

1 THE TRIBUNAL RESUMED AS FOLLOWS ON WEDNESDAY, 24TH SEPTEMBER 2003

2 AT 12 NOON:

3
4 JUDGE MAHON: Good morning. This ruling of the Tribunal and any findings
5 expressed therein relates solely to evidence concerning the issue of compliance
6 by Mr. Liam Lawlor with an Order of this Tribunal made on the 12th March 2003
7 and is particularly concerned with the close and detailed examination of the
8 steps taken by him in purported compliance with that Order.

9
10 The Order of 12th March 2003 required Mr. Lawlor to make discovery on oath and
11 produce all documentation in his possession or within his power and procurement
12 concerning the sale by him, jointly with Mrs. Hazel Lawlor, of approximately
13 one acre at Somerton, Lucan, County Dublin in or about November 2001 and
14 including, but not limited to, the receipt of application of the proceeds of
15 sale of the said transaction. The Order further provided that the Affidavit of
16 Discovery be made in the form provided for in Form 10, Appendix C of the Rules
17 of the Superior Courts 1986 (as amended). Mr. Lawlor had been notified on the
18 14th February 2003 that the Tribunal had intended making an Order in these
19 terms and was advised as to his entitlement to make submissions to the Tribunal
20 before any such Order was made. No submissions were, in fact, made by
21 Mr. Lawlor.

22
23 In purported compliance with the Order of the Tribunal of the 12th March 2003,
24 Mr. Lawlor swore a number of affidavits commencing with an affidavit sworn on
25 31st March 2003. This affidavit was clearly deficient in both form and
26 substance. An extension of time was granted to Mr. Lawlor for the swearing of
27 further affidavits in the correct form. On 7th April 2003 Mr. Lawlor was
28 informed that as he failed to comply with the Discovery and Production Order,
29 the Tribunal would consider applying to the High Court pursuant to Section 4 of
30 the Tribunal of Inquiry (Evidence) (Amendments) Act 1997 for an order

1 compelling Mr. Lawlor to comply with the Tribunal Order.

2
3 A further warning letter was sent by the Tribunal to Mr. Lawlor on the 15th May
4 2003, once again elaborating on the deficiencies in his purported discovery to
5 date. Mr. Lawlor was advised on 19th June 2003 that the Tribunal had decided
6 to summon him to give oral evidence on the compliance issue not before the 8th
7 July 2003.

8
9 Oral evidence has been taken from Mr. Lawlor between 8th July 2003 and the 31st
10 July 2003 and again between 16th September and 23rd September 2003 with
11 evidence from Mr. Tony Seddon, solicitor, on 17th and 18th September. During
12 these periods, and with the leave of the Tribunal, Mr. Lawlor has discovered
13 and delivered some 17,000 additional pages of documentation pursuant to the
14 order of the 12th March 2003. The most recent delivery of a substantial amount
15 of documentation by Mr. Lawlor occurred as late of 12th September 2003, some
16 six months or so after the making of the initial Order.

17
18 Prior to the Order of 12th March 2003, Orders for discovery and production were
19 made by the Tribunal to Mr. Lawlor, relating to other matters relevant to the
20 Tribunal's Terms of Reference, the first one being made on the 8th June 2000.
21 Arising from same, Mr. Lawlor was subsequently referred by this Tribunal to the
22 High Court pursuant to Section 4 of the Tribunal of Inquiry (Evidence)
23 (Amendment) Act 1997. On three occasions the High Court has found Mr. Lawlor
24 not to have complied with the Tribunal discovery and production Orders
25 resulting with in Mr. Lawlor serving three terms of imprisonment.

26
27 Notwithstanding the fact that Mr. Lawlor is not on this occasion legally
28 represented, the Tribunal is satisfied that, because of Mr. Lawlor's previous
29 dealings with the Tribunal on the question of discovery and consequent upon his
30 appearance in the High and Supreme Court over the past three years, he has a

1 detailed and thorough knowledge of the discovery process including the
2 necessity to use the form of affidavit provided for in the Rules of the
3 Superior Courts, and he is well aware as to what is required to comply with the
4 Order of 12th March 2003.

5
6 Furthermore, the contention made by Mr. Lawlor that he has been unable to
7 secure any legal advice relating to the discovery Order because of lack of
8 funds is totally rejected by the Tribunal. The Tribunal is satisfied that
9 Mr. Lawlor has access to sufficient funds to pay for legal advice, if it was
10 his wish so to do.

11
12 Having considered the documentation discovered and produced by Mr. Lawlor in
13 purported compliance with the Order of 12th March 2003, and with the benefit of
14 oral evidence of Mr. Lawlor together with that of Mr. Michael Whelan, Mr. John
15 Barrett and Mr. Tony Seddon, solicitor, the Tribunal now makes the following
16 findings and conclusions, solely in relation to this compliance issue:

17
18 1. Prior to the commencement of Mr. Lawlor's oral testimony on 8th July 2003,
19 Mr. Lawlor had failed to comply with the order of 12th March 2003 to a degree
20 that was very significant and which amounted to obstruction of the Tribunal in
21 its work, and he persisted in doing so in spite of generous extensions of time
22 granted by the Tribunal to enable him to comply. This failure to comply not
23 only related to the persistent failure by Mr. Lawlor to use a format of
24 Affidavit provided for in the Rules of the Superior Courts as he was directed
25 to use, but also as to the substance and content of the affidavits actually
26 sworn by him.

27
28 2. Mr. Lawlor's non-compliance not only related to relevant documentation in
29 his possession but also documentation within his power and procurement,
30 including documentation physically held by Seddons solicitors in London and

1 Prague. Much of this documentation was only identified and made available by
2 Mr. Lawlor in September 2003, by which time the Tribunal had secured the
3 agreement by Mr. Tony Seddon, solicitor, to attend and give evidence, which he
4 did at considerable expense to the Tribunal and resulting in further additional
5 delay to the Tribunal;

6
7 3. Mr. Lawlor's non-compliance with the order of 12th March 2003 continued
8 after the 8th July 2003 and throughout his oral testimony.

9
10 4. The contention of Mr. Lawlor that he was unable to access or was in some
11 way fettered in his access to certain relevant documentation held by his
12 foreign solicitors because of lack of funds is rejected as being totally false
13 and grossly exaggerated by him. The Tribunal takes this view only after close
14 examination and consideration of the evidence given by Mr. Lawlor on this
15 particular subject.

16
17 5. The Tribunal is, at this belated stage, reasonably satisfied that
18 Mr. Lawlor has now complied with the Order of 12th March 2003 insofar as he may
19 be able so to do at present. In arriving at this conclusion the Tribunal
20 accepts that Mr. Lawlor's failure to procure documentation in the possession of
21 Haynes & Trias, solicitors, Gibraltar, Nicholas Morgan, solicitor, Jersey and
22 David Morgan, Whitehead & Company, solicitors, Jersey may, on its face be as a
23 result of the refusal of all or some of these parties, (who are outside the
24 jurisdiction), to permit access to and production of such documentation to the
25 Tribunal for reasons of solicitor/client confidentiality involving third
26 parties or on the grounds of relevance. However, the Tribunal remains anxious
27 to examine this documentation and will continue to seek its production by other
28 means, including, if possible, securing the attendance of Nicholas Morgan,
29 solicitor, to give evidence to this Tribunal. Therefore the Tribunal expressly
30 reserves the right to revisit the question of Mr. Lawlor's compliance with the

1 Order of 12th March 2003 in respect of this particular documentation at a date
2 in the future should it be appropriate so to do.

3
4 6. The Tribunal is satisfied that apart from the other documentation referred
5 to in paragraph 5 above, all other documentation furnished by Mr. Lawlor since
6 commencement of this compliance module was within the possession, power and
7 procurement of Mr. Lawlor at the time he swore his first Affidavit of
8 Discovery. Having heard evidence from Mr. Lawlor the Tribunal is satisfied
9 that the withholding of this documentation was a deliberate act on his part,
10 and amounted to non-cooperation with the Tribunal.

11
12 7. Mr. Lawlor, over the course of his oral examination commencing on 8th July
13 2003, repeatedly lied to this Tribunal, was evasive, dismissive,
14 unco-operative, obstructive and lacking in cooperation to a degree which can
15 only amount to a very serious attempt to knowingly mislead, obstruct and hinder
16 the Tribunal in its work and, more particularly, in its lawful pursuit of the
17 documentation sought in the Order of 12th March 2003.

18
19 Section 4 of the Tribunals of Inquiry (Evidence) (Amendment) Act 1997 is the
20 statutory provision enabling the Tribunal to refer a person to the High Court
21 in the face of that person's failure to comply with or his disobedience of an
22 Order of Tribunal whereupon the High Court is empowered to make such orders as
23 it deems appropriate to give effect to such Order.

24
25 It is this section of the Act of 1997 which has been utilised by this Tribunal
26 on previous occasions to compel Mr. Lawlor to comply with the Tribunal's Orders
27 for Discovery and which has resulted in the imprisonment of Mr. Lawlor for
28 contempt of Court arising from his failure to comply with discovery orders made
29 by the Courts.

1 There is, however, no statutory provision enabling a Tribunal to refer a person
2 to the High Court purely for punitive purposes where that person has complied
3 with the relevant Tribunal order, however belated, as has occurred on this
4 occasion.

5
6 The Tribunal could have chosen to stand down Mr. Lawlor on 8th July 2003 or
7 soon afterwards, and to have then referred him to the High Court pursuant to
8 Section 4 of the Act of 1977, but the Tribunal chose instead to attempt to
9 exact the relevant documentation from him under examination on oath and with
10 the aid of information obtained in the course thereof. In so doing, the
11 Tribunal believes that the relevant documentation that has been now obtained by
12 the Tribunal has been secured much earlier than would have been the case had it
13 stood Mr. Lawlor down in July 2003 and referred the matter to the High Court.

14
15 In proceeding in this manner, the Tribunal was particularly mindful of its
16 remit to conduct its areas of investigation in as an efficient and cost
17 effective manner as possible.

18
19 In the course of its work this Tribunal has frequently to contend with evidence
20 which, on its face appears less than truthful, but on many such occasions an
21 actual finding that such evidence is in fact untruthful must await later
22 evidence from others or evidence gleaned from a close perusal of documentation.
23 It is for this reason that the Tribunal will only occasionally make a finding
24 that particular evidence was given by a witness knowing it to be untrue until
25 such time as all related evidence has been considered. On this occasion,
26 however, and as the Tribunal concludes this compliance hearing, which is
27 effectively a module in its own right, we deem it appropriate to express our
28 deep concern at the evidence given by Mr. Lawlor in such circumstances where he
29 knew that such evidence was false and untrue. There are a number of instances
30 where the Tribunal is satisfied that untruthful evidence was knowingly given by

1 Mr. Lawlor over this period. However, in respect of two particular instances
2 given Mr. Lawlor's blatant disregard for the truth, the Tribunal hereby directs
3 that the relevant transcripts of evidence together with the relevant
4 documentation be referred to the Director of Public Prosecutions to enable him
5 to decide if any further action was appropriate.

6
7 These two instances are:

8
9 (1) Evidence given by Mr. Lawlor on 8th July 2003 and following days relating
10 to an explanation for a payment for 100,000 pounds and 17,500 pounds by
11 Mr. Michael Whelan/Maplewood Holdings/Lunar Sea Developments for himself or for
12 his benefit; and

13 (2) Evidence given by Mr. Lawlor on the 8th July 2003 and following days
14 relating to the source, preparation and delivery of an invoice of 100,000
15 pounds plus VAT of 17,500 pounds on a bill heading purporting to be from
16 Seddons Solicitors, London and Prague.

17
18 In both these instances the Tribunal is satisfied that Mr. Lawlor gave evidence
19 under oath which he knew to be false and he did so for the purposes of
20 obstructing or hindering the work of the Tribunal.

21
22 This referral of course in no way inhibits the Director of Public Prosecutions
23 from examining other evidence given by Mr. Lawlor and others should he wish to
24 do so.

25
26 That concludes the ruling of the Tribunal.

27
28 Finally, Mr. Lawlor, I want to say the following: Pursuant to Section 3 of the
29 Tribunals of Inquiry (Evidence) (Amendment) Act 1997 I, as Chairperson of the
30 Tribunal, propose to consider whether orders for costs should be made solely in

1 relation to this compliance module based on the findings of the Tribunal as
2 have just been stated, part of this process will include consideration as to
3 whether you, Mr. Lawlor, should be ordered to pay the costs of this module
4 incurred by this Tribunal and other parties. If you wish to make submissions
5 on the issue of costs, and in particular submissions as to why an order should
6 not be made directing you to pay all or some of these costs you may do so
7 orally at 10.30 a.m. on Tuesday week, 7th October, or if you wish in writing
8 prior to that date. If you propose making written submissions you might inform
9 the Tribunal of your intention to do so within the next seven days. To date
10 you are entitled to seek your own legal advice and you may be legally
11 represented if you wish on this date in October. The Tribunal will write to
12 you this afternoon in relation to the -- those costs matters which I have just
13 set out.

14
15 So, that concludes the business for the moment.

16
17 Mr. Lawlor, you are required to return at 2 o'clock in relation to the
18 resumption of the Carrickmines.

19
20 THE TRIBUNAL THEN ADJOURNED UNTIL 2 O'CLOCK
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1 THE TRIBUNAL RESUMED AS FOLLOWS AT 2.00 PM:

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3 CHAIRMAN: Afternoon.

4

5 MR. O'NEILL: Good afternoon, Mr. Chairman.

6 Mr. Lawlor please.

7

8 LIAM LAWLOR, PREVIOUSLY SWORN, WAS EXAMINED AS FOLLOWS

9 BY MR. O'NEILL:

10

11 Q 1 Mr. Lawlor, as you will appreciate, you are still under oath.

12 You are now here as witness in the Carrick 1 module, which is part of the
13 inquiry which is concerned with the rezoning of certain lands in Carrickmines,
14 and with allegations that certain named politicians were paid in respect of
15 their activities in support of that rezoning. You, Mr. Lawlor, are one of --

16 A Sorry, am I supposed to have some knowledge of that?

17 Q 2 You are, Mr. Lawlor, because you are a person who has been circulated with all
18 of the documents.

19 A Am I supposed to have knowledge of councillors who were paid money, is that
20 what you said?

21 Q 3 I am merely indicating to you, Mr. Lawlor, what the nature of the Carrickmines
22 1 Inquiry is, for the record?

23 A You are not saying I have a knowledge, are you?

24 Q 4 I am saying that the evidence has been given in the Tribunal, Mr. Lawlor, which
25 you have chosen not to contradict and not to cross-examine to the effect that
26 you were aware that politicians were paid, in particular that Councillor Lydon
27 and Councillor Hand, now deceased, were paid a sum of 3,000 pounds each and as
28 a result they signed a motion. The evidence has been given by Mr. Dunlop that
29 you and he drafted that motion, that you were aware of the payment, that you
30 acknowledge the fact that payments had been made to him.

1 A Sorry, Chairman, I have no such knowledge and it will -- I will now go on
2 record and deny I have any such knowledge and was never informed, I don't know
3 really what you were speaking. If you have information to that effect, spit it
4 out there now.

5
6 CHAIRMAN: Just answer the questions, Mr. Lawlor.

7 A I don't know what you are speaking about.

8
9 CHAIRMAN: Mr. Lawlor, there is no need for comments like that. Just --

10 A I am putting it, Chairman, I don't know what he is talking about, payments to
11 councillors, I know nothing about it. He implied I am supposed to know
12 something about it.

13
14 CHAIRMAN: You can deal with the questions.

15 A I am dealing with it now.

16
17 CHAIRMAN: Go ahead, Mr. O'Neill.

18
19 Q 5 MR. O'NEILL: Mr. Lawlor, evidence on these issues was given under oath in the
20 witness-box that you are now sitting in by Mr. Frank Dunlop. I will go through
21 the transcript of his evidence when he gave that evidence and what he said in
22 relation to you. That evidence was available to you, had you chosen to consult
23 the web where this information is published on a daily basis. You have been
24 following the events of the Carrick 1 module, as I have indicated to you, since
25 the 31st October of 2002. All documentation generated in relation to this
26 brief has been circulated to you. If you have chosen not to attend, not to
27 cross-exam the witnesses, that is not a matter which the Tribunal can compel
28 you to do.

29 A Well, I'll take the opportunity of doing so now that you are suggesting these
30 matters.

1 Q 6 It's not for me to be your lawyer, Mr. Lawlor.

2 A I am not asking you, I am saying I will take the opportunity.

3 Q 7 So be it.

4 A So if you wish to arrange the opportunity for Mr. Dunlop to come along here,
5 I'll be delighted to question him about my supposed knowledge that councillors
6 received monies.

7 Q 8 Mr. Lawlor, that evidence has been given.

8 A But that evidence is given about other parties, not about me --

9

10 CHAIRMAN: Mr. --

11 A -- about other councillors. I can't answer for them.

12

13 CHAIRMAN: Mr. Lawlor, just answer the questions that Mr. O'Neill will now ask
14 you.

15 A Mr. O'Neill is making statements, he is not asking questions.

16

17 CHAIRMAN: He is explaining to you, as the Tribunal legal team do with each
18 witness as they arrive to give evidence, the reason why they have been called
19 to give evidence. They then give their evidence. So just simply answer the
20 questions and let things develop that way.

21

22 Q 9 MR. O'NEILL: Mr. Lawlor, I'd like to deal firstly with the correspondence
23 which has passed between you and the Tribunal in connection with any
24 involvement which you may have with the Carrickmines lands, and in particular
25 that commences with a letter which was sent to your solicitor then on record,
26 Mr. Dermot Coyne, on the 30th August of 2002. There's a copy of it in the
27 documentation before you there.

28

29 It reads --

30 A I haven't been given any documentation.

1 Q 10 Right. This is correspondence to your solicitor, Mr. Lawlor.

2 (document handed to witness) It's a letter of the 30th August, Mr. Lawlor.

3 Its Tribunal reference can be put up as Liam Lawlor Brief two, number 1.

4

5 In this letter reference is made to earlier communications in the year 2000
6 which were concerned with the inquiry where the Tribunal was seeking voluntary
7 narrative statements from you, but in this instance specifically it raises the
8 following issues.

9

10 "Does Mr. Lawlor now have or did he at any time have any interest, whether held
11 directly or indirectly, by way of trust, nominee, agency, partnership or
12 otherwise in the companies Paisley Park Investments Limited and/or Jackson Way
13 Properties Limited and/or Maskani Management Limited and/or Renzenbrinck
14 Investments Incorporated and/or Xenon Limited and/or lands at Carrickmines
15 County Dublin comprised in folio 4940 properly, the property of Paisley Park
16 Investments Ltd and now the property of Jackson Way Properties Limited and it
17 seeks a response."

18

19 You responded to your solicitor, and he copied that response to the Tribunal on
20 the 9th September 2002 where you write to him from Somerton House as follows:

21 "September 9th 2002. Tribunal letter dated 30th August, reference etc.

22

23 Dear Dermot, I reply herewith to the Tribunal's letter dated 30th August 2002.

24

25 I confirm that I have not at any time had any interest, directly or indirectly
26 by way of trust, nominee, agency, partnership, consultancy or any involvement
27 with the companies, namely, Paisley Park Investments Ltd, Jackson Way
28 Properties Limited, Maskani Management Limited, Renzenbrinck Investments
29 Incorporated, Xenon Limited or lands at Carrickmines County Dublin in folio
30 4940 County Dublin.

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The only knowledge I ever had of Paisley Park Investments Ltd and Jackson Way Properties Limited is by reading about these companies, mainly in the Sunday Tribune.

Regarding the other three named companies, I never had any knowledge of these companies until receipt of the Tribunal's letter of August 30th 2002."

That response, Mr. Lawlor, is one which went beyond the request that was made of you as to whether or not you had any interest in the company and I would indicate to you at this point in time that the Carrick 1 module is not concerned with determining whether or not you did or did not have an interest in the sense of ownership or entitlement to profit. That will be dealt with in another phase of the Inquiry. But your response went on to deal with your involvement with any of those companies and that is a matter which is the subject of this particular phase of the Inquiry.

You chose in your letter here to indicate that you had no involvement with the companies Paisley Park Investments Ltd or Jackson Way Properties Limited or with the lands at Carrickmines in folio 4940, and that the only knowledge you had of those companies were from reading the Sunday Tribune. Is that a truthful account of events or would you like to alter your position in relation to it?

A I have no idea, could have heard it beforehand, could have been on some documents, they meant nothing to me by way of detail, particularly when I was an elected member, these company names meant absolutely nothing to me.

Q 11 You were saying that you were confirming here that you had no involvement with those companies or with these lands.

A Well, I think you better get yourself clear on this involvement/interest, because, you know, when I say I have no involvement, I don't know anything

1 about the beneficial ownership, about the commerciality of it. South County
2 Dublin, of course I know about south County Dublin, not in any great detail, I
3 was an elected member of the council. Every time you attended the meetings,
4 south County Dublin was put up on screens. You might sit in at meetings or
5 might not, you would have knowledge of the areas.

6 Q 12 The word "involvement" was your choice of word here, Mr. Lawlor, and you were
7 indicating that you had no involvement with the lands at Carrickmines in folio
8 4940 or with the two companies.

9 A In any commercial context, no involvement whatsoever.

10 Q 13 Did you, in fact, deal with these companies and with Mr. Frank Dunlop, who was
11 representing the interests of the owners of these companies?

12 A My understanding is that other than when it came with a manager's
13 recommendation on which I partook at a council meeting, opposing I think or
14 voting against something, just listened to the manager and took a decision.
15 After that, after 1991, I wasn't an elected member of the council and I had no
16 interest in them whatsoever other than Dunlop was on ten times a week looking
17 for comment, information, advice and got it.

18 Q 14 In connection with these companies?

19 A In connection with anything that he came on the phone or met me. And it would
20 be generalised information, which I would have given him and hundreds of others
21 during the review of the plan.

22 Q 15 Mr. Lawlor, the next step in the correspondence here is that you were
23 circulated, as were all other parties with whom the Tribunal believed that they
24 had a potential involvement in the issues that might be raised in the Carrick 1
25 inquiry, with statements and that circulation took place on the 31st October of
26 2002.

27

28 In the course of those statements, there were statements of a Mr. Brian
29 O'Flanagan and of his principal, Mr. Frank Finnegan, both of whom I think you
30 know of, who were members in 1991 of the firm of D McCarthy & Co which were a

1 firm of consulting engineers, isn't that so?

2 A Yes.

3 Q 16 And having considered the contents of those statements, you responded to the
4 Tribunal by fax, I think it was on the 9th December. It's at page 3 of the
5 documents in front of you. I'll read just the relevant extract if I may.

6

7 "Dear Ms. Howard, following my reading of statements provided to the Tribunal
8 by Mr. Frank Finnegan and Mr. Brian O'Flanagan and in an effort to be as
9 thorough as possible in assisting the Tribunal, I communicated with the clerk
10 of the Dail and received the enclosed response. This confirms that there was
11 an entry at the Kildare Street gate for security clearance for Mr. Finnegan and
12 Mr. Kennedy, that is Mr. Jim Kennedy on December 2, 1991",
13 and you go on to deal with your recollection was what was discussed.

14

15 You may recollect, Mr. Lawlor, that in those two statements which had been
16 furnished to you, that is the statements of Mr. O' Flanagan and Mr. Finnegan,
17 they indicated that they had discussed with you in Dail Eireann and in the
18 presence of Mr. Jim Kennedy, who was also there, the preparation of the maps
19 which would be used in a submission on behalf of Paisley Park Investments Ltd
20 to have these properties, their property at Carrickmines rezoned as part of the
21 review of the Development Plan and that their instruction on this occasion took
22 place in your presence and that maps were prepared which had been provided by
23 you. Now, I take it that --

24 A Provided by me?

25 Q 17 Yes.

26 A I think they were -- I don't know, I don't recall providing maps, I thought
27 they were the people with maps.

28 Q 18 Right. Well, we'll deal with their evidence on this, Mr. Lawlor, and you will
29 see that the maps were not provided by them but by you. It was as a response
30 to the fact that both of these gentlemen indicated that they had dealings with

1 you in connection with this property that you wrote this letter in December
2 2002, is that correct?

3 A There could have been the involvement of preparation of submissions for the
4 review of the plan, the main priority of that meeting was to address the Airlie
5 lands but they had discussed the other lands at the time, could have been
6 absolutely.

7 Q 19 They are saying contrary to what you had stated in your letter of the 9th
8 September, that you did, in fact, have an involvement with these lands?

9 A You have got to get your involvements right.

10 Q 20 Yes.

11 A I see involvement as having an interest, an equity, profitability,
12 commercial -- I don't have any involvement putting in submissions, involvement
13 in that, yes, by all means I would have assisted numerous people to put in
14 objections, submissions, proposals.

15 Q 21 Mr. Lawlor, from the statements of Mr. Finnegan and Mr. O' Flanagan, it was
16 clear that you were acting in some capacity in relation to this company's lands
17 at Carrickmines, Mr. Finnegan thought it might be as a consultant. Is that a
18 fair summary of what you appreciated was contained in these statements?

19 A No, I would put it that they could be consulting with me, as people did during
20 the review of the plan, or consulted with public representatives every hour of
21 the day. So they were consulting with me, absolutely, yes.

22 Q 22 You, in your letter, had indicated, or in your statement to the Tribunal when
23 it had asked you about any interest you had in these lands, had chosen to say
24 that you did not have an interest as a consultancy or any other involvement
25 with the company?

26 A Absolutely correct.

27 Q 23 That was untrue, Mr. Lawlor?

28 A Totally true, absolutely categorically true. Absolutely, now. Involvement,
29 you see -- you are gonna have to get your head around involvement, Mr. O'Neill.
30 Don't interrupt me when I am answering a question.

1 Q 24 I am not going to get into a row with you, Mr. Lawlor.

2 A I am saying I don't have and never had an involvement in these lands --

3 Q 25 Right.

4 A -- plenty of involvement in assisting people putting in submissions,
5 absolutely, all the time it happened.

6 Q 26 In what capacity were you drafting submissions in relation to these lands,
7 Mr. Lawlor?

8 A As a very knowledgeable expert on a whole subject matter having chaired ERDO
9 for ten years, having projected where population should be placed in the east
10 region, quite an understanding with an engineering background. Absolute
11 knowledge of the whole subject matter.

12 Q 27 By December of 1991 you weren't, in fact, a councillor, isn't that right,
13 Mr. Lawlor?

14 A 1991 -- June actually.

15 Q 28 Sorry.

16 A June.

17 Q 29 June, yes, Mr. Lawlor. You were no longer a councillor.

18 A June, yes.

19 Q 30 In December, when you were meeting in Dail Eireann with Mr. James Kennedy and
20 the two consulting engineers, you cannot have been meeting them in the capacity
21 of councillor?

22 A I didn't say I was.

23 Q 31 I am asking you whether you were?

24 A I didn't say I was a member, I was a member of Dail Eireann, I was a public
25 representative, I was there to give advice, assistance to whoever sought it
26 from me and that's what I was doing.

27 Q 32 You were giving, I take it, both technical advice and strategic advice in
28 relation to the advancement of the owners' proposition to rezone the lands of
29 Paisley Park in Carrickmines?

30 A Just give them whatever advice was sought of me, yes.

1 Q 33 It's not even in your constituency as an elected member of Dail Eireann, isn't
2 that right?

3 A That's quite irrelevant, Chairman, I have had people make representations from
4 Donegal to Wexford and back, so being in or out of the constituency would be
5 quite irrelevant.

6
7 During the County Development Plan when an elected member, people came and made
8 representations to you from every corner of the county and that is one of a
9 book of five or six foot high that you would receive by way of submissions as
10 an elected member. Because the planning was so pathetic in County Dublin, the
11 elected members of the review of the plan became the planners, because there
12 was no decent forward planning. There was a managerial directive to planners
13 not to plan forward and the elected members came under serious lobbying from
14 all quarters and ended up having to take decisions in the reviews, which took
15 11 years to do a five year review, plans started in 1972, we didn't complete
16 the first review until '83. We didn't complete the second review until '93
17 so --

18 Q 34 Mr. Lawlor, in relation to the Paisley Park submission for the rezoning of the
19 Carrickmines lands towards the end of 1991 when you were discussing this matter
20 in November and December, do you say that you were acting as a public
21 representatives in your dealings with Mr. Kennedy who was representing the
22 interests of the owner?

23 A I was. Any dealings I had in this context was absolutely as a public
24 representative, yes.

25 Q 35 Right. Certainly from the point of view of Mr. Kennedy, it would have been a
26 commercial transaction at least, isn't that right?

27 A To me he was auctioneer, property adviser to various parties and owners of the
28 land didn't know, something about Tracey's, back years, referred to in various
29 documents. The land would be the subject matter, the commerciality of who
30 owned it, who didn't, wouldn't cost me a second thought. I just gave whatever

1 practical advice I could, based on what -- I could have been asked to draft
2 proposals, to object or support as was the case.

3 Q 36 Mr. Lawlor, when the Tribunal made its inquiry of your solicitor in writing in
4 September of 2002, you had been dealing with the Tribunal for quite sometime
5 and you knew what the Tribunal was concerned with in relation to certain
6 identified property rezonings, including this Carrickmines, isn't that right?

7 A I have to say I don't. You seem to think I have nothing else to do but follow
8 the Carrickmines module. The only time I have an interest is, I am supposed to
9 own the substantial quantum of this multimillion pound compensation argument in
10 the newspapers. All I did was, I wrote back saying I don't have an involvement
11 with these lands.

12 Q 37 Did you not believe, Mr. Lawlor, that it would have been more accurate if you
13 intended to make a statement, such as is contained in your letter of the 9th
14 September, that you would not have said I, in fact, have advised the owners of
15 the lands at Carrickmines on folio 4940, I did so in my capacity as a public
16 representative, in so doing I was advising a company called Paisley Park
17 Investments Ltd. All of that was knowledge which was, I suggest to you,
18 Mr. Lawlor, referred to you.

19 A I don't know anything about who is Paisley Park or who is not, the name means
20 nothing to me. It was Henry Beatty I think rang the office, would I meet these
21 people in the Dail. My staff had the authority to arrange meetings. They were
22 in the Dail, I see Mr. O' Flanagan who I don't even remember at the meeting to
23 be honest with you, I remember Frank Finnegan well, he is from Mountrath in
24 County Laois and I have connections with that part of the country.

25

26 They came into the Dail, would have sat down, made their case, got comment, got
27 suggestions, got ideas and it would be all over in half an hour. They would be
28 gone and the next meeting would be 15 or 20 minutes later. So, meeting these
29 people would be just a normal routine, process, during the goings on of the
30 County Development Plan.

1 Q 38 Mr. Lawlor, in your response to the statements which have been circulated, I
2 put to you, you indicated you, in fact, had an involvement with this company.
3 You go on in your election to say your discussion centred on the Airlie stud
4 project, which were lands capable of being drained through the underground
5 services which you have an interest and associated with some other individuals
6 at that point in time. However it is possible that other matters could have
7 been discussed and my comment sought. I think that's as far as you were
8 prepared to go in conceding that perhaps there had been a discussion or
9 certainly the consideration of maps and documents touching upon the Paisley
10 Park scheme at that meeting in December of 1991.

11 A I think when the request for the meeting, it was related to Airlie, to chose to
12 discuss this other matter as well. They seemed to be putting in two
13 submissions at the time. I get the impression they possibly could have given
14 drafts of submissions or maps or whatever. I might have put some sort of
15 wording together for them later at the office. Yeah. Just part of meeting
16 people, responding, trying to be of assistance to them in what they were trying
17 to achieve, if you agreed with what they were trying to achieve.

18 Q 39 What I am concerned to know where it is, why in your response in December 2002,
19 you didn't go on to say your involvement would or possibly included the
20 drafting of the submission which was going to be made by Paisley Park
21 Investments Ltd to the council in relation to rezoning. If that is what
22 happened, why is it that you did not disclose it at this point in time?

23 A To quote John Bruton, you didn't ask me that. You asked had I an involvement
24 or interest and I hadn't, so that was the point. I am here to assist you in
25 elaborating on anything I have written. Whatever you want me to answer, I
26 didn't at the time. Sure it's obvious I didn't.

27 Q 40 Mr. Lawlor --

28 A I had no interest, directly, indirectly, by way of trust, nominee, agency,
29 partnership or consultancy.

30 Q 41 You had nonetheless an involvement, you now accept, is that right?

1 A No, I don't accept.

2 Q 42 You don't?

3 A Absolutely not, I am after telling you and repeated ad nauseam, I had no
4 involvement with these companies. If I had I would have been saying, based on
5 the commercial valuation of it, pity I don't actually, but the supposed value
6 of it, but I don't have an involvement or an interest in the company.

7 Q 43 Mr. Lawlor, I accept that you have stated you have no interest in the sense of
8 ownership or entitlement to benefit in this particular company. The word
9 "involvement" goes beyond ownership, sorry, goes beyond mere ownership, but
10 deals with the lesser requirement, that is an involvement with the company.

11

12 Do you not accept that if you are meeting the representatives of that company
13 in Dail Eireann, if you are drafting the documentation which will be used to
14 advance their cause as regards redevelopment of the land, that at a minimum you
15 have an involvement with them, independent of whether you have an interest or
16 ownership, you have an involvement, isn't that so?

17 A I don't have an involvement with the companies, that's all I can say, I had an
18 involvement with parties that came to me seeking advice and it was given freely
19 and openly.

20 Q 44 Were those the agents, as far as you are concerned, of the companies?

21 A I presume so, yeah. Well, I mean, Frank Finnegan was an architect, Jim Kennedy
22 was an auctioneer, property adviser, O'Flanagan, I can't even remember the
23 chap, and I think that was all that was at the meeting and they would have got
24 quick shift and good information and maybe some ongoing advice.

25 Q 45 I suggest to you, Mr. Lawlor, that in giving this account in December of 2002
26 of what had taken place in that meeting in response to what was contained in
27 the statements of the two intending witnesses before the Tribunal, you did not
28 give a full account of your involvement in December 1991 on behalf of Paisley
29 Park Investments Ltd. Would you agree with that or disagree?

30 A If I was to give full detail of the people seeking advice, did they seek

1 information about drafting motions or whatever, I am here to answer all that
2 now, of course. During the review of the plan, Chairman, if I could just be
3 understood, elected politicians were inundated with submissions because the
4 planning process was far out of sync with the necessities of Dublin County that
5 the review of the plan was to a focal point for hundreds if not thousands of
6 submissions and this was just one of those situations.

7
8 I would have had people come to me and I would have drafted objections for them
9 to something I would have thought wasn't ideal. So, you know, this was just
10 another set of representations being made to me as a politician, a politician
11 with an acceptance of an understanding of these, chairing the ERDO body and so
12 forth.

13 Q 46 Mr. Lawlor, in the body of the letter, one of the matters that you cover on
14 page 5 was a meeting which you recount as having taken place with Mr. Dermot
15 Drumgoole, we'll see, about four paragraphs down page 5 it reads as follows:
16 "I record meeting Mr. Dermot Drumgoole when I believed the Southeastern
17 Motorway and possibly other issues relating to Dun Laoghaire, such as the
18 development of the port facilities, would have been discussed as well as the
19 proposed port tunnel, which would have significant implications for the area."

20
21 That was a reference you made to Mr. Drumgoole in that letter in the context of
22 your general involvement as an elected representative, isn't that right?

23 A The meeting with Dermot Drumgoole, as I understand, was Dunlop asked me to find
24 out about the up-to-date position about the Southeastern Motorway and I would
25 have rung the chief roads engineer, my office would have rang his secretary and
26 said could I meet him.

27 Q 47 Yes. In this letter that you wrote to the Tribunal, however, you didn't
28 indicate that this was a letter, a meeting which had taken place in connection
29 with the lands at Carrickmines which are the subject of the Carrick 1 inquiry,
30 nor did you indicate that you had attended this meeting with Mr. Drumgoole and

1 with Mr. Frank Dunlop in connection with the proposed rezoning, isn't that
2 right so?

3 A I think this meeting took place quite a number of years later.

4 Q 48 No, the letter, Mr. Lawlor, is a letter in 2002 in December --

5 A The meeting with Dermot Drumgoole took place quite a lengthy period after the
6 '90s discussions about submissions, I think.

7 Q 49 Mr. Lawlor, you chose to refer to this particular meeting in the context of
8 your endeavours as a local representative. It must have occurred to you when
9 referring to this meeting that that meeting involved both Mr. Frank Dunlop and
10 involved the Carrickmines lands, with which this phase of the inquiry was
11 concerned. You make no reference to it in this particular letter to the
12 Tribunal.

13 A It's my understanding, Chairman, the only one that brought the Dermot Drumgoole
14 meeting to the attention of the Tribunal was myself, both Drumgoole or Dunlop
15 didn't remember it until I brought it to your attention.

16 Q 50 Yeah.

17 A Just let me finish now. I am dealing with the Carrickmines lands, the
18 Carrickmines lands is a whole swathe of south Dublin, Monarch Properties had
19 lands, Dunlop had some involvement with them. So, you know, when I was out
20 talking to Drumgoole and Dunlop, and there's a reference there that it was I
21 brought Dunlop, if I wanted to know about the Southeastern Motorway, I wouldn't
22 need Frank Dunlop telling me. He was the one making representations to me in
23 the office and the only way I could respond to the request for information was
24 to ring the man I felt dealt with the project.

25 Q 51 Mr. Lawlor, when you made a reference to the meeting with Mr. Drumgoole in this
26 letter, you do not do so in the context that that meeting involved a discussion
27 which concerned the Carrick lands that are the subject of this current inquiry,
28 nor do you make reference to the fact that you attended that meeting with
29 Mr. Frank Dunlop, whose only involvement at that meeting was to discuss the
30 interests of Paisley Park Investments Ltd or its successor, Jackson Way

1 Properties Limited.

2 A I would have -- responding to that, it would be my understanding that Frank
3 Dunlop had quite a wider brief. That's all. I mean I don't know whether he
4 did or not. I believe he was consulted by Monarch Properties. I remember him
5 telling me about going out to see the chief planning officer, Mr. Murray, about
6 LUAS going out there, etc, so I wasn't focused on any one patch of land. And
7 if you were to ask me to go out to the Jackson Way lands today, I don't know
8 where they are other they are up to the right at the back of the Silver Tassie
9 somewhere, that's my only knowledge, they are out there as a swathe of County
10 Dublin. It's not an area you would be familiar with in detail. I didn't refer
11 to Monarch Properties, Jackson Way, Paisley Park or Darragh or the other,
12 O'Halloran or other people that had land out there.

13 Q 52 You were being asked, Mr. Lawlor, initially about what your involvement with
14 these particular lands there. It was made perfectly clear to you from the
15 documentation that it was centred on two tracts of lands; one a 108 acre plot
16 of land currently owned or currently registered in the way of Jackson Way
17 Properties Limited and the other being a tract of land which was adjacent to
18 it, being the lands of the Darragh, O'Halloran, Kilcoyne partnership or
19 arrangement. They were the lands which concerned this particular
20 correspondents and inquiry of you. I am putting to you that it was open to you
21 in addressing the meeting which you referred to as having taken place with
22 Mr. Drumgoole to relate that to those lands and to those individuals if that
23 was the case. Instead you deal with --

24 A I wouldn't see it as the case. That to me would be piecemeal development of
25 one particular landowner or the other, which would be my understanding looking
26 back coming to pass that they were going to always put development in that
27 whole area. You wouldn't be doing one piece of land and not the other piece.
28 I mean I wrote to the Minister for Environment to find out, you could find out
29 in 1981, '83, '84 that they were going to put in the Shanganagh sea outfall and
30 any engineer with a brain in his head back in the 80s could see that the whole

1 south County Dublin was going to be drained and all of that land, the south
2 side, was going to eventually -- now it's all being seen as Dun Laoghaire's
3 answer to all their planning problems, 20 years later when they should have
4 been addressing the matter.

5 Q 53 Mr. Lawlor, your letter is headed Carrickmines 1, statements of Mr. Brian
6 O'Flanagan and Mr. Frank Finnegan. It was a letter intended to deal
7 specifically with the question of what your involvement was with Paisley Park
8 and the lands in Carrickmines. That is the purpose of this correspondence.

9
10 In that correspondence, I am putting to you, you make reference to a meeting
11 which took place in the context of those lands and with that company but you do
12 not indicate that the meeting was for that purpose. You refer to it in a
13 general way and you do not relate the fact that Mr. Frank Dunlop and yourself
14 attended that meeting on behalf of these companies. Why is that?

15 A It's all the bigger picture.

16 Q 54 The bigger picture is not what you were being asked about?

17 A You are on the narrow picture. Carrickmines 1 to me is the whole swathe of
18 south County Dublin and how it was going to be discussed or developed and it
19 was going to be dealt with by the elected members of area, which I wasn't a
20 member and I wouldn't have been in favour of one landowner over the other
21 getting rezoning. I'd expect the planners, if the elected members were
22 deciding to put it in by way of individual motion, that the planners would then
23 but the bigger picture which is exactly what happened out there.

24 Q 55 The correspondence moves, Mr. Lawlor, to a letter to you of the 12th December
25 2002 which was written to you to update you with information that was provided
26 to the Tribunal by Mr. Frank Dunlop and the letter is page 10, it reads as
27 follows:

28 "Dear Mr. Lawlor, further to the documentation already furnished by the
29 Tribunal, please be advised that in addition to what is contained at tab ten of
30 the witness statement, Mr. Dunlop has advised Tribunal that having received

1 from the Tribunal the booklet of witness statements and having sight of your
2 name, he was called to recollect that Dermot Drumgoole, esquire, and himself
3 attended a meeting with you in or about 1997.

4
5 The letter received from Mr. Dunlop's solicitor states as follows, it is
6 Mr. Dunlop's belief that this meeting arose following queries by Mr. Lawlor as
7 to how matters were progressing in relation to the Jackson Way lands.

8 Mr. Dunlop believes that in the circumstances of Mr. Lawlor's queries, either
9 Mr. Lawlor or Mr. Dunlop at Mr. Lawlor's suggestion arranged a meeting with
10 Mr. Drumgoole. Prior to the meeting in question, Mr. Dunlop was not acquainted
11 with and had not previously met with Mr. Drumgoole. To the best of
12 Mr. Dunlop's recollection and belief, the meeting in question was arranged very
13 shortly after it had been mentioned or suggested to Mr. Dunlop by Mr. Lawlor.

14
15 Mr. Dunlop recalls that the meeting occurred in the then offices of the Dun
16 Laoghaire/Rathdown County Council. It is Mr. Dunlop's belief that
17 Mr. Drumgoole was at that time the senior official with the Dun
18 Laoghaire/Rathdown County Council. It is Mr. Dunlop's recollection that the
19 purpose of the meeting was to discuss the lands at Carrickmines Great, that is
20 the Carrick 1 lands, Mr. Dunlop's recollection of this meet something that
21 Mr. Lawlor introduced Mr. Dunlop to Mr. Drumgoole as representing the owners of
22 lands in Carrickmines.

23
24 It is Mr. Dunlop's recollection that Mr. Lawlor instigated the meeting in
25 question with a view to seeking to ascertain the intentions of Dun
26 Laoghaire/Rathdown County Council concerning the Jackson Way lands in
27 particular. To the best of Mr. Dunlop's recollection and belief, Mr. Drumgoole
28 explained to Mr. Lawlor and himself that the council's intention with regard to
29 the lands in question would depend upon decisions being reached with regard to
30 the route or line of the Southeastern Motorway.

1
2 Mr. Dunlop believed that there was a discussion on various technical issues
3 between Mr. Drumgoole and Mr. Lawlor search to the best of Mr. Dunlop's
4 recollection, issues such as access to the lands, and the fact that Mr. Lawlor
5 was at the believe, it should be of the belief that services were in place on
6 the lands in question an the lands were secured. Mr. Dunlop never subsequently
7 met Mr. Drumgoole."
8

9 So, you were circulated with that letter in the course of the dissemination of
10 information received by the Tribunal, and you responded to it by your letter,
11 which is at page 8. It is a letter dated the 13th December received by fax by
12 the Tribunal. You make a complaint in relation to queries which were made of
13 you, the members of the press or otherwise but the relevant section I suggest
14 is the last two paragraphs.

15 "I would further say that numerous parties contacted me during my time as
16 public representative seeking meetings with government Ministers or officials.
17 Local authority managers or their officers and routine procedures were
18 instituted to try to arrange same. The process in respect of any approach from
19 Frank Dunlop would have been no different. The meeting with myself and
20 Mr. Drumgoole which I recall in my letter to the Tribunal of the 9th December
21 2002, would have been discussed and requested by Mr. Frank Dunlop and my office
22 would have arranged this. In the usual routine manner. The meeting with
23 Mr. Dermot Drumgoole and Mr. Dunlop would have enabled both those parties to
24 put forward their positions.
25

26 You then go on to discuss how you knew Mr. Drumgoole. You conclude by saying:
27 "There will be no reason or basis on which you would have sought a meeting with
28 Mr. Dermot Drumgoole unless specifically requested to do so by Mr. Dunlop who
29 would have been looking for information from Dun Laoghaire/Rathdown County
30 Council at that time."

1

2 That again, I suggest, Mr. Lawlor, is a belated acknowledgment on your part
3 that your involvement with this company extended to attending meetings with
4 senior planning officials where the interests of the promoters at this point in
5 time, Jackson Way Properties Limited, were being discussed with a member of the
6 County Council. It is an involvement, Mr. Lawlor.

7 A Mr. Chairman, if I wanted to know about progress on a motorway or an update to
8 progress on the planning, I would have direct access to the manager, the senior
9 planner or anybody else in the local authority, I wouldn't be asking Frank
10 Dunlop.

11

12 Frank Dunlop asked about what was the progress in the Southeastern Motorway to
13 the best of my recollection and my initial reaction would be, well, sure we'll
14 ring, I think Dermot Drumgoole has transferred from Dublin County Council, I
15 think he is in charge of roads in Dun Laoghaire now, we'll make an appointment
16 and go out and see him. Mr. Drumgoole, this is Mr. Dunlop, he has an interest
17 in representing various landowners in Carrickmines and he wants to know the
18 progress on the motorways, the CPO concerned, what's happening, have you been
19 allocated funds from the DOE. I wouldn't be depending on needing Frank Dunlop
20 to find out anything. So the only reason was to oblige Frank Dunlop by
21 facilitating, bringing him out to meet a senior person who could answer his
22 questions. As simple as that, no more or less, happened all the time.

23 Q 56 Mr. Lawlor, whilst you are offering a different explanation as to why the
24 meeting took place and what its purpose may have been, it remains, nonetheless,
25 the fact that you were involved on behalf of this company as a minimum in
26 setting up this meeting to take place between the parties --

27 A The Southeastern Motorway was applicable to a whole range of Carrickmines
28 lands.

29 Q 57 Mr. Lawlor --

30 A The South East Motorway was applicable. My major understanding of Frank

1 Dunlop's role out there was actually, to my surprise when reading whatever bits
2 I did about the process here, that there was no reference to his representing
3 Monarch Properties, who were the big landowners and driving the development
4 intentions out there. So, by me getting a query from Frank Dunlop and
5 arranging a meeting and going out to meet Mr. Drumgoole, it could have been
6 about any one of the landowners. There wouldn't be the slightest interest to
7 me which of them it was.

8 Q 58 It was of interest, Mr. Lawlor, to the Tribunal which had asked you
9 specifically what your involvement was. You had chosen to respond in a way in
10 which you stated your only knowledge of these companies was what you had read
11 in a named Sunday newspapers. That clearly cannot be the case if you had
12 arranged a meeting on behalf of this company at which you had attended and
13 which that company's affairs were discussed. Isn't that so?

14 A No, it's absolutely so that I brought to this Tribunal's attention this meeting
15 to show --

16 Q 59 You didn't, Mr. Lawlor. What you raised was the fact that --

17 A Sorry, could I answer the question? You asked the question.

18 Q 60 Yes.

19 A Just -- it's my recollection that I raised the issue, that I had met with
20 Mr. Dermot Drumgoole in Dun Laoghaire or Frank Dunlop. Frank Dunlop then said
21 something about he recognised or recollected, and I think Dermot Drumgoole
22 couldn't recall it at all and then was researching diaries and they both then
23 agreed it did take place. So, if they couldn't remember the meeting, how come
24 their version of events is correct and mine are not?

25 Q 61 Mr. Lawlor, you did not raise with the Tribunal the fact that Mr. Dunlop had
26 attended at that meeting with Mr. Drumgoole.

27 A So what did I do?

28 Q 62 You indicated in the course of the letter you extended to deal with a number of
29 matters, entirely unrelated with the Jackson Way lands or the Paisley Park
30 involvement or the folio itself involvement that you had had in south Dublin at

1 that time, and your reference to a meeting with Mr. Drumgoole was in the
2 context of the Southeastern Motorway and possibly other issues relating to Dun
3 Laoghaire such as the development -- let me finish.

4 A They arose in the discussion.

5 Q 63 Mr. Lawlor --

6 A They just arose in the discussion.

7 Q 64 That is what you brought to the attention of the Tribunal. You did not bring
8 to the attention of the Tribunal that you had arranged this meeting on behalf
9 of this company to spite the fact that you knew that it was an inquiry into
10 this particular company's interests and rezoning activities that was the
11 subject of this particular phase of the inquiry. That is the fact, Mr. Lawlor?
12 A I didn't narrow it down to your inquiries into one piece of land or the other.
13 It's related one minute, involved the next minute.

14

15 All I say, Chairman, I just want to wrap this thing up at this point. I
16 arranged that meeting on a generalised 'get information about the progress of
17 the Southeastern Motorway for Mr. Frank Dunlop'. If anybody else has a
18 different version of it, I desist from that version. That's my recollection of
19 my version of that meeting on this matter and if I wanted to know this, I could
20 find that out for myself any hour of the day. It was to facilitate a request
21 about progress on the Southeastern Motorway.

22

23 Now, if that to Mr. Dunlop meant going through one company's lands or three or
24 four company's lands, it wouldn't have mattered to me and I don't believe he
25 would have said to me, I want to find out about the progress on the motorway
26 related to A or B. I believe he just said, could you find out what's the
27 up-to-date progress on the Southeastern Motorway and that's what was achieved
28 by meeting. I am not sure Mr. Drumgoole was of particular assistance, I can't
29 really recall the detail. When we were finished discussing the Southeastern
30 Motorway, I would have gone on to talk about general matters as I referred to

1 in the letter.

2 Q 65 Mr. Lawlor, it was open to you to have communicated to the Tribunal in the
3 course of its inquiry in the Carrick 1 module to say that you had knowledge of
4 the planning process or the rezoning process with regard to those lands in
5 which you personally had been involved. Had you chosen to do so, you could
6 have told the Tribunal of the fact that you had been engaged with the promotor,
7 Mr. Kennedy, and with his consulting engineers in presenting maps to those
8 consulting engineers for use in the submission.

9

10 You could have told them that subsequently in 1997, you had again attended at a
11 meeting at which their representative had sought to advance the interests of
12 their company with the local planning authority. You chose not to do so,
13 Mr. Lawlor, and why is that?

14 A You chose not to mention Monarch Properties, which were a bigger land owner, I
15 would have met, heard their case, representations, submissions, documents.
16 Where is that landowner in Carrickmines, if you are dealing with Carrickmines
17 module 1?

18 Q 66 Carrickmines module 1, as you know, Mr. Lawlor --

19 A I don't know, tell me what you know.

20 Q 67 You know, you have been circulated with this document.

21 A I mean you might be on three thousand a day be integrated into this thing
22 hourly and daily, I am not. Carrickmines to me is quite an irrelevancy;
23 bundles of paper come into my office and put into a Carrickmines file, I don't
24 sit reading the volume of paperwork about Carrickmines, not at all.

25 Q 68 Mr. Lawlor, you were asked specifically to provide information to the Tribunal.
26 You are purporting to do so by giving a statement to the effect that you know
27 absolutely nothing about these lands, save what you read in the newspapers.
28 Once the Tribunal produces documentation to you which proves that that is
29 utterly incorrect, you then adjust your evidence or the information that you
30 provide to the Tribunal.

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I am asking you these questions so that you can offer to the Tribunal an explanation as to why it is in the knowledge that you had involvement with this company, both in 1991 and subsequently, that you did not disclose those facts to the Tribunal in the course of this inquiry.

Do you understand the question firstly?

Do you have an explanation as to why it is you did not tell the Tribunal the knowledge you have of this company until such time as the Tribunal was in the position to link you directly with the two aspects of it that I have addressed so far?

A Knowledge about the whole general south side of the city, not just --

Q 69 No, Mr. Lawlor, you are being asked specifically about Paisley Park Investments Ltd, Jackson Way Properties Limited and the lands at Carrickmines on a particular folio. You responded to those particular queries by giving a confirmation that you had had no involvement with, that is untrue, Mr. Lawlor. What explanation is this for that?

A My explanation to you is that I would have met those and others, their specific folio numbers mean absolutely nothing to me. Nothing whatsoever. I have explained that I would have met these people and then the final work out of all that would be part of submissions at council level to be discussed by elected members with managers and road engineers and so forth, and if one particular landowner or numerous land owners came, it would all be part of the bigger solution to the area.

Southeastern Motorway, I remember taking a very active role in trying to see it brought forward because I could foresee at the end of the M50, southern cross, as a result of my involvement with Dublin Chamber of Commerce to try and bring it forward. You can get yourself hooked up on your Carrickmines module, Paisley Park, those to me were irrelevancies, looking at the big picture of

1 these matters.

2 Q 70 In connection with the meeting that took place in Dail Eireann on the 2nd
3 December 1991 which was attended by Mr. James Kennedy, Mr. Brian O'Flanagan and
4 by Mr. Frank Finnegan, can you confirm now, having considered the matter, that
5 in fact you were providing advice to that consortium or to those individuals
6 about the best way forward from their point of view in advancing their desire
7 to have these lands rezoned for commercial rather than industrial purposes.

8 A My priority in the request for the meeting, as I recall, was to deal with the
9 early submission. The Carrickmines thing was just a 'by the way' that they
10 brought up while they were there, because they were both trying to get
11 submissions in by a deadline.

12
13 Whatever contribution I would have made to Carrickmines would have been
14 probably fairly decisive and incisive, and if asked about it, listening to them
15 discussing it when we discussed the Airlie submission. If I was asked about
16 that meeting, Henry Beatty rang to know what I meet them about the Airlie
17 submission and this other matter was introduced. It would be quite irrelevant
18 to me in the detail. The system, give them whatever help you could, wouldn't
19 be beyond that.

20 Q 71 Right. Is it possibly the case that you gave the same type of assistance in
21 relation to the Airlie lands as you did to the Carrickmines lands or vice
22 versa?

23 A I have a much greater -- I live in the middle of the Airlie lands, would have
24 had a much greater knowledge about the south county and these other lands on
25 the south side, because they are not a sort of thoroughfare you go through. My
26 only going down that way would have been to Wexford and matches or whatever and
27 these south county lands were up at the back of the Silver Tassie and when
28 Monarch Properties paid nine or 10 million pounds, it was all over the media
29 that they had bought lands out in south County Dublin, so the detail of that,
30 OK, the running a motorway through it, well it would be my immediate reaction,

1 on a roads engineering base, well are they putting in a grade separated
2 junction, is there access to the lands, there could have been discussion about
3 the Tralee bypass or the Southeastern Motorway, the same technical aspects
4 would apply. That would have been the input I would have had.

5
6 With regards to the Airlie lands, I would have much a greater knowledge about
7 the Newcastle Road, the junction, the drainage, of course. I lived in it, I
8 had acreage in the area myself.

9 Q 72 As regards the submissions that were going to go into the council, were they
10 submissions that you would have drafted or amended as the case may be?

11 A I could well have assisted, yes.

12 Q 73 Yes.

13 A Sure.

14 Q 74 Is it possible that you would have drafted the submissions themselves or
15 updated them to reflect what you believe to be the optimum presentation of
16 this --

17 A Yes, if that sought that sort of input, they would have given me drafts or I
18 might have dictated some drafts for them, sure.

19 Q 75 And I think we'll see on the reference at Carrick 1, page 5041. I suggest you
20 were writing to the consulting engineer, Mr. Finnegan, on the 22nd November
21 1991 in connection with the Airlie plan.

22 A Sorry, Chairman, where is that?

23 Q 76 It's at page 5041 of the Carrick brief. It's something which would have been
24 circulated to you in the 12 documents and briefs I have circulated to you to
25 date.

26 A Yeah. (document handed to witness). That's from my office, initialled by my
27 secretary, yes.

28 Q 77 In it, you, in regard to the project, were writing to the consulting engineer.

29 A Yeah.

30 Q 78 Enclosing updated written submissions and giving him directions as to preparing

1 an area action plan, the road network highlighting and naming Hillcrest
2 by-pass, services overview, surfaces and foul pipes through lands to the lower
3 Newcastle Road and the Griffeen river, the Lucan, Doddsborough 1998 Action, get
4 copies giving the reference number, the Lucan/Clondalkin plan, get copies. You
5 were in fact taking a very hands on approach in the advancement of this
6 particular project.

7 A Sure, yeah.

8 Q 79 And could I suggest to you that both in relation to this presentation, which
9 was the proposed action plan for the Airlie project at Tandy's Lane, Lucan,
10 which was being presented in December of 1991, you were taking a similar role
11 in relation to the Carrickmines plan?

12 A Well, if they had given me drafts, or whatever they had prepared, I could well
13 have put my gloss on it or dictated it, or whatever, because that would be like
14 a barrister doing a brief to me. It would be just similar, if you gave me
15 drafts of documents associated with some portion of land somewhere, I could
16 certainly put some sort of words together for them so, yes, absolutely, yeah.

17
18 Now, I don't know whether they handed me documents at the meeting in the Dail
19 and I would have taken them back, handed them to my secretary and just started
20 dictating with the copies in front of me of the drafts and putting them into
21 that format. Quotes from the written statement and highlighting the next
22 section which would be documents they would have from the written statement of
23 the County Development Plan, yes.

24 Q 80 I think we will find from their evidence, Mr. Lawlor, that that didn't take
25 place, that they maintain that they arrived at the meeting where there were
26 already a submission and plan, a map, that the function of the consulting
27 engineers in this instance was limited to drafting a letter which would enclose
28 this documentation to the local authority and that they would colour in as
29 appropriate the map, which was a hard copy taken from the Draft Development
30 Plan; in other words, the submission itself was drafted by persons other than

1 the consulting engineers. They received these at the meeting with you in Dail
2 Eireann and at the same time received an instruction as to the colouring in of
3 the maps that they did, so in accordance with the instruction?

4 A Could have been. Could have happened here is that Henry Beatty, who would call
5 to the office unannounced or leave documents in or drafts and ask if they could
6 be put together in the form of a submission, yes, that could well have
7 happened.

8 Q 81 They do not record any involvement of Mr. Henry Beatty --

9 A No, I am saying he could have called to my office because he operated out of
10 Jim Kennedy's office in the Laurels licensed premises in Clondalkin, himself
11 and Mary Harney operated in the same office there. He was in and out of my
12 office very regularly, he was a local property adviser, advising numerous
13 people. He would have been working for or with Jim Kennedy, I wouldn't be
14 certain of the relationship and he could have put in documents to the office.
15 I could have put some sort of words to them and brought them to the meeting in
16 the Dail, absolutely, yeah.

17 Q 82 Now, we know from the evidence of Mr. O' Flanagan, and from the statement which
18 was circulated to you in advance of his evidence, that you made contact with
19 him on the following day and you attended at his office where you collected the
20 documentation in the company of Mr. Kennedy and your son, Niall Lawlor.

21 A Yes, I see that I, he had a fax number, whether he was to fax documents, like
22 if I was giving him the phone number, I would hardly give him the fax number,
23 but it was my understanding, I don't know whether this is the finished product
24 that went into the council. I think Binchys office were involved and then I
25 don't know where Grainne Mallen came in, the town planner, maybe at a later
26 stage, I think I read somewhere in the documentation, I don't know whether this
27 was the final product that made its way to the actual county council. I have
28 no idea.

29 Q 83 Well, we'll see that there was a letter which was written by McCarthys of the
30 3rd December referring to the submission and since you collected this on the

1 3rd, presumably it went in in this format on the 3rd.

2 A It could have been past Mr. Caldwell who might have had some sort of input into
3 this, I don't know. No real follow up interest, I just gave whatever help I
4 could and go on and do whatever I had to do.

5 Q 84 Well, are you saying then that consequent upon having perhaps drafted some
6 aspects or reworded it or assisted in the wording of this particular
7 submission, that you had no further connection with the Paisley Park lands as
8 they then were, in connection with advising Mr. Dunlop or others about how the
9 property could best be rezoned?

10 A I couldn't say so, because Mr. Dunlop was repeatedly on looking for advice and
11 comments so, there was no day that he wasn't on a couple of times a day,
12 ringing in the morning going into the offices, ringing on his way home,
13 sometimes drop in the office on his way home, meet him lunch time around the
14 Dail or whoever. So, I couldn't say whether there was any further contact or
15 not. Very likely if he was involved there was, yes.

16 Q 85 So there was very likely to be an ongoing contact?

17 A I didn't think Dunlop had anything to do with it at that time. As far as I was
18 concerned that documentation would have probably gone from Binchys office and
19 being submitted from there. And the reason I say that, I would have been
20 familiar with the Airlie submission, what was happening with the Carrickmines
21 submission probably running parallel to it, but I had less interest in it and I
22 couldn't be certain. I don't think Frank Dunlop was involved, possibly, if
23 those submissions went in, there would be quite a number of months before they
24 would come up for consideration by the elected members and by management, so I
25 have no idea when he came into the picture.

26 Q 86 You are aware, however, of his involvement insofar as he did come in to
27 represent the interests of the owners who have property, that is right?

28 A My recollection, as an elected member when I voted down some proposals that was
29 supposed to be to the detriment of Paisley Park, (a) I didn't know anything
30 about it and (b), I was in and out to the chamber, I wasn't terribly interested

1 about the submissions, or whatever had been discussed. And for the last ten or
2 15 minutes of the meeting I came in and the manager was summing up and I voted
3 the way the manager had suggested and that seemed to be the detriment of
4 Paisley Park. But sure I wasn't even aware of the lands in question or whose
5 lands they were, were not -- it would be my understanding that Frank Dunlop
6 possibly wasn't involved until after I was no longer an elected member.
7 Because in that decision, it was Monarch Properties who were the most prominent
8 lobbyists at the time and I don't think Frank Dunlop was acting for them at
9 that time but would have been probably acting for them later.

10 Q 87 Mr. Lawlor, you told us that you ceased to be a local represented elected in
11 June 1991. The involvement we have been discussing so far is an involvement
12 between November and December of 1991. You weren't an elected representative
13 at that time.

14 A I am just recalling that there was some reference that I had as an elected
15 member made some decision associated with these lands, which was to the
16 detriment in their progress for zoning or development. That's all. I am
17 recalling that and further pointing out that it would be my understanding,
18 maybe incorrectly, that when this documentation or submissions were being
19 submitted, I am not so certain that Mr. Dunlop had any involvement with the
20 lands.

21 Q 88 Right. But you knew that Mr. Kennedy had involvement in the lands, Mr. Kennedy
22 was a friend and associate of yours. He is a person whom publicly you have
23 denied having any commercial or business interest in any shape or form with
24 them. You have in earlier evidence to the Tribunal here indicated whilst you
25 may have said that to the press, that you acknowledge that you did, in fact,
26 have commercial relationships with him?

27 A No, he acted for a lot of landowners, my neighbours, Roger Stassen, Blakes, he
28 had a licenced premises, Henry Beatty operated from his office. His commercial
29 ownership or shareholding or that, I had no knowledge of that, no intimate
30 knowledge of that whatsoever.

1 Q 89 I suggest to you, Mr. Lawlor, that you knew that Mr. Kennedy had an interest in
2 this property. You knew at the latest, certainly by the time that you were
3 making the submissions for Paisley Park which ultimately were submitted through
4 McCarthy & Co. in December of 1991. You knew he was the person involved, isn't
5 that right?

6 A Just like the late Finnegan, you think he owned the county and all he was doing
7 was advising those that had ownership. I mean going behind the person, the
8 rest of it I wouldn't have knowledge of. He could be a 50 percent owner, a 5
9 percent, he could be adviser. I mean he purported himself to be an auctioneer
10 and property adviser to people. And I would have been aware of that of course.

11 Q 90 You, Mr. Lawlor, at some time though, you can't give us exactly the date upon
12 which you came aware of it -- became aware that Mr. Dunlop was representing the
13 interests of the parties who owned the Paisley Park lands at that time, isn't
14 that so?

15 A My recollection of Frank Dunlop in south County Dublin, he was representing a
16 number of people, he was representing these people, he was representing
17 Monarch, he was representing Darragh and O'Halloran and God knows who else.

18 Q 91 Mr. Lawlor, you may take it if I am asking you about when you learned
19 Mr. Dunlop was representing the interests of Paisley Park, it does not assist
20 me to know that he may have been assisting a whole range of other people. I am
21 asking you specifically.

22 A I can't be aware who he was representing or what dates.

23 Q 92 I appreciate that, but is it the case that you did become aware at some point
24 in time that he was representing the same interests as Mr. James Kennedy was
25 representing in relation to these lands?

26 A As I said, Dunlop would have briefed or talked about that to me, yes, of
27 course.

28 Q 93 Right. And he, Mr. Dunlop will say, and has given evidence, I should say, on
29 oath on this issue whether you accept it or otherwise, that it was his
30 understanding from Mr. Kennedy that you had been assisting in endeavouring to

1 advance this proposal insofar as you could do so.

2 A But that would be a very generalised position that I would adopt with those
3 that I believed were trying to do something that was progressive and wanted
4 advice or assistance on, yeah, sure.

5 Q 94 Well, are we to accept then that it is the case that his understanding is
6 correct? That is, Mr. Dunlop's understanding, that you were assisting
7 Mr. Kennedy in seeking to have these lands rezoned is correct?

8 A Well, I just have to say when it comes to Mr. Dunlop, I have a --

9 Q 95 I want to know specifically --

10 A You are going to have to bear with me, the contradictions of my supposed
11 involvement or not out of Frank Dunlop's mouth has varied as often as you know
12 the cock crowed in the morning. There's a whole series of: I had an interest,
13 I didn't have an interest, he denied an interest, he thought I had a an
14 interest, all of that.

15 Q 96 Mr. Lawlor, you may take it in in any submission you may wish to make to the
16 Tribunal at the conclusion of your evidence, you may address them on any
17 inconsistencies that you may see that exist in the evidence of others. The
18 time for submission will be at the conclusion of evidence, at the end of this
19 module rather than here in the witness-box.

20 A But there are periods of time when this Tribunal was hearing evidence that was
21 contradicted sometime later by Mr. Dunlop and those contradictions weren't put
22 to him and I wrote to the Tribunal complaining of that issue, because the
23 problem I have here, maybe in 12 months' time you get an opportunity to address
24 these matters.

25 Q 97 Mr. Lawlor, you may deal with those complaints, as I say, at the conclusion of
26 the evidence which is heard in this module. At the moment --

27 A I have to say it --

28 Q 98 At the moment you are here to answer specific questions which are put to you
29 and I would like to answer those questions if you would please.

30

1 I was asking you whether or not you acknowledge that Mr. Dunlop was correct in
2 his understanding insofar as he understood from Mr. Kennedy that you were
3 assisting Mr. Kennedy in the advancement of the project to rezone the lands
4 then owned by Paisley Park, do you understand the question?

5 A I do and my answer to your question is that if Frank Dunlop sought advice and
6 help, I would have given it to him. If he was telling me that Jim Kennedy had
7 said, you know, Liam Lawlor is being of assistance, he could well have done so,
8 it wouldn't pass me a thought. I would say, well, I don't agree with that
9 proposal, I think it's dead, there's no chance, it shouldn't be developed or
10 certainly, Frank, that's a very good proposal and you should make sure you have
11 the best of expertise and advice, etc.

12 Q 99 Mr. Lawlor, I am trying to distinguish the assistance you may have given to
13 Mr. Dunlop in connection with the project as opposed to Mr. Dunlop's belief
14 that independently of him you were assisting Mr. Kennedy?

15 A It came from the fact while they were at the meeting at the Dail there this
16 matter was discussed and there was various workings on documents and when
17 Dunlop came on board, advising whatever, he was advising Kennedy or otherwise,
18 he could have said, look, if you want to know something about any of the
19 greater, what's the timing of the plan, sure, ring up Lawlor, he will know, his
20 office will have the information and be able to find it for you. That could
21 well have happened there.

22 Q 100 So, Mr. Lawlor, Mr. Dunlop in his evidence indicated that that he understood by
23 that that the type of assistance that you were giving to Mr. Kennedy would
24 extend to getting the necessary motions, getting them on a council agenda for
25 discussion. Getting them voted on in addition to the technical matters which
26 might be involved in advising him as to how he should best structure his
27 approach to rezoning?

28 A I would suggest, Mr. Chairman, it was the complete opposite, because Frank
29 Dunlop would have said, for God's sake, don't speak or ask anybody to support
30 it because they will think you own it and that could be here or any other piece

1 of County Dublin. So, Frank Dunlop would have adopted a completely reversed
2 position to the position he has outlined to this Tribunal and would have said
3 to me several times, and the Don Lydon situation I gather, is that Dunlop did
4 all of that on his own bat. He didn't need me or anybody else. And he lobbied
5 these people and put in motions and I was well out of the nitty gritty of south
6 County Dublin, so I would have to say that I would have no recollection now
7 drafting motions, well the County Manager responsible for planning,
8 Mr. Prendergast, Chairman, at meeting after meeting regularly briefed the
9 elected members that they would have access to experts on these subjects for
10 ease of management of the council. And if somebody rang me and said, we need
11 to put in an objection or a motion or a revision or an amendment, then my
12 office could look up a previous agenda and give them the wording of the correct
13 procedure and that could be for anywhere.

14
15 So, yes, if Frank Dunlop rang my office, we'd extract, one of my staff would
16 do, extract a previous agenda, may be fax him the agenda and he could see from
17 the agenda the wording, because there was a particular type of wording the
18 officialdom advise the elected members, because of the quasi-judicial function
19 of making a Development Plan and, yes, that certainly could have happened. But
20 I would put it on the record not specifically with wanting to support the
21 specifics of the south County Dublin zonings, the reverse would have been
22 Dunlop's attitude, stay away, don't ask anybody to support it, they will think
23 you own half the damn thing so don't ask anybody for any support.

24 Q 101 Mr. Lawlor, I am not asking you about if Mr. Dunlop recruited you or suggested
25 you would have been of assistance in canvassing other members would the
26 purpose --

27 A I thought you were dealing with motions.

28 Q 102 I was asking you whether Mr. Dunlop's understanding from Mr. Kennedy that you
29 had assisted and it could well be previously rather than in what was to go
30 forward, but that you had assisted him in the preparation of motions in the

1 formulation of agendas that might go before the council or rezoning motions and
2 in advising on the likely voting pattern, whether all of that type of
3 information is information which you had previously given to Mr. Kennedy.

4 A I wouldn't have -- I thought that this was in that detail, I think the only
5 discussions I had with Dunlop, Mr. Dunlop was a great man for brain robbing
6 people and going to the other party and explaining that he was the expert on
7 everything. And he would have maybe telephoned me and asked about these
8 matters, how to put it on the agenda and the deadline and so forth, what
9 discussions he had with Jim Kennedy, it's hearsay between them, I can't add or
10 take from it.

11 Q 103 While it may be hearsay, Mr. Lawlor, it's a matter I am putting to you to see
12 whether you agree or disagree with it, I don't think you have a fundamental
13 disagreement with the principle, you may well have at some stage given advice
14 to Mr. Kennedy which concerned, amongst other things, the formulation of a
15 particular form of motion, the agenda which should be on the council meeting to
16 consider that, etc.

17 A Like if Frank Dunlop rang me up and said listen, Jim Kennedy said you might be
18 able to help me with a motion or whatever, yes, absolutely.

19 Q 104 Mr. Dunlop also in his evidence on day 342 to this Tribunal indicated that you
20 had indicated to him that there was a system through which planning alteration
21 or zoning changes could be affected and that involved a whole series of things,
22 including the payment of local politicians to secure that end. Do you dispute
23 that evidence of Mr. Dunlop?

24 A Very strongly. And on page 20, 30, page 66, lines 20 and 30, who is the first
25 you ask FD for money, number 11 on the list. So Mr. Dunlop's sort of so-called
26 knowledge -- Mr. Dunlop, on my introduction, had actually achieved the largest
27 material contravention of a Development Plan in this country or maybe further
28 afield and didn't seem to have to do anything that he later said was an
29 essential part of how you achieve something within the Dublin County Council.

30

1 The first ever material contravention of planning issue that Mr. Dunlop
2 addressed, which was a Citywest business park which was a vision of mine and he
3 secured that without having to bribe, corrupt, pay, or give to any elected
4 member, current to himself.

5
6 So, Mr. Dunlop was very familiar with how you could achieve the change of the
7 Development Plan from that period of time. During the period of time when he
8 claimed he didn't have to do all of the things he has since got on to claim he
9 had to do.

10 Q 105 He has given evidence, Mr. Lawlor, on oath here that from a date in
11 approximately 1990, you indicated to him that there was a system which required
12 to be operated, to maximise one's chances of obtaining rezoning and that
13 included the payment to local politicians?

14 A No, absolutely -- Frank Dunlop didn't need to be told how to do had business.
15 All I can do, the biggest single planning issue he handled, I introduced him to
16 do it and he didn't have to do any of the things he went on to claim were
17 essential.

18
19 CHAIRMAN: Mr. Lawlor, is it your evidence that you were aware of this
20 practice, but that you didn't need to tell or that Mr. Dunlop didn't need to be
21 told about it? Or are you saying that you couldn't have told him because you
22 weren't aware yourself of the practice?

23 A Yeah, like, what Frank Dunlop came out afterwards by way of his evidence, and
24 so forth, shocked me because it wasn't something that I had a detailed
25 knowledge of the way he outlined it at all.

26
27 CHAIRMAN: Well, had you any knowledge that there was this practice?

28 A No, I mean my whole relationship to this issue would have been there was a
29 political donation provided to elected members by whoever lobbied for them or
30 wrote at various times and secured those contributions, and I was never aware

1 and Dunlop wouldn't even dream of suggesting, or any other party, that you
2 could secure somebody's vote by method of payment. I think it would be
3 abhorrent and if anybody ever had suggested it to me, one man did and he got
4 short shrift and the reason he did, he was in serious banking trouble.

5
6 I didn't have the knowledge, Chairman, what Frank Dunlop said of the way he
7 handled affairs throughout the 1990s and not being an elected member of that
8 council during that period, I really wasn't party to the detail as he has
9 outlined it, ever.

10
11 CHAIRMAN: When you say you weren't aware of a practice of councillors being
12 bribed for their votes, you say you were aware of a practice where lobbyists or
13 landowners might give money by way of political contribution?

14 A Yeah, I mean --

15
16 CHAIRMAN: Was that being done in order to give political support to a
17 particular councillor or was it being done on the basis that he would or had
18 voted in favour of a particular proposal?

19 A Well, there's two ways, if Frank Dunlop before a vote said look I'll pay you X
20 pounds to make sure you turn up on Monday and vote for X motion, I don't
21 believe that ever happened and I think if it did he would get short shrift.
22 Afterwards if he gave a contribution to somebody who had supported something,
23 well he certainly wouldn't have put it as contingent on them voting. If they
24 had voted and he financially supported them, well that's what happened. And
25 when I get back through the contributions over my period in public life, I
26 think about two thirds of the people that financially supported me never owned
27 a blade of grass in County Dublin. So, and all I can relate is that the final
28 major planning matter that came before the council for decision of the Citywest
29 business park where it's seen as one of the greatest developments this country
30 has ever seen and the planners were wholly opposed to it and Frank Dunlop, on

1 behalf of the promoters, lobbied everyone and secured its proposal without
2 supposedly having to pay a single penalty to people and that was over 30 acres
3 of the then County Development Plan which was a colossal matter.

4
5 CHAIRMAN: Are you saying that surprises you he would have got such support
6 without payment?

7 A Not at all, I was the one that brought it forward, submitted documentation to
8 this Tribunal. I thought it was visionary. Thousands of jobs out there now
9 and the management were wholly opposed to it, because they owned land on the
10 other side of the Naas dual carriageway and they didn't want the scheme to
11 proceed in a commercial competition basis. The Minister for Science and
12 Technology afterwards designated it as the National Science and Technology
13 park. So the thing that surprised me was that Frank Dunlop related financially
14 supporting elected members to how they had or would vote because he never
15 suggested it to me and if he had, he would have got short shrift.

16
17 Q 106MR. O'NEILL: Mr. Lawlor, the evidence of Mr. Dunlop on the issue in relation
18 to the Paisley Park lands is that he received from Mr. Kennedy a sum of 25,000
19 pounds with which he was to distribute as he saw fit, those funds, so as to
20 achieve the end of rezoning and that having received those funds at a later
21 stage he discussed with you the best way of advancing this particular project.
22 Have you a recollection of discussing this issue with him and of discussing who
23 should sign the motion and how it should be structured?

24 A Well, firstly, I have absolutely no recollection of a sum of 25,000 pounds. If
25 Frank Dunlop got 25,000 pounds from Jim Kennedy, he is a better man than I
26 thought he was. I have no idea, it just amazes me because that particular
27 situation, as I saw it, it was years down the road and you know, he never ever
28 said, because Frank Dunlop, you see, when he got involved in this thing, after
29 he got an understanding of how to get clients and lobby and so forth, he didn't
30 need any contact or advice and I have no knowledge of him setting off on this

1 mission as he has given evidence. None whatsoever and he never ever discussed
2 with me that he got a penny from Jim Kennedy.

3 Q 107 What he has said to the Tribunal, Mr. Lawlor, on oath is that he had discussed
4 with you this issue after he had met with Mr. Kennedy. Can you recollect
5 becoming aware of the fact that Mr. Kennedy and Mr. Dunlop had discussed a
6 particular proposal to endeavour to rezone this 108 acres and to do so by
7 encouraging or having councillors list a motion before the council to do so?

8 A That before he gave evidence under oath and changed his mind later? Which
9 section of evidence Mr. Dunlop gave, because Dunlop came back in here and said
10 the evidence he gave for certain days wasn't correct at all, it was untrue.
11 So, the situation, never did he discuss a penny of Jim Kennedy's monies and how
12 he might go about it. He would certainly have discussed with me the lobbying.
13 You see Frank Dunlop would have known all the elected members from his cross
14 party work, he had worked for the Fianna Fail party as government press
15 secretary under a number of different Taoisigh, he had worked for the Fine Gael
16 party, a late colleague of mine from school, the late John Boland as press
17 officer for Fine Gael and he would have known all of them, would have known
18 Labour members and Frank Dunlop would have known all of those people personally
19 and he wouldn't have been relying on any assistance or advice in dealing with
20 those people from me.

21 Q 108 Whether he relied on it or otherwise, can you say whether or not it is true or
22 untrue that Mr. Dunlop spoke to you on the subject of how best to advance the
23 project that is the bringing forward of a motion before the council to secure
24 the rezoning?

25 A He could well have discussed the motion and the sort of reaction he would have
26 got was look, you can't be zoning land in isolation, what's the plan, is there
27 other landowners going to put in submissions and so forth. So that it has some
28 sort of coterminous concept rather than we have to rezone that hundred acres
29 because somebody has elected member support and puts in 100 acres there and
30 then there's the farm next door equally suitable for development.

1 Q 109 Is it possible in the course of that discussion that the identity of the
2 parties who were to sign as members would be discussed?

3 A No, you know, I think he would know himself, he wouldn't be needing advice from
4 me. If he had said, well, do you think so and so will sign the motion or so
5 and so, go and ask them, it's a matter for them. Because I wouldn't have been
6 aware, I became aware in the media about the massive hostilities that developed
7 out there and the lobbying against these proposals and whether local elected
8 members looking to the future election wanted to get involved in a controversy
9 that might cost them votes or whatever. I haven't -- have been familiar with
10 the nitty gritty of the politics of south county Dublin, different wards and
11 who might have signed or not signed a motion.

12 Q 110 Would you have given him advice he would ensure there's cross party support
13 that is having a member of each of the major political parties sign a motion so
14 as to maximise or optimise the chances of receiving a broad band of support for
15 it, is it?

16 A During my time, and subsequent the two major parties and the PDs to a less
17 extent were to an extent were pro-development within reason and the Labour
18 Party had an opposition and whatever other extreme left parties or
19 representatives or independent councillors there might have been, they would
20 have seen to be opposed so, you know, that again would be something he wouldn't
21 need, because the material contravention that he had handled with Citywest, he
22 would have had experience and the signing of Section 4 motions depended on
23 three or four members. So, I don't think he would be reliant or dependent
24 about who he should or should not get to sign motions, but he could have
25 discussed with me certainly.

26 Q 111 In the course of that, would you have recommended he would have the motion
27 co-signed by Senator Lydon and by Councillor Hand?

28 A The individuals, I wouldn't have been in a position to say because (a), I don't
29 know in whose election areas these lands are so no, I wouldn't have been
30 specifically saying that you should see X or Y, because I would have no

1 discussion with him about it, particularly at his request, I wouldn't have been
2 interested in the matter.

3 Q 112 You are aware, I think, Mr. Lawlor, of the fact that there was a particular
4 motion which was advanced to the council which was signed by Mr. Lydon and by
5 the late Mr. Hand and the evidence of Mr. Dunlop is that that particular motion
6 had been drafted, that is the wording of the motion, had been drafted by him in
7 consultation with you and that many of the operative words in it were words
8 which had been your words rather than his words. Do you have a recollection?

9 A Well, it would be just consistent with the earlier evidence if he said he
10 wanted to put in a motion and could I assist him with the wording, as I said I
11 would have maybe got a previous agenda, because there was a legalistic, I don't
12 want to be repetitive but if he rang me, I could ring the office and say I'll
13 ring my secretary and get her to fax you an agenda from last month's meeting
14 and you'll see the method of wording, and he could have got on to the wording,
15 very capable script writer and man of words, Frank Dunlop. So that would have
16 been my input into the it, the specifics of individual motion would have been
17 done in his office probably with an agenda from a previous meeting from my
18 office.

19 Q 113 Fine. We'll see the actual signed motion with the signatures of the two
20 councillors involved at page 387 of Carrick 1. And you might just look at that
21 and tell me whether or not it accords with your memory, albeit in the signed
22 version of the document as prepared. It's headed OBJ 972 submission, Paisley
23 Park Investments Ltd, that:

24 "Dublin County Council hereby resolves that the lands at Carrickmines outlined
25 in red on the attached map comprising about 108 acres and which has been signed
26 for identification purposes by the proposer and seconder of this motion be
27 zoned E in the Development Plan to provide a high quality job creation base for
28 south County Dublin."

29 And we see the signatures of Mr. Lydon and Mr. Hand. Mr. Dunlop's evidence
30 particularly was that the words to "provide high quality job creation base for

1 south County Dublin" was your drafting or your terminology that he put on this
2 draft?

3 A Could well be because in my sort of view and discussions with senior Dublin
4 representatives of the IDA, and because the Dublin County Council had
5 tremendous success with Sandyford business park and it was now saturated, there
6 was a major need on the south side for a major job creation area, because I
7 think there was correspondence that I would have been provided with in ERDO
8 that the IDA had no lands to promote for inward investment on the south side of
9 the county. We had accommodated on the west side, great success, Intel went to
10 north Kildare and I think the IDA wrote maybe around that time or before that
11 they were in need of having a major high quality location and that could be
12 reflected in that motion.

13 Q 114 Yes. Equally any need for requirement could have identified by these local
14 councillors had they saw fit to do so and they could have drafted whatever
15 motion it was themselves, that they wanted to advance to the council of which
16 they were members rather than having some outside party produce a documentation
17 for them for signature, isn't that right?

18 A They could have, I didn't. Dunlop wanted to go see elected members and if he
19 telephoned and sought this information -- you see the scandal of south County
20 Dublin and the nonsense of it is if the council were dynamic enough to have
21 called in these lands owners and proposed to whole development swab of south
22 county, they could have got these motorway lands for free from all of these
23 people, but the planning process was years behind the infrastructural process
24 and in this situation, off position where they were putting in underground
25 drainage through agriculture lands and giving landowners access to services in
26 advance of zoning and then they draw a line and put a motorway through it and
27 then they come afterwards and zoned it and caused all this compensation
28 argument. Sure the landowners out there would have been given them the lands
29 for free if they had proposed the development in association with the surplus
30 lands.

1

2 Chairman, you have no idea of the incompetence and lack of forward planning in
3 greater County Dublin and this was symptomatic, why wasn't the planner bringing
4 forward a major industrial base in south County Dublin so the IDA could promote
5 job creation? They weren't doing it. So it fell to the elected members and I
6 had the particular vision of this because I was chairing ERDO, which turned out
7 to be a report I signed in 1988 and you could take the paint off the colour of
8 the front of it and rename it the Bacon Report of about four or five years ago,
9 every recommendation in it has now come to pass as being the bible and it was
10 rejected at the time.

11 Q 115 Mr. Lawlor, if we might return to --

12 A This would be my view of County Dublin.

13 Q 116 I don't dispute your view at the moment, Mr. Lawlor, I am trying to confine the
14 evidence, if we can, to the matters at hand and that is the circumstances in
15 which you came to draft this particular document, which we know was presented
16 to the councillors, requested and signed by them. I take it as having drafted
17 the document, you would have been conscious of the fact that it would have to
18 be signed by at least two members to have any chance of success.

19

20 Do you remember being informed by Mr. Dunlop that the signatories to the
21 document which you had drafted ended up as Senator Lydon and Mr. Lydon, as it
22 was at that time, and the late Mr. Hand?

23 A I have no recollection, Chairman, whatsoever. If I was to be asked without
24 putting this in front of me, I thought former Senator Cosgrave has given
25 evidence here that he had signed all sorts of motions rather than these two
26 elected members at the time but I have no recollection of the specifics, other
27 than I could well have had an input and that could have been done in my office
28 and faxed to Mr. Dunlop and he could have gone off and done his lobbying.

29 Q 117 As a matter of probability, you would have been kept informed by Mr. Dunlop who
30 had informed you to the extent of co-drafting this document with you and to

1 that interest, to that extent jointly represented the interests of the
2 promoters, that he would have involved you and kept you informed of what
3 progress he was making towards bringing this before the council?

4 A It would have been one of many items he would have discussed with me regularly,
5 but not on a reportage basis that I wanted to know, was it successful or the
6 defeated or when, because there was a certain time he was considering standing
7 for the European parliament for north Leinster and I was involved in
8 organisation matters in my party and he would have discussed -- so, Frank
9 Dunlop would have been in touch with me on these matters and others regularly
10 but I can't be, I can't recollect specifically him saying we are making very
11 bad progress on issue or making very good progress or whatever. No.

12 Q 118 Do you remember him indicating to you at any point in time after the signature
13 of that document, that he had paid 3,000 pounds each to Mr. Lydon and to
14 Mr. Hand in return for their signatures?

15 A No, the first I would have been aware of when it came out of this Tribunal. I
16 would have had no knowledge whatsoever and would have been absolutely amazed
17 that any elected member would put himself in that position.

18 Q 119 Mmm. Having heard that evidence enunciated by Mr. Dunlop in the witness-box or
19 having become aware of the fact that he had given that evidence in the
20 witness-box at this Tribunal, in the current module of evidence which was being
21 heard by the Tribunal, Mr. Lawlor, is there any particular reason why you did
22 not attend at the Tribunal and exercise your right to cross-examine Mr. Dunlop
23 on this issue and to put to him that in giving evidence which, on its face,
24 appears to attribute, as a minimum, knowledge to you of the fact that monies
25 were paid in relation to a motion which you had drafted, why did you not seek
26 to challenge Mr. Dunlop in relation to that evidence?

27 A I wasn't being accused of accepting and receiving monies. The executive for
28 Mr. Hand -- I had no original of his -- I have to just say that Frank Dunlop's
29 evidence was absolutely staggering and just by disbelief, I come in here and
30 say why did you, what did he do, give money to these people, sure what had that

1 to do with me? Those people were well capable of coming and representing
2 themselves. If he had said he did it with me, I would have absolutely dealt
3 with it.

4 Q 120What he indicated in his evidence, Mr. Lawlor, was that he informed you that he
5 had paid these monies to these two individuals so that at that point in time,
6 you had the knowledge that councillors and in particular these two councillors,
7 had been paid money in respect of a motion which you had drafted. That was
8 what his evidence was and --

9 A I think I just have to say that I dismiss Frank Dunlop's evidence in these
10 matters out of hand, because I had no knowledge, Frank Dunlop if he rang and
11 said, I have given these members this amount of money, not a chance would he do
12 so, never did, and, you know, it would be just crazy to be doing so in the
13 first place and I don't think an elected member, despite needing funding for
14 whatever, it was contingent on motions or votes, I think he would get short
15 shrift. I think it's -- you could do with support but you wouldn't want to
16 with that condition associated with it. Never have I come across it in public
17 life, I have come across people getting contributions but not contingent on
18 them exercising their public duties. Never.

19 Q 121Well, in this instance, Mr. Lawlor, you know that the evidence of Mr. Dunlop
20 has been that he learned of a scheme through which one could advance one's
21 chances of obtaining a change in zoning, that it involved payment of monies to
22 certain politicians who were prepared to act effectively without knowledge of
23 the merits or otherwise of a particular transaction, but merely to sign their
24 names to motions which had been drafted by other persons, using whatever
25 aspirational wish there was in those motions which might not necessarily be the
26 wish of the local representative who signed it, but that this documentation
27 would be signed, brought before a meeting of the council and that as a result
28 of that, particularly where the parties had elected to get cross party support,
29 that one could achieve a change in the zoning of a particular plot of land
30 against the advices of the local authority officials and without the promoters

1 having any real knowledge or interest in the lands. You understand that to be
2 the scenario that he painted in his evidence and in support of that, and in
3 relation to the particular motions that were considered in Paisley Park. He
4 produces this document and says, this is one which was drafted by you, that the
5 terminology is yours, that the aspiration to provide a high quality job
6 creation base for south County Dublin was one conceived by you, which you
7 accept, and not by either of the two signatories to this document and he says
8 that subsequent to their signature of this document, he spoke with you about it
9 and in the course of that he confirmed to you that he had paid 3,000 pounds to
10 each of the signatories for that signature.

11 A Well, you know, I suppose Frank Dunlop might represent, and I'm only guessing,
12 10 percent that had represented all the lands that had changed and nobody else
13 had to embark on the activities Dunlop claimed he embarked upon. Why would he
14 be telling me he paid these other people monies? It just doesn't --
15 reflectively across the political divide.

16
17 The conclusions are, Frank Dunlop went to clients, claimed he needed these
18 monies for various purposes and nobody was ever to know whether he did or he
19 didn't. And the consensus is Frank Dunlop probably retained very substantial
20 amounts of the monies he has now accredited to have given to elected members,
21 because the amounts that he had received from people claiming that that's what
22 he needed to do was a fallacy and he certainly never ever, to the best of my
23 recollection, and it would have no impugning on my situation if he had told me
24 these other people accepted or received or sought monies, but I have no
25 recollection of him ever saying he gave any monies to any other elected member.

26 Q 122 You do agree with me, Mr. Lawlor, it would be surprising given the level of
27 involvement that you had in relation to Paisley Park, and I'll identify that
28 for you, it's your initial discussions with Mr. Kennedy who was certainly a
29 friend, if not a business associate of yours, your aspiration presumably to
30 assist him if you could in 1991, your progress through to 1992 where you meet

1 with Mr. Dunlop, who you say is an established PR representative and lobbyist.
2 You see that he is interested in Mr. Kennedy's affairs, although perhaps
3 professionally as opposed to your being interested only as a local
4 representative.

5 Would you not continue that interest through to see how this motion was going,
6 what the parties were doing to advance the rezoning which was the whole purpose
7 of your involvement and Mr. Dunlop's involvement in this?

8 A Well, the only thing I can say to you, Mr. O'Neill, you can say the same about
9 Citywest or a rake of other submissions, proposals, assistance. You know, I
10 would have supported community councils in opposing proposals as much as this,
11 that sort of input that I have there would have related itself across a wide
12 range and I have the dilemma or the difficulty that cross party councillors
13 would recommend to various parties to come and seek some general advice from
14 me, because I had a knowledge of the subject and there was very many land
15 owners came to me and I dismissed their proposals and say they are ridiculous,
16 you are not near drainage, you are not near roads, you could have it zoned
17 tomorrow. And it could sit there for 20 years, it's totally unsuitable, it's
18 not in a development line.

19
20 And the problem we had with all of this is that if the forward planning was up
21 to speed, the elected politicians would not have had to get involved in the
22 planning to the degree that they did over this period of time, it was an
23 absolute tragedy, and it was all driven by the Dublin Corporation management
24 structure, that dictated to the planners, and I have documented it to that
25 Tribunal. Mr. Enda Conway was a senior planner that dealt with the County
26 Development Plan and he often came down from the microphone having opposed
27 proposals and said, I don't disagree with them, but management have said we are
28 opposed to them.

29
30 Shortage of housing land in this county was visited upon this county and the

1 young peoples paying 40,000 pounds because the forward planning dragged the
2 politicians into the decision-making because they were inept and didn't do the
3 job they were paid to do. And we are here in south county, west county, north
4 county, sure since the breakup of the old Dublin County Council, Fingal has
5 rezoned and changed their plan several times, Dun Laoghaire has done the same
6 and all these controversies are now the bible of future, ten, 15 years later
7 when they should have come along. So, you know, Frank Dunlop keeping me
8 abreast of whether he was making a success of this project or not, he would
9 have mentioned it among other things to me and talked about a whole range of
10 matters as well as this. It wouldn't have been something that was high on my
11 agenda, it was up to himself if he was lobbying to succeed other otherwise. I
12 would have no input into it and he would have repeatedly asked me not to speak
13 to a single soul about these matters, not just this land but any land. I was
14 out of the council and could give advice and so forth but me ringing up the
15 late Tom Hand, Don Lydon, Betty Coffey, any of my colleagues, me just have an
16 interest in this thing. If he is lobbying for it, I never did anything for it,
17 absolutely not.

18 Q 123Are you saying you received specific advice or direction or request from

19 Mr. Dunlop that you should not be seen to be associated with this project in
20 any way because there was a perception abroad that you had an interest in this
21 particular property and that if that was in any way identified with you or
22 received any support from your obvious involvement in it, that it would be
23 detrimental to the chances of it succeeding because your fellow colleagues
24 would vote against it if they believed --

25 A It wasn't just with this land, it was a general sort of comment I presented to
26 you which contradicts everything Frank Dunlop was saying about my supposedly
27 supporting and trying to get these matters addressed. He wanted the motion,
28 gave him a motion, end of matter, next business. He has his motion, go and do
29 whatever he is doing or not doing

30 Q 124My query, Mr. Lawlor, is whether or not it is the case that Mr. Dunlop said to

1 you you shouldn't be seen to be associated with this because there is abroad a
2 belief that you have an interest in this and it's detrimental to the success of
3 our project if it is believed you have. Do you understand?

4 A Yeah, I don't know.

5 Q 125There are --

6 A You know it was a generalised comment I was making to you to show that Frank
7 Dunlop would have, you know, he had as many versions of events as the weather.
8 I had no interest if this thing went through, didn't go through, no great
9 interest to me. That was up to themselves and planners in south County Dublin.
10 Even to this day I don't have any detailed interest in it other than writing to
11 the arbitrator telling him I don't have an interest in the land, despite all
12 the media speculation and saying I don't have a -- I was supposed to be putting
13 motorways through it in the Sunday Tribune, as referred to every other Sunday,
14 they have given me a major role in this play out here and I have nothing to do
15 with it.

16 Q 126Mr. Lawlor, do you believe it to be the case that there was a concern abroad
17 amongst your former members of the council or rather amongst members of the
18 council at which you are a former member that you may have had an interest in
19 these lands and that that may have been a matter which would have affected
20 their voting upon any project which involved its rezoning?

21 A Well it's not referred to in voting terms but it's referred to in Dunlop saying
22 A, Kennedy said I had an interest in it and B, claiming to the elected members
23 that I had no interest in it. I mean I have a ream of the responses to his
24 questioning here and Betty Coffey's and various other councillors asking him
25 and he absolutely vehemently denying that I had no interest in it so, you know,
26 Frank Dunlop is answerable for his actions and his evidence, I am not. I have
27 no interest in it.

28 Q 127Well it's your evidence that the Tribunal is currently interested in, Mr.
29 Lawlor, and I want to establish from your evidence whether or not there was
30 substance to the fact or the rumour as it's put out that you may have had an

1 interest in these lands and consequently that it would work against the
2 interests of the promoters of any rezoning application.

3 A Chairman, I wasn't even aware of these concerns until they were provided to me
4 by way of documentation.

5 Q 128I see. You didn't --

6 A I wasn't so aware that Betty Coffey was asking Frank Dunlop, he claims Olivia
7 Mitchell asked him and now he claims she didn't. I wasn't aware until I read
8 the various contributions from various people responding to the Tribunal in
9 writing.

10 Q 129I see. Mr. Chairman, at this point, if it's possible, I'd like to cease the
11 line of cross-examination I am on, or examination I am on. There are other
12 matters which will be very brief tomorrow which I will intend to deal with, if
13 it is convenient at this point in time --

14
15 CHAIRMAN: We'll rise until half ten. Half ten tomorrow.

16 A Thank you, Chairman.

17
18 THE TRIBUNAL THEN ADJOURNED UNTIL THE FOLLOWING DAY,
19 THURSDAY, 25TH SEPTEMBER 2003 AT 10.30 AM.

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