

# DÁIL ÉIREANN

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**AN COMHCHOISTE UM CHULTÚR, OIHDREACHT AGUS GAELTACHT**  
**JOINT COMMITTEE ON CULTURE, HERITAGE AND THE GAELTACHT**

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*Dé Céadaoin, 18 Meán Fómhair 2019*

*Wednesday, 18 September 2019*

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The Joint Committee met at 2 p.m.

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Comhaltaí a bhí i láthair / Members present:

Michael Collins,	Marie-Louise O'Donnell,
Danny Healy-Rae,	Fintan Warfield.
Niamh Smyth.	

I láthair / In attendance: Deputy Margaret Murphy O'Mahony and Senator Tim Lombard.

Teachta / Deputy Donnchadh Ó Laoghaire sa Chathaoir / in the Chair.

## **Business of Joint Committee**

**Chairman:** I advise members to turn off their mobile phones because they interfere with the sound system and the broadcasting of the proceedings of the meeting. We will go into private session to deal with some housekeeping matters.

*The joint committee went into private session at 2.10 p.m. and resumed in public session at 3.10 p.m.*

### **Lusitania Museum and Related Matters: Discussion**

**Chairman:** Cuirim fáilte roimh na finnéithe. I know that some of them have travelled a considerable distance and I thank them for their efforts. I welcome them to the committee to discuss the plans to develop the Lusitania museum, following the transferral of ownership of the wreck and its artefacts to the local community group, and several related matters. I welcome the following representatives from the Lusitania Museum/Old Head Signal Tower Heritage Company Limited by Guarantee: Mr. J.J. Hayes, company chairman; Mr. Vincent Downing, director; Mr. Padraig Begley, director; Mr. Con Hayes, company secretary; Ms Maria McLaughlin, executive committee member; and Mr. Finbarr Cole, head visitors' guide at the Old Head Signal Tower.

Before I ask the witnesses to address the meeting, I will read out the standard rules on privilege, which we must do at every committee meeting. I draw their attention to the fact that by virtue of section 17(2)(l) of the Defamation Act 2009, witnesses are protected by absolute privilege in respect of their evidence to the committee. However, if they are directed by the committee to cease giving evidence on a particular matter and they continue to do so, they are entitled thereafter only to qualified privilege in respect of their evidence. They are directed that only evidence connected with the subject matter of these proceedings is to be given and they are asked to respect the parliamentary practice to the effect that, where possible, they should not criticise or make any charge against any person or entity by name or in such a way as to make him, her or it identifiable.

I also advise the witnesses that their opening statement and any other documents they have submitted to the committee may be published on the committee website after this meeting.

Members are reminded of the long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against a person outside the Houses or an official either by name or in such a way as to make him or her identifiable.

We will begin the discussion. I call on Mr. Con Hayes, who will make the presentation, and invite him to take the floor. Lean leat.

**Mr. Con Hayes:** I thank the Chairman and members of the joint committee for inviting us to discuss the Lusitania museum and the Old Head.

The first sculpture at the Old Head of Kinsale to commemorate the victims of the sinking of the *Lusitania* was officially opened on 7 May 1995, the 80th anniversary of the sinking, which occurred at 2.10 p.m. on the beautiful, calm evening of 7 May 1915 at a point almost due south of the Old Head Peninsula. The local voluntary community group, known as Courceys Rural

Development, CRD, was responsible for this initiative. Each year since, an annual memorial event has been held at this first monument, at the nearest point of land to the wreck, with all the emotional resonance this engenders, until more recent developments nearby.

In 2010, CRD decided to explore the development possibilities of the nearby site of the ruinous Napoleonic signal tower. After some initial research it was established that the title deeds to the site were held by the OPW. No other State agency had an interest. CRD approached the OPW and this resulted a number of years later in the granting of a 50-year lease on the 0.784 ha site surrounding the signal tower. In 2012, CRD, with grant assistance from the Heritage Council and the West Cork Development Partnership, which at that time was the LEADER programme in the area, commissioned a baseline feasibility study on the signal tower and site. This led to the creation of a master plan for the site as a whole, consisting of three proposed elements: first, the restoration of the ruined signal tower as a panoramic viewing point and heritage and visitors' centre; second, the creation of a Lusitania memorial garden to commemorate sensitively the tragedy of the sinking of the *Lusitania* with such enormous loss of innocent lives; and, third, the construction of an accredited basement Lusitania museum with associated services to tell the story of the *Lusitania* in all its magnificence and tragedy, with an especial emphasis on the personal stories of crew and passengers.

CRD immediately set about the first target, the restoration of the signal tower. We continued a series of local fundraising efforts to support the large local financial contribution which we knew would be required. We commissioned conservation architect John Greene to design the restored signal tower and to engage the other professional services needed. We applied successfully to Cork County Council for planning permission. We made a major capital grant application to the West Cork Development Partnership. That application, as it happened, fell through, but within a few months Fáilte Ireland stepped into the breach with the essential grant assistance, which then allowed us to proceed to the capital tender stage. MMD Construction (Cork) Limited won the contract and began work on the restoration of the tower in the autumn of 2014. Members can see in our submission an image of how the tower looked in its original condition and, beneath that, an image of the restored signal tower. We had a magnificent official opening ceremony, performed by the then Minister for Defence and current Tánaiste, Deputy Coveney, on 7 May 2015 - we homed in on the date of 7 May in all our activities - in conjunction with the Lusitania centenary commemoration, with more than 20 *Lusitania* relatives present. We opened for business the following day and have managed to remain open from March to October each year since. From 2016 onwards we have employed people on a seasonal basis. This year we have five employees. We operate on a break-even, not-for-profit basis.

Other significant developments took place while all this work was in progress. We applied to Fáilte Ireland for inclusion in the Wild Atlantic Way and were granted "signature discovery point" status. On legal advice we created a company limited by guarantee with no share capital in order to carry out our business in an efficient and transparent manner. The company is Lusitania Museum/Old Head Signal Tower Heritage CLG, under which title we are here today.

Very early in our development planning we decided to approach Mr. Gregg Bemis, who owned the wreck of the *Lusitania*, to ask him very politely if he would consider donating *Lusitania* artefacts recently recovered during licensed diving operations carried out by diver Eoin McGarry. That initial contact has led to a most fruitful relationship with a man whom we now consider a friend, culminating in the formal legal gifting of the wreck of the *Lusitania* to our company on 7 May this year. Mr. Bemis travelled from Santa Fe, New Mexico, where he lives, for the occasion. The four items pictured in our submission are *Lusitania* artefacts recovered

in the past five or six years.

Once the signal tower had been restored, Lusitania Museum/Old Head Signal Tower Heritage CLG, LMOH, immediately set to work on the second target, the design and creation of a sensitive Lusitania memorial garden in the sunken semicircular area to the south seaward side of the restored tower. After a tender process, we commissioned the firm of landscape architects, Cunnane Stratton Reynolds, to design the garden. We again applied successfully for planning permission and went to e-tender to determine a contractor. The contract was won by Cameron Kiernan Landscaping Limited. We decided to establish a separate process to design and commission a memorial sculpture which would be the centrepiece of the garden. We engaged the services of the National Sculpture Factory in Cork to select the sculptors. North Cork artists Liam Lavery and Eithne Ring were commissioned to implement their design, a 20 m curved bronze “wave” to contain the 1,962 names of all persons aboard the *Lusitania* on 7 May 1915 as well as appropriate history panels such as the 1915 Manhattan skyline. The *Lusitania* had sailed from Pier 54 on 1 May 1915. Capital grant support was again provided by Fáilte Ireland and this time also by Cork County Council. The Lusitania Memorial Garden was officially opened by the then Minister for Defence on 7 May 2017, two years after we opened the signal tower, which members can see in our submission. There was a further remarkable inclusion in the Lusitania Memorial Garden in 2018. We became aware that a davit, which is a crane, from one of the *Lusitania* lifeboats had, by a series of coincidences, been standing in the Marine Park in Annalong, near Newry, for over 40 years. After some deft political negotiations, Newry, Mourne and Down District Council, including members of every political party in the North of Ireland, unanimously agreed to gift the davit to the Lusitania Memorial Garden. Members can see the davit in our submission. There was a formal hand-over ceremony in the Newry council offices in June and a formal unveiling ceremony at the Old Head performed by Mr. Bemis at the end of August last year, with each of the political parties from Newry, Mourne and Down District Council represented. The davit is now standing in the memorial garden, with its arm pointing towards the wreck of the *Lusitania* as a permanent reminder of a wonderful example of North-South co-operation. We have recorded on a nearby plaque the unique history of the davit and the people involved in its return. My written submission includes pictures of the wave sculpture in the garden. A picture shows Eithne Ring, one of the artists.

The third and most ambitious target is to design and build an accredited basement *Lusitania* museum that will, through the public display of recovered artefacts, the use of modern multi-media methods, the design of the building and attracting by gift or loan *Lusitania* artefacts held at home or abroad, tell the story of the *Lusitania*, its crew and passengers by providing the visitor with a walk back in time to help him or her to gain an insight into the magnificence of the ship, with its state-of-the-art engineering. Critically, it should provide an insight into some of the reasons the ship became entangled in the tragedy of the Great War, resulting in its untimely demise. The plan would be to rival Titanic Belfast in terms of historical and heritage appeal at the beautiful, scenic, accessible and resonant location, at the highest point of the Old Head of Kinsale Peninsula on the Wild Atlantic Way, but, thankfully, not in terms of cost.

We began the third phase of the project by engaging John McLaughlin Architects Limited., at a cost of €12,300, to undertake an additional architectural outline study of options for delivering the basement museum and visitor centre. This was the third part of the original master plan. The firm’s report is a foundation document for the full design team tendering process which includes site analysis, a developed project brief, an order of magnitude cost estimate and an artist’s impression of the centre. While the *Lusitania* museum would be the central attraction, displaying as many artefacts as possible in a meaningful context, many other items of

local interest, including an Old Head lighthouse history and artefacts, a coast guard history and artefacts, as well as local history and geology, should be accommodated. The result of the study is shown briefly in an artist's impression, showing the Old Head lighthouse, a sketch of Old Head and the *Lusitania* Memorial Garden which comprises a circular area. The tower is in the middle, while the museum will be to the north in an L-shaped configuration.

The order of magnitude cost estimate for the building is approximately €3 million. This figure covers the actual building, not its fitting out, which presents a different problem. With the study to hand, we made two major grant funding applications. In 2018 we applied for design funding from the rural regeneration development fund under the auspices of Cork County Council. We have not attracted any assistance so far through this vehicle. Although the scheme makes provision for specific design funding, it seems that a policy decision was made at an early stage to fund only shovel-ready projects in the first and second allocations, which I believe have been made.

This year Fáilte Ireland launched its €150 million platforms for growth 2019 to 2022 investment fund for immersive heritage and cultural attractions. We have applied for funding under the programme and successfully passed stage 1 of an extremely competitive five stage process. Recently we received an update on the status of the evaluation of stage 2 applications. We are at stage 2. We were informed that 141 submissions had been received for projects nationwide, with an indicative value of €1.3 billion. This means that only the strongest projects will be invited to proceed to stage 3. In our case, there are additional constraints. The ground rules prioritise the northern half of the Wild Atlantic Way. As a voluntary community group, we will find it very difficult to compete against public bodies such as county and city councils which are making most of the applications when it comes to providing match funding in the order of 25% which we understand will be a prerequisite for success at stage 3 if we are invited to progress that far. We will not know until about the end of November whether we will have been successful on stage 2. We have approached SECAD, the current Leader programme that covers our part of the country, and Cork County Council to discuss possible phased funding options in advancing our plans.

In addition to all of these initiatives, we decided to engage the services of the firm Harris Coyle Breen, chartered quantity surveyors, to tender for an architect-led full design team. We need to select a full design team for the proposed *Lusitania* museum and visitor centre. That is costing us roughly €6,000 from our own resources. The tender returns are due on 25 September. They will be evaluated and the chosen design team will be selected in the following few weeks. When this process is complete, we will again contact SECAD and Cork County Council about phased funding. The only way we can do this business is on a phased basis.

**Chairman:** Generally, we keep statements to about ten minutes. Therefore, I ask Mr. Hayes to wrap up in the next few minutes.

**Mr. Con Hayes:** I do not have much more to say, but what I do have to say next is critical.

Because of the growing maritime and military rivalry between Great Britain and Germany, in 1903 Cunard Steamship Company entered into a 20-year binding agreement with the British admiralty. The sinking of the *Lusitania*, unlike that of the *Titanic*, was a totally man-made disaster and a deliberate act of war and, therefore, a much bigger event in world history. It is doubtful if the full story of the *Lusitania* has been told. In technical terms, it is a marvel of our times, but it also represents the social history of the era in a stark way, including a deliberate shipwreck on a grand scale with the most unlikely heroes and villains; a high level cover-

up between Queenstown and London; and, remarkably, the unmasking, by its chairman, Lord Mersey, of the plan to blame Captain William Thomas Turner for the sinking at the Board of Trade inquiry.

The sinking of the *Lusitania* occurred in international waters, but subsequent developments in maritime law mean she is now well within Irish territorial waters. The placing of a heritage order on the wreck site of the *Lusitania* by the State, through the offices of the Department, was initial recognition of the great historical importance of the ship. One of the immediate consequences was that a licence was required through the UAU to carry out any diving mission to the *Lusitania* for any purpose. Initially, the owner of the *Lusitania*, Mr. Bemis, agreed to work in co-operation with the UAU, even though he had to go to court to establish his ownership rights. Matters became a little more fraught when he was initially refused a licence to retrieve artefacts and again had to go to court to establish his right to retrieve such artefacts. These events represented a poor beginning to the relationship between Mr. Bemis and the State. That was a pity because Mr. Bemis has great passion for the heritage and history of the *Lusitania*, as proved by the enormous investment of time and money he has made in it for nearly half a century. We have no doubt that the representatives of the State who deal with Mr. Bemis are equally committed and understand the relationship has improved significantly in recent times.

We approached Mr. Bemis in ignorance of most of this background, simply because we were equally committed to bringing the story of the *Lusitania* to life, especially through recovered artefacts. When we first contacted Mr. Bemis, we had no money and nothing at all of a physical nature done at the signal tower site. We were articulating a vision based on voluntary local action. Perhaps that intrigued him. In any case, our relationship developed into one of trust and friendship to the extent that he decided that he would gift us the wreck of the *Lusitania*, a remarkable act of generosity in all of the circumstances. Therefore, by accident of history, the people are now the custodians of a priceless piece of historical heritage in the form of the wreck of the *Lusitania*. It is time to make a new beginning to bring Mr. Bemis' vision to fruition by acting together in order that future generations of home-grown and foreign visitors can get a flavour of this remarkable maritime heritage and history. We believe the State should take the initiative in this new beginning by formally honouring Mr. Bemis for the work he has done - that is one of our requests to the committee - to keep knowledge of the *Lusitania* alive and for his generosity in bequeathing it to an Irish local voluntary group.

While we are determined and willing to pursue every available funding avenue in regard to the proposed museum and visitor centre, perhaps because of the unique nature of this historic treasure the State should consider our third phase as worthy of special treatment, whereby we would not have to compete against much stronger entities for funding. We hope we have shown and are continuing to show just how deep our commitment is in what we have done so far. Mr. Bemis is deeply committed to investigating the cause of the second explosion. This will require active intervention in the form of a licence, as opposed to the passive intervention involved in artefact recovery. The last few weeks of August and early September were very busy on the wreck of the *Lusitania*. Under licence, a team of highly qualified and expert divers has been surveying the wreck and recording all of its details in a baseline study of its current status and also identifying a large number of retrievable artefacts. Mr. Eoin McGarry and his team have a licence to retrieve the ship's compass, which would be another priceless artefact to display. The English humorist Terry Pratchett stated, "A vital ingredient in making a success of a project is not to be fully aware that what you are attempting is impossible." In that spirit, we advance.

**Chairman:** I thank Mr. Hayes for his statement. I am anxious to proceed to the discussion

because there will be exchanges back and forth that will be of value.

**Deputy Michael Collins:** I welcome the group, which is appearing before us to give evidence about an incredible story stretching over many decades. As Mr. Hayes pointed out, it is a national story, not just a local one.

I will ask a number of questions that the witnesses might be able to answer. Can the Joint Committee on Culture, Heritage and the Gaeltacht make it easier for the group in any way? The group is seeking licences for divers to recover artefacts. Is there any way for us to help with that? It was mentioned that the US businessman who owned the *Lusitania* had gifted the group the wreck. Will the witnesses elaborate on what that will mean for their organisation? Regarding their intention to build a full-time museum where the story can be told properly, what is the timeline? I know it depends on when the funding becomes available, but has the group set a timeline and what progress is being made?

**Mr. Con Hayes:** The timeline obviously depends on the funding. We have spent almost €20,000 on the third phase of our project to create the Lusitania museum on the Old Head. We are engaging the services of quantity surveyors to select a design team with us, which we expect to be done by the end of this year. That we can select a team does not necessarily mean that we can commission it, however. We cannot do so until we have the funding required. If we can get enough funding from SECAD and Cork County Council, though, we will be able to commission the design team to design the museum. Our estimate of the initial amount of that funding is between €70,000 and €90,000. That is the next stumbling block. If we are successful with funding, we will commission the design team almost immediately. It could possibly be in January or February depending on what happens in the meantime. We believe that SECAD and Cork County Council will look favourably on helping us to fund that stage of the project. It is a vital stage. If we could agree a design next year, we could go to planning, which would be the next major hurdle to cross. If all goes well, that side of the project could be completed in approximately 12 or 14 months' time.

Afterwards, the big issue will be capital funding. From where will we get that funding? Unless we get some, we will be stuck at that point. If we could access capital funding through the RRDF or Fáilte Ireland, we would go to tender to select contractors. We are in 2019. In 2020, most of the paperwork would be out of the way. If everything went smoothly, we could go to tender by the middle of 2021. If we were able to select a contractor, the museum could be built by the end of 2022. That is the timeframe within which we would like to see actions happening. I am a bit of an optimist, I have to say.

**Deputy Michael Collins:** Mr. Hayes got as far as this point.

**Mr. Con Hayes:** We started with nothing and here we are.

**Chairman:** Yes. Optimism is a useful tool in getting things done.

**Deputy Michael Collins:** I also mentioned the licences. Can we help in any way?

**Mr. Con Hayes:** I am aware that Mr. Bemis has applied for a licence specifically in respect of the second explosion on the *Lusitania*, which concerns him deeply. A whole relay of more than 30 professional divers has dived on the *Lusitania* this August and September. These divers are surveying the wreck from stem to stern, identifying potential artefacts and bringing up documentary evidence, as required by the UAU. They have done all of the donkey work in terms of advance preparation. I understand that Mr. Bemis will be applying for a licence and

that it will be forthcoming. I have no reason to believe it will not be. Maybe words could be spoken in the right ears to help it along the way. The application is in process already, but we have no direct involvement in that. We do not have to do anything. It is happening in parallel with what we are doing.

**Deputy Michael Collins:** The group has been gifted the wreck of the *Lusitania*. What does that mean to the group as an organisation?

**Mr. Con Hayes:** It means a hell of a lot because it was a remarkable development. When we first contacted Mr. Bemis, we only hoped that he would gift us some artefacts from the wreck. We were not sure how we would react. We were not aware at all that he had not had a great relationship with the State in the preceding years for various reasons that we do not need to go into now, but we became aware that their relationship was not as good as it should have been. It has improved, though, and he has signed a memorandum of understanding with the Minister, Deputy Madigan. I was with him when he signed it this year. I believe they both view that as progress.

We see the *Lusitania* as potentially having as much impact on the south coast's maritime history and culture as the *Titanic* has had on Belfast's. I do not mean in terms of the numbers of people visiting, as we on the Old Head do not need to be overwhelmed. Rather, we want something that is sustainable for the area.

Signing over the wreck is a magnificent gesture on Mr. Bemis's part. Effectively, he is gifting it to the Irish people through us. It is a remarkable bit of heritage and history to which the State should pay particular attention. There is a time limit. The ship is deteriorating rapidly. If artefacts are to be recovered and displayed, it needs to be done within a reasonable timeframe. It does not have to be done tomorrow or the day after. There are many recoverable artefacts on the *Lusitania* that are easy to access. There is other material that we would like but that might be more difficult to access. There is also a significant amount of *Lusitania* material scattered across the globe. We have already received offers from people. For example, *Lusitania* relatives are offering us their *Lusitania* memorabilia because of what we are doing on the Old Head. We want to be a centre and to pull back as much *Lusitania* material as it is possible for us to acquire either by loan or gift. We will not be able to buy it. We are regularly in touch with the *Lusitania* relatives. They know what we are doing. We will involve them in the design process.

We are chuffed to say the least that Mr. Bemis decided to do this. We never thought it would happen. It was not our plan, but it has happened.

**Senator Marie-Louise O'Donnell:** I thank the witnesses for attending. They have come a long way. I sometimes give out at this committee, wrongly or rightly, to other Deputies and Senators for being territorial, since I believe this is a national committee. I gave out to a Deputy earlier, but I was wrong. This is a brilliant national project. I congratulate the witnesses on it. What they have done as a voluntary group is brilliant. Perhaps they should join this committee or a political party so that we might get things done much faster. There is something great about being a voluntary group, in that its members do not look at the impossibilities. They just get on with things. I offer great, gracious and brilliant congratulations on their beautiful achievement.

I did not know about this project, so it might need more communication, especially given that the witnesses are asking for artefacts, people and stories from around the globe for their potential museum. What is the cost so far? I will ask all my questions together and the witnesses may then answer. Other members may wish to contribute. How did Mr. Bemis come to own

the *Lusitania*? How did he come to be in possession of it or the artefacts? The witnesses have plans to exhume aspects of the vessel - a photo of a porthole is included in the briefing supplied by them. Have they ascertained the cost of so doing? How many Irish people were on board the *Lusitania* when it sank?

On immersive heritage and cultural attractions, the Lusitania Museum will succeed against the city and county councils through creativity and imagination. They should win. I acknowledge that the witnesses stated theirs is a voluntary organisation and they are up against the power of the local authorities, but they need people who can articulate this great creative project a little better. They need to tell us more about it. How many visitors has it had since it opened? I acknowledge it only opened recently. How many visitors did it have in the summer? The statement provided refers to the Irish people being “custodians of a priceless historical heritage”. Will the witnesses remember all of my questions?

**Mr. Pdraig Begley:** No. Mr. Hayes is writing them down.

**Senator Marie-Louise O’Donnell:** How do they want the committee to help them? What do they want us to take away from the meeting?

**Mr. Pdraig Begley:** Mr. Gregg Bemis bought the wreck from the insurance company. He bought the physical wreck but not the private property contained in it. He was involved with some other people originally but eventually took sole control. It is his property.

**Senator Marie-Louise O’Donnell:** I know about the artefacts and the rows in that regard.

**Mr. Pdraig Begley:** Mr. Hayes reminds me that Mr. Bemis bought the Lusitania from the receiver of wrecks. It was originally bought from the insurance company. Is that correct? My colleagues and I may be behaving like politicians and arguing among ourselves.

There have been approximately 16,000 or 17,000 visitors this season, but we are anticipating far more when the project comes to fruition.

**Senator Marie-Louise O’Donnell:** How many Irish people were on board the *Lusitania* when it sank?

**Mr. Con Hayes:** All Irish people on the *Lusitania* were classified as British at the time. There was a significant number of them. There were people from all over the country on board as passengers or crew. Many of the crew were from Liverpool and Ireland or of Irish extraction. The Irish connection was very strong, as was the American connection, although the latter may be a little over-emphasised. There were 70 Russians on the vessel, for example. Between crew and passengers, there were 36 nationalities on board. Approximately 70% of the total complement was Irish, English, Scottish or Welsh.

On custodianship, the formal handing-over of the *Lusitania* took place on 7 May of this year. We signed the donation agreement with Mr. Gregg Bemis on that date.

**Senator Marie-Louise O’Donnell:** How much has it cost so far?

**Mr. Pdraig Begley:** It has cost approximately €750,000, accounted for by the two phases and the funding we had to raise before anything happened. Various consultants and so on had to be engaged.

**Senator Marie-Louise O’Donnell:** How can the committee help the witnesses? What do

they want me to take away from the meeting?

**Mr. Pdraig Begley:** I am not sure we know the answer to that. We have come to explain what we have and to allow members to ask questions that will further educate us. Licensing is a big issue.

**Mr. Con Hayes:** The licensing process, in which we are not involved, is an issue. The diving licensing process this year has been between the underwater archaeology unit of the Department, Mr. Bemis and the divers who are seeking licences. We have not applied for a licence. It is an open question as to whether we will do so. It is very important that the process be sped up. It is frustrating for divers to organise hiring a ship, which may cost €15,000 or €20,000, arrange for divers from all over the world and get organised, but then find that they still do not know in June or July whether they will receive the licence for which they applied in December. The timing of the licences is an issue. Last year, the process worked quite well and the divers obtained licences within a reasonable timeframe. That may be because the relationship between the divers and the Department has improved and they know one another far better.

Mr. Bemis's intention to gift us the *Lusitania* has, in some ways, changed the dynamic of the situation because there had been a lot of mistrust between them. With the gifting of the vessel to the Old Head Signal Tower Heritage CLG/Lusitania Museum, it is to be hoped that there will be a different perception such that this is seen as a national treasure. That is how it should be regarded. We would welcome anything the committee can do to push the message that this is a national treasure and that we need to do something about it. The licensing is one aspect that could be addressed.

I do not know what influence the committee has on the funding we receive. We would love it if the Department were to give us €10 million to look after the *Lusitania*, but the committee will not easily persuade it to do so. As the Senator stated, a local community group can do things that even Governments may not be able to because we are on the ground, we know what has to be done and we are willing to do it. If we do not have the expertise, we find it and keep the project moving. We are singularly focused on what we are doing. Any help the committee can provide would be more than welcome, beginning with positivity and getting the message across.

It would be fantastic if the committee could find a way to honour Mr. Bemis because he has done remarkable work in keeping this alive. We have been conscious of it on the Old Head for a long time. I began by referring to 1995, which is quite some time ago. It has always been in the consciousness of people on the Old Head that this magnificent liner was torpedoed 12 miles off the coast. Honouring Mr. Bemis would be a very good first move. For that to be done in an effective manner, a licence should be issued to investigate the cause of the second explosion, which caused the ship to sink. Mr. Bemis would consider that very important. He would probably not accept an honorary award recognition without a furtherance of the examination of the ship. He discussed it with the Minister and the Department because it would involve cutting plates out of one side and going in while it is still structurally sound to investigate the interior of the forward part of the ship, where the explosions that sank it occurred. That kind of information is necessary to complete the historical record of exactly what happened to the *Lusitania*. Can the facts be established without such an investigation?

**Mr. Pdraig Begley:** The Senator stated that the project is not well known. Of course, we do not have the funding for widespread advertising of the type that other projects can afford. We depend on word of mouth. We sometimes get a few pictures in a newspaper on special oc-

casions. We would love to be able to have a weekly campaign in *The Irish Times* as was done in the case of Spike Island.

**Senator Marie-Louise O'Donnell:** I do not say it as a criticism; I am saying that the genius of the project is not being recognised. One can never tell people long and loud enough about the really great, creative things being done nationally by voluntary organisations, one of which is the witnesses' organisation. The witnesses could put their heads together and ask how they are going to let everyone in Ireland know about this. We all had an aunt, an uncle, a great-aunt or a grandparent who fuelled us to give and to do things; I had such an aunt. That energy is needed. The witnesses will have to sit down and think of ways to do that, whether through the media or one of a thousand other ways. They must get that energy behind it. That is the only reason I say what I have said. It is an absolutely brilliant project.

**Mr. Finbarr Cole:** To return to the visitor numbers for which the Senator was asking, we have been looking at the numbers coming in since 2017. Up to 2017, we had approximately 12,000 visitors. They were mainly Irish. There has been a steady increase over the intervening years. We have also seen more visitors from Europe. Visitors from North America are very attracted to us because they believe the sinking of the *Lusitania* was one of the main reasons the United States entered the First World War. Over the past two years, our visitor numbers have increased from 1,600 to almost 5,000 this year. They are coming from all parts of the world. As I said, in 2017 visitors were mainly coming from Ireland, England and mainland Europe, with the occasional American. They are now coming from Argentina, South Africa, Australia, and New Zealand. They all have an Irish connection. They are coming back to visit relatives and friends. The Wild Atlantic Way is also bringing many visitors in our direction. Kinsale is a visitor destination and we are only a ten-minute drive from Kinsale. The word is getting out in Kinsale and it is bringing people out just that little bit further to take in the scenery and to be amazed at what we have to show the visitor in respect of the history of the *Lusitania*. We are also on Facebook and TripAdvisor and make use of the usual local advertising methods. TripAdvisor has a big impact for us because many people do some research before they start moving.

I take the Senator's point, we need to get more media attention but this is definitely a work in progress. More than anything, what we need from the committee is goodwill in helping to promote us. That is where I am coming from. We need to promote it and get the word out about it. If the Senator can help in that in any way, she should come and visit me. We will have a chat and take it from there.

**Mr. Vincent Downing:** I will refer back to the licence for diving. The window of opportunity off the Old Head is pretty limited at times, owing to the exposure. It depends on the weather. The diving season can sometimes be very short. It is very important to know that one can get a licence in advance so that one can work around it.

**Senator Marie-Louise O'Donnell:** In whose gift is the issuing of licences?

**Chairman:** The Senator might hold off on any other questions because I want to move on. She can have that question answered now, but I will then move on.

**Mr. Con Hayes:** The Department of Culture, Heritage and Gaeltacht issues them through the underwater archaeology unit.

**Senator Marie-Louise O'Donnell:** Does it?

**Mr. Con Hayes:** Yes, that is my understanding.

**Senator Fintan Warfield:** The witnesses are very welcome to the committee. I thank them for taking the time to travel up from west Cork. They have had major success at a time when our heritage sector has taken an enormous hit across the board. Even within the area of culture, arts, and heritage, heritage bore the brunt of funding cuts over recent years. The abolition of the Heritage Council was mooted. It once received €19 million from the State, it now receives €3 million. Fáilte Ireland now fills that role and it seems the Heritage Council has had to take the back seat. Despite this, a report on the heritage sector in 2011 said that it generates €1.5 billion, returns €500 million to the Exchequer and sustains 40,000 jobs. I know Mr. Cole has talked about the tourism benefit but I also listened to Mr. Hayes speaking about how it is not desirable to overwhelm the Old Head. In my contribution, I want to make the point that it is vital that we do not simplify our heritage to increase its appeal to tourists. We should not force local groups to go through Fáilte Ireland and to justify spending on our heritage on the basis of bed nights and so on. Going down the Fáilte Ireland route rather than using the set agency that already exists, the Heritage Council, is wrong. Investment decisions should never be based solely on visitor numbers and bed nights. The representatives have proven in their contributions that our built heritage is not only an enormous contributor and valuable to Fáilte Ireland, which is why it funded the work, but is, first and foremost, a public good and is valuable in and of itself. It is also valuable to the local communities who guard it. I thank the witnesses for their work in guarding the local, national, and international heritage of their area.

I cannot tell from photos online or the photos presented today how the tower is rendered on the front. Is it brick?

**Mr. Con Hayes:** It is slate. The original tower had slate, which protected against the weather, because we are right out on the Old Head peninsula. The original towers had a slate covering. They have been put back the way there were.

**Mr. Pádraig Begley:** Strangely enough, the original instruction from the Admiralty in London was to slate these buildings against the wild Atlantic weather, so there is nothing new about the Wild Atlantic Way.

**Chairman:** Apart from the architectural element, the Senator's contribution was more commentary than queries. Do the witnesses want to respond to it? Is there anything they want to say on it? It was more of a commendation.

**Mr. Finbarr Cole:** The Senator suggested we should be obliged to not have too many visitors swarming----

**Senator Fintan Warfield:** I do not want community groups to have to always go through Fáilte Ireland and to justify local projects that may not be as attractive as the witnesses' offering. I do not want them to always have to justify such projects by way of tourism benefit.

**Mr. Pádraig Begley:** We agree with that.

**Senator Tim Lombard:** I am not a member of this committee, so I thank the Chairman for allowing me to address the meeting. I should warn the representatives that they are dealing with a man from St. Finbarr's, a Barrs' supporter, who has not been too fond of Courcey Rovers over the years. I am sure he will be impartial on this occasion. It is great to have the witnesses here. I know most of the team. They have done fantastic work over the past five, six or seven years to promote this project. The tower on the peninsula, which was opened a few years ago,

is becoming a real statement of intent for the area. The witnesses are now building on that with the proposed museum. The lighthouse has been there for generations and is a real focal point. This project has managed to gather the entire community around it. The amount of money that has been spent and the amount of goodwill shown towards the project is absolutely amazing and is a result of the hard work the witnesses have done.

I have two questions. One is about diving capabilities. Will the witnesses elaborate on the window of opportunity available before the artefacts are lost? Do we have a short window before major artefacts are lost forever as a result of erosion? It has been there for approximately 100 years at this point. Major propellers and so on will survive.

How long will the *Lusitania* structure survive? Do the witnesses believe it will hold, move or collapse in time?

**Mr. Pdraig Begley:** The wreck is in very poor condition at the moment. It has collapsed in on itself and the main steel is rotting. That is why the diving team, who are at the site at the moment, are doing a full survey using computer enhanced pictures. We will have a full report very shortly.

**Senator Tim Lombard:** Taking that information into consideration, there is an urgent need to ensure we have a dive team put on the wreckage that will move artefacts that are at risk of being lost for evermore. That is the key issue. If we have the capabilities within the Department to grant a licence then it must move with the community to ensure we have one major dive on the wreck and take what is there before it is lost forever. There is a major fear that small artefacts, in particular, could be lost unless the Department grants permission in the next four or five years, which is where this committee could work with the Department. It would be a tragedy for us to lose major items due to unfortunate weather or sea conditions. I ask Mr. Hayes to elaborate on how we could arrange a major dive to ensure we save these important pieces of history for evermore. How can that process happen? Is it possible?

**Mr. Con Hayes:** We believe it is possible. The timeframe cited by the Senator is roughly right. The next ten years are crucial but that might take some of us out of the equation.

*(Interruptions).*

**Mr. Con Hayes:** The *Lusitania* is vulnerable. People have compared it with the *Titanic*, which is in much better condition than the *Lusitania* because it is in much deeper water that is not subject to the variations of weather in the Atlantic. The *Lusitania* is in very shallow water and, therefore, artefacts can become covered over. The artefacts from the Spanish Armada were hard to find because they were under sand, which could happen in a very short time with the *Lusitania*. As the wreck collapses in on itself some artefacts could be lost because of that fact alone.

There is another factor that should not be dismissed too easily. It was technically very difficult to dive on the *Lusitania* until relatively recently. Now there are hundreds of professional divers who would have no problem diving on the *Lusitania*. There is potential for artefacts to be stolen but I will not make that a big issue. The *Lusitania* is vulnerable. There is a lot of focus on the *Lusitania* but nobody could protect it from that kind of stuff.

The window of opportunity to dive is in July, August and September, usually, and maybe June too if conditions are good. Access is very weather dependent and one usually only gets

two or three days at a time. A lot of the time one has a ship commissioned that one cannot use but one must still pay for. This year the ship that the divers commissioned cost €15,000. They had a licence to dive eight days but only dived on six, which was very good. Unfortunately, two days were lost because the weather was not good enough. Divers need flexibility in terms of early licensing so that they can plan their timeframe and reach the site when the weather conditions are good. In the past there was a problem with licences being issued at the last second but it is less of a problem now.

There needs to be a more generous approach to the retrieval of artefacts. To be fair, there was a certain resistance to retrieving anything from the *Lusitania* at one stage. I am not sure what the rationale for that was but it does not make much sense to us. It seems to me we would have no problem retrieving artefacts from the *Armada* vessels. If somebody found them we would not say, “leave them there” but “bring them up” because they would be made of material that does not rust. A lot of the artefacts that we are interested in are made of brass and non-ferrous materials so they will recover almost all of their original lustre when they are cleaned up. The formal process is a critical part of the licensing process whereby one must explain how one will recover and restore artefacts. All of that kind of stuff is covered.

The next ten years is crucial in terms of identifying and recovering artefacts. Hundreds of artefacts could be recovered from the ship. I do not know how many artefacts were identified this year but there is probably between 30 and 40 artefacts. Divers take photographs and identify the items. Members can see pictures on their screens of one or two items that divers have identified this year. One of the ship’s bells is still buried in the sand. This year, a licence was issued for the ship’s compass. I am not sure whether Mr. Eoin McGarry has dived at the site this year. I hope he has because the weather was so good. There is an issue with the timing and speed of granting a licence.

People need financial support. The divers do amazing work and fund themselves to dive on the *Lusitania* on our behalf. Again, we need a little bit of generosity from the State. Irish Lights owns a ship that is capable of recovering all of the artefacts in a very short time but it costs money.

**Chairman:** I want to move the meeting on so I suggest that Ms McLaughlin responds after Senator Lombard comments and asks a subsequent question.

**Senator Tim Lombard:** My only question has been about how to put a process in place for the next five to seven years thus ensuring we do not lose stuff to the sea. I ask Mr. Hayes to elaborate on the propellers. Have they been located? Originally, propellers were retrieved from the wreck. Where are they at the moment?

**Mr. Con Hayes:** When people dived on the *Lusitania* in the 1980s three propellers and two anchors were recovered. There is still a propeller under the ship but it is not recoverable because the ship rests on top of it. People had to use plastic explosives to separate the propellers from the ship. One propeller is on the quays in Liverpool as a memorial to the *Lusitania*, another propeller is in Houston in Texas and the remaining propeller, unfortunately, was melted down and turned into golfclubs to pay for the expedition. I have chased the whereabouts of the anchors. I thought I had located them but they have disappeared again. I know they are somewhere in Scotland but I am not sure where. We are also chasing large artefacts, which could be donated to us if we find them. It is not hard work to find the artefacts, pin them down and talk to the right people. A lot of *Lusitania* artefacts have been bought by various people. *Lusitania* buffs own a lot of bits and pieces of the vessel. They might be willing to give them back to us

if we had a venue or building in which to house them.

**Chairman:** I will put the word out from this committee to all the *Lusitania* buffs. Does Ms McLaughlin want to comment?

**Ms Maria McLaughlin:** I am sure all of the members are aware of Sir Hugh Lane who was instrumental in creating a modern art gallery in Dublin. He lost his life on the *Lusitania*. Apparently, he travelled with 24 paintings from the States, including five masterpieces with one by Monet. Another masterpiece was by Rubens, which I understand is now the property of the State having discussed this issue during our train journey here. The painting was insured for £3 million, which amounts to £300 million now. Surely it is in the State's interest to recover anything that will help the State and us, at the same time, and of course the art world. Imagine what it would be like to restore the paintings. The masterpieces were stored in lead tubes so hopefully, and we must keep our fingers crossed, they will have lasted the journey of time. The lead tubes were designed to withstand leakage, flooding and that kind of thing. If they are in good nick, that would be a wonderful stroke to pull off for Ireland and for the international art community.

**Chairman:** That is extraordinary. I call Deputy Danny Healy-Rae.

**Deputy Danny Healy-Rae:** I welcome each and every one of our guests. I listened to the debate on the monitor in my office and I know they have a very interesting story. I want to thank Deputy Michael Collins, the Vice Chairman, for ensuring that they were brought before us. I know the Deputy did a lot of work on their behalf, which was only fitting.

I claim a small connection to the *Lusitania* because the headmaster of our school, the late Dermot Hickey, and my father always talked of the two people from Kilgarvan who survived the *Lusitania*, Flor O'Sullivan and his wife, Julia. Neither knew the other had survived for 12 days after they were brought ashore. They were from my road in Clonee, Kilgarvan, and my father knew them when he was a young fellow. I am glad to have that small connection.

This is a wonderful story and we hope it will develop in the positive way that it should. It is on the Wild Atlantic Way, which we want to strongly promote. Anything that can enhance and strengthen its possibilities and ensure we have tourist traffic all of the time will benefit all of the south of Ireland, from the south-east to the south-west and up towards the north-west. It is vital things like this are promoted and it is valuable that it would be part of the Wild Atlantic Way. We see what the Titanic Experience has done for Belfast and I believe it is the leading tourist attraction in the Thirty-two Counties at present. Whatever it is that attracts people to the sea and to what happened at sea, it always commands interest in everyone's mind. It would be a wonderful thing if this project can get up and running.

As others have stated, it is local but it is very much national as well. That is why Deputies, other Oireachtas Members and the Department will recognise that we are seeing positive work from those involved. Those who have come here today have highlighted that urgency is needed in dealing with this and ensuring the valuable items are not lost, covered over or, as Con Hayes said, stolen, because that is what will happen. I appeal to the Minister, the Department, the Office of Public Works and Fáilte Ireland to do everything they can to ensure that this good work will not go to waste. Our guests certainly have my goodwill and that of the other members here. We will promote this request and this idea in every way we can.

It is very interesting and encouraging to hear that the divers are not being paid for their

work. A speaker highlighted the short timeframe from May until September, or maybe October in a good year. I appeal to the Department in the most serious way to take this project on board and deal with it now because there is no point putting it on the long finger. All of this good work could be in vain. For example, we heard Mr. Hayes refer to trying to track things down and if people take things, it is not very easy to get them back. Ms McLaughlin had a story about Hugh Lane and the valuable paintings. There is an awful lot at stake here.

A matter I wish to clarify relates to the site where the museum will be built. Does the company own that or is it in public ownership?

**Mr. Padraig Begley:** The site belongs to the Office of Public Works but we have a 50-year lease. I am looking forward to renewing it.

**Deputy Danny Healy-Rae:** Will the planning application be made to Cork County Council or directly to An Bord Pleanála?

**Mr. Padraig Begley:** To Cork County Council.

**Deputy Danny Healy-Rae:** What is the situation with architects? Are there volunteers?

**Mr. Padraig Begley:** No, we will have to foot the bill for all of those.

**Deputy Danny Healy-Rae:** Again, this organisation has done mighty work and we appreciate it very much. Any help we can give at any time, we will give it. I am always available to those involved. They can ring me at any time. This is vital. It is an added attraction for the Wild Atlantic Way which will benefit all of the south of Ireland, as well as the south east. Those involved are entitled reap the rewards from thousands of visitors. All I can say to them is to build it big enough so that it can attract these people. It will develop into a massive attraction but, of course, that depends on how many artifacts can be put into the museum and how much of the story can be put together. I again thank our guests. I thank the Chairman for giving me the time to welcome them.

**Chairman:** Is the Deputy happy with that?

**Deputy Danny Healy-Rae:** Yes, they have answered the questions about the site and the architects who will design the building.

**Deputy Margaret Murphy O'Mahony:** I am grateful for the opportunity to speak. I am not a member of this committee but I came on behalf of the people of the constituency of Cork South-West to thank each and every one of our guests for the Trojan work they have done, not only on this project but in keeping history very much alive and well. I find young teenagers in particular are fascinated by all the stories. Those involved have rekindled this history, for youngsters especially, right across west Cork due to the work they have done. I know some of them are involved in other projects as well. Well done. I am very proud of them and it is great to see people from home up here.

**Chairman:** I also thank our guests for attending. It is an extraordinary story, particularly in light of the various matters relating to the *Lusitania*, the intrigue of how it came to sink, the enormous loss of life and the scale of this massive tragedy. It really is a remarkable story. I have learned about Hugh Lane and the various masterpieces, which I never knew about before. That is another fascinating element. It is incredible what those involved have achieved. We see it everywhere but I never cease to be amazed by the capacity and ingenuity of local community

organisations and, in many instances such as this one, the professionalism involved. None of this could be done without the company being extremely competent and on top of what it is doing. I have no doubt that this will continue. I say “Well done” to the company and wish it all the best with its efforts.

While it is not the committee’s role to support particular funding applications, we can examine any possible policy issues that may exist with regard to funding streams in a policy sense. In a general sense, we can support the importance of what the company is about. I understand the urgency associated with the recovery of the artefacts. I think that point has been well made. It is a significant issue. I hope the witnesses have found this afternoon’s meeting to be of benefit. I hope it will help to get the word out there about the company’s plans and what it has already done. Unlike Senator Lombard, I am not a resident of west Cork because I am from Togher. I occasionally visit west Cork and spend the weekend there. I might go on down to the Old Head and have a good look at the set-up. I hope the word goes out from here.

I would like to ask one or two quick questions before we conclude. Our guests stated that an application has been made for funding of between €70,000 and €90,000 to provide for the commissioning of the design of the museum. Am I right in saying that this application has been made to Cork County Council and SECAD?

**Mr. Con Hayes:** No, we have not yet made any formal application for that.

**Chairman:** Okay.

**Mr. Con Hayes:** We have spoken to both of them about this.

**Chairman:** Yes.

**Mr. Con Hayes:** They have said that as soon as we have selected our team, we should get back to them.

**Chairman:** Okay.

**Mr. Con Hayes:** They are very positive. I feel they will be responsive to us.

**Chairman:** Is the company confident? Obviously, Mr. Hayes cannot say for sure which way it will go. He has said that they sound receptive and hopeful. He thinks there is a possibility that they may support this particular funding application.

**Mr. Con Hayes:** I think they will look positively at the funding application for this particular element of the project.

**Chairman:** I understand there is much more to it.

**Mr. Con Hayes:** The professional fees involved in bringing the whole thing to turnkey stage will probably be approximately €300,000. That is another day’s work.

**Chairman:** When the funding application comes in for this scheme, I am sure the Department will ask the company and the local community to set out whether they can provide some of their own funding, etc. Obviously, this is a huge stack of money that nobody has hanging around. Is there any indication that philanthropists or other people who have an interest in the *Lusitania* might be willing to support this project? Is there any other sort of private revenue stream or community revenue stream that could be availed of, in addition to the grant funding,

to support the development of this centre?

**Mr. Con Hayes:** It is difficult to say. We are pursuing many different funding stream options. It is hard work. Nobody is going to give us money easily.

**Chairman:** For sure.

**Mr. Con Hayes:** We are approaching companies. We hope we might be able to attract American funding in some fashion. We are pursuing that angle. All of this will take a long time to develop into anything.

**Chairman:** I have a final question. We have spoken about the recovery of the artefacts. The ownership of the wreck is in the hands of the company. Does the company have anything in mind for the wreck itself after all of the artefacts have been recovered. Maybe it is not possible to do anything with the remaining structure of the ship. Is it the case that there is an endless supply?

**Mr. Con Hayes:** As the wreck collapses, it might make available large artefacts which are not currently accessible. There is a propeller which might become accessible, but that could be in 40 years' time. The rudder of the ship, which is in two parts, might become accessible in time. Some of the material in the holes might become accessible in time. It is very hard to tell.

**Mr. Pdraig Begley:** The larger artefacts would be hugely expensive to lift.

**Chairman:** All right. I again thank our guests for attending. We are very grateful to them. I hope they have enjoyed the meeting and found it to be of benefit. Go raibh míle maith agaibh. I wish them a safe journey back to west Cork.

**Mr. J.J. Hayes:** On behalf of our committee, I thank the joint committee for issuing us with the invitation to come here. I am supposed to be the chairman but, as members will have observed, I do not have to say much. I thank the members of the committee for receiving us so positively and for listening to our case so sympathetically. I thank Deputy Michael Collins for organising this trip. I would like to invite members to visit us some time to see what we are doing. I think that would be a positive response. We would be delighted to accommodate members at any time.

**Chairman:** Very well. I thank Mr. Hayes for those words. Any of us can visit as individuals. I would say we will all take that on board. If the company wants to issue us with an official invitation, we can take that on board. We have already identified at least two, and possibly three or four, visits for the next 12 months. We also have our committee meetings. We will see if and when we can fit it in. I ask the company to feel free to issue the invitation. I meant to say earlier that this meeting has the potential to be part of an ongoing engagement. If there is an issue or further information that requires the attention of the committee, our guests should feel free to maintain correspondence with the committee through the clerks and the officials. We regularly receive correspondence. If we receive correspondence, we can take some action on foot of it. We can note it and forward it onto the relevant Minister with our support. Go raibh míle maith agaibh arís.

## Scrutiny of EU Legislative Proposals

18 September 2019

**Chairman:** Before we adjourn, I wish to record the decision taken by the joint committee on an EU legislative proposal. The committee has agreed that COM (2019) 321 warrants no further scrutiny.

The joint committee adjourned at 4.27 p.m. until 1.30 p.m. on Wednesday, 2 October 2019.