



DÁIL ÉIREANN

AN BILLE LEASA SHÓISIALAIGH, 2016 SOCIAL WELFARE BILL 2016

LEASUITHE COISTE COMMITTEE AMENDMENTS

DÁIL ÉIREANN

AN BILLE LEASA SHÓISIALAIGH, 2016 —ROGHCHOISTE

SOCIAL WELFARE BILL 2016 —SELECT COMMITTEE

Leasuithe Amendments

SECTION 6

1. In page 6, line 27, to delete “13 March 2017” and substitute “1 January 2017”.

—John Brady, Denise Mitchell.

SECTION 7

2. In page 6, line 33, to delete “13 March 2017” and substitute “1 January 2017”.

—John Brady, Denise Mitchell.

SECTION 8

3. In page 7, line 2, to delete “13 March 2017” and substitute “1 January 2017”.

—John Brady, Denise Mitchell.

SECTION 10

4. In page 7, between lines 13 and 14, to insert the following:

“Employment contributions – members of local authorities

10. Section 30A (inserted by section 14 of the Social Welfare and Pensions Act 2010) of the Principal Act is amended—

(a) in the definition of “public office holder”, by the deletion of paragraph (h), and

(b) in the definition of “public body”—

(i) in paragraph (a), by the substitution of “State, or” for “State,”, and

(ii) by the deletion of paragraph (b).”.

—An tAire Coimirce Sóisialaí.

SECTION 11

5. In page 7, between lines 26 and 27, to insert the following:

“Report on One-Parent Family Payment changes

11. The Minister shall prepare and lay a report before the Houses of the Oireachtas on the

[SECTION 11]

One-Parent Family Payment changes. The report shall be conducted on the financial and social effects of the changes to the One-Parent Family Payment since 2015, taking account *inter alia* of poverty rates among those in receipt of the payment and that the report shall be presented to the Oireachtas Joint Committee on Social Protection within six months of enactment of this Bill.”.

—John Brady, Denise Mitchell.

6. In page 7, between lines 26 and 27, to insert the following:

“Report on one parent family payment changes

11. The Minister shall prepare and lay a report before the Houses of the Oireachtas on the financial and social effects of the changes to the One-Parent Family Payment since 2015, taking into account poverty rates among those in receipt of the payment and that the report shall be presented to the Oireachtas Joint Committee on Social Protection within 6 months of the enactment of this Bill.”.

—Joan Collins.

SECTION 12

Section opposed.

—Joan Collins.

SECTION 13

7. In page 8, between lines 2 and 3, to insert the following:

“Child Poverty annual report

13. The Minister shall prepare and lay a report before the Houses of the Oireachtas on the State’s child poverty rates which will be carried out annually and that this report shall be issued to the Joint Oireachtas Committee on Social Protection.”.

—John Brady, Denise Mitchell.

SECTION 14

8. In page 8, between lines 14 and 15, to insert the following:

“Report on operation of Back to Work Family Dividend

14. The Minister shall prepare and lay a report before the Houses of the Oireachtas on the effects of the Back to Work Family Dividend and to include *inter alia* the poverty rates among those in receipt of this payment and that this report shall be issued to the Joint Oireachtas Committee on Social Protection.”.

—John Brady, Denise Mitchell.

[SECTION 16]

SECTION 16

9. In page 8, between lines 20 and 21, to insert the following:

“Provisions with respect to habitual residence

16. Section 246 of the Principal Act is amended—

(a) in subsection (6)—

(i) by the substitution of the following paragraph for paragraph (b):

“(b) a person who has the right under the European Communities (Free Movement of Persons) Regulations 2015 (S.I. No. 548 of 2015) to enter and reside in the State or is deemed under those Regulations to be lawfully resident in the State;”,

(ii) by the substitution of the following paragraph for paragraph (c):

“(c) a person in relation to whom a refugee declaration within the meaning of the Act of 2015 is in force, or is deemed under that Act to be in force;”,

(iii) by the insertion of the following paragraph after paragraph (c):

“(ca) a person in relation to whom a subsidiary protection declaration within the meaning of the Act of 2015 is in force, or is deemed under that Act to be in force;”,

(iv) by the substitution of the following paragraph for paragraph (d):

“(d) a person who has been given, or is deemed under the Act of 2015 to have been given, a permission to enter and reside in the State under section 56 of that Act, where the permission concerned is in force;”,

(v) by the insertion of the following paragraph after paragraph (d):

“(da) a person who has been given, or is deemed under the Act of 2015 to have been given, a permission to reside in the State under section 57 of that Act, where the permission concerned is in force;”,

(vi) by the substitution of the following paragraph for paragraph (e):

“(e) a person who is a programme refugee within the meaning of section 59 of the Act of 2015 or is deemed to be a programme refugee under subsection (4) of that section;”,

(vii) by the substitution of the following paragraph for paragraph (f):

“(f) a person who has been given, or is deemed under the Act of 2015 to have been given, a permission to reside in the State under section 54 of that Act, where the permission concerned is in force;”,

(viii) in paragraph (h), by the substitution of “the Immigration Act 2004;” for “the Immigration Act 2004.”, and

[SECTION 16]

(ix) by the insertion of the following paragraph after paragraph (h):

“(i) a person who has been given a permission to reside in the State under section 60(6) of the Act of 2015, where the permission concerned is in force.”,

(b) in subsection (7)—

(i) by the insertion of the following paragraph after paragraph (a):

“(aa) an applicant within the meaning of section 16 of the Act of 2015, or a person deemed to have made an application under that Act;”,

(ii) by the insertion of the following paragraph after paragraph (d):

“(da) a person who has made, or is deemed under the Act of 2015 to have made, an application under section 15 of that Act which has been refused by the Minister for Justice and Equality;”,

and

(iii) by the substitution of the following paragraph for paragraph (f):

“(f) a person in relation to whom a deportation order has been made, or has been deemed under section 51 of the Act of 2015 to have been made, under section 3(1) of the Immigration Act 1999.”,

(c) in subsection (8)—

(i) by the substitution of the following paragraph for paragraph (a):

“(a) is given, or deemed under the Act of 2015 to be given, a refugee declaration under that Act,”,

(ii) by the substitution of the following paragraph for paragraph (b):

“(b) is given, or deemed under the Act of 2015 to be given, a permission to enter and reside in the State under section 56 of that Act,”,

(iii) by the insertion of the following paragraph after paragraph (b):

“(ba) is given, or deemed under the Act of 2015 to be given, a permission to reside in the State under section 57 of that Act,”,

(iv) by the substitution of the following paragraph for paragraph (c):

“(c) is given, or deemed under the Act of 2015 to be given, a subsidiary protection declaration under that Act, or”,

(v) by the deletion of paragraph (d), and

(vi) by the substitution of “declaration or permission concerned was given or granted as the case may be and, in the case of a declaration or permission deemed to be given, for any period before the date on which the declaration or permission concerned was originally given.” for “declaration referred to in paragraph (a) was given or the permission referred to in paragraph (b), (c), (d) or (e), was granted.”,

[SECTION 16]

and

(d) in subsection (10), by the insertion of the following definition:

“ ‘Act of 2015’ means the International Protection Act 2015;”.

—An tAire Coimirce Sóisialaí.

SECTION 18

10. In page 9, line 18, to delete “9 March 2017” and substitute “1 January 2017”.

—John Brady, Denise Mitchell.

11. In page 9, line 20, to delete “13 March 2017” and substitute “1 January 2017”.

—John Brady, Denise Mitchell.

12. In page 9, line 21, to delete “16 March 2017” and substitute “1 January 2017”.

—John Brady, Denise Mitchell.

13. In page 9, line 24, to delete “9 March 2017” and substitute “1 January 2017”.

—John Brady, Denise Mitchell.

14. In page 9, line 26, to delete “16 March 2017” and substitute “1 January 2017”.

—John Brady, Denise Mitchell.

15. In page 9, lines 26 and 27, to delete “9 March 2017” and substitute “1 January 2017”.

—John Brady, Denise Mitchell.

16. In page 9, line 31, to delete “10 March 2017” and substitute “1 January 2017”.

—John Brady, Denise Mitchell.

17. In page 9, line 33, to delete “17 March 2017” and substitute “1 January 2017”.

—John Brady, Denise Mitchell.

18. In page 9, lines 33 and 34, to delete “10 March 2017” and substitute “1 January 2017”.

—John Brady, Denise Mitchell.

19. In page 9, line 35, to delete “10 March 2017” and substitute “1 January 2017”.

—John Brady, Denise Mitchell.

20. In page 9, line 37, to delete “17 March 2017” and substitute “1 January 2017”.

—John Brady, Denise Mitchell.

21. In page 9, after line 37, to insert the following:

“(3) For the purposes of calculating contributory pension entitlement, a claimant who was a homemaker in any contribution year, that contribution year shall be disregarded for the purposes of determining the yearly average of that claimant subject to the total number of contribution years so disregarded not exceeding 20.

(4) Section 108(3) of the Principal Act is amended by the substitution of the following

[SECTION 18]

subsection for subsection (3):

“(3) In the case of a claimant who was a homemaker for the duration of any complete contribution year, in which the claimant does not have any credited contributions or voluntary contributions, that contribution year shall be disregarded for the purposes of determining the yearly average of that claimant subject to the total number of contribution years so disregarded not exceeding 20.”.

—Bríd Smith.

SECTION 20

22. In page 10, line 37, to delete “8 March 2017” and substitute “1 January 2017”.

—John Brady, Denise Mitchell.

SECTION 22

23. In page 11, line 22, to delete “8 March 2017” and substitute “1 January 2017”.

—John Brady, Denise Mitchell.

24. In page 11, line 23, to delete “13 March 2017” and substitute “1 January 2017”.

—John Brady, Denise Mitchell.

25. In page 11, line 24, to delete “15 March 2017” and substitute “1 January 2017”.

—John Brady, Denise Mitchell.

26. In page 11, line 29, to delete “16 March 2017” and substitute “1 January 2017”.

—John Brady, Denise Mitchell.

27. In page 11, line 31, to delete “9 March 2017” and substitute “1 January 2017”.

—John Brady, Denise Mitchell.

28. In page 11, line 33, to delete “16 March 2017” and substitute “1 January 2017”.

—John Brady, Denise Mitchell.

29. In page 11, lines 33 and 34, to delete “9 March 2017” and substitute “1 January 2017”.

—John Brady, Denise Mitchell.

30. In page 11, line 35, to delete “10 March 2017” and substitute “1 January 2017”.

—John Brady, Denise Mitchell.

31. In page 12, line 2, to delete “17 March 2017” and substitute “1 January 2017”.

—John Brady, Denise Mitchell.

SECTION 23

32. In page 12, between lines 2 and 3, to insert the following:

“**23.** (1) The Minister shall review the impact of the increase in the national minimum wage on the income thresholds set for social welfare payments and shall bring forward a report to the Committee on Social Protection on same within 3 months of this Bill being

[SECTION 23]

enacted.

- (2) The Minister shall review the eligibility criteria for qualifying for the Household Benefits Package in the context of the current housing crisis and adult children having to return to live at home and shall bring forward a report to the Committee on Social Protection on same within 3 months of this Bill being enacted.
- (3) The Minister shall review the eligibility criteria for qualifying for Jobseekers Benefit, in particular the rule that you have to be unemployed for at least 4 days out of 7 to qualify for the payment and shall bring forward a report to the Committee on Social Protection on same within 3 months of this Bill being enacted.
- (4) The Minister shall review the eligibility criteria for the State Contributory Pension and the averaging system used to determine eligibility and shall bring forward a report to the Committee on Social Protection on same within 3 months of this Bill being enacted.
- (5) The Minister shall review the changes introduced to the One-Parent Family Payment in 2012 particularly in light of the report by Dr Millar and Dr Crosse on lone parents and activation and shall bring forward a report to the Committee on Social Protection on same within 3 months of this Bill being enacted.
- (6) The Minister shall review the operation of the Family Income Supplement to see how it could be improved to encourage and facilitate people to re(enter) the workforce and shall bring forward a report to the Committee on Social Protection on same within 3 months of this Bill being enacted.
- (7) The Minister shall review the treatment of seasonal and part-time workers in terms of their eligibility for Jobseekers Benefit; the contributions required to access the payment and the €12.70 rate per day set for subsidiary employment earnings and shall bring forward a report to the Committee on Social Protection on same within 3 months of this Bill being enacted.”.

—Willie O'Dea.

33. In page 12, between lines 2 and 3, to insert the following:

“Unfair Dismissals employer reimbursement

23. Any employer who has had a finding made against them of unfair dismissal under the Unfair Dismissals Acts 1977 to 2007, shall reimburse the State the cost of the unfairly dismissed former employee’s social welfare payments for the period of time between the date of the former employee’s dismissal and the date on which the finding is made against the employer under the aforementioned Acts.”.

—John Brady, Denise Mitchell.

34. In page 12, between lines 2 and 3, to insert the following:

- “23. Three months from the passing of this Act, the Minister shall lay a report before the Dáil on the matter of extending the Homemaker Scheme contribution years that can be disregarded for the purposes of determining the yearly average of claimants who raised families in the years prior to April 1994.”.

—Bríd Smith.

35. In page 12, between lines 2 and 3, to insert the following:

- “23. (1) The Minister is to review section 11 of the Social Welfare and Pensions Act 2013 that closed the Mortgage Interest Scheme and shall prepare and lay a report before the Houses of the Oireachtas within 3 months of this Bill being enacted, setting out the options for introducing a targeted use of the Mortgage Interest Supplement to assist people with short-term mortgage arrears problems.
- (2) The Minister is to review the matter of extending the Homemaker Scheme and shall prepare and lay a report before the Joint Oireachtas Committee on Social Protection within 3 months of this Bill being enacted, setting out the options in relation to the contribution years that can be disregarded for the purposes of determining the yearly average of claimants who raised families in the years prior to 1994.
- (3) The Minister is to review the impact of the Back to Work Family Dividend on recipients taking into account the poverty rates among claimants of this payment and shall prepare and lay a report before the Joint Oireachtas Committee on Social Protection within 3 months of this Bill being enacted.”.

—Joan Collins.

36. In page 12, to delete lines 6 to 9 and substitute the following:

“(3) *Sections 4 and 9* shall come into effect on 1 January 2017.”.

—John Brady, Denise Mitchell.

37. In page 12, line 6, to delete “*Sections 4 and 9*” and substitute “*Sections 4, 9, 10** and *16*** (other than *paragraph (a)(i)*)”.

—An tAire Coimisce Sóisialaí.

[**This is a reference to the section proposed to be inserted by amendment 4.*]

[***This is a reference to the section proposed to be inserted by amendment 9.*]