

DÁIL ÉIREANN

AN ROGHCHOISTE UM GHNÓTHAÍ FOSTAÍOCHTA AGUS COIMIRCE SHÓISIALACH

SELECT COMMITTEE ON EMPLOYMENT AFFAIRS AND SOCIAL PROTECTION

Déardaoin, 21 Samhain 2019

Thursday, 21 November 2019

The Select Committee met at 11.10 a.m.

Comhaltaí a bhí i láthair / Members present:

Teachtaí Dála / Deputies

Maria Bailey,	
John Brady,	
Joe Carey,	
Regina Doherty, (Minister for Employment Affairs and Social Protection)	
Willie O'Dea,	
Bríd Smith	

Teachta / Deputy John Curran sa Chathaoir / in the Chair.

Social Welfare (No. 2) Bill 2019: Committee Stage

Chairman: I welcome the Minister and her officials to this meeting for our consideration of the Social Welfare (No. 2) Bill 2019, which was referred to the select committee by the Dáil on 13 November.

To provide for the smooth running of the meeting, it is proposed that any Member acting in substitution for a member of the committee should formally notify the clerk to the committee now, if he or she has not done so. Divisions on the Bill will be taken as they arise. Members attending this meeting in accordance with Standing Order 95(3) should be aware that, pursuant to that Standing Order, he or she may move his or her amendment but may not participate in voting on the amendment.

Sections 1 to 4, inclusive, agreed to.

NEW SECTION

Deputy John Brady: I move amendment No. 1:

In page 6, between lines 20 and 21, to insert the following:

“Poverty impact assessment of reduced jobseeker rates for 18-24 year olds

5. The Minister shall carry out a poverty impact assessment of maintaining reduced rates of jobseeker payments for young jobseekers aged 18-24 years and that the assessment shall be presented to the Oireachtas Joint Committee on Employment Affairs and Social Protection within 3 months of the enactment of this Act.”.

I have been pushing for a poverty impact assessment for several years. Indeed, I tabled an amendment last year on the Social Welfare, Pensions and Civil Registration Bill 2018, at which time the Minister stated that there was no need for such an amendment in light of the work to which her Department had committed.

The Minister stated:

We are ready, practically, for the finalisation of our report that was committed to under the Pathways to Work programme 2016-2020, which will examine exactly what the Deputy is looking for today. I have no problem committing to that as the report is very nearly ready to be published. I am very happy, Chairman, that this committee be the first place that we have a conversation about it. I do not need to recommit in legislation to something that is already practically completed.

The amendment was not successful last year and many members took the decision, based on the Minister’s contribution, that trust could be placed in her that the report would be forthcoming. Unfortunately, another year has passed and the discrimination against our young jobseekers continues. Unfortunately, I am tabling this amendment again because the report is not here with us. She has spoken about making changes in the Bill, which are welcome but they do not go far enough. Only approximately 300 young people living independently will benefit from the changes put forward by her.

We need a full poverty impact assessment. Has she seen a draft of this report, the preparation of which seems to be going on forever? Has she read the report or where is it? If I could be given a date categorically now, there would be no need for this amendment. Unfortunately, if

we do not have that, I must press the amendment.

Deputy Bríd Smith: I support the amendment very much. I did not realise a reply had been given last year when this report was requested so we need it now. It was revealed to me in response to a parliamentary question that approximately 300 young people will benefit from the changes. The idea of being able to live independently on meagre money of approximately €118 a week is pie in the sky stuff. There are approximately 29,000 unemployed young people so there is a cohort that is not being treated fairly. Their payments were cut for austerity reasons but we are way beyond that justification now. It is discriminatory behaviour to keep them in this bracket. I totally support the amendment.

Deputy Willie O'Dea: Deputy Brady quoted the Minister's reply last year. What does she have to say about that now?

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): I do not subscribe to Deputy Brady's view that current practices are discriminatory. I have said many times that there are plenty of options for anybody aged under 25 to receive the full payment through training, employment opportunities, community employment, CE, or the youth employment support scheme. There is a wide variety of opportunities. I must correct the Deputy's probable misunderstanding, as 1,780 people aged 25 will be affected by the changes we are making this year. On top of that, 380 people aged under 25 will be positively affected because of the changes. Those are not the numbers mentioned by the Deputies.

Having said that, I am quite happy to accept the amendment as I find myself in the unfortunate position of only being able to answer his questions in the negative. I have not seen a draft report or any sign of it. It is imminent but I will not sit here and tell him that "imminent" has any different meaning from this time last year. I am happy to accept the amendment on the basis that it might encourage us to give him the report and the information he has requested for the past number of years.

Chairman: I thank the Minister. It will do so as there is a three-month time limit on the publication of the report. Is the Deputy happy with that?

Deputy John Brady: I welcome it. The Minister gave a new figure of 380, which relates to people aged between 18 to 24 who will benefit from what she is bringing forward in this Bill. It is unfortunate that the report has not been produced. Where is the problem or the delay? Last year, she said it was there. Whether she been misinformed by officials in the Department or not, it is disappointing. What is being proposed is a welcome small step forward.

Deputy Regina Doherty: There is no misinformation as it is comprehensive work that is feeding into the next Pathways for Work process, which we will probably launch next year. I appreciate that we are waiting for this for far too long.

Amendment agreed to.

Section 5 agreed to.

Section 6 agreed to.

SECTION 7

Amendment No. 2 not moved.

Question proposed: “That section 7 stand part of the Bill.”

Chairman: Deputy O’Dea’s amendment No. 2 is out of order.

Deputy Willie O’Dea: I thank the Chairman and I received his correspondence. In a means testing scenario, a person is allowed to work for 15 hours per week. This amendment would have increased the amount by approximately the value of the minimum wage, or €10; if a person is allowed to work an extra three and a half hours, the means test would have to be increased accordingly. In the case of a couple, for example, they might have €665 per week. This means that if a carer works more than 15 hours and earns a bit more money, it would be of limited use as it would come off the carer’s allowance.

Chairman: I will not ask the Minister to respond as the amendment is out of order.

Question put and agreed to.

Sections 8 to 19, inclusive, agreed to.

NEW SECTIONS

Chairman: Amendments Nos. 3 and 4 are related and will be discussed together.

Deputy Willie O’Dea: I move amendment No. 3:

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

“Report on current and projected future increases in carbon tax

20. The Minister shall undertake an impact assessment on the current and projected future increases in carbon tax on low income families and shall bring forward a report on same within six months of this Act being signed into law.”.

This is a request for a report on the impact of carbon tax increases on lower-income families. It appears that increases in carbon tax will be a feature of budgets from now because of climate change policies of all parties, including those in government. There is an argument as to whether increasing carbon tax has any impact in reducing carbon emissions but that is beside the point. The Government has accepted the proposition, which seems widely accepted, that it has an effect. That is the stated purpose, at least, of increasing carbon tax.

Increasing the carbon tax will have a disproportionate impact on lower-income families. If an increase is X, a higher proportion of income will be sacrificed as the income gets smaller. The Government’s strategy to deal with this was to increase fuel allowance by €2 per week. The fuel allowance lasts for 28 weeks, giving an increase of €56. The Minister told me recently during Question Time in the Dáil that some studies have been done and it is reckoned that this amount is needed to compensate people. I would like something more specific than that. Many categories of social welfare recipients do not receive the fuel allowance at all and, in effect, they are not being compensated for the increase in carbon tax, which is grossly unjust. If it is the Government’s intention and the intention of future Governments to increase the carbon tax year on year, I would like a detailed assessment of how this will affect lower income groups so we can make the necessary adjustments in budgetary policy.

Deputy John Brady: My amendment and Deputy O’Dea’s amendment are similar in some ways. Deputy O’Dea’s amendment focuses on low-income families but I have come at this

from the angle of people in receipt of the fuel allowance. We know the impact the carbon tax will have on people as it is not new. It has been in place for a number of years. By and large, they live in poor accommodation that may be badly insulated, that has little or no central heating and windows that are not in a good state of repair. This affects local authority houses but also the private rental sector. While we acknowledge there are some good landlords, there also some bad landlords in receipt of substantial amounts of State funding, whether through the rental accommodation scheme, the housing assistance payment or some other form of State assistance. Carbon tax increased this year and it will continue to increase in the coming years. This will disproportionately affect people in the situations to which I refer.

Other Deputies and parties have looked for an assessment to be carried out. When I raised the matter previously with the Minister, she stated that it was not really her responsibility and she kicked it over to Minister for Communications, Climate Action and Environment, Deputy Bruton. There must be an onus on the Minister for Employment Affairs and Social Protection to carry out this assessment, however. I specifically honed in on people in receipt of the fuel allowance. I take the point Deputy O'Dea made. I am happy to meet him to work on a formula on which we could jointly agree. Leaving aside the wording, we need this assessment to be carried out. Otherwise, a €2 carbon tax rise does not take on board the massive rise in fuel costs over the past several years and into the future.

Deputy Bríd Smith: Carrying out a survey in respect of fuel poverty levels and how carbon tax increases impact on the most vulnerable should not be the Minister's responsibility but that of the Department of Communications, Climate Action and Environment. I am on the climate committee and fought hard to get such a study agreed on. We got it agreed but it never happened. The committee heard from witnesses from the Society of St. Vincent de Paul and the Money Advice & Budgeting Service, MABS, which had both carried out such studies. We did not look hard at the evidence that shows increasing carbon tax actually reduces emissions. There is much evidence to show that it does not.

Apart from that, because that is a kind of climate action issue, measuring fuel poverty by those in receipt of fuel allowance gets it completely wrong. There is a cohort of people who do not get fuel allowance but who pay an extraordinary amount of money on electricity, gas or coal in order to stay warm because their houses are in poor condition, they are sick or one of their family members is ill. If one looks at the way it is measured in other countries, all of these factors are taken into account. They just do not consider someone being in receipt of fuel allowance or the level of social protection payments that applies. I have met retired workers from RTÉ and the Oireachtas who have been crippled by the increase in carbon tax, despite the fact they have a job pension. They are cold but cannot afford to make the changes in their lives which this would require.

We need to look at a different measure. If the Minister was willing to take this on board, that would be a start. Another Department failed in this regard but this is also applicable to this Department. Like MABS and the Society of St. Vincent de Paul, a report would show this is a widespread and deep issue. Fuel poverty is flying under the radar and will increase because of the actions taken by the Department of Communications, Climate Action and Environment.

Deputy Willie O'Dea: On Deputy Bríd Smith's point, is it still the case that the Minister is not responsible for compiling this report? Who could possibly undertake this report if we asked them nicely on Report Stage?

Deputy Regina Doherty: I would probably get the ESRI to do it for me. It is not my

responsibility. The way it was framed last year was probably much wider than I can stick my nose in. I have to be responsible for the people who will be adversely affected from a financial perspective.

Amendment, by leave, withdrawn.

Deputy John Brady: I move amendment No. 4:

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

“Report on the impact of carbon tax increases on Fuel Allowance recipients

20. The Minister shall prepare and lay a report before the Houses of the Oireachtas on the financial impact of the €6 increase in the carbon tax on Fuel Allowance recipients, taking into account fuel poverty rates 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 Act.”.

Amendment, by leave, withdrawn.

Deputy John Brady: I move amendment No. 5:

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

“Report on the cost of hearing aids and the adequacy of financial supports

20. The Minister shall prepare and lay a report before the Houses of the Oireachtas on the cost of hearing aids and the adequacy of financial supports available, taking into account the low level of hearing aid uptake in Ireland 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 Act. ”.

This is an amendment which, unfortunately, seeks another report. We cannot bring forward amendments that will result in a cost to the Exchequer. The only proposal we can push for is reports on the impact of cuts, changes or measures brought forward by the Minister. This amendment seeks a report on the cost of hearing aids and the adequacy of the financial support in this regard. In July, the organisation Chime gave a comprehensive statement to the committee on the impact of the cuts imposed as part of the financial emergency measures in the public interest legislation, FEMPI. Some stark statistics came out of this. We know changes have been made in terms of optical and dental benefits under the treatment benefit scheme. Hearing aids have not, however. I am trying to find out the entitlements prior to the changes but it was hard to get those exact figures.

The cuts were made in budget 2009. There are over 300,000 people with significant hearing loss who need hearing aids. Only one in five actually have them. That is a low treatment rate. If one has a look at those who have access to a medical card, they are twice as likely to have a hearing aid than those who do not. Not having a hearing aid can have a massive impact on an individual. There is much evidence to show that it can impact in terms of dementia and other medical issues, as well as social isolation. This needs to be rectified. Changes have been made in terms of the dental and optical treatments. This also needs to change. Unfortunately, I cannot bring forward an amendment calling on the Minister to reverse this cut. My hands are tied. Accordingly, I can only bring forward an amendment calling for reports on treatment benefits.

Deputy Regina Doherty: Under the FEMPI legislation introduced by the then Fianna Fáil Government in May 2009, the grant was reduced from what was then €830 to €760 per aid. In 2012, the Government, the grant was reduced from €760 per aid down to the current €500.

I am happy to compile a report on this. I already know what is in it because I met Chime and I commissioned a report subsequently. I am quite happy to give the Deputy that report.

We do not pay in its entirety under any of the treatment benefits. That has been the case for as long as they have been around. We only pay towards the cost. Digital technology has changed significantly over the past several years around many items. The price of many items has come down over the years. A crude example is that this is probably somewhat similar to the price of TVs. A couple years ago, a 32 inch flat-screen TV would cost €1,000. Now, one can buy the same TV in Tesco for €199. The same has happened with the technology for hearing aids, meaning the price relating to them has dropped significantly. Fortunately, around the time that the reductions were made in 2009 and 2011, a package was provided by the market that mirrored the €500 that was on offer every couple of years. I am happy to examine the matter and produce a report in order to allow the committee to consider it. Any changes to the awards or the allowances that go with it will have to be made in a budgetary context by whoever is lucky enough to be in my chair next year.

Chairman: Deputy Brady has a choice. Will he accept it if the Minister reverts with a report or does he intend to press the amendment? It is his call.

Deputy John Brady: The Minister is willing to accept the amendment, which is welcome. I acknowledge, as would Chime, that costs have fallen but, unfortunately, uptake has not increased. There remains a big difference between people in respect of receiving a medical card, where there is a clear problem. Eye and dental patients must pay their contributions. There was a significant cut from €830 to €500, not to mention the second cut. I would not imagine that the reduction in costs for the new digital hearing aids was in line with the percentage cut-----

Chairman: The Deputy will receive the report.

Deputy John Brady: That is welcome.

Amendment agreed to.

Deputy John Brady: I move amendment No. 6:

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

“Report on appropriate State pension age

20. The Minister shall conduct research, including international comparative research, engage in public consultation and make recommendations and report on all aspects of the most appropriate age at which a person should become entitled to receive the State pension 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 Act.”.

This amendment again seeks that a report be compiled, in this case on the appropriate State pension age. The matter has been the subject of a degree of focus and the Minister will be aware I introduced legislation in respect of it. In advance of the changes being made, there was no consultation or meaningful debate in this institution, while there was little debate outside it. The UK is the only other country examining increasing the pension age to 68 but it

will not make the change until 2046, 18 years after Ireland. We will increase our pension age to 67 in 2021 and further in 2028. All the evidence shows that Ireland has nearly 30% fewer older people than other European countries. Nevertheless, we are pushing ahead faster and further than all our EU counterparts.

In 50 years, Ireland will still have the lowest number of older people, with nearly 20% fewer than other EU countries. We have always been given the rationale that the State pension age has to increase, while some use the terrible phrase of the ticking time bomb and so on. The evidence clearly shows that is not factual. We are nowhere near our European counterparts, yet we are pushing ahead faster and further than them. In 2017, the committee published a report with cross-party consensus that indicated that further increases in the pension age had to be suspended. The committee agreed to that, although I am not sure whether the Minister was aware. It is an anomaly that someone who has to retire at 65 years old will sign on for jobseeker's allowance. That is not acceptable. If we increase the age in 2021, will we tell people who retire that they will have to sign on for two years before they can receive their State pensions? It is an unfair anomaly and a report would be useful in this regard.

Deputy Bríd Smith: This is one of the most regressive measures any Government can take. It is especially harsh on manual workers. In the case of a bus driver who retires after more than 40 years, as my father did, it is evident that manual workers' lifespan is much shorter than that of white-collar workers or people who do less hands-on or shift work. Many bus drivers die before they reach 70 years of age. Now they have been told they will not be able to receive their pensions until they are 68 and that this will cost them €45 per week, according to SIPTU's research. It is grossly unfair to say to members of the workforce, not least those who have worked in the most demanding jobs, that they will be penalised. While they may apply to Dublin Bus, for example, to continue for another year if they are healthy enough, they have the right to retire after 40 years' service, and they may find themselves making the choice that they cannot afford to retire because they would be €45 worse off per week. Moreover, the age level is rising. The issue has caused riots - near revolutions - in France, Germany and other countries. We have the highest rate of increases in the retirement age in the entire EU, which is shameful. Something needs to be done and the report needs to be examined. Much of the work has been done by SIPTU, including Michael Taft and others, but we need to examine it and its consequences in depth.

Deputy Regina Doherty: I do not wish to debate the policy relating to the retirement age, which, for argument's sake, will be 66, 67 and 68, but I have a difficulty with the way the amendment is worded because it would not just require me to produce a report. I am happy to produce a report for the Deputy and, in fact, most of it has been done in the confines of total contributions, which will come before the Cabinet in the next number of weeks. I do not have the money, or even a Vote from which to take it, in order to conduct research, including international comparative research, and engage in public consultation. I note for the purposes of being transparent to the committee that I have written the Bills Office to determine how the amendment was accepted for debate, given that it would probably cost tens of thousands of euro just to do what is asked of me.

If the Deputy wishes to change the wording of the amendment, I will be happy to produce a report, given that it will involve just our staff, but I do not have the money or ability to carry out a public consultation or international comparative research.

Deputy Willie O'Dea: My understanding of the legislative position is that the pension age

is due to increase to 67 in 2021 and 68 in 2028. That is the current position but the Government can change it if it wishes. The reason advanced for the change is the demography, that is, the ratio of pensioners to the people who pay for the pensions, a difference that will increase dramatically over the next 20 or 30 years. I was interested in what Deputy Brady said about what is happening in other countries. I would like to see not just the age limits from other countries but also the comparative statistics, that is, the ratio of pensioners to contributors. I do not imagine that would cost an awful lot of money. I take the Minister's point about public consultation and so on but comparative research, not least against European countries, would be a one or two-day job. If the public consultation provision is omitted, the amendment should be acceptable.

Chairman: The choice is Deputy Brady's. He may press the amendment, as tabled, or withdraw it and table an amended version on Report Stage.

Deputy John Brady: I do not agree that it would be a very costly exercise. Public consultation is easy. When the Minister consults organisations, as she does at a forum every year in advance of the budget, I am sure it does not cost tens of thousands of euro. Consultation is critical and not necessarily very costly. International research is also very important. I cited some information on our European counterparts that is readily available. The House is full of fantastic researchers and I am sure the Department is similar-----

Deputy Regina Doherty: Why does the Deputy want me to produce the report if the information is readily available?

Deputy John Brady: It needs to be compiled by the Department.

Deputy Regina Doherty: If it is definitely not available, why can the Deputy not do it?

Deputy John Brady: I do not think that key piece of work was ever done by the Department or the Government when these measures were brought forward. It is not up to me to do it. I am happy to withdraw my amendment and resubmit it on Report Stage.

Amendment, by leave, withdrawn.

Deputy John Brady: I move amendment No. 7:

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

“Review of the criteria to qualify for the Treatment Benefit Scheme

20. The Minister shall conduct a review and lay a report before the Houses of the Oireachtas on the current criteria in place in order to qualify for Treatment Benefit and specifically to examine the number of contributions required for 25-65 year olds 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 Act.”.

My amendment seeks a review of the criteria to qualify for the treatment benefit scheme. There are different timescales for different age groups. However, the one that really gets to me is the 25 to 60 year age group because those in it must make 260 contributions before becoming entitled to any benefit. I have spoken to many people about this matter. It is a fact that children are starting school at a later age, that transition year is nearly mandatory in all schools and that an ever increasing number of people are attending college. How many graduating from college will have 260 contributions made at the age of 25 years? The answer is very few, which is why I have asked for the qualifying criteria to be reviewed. I am not

sure how they were arrived or for how long this problem has persisted. The number of contributions may have been fit for purpose a number of years ago, but it is not now. A swathe of people educate themselves and find employment to try to further themselves, but, unfortunately, they are precluded from receiving any benefit by virtue of not having made 260 contributions. Therefore, a review would be very beneficial.

Deputy Regina Doherty: Again, I have no problem with compiling a report, but the Deputy seems to have missed the point that the Social Insurance Fund is part of contribution-based system and that if one does not contribute to it, one cannot expect to receive under it. That is the purpose of the system. If he wants to change to a universal system, we are talking about having an entirely different cheque book from the one the Department has. I am quite happy to compile a report, but it will literally explain why the system is based on the making of contributions by recipients.

Chairman: Does the Minister accept the amendment?

Deputy Regina Doherty: Yes.

Deputy John Brady: No one is arguing against the making of contributions. I oppose the qualifying criteria which require the making of 260 contributions. That is the piece that needs to be examined. How many 25-year old college graduates have that number of contributions? The answer is very few. Different criteria apply, depending on someone's age from the age of 18 years upwards.

Amendment agreed to.

Deputy John Brady: I move amendment No. 8:

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

“Review of qualifying conditions for Fuel Allowance in respect of certain social welfare payments

20. The Minister shall conduct a review and lay a report before the Houses of the Oireachtas on the current qualifying conditions in place in order for those in receipt of Jobseekers Allowance and Supplementary Welfare Allowance to qualify for the Fuel Allowance 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 Act.”.

My amendment seeks a review of the qualifying conditions for fuel allowance in respect of certain social welfare payments. Again, the qualifying conditions for recipients of jobseeker's allowance and supplementary welfare allowance for the fuel allowance are unfair. For example, in order to qualify for the fuel allowance, a person needs to be in receipt of jobseeker's allowance for more than 390 days or 15 months. For the sake of argument, if a worker becomes unemployed this winter, he or she will not qualify for the fuel allowance either this winter or next winter. Potentially, he or she could miss out on payments for two winters, whereas someone who became unemployed earlier in the year or during the summer will only miss out on receiving the fuel allowance this winter but will qualify for it next year. The way the conditions have been set up is unfair, particularly for persons who are very vulnerable. We have gone through all of the arguments, including whether the allowance has even been set at the right level from the start. I am not sure what the rationale is for stipulating a 15-month period. Perhaps the Minister might explain it. A review might prove greatly beneficial in the

cases I have outlined.

Deputy Regina Doherty: If the Deputy is prepared to change the amendment and increase the figure from three to six months, I will be quite happy to conduct the review.

Chairman: Is the Minister open to accepting the amendment?

Deputy Regina Doherty: Yes, if the time period can be changed from three months to six months.

Deputy John Brady: I will withdraw the amendment, with a view to resubmitting it on Report Stage with the change suggested.

Amendment, by leave, withdrawn.

SECTION 20

Chairman: Amendment No. 9 is in the names of Deputies Penrose and O'Dea.

Deputy Willie O'Dea: I move amendment No. 9:

In page 15, between lines 5 and 6, to insert the following:

“(2) The amendment to the National Minimum Wage Act 2000 effected by *subsection (1)* applies only to a recommendation and report under section 10C(2) of that Act received by the Minister in the year 2019.”.

On Second Stage Deputy Penrose made a compelling case for acceptance of this amendment. He argued that, unless the National Minimum Wage Act 2000 was amended appropriately - he drafted the necessary amendment - it could become a permanent feature of the law. He wanted to confine it to the purposes of this Bill. I indicated that I would support the amendment.

Deputy Regina Doherty: I support both Deputies. Last week when I spoke to Deputy Penrose, I said that whatever impression had been given, it was certainly not my intention. I will table an amendment to make sure there will be a sunset clause, exactly as mentioned in the amendment. I, therefore, ask Deputy O'Dea to withdraw the amendment. Unfortunately, I did not have the amendment ready for today, but it will be ready before Report Stage. I also need to introduce related amendments to enable me, at the same time as making the order for the national minimum wage, to provide for parallel increases in the PRSI earnings threshold, as set out in section 13(2)(d) of the Social Welfare Consolidation Act. The reason is we cannot increase one threshold without increasing the others.

Deputy Willie O'Dea: Yes.

Deputy Regina Doherty: I wholly endorse this. It was never my intention for it to be ongoing because I did not see the need for that to happen. Please God, we will never have another year like this one because of Brexit. If and when we do, we will worry about it. I, therefore, ask Deputy O'Dea to withdraw the amendment on foot of me showing him the report prior to Report Stage.

Deputy Willie O'Dea: I will withdraw the amendment.

Deputy Bríd Smith: I am inclined not to support it because in supporting it I will endorse

what is going on which, in the context of the overall budget, is a disgrace. The most vulnerable - the 136,000 who depend on the national minimum wage - work in industries that are booming, including the hospitality and services industries, yet they are being deprived of the benefits of this measure, while others were brought forward to enhance the profits of the very wealthy. It is outrageous that an increase in the national minimum wage has been held back because of Brexit and for God knows how long more. I am sure this is not of the Minister's doing. It is probably due to the overall budgetary position, but it still outrageous.

Deputy John Brady: I think amendment No. 10 which is similar will seek to delete the entire section.

Chairman: No. There is no amendment No. 10.

Deputy John Brady: I am sorry, section 10.

Chairman: We are discussing amendment No. 9 to section 20.

Deputy John Brady: I oppose the section.

Chairman: There is no amendment No. 10.

Deputy John Brady: I am a little confused by the wording.

Chairman: The Deputy has the right to oppose the section, but there is no amendment No. 10.

Deputy John Brady: I am sorry, I tabled an amendment, but the list of amendments includes the words "Section opposed".

Chairman: We will come to the question on the section, but we might finish the debate on the amendment first.

Deputy John Brady: As matters stand, there will be no hard Brexit. For the excuse of Brexit to be used not to give the 136,000 workers on the national minimum wage a 30 cent increase is unbelievable. It is a slap in the face for all those workers who get up early to go to work not to receive their just reward. My party and others want to see the introduction of a living wage, but that is a different piece of work. The 30 cent increase was the minimum proposed. For the Government not to approve it was a slap in the face for workers. With the amendment being withdrawn, the Labour Party's facilitation of this pitiful move by the Government is striking. That is why Sinn Féin is opposing the section. I will have no hand, act or part in facilitating the Government.

Chairman: I will put the question on the section in a few moments, but first I invite the Minister to speak to the amendment.

Deputy Regina Doherty: I thank Deputies Penrose and O'Dea for their understanding. Under Deputy Brady's proposal, section 20 would effectively be deleted. That would mean that no one would be able to receive an increase in the national minimum wage at any date in the next 12 months. I am not sure whether he realises what he is attempting to do. My repeated statements, his misunderstanding of which is causing him angst, might be why Deputy Penrose is happy to support me, namely, that the Government has accepted in their entirety the recommendations of the Low Pay Commission to increase the national minimum wage from €9.80 to €10.10. Please God, that decision will be given effect by the Report Stage amendment.

Amendment, by leave, withdrawn.

Question proposed: "That section 20 stand part of the Bill".

Deputy Regina Doherty: I have flagged that we will table an amendment on Report Stage to add to the amendment submitted by Deputies O'Dea and Penrose, but there will be other amendments to address issues raised in the Supreme Court's judgment that found that the provisions of the Social Welfare Consolidation Act related to the entitlements of prisoners were unconstitutional. To put it simply, the court found that the automatic disallowance of entitlement to benefits was unconstitutional, since it represented a secondary or extrajudicial punishment. The issues involved were complex, but they need to be addressed. Work is under way to draft the necessary changes to the Act. If they are ready before the closing date for submission of Report Stage amendments, I will introduce them as amendments to the Bill.

I wish to bring another matter to members' attention. I have been asked by the Minister for Agriculture, Food and the Marine to introduce a necessary amendment to the Agriculture Appeals Act 2001. That amendment is being drafted and the Business Committee is discussing whether there must be a debate before it can be moved on Report Stage. While the last amendment is outside my control, I want to flag to members that if the Business Committee decides to approve the amendment's availability for inclusion on Report Stage, I would like to make it one of our amendments for discussion next week.

Deputy Willie O'Dea: I have no difficulty with the amendment to the appeals Act, the reason for which has been explained to me. It is unprecedented to deal with agricultural matters in social welfare legislation, but I take it that it is in order.

Deputy Regina Doherty: I do not believe it has ever been done before. The Attorney General told me yesterday that if he had a choice, he would not be advising us to do it. However, given the circumstances, it needs to be done via the quickest medium possible and that just happens to be this Bill.

Deputy Bríd Smith: Will the Minister tell us what it is about?

Deputy Regina Doherty: It has to do with people making appeals against decisions made on forestry applications to the Department of Agriculture, Food and the Marine. I believe it will introduce an increase in the fee charged for making an appeal. I am looking to Deputy O'Dea for information since he probably knows more about it than I do.

Deputy Willie O'Dea: That is okay.

Deputy Regina Doherty: It is an agricultural amendment, but it has been deemed to be urgent enough to be inserted into the next available legislation which just happens to be this Bill.

Chairman: I thank the Minister for flagging those Report Stage amendments.

Question put and agreed to.

Section 21 agreed to.

Title agreed to.

Bill reported with amendments.

Chairman: I thank colleagues, the Minister and her officials for attending.

SEASP

Message to Dáil

Chairman: In accordance with Standing Order 90, the following message will be sent to the Dáil:

The Select Committee on Employment Affairs and Social Protection has completed its consideration of the Social Welfare (No. 2) Bill 2019 and made amendments thereto.

The select committee adjourned at 12.05 p.m. *sine die*.