

Sports Friday

Alexis Mac Allister: Argentina's 'Irish man'

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 ★ There will never be another Pat Hickey

JOHNNY WATTERSON



Hilary Fannin
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Top officials objected to dismissal of Varadkar leak inquiry

Dissenting opinions revealed in watchdog decision not to carry out inquiry

Ombudsman wanted preliminary hearing while C&AG cited 'low grade evidence'

ARTHUR BEESLEY

The public ethics watchdog spurned two of the State's most senior independent officials when it dismissed demands for an inquiry into Leo Varadkar's leak of a draft medical contract during his first term as taoiseach. The Irish Times has learned.

In private statements questioning how the Tánaiste defended leaking the document to a doctor friend, Comptroller and Auditor General Seamus McCarthy and Ombudsman Ger Deering dissented from the decision of the Standards in Public Office Commission (Sipo) to refuse a preliminary inquiry into the affair.

Mr McCarthy made a note saying some of Mr Varadkar's assertions "represent low grade evidence at best" and Mr Deering said the Tánaiste's claims that the document was no longer confidential were not supported by his own statements or public records.



The C&AG and Ombudsmen were outvoted by three Sipo commissioners in October when they ruled against an inquiry: the chairman Garrett Sheehan, a retired Court of Appeal judge; Peter Finnegan, clerk of the Dáil; and Martin Groves, clerk of the Seanad.

Split decision
 Mr Varadkar said that split decision cleared him of "any breach of ethics or standards". But internal files released under the Freedom of Information Act show Mr McCarthy and Mr Deering wanted their objections noted.

The disclosures come eight days before Mr Varadkar starts his second term as taoiseach, at a time when he had hoped to have put the leak affair behind him.

After a long Garda investigation, the Director of Public

Prosecutions decided in July that the Tánaiste should not face criminal charges.

Still, Sipo examined the case under ethics law after receiving three complaints about the leak. The majority ruled against a preliminary investigation on the basis that Sipo had no remit to consider either the lawfulness of Mr Varadkar's action or the extent of the powers of the office of taoiseach.

'Significant interest'
 In his statement, however, Mr McCarthy said Mr Varadkar implied that "any actions in his role as taoiseach" that he judged appropriate or in the public interest could not be questioned.

"Respondent argues that, at the stage he acted, there was no reason for the document to be treated as confidential, since so much of the detail was already in the public domain, and publication was imminent," he said.

"Assertions by the respondent represent low grade evidence at best, in a matter in which he has a significant interest."

Mr McCarthy also said it was "not relevant" to assert no one had made representations saying expectations of confidentiality were breached or that no harm had been done to anyone's interests.

Preliminary inquiry
 Mr Deering argued Mr Varadkar was "not beyond the reach of Sipo", saying the complaints should proceed to a preliminary inquiry.

Such an inquiry is a fact-finding exercise before deciding whether there should be a full inquiry.

Mr Sheehan sent an email to a Sipo official the day after Mr Deering's statement: "Can you please also forward to me a copy of what Seamus McCarthy handed in to you on Friday. Would you please also remind me what Ger Deering has tried to do."

➔ **Varadkar's explanations cut no ice with two Sipo members: page 3**



A cracking performance Irish National Youth Ballet returns

Dancers perform in the Irish National Youth Ballet's production of The Nutcracker, its first run of unrestricted shows since 2019. The production, which features 46 dancers aged 10-20, runs until tomorrow night at The Helix in Dublin.

Photograph: Inpho/Tom Maher

Meta scales back plan to occupy new Dublin 4 HQ

Facebook owner tells agent to find occupier for Fibonacci Square development

RONALD QUINLAN and CORMAC MCQUINN

Facebook has decided not to occupy Fibonacci Square, the 34,838sq m (375,000sq ft) office space developed by Johnny Ronan's RGRE as part of the tech giant's new European headquarters in Dublin 4.

Having signed a 25-year

lease on the Ballsbridge property in November 2018, the company's parent, Meta, has now instructed agent Cushman & Wakefield to sublet all four of the newly developed blocks to a new occupier or occupiers.

The news of Meta's decision to sublet the space comes at a time of turbulence and retrenchment among tech compa-

nies worldwide.

Meta announced that it would cut about 350 jobs in Ireland last month as part of global cutbacks, while Twitter has confirmed 140 redundancies in the wake of Elon Musk's takeover.

'Slow-down'

The Facebook owner will still occupy the 31,536sq m (339,456sq ft) of office space across the four blocks to the rear of its new European headquarters campus in Ballsbridge.

The office blocks are in the Dublin Bay South constituency of Labour Party leader Ivana

Bacic. She said the news that Meta will not occupy the buildings is "symptomatic from what I'm hearing about a slow-down in the pipeline of big construction projects as we're seeing increasing uncertainty among investors and among developers about the economic situation".

She said: "I do hope they can find alternative tenants precisely because I'm conscious in my own constituency how many people are employed directly by the big tech companies. For those working in these firms I think it's really uncertain time" and the recent job

losses in the sector have been "a huge worry to many people".

Asked if Tánaiste Leo Varadkar is concerned at the news, a spokesman for the Department of Enterprise said he was "of course concerned" at recent developments in the tech sector but that the economy is "well-diversified".

He added: "The Department and its agencies are in close contact with companies involved in recent job loss announcements and we are working with them to minimise the impact on people's livelihoods and the wider economy."

It remains unclear at this point what impact, if any, Meta's decision will have on the much-anticipated sale of Fibonacci Square to the family firm of Zara founder Amancio Ortega. While Pontegadea had been due to exchange contracts with the scheme's owners, Fortress, four weeks ago, the signing was delayed as the blocks had not yet reached practical completion.

The Irish Times understands that, as of yesterday, the deal with Pontegadea remains on track for a price of about €525 million.

UCC repatriates mummified human remains to Egypt

OLIVIA KELLEHER

University College Cork (UCC) has announced it is to repatriate a number of objects in its heritage collection to the Egyptian State.

The items in question include mummified human remains, a sarcophagus, a set of four Canopic jars, and items of cartonnage (coverings) dating from about 975BC to 100AD.

UCC is collaborating with the Egyptian Embassy, the Department of Foreign Affairs and the National Museum of Ireland over how best to prepare and transport the objects, which is expected to take place next year.

The university came into possession of the mummified remains through a donation in 1928. The only available records show that "a mummy of an Egyptian Queen" was donated

to the college by the "African Missionaries" on Cork's Blackrock Road. This record is understood to refer to both the sarcophagus and the mummified human remains.

Initially there was a mistaken assumption that the mummified remains were that of a queen because the sarcophagus was excavated from the Valley of the Queens. However, it has since been established the remains are that of an adult male, estimated to be between 45 and 50 years old.

Inscription

The wrapping of the remains date it at around 305BC to 500AD. The sarcophagus is wooden, probably made from sycamore, and dates from between 625 to 600BC. An inscription indicates it belonged to a man named Hor.

The coffin was excavated by

Ernesto Schiaparelli sometime between 1903 and 1904, from tombs in the Valley of the Queens. It is possible that it was subsequently sold at the Salle de Vente in the Egyptian Museum in Cairo.

The four Canopic jars, purchased by UCC from the firm of JE and EK Preston, in Harrogate, Yorkshire, England between 1911 and 1912, are believed to be the oldest of all the items being returned to the Egyptian state, with an estimated date of between 945-700BC.

The set of cartonnage pieces in the collection date to before 100AD. They comprise a chest covering, lower body covering, foot case and head covering.

The journey to Egypt by UCC's mummy is to be documented in Kinship, a creative project led by artist Dorothy Cross and producer Mary Hickson.

Weather

Dry in most parts with low sunshine. Very cold with icy stretches and some lying snow. Highs of 0 to 4 degrees.

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Home News

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Car trade: The number of used car registrations has plummeted since Brexit, the Dáil's PAC has heard: page 3

World News



Germany: Investigators say further arrests are likely over an alleged coup d'etat plot by a far-right group, particularly among police and army officers: page 7

Business This Week

Medicine: Pharmacists are calling for a "serious shortage protocol" to allow them to dispense alternatives for some prescription medicines amid supply issues.

Retail: Stationery and books retailer Eason has shelved a plan to sell its flagship O'Connell Street store in Dublin.

Sports Friday

Gaelic games: Kevin McStay's Mayo against Galway is set to be the standout tie on the first weekend of the 2023 Allianz Football League.

Rugby: The IRFU has pledged an additional €1 million towards boosting facilities and pathways development for women in the sport.

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€18.5m social housing scheme to be built on city site without developer

Housing association Circle hires builder 'directly' to construct 47 apartments

OLIVIA KELLY
Dublin Editor

An €18.5 million social housing scheme is to be constructed on a vacant site in Dublin city centre under the first "direct build" social housing scheme in generations.

Voluntary housing association Circle has begun work on 47 apartments on a former Dublin City Council site on Railway Street, behind the old Seán McDermott Street Magdalene laundry building, which was first earmarked for regeneration more than seven years ago.

Unlike the standard model which has been in use for the de-

livery of social housing for several decades, the scheme will not involve a developer with Circle instead hiring a builder to construct the apartments under a direct-build contract.

"Normally we would buy off the peg from developers," Circle chief executive John Hannigan said. "What normally happens is we agree a forward purchase contract or a turnkey contract which says that the developer would go off and build X number of homes and we pay for them at the end of the period. You're reliant upon the developer to do all the work in terms of the planning and building, and sell it at a price to us at

the end. This one we're building directly ourselves. We've procured the builders, we've procured the architects, and we are being funded directly to build this. So we are in control of the whole process from start to finish."

The project is being funded by the Department of Housing and through a loan facility from AIB, Mr Hannigan said.

"It's the first time AIB have lent to an approved housing body for construction as well as long-term investment.

"They're funding the construction, and at the end of that we transfer it into a long-term loan with AIB. It's the first time they've done this in the AHB sector for social housing and hopefully not the last time because we are hoping to do much more with them and on a much bigger scale."

In addition to having more control over the specifications and finishes of the apartments, the direct-build contract is designed to achieve cost savings, Mr Hannigan said.

"We can save money in two ways on this particular build. We've been able to buy the site at a good price from Dublin city so we're not paying huge developer profits on the land price which keeps the cost down. And because we're the developer effectively, there are no developer profits involved, so we come in cheaper than we would have done otherwise."

Open market

Circle paid the council approximately €1.2 million for the site, which Mr Hannigan said would be valued at approximately €7 million on the open market. The apartments, 10 one-bed-

27 two-beds and 10 three-beds, are costing an average of €375,000. While this is less than if Circle was buying from a developer, it is significantly more than Circle had projected when it began talks with the council in 2015.

"If we had done this seven years ago or even five years, we would have got that around €250,000 each. We've seen very significant cost inflation over that period of time."

The delays were challenging Mr Hannigan said.

"Quite a bit of time was spent trying to work through local consultation, trying to get the design right, trying to understand what was required in the locality."

"Then we ran into difficulties in respect of funding. It took a period of time to actually get it to cross the line from a State

perspective and from a private finance perspective."

The planning process was also lengthy he said. "We had a lot of objections, primarily from homeowners in the surrounding area, but some who weren't in the surrounding area but who wanted to object to the height." The blocks range from four to seven storeys.

The site was previously part of the old Liberty House flat complex, but had been vacant for many years and become a source of difficulties locally, said the council's area housing manager, Paul White.

"It has been a long time in the works, but it is a really positive development for the area."

It is expected to be ready for tenants, who will be nominated from the council's housing waiting list, within 12 to 18 months.

Varadkar's explanations cut no ice with two Sipo members



Arthur Beesley

Current Affairs Editor

Tánaiste declared affair closed but divisions in ethics watchdog ran deep

The question for Sipo was whether it should initiate a preliminary inquiry into the affair, essentially a fact-finding exercise, before deciding on a full-blown investigation.

Sipo sought legal opinions and wrote to Varadkar on September 29th seeking views on document confidentiality, his powers as taoiseach and "your motivation for sharing the document."

Varadkar replied on October 3rd, enclosing his 2021 Garda statement and press and Dáil statements: "It is the full truth about what occurred and has stood up to the scrutiny of a thorough Garda investigation and that of the DPP."

The document was "empirically not" a contract, he insisted. Though watermarked "confidential and not for circulation", it was no longer confidential because the IMO "announced" the deal and the HSE "launched" it. "I think it is noteworthy that in the course of the two years since this matter came to public attention, nobody has come forward to say that I breached their confidentiality," Varadkar said.

In the majority view of Sipo, evidence sufficient to sustain a complaint "was not and will not be available, even in circumstances where the disclosure of the agreement is not in dispute".

This was more than enough for Varadkar to declare the affair closed: "I have been now cleared of criminal wrongdoing and any breach of ethics or standards. This is always the outcome I expected."

But divisions in Sipo ran deep and very senior figures were not convinced, as is clear from the minutes of its decision meeting on the afternoon of Friday, October 21st.

Varadkar's "lack of recall" was unsatisfactory. "If there



66 When the DPP decided in July not to take criminal charges it was a pivotal moment for Varadkar

was a significant legitimate intervention by the taoiseach in a matter, in the public interest, then it should have been memorialised."

Deering submitted his statement at 10.28pm on the Sunday after the meeting. While accepting the document was not a contract, questions remained. "This is not the end of the matter as it does not establish the nature and confidentiality of the document," Deering wrote.

"In his response to Sipo the respondent said the document had ceased to be confidential at the point at which he provided a copy to [Ó Tuathail]."

"This, in my view, is not supported by other of his statements and by documents in the public domain. Therefore, the respondent has not, in his response to Sipo, addressed to my satisfaction, whether or not the document was confidential when he gave it to [Ó Tuathail]."

Requests for the document from then health minister Simon Harris were refused after the leak. One Department of Health official said unilateral publication without IMO approval for the text would be a "serious" breach of trust.

"These records released under FOI suggest that the agreement was confidential, as they were part of very sensitive negotiations, so much so that the minister for health was not able to get a copy of it," Deering said.

"Because of this conflicting evidence I am unable to come to a conclusion on the status of the confidentiality of the document at the time it was shared by the respondent based on the information/evidence currently available to me. As this conflicting evidence has not been addressed by the respondent I don't propose to consider whether it was appropriate for the respondent to share it at the time he did."

The decision stands. But in Varadkar's last days as Tánaiste the affair lingers – as do questions over Sipo's stewardship of complaints about the man returning to the most powerful political position of all.

Number of used UK cars drops to 34,000

CORMAC McQUINN
Political Correspondent

Brexit has "fundamentally changed" the used car market in Ireland with the number of registrations plummeting since the UK left the EU, the Dáil's Public Accounts Committee (PAC) heard yesterday.

Revenue chairman Niall Cody told TDs the number of second-hand car registrations may only reach 40,000 this year, down from about 120,000 a year before Brexit as most used cars came from the UK.

He outlined the large drop in used car registrations after Fianna Fáil TD James O'Connor asked if he was concerned about the ability of car dealerships to maintain their businesses amid a "crisis" that includes a manufacturing shortage of new vehicles and the high cost of importing cars from Britain.

Mr Cody said Brexit had "fundamentally changed" the Irish second-hand car market.

He said that in 2019 there were 115,000 second-hand car registrations, most from the UK. By 2021 – after the end of a transition period in which Britain remained in the customs union and single market – there were 65,000.

Divergence

As of two weeks ago, just 34,000 used cars were registered in Ireland this year, he added.

He suggested it might reach 40,000 by the end of 2022.

"That's the consequence of the UK leaving the single market," he said.

He said that before Brexit there had been "nearly a single market within a single market" between Ireland and Britain and the impact has been fundamental on post, customs and e-commerce.

Mr Cody referred to an Ibec report on the divergence of the economies of the UK and Ireland and said: "As regulatory changes happen, I think that it's going to become more so."

He said he hoped the ongoing Brexit negotiations would lead to "a greater convergence than divergence".

Leo Varadkar said yesterday he would seek a meeting over the Christmas-New Year period with British prime minister Rishi Sunak to discuss Northern Ireland.

The Tánaiste, who will become taoiseach next week, said he hoped the meeting could be arranged "either before the end of December or in the new year" and that he also intended to travel to Northern Ireland to meet party leaders.



Green for go as live crib beds in at new home

MARK HILLIARD

Dublin's live crib came to life in its new St Stephen's Green setting yesterday.

A donkey, a sheep and a goat slouched around in the hay under the watchful eyes of giddy children, oblivious to the supporting role they played in a fleeting, festive political stand-off.

"I see it as a commonsense approach that has been taken to resolve something," said Patrick O'Donovan, Minister of State at the Office of Public Works whose intervention helped keep the 30-year-old city tradition alive.

In the name of the season and rural Ireland, O'Donovan

had stepped in to find this new, arguably superior, setting for the crib whose traditional Mansion House home had been cancelled by Green Party Lord Mayor Caroline Conroy, partly on the grounds of animal welfare.

But why intervene? "You can see the answer there: look at the way the children are hanging in over the railings in absolute awe of something that they don't see day to day," the Minister said in his Christmas jumper. "I take it for granted in the part of the world I come from [Newcastle West, Co Limerick]. They are entitled to see it because it's part of Christmas."

Yesterday's grand unveiling at the green's Summer House – complete with choir and an-

gel-winged children from the Augier Street YMCA creche – was notable for attending Fine Gael politicians and a lack of Greens.

Opening the crib, the Irish Farmers Association (IFA) president Tim Cullinan made a point of acknowledging the Minister's intervention, amid "huge concern" it might not have gone ahead.

Sentiment

"We have lost some of that tradition of people knowing where their food comes from and I think having that interaction between rural and urban is very important," he said.

That was a sentiment shared by Fionn Sherlock, the third

generation of a farming family to carry on the tradition of transporting well cared for animals to and from Enniskerry, Co Wicklow every day. They do a part-time shift – 10.30am to 3.30pm until December 22nd.

"A lot of people mightn't have the same exposure to farming and they might think it's cruel but at the end of the day the animals wouldn't be in any better condition at home," he said. "The conditions are exactly the same ... it's just people in Dublin and far and beyond get to see them, that's the only difference."

There was a consensus the Mansion House cancellation might be a blessing in disguise; many people commented on

■ Jack Anderson (3), with some friends from the YMCA creche on Augier Street, and Daisy the donkey at the official opening of the live animal crib at the Summer House in Dublin's St Stephen's Green.

PHOTOGRAPH: ALAN BETSON

the serene, tree-lined setting. And not an animal-rights activist in sight. "Once they're wrapped up well somewhere at night," smiled Aimee Doran who, with her husband Stephen, was showing the animals to their one-year-old son Josh. "It's just the novelty of it, I don't know, it's a lovely touch I think, it would be hard to get rid of it now."

TDs criticise Mental Health Commission chief

KITTY HOLLAND
Social Affairs Correspondent

Mental Health Commission (MHC) chief executive John Farrelly was yesterday accused of being "flippant" and "not using [his] powers very well" on the closure a residential centre for people with severe mental illness in Middleton, Co Cork.

During some exchanges with members of the Oireachtas committee on disability matters, Mr Farrelly said at the start he was "not going to speak about the Owenacurra centre". He also said he could not dis-

miss the HSE decision to close Owenacurra as doing so could prejudice any regulatory enforcement on it.

The MHC inspected Owenacurra in the last fortnight and awaits a HSE response.

MHC inspection reports have been cited by the HSE in its decision to close Owenacurra and move the 19 residents, most of whom are from the area, to other settings considerable distances away. Though due to close in June 2021, a campaign by local residents and public representatives kept Owenacurra open, albeit with

far fewer staff and just six residents.

Sinn Féin TD Pat Buckley said the HSE had "spun" the situation "to blame the commission for Owenacurra's closure".

He asked: "Can you go back to the HSE and ask them to clarify the commission never asked for its closure?"

Mr Farrelly said the commission had never contacted the HSE about what use they made of their reports, and would "have to think" about corresponding with them on it. Green Party TD Neasa Hou-

rigan said the commission should "take ownership of your own reports" adding while she would in the past have been supportive of broadening the commission's powers, "not based on this session because I don't see that you are using your powers very well".

She told Mr Farrelly the commission should have provided the committee with "evidence" in advance of the meeting of the reasons it could not discuss Owenacurra.

"You cannot come to a committee and say, 'Ah there's something regulatory going on.

We're not talking about it'. No, I am sorry. Committees don't work that way and you don't get to come in here and say, 'We're not talking about that'. You have to give reasons," she said. Mr Farrelly replied: "This is not a court of law. Where do you think you are?"

"I am at an Oireachtas committee that has a statutory footing," said Ms Hourigan. "You have privilege when you sit in here and it is very serious and what is happening to those people is very serious. So you can be flippant about it if you want but it is very serious."

Lottery defends spending unclaimed millions on advertising

CORMAC McQUINN

The operators of the National Lottery have defended using the vast majority of unclaimed prizes to spend on advertising its games in the face of sharp criticism by members of the Dáil's public spending watchdog.

Representatives of Premier Lotteries Ireland (PLI) were accused of "taking the piss" by al-

locating just 2 per cent of almost €122 million in expired unclaimed winnings for extra prizes, with the rest being spent on marketing.

Chief executive Andrew Algeo defended the practice during an appearance at the Dáil's Public Accounts Committee (PAC). He insisted that the advertising spend was the best way to promote the National Lottery to ensure it was sustain-

able and to increase sums for prize money and good causes.

A Comptroller and Auditor General report outlined how there had been just over €124 million in unclaimed prizes since 2015.

By the end of 2021 almost €122 million had been used for the promotion of the lottery and its games. Of this, 98 per cent – €120 million – had been spent on marketing with the re-

maining 2 per cent – under €2 million – spent on top-up prizes.

PLI began operating the National Lottery in 2014 and Mr Algeo said that since then around €1.7 billion had been raised for good causes.

He said it operated in an "intensely competitive market" and it was "essential" the lottery was promoted to ensure its continued success.

Mr Algeo said the licence from the State was designed to ensure unclaimed prizes did not go to the profits of the operator but were instead used to promote the National Lottery.

He said the proportion of prize funds going unclaimed had almost halved since PLI took over.

Sinn Féin TD Matt Carthy said: "You're taking the piss really in terms of what you're giv-

ing towards top-up prizes". He put it to Mr Algeo that the operators were doing the "absolutely bare minimum".

Mr Algeo said the firm strictly complied with its licence. He added that how to promote the lottery "might actually be one of the more critical decisions that PLI has to make and we take it very seriously that we do it in a way which sustains the National Lottery as best we can".