SEANAD ÉIREANN

AN BILLE LEASA SHÓISIALAIGH, 2019
SOCIAL WELFARE BILL 2019
LEASUITHE COISTE
COMMITTEE AMENDMENTS

[No. 51 of 2019]  [24 September, 2019]
SECTION 5

1. In page 5, between lines 36 and 37, to insert the following:

“(3) Subsection (1) shall not apply in the case of a claim for jobseeker’s benefit (self-employment) made by a person and who was paying class K PRSI up to 31 December 2017 and class S PRSI with effect from 1 January 2017 on reckonable emoluments from their Local Authority positions.”.

—Senators Gerard P. Craughwell, Victor Boyhan.

2. In page 9, to delete lines 19 to 43, and in page 10, to delete lines 1 to 26.

—Senator Alice-Mary Higgins.

3. In page 9, to delete lines 19 and 20 and substitute “Activation Services relating to jobseekers’ benefit (self-employed)”.

—Senator Alice-Mary Higgins.

4. In page 9, to delete lines 25 to 32.

—Senator Alice-Mary Higgins.

5. In page 9, lines 33 and 34, to delete “may require the person to whom it is given to do” and substitute “may make available to the person”.

—Senator Alice-Mary Higgins.

6. In page 9, line 42, to delete “or submit to”.

—Senator Alice-Mary Higgins.

7. In page 9, after line 43, to insert the following:

“(4) The signing of a personal progression plan shall not be considered a requirement in terms of subsection 3(a) or (b).”.

—Senator Alice-Mary Higgins.
[SECTION 5]

8. In page 10, to delete lines 27 to 43, to delete page 11, and in page 12, to delete lines 1 to 19.

—Senator Alice-Mary Higgins.

9. In page 10, line 27, to delete “prescribed”.

—Senator Alice-Mary Higgins.

10. In page 10, line 33, to delete “an” and substitute “any reasonable”.

—Senator Alice-Mary Higgins.

11. In page 10, line 38, to delete “which is prescribed for the purposes of this section and”.

—Senator Alice-Mary Higgins.

12. In page 10, between lines 38 and 39, to delete all words from and including “which” where it firstly occurs in line 38 down to and including “appropriate” in line 39.

—Senator Alice-Mary Higgins.

13. In page 10, to delete lines 38 to 41.

—Senator Alice-Mary Higgins.

14. In page 10, line 43, to delete “an” and substitute “any reasonable”.

—Senator Alice-Mary Higgins.

15. In page 11, line 12, to delete “or submit to”.

—Senator Alice-Mary Higgins.

16. In page 11, line 16, to delete “an” and substitute “any reasonable”.

—Senator Alice-Mary Higgins.

17. In page 11, lines 19 and 20, to delete “which is prescribed for the purposes of this section and”.

—Senator Alice-Mary Higgins.

18. In page 11, lines 19 to 21, to delete all words from and including “which” in line 19 down to and including “appropriate” in line 21.

—Senator Alice-Mary Higgins.

19. In page 11, line 30, to delete “an” and substitute “any reasonable”.

—Senator Alice-Mary Higgins.

20. In page 12, line 6, to delete “an” and substitute “any reasonable”.

—Senator Alice-Mary Higgins.

21. In page 12, line 15, to delete “an” and substitute “any reasonable”.

—Senator Alice-Mary Higgins.
“Amendment of section 242 of Principal Act

6. Section 242 of the Principal Act is amended—

(a) in subsection (4)—

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

“(a) his or her Public Services Card,”,

and

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

“(b) a card that has been issued to the person by the Minister under section 264 and such other information or documentation as the Minister, an officer of the Minister or a payment service provider, as the case may be, may reasonably require for the purposes of authenticating the identity of that person,

(c) an Irish Passport and such other information or documentation as the Minister, an officer of the Minister or a payment service provider, as the case may be, may reasonably require for the purposes of authenticating the identity of that person, or

(d) such information or documentation as the Minister, an officer of the Minister or a payment service provider, as the case may be, may reasonably require for the purposes of authenticating the identity of that person.”,

(b) in subsection (6)(b)—

(i) by the substitution of following for subparagraph (ii):

“(ii) such other information or documentation as the Minister, an officer of the Minister or a payment service provider, as the case may be, may reasonably require for the purposes of authenticating the identity of the appointed person, or”,

and

(ii) by the insertion of the following new paragraph after paragraph (b):

“(c) such information or documentation as the Minister, an officer of the Minister or a payment service provider, as the case may be, may reasonably require for the purposes of authenticating the identity of the appointed person.”,

and

(c) by the substitution of following subsection for subsection (7):

“(7) Where a person fails to comply with subsection (4) or (6), payment of
benefit may be withheld until such time as the identity of the person is authenticated. Possession or production of a Public Services Card shall not be a mandatory requirement for the payment of a benefit.”.”.

—Senator Alice-Mary Higgins.

23. In page 13, between lines 4 and 5, to insert the following:

“Amendment of section 263 of Principal Act
6. Section 263 of the Principal Act is amended by the substitution of the following subsection for subsection (3):

“(3) A person shall produce his or her Public Services Card or other appropriate form of identification at the request of a specified body for the purposes of a transaction. No specified body shall make possession of a Public Services Card a mandatory requirement for the purposes of a transaction.”.”.

—Senator Alice-Mary Higgins.

SECTION 7
*24. In page 13, between lines 6 and 7, to insert the following:

“Appeals to Circuit Court
7. Section 307 of the Principal Act is amended—

(a) in subsection (1), by the insertion of “(other than a decision of a deciding officer who is a bureau officer)” after “a decision of a deciding officer”, and

(b) by the insertion of the following subsections after subsection (1):

“(1A) Whenever a person has, on or after the coming into operation of section 7 of the Social Welfare Act 2019, appealed a decision of a deciding officer who is a bureau officer, the Chief Appeals Officer shall cause a direction to be issued to the person who has submitted the appeal directing the person to submit the appeal not later than 21 days from receipt of the direction to the Circuit Court and the Circuit Court may, on hearing the appeal as it thinks proper, affirm the decision or substitute the decision of the deciding officer in accordance with this Act and on the same evidence as would otherwise be available to the Appeals Officer.

(1B) The jurisdiction conferred on the Circuit Court by subsection (1A) shall be exercised—

(a) where a person who appealed the decision concerned is not resident in the State, by the judge of the circuit where the decision was made, and

(b) in any other case, by the judge of the circuit in which the person who appealed the decision concerned resides or carries on any
profession, business or occupation.”.”.

25. In page 13, between lines 6 and 7, to insert the following:

“Disregard of maintenance payments in income assessment
7. The Principal Act is amended in subsection (2)(b)(ii) of Part 2 of Schedule 3 by the deletion of:

“in so far as those payments do not exceed the annual
housing costs actually incurred by the person subject to
the maximum amount that may be prescribed, together
with one-half of any amount of maintenance payment in
excess of the amount disregarded in respect of housing
costs actually incurred (if any)”.”.

—Senator Lynn Ruane.

26. In page 13, between lines 6 and 7, to insert the following:

“Amendment of section 24 of Principal Act
7. Section 24 of the Principal Act is amended—

(a) in subsection (1) by the substitution of “260 contribution weeks” for “520
contribution weeks”, and

(b) by the deletion of subsections (1A), (1B) and (1C)”.

—Senator Alice-Mary Higgins.

NEW SECTION
27. In page 14, after line 7, to insert the following:

“10. The Minister for Employment Affairs and Social Protection, following the enactment of
this Act, shall—

(a) review and revise policies with the aim of satisfying the concerns outlined in the
Data Protection Commission’s investigation report on the Public Services Card,

(b) ensure that a Public Services Card or a personal public service number are not
treated as mandatory or as the only acceptable means of proving identity for the
purposes of access to any social welfare services, and

(c) suspend the further development and roll-out of the Public Services Card.”.

—Senator Alice-Mary Higgins.

28. In page 14, after line 7, to insert the following:

“10. The Minister for Employment Affairs and Social Protection, following the enactment of
this Act, shall—

(a) review and revise policies with the aim of satisfying the concerns outlined in the
Data Protection Commission’s investigation report on the Public Services Card,

(b) ensure that the Public Services Card or associated single customer view dataset
are not treated as mandatory or as the only acceptable means of proving identity for the purposes of access to any social welfare payments or services, and (c) suspend the further development and roll-out of the Public Services Card.”.

—Senator Alice-Mary Higgins.

29. In page 14, after line 7, to insert the following:

“10. The Minister for Employment Affairs and Social Protection shall, for a six month period following the enactment of this Act—

(a) suspend any mandatory requirement for use of the Public Services Card or associated single customer view dataset as mandatory or as the only accepted means of identification for the purposes of access to any social welfare payments or services, and

(b) suspend any further development and roll-out of the Public Services Card.”.

—Senator Alice-Mary Higgins.

30. In page 14, after line 7, to insert the following:

“10. The Minister for Employment Affairs and Social Protection shall, within one month of the enactment of this Act, consult with the Joint Committee for Employment Affairs and Social Protection with the intention of attending a meeting of that committee and providing a briefing in relation to the Public Services Card and any actions his or her department is undertaking in response to the Data Protection Commission’s investigation report into the Public Services Card.”.

—Senator Alice-Mary Higgins.

31. In page 14, after line 7, to insert the following:

“10. The Minister shall, within three months of the passing of this Act, prepare and lay before the Houses of the Oireachtas a report on the total contributions approach to the contributory state pension, which shall include—

(a) an estimation of the potential cost of the scheme on the basis of 1,560 contributions rather than 2,080 contributions as the threshold for qualification for the maximum rate, and

(b) a comparison of the likely difference between a 1,560 contributory requirement and a 2,080 contributory requirement in terms of weekly income levels for those affected.”.

—Senator Alice-Mary Higgins.

32. In page 14, after line 7, to insert the following:

“10. The Minister shall, within three months of the passing of this Act, prepare and lay before the Houses of the Oireachtas a report on:

(a) policy options around the extension of jobseeker’s transitional payment to include one parent families with a child up to eighteen years of age; and
(b) policy options around the extension of jobseeker’s transitional payment to include a foster parent of a child up to eighteen years of age.”.

—Senator Alice-Mary Higgins.

33. In page 14, after line 7, to insert the following:

“10. The Minister for Employment Affairs and Social Protection shall, within three months of the passing of this Act, prepare and lay a report before the Houses of the Oireachtas examining potential improvements to voluntary access to Intreo and Local Employment Service (LES) employment, training and educational opportunities and supports for those not on the Live Register.”.

—Senator Alice-Mary Higgins.

34. In page 14, after line 7, to insert the following:

“10. The Minister for Employment Affairs and Social Protection shall within three months of the passing of this Act, prepare and lay a report before the Houses of the Oireachtas reviewing and making recommendations regarding a potential re-entry credit to support those who have been engaged in care work for a period of time and to access on a voluntary basis employment information and supports.”.

—Senator Alice-Mary Higgins.

35. In page 14, after line 7, to insert the following:

“10. The Minister for Employment Affairs and Social Protection shall, within three months of the passing of this Act, prepare and lay before the Houses of the Oireachtas a report on the provision of educational opportunities for people in receipt of social welfare payments, including:

(a) an examination of the range of educational options presented to jobseekers, including those on jobseeker’s transitional payment;

(b) a consideration of anomalies in access to back to education allowance;

(c) a review of literacy supports presented to jobseekers, and

(d) recommendations in relation to paragraphs (a), (b) and (c).”.

—Senators Alice-Mary Higgins, Lynn Ruane.

36. In page 14, after line 7, to insert the following:

“10. The Minister for Employment Affairs and Social Protection shall, within three months of the passing of this Act, prepare and lay before the Houses of the Oireachtas a report to examine and make recommendation regarding the extension of the Student Universal Support Ireland (SUSI) grant scheme to include in the national framework of qualifications level-six courses in third-level institutions where that level-six course is designed to facilitate access to a degree-level qualification.”.

—Senator Alice-Mary Higgins.
37. In page 14, after line 7, to insert the following:

“10. The Minister for Employment Affairs and Social Protection shall, within three months of the passing of this Act, prepare and lay before the Houses of the Oireachtas a report on widening access to entitlement to make voluntary contributions with consideration given to—

(a) the threshold of previous contributions required, and

(b) access to those who have spent a period of time in self-employment or a period of time in care work or a period of time in the UK.”.

—Senator Alice-Mary Higgins.

38. In page 14, after line 7, to insert the following:

“10. The Minister for Employment Affairs and Social Protection shall, within three months of the passing of this Act, prepare and lay before the Houses of the Oireachtas a report examining appropriate employment, education and training supports for workers in industries likely to be scaled down by necessary changes in policy due to climate change. These supports should be in line with the ambition of the “Just Transition” framework.”.

—Senator Alice-Mary Higgins.

39. In page 14, after line 7, to insert the following:

“10. The Minister for Employment Affairs and Social Protection shall, within three months of the passing of this Act, prepare and lay guidelines before the Houses of the Oireachtas on the principles and parameters which should underpin the development and agreement of “personal progression plans” by any third party contracted by the Department in respect of labour activation. These guidelines are to include:

(a) a requirement that any individual in respect of whom a personal progression plan is being developed is presented with options in terms of education, training and employment;

(b) a requirement that any individual in respect of whom a personal progression plan is being developed be entitled to possession of a hard copy of any proposed personal progression plan prior to signing and be free to seek external advice on that proposed personal progression plan prior to signing;

(c) prohibition on any text requiring an individual to share data in respect of family members or cohabitees;

(d) prohibition of any text requiring an individual to share contact information, or permit contact, in respect of any employer who has offered that individual employment independently of the third party, and

(e) consideration of the data protection rights of any individual in respect of whom a personal progression plan is being developed.”.

—Senator Alice-Mary Higgins.
40. In page 14, after line 7, to insert the following:

“The Minister for Employment Affairs and Social Protection shall, within three months of the passing of this Act, prepare and lay a report before the Houses of the Oireachtas on fuel poverty, in the context of climate change targets and the “Just Transition” framework, to include a consideration of these issues as they affect:

(a) those in receipt of housing assistance payment or rent supplement;
(b) those in receipt of fuel allowance; and
(c) those whose receipt of fuel allowance is impacted by turbary rights.”

—Senator Alice-Mary Higgins.