

Publications by Public Bodies

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1. What publications are public bodies required to publish bilingually and simultaneously?

Under section 10 of the Act, public bodies have a duty to publish certain core documents simultaneously in Irish and English including:

- a) Any document setting out public policy proposals;
- b) Any annual report;
- c) Any audited account or financial statement;
- d) Any statement of strategy prepared under section 5 of the Public Service Management Act 1997;
- e) Any document that has been appropriately prescribed as being of major public importance.

a) Public policy proposals

Public bodies have a duty to publish any document setting out public policy proposals simultaneously in each of the official languages.

It is evident that section 10 includes such documents as:

- White Papers and Green Papers issued by government departments;
- Local authority draft development plans;
- Any other public policy document which is published and which lays out proposals in relation to public policy.

b) Annual Reports

Public bodies must publish annual reports simultaneously in both official languages.

- This provision means that the Irish and English versions should be within the same cover or in two separate volumes of equal standard.
- Simultaneously means that the two versions, if they exist, should be available at the same time.

It is not sufficient to provide a printed version in English and an electronic version in Irish. An electronic version in Irish is sufficient, however, if the English version is also in electronic format only.

c) Audited Accounts or Financial Statements

A public body must publish audited accounts or financial statements simultaneously in both official languages. The aforementioned criteria which apply to the publication of annual reports also apply to audited accounts and financial statements.

d) Strategy Statements

A public body must publish any strategy statement, prepared under section 5 of the Public Service Management Act 1997, simultaneously in both official languages.

This duty does not apply to strategy statements in general but only to those statements prepared as a result of an obligation under the Public Service Management Act.

e) Any prescribed documents

A public body must publish any document of major public importance prescribed by the Minister for Community, Equality and Gaeltacht Affairs (in conjunction with other Ministers, if appropriate) simultaneously in both official languages. The Minister has not prescribed any such documents at this stage.

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2. Can a document be published solely electronically in Irish and in English under the Act?

Certainly once both languages are dealt with in the same way.

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3. What does “simultaneous publication” mean under the Act?

Public bodies must publish certain core documents simultaneously in both official languages.

- This provision means that the Irish and English versions should be within the same cover or in two separate volumes of equal standard.
- Simultaneously means that the two versions, if they exist, should be available at the same time.

It is not sufficient to provide a printed version in English and an electronic version in Irish. An electronic version in Irish is sufficient, however, if the English version is also in electronic format only.

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4. What is a public policy proposal under the Act?

It is evident that public policy proposals under section 10 of the Act include such documents as:

- White Papers and Green Papers issued by government departments;
- Local authority draft development plans;
- Any other public policy document which is published and which lays out proposals in relation to public policy.

When a public body is deciding whether a document comes under this heading and whether, as a result, it must be published bilingually, the following questions should be addressed:

- a) Is the document made by or under the authority of a public body which comes under the Official Languages Act?
- b) Is the document to be published? As the word “published” is not defined in the legislation, it takes its usual meaning. In other words, will the document be made available to the public?
- c) Does the document contain “public policy proposals?” Again these words are not defined in the Act and, accordingly, take their usual meaning. It appears that consultation documents, in which public policy proposals are presented for consideration with the possibility that they may or may not be implemented, are included among such documents. These documents include but are not limited to white and green papers as well as local authority draft development plans.

If the document satisfies these three criteria, it would appear that it comes under the terms of section 10(a) of the Act and it is necessary to publish it simultaneously in both official languages.

If the document fails to satisfy any one of these three criteria, it would appear that it does not come under the terms of section 10(a) of the Act. Consequently, there would be no statutory duty to publish it simultaneously in both official languages under this sub-section of the Act.

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5. Is there a requirement to publish all strategy statements bilingually?

A public body must publish any strategy statement prepared under section 5 of the Public Service Management Act 1997 simultaneously in both official languages.

This duty does not apply to strategy statements in general but only to those statements prepared as a result of an obligation under the Public Service Management Act.

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6. Where a draft development plan has been agreed by a local authority, is there a requirement to publish the final agreed plan bilingually and simultaneously?

Since there is a requirement under section 10 of the Act to publish the draft development plan bilingually and simultaneously, it stands to reason that the final agreed plan ought to be available in both official languages although the strict statutory requirement arises at the consultation stage.

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