as tráth go bhfoilseofar na treoirlínte.”

Ba léir nár ghlac Bus Éireann leis go raibh an reachtaíocht á sárú sa chás seo.

Rinne Bus Éireann an argóint nach buanfhógra a bhí sa chomhartha a bhí faoi chaibidil san imscrúdú, de bharr nach raibh an comhartha bailí ach go Meitheamh 2013. Fiú mura buancomhartha é, lasmuigh d’eisceachtaí lena mbaineann díolúine, baineann na Rialacháin le **gach** comhartha a chuireann comhlacht poiblí in airde. Caithfidh na comharthaí a bheith i nGaeilge nó dátheangach agus deirtear go mbaineann na forálacha seo le **haon** comhartha a chuireann comhlacht poiblí in airde **in aon suíomh**.

Léirigh Bus Éireann a sheasamh don imscrúdú nach comharthaí a bhí san fhaisnéis áirithe seo atá á cur ar taispeáint chun críche na Rialachán faoi Acht na dTeangacha Oifigiúla. *“Is comhthaobhacht fógraíochta iad taispeántais amchláir ag stadanna, scáthláin agus stáisiúin ag Bus Éireann mar go léiríonn siad an réimse seirbhísí, amanna fágála agus ceann scríbe a fhéadfadh ábhair chustaiméirí feidhm a bhaint astu ón áit áirithe sin, a fhéadfadh iad a mhealladh um thaisteal le Bus Éireann ag an bpointe ama sin nó amach uaidh sin.”* Ní fhacthas don imscrúdú go raibh aon bhunús reachtúil lena leithéid de sheasamh.

Ceist léirmhínte a bhí anseo ar fhoráil reachtúil atá daingnithe le dlí. B’ábhar suntais don imscrúdú go ndúirt Bus Éireann, agus é ag séanadh gur buanfhógra a bhí i gceist anseo, an méid seo: *“Ní buan fhógra é an comhartha seo ar chaoi ar bith”* (aibhsíú déanta) – admháil lom, mheasfaí, gur comhartha a bhí i gceist. Níl sainmhíniú ar leith tugtha ar an bhfocal “comhartha” chun críche Acht na dTeangacha Oifigiúla ná sna rialacháin atá déanta faoin Acht. Is í an riail forléirithe dhlíthiúil i gcásanna den chineál sin ná go bhféachtar an gcomhthéacs iomlán ina bhfuil an focal in úsáid agus ar ghnáthbhrí an fhocail.

Chonacthas don imscrúdú gurb ionann comhartha agus eolas nó faisnéis a chuirtear ar taispeáint agus a thugann san áireamh, ach nach bhfuil teoranta do, na cineálacha comharthaí seo a leanas: comhartha rabhaidh, comhartha eolais/faisnéise, comhartha teagascach, comhartha treo, comhartha sainordaitheach, comhartha éigeandála, comhartha coiscthe, comhartha guaise nó priacail, comhartha sábháilteachta, comhartha lasta, comhartha leictreonach.

Cuireadh an fhaisnéis ábhartha ar taispeáint mar eolas don phobal i gcoitinne agus is gá é a bheith ar taispeáint go leanúnach. Is mar chomharthaí faisnéise a fheidhmíonn na hamchláir seo agus tá siad curtha in airde ag stadanna bus agus i stáisiúin Bhus Éireann chun úsáideoirí bus a chur ar an eolas faoi sceideal ama na mbusanna.

“Bus Éireann wishes to update the submissions it made in respect of the complaint about the Timetable (Ref: IM-057B). The Transport Regulator is working on updating the Guidelines on Travel Information for Public Transport Operators, which encompasses Timetables.

Bus Éireann are obliged to comply with these regulations and a timetable will be provided which is in line with the layout requested by the Regulator.

In conclusion, the layout of the timetable which has been erected in Dingle is not in accordance with the guidelines which are to be issued by the Regulator and Bus Éireann will no longer use it from the time the Regulations are published.” (trans.)

It was apparent that the body did not accept that the legislation had been breached in this instance.

Bus Éireann argued that the sign which was the subject of the investigation was not a permanent notice, as the sign was only valid until June 2013. Even if it was not a permanent sign, the Regulations refer to **every** sign which a public body erects, other than certain exceptions in respect of which exemptions are available. The signs must be in Irish or bilingual and the provisions apply to **any sign** placed by or on behalf of a public body at **any location**.

Bus Éireann maintained that this particular information which was displayed by the body was not a sign for the purposes of the Regulations under the Official Languages Act. *“Timetables displayed by Bus Éireann at stops, screens and stations are collateral advertisements as they illustrate the range of services, departure times and destinations which intending passengers could avail of from this particular location, which could persuade them to travel with Bus Éireann at that time or at a future date.”* (trans.) The investigation did not think that there was any legislative basis for that stance.

This was a matter of interpretation of a legal provision which is confirmed in law. It was of significance to the investigation that Bus Éireann said the following when repudiating that this was a permanent notice: *“This sign is not in any way a permanent notice”* (emphasis by investigation) (trans.) – a clear admittance, one would think, that it was a sign. There is no particular definition of the word “sign” for the purposes of the Official Languages Act or in the regulations made under the Act. The legal interpretative rule in cases of that kind is that account is taken of the context in which the word is used and the common meaning of the word.

It was seen by the investigation that a sign was information or knowledge which is displayed and which includes, but is not limited to, the following types of signs: warning signs, information signs, instructional signs, directional signs, mandatory signs, emergency signs, prohibitive signs, risk or hazard signs, safety signs, lit signs and electronic signs.

The relevant information was displayed for the public in general and it needs to be displayed continually. These timetables function as information signs and they are erected at bus stops and in Bus Éireann stations to inform bus users of bus schedules.

Ní raibh aon amhras ar an bhfoireann imscrúdaithe, dá bhrí sin, ach gur comharthaí iad seo chun críche na rialachán maidir le húsáid na dteangacha oifigiúla ar chomharthaíocht (I.R. Uimhir 391 de 2008). Sa bhreis air sin ar fad, ba i gceantar atá go hoifigiúil sa Ghaeltacht a bhí an comhartha seo curtha in airde agus is ag tagairt a bhí sé do thurais bus chuig bailte fearainn Gaeltachta.

Maidir leis an aighneacht bhreise a rinne Bus Éireann i ndiaidh dó an dréacht-tuarascáil a fháil, tar éis don Oifig roinnt fiosrúchán a dhéanamh ar an ábhar, tháinig sé chun solais gur ag tagairt do threoirlínte neamhreachtúla atá á n-eisiúint ag an Údarás Náisiúnta Iompair a bhí Bus Éireann. Toisc nach bhfuil stádas reachtúil ag na treoirlínte seo, níl aon cheist ach go bhfuil tosaíocht ag na Rialacháin faoi fho-alt 9(1) d'Acht na dTeangacha Oifigiúla sa chás seo. B'ábhar imní é don imscrúdú, dá bhrí sin, go raibh i gceist ag Bus Éireann tús áite a thabhairt do na treoirlínte seo roimh na dualgais reachtúla teanga atá leagtha air.

Mar sin féin, thapaigh an t-imscrúdú an deis le cinntiú go mbeadh aon treoirlínte a bhí á n-eisiúint ag an Údarás Náisiúnta Iompair i gcomhréir leis an reachtaíocht ionas nach mbeadh deacrachtaí ag eascairt as an ábhar in am trátha.

Thug an tÚdarás Náisiúnta Iompair comhoibriú iomlán don imscrúdú ar an gceist. Eagraíodh cruinniú idir ball den fhoireann imscrúdaithe agus oifigigh de chuid an Údarais Náisiúnta Iompair áit ar léiríodh samplaí de na comharthaí éagsúla iompair atá beartaithe, ag cuimsiú gach gné d'iompar poiblí na tíre idir bhus, traen agus tram. Bhí an Oifig seo sásta, de thoradh an chruinnithe sin, go mbeadh aon chomharthaí den chineál seo atá á mbeartú i gcomhréir leis an reachtaíocht. Bhíothas ag súil go mbeadh na treoirlínte réitithe faoi dheireadh na bliana 2013 agus go gcuirfí tús leis an scéim nua comharthaíochta faoina scáth ag tús na bliana (2014).

I bhfianaise na ndearbhuithe ó Bhus Éireann go mbeadh aon amchlár dá chuid ag réiteach leis na treoirlínte a bhí á mbeartú ag an Údarás Náisiúnta Iompair, bhí an fhoireann imscrúdaithe sásta go mbeadh aon chomharthaí nua a chuirfí in airde ag cloí leis an reachtaíocht agus go ndéanfaí an chomharthaíocht reatha a leasú dá réir.

Imscrúdú seolta: an 19 Iúil 2013

Tuarascáil eisithe: an 20 Nollaig 2013

Coiste Gairmoideachais Chontae an Chláir

Léirigh imscrúdú nach raibh córas oiriúnach i bhfeidhm ag Coiste Gairmoideachais Chontae an Chláir le cloí leis an dualgas reachtúil teanga atá daingnithe i bhfo-alt 9(2) d'Acht na dTeangacha Oifigiúla cumarsáid i scríbhinn nó leis an bpost leictreonach a fhreagairt sa teanga oifigiúil chéanna ina bhfaightear í.

Tharraing an Oifig anuas gearán maidir le comharthaíocht a bhí i mBéarla amháin leis an gCoiste Gairmoideachais i mí Mheán Fómhair 2012, trí ríomhphost i nGaeilge a sheoladh chuig teagmhálaí ainmnithe an Choiste. Fuair an Oifig admháil i mBéarla an tráthnóna sin. Seoladh ríomhphost ar

The investigation team was in no doubt, therefore, that these were signs for the purposes of the regulations in respect of the use of the official languages in signage (S.I. No. 391 of 2008). Moreover, this particular sign had been erected in a Gaeltacht area and referred to bus travel to Gaeltacht townlands.

As regards the additional submission made by Bus Éireann when they received the draft report on the investigation, after some inquiries by the Office it came to light that Bus Éireann was referring to non-statutory guidelines which are being issued by the National Transport Authority. As these guidelines do not have legal status, there is no question but that the Regulations under subsection 9(1) of the Official Languages Act take precedence in this case. It was a matter of some concern, therefore, to the investigation that Bus Éireann intended to give precedence to these guidelines over the statutory language obligations which are imposed by law on the body.

That said, the investigation team took the opportunity to ensure that any guidelines being issued in this respect by the National Transport Authority were compliant with the legislation so that no difficulties would arise in the matter at a later stage.

The National Transport Authority cooperated fully with the investigation on the matter. A meeting was arranged between a member of the investigation team and officers of the National Transport Authority at which samples of the various new transport signs proposed in the guidelines, encompassing every aspect of public transport including bus, train and tram, were displayed. The Office was satisfied as a result of that meeting that any proposed sign of this nature will be in compliance with the legislation. It was planned that the guidelines would be completed by the end of 2013 and that rollout of the new signs would commence early in 2014.

In light of the assertion from Bus Éireann that all of its timetables would be in compliance with the guidelines being prepared by the National Transport Authority, the investigation team was satisfied that any new signs erected would be compliant with the legislation and that current signs would be amended accordingly.

Investigation launched: 19 July 2013

Report issued: 20 December 2013

County Clare Vocational Education Committee

An investigation found that County Clare Vocational Education Committee (VEC) did not have a proper system in place to ensure compliance with its obligation under subsection 9(2) of the Official Languages Act. This section provides that when a person writes to a public body in an official language, by letter or email, that person is entitled to a reply in the same official language.

In September 2012, the Office raised a complaint with the VEC in relation to signage that was in English only. This was done by means of an email in Irish, sent to a named contact within the organisation. An acknowledgment, in English, was received that afternoon so a second

ais ag meabhrú don teagmhálaí nár mhór freagra i nGaeilge a chur ar aon chumarsáid i scríbhinn i nGaeilge.

Nuair nach raibh freagra faighte ar an ngearán faoin gcomharthaíocht faoin 1 Deireadh Fómhair, sheol an Oifig meabhrúcháin agus cuireadh i gcuimhne dóibh arís gur i nGaeilge a chaithfí cumarsáid scríofa i nGaeilge a fhreagairt. D'fhreagair an Coiste Gairmoideachais an chumarsáid sin i mBéarla arís. D'fhill an Oifig láithreach ag lorg freagra i nGaeilge.

Cuireadh meabhrúcháin arís ar an 21 agus an 29 Samhain agus tugadh le fios go raibh sé beartaithe tabhairt faoi imscrúdú mura mbeadh freagra scríofa i nGaeilge faighte faoin 7 Nollaig. Fuair an Oifig ríomhphost an tráthnóna sin (29 Samhain) le freagra i nGaeilge a bhí dothuigthe. Bhí an chosúlacht air gur le cabhair ó sheirbhís aistriúcháin uathoibríoch ar líne a cumadh é.

Idir an dá linn, bhí comhfhreagras eile ar siúl idir an Coiste Gairmoideachais agus an Oifig maidir le cur i bhfeidhm scéim teanga an Choiste. Is i mBéarla amháin a tháinig na freagraí ón gCoiste ar an ábhar seo chomh maith ainneoin go raibh an chumarsáid ón Oifig i nGaeilge. Ba léir go raibh deacracht ag an gCoiste plé mar is cóir le comhfhreagras sa chéad teanga oifigiúil, agus cinneadh tabhairt faoi imscrúdú le teacht ar fhionnachtana sa chás.

Ina fhreagra ar an imscrúdú, ghlac an Coiste leis gur sháraigh sé fo-alt 9(2) d'Acht na dTeangacha Oifigiúla sa chás seo. Ba é cás an Choiste go rabhthas ag díriú ar ábhar an bhunghearáin féin agus gur theip air aird a thabhairt ar an riachtanas an freagra a scríobh i nGaeilge.

Chuir an Coiste an sárú seo i gcomhthéacs cúinsí oibre inar áiríodh: *“gnáthshaol gnóthach oibre, áit a raibh laghdú ar mhéid na foirne agus gan aon duine a bheith fostaithe ina n-áiteanna, araon le mórthionscnaimh úrnua tógála, chomh maith le dualgais agus tosaíochta eile cineachta chuig an gCoiste Gairmoideachais.”*

Dúirt an Coiste go raibh sé ag déanamh a sheacht ndícheall le roinnt blianta treoracha Acht na dTeangacha Oifigiúla a chomhlíonadh agus dúradh freisin go raibh na céimeanna seo a leanas á nglacadh aige:

“Tabharfar freagra do gach uile chomhfhreagras faighte i nGaeilge ullmhaithe, aistrithe agus seolta ar ais chuig an gcomhfhreagraí.”

Toisc go mbeidh Coiste Gairmoideachais an Chláir ar lánscore taobh istigh de roinnt míonna cuirfear na cúrsaí seo faoi bhráid an aonáin úrnua [Bord Oideachais agus Traenála] do limistéir an Chláir/Luimnigh.”

Thug an Coiste Gairmoideachais le fios go raibh sé *“an-airdeallach anois faoin dualgas atá orthu freagraí a thabhairt i nGaeilge do chomhfhreagras faighte sa teanga sin.”*

Léirigh an t-imscrúdú nach raibh aon chóras cuí in áit aige le cinntiú go ndéileálfai mar is ceart le comhfhreagras sa chéad teanga oifigiúil, in ainneoin iarrachtaí na hOifige seo an dualgas reachtúil sin a mheabhrú dó, agus rinneadh moltaí dá réir.

Imscrúdú seolta: an 6 Nollaig 2012

Tuascail eisithe: an 17 Eanáir 2013

email was sent reminding the contact that a communication written in Irish must be replied to in Irish.

When the VEC had not replied to the complaint concerning signage by 1 October, the Office sent a reminder and again pointed out that correspondence in Irish should be replied to in Irish. The VEC again replied in English. The Office responded immediately by requiring a reply in Irish.

Further reminders were sent on 21 and 29 November, indicating that an investigation would be launched unless a reply in Irish was received from the VEC by 7 December. The Office received an email on the afternoon of 29 November with a reply in Irish that was unintelligible. It appears that the reply had been translated using an online automated translation service.

Meanwhile, a separate correspondence was taking place between the VEC and the Office with regard to the implementation of the VEC's Irish language scheme. All replies from the VEC were in English although the correspondence from the Office was in Irish. It was clear that the VEC had difficulties dealing correctly with correspondence in the first official language so an investigation was launched to make findings in the matter.

In its reply to the investigation, the VEC accepted that it had breached sub-section 9(2) of the Official Languages Act in this instance and claimed that it had concentrated on the substance of the complaint and failed to attend to the requirement to reply in Irish.

As background, the VEC stated that the breach happened in the context of *“a normal busy workplace, where there had been a reduction in the number of staff, no replacements employed and major new building projects as well as other duties and priorities devolved to the VEC.”* (trans.)

The VEC said that for many years it had been trying its best to comply with the provisions of the Official Languages Act and that it would take the following steps:

“A reply to all correspondence in Irish will be prepared, translated and send back to the correspondent.”

As the County Clare Vocational Education Committee will be dissolved within a few months these matters will be brought to the attention of the new entity [the Education & Training Board] for the Limerick & Clare area.” (trans.)

The VEC indicated that it was *“now very much aware of its duty to reply in Irish to correspondence received in that language.”* (trans.)

The investigation found that the VEC did not have a system in place to deal with correspondence in Irish in spite of the efforts made by the Office to remind it of that statutory requirement and recommendations were made to amend the situation.

Investigation commenced: 6 December 2012

Report issued: 17 January 2013

Comhairle Contae Chill Chainnigh

Rinneadh cinneadh scor d'imscrúdú nuair a tugadh dearbhuithe a chinnteodh go mbeadh an dualgas reachtúil teanga a bhí ina ábhar amhrais á chomhlíonadh go cuí feasta ag Comhairle Contae Chill Chainnigh.

D'éascair an t-imscrúdú as gearán chun na hOifige gur i mBéarla amháin a eisíodh cumarsáid ón gComhairle agus í i mbun cumarsáide le 13,989 duine sa Chontae i dtaca leis an Muirear Teaghlaigh. Leagann fo-alt 9(3) d'Acht na dTeangacha Oifigiúla dualgas ar chomhlachtaí poiblí a chinntiú gur i nGaeilge, nó i mBéarla agus i nGaeilge, a bheidh cumarsáid faisnéise i scríbhinn nó leis an bpost leictreonach leis an bpobal i gcoitinne nó le haicme den phobal i gcoitinne. Rinne an Oifig iarracht an cheist seo a réiteach leis an gComhairle tríd an gcóras neamhfhoirmiúil réitithe gearán a fheidhmíonn an Oifig ach níor éirigh leis na hiarrachtaí sin agus seoladh imscrúdú oifigiúil.

I bhfianaise na litreach ón gComhairle chuig an imscrúdú inar tugadh le fios gur ghlac an Chomhairle Contae le seasamh na hOifige i dtaca leis an gcumarsáid i mBéarla amháin agus an ghealltanais a thug an Chomhairle Contae go mbeadh aon chomhfhreagras den chineál seo i gcomhréir le forálacha fho-alt 9(3) den Acht amach anseo, rinneadh cinneadh scor den imscrúdú.

Imscrúdú seolta: an 7 Nollaig 2012

Imscrúdú scortha: an 14 Eanáir 2013

Comhairle Contae Ros Comáin

Rinneadh cinneadh scor d'imscrúdú nuair a tugadh dearbhuithe go raibh an gearán a bhí i gceist i dtaca le húsáid an Bhéarla amháin ar chomharthaíocht bhóthair réitithe ag Comhairle Contae Ros Comáin.

D'éascair an t-imscrúdú as gearán chun na hOifige go raibh comharthaí i mBéarla amháin in airde i gceantar feidhme na Comhairle. Rinne an Oifig iarracht an cheist seo a réiteach leis an gComhairle tríd an gcóras neamhfhoirmiúil réitithe gearán a fheidhmíonn an Oifig ach níor éirigh leis na hiarrachtaí sin.

I bhfianaise na litreach ón gComhairle chuig an imscrúdú inar tugadh le fios go raibh na comharthaí a bhí faoina dlínse ceartaithe, rinneadh cinneadh scor den imscrúdú.

Imscrúdú seolta: an 29 Aibreán 2013

Imscrúdú scortha: an 11 Samhain 2013

Kilkenny County Council

An investigation was discontinued when assurances were given which would ensure that Kilkenny County Council would in future be in compliance with certain statutory language obligations.

The investigation arose from a complaint made to the Office that the Council, when contacting 13,989 people in the County in relation to the Household Charge, had issued a communication in English only. Subsection 9(3) of the Official Languages Act requires that information from a public body communicated by post or e-mail to the general public or to a class of the general public should be in Irish or bilingual (Irish and English). Efforts to resolve the issue by the informal complaints resolution mechanism operated by the Office failed and a formal investigation was launched.

The investigation was discontinued when a letter was received from the Council confirming that it accepted the position of the Office in relation to the communication in English only and promising that any future correspondence of this nature would comply with subsection 9(3) of the Act.

Investigation launched: 7 December 2012

Investigation discontinued: 14 January 2013

Roscommon County Council

An investigation was discontinued when Roscommon County Council gave assurances that a complaint in relation to the use of English only on road signage had been resolved.

The investigation arose from a complaint that signage had been erected in English only within the Council's functional area. The Office had tried to resolve the complaint using its informal complaints resolution process but those efforts failed.

Following receipt of a letter from the County Council indicating that the signs within its remit had been corrected, it was decided to discontinue the investigation.

Investigation launched: 29 April 2013

Investigation discontinued: 11 November 2013

CÚRSAÍ AIRGEADAIS

Cuireadh buiséad €599,000 ar fáil don Oifig don bhliain 2013 ach níor tarraingíodh anuas ach €595,926 den airgead sin.

Tá cuntais na hOifige don bhliain 2013 ullmhaithe don Ard-Reachtaire Cuntas agus Ciste lena n-íniúchadh 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 Ealaíon, Oidhreacht 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 ag an Aire. Foilseofar freisin iad ar shuíomh gréasáin na hOifige seo.

Íocaíochtaí Prasa

I gcomhréir le cinntí Rialtais a rinneadh ar an 2 agus an 8 Márta 2011, leagadh dualgas ar eagraíochtaí stáit córais chuí a fheidhmiú ionas go n-íofaí sonraisc bhailí laistigh de 15 lá ón dáta a fhaightear iad. Tá dualgas ar eagraíochtaí stáit chomh maith tuairisc ráithiúil maidir leis an ábhar seo a fhoilsiú ar a suíomh gréasáin.

FINANCIAL MATTERS

A budget of €599,000 was provided for my Office for 2013 and €595,926 of that money was drawn down.

The accounts of the Office for 2013 have been prepared for audit by the Comptroller and Auditor General in accordance with subsection 8(2) of the Second Schedule of the Official Languages Act 2003.

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

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

Prompt Payments

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

Tuairisc ar Íocaíochtaí Prasa • *Prompt Payments Report*

Tréimhse Clúdaithe: an 1 Eanáir – an 31 Nollaig 2013 • *Period Covered: 1 January 2013 – 31 December 2013*

Sonraí Details	Uimhir Number	Luach (€) Value (€)	Céatadán (%) de líon iomlán na n-íocaíochtaí a rinneadh Percentage (%) of total number of payments made
Líon na n-íocaíochtaí a rinneadh laistigh de 15 lá <i>Number of payments made within 15 days</i>	199	136,501	91%
Líon na n-íocaíochtaí a rinneadh laistigh de thréimhse idir 16 lá agus 30 lá <i>Number of payments made within 16 days to 30 days</i>	17	7,077	8%
Líon na n-íocaíochtaí a rinneadh sa bhreis ar 30 lá <i>Number of payments made in excess of 30 days</i>	2	36	1%
Líon na n-íocaíochtaí sa tréimhse Total payments made	218	143,614	100%
¹ Sonraisc faoi dhíospóid ¹ Disputed Invoices			Ní bhaineann N/A

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

¹ Invoices received during the period and still under dispute at the end of the reporting period.

FUINNEAMH

Tá an t-eolas seo a leanas á thabhairt i gcomhréir le forálacha I.R. 542 de 2009.

Forbhreathnú ar úsáid fuinnimh sa bhliain 2013

Baineann iomlán an fhuinnimh le leictreachas a úsáideann Oifig an Choimisinéara Teanga i bhfoirgneamh sna hoifigí sa Spidéal. Cuimsíonn sé sin an fuinneamh a úsáidtear i gcomhair théamh agus aerú an fhoirgnimh, téamh uisce, soilse agus trealamh oifige.

Sa bhliain 2013, d'úsáid Oifig an Choimisinéara Teanga 63.35 MWh leictreachais. Is ionann sin agus ardú 3.7% ar úsáid na bliana 2012 (61.11 MWh).

Gníomhartha a rinneadh in 2013

Leanadh de na beartais a bunaíodh cheana: féachtar chuige go múchtar fearais oifige nuair nach mbíonn gá leo agus deimhnítear ag deireadh an lae oibre go bhfuil gach fearas múchta don oíche agus nuair nach mbítear san oifig. Sa bhliain 2013 cuireadh úsáid fuinnimh san áireamh mar chritéar nuair a bhí trealamh leictreonach á roghnú don oifig nó tairiscintí ar threalamh á meas.

Gníomhartha atá beartaithe do 2014

Leanfar de na beartais sábhála fuinnimh atá tionscanta cheana féin agus déanfar monatóireacht rialta ar úsáid leictreachais i gcaitheamh na bliana 2014.

ENERGY

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

Overview of Energy Usage in 2013

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

In 2013, the Office of An Coimisinéir Teanga consumed 63.35 MWh of electricity. This constituted a increase of 3.7% in comparison to 2012 (61.11 MWh).

Actions Taken in 2013

The established energy-saving practices were continued: ensuring that all equipment is turned off when not in use and examining the office at the end of every working day to ensure that lights and equipment are switched off overnight and when the building is not occupied. In 2013 energy consumption was used as a criterion in choosing electronic equipment and in evaluating tenders for equipment.

Actions Planned for 2014

The Office will continue the energy-saving policies already initiated and it is intended to monitor electricity consumption on a regular basis during 2014.

FOIREANN AGUS SONRAÍ TEAGMHÁLA • STAFF AND CONTACT DETAILS

FOIREANN • STAFF

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

Ar an 4 Nollaig 2013, chuir Seán Ó Cuirreáin in iúl don Uachtarán, Michael D. Higgins, agus ina dhiaidh sin do Chomhchoiste de chuid Thithe an Oireachtais i dTeach Laighean go mbeadh sé ag éirí as a cheapachán mar Choimisinéir Teanga ar an 23 Feabhra 2014, tráth a mbeadh 10 mbliana caite aige i mbun chúraimí na hOifige sin.

On 4 December 2013, Seán Ó Cuirreáin informed the President, Michael D. Higgins, and later told a Joint Oireachtas Committee in Leinster House that he intended to resign from his position as Coimisinéir Teanga on 23 February 2014, on completing 10 years in office.

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:

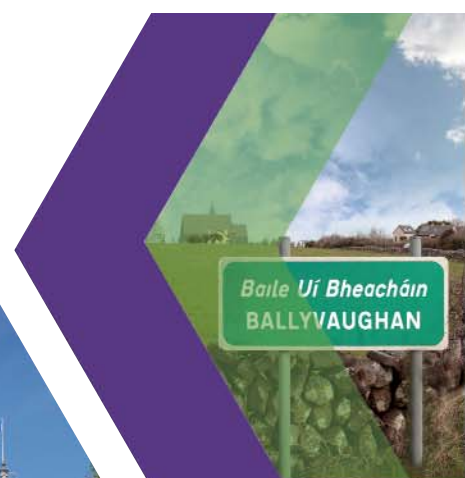
This Office may be contacted by post, fax, email or telephone, at the cost of a local call, as follows:

POST • <i>POST:</i>	An Coimisinéir Teanga, An Spidéal, Co. na Gaillimhe, Éire.
FÓN • <i>PHONE:</i>	091-504 006
GLAO ÁITIÚIL • <i>LO-CALL:</i>	1890-504 006
FACS • <i>FAX:</i>	091-504 036
RÍOMHPHOST • <i>EMAIL:</i>	eolas@coimisineir.ie
SUÍOMH GRÉASÁIN • <i>WEBSITE:</i>	www.coimisineir.ie

Is é an leagan Gaeilge buntéacs na Tuarascála seo.

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

NÓTAÍ



Post / Post:

Fón / Phone:

Glao Áitiúil / Lo-call:

Facs / Fax:

Ríomhphost / Email:

Suíomh Gréasáin / Website:

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