



Seirbhís Thithe
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Emergency Measures in the Public Interest (Covid-19) Bill 2020

Submissions from
Members of Dáil Éireann

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Introduction

The [Emergency Measures in the Public Interest \(Covid-19\) Bill 2020](#) was published on 24 March 2020. An [Explanatory Memorandum](#) was also published to accompany the Bill. A [Bill Digest](#) was published by the Oireachtas Library & Research Service on 25 March 2020.

The Bill makes provision for emergency measures in order to mitigate the impact of the Covid-19 virus on the administration of crucial public service functions. It has 9 Parts, as follows:

Table 1: Summary of the Bill

Part	Title	Aim (as per Explanatory Memo)
1	Preliminary and General	n/a
2	Operation of <i>Residential Tendencies Act, 2004</i>	To prevent both tenancy terminations and rent increases for the duration of the Covid-19 crisis (for an initial period of 3-months).
3	Amendment of <i>Planning and Development Act, 2000</i>	To give the Government the power, at the request of the Minister of Housing, Planning and Local Government, for a defined period relating to disregarding certain time periods during the Covid-19 crisis to avoid breaching statutory deadlines in a number of Acts relating to planning and building development.
4	Amendment of Certain Acts Regulating Health and Social Care Professionals	To facilitate the re-employment of retired health sector professionals by empowering regulators to adopt a more streamlined and simplified restoration process to the register of their profession for individuals who wish to respond to the Covid-19 emergency.
5	Amendment of <i>Mental Health Act, 2001</i>	To facilitate the ongoing operation of the Mental Health Tribunals for the duration of the exceptional circumstances caused by the pandemic.
6	Amendment of <i>Defence Act, 1954</i> : Re-enlistment of formerly enlisted persons	To facilitate the re-enlistment of former enlisted members to fill certain critical technical positions in the Permanent Defence Force.
7	<i>Amendment of Taxes Consolidation Act, 1997</i>	To provide for the introduction of a Temporary Wage Subsidy Scheme.
8	Amendment of <i>Redundancy Payments Act, 1967</i>	To provide that an employee who has been temporarily laid off or kept on short time will not be entitled to claim redundancy until a longer period has passed.
9	Amendment of <i>Civil Registration Act, 2004</i>	To extend the functions of an tArd-Chláraitheoir and his staff to perform some of the functions of a registrar or a Superintendent Registrar in the event of the Registration Office being closed down temporarily because of the pandemic.

Overview of this document

Members of Dáil Éireann were invited to make submissions on the Bill, by **12pm, Wednesday 25 March 2020**. In all, **22** submissions were received from **12** Deputies. Some submissions were made jointly by two or more Deputies. This document collates these submissions.

Submissions were made by

1. Deputy Richard Boyd Barrett
2. Deputy Holly Cairns
3. Deputy Gary Gannon
4. Deputy Gino Kenny
5. Deputy John McGuinness
6. Deputy Paul Murphy
7. Deputy Catherine Murphy
8. Deputy Denis Naughten
9. Deputy Marc Ó Cathasaigh
10. Deputy Jennifer Murnane O'Connor
11. Deputy Roderic O'Gorman
12. Deputy Brid Smith

As a number of submissions addressed issues in more than one Part of the Bill, an attempt was made to group/categories them to best effect, in the time available. Submissions are presented under the main Part of the Bill to which they relate. Those that relate more generally to the legislation or current response to Covid-19 are categorised 'Other'. Within each Part, submissions are ordered by their time of submission. The submissions are presented here as 23 pieces (as one was divided to better fit the categories/Parts of the Bill).

The sections of this document on Part 2 (residential tenancies), Part 7 (temporary wage subsidy) and 'Other' commence with bullet points of 'key issues' arising in the respective section.

Table 2: Submissions as presented herein by Part of the Bill and 'Other'

Part of the Bill	Title	Submissions presented
1	Preliminary and General	1
2	Operation of <i>Residential Tendencies Act, 2004</i>	5
3	Amendment of <i>Planning and Development Act, 2000</i>	2
4	Amendment of Certain Acts Regulating Health and Social Care Professionals	0
5	Amendment of <i>Mental Health Act, 2001</i>	3
6	Amendment of <i>Defence Act, 1954</i> : Re-enlistment of formerly enlisted persons	0
7	<i>Amendment of Taxes Consolidation Act, 1997</i>	4
8	Amendment of <i>Redundancy Payments Act, 1967</i>	1
9	Amendment of <i>Civil Registration Act, 2004</i>	0
Other	Other (not possible to classify)	7
		23*

*as noted above one submission was divided into two parts, accounting for the presentation of 23 submissions, while 22 were received.

The number of submissions received by party/vote group Members are illustrated below:

Table 3: Submissions received by party/vote group

FF	SF	FG	Green	Lab	SocDems	AAA-PBP (Solidarity)	I4C	Aontú	IND/Other
2	-	-	2	-	8	5	-	-	5
9%	-	-	9%	-	36%	23%	-	-	23%

Part 1 of the Bill: Preliminary and General

Submissions

Deputy name	Title of submission	Party/group
Denis Naughten	Part 1	Independent / Regional Group

There are a range of government schemes that have ongoing deadlines that will cause huge inconvenience to people over the coming weeks e.g. driving licence renewal, closing date for the basic payment scheme in the Department of Agriculture, dates for lodging legal papers and many other things that we haven't even contemplated.

In an ideal world we could bring in emergency legislation to deal with each of these individually. However because the new Seanad prohibits us from introducing new legislation we are looking for a simple provision to be written into legislation that gives Ministers the ability to postpone renewal dates and other deadlines for a period of six months so they have the flexibility needed to ensure no-one is denied a right or a service or indeed forced to leave their home in the coming weeks to renew such services.

Please note that my colleagues in the Regional Group will be going through the various provisions in greater detail during the Dáil debate, highlighting many agreed issues of concern and these points are additional to their contributions.

Part 2 of the Bill: Operation of *Residential Tendencies Act, 2004*

Key points arising from submissions in this Section

Submissions presented in this section called for a range of actions / raised issues including:

- Concerns raised about sectors not included, or potentially not included, within the provisions of this Bill, such as commercial tenants, those with mortgages with local authorities (e.g. Rebuilding Ireland Home Loan scheme), tenants of local authorities, and tenants receiving HAP payments.
- A range of provisions in respect of rent, mortgage and utility payments were proposed, including:
 - suspension of rent payments for those experiencing a loss of income due to the crisis;
 - suspension of utility bills for tenants and homeowners who have experienced a loss of income due to the crisis, with no arrears accruing;
 - a ‘mortgage holiday’ for homeowners with bank or non-banking sector mortgages for the period of the crisis, with no arrears accruing;
 - extension of protections in respect of mortgage repayment difficulties to those borrowing under the *Rebuilding Ireland Home Loan* scheme, with direction provided for Local Authorities in this respect;
 - inclusion of provisions for those in receipt of Housing Assistance Payment (HAP) who have experienced job loss;
 - non-withholding of total payment to landlords in situations where a tenant HAP payment cannot be maintained during the crisis;
 - in situations where forbearance is granted by a bank or vulture fund, no penalties or interest to be applied;
 - in cases where a landlord is availing of relief from banks during this crisis, such relief should be afforded to the tenant.
- A range of measures in respect of evictions were proposed:
 - suspension of evictions currently in train;
 - an additional extension afforded in cases where a termination of notice has been given in advance of the crisis and is within two months of the termination date;
 - banks and vulture funds to be instructed to suspend existing eviction proceedings against any borrower, and to not commence new ones, for the remainder of this year (with a review clause then applicable)
 - extension of protection against notice of eviction to those in local authority housing with local authority landlords.
- Provision of alternative accommodation proposed for healthcare workers living with older people or people with an underlying health condition.

Submissions

Deputy name	Title of submission	Party/group
Jennifer Murnane O'Connor	Part 2 Rental sector Department of Housing	Fianna Fáil

1. The sections in this bill relate to residential tenancies. I am concerned that the following:

Notices of termination under Act of 2004 5. (1) (a) A landlord shall not serve a notice of termination in relation to the tenancy of a dwelling during the emergency period.

and

Prohibition on rent increases under Act of 2004 6. Notwithstanding the Act of 2004, an increase in the rent under the tenancy of a dwelling— (a) that, but for this section, would take effect during the emergency period shall not take effect during that period, and (b) shall not be payable in respect of any period falling during the emergency period.

Is not clarified as being applicable to commercial tenants. Where a landlord is availing of relief from banks during this emergency period they are duty bound to pass on this relief to the tenant, this is my opinion however clarity is needed and perhaps this area could be considered for this bill.

2. The language of this bill does not mention the *Rebuilding Ireland Home Loan*. The Government backed mortgage for first time buyers, administered from the relevant local authority has yet to be mentioned anywhere. The loan scheme introduced in February 2018, has already hit problems such as availability and an interest rate hike, and by being designed to help first-time buyers on lower incomes who were refused a mortgage by a bank should be clearly marked here regarding any protections for people facing difficulties with their mortgages under this scheme and direction for Local Authorities to follow.

3. The *Housing Assistance Payment* is not discussed in this legislation and I believe we ought to include it. The Department of Housing has not been clear to local authorities with regard to HAP payments and how they should deal with tenants who may have lost their jobs. While they are currently operating on a case by case basis and linking rent to income, the advice is unclear and I believe there may be scope here to include it especially in the section:

Notices of termination under Act of 2004 5. (1) (a) A landlord shall not serve a notice of termination in relation to the tenancy of a dwelling during the emergency period.

I believe the following should be included 'Landlord including Local Authorities' and 'Dwelling Including Local Authority Housing'.

Deputy name(s)	Title of submission	Party/group
Richard Boyd Barrett, Gino Kenny, Bríd Smith and Paul Murphy	Submission to Housing Part of Bill	Solidarity - People Before Profit

1. Include a section that means that all rents that fall due during the crisis are suspended for anyone that has experienced a loss of income due to the Covid Crisis
2. Include a section to ensure that every eviction that is currently in train is suspended so that people who currently have a notice to quit will not have this hanging over them for the period of the Covid Crisis
3. Include a section that allows for tenants and home owners, who have suffered a loss of income as a result of the crisis, to have their utility bills are suspended and no arrears accrued for the period of the crisis.
4. Include a section that ensures that homeowners with a mortgage from either the banks or the non-banking sector have a mortgage holiday for the period of the crisis and that no arrears will accrue.

Deputy name	Title of submission	Party/group
Catherine Murphy	Part 2 Rental Sector	Social Democrats

Section 5 (2)

- Where a termination of notice has been given in advance of the emergency period and is within two months of the termination date, an additional extension will be given. (it will take time the rental sector to get back in action and there will be a need to avert an immediate crisis.
- Where a person who cannot maintain the tenant HAP payment during the emergency the total payment will not be withheld from the Landlord

Deputy name	Title of submission	Party/group
John McGuinness	Finance	Fianna Fáil

*Local Government elements of this submission included at page 17.

- Finance: All banks and vulture funds be instructed not to continue or commence new eviction proceedings against any borrower for the remainder of 2020. The instruction to be reviewed then.
- Finance: That where forbearance is granted by a bank or vulture fund for a period in 2020 that no penalties or interest be applied for the individual arrangements
- Taoiseach: That a National Unity Government be formed for 5 years.

Deputy name	Title of submission	Party/group
Denis Naughten	Part 2	Independent/Regional Group

Healthcare workers who live with older people or people with an underlying health condition need to be provided with alternative accommodation, so they do not bring the coronavirus back into their own homes. At present these people are not only putting their own health at risk but also the health of the other people in their family homes which could have tragic consequences.

Please note that my colleagues in the Regional Group will be going through the various provisions in greater detail during the Dáil debate, highlighting many agreed issues of concern and these points are additional to their contributions.

Part 3 of the Bill: Amendment of *Planning and Development Act, 2000*

Submissions

Deputy name	Title of submission	Party/group
Catherine Murphy	Part 3 Planning and Development	Social Democrats

Period of disregard;

- Should be possible to differing regulations depending planning authority rather than nationally because of the differing levels of infection or because of availability of staff or where last week's emergency legislation allows for geographic containment.
- Public consultation component should be lengthened (site notices are less effective, also, to limit the need/demand for public meetings where there is public concern)
- SHD's require Municipal input and reports, in the absence of meetings the time line needs to be lengthened.

Deputy name	Title of submission	Party/group
John McGuinness	Local Government	Fianna Fáil

*Further elements of this submission included at page 13.

Local Government: That where a developer has completed a housing project and where the houses are sold but waiting a water and sewage connection that Irish water grant the permission to connect and where necessary agree with the developer the outstanding scope of works to be completed at a more appropriate time after this time of emergency.

Local Government: That where the payment of commercial rates is suspended by agreement with the Local Authority for a period in 2020 that no rates will fall due for payment for this period. That any business not performing be exempted from rates for 2020.

Part 5 of the Bill: Amendment of *Mental Health Act, 2001*

Submissions

Deputy name(s)	Title of submission	Party/group
Richard Boyd Barrett, Gino Kenny, Brid Smith, and Paul Murphy	Submission to Health part of Bill	Solidarity – People Before Profit

1. Include a section that allows for early abortions, legally allowed under the Termination of Pregnancy Bill, to be carried out with a telephone consultation and the three day requirement is suspended for the duration of the crisis.
2. Notwithstanding the necessity for all those in the medical profession to be able to play their part in the crisis, make no changes to the Mental Health Act which would undermine the rights of patients.
3. Include a section that will allow for the Department of Health to direct production in factories that produce equipment, including but not limited to, ventilators, PPE, testing kits, in order to maximise the delivery of these products.
4. Include a section that will allow for the Department of Health to take control of factories that could be repurposed to produce supplies or equipment that is vital to limiting the spread of Covid19

Deputy name	Title of submission	Party/group
Denis Naughten	Part 5	Independent / Regional Group

I believe that these emergency measures which make amendments to mental health legislation should not be in operation for more than 30 days without a further resolution of Dáil Éireann or consent from party leaders

These are far reaching powers to detain people against their will and while I'm open to hear the justification for such draconian amendments to deal with the current exceptional threat to human life and public health from the spread of COVID-19, these are powerful legal provisions which must only be used to specifically deal with the current national health crisis, and must not be in place for one day longer than is necessary.

I would propose that the measures in relation to the Mental Health Act will not come into force until the Minister gets prior agreement of all party and group leaders in Dáil Éireann.

In addition, I'm seeking that the measures will only continue in operation for no more than 30 days without the further consent of all party and group leaders in Dáil Éireann.

Please note that my colleagues in the Regional Group will be going through the various provisions in greater detail during the Dáil debate, highlighting many agreed issues of concern and these points are additional to their contributions.

Deputy name	Title of submission	Party/group
Catherine Murphy	Part 5 – Mental Health	Social Democrats

If this section is to be reviewed or extended it should be with the approval of the house and not laid before the house.

Part 7 of the Bill: Amendment of *Taxes Consolidation Act, 1997*

Key points arising from submissions

Submissions presented in this section called for a range of actions / raised a number of issues including:

- **Existing claimants of social protection payments:** A number of cohorts/groups currently in receipt of social protection payments (e.g. invalidity benefit, jobseekers' allowance, etc.) will remain on a lower payment rate which may result in these groups being "left behind" due to the increased burden on every household;
- **Turnover threshold test:** There is clarification required on how the turnover threshold test will be administered in practice (i.e. how does a business prove this to Revenue's satisfaction?). Also, clarification required as to whether the turnover threshold 'test' (25%) may require flexibility in its interpretation / administration in an instance where a company is involved in multiple sectors (e.g. retail, wholesale, and contracting) and where trading conditions differ significantly for each sector;
- **Business support:** Business supports including rates relief and suspension of eviction of businesses from commercial premises.
- **Taxable income:** Whether the €350 (COVID-19) payment will qualify as taxable income or whether it is a net figure;
- **Higher earners:** Clarification is required on the rationale for exclusion of certain higher earners and as to whether people in senior managerial roles would / could be covered by the Scheme;
- No provision has been made in the Bill for frontline healthcare workers and in particular, student nurses who are undertaking internships;

Submissions

Deputy name	Title of submission	Party/group
Denis Naughten	Part 7	Independent/ Regional Group

While I welcome the introduction of the wage subsidy scheme because it helps to protect income and keeps the linkage between the employer and employee, which is so vital to facilitate our economic recovery post this crisis.

However, every effort should be made to assist employers who have already laid off staff to take them back on under the wage subsidy scheme in order to maintain in so far as is possible the employer/employee linkage in as many businesses as possible.

Turnover threshold:

However, there will always be anomalies and one such issue is the 25% turnover test. Where a company is involved in retail, wholesale and contracting and have a combined turnover of all 3 operations; they may in fact be excluded and forced to lay off staff. So, while the retail & wholesale parts of the business have collapsed, as the company is still operating its contracting business, it fails to meet the 25% threshold. There needs to be some flexibility in the interpretation of this threshold whereby a company which can clearly show a collapse in turnover in one aspect of its business can avail of the wage subsidy for those specific employees.

Business supports:

Not only do we need flexibility in terms of rent in the housing sector we also need the same flexibility to apply to many businesses that have been forced to shut down and no longer have an income to pay rent to their landlords.

While it is welcome that the disconnection of electricity and phone supplies have been suspended, and later this week evictions will be suspended, it is also important that there is flexibility introduced into the commercial rates system as well. The collection of rates for businesses that have been forced to close must also be suspended.

Please note that my colleagues in the Regional Group will be going through the various provisions in greater detail during the Dáil debate, highlighting many agreed issues of concern and these points are additional to their contributions.

Deputy name	Title of submission	Party/group
Catherine Murphy	Part 7: Temporary Wage Subsidy	Social Democrats

In Part 7 section 26 (3) (Does this infer that payment will be made in arrears? How can company cash flow sustain that if that is the case? Otherwise how does a business prove the 25% reduction over the period specified? Needs to be specified.

- **The business of an employer shall be treated as being adversely affected to the extent referred to in subsection (2)(a) where, in accordance with guidelines published by the Revenue Commissioners under subsection (19), the employer demonstrates to the satisfaction of the Revenue Commissioners that, by reason of Covid-19 and the disruption that is being caused thereby to commerce, there will occur in the period of 14 March 2020 to 30 June 2020 at least a 25 per cent reduction either in the turnover of the employer's business or in customer orders being received by the employer.**

In Part 7 section 26 (6)(F) (are we to assume then that employers are unlikely to be covered for employees in senior managerial roles in organisations the Bill needs to make this clear in a situation where the employee is being laid off.

- **A temporary wage subsidy shall not be paid to an employer in relation to a specified employee where the amount of the net weekly emoluments of that employee is in excess of €960 per week.**

Deputy name	Title of submission	Party/group
Gary Gannon	Part 8: Redundancy Payments: Social Protection	Social Democrats

Note: Although the Deputy's submission is entitled 'Part 8: Redundancy Payments' (as above), it refers to the comparative treatment of social welfare claimants relative to the proposed Temporary Wage Subsidy scheme. As such, the submission is included here.

1- To strongly implore the Minister to extend the rate of pay available under the terms of the Covid-19 payment to all current social welfare recipients.

As the Minister will be aware, current recipients of social welfare, carers and people with disabilities will remain on the rate of €203 per week despite the fact that the Covid-19 crisis has placed an additional financial burden on households.

Low income families with children of school going age are attempting to provide the extra food that their children would have previously received in schools as part of their school meals programme; they are spending more on household energy requirements, are dealing with increased 'digital costs' as a means of keeping their children occupied, they are trying to fund arts and crafts materials and equally being impacted by the crisis of Covid-19 as anyone else.

People who were previously on Jobseekers benefit have now essentially being ruled out of the possibility of finding employment while the Covid-19 crisis is ongoing. As their route to finding gainful employment has now effectively been removed, this cohort should not be viewed differently in terms of their welfare entitlements from the department of social protection.

In additions to these disparities in treatment, carers and people with disabilities are under substantially increased pressure as a consequence of Covid-19.

1. strongly encourage the Minister to enshrine fairness into these emergency measures by ensuring all recipients of the departments additional social welfare measures are treated equally and paid the same increased rates.
2. Can the Minister ensure that people in receipt of the Back to Education Allowance will not lose their entitlement if they are either volunteering in the effort to confront Covid-19, or if in the case of Health Care students, if they take up a temporary paid role with the HSE for the duration of the Covid-19 crisis that they will not lose their Back to Education Allowance.
3. Can the Minister outline or include in these measures what provisions are being made for One Parent families relying on a maintenance payment, where that payment is no longer forthcoming as the payer has lost their job and is on a temporary wage subsidy.
4. To ask the Minister to include a subsidy equal to the 'Temporary wage subsidy' for student nurses who are now working in health care settings to address the Covid-19 emergency.

Deputy name(s)	Title of submission	Party/group
Richard Boyd Barrett, Gino Kenny, Brid Smith, and Paul Murphy	N/A	Solidarity – People Before Profit

That the Minister for employment and Social Protection looks at raising all welfare payments during the crisis to a basic figure of €350 and that the Minister and Department consult with St V De Paul and other NGOs on the need and rational for doing so.

Part 8 of the Bill: Amendment of *Redundancy Payments Act, 1967*

Submissions

Deputy name	Title of submission	Party/group
Denis Naughten	Part 8	Independent / Regional Group

I welcome the measures being taken to address the risk whereby an employee laid off for 4 weeks or more could claim redundancy. If this were to happen on a large scale it would decimate the viability of many small and medium sized companies and destroy any chance of a recovery to our economy.

I would again urge Government to make every possible effort to maintain the link between employers and employees ensuring that staff continue to be paid during the crisis rather than relying on a social welfare system that just could not cope.

Working Family Payment:

While the wage support subsidy is very welcome, where this payment rate leaves a family eligible for the Working Family Payment or an enhanced rate of payment, this must be taken as their actual income and these applications fast-tracked through the Social Welfare system.

Also, while I welcome the announcement that parents are to be no longer charged crèche fees, many local parents have been forced to leave their job because they no longer have childcare. The government must assist these families who now have only one income coming into the household. At a very minimum should be eligible to apply for a fast track Working Family Payment.

This measure will help to minimise financial hardship to many families across the country.

Welfare Payments:

Presently widows and full-time carers who worked part-time are not eligible for a social welfare top-up and this needs to change because these households have lost a significant element of their income. This needs to be replaced through some welfare or income support mechanism.

Also, the habitual residency condition for welfare entitlement in Ireland which applies to Irish workers abroad returning home due to the coronavirus must be lifted, as it may place many returning migrants in unnecessary financial hardship.

Please note that my colleagues in the Regional Group will be going through the various provisions in greater detail during the Dáil debate, highlighting many agreed issues of concern and these points are additional to their contributions.

Other submissions – related to Covid-19 emergency

Key points arising from submissions

Submissions presented in this section called for a range of actions / raised a number of issues including:

Health

- Increasing pay of private health care hospital staff to public health care hospital staff rates during the period of the emergency.
- Reduction in existing waiting periods for termination of pregnancies.

Housing and housing finance

- 'Mortgage holiday' for mortgage holders with banks and other mortgage providers.
- Freezing of all eviction processes for borrowers and interest payments and penalties for borrowers during the emergency period.
- Immediate connection of completed and sold houses to water and sewerage infrastructure.

Social welfare

- Expansion of Covid-19 Pandemic Payment to student nurses working in the health service.
- Facilitation of 'bonus reward payments' for workers not usually considered 'front-line workers' but acting now as front-line workers in view of the pandemic emergency.
- Coverage of groups not currently 'covered' by COVID-19 related social welfare changes and employer PRSI contributions.

Social / physical distancing

- Interventions to facilitate social/physical distancing in prisons, direct provision centres and in respect of the Traveller community.

Domestic Violence

- Amendments to *Domestic Violence Act 2018* allowing An Garda Síochána to make interim and emergency barring orders in the absence of current capacity in the court service.

Fisheries

- Immediate establishment of a fisheries task force by the Minister for Agriculture, Food and the Marine.

Submissions

Deputy name	Title of submission	Party/group
Catherine Murphy	Pay for private healthcare staff	Social Democrats

- Some Healthcare staff in private hospitals are paid less than the public sector. Where they are doing public work that needs to be equalised for the duration of the emergency.
- The current rules around abortions are effectively unworkable regarding the 3 day wait periods and need for repeat visits. This should be dispensed with for the duration of the emergency.

Deputy name(s)	Title of submission	Party/group
Richard Boyd-Barrett, Gino Kenny, Brid Smith and Paul Murphy	Finance and housing	Solidarity - People Before Profit

Include a section that ensures that homeowners with a mortgage from either the banks or the non-banking sector have a mortgage holiday for the period of the crisis and that no arrears will accrue.

Deputy name(s)	Title of submission	Party/group
Richard Boyd-Barrett, Gino Kenny, Brid Smith and Paul Murphy	Social Welfare	Solidarity - People Before Profit

- To include a section in the Bill to allow for payments, in line with the €350 per week Pandemic payment, to student nurses, who ordinarily do not get paid when taking up duties in the health service.
- To include a section in the Bill to allow for Bonus Reward Payments to workers, not ordinarily seen as front-line workers, but who find themselves in the front line as a result of the COVID-19 crisis, including, but not limited to retail workers, bin workers, and public transport workers.

Deputy name	Title of submission	Party/group
Holly Cairns	Domestic Violence	Social Democrats

Overview

This submission relates to amending the Domestic Violence Act 2018 (Section 8 and/or Section 9) granting emergency powers to An Garda Síochána to make interim barring orders. It is prudent and necessary to enable senior Gardaí make barring orders in the context of an increased likelihood of domestic and gender-based violence Covid19 emergency and diminished capacities to access the courts services.

Rationale

- A toxic combination of being cut off from family and friends, shut refuges, financial hardship, loss of work, closed schools and community services means families experiencing or potentially experiencing domestic violence are in great danger because of Covid19.
- Under the Domestic Violence Act 2018 courts issue barring orders; however, the ability to access the courts is several impacted by the current situation, including limited sittings of courts services and the erosion of supporting services for applicant/dependent person, e.g. childcare, support workers, transport.
- The Istanbul Convention to which Ireland is a signatory requires for special measures to be taken to prevent and protect women from gender-based violence. 22 other European Countries that are signatories to the Istanbul Convention have already granted special powers to police to make Emergency Barring Orders.

Amendments

To address this issue, emergency amendments will be required under Section 8 and/or Section 9 of the Domestic Violence Act 2018 covering Interim and Emergency barring orders respectively to allow a Garda of appropriate level make such orders for the duration of the emergency period, as defined in Emergency Measures in the Public Interest (Covid-19) Bill 2020 (Section 4).

Deputy name	Title (see above)	Party/group
Roderic O’Gorman	Direct provision, and prisons	Green Party

Direct Provision

In a situation with 5,645 people currently living in Direct Provision centres, this cohort of people are particularly at risk from Covid-19. Central to the Government’s public health campaign has been the requirement for the public to practice social distancing. However, little attention has been paid to the impossibility of undertaking social distancing in the context of Direct Provision centres.

I note that the Department has outlined some measures regarding staggered meals times. However, the amount of time spent by Direct Provision residents in their sleeping quarters would be far greater than that spent at meals.

The Minister has stated that each Direct Provision Centre has been asked to complete contingency plans for Covid-19. Can the Minister provide assurances that the HSE has had the opportunity to examine each of these plans to ensure they are effective? If the HSE determines that it is not possible to provide adequate social distancing within a Direct Provision Centre, can the Minister clarify what further measures will be taken?

Can the Minister identify what measures are being taken to identify persons who are in the high-risk categories of Covid-19 infection, as identified by the HSE? Can he outline what measures will be put in place to protect persons so identified?

Prisons

The Irish prison system is recognised as being overcrowded, with currently more than 3,900 men and women serving sentences. The Covid-19 outbreak poses a particular threat to this body of people due to the unique nature of the prison environment. For example, in January 2020, over 1,800 prisoners were sharing cells. The risk to prisoners means a consequent risk for the 3,300 men and women working within the prison service.

Over the last few days, the Department has outlined a range of measures regarding Covid-19 and the Irish Prison Service (IPS). It is submitted here that a key goal to reduce the risk of Covid-19 infections in our prisons has to be to reduce the numbers within our prisons, bearing in mind the public safety obligation that no one should be released who would pose an undue risk. I note the measures introduced around temporary release and enhanced remission of sentences.

Could the Minister clarify if he is aiming to achieve a situation where there will be no more than one prisoner per cell across the IPS? Does he have figures on how many prisoners will need to be released temporarily to achieve this? Does he have figures on how many of these releases will be achieved by the measures he has outlined to date?

I would ask the Minister to clarify what measures his Department is taking in relation to prisoners who are in high-risk categories of contracting Covid-19 (as identified by the HSE). Is the IPS acting to identify such prisoners? Can they be guaranteed single cell occupancy at minimum?

In order to lessen the number of new prisoners entering the system, could prosecutors seek greater use of the discretion available to the Courts under the Criminal Justice (Community Service)

(Amendment) Act 2011 which allows them apply non-custodial sentences for offences where the maximum sentence is less than 12 months?

Finally, as the number of multiple occupancy cells is particularly high in remand detention facilities, for the duration of the crisis, could prosecutors refrain from contesting pre-trial bail applications for all non-violent offences?

Deputy name	Title (see above)	Party/group
Holly Cairns	Fisheries	Social Democrats

Overview

This submission relates to the immediate establishment of a Fisheries Task Force to support the sector and communities impacted by the unprecedented nature of the Covid-19. Those in the fishing sector already experience disproportionate degrees of precarity and poverty which has been exacerbated by the emergency.

Rationale

- The closure of Restaurants across Europe and the withdrawal by some large supermarket chains of fish products from shelves has had a severe, negative impact on the Irish fishing sector

Action

That the Minister for Agriculture, Food and the Marine immediately establishes a Fisheries Task Force to delivery recommended policy changes and support structures no later than twenty-eight (28) days from the commencement of the Bill.

Task Force would focus on applied interventions – including policy changes, tailored Social Protection mechanisms, and consumer campaigns – to support the sector. The Task Force would incorporate stakeholder representative bodies, such as Federation of Irish Fishermen and Retail Ireland.

Deputy name	Title	Party/group
Roderic O’Gorman and Marc Ó Cathasaigh	Social welfare	Green Party

With respect to the enhanced social welfare payment of €350, there are a number of cohorts who find themselves left behind in this increase. Those on invalidity benefit, for example, will remain on €208.50. Carers, many of whom will have chosen to completely isolate in order to protect those in their care, will also find themselves left behind in a period when even more pressure will be placed on their resources. While we understand the considerable pressures placed on the public purse at this time, we believe that the state should endeavour to show equity and fairness across the social welfare system.

We have had reports of employers using the measures introduced to engage in tactical rationalisation, whereby certain staff members are laid off as a Covid-19 measure while others are retained on the €350 subsidy. We believe that protections should be built into the income subsidy scheme which would insulate workers from this practice during the crisis period.

I am unclear from the reading of this bill whether employers will still be liable to pay employers PRSI or pension contributions during this period. These payments would place significant financial strain on businesses were they to remain in place. We believe that these contributions should be reduced to zero during the lifetime of these emergency measures for companies that qualify for the wage subsidy scheme, and steps taken to ensure that this is not seen to constitute a break in contributions in the reckoning of benefits or pensions.

It is unclear from our reading of the bill whether the income support of €350 per week will qualify as taxable income or whether it is a net figure. We believe this issue should be clarified.

In Part 7, Section 6f, higher earners seem to be excluded from the income subsidy. Is there a clear rationale for this exclusion, considering people with higher earnings are very often tied into greater repayments based on their previous income?

There is no provision made in this bill for student nurses who have been asked to step into the front line of this emergency. Many of those responding to the call would otherwise be eligible for income support. We believe that student nurses working in our hospitals at this time should be remunerated at Point 1 of the nursing salary scale for the duration of the crisis. Also, many student nurses are concerned that their internships will be disrupted by the current crisis in the health system meaning that they will not amass enough hours to qualify within a reasonable timeframe. We would like the minister to provide clarity on this situation.

Many people affected by the Covid-19 crisis are in private rental accommodation and may find themselves unable to pay rent. The suggestion that this issue can be resolved by granting social welfare case officers’ discretion to breach the rent supplement thresholds in individual cases will not be efficient in dealing with a potentially large increase in the number of applications. We believe the threshold of rent supplement payments should be raised for those claiming the Covid-19 Unemployment Payment.

There are no specific provisions made in this bill to deal with cohorts within our population who may not be able to engage in social distancing by dint of circumstance. Measures will have to be considered around how to protect people in Direct Provision, our Traveller Community, our prisoner

population and those availing of emergency homelessness accommodation should incidence of Covid-19 be detected in those groups. We believe that the government should be considering options around the use of hotel accommodation to allow these groups to engage in safe social distancing where required.

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