

Chairman,

I'd like to thank the Joint Committee for the invitation to discuss the Annual Report of the Office for the year 2014 along with the Special Report which was placed before the Houses of the Oireachtas earlier this year and relates to the Department of Education and Skills.

The Annual Report was placed before the Minister for Gaeltacht Affairs in March of this year and the report was officially launched on May 14. The Oireachtas has placed three main obligations upon me as Language Commissioner; to operate as an ombudsman's service; to operate as a compliance agency in regard to state services through Irish; and to provide advice in regard to language rights and obligations. As has been said often before my Office is a small office, one of the smallest in the state, with six civil servants who are tasked with a heavy and varied work-load work each year.

Year's Work

My Office dealt with 709 complaints and requests for advice from the public in relation to language rights last year. This was a small increase on the year before. One third of the complaints my Office received related to services covered in language schemes, a quarter involved the use of official languages on signage and stationary and a tenth each related to difficulties people had using the Irish version of the name and address and receiving an answer in English to correspondence in Irish. Along with complaints about road signs, which fell last year, there is a definite trend that these are the areas that Irish speakers have most difficulty with when interacting with the State.

Most of the complaints are dealt with through an informal complaints resolution process which the office operates. That said, in certain cases we are left with no choice but to proceed to a formal investigation when the informal process doesn't yield a satisfactory outcome. During last year I initiated 7 official investigations on various matters. I also issued three investigative reports relating to the Railway Procurement Agency, Dublin Bus and the Health Services Executive.

One matter that I should draw the Joint Committee's attention to is the amount of complaints that the Office couldn't investigate as the public bodies concerned didn't come under the Act. In total there were 115 complaints of that order last year. 35% of those related to the Road Safety Authority and 15% to Irish Water. In these cases my Office depends on the good-will

of the public bodies concerned to resolve the complaint or we may have to advise the public that we have no space in which to operate. This happens because the Official Languages Act only applies to those public bodies named in the First Schedule of the Act. The Minister for Arts, Heritage and the Gaeltacht has the authority to update the schedule and it is nine years since that last happened, in July 2006. Since then there has been a multitude of changes to organisations, functions and State services since the reform of the public service was initiated. This is a continuous problem that can be easily resolved and should have been done a long time ago.

The Annual Report outlines the monitoring program my Office implemented over the past year. It can be seen that we continued to examine the implementation of language schemes and recommendations made in investigation reports. Usually my Office also monitors a particular aspect of the direct provisions that are placed upon public bodies. Last year my Office examined the way in which local authorities undertook the fulfilment of their obligations in relation to recorded oral announcements on telephone systems, an obligation that is in place since July 2013 and hadn't been examined to date. The main finding of the audit was that only 2 local authorities, out of the 32 who came under the scope of the audit, were in full compliance with their language obligations in this regard.

Language Schemes

There has been a lot of debate about the system of language schemes over the past years. There is little left to say that hasn't been said already I feel. I'm highly doubtful as regards this system as a comprehensive means for the delivery of state services for the Irish speaking public. There are elements of some schemes that are worthwhile but I believe that the system is a flawed one and that the Welsh example should be followed by evolving to a standards system.

I acknowledge that more language schemes are being agreed than were agreed for some years. The Minister confirmed 21 schemes last year. But I question the worth of limited and conditional commitments in some schemes. There should be no place for this type of curtailment in statutory language schemes.

It also worries me that posts where Irish is required are still not being recognised in the language schemes that are being agreed. It was first stated in the Twenty Year Strategy for the Irish Language that these posts would be identified in language schemes. A quarter of the life-span of the Strategy has passed now and there is no excuse for not identifying posts in a systematic and comprehensive way, as was promised.

Court Case

Judge Colm Mac Eochaidh gave his judgement last year regarding an appeal by the Office of the Revenue Commissioners against a finding in an investigation by this Office. This was the first and only appeal against the findings made by An Coimisinéir Teanga in the over 100

investigations that my Office has initiated throughout the years. The Court decision against the appeal confirmed that my Office had the correct interpretation on that particular piece of the legislation. Such a legal precedent is of great assistance in clarifying legislation and I welcome it. I also welcome the learned judge's response to the Revenue Commissioners' contention that public bodies could identify ways to work around the legislation when he said *"I am not of the view that responsible public bodies would behave in such a manner"*.

Official Languages Act (revised)

The General Scheme of the Official Languages Bill (amendment) was published in April of last year. I made a presentation on this matter to the Joint Committee on Environment, Culture and the Gaeltacht in May 2014. I said then that there was little in the proposed Bill to satisfy the requirements of the Irish speaking public. I also said that there seemed to be little attention paid in the published heads of bill to the proposals my Office made or indeed to the views submitted by the public. A requirement that state employees providing services in the Gaeltacht be fluent in Irish wasn't included for example, or indeed that an alternative system to language schemes be put in place. I agree with the view expressed by the cross-party Joint Committee, which made 34 recommendations relating to 13 heads of bill, that the new Bill had to ensure that Irish be promoted rather than its impact be limited in certain areas.

As I've said before, apart from technical changes there are only two sections in the published heads of bill where I see a worthwhile objective, these are that public bodies be brought in under the Act automatically and that legislative protection be given to the use of the Irish version of one's name and address. It was made clear to us recently how important it is that there be legislative protection regarding the use of one's name and address after people received their new post codes at their addresses which were in English and in a name they didn't recognise. The Office has received a substantial amount of complaints regarding Eircode and what upset people most was that their new post code was sent to them under a name and address which was in English when it isn't common for them to ever use that. I am investigating the matter at present but I should say that I am restricted in what I can do in the absence of provision in the language legislation of the country to protect this right.

Over four years have passed since the review of the Official Languages Act was announced in November 2011. I have no doubt about what's required. The strengths and weaknesses with the present Act have been stated and restated. As Coimisinéir Teanga I want an Act which can be a strong support for the provision of State services through Irish that can help those that have the not unreasonable desire to conduct their business with the official institutions of the country through Irish. Measures, supports and resources are of course needed, not least being enough staff with Irish to ensure that. But we would be pulling the wool over our eyes were we to think that these measures alone are enough without a strengthened Act to back them up.

Special Report

Whilst launching my Annual Report in May this year I also submitted a special report to the Houses of the Oireachtas under section 26(5) of the Act. I have the authority to do this when I come to the conclusion that a public body hasn't satisfactorily implemented recommendations made in an Investigation Report.

This particular report relates to the Department of Education and Skills and its failure, in my opinion, to put satisfactory arrangements in place to ensure that only teachers with fluent Irish be appointed to Gaeltacht schools. Having conducted an investigation following a complaint from Scoil na Rinne on the matter it was clear that preference was being given to panel rights that contradicted or ignored language obligations on the Department under the Education Act 1998.

I would like to put on the record that I welcome the process which the Department of Education and Skills launched for Policy Proposals for Education Provision in Gaeltacht Areas earlier this year. There is reference in that document to the matter that resulted in the original complaint, that is the redeployment of teachers and it states that the effectiveness of the arrangements in place will be reviewed continuously. I believe that more than that is required and that arrangements must be put in place that ensure beyond any question or doubt that teachers in Gaeltacht schools and indeed in all-Irish schools have fluent Irish. Having considered the implementation of the recommendations I came to the opinion that the Department hadn't done enough to ensure that that would be the case. On that basis I forwarded the report to the Houses of the Oireachtas.

I hope this statement gives an overview to the Joint Committee on the highlights of the Office over the past year and I welcome any questions.