

1 THE TRIBUNAL RESUMED AS FOLLOWS ON WEDNESDAY, 22ND OCTOBER 2003

2 AT 10.30 A.M:

3

4 MS. DILLON: Good morning, Sir.

5

6 CHAIRMAN: Good morning.

7

8 MS. DILLON: Before Mr. Dunlop resumes giving evidence, I want to alert the  
9 parties to a matter that arises from the statement of Mr. Liam McGlynn, which  
10 was furnished to the Tribunal and circulated yesterday, although all the  
11 parties have not received theirs. Mr. McGlynn telephoned the offices of the  
12 Tribunal this morning and informed Miss Gribbin there is an error in paragraph  
13 4 of his statement. In paragraph 4 of his statement, the second sentence  
14 reads: "The presentation related to the entire area of Malahide, Portmarnock,  
15 Baldoyle and Kinsealy and comprised all lands west of the M1 motorway. The  
16 lands the subject of the present inquiry were included in the presentation  
17 exhibit 2."

18

19 In fact, he is saying what it should have said is that "The lands east of the  
20 motorway" -- so he has used the word 'west' on the fourth line of paragraph  
21 four and he now tells the Tribunal that should have read "east of the motorway"  
22 which makes sense with the maps, in fact, subsequently.

23 The Tribunal will write today to all of the parties to inform them of that  
24 error by Mr. McGlynn and to amend the statements accordingly in relation to  
25 paragraph 4.

26

27 The second matter that arises prior to the resumption of Mr. Dunlop's evidence  
28 is the Tribunal has prepared a letter of authority directed to the Eastern  
29 Health Board in relation to the expenses in connection with the late Cyril  
30 Gallagher. You will recollect that yesterday we indicated we were awaiting

1 replies in relation to certain financial transactions on the accounts of  
2 Mr. Gallagher around the time, and it was indicated to the Tribunal that they  
3 were seeking to obtain information from the Eastern Health Board. A letter of  
4 authority has been prepared and perhaps it could be now indicated to the  
5 Tribunal whether instructions have been obtained so the Tribunal can deal  
6 directly with the health board in relation to that matter. Mr. Montgomery  
7 appears for --

8

9 MR. MONTGOMERY: Mr. Chairman, I take it that the executrix will have no  
10 objection to the letter being sent. We have checked our own files this morning  
11 and we find that have sent three faxes, that's faxes on three different  
12 occasions and we haven't even had acknowledgement of receipt of those faxes.

13

14 CHAIRMAN: This is from the health board?

15

16 MR. MONTGOMERY: From the health board.

17

18 CHAIRMAN: Can the authority be signed by your clients?

19

20 MR. MONTGOMERY: Yes. I will arrange that.

21

22 CHAIRMAN: All right. Thanks.

23

24 MS. DILLON: Miss Gribbin will furnish the authority to Mr. Montgomery.

25

26 CHAIRMAN: Thank you very much.

27

28 MS. DILLON: Mr. Dunlop please.

29

30

1 FRANK DUNLOP, ALREADY SWORN, WAS EXAMINED AS FOLLOWS

2 BY MS. DILLON:

3

4

5 Q 1 Good morning, Mr. Dunlop.

6 A Good morning Miss Dillon.

7 Q 2 Yesterday afternoon before we concluded we were looking at certain financial  
8 transactions you had conducted on your bank accounts in March of 1993 and just  
9 to refresh you on where we were yesterday, we had looked at four transactions  
10 involving your Irish Nationwide account which I think you had indicated to the  
11 Tribunal was one of the accounts that you used to fund your activities in  
12 connection with the Development Plan.

13 A Yes.

14 Q 3 The bank statement in question is at page 244 and on that we had looked at four  
15 transaction, the 19th February, 1993, in which you lodged a sum of 10,000  
16 pounds and I think we had seen that that, in fact, was part of the proceeds of  
17 a cheque from Riga Limited, which was paid on foot of a December 1992 invoice  
18 and the balance of that cheque being 15,000 pounds was kept by you in cash.

19 A Yes.

20 Q 4 I think you accepted that in relation to the lodgment of 3,500 on the 26th  
21 March 1993, that that might compromise a portion of the monies paid to you by  
22 Mr. Mahony, you do not dispute if Mr. Mahony says he paid you on the 26th?

23 A Yes, the 23rd.

24 Q 5 The 23rd, I beg your pardon. That would have left you with the balance of  
25 6,500 pounds in cash on the 26th March.

26 A Yes.

27 Q 6 And that applying the principle that if you were lodging money, it's usually  
28 out of a larger fund, I think you accepted yesterday in relation to the  
29 lodgment of the 3rd March 1993 of 5,000 and the 15th March 1993 of 12,000  
30 pounds that the sum you had in hand, as it were, prior to making the lodgment

1 was probably bigger than the sum that you lodged to the Irish Nationwide?

2 A Yes.

3 Q 7 Is that a fair summary of what we had discussed yesterday?

4 A Yes, it is.

5 Q 8 Now you made a number of other lodgments at approximately around the same time  
6 as these lodgments, Mr. Dunlop, and I want to draw your attention to those. On  
7 the 12th March you lodged a sum of 1,000 pounds to your Frank Dunlop &  
8 Associates account, the number -- page 264 please, the number is 128909006.

9

10 Sorry, 265, I beg your pardon. This is an extract, Mr. Dunlop, from the Frank  
11 Dunlop & Associates bank account and you will see that on the 12th March, there  
12 is a lodgment of 1,000 pounds and on the 15th March, there is also a lodgment  
13 of 1,000 pounds.

14 A Yes, just a small point for clarification, Miss Dillon, and I accept how a  
15 mistake could be made here. Actually if you look at that page, the bank  
16 account number 12909006, which is the bank account of my wife and myself, but  
17 the statement was sent to my office but it's my personal bank account.

18 Q 9 Very good.

19 A It's not Frank Dunlop & Associates company account. A small point but just for  
20 clarification.

21 Q 10 That sum of 1,000 pounds, Mr. Dunlop, was lodged on the 12th March?

22 A Yes.

23 Q 11 And the second lodgment of 1,000 pounds on the 15th March 1993, both of those  
24 were cash lodgments, Mr. Dunlop?

25 A Yes.

26 Q 12 And in relation to the lodgment on the 15th March, on the 15th March you also  
27 lodged 12,000 pounds to the INBS, page 244 please. You will see that the third  
28 lodgment there is 12,000 pounds on the 15th March 1993?

29 A Yes.

30 Q 13 And on the same day you lodged 1,000 pounds to your personal account.

1 A Yes.

2 Q 14 And you had also lodged 1,000 pounds on the 12th March to your personal  
3 account, page 265. And as I understand it Mr. Dunlop you are not in a position  
4 to inform the Tribunal of the source of those funds?

5 A No.

6 Q 15 Again, Mr. Dunlop, would it be fair to say that if you were lodging a round  
7 figure sum of 1,000 pounds on both of those occasions, that it is likely that  
8 the funds you had in hand were bigger --

9 A Yes.

10 Q 16 -- than the lodgment?

11 A Yes.

12 Q 17 There is one further lodgment, Mr. Dunlop, in or around this period on the 26th  
13 March 1993, you lodged 4,175.36 pounds to your account number 12909006, page  
14 282, I think. Yes, 282. This again is your personal account, Mr. Dunlop, is  
15 that correct?

16 A That's correct, yes.

17 Q 18 And you will note that that lodgment was 4,175.36 pounds is the same date as  
18 the lodgment of 3,500 pounds to the Irish Nationwide?

19 A Yes.

20 Q 19 So that on that date, you lodged 3,500 to the Irish Nationwide and lodged  
21 4,175.36 to your personal account?

22 A Yes.

23 Q 20 You have not been able to identify or explain to the Tribunal the source of  
24 those funds that are presently on the screen?

25 A Correct.

26 Q 21 Because the lodgments are both made on the one day, Mr. Dunlop, in other words  
27 the 3,500 pounds to the Irish Nationwide and the 4,175.36 pounds to your  
28 personal account, is it possible that some of Mr. Mahony's 10,000 pounds is in  
29 this lodgment of 4,175.36?

30 A Yes, it is likely.

1 Q 22 So are you saying then that it is likely that you lodged the 3,500 pounds to  
2 the INBS is part of Mr. Mahony's fund and also a portion of Mr. Mahony's fund  
3 was in this lodgment made on the same day?

4 A That is possible. The only quibble, if that's the word, is the odd amount in  
5 relation to the lodgment of my personal account and I don't have the benefit  
6 looking at the screen to see what the balance is so obviously I think the  
7 probability is that that was a combined -- I don't think that's a total cash  
8 lodgment, I have no evidence to support that as I sit here this morning but it  
9 would seem to me to be a very odd amount to be lodging in cash.

10 Q 23 Could I have page 927 please. The Tribunal asked you to explain the source of  
11 lodgments on your accounts and this is a redacted version of your answer in  
12 respect of this particular lodgment and you will see there's a column you were  
13 asked to identify the source of the funds and the column is blank because you  
14 were not in a position when you furnished that document to the Tribunal to  
15 explain to the source of the lodgment on the 26th March?

16 A Correct.

17 Q 24 And you are now saying that because of the date in question being the 26th  
18 March, and the lodgment to the INBS, you are saying that it is likely that a  
19 portion of that lodgment comprised of a portion of Mr. Mahony's 10,000 pounds  
20 which you accept you received on the 23rd March 1996?

21 A I do.

22 Q 25 Is it, in general, Mr. Dunlop, the position with your bank accounts that when  
23 you were making lodgments to your accounts on a round figure made here such as  
24 a thousand or 5,000 or 12,000 as we have seen in the Irish Nationwide that  
25 these were cash lodgments but taken from a bigger sum?

26 A Yes.

27 Q 26 Isn't that a trend that would be reflected in your accounts as one goes through  
28 the accounts?

29 A Other than in circumstances where it is specified in any of those accounts that  
30 the lodgment was by cheque.

1 Q 27 Yes, were you in a position to identify to the Tribunal the source of a  
2 particular lodgment?

3 A Yes.

4 Q 28 Because of the uneven nature of the lodgment that's presently on screen which  
5 is 4,175.36, is it your view that included in those funds were a cheque, a  
6 cheque of some amount or an uneven sum?

7 A Well that I cannot say as I sit here. The only matter that I bring to your  
8 attention is the odd amount. It would appear to me to be an odd figure to be  
9 lodging in cash but I don't have the benefit of the balance on the bank account  
10 and it may well reflect if there was a debit on the balance, that this  
11 particular amount was lodged to put the account in credit.

12 Q 29 Yes. Just excuse me for one moment.

13 We are going to print off an unredacted copy of that bank statement,  
14 Mr. Dunlop, and that might assist in your recollection and when we get that,  
15 I'll return to that issue.

16 A I accept, Miss Dillon, the general thrust of what you are saying in relation to  
17 lodgments to my various accounts, I accept.

18 Q 30 Yes. So that the position in how you manage the funds that you received from  
19 the various developers was that you lodged normally to your INBS account round  
20 figure sums but they were a smaller amount than the amount that you actually  
21 had in hand?

22 A In general.

23 Q 31 That would mean then, Mr. Dunlop, if we look simply at the Irish Nationwide  
24 bank account figures page 244 please, that as of the 19th February, you had  
25 15,000 pounds in cash out of the Riga cheque?

26 A Yes.

27 Q 32 You accept that in relation to the lodgment of the 15th March that the sum that  
28 you would have had was bigger than is lodged and therefore you had other cash  
29 but you are not in a position to put a figure on it?

30 A Correct.

1 Q 33 And that leaving aside for the moment that you may have lodged some of Mr.  
2 Mahony's cheque to your personal account in the 4,176 lodgment, out of Mr.  
3 Mahony's money, if you lodged 3,500, you had 6,500 pounds in cash?

4 A I accept the principle.

5 Q 34 Would you accept at a minimum you had at least in the period February/March  
6 1993 on those figures a sum of approximately 20,000 pounds in cash at your  
7 disposal?

8 A Yes, I do so accept.

9 Q 35 Would you say that the figure was in fact bigger than 20,000 pounds?

10 A That I cannot say.

11 Q 36 Yes.

12 A It may well have been, it may well have been somewhat lesser but given the  
13 principle of what you have outlined and the evidence in relation to the  
14 lodgments, I accept that I would have had that amount.

15 Q 37 Right. We will come back to look at some of your bank accounts at a later  
16 period, Mr. Dunlop, which relates to a period in late April and May of 1993 and  
17 I will show you the full version of the bank statement to see does that refresh  
18 your memory as to the unevenage of the lodgment. If I can move on then from  
19 that, Mr. Dunlop, to deal with the -- if I could ask you to deal first of all  
20 with the circumstances in which you met with Mr. Jack Larkin and in which you  
21 agreed to pay him the sum that you say you agreed to pay him.

22 A The circumstances which I met Jack Larkin were no different to the  
23 circumstances that I met the late Jack Larkin on previous occasions or on  
24 subsequent occasions and that was in the environs of Dublin County Council and  
25 I agreed at his request to give him 1,000 pounds and I so did subsequently.

26 Q 38 You didn't pay Mr. Larkin on the date he asked you for the money?

27 A No.

28 Q 39 You saw you paid him in connection with the support for the Fox and Mahony  
29 lands?

30 A Yes.



1 Q 40 Did you discuss with Mr. Larkin prior to the vote on the 28th April 1993  
2 Mr. Larkin's support for these lands?

3 A Yes, I would have.

4 Q 41 You didn't speak to Mr. Larkin, as I understood your evidence yesterday, in  
5 connection with this matter in preparing the rezoning motion?

6 A No.

7 Q 42 So it was at some stage after the 12th March 1993 and prior to the 28th April  
8 1993 that you met with and spoke with Mr. Larkin?

9 A Correct.

10 Q 43 You have a number of entries in your diary for the Development Plan,  
11 Mr. Dunlop, between the 12th March and the 27th April which I will go through  
12 very briefly with you simply to establish that Mr. Larkin was in fact present  
13 on those days.

14  
15 On the 12th March 1993, page 256 please, you have an entry in your diary,  
16 Mr. Dunlop, for this date and we know that you were around the county council  
17 on the 12th March because that is the day that you lodged the motion with  
18 Dublin County Council and you will see on that that Mr. Larkin, who is number  
19 one on the second column there, was present on that occasion

20 A Yes. Yes, I see that and my diary reflects that there was a Development Plan  
21 meeting that morning at 10.30.

22 Q 44 Right. But you did not meet with Mr. Larkin on that occasion.

23 A I can't say that I did, or that I did not meet with Mr. Larkin on this  
24 occasion. I would meet the variety of councillors, both prior and during  
25 Development Plan meetings, whenever a Development Plan meeting was taking  
26 place.

27 Q 45 The next meeting at which Mr. Larkin is recorded as being present is the 29th  
28 March 1993, 292 please, and you also have a Development Plan entry in your  
29 diary for that date. When you have a Development Plan entry in your diary,  
30 Mr. Dunlop, does this mean you would normally have attended at the council

1 offices?

2 A Yes, it does, it doesn't necessarily follow however that because of other  
3 business and other clients that I would be present for all of the Development  
4 Plan meeting but if I have a Development Plan meeting entry in my diary, it's  
5 there for two purposes; one to remind me there's a Development Plan meeting on  
6 and normally, virtually, invariably, I would put in an appearance for the  
7 Development Plan meeting, if only for a short time or for a lengthy period,  
8 depending on what was on the agenda.

9 Q 46 The record on screen of the attendance on the 29th March, showed Mr. Larkin was  
10 present on the 29th March also.

11 A Yes, it does.

12 Q 47 So that you could have met him on that occasion.

13 A Correct.

14 Q 48 On the 30th March, 295 please, the attendances at Dublin County Council also  
15 record the fact that Mr. Larkin was present and your diary, Mr. Dunlop, also  
16 records the fact that you have a Development Plan entry for that day?

17 A Yes.

18 Q 49 Mr. Larkin is again present --

19 A Perhaps Miss Dillon, just again, these meetings of the Development Plan that  
20 are in my diary are entered into the diary because the Development Plan  
21 meetings are specifically identified other than normal council meetings so in  
22 other words the secretariat in Dublin County Council would announce at a  
23 meeting, a Development Plan meeting, when the next series of meetings would  
24 take place.

25

26 In other words, if the Development Plan meeting was taking place today, for  
27 example, the secretariat would announce that the next Development Plan series  
28 of Development Plan meetings will be on and he would give, he or she would give  
29 two three or four days hence. If I was present when that was announced, I  
30 would take note; if not, I would be informed by one of the councillors.

1 Q 50 Yes, but at the moment we are simply looking at the coincidence between your  
2 diary entries and the attendances at the meetings in connection with  
3 Mr. Larkin, Mr. Dunlop. I understand the point that you are making.

4 A OK.

5 Q 51 So this list of attendances shows Mr. Larkin was present on the 30th March 1993  
6 and your diary entry, which is at 294, also has a Development Plan entry.

7 A That's correct.

8 Q 52 Now, the next Development Plan entry is the 1st April and the list of  
9 attendances at 299 show Mr. Larkin was again present. And your diary is  
10 similar to the previous entry that we have put on screen, it also has a  
11 Development Plan entry for you for that date?

12 A Yes.

13 Q 53 Right. On the 20th April, at 319, Mr. Larkin is again present and your diary  
14 also reflects Development Plan entry?

15 A Yes.

16 Q 54 And on the 27th April, similarly, which is the meeting at which Mr. Healy's  
17 motion was successful to keep all B and G lands zoned, Mr. Larkin is also  
18 present, I think your diary reports that you were present also?

19 A That's correct.

20 Q 55 All right. Now, looking at the sequence of events, Mr. Dunlop, does that  
21 assist you in recollecting when you might have met Mr. Larkin to discuss the  
22 Fox and Mahony lands?

23 A The discussion with the Councillor Jack Larkin, deceased, would have taken  
24 place at the time of the agenda of the council when the matter arose and I  
25 could have discussed it with Jack on any of those days.

26 Q 56 I am just want going to take up the agenda in a moment in relation to that and  
27 we can look at that document but are you saying that then that you agreed with  
28 Mr. Larkin that he would be paid 1,000 pounds?

29 A Yes.

30 Q 57 You did that at some stage between the 12th March and the actual meeting which

1 was the 28th March?

2 A Correct.

3 Q 58 And was his agreement to support the Fox and Mahony rezoning conditional upon  
4 the payment of a sum of 1,000 pounds?

5 A I undertook to give him a thousand pounds for his support.

6 Q 59 I mean was this, in effect, a commercial transaction, Mr. Dunlop? What you  
7 are --

8 A I don't think I would be as grandiose as describe it as commercial. It was for  
9 a specific purpose and a specific purpose was that he would support the  
10 rezoning.

11 Q 60 You spoke to him about the Fox and Mahony lands?

12 A Yes.

13 Q 61 Presumably you told him these would be coming up on the agenda or coming up for  
14 discussion by the council and would have to be voted on?

15 A Yes.

16 Q 62 You asked him for his support?

17 A Yes.

18 Q 63 Did he say to you I would like to be paid for this.

19 A I have yet in any recollection that I have of -- two things strike me about  
20 that question. I have yet in any recollection that I have of any discussion  
21 with Jack Larkin that he refused to support anything, if asked.

22

23 That's point number one. Point number two was that when asked and discussed,  
24 he asked for a thousand pounds and I undertook to give it to him.

25 Q 64 You paid, you say, Mr. Larkin after the vote on the 28th April?

26 A Yes.

27 Q 65 Did you pay him on the day of the vote or was it some period of time subsequent  
28 to that?

29 A I cannot accurately tell you, give you an answer to that question yes or no. I  
30 cannot say that I paid him on the day or paid him shortly afterwards but I

1 would have paid him shortly afterwards in the norm, would be the norm of what  
2 I -- if it was convenient and for both him and me, I would do it as quickly as  
3 possible.

4 Q 66 Right. So would it be fair to say then, Mr. Dunlop, that whatever payment you  
5 say that you made to Mr. Larkin took place in between the 29th -- the 28th  
6 April and the first two weeks in May?

7 A Yes.

8 Q 67 You would have paid him within that period?

9 A Yes.

10 Q 68 And would it have been your normal practice with Mr. Larkin not to let the  
11 matter lapse, as it were?

12 A Yes, it would.

13 Q 69 Was it a situation that prompt payment in relation to these matters ensured  
14 continued support in relation to other matters?

15 A The answer to that is yes. I hesitate to add to it but --

16 Q 70 Well, add to it.

17 A It's a matter of honour. If you undertook to give somebody something in  
18 relation to something that they promised they would do, it was a matter of  
19 honour you fulfilled it.

20 Q 71 Also, Mr. Dunlop, if you didn't pay them, they wouldn't support the next time?

21 A Correct.

22 Q 72 So it's your position then at some stage between the 12th March 1993 and the  
23 day of the vote being the 28th April 1993 you obtained Mr. Larkin's support for  
24 this motion and you agreed to pay him a thousand pounds?

25 A Yes.

26 Q 73 You paid him that payment after Mr. Larkin had supported the motion on the 28th  
27 April?

28 A Yes.

29 Q 74 Right. In relation to Mr. Sean Gilbride, similarly, Mr. Dunlop, what you have  
30 told the Tribunal in your statement is that you paid Mr. Gilbride for his

1 support again sometime after the vote in late April. Obviously if you had made  
2 an arrangement with Mr. Gilbride to support the motion, you must have discussed  
3 this matter with Mr. Gilbride prior to the motion itself on the 28th April.

4 A Correct.

5 Q 75 You have a number of specific diary entries that relate to Mr. Gilbride but  
6 before I go into those with you, could I have document 918 please. I want to  
7 put to you what Mr. Gilbride said in his latest statement to the Tribunal and  
8 this is a typed version of Mr. Gilbride's statement which was originally  
9 furnished, it was typed by the Tribunal because Mr. Gilbride furnished his  
10 statement in longhand.

11 And Mr. Gilbride he is responding to a query from the Tribunal whether he ever  
12 received any payments from you in 1993 and whether he would have met you and on  
13 what occasions and he says "i have no great recollections of any meeting with  
14 Frank Dunlop, I would have met him at the county council offices in O'Connell  
15 Street on the odd occasion, I remember having lunch with Mr. Dunlop once during  
16 the summer but I am not sure if it was 1993."

17 A Fine.

18 Q 76 Certainly and subject to hearing what Mr. Gilbride has to say in relation to  
19 this matter, but certainly the impression that is given from that statement is  
20 that his contact with you in 1993, which is what we are focusing on, is slight.

21 A Well, that is absolutely contrary to the facts.

22 Q 77 You have a number of diary entries in relation to Mr. Gilbride, Mr. Dunlop, and  
23 if we can go through them, if we could have 253 first and these meetings,  
24 Mr. Dunlop, take place prior to you being retained by Mr. Mahony, they are the  
25 preceding week but you will see that you have a meeting in your diary for the  
26 3rd March with Sean G, is that Mr. Gilbride?

27 A That's Mr. Gilbride.

28 Q 78 Where you have references in your diary to SG, is that Mr. Gilbride?

29 A Yes, it is.

30 Q 79 Did you have S Gil, is that Mr. Gilbride?

1 A Yes, it is.

2 Q 80 You had a meeting on that occasion which could not have been in connection with  
3 the Fox and O'Mahony lands because you had not, by the 3rd March, been  
4 retained?

5 A Correct.

6 Q 81 But you were obviously meeting him in connection with another and was that  
7 matter the Baldoyle race course matter?

8 A I cannot accurately and absolutely conclusively and definitively say it was  
9 solely the issue but certainly given the date, the Baldoyle race course lands  
10 were high on the agenda.

11 Q 82 If I could bring on the full page and if you see on March 5th, there is a  
12 meeting between S Gil, which is Sean Gilbride, L.C, is Liam Craven, is that  
13 correct and MJ Cosgrave, which is Michael Joseph Cosgrave, both of whom are  
14 councillors in north County Dublin?

15 A That's correct.

16 Q 83 Again this could not relate to the Fox and Mahony matter but it shows you were  
17 having a meeting with Mr. Gilbride and Mr. Craven and Mr. Cosgrave at that  
18 time?

19 A Yes.

20 Q 84 The matter again was probably or one of the matters was probably the Baldoyle  
21 race course?

22 A Highly likely.

23 Q 85 You then have a diary entry at page 254 please, on the 8th March, which is the  
24 first date there and you will see that you have a meeting again with MJ  
25 Cosgrave, Liam Craven and Sean Gilbride.

26 A Yes.

27 Q 86 Again you had not been retained by Mr. Mahony at that stage so these meetings  
28 could not relate to the Fox and Mahony matter?

29 A No.

30 Q 87 But it does show, Mr. Dunlop, if the entries are correct, that you were meeting

1 Mr. Gilbride on a regular basis in March of 1993.

2 A I estimate -- and I'm sorry Miss Dillon, I thought I had done an exercise --  
3 but I recollect doing something in my diaries, I think I met Sean Gilbride, as  
4 referenced in my diary in 1993 and I pause for a second because I might include  
5 1992 as well, something of the order of 18 or 20 times, diaryed references.

6 Q 88 You must have met Mr. Gilbride, though it's not in your diary at some stage  
7 between the 11th and 12th March in order to obtain his signature on the motion?

8 A That's correct.

9 Q 89 It's likely to met Mr. Gilbride at the county council offices for the  
10 Development Plan meeting on the 12th.

11 A That was the normal location.

12 Q 90 You also have a significant number of entries in your diaries throughout 1993  
13 and earlier in 1992, Mr. Dunlop, in relation to Mr. Cosgrave and Mr. Craven?

14 A Yes.

15 Q 91 Were they friends of yours?

16 A Yes, they are.

17 Q 92 And apart from two legitimate political donations that you say you made to  
18 Mr. Cosgrave, you do not say at any stage that you ever paid any money to  
19 either Mr. Cosgrave or Mr. Craven?

20 A That is correct.

21 Q 93 But it would seem to be the position, Mr. Dunlop, in connection with the review  
22 of the matters in which you were involved over all, that consistently  
23 Mr. Cosgrave and Mr. Craven have always supported your particular matters in  
24 relation to the Development Plan?

25 A Invariably.

26 Q 94 So was it the position that you were always aware that you had the support of  
27 Mr. Cosgrave and Mr. Craven?

28 A Yes.

29 Q 95 But it is your position that other than the two political donations, legitimate  
30 political donations you say you made to Mr. Cosgrave, you never paid him any



1 money?

2 A I was never asked.

3 Q 96 You were never asked for any money?

4 A No, except in the case of Mr. Craven, just for accuracy, I do recall Mr. Craven  
5 asking me for a contribution to support a colleague, some function that a  
6 colleague of his in the same party, in Fianna Fail, was running and to the best  
7 of my recollection, I gave the contribution to Mr. Craven to give to his  
8 colleague.

9 Q 97 And how much was that?

10 A I think it was 200 pounds.

11 Q 98 Other than that, you never paid any, you were never asked for any money by Mr.  
12 Craven or you never paid him any money?

13 A No.

14 Q 99 You made two relatively small political donations to Mr. Cosgrave by way of  
15 cheque which is supported by correspondence.

16 A Yes.

17 Q 100And I think in one of the, it's a matter I want to draw to your attention, I  
18 think in fact that in one of the letters where you enclose a cheque to  
19 Mr. Cosgrave, you say and we are getting up the document now and we'll show it  
20 to you, from memory you say "Herewith a small unsolicited contribution."

21 A Yes, I think you are correct. Yes, you are correct.

22 Q 101And that letter I think is a 1997 or 1998 letter, Mr. Dunlop?

23 A Yes, that is correct.

24 Q 102Now, I find the use of the words "an unsolicited contribution" to be  
25 interesting, Mr. Dunlop, and I wonder why you felt it necessary to put that  
26 into the letter.

27 A I think if memory serves me correctly, I gave a lot, not a lot, I gave a  
28 significant number of small contributions during the course of that election to  
29 a variety of people and I have provided the list to the Tribunal, I do believe.  
30 And each contribution carries the same note.

1 Q 103Why?

2 A Because it was unsolicited.

3 Q 104But why did you feel the necessity to say to anybody here is a small  
4 unsolicited donation?

5 A Well I think it's probably, if one is to be absolutely accurate, it probably  
6 reflects, it reflected and does reflect the atmosphere of the time.

7 Q 105I think that letter is 1997 or 1998, Mr. Dunlop.

8 A I am just trying to think -- I am just trying to think what election that  
9 particular one was, the 1997 general election, or was there a general election  
10 in 1997?

11 Q 106I'll come back to it.

12 A I just can't remember.

13 Q 107But what I'm interested in, Mr. Dunlop, and in fact I may come back to it when  
14 we get the letter, but you accept that you use the words "unsolicited  
15 donation"?

16 A Yes.

17 Q 108And I am interested to know why you would have felt it necessary to put the  
18 word "unsolicited" in the letter?

19 A Well I put it in because it wasn't solicited and if we review the list of the  
20 people to whom I made contributions at that time, I think the accompanying note  
21 in each case would say unsolicited because it happened to be the case.

22 Q 109Sorry, the document on 729 please.

23 A Yes.

24 Q 110Is it simply that the use of that terminology, Mr. Dunlop, smacks maybe to the  
25 reader who wouldn't necessarily be familiar with all that was happening at the  
26 time as unnecessary?

27 A No. I would accept that that is an interpretation, obviously given the fact  
28 that you yourself have highlighted it but I think probably if you take into  
29 account the context and the number of small political donations that I made at  
30 that time to a wide variety people from various political backgrounds during

1 the course of that particular election, probably had an added intention to it  
2 and that was to prevent what usually happened was that as soon as an election  
3 was called, the telephone would never stop ringing, people looking for, seeking  
4 money. This was me making an unsolicited contribution in advance to clear the  
5 decks, to say that I had already given a contribution.

6 Q 111Or you could also equally, and I put it as a suggestion, be ensuring that there  
7 could be no question about the contribution?

8 A I mean I don't dispute that that could possibly be an interpretation but I mean  
9 I am telling you as you ask the question, the reason for putting the money in.

10 Q 112And these contributions --

11 A Putting the words in, I beg your pardon.

12 Q 113These contributions were accompanied by a cheque?

13 A In each instance, yes.

14 Q 114And that cheques was drawn normally on Frank Dunlop & Associates bank account?

15 A In this particular instance, yes.

16 Q 115Just for completeness could we have 730 please, the cheque in question. That's  
17 the cheque, Mr. Dunlop, drawn on Dunlop & Associates.

18 A Yes.

19 Q 116But in relation to, if we go back to Mr. Gilbride, sorry, if I could clarify in  
20 relation to Mr. Cosgrave and Mr. Craven, was it the nature of your relationship  
21 that you had with both of those gentlemen, you knew they would invariably  
22 support any matter in which you asked for their support?

23 A Normally, yes, the answer to that question is yes, normally yes.

24 Q 117Was there ever an occasion on which Mr. Craven or Michael Joseph Cosgrave  
25 refused to support a matter in which you sought their support?

26 A I can't recall and I don't think there was but I can't recall absolutely  
27 accurately whether or not there was but invariably if I asked them to support  
28 something, after some discussion they would, invariably.

29 Q 118So that you knew that you had those, at it were, if I may use the phrase, in  
30 the bag with any of your Development Plan -- I don't mean it in any derogatory

1 way, Mr. Dunlop, simply from what you have said yourself this morning is that  
2 you are assured in a way of the supports of Mr. Cosgrave and Mr. Craven?

3 A When you say in the bag, because it has all sorts of connotations, I accept  
4 what you are saying, that in normal circumstances, if they were able to, they  
5 would, if they were present they would and in one particular instance, the  
6 Baldoyle race course, they received significant publicity for that support.

7 Q 119And you have known Mr. Craven and Mr. Cosgrave over a long period of time?

8 A Yes, I know them individually from separate circumstances. I know Mr. Cosgrave  
9 from a political background going back quite a number of years and I know Mr.  
10 Craven for quite a long time as well. In fact my family, his wife is from  
11 Kilkenny and my father knew his wife, connections.

12 Q 120But in the normal course of events though, there are some indications, some  
13 cases of you appear to have met them separately, it appears from a review of  
14 your diaries to have been your normal habit to meet Mr. Michael Joseph Cosgrave  
15 and Mr. Liam Craven together?

16 A That was the normal practice.

17 Q 121And one I think is a member of the Fianna Fail party and one is Fine Gael  
18 party?

19 A Correct.

20 Q 122Would that bring with it the added bonus, Mr. Dunlop, of having a Fine Gael  
21 supporter and a Fianna Fail supporter in relation to matters dealing with the  
22 development?

23 A Oh yes, it would, if they gave their support in the circumstances of a motion  
24 or a vote in Dublin County Council, yes.

25 Q 123I mean I think you have accepted that you cannot recollect any instance in  
26 which Mr. Craven or Mr. Cosgrave refused you support in the course of the  
27 Development Plan?

28 A As I sit here today, I cannot.

29 Q 124So that once you made your case to Mr. Craven and Mr. Cosgrave, you say it was  
30 invariably the position they would support you?

1 A Yes.

2 Q 125 From your point of view as a person who was seeking support across, as it were,  
3 the political divide in Dublin County Council, was it of benefit to you to have  
4 one member of Fianna Fail and one member of Fine Gael?

5 A Yes, it was.

6 Q 126 And what was the advantage from a lobbying or representation point of view in  
7 having one of each?

8 A Well the advantage was from I suppose really a perception point of view in the  
9 context both of the county council itself, officialdom, secondly in the context  
10 of the political composition of the council. So if Fine Gael had one of their  
11 members supporting something, the likelihood was that the other members of Fine  
12 Gael would ask that particular individual why are you supporting this, do we  
13 support this, is it worthy of our support or whatever. I cannot replicate what  
14 type of conversations might have taken place but I am just giving you an answer  
15 from a perception al point of view. On the Fianna Fail side, the same thing  
16 would occur.

17

18 Now, there was also a downside to that particular issue because if Mr. Cosgrave  
19 and Mr. Craven were consistent supporters of any matter that I was involved in  
20 with Dublin County Council which I have already said to you they were, I cannot  
21 identify any particular one that they weren't, it eventually brought its own  
22 negative, if I may put it that way, because people will say well, Mickey Joe  
23 and Liam would support anything that Frank puts forward so, you know, that  
24 doesn't necessarily follow they were going to follow in the line of, because  
25 one of our members, we say Mickey Joe is voting for it and/or proposing it or  
26 actively campaigning for it or whatever what we are going to do in Fine Gael  
27 and similarly in the context of Fianna Fail.

28 Q 127 Were you aware, Mr. Dunlop, that it was the normal practice for, though not a  
29 consistent practice perhaps, that there be a meeting of the Fianna Fail members  
30 prior to the council meeting?

1 A Yes, I was so aware.

2 Q 128And that would also be a meeting of the Fine Gael members, maybe not  
3 consistently but meetings in advance of each special meeting?

4 A Yes, I was aware.

5 Q 129And the Tribunal has been told the purpose of those meetings was to go down  
6 through the agenda?

7 A Correct.

8 Q 130And therefore the support within the party, as it were, as opposed to the whole  
9 of the council was important?

10 A Yes, it was.

11 Q 131Mr. Butler apparently will tell the Tribunal and has provided a statement to  
12 the Tribunal, this is Mr. Larry Butler, who is a county councillor, I will  
13 bring it up on screen for you, I want to draw one sentence to your attention.  
14 Page 980 please.

15

16 Paragraph F and Mr. Butler was asked by the Tribunal to furnish information to  
17 the Tribunal in relation to his support for the Fox and Mahony rezoning and he  
18 says there "With regard to the zoning motion dated 12th March 1993, I had no  
19 interest of any kind whatsoever in the proposals affecting the Fox and Mahony  
20 lands or indeed any lands outside my own immediate ward area." Mr. Butler is a  
21 member of the ward under the southern part of the country

22 A Dun Laoghaire/Rathdown.

23 Q 132They are north County Dublin lands. He says "I would have automatically  
24 supported the local Fianna Fail councillor who had a proposal affecting lands  
25 in his or her ward."

26 A Yes.

27 Q 133Was that a general position in relation to the Fianna Fail persons on the  
28 council?

29 A Yes, I think in general that was the case and I think the fact that a  
30 councillor, a serving councillor has said he would automatically do so gives

1 truth to the matter.

2 Q 134 So that the support of a cross party support was important?

3 A Yes.

4 Q 135 And it was important in order for whatever transpired at pre-council meeting of  
5 the political party in order to gather support and it was also important on the  
6 floor in connection with the voting?

7 A Correct.

8 Q 136 In your experience of the review of the Development Plan, Mr. Dunlop, would it  
9 be fair to say that in general, that the Fianna Fail party within the council  
10 tended to vote in a particular way as a unit, Fianna Fail members?

11 A Yes, they were, the occasion exceptions but yes is the answer.

12 Q 137 Yes, and would it be fair to say in relation to the Fine Gael members of Dublin  
13 County Council that while they may not have been as cohesive as the Fianna Fail  
14 members of the council, they were still systematic support, depending on who  
15 was proposing a the motion?

16 A That's elegantly put, they are not as cohesive.

17 Q 138 But nonetheless there was a body that consistently supported where one member  
18 voted?

19 A There were members of the Fine Gael party that invariably supported rezoning  
20 motions and rezoning proposals. Other members of Fine Gael took individual  
21 views and then in specific circumstances, none of which I can absolutely recall  
22 now, but in specific circumstances in relation to specific motions for  
23 development, following meetings of the Fine Gael group, you would notice  
24 disparate actions, disparate voting patterns in relation to a particular  
25 motion, notwithstanding the fact a matter might have been discussed and a  
26 genuine view might have been taken what to do, people went and did their own  
27 thing.

28 Q 139 Thank you, Mr. Dunlop. Just to complete that politically, as it were, would it  
29 be fair to say then in the course of the review of the 1983 Development Plan  
30 that the view taken by the political left, as it were, the Labour Party and the

1 Democratic Left, including the Greens who may not be left, I don't know, their  
2 view was consistently to vote with the manager?

3 A Oh the Greens are left.

4 Q 140That may be but to finish the political matter, as it were, the balance of the  
5 parties who were left consistently supported the manager?

6 A Absolutely.

7 Q 141All of that information you would have of course have known and understood as  
8 you were dealing with each member of the Development Plan. If we can go back  
9 to Mr. Gilbride and look at document 301 please which is the 2nd April and  
10 there is a reference here, Mr. Dunlop, there are two references, one is "Nora  
11 in Dail", I presume that's a reference to Mrs. Owen?

12 A That's a reference to Nora Owen, yes.

13 Q 142Does that relate in way to the Fox and Mahony lands?

14 A I can't accurately say that the Fox and Mahony lands were not discussed with  
15 her but I do believe the purpose of the meeting was otherwise. I can't say  
16 definitively to you I didn't the Fox and Mahony lands or other lands. The  
17 meeting took place over coffee in the Dail bar. But I do believe the purpose  
18 was another development but I cannot accurately say to you that I didn't  
19 discuss the Fox/Mahony lands because the reason I cannot say that to you is  
20 that Mr. Mahony and I had a conversation by telephone in relation to Nora Owen,  
21 the net result of which was that Mr. Mahony sent to see Nora Owen, again if my  
22 memory serves me right, it was on Saturday, he went to see her on a Saturday  
23 morning and phoned me subsequently to tell me he had spoken to her and that she  
24 would be supportive.

25 Q 143A matter I want to you look at is the entry for 6 o'clock, "SG friends re: Late  
26 Late"? I presume the SG relates to Mr. Gilbride?

27 A It does.

28 Q 144Can you explain what the reference to that is?

29 A I thought you might ask me that question, Miss Dillon. Many issues have been  
30 introduced into this Tribunal but I have no option but to tell you when you ask



1 me the question. It relates to a Late Late programme, which can be checked,  
2 the subject matter of it and I believe it is the programme in which a lady  
3 called Annie Murphy was appearing, in the context of which is that this lady  
4 was the lady who had had a relationship with the former Bishop of Galway and  
5 Mr. Gilbride, for some reason or other, knew the Bishop of Galway and a panel  
6 of various friends of the Bishop of Galway, the former Bishop of Galway at the  
7 time were gathering in relation to, they had been invited -- a number of  
8 tickets had been provided and they were going to the show, that's what that  
9 reference is. I am sorry to have to introduce that subject because it's  
10 totally irrelevant to the workings of the Tribunal but that's the reference.

11 Q 145 Yes, but were you asked to do something in connection with that?

12 A Yes, I think the general intention was that we would meet and that we would  
13 have a discussion as to what they might say or not say if we were asked a  
14 question.

15 Q 146 Were you advising Mr. Gilbride's friends?

16 A I don't think I met any of Mr. Gilbride's friends, I think I just met  
17 Mr. Gilbride. But that is the purpose of the entry.

18 Q 147 Yes. But I mean whatever you did in connection with that was at the request of  
19 Mr. Gilbride?

20 A Oh yes.

21 Q 148 On May 18th you also met Mr. Gilbride according to your diary, 414 please.

22 Now I there's an entry there for one o'clock, I think the MMC, that Marian  
23 McGuinness, and you are meeting her in connection in association with  
24 Mr. Gilbride.

25 A Correct.

26 Q 149 Now the vote on the Mahony hands had already taken place?

27 A That's correct.

28 Q 150 So it's unlikely, I would suggest, Mr. Dunlop, that you are meeting on this  
29 date in anything to do with the Fox and Mahony lands?

30 A You are correct.

1 Q 151But you had other matters you were discussing with Mr. Gilbride?

2 A Obviously, yes.

3 Q 152And I think you also met Mr. Gilbride on the 27th May, 437, if you see on the  
4 27th May, you have an entry for 10.30, Sean Gilbride and you have an X beside  
5 it?

6 A Yes.

7 Q 153Is there any significance to that?

8 A No, I don't think there is, I think that X appears quite regularly throughout  
9 my diary. I cannot give you an explanation why the X is there. I mean the  
10 reference is to Sean Gilbride.

11 Q 154You also have an entry for Larry Butler at Kitty O'Shea's in connection with  
12 the fund-raising Mr. Butler was running at that time?

13 A Correct.

14 Q 155And I think part of Mr. Butler's statement I have already opened to you in  
15 connection with his support in relation to these lands, did you attend at this  
16 fund-raiser, is that correct?

17 A Yes.

18 Q 156Also I think you met on June 16th, Mr. Gilbride, 467 in the Royal Dublin, again  
19 the vote had taken place at this stage, Mr. Dunlop, in relation to the Mahony  
20 lands and therefore it's unlikely it was the subject matter of your  
21 conversation with Mr. Gilbride?

22 A Absolutely.

23 Q 157But what I am seeking here, Mr. Dunlop, to see is, first of all, you confirm in  
24 relation to all of these meetings you met on those days with Mr. Gilbride?

25 A Correct.

26 Q 158You have told the Tribunal that you agreed to pay Mr. Gilbride 2,000 pounds for  
27 his support in connection with this and two other developments?

28 A Correct.

29 Q 159And that obviously your arrangement in relation to that, Mr. Dunlop must have  
30 been made prior to the vote of the 28th April?

1 A Yes.

2 Q 160 You say you paid Mr. Gilbride after the vote?

3 A Yes.

4 Q 161 Is this a similar situation to Mr. Larkin?

5 A Yes, it is.

6 Q 162 So may the Tribunal take it on that basis at some stage between the 28th April

7 1993 and the first two weeks in May, you would have met with and paid

8 Mr. Mr. Gilbride?

9 A Correct.

10 Q 163 If I can take you back now to the discussion that you would have had with

11 Mr. Gilbride prior to the vote on the 28th April, can you explain to the

12 Tribunal what was discussed with Mr. Gilbride?

13 A Well what was discussed, he had appended his signature. That was the first

14 issue relating to this was that he had appended his signature, both to the

15 motion and to the map and that a discussion took place subsequently in relation

16 to that and two other matters arising out of his support, which invariably was

17 forthcoming again in his case, but he asked previously and subsequently and he

18 asked for money and we agreed 2,000 pounds as a composite figure for the three.

19 Q 164 What would Mr. Gilbride say to you, Mr. Dunlop, when he was asking for this

20 money?

21 A Well I think I have given evidence in relation to a comment that Mr. Gilbride

22 invariably used and that was "It will cost you."

23 Q 165 And when he said it will cost you, did you ask him how much?

24 A Yes.

25 Q 166 And he would tell you?

26 A Yes.

27 Q 167 And you would pay it?

28 A Yes.

29 Q 168 And was it your invariable practice to pay Mr. Gilbride in cash?

30 A Yes, absolutely.

1 Q 169Is there any reason why, in relation to Mr. Larkin and Mr. Gilbride, you didn't  
2 pay them until after the vote had taken place on the 28th April 1993?

3 A No specific reason but that was a general practice, except in other  
4 circumstances where arising out of my knowledge, I knew that the money would be  
5 welcome, if somebody asked for it, I would give it to them as quickly as I  
6 could.

7 Q 170In relation to Mr. GV Wright, you told the Tribunal you either paid him on the  
8 19th April or I think the date is the --

9 A 25th March.

10 Q 17125th March 1993.

11 A Yes.

12 Q 172And that you did so by way of a payment wrapped in newspaper in the Dail, in  
13 the bar in Leinster House?

14 A Yes.

15 Q 173Can you go back and explain to the Tribunal the circumstances in which you  
16 entered into your arrangement with Mr. Wright?

17 A Well the arrangement was no different to with anybody else. We had a  
18 discussion about the matter and he asked and I undertook to pay him and I did.

19 Q 174And specifically in connection with his support for these lands?

20 A Correct.

21 Q 175It seems to be the position, according to the statement of Mr. Mahony and the  
22 statement of Mr. Wright, that Mr. Wright had from the start been supportive of  
23 Mr. Mahony's application?

24 A Yes.

25 Q 176Did Mr. Wright know, obviously Mr. Wright knew when you were speaking to him,  
26 you had been retained to act professionally in this matter?

27 A Yes, plus because Mr. Mahony told me it was on advice that I had been retained.

28 Q 177Although Mr. Mahony has told the Tribunal that he has not told the Tribunal it  
29 was on the advice of Mr. Wright that you were retained and Mr. Wright has told  
30 the Tribunal that Mr. Mahony told him he had decided to retain you because he,

1 Mr. Wright, appeared to be too busy, why didn't you say no to Mr. Wright?

2 A I am trying, as you ask that question, I am trying to think of when I did say  
3 no to anybody but I didn't say no is the answer. I did not say no when I was  
4 asked.

5 Q 178But this is a slightly different situation, Mr. Dunlop, in relation to Mr. GV  
6 Wright in these particular lands because Mr. Wright had had an involvement in  
7 these lands, Mr. Wright knew Mr. Mahony, according to what you have told the  
8 Tribunal, Mr. Wright was meant to have been looking after the file, the period  
9 of time had lapsed and suddenly they found themselves in trouble and came to  
10 you to get the motion done.

11 A Yes.

12 Q 179So that Mr. Wright, if he was looking after the matter for Mr. Mahony had not  
13 looked after it particularly well?

14 A Hadn't looked after it at all.

15 Q 180As a result of which Mr. Mahony now found himself having to pay a significant  
16 sum in order to get the matter dealt with by the council?

17 A Yes.

18 Q 181Looking at that scenario, one would have to say if Mr. Wright asked you for  
19 money in those circumstances, he certainly I mean certainly was brave about it,  
20 Mr. Dunlop?

21 A Well, I think I said to you yesterday that there was a certain embarrassment  
22 attached to GV's general approach to the matter subsequent to my being called  
23 in. I have never established and it's really of no interest to me to establish  
24 why GV didn't do what in normal circumstances would be a reasonably easy thing  
25 to do, if he was so supportive and that is to get a map and to get some of his  
26 colleagues to sign it and sign it himself and put it in, it took me from the  
27 moment I met Mr. Fox and Mr. Mahony, at a specific time in the Shelbourne Hotel  
28 on the 10th to a submission on at five o'clock on the 12th. It's less than 48  
29 hours if you take sleeping time into account so it was done, so it was a  
30 relatively easy thing for GV to do, I don't know why he didn't, or why it came

1 about he was to too busy not to be able to do it but notwithstanding that, the  
2 fact of the matter is he did ask, I did agree and I did pay.

3 Q 182 That discussion with Mr. Wright did not take place on the morning of the 12th  
4 April 1993 and I think yesterday when you were talking about GV Wright's  
5 embarrassment in relation to the matter pinpointing to that particular meeting  
6 where you asked him to sign the motion?

7 A Correct.

8 Q 183 But subsequent to that meeting and prior to the 19th April or the 25th March  
9 1993, you must have met with and discussed with Mr. GV Wright the Fox and  
10 Mahony situation?

11 A Yes.

12 Q 184 In light of the fact that you knew that Mr. Wright had been involved and had  
13 been supportive of Mr. Mahony, why was there any necessity to approach him at  
14 all to support this motion?

15 A Well, you never took anything for granted in Dublin County Council,  
16 notwithstanding the fact that anybody would say they would support it, there  
17 were a variety of parameters that you had to observe, one was make sure that  
18 people were there, in order to physically vote. You never took it for granted  
19 that in the body of support that you thought you had, you just had to keep  
20 ensuring that people were on side and they actually turned up to vote and in  
21 those circumstances, nothing was taken for granted, everybody was spoken to.

22 Q 185 Did you --

23 A Either by me or by Mr. Mahony.

24 Q 186 So if we could go back to try narrow down the dates in relation to Mr. GV  
25 Wright, he didn't ask you for money and you had no discussion with him about  
26 money on the 12th March?

27 A No.

28 Q 187 You say it is possible that you paid him money on the 25th March?

29 A Yes.

30 Q 188 In fact you say it is either one of two specific dates, the 25th March 1993 or

1 the 19th April 1993?

2 A Correct.

3 Q 189 That would follow from that, Mr. Dunlop, at some stage between the 12th March  
4 1993 and the 25th March 1993 you met with Mr. GV Wright and you discussed with  
5 him the Fox and Mahony lands?

6 A Yes.

7 Q 190 Can we try now and see can we pinpoint when that meeting might taken place,  
8 Mr. Dunlop. I think in fact that you met Mr. GV Wright on the 22nd March, 271  
9 please. You met him at Leinster House. You confirmed yesterday that entry  
10 relates to Mr. GV Wright and you confirmed yesterday you were satisfied that  
11 was not a meeting at which you paid Mr. GV Wright?

12 A Correct.

13 Q 191 This I think is the only recorded entry in your diary between the 12th March  
14 and 25th April which you were recorded as having met Mr. GV Wright? I have  
15 just been requested by the stenographer to slow down a little bit. You  
16 confirmed yesterday, Mr. Dunlop, that that meeting was not a payment meeting  
17 for Mr. Wright?

18 A No, it was not.

19 Q 192 This is the only recorded entry between the 12th March 1993 when you met Mr. GV  
20 where the entry says GV: Gresham and he signs the motion and I think there's  
21 no dispute he did sign the motion and then this is the next recorded meeting.  
22 Is this the meeting at which you had your discussion with Mr. GV Wright about  
23 his support for the Fox and Mahony lands and his requirement to be paid?

24 A No, I beg your pardon, I cannot say to you accurately that it was on that  
25 particular day. The meeting with GV, as I look at it in the diary, the meeting  
26 with GV I would imagine encompasses a number of matters that were in train at  
27 Dublin County Council at the time, not exclusively the Fox/Mahony lands but I  
28 cannot accurately say to you and because I cannot do so, I am not going to do  
29 so, that was that was the date on which the discussion took place.

30 Q 193 But it is your position that at some stage between the 12th March 1993 and the

1 25th March 1993 you had a discussion with Mr. GV Wright in which you discussed  
2 the Fox and Mahony lands?

3 A Correct.

4 Q 194Did he indicate to you that his support was conditional upon payment?

5 A No, he never indicated that his support was conditional.

6 Q 195So what did he say?

7 A He just asked for support -- he asked for two grand.

8 Q 196So I mean how did the conversation go, Mr. Dunlop?

9 A Just, look, I need two grand for this.

10 Q 197Did you ask him look, Mr. Mahony's lands are coming up, you made a mess of  
11 that, that's the reason I have the job, Mr. Mahony is a friend of yours, are  
12 you going to support it?

13 A No, I don't think -- I think a political diplomacy entered into it, I wasn't  
14 going to be rubbing GV's nose in it because GV was important to a lot of things  
15 that were happening in Dublin County Council but the fact that he had made a  
16 mess of this, as per the description of it by Mr. Mahony, I wasn't going to be  
17 rubbing his nose in it by saying you had made a mess of it. He had signed a  
18 motion, he had indicated obviously by virtue of signing the motion he would be  
19 supportive and he was.

20 Q 198Did you say to him well I want to discuss that with Mr. Mahony?

21 A No, I did not.

22 Q 199Did you ever tell Mr. Mahony that his friend, Mr. Wright, had sought and was  
23 paid 2,000 pounds by you to support the motion?

24 A No, I did not.

25 Q 200Why not?

26 A Because I never -- I don't recollect the occasion in which I would have had a  
27 discussion such as that with anybody, other than the people concerned like the  
28 councillor and myself and obviously and tragically this Tribunal.

29 Q 201So the position then is that Mr. Wright has told the Tribunal from the time Mr.  
30 Mahony first approached him, I think Mr. Wright initially dated it 1992 but now



1 accepts it was earlier than that in connection with these lands, he was  
2 supportive of the matter?

3 A That is not in doubt.

4 Q 202 You become involved in it because Mr. Wright has not done or is not able to do  
5 or does not have the time whichever are the reason for it, to look after Mr.  
6 Mahony's lands?

7 A Correct.

8 Q 203 And Mr. Fox's lands. And you then agreed to pay this person, who is Mr.  
9 Mahony's friend and who was meant to be looking after the matter, money.

10 A Correct.

11 Q 204 You don't report that to Mr. Mahony?

12 A No, I didn't. I did not.

13 Q 205 Did you not think it strange to pay Mr. Wright in his particular circumstances  
14 knowing of his friendship with Mr. Mahony, knowing of his support for these  
15 lands prior to this?

16 A Well no matter how strange I thought it and I cannot say that I did  
17 particularly think it was strange, I may well have done, I cannot replicate  
18 that now, in the circumstances when I was asked, I agreed and I did.

19 Q 206 You met Mr. --

20

21 CHAIRMAN: Sorry, Miss Dillon, the stenographer requires a break so we'll break  
22 for about ten minutes.

23

24 THE TRIBUNAL THEN ADJOURNED FOR A SHORT BREAK

25 AND RESUMED AS FOLLOWS.

26

27

28 Q 207 MS. DILLON: To conclude, Mr. Dunlop, with Mr. GV Wright then, the next  
29 meeting that you have after the meeting that's on screen is on the 25th March,  
30 276, which you identify as a meeting at which you possibly paid Mr. GV Wright.

1 A Yes.

2 Q 208OK. You also meet -- I ask you this question in relation to Mr. GV Wright, Mr.  
3 Wright has told the Tribunal that, denies that he received any money from you  
4 in connection with these lands but has told the Tribunal that he did in October  
5 of 1993 receive from you a political contribution of 3,000 pounds in cash.  
6 Could I have document 909 please. On screen you will see Mr. Wright's  
7 statement and if you could move down through the statement please and stop it  
8 there: He says "I received a political donation from Mr. Frank Dunlop in the  
9 month of October 1993. This payment was provided by Mr. Dunlop in cash and was  
10 lodged to ICS Building Society account number 30013187 on the 7th October 1993.  
11 I would have received the payment immediately prior to the 7th October 1993. I  
12 have no knowledge as to the source of the funds. To the best of my  
13 recollection and without any prior arrangement having been made with  
14 Mr. Dunlop, he approached me on my way to the Dublin County Council premises  
15 that were then located at 46 to 49 Upper O'Connell Street, Dublin 1. This  
16 happened, I believe, in the first week in October 1993." That's all we want in  
17 that statement. First of all, can I ask you did you in October 1993 make any  
18 payment to Mr. GV Wright for any purpose whatsoever?

19 A No.

20 Q 209You have admitted making a number of payments to Mr. GV Wright?

21 A Yes.

22 Q 210Included is this payment and I think also a payment in early 1993.

23 A Yes.

24 Q 211But in so as far as Mr. Wright will tell the Tribunal, as presumably he will  
25 be, that he received this sum from you in October 1993, you say that did not  
26 happen?

27 A No, it did not. I note that Mr. Wright described this as a political donation.

28 Q 212Yes.

29 A Why would I be giving a political donation to Mr. Wright in October of 1993?

30 Q 213Mr. Wright says, I think if you scroll further down the statement, if you see

1 in the next paragraph, Mr. Wright says "I had been involved in a number of  
2 election campaigns in the previous 12 months, the most recent having been the  
3 general election campaign in late 1992 in which I was not successful, followed  
4 by a Senate election campaign in the early months of 1993 that again proved  
5 unsuccessful. I do not recall precisely what Mr. Dunlop said when he  
6 approached me in October 1993 other than he acknowledged that I had the expense  
7 of a number of political campaigns both of which had proved unsuccessful and  
8 the donation he was making was towards the expense of those campaigns and those  
9 of my constituency office."

10  
11 So what Mr. Wright is telling the Tribunal there, Mr. Dunlop, not to cut across  
12 you, you approached him outside the offices of Dublin County Council, you may  
13 have gave him 3,000 pounds in cash and you specifically said it was in  
14 connection with a number of campaigns in which you had been involved.

15 A I am somewhat at a loss as to what Mr. Wright is referring to because he says  
16 in relation to a number of political campaigns. The last campaign that he was  
17 involved was in was the Senate election of 1993 which was in, if my  
18 recollection is correct, in early 1993, I think it was January/February 1993  
19 and he refers to the 1992 general election. We have already given evidence to  
20 the fact, sorry I withdraw that, we haven't but you are aware that in other  
21 circumstances that a political contribution, a contribution was made to GV  
22 Wright in specific circumstances for the 1992 general election and also that  
23 there was a contribution to GV Wright in relation to the Senate election in  
24 1993 and I do not see any circumstances in which I would be giving money to any  
25 politician seven or eight months after a campaign had concluded.

26 Q 214The donation you are talking about in 1992, Mr. Dunlop, is the 5,000 pounds  
27 that you paid to Mr. GV Wright which he acknowledges he got in October/November  
28 1992?

29 A November.

30 Q 215Yes, you were accompanied at that meeting with one other person who also made a

1 donation and it's not the subject matter of inquiry here.

2 A Sure.

3 Q 216 You also acknowledge that you paid Mr. Wright either 2,500 or 3,000 pounds in  
4 cash at the time of the Senate campaign in January 1993.

5 A Correct.

6 Q 217 Now in addition to the sums that you say, those two sums, what Mr. Wright is  
7 telling the Tribunal is that he says he got from you a sum of 3,000 pounds in  
8 cash at the offices of Dublin County Council in October of 1993, you say that  
9 did not happen?

10 A No, it didn't.

11 Q 218 Did you pay any funds in October or November of 1993 to Mr. Wright?

12 A No, I don't believe I did.

13 Q 219 If we could have page 110 please. If I could just have the whole page first,  
14 Mr. Kavanagh. This outlines the timing and sequence of the elections,  
15 Mr. Dunlop, and if we take it from the very beginning and we see under Dail  
16 election in 1992, that the date of the order was the 5th November and that  
17 polling date in 1992 was the 25th November?

18 A Correct.

19 Q 220 So that there was no election in 1993, no general election, isn't that right?

20 A Sorry, that is correct, yes.

21 Q 221 Because the next election is the one that arises in late 1994 when Labour  
22 withdrew from government?

23 A Yes.

24 Q 222 If you move on to the Senate elections then you see that polling date, the date  
25 the order was made on was the 10th November 1992 and polling was January, 18th  
26 January 1993 to the 1st February 1993?

27 A Yes.

28 Q 223 And it's in the course of that campaign you say you paid either 2,500 or 3,000  
29 pounds to Mr. GV Wright?

30 A Yes.

1 Q 224 You say you paid that in cash?

2 A Yes.

3 Q 225 Was that a political contribution, Mr. Dunlop?

4 A That was a contribution to his campaign in the knowledge that GV Wright was an  
5 important member of Dublin County Council and would be on an ongoing basis.

6 Q 226 Is it an improper payment?

7 A It's the same payment I described to you yesterday in relation to another  
8 person. In other words, the payment was made in the context of an electoral  
9 contest in the full knowledge of both parties that the person receiving the  
10 money was important.

11 Q 227 Was it an improper payment?

12 A In my view, yes.

13 Q 228 Thank you, Mr. Dunlop.

14 Now if we move on down to the Senate elections, you will see that the date of  
15 the order was the 10th November 1992 and polling was for the university members  
16 the 30th December to the 1st February 1993.

17 A Yes.

18 Q 229 And then there were no local and government elections in 1992 or 1993?

19 A Yes.

20 Q 230 Right. So you say in support of your contention that you did not pay Mr. GV  
21 Wright the sum he says you paid him in October of 1993, the fact that there  
22 were no elections in or around that time?

23 A Correct.

24 Q 231 Thank you, Mr. Dunlop.

25 If we can go back then to deal with the next meeting according to your diary  
26 that you had with Mr. GV Wright we haven't touched on yet, 280 please, the 26th  
27 March, and you meet Mr. Wright at Daley's?

28 A Yes.

29 Q 232 You will recollect yesterday I drew your attention to the fact that this is the  
30 same date a number of financial transactions occur on your banks accounts and I

1 suggested to you that this could possibly be a paying meeting because you had  
2 access to the funds and you disputed that and said it definitely was not a  
3 payment?

4 A Yes, I did.

5 Q 233Now why do you say that, Mr. Dunlop?

6 A The reason I say that is was that was a lunch that I was asked by a member of  
7 Davy Stockbrokers to organise at which GV would be present to discuss another  
8 matter.

9 Q 234OK, so this was not another lunch with yourself and Mr. GV?

10 A No, there were other people present, at least one, if not more, people present.

11 Q 235Now, if I could take you to the 19th April 1993 please, document 316 and this  
12 is the second occasion, sorry, I beg your pardon, this is one of two dates that  
13 you have said that you made the payment of 2,000 pounds to Mr. GV Wright?

14 A Yes.

15 Q 236You will note there's a question mark there before the initials GV on the  
16 document that's on screen.

17 A Yes, I think the question mark is after the time, the 12.30 question mark, GV,  
18 Senate.

19 Q 237So did you discuss the Fox and Mahony lands with Mr. Wright at that meeting?

20 A Well I cannot accurately say that I did, as I say in my statement, I have put  
21 it in as one of the two occasions on which the events I described occurred.

22 Q 238So and is it your position and I think the records of the county council will  
23 show that insofar as Mr. Gallagher, Mr. Larkin, Mr. Wright, and Mr. Gilbride  
24 are concerned, that they supported the motion both on the 28th April 1993 and  
25 at the confirming meetings in September 1993?

26 A That's correct.

27 Q 239Can I ask you, Mr. Dunlop, before we move on to deal with the rezoning motion  
28 in April of 1993, in general was it necessary for you if a motion was  
29 successful and on its first day out, as it were, to round up support for the  
30 confirming meeting that would take place subsequently?

1 A Contingent on whether or not objections had been made to the actual rezoning,  
2 which in general was the case so the answer was yes.

3 Q 240 So that in other words your brief in terms of marshalling support, if I can put  
4 that way, would have been not just in relation to the preparation of the motion  
5 but also the actual meeting where the first vote took place and then the  
6 subsequent confirming meeting?

7 A Correct.

8 Q 241 Would it be the position then in September of 1993 you would have been active  
9 in seeking support?

10 A Yes.

11 Q 242 Well we'll come to deal with the events of September 1993 shortly, Mr. Dunlop,  
12 but if we could deal now with the rezoning matter and the dezoning of Mr. Fox's  
13 lands.

14 A Yes.

15 Q 243 You accept I think at the meeting on the 23rd March 1993 with Mr. Mahony was  
16 the meeting at which you were paid?

17 A I accept Mr. Mahony's account.

18 Q 244 You subsequently at that meeting on the 23rd March, was there any suggestion  
19 made to you or were you told that Mr. Fox was going to withdraw?

20 A I cannot accurately tell you when Mr. Fox withdrew. I believe that the  
21 notification that I got of Mr. Fox's withdrawal came from Mr. Mahony in a  
22 telephone call and I cannot accurately put a date on when that took place but  
23 obviously it took place subsequent to the submission of the motion and prior to  
24 the actual vote on the 28th April. Because as you outline in your opening  
25 statement yesterday, the circumstances in which the withdrawal took place.

26 Q 245 Yes. You had a meeting with Mr. Mahony, that's recorded in both of your  
27 diaries on the 13th April 1993, could I have document 309 please.

28 This is an extract from Mr. O'Mahony's diary for the 13th April and you will  
29 see he has an entry there at 10.30, F. Dunlop.

30 A Yes.

1 Q 246 If we look at 310, which is an extract from your diary, mirrored in your diary  
2 is an entry for Mr. Mahony. There's a reference there to Dennis Mahony, an  
3 abbreviation of Mr. Mahony's name at the Shelbourne Hotel.

4 A Correct.

5 Q 247 What I want to ask you, obviously an arrangement had been made for you to meet?

6 A Yes.

7 Q 248 There's nothing on either diary to indicate the meeting was cancelled?

8 A No.

9 Q 249 That would suggest the meeting took place?

10 A Yes.

11 Q 250 Mr. Mahony could not provide any information in connection with what happened  
12 at the meeting nor do you?

13 A No.

14 Q 251 Is it likely the discussion at the meeting would have been the withdrawing of  
15 Mr. Fox's lands?

16 A It is likely.

17 Q 252 And is it probable that what you were discussing at that meeting -- sorry, if I  
18 take it in sequence, you accept Mr. Mahony is correct that he paid you on the  
19 meeting on the 23rd April?

20 A Yes, I do.

21 Q 253 Therefore this meeting would not have been about paying you, this meeting would  
22 have to have been about some matter that interested you both and obviously a  
23 matter that required a face-to-face meeting?

24 A Yes.

25 Q 254 There was nothing to suggest a meeting didn't take place?

26 A No.

27 Q 255 Neither of you have furnished any explanation to the Tribunal why the meeting  
28 took place?

29 A No.

30 Q 256 What I am suggesting to you is it likely one of the matters you might have



1 discussed on this occasion was the withdrawal of Mr. Fox's lands?

2 A Yes, it is likely.

3 Q 257 If you were told at this meeting that Mr. Fox's lands were to be withdrawn,  
4 what -- did you do anything in relation to that?

5 A In the context of them, notwithstanding any agreement between us as to when  
6 this occurred, as to when I was told about Mr. Fox's withdrawal, I was told  
7 about Mr. Fox's withdrawal obviously, that that required -- you had a situation  
8 where you now had a motion submitted to Dublin County Council, stamped and  
9 received by the authorities in Dublin County Council to zone two parcels of  
10 land, one in the ownership of Mr. Mahony and one in the ownership of Mr. Fox  
11 and both of them adjacent so therefore that now became a false motion. In  
12 other words, you could not have a situation which that was allowed to stay on  
13 the agenda, that in those circumstances because the secretariat of the council  
14 through the manager would announce prior to any discussion that would take  
15 place or any vote that would take place, this could not be voted on because  
16 circumstances had changed so therefore it was not necessary to redraft a motion  
17 and to redraft the lands in question and to draft the map in question. And I  
18 think -- sorry, I shouldn't say I think, I know, I did and I have told you that  
19 I was in touch with GV Wright about this and without jumping forward,  
20 Miss Dillon, we will come to a scenario where you will see the motion was put  
21 forward at Dublin County Council on the due date on the 28th April 1993 for  
22 voting in which the typed version is amended in handwriting. Part of that  
23 handwriting is mine, some of the handwriting is another person, I have not been  
24 able to identify who the other handwriting is but part of the handwriting is  
25 mine. That was the result of discussions that took place between GV Wright and  
26 myself.

27 Q 258 We'll come on to deal with those in a moment, Mr. Dunlop, but insofar as this  
28 meeting between yourself and Mr. Mahony is concerned, the common purpose that  
29 you had at this stage were the rezoning of Mr. Mahony's lands?

30 A Correct.

1 Q 259And presumably a subject matter for discussion would have been what support was  
2 going to be available for Mr. Mahony's lands?

3 A Correct.

4 Q 260Would you accept it's also likely due to the date and the fact the meeting  
5 appears to have taken place, what might have been discussed at the meeting was  
6 the rezoning or the removing of Mr. Fox's lands from the motion that was before  
7 the council?

8 A Yes, it is likely.

9 Q 261Were you asked to prepare the motion and map in connection with those lands?

10 A I can't say specifically I was asked, Mr. Mahony's view of the matter was I was  
11 in charge in relation to this particular element. This was information that he  
12 knew that I needed to know, I am not accepting that that was the day on which I  
13 was told because I have already told you that I believe I was told about Mr.  
14 Fox's withdrawal in a telephone conversation with Mr. Mahony. And I think I  
15 have already said elsewhere that Mr. Mahony reported to me that he was going to  
16 grow trees on the land and keep it for the kids and grow trees on it, something  
17 to that effect but I was told Mr. Fox was withdrawing.

18 Q 262Did you have any discussion with Mr. Mahony about the fee that had been paid on  
19 the 23rd March in the light of Mr. Fox's intention to withdraw?

20 A Yes, I did?

21 Q 263And what was that?

22 A I believe I raised the issue because in the context of the payment which was,  
23 as I understood it, 5,000 pounds from each of them making an accumulative 10,  
24 that I believed that Mr. Fox, although he never did, I never received any money  
25 from Mr. Fox physically, I was never written to by Mr. Fox, I was never given  
26 money by Mr. Fox in cheque form or cash, I was given money by Mr. Mahony. Mr.  
27 Mahony said there's no need for you to give that back, I looked after that and  
28 that was all that was said.

29 Q 264Was it your understanding in relation to payment of 10,000 pounds on the 23rd  
30 March 1993 that it was albeit that Mr. Mahony was the only person present

1 handing you over the money that it was being funded jointly by Mr. Fox?

2 A Oh yes, that was my understanding.

3 Q 265And you had a concern, if I understand you correctly, once Mr. Fox's lands were  
4 being withdrawn that you might have to return some of the money?

5 A Yes.

6 Q 266Did you indicate to Mr. Mahony you wouldn't do so?

7 A I didn't indicate I wouldn't do so. I raised the issue and his response was as  
8 I have outlined to you, he said don't worry about that, you don't need to give  
9 that back, I'll handle that or words to that effect, I'll deal with that.

10 Q 267Certainly it would appear, Mr. Dunlop, and I'd like you to look at this  
11 document and see can you comment on it at all, document 321, that by the 23rd  
12 April 1993, a number of people knew that Mr. Mahony's lands were being  
13 withdrawn, this is a copy of the letter that was provided to the Tribunal by  
14 David Healy, a councillor with Dublin County Council, it has not been provided  
15 to the Tribunal by anybody else and this is a copy of a letter dated the 23rd  
16 April 1993 and signed by Dennis Mahony in which he says, "In connection with  
17 Representation 000535, which is the representation of the 2nd December 1991  
18 that we looked at yesterday, Mr. Dunlop, he says the above motion which is on  
19 the agenda for the council meeting for Tuesday morning, April 27th has been  
20 amended after discussion with local councillors. This reduced 36 hectares of  
21 lands originally proposed to approximately 14 hectares. The lands excluded are  
22 highlighted in yellow as illustrated on the enclosed map. I would be most  
23 grateful if you would support the amended and I assure you it's in keeping with  
24 the best interests of the area. I am available at any time to discuss any  
25 queries which you might have."

26

27 Now the map that was originally attached to that letter, Mr. Dunlop, is not  
28 available. But in view of the fact that it says "highlighted in yellow" and  
29 from no other reason than that, if I could show you the map that was put into  
30 the county council to remove Mr. Mahony's lands which is 937. This map as

1 originally put in highlights Mr. Noel Fox's lands in yellow and this is also  
2 referred to on the amendment motion at 936. 936. Where the words which are  
3 written by yourself on the amending motion, "excluding the lands highlighted in  
4 yellow." Do you see that?

5 A Yes, I do.

6 Q 268Right. So the purpose of the motion was to delete Mr. Fox's lands.

7 A Correct.

8 Q 269But prior to that motion being lodged on the 28th April 1993, Mr. Mahony had  
9 written to at least one councillor in which he had said -- can we have the  
10 previous document please, 321. Yes.

11

12 JUDGE FAHERTY: Just for the record you mentioned the 28th April, I think you  
13 mean the 23rd.

14

15 MS. DILLON: I beg your pardon, I apologise Ma'am, the 23rd.

16 Now, that letter and we will have to ask Mr. Mahony about that letter,

17 Mr. Dunlop, and whether it went just to Councillor Healy or all of the

18 councillors of Dublin County Council, but it would appear if that letter is

19 dated correctly, that by the 23rd April 1997 a map that identified Mr. Noel

20 Fox's lands in yellow had been prepared and had been circulated to at least

21 Councillor Healy and possibly, we do not know, other councillors.

22 A Yes.

23 Q 270And that it had been done by Mr. Mahony?

24 A Yes.

25 Q 271Did you ever see that letter, were you involved in the preparation of that  
26 letter?

27 A No, I have no recollection of ever seeing that letter previously.

28 Q 272I would suggest, and subject to anything that Mr. Mahony may say in relation to  
29 it, that the map that was originally attached to that letter is likely to be  
30 the map that was then put forward on the 23rd April to the council?

1 A I would accept that, yes.

2 Q 273 You had no involvement in this?

3 A I have no recollection of any involvement in that context, no.

4 Q 274 The rezoning matter came for hearing, effectively, before the council on the  
5 28th April 1993 but the previous day on the 27th April there was also a council  
6 meeting in which the Baldoyle race course lands were considered?

7 A Correct.

8 Q 275 The consideration of the Baldoyle racecourse land on the 27th, that's a matter  
9 you were intimately acquainted with, Mr. Dunlop, which we are not going to go  
10 into but the effect of the motion that Mr. Healy brought on the 27th was to  
11 exclude, once it was passed successfully, a portion of Mr. Fox's lands?

12 A Correct.

13 Q 276 If we could have page 931 please. Now, do you see the words Drumnigh, on where  
14 it says n-i-g-h, the H is in Mr. Fox's lands going forward and then going up in  
15 an arrow and coming down?

16 A Yes.

17 Q 277 We can see it clearer on 933. The portion of Mr. Fox's lands that were zoned B  
18 and G are highlighted in blue or turquoise on that map?

19 A Yes.

20 Q 278 They were in the green belt area.

21 A Correct.

22 Q 279 Mr. Healy put forward a motion to the Dublin County Council on the 27th April  
23 in which he sought that all lands that had been zoned in the draft plan B and G  
24 remain or keep that zoning.

25 A Correct.

26 Q 280 The map was in two pieces, 931 and 932, but in effect it was all of the  
27 Baldoyle race course lands and all of the green belt?

28 A Correct.

29 Q 281 All right. Part, approximately 18 acres of Mr. Fox's lands were there.

30 A Yes.

1 Q 282And were automatically included in Mr. Healy's motion.

2 A Yes.

3 Q 283You were at the council on the 27th because you had an interest in those lands  
4 at that time independent of your interest in Mr. Fox's lands?

5 A Correct.

6 Q 284Is it the position that by the 27th March 1993 you knew that Mr. Fox's lands  
7 were being withdrawn?

8 A Yes.

9 Q 285Therefore Mr. Healy's motion, insofar as it affected the Fox lands, was not a  
10 significant matter?

11 A Not as it affected the Fox lands, no.

12 Q 286It was a significant matter for you insofar as it affected the Baldoyle race  
13 course lands?

14 A Correct.

15 Q 287But that's not an issue in relation to this matter?

16 A No.

17 Q 288But you would have been anxious, I assume, in view of your situation with the  
18 Baldoyle race course lands to obtain much support to make sure Mr. Healy's  
19 motion was not passed?

20 A Correct.

21 Q 289And I assume you were at the council meeting on the day?

22 A Yes, I was.

23 Q 290Mr. Healy's motion was ultimately successful, isn't that right?

24 A Yes, it was.

25 Q 291And the effect of that was that the Baldoyle race course lands, including Mr.  
26 Fox's 18 acres remained B and G, subject to what might happen later at the  
27 confirming meeting?

28 A Correct.

29 Q 292Notwithstanding that an application had been put to adjourn the matter?

30 A Correct.

1 Q 293Which had also been passed?

2 A That's right.

3 Q 294But the motion failed once Mr. Healy's motion was successful?

4 A Correct.

5 Q 295I think it would be fair to say from reading the minutes there were a number of  
6 attempts to defer the matter and adjourn the matter which were unsuccessful or  
7 ruled out of order?

8 A Correct.

9 Q 296There were a significant number of abstentions on the motion, Mr. Dunlop?

10 A Yes.

11 Q 297And the record of the voting on the Healy motion is to be found at page 333.

12 Now, do you recollect this meeting, Mr. Dunlop?

13 A Yes, I do.

14 Q 298From a reading of the minutes of the meeting, it would first of all appear to  
15 have been a fairly hotly contested meeting?

16 A Yes, it was.

17 Q 299Councillors tried to prevail upon Councillor Healy not to proceed with these  
18 motions but from a reading of the minutes it appears that Councillor Healy was  
19 adamant and got a ruling from the manager that he be allowed proceed with this  
20 motion?

21 A He certainly was, yes.

22 Q 300And prior to this motion being taken in relation to the green belt lands, a  
23 motion had earlier been passed, I think at the instigation of Councillor  
24 Cosgrave seconded by Councillor Craven, which is at 331 which covers all of the  
25 green belt lands, where Councillor Craven and Councillor Cosgrave had sought an  
26 adjournment of the matter and to defer consideration of this matter to a date  
27 not later than the 15th May.

28 A Correct.

29 Q 301There was a vote in favour of that?

30 A Yes.

1 Q 302But when Mr. Healy insisted on his motion being put to the floor of the meeting  
2 and that vote was taken retaining the B and G zoning, that motion fell and the  
3 manager so advised the meeting?

4 A That's right.

5 Q 303So that the effort that was made there by Mr. Cosgrave and Mr. Craven to defer  
6 consideration to a later date albeit initially successful were ultimately  
7 unsuccessful?

8 A They were outsmarted.

9 Q 304And there was also a proposal by Councillor O'Halloran and Councillor Liam  
10 Cosgrave, 332, again in relation to Mr. Healy's motion that all decisions in  
11 relation to the Baldoyle Portmarnock area be deferred until a site meeting is  
12 held in that area to allow all councillors view lands proposed for rezoning?

13 A Correct.

14 Q 305That was ruled by the manager out of the order?

15 A Yes.

16 Q 306And Mr. Healy insisted, as the manager advised was his right, was insistent on  
17 his motion being put?

18 A That's correct.

19 Q 307And the voting, Mr. Healy's motion is at 333.

20 A For clarification, Mr. Dillon, you said Councillor Cosgrave, there are two  
21 Councillor Cosgraves.

22 Q 308That's Councillor Liam Cosgrave in this instance?

23 A Not Michael Joe Cosgrave.

24 Q 309The first motion proposed the deferral of the Baldoyle race course lands and  
25 the green belt to after the 15th May was proposed by Michael Joe Cosgrave and  
26 seconded by Councillor Liam Creavan.

27 A Correct.

28 Q 310The second motion which was put forward was proposed by Councillor John  
29 O'Halloran and seconded by Councillor Liam T Cosgrave that there be would be a  
30 site meeting and no decision was taken. The first motion was voted on and



1 passed, the second motion was ruled out of order. Councillor David Healy  
2 insisted on his motion being put to the floor of the chamber and a vote took  
3 place on that motion, Councillor Healy's motion.

4 A Yes.

5 Q 311Right. That vote was successful with 43 in favour, three against and 23  
6 abstentions.

7 A Yes.

8 Q 312First of all, can I ask you Mr. Dunlop in the light of your experience of the  
9 Development Plan and the special meeting that took place in Dublin County  
10 Council, is that an unusually high number of abstentions?

11 A I think it's unprecedented, was unprecedented then and is now.

12 Q 313Now the councillors who voted against, if I could have page 333 please in full,  
13 the councillors who voted against the motion, in other words against the green  
14 belt remaining green belt were Councillors Sean Ardagh, Sean Gilbride and Jack  
15 Larkin.

16 A Yes.

17 Q 314Now, did you have discussions with Mr. Gilbride and the late Councillor Larkin  
18 in relation to the Baldoyle race course site?

19 A Yes, I did.

20 Q 315So that that their voting against this motion has nothing to do with the Fox  
21 and Mahony lands.

22 A None whatsoever.

23 Q 316Alright. The persons who abstained on the vote were Councillors Sean Barrett, P  
24 Brady, S Brock, L Butler, B Coffey, LT Cosgrave, MJ Cosgrave, L Creaven, JH  
25 Dockrell, A Devitt, M Elliott, M Farrell, T Fox, C Gallagher, R Green, T Hand,  
26 M Keating, C McGrath, O Mitchell, T Morrissey, A Ormond, T Ridge, N Ryan."  
27 They abstained from voting on the matter.

28 A Correct.

29 Q 317Was this a very -- was this whole matter a highly contentious issue?

30 A And emotional, yes.

1 Q 318But what I want to draw to your attention is the fact that Mr. GV Wright voted  
2 for the motion?

3 A Yes.

4 Q 319Now, Mr. Wright's support or lack of support in relation to this matter would  
5 have related to his view of presumably of the green belt between Portmarnock  
6 and Baldoyle, was that a surprise to you he voted in that fashion and to  
7 everybody else?

8 A The answer is yes.

9 Q 320And while this relates to the Baldoyle race course lands, Mr. Dunlop, and not  
10 directly in relation to these lands, was it your understanding in relation to  
11 Mr. Wright that he was going to support the rezoning, in other words against  
12 this, that he was against this motion?

13 A The rezoning of it.

14 Q 321Against Mr. Healy's motion.

15 A Yes. Sorry, I beg your pardon, yes.

16 Q 322Explain?

17 A Let's get -- please repeat the question, I don't want to attribute any  
18 motivation to people. Are you asking me was it known that GV Wright was going  
19 to vote against the Healy motion to retain the B and G?

20 Q 323Yes.

21 A No, it wasn't known. But the reason they were surprised and considerable anger  
22 subsequent to the vote was that it was expected that he would. I cannot say  
23 any more than that, there was considerable action on the day when that  
24 occurred.

25 Q 324The effect of the Healy motion, could we have page 933 insofar as the Fox lands  
26 are concerned, because by the 27th April the motion that was still before the  
27 council in relation to the Mahony and Fox lands was rezone all.

28 A Yes.

29 Q 325Until such time as the amendment came but the effect as I understand it of the  
30 vote that took place on the 27th was that even if Mr. Fox were to decide to

1 proceed with these rezoning application, those lands, approximately 18 acres,  
2 which were coloured blue on the map in front of you could not have been  
3 considered on the 28th because they had already been dealt with in Mr. Healy's  
4 motion.

5 A Correct.

6 Q 326 On the 28th then, Mr. Dunlop, if we just review matters very briefly in  
7 relation to the original motion which is at 934 which you prepared and I think  
8 which bears your handwriting at the bottom. This is a motion you prepared on  
9 the 12th that you lodged with Dublin County Council on the 12th March?

10 A That's correct.

11 Q 327 Attached to that was a map which you say you obtained from Mr. Mahony on the  
12 11th March which is at 935, and which is signed by the councillors?

13 A Yes.

14 Q 328 And then there is an amendment which has the effect of removing Mr. Fox's lands  
15 and the motion in relation to that is at 936. Now if we start, Mr. Dunlop,  
16 with who prepared the motion. Who prepared it?

17 A I don't have any recollection of preparing that motion. Obviously I had an  
18 involvement in it. The typeface on the motion itself, if I can deal with it  
19 as --

20 Q 329 Yes.

21 A From the very top, the words "Amendment to Motion 14 (5) B" is not my  
22 handwriting. The typeface that's used in relation to the motion I do not  
23 believe is the typeface that was used ever used in my office and I am not an  
24 expert in it, it can be contrasted with the previous motion.

25 Q 330 934, I just want to look at the previous motion and confirm the typeface.

26 A There's a different typeface and the typeface normally used in my office and I  
27 think that has been replicated in other motions and documents that have been  
28 provided.

29 So dealing with it on that basis, I do not believe that that was prepared in my  
30 office.

1 Q 331If we go back to 936 which is the amending motion.

2 A That's the one I am talking about, it was not prepared in my office.

3 And also the phraseology Rep Number 00535, which is correct obviously, but "M/S  
4 Fox and Mahony, Drumnigh", the M/S, I don't know what means, Messrs. Fox and  
5 Mahony, I do not believe that I was physically involved in the actual  
6 preparation of that motion.

7 Q 332There is a distinction between the two motions I want to draw to your  
8 attention, Mr. Dunlop. The first motion that you prepared sought rezoning for  
9 A1 low density residential, namely one house per hectare, the second motion  
10 which is the later motion rezonings A1 for low density rezoning purposes for  
11 not more than 18 houses on 36 acres approximately so there is a difference in  
12 terminology.

13 A Yes, there is.

14 Q 333-- in relation to the two motions.

15 A Yes.

16 Q 334Does that assist you in determining whether you drafted that motion?

17 A Well, that particular thing doesn't assist me but as I sit here and you ask me  
18 the question, I can tell you as authoritatively as I can that I did not prepare  
19 that motion ab initio but I was involved obviously with people in relation to  
20 the amendment of that motion so that was presented to me by somebody.

21 Q 335Because if the motion had not been amended to include the words, "excluding the  
22 lands highlighted in yellow on the attached map", the effect -- sorry, if we  
23 could keep it at the two motions on the screen -- the effect of the motion on  
24 the type print on the second motion without the handwritten amendment would  
25 have meant to rezone both sets of land, excluding the lands of B and G from the  
26 previous day?

27 A Correct.

28 Q 336So that in preparing this motion being the second motion, if it had not  
29 included your contribution to the matter and it had gone to the floor of the  
30 council, it would not have deleted those parts of Mr. Fox's lands that were

1 zoned B?

2 A Yes, what would have happened, we can't say what did or didn't happen, what  
3 would have happened, it would have been immediately identified by the  
4 secretariat of the council and the manager would have announced it was not  
5 appropriate that motion be put, bearing in mind what happened the previous day.

6 Q 337 Yes but what I'm drawing to your attention, Mr. Dunlop, is that the if the  
7 words "excluding the lands highlighted in yellow on the attached map" had not  
8 been included, the purpose of the motion as it was typed was to rezone Mr.  
9 Fox's and Mr. Mahony's lands and if it had gone in that format, what the  
10 manager would have drawn people's attention to, the 18 acres of Mr. Fox's lands  
11 had already been dealt with the previous day and what would have been dealt  
12 about if the amendment had not gone in would have been the southern portion of  
13 Mr. Fox's lands that are west of the railway line.

14 937 please. We can just look at the map in relation to the motion.

15 A The Moyne lands, yes. West of the railway and south of Mr. Mahony's lands.

16 Q 338 Yes. Now, if the motion as prepared as typed had gone in?

17 A Yes.

18 Q 339 The yellow lands that are east of the railway lined in the striped part of the  
19 map would automatically have been excluded because of the motion on the 27th  
20 April?

21 A Correct.

22 Q 340 They had already been dealt with. If the balance of the lands that are  
23 coloured yellow that are west of the railway line and south of Mr. Mahony's  
24 lands, if the motion had been left the way it was typed, those lands would have  
25 gone forward for rezoning?

26 A Yes.

27 Q 341 So at some stage prior to the matter being dealt with or the motion being put  
28 to Dublin County Council, someone alerted themselves to the fact that the  
29 motion as drafted would not succeed in removing Mr. Fox's lands, if we go back  
30 to 936 please, isn't that right?

1 A That's correct.

2 Q 342 It required the words that are put in in your handwriting?

3 A Correct.

4 Q 343 You wrote the words "exclude the lands highlighted in yellow on the attached  
5 map"?

6 A Yes.

7 Q 344 And then it says "Signed by the proposers, 28th April 1993"?

8 A The words signed, the word signed by the proposers dated 28th April 1993 are  
9 not my handwriting.

10 Q 345 It is your handwriting "excluding the lands highlighted in yellow"?

11 A Yes, it is.

12 Q 346 Having looked at it in that context, can you assist the Tribunal what your  
13 involvement was in relation to this motion?

14 A There were a number of things that may well be of assistance to the Tribunal.  
15 I believe that that, my handwriting in relation to that motion was done on the  
16 day. So, you know, it is highly unlikely that that motion in that format was  
17 submitted to Dublin County Council.

18 Apart altogether from being unprofessional, to put in a motion that is  
19 corrected and amended, you know in handwriting, so in other words, there was no  
20 time. This was done on the floor in consultation. I believe that consultation  
21 took place with GV Wright. I believe that it was either by me, him, a  
22 combination of the two of us or others identified that the motion was  
23 inaccurate and would be ruled out of order. It may well be Miss Dillon that  
24 the manager or official of Dublin County Council alerted somebody in advance  
25 that if this motion is put in this format, it will be ruled out of order, you  
26 better get your ducks in line. Now I have no evidence that that occurred, I am  
27 merely in response to your question trying to give you as comprehensive a reply  
28 as to my involvement in this, there is no doubt that that is my handwriting,  
29 there is no doubt the rest of the wording on that page is somebody's  
30 handwriting. I don't know if the Tribunal knows or will ever find out who the

1 other handwriting is, I don't know, but it is my view, my evidence that that  
2 motion was amended in that format on the day prior to the actual motion being  
3 taken at Dublin County Council. Therefore that I appended those words to that  
4 page, that motion sometime prior to it being taken.

5 Q 347Sorry, you just said a second ago --

6 A Sorry?

7 Q 348You made an error on your part, the amendment in handwriting was prior to the  
8 28th. I mean I had understood you to say that that the amendment took place on  
9 the day?

10 A Well it's dated the 28th. This motion, excluding the lands highlighted in  
11 yellow on the attached map, signed by the proposers and dated the 28th April,  
12 so that is the day of the vote.

13 Q 349Yes.

14 A So maybe I was overanxious but let me say, this motion in the typed format was  
15 obviously prepared prior to the 28th.

16 Q 350Yes it's the amendment, it's your involvement in relation to Mr.--

17 A Correct, my involvement is on the day. The actual 28th. I did not, I do not  
18 believe I prepared that motion. It is not the typeface used by my office, I  
19 have drawn attention to it and you have drawn attention also to a number of  
20 factors which I make a distinction between the previous motion and this one,  
21 but my handwriting on that motion was appended on the day.

22 Q 351Did you obtain the signatures to that motion, Mr. Dunlop?

23 A I cannot absolutely accurately say that I have obtained all the signatures.  
24 Let me put it another way to you. I certainly did not obtain the signature of  
25 Nora Owen.

26 Q 352You say in your statement to the Tribunal, "I do not recall obtaining the  
27 signatures for the amended motion"?

28 A Yes.

29 Q 353You identify then portions that are written by you?

30 A Yes.

1 Q 354 Right. Do you think you obtained any of the other signatures?

2 A I don't believe I did. I think what happened, Miss Dillon, if you will accept  
3 this, I know I am giving evidence and this is really hypothesising, like, and I  
4 did on another occasion yesterday but what I think happened was this motion was  
5 prepared by somebody who was involved.

6 Q 355 Are you saying that you think it was prepared by Mr. Wright?

7 A I think so, but I have no evidence to suggest it was prepared by him.

8 Q 356 That is your view?

9 A That is just a view, I have no evidence to say he did not. This motion could  
10 only have been prepared by somebody who was intimately involved, bearing in  
11 mind the change that is out latter part of the motion for low density  
12 residential purposes for not more than 18 houses on 36 acres. That is very  
13 specific as distinct from what was contained in the previous motion.

14 Q 357 One house per acre?

15 A So I believe this motion was prepared by somebody who was deeply involved, I do  
16 not know whom. It certainly would not be appear to me to have been prepared by  
17 any of the landowners. I don't believe that it is a matter that was prepared  
18 by Mr. Mahony or Mr. Fox and I think latterly, it couldn't have been prepared  
19 by Mr. Fox and I don't believe that Mr. Mahony ever indicated that he had the  
20 capacity -- and that's not a derogatory comment -- to get involved at this  
21 level. He had got involved in a lot of other levels but not this level, this  
22 motion was prepared by somebody who was intimately involved. Again, and this  
23 is merely a view, I would have no evidence to support this, but it would appear  
24 to me to be highly unlikely that this motion was prepared by Nora Owen or by  
25 Liam Creavan or by Sean Gilbride. I have no evidence of any sort, positive or  
26 negative, of ever seeing any motion handwriting or typed by Mr. Kennedy so I am  
27 not in a position to subject or make a view on that. So it appears to me that  
28 this motion was prepared by somebody intimately involved and in consultation  
29 with me, either I or he or both of us together or one of us and certainly it  
30 wasn't me was alerted to the fact by a member of the secretariat that if this



1 motion is put forward, it is incorrect, will not be allowed and probably will  
2 be ruled out so therefore had to be amended and was done so, I use the phrase  
3 loosely, on the floor. It was done at the time of the meeting on the 28th.

4 Q 358Mr. Kennedy says or will tell the Tribunal that he was approached to sign that  
5 motion by Mr. Dennis Mahony and that he did so. Mrs. Owen says she probably  
6 signed that motion in the meeting room on the day and I presume in the meeting  
7 room she's referring to is not the general County Council office but the --

8 A I would say, not to cut across your train of thought, I would say it was either  
9 done in the lobby at the reception desk or a meeting took place by somebody who  
10 requested Nora's signature and that they went to the Fine Gael rooms or went  
11 somewhere else convenient just to sign.

12 Q 359Yes. And Mrs. Owen says, "I am almost certain that I signed the amending  
13 motion in the party rooms in the council office."

14 A Her party rooms, the Fine Gael rooms, yes.

15 Q 360Neither Mr. Creavan or Mr. Gilbride have been in a position to furnish any  
16 information to the Tribunal in relation to their contributions to this and  
17 Mr. GV Wright does not say who proposed the amendment, he merely says when Mr.  
18 Fox's lands were excluded, he had no difficulty in his statement.

19 A Yes.

20 Q 361Right. So leaving aside for the moment Mr. Dunlop who prepared it, is it your  
21 position you didn't obtain the signatures, any of the signatures on it?

22 A No, I don't believe I did.

23 Q 362All right. When this was put to a vote, Mr. Dunlop, on the day it was passed  
24 unanimously, it was proposed by Councillor Wright and seconded by Councillor  
25 Gallagher. If we could have page 349 please. Now what was proposed, "Motion  
26 145 (B) 1 was Dublin County Council hereby resolves that the lands at Drumnigh  
27 outlined in red on the attached map and signed for identifications purposes  
28 which are subject of a submission to the Dublin County Council under the Draft  
29 Development Plan review, reference number 000535, be zoned A1 for low density  
30 residential purposes, namely one house per hectare." The one house per hectare

1 was the original motion you lodged on the 12th April?

2 A Correct.

3 Q 363And the amended motion refers to 18 houses on 36 acres?

4 A Correct.

5 Q 364This was proposed on the floor by Councillor Wright and seconded by Councillor  
6 Gallagher and Councillor Gallagher is Cyril or Christopher Gallagher?

7 A Correct.

8 Q 365And Councillor Wright is GV Wright and the amendment was that the motion be  
9 amended by the addition of the words "Excluding the lands highlighted in yellow  
10 on the attached map and signed by the proposers and dated 28th April 1993."

11 A Yes.

12 Q 366So what seems to have happened, Mr. Dunlop, and it's only from looking at the  
13 wording, is that the motion that was in fact amended was the original motion?

14 A Yes.

15 Q 367And therefore what went to the floor of the house was not the motion that was  
16 drafted by somebody other than you which had referred to 18 houses on 36 acres.

17 A Yes.

18 Q 368All right. That was passed unanimously. Following that, the substantive  
19 motion, so what was passed was the amendment which is exclude the lands  
20 highlighted in yellow.

21 A Yes.

22 Q 369And that is on 937 so what they agreed was delete Mr. Fox's lands.

23 A Correct.

24 Q 370Then they put the substantive motion and this is the rezoning of Mr. Mahony's  
25 lands?

26 A Correct.

27 Q 371And this was passed 28 for, 11 against, two abstentions.

28 Now, voting for it was Councillors Barrett, Brady, Brock, Butler, Cass, Coffey,  
29 Cosgrave, that's MJ, Creavan, Devitt, Farrell, Gallagher, Gilbride, Green,  
30 Hand, Hanrahan, Kennedy, Laing, Larkin, Lyons, O'Connor, O'Halloran, Ormonde,

1 Owen, Quinn, Ridge, Ryan, Terry and Wright.

2 A Yes.

3 Q 372 Now the four councillors that you say you paid for support all voted in favour  
4 of that, isn't that right?

5 A That's correct.

6 Q 373 Did you ensure that people were in attendance or that the numbers were right?

7 A Yes, I was there and I tried to ensure it as far as possibly physically to make  
8 sure people were there and they voted accordingly.

9 Q 374 You have an entry, Mr. Dunlop, for Sheila Terry on the 19th April 1993 in your  
10 diary which is at 316. Do you remember meeting Miss Terry at the Royal Dublin?

11 A Yes.

12 Q 375 Was it in connection with these lands?

13 A I would not say definitively these lands were not mentioned but I would be of  
14 the view that the meeting was about Baldoyle.

15 Q 376 The Pennine Holdings, the Baldoyle race course lands?

16 A Yes.

17 Q 377 Yes. Are you saying that you did not discuss the --

18 A No, I am not saying that.

19 Q 378 Are you saying?

20 A I am saying it is likely that the lands came up for discussion.

21 Q 379 Did you seek her support in relation to those lands?

22 A Yes, I think it is likely that I did.

23 Q 380 And did she give you a commitment she would support it or otherwise?

24 A No, no.

25 Q 381 Did she mention that she had met Mr. Mahony in connection with these lands?

26 A I knew that she had met Mr. Mahony.

27 Q 382 In the company of his Miss Cait Keane who was also a Progressive Democrat  
28 councillor at the time?

29 A Miss Cait Keane is still a Progressive Democrat, I think Sheila Terry is Fine  
30 Gael.

1 Q 383Were you aware she had met Mr. Mahony in connection with this?

2 A I believe I was.

3 Q 384And did she indicate, can you recollect, did she indicate what her view or  
4 attitude in relation to these lands was?

5 A This particular councillor really never indicated in advance of any Dublin  
6 County Council meeting that I attended with her what she was or was not going  
7 to do. In one specific instance I have a vivid recollection of her telling  
8 myself and another party that she would not be supporting the proposal that we  
9 were putting forward for geographical reasons because it would affect her  
10 seriously, politically in the particular geographic area which was  
11 Blanchardstown and she -- but I cannot say whether she said yes or no. I  
12 believe she did not give me an indication of what she would or would not do.  
13 There was a certain -- again, without getting into discussions with Miss  
14 Dillon, there was a certain willingness to assist if possible but where it was  
15 impossible to do so, people normally would tell you, normally say no, we are  
16 not going to support that and from time to time, you could, without making  
17 contact with anybody, sit down and take out a piece of paper and virtually  
18 predict who was going to vote which way. That did not mean that you took it  
19 for granted, you had to go and talk to people.

20 Q 385And if you did discuss these lands with Miss Terry on that occasion on the 19th  
21 April, was she non-committal?

22 A Non-committal.

23 Q 386And in general was that her approach in relation to matters?

24 A In general terms, yes.

25 Q 387There's also no suggestion, so there's no doubt about it, that Miss Terry was  
26 paid or any suggestion of payment in connection with these lands?

27 A Oh absolutely not, no.

28 Q 388If we could have page 350 and run through those who voted against the motion.  
29 Sorry, I should ask you in relation to those who voted in favour of the motion,  
30 Mr. Dunlop, did you discuss these lands with Councillor Sean Barrett at any

1 stage?

2 A I don't recollect discussing these lands with Sean Barrett, I didn't have a  
3 discussion I believe with Mr. Mahony who he would make contact with in relation  
4 to the lands and I believe that in those circumstances, Mr. Barrett's name came  
5 up but I have no recollection of ever discussing it with Sean Barrett.

6 Q 389All right. Against then on page 350, Councillors Billane, Boland,  
7 Dillon-Byrne, Gibbons, Gordon, Healy, Higgins, Malone, Mullarney, Ryan and  
8 Tipping and the abstentions were Councillors Maher and Mitchell and the  
9 Chairman then declared the motion passed.

10 A Yes.

11 Q 390Effectively the passing of the motion, Mr. Dunlop, was that effectively to get  
12 a provisional zoning, if I can call it that, subject, it had to be confirmed at  
13 a later stage. These lands were rezoned residential on foot of this motion?

14 A Yes, sorry, the process, you are absolutely correct.

15 Q 391It was provisional?

16 A Yes, it was subject -- it would be subjected to a further display and  
17 observations by the public and a recommendation by the manager at a subsequent  
18 meeting and then a confirmation and until such time it was actually confirmed,  
19 it wasn't zoned.

20 Q 392Yes. But what was put on public display and I think it's page 149 -- it was  
21 out on public display as -- it's change 4 on map 8?

22 A That's not it.

23 Q 393Sorry, 369. After the vote took place, it was put on public display for one  
24 month?

25 A Yes.

26 Q 394So the public could make representations in relation to the matter?

27 A Correct.

28 Q 395And it was put on public display as change 4 on map 8, map 8 being the Baldoyle  
29 map?

30 A Correct.

1 Q 396And then it would come before the council again for another meeting at which it  
2 would be discussed and I think you said earlier today that unless motions were  
3 lodged to overturn this, it would be done but if motions were lodged to try and  
4 set aside this zoning, the matter would come up for discussion again, or is  
5 that an over simplification?

6 A It's not an over simplification, not at all, but even if circumstances arose  
7 where there were no objections, the manager still reserved the right that when  
8 the matter came up for discussion, that he would make a recommendation. In  
9 other words, there might be zero representations, zero objections, but the  
10 matter would still have to be discussed by Dublin County Council and the  
11 manager at that stage could put forward his view.

12 Q 397Yes. But what was happening now in relation to the Development Plan and these  
13 lands in particular is Mr. Mahony's, Mr. Fox's lands are now gone from the  
14 equation?

15 A Correct.

16 Q 398The first vote, which was unanimous, effectively kept those lands which are  
17 east of the railway line with their B and G zoning and west of the railway line  
18 which is kept B agriculture?

19 A Correct.

20 Q 399And then Mr. Mahony's lands on the back of the vote on the 28th April 1993 was  
21 now zoned on a provisional basis subject to confirmation, residential low  
22 density?

23 A Correct.

24 Q 400Because this was a change, the matter was put on public display for one month  
25 as change 4 on map 8?

26 A Yes, that would allow for public representations. Correct.

27 Q 401Now the matter would then come before the council for a confirming meeting at  
28 which they would vote again, whether they would confirm this change or not?

29 A Yes.

30 Q 402In other words, whether to confirm the change in Mr. Mahony's lands from

1 agriculture to residential, albeit low density residential?

2 A Yes.

3 Q 403All right. Before we come to deal with what happened in the September 1993  
4 meeting, Mr. Dunlop, you have identified two councillors whom you say you paid  
5 after the vote in late April 1993, they are Councillor Larkin, deceased, and  
6 Councillor Gilbride?

7 A Yes.

8 Q 404Looking now at that sequence of events, are you able to assist as to when or  
9 how close that meeting on the 28th April you would have paid those councillors?

10 A No, other than what I said to you earlier this morning, that within a  
11 reasonably short period of that taking place.

12 Q 405Yes. So that within weeks we are talking?

13 A Oh definitely.

14 Q 406Or are we talking days?

15 A Could be days but definitely within weeks.

16 Q 407You had said in your statement, Mr. Dunlop, that Mr. John Mahony, son of  
17 Mr. Dennis Mahony became involved in the matter between the date of the  
18 rezoning meeting, which is the 28th April 1993, and the confirming meeting,  
19 which is the 29th September 1993?

20 A Correct.

21 Q 408Now, can you tell the Tribunal how you say Mr. John Mahony became involved and  
22 how you found out about it?

23 A Just on a point of clarification --

24 Q 409Of course.

25 A This map that you have on the screen would have gone out on public display and  
26 would have reverted, would have come back. The council would have got together  
27 whatever representations, observations or objections and I think legally  
28 there's a word, I am not sure it's the correct word I am using observations, I  
29 think the role of the public at this particular stage was merely to make  
30 observations rather than actual objections but that's a moot point which was

1 used on a number of occasions by developers and councillors to highlight the  
2 fact that these things weren't being objected to, just observations but that  
3 aside.

4 Q 410 On that point, the manager in his report on the September 29th 1993 refers to  
5 2,050 objections and not submissions or anything else. He calls them  
6 objections but leaving aside that --

7 A That would then have come back and a series of meetings would have been  
8 organised by the secretariat in Dublin County Council to have this matter put  
9 on the agenda. It would be put on the agenda for a specific date. It wouldn't  
10 necessarily follow that the matter would be dealt with on that date but it  
11 would be put on the agenda, together with the manager's observations and  
12 together with the various comments as to the numbers of objections, whatever  
13 had been received and he would say, conclude by saying you know, I recommend or  
14 it is proposed that this matter be supported or, passed or not passed. In  
15 other words to be deleted. Now the reason I say that is that for timing  
16 reasons, is that it is at that stage that John Mahony became involved.

17 Q 411 You are saying that Mr. John Mahony became involved immediately prior to, by  
18 that I mean the weeks leading up to the end of September of 1993?

19 A Correct, I never met John Mahony prior to that point, my recollection of his  
20 involvement is that he became involved on the advice of GV --

21

22 CHAIRMAN: Miss Dillon, sorry, I think that might be an appropriate time to  
23 adjourn to two o'clock.

24

25 MS. DILLON: May it please you, Sir.

26

27 THE TRIBUNAL THEN ADJOURNED FOR LUNCH.

28

29

30



1 THE TRIBUNAL RESUMED AS FOLLOWS AT 2.00 PM:

2

3 MS. DILLON: Good afternoon. Mr. Dunlop please.

4

5 CONTINUATION OF EXAMINATION OF MR. DUNLOP

6 BY MISS DILLON:

7

8 Q 412 Just before lunch, we were coming on to deal with the issue of the involvement  
9 of Mr. Dennis Mahony's son, Mr. John Mahony, and you had, I think, indicated to  
10 the Tribunal that Mr. John Mahony's involvement occurred immediately prior to  
11 the confirming meeting which was the 29th September 1993?

12 A In the period leading up to it, yes.

13 Q 413 That's what I wanted to clarify, Mr. Dunlop. When you say in the period  
14 leading up to it, what time are we talking about, if one takes the start date  
15 of it as being the 128th April 1993 and the end date being the 29th September  
16 1993?

17 A I would say in the beginning of September 1993.

18 Q 414 And can you outline to the Tribunal what you understood was Mr. John Mahony's  
19 involvement in this matter and how you came to learn of it?

20 A Well I came to learn of it because a number of councillors with whom I was  
21 speaking mentioned that John Mahony had been in contact with them.

22 Q 415 Which councillors?

23 A Liam Creaven, Michael Joe Cosgrave in particular, certainly Liam Creaven and  
24 Michael Joe Cosgrave, I think also Sean Gilbride, that they had either been in  
25 contact by Mr. Mahony or that John Mahony was looking for to make contact  
26 with them, one or the other. I had not been aware of John Mahony's existence,  
27 I just didn't know of a John Mahony at that particular stage. I do believe  
28 that I either initiated a telephone conversation to John Dennis Mahony in  
29 relation to this matter and spoke to John Mahony by telephone. I spoke to GV  
30 Wright about the matter. GV Wright told me that he had advised that John

1 Mahony become involved because he thought a member of the -- the presence of a  
2 member of the family would be helpful. This didn't seem to be particularly  
3 logical to me at the time because Mr. Dennis Mahony had in fact in consultation  
4 with me made quite a significant number of contacts with councillors in  
5 relation to the matter prior to the vote on the 28th April 1993.

6 Q 416 Sorry, go on.

7 A I recall seeing and speaking to John Mahony at Dublin County Council during the  
8 course of various meetings at least twice and I certainly saw him there on the  
9 day, the days immediately prior to the confirmation -- to the vote which  
10 confirmed what you have correctly described this morning as the provisional  
11 zoning. I am not certain that I was present at that meeting. In fact, I  
12 believe I wasn't present at that meeting but I do know that I met Mr. Mahony  
13 and spoke to Mr. John Mahony that is on a number of occasions at various  
14 meetings leading up to the actual consideration of the confirmation vote.

15 Q 417 Do you think that you were not present on the 29th September 1993?

16 A I cannot absolutely say that I was present on the 29th September 1993, subject  
17 to correction but I cannot say. I do recollect speaking to John Mahony in days  
18 immediately leading up to it in relation to the support for the confirmation  
19 vote.

20  
21 Mr. Mahony has told the Tribunal in his statement in relation to this matter  
22 that his only involvement in the rezoning, page 86 please, his only involvement  
23 sorry, paragraph 2 and this was in response to a request from the Tribunal for  
24 information and in fairness to Mr. John Mahony, if we outline first of all, the  
25 material that he was asked to deal with in his statement to the Tribunal at  
26 page 85 the Tribunal wrote to Mr. Mahony and outlined at paragraph 2, "The  
27 Tribunal has received information to the effect that you were involved in the  
28 events of 1993 and that you lobbied councillors particularly in the period  
29 leading to the vote of the 29th September 1993 which confirmed the rezoning.  
30 Please furnish a full and detailed written statement in chronological sequence

1 by reference to dates, times, places and persons concerning your involvement in  
2 all events prior to and including 1993 which ultimately led to the rezoning of  
3 the lands, all payments made by you or on your behalf to elected  
4 representatives and/or public officials at any time and the circumstances  
5 thereof, all dealings had by you with Mr. Noel Fox and all dealings had by you  
6 with Mr. Frank Dunlop."

7  
8 In reply to that, at page 86, Mr. Mahony told the Tribunal, paragraph 2, "The  
9 third paragraph of the Tribunal letter indicates that I lobbied councillors in  
10 relation to the rezoning of lands at Portmarnock, County Dublin."

11  
12 Sorry, Mr. Kavanagh, I wonder would you mind giving us page 86 please.

13 Thank you.

14  
15 Paragraph 2 of that letter, as I have just said says "This is not correct and I  
16 did not lobby councillors in relation to this or any other matter relating to  
17 the rezoning of lands in Portmarnock or elsewhere.

18  
19 3. In response to the fourth paragraph of the Tribunal letter, my only  
20 involvement in the matters referred to in your letter was I, along with many  
21 other people, was in the public gallery the day that the rezoning vote took  
22 place. A couple of days prior to that, I had a short telephone conversation  
23 with Mr. Frank Dunlop during which I requested to know of Mr. Dunlop where the  
24 vote would take place and whether or not it would be possible and in order for  
25 me to attend."

26  
27 And he says at 4, "That concludes my involvement with matters raised in the  
28 Tribunal letter and I further respond as follows."

29  
30 And he says the following page, page 87, "The only communication I had with

1 Mr. Frank Dunlop in connection with this matter is as specified above and I  
2 will certainly not regard this as having dealings with Mr. Dunlop in relation  
3 to a particular matter."

4  
5 Now that is a matter that will have to be clarified with Mr. John Mahony when  
6 he gives evidence when he is talking about the rezoning meeting there, whether  
7 he is referring to the meeting on on the 28th April 1993 or the subsequent  
8 confirming meeting on the 29th September 1993 but leaving that as an unresolved  
9 issue until Mr. Mahony gives evidence, it's clear from Mr. John Mahony's  
10 statement that he disputes your account and he says that other than making a  
11 contact to find out where and when the rezoning was, he did not lobby  
12 councillors and he had no other involvement in the matter.

13 A Well that is not my understanding.

14 Q 418Right. Do you confirm then that you met Mr. Mahony on at least two occasions  
15 at Dublin County Council?

16 A Yes, I do.

17 Q 419And did you on those occasions discuss these lands with him?

18 A Yes, I did.

19 Q 420And did Mr. Mahony confirm to you that he had spoken with other councillors?

20 A No, I cannot say that he truly said to me on either of those occasions or any  
21 other occasion that he had actually spoken to anybody in relation to the matter  
22 but I have already told you that my understanding of his involvement came from  
23 third parties and that I spoke to GV Wright about the matter and that GV told  
24 me he thought it appropriate that a member of the family be present.

25 Q 421And Mr. Liam Creaven and Mr. Michael Joseph Cosgrave confirmed to you that  
26 Mr. John Mahony had spoken to them and also you think Mr. Sean Gilbride?

27 A Yes.

28 Q 422In relation to what you said earlier, to be accurate about it, that Mr. John  
29 Mahony had either spoken to them or tried to make contact with them?

30 A Correct.

1 Q 423 Then we can leave that matter, Mr. Dunlop, and we can -- Miss Foley draws to my  
2 attention, Mr. Dunlop, that in fact you do have an entry in your diary for the  
3 29th September, page 563 please, a Development Plan entry for the 29th  
4 September 1993.

5 A Sorry, yes I do and but I see this on the screen but I'm looking at my own  
6 personal copy of my diaries and 2.30 meeting at venue not -- just outside town,  
7 I have 2.30 Development Plan and 3 o'clock, another individual which would be a  
8 meeting outside town. Not immediately out, too far outside of town but  
9 certainly not in central city so I think the fact that there is a 2.30 meeting  
10 there relating to the Development Plan is an indication that I knew there was a  
11 Development Plan meeting, I may not have been there at 2.30, I may well have  
12 been there later but I cannot absolutely say that I was there. That's the only  
13 point I am making.

14 Q 424 There are two financial transactions that are concerning your accounts,  
15 Mr. Dunlop, in May of 1993 that I want to deal with before I move on, I should  
16 say, may it please the Tribunal that arising from the evidence of Mr. Dunlop  
17 gave this morning, there has been a further review of the accounts of  
18 Mr. Dunlop in the light of the fact that the Mr. Dunlop's evidence this morning  
19 being that if he made a lodgement to a particular account and it was a cash  
20 lodgment, that was indicative of the fact that he was retaining cash. If that  
21 were the case, then there may be other transactions on Mr. Dunlop's accounts  
22 that are not in the brief which may be relevant to that evidence so it is  
23 likely that some further six or eight pages will be circulated in relation to  
24 other transactions that occurred in April and May of 1993.

25 I just want to alert the parties to that but there are two other matters that  
26 have been circulated, Mr. Dunlop, that I wish to deal with. On the 11th May  
27 1993, page 444 please, sorry, 445 please, sorry, I think in fact we go to the  
28 one on the 31st May, try 442 please.

29  
30 This is a lodgment, Mr. Dunlop, at the end of May of 1993 of 5,500 pounds and

1 again this is a lodgment to the Irish Nationwide Building Society account we  
2 looked at for lodgments in February and March of 1993.

3 A Yes.

4 Q 425 Again you would see the reference to notes, 5,500 pounds and if we look at the  
5 subsequent page in relation to them, which is at 443, we will see that that was  
6 a cash lodgment because you will see the words CAS written on the validation  
7 slip and that is indicative as I understand it of cash. Is this another  
8 situation, Mr. Dunlop, where if you are lodging 5,500 pounds you would have had  
9 greater funds in hand than the lodgment?

10 A Yes, it is likely.

11 Q 426 Now, you also made a lodgment, Mr. Dunlop, in May of 1993 of 2,500 pounds to  
12 your INBS account on the 11th May 1993, 28449190, sorry, I have to leave that  
13 until I get the document. I will come back to it, sorry, we have it.  
14 If I could have document 404 please.

15 This is a lodgment of 2,500 pounds Mr. Dunlop to your INBS account and this is  
16 one of the accounts you have described to the Tribunal as your war chest  
17 accounts, is that right?

18 A That's correct.

19 Q 427 As it was the case in relation to the lodgment we saw this morning and the  
20 lodgment we looked at a minute ago?

21 A Yes.

22 Q 428 Now this is a lodgment made on the 11th May 1993 and that is in the two week  
23 period immediately following on the first rezoning motion in relation to Mr.  
24 Mahony's lands which took place on the 28th April 1993. Again if we move on to  
25 the next page, 405 in relation to the matter, we will see this is a cash  
26 lodgment because again the word words, CAS appear and that indicates a cash  
27 lodgment.

28 A Yes.

29 Q 429 Now, that means that on the 11th May 1993, thank you Mr. Kavanagh, you can take  
30 that off the screen, on the 11th May 1993, you made a lodgment of 2,500 pounds

1 to your Irish Nationwide Building Society account. In line with the evidence  
2 that you gave this morning, Mr. Dunlop, is it the position that the sum in fact  
3 you had in hand was greater than that lodgment of 500? Is it likely you would  
4 have had available to you other funds?

5 A Yes.

6 Q 430 Can you indicate or recollect the sum that you did have available to you?

7 A No, I can't but in the context of what we spoke of this morning and the figure  
8 that you put to me, I indicated that that it was likely.

9 Q 431 In general terms, Mr. Dunlop, throughout the review of the Development Plan,  
10 were you accustomed to keeping significant quantities of cash available to you?

11 A Yes.

12 Q 432 On average, I mean if you were, if you had a sort of a rolling fund as it were  
13 in relation to this matter, is that what you had?

14 A Yes.

15 Q 433 On average, as best you can, can you say the amounts that you were accustomed  
16 to keep? How much would you have on hand, as it were?

17 A The reason I pause before answering the question is that in any given day I  
18 cannot say to you how much I would have on hand but in general terms, I would  
19 have, during this period, a significant amount of money, amount of cash.

20 Q 434 What's significant, Mr. Dunlop?

21 A Well 20, upwards of 20 or sometimes maybe more.

22 Q 435 You had a meeting on the -- sorry, just in relation to Mr. Sean Gilbride again  
23 dealing with this, in a chronological fashion, sorry just before we finish that  
24 point, there are a number of other transactions, Mr. Dunlop, on your accounts.

25 A Yes.

26 Q 436 That we will be dealing with either after the documents have been circulated,  
27 tomorrow morning probably.

28 A OK.

29 Q 437 That cover that period also, which also deal with cash lodgments to your  
30 accounts but in general, is it going to be your position that where a lodgment

1 is at present unexplained by you and is a cash figure, that usually indicates  
2 there was a larger sum available?

3 A Yes, it does.

4 Q 438 You met Mr. Sean Gilbride on the 16th June 1993 and again you met him on the  
5 28th July 1993, first of all could we have page 467 please.

6 Now you have a meeting there with Mr. Sean Gilbride in the Royal Dublin on June  
7 16th.

8 A Yes.

9 Q 439 Can you recollect what that matter was in connection with?

10 A No, but in the context of what I said to you already in relation to meetings  
11 with Sean Gilbride and the location, it is a matter relating to a Dublin County  
12 Council and something on the agenda.

13 Q 440 All right, it's unlikely to have been, because of the date, the Mahony lands?

14 A No, it's not the Mahony lands.

15 Q 441 Similarly you had a meeting with Mr. Gilbride on the 28th July 1993, 504  
16 please. And again that entry relates to Mr. Gilbride

17 A Yes.

18 Q 442 Again because of the date, Mr. Dunlop, it's unlikely to have been a Mahony  
19 matter?

20 A Absolutely not.

21 Q 443 Again, on the 17th August 1993, 509, you meet Mr. Gilbride at Dublin County  
22 Council?

23 A Yes.

24 Q 444 Again, because of the date, Mr. Dunlop, is that unlikely to have been related  
25 to the Mahony lands?

26 A Given the date and given what I said to you in relation to the motion which was  
27 taken in Dublin County Council in late September in relation to the  
28 confirmation of the zoning, it is possible that the Mahony lands were being  
29 discussed on that occasion. It is possible. I am not saying it is, it is  
30 possible.



1 Q 445 Yes. The motion seeking to dezone the Mahony lands which was signed by  
2 Councillor Healy is dated the 16th September of 1993 so if that is the first  
3 motion that was lodged in relation to Mr. Mahony's hands seeking to overturn  
4 what had happened, that meeting is unlikely to have been about the Mahony  
5 lands?

6 A Correct.

7 Q 446 All right. Mr. Gilbride has told the Tribunal at page 918 please that  
8 certainly his statement gives the impression of very limited contact with you,  
9 Mr. Dunlop, in 1993 and otherwise. He says in paragraph two, "I have no great  
10 recollection of meeting with Frank Dunlop, I would have met him at the County  
11 Council offices on the odd occasion, I remember having lunch with him once  
12 during the summer but I am not sure if it was during 1993." Now if your diary  
13 reflects it and you have confirmed it, you had a number of meetings with  
14 Mr. Gilbride in the course of 1993 at locations such as Jurys and other places  
15 that are recorded in your diary?

16 A Correct.

17 Q 447 You also met him at premises other than the County Council, if your diary is  
18 correct, such as the Royal Dublin and matters of that sort. Can you assist,  
19 you say that you are correct in relation to your meetings with Mr. Gilbride and  
20 the matters you discussed with him?

21 A Can I assist you?

22 Q 448 Can you assist the Tribunal at all as to why Mr. Gilbride would have provided  
23 or would be stating that he has no great recollection of any meetings and it  
24 would effectively, as I understand what he is saying, he is saying he only met  
25 you in the County Council offices?

26 A Well my diary outlining the meetings that I had with Sean Gilbride in some  
27 instances there were other people present, you have mentioned one in passing,  
28 Jurys, there were other people present in Jurys. So I met him in Jurys with  
29 other people.

30 Q 449 That's 503 please. I think the meeting in Jurys is a meeting in September of

1 1993. 513 please. Now, you have recorded there an entry there for 9 o'clock,  
2 SG, which I think is Mr. Gilbride in Jurys on the 8th September 1993.

3 A Correct.

4 Q 450At this stage, the motion had not yet been lodged I think there was a date of  
5 the motion of the 16th September 1993 and your meeting Mr. Gilbride, can you  
6 recollect why you were meeting Mr. Gilbride on that occasion?

7 A No, I can't but there was no doubt in my mind the fact the reason any meetings  
8 took place with Sean Gilbride were relating to matters on the agenda of Dublin  
9 County Council, from the very beginning of my introduction to Mr. Gilbride to  
10 the conclusion of matters in relation to the Development Plan in 1993.

11 Q 451Is this the meeting I thought you said a few moments ago you met Mr. Gilbride  
12 in Jurys in the company of other people?

13 A There is another meeting in the company of other people.

14 Q 452In 1993?

15 A I stand corrected, but there is a meeting with Sean Gilbride in Jury's Hotel  
16 with two other people.

17 Q 453We can come back to that but certainly so far as this was concerned, was this  
18 just yourself and Mr. Gilbride, this meeting?

19 A Yes.

20 Q 454The motion to dezone Mr. Mahony's lands was lodged on the 16th September 1993,  
21 543. There are three motions seeking the de zoning, Mr. Dunlop, of Mr. Mahony's  
22 lands that were lodged with the council, the other two are undated but this  
23 motion is dated the 16th September and it seeks to delete the zoning that had  
24 been proposed for Mr. Mahony's hands in April 1993?

25 A Yes.

26 Q 455Now first of all, can I ask you, would you have been informed by anybody that  
27 this had happened?

28 A Yes, I would.

29 Q 456Who would have informed you?

30 A Well some of the councillors, Creaven, Michael Joe Cosgrave, Sean Gilbride, GV

1 Wright, Cyril Gallagher, any of the people who had been involved in the context  
2 of the zoning motion originally.

3 Q 457And in the normal course, they would be circulated with the motions, isn't that  
4 correct?

5 A Yes.

6 Q 458The agenda and the motions in advance of the meeting?

7 A Perhaps for clarification, this motion was one of hundreds of motions that were  
8 put in in relation to dezoning; in other words every zoning that, provisional  
9 as you described it earlier on today, everything zoning that had been voted on  
10 favourably would have had a motion, almost invariably a motion to dezone prior  
11 to the meetings that took place in the council in the latter part of 1993 so  
12 this is one of them.

13 Q 459But you would, as I understand your involvement in this matter, have had your  
14 eye on Mr. Mahony's lands?

15 A Yes.

16 Q 460And you were satisfied that you would have been alerted by some interested  
17 party?

18 A Yes.

19 Q 461To the fact that this had occurred?

20 A Yes.

21 Q 462And once the dezoning motion such as this had been lodged, what was your  
22 function in relation to the matter as you understood it?

23 A Well as I understood it, from the very beginning that this matter would not be  
24 concluded until such time as the matter was confirmed by the council. And that  
25 that included this procedure which was an attempt to dezone the lands and to --  
26 following on your question, what did I regard my role as, my role was to  
27 continue on with the zoning that had been put on provisionally on the 28th  
28 April 1993 and to ensure that that actually continued and that was voted  
29 accordingly.

30 Q 463So would you have spoken to councillors in the run up to the confirming meeting

1 in September 1993 in order to ensure that the support was in place?

2 A Yes, I would.

3 Q 464 And can you identify to the Tribunal please those councillors with whom you  
4 would have spoken in the run up to the confirming meeting?

5 A Well I would certainly have spoken to all the people who had been involved in  
6 the signing of the motion in relation to the original, that included GV Wright,  
7 Gilbride, Larkin, Gallagher and any other councillor that we felt was necessary  
8 to canvass. The position had changed somewhat from the 28th April 1993 in that  
9 the rezoning motion arising out of quite a significant amount of publicity to  
10 that attached to the zoning motions that had taken place in April, not  
11 particularly the Mahony lands I hasten to add, there was some coverage of that  
12 but relatively little in the context of the coverage that was given to Baldoyle  
13 race course lands and you will recall that you highlighted this morning that  
14 the vote on the Baldoyle race course lands was on the 27th April and that the  
15 vote in relation to the Mahony lands took place including the corrected motion,  
16 on the 28th.

17

18 There was an enormous publicity in relation to the Baldoyle race course lands  
19 during the latter part of the 27th and on the morning of the 28th. Hence,  
20 sorry, I should correct myself there, there was a significant amount of  
21 publicity on the morning of the 27th prior to the actual vote, significant  
22 publicity that evening and significant publicity the following morning.

23

24 What happened the following morning is that certain areas of lands were zoned  
25 without a great deal of publicity because a lot of publicity in relation to the  
26 matter of zoning in Dublin County Council had been achieved, both the previous  
27 day and on that morning. So there was what I would describe as a certain  
28 nervousness on the part of some councillors in relation to continuing support  
29 in relation to any motions that they might even have supported on in the first  
30 instance and that would entail contact with as many councillors as possible to

1 ensure that the vote, that they continue to vote the way they had voted in the  
2 original.

3 Q 465 You have an entry in your diary on the 21st September 1993 for Mr. GV Wright at  
4 545. Where the entry reads "Ring GV" and you also have an entry that date for  
5 Liam Creaven.

6 A Yes.

7 Q 466 Is it likely that either of those contacts with either of those people was in  
8 connection with the upcoming confirming motion in connection with Mr. Mahony's  
9 lands?

10 A And others, certainly I would say that in the context of what was happening in  
11 the council at that time, there was no doubt in my mind that that was a  
12 priority.

13 Q 467 On the 22nd September of 1993, you have an entry for M. Joe/Mooney's, that a  
14 reference to Michael Joseph Cosgrave in Mooney's public house?

15 A Yes, opposite the Rotunda.

16 Q 468 The reference to that that is 547. And similarly, while you may have been  
17 discussing other matters, were you seeking to ensure that Mr. Cosgrave's  
18 support had remained steadfast in connection with Mr. Mahony's lands?

19 A Yes.

20 Q 469 You also have throughout the week, preceding the week of the 29th September  
21 1993, a number of Development Plan entries which I don't propose to go through  
22 but do each of those indicate you would have been at the County Council  
23 meetings that were taking place at that time, the dates are the 28th September,  
24 the 27th September, the 24th September and the 22nd September.

25 A Yes.

26 Q 470 And you would have attended at the council?

27 A In whole or in part. Sorry, I beg your pardon, in part, for part of the time  
28 or for the totality of the time.

29 Q 471 And would part of the reason for your attendance at the Development Plan  
30 meetings in the course of that week to ensure that support had remained for Mr.

1 Mahony's lands?

2 A Yes.

3 Q 472At this stage you would have known, if I understand you correctly, that there  
4 was going to be another vote on the matter because there was a motion in  
5 connection with Mr. Mahony's lands?

6 A Yes.

7 Q 473In fact there were three motions in connection with Mr. Mahony's lands which we  
8 will come to in a moment. You also met Mr. GV Wright on the 23rd September  
9 1993 in the presence of another person?

10 A Yes.

11 Q 474The name is blocked out, Mr. Dunlop, on your diary but the entry reads LL.

12 Sorry, I beg your pardon, Mr. Kavanagh, it's 549. Now --

13 A LL, sorry?

14 Q 475The entry that's blocked out is LL. First of all, can you indicate who that  
15 is?

16 A On the 23rd?

17 Q 476Sorry, on the 23rd, yes.

18 A No, no.

19 Q 477Is it not, I beg your pardon, my mistake.

20 A It's not LL, it's --

21 Q 478Somebody else?

22 A Yes.

23 Q 479Sorry, my mistake, in any event, you were meeting Mr. GV Wright on the 23rd  
24 September?

25 A Yes.

26 Q 480Would that also have involved the Mahony lands?

27 A No, I believe not. In fact I know it wasn't given the identity of the other  
28 person.

29 Q 481It's not to do with the Mahony lands?

30 A No, it's not.

1 Q 482Very good. Now, on the 29th September, this is the Mahony confirming meeting,  
2 Mr. Dunlop?

3 A Yes.

4 Q 483All right. So there were three motions listed, the first of which we have  
5 already seen and there were two undated motions, 567 please. This is a motion  
6 by Miss Malone and I think Mr. Sean Ryan and this seeks to effectively overturn  
7 the zoning that had been voted on and given on the 28th April.

8 A Yes.

9 Q 484And also 568 please is the third motion. And this is a motion signed by Mr. O'  
10 Callaghan and others and again, it's dealing with change number 4 on map 8 and  
11 change number 4 on map 8 as we have seen was the change that was put on public  
12 display in relation to Mr. Mahony's lands?

13 A That's the Democratic Left motion.

14 Q 485Yes. In any event the effect of these three motions, Mr. Dunlop, would have  
15 meant if they were being proceeded with, there would be a vote in connection  
16 with these lands?

17 A Yes.

18 Q 486And can you identify, other than the persons you have named, any other  
19 councillors whom you spoke to prior to or on the 29th September in order to  
20 ensure there was sufficient support for Mr. Mahony's lands?

21 A Specifically, no, generally, yes in the context that anybody supported a motion  
22 on the 28th April in 1993 in its original format, that I would have made  
23 contact with most, if not all of those, or I would see to it that those people  
24 were contacted to ensure continuing support.

25 Q 487So if we just revert briefly, Mr. Dunlop, to those who voted on the 28th April  
26 in connection with this matter and we look at page 349 please. Those who voted  
27 were Councillors Barrett, did you speak to Mr. Barrett in the run up to the  
28 September 1993?

29 A I don't believe I did and if I may say so, the reason I did not was that I had  
30 understood from Mr. Mahony, Dennis Mahony, that he had made contact with Sean

1 Barrett at some time or other during the course of the lead up to the 28th  
2 April 1993.

3 Q 488Mmm. Mr. Brady, did you speak to Mr. Brady?

4 A Brady, Brady -- sorry, Peter Brady, yes, it is highly likely, yes, Fine Gael.

5 Q 489And was he, did he indicate that he would be supportive or not?

6 A I cannot say that.

7 Q 490Mr. Brock?

8 A Seamus Brock, Fianna Fail -- I don't believe I spoke to Seamus.

9 Q 491Mr. Butler?

10 A I believe yes, I would have spoken to Larry, yes.

11 Q 492And would he have indicated that he was supportive?

12 A One never knew whether Larry was going to be supportive or not but he would  
13 always indicate in the most positive way he would do the best he could.

14 Q 493I think that's, the next is Brid Cass?

15 A Definitely not.

16 Q 494Betty Coffey?

17 A Probably, yes.

18 Q 495And would Miss Coffey have indicated she was supportive or otherwise?

19 A In general terms, yes.

20 Q 496Michael Joseph Cosgrave?

21 A Yes.

22 Q 497Mr. Creaven?

23 A Yes.

24 Q 498You would have been sure of their support anyway, Mr. Dunlop, as I understand  
25 it?

26 A Yes and in fact some of the consultation in relation to this would have been  
27 done with Michael Joe Cosgrave; in other words, as I have indicated to you  
28 already and that you have now repeated, that I would know that they were going  
29 to be continuing to support and I would ask them to try and ensure that some of  
30 their colleagues would continue to do so.



1 Q 499So you would ask Mr. Cosgrave and Mr. Creaven to speak to their colleagues?

2 A Yes.

3 Q 500To ensure their support in connection with these lands so your meetings with  
4 them in so far as they took place in September 1993 in the run up to the  
5 confirming meeting would have been what other support they could muster rather  
6 than speaking of their support, which you were sure of anyway?

7 A Right.

8 Q 501Miss Devitt?

9 A Highly likely.

10 Q 502That you spoke to her?

11 A Yes.

12 Q 503Mr. Farrell or Miss Farrell?

13 A Margaret Farrell, yes, highly likely.

14 Q 504Would she have indicated whether she would support or not.

15 A I think Margaret would have indicated whether if she was there on the day she  
16 would have voted yes.

17 Q 505Miss Devitt, would she have indicated she would have been supportive?

18 A In general terms, Ann would have supported, if she had given support from the  
19 beginning, it's highly unlikely in any occasion that Ann would recant.

20 Q 506What you are looking at, Mr. Dunlop, is the list of councillors who voted for  
21 the rezoning in April 1993?

22 A Correct.

23 Q 507C Gallagher, that's Mr. Christopher or Cyril Gallagher?

24 A Yes, not a problem.

25 Q 508Would you have needed to speak with him to ensure that he was on side?

26 A Not particularly but I am not saying I didn't but it would not have been a  
27 problem.

28 Q 509Mr. Gilbride?

29 A Similarly.

30 Q 510Would you have been sure in relation to Mr. Gallagher and Mr. Gilbride that in

1 view of the financial transactions that had taken place in connection with the  
2 zoning in April, that you would have been ensured of their continued support in  
3 relation to matters?

4 A Yes, I would have taken that view but that doesn't necessarily mean I wouldn't  
5 have spoken to them.

6 Q 511I see. Richard Green?

7 A I cannot say definitively that I spoke to Richard in relation to this matter.  
8 I know he voted for it in the first instance but I cannot say that I definitely  
9 spoke to him about it.

10 Q 512Mr. Tom Hand?

11 A Definitely.

12 Q 513You would have spoken to him?

13 A Yes.

14 Q 514Would Mr. Hand have indicated to you that he would be supportive of the motion?

15 A Yes.

16 Q 515And that he would continue to support the rezoning?

17 A At this particular time, Mr. Hand was behaving rather awkwardly but the  
18 indications are that yes, he would support.

19 Q 516Did Mr. Hand seek any money from you in connection with his support?

20 A Not that I -- no, he did not.

21 Q 517All right. Finbar Hanrahan?

22 A No, I don't think so, I did not make contact with him.

23 Q 518Michael Kennedy?

24 A Likely, yes.

25 Q 519And did Mr. Kennedy indicate he would be supportive or otherwise?

26 A Mr. Kennedy at this stage I believe had made separate independent contact with  
27 me about a variety of matters, one relating to lands in Baldoyle race course in  
28 the previous ownership of Mr. John Byrne and also with relation to lands in  
29 Portmarnock, in other words he made contact with me about whether or not I  
30 would be able to do something in relation to it, if my recollection is correct.

1 My only contact with Michael Kennedy was in relation to the matters on the  
2 north side, whether or not we could provide some sort of playing pitches for  
3 some soccer clubs or Gaelic football clubs or something like that.

4 Q 520But in connection with Mr. Mahony's lands, in the run up to the confirming  
5 meeting, did you meet or discuss the matter with Mr. Kennedy?

6 A I cannot say so absolutely.

7 Q 521Mr. Stanley Laing?

8 A No, Mr. Laing, I would have left to others.

9 Q 522Who would you have left Mr. Laing in connection with this matter now,  
10 Mr. Dunlop?

11 A I would have left that to Therese Ridge.

12 Q 523We'll come to Miss Ridge in a minute. Mr. Larkin, would you have spoken to him  
13 in the run up to the confirming meeting?

14 A Yes, even though again I would have known that in the normal run of events Jack  
15 would continue to support but it is likely that I did speak to him, yes.

16 Q 524Mr. Lyons?

17 A I don't think so.

18 Q 525Mr. O'Connor?

19 A Yes.

20 Q 526And did Mr. O'Connor indicate whether he would be supportive or not?

21 A Charlie O'Connor, Charlie, again, it's something similar to Larry Butler who  
22 would never give you a definitive answer.

23 Q 527Mr. O'Halloran?

24 A Yes.

25 Q 528That's John O'Halloran?

26 A Yes.

27 Q 529Did you speak with him?

28 A Yes, I believe I did.

29 Q 530Did he indicate he would support it?

30 A Yes, he did.

1 Q 531Ann Ormond?

2 A Undoubtedly I spoke to her.

3 Q 532And would she have indicated to you whether she would continue to support it?

4 A Ann again didn't generally say yes or no. She again indicated if it was at all  
5 possible for her to do so, she would.

6 Q 533Nora Owen?

7 A Nora had, if you recall -- sorry you were asking me did I speak to her, no, I  
8 don't believe I did.

9 Q 534Miss Quinn, I think?

10 A Cait Quinn, yes.

11 Q 535Did you speak with her?

12 A No.

13 Q 536Therese Ridge?

14 A Yes, I believe I did.

15 Q 537And you said that you would have left Stanley Laing to Miss Ridge?

16 A Therese knew Stanley well and got on with him well and on a number of occasions  
17 I would have spoken to Therese about matters and that if she had the  
18 opportunity, I would ask her to mention it to Stanley.

19 Q 538Mr. Ryan?

20 A Ned.

21 Q 539Did you speak with him in the run up?

22 A No, I don't believe I did.

23 Q 540Sheila Terry?

24 A No.

25 Q 541Mr. GV Wright?

26 A Yes.

27 Q 542At the actual meeting, Mr. Dunlop, on the 29th September, the motion,

28 Mr. Healy's motion was put, I think it was proposed by -- it was proposed yes,  
29 page 583 please. The manager reported to the meeting and this had been  
30 circulated apparently in advance and there were two matters, there were 2,530

1 representations objecting to the change?

2 A Yes.

3 Q 543His recommendation was to delete the amendment?

4 A Mmm.

5 Q 544And Councillor Healy's motion was proposed by Councillors Sergeant and seconded  
6 by Councillor Gordon?

7 A Mmm.

8 Q 545This was put to a vote, if we look at page 584. Now, those who are recorded as  
9 voting for the motion, Mr. Dunlop, are those who are voting to rezone Mr.  
10 Mahony's land back to agriculture?

11 A Yes.

12 Q 546And to delete change 4 on that?

13 A Yes.

14 Q 547And those who are voting against the motion are voting to retain the  
15 residential zoning on Mr. Mahony's lands?

16 A Correct.

17 Q 548If we look then at page 585, those voting against the motion then are  
18 Councillors Barrett, Brady, Brock, Butler, Cass, Coffey, MJ Cosgrave, Creaven,  
19 Devitt, Elliott, Farrell, Fox, Gallagher, Gilbride, Kennedy, Larkin, Logan,  
20 McGrath, Madigan, Morrissey, O'Connor, O'Halloran, Ormond, Owen, Quinn, Ridge  
21 Ryan and GV Wright with an abstention by Councillor Kelleher?

22 A Of the Labour Party.

23 Q 549Be that as it may. It would appear, Mr. Dunlop, that most of those who voted  
24 in favour of the motion on the 28th April remained steadfast?

25 A Yes.

26 Q 550And continued their support when it came to the confirming motion on the 29th  
27 September --

28 A Correct.

29 Q 551-- 1993?

30 A Yes.

1 Q 552 In fact it's almost a complete replication with, I think, a slight difference  
2 of three or four in number but it would appear that there was substantial  
3 replication between the 28th April and the 29th September 1993.

4 A Yes, correct.

5 Q 553 For example, Mr. Madigan is voting in favour of it on this occasion and he is  
6 not recorded as voting in the earlier motion and there are one or two like  
7 that.

8 A Stanley Laing doesn't appear.

9 Q 554 And Stanley Laing doesn't appear. Having previously voted in favour of it but  
10 with the exception of one or two matters such as that in general, those who had  
11 voted in favour of the motion --

12

13 CHAIRMAN: Sorry, just wondering about Mr. McGrath.

14

15 MS. DILLON: In which context?

16

17 CHAIRMAN: Had he voted on the brief occasion?

18

19 MS. DILLON: On the vote on the 28th April, no. No. On page 349. No, he  
20 didn't. On page 349, Mr. McGrath's name does not appear. And if we revert  
21 then to the earlier page. Now, if we can go back to 584 please. I want to  
22 draw a number of things to your attention about the voting that happened and to  
23 do that, Mr. Dunlop, I want to go back to the two earlier votes that took place  
24 at this meeting.

25 A Mmm.

26 Q 555 And in dealing with map 8, the first vote on map 8 related to Station Road,  
27 it's at page 579. And this was a proposal again to delete an amendment to  
28 delete a rezoning that had been proposed in relation to Station Road.

29 A Yes.

30 Q 556 And again it was effectively a motion to bring it back to its previous zoning.

1 A Yes.

2 Q 557And again, similarly to the Mahony motion, those who were voting for the motion  
3 are voting to rezone it back.

4 A Yes.

5 Q 558And those who were voting against the motion are voting to keep it.

6 A Yes.

7 Q 559And if we have the vote on that at 1144 which is the first vote that took place  
8 on this day on map 8. An what I want to draw to your attention there is  
9 that -- 580. Is that Councillor Michael Joseph Cosgrave does not vote against  
10 the motion?

11 A That is correct, yes.

12 Q 560On the second vote that was taken, which is at page 1145, which is on a similar  
13 situation, in other words they are voting, those who are voting against the  
14 motion are voting to revert the zoning back?

15 A This one relates to which particular?

16 Q 561This one relates to Station Road.

17 A All right, sorry still on Station Road.

18 Q 562It's the second piece of land, again I want to draw to your attention there  
19 that Mr. Michael Joseph Cosgrave does not vote against the motion.

20 A Correct.

21 Q 563And again, if you just look at that and just satisfy yourself that Mr. Gilbride  
22 does not vote against that motion.

23 A Correct.

24 Q 564And if you go back to the earlier vote that took place in relation to the first  
25 piece of land which is change one on map 8 and the voting is page 580, you will  
26 see that Councillor Gilbride does not vote against that motion either.

27 A Correct.

28 Q 565Now, what happened on that day, Mr. Dunlop, was that the first four matters  
29 that came for consideration before the council before the vote was taken on Mr.  
30 Mahony's lands, the first two votes were lost an the matters were voted back to

1 their original zoning, back to agriculture. On both of those, neither  
2 Mr. Michael Joseph Cosgrave or Mr. Sean Gilbride voted, the second two changes  
3 that were proposed on map 8, the manager approved of the changes and they were  
4 confirmed by the meeting without a vote.

5 A Yes.

6 Q 566And that is recorded on, if you wish to see it, 1146 and 1147.

7 So on 1147, one sees the change 2 B on map 8 where the manager recommends the  
8 proposed change be confirmed, it is confirmed without a vote

9 A Yes.

10 Q 567The next matter that happens, which is immediately beneath that Strandmill  
11 Avenue, the manager again recommends that the amendment be confirmed. Then the  
12 next matter in a comes to consideration is Mr. Mahony's lands and if we look at  
13 the vote in relation to Mr. O'Mahony's lands, this was those voting against the  
14 motion to retain the zonings which is at 585, we see that voting against the  
15 motion is Mr. Michael Joseph Cosgrave and also Mr. Sean Gilbride.

16 A Yes.

17 Q 568So what appears to have happened in the sequence on that day is that the first  
18 two motions were lost, neither Mr. Cosgrave nor Mr. Gilbride voted on those two  
19 motions in relation to retaining the zoning of those lands.

20 A Yes.

21 Q 569The second two changes were confirmed by the manager and then by the meeting  
22 and the first vote that was won on that day was Mr. Mahony's lands?

23 A Yes.

24 Q 570In which his lands were confirmed and both Mr. Gilbride and were Michael Joseph  
25 Cosgrave who do not appear to have voted against the matter in favour of the  
26 other zonings are present and voting for Mr. Mahony's lands?

27 A Yes, correct.

28 Q 571Now, would it have been your job to ensure that they were there and to ensure  
29 that the numbers added up?

30 A Yes.



1 Q 572The first vote that took place, Mr. Dunlop, on that date in relation to the  
2 first matter that happened on map 8 was lost by the chairman, Mr. Pat  
3 Rabbitte's casting vote. That's change 1 on page 579. You will see that the  
4 Chairman declared the motion passed but immediately prior to that it says the  
5 councillor, Mr. Rabbitt, gave his casting vote in favour of the motion, 21 for  
6 and 21 against. So 21 for the motion is reverting it back.

7 A Yes.

8 Q 573So Mr. Rabbitte placed his casting vote and that motion is lost, the second  
9 motion is also lost, 26 for the motion, in other words reverted back, no  
10 rezoning and the third and fourth changes on that date, the manager approved it  
11 and they were confirmed without a vote, was it your job then to ensure that  
12 persons such as Michael Joseph Cosgrave who didn't vote earlier and Sean  
13 Gilbride, albeit recorded as present for the voting were present for the vote  
14 on these lands?

15 A My sole interest was these lands and therefore in answer to your question, yes.

16 Q 574It was your job to ensure the numbers added up and did you do that on the 29th  
17 September 1993 for Mr. Mahony in connection with these lands?

18 A In part, I have already said to you I don't believe I was present for all of  
19 the meeting on the 29th but given the entries in my diary not shown in the  
20 extracts but shown that you have shown on the screen, the necessity of ensuring  
21 that people were present wouldn't apply solely on the day, you would arrange  
22 that with people in advance but if I had been present and had seen what you  
23 have outlined as occurring, it wouldn't have caused me any undue concern  
24 because I would have been, I would know that the people concerned were going to  
25 particularly vote for that one.

26 Q 575Would you have ensured or satisfied yourself in your own mind on the 29th or  
27 prior to the 29th September 1993 that you had your numbers in place to ensure  
28 that Mr. Mahony's lands were confirmed?

29 A Yes, that the numbers were in place but that we knew that because the general  
30 spectrum of those against including the Labour Party, the Democratic Left and

1 the Greens with the odd Fine Gael thrown in, that the opposition to it would be  
2 significant and this is a matter that would have been discussed with various  
3 people, councillors, subsequent to the submission of the motions and prior to  
4 the vote.

5 Q 576The managers, the minutes of the meetings record that 2,530 effectively  
6 objections to this proposed rezonings were received by the council?

7 A Yes, that's correct.

8 Q 577And this is, as I understand it, a significant number of objections to a  
9 particular rezoning and in fact if one looks back through the minutes, only  
10 that meeting one sees that certainly in relation to the first two motions which  
11 were unsuccessful in terms of rezoning, the objections the number of objections  
12 was much smaller?

13 A One was 11 I think.

14 Q 578Yes, if you look back on change 4 which they say had 2,430 but in relation to  
15 change 1 on page 579, there were 11 representations objecting to the proposed  
16 change?

17 A Yes.

18 Q 579And in relation to the second one on Station Road, the number is five  
19 representations objecting to the change?

20 A Yes.

21 Q 580And then one comes to Mr. Mahony's lands and the number is bigger because it's  
22 2,530 representations objecting to the change?

23 A Yes.

24 Q 581Right. So what appears to have happened on the day, if the record of the  
25 minutes of the meeting is accurate, is that the insofar as map 8 was concerned,  
26 the first two motions to rezone by way of confirming motion were unsuccessful?

27 A Correct.

28 Q 582Notwithstanding that the total number of objections in relation to those was  
29 less than 20.

30 A Yes.

1 Q 583The second two matters that came before the council on that day were matters  
2 that were approved by the manager and were passed without a vote?

3 A Yes.

4 Q 584On map 8 and therefore the first successful motion that was dealt with on that  
5 date was one where there were 2,530 objections to the proposed rezoning and it  
6 was passed by the council?

7 A Yes.

8 Q 585It also appears to be the position that a very much that persons who voted in  
9 favour of the matter on the 28th April 1993 when the first motion came up held  
10 their position?

11 A Yes.

12 Q 586In relation to the second of the confirming meeting?

13 A Yes.

14 Q 587The effect of that, Mr. Dunlop, was then that Mr. Mahony's lands were, at page  
15 585, confirmed in their rezoning?

16 A Correct.

17 Q 588Now, Mr. Mahony's lands were confirmed in their rezoning in accordance with the  
18 original motion that had been dealt with by the council in April 1993?

19 A Yes.

20 Q 589That was low density residential.

21 A Yes.

22 Q 590Isn't that correct?

23 A Correct.

24 Q 591But the significant thing that had happened to Mr. Mahony's lands was that they  
25 now had residential zoning?

26 A Correct. I am moving on to something else and I was wondering, at this stage  
27 the stenographer seems a little weary --

28

29 CHAIRMAN: Yes, for about five minutes.

30

1 MS. DILLON: Thank you.

2

3 THE TRIBUNAL THEN ADJOURNED FOR A SHORT BREAK

4 AND RESUMED AS FOLLOWS:

5

6

7 Q 592MS. DILLON: Just to finish on that rezoning matter, Mr. Dunlop, we had noted  
8 at page 583 that there were 2,530 representations objecting to that change  
9 which is the change to Mr. Mahony's lands.

10 A Yes.

11 Q 593And in the review of the draft plan at the final meeting on the 10th December,  
12 page 648, the Dublin County Council administration noted that the total number  
13 of representations received during the second public display was 24,500 which  
14 would mean that approximately 10 percent or thereabouts of the total  
15 representations received in connection with the second review of the Draft  
16 Development Plan were in connection with Mr. Mahony's lands?

17 A Yes.

18 Q 594So that would mean even looking at the other two matters that had been dealt  
19 with which had less than 20 objections in relation to it, this was a very  
20 significant number of objections.

21 A Yes.

22 Q 595All right. Now you had referred earlier object, Mr. Dunlop, to a meeting with  
23 Mr. Gilbride in Jurys and that I think is at page 218 on the 14th October 1992  
24 and I think you were at a meeting with Mr. Colm McGrath who was also a  
25 councillor and Mr. Gilbride?

26 A Yes.

27 Q 596Was that the meeting you were referring to earlier?

28 A Yes, it was.

29 Q 597Can you tell the Tribunal what that matter was in connection with?

30 A There was another personal present other than myself, there was a fourth

1 individual concerned and it related to another matter.

2 Q 598 Another rezoning matter?

3 A Yes indeed.

4 Q 599 But certainly it suggests that showed ongoing contact with Mr. Gilbride in the  
5 course of 1992?

6 A Oh very much so.

7 Q 600 And that's a 1992 meeting. If I can move on now, Mr. Dunlop, to deal with  
8 events after the successful rezoning in September 1993. As I understand it,  
9 Mr. Dunlop, there is no issue between yourself and Mr. Mahony that there had  
10 been no arrangement or agreement about a success fee for you in the event that  
11 matters were to prove successful prior to September 1992?

12 A There was no such arrangement.

13 Q 601 At some date you came to an arrangement with Mr. Mahony about a success fee?

14 A Yes.

15 Q 602 Can you outline to the Tribunal what you recollect in relation to your  
16 arrangements about the success fee?

17 A I met Mr. Mahony by arrangement, by mutual agreement in the Berkley Court Hotel  
18 in February of 1993, early February 1993 at which I raised the issue with him in  
19 relation to a success fee --

20

21 JUDGE FAHERTY: Mr. Dunlop, when you say 1993, do you mean 1994?

22 A I do beg your pardon, Judge, 1994, I am sorry, I apologise. 1994. And I raised  
23 the issue with him. It is my belief that prior to the meeting, the actual  
24 meeting on in early February 1994, that I indicated to Mr. Mahony by telephone  
25 the reason why I was requesting the meeting or why we should meet. We met in  
26 the immediate area of the lobby of the Berkley Court Hotel. I raised the issue  
27 of a success fee. I asked for 5,000 pounds and we agreed 2. The meeting was  
28 of a nature that Mr. Mahony initially did not agree that a success fee was due.  
29 I pointed out to him what had happened, the amount of work that had been done,  
30 the fact that various motions including the fact that a motion involving the

1 removal of Mr. Fox, the motion on the 28th, the rezoning motions on behalf of  
2 other councillors and the support that he got in relation to the meeting in  
3 September. Mr. Mahony said that, you know, he believed that his family had  
4 done a lot of the work which, if I may suggest, refers back to what I said to  
5 you in relation to Mr. John Mahony. I knew Mr. Mahony himself had involved  
6 himself at a very, very active level in relation to the original motion of the  
7 28th April 1993. As matters progressed in the meeting, Mr. Mahony became a  
8 little aggressive and asked me was I telling him that all of the 10,000 pounds  
9 was used up and I told him yes, my answer to that was yes, and we agreed that  
10 he would pay me 2,000 pounds and we made an arrangement for me to go to his  
11 offices in Kilbarrack a short time afterwards, I believe it was the following  
12 week, which I did relatively early in the morning, around 9 or 9.30 in the  
13 morning and sorry I am not, I know I am correct, I went to his offices in  
14 Kilbarrack and a lady met me and told me to wait a moment while Mr. Mahony came  
15 out from his office which he did and he handed me an envelope and if it was  
16 2,000 cash and he said goodbye. The transaction took place in the course of  
17 seconds.

18 Q 603 When you said to Mr. Mahony that all of the 10,000 pounds had been used up, did  
19 you mean to suggest by that that you had disbursed that amount of money?

20 A Well Mr. Mahony asked me the question was all of the money used up and I said  
21 yes, it was.

22 Q 604 Yes. But if you were talking about disbursements from Mr. Mahony's 10,000 pounds,  
23 6,000 pounds I think you had spent between Mr. Larkin, Mr. Gallagher,  
24 Mr. Gilbride and Mr. Wright?

25 A And my own fee.

26 Q 605 Which was the balance, is that what you are suggesting?

27 A Yes.

28 Q 606 Why didn't you approach Mr. Mahony immediately after the confirmation meeting  
29 in September of 1993?

30 A I don't know the answer to that question, I have no answer to that on that

1 matter. No, I can't give you an answer to that question.

2 Q 607 It would appear to have been the logical time to approach somebody for a  
3 success fee, particularly where one had not been agreed in advance?

4 A Yes, you recall I have said to you I believe in the establishment -- in the  
5 lead up to the actual meeting that I had telephone conversations with Mr.  
6 Mahony, that's I believe, was in the immediate lead up to the actual meeting  
7 itself so that would have been in early 1994, sometime in January.

8 Q 608 You say that you spoke to Mr. Mahony prior to the meeting which according to  
9 your diaries took place on the 3rd February, the first meeting, in 1994, you  
10 spoke with Mr. Mahony in January of 1994?

11 A What I'm saying to you, Miss Dillon, is that to establish the meeting, I spoke  
12 to Mr. Mahony.

13 Q 609 You rang him?

14 A I rang him.

15 Q 610 And you told him you were looking for a success fee?

16 A Yes, I believe I did.

17 Q 611 And you arranged to meet?

18 A Yes, we did.

19 Q 612 And you met in the Berkley Court Hotel on the 3rd February, page 666.

20 A Of the 3rd February in my diary for 11.30. It looks like a three and could  
21 well be interpreted as five so 11.30 or 11.50.

22 Q 613 In Mr. Mahony's diary, which is 665, for the same date, there is an entry  
23 sorry, 665, there is an entry for F Dunlop at 11 or at 11 a.m. followed by  
24 lunch with Mr. Noel Fox at 12.45.

25 A Yes.

26 Q 614 So that suggests, Mr. Dunlop, that an arrangement had been paid that the pair  
27 of you would meet, you say that meeting took place in the Berkley Court Hotel  
28 and you sought a success fee from Mr. Mahony?

29 A Correct.

30 Q 615 There was a somewhat acrimonious conversation between yourself and Mr. Mahony?

1 A Acrimonious I suppose, I'm just trying to think of a comparable word, what I  
2 said was Mr. Mahony got a bit aggressive.

3 Q 616Yes, you wanted 5,000 pounds, he agreed to pay you 2,000 pounds?

4 A Correct.

5 Q 617Why, why did he agree to pay you?

6 A Well I think he agreed to pay me on the basis of the outline I gave him, what  
7 happened been done, the success he had, the fact that his land was zoned and it  
8 was due to my efforts.

9 Q 618Can I ask you, Mr. Dunlop, about another matter that may be related to this,  
10 you raised an invoice, document 634, on the 1st December 1993 to Mr. Dennis  
11 Mahony.

12 A Yes.

13 Q 619That's an invoice for 5,000 pounds plus VAT, that's the first time we have had  
14 VAT mentioned at all in the course of this transaction because your original  
15 agreement was for 10,000 pounds in cash which you were paid.

16 A Correct.

17 Q 620Now, on the 1st December 1993, you created this invoice or this invoice was  
18 made and its distributed to Mr. Dennis Mahony?

19 A That's correct.

20 Q 621You also have an entry in your diary for Dennis Mahony to ring on the 20th  
21 December, 664?

22 A Yes.

23 Q 622And can you, is it likely that that entry in your diary in December 1993  
24 relates to the invoice that had been created the same month?

25 A It is likely, yes.

26 Q 623You set off that invoice in your books by way of a credit note dated the 3rd  
27 February 1994?

28 A Yes.

29 Q 624Document 635. You will see there there's a reference to a sales invoice, in  
30 the sum of 6,050 pounds which is 5,000 pounds plus VAT.



1 A Correct.

2 Q 625The reference number on that is 953 and that is the reference number in  
3 relation to the invoice dated the 1st December 1993 which we saw at page 634.

4 A Yes.

5 Q 626You are then placing a credit note your debtors ledger on the 3rd February 1994  
6 against that invoice.

7 A Yes.

8 Q 627Now in fact you had not been paid 6,050 pounds, is that the situation?

9 A That's correct.

10 Q 628And am I correct in understanding that after your meeting or because of your  
11 meeting on the 3rd February 1994 with Mr. Mahony, in order to keep your books  
12 correct, you put a credit note against the original invoice?

13 A Yes.

14 Q 629But in fact there was no invoice or was the invoice ever given to Mr. Mahony?

15 A I do not recollect ever sending that invoice to Mr. Mahony.

16 Q 630Why did you create it, Mr. Dunlop?

17 A I think because if you look at the date, Miss Dillon, in relation to the  
18 drawing of the invoice, it was obviously from early December 1993, it was my --  
19 in my mind, my intention to ask Mr. Mahony for a success fee and draw down an  
20 invoice accordingly for 5,000 pounds plus VAT notwithstanding the fact that we  
21 had never any any transactions with Mr. Mahony or his company or Mr. Fox in  
22 relation to any invoices or payments including VAT so it was my, it was  
23 obviously in my mind to seek 5,000 pounds and to draw down this invoice which  
24 was never sent and to subsequently talk to Mr. Mahony about a success fee which  
25 I have already said to you I did by telephone.

26 Q 631Yes. And if we look at the entry, Mr. Dunlop, at page 664 for the 20th  
27 December 1993, you will see the entry is "Dennis Mahony: To ring".

28 A 20th of -- sorry?

29 Q 632December 1993.

30 A Sorry, Miss Dillon --

1 Q 633Take your time.

2 A I want to cross reference here. Yes, correct. The reason I am cross  
3 referencing that because it looks from what you have on screen that Dennis  
4 Mahony ring me at 11 o'clock or that he was to ring me at 11 o'clock.

5 Q 634That's the point I wish to make to you, Mr. Dunlop, I think that's record on  
6 the screen is Dennis Mahony to ring, possibly at 11 o'clock. That would  
7 suggest that you had been in touch prior to the 20th December with Mr. Mahony  
8 and he was getting back in touch with you?

9 A Yes, I accept that. I accept what you are saying. The only point I would make  
10 is my, what I have in front of me here is also a photocopy but it appears to me  
11 from my photocopy that the matter relating to 11 o'clock goes above an entry  
12 above Dennis Mahony, it looks to me like something, another name or 8 o'clock  
13 or something like that.

14 Q 635The time is irrelevant, Mr. Dunlop, what we want to consider is isn't it likely  
15 that because the entry records Dennis Mahony to ring, that you had prior to the  
16 20th December made contact with Mr. Mahony?

17 A Correct.

18 Q 636That the subject matter of your contact with Mr. Mahony is likely to have  
19 related to the invoice you created on the 1st December for 5,000 pounds plus  
20 VAT?

21 A Correct.

22 Q 637So that it is not correct to say that your first contact with Mr. Mahony in  
23 connection with seeking a success fee or an invoice was January of 1994 --

24 A That is correct.

25 Q 638But what instigated the matter certainly by the 1st December when you create  
26 the invoice to Mr. Mahony for 5,000 pounds plus VAT, there was then telephone  
27 communication of some sort between yourself and Mr. Mahony leading up to  
28 Christmas 1993?

29 A Yes, that is highly likely.

30 Q 639And the subject matter of your telephone calls to Mr. Mahony or his

1 communication with you if there was any in December related to your desire to  
2 be paid a success fee?

3 A Correct.

4 Q 640 So that the initiation of this process occurred in December?

5 A Yes.

6 Q 641 With the invoice. Do you remember whether you spoke to Mr. Mahony in December  
7 1993 about this matter?

8 A I don't so remember, no.

9 Q 642 But it is likely that you must have phoned Mr. Mahony in order for you to put  
10 this entry into your diary?

11 A Correct.

12 Q 643 Is it the position then that the first face to face meeting between yourself  
13 and Mr. Mahony in relation to the success fee is the one that took place on the  
14 3rd February in the Berkley Court Hotel?

15 A Correct.

16 Q 644 And at that meeting, you sought 5,000 pounds Mr. Dunlop, success fee, is that  
17 correct?

18 A Correct.

19 Q 645 You agreed a sum of 2,000 pounds with Mr. Mahony?

20 A Yes.

21 Q 646 On the same date, you, according to your internal debtors ledger account at  
22 page 668 on the 3rd February, you put a credit note against the original  
23 invoice you created?

24 A Yes, I did.

25 Q 647 You then meet on the 8th February 1994 with Mr. Mahony and you have an entry in  
26 your diary, 9.30 Dennis Mahony, "collect message" at 671.

27 A Yes.

28 Q 648 You will see in a moment. Now reference there, Mr. Dunlop, to collect message,  
29 Dennis Mahony, 9.30, is that a reference to collecting the success fee that you  
30 had arranged with Mr. Mahony on the 3rd February 1994?

1 A Yes, it is.

2 Q 649And Mr. Mahony's diary, just to conclude the matter, records at page 670, on  
3 the 8th February 1994, "9.30, Dunlop" and then later on that same date,  
4 "Meeting with Mr. Fox"?

5 A Yes.

6 Q 650But at 9.30 there appears to be a line through it or beneath it, Dunlop on the  
7 8th February at 9.30.

8 A Yes.

9 Q 651That the occasion you travelled out to Kilbarrack and collected the 2,000  
10 pounds in cash?

11 A That's when Dunlop turned out, yes.

12 Q 652Now, Mr. Mahony confirmed to the Tribunal that he had a meeting with you on the  
13 3rd February 1994, page 84 please, that he agreed to make a further payment to  
14 you and that he believes the sum to have been 2,000 pounds?

15 A Yes.

16 Q 653And at page 79 he says at paragraph 23 of his first statement to the Tribunal,  
17 "I do not believe that I had any further contact with Mr. Dunlop during the  
18 autumn and early winter of 1993. My diary shows I had a meeting with him on  
19 February 3rd 1994 at which his request for an additional fee was discussed. I  
20 agreed to pay him a further sum which I believe to be 2,000 pounds in final  
21 settlement of his fees. I subsequently paid him this sum as requested in cash,  
22 I had no further contact with him."

23 Did you request to be paid in cash, Mr. Dunlop?

24 A I don't think the matter ever arose. I think it was mutually acknowledged that  
25 it would be paid in cash.

26 Q 654Mr. Mahony, I accept, will dispute your account of what happened at the meeting  
27 of the 3rd February at which he said to you has all the money been used up and  
28 you told him that it had and matters such as that but there is no dispute that  
29 there were two meetings and a fee of 2,000 pounds was agreed?

30 A Correct.

1 Q 655 Thank you in relation to that, Mr. Dunlop. If we could move on now to deal  
2 with a number of entries that were made. First of all, we go back to day 148  
3 and what I want to deal with now are the topic of contacts between yourself and  
4 certain councillors that you had outlined briefly to the Tribunal on day 148 at  
5 which you gave further information about on day 353 and which were then the  
6 subject matter of a narrative statement by you to the Tribunal. You know the  
7 people that you spoke to, Mr. Dunlop, when you were giving evidence, those  
8 councillors with whom you agreed that monies you paid to them would be  
9 described as political donations and matters such as that sort.

10

11 Now, I think you originally told, page 886 please, you originally told the  
12 Tribunal that Mr. Sean Gilbride attempted to contact you.

13 A Yes.

14 Q 656 And on day 148, you furnished in writing, it was one of the lists that remained  
15 on that day, the name of Mr. Gilbride as a person who had attempted to contact  
16 you?

17 A Yes.

18 Q 657 And that he made contact with your wife but she refused to allow the call to be  
19 put through?

20 A He called the house and she said I wasn't available.

21 Q 658 So you did not on that occasion speak to Mr. Gilbride?

22 A No, I did not.

23 Q 659 And that communication between yourself and Mr. Gilbride took place prior to  
24 day 148 which I think was the 8th May and after you had first given evidence,  
25 that was the 11th April.

26 A Yes, that is correct.

27 Q 660 The second thing that you put on to a list, Mr. Dunlop, on day 148, was you  
28 recounted to the Tribunal certain matters that have been said to you?

29 A Yes.

30 Q 661 And in fact what -- sorry, if I just be clear about this, what you told the

1 Tribunal was that certain phrases had been reported to you as having been said  
2 by certain individuals?

3 A Yes.

4 Q 662 You were asked to put those on a list, one of them relates to Mr. GV Wright and  
5 you, 889 please, put on a list the comment that had been reported to you by as  
6 having been said by GV Wright and that was after you had initially given  
7 evidence to the Tribunal between, I think, the third and fourth day.

8 A Yes.

9 Q 663 So what you entered on to the list was the name of Mr. GV Wright and what you  
10 were saying there was that it had been reported to you by somebody else that  
11 Mr. Wright had said "Frank is [blank] me" and that's what you put on the  
12 document. Now am I correct in understanding that Mr. Wright did not say this  
13 to you himself?

14 A Oh no, he did not.

15 Q 664 Really what we are looking at here is hearsay, if somebody has told you what  
16 they say that Mr. Wright has said about you?

17 A Alleged to have said about me.

18 Q 665 But of your own knowledge you do not know, unlike Mr. Gilbride speaking with  
19 your wife, you do not know whether Mr. Wright ever said what he is reported to  
20 you as said?

21 A Correct.

22 Q 666 If we move on to deal with the list on page 353 and on day 353 you were asked  
23 to provide a list, initially the list of politicians with whom you had various  
24 discussions about the Tribunal subsequent to its establishment. The list is  
25 891 and 892 and you identified four councillors that are relevant to the  
26 present inquiry, Mr. Sean Gilbride, Michael Joseph Cosgrave, Mr. Liam Creaven  
27 is in fact item number 8 on that list, it should appear there but in the  
28 photocopying was removed, we circulated an additional page at 986 which  
29 includes the name of Mr. Creaven.

30 And you also included on page 2 Mr. GV Wright, isn't that right?

1 A Yes, correct.

2 Q 667 They were persons whom you described to the Tribunal in preparing that list  
3 that you had had certain discussions with them about the Tribunal business?

4 A Yes.

5 Q 668 You have outlined those in a statement to the Tribunal but first of all, can  
6 you outline to the Tribunal what discussions or conversations you had with  
7 Mr. Sean Gilbride about the Tribunal after it was established?

8 A The discussions with him were in the context of the establishment of the  
9 Tribunal in the first instance, which was a cause of some annoyance to him and  
10 he wasn't unique in that, in fairness to him, and to the best of my belief, the  
11 conversation related to matters vis-a-vis the remit of the Tribunal at the time  
12 which related to payments to politicians and included a specific politician  
13 with whom Mr. Gilbride was friendly.

14 Q 669 That's Mr. Ray Burke?

15 A Yes, correct.

16 Q 670 And you had further discussions I think about Mr. Tom Gilmartin?

17 A Yes.

18 Q 671 You say in your statement at page 38 that "Mr. Gilbride believed that  
19 Mr. Gilmartin would scatter allegations in all directions and implicate a great  
20 many people. His general demeanour was one of worry. He was however convinced  
21 that nobody would take Tom Gilmartin seriously and the events surrounding the  
22 zoning of Quarryvale would stand up to scrutiny because everybody involved  
23 would sing from the same hymn sheet. From his point of view, Quarryvale was a  
24 good thing and any events leading up to the successful zoning was justified by  
25 the end result."

26

27 Did you have conversations with Mr. Gilbride in which it was your understanding  
28 and his understanding that everybody was going to say the same thing to the  
29 Tribunal?

30 A Yes.

1 Q 672And was it your understanding and did you discuss with Mr. Gilbride that  
2 everybody would agree or that at least insofar as the two of you were  
3 concerned, you would agree any payments you had made to Mr. Gilbride would be  
4 characterised as political donations?

5 A Yes.

6 Q 673We come to deal with that in any event, with one of the other lists you  
7 prepared. You also speak with Michael Joseph Cosgrave and Mr. Liam Creaven  
8 about this Tribunal after it had been established, Mr. Creaven you say was not  
9 concerned about this Tribunal because you had never given him any money?

10 A Yes.

11 Q 674So far as Michael Joe Cosgrave was concerned, he had no difficulties because he  
12 had only received one donation from you for the 1993 election?

13 A At that time, yes.

14 Q 675This is after the Tribunal was established. He subsequently received, in fact  
15 the donation was in 1977?

16 A That's right.

17 Q 676Second donation and both of those donations were by cheque?

18 A Yes.

19 Q 677And the second donation was accompanied by your letter where you say "herewith  
20 small unsolicited donation" and the only other information was the donation for  
21 1,000 pounds which was drawn on Frank Dunlop & Associates and which was paid  
22 by cheque to Mr. Cosgrave.

23 A In January of 1993.

24 Q 678In the course of Senate campaign at that time?

25 A Correct.

26 Q 679Right. So neither Mr. Cosgrave or Mr. Craven expressed himself to be concerned  
27 about the Tribunal?

28 A Correct.

29 Q 680And that was the position in your discussions with Mr. Creaven and  
30 Mr. Cosgrave?



1 A Yes, it was.

2 Q 681The second list that you prepared of the public hearings that we have to deal  
3 with because you have dealt with people who will be giving evidence in this  
4 module of the Tribunal, Mr. Dunlop, was also prepared on day 353 and is the  
5 subject matter of a separate narrative statement entitled list number 4 and  
6 this list is the list of those, sorry page 894, this is redacted version of the  
7 original document you handed in to the Tribunal and list number 4 is the list  
8 of those with whom you agree that payments to them would be categorised as  
9 legitimate political donations.

10 A Yes.

11 Q 682Included on that list are two witnesses who will be giving evidence in this  
12 module, Mr. Sean Gilbride and Mr. GV Wright?

13 A Yes.

14 Q 683You then were requested to provide a narrative statement to the Tribunal in  
15 relation to this list and in relation to this matter and at that time page 41  
16 you say that this is a list of people with whom you mutually agreed payments  
17 would be categorised as legitimate political donations. That was the purpose  
18 of preparing the list, Mr. Dunlop?

19 A Yes.

20 Q 684Right. So do I understand then that by that is what you were setting out in  
21 the original list that you provided to the Tribunal on day 353 and what you  
22 were then proceeding to give a narrative statements were those persons with  
23 whom you had sat down and discussed that payments you had made to them would  
24 now be characterised by you and by them as legitimate political donations?

25 A Correct.

26 Q 685But the implication of that would be was that they were otherwise than  
27 legitimate political donations?

28 A Correct.

29 Q 686That they were corrupt or improper payments?

30 A Correct.

1 Q 687 So if we could turn then to see what you said in connection to Sean Gilbride in  
2 relation to this matter and this is at page 42. You say, "Sean Gilbride  
3 attempted to contact me during my evidence to the Tribunal in April 2000."  
4 By that is a reference to the telephone contact Mr. Gilbride had with your wife  
5 where she did not permit him to speak to you.

6 A Correct.

7 Q 688 You had already identified on day 148 Mr. Gilbride as the person to tried to  
8 contact you at that stage while you were still giving evidence, page 886.

9 A Sorry?

10 Q 689 I am obviously not being clear. I will explain it to you.

11 A I beg your pardon, sorry, my fault.

12 Q 690 In your statement you are referring, I assume to the contact where Mr. Gilbride  
13 had attempted to make contact with you but your wife had not allowed him to  
14 speak with you?

15 A Yes, I apologise, quite right.

16 Q 691 Go back to page 42 then where you say "Sean Gilbride attempted to contact me  
17 during my evidence to the Tribunal in April of 2000", you are referring to that  
18 contact that took place where Mr. Gilbride spoke with your wife but did not in  
19 fact speak with you?

20 A Correct.

21 Q 692 You say "He and I spoke both prior and after the extension of the Terms of the  
22 Reference of the Tribunal. The contact prior to autumn 1998 related mainly to  
23 allegations made against Mr. Ray Burke. Sean Gilbride was and is to the best  
24 of my belief a friend of Mr. Burke's and he was dismissive of the allegations  
25 being made against Mr. Burke. After the extension of the Terms of Reference in  
26 the knowledge that Quarryvale would be a module at some future date, Sean  
27 Gilbride repeatedly expressed concern as to what Tom Gilmartin might say. In  
28 one conversation by telephone with Sean Gilbride, I recall him asking me to  
29 remind him how much I had given him at the time of the Quarryvale vote in May  
30 1991 and I told him. He said he hadn't remembered it to be as much as that but

1 that he must have "spread" it a bit. Notwithstanding the above we agree that  
2 anything declared by him as received would be categorised by both of us as  
3 political donations, I have not met or spoken to Sean Gilbride prior to my  
4 appearance at the Tribunal in April 2000." You say that you made payments to  
5 Mr. Gilbride in 1991 and 1992?

6 A Yes.

7 Q 693 Which we have already referred to in the earlier list, I think the figure we  
8 looked at was 12,000 pounds?

9 A Correct.

10 Q 694 In this statement, are you telling the Tribunal that you conspired with  
11 Mr. Gilbride to provide a false version of events to this Tribunal in evidence?

12 A Yes.

13 Q 695 Can you identify for the Tribunal the meeting or meetings at which you  
14 discussed this matter with Mr. Gilbride and which you both agreed that you  
15 would give, in effect, false evidence to this Tribunal?

16 A Well I had many meetings as we have said throughout 1991 to 1993 with  
17 Mr. Gilbride and after the conclusion of the Development Plan, there would be  
18 irregular contact with Sean Gilbride, there was no need for the contact because  
19 there was nothing in relation to the Development Plan, the Development Plan was  
20 over. But any contact that would have ensued with Sean Gilbride, either at my  
21 initiation or his, was solely related, other than the odd occasion when matters  
22 in relation to, ongoing matters in relation to Quarryvale arose would be in  
23 relation to the Tribunal.

24 Q 696 From that, do I take it that Mr. Gilbride had a concern about this Tribunal,  
25 particularly after the Terms of Reference were extended?

26 A Yes, correct.

27 Q 697 You have stated in your statement that you agreed with Mr. Gilbride that  
28 anything received by him would be categorised by both of us as political  
29 donations?

30 A Correct.

1 Q 698 Are you in effect here saying that you agreed with Mr. Gilbride to recategorise  
2 the monies he had been paid?

3 A Yes.

4 Q 699 Are you saying that the monies that you paid to Mr. Gilbride were monies  
5 improperly paid?

6 A Yes.

7 Q 700 And you are there agreeing with Mr. Gilbride that both of you will give false  
8 evidence to the Tribunal?

9 A Correct.

10 Q 701 About the payments that had been made to Mr. Gilbride?

11 A Correct.

12 Q 702 OK. I am going on to deal with another matter. I will be a very short space  
13 of time in the morning. I am concerned that I have about four documents that  
14 have not been circulated that I wish to put to Mr. Dunlop. I wonder would it  
15 be possible to conclude matters at this stage and finish the matter in the  
16 morning with Mr. Dunlop. I anticipate being no more than half an hour in total  
17 with Mr. Dunlop.

18

19 CHAIRMAN: That's fine.

20

21 MS. DILLON: If that's suitable Sir. I wonder would it be possible to ask the  
22 parties who are present to indicate whether they will be cross-examining  
23 Mr. Dunlop, how long they anticipate they will be because we'd like to  
24 reschedule witnesses for Friday.

25

26 MR. HOGAN: Gerard Hogan for Mr. Mahony. I anticipate, Sir, that I should be  
27 in or about two hours, maybe less, maybe a bit more.

28

29 CHAIRMAN: All right.

30

1 MR. MONTGOMERY: Giles Montgomery, Mr. Chairman, for Mr. Gallagher, deceased.  
2 I imagine that I will not be any more than 10 or 15 minutes.

3  
4 MR. KENNEDY: Martin Kennedy, Chairman, for Mr. Wright. I intend to  
5 cross-examine Mr. Dunlop and I would say perhaps a half a day, two hours to a  
6 half a day, morning or afternoon session, depending on the day.

7  
8  
9  
10 MR. O'KEEFFE: Hugh O' Keefe for John Mahony, I expect to be about half an  
11 hour.

12  
13 CHAIRMAN: Yes. Mr. Dunlop's counsel may wish to --

14  
15 MR. REDMOND: Currently, Chairman, I would like to reserve the right of  
16 re-examination. Much may transpire in relation to the cross-examination but in  
17 either event I don't anticipate being more than half an hour or 45 minutes.

18  
19 CHAIRMAN: It seems possibly tomorrow we'll see Mr. Dunlop out of the  
20 witness-box.

21  
22 MS. DILLON: If we were to sit, if it was possible perhaps at 10.00 a.m. in  
23 the morning, I would certainly be finished at half ten and on the line of what  
24 has been outlined, to ensure Mr. Dunlop was concluded by tomorrow, it would  
25 leave us free to reschedule other witness for Friday.

26  
27 CHAIRMAN: All right. That's fine. We will sit at 10 tomorrow if that suits  
28 you.

29  
30 MS. DILLON: I am obliged. Thank you, Sir.

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THE TRIBUNAL THEN ADJOURNED UNTIL THE FOLLOWING DAY,  
THURSDAY, 23RD OCTOBER 2003 AT 10.00 A.M.

