



DÁIL ÉIREANN

AN BILLE LEASA SHÓISIALAIGH, PINSEAN AGUS CLÁRAITHE SHIBHIALTA, 2018 SOCIAL WELFARE, PENSIONS AND CIVIL REGISTRATION BILL 2018

LEASUITHE COISTE COMMITTEE AMENDMENTS

DÁIL ÉIREANN

AN BILLE LEASA SHÓISIALAIGH, PINSEAN AGUS CLÁRAITHE SHIBHIALTA, 2018 —ROGHCHOISTE

SOCIAL WELFARE, PENSIONS AND CIVIL REGISTRATION BILL 2018 —SELECT COMMITTEE

Leasuithe Amendments

SECTION 5

1. In page 8, line 12, to delete “25 March 2019.” and substitute “7 January 2019.”.

—Willie O’Dea.

SECTION 6

2. In page 8, line 18, to delete “25 March 2019.” and substitute “7 January 2019.”.

—Willie O’Dea.

SECTION 7

3. In page 8, line 23, to delete “25 March 2019.” and substitute “7 January 2019.”.

—Willie O’Dea.

SECTION 9

4. In page 10, to delete line 9.

—An tAire Gnóthaí Fostaíochta agus Coimirce Sóisialaí.

5. In page 10, line 12, to delete “30 March 2018” and substitute “1 September 2012”.

—Thomas P. Broughan.

6. In page 10, line 15, to delete “30 March 2018” and substitute “1 September 2012”.

—Thomas P. Broughan.

7. In page 11, line 2, to delete “Schedule 2.” and substitute “Schedule 2.”,
and”.

—An tAire Gnóthaí Fostaíochta agus Coimirce Sóisialaí.

8. In page 11, between lines 2 and 3, to insert the following:

“(c) in section 109(17), by the substitution of the following paragraph for paragraph
(a):

“(a) be payable at a rate less than that specified in Schedule 2, and the

[SECTION 9]

rate specified by the regulations may vary in relation to the proportion to which the number of—

- (i) employment contributions paid in respect of or credited to the insured person which are reckonable for State pension (contributory) purposes,
- (ii) self-employment contributions paid by him or her which are reckonable for State pension (contributory) purposes,
- (iii) voluntary contributions paid by him or her which are reckonable for State pension (contributory) purposes, and
- (iv) home caring periods to which he or she is entitled for the purpose of a calculation under subsection (6A),

bears to the total number of those employment contributions, self-employment contributions, voluntary contributions and home caring periods, but any increase of pension in respect of a qualified child shall be paid at the rate specified in Schedule 2.”.”.

—An tAire Gnóthai Fostaíochta agus Coimirce Sóisialaí.

SECTION 10

9. In page 11, between lines 2 and 3, to insert the following:

“(c) Within six months of the passing of this Act, the Minister shall prepare a report into any adverse effects that recent changes (including those introduced in 2012) in the State contributory pension scheme have had on new claimants, including any changes in the bands and in the minimum yearly average contributions required to qualify for the State contributory pension. This shall include a costing of any proposal to reverse such changes where new claimants have been adversely affected by such changes.”.

—Bríd Smith, Gino Kenny, Richard Boyd Barrett.

10. In page 11, between lines 22 and 23, to insert the following:

“(3) The Minister shall, within six months of the passing of this Act, prepare a report for the House that will report on the effects of lower rates of jobseeker’s allowance for young people and include a costing for the removal of the current lower rates that affect younger claimants.”.

—Bríd Smith, Gino Kenny, Richard Boyd Barrett.

SECTION 11

11. In page 11, between lines 22 and 23, to insert the following:

“Report on reduced jobseekers payments

11. The Minister shall prepare and lay a report before the Houses of the Oireachtas on the financial and social effects of the reduced rates of jobseekers payments to young jobseekers aged between 18 and 25 years since 2009, taking into account poverty rates among young jobseekers, and homeless figures and that the report shall be presented to

[SECTION 11]

the Oireachtas Joint Committee on Employment Affairs and Social Protection within 6 months of the enactment of this Bill.”.

—John Brady.

SECTION 12

12. In page 12, between lines 9 and 10, to insert the following:

“Exceptional Needs Payment

12. Section 201 of the Social Welfare Consolidation Act 2005 is amended by the addition of “which is not necessarily unforeseen” after “by way of a single payment to meet an exceptional need.”.

—Thomas P. Broughan.

13. In page 12, in line 16, to delete “child,.” and substitute the the following:

“child,

- (ec) In circumstances where the parents of the child are separated and have been awarded joint custody, the domiciliary care allowance shall be paid to the parent who is in receipt of Child Benefit in respect of that child regardless of the time spent by each parent with that child,.”.

—Willie O'Dea.

SECTION 13

14. In page 12, between lines 17 and 18, to insert the following:

“Review of carer’s allowance payment

13. The Minister shall conduct a review and lay a report before the Houses of the Oireachtas on the financial hardship faced by carers who must provide full-time care in order to receive carer’s allowance restricting them from taking up other work to supplement their income, examining their access to pension entitlements as well as the barriers to the labour market they face after a period of caring and that the report shall be presented to the Oireachtas Joint Committee on Employment Affairs and Social Protection within 3 months of the enactment of this Bill.”.

—John Brady.

SECTION 16

15. In page 14, to delete line 11 and substitute “4 January 2019.”.

—Willie O'Dea.

SECTION 17

16. In page 14, between lines 11 and 12, to insert the following:

“Benchmarking of social welfare payment rates

17. The Minister shall consult with stakeholders on examining ways in which social welfare

[SECTION 17]

rates are increased with the aim of ensuring adequacy for all recipients and shall do so in quarter 1 of 2019.”.

—John Brady.

SECTION 18

17. In page 14, between lines 20 and 21, to insert the following:

“Review of means testing of child maintenance payments

18. The Minister shall conduct a review and lay a report before the Houses of the Oireachtas on the financial effect of the consideration of child maintenance payments as household income in the means test for various social welfare payments and that the report shall be presented to the Oireachtas Joint Committee on Employment Affairs and Social Protection within 3 months of the enactment of this Bill.”.

—John Brady.

18. In page 14, line 33, to delete “€150” and substitute “€160”.

—Willie O'Dea.

19. In page 14, line 35, to delete “28 March 2019.” and substitute “3 January 2019.”.

—Willie O'Dea.

SECTION 19

20. In page 14, after line 35, to insert the following:

“Report on current procedures to seek child maintenance

19. The Minister shall prepare and lay a report before the Houses of the Oireachtas on the financial and social effects of the current procedures in place for lone parents to seek child maintenance payments, taking into account the effects that this process has on lone parents and their children and that the report shall be presented to the Oireachtas Joint Committee on Employment Affairs and Social Protection within 6 months of the enactment of this Bill.”.

—John Brady.

21. In page 15, line 10, to delete “20 March 2019” and substitute “2 January 2019”.

—Willie O'Dea.

22. In page 15, line 21, to delete “28 March 2019” and substitute “3 January 2019”.

—Willie O'Dea.

23. In page 15, line 31, to delete “29 March 2019” and substitute “4 January 2019”.

—Willie O'Dea.

SECTION 20

24. In page 15, after line 31, to insert the following:

[SECTION 20]

“Maintenance disregard

20. The Minister shall increase the maintenance disregard for all affected social welfare payments in line with the number of children in the household. The maintenance disregard across all affected social welfare payments shall be increased by €50 per child after the first child.”.

—Willie O'Dea.

25. In page 15, after line 31, to insert the following:

“Impact of Brexit

20. The Minister for Employment Affairs and Social Protection shall, when complete, share the analysis being conducted by her Department on the impact of Brexit on the reciprocal arrangements for social insurance schemes, social assistance schemes and child benefit between Great Britain, Northern Ireland and the Republic of Ireland.”.

—Willie O'Dea.

26. In page 15, after line 31, to insert the following:

“Tús scheme participants

20. The Minister shall allow Tús scheme participants if they so wish to extend their participation on the scheme beyond one year with their host group whilst also participating on Jobpath.”.

—Willie O'Dea.

27. In page 15, after line 31, to insert the following:

“Repeal of phased increase in pensionable age

20. The amendments to section 2(1) of the Social Welfare Consolidation Act 2005 to the definition of “pensionable age” that are provided—
- (a) with effect from 1 January 2021, by subsections (1) and (2) of section 7 of the Social Welfare and Pensions Act 2011, and
 - (b) with effect from 1 January 2028, by subsections (3) and (4) of the said section 7,
- shall not have effect and, accordingly, the said section 7 shall be treated as if it had not been enacted.”.

—John Brady.

28. In page 16, between lines 2 and 3, to insert the following:

“Amendment of Part IV of Pensions Act 1990

20. The Pensions Act 1990 is amended—
- (a) in section 44(1) by the deletion of paragraph (b),

[SECTION 20]

(b) in section 48—

(i) in subsection (3) by the deletion of the words “and without the consent of the member concerned”, and

(ii) by the insertion of the following new subsection:

“(A3A) (a) Where the trustees of a relevant scheme intend to apply the resources of a relevant scheme which has been wound up in order to discharge the liability of the scheme for benefits payable to or in respect of any member, the trustees shall consult with members, deferred members, current pensioners and beneficiaries and such other persons as may be prescribed.

(b) The trustees of the scheme and the employer shall make such notifications, consult with, and provide such information to members, deferred members, current pensioners and beneficiaries and such other persons as may be prescribed, when and in such manner as may be prescribed in Regulations.

(c) The trustees shall not resolve the manner in which the resources of a relevant scheme which has been wound up shall be applied in order to discharge the liability of the scheme for benefits payable to or in respect of any member prior to the conclusion of discussions with members, deferred members, current pensioners and beneficiaries and such other persons as may be prescribed.

(d) The manner in which the trustees may apply the resources of a relevant scheme which has been wound up in order to discharge the liability of the scheme for benefits payable to or in respect of any member shall be subject to the agreement of a majority of members, deferred members, current pensioners and beneficiaries and such other persons as may be prescribed.

(e) The manner in which the agreement of members, deferred members, current pensioners and beneficiaries of the scheme under paragraph (d) shall be determined shall be prescribed in Regulations.”,

and

(c) by the insertion of the following:

“Notice to cease contributions

48C. (1) Notwithstanding anything contained in the rules of the scheme, before ceasing contributions to a scheme or taking any action to wind-up the scheme, the employer must serve notice in writing to the Pensions Authority and the trustees of the scheme 12 months before the day on which the employer proposes to terminate its liability to contribute to the scheme.

(2) Where the trustees of a scheme receive notice from the employer that

[SECTION 20]

the employer intends to cease contributions to the scheme and at the date of serving such notice or any date thereafter during the notice period, the scheme does not satisfy the funding standard, the employer shall enter into discussions with the trustees to agree a funding proposal pursuant to section 49 before the expiration of that notice period.

- (3) The trustees of the scheme and the employer shall make such notifications, consult with, and provide such information to members, deferred members, current pensioners and beneficiaries and such other persons as may be prescribed, when and in such manner as may be prescribed in Regulations.
- (4) The employer shall not cease its contributions to the scheme until the expiration of the notice period.
- (5) The contributions payable by the employer during the contribution period shall be at least the contributions properly payable by the employer to the scheme immediately prior to the notification specified in subsection (1). Where applicable, the employer shall continue to pay the contributions agreed under a funding proposal in accordance with section 49 during the contribution period, notwithstanding any term therein to the contrary, or the expiry of the term of the funding proposal during that contribution period.
- (6) This section is without prejudice to the obligations of the employer, and the powers and obligations of the trustees under the rules of the scheme.
- (7) Following consultation, in such manner as may be prescribed, with the members, deferred members, current pensioners and beneficiaries of the scheme, the trustees and the employer may, subject to the agreement of a majority of members, deferred members, current pensioners and beneficiaries of the scheme agree to a reduction in the notice period and the contribution period under this section, where the trustees assess that such a reduction is not contrary to the interests of the members, deferred members and beneficiaries of the scheme.
- (8) The manner in which the agreement of members, deferred members, current pensioners and beneficiaries of the scheme under subsection (7) shall be determined shall be prescribed in Regulations.
- (9) For the avoidance of doubt—
 - (a) the trustees of the scheme may not resolve to wind-up the scheme until the expiry of the notice period, and
 - (b) the service of any notice by the employer required by this section shall not constitute a wind-up event under the rules of the scheme.
- (10) In this section—

‘contribution period’ means the duration of the notice period;

‘notice period’ means the period of 12 months referred to in subsection (1) and commencing on the date the notification is delivered by the employer to the trustees, or any period less than 12 months agreed by the trustees and the employer under subsection (7).”.”.

—Clare Daly.

29. In page 16, between lines 2 and 3, to insert the following:

“Insertion of new section 48AA into Pensions Act 1990

20. The Pensions Act 1990 is amended by inserting the following new section after section 48A:

“48AA.(1) A healthy sponsor shall not be allowed to close a defined benefit pension scheme except where the scheme has reached a minimum 90 per cent funding standard.

(2) For the purposes of this section a healthy sponsor means an employer that—

(a) has positive net revenues, or

(b) has a parent company with positive net revenues.”.”.

—John Brady.

30. In page 16, between lines 2 and 3, to insert the following:

“Insertion of new section 48AA into Pensions Act 1990

20. The Pensions Act 1990 is amended by the insertion after section 48A of the following new section:

“48AA.(1) A healthy sponsor shall not be allowed to close a defined benefit pension scheme except—

(a) with the agreement of the employees affected by that closure or their representative association, and

(b) the scheme has reached a minimum 90 per cent funding standard.

(2) For the purposes of this section a healthy sponsor means an employer that—

(a) has positive net revenues, or

(b) has a parent company with positive net revenues.”.”.

—Brid Smith, Gino Kenny, Richard Boyd Barrett.