



DÁIL ÉIREANN

Dé Céadaoin, 2 Nollaig, 2020
Wednesday, 2nd December, 2020

RIAR NA hOIBRE
ORDER PAPER

Dé Céadaoin, 2 Nollaig, 2020
Wednesday, 2nd December, 2020

An Lárionad Coinbhinsiúin, Baile Átha Cliath
Convention Centre Dublin

10 a.m.

ORD GNÓ
ORDER OF BUSINESS

10. Meastacháin Fhorlíontacha i gcomhair Seirbhísí Poiblí [Vóta 9][*Arna breithniú ag Roghchoiste um Airgeadas, Caiteachas Poiblí agus Athchóiriú, agus Taoiseach an 25 Samhain 2020*].
Supplementary Estimates for Public Services [Vote 9] [*Considered by the Select Committee on Finance, Public Expenditure and Reform, and Taoiseach on 25th November, 2020*].
- 10a. Tairiscint *maidir leis* an Choiste um Fhormhaoirsiú Buiséid.
Motion *re* Committee on Budgetary Oversight.
15. Ráitis roimh an gcuinniú den Chomhairle Eorpach an 10-11 Nollaig, de bhun Bhuan-Ordú 124.
Statements pre European Council meeting of 10th-11th December, pursuant to Standing Order 124.
16. (l) An Bille Airgeadais, 2020 — Ordú don Tuarascáil.
(a) Finance Bill 2020 — Order for Report.
1. An Bille Árachais Sláinte (Leasú), 2020 [*Seanad*] — An Dara Céim.
Health Insurance (Amendment) Bill 2020 [*Seanad*] — Second Stage.
109. (l) Tairiscint *maidir le* hAois Phinsin an Stáit (*vótáil a cuireadh siar*).
(a) Motion *re* State Pension Age (*postponed division*).

GNÓ COMHALTAÍ PRÍOBHÁIDEACHA
PRIVATE MEMBERS' BUSINESS

110. (l) Tairiscint *maidir le* Pá d'Altraí Foghlama agus Cnáimhseacha.
(a) Motion *re* Pay for Student Nurses and Midwives.

FÓGRA I dTAOBH GNÓ NUA
NOTICE OF NEW BUSINESS

- 5a.** An Bille Leasa Shóisialaigh, 2020 — Ordú don Dara Céim.
Social Welfare Bill 2020 — Order for Second Stage.
- 6a.** An Bille uman Naoú Leasú is Tríocha ar an mBunreacht (Vótáil Pharlaiminteach Chianda), 2020 — An Chéad Chéim.
Thirty-ninth Amendment of the Constitution (Remote Parliamentary Voting) Bill 2020 — First Stage.
- 108a.** An Bille um Chiapadh, Cumarsáid Dhochrach agus Cionta Gaolmhara, 2017 — Ordú don Tuarascáil.
Harassment, Harmful Communications and Related Offences Bill 2017 — Order for Report.

I dTOSACH GNÓ PHOIBLÍ
AT THE COMMENCEMENT OF PUBLIC BUSINESS

Billí ón Seanad: Bills from the Seanad

- 1.** An Bille Árachais Sláinte (Leasú), 2020 [*Seanad*] — An Dara Céim.
Health Insurance (Amendment) Bill 2020 [*Seanad*] — Second Stage.

Billí a thionscnamh: Initiation of Bills

Tíolactha:
Presented:

- 5a.** An Bille Leasa Shóisialaigh, 2020 — Ordú don Dara Céim.
Social Welfare Bill 2020 — Order for Second Stage.

Bille dá ngairtear Acht do leasú agus do leathnú na nAchtanna Leasa Shóisialaigh; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

Bill entitled an Act to amend and extend the Social Welfare Acts; and to provide for related matters.

—An tAire Coimirce Sóisialaí.

Tabhairt Isteach:
Introduction:

- 6a.** An Bille uman Naoú Leasú is Tríocha ar an mBunreacht (Vótáil Pharlaiminteach Chianda), 2020 — An Chéad Chéim.
Thirty-ninth Amendment of the Constitution (Remote Parliamentary Voting) Bill 2020 — First Stage.

Bille dá ngairtear Acht chun an Bunreacht a leasú.

Bill entitled an Act to amend the Constitution.

—Jennifer Carroll MacNeill.

- 10.** “Meastacháin i gcomhair Seirbhísí Poiblí [2020]:

Estimates for Public Services [2020]:

Vóta 9 — Oifig na gCoimisinéirí Ioncaim (Meastachán Forlíontach).

Vote 9 — Office of the Revenue Commissioners (Supplementary Estimate).

Go ndeonófar suim fhorlíontach nach mó ná €7,819,000 chun íoctha an mhuirir a thiocthaidh chun bheith iníoctha i rith na bliana dar críoch an 31ú lá de Nollaig, 2020, le haghaidh thuarastail agus chostais Oifig na gCoimisinéirí Ioncaim, lena n-áirítear seirbhísí eile áirithe atá faoi riaradh na

That a supplementary sum not exceeding €7,819,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2020, for the salaries and expenses of the Office of the Revenue Commissioners, including certain other services administered

hOifige sin.

by that Office.

—*An tAire Caiteachais Phoiblí agus Athchóirithe.*

10a. “Go ndéanfar an Treoir ó Dháil Éireann don Choiste um Fhormhaoirsiú Buiséid an 28 Iúil 2020 a leasú trí ‘an 25 Feabhra 2021’ a chur in ionad ‘an 26 Samhain 2020’.

That the Instruction by Dáil Éireann to the Committee on Budgetary Oversight of 28th July, 2020, be amended by the substitution of ‘25th February, 2021’ for ‘26th November, 2020’.”

—*Seán Mac Ambróis, Aire Stáit ag Roinn an Taoisigh.*

**ORDUITHE AN LAE
ORDERS OF THE DAY**

- 15.** Ráitis roimh an gcrúinniú den Chomhairle Eorpach an 10-11 Nollaig, de bhun Bhuan-Ordú 124.
Statements pre European Council meeting of 10th-11th December, pursuant to Standing Order 124.

- 16.** (l) An Bille Airgeadais, 2020 — Ordú don Tuarascáil.
(a) Finance Bill 2020 — Order for Report.

**GNÓ COMHALTAÍ PRÍOBHÁIDEACHA
PRIVATE MEMBERS' BUSINESS**

*Gnó a ordáíodh:
Business ordered:*

- 108a.** An Bille um Chiapadh, Cumarsáid Dhochrach agus Cionta Gaolmhara, 2017 — Ordú don Tuarascáil.
Harassment, Harmful Communications and Related Offences Bill 2017 — Order for Report.

—*Brendan Howlin.*

*Fógraí Tairisceana:
Notices of Motions:*

*Tairiscint (vótáil a cuireadh siar):
Motion (postponed division):*

- 109.** “That Dáil Éireann:

notes that:

- in five weeks’ time the pension age is due to increase to 67 years of age on 1st January, 2021;
- legislation needed to stop the pension age increasing to 67 in January has not passed

through the House;

- every worker in the State makes a considerable tax contribution throughout their working life and should have the right to retire at 65;
- some workers want to retire at 65, while others want to remain at work, where they are able and willing to do so;
- numerous employment contracts stipulate an end of employment date in line with when an employee turns 65;
- since the abolition of the State Pension Transition payment, thousands of 65-year olds have had to sign on for a Jobseeker's payment;
- there are now over 4,000 65-year olds in receipt of either Jobseeker's Allowance or Jobseeker's Benefit;
- there is a difference of €45.30 between the Jobseeker payments and the State Pension leading to an annual loss of €2,355.60; and
- the pension age is scheduled in legislation to increase to 67 years in 2021, and 68 years in 2028; and

calls on the Government to:

- restore the State Pension Transition payment for those retiring at 65 years of age;
- abolish mandatory retirement (with exceptions for security-related employment) to give workers the choice to work or retire so long as they are fit to do so;
- make provision for those who remain at work beyond 65 to have their Pay Related Social Insurance (PRSI) contributions counted towards their State Pension; and
- immediately introduce legislation to remove the pension age increase to 67 years and the further increases.” — *Louise O'Reilly, Claire Kerrane, Chris Andrews, John Brady, Martin Browne, Pat Buckley, Matt Carthy, Sorca Clarke, Rose Conway-Walsh, Réada Cronin, Seán Crowe, David Cullinane, Pa Daly, Pearse Doherty, Paul Donnelly, Dessie Ellis, Mairéad Farrell, Kathleen Funchion, Thomas Gould, Johnny Guirke, Martin Kenny, Pádraig Mac Lochlainn, Mary Lou McDonald, Denise Mitchell, Imelda Munster, Johnny Mythen, Eoin Ó Broin, Donnchadh Ó Laoghaire, Ruairi Ó Murchú, Darren O'Rourke, Aengus Ó Snodaigh, Maurice Quinlivan, Patricia Ryan, Brian Stanley, Pauline Tully, Mark Ward, Violet-Anne Wynne.*

[1 December, 2020]

Leasú (atógáil):

Amendment (resumed):

1. To delete all words after “Dáil Éireann” and substitute the following:

“notes that:

- the Programme for Government ‘Our Shared Future’ has committed to maintaining the State Pension as the bedrock of the Irish pension system;
- this includes a commitment to establish a Commission on Pensions and pending the report of that Commission to maintain the State Pension age at 66;
- the Government has already established this Commission on Pensions;
- the Commission on Pensions has already conducted its first meeting, its second is

scheduled for tomorrow the 2nd December, its third is scheduled for later this month and it will meet approximately every fortnight in the new year until it concludes its work;

- the Government has approved the Social Welfare Bill 2020, which in addition to giving legislative effect to a range of social welfare measures announced in Budget 2021 on 13th October, 2020, includes specific provisions to repeal increases in the State Pension age ensuring that it will remain at 66 pending the report of the Commission on Pensions and consideration of that report by Government;
- the Social Welfare Bill 2020 was published on 24th November, 2020;
- as set out in that Bill the Government is also repealing the planned increase from 67 to 68 which is scheduled to happen on 1st January, 2028, thus ensuring that the Commission on Pensions can consider matters in relation to the State Pension age unfettered by any prospective changes;
- the Government has noted the Minister for Social Protection’s proposal to sign regulations to formally remove the requirement for 65-year olds to be actively seeking work and to ‘sign on’, formalising an administrative arrangement which has already been in place for some time;
- persons aged 65 or over who retire and qualify for a Jobseeker’s Benefit payment may retain that payment in full until they reach the State Pension age of 66 assuming they don’t return to work;
- the payment rate of €203 is in fact higher than the rate available for the full State Pension in other jurisdictions such as Northern Ireland where the state pension age has been increased from 65 to 66;
- the Terms of Reference of the Commission on Pensions includes consideration of a range of pensions matters including sustainability, eligibility and cross generational equity issues, and consideration of options for the Government to address issues including qualifying age, contribution rates, total contributions and eligibility requirements;
- in addition, the Commission on Pensions will consider the issue of retirement ages specified in employment contracts that are below the State Pension age, including where contracts stipulate a retirement age of 65;
- section 34(4) of the Employment Equality Act 1998 (as amended) already provides that an employer has to prove a contractual retirement age that is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary, with recourse for employees to the Workplace Relations Commission in the event of breaches;
- to assist employers and employees in this regard and in respect of retirement ages, the Workplace Relations Commission has produced a Code of Practice on Longer Working, and the Irish Human Rights and Equality Commission has published guidance material for employers on the use of fixed-term contracts beyond normal retirement age; and
- the rate for the State Pension (Contributory) in Ireland compares very favourably with neighbouring jurisdictions where pension rates are significantly lower.” — *An tAire Coimirce Sóisialaí*.

notes that:

- 4,000 student nurses and midwives have been working on the frontline in the midst of the Covid-19 pandemic;
- these students are carrying out essential work and are compensating for the long-term understaffing of our health service as well as covering for Covid-19-related absences of qualified staff;
- 11,369 health care workers have been infected with Covid-19, 16.6 per cent of all cases in Ireland, 59 of whom were admitted to Intensive Care Units;
- the chronic understaffing of our health service was a problem before the Covid-19 pandemic, and that the necessary measures to address this understaffing have not been addressed by successive Governments;
- these students were briefly paid the Health Care Assistant (HCA) rate in Spring in recognition of the essential nature of the work, but this payment has since ceased, and they now receive no payment for their work;
- the financial cost to the students of carrying out this essential work is sizeable, with many students paying well over and above their travel and accommodation allowances to simply be able to attend the workplace;
- the personal and mental health cost to student nurses and midwives working in such high stress and high pressure jobs are enormous, as well as the obvious risks to their health and the health of their family and/or those they live with;
- even before the Covid-19 crisis, the role these students were playing in their placements was more essential work than training;
- these students are actually paying for the ‘privilege’ of doing unpaid work in their placements, with fees of between €3,000 and €7,500;
- the vast majority of these students are women and their exploitation is also a reflection of gender inequality;
- these students utterly refute the recent claim by the Minister for Health that his refusal to pay them for their placement work is in order to ‘protect their education’;
- student nurses and midwives assert their education has never been protected while on placement because of the burden of essential nursing and care work, alongside academic work, while simultaneously needing to do other jobs to survive financially;
- during the Covid-19 pandemic, the opportunity to work in other jobs to earn income and generally survive has been largely cut off because of the risk of bringing Covid-19 infection in or out of their hospital placement;
- the health services across the country have faced huge difficulties in recruiting and retaining staff for many years, due to the chaos and under-resourcing across the health service, the low pay and the long hours of work;
- many nurses, midwives and doctors emigrate to Australia and other countries, where the pay is higher, and conditions are more favourable; and
- a survey in 2018 showed that, 71 per cent of 4th year student nurses and midwives were considering leaving the country, 79 per cent of them identified increases in pay and improvements in staffing and working conditions as the required incentives to retain nurses and midwives in the public services, and 76 per cent of them found that staffing levels are not adequate to support the learning of student nurses and midwives

in the clinical setting; and

calls on the Government to:

- immediately reinstate the payment of student nurses and midwives who are in placements during the Covid-19 pandemic at the HCA rate;
- urgently engage with student nurses and midwives and their union representatives to establish a bursary or payment system that will fully acknowledge the work they do in our health service and will cover the costs of travel and accommodation for the length of their placements;
- abolish all fees for students who are training to work on the frontline of the health service in order to stem the ‘brain drain’, and allow the Health Service Executive to recruit a sufficient number of staff to run our health service at safe and adequately staffed levels; and
- ensure parity of pay, conditions and esteem for nurses and midwives with all other paramedical graduates, including the 37-hour week.” — *Richard Boyd Barrett, Mick Barry, Gino Kenny, Paul Murphy, Brid Smith.*

[1 December, 2020]

Leasú:

Amendment:

1. To delete all words after “Dáil Éireann” and substitute the following:

“notes:

- the exceptional contribution that nurses and midwives, including students, have made to the Covid-19 pandemic response;
- that this was particularly important during the first wave of Covid-19 due to the high number of hospitalisations and workforce pressures;
- the associated move to temporarily suspend clinical placements with students becoming healthcare assistants and paid accordingly;
- the difference at the present time with lower hospitalisations coupled with a larger workforce allowing for the protection of educational clinical placements;
- recent positive developments for the nursing and midwifery professions, including:
 - safe staffing framework;
 - enhanced nurse/midwife role;
 - review of placement allowances and stakeholder engagement;
 - specialist practice roles;
 - advanced practice;
 - Expert Review Body of Nursing and Midwifery; and
 - national foundation education programmes for graduates;
- the importance of continuing to protect undergraduate clinical placements;
- the existing supports for student nurses and midwives on clinical placements, including:
 - clinical placement allowance for accommodation of €50.79 per week of placement;

- reimbursement of additional travel costs for placements;
- Clinical Placement Coordinators at Clinical Nurse Manager 2 level (senior grade) with ratios of 1:30 in respect of student nurses and 1:15 in respect of student midwives;
- student allocations officers in all clinical sites;
- trained preceptors on all clinical placements (one per student);
- a 36-week paid internship placement in 4th year, paid at the approved rate, that is €22,229 on an annual basis for psychiatric nursing specialism and €21,749 for all other nursing disciplines and midwifery; and
- four hours per week protected for reflection on practice; and
- the progress for student nurses and midwives on additional supports due to Covid-19, including:
 - payment of the Covid-19 Pandemic Unemployment Payment for those working in the health sector who may have lost their employment as a result of Covid-19, including students in these circumstances;
 - occupational health supports equal to those for employees/qualified staff;
 - weekly oversight, at senior multi-stakeholder level, of clinical placements and any challenges arising;
 - a review of placement allowances, inclusive of independent appraisal and stakeholder engagement;
 - commitment to early agreement on any potential changes to allowances; and
 - new opportunities for students to achieve learning outcomes across a variety of settings, including remote environments and telehealth.” — *An tAire Sláinte*.

**SCRÍBHINNÍ A LEAGADH FAOI BHRÁID NA dTITHE
DOCUMENTS LAID BEFORE THE HOUSES¹**

| <i>Reachtúil</i> | <i>Statutory</i> |
|---|--|
| <i>Tairiscint Ceadaithe ag Teastáil</i> | <i>Requiring Motion of Approval</i> |
| Níl aon scríbhinn á leagan faoin gCatagóir seo | None |
| <i>In-neamhnithe le Tairiscint</i> | <i>Open to Motion to Annul</i> |
| Na Rialacháin Leasa Shóisialaigh (Forálacha Sealadacha), 2020 (I.R. Uimh. 557 de 2020). | Social Welfare (Temporary Provisions) Regulations 2020 (S.I. No. 557 of 2020). |

¹ I gcás nach leagtar scríbhinn ach faoi bhráid aon Teach amháin, cuirfear (D) – Dáil nó (S) – Seanad ina diaidh dá réir sin.

Where a document is laid before one House only it will be appended with (D) – Dáil or (S) – Seanad accordingly.

Na Rialacháin um an Acht Sláinte, 1947 (Alt 31A - Srianata Sealadacha) (Covid-19) (Uimh. 9), 2020 (I.R. Uimh. 560 de 2020).

Na Rialacháin um an Acht Sláinte, 1947 (Alt 31A(6A)) (Covid-19) (Uimh. 5), 2020 (I.R. Uimh. 561 de 2020).

Na Rialacháin um an Acht Sláinte, 1947 (Fógra Íocaíochta Seasta agus Forálacha maidir le hÓcáidí i dTeaghaisí) (Covid-19) (Leasú), 2020 (I.R. Uimh. 562 de 2020).

An tOrdú Turasoíreachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán (Feidhmeanna Aire a Tharmligean), 2020 (I.R. Uimh. 547 de 2020).

An tOrdú Turasoíreachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán (Feidhmeanna Aire a Tharmligean) (Uimh. 2), 2020 (I.R. Uimh. 548 de 2020).

Eile

An tÚdarás Náisiúnta Míchumais. An Tuarascáil Bhliantúil, 2019.

Oifig an Ombudsman do Leanáí. Na Ráitís Airgeadais don bhliain dar chríoch an 31 Nollaig 2019.

An Bord Bia. An Tuarascáil Bhliantúil agus na Cuntais, 2019.

Tithe an Oireachtais. An Comhchoiste um Ghnóthaí an Aontais Eorpaigh. An Tuarascáil Bhliantúil ar oibriú Acht an Aontais Eorpaigh (Grinnscrúdú), 2002, 1 Eanáir 2019 go 31 Nollaig 2019. Samhain 2020.

Neamhreachtúil

An Conradh ar an Aontas Eorpach: Doiciméid a fuarthas de bhun an Phrótaicail maidir le ról Parlaimintí Náisiúnta san Aontas Eorpach, 14 Meán Fómhair - 20 Meán Fómhair 2020.

Tithe an Oireachtais. An Comhchoiste um Meáin, Turasoíreachta, Ealaíona, Cultúr, Spóirt agus Gaeltacht. An Clár Oibre, 2020/21, Samhain 2020.

Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (No. 9) Regulations 2020 (S.I. No. 560 of 2020).

Health Act 1947 (Section 31A(6A)) (Covid-19) (No. 5) Regulations 2020 (S.I. No. 561 of 2020).

Health Act 1947 (Fixed Payment Notice and Dwelling Event Provisions) (Covid-19) (Amendment) Regulations 2020 (S.I. No. 562 of 2020).

Tourism, Culture, Arts, Gaeltacht, Sport and Media (Delegation of Ministerial Functions) Order 2020 (S.I. No. 547 of 2020).

Tourism, Culture, Arts, Gaeltacht, Sport and Media (Delegation of Ministerial Functions) (No. 2) Order 2020 (S.I. No. 548 of 2020).

Other

National Disability Authority. Annual Report, 2019.

Ombudsman for Children's Office. Financial Statements for the year ended 31 December, 2019.

An Bord Bia. Annual Report and Accounts, 2019.

Houses of the Oireachtas. Joint Committee on European Union Affairs. Annual Report on the Operation of the European Union (Scrutiny) Act 2002, 1 January, 2019 to 31 December, 2019. November, 2020.

Non-Statutory

Treaty on European Union: Documents received pursuant to Protocol on the role of National Parliaments in the European Union, 14 September - 20 September, 2020.

Houses of the Oireachtas. Joint Committee on Media, Tourism, Arts, Culture, Sport and the Gaeltacht. Work Programme, 2020/21, November, 2020.

Rialacháin na gComhphobal Eorpach (Iarmhair Lotnaidicídí) (Leasú), 2020 (I.R. Uimh. 558 de 2020).

European Communities (Pesticide Residues) (Amendment) Regulations 2020 (S.I. No. 558 of 2020).

Dáil Éireann. An Séú Tuarascáil ón gCoiste Roghnóireachta. 26 Samhain 2020. (D)

Dáil Éireann. Sixth Report of the Committee of Selection. 26 November, 2020. (D)

An tÚdarás Náisiúnta Míchumais. Tuarascáil ar Chomhlíonadh Chuid 5 den Acht um Míchumas, 2005 do 2018.

National Disability Authority. Report on Compliance with Part 5 of the Disability Act 2005 for 2018.