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Casey faces calls to quit Áras race over 'racist' Traveller comments

Kevin Doyle
GROUP POLITICAL EDITOR

PRESIDENTIAL candidate Peter Casey is facing calls to pull out of the election after claiming Travellers should not be recognised as an ethnic minority because they are "basically people camping in someone else's land".

The businessman launched a lengthy attack on the Traveller community, arguing: "They are not paying their fair share of taxes in society."

History was made last year when the Dáil gave formal recognition to Travellers as a distinct ethnic group within the State. However, Mr Casey said: "That's a load of nonsense.

They are not from Romany or whatever."

Mr Casey was speaking on Independent.ie's podcast 'The

 **Independent.ie:** Listen to Peter Casey's remarks on the Floating Voter podcast

Floating Voter'. When challenged on his views, Mr Casey doubled down, saying the arrival of Travellers "devastates the prices of the houses". "Let's call a spade a spade. "Your house price doesn't start going through the roof as soon as you get two dozen Travellers moving in down the street from you," he said.

Mr Casey cited an ongoing dispute in Tipperary where six homes are empty in a €1.7m development because families living on an unauthorised site nearby want stables for horses. The comments were described by Pavee Point as "grossly insulting and offensive".

David Joyce, a member of

the Travelling community and the Irish Human Rights and Equality Commission, said: "He should withdraw from the campaign. He's shown he's not fit to represent all the people of Ireland. This man is a racist. He is scapegoating my community."

Full story, Pages 12-13

Lifeline for May of more time to make Border deal

Kevin Doyle
and **Cormac McQuinn**

THE EU is open to the idea of allowing Britain to leave the bloc over a longer period of time in return for agreeing to prevent a hard Border.

Ahead of a crucial summit of European leaders today, EU Brexit negotiator Michel Barnier has offered a new proposal to break the deadlock.

The proposal on the table is an extension by a year of

the 'transition period', during which Britain will still operate within EU rules.

The arrangement is currently due to run for 21 months, up to December 2020.

Such a move allows more time for Britain and the EU to sort out a new trade relationship, including a permanent way of avoiding a hard Border.

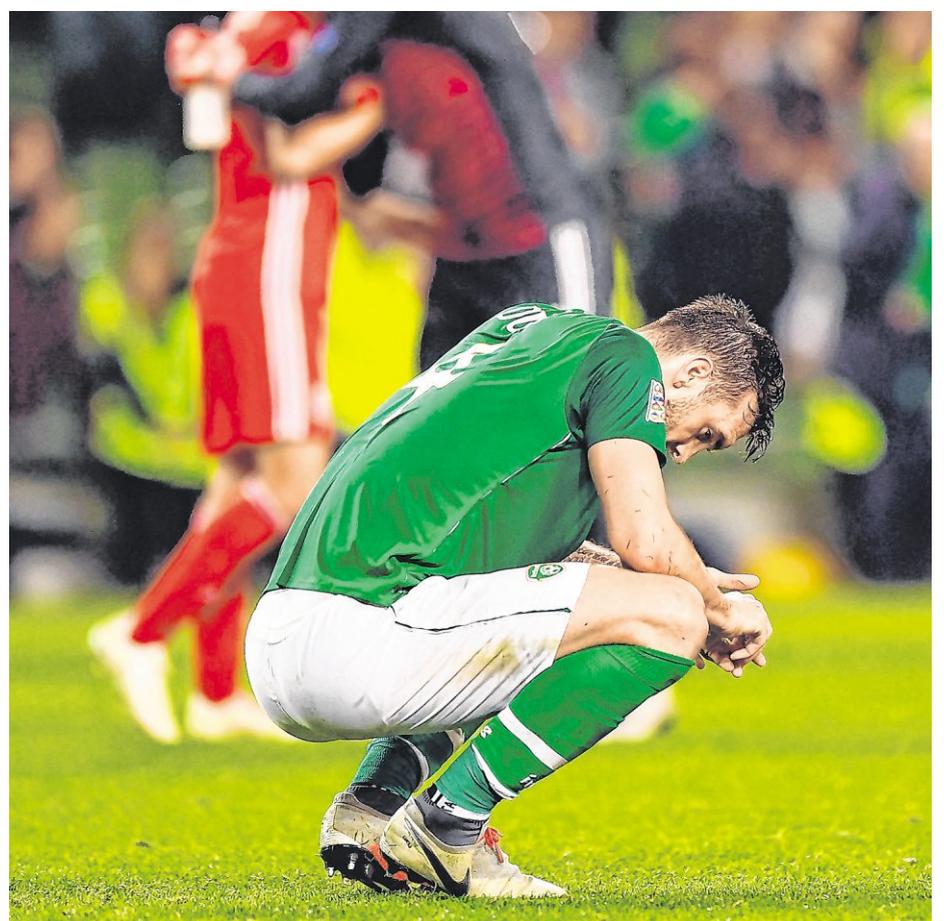
In return for the extension the EU wants the UK to sign-up to a legally binding 'backstop' that will keep North-

ern Ireland inside the customs union unless and until the Border question is resolved.

To avoid creating a border down the Irish Sea, UK Prime Minister Theresa May has suggested keeping all of Britain inside the customs union for a limited time.

The EU is open to this idea but says there can be no specific end date for Northern Ireland.

Full coverage, Pages 4-5



Down and out: Welsh loss leaves Ireland on brink

Shattered: Ireland's Shane Duffy falls to the turf after Ireland's defeat to Wales in the Nations League in the Aviva Stadium in Dublin last night. The defeat leaves Ireland facing relegation to League C of the competition and will increase pressure on manager Martin O'Neill. **See Sport**

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Casey sparks outrage with his 'racist' remarks on Travellers

Kevin Doyle and Shane Phelan

PRESIDENTIAL candidate Peter Casey is facing calls to pull out of the race after claiming Travellers should not be recognised as an ethnic minority because they are "basically people camping in someone else's land".

The businessman launched a lengthy attack on the community, arguing: "They are not paying their fair share of taxes in society."

History was made last year when the Dáil gave formal recognition to Travellers as a distinct ethnic group within the State.

However, Mr Casey said: "That's a load of nonsense. They are not from Romany or whatever."

When challenged about his views on Independent.ie's



'Racism': David Joyce of Human Rights and Equality Commission

podcast 'The Floating Voter', Mr Casey doubled down, saying the arrival of Travellers in an area "devastates the prices of the houses".

"Let's call a spade a spade. Your house price doesn't start going through the roof as soon as you get two dozen Travellers moving in down the street from you," he said.

He cited an ongoing dispute in Tipperary where six homes are empty in a €1.7m development because families living on an unauthorised site nearby want stables for horses.

"I'm sorry, there's something seriously wrong with society when we're at that stage," Mr Casey said.

His comments were last night described by Pavee Point as "ill-informed, grossly insulting and offensive".

David Joyce, a member of the Travelling community and the Irish Human Rights and Equality Commission, told the *Irish Independent*: "He should withdraw from the campaign. He's shown he's not fit to represent all the people of Ireland. This man is a racist. He is scapegoating my community." Mr Joyce, who is also a solicitor,

added: "I don't think any presidential campaign in the past has ever stooped to this level of blatant racism." He said the candidate's views were "founded on ignorance, prejudice and pure racism".

Independent.ie: Listen to Peter Casey's remarks on the Floating Voter podcast

"The notion that we all live in caravans and pull up on people's land is rubbish," he said.

Martin Collins, co-director of Pavee Point Traveller and Roma Centre, said: "These comments put his presidential campaign on the same level as a local election where people play the nimby card to gain votes, as we have seen so often in the past."

"This potentially can feed into racist stereotypes and it is reckless and irresponsible and certainly not befitting anyone standing to be president for all the people of Ireland."

Mr Collins said Mr Casey's input had helped to "belittle the lived experience of Travellers in terms of racism and exclusion".

The interview was described as "very concerning" by Shane O'Curry, director of the European Network Against Racism, which has 87 member organisations in Ireland.

"I am shocked at the ignorance of his comments. They show that Peter Casey is as ignorant as he is inept at politicking," he said.

"His comments about Traveller ethnicity fly in the face of academic consensus and what Travellers say themselves. It betrays a gross misunderstanding of what it is to be an ethnic minority, as well as a gross misunderstanding of what life is like in Ireland for ethnic minorities."

"The purpose of recognising Traveller ethnicity is to renegotiate the relationship between society and Travellers so that we can value Travellers' contribution to society more."

"Peter Casey's comments have a devastating effect. Let's not forget that when politicians have made comments like those before they have resulted in violence and intimidation against Travellers."

But world champion uilleann piper Eamonn Walsh was running late and most of the pub seemed to be filled with Welsh football fans having pre-lunchtime pints.

"Who is she?" asked one, with curiosity. "Has she a chance?" Good question.

Liadh and her supporters stayed a moment and then set off towards Grafton Street at a pace.

It was almost as if the presidential candidate was keen to put the previous night's televised debate behind her.

The Sinn Féin candidate was the first to speak in the first televised debate of this odd little

presidential election. She was strong and assured, she was a little charismatic.

There was even an historic landmark moment when she said that she would wear the poppy.

So far, so impressive. Or at least, in terms of this election campaign, it was.

And then she slipped and plunged into that yawning black hole.

Dissing the sisterhood is never pretty - and Liadh's snide comment about not having a wealthy ex-boyfriend like Joan Freeman to fund her

Casey: 'I don't believe Travellers

Presidential candidate Peter Casey joined Kevin Doyle on 'The Floating Voter' podcast to discuss his Áras ambitions. He now faces a backlash over this exchange

PETER Casey was asked how his view that it's easy to become rich in Ireland sits with voters at a time that other candidates are talking about homelessness.

Peter Casey: You've got people turning down houses because it's not where they want to live, it's not what they want. I'm sorry, if you're being offered a free house you should take it.

And then you've got this ridiculous situation down in Tipperary. The poor council, or people of Tipperary, paid €1.7m to build six luxurious houses. We're talking state of the art, solar panels, amazing finishes inside houses for the Travellers. And they won't move in because they want stables for their horses. I mean how ridiculous have we become as a society where they are turning down beautiful, four-bedroom houses because they're blackmailing the county council into giving them stables for their horses?

I'm sorry, there's something seriously wrong with society.

Kevin Doyle: That will resonate with some people but it will irk others. Is that the sort of statement you could make as president?

PC: I think the president can't make statements contrary to government policy. Obviously when I am president I will not be making any statements contrary to government policy. I've got about seven or eight days to knock myself out here. I don't believe that Travellers should be given special status. Why should they be given status over and above yourself or myself?

PC: They get education. They get support. They are not paying their fair share of taxes in society. They live, by and large it's acknowledged, outside of society. That's why they get their status.

But do they put in their tax returns? Do they pay their taxes? Obviously they have to pay VAT when they buy stuff

KD: They are seen as a minority ethnicity. **PC:** That's a load of nonsense. They are not from Romany or whatever. They are basically people that are camping in other people's land. Imagine the poor farmer whose land they camped on. Who'd buy the land from him?

The neighbours in the houses all around. Do you think this is great for my property value that I've now got three dozen caravans down the road? That's just wrong. Somebody needs to sit up and say this is nonsense. We have given them luxurious houses and they are turning them down because they want stables.

But they know nobody else will move into the house. Could you imagine the brave person from Dublin that would say 'oh I'd love a four-bedroom house with solar panels and beautifully kitted-out kitchens'? Do you think they'd move in past the Travellers that are sitting out there waiting, watching them move in? Not going to happen. They are afraid of them.

KD: I have to put it to you that that kind of statement is one that will make people worry about electing you. Travellers have been fighting for rights in this country for generations, be that in the area of education or housing or other supports.

Casey: 'They are not paying their fair share of taxes'

but you know I think it's just wrong. **KD:** It's a very broad statement, though. You can't just say all Travellers don't pay taxes.

PC: Well I'm just saying the general perception is ... I'll ask you a question. Where do you live, Kevin?

KD: Where do I live? I live in Dublin.

PC: You live in Dublin, right. **KD:** I don't like where this is going. I'll give you a little bit of leeway, but I ask the questions.

Casey: 'They are not paying their fair share of taxes'

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PC: You live in Dublin, right. **KD:** I don't like where this is going. I'll give you a little bit of leeway, but I ask the questions.

'Nonsense': Peter Casey was forthright in his views on Travellers. PHOTO: MARK CONDREN



Ní Riada strikes a chord on streets, but slipping

Nicola Anderson



THE daughter of composer Seán Ó Riada, Liadh Ní Riada was taken to Grogan's pub on South William Street in Dublin where 'Mise Éire', her father's great work, was supposed to be played.

But world champion uilleann piper Eamonn Walsh was run-

ning late and most of the pub seemed to be filled with Welsh football fans having pre-lunchtime pints.

"Who is she?" asked one, with curiosity. "Has she a chance?" Good question.

Liadh and her supporters stayed a moment and then set off towards Grafton Street at a pace.

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Dissing the sisterhood is never pretty - and Liadh's snide comment about not having a wealthy ex-boyfriend like Joan Freeman to fund her

campaign only gained her a chorus of eyes being cast up to heaven. The MEP realised this. But it was too late.

"Oh. Do you know, hands up on that - it was never my intention to do that," she admitted of her remarks, as she hit the streets of Dublin for a canvass.

"I think it's awful that there's only two women in this race and so it wasn't intentional in any sense. Sometimes when you're in these hothouse debates, you say things..."

She apologised afterwards and Joan understood.

should be given any special status'



PC: OK, fair enough. Would you be quite happy if two dozen caravans with Travellers pulled up 400 or 500 yards from your house? Would you?
KD: I don't think they'd fit on the road by my house. But no, look, I accept that many communities have a problem when people pull up and move in and have caravans and whatever might come with that for a community ...
PC: It devastates the prices of the houses in the areas that they do. Let's call a spade

a spade. Your house price doesn't start going through the roof as soon as you get two dozen Travellers moving in down the street from you.
Laura Larkin: Just to point out that all your comments are coming against a background, as Kevin said, where Travellers have fought for rights in this country for a long time. Last week we saw research about discrimination by teachers against Travellers in schools, we see evidence that they feel locked out of the jobs

market because they feel discriminated against. Every so often we see villages shutting down if there is a funeral or a wedding.
 That discrimination is still very much alive and well. I think we need to point out your comments are coming against that backdrop.
 Do you think you're paying enough attention to those factors?
PC: I think that's just a load of nonsense, what you just said, with all respect. Seriously. Why would villages close

down? They are given free education, free healthcare. Down in Tipperary, they've given them electricity. They got everything there for them. They are now giving them six beautiful houses that cost the people of Tipperary €1.7m. That doesn't include the cost of the land.
 They are refusing to move into the houses because they want stables for their horses. We've just lost it. I honestly just don't understand how anybody can justify that they deserve special treatment.

into that yawning black hole won't have helped

But that wasn't quite the end of the cattiness.

"I can only commend the



Cattiness: Liadh Ní Riada had a pop at Joan Freeman in the TV debate

work that Joan does for Pieta House," continued Liadh.
 "I think the presidency is about broader issues – about a huge range of issues including mental health... but I'm delighted there's at least

another woman in the race."
 Veiled cattiness is perhaps even worse than the regular kind. She explained about the poppy and why she might be willing to wear one on Armistice Day. "As a republican woman, it's something that I would have an internal struggle with," she admitted.
 But as a conciliatory gesture towards unionists, she believes it would show them that they have nothing to fear.
 She raised some eyebrows when she spoke on radio that morning about a '€60,000 average wage'.

Here, she clarified that she had been actually talking about the average MEP wage – rather than the real 'average wage'.
 Back on the streets, Liadh received a relatively warm welcome.
 Judith Spring, from Dublin, said she was impressed by her because she feels it is now the right time to start talking about a united Ireland – and nobody else seems to be doing it. She had watched the TV debate but found it "staged" and "cringey". But she thinks she might vote for Liadh because of "the pedigree".

Paddy Mulligan, from Cavan, thought she performed well in the debate.
 "She has my vote," he said.
 Outside a clothes store, Eamonn Walsh had caught up with the entourage and finally struck up with a few bars from 'Mise Éire'.
 Liadh, whose father died when she was just four, gazed downwards as he played.
 And then she had a go herself, arranging the pipes around her and managing an unmusical toot. "It's a lot to be managing, isn't it?" she said, in some surprise.

ANALYSIS

Laura Larkin



Women should not be shamed about 'disloyalty to sisterhood'

IT WAS uncomfortable to watch Liadh Ní Riada take an unexpected swipe at Joan Freeman over "whatever relationship you had with this guy", referring to the millionaire businessman who has loaned her €120,000 for her campaign.

The exchange was one of the few standout moments of the 'Claire Byrne Live' debate, which was later described by one of the candidates as "boring".

Ms Freeman described it as "below the belt" and said it was "unnecessary" before going on to point out that her husband of many years was in the audience.

There have been more than a few cringe-inducing moments to date in the presidential campaign, but that one felt different.

The campaign has not been without personal attacks (especially on the first dogs).

This one felt different because it was woman on woman and it was about a man.

It felt disloyal to the sisterhood. It felt, not to put too fine a point on it, 'bitchy'.

Ms Ní Riada said she didn't mean anything by it and has apologised fully in the interim, telling the *Irish Independent*: "Hands up on that. It was never my intention to do that. I think it's awful that there are only two women in this [election], so it wasn't intentional in any sense."

But had the male candidates present had a similar exchange would it have elicited the same response?

There has been a lot of talk throughout this campaign about promoting women in politics (more from the male candidates than the female challengers, it has to be said), but maybe we should be talking about what it means to have more women in public life.

Does it mean that the nature of public debate will change? Probably. We've seen female TDs talk about the aggressive culture in Leinster House which serves nobody, least of all the public.

It would be a refreshing departure to think that debate could become more centred on policy and less on politics. Nowhere is the focus on personality politics more evident than during the presidential campaign.

A change in discourse is the likely change of having more women in office at all levels of Irish politics.

But that's a standard that should be set for all people in public life and it should be a steady bar for everyone.

It's unfair to have multiple sets of standards for females in public life; we want them to be visible and credible and able for the debate but we also want them to toe the line of an unwritten solidarity if they are facing off against a woman.

Would we expect a man to behave differently towards a political rival simply because they are a man? Your answer should tell you all you need to know about double standards.

Personal attacks have no place in a debate between candidates looking to prove themselves worthy as a President of Ireland. It wasn't becoming but it wasn't any worse coming from Liadh Ní Riada than it would have been coming from the male candidates.



News

Young spend one-third of their income on housing 18



Rúaidhrí O'Connor:
Carbery growing into a genuine rival to Sexton

+ WIN tickets to Ireland v England – See Sport

Clodagh McKenna's
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Lifestyle



Border checks on trade to follow no-deal – Coveney

Humiliated:
May's Brexit deal crushed in crucial vote

Kevin Doyle and Philip Ryan

TÁNAISTE Simon Coveney has admitted checks on goods moving between the UK and Ireland will be necessary in the event of a no-deal Brexit.

In a private conversation caught on tape, Mr Coveney indicated ministers should not talk about the checks publicly for fear of a backlash.

The admission came as Brit-

What next?: News, comment and analysis in the wake of May's heavy defeat **p4-11**

ish Prime Minister Theresa May suffered a historic defeat in the House of Commons on her EU exit deal.

"It is clear the House does not support this deal, but tonight's vote tells us nothing about what it does support," the prime minister said.

She now faces a motion of no confidence in her government.

After Mrs May lost by 432 to 202, EU President Jean-Claude Juncker bluntly said the risk



Protest: Effigies of British Prime Minister Theresa May, former foreign secretary Boris Johnson, current Environment Secretary Michael Gove and former Brexit secretary David Davis are driven past Westminster in London yesterday. PHOTO: PA

of a hard Brexit had increased and "time is almost up".

However, during a private conversation with Transport Minister Shane Ross, the Tánaiste confirmed a form of checks will be introduced in a no-deal "but we can't get into

where they'll be at this stage".

"But once you start talking about checks anywhere near the Border, people will start delving into that and all of a sudden we'll be the Government that reintroduced a physical border on the island of

Ireland," he said. Mr Coveney added that the border checks "could be at sea".

The admission came after Mr Ross bungled a question from the *Irish Independent* on whether in a no-deal scenario a truck could travel from

Scotland to Northern Ireland and then on to the Republic without any checks.

Mr Coveney told this newspaper: "We are not planning to put checks on the Border."

Continued on page 4

Varadkar dines out on steak amid beef backlash

Cormac McQuinn

THE Taoiseach ate a "very nice Hereford steak" hours after he said he was cutting back on red meat, comments that have caused an angry backlash.

Leo Varadkar has been accused of being "reckless" and "flippant" after he revealed he was reducing his meat consumption for health reasons and to decrease his carbon footprint.

Farming groups and Opposition TDs have reacted furiously to his comments at a Fine Gael party think-in. However, during heated exchanges in the Dáil, Mr Varadkar insisted: "I was specifically asked what I was doing on climate change and I said that I was trying to eat less red meat – not giving it up."

"I had a very nice Hereford steak last night."

The *Irish Independent* understands Mr Varadkar took Fine Gael colleagues to an upmarket Dublin restaurant specialising in steaks that evening.

Full report: page 2

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"Mrs May will now be able to demonstrate to the Brussels negotiators that changes are required if any deal is to command the support of Parliament. We will work with the Government constructively to achieve a better deal."

She added that while some "may wish to use this defeat to boost their political ambitions, we will give the Government the space to set out a plan to secure a better deal".

However, the Northern poli-

tician cautioned that "reassurances, whether in the form of letters or warm words, will not be enough".

Former foreign secretary and hardline Brexiteers Boris Johnson and Jacob Rees-Mogg both indicated they will also support the Government.

The EU said the Brexit deal remained the best and only way to ensure an orderly withdrawal.

EU Commission President Jean-Claude Juncker said it

'Mrs May will be able to show Brussels change is needed'

would intensify preparations for a no-deal Brexit.

"The risk of a disorderly withdrawal of the United Kingdom has increased with this evening's vote," he said.

Donald Tusk, the chairman of EU leaders, suggested Britain should now consider reversing Brexit. "If a deal is impossible, and no one wants no deal, then who will finally have the courage to say what the only positive solution is?" he tweeted.

as Ross ventures off the Brexit script

if a truck left Scotland and travelled by boat to Larne in Northern Ireland, could it then move south as is currently the case without any checks.

"I would anticipate that there would be checks," Mr Ross said before being cut off by the Tánaiste.

Later, the Transport Minister was asked by the 'Financial Times' whether a motorist travelling from Co Donegal to Co Derry would continue to be insured once they crossed into the North.

"Can I come back to you on

that?" Mr Ross responded, before whispering to Mr Coveney "the answer to that is 'yes', isn't it?"

"Probably, depending on where they get their insurance," the Tánaiste told him before explaining that such a scenario will be dealt with in emergency legislation being worked on by the Government.

Given how carefully Mr Coveney and Taoiseach Leo Varadkar have worked to control the Brexit narrative, they are likely to feel sore about the performance by

'Can I come back to you on that?'

their Independent colleague.

Further explanation will now have to be provided as to what exactly the Government's thinking is on a Border, be that in the Irish Sea, at UK ports or on the island of Ireland.

Elsewhere during the press briefing, Mr Coveney hit out at those who "wish things away" but can't provide "any kind of convincing explanation for how you avoid Border infrastructure without regulatory alignment".

No doubt, he wishes Mr Ross's contribution away.

Border checks on trade will follow 'no deal', says Coveney

Kevin Doyle and Laura Larkin

TÁNAISTE Simon Coveney has admitted checks on goods moving between the UK and Ireland will be necessary in the event of a no-deal Brexit.

However, in a private conversation with his Cabinet colleague Shane Ross, Mr Coveney indicated they should not talk about the possibility publicly.

During the discussion, caught on tape after a press briefing, the Tánaiste confirms that some form of checks will be introduced "but we can't get into where they'll be at this stage".

He added they "could be at sea", something that would be vehemently opposed by the Democratic Unionist Party.

The admission came after the Transport Minister bungled a question from a journalist on whether in a no-deal scenario a truck could travel from Scotland to Northern Ireland and then on to the Republic without any checks.

"I would anticipate that there would be checks," Mr Ross said, before being interrupted by the Tánaiste.

Mr Coveney told reporters the question was another way of asking "if there are contingency plans for a Border on the island of Ireland".

"Let me just be very clear, we have made it very clear that the way to deal with the Border issue is what has been agreed after two years of trying to find the most sensible way of doing this," he said.

After the hour-long briefing, Mr Ross turned to his colleague and asked: "The Border one. Should I not have said that?"

In response, Mr Coveney said: "Yes, but we can't get into where they'll be at this stage."

He goes on to say that "once

you start talking about checks" people will "start delving into that".

The Government has repeatedly sought to play down EU rules which indicate it would be our responsibility to protect the single market when Ireland becomes a land frontier for the EU post-Brexit.

Publicly, the Tánaiste confirmed a new side deal between Ireland and the UK – involving several agreements – has been hammered out in order to maintain the common travel area (CTA).

The CTA allows free movement of citizens between the two countries and provides for social protection and the ability of students to study in both Ireland and the UK.

Mr Coveney confirmed deals have been reached on education, social protection and healthcare, with all "ready to go" as part of a bilateral deal between the two countries. This will ensure the benefits of the current arrangement are maintained "deal or no deal", the Tánaiste said.

Legislative plans for a no-deal Brexit have also been fleshed out with a Brexit 'megabill' covering 17 areas across various departments – including healthcare, taxation and energy – will be published at the end of February.

Some of the areas it will include are ensuring financial support for students studying in the UK, while another more procedural area will be ensuring UK driving licences are recognised here.

The Government has outlined a very tight time-frame in which to get the bill pushed through the Houses of the Oireachtas.

Mr Coveney said he expects co-operation from the Opposition to get the bill through but conceded it would "test politics here".



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Focus now for UK must be on avoiding no-deal crash-out
31

Admission:
Tánaiste Simon Coveney was taped saying border checks would be necessary





Brexit

Countdown to chaos

Relying on Shane to soothe Brexit fears should come with a major health warning

Kevin Doyle

GROUP POLITICAL EDITOR



SOMETHING very worrying has happened and it's difficult to know which of the two possibilities is worse.

Either some form of Border checks is inevitable in the wake of a no-deal Brexit, or at this late stage in the game a minister central to the process still doesn't understand the much eulogised 'backstop'.

The impact of a hard Brexit on the transport sector has the potential to be devastating. Air travel, shipping and road haulage all face severe challenges.

Therefore, as we careen towards a worst case scenario, the role of Transport Minister Shane Ross in the process can only increase.

Yet when he appeared alongside Tánaiste Simon Coveney and Health Minister Simon Harris to reassure the nation, he appeared to be in another world.



Shane Ross: Many in Fine Gael doubt his ability to handle a major crisis

Mr Coveney attempted to mop up the mess yesterday as he claimed a private conversation they had about Border checks related to the backstop. Apparently, the least worst explanation was the terrifying idea that he had to explain the central pillar of the deal to his colleague.

In reality though, the question put to Mr Ross during the press conference related to a no-deal scenario.

He was asked if a truck came from Scotland to Antrim by boat, could it then drive straight to the Republic without any checks.

"I would anticipate that there would be checks," Mr Ross said, before being cut off by the Tánaiste, who insisted there is no secret plan for Border controls on this island.

Afterwards, he told Mr Ross: "Once you start talking about checks anywhere

near the Border, people will start delving into that and all of a sudden we'll be the Government that reintroduced a physical Border on the island of Ireland."

The transport boss replied: "Yeah, but I didn't know what to say."

Fianna Fáil leader Micheál Martin summed up the exchange by saying it "suggests the public are not being told the full truth for party political reasons".

"It is like the episode from 'Fawlty Towers', 'Whatever you do, don't mention the war,'" Mr Martin told the Dáil.

However, the public concern should run much deeper than the confusion between ministers.

Mr Ross was asked a string of other questions during the briefing and routinely failed to provide adequate answers.

Have Irish authorities any plans to do trial runs at Dublin Port based on possible checks to see how it impacts on traffic in the area?

"There is an interdepartmental body which is considering all eventualities and I would be amazed if it hasn't considered that as a possibility."

On alternatives to the landbridge, which sees Irish trucks use the UK as a route to mainland Europe, he said direct sea routes from Dublin and Rosslare to France are the priority. But then he admitted there "hasn't as yet seemed to be a great deal of appetite for that switch".

Mr Ross was asked if he had a list of products with limited shelf lives. "We just don't know exactly the answer to that question which is why we are looking at the alternatives," he answered.

It's no secret that many in Fine Gael doubt Mr Ross's ability to handle a major crisis - but he has to get on top of it.

Otherwise he'll end up like Basil Fawlty when asked by a guest if he knew anywhere that served French food.

"Yes, France, I believe," was the response.

FG ministers 'shocked' by Ross's gaffe over Border

Taoiseach admits checks will be hard to avoid in no-deal scenario

Kevin Doyle
GROUP POLITICAL EDITOR

TRANSPORT Minister Shane Ross has been described as "an embarrassment" by Fine Gael colleagues who are fuming over his limited grasp of the Brexit crisis.

Cabinet members were unsparing in the commentary about the Independent Alliance TD after he appeared to suggest Border checks are inevitable if the Brexit deal collapses.

The breach of the long-running Government policy not to engage on questions about what will happen at the Border in a no-deal scenario has angered colleagues from Taoiseach Leo Varadkar down.

The *Irish Independent* revealed yesterday how Tánaiste Simon Coveney had to warn Mr Ross not to discuss the possibility of Border checks in public for fear "that all of a sudden we'll be the Government that reintroduced a physical border on the island of Ireland".

Details of the private conversation, caught on tape after a press briefing, were widely reported by UK and international media.

And in the Dáil, Fianna Fáil leader Micheál Martin said

the exchange was "deeply worrying because it suggests the public are not being told the full truth for party political reasons".

"This obviously was a conversation that was never meant to be public; the microphones were still on. However, it seems there is a private understanding and knowledge within Government about a Border in the aftermath of a no-deal Brexit but at all costs that private understanding must not be shared with the public," Mr Martin said.

"It is like the episode from 'Fawlty Towers', 'Whatever you do, don't mention the war', but somebody forgot to tell the minister, Deputy Ross."

Sinn Féin's Mary Lou McDonald said the Taoiseach had "skated" around the issue of what happens without the backstop.

"Is it not now time to say out loud that in the absence of a deal, there will be a hard Border and to reassert that this is an unacceptable, indeed, an unconscionable situation for us?" she asked.

Mr Varadkar subsequently conceded that without a deal "obviously we have a big problem" but insisted there are still no contingency plans for a hard Border.

Simon and Shane

Lost for words



'It's like 'Fawlty Towers' ...Don't mention the war'

He added: "To maintain the absence of a hard Border between Northern Ireland and Ireland, we have to have an agreement on customs and regulation."

The Taoiseach sought to defend Mr Coveney's comment, explaining that his "only concern" in answering questions on Border checks "is that if one uses the wrong words or says things in the wrong way, people will misinterpret that as though one has some sort of secret plan to impose a hard

Plans hatched to delay Brexit until

Continued from Page 1

Mr Varadkar again insisted yesterday that there is no "secret plan" to impose a hard Border.

"This is a problem that began in Westminster with the referendum on Brexit. We found a solution: the Withdrawal Agreement negotiated over several months and agreed by 28 governments.

"Now Westminster has rejected that solution. Therefore the problem lies in Westminster," the Taoiseach said.

He welcomed Mrs May's move to try to break the deadlock in the House of Commons by meeting with other party leaders.

But her olive branch was last night rejected by Labour's Jeremy Corbyn who refused to have substantive talks the prime minister unless she took 'no deal' off the table.

"Before there can be any positive discussions about the way forward the government must remove clearly, once and for all, the prospect of the catastrophe of a no-deal Brexit from the EU and all the chaos that would come as a result of that," Mr Corbyn said.

A Downing Street spokesperson said Mrs May was not going to bow to the demand.

"The prime minister has been very clear that the British public voted to leave the European

Denial: Taoiseach Leo Varadkar insists there are no secret plans being held back.

Union. We want to leave with a deal, but she is determined to deliver on the verdict of the British public, and that is to leave the EU on March 29 this year," he said.

However, when asked about the idea of delaying Brexit one of Mrs May's closest allies, Pensions Minister Amber Rudd, last night told reporters nothing should be taken off the table.

There have been discussions at EU level about a possible three-month delay - but it is understood the legal implications of stalling the process until 2020 are now being investigated.

One hurdle to such a lengthy extension is that



Comment
May promised unity and stability but is delivering only turmoil
Jane Merrick
29

Tánaiste Simon Coveney and Minister Shane Ross were talking privately at the end of a press briefing without realising the microphone was still on:

“Yeah. The border one, should I not have said that?” *

“Yes, but we can’t get into where they’ll be at this stage. They could be in the sea, they could be... But once you start talking about checks anywhere near the border, people will start delving into that and all of a sudden we’ll be the government that reintroduced a physical border on the island of Ireland.”

“Yeah, but I didn’t know what to say.”

**This is a reference to a question Mr Ross was asked about whether a truck travelling from Scotland by boat to Larne could then proceed to the Republic without any checks. During the press briefing, he replied: “I would anticipate that there would be checks.”



Border between Northern Ireland and Ireland. We have no such secret plan”.

Privately, Fine Gael ministers blamed Mr Ross for not being on top of his brief.

One Cabinet member said they were “shell-shocked” at his performance, which was “embarrassing”.

A second Fine Gael minister said the Tánaiste had always made it clear that they were to be ultra-cautious when faced with Border questions.

“If you mention checks, you

play right into the hands of the Brexiteers,” the minister said.

Another party figure noted that appearing competent throughout the Brexit negotiations was key to Ireland’s success to date, adding that Mr Ross undermined that.

Despite the anger, there is no question of Mr Varadkar taking any action against Mr Ross due to the Independent Alliance’s central role in the minority Government.

The Taoiseach and Mr Coveney had a scheduled private

meeting with the four Alliance ministers on Tuesday night where the atmosphere was described as positive.

Meanwhile, Mr Varadkar also dismissed claims by DUP leader Arlene Foster that there was never a hard Border.

“I remember it well,” he said, adding: “There were customs checks.”

“I remember the 24-hour rule and I remember seeing soldiers and I never want to see any of those things ever again.”

EXPLAINER

How ‘backstop’ became Brexit’s sticking point

John Downing

THE 500km stretch from Dundalk to Derry becomes the only de facto land frontier between the EU and the UK after Brexit.

The border-free EU single market ended customs controls in January 1993. Ceasefires leading to the 1998 Good Friday Agreement ended security checks.

Brexit risks a return of customs controls, which could be a focus for violent attacks. The UK was originally determined to leave both the EU customs union and the single market. That would mean trade tariffs and product standard checks – a ‘hard Border’.

Brussels, London and Dublin agreed they did not want a hard Border. In December 2017, they agreed a formula now called ‘the backstop’ – in practice, the North stays in the customs union with no tariffs and would mimic EU single-market product standards, minimising checks.

The DUP, propping the minority UK government, objected to the North getting different Brexit terms. The arrangement was extended to all the UK as a temporary insurance policy, expiring when a long-term EU-UK trade deal is done.

Radical Brexiteers and pro-EU politicians objected, fearing it would leave the UK, in real terms, trapped inside the EU if they could not finalise a trade deal.

The EU has given assurances that this will not happen – but refused to fix a backstop end-date.

IN FRIDAY’S IRISH INDEPENDENT

Sleep like a baby

Property returns for 2019 with the best houses on the market and Eleanor Flegg says gender neutral colours and convertible furniture are the key to interior design in a nursery



Acting Queen

Paul Whittington assesses the performance of Saoirse Ronan in Mary Queen of Scots and Steve Carrell in Beautiful Boy



The price of silence

In Sport, how refusing to talk to the media could cost a GAA intercounty team €30,000 a year in lost commercial revenue



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Win a week at the Club La Santa fitness resort in Lanzarote, the world’s number one active holiday resort, plus return flights with Ryanair.



2020 as Brussels urges ‘red lines’ rethink

elections to the European Parliament are scheduled to take place in May.

As a member of the EU, the UK is currently entitled to 73 seats in the Parliament.

Northern Ireland’s DUP opposes the idea of an extension, with MP Nigel Dodds saying “it’s not in my view necessary because the EU can act when it wants to...”

The party’s 10 MPs, who support the minority government under a confidence and supply arrangement, proved crucial to Mrs May’s survival last night by margin of 325 to 306.

Had they abandoned Mrs May as a protest against the backstop, she would have lost the vote.

The prime minister met DUP leader Arlene Foster yesterday who described the talks as useful.

The party continues to insist that it will not support any deal which keeps Northern Ireland more closely aligned to EU customs rules than the rest of the UK.

During the meeting with the prime minister yesterday, DUP leader Arlene Foster made it clear that her party’s red lines remain in place.

“Lessons will need to be learned from the vote in Parliament,” Ms Foster said. “The issue of the backstop needs to be dealt and we will continue to work to that end.”

However, the EU’s chief

negotiator Michel Barnier firmly rejected the idea of backtracking on the Irish specific elements of the Withdrawal Agreement.

“The backstop which we agreed to with the UK must remain a backstop. It must remain a credible backstop,” he said.

Mr Barnier said he “profoundly” regretted the House of Commons vote to reject the Brexit deal and added it was now up to the British Government to say how it intended to proceed.

“An orderly withdrawal will remain our absolute priority in the coming weeks,” he told the European Parliament in Strasbourg.

He said there would be a “favourable response” from the EU side if Mrs May was prepared to re-think her negotiating “red lines” and seek a more “ambitious” deal with Brussels.

German Chancellor Angela Merkel also said she regretted the decision by British MPs to oppose the agreement.

She told reporters in Berlin that “we will of course do everything to find an orderly solution, but we are also prepared if there is no orderly solution”.

Ms Merkel said: “We still have time to negotiate, but we are now waiting to see what the British prime minister proposes.”



Editorial Comment
May fiasco shows we must be ready for a hard border
29



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Take a fresh look



Full Bloom

Weekend Magazine

Get your garden ready for summer



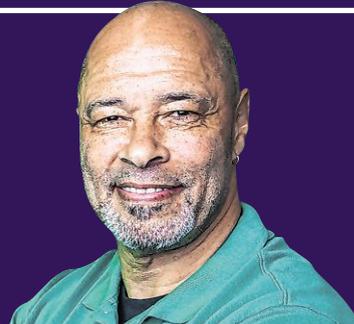
TV high-flyers who fell to Earth

See Page 10



McGrath's long road to contentment

Interview – Saturday Sport



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Green wave sweeps over council and Euro polls

Kevin Doyle
GROUP POLITICAL EDITOR

A 'GREEN wave' swept across the country to bring the party into contention for three European seats.

In a remarkable result, Eamon Ryan's Green Party also looks set to achieve an unprecedented support level in the local elections.

This will leave its representatives well-placed to control the balance of power in county councils where they will be able to influence decisions on transport and planning.

And if the result was to be repeated in a general election, the Greens would almost certainly have the option of being in the next government.

But the prospect of Fine Gael and Fianna Fáil collapsing the Government any time soon has receded because an RTÉ/TG4 Exit Poll shows they are tied on 23pc.

According to the poll, sitting Green Party councillor Ciaran Cuffe is on course to top the European poll in Dublin with 23pc.

Fine Gael should retain its four MEP seats with Mairead McGuinness the runaway favourite in Midlands North West and Sean Kelly on top in Ireland South.

Former Tánaiste Frances Fitzgerald is on course to finish second in the capital on 14pc. Deirdre Clune and Maria Walsh will both be in the hunt for the final seats in their constituencies. Fianna Fáil's Barry Andrews has a very strong chance of taking a seat in Dublin, as does Billy Kelleher in Ireland South.

But once again the party had a disastrous day out in Midlands North-West where Brendan Smith and Anne Rabbitte have a combined vote of just 9pc.

Continued on Page 6



Bailey ran 10km race three weeks after fall

Fine Gael TD Maria Bailey took part in a 10km run less than a month after falling from a swing at a Dublin hotel. Court papers describe her as a "keen runner prior to the accident but could not run at all for three months post-accident". Full report: pages 12-13

'Dangerous time' as May exit signals a hard Brexit

Kevin Doyle
GROUP POLITICAL EDITOR

THERESA MAY'S resignation as British prime minister has cleared the way for a hardline Brexiteer to take over in Downing Street.

The future of the backstop is expected to feature heavily in the race to replace Mrs May.

Contenders will offer up a series of extreme Brexit promises in order to gain power.

Taoiseach Leo Varadkar has described it as a "very dangerous" time for Ireland.

"In the next couple of months, we may see the election of a Eurosceptic prime minister who wants to repudiate the Withdrawal Agreement and go for a no-deal, or we may even see a new British government that wants a close relationship with the EU and goes for a second referendum," he said.

Mrs May's resignation was an admission there is no hope of getting the Withdrawal Agreement through the current House of Commons.

Multiple contenders are already jockeying to replace her in a contest that will see a new leader chosen by Conservative lawmakers and party members. The early frontrunner is Boris Johnson. Other contenders are likely to include Andrea Leadsom and Foreign Secretary Jeremy Hunt.

Full report and analysis: Pages 4-5

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Bailey took part in 10km race three weeks after falling off swing in hotel

Court papers say TD could not run at all for three months

Kevin Doyle and Shane Phelan

FINE Gael TD Maria Bailey took part in a 10km race three weeks after falling from a swing in a Dublin hotel.

The politician lodged a personal injuries claim on the basis that she suffered injuries to her head, lower back and hip after falling backward off the swing in the well-known Dean Hotel.

It is claimed Ms Bailey can no longer sit or stand for long periods without experiencing pain and discomfort as a result of the incident on July 10, 2015.

Eight days later she attended the Longitude music festival.

Court papers describe her as a "keen runner prior to the accident but could not run at all for three months post-accident and has had to reduce her activities significantly since".

Social media posts show that on August 3, she ran 'The Bay 10k' in Dún Laoghaire. She recorded a time of 53 minutes and 56 seconds, according to the Racetimer website.

"Always enjoy the race never fails to impress, and also never gets easy. A few hills at the start. Well done to all involved," she wrote on social media afterwards.

It has also emerged that the dates recorded in her court submission are inaccurate.

The papers indicate Ms Bailey was in the hotel with friends around 9pm on Monday, July 13, 2015.

Sources close to the TD say the incident actually took place on the previous Friday evening.

The following morning she woke up with severe back pain at 6.30am which prevented her from getting out of bed.

A doctor was called but was not able to attend and 45 minutes later Ms Bailey did "extricate herself" from bed with the assistance of her mother and medication.

The papers say she was "then taken to the A&E Department of the Beacon Hospital, Sandyford".

"The plaintiff was in severe pain. Her jaw was swollen and her bite was off line," her lawyers say, adding that she was "stiff and sore and had a severe headache".

Timeline: What Maria did in weeks after fall



Busy: Top, Bailey on Ireland AM; above, Bailey speaks at a migraine event; far right, running The Bay 10k; right, at Longitude

July 10: Maria Bailey falls off swing

July 11: Ms Bailey attends the Beacon Hospital

July 14: Ms Bailey appears on Ireland AM at 8.45am

July 15: She speaks at a migraine awareness event in Stillorgan

July 17: Ms Bailey speaks at a Women For Election event at Google

July 18: Posts Facebook picture at Longitude

July 29: Added to Fine Gael ticket for general election

August 3: Ms Bailey runs 'The Bay 10k' in 53 minutes

Ms Bailey made a number of public appearances in the days after receiving hospital treatment, including one on TV3's 'Ireland AM' programme to discuss her experience with migraines.

At 7.52am on July 14 she posted a message on social media publicising her appearance. Her appearance, alongside Dr Sinéad Beirne and host Alan Hughes, was at 8.45am. She discussed suffering from excruciating headaches before discovering that exercise could reduce the pain.

Ms Bailey also spoke at a number of other events, including a conference on migraines in south Dublin on July 15 and a Women For Election event and a gathering in Google on July 17.

The next day she attended

the Longitude music festival, according to a Facebook post from July 18.

It includes a photograph and caption saying the concert was "such a laugh, great event".

The then-councillor went on to be selected as a Fine Gael general election candidate on July 29.

Court papers note that she could not take time off work because she was running for election. Ms Bailey was elected as a TD in February 2016.

She has brought a lawsuit against the Dean Hotel in the Circuit Court where damages of up to €60,000 can be awarded. She alleges the hotel was negligent because the swing was "unsupervised" and there were no signs to instruct patrons how to use it safely.

Ms Bailey's lawyers say she sat on the swing and was

having her photograph taken by friends "when she was caused to fall backwards", suffering injuries to her head, lower back and hip.

Fine Gael did not respond to a request for comment last night.

However, sources have told the *Irish Independent* that senior figures within the party are unhappy with the unwelcome attention on the eve of the local and European elections.

The Dean Hotel denies negligence and says that if injury was suffered, this was due to Ms Bailey's own negligence or contributory negligence.

It claims she was holding items in both hands when she sat on the swing, restricting her ability to balance and preventing her from holding rope grips properly.

MARIA BAILEY'S POLITICAL CONNECTIONS

John Bailey



Maria Bailey's father, John Bailey, is a GAA activist and long-time councillor in Dún Laoghaire-Rathdown. He served as chairman of the Dublin GAA County Board for a decade. He has been a councillor since 2004, topping the poll in the Dún Laoghaire electoral area that year, and yesterday stood for re-election.

Josepha Madigan



Culture Minister Josepha Madigan was elected to the Dáil on the same day in February 2016 as Maria Bailey and they represent adjoining south Dublin constituencies. The Madigan law firm, in which Josepha Madigan, worked until 2017, is representing Ms Bailey in this case.

McKillen family

Shane Phelan



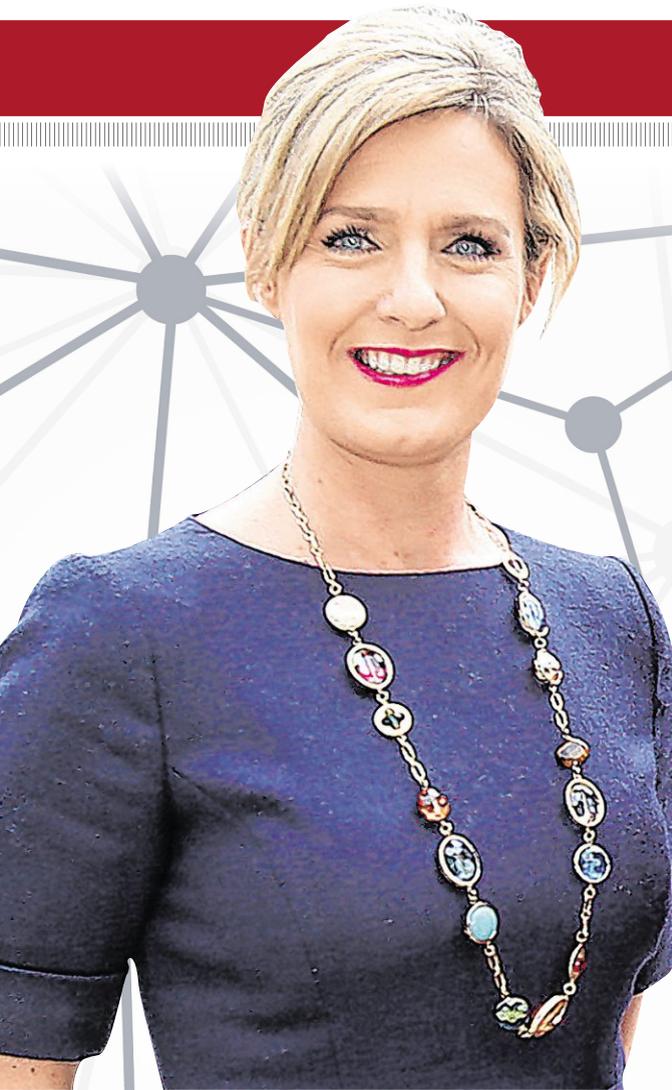
The hotel has filed a full defence and Bailey has to hand over medical records dating back as far as three years before the incident

ANYONE who knows even the slightest bit about the Irish business scene knows the McKillens are not the sort of people who are easily pushed around.

Belfast-born Paddy McKillen Snr built up an empire of commercial buildings, shopping centres and stores in the 1980s before setting his sights farther afield and growing an international property portfolio stretching from London to Tokyo.

He is considered hard-working and a tough negotiator, but with a low-key approach which for many years kept him out of the media spotlight. So much so that when he did hit the headlines as a result of a number of high-stakes legal battles, news outlets initially struggled to source a recent photograph of him.

Mr McKillen Snr faced down Nama in a landmark Supreme Court case in 2011 to prevent some €2.1bn in performing loans to companies he was associated with being transferred to the toxic loans agency.



Simon Coveney



Tánaiste Simon Coveney was supported by Ms Bailey in his unsuccessful leadership bid in May 2017. She was among the few Dublin FG parliamentarians to back him.

Kate O'Connell



Dublin South East TD Kate O'Connell is a friend of Ms Bailey's. They were both first elected to the Dáil in February 2016 and they both supported the leadership candidacy of Simon Coveney in 2017.

Simon Harris



Health Minister Simon Harris previously canvassed for Ms Bailey's father, Cllr John Bailey. Mr Harris is Maria Bailey's cousin.

formidable in business and courtroom

Then came a bitter battle with the billionaire Barclay brothers, Frederick and David, when they attempted a hostile takeover of the Maybourne Hotel Group in London, where Mr McKillen had a substantial stake.

After 11 court actions in the UK, the Barclays abandoned their takeover bid and sold out to Qatari investors allied to Mr McKillen Snr in 2015.

By the signs of things, his son, Paddy McKillen Jnr, is a chip off the old block. He is just as low-key as his father and in recent years he and his business partner Matt Ryan's hospitality group, Press Up Entertainment, has become a considerable force.

It now has more than 40 businesses and employs around 1,500 in Ireland.

One of these is a company called Holtend Limited, which hit the headlines this week after the *Irish Independent* revealed it was being sued by a Fine Gael TD.

The company, which trades as the Dean Hotel, a trendy establishment on Harcourt Street, is not rolling over in the face of the lawsuit from Maria Bailey, chairperson of the Oireachtas Housing Committee and a close ally of Tánaiste Simon Coveney.

She claims the hotel is liable for injuries she suffered to her head, back and hip after falling off a swing in the corridor outside its top-floor restaurant in 2015. Ms Bailey was having her photograph taken while on a night out with friends when the fall occurred.



Fighter:
Paddy McKillen set up an empire.
PHOTO: PA

An aspect of the case that has provoked much comment is a claim by the Dún Laoghaire TD that the hotel was negligent because the swing was "unsupervised" and there were no signs telling patrons how to use it safely.

The case was briefly mentioned in Dublin Circuit Civil Court this week where there was a motion for discovery on consent. The hotel has filed a full defence against the TD's claims and she has to hand over medical records dating back as far as three years before the incident.

It does not deny the swing was unsupervised.

But it says any injury that may have been suffered by the TD was down to her own negligence or contributory negligence.

The hotel claims she was holding items in both hands when she was sat on the swing, restricting her ability to balance and preventing her from holding rope grips properly. The day details of the case were revealed by the *Irish Independent*, Senator Michael McDowell, a barrister

and former justice minister, suggested in the Seanad that the Government's efforts to tackle claims culture could not be taken seriously when a Fine Gael TD is taking a case over falling off a swing.

"It does occur to me that we live in a strange world where civil liability can exist in such circumstances, but maybe we are only hearing a portion of the evidence," he said.

"It also occurs to me that if the Government is serious about driving down the claims culture, we cannot stand idly by when adults with two objects, one in each hand, lose their seat and fall off a swing and then claim that there should have been a supervisor looking after them, especially when it comes from somebody who has so much public influence and clear influence over Government policy in these matters."

Another interesting feature of the case is that the hotel offered to pay Ms Bailey's medical expenses, but when it sent her a cheque for €600, it was returned.

Ms Bailey is now suing not just for general damages, which can reach up to €60,000 in the circuit court, but also for special damages, which includes medical expenses.

The hotel is not commenting on the matter, but it is noteworthy that in an environment where many businesses resolve claims out of court to avoid potentially hefty legal bills, Mr McKillen Jnr's company is gearing up for a full court action.

Over 260 drivers caught speeding in Garda crackdown for Slow Down Day

Allison Bray and Callum Lavery

MORE than 260 drivers were caught speeding in only 12 hours yesterday.

Despite An Garda Síochána's National Slow Down Day, by 7pm last night 261 motorists were found to be breaking the limit, according to gardaí.

Between 7am and 7pm yesterday, speed cameras had monitored 172,406 vehicles nationwide.

In Dublin 4, a driver was found hurtling along the R118 Rock Road at almost twice the 50kmh limit.

Another driver was travelling at 81kmh in a 50kmh zone in Griffith Avenue while another was clocked at 137kmh on the M1 in Lusk, where the maximum speed is 120kmh.

Outside the capital, a motorist was caught driving at 154kmh in a 100kmh zone on the N20 in Cork.

In Ballina, Co Mayo, a driver was travelling at 143kmh in a 100kmh zone on the N26.

Gardaí mounting a checkpoint near Shankill also arrested a driver on suspicion of drug-driving on Ballyman Road. The driver's car was also seized. It was suspected the driver was uninsured.

The campaign ran from 7am yesterday until 7am today in a bid to reduce the carnage on our roads from excessive speed.

"The objective is to reduce the number of speed-related collisions, save lives and reduce injuries on our roads," said gardaí.

"The aim of Slow Down Day



Speed limits were broken throughout the country

is to remind drivers of the dangers of speeding, increase compliance with speed limits and act as a deterrent to driving at excessive or inappropriate speed," they added.

The Road Safety Authority and the GoSafe speed-detection company are also appealing to the public to slow down.

"Excessive or inappropriate speeding is a major factor in road traffic collisions," they warned.

"Safety cameras will be on the roads all across Ireland where fatal or injury collisions are happening as a result of inappropriate speed."

Chief Superintendent Paul Cleary, of the Roads Policing Bureau, said he hoped the event would discourage "completely unacceptable" speeding on Irish roads. "Each time a vehicle speeds it could result in a serious or fatal collision. Please check your speed."

PROBE

Gardaí 'should not be disciplined' over firearm lost on street in capital

Robin Schiller

TWO detective gardaí who lost a submachine gun on a busy Dublin street should not face any sanctions.

A public interest investigation was launched by the Garda Síochána Ombudsman Commission (GSOC) last July after the firearm was found near Harcourt Street in the city centre by a member of the public.

The submachine gun was not loaded, and GSOC said that, contrary to reports at the time, the civilian did not travel on the Luas to hand the firearm in at Store Street garda station.

The firearm belonged

to gardaí attached to an elite national unit based at Harcourt Square.

The GSOC probe was launched following media reports of the incident which occurred on July 10 last year. It has now ruled that the two detectives at the centre of the probe should not face any disciplinary proceedings.

GSOC investigators used reconstructions of the events to assist their inquiry. The Ombudsman said that, on the balance of probabilities, the car boot in which the unloaded submachine gun was placed was closed over when the driver started the car's engine.



World News
Trump refuses to rule out the death penalty for FBI team
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Taoiseach briefed on letter from Bailey



Ordered review: Taoiseach Leo Varadkar

Shane Phelan and Kevin Doyle

TAOISEACH Leo Varadkar was briefed about correspondence between Maria Bailey and the Dean hotel before launching a probe into her compensation claim over a fall from a swing. The briefing included references to how much compensation the TD was looking for in her now-abandoned personal injuries action.

In two interviews given by Ms Bailey since controversy flared over the case, she claimed the most she was seeking was €7,000 for her medical expenses. However, this has not been confirmed by the hotel. It has said it offered to pay Ms Bailey's certified medical expenses, but when she asked for what was described as "a substantial sum", the matter was handed over to its solicitors.

The *Irish Independent* has learned a Fine Gael official sought to establish certain facts in connection with the matter and the official's findings were passed to members of the party hierarchy and the Taoiseach's office.

The information included details of a letter sent by Ms Bailey in January 2016, six months after the fall, in which she returned a cheque for €600 to the hotel. In the letter,

the TD is understood to have outlined what in her view was the likely cost of medical treatment into the future.

The briefing occurred prior to Mr Varadkar's meeting with Ms Bailey on Wednesday.

Shortly afterwards, Fine Gael announced senior counsel David Kennedy had been appointed to undertake an internal review "to establish all the facts".

One issue likely to be probed

is why, given her insistence she was only seeking €7,000, Ms Bailey did not pursue her case in the District Court, which has jurisdiction to award up to €15,000.

Instead the case was taken at Circuit Court level, where personal injury awards can be up to €60,000.

The indorsement of claim filed on the TD's behalf also did not state she was only seeking her medical expenses.

Compensation

Just when it looked like 'swing-gate' had come to a halt, Maria gave it another push



Kevin Doyle

MARIA BAILEY'S fall from grace has been harder than any fall from a swing. In less than two weeks, she has gone from relatively unknown backbench TD to infamy.

The Dún Laoghaire representative has been the subject of radio sketches, online memes and pub gossip.

Her nemesis, the swing in the Dean hotel, is likely to be the most photographed object in Ireland this weekend.

There is growing sympathy both inside and outside of politics due to how the scandal has engulfed her career.

No doubt when the dust settles, Ms Bailey will reflect on the numerous opportunities she had to make it all go away.

Based on the evidence, it was a grave error of judgement to take the case in the first place.

Nobody disputes that she was injured – but she should have applied the logic her colleague Minister Heather Humphreys expressed in the Dáil this week.

"So if you trip or you fall you have to ask yourself why it happened and more often than not the answer is because of your own carelessness," Ms Humphreys said in a damning assessment of Ms Bailey's behaviour.

Ms Bailey had a bottle of beer in one hand and was "reaching" for a friend's bottle of wine before finding herself on the floor. Understandably she was "mortified" and jumped up immediately.

The next morning she was in severe pain and was brought to the private Beacon Hospital where she had a pelvic X-ray, but no bone injury was detected. However, it is claimed she was diagnosed

She blamed the media, lawyers, the Opposition – but never admitted to doing anything wrong herself

with soft-tissue injuries, contusions and concussion. She went on to receive dental treatment and required intense physiotherapy.

According to the TD, all she ever wanted from the hotel was €6,000-€7,000 to cover her medical costs because "your private medical doesn't cover the entire medical costs".

Feeding the narrative that Fine Gael is out of touch with the common people, she added: "Everybody knows that." Ms Bailey engaged Madigan Solicitors to pursue a compensation claim. At the time, she was serving on Dún

MARIA'S SEVEN STAGES OF GRIEF

Fine Gael TD Maria Bailey's ill-fated compensation claim against a Dublin hotel was not a rushed affair. There were several stages along the way at which it is not unreasonable to assume the merits of the claim could have been reflected upon. SHANE PHELAN reports

The cheque

In the aftermath of Ms Bailey's fall from a swing at the Dean hotel on July 10, 2015, the hotel offered to pay her vouched medical expenses. Ms Bailey claimed to have suffered injuries to her head, lower back and hip in the fall, and that she needed hospital treatment the following day and physiotherapy and Pilates thereafter.

A cheque for €600 was issued to the then councillor.

The letter

A problem arose in January 2016 when Ms Bailey returned the cheque to the hotel.

In correspondence attached to the returned cheque, the TD is understood to have outlined what in her view was the likely cost of medical treatment into the future.

At that stage, Ms Bailey was not legally represented. The hotel has stated that when the TD asked for what was described as "a substantial sum" the matter was handed over to its solicitors. In interviews with the *'Sunday Independent'* and RTÉ's Sean O'Rourke, Ms Bailey said the height of what she was asking for to cover her medical costs was €7,000. This has not been confirmed by the hotel.

Legal advice

With the hotel referring the issue to its solicitors Lemans, Ms Bailey sought her own legal representation.

It is unclear precisely when this happened, but she chose Madigan Solicitors, the firm of her Fine Gael colleague Josepha Madigan, who is now the Culture Minister.

Defending her decision to sue the hotel, Ms Bailey told Sean O'Rourke: "Mine was legitimate. I took clear legal advice on this. I am not a legal expert. I followed the legal advice that I got." Whether Ms Madigan was the person in the firm who initially advised her is still unclear. Ms Bailey would not be drawn on this, while the minister has also



Claim: Maria Bailey (main);

The Dean hotel (top left); Bailey with Kate O'Connell and Simon Coveney in the Dean (above); and Josepha Madigan (far right).

MAIN PHOTO: GERRY MOONEY

refused to say. The minister stepped away from the firm after joining Cabinet in 2017.

PIAB

Before a personal injury case can proceed into the courts system, it must first be authorised by the Personal Injuries Assessment Board (PIAB).

In most cases, court can be avoided if the PIAB can come up with an assessment of damages acceptable to all parties. However, this did not happen in Ms Bailey's case.

An application was made to the PIAB in February 2017 and it issued an authorisation to proceed to court under Section 17 of the PIAB Act that July. Under the section invoked, there are a number of possible technical reasons why the PIAB did not take carriage of the case.

The section tends to be invoked in cases where it may take longer than two years to

Laoghaire-Rathdown County Council with Josepha Madigan, a partner in the firm.

Both women were elected to the Dáil in February 2016 and seemed to be on a similar career trajectory – until they took opposite sides in the Fine Gael leadership contest.

Ms Bailey backed Mr Coveney while Ms Madigan went with Mr Varadkar. The latter was rewarded by being put on the fast-track to a Cabinet position.

One of the big outstand-

ing questions in this controversy is whether Ms Madigan provided any advice on the case to her colleague before she stepped away from the business in 2017.

Ms Bailey obviously had some awareness that the case would attract media interest because she asked somebody on her legal team when the details would become public.

"I was told 'you have nothing to fear', and I distinctly asked 'when will this information become public?' so I can pre-

'I'm not a big social animal, I rarely go out'

pare myself for it being out there. And I was told 'this will not be public until you are before the courts', she said.

It seems at that point the TD was not overly perturbed by the idea of getting some attention – but obviously didn't grasp the PR disaster that was being set in train.

Perhaps that was because somebody told her she had a "clear-cut case", part of which was a claim that the hotel was negligent because the swing was "unsupervised".

to hotel before launching internal probe

It outlined how in addition to medical costs, she was seeking damages for personal injury, loss, damage and inconvenience.

Ms Bailey's standing in the party is at rock bottom after almost a fortnight of controversy. Sources say there was "no clash" when she met Mr Varadkar on Wednesday - but he is known to be privately furious about the case.

He has asked TDs not to

make the situation worse by publicly admonishing their colleague and said they should show her "respect".

But over the course of the week a string of ministers, including Paschal Donohoe, Simon Harris and Heather Humphreys, tried to distance the Government from Ms Bailey's actions.

Despite saying in Monday's radio interview that she would be back in the Oireach-

tas this week, Ms Bailey failed to appear at two committee meetings she was due to chair.

Housing Minister Eoghan Murphy was quizzed at the first of those meetings, while Mr Varadkar was at the second.

A number of ministers told the *Irish Independent* the Government is feeling the heat over rising insurance costs.

The consensus is that Ms Bailey has totally undermined

efforts to convince businesses that action is being taken.

"It's horrendous. Everybody is talking about the swing. What was she thinking?" one minister said.

But the intense focus on the TD has garnered some sympathy too. A Fine Gael senator said the online abuse she has suffered "is outrageous".

"It's gone too far. No matter what she did or didn't do, she doesn't deserve that."

The internal review ordered by the Taoiseach is expected to take around two weeks to complete.

It will be submitted directly to Mr Varadkar, who must then decide whether to take action himself or refer the findings to Fine Gael's national executive.

Sources said senior counsel Mr Kennedy has been asked "to make all necessary enquiries".

This is likely to include conversations with Culture Minister Josepha Madigan as to whether she had any knowledge of the case or ever offered advice on it.

Ms Madigan's family law firm, which she stepped away from in 2017, submitted the court papers on behalf of the Dún Laoghaire TD which inaccurately stated she was unable to run for three months after the fall.



Hotel swings 'are back up and ready for the weekend'

Amy Molloy

SOPHIE'S in the Dean hotel has assured customers that its swings are going nowhere after a photograph circulated online showing them being removed.

The swings - which have been the subject of much controversy after Fine Gael TD Maria Bailey brought a personal injury claim following a fall on a night out - were temporarily taken down yesterday.

Speculation was rife on social media that the swings were being taken down for good.

However, the popular bar and restaurant moved to quash the rumours, confirming they were removed as part of a private hire event.

"We have no intention of removing the swings, don't worry," Sophie's said in a statement.

"They're back up and ready for you to swing into the weekend."

Ms Bailey this week officially withdrew her compensation claim against the Dean hotel. She had lodged a claim on the basis that she suffered injuries after falling backward off one of the swings in 2015.

assess the seriousness of the injury, by which point a claim would be statute barred.

A further authorisation was issued by the PIAB in April 2018 under Section 46 of the PIAB Act. Again, there are a number of possible reasons why this was issued. One possibility is that the claim was initially inadvertently filed against the incorrect entity.

The summons

A personal injury summons and indorsement of claim was filed with Dublin Circuit Civil Court in May 2018 by Madigans Solicitors. The indorsement was drafted by a barrister and set out what Ms Bailey was claiming as part of her action.

This is the document in which she claimed the hotel was negligent because the swing was "unsupervised" and there were no signs

to instruct patrons how to safely use it. It also contained the incorrect claim Ms Bailey was unable to run for three months after the incident. In reality, she completed a 10km race just three weeks later in under 54 minutes.

The document outlined how she was seeking general damages for personal injury, loss, damage and inconvenience. In addition, she was also seeking special damages, or out-of-pocket expenses, for her medical costs. These were listed as hospital fees of €1,200, dental fees of €280 and yet to be ascertained bills for physiotherapy and Pilates.

The defence

A robust defence was filed by the hotel in November 2018. It accepted the swing was unsupervised, but said any injury the TD may have suffered was due to her own negligence or

'I am not a legal expert. I followed the legal advice that I got'

contributory negligence. The defence filing said Ms Bailey had items in both hands, restricting her ability to balance and stopping her from holding rope grips properly.

The motion

In April, the hotel issued a notice of motion saying it would be applying for an order for discovery of Ms Bailey's medical and dental notes and records for the three years prior to the incident and arising from her visit to accident and emergency the day after the fall.

The motion was granted on consent on Monday, May 20, and the following day the *Irish Independent* published the details of the TD's claim.

By Saturday, May 25, after days of controversy over the lawsuit, Ms Bailey announced she was withdrawing it.

The Dean had other ideas and lined up CCTV as part of its defence.

When the *Irish Independent* first revealed 11 days ago that the case was listed before the Circuit Court, where payouts can be up to €60,000, Ms Bailey declined to comment.

The following day she made page one as details emerged of the hotel's claim that she was reckless or careless about her own safety. At this stage senior figures in Fine Gael intervened to try to get her to drop the case

- but she went to ground. As the week went on and the stories gathered more interest, Ms Bailey largely disengaged from party headquarters.

Then on Friday with a lull in the election coverage, the *Irish Independent* began to investigate what Ms Bailey was up to in the weeks after the incident.

In the first week alone, she appeared on TV and spoke at two conferences. It wasn't actually very difficult to find this out because it was all on her Facebook.

Then we found that three weeks after the fall she'd run a 10km race in less than 54 minutes. "Not for me," was her response when it was put her that this was an impressive time. The revelation was the final straw for many in Fine Gael. Her claim had stated that she couldn't run "at all" for three months.

Finally, Ms Bailey moved into crisis management mode, starting with an interview in the 'Sunday Independent' where she outlined some

details of what happened on that night.

Had she stopped there, the news cycle might have moved on to focus on the results of the local and European elections. But instead she popped up on RTE's 'Today with Sean O'Rourke' where she told the presenter: "I'm not a big social animal, I rarely go out... I'm quite happy to sit at home, pyjamas on, on the couch with the kids but I went out that night."

What followed was an

unmitigated disaster. In Government Buildings the Taoiseach was caught totally unawares. Social Protection Minister Regina Doherty, who was lined up to be on the programme afterwards, had to respond on the hoof.

A "tremendous pity" is how she kindly summed up the now infamous interview.

Ms Bailey blamed the media, the internet, the lawyers and the Opposition - but never once admitted to having done anything wrong herself.

Colleagues have scapegoated her as the reason Fine Gael underperformed in the local elections. Close allies like Kate O'Connell and Simon Coveney jumped out of the way rather than to her defence.

And rather than a 'kick to touch' exercise, party sources say the internal review is a definite trawl for evidence of why she should be sanctioned.

Like many before her, Ms Bailey may well find a way back but right now it looks like a very long road.