

Referendum Commission

Official Languages Act, 2003
Language Scheme 2021 - 2024

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Chapter 1

1.1. Introduction

This scheme is submitted on behalf of the Referendum Commission. It has been prepared under the Official Languages Act and replaces the previous scheme which came into effect on 01 May 2018.

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

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

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

1.2. Guidelines for preparation of a scheme

This scheme was drawn up in accordance with Guidelines under Section 12 of the Act prepared by the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media.

The Secretariat arranged for the publication of notices under section 13 of the Act inviting interested parties to make submissions in relation to the preparation of the draft scheme and invited staff to comment also. Two responses were received.

The content of the scheme has been informed by the experience of the Commission of the previous scheme, as well as views and suggestions put forward by the staff of the Secretariat.

1.3. The Content of the Language Scheme

This scheme aims to consolidate and build on the Commission's delivery of services in the Irish language. We aim to provide a high quality, easily accessible and efficient service to our customers. The provision of our services in the Irish language is undertaken in support of that objective.

The Secretariat will continue to implement a system of measuring the level of queries, complaints and requests to ensure that the services provided under the Scheme fully meet customer demand, in a planned and accessible way.

1.4. The Commencement Date of the Scheme

This scheme has been confirmed by the Minister for Tourism, Culture, Arts, Gaeltacht Sport and Media. It is commenced with effect from **19 March 2021** and will remain in force for a period of three years from this date or until a new scheme has been confirmed by the Minister pursuant to Section 15 of the Act, whichever is the later.

1.5. Assessment of Extent to which Services are Already Available through Irish

The primary objective of the Act is to ensure better availability and a higher standard of public services through Irish. This has been done through implementing the requirements of the Official Languages Act 2003.

The Commission has fulfilled all its obligations under the Official Languages Act, 2003, and has met all of its commitments contained in previous schemes. During the period of operation of the previous scheme all relevant telephone calls and items of general correspondence that were received through the Irish language were dealt with in Irish. All of the Commission's publications were published bilingually in the one document.

The objective of this Fourth Scheme is to continue the delivery of these commitments and to enhance the level of service over the period of the Scheme (2021-2024). In this regard, the Commission is committed to continuing to ensure that all publications are published bilingually during the lifetime of this scheme. This includes but is not limited to:

- the Commission's information booklets explaining the issue(s) in each referendum that takes place over the period of this Scheme
- the Commission's report at the end of each referendum campaign
- all documentation on the Commission's website.

In addition to this:

- The website is fully bilingual.
- All communications in Irish will be responded to in Irish in accordance with section 9(2) of the Official Languages Act 2003.

Chapter 2

2.1. Background and Role of the Referendum Commission

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

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

2.2. Operating Constraints

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

Under the 1998 Act the Minister for Housing, Local Government and Heritage may not issue the Establishment Order until after the date on which the Bill containing the constitutional amendment proposals has been initiated in Dáil Éireann. The setting of the date for a referendum is not a matter for the Referendum Commission.

2.3. Information Campaigns

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

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

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

2.4. Approval of bodies

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

Section 7 of the Referendum Act 1998 makes provision for a body to apply to the Referendum Commission to seek a declaration that it is an approved body for the purposes of a referendum. Approved bodies are entitled to appoint agents to attend at the issue and opening of postal voters ballot papers, at polling stations and at the counting of votes. Under the Act the Commission is obliged to put an advertisement in two national newspapers seeking applications from bodies seeking to become approved bodies for the purposes of the referendum in question. Applicants must comply with a number of criteria to be eligible for approval. These advertisements are technical in nature and aimed at political parties and campaign groups and do not contain any explanatory information material on the referendum proposals.

Chapter 3

3.1. Commitments under the Official Languages Act

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

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

The customer service standards commitments adopted by the Referendum Commission in relation to delivery of services to our customers shall apply to those services, whether delivered in the Irish language or in the English language.

Chapter 4

4.1. Publicising of Agreed Scheme

This scheme will be published on the Commission's website.

A copy of this scheme has been forwarded to Oifig an Choimisinéara Teanga.