



An Bille um Choimisiún Leasa Shóisialaigh, 2018
Social Welfare Commission Bill 2018

Mar a tionscnaíodh

As initiated



AN BILLE UM CHOIMISIÚN LEASA SHÓISIALAIGH, 2018
SOCIAL WELFARE COMMISSION BILL 2018

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ACTS REFERRED TO



AN BILLE UM CHOIMISIÚN LEASA SHÓISIALAIGH, 2018
SOCIAL WELFARE COMMISSION BILL 2018

Bill

entitled

An Act to provide for the establishment of a Commission to make recommendations and report annually on the adequacy of social welfare rates in the State; and to provide for related matters. 5

Be it enacted by the Oireachtas as follows:

Interpretation

1. In this Act— 10
- “Commission” means the Commission established under *section 2* of this Act.
- “Minister” means the Minister for Employment Affairs and Social Protection.

Establishment of Commission

2. (1) There shall be a body to be known as the Social Welfare Commission to perform the functions conferred or imposed on it. 15
- (2) Membership of the Commission shall be in accordance with the procedure set out in *Schedule*.

Powers of appointment

3. (1) The Minister shall appoint members of the Commission in accordance with the procedure set out in *Schedule*. 20
- (2) The Minister shall appoint a chairperson of the Commission.

Functions of the Commission

4. (1) The Commission shall be independent in the performance of its functions.
- (2) The Commission shall monitor, and at least once in each year provide a report on, social welfare rates and make any recommendations to the Minister. 25
- (3) The report referred to in *subsection (2)* shall be provided to each of the Houses of the Oireachtas.
- (4) The Commission, in preparing its recommendations, shall use consensual budget

standard methodology in establishing a minimum income standard which will inform any recommendations to be made to the Minister.

- (5) In preparing its report the Commission may—
- (a) use international best practice,
 - (b) invite relevant bodies or persons to make submissions and present to the Commission where the Commission sees fit, 5
 - (c) use empirically based income standards to determine recommendations on welfare rates,
 - (d) take into account the International Covenant on Economic, Social and Cultural Rights, and 10
 - (e) consider the European Pillar of Social Rights.
- (6) In making recommendations the Commission shall have the objective of achieving a level of income needed for an acceptable standard of living taking account of all of the evidence available to it.

Social welfare rates 15

5. (1) The Commission may make recommendations or comments on any or all rates of social welfare payments administered by the Department of Employment Affairs and Social Protection.
- (2) The Commission may make recommendations or comments on other rates of payments of the State where there is a significant impact on certain people's ability to maintain an acceptable standard of living. 20
- (3) The Commission may also refrain from giving a recommendation in a given year on any payments.

Powers, duties and recommendations

6. (1) Examine the payments made by the Department of Employment Affairs & Social Protection and where applicable having regard to *section 5*. 25
- (2) The Commission shall be provided with access to all relevant information available to the Department to aid in recommendations.
- (3) The Commission may invite any relevant expert before the Commission where Commission Members see fit. 30
- (4) The Commission may invite submissions from members of the public.
- (5) Commission decisions and recommendations shall be based on majority decision of the Commission members.
- (6) The recommendation of the Commission shall be provided annually or such other reasonable time as the Commission may decide. The recommendation may contain: 35
- (a) recommendations for a specific welfare rate rise from the Department of Employment Affairs and Social Protection;

- (b) rates of multiple payments from the Department as is reasonable;
 - (c) such comment on any other payment of the State as is reasonable taking account of deprivation of a specific group; and
 - (d) reasoning as to the decision and any suggested timeframe as to introduction of change or rate increase. 5
- (7) The Commission's recommendations shall be laid before the Houses of the Oireachtas.
 - (8) The Commission shall ensure that where feasible recommendations are made in sufficient time prior to the annual Budget process.
 - (9) The Commission has all such powers as are necessary for, or incidental to, the performance of its functions. 10

Poverty Impact Assessment

7. (1) The Commission where it sees fit may recommend that any Government Department undertake a poverty impact assessment of a specific measure.
- (2) The Commission may seek reports on the most up to date poverty figures from the relevant Department. 15
- (3) Poverty Impact Assessments shall include consideration of the effects on household incomes, families, poverty and access to employment of specific government initiatives.
- (4) The Commission may recommend a poverty impact assessment on the effects of changes to any specific welfare payment. 20

Short title and commencement

8. (1) This Act may be cited as the Social Welfare Commission Act 2018.
- (2) This Act comes into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions. 25

SCHEDULE

1. The Members of the Commission will be appointed by the Minister.
2. In respect to determining eligibility and selection the following shall apply:
 - (a) 4 members shall be appointed by the Minister from independent organisations involved in social justice who may apply to the Minister; 5
 - (b) 2 members shall be appointed by the Minister from among persons who, in the opinion of the Minister, have particular knowledge or expertise in relation to some or all of the following; economics, statistics and employment law and proven competence in analysing and evaluating economic research and statistical analysis; 10
 - (c) 2 members shall be appointed by the Minister from among persons who, in the opinion of the Minister have an understanding of the interests and the particular issues faced by some or all of the following; lone parents, older people, pensioners, children, people with disabilities, the unemployed, young people, and widows; 15
 - (d) None of the above shall be selected as Chairperson or be a current employee in the employment of the State; and
 - (e) The Chairperson shall be appointed by the Minister.
3. Each member of the commission shall have a five year term.
4. The Minister shall, insofar as practicable, endeavour to ensure that there is an equitable balance between men and women among members. 20
5. Where a vacancy arises in the membership of the Commission, the Minister shall, if it is reasonably practicable to do so, appoint a replacement before the end of the period of 6 months beginning on the day on which the vacancy arose.
6. The Minister may only remove a member of the Commission in exceptional circumstances and must report to the Oireachtas on any removal of a Member. 25
7. The Minister must ensure no conflict of interest arises in the appointment of a Commission member. Where a conflict of interest should arise the Chairperson of the Commission shall have the power to remove a member and must report such action to the Oireachtas. 30
8. A quorum of 5 Commission members shall be required for the Commission to meet.

An Bille um Choimisiún Leasa Shóisialaigh,
2018

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do dhéanamh socrú maidir le coimisiún a bhunú chun moltaí a dhéanamh agus chun tuarascáil a thabhairt gach bliain maidir le leordhóthanacht rátaí leasa shóisialaigh sa Stát; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

*An Teachta Seán Ó Bradaigh a thug isteach,
2 Deireadh Fómhair, 2018*

Social Welfare Commission Bill 2018

BILL

(as initiated)

entitled

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*Introduced by Deputy John Brady,
2nd October, 2018*

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