

THE TRIBUNAL RESUMED AS FOLLOWS ON THURSDAY

16TH FEBRUARY 2004 AT 10.15 AM:

CHAIRMAN: Now, good morning.

MR. QUINN: Sorry, Chairman, for the delay but we had some technical difficulties which have now be resolved.

Before I call the first witness, you will recall that yesterday evening I had been dealing with a correspondence received by the Tribunal on behalf of the estate of the late Mr. Jack Larkin (deceased) and for completeness I should bring the Tribunal's attention to a letter which had been received by the Tribunal but which I didn't have to hand, it was only received yesterday evening.

If I could have 3380 please, its a letter on behalf of the estate, addressed to Mr. King solicitor to the Tribunal in the following terms, it says:

"Our client has been following the transcript of evidence of the current module. Our client would like to draw your attention to the fact that her late brother had a bypass operation in September 1992 and as a result he was not attending the council meetings. He only returned to the Council meetings in January 1993.

In the light of this present information it appears impossible that the allegation that Mr. Dunlop had made that he paid the late Jack Larkin 1,000 pounds in October 1992 can stand up. At that particular time the late Jack Larkin was either in hospital or nursing home recuperating after the operation.

You might please bring this fact to the attention of the Tribunal".

11:27:22 1
2 And if I could just very briefly refer to the meetings from July '92 to
3 December '92, if I could have 3382 please?
4

11:27:33 5 It can be seen there that Mr. Larkin did attend that meeting on the 13th July
6 '92, 3383 which is the next meeting, which is the 14th September 1992 and there
7 is no note of Mr. Larkin's attendance. Neither is there at the meeting of the
8 29th September 1992, 3384, similarly for the 30th September 3385. The next
9 meeting was the first of October 1992, 3386, the 12th October 1992, 3387.
11:28:08 10 The 16th October 1992, 3388. The 28th of October 1992, 3389, that's the
11 meeting at which the Ballycullen motion was dealt with.
12

13 3390, 3391 which is the 30th October '92. 3392 which is the 6th November 1992.
14 3393 the 9th November 1992, 3394 which is the 12th November 1992. 3395 which
11:28:42 15 is the meeting on the 30th November 1992. 3396 the 2nd of December 1992. 3397
16 the 4th of December '92. 3398, 14th December 1992. 3399 which is the 17th of
17 December 1992. 3400 the 18th December 1992 and 3401 which is the 11th of
18 January 1993 and it can be seen that Mr. Larkin was in attendance on that date.
19

11:29:15 20 CHAIRMAN: All right. Well just in relation to Mr. Larkin's position, we may,
21 the Tribunal may seek further information from Mr. Larkin's family as to his
22 medical condition during this period of time, so we may return to that issue.
23

24 MR. QUINN: At a later date.

11:29:31 25
26 It had been intended that Mr. Dunlop would, his cross-examination by Mr. Gordon
27 on behalf of Mr. Fox would have taken place this morning, however in view of
28 what's now happened it has been agreed that that cross-examination would be
29 postponed until 4 o'clock, it is anticipated that Mr. Dunlop will be cross
11:29:57 30 examined by Mr. McGrath at 3.45.

11:30:01 1

2 Now Ms. Muldoon please.

3

4 **MS. MARY MULDOON, HAVING BEEN SWORN, WAS EXAMINED**

11:30:22 5

AS FOLLOWS BY MR. QUINN:

6

7 CHAIRMAN: Good morning Ms. Muldoon.

8 A. Morning Chairman.

9 Q. 1 Good morning Ms. Muldoon thank you very much for attending, I understand

11:30:43 10 Ms. Muldoon you now live in Mayo and have come up specially for this morning's
11 hearing, isn't that correct?

12 A. That is correct.

13 Q. 2 I'm sorry for the delay in taking your evidence. Ms. Muldoon, I think you were

14 initially in touch with the Tribunal in March 1998, that's the 25th March 1998

11:31:03 15 and you supplied a questionnaire which had been submitted to you and other

16 councillors in relation to matters the subject of the Tribunal at that time,

17 isn't that right?

18 A. Yes that is true.

19 Q. 3 And I think you in fact were a member of Dublin County Council from 1985 until

11:31:21 20 December 1993 and a member of South Dublin County Council from January 1994 up
21 to and including that period in 1998, isn't that right?

22 A. Yes.

23 Q. 4 I don't think you are any longer a member of South Dublin County Council?

24 A. No.

11:31:34 25 Q. 5 Yes. Now, you were written to then in the context of the current module and

26 you provided the statement and I would propose to do is read that statement to

27 you and then ask you one or two questions arising out of the statement if

28 that's agreeable to you?

29 A. Yes.

11:31:48 30 Q. 6 If I could have 2709 please?

11:31:53 1
2 This is a statement that you have supplied to the Tribunal dated the 19th of
3 January 2006. You say:

4
11:31:58 5 "The proposal to rezone Ballycullen Farms in the Firhouse local electoral area
6 was an issue of major importance for me in the early 1990s because the property
7 was located very close to my home in the new growing community of Knocklyon
8 within the Rathfarnham local election area which I represented on Dublin County
9 Council and later on South Dublin County Council.

11:32:18 10
11 I received many representations from local groups and individuals all of them
12 seeking my support to defeat any effort to rezone the area for residential
13 purposes. I considered that their representations were entirely valid and
14 exactly coincided with my open opinion because Knocklyon at that time, was
11:32:33 15 growing very quickly and the pressure on the existing inadequate infrastructure
16 was enormous. The M50 had been constructed only as far as Balrothery and with
17 the result the rat-running by commuting traffic through housing estate of
18 Knocklyon was very prevalent as was the use by rush hour traffic of narrow
19 country lanes like Old Court and Ballycullen Roads. In addition to this, we
11:32:53 20 had no second level school and our local primary school was the largest in
21 Ireland. Sporting and social facilities for our huge population of young
22 children were almost non-existent.

23
24 Equally, I was extremely concerned about endless extension of urban sprawl,
11:33:08 25 particularly as it moved toward the foothills of the Dublin mountains. My wish
26 would have been to secure a green belt between the existing new suburbs and the
27 unique natural amenity of Dublin mountains.

28
29 Accordingly I proposed and supported all motions which sought to maintain the
11:33:22 30 existing agricultural zoning of the Ballycullen and opposed any which sought to

11:33:28 1 bring about a residential rezoning of the area.
2 I will take the fourth points you have raised in your letter in the order which
3 they have arisen.
4

11:33:37 5 1. I received a visit from Mr. Christopher Jones accompanied by Mr. Derry
6 Hussey husband of the former Fine Gael education Minister Gemma Hussey, who was
7 then employed by Jones Group at my home on one occasion but this may have been
8 prior to the first of January 1990. They sought my support for the rezoning of
9 the Ballycullen by I told them I would not vote in favour for the reasons I
11:33:55 10 have outlined above. Mr. Frank Brooks, farm manager, Ballycullen Farms visited
11 me subsequently in advance of the making of the 1993 county development plan.
12 He asked me to support the rezoning proposals and I explain to him that I would
13 not do so for the same reasons.
14

11:34:15 15 2. I received neither payment nor benefit at any time from nor on behalf of
16 those listed at 1."
17

18 And just for completeness those listed at one is page 972, the Tribunal's
19 letter to you of 16th January 2006 you were asked for any contacts by or on
11:34:32 20 behalf of the Ballycullen farm, The Jones Group, Christopher Jones, Oliver
21 Brooks and Mr. John Brooks.
22

23 So if I just return to 2710. "As far as I can recall I received no other
24 representations on behalf of Ballycullen Farms and the Jones Group although I
11:34:50 25 may have received a written representation from Mr. Frank Brooks at about the
26 same time.
27

28 4. I had no contact with either Mr. Frank Dunlop or Mr. Liam Lawlor on this
29 matter at any time.
30

11:35:03

11:35:03 1 In January 1996 I wrote to Messrs Donnelly Neary Donnelly solicitors about a
2 discrepancy which arose at the time of the rezoning of Ballycullen Farms. I
3 understand that the Tribunal has already had the relevant details. It may not
4 be of sufficient consequence for your purposes but if you require further
11:35:22 5 clarification please do not hesitate to contact me by letter, e-mail or
6 telephone at the above numbers."
7

8 And then under the heading Beechill you say that "In this instance as far as I
9 can recall I had no contacts with any person in relation to this property. I
11:35:34 10 simply followed the advice of the planning manager and voted in favour of his
11 recommendations."
12

13 You signed that as your statement, is that your statement or is there any part
14 of that statement would you like to amend or correct at this stage?

11:35:44 15 A. Well that was my initial statement. I think afterwards in response to
16 Mr. Donal king's letter I formally set out points one, two, three and four for
17 Beechill.

18 Q. 7 That's correct?

19 A. I also received a query with regard to the discrepancy.

11:35:57 20 Q. 8 That's correct?

21 A. And I sent something.

22 Also I think here at the point where I say that I didn't meet, that I met
23 Mr. Hussey and Mr. Jones, probably before January 1990, on thinking about that
24 since then, I think it was after that

11:36:13 25 Q. 9 Okay?

26 A. It must have been sometime before 1993.

27 Q. 10 Okay. Well we will come to that perhaps in more detail in a moment, but just
28 for completeness I will put on screen 2733, your supplemental statement in
29 respect of Beechill and again you have more or less confirmed that had you had
11:36:29 30 received no contact its or representations in relation to that, isn't that

- 11:36:33 1 correct? And then you did provide a supplemental statement in relation to the
2 discrepancy in the map and in the plan as published, that is the 1993 published
3 plan?
- 4 A. Yes.
- 11:36:44 5 Q. 11 And your correspondence with Donnelly Neary Donnelly. Now, if I just go back
6 for a moment, as indicated in your statement these lands were not in your ward
7 but close to your ward, is that correct?
- 8 A. Yes. Very close to my ward. They were on the boundary of the Firhouse local
9 electoral area, I represented Rathfarnham.
- 11:37:05 10 Q. 12 It seems to be the position that in the 1993 Development Plan these lands were
11 zoned B agriculture?
- 12 A. Yes.
- 13 Q. 13 And I think then in January, sorry April 1990 there was a proposal that the
14 1990 draft plan would show some of the lands zoned for industrial purposes,
11:37:21 15 this appears to have been at the instigation of the planners themselves. Isn't
16 that right?
- 17 A. Yes. That's correct.
- 18 Q. 14 And then I think that you lodged a motion which was ultimately passed that the
19 lands would revert into B agricultural zoning in draft 1991 plan, isn't that
11:37:42 20 right?
- 21 A. Correct.
- 22 Q. 15 I don't believe there was any, that was a unanimous vote?
- 23 A. That's true and others also lodged similar motions.
- 24 Q. 16 That's correct, if we could have 124 please. I think your motion was signed by
11:37:54 25 Breda Cass and Alan Shatter, is that correct?
- 26 A. Yes, that's correct.
- 27 Q. 17 Now, can I just deal with that for a moment? I think it was a requirement at
28 that time of the council to get, if matters were to be debated that there had
29 to be a motion on the agenda, is that correct?
- 11:38:10 30 A. That is correct.

- 11:38:11 1 Q. 18 And Mr. Dunlop has given evidence in relation to this, that invariably there
2 were at least one, possibly two signatures required in respect of each motion
3 and that motions ought to be accompanied by a map, is that correct?
4 A. Yes.
- 11:38:24 5 Q. 19 Can I ask you the circumstances under which you came to sign this motion with
6 Ms. Cass and Mr. Shatter?
7 A. I believe that probably Breda Cass approached me and I looked at the motion and
8 signed it and I think subsequently Mr. Shatter may have signed it.
- 9 Q. 20 Yes. But Ms. Cass seems to have been the promoter of the motion, this
11:38:48 10 particular motion, is that correct?
11 A. That is true and that would be courtesy to her because she actually represented
12 the Firhouse local electoral area, I represented Rathfarnham.
- 13 Q. 21 Yes. In any event, the 1991 draft plan as published and as went on public
14 display between September and December 1991 showed these lands with an
11:39:12 15 agricultural zoning, isn't that right, a proposed agricultural zoning?
16 A. Yes.
- 17 Q. 22 Now, sometime in 1992 motions were entered which proposed at the zoning ought
18 to change, isn't that correct?
19 A. Yes.
- 11:39:28 20 Q. 23 Now I think you were written to early on in 1992 by Mr. Hussey, isn't that
21 right?
22 A. Yes, that's right.
- 23 Q. 24 Sorry just bear with me now. If we can have 1618 please?
24
11:39:48 25 This appears to be a letter from, a copy of a letter sent to you by Mr. Hussey
26 on the 25th of February 1992, I don't know if you recall receiving this letter
27 from Mr. Hussey?
28 A. Yes, I do recall now and I think that may have been the time, subsequent
29 immediately subsequent to that, that I met Mr. Jones and Mr. Hussey at my home.
- 11:40:10 30 Q. 25 Yes. Did you know in February 1992 that Mr. Dunlop had been retained to carry

11:40:17 1 out public relations work and lobbying work on behalf of the Jones Group in
2 relation to the lands?

3 A. I don't believe I did.

4 Q. 26 Yes. Mr. Jones -- Mr. Dunlop had provided a, an Action Plan in August of 1991
11:40:33 5 if we could have 1500 please? And in that Action Plan he had identified at
6 1503 you as one of the persons who ought -- and local representatives who ought
7 to be contacted, do you see that list?

8 A. Yes, I do.

9 Q. 27 Now, you received this letter from Mr. Hussey, you would have known Mr. Hussey
11:41:01 10 presumably?

11 A. Yes, I did. I knew his wife very well.

12 Q. 28 Yes. And when Mr. Hussey and Mr. Jones came to see you, did they come to see
13 you at your home?

14 A. They came to see me at my home. I brought them in, they spread out maps and
11:41:18 15 plans and proposals for me and we had a conversation that would have lasted ten
16 minutes, perhaps longer, I explained to them that ideologically and because of
17 the location of the lands that I didn't believe I could support them, but that
18 however I would keep an open mind, but that my feeling at that moment in time
19 was that I couldn't support the rezoning. And Mr. Hussey seemed very
20 disappointed that I wasn't in a position to assist further.

21 Q. 29 Can I just stop you there now, because there does appear to have been a second
22 meeting which occurred, which appears to have occurred in October 1992, if I --
23 I just want to see if you could be confusing the two meetings. It does appear
24 that you received correspondence from Mr. Hussey on the 20th October 1992, if
11:42:18 25 we could have 1857 please, sorry this is a copy of a letter you received from
26 Mr. Jones?

27 A. Yes.

28 Q. 30 In the course of that letter you says "I want to thank you very much for --
29 thank you for a most constructive meeting on Saturday". Now Saturday would
11:42:37 30 have been the 17th October '92. "And I greatly appreciate you giving some of

- 11:42:43 1 your very scarce time to meet with us." That presumably means he attended you
2 in the company of somebody else?
- 3 A. Mr. Hussey.
- 4 Q. 31 Do you think that's the meeting?
- 11:42:52 5 A. Yes that is the meeting.
- 6 Q. 32 Now, that meeting would have been, the vote in relation to Beechill would have
7 taken place on 16th October and the vote in relation to Ballycullen was due for
8 hearing on the 29th of October?
- 9 A. Yes, that's correct.
- 11:43:06 10 Q. 33 Yes. So you think that's the meeting that you are about to tell the Tribunal
11 about?
- 12 A. Yes, that is the only meeting.
- 13 Q. 34 Okay there was one meeting and you think it was at this time?
- 14 A. Yes. There may have been, I noticed in the brief we received that I may have
11:43:19 15 met Mr. Frank Dunlop very briefly in the Gresham Hotel in the days prior to the
16 zoning of Ballycullen, but otherwise the only time I met Mr. Chris Jones and
17 Mr. Derry Hussey was on that occasion.
- 18 Q. 35 If we can have 1840, this is an entry in Mr. Dunlop's diary to which you refer
19 and its an entry for 3.30 meeting on the 20th October 1992, on Tuesday the
11:43:46 20 20th, and Mr. Dunlop felt that he may have met you, not in connection with the
21 Jones Group although he may have availed of the opportunity to seek your
22 support in relation to the Jones lands?
- 23 A. I believe myself that it was in connection with the Jones Group and that he was
24 just meeting councillors in the environs of Dublin County Council at the time,
11:44:05 25 very brief meetings.
- 26 Q. 36 Okay yes. Well you would have perhaps met Mr. Jones then on the previous
27 Saturday?
- 28 A. That is correct.
- 29 Q. 37 In the company of Mr. Hussey?
- 11:44:14 30 A. Yes.

- 11:44:14 1 Q. 38 Can you recall what Mr. Dunlop said to you, I will return in a moment to your
2 meeting with Mr. Jones?
- 3 A. No, I can't -- I don't remember anything of what Mr. Dunlop said to me on that
4 occasion.
- 11:44:25 5 Q. 39 Was it usual to be lobbied on behalf of the developers by Mr. Dunlop during the
6 review of the Development Plan?
- 7 A. It probably was and particularly because this was one of special interest to me
8 and it was important if they could secure my support that they would do so.
- 9 Q. 40 Yes. Mr. Dunlop I understand was a frequent attender at meetings during the
11:44:47 10 review of the Development Plan in Dublin County Council?
- 11 A. Oh, yes, we saw him very frequently.
- 12 Q. 41 Yes. Now, if I could return then to the meeting which we have just referred
13 to, that is the meeting with Mr. Jones and Mr. Hussey, you say that they again
14 sought to enlist your support for their proposals, they had plans and maps?
- 11:45:06 15 A. They did.
- 16 Q. 42 And you gave them 15 minutes of your time?
- 17 A. Yes. And particularly Mr. Jones was very gracious, very gentlemanly and I
18 always will recall as they left, Mr. Hussey was a bit disappointed I think at
19 my reaction, but Mr. Jones turned around and said I would like to shake your
11:45:26 20 hand. And I kind of wondered why he was saying this, he said to me you know
21 its nice to meet an honest councillor and that really made me think a lot,
22 because I wasn't aware that I was a rare breed at the time.
- 23 Q. 43 Now, I think you yourself had lodged a motion on the 2nd of October 1992. If
24 we could have 1812 please. You had sought that the lands would be retained,
11:46:03 25 their agricultural zoning, isn't that correct?
- 26 A. Yes that's correct.
- 27 Q. 44 Did you seek any support for your motion, I notice there is no for example no
28 seconder on that?
- 29 A. Not when I was signing the motion. I believe my motion was a reaction to the
11:46:20 30 motion which had just been received in the names of councillors Hand and Lydon

11:46:27 1 and it was normal procedure that you could just sign the motion yourself, give
2 in the motion with the accompanying map and then because you knew that there
3 were people who had the same type of view as you, you were certain to have your
4 motion seconded at the actual meeting.

11:46:45 5 Q. 45 I think we can see the Lydon/Hand motion at page 152, its a motion dated the
6 28th September 1992. Would it be fair to say that by the 2nd of October 1992
7 you had circulated to you a copy of this motion?

8 A. That is true.

9 Q. 46 Presumably it was customary for the staff at the council to send out copy
11:47:08 10 motions once they were received, is that correct?

11 A. Yes, invariably they did so very quickly.

12 Q. 47 So sometime after the 28th September and before the 2nd October you were aware
13 that there was a Lydon/Hand motion which was proposing the changes as suggested
14 to you at the meeting on the 17th of October by, well 17th October hadn't come
11:47:32 15 yet, but --

16 A. Yes.

17 Q. 48 But you knew there was a Lydon/Hand motion on the way?

18 A. I did.

19 Q. 49 Did you discuss with Mr. Lydon or Mr. Hand why they Came to propose the
11:47:44 20 rezoning of these lands?

21 A. No.

22 Q. 50 Now the motion, both motions came for hearing I think before the council on the
23 29th October, isn't that correct?

24 A. Yes, that is true.

11:47:54 25 Q. 51 And we can see at page 161 please that there was a discussion at that meeting
26 in relation to the motions and you are listed as amongst those who contributed
27 to the discussions, isn't that right?

28 A. That is correct.

29 Q. 52 Do you recall the, what Mr. Hand or Mr. Lydon said in support of their motions
11:48:18 30 at that time?

- 11:48:18 1 A. No, not particularly. But I imagine it would have been that it was good, more
2 houses were needed for young people getting married and it created employment
3 and the economy would be boosted by it and it was very important and that the
4 farming was no longer viable at Ballycullen.
- 11:48:37 5 Q. 53 Yes. Now the others who seem to have contributed to the debate included
6 councillors Ormonde, Fitzgerald, Hannon, Gordon, Cass, Buckley, Shatter, isn't
7 that right?
- 8 A. That's right.
- 9 Q. 54 However I think your motion had the support of the manager because it was the
11:48:51 10 recommendation of the manager?
- 11 A. It was, yes.
- 12 Q. 55 That that proposal would be rejected, isn't that right?
- 13 A. Yes.
- 14 Q. 56 And there was a vote taken, isn't that correct?
- 11:48:59 15 A. That is right.
- 16 Q. 57 And I think the vote went in favour of the Lydon/Hand motion, 42 for and 14
17 against, isn't that right?
- 18 A. That is right.
- 19 Q. 58 Were you surprised at the outcome of that motion?
- 11:49:14 20 A. No.
- 21 Q. 59 Why not?
- 22 A. Because that was the sort of pattern which I had seen from the beginning of the
23 review of the Development Plan.
- 24 Q. 60 Could you tell the Tribunal what you mean by a pattern?
- 11:49:30 25 A. It seemed to me that there was a rezoning majority at that time in the council.
26 Mainly, most of Fianna Fail, maybe three quarters of Fine Gael, a couple of
27 Progressive Democrats and then those who voted against the motions were
28 generally Labour, Democratic Left, I can't remember whether they were
29 Democratic Left or Workers Party at the time.
- 11:50:00 30 Q. 61 I think they were workers party?

- 11:50:02 1 A. A couple of independent, myself and maybe two or three of my party colleagues.
- 2 Q. 62 However, it would appear that the Worker Party representatives at this vote
- 3 voted in favour of the Lydon/Hand motion?
- 4 A. Yes, that is true and I was absolutely amazed when that happened because I had
- 11:50:19 5 never known them to act in that fashion before.
- 6 Q. 63 Was there any explanation given by them at the meeting as to why they --
- 7 A. No and none was asked by me.
- 8 Q. 64 Yes. Now I think the map went on display and the matter came for further
- 9 review before the council at a meeting on the 28th October 1993, isn't that
- 11:50:47 10 right?
- 11 A. Yes.
- 12 Q. 65 And I think that there had been a number of changes and if we could have page
- 13 170 please? This time round the only motion for discussion was your motion to
- 14 have the map returned to the 1983 status, namely agriculture, isn't that right?
- 11:51:07 15 A. Yes.
- 16 Q. 66 And I think there was a vote taken, again this time round and two of the three
- 17 Worker Party representatives this time seems to have supported your motion,
- 18 isn't that right?
- 19 A. That's right.
- 11:51:21 20 Q. 67 And then the others a number of councillors in fact, 35 in all voted against
- 21 your motion, if we can have 171 please? Now, it would appear that a number of
- 22 these councillors who voted against your motion had been in receipt of what had
- 23 been described as election contributions from the Jones Group in the 1992
- 24 general election, isn't that right?
- 11:51:52 25 A. Yes.
- 26 Q. 68 Was there any mention of any contributions received by any of these councillors
- 27 at that debate?
- 28 A. No.
- 29 Q. 69 Or at that vote?
- 11:51:59 30 A. Not that I recall.

- 11:52:02 1 Q. 70 Now the 1993 plan then I think carried forward the zoning as originally
2 proposed by Councillors Lydon and Hand, isn't that right?
3 A. That is correct.
- 4 Q. 71 You continued to be a member of South Dublin County Council as it became on the
11:52:20 5 1st of January '94?
6 A. Yes, 1st of January 1994.
- 7 Q. 72 Yes. Now, you will received amongst the papers supplied to you copies of
8 letters and correspondence and meetings between the Ballycullen Farms and
9 members, that is officials of the council and you will see, have seen how the
11:52:43 10 position changed over a period leading to the lodging of, ultimately of in
11 January 1995 of a planning application for 360 houses on the lands, isn't that
12 right?
13 A. That is right.
- 14 Q. 73 Do you recall that planning application being lodged and a subsequent
11:53:00 15 application being lodged in August 1995 which would have involved a material
16 contravention of the Development Plan?
17 A. I do, very clearly.
- 18 Q. 74 Did that come as a surprise to you?
19 A. Not really. In the sense that the manager had seemed to change his mind, but I
11:53:17 20 felt that was to do with the fact that there seemed to be on offer a good deal
21 of public open space and this might have proved attractive to the Council
22 officials.
- 23 Q. 75 Yes. I think you had in fact identified the lack of open space in your
24 statement as a problem in this area at this time, isn't that right?
11:53:38 25 A. Yes.
- 26 Q. 76 And I think there was ultimately a vote on the material contravention of the
27 Development Plan to allow for the development of the 600 how houses, isn't that
28 right?
29 A. That is right.
- 11:53:49 30 Q. 77 And I think you voted against that and in fact you appealed against that

- 11:53:53 1 decision ultimately, isn't that right?
- 2 A. I was party to an appeal to An Bord Pleanala.
- 3 Q. 78 Yes. That appeal I think was unsuccessful and permission was ultimately
- 4 granted for 600 houses on the property, isn't that right?
- 11:54:05 5 A. Yes.
- 6 Q. 79 I think at some stage there was a further variation of that permission which
- 7 enabled apartments to be built on the site?
- 8 A. Yes, that's true.
- 9 Q. 80 Were you, and I think you were in the council when the review of the 1993
- 11:54:20 10 Development Plan took place in '97/98?
- 11 A. I was.
- 12 Q. 81 And again I think you were opposed even in '97/98 to the proposal that the
- 13 amenity zoned lands, that is those lands that has been zoned F be zoned A or A1
- 14 for residential development?
- 11:54:38 15 A. Yes.
- 16 Q. 82 Thank you very much.
- 17
- 18 CHAIRMAN: Could you just remain there for a second. Is there any party that
- 19 wishes to cross examine Ms. Muldoon?
- 11:55:04 20
- 21 All right. Just before you go, could I ask you when Mr. Jones stretched out
- 22 his hand and said to you its good to meet an honest councillor, did you say
- 23 anything to him or was there any -- did you ask him what he meant or anything
- 24 of that nature?
- 11:55:27 25 A. No, I was rather shocked really. He was very nice man but I thought he would
- 26 have been so disappointed that I couldn't help him, and then I was quite amazed
- 27 when he said this, so I said nothing, they were leaving at that stage.
- 28
- 29 CHAIRMAN: And what did you understand him to mean when he said that?
- 11:55:45 30 A. It seemed to me that an awful lot of the other councillors were not honest and

11:55:51 1 that was what he was saying to me, that I was somehow unusual or different.

2

3 CHAIRMAN: And were you aware yourself, even from rumours that there was any,
4 that there were payments being made or being offered or being requested from

11:56:11 5 councillors?

6 A. I wasn't specifically aware that payments were being made. But I knew that
7 some type of inducement must be being offered because so many people who would
8 logically one would have thought oppose certain rezonings were voting for them.

9

11:56:25 10 CHAIRMAN: If they weren't payments what type of inducements were you
11 thinking?

12 A. Well perhaps help at election times or -- I don't really know, but something in
13 that line.

14

11:56:40 15 CHAIRMAN: Right.

16

17 JUDGE FAHERTY: Just Ms. Muldoon, just carrying on from what the Chairman was
18 asking you, do you recall in 1993 I believe the then Minister for the
19 Environment or whatever he was called at the time.

11:56:57 20 A. I think it was Michael Smith.

21

22 JUDGE FAHERTY: Michael Smith, it was indeed. He made a speech I think it was
23 about May of 1993 where he referred to the whole issue of planning as a debased
24 currency, I think those were the words.

11:57:11 25 A. Yes, I recall that.

26

27 JUDGE FAHERTY: Do you recall that? What was your reaction to that at the time
28 do you recall or?

29 A. I would have substantially agreed with what he was saying. I felt that it was
11:57:22 30 a debased currency but I had no proof that there was anything untoward from the

11:57:28 1 point of view of money changing hands.
2
3 JUDGE FAHERTY: But the fact that he made that speech wouldn't have come as any
4 surprise to you?

11:57:35 5 A. Not really. No because I think it was around the same time a series of
6 articles appeared in the Irish Times by Frank McDonald and Mark Breathnach,
7 looking at those articles when they took 20 of the most prominent developments,
8 it was very obvious from the voting patterns that there was some kind of a
9 rezoning coterie in operation.

11:57:57 10
11 JUDGE FAHERTY: Right. And after that speech was made by the Minister, and
12 indeed any time, was that ever a subject of discussion among councillors either
13 councillors of your own party which I think is Fine Gael, is that correct?

14 A. I was Fine Gael at the time.

11:58:11 15
16 JUDGE FAHERTY: Or indeed cross party discussions about either the speech or
17 what was being written in the newspapers at that time?

18 A. Not very much. But at that stage I was being isolated I think. I wouldn't
19 like to put it as strongly as ostracised but I was considered to be anti
20 development, anti progress, anti employment and an odd-bod really.

11:58:29 21
22 JUDGE FAHERTY: I see. And just one final thing. In previous modules we have
23 heard that say prior to the actual, when the special meetings were set down and
24 they would be obviously a time fixed for them, that prior to that certainly
25 Fianna Fail councillors would have met, sort of informally sometimes in Conways
26 I think or whatever, and discussed matters that's the evidence that's been
27 given, did Fine Gael councillors do the same?

28 A. If they did meet it was unknown to me. However, I do recall one particular
29 meeting with Mr. John Bruton, who was then Fine Gael leader in, it was in
30 September of 1993 when we were all called to the up stairs room in Conways pub

11:59:10

11:59:17 1 and the thrust of what Mr. Bruton was saying to us was that we were a disgrace
2 in our voting patterns that we were going which way and what and he indicated
3 that he would like us to meet on each particular rezoning issue and make up our
4 minds, discuss the matter fully and then reach a consensus and vote all of us
11:59:43 5 in the same direction.

6
7 And at that meeting I said to Mr. Bruton, but then all of County Dublin is
8 going to be rezoned for housing and he said to me how can you possibly say
9 that. I said well you surely know that there is a rezoning majority in this
12:00:00 10 party and combined with Fianna Fail they are getting all the rezoning motions
11 through and he dismissed what I had to say at the time.

12
13 JUDGE FAHERTY: I see. All right. Thanks very much Ms. Muldoon.

14
12:00:11 15 JUDGE KEYS: Ms. Muldoon if I just may ask you one thing for clarification
16 purposes rather than anything else, you stated that you believed councillors
17 may have received inducements at election time?

18 A. Yes.
19

12:00:24 20 JUDGE KEYS: Help in that way, do you mean manpower or by --

21 A. Yes. I saw myself, a particular councillor being assisted by the Jones Group
22 as I was going to work on one occasion, it was in the run-up to one of the
23 general elections, there were Jones Group Jeeps I think, two or three of them,
24 putting up posters for this particular individual. It may have been by prior
12:00:54 25 arrangement, she may have paid for it, I do not know. But it seems strange to
26 me.

27
28 JUDGE KEYS: Yes. And did you form any view that any other type of inducements
29 may have been given to councillors at any time? Other than manpower?

12:01:10 30 A. On one occasion I heard on the grapevine, but one doesn't necessarily have to

12:01:14 1 believe those things, but I was told that somebody had had a new kitchen put
2 into her home by a developer.
3
4 JUDGE KEYS: I see

12:01:23 5 A. Nothing to do with this module.
6
7 JUDGE KEYS: Would there have been any discussions among you at that time as to
8 the size of political donations in the form of monies?
9 A. No. I never had any discussions about those and I never received any political
12:01:38 10 donation at election times or otherwise.
11
12 JUDGE KEYS: I see. Thank you very much.
13
14 CHAIRMAN: Thank you very much Ms. Muldoon for attending.

12:01:51 15
16 MS. DILLON: Thank you. Mr. Larry Butler please.
17
18 MR. ROCHFORD: Chairman my name is John Rochford I am solicitor for Larry
19 Butler.

12:02:07 20
21 CHAIRMAN: Certainly, are you looking for representation? Grant of
22 representation? Very good.
23
24
25
26
27
28
29
30

MR. LARRY BUTLER, HAVING BEEN SWORN, WAS EXAMINED

AS FOLLOWS BY MS. DILLON:

- 12:02:21 1
- 2
- 3
- 4 CHAIRMAN: Good morning Mr. Butler.
- 12:02:32 5 Q. 83 Good afternoon, Mr. Butler I think you have previously given evidence to this
- 6 Tribunal, isn't that right?
- 7 A. That's right.
- 8 Q. 84 In connection with a different module?
- 9 A. Can you talk up a little bit, I am a little bit hard on the hearing.
- 12:02:43 10 Q. 85 Can you hear me now Mr. Butler?
- 11 A. Yeah, I can hear you now.
- 12 Q. 86 All right. I think you are a member of the Fianna Fail party, is that right?
- 13 A. That's correct.
- 14 Q. 87 And I think you were first elected as a member of Dublin County Council in
- 12:02:54 15 1991?
- 16 A. Correct.
- 17 Q. 88 I think your presently and have been since 1994 a member of Dun
- 18 Laoghaire/Rathdown County Council?
- 19 A. That is correct.
- 12:03:03 20 Q. 89 Right. And I think your ward is not the ward in which the lands at Ballycullen
- 21 are situate, isn't that right?
- 22 A. That's right.
- 23 Q. 90 Are you close to that ward, are you near, is your electoral area near the
- 24 Ballycullen lands?
- 12:03:17 25 A. No, no. It would be -- as you know in a sense of break up of the two councils
- 26 happened, one is called South Dublin now and Dun Laoghaire/Rathdown, I would be
- 27 in Dun Laoghaire/Rathdown, so I would be quite a considerable distance away
- 28 from the Ballycullen area.
- 29 Q. 91 Who would have been the local Fianna Fail councillor in the Ballycullen area?
- 12:03:39 30 A. Local Fianna Fail councillors at the time was John Hannon, Charles O'Connor,

12:03:46 1 Ann Ormonde would have been the councillors I think in that ward area.

2 Q. 92 Yes. I think you have previously told the Tribunal, Mr. Butler, and correct me

3 if I am wrong, that it was your practice when you were voting on matters that

4 not within your own electoral area to take your lead from the local Fianna Fail

12:04:04 5 councillor?

6 A. That's correct.

7 Q. 93 So that your position I think you have stated to the Tribunal, is that when you

8 didn't know the lands?

9 A. That's right.

12:04:10 10 Q. 94 You followed what the local councillor was recommending?

11 A. Yeah well. I mean normally the local councils were trying to at that time to

12 ensure that there were housing in the area, because just to reflect back a

13 little bit, its easy to forget its 14 or 15 years ago, we had little or no land

14 zoned at that time in Dublin because we had a ten year lapse of a Draft

12:04:37 15 Development Plan. So there was a lot of need at that time for housing and

16 development. Most of the business in Dublin County Council at that time was

17 section 4s.

18 Q. 95 Yes, but I think what you have said in your statement to the Tribunal, could I

19 have page 3075, Mr. Butler, is not to the effect that you would have been

12:04:59 20 motivated by a desire to bring more housing into Dublin, in the second

21 paragraph of your statement you state "I should say at the outset that as a

22 councillor I had no great interest in what was happening in either Ballycullen

23 or Beechill."

24 A. That would be correct it would be outside my area.

12:05:17 25 Q. 96 "As they were located outside my electoral area."

26 A. That's right.

27 Q. 97 Right. You then go on to say "I would have taken my lead from the local Fianna

28 Fail councillors for that area. As a councillor I was not concerned with any

29 of the political problems which might have manifested themselves in either

12:05:33 30 Ballycullen or Beechill." That's your statement?

- 12:05:35 1 A. Yes.
- 2 Q. 98 Right. So what you are telling the Tribunal there is that you took your lead
3 in relation to Ballycullen or Beechill from the local Fianna Fail councillor?
- 4 A. Yes.
- 12:05:44 5 Q. 99 That's right. And you also say "I was not concerned with any of the political
6 problems which might have manifested themselves." What political problems are
7 you referring to?
- 8 A. Well it wouldn't really concern me, that's the point I was making. It wouldn't
9 concern me if there was political problems, you know, that was for the people
10 in the area for to deal with themselves, I could not get involved, that's the
11 point I was making.
- 12 Q. 100 By political problem do you mean, I am not suggesting that this is what you
13 mean because its not clear to me what you mean, but by political problems do
14 you mean there might have been a dispute between two political parties about
15 whether these lands should have been rezoned or not?
- 12:06:07 16 A. No not really. Like as you know by rezoning land you may create a political
17 problem in the area which mightn't be popular for the party that's basically
18 what I mean.
- 19 Q. 101 All right and I mean I think it is in the papers with which you have been
12:06:43 20 circulated and I don't think there is any great dispute there was an out cry
21 after the land at Ballycullen were rezoned?
- 22 A. Yes, I believe there was.
- 23 Q. 102 But as far as you were concerned the primary motivating factor in voting in
24 connect with Ballycullen because there wasn't a vote on Beechill would have
12:07:00 25 been what the local councillor had to say?
- 26 A. Yes, yes.
- 27 Q. 103 Isn't that right? And in this case the local Fianna Fail councillor would have
28 been either John Hannon or Ann Ormonde?
- 29 A. Yes and I think Charles O'Connor was in that area as well.
- 12:07:12 30 Q. 104 Mr. O'Connor. Now did you speak to either Mr. Hannon or Ms. Ormonde or

- 12:07:16 1 Mr. O'Connor about the Ballycullen lands or did they speak to you?
- 2 A. No, not particularly. It would have be normally there would be a meeting held
- 3 and whatever the party decided at that stage, that would be the way they would
- 4 vote.
- 12:07:31 5 Q. 105 Right. So before then the meeting the rezoning meeting on the 29th October
- 6 1992 there would have been a meeting of the Fianna Fail councillors in advance
- 7 of that meeting?
- 8 A. Yes, I don't recall it but I presume there would have.
- 9 Q. 106 And it was normal practice I think you have told the Tribunal?
- 12:07:46 10 A. It was normal practice, yeah.
- 11 Q. 107 And you would go down through the agenda?
- 12 A. We go through the agenda and decide then at that stage you know, what we were
- 13 going to support.
- 14 Q. 108 Right. So that you would have known in relation to Ballycullen, what way you
- 12:08:00 15 were going to vote on the Ballycullen lands before you ever went into the
- 16 council chamber?
- 17 A. I am sure yeah, obviously subject to debate and listening to what was being
- 18 said there could be changes I mean, and they often would be changes to motions
- 19 or amendments or motions or whatever.
- 12:08:18 20 Q. 109 But in general you would have taken your lead from what was said at the meeting
- 21 and the local councillor giving an indication that they were in favour of it?
- 22 A. Absolutely, yes.
- 23 Q. 110 Do you recollect whether Mr. Dunlop ever spoke to you about these lands?
- 24 A. No. I have no recollection of Mr. Dunlop speaking to me at all on this
- 12:08:37 25 occasion regarding Ballycullen.
- 26 Q. 111 On the 15th --
- 27 A. In fact I am sure he didn't.
- 28 Q. 112 On the 15th October Mr. Butler, at page 1823 Mr. Dunlop records a meeting in
- 29 his diary with you, if you look at the 15th October and if you go down to 3.30
- 12:08:58 30 beneath "TPH" it says, that's correct on the 15th.

- 12:09:02 1 A. I don't recall that meeting to be honest with you.
- 2 Q. 113 Now what Mr. Dunlop has told the Tribunal is that its his recollection that in
3 fact he was with another developer unconnected to Ballycullen when he attended
4 the meetings that are listed there, but he thinks that its like --
- 12:09:19 5 A. Where is he saying the meeting was.
- 6 Q. 114 It doesn't say where the meeting was, Mr. Butler?
- 7 A. But I will be honest with you, I can't recall that meeting.
- 8 Q. 115 But are you saying it didn't happen?
- 9 A. Well as far as I am concerned I don't think it did because I have no
12:09:33 10 recollection good, bad or indifferent of that.
- 11 Q. 116 Right. Do you ever remember meeting Mr. Dunlop with another person?
- 12 A. No.
- 13 Q. 117 Right. But if the meeting did, well you don't recollect anything about the
14 meeting?
- 12:09:44 15 A. No, definitely not and as far as I am concerned I don't think it took place.
- 16 Q. 118 Well on the, that's the 15th October on the 20th October 1992 Mr. Butler, at
17 page 1854, Mr. Dunlop's telephone records record a telephone call at 4.20 from
18 Councillor Larry Butler in Dun Laoghaire, extension 966. Do you see that?
- 19 A. Yes, I do yes.
- 12:10:08 20 Q. 119 Would you accept that that is probably you, Mr. Butler?
- 21 A. Yes, I would accept its probably me, yeah.
- 22 Q. 120 Why would you have been ringing Mr. Dunlop on the 20th October 1992?
- 23 A. That I don't recall because again its what, 15 years ago or 14 years ago. I
24 certainly don't recall what that would have been about, it could have been
12:10:34 25 about another matter or whatever.
- 26 Q. 121 Yes, but you would accept that you would have contacted Mr. Dunlop's office
27 around that time, the 20th October 1992?
- 28 A. Well yes, I mean as I say I don't recall that call that was made but I mean its
29 there and its a fact presumably and I don't recall what the discussion was even
12:10:53 30 or what it was about. It could be about another matter as I say, but I

- 12:10:59 1 certainly don't recall that.
- 2 Q. 122 Did you have any contact or meetings with Mr. Christopher Jones?
- 3 A. Yes. Mr. Jones rang me for to know if I would meet him and I said yes, no
- 4 problem in that regard.
- 12:11:14 5 Q. 123 And did you meet him?
- 6 A. I did.
- 7 Q. 124 And can you tell the Tribunal what happened at the meeting?
- 8 A. Well he asked me to know if I would support the Ballycullen proposal and I said
- 9 I would be taking my lead from the Fianna Fail group at that time and I will
- 12:11:30 10 see how they were going to, if they were supporting it, then I would have no
- 11 problem in that regard.
- 12 Q. 125 Did Mr. Jones make a political donation to you?
- 13 A. Yes, he did. At election time, yes.
- 14 Q. 126 What election was that, Mr. Butler?
- 12:11:47 15 A. I can't recall that. I think it was a 500 pounds donation I think. I sent in
- 16 all the, what do you call, it, documentation as you would gather from my, in my
- 17 records, and I think that would have been included.
- 18 Q. 127 According to the records that have been provided to the Tribunal by Mr. Jones,
- 19 he made a payment to you of 500 pounds in 1992?
- 12:12:17 20 A. '92, yes.
- 21 Q. 128 '92. You would agree with that, that he paid you 500 pounds?
- 22 A. Oh, yes.
- 23 Q. 129 Now were you a candidate in the general election in November 1992?
- 24 A. No, I wasn't but probably what would be happening there was I could have been
- 12:12:31 25 about doing a fundraiser at the time because the elections was on and we would
- 26 have, I was connected in the what do you call it, the elections in Dun
- 27 Laoghaire sew that's the only recollection I have of what it might be for.
- 28 Q. 130 For what elections?
- 29 A. That would be the '92 elections.
- 12:12:48 30 Q. 131 You weren't a candidate in the '92 elections?

- 12:12:50 1 A. No but I would have been fundraising for the elections in Dun Laoghaire at that
2 time.
- 3 Q. 132 And if you were fundraising for the elections in Dun Laoghaire what did you do
4 with the money?
- 12:13:00 5 A. Well that would have gone into the election fund. We normally what would have
6 happened is if it came into me I would just endorse the cheque and pass it on
7 or if I put the cheque into my account I would then write a cheque.
- 8 Q. 133 Yes, if I could have page 3381 please. This is an extract, Mr. Butler, from
9 your bank account, I want to draw to your attention a lodgement of 500 pounds
10 on the 30th November 1992?
- 11 A. Mm-hmm.
- 12 Q. 134 And I want to ask you whether you think that that lodgement might have been
13 sourced from the cheque that Mr. Jones gave you?
- 14 A. The 3rd of November is it?
- 12:13:38 15 Q. 135 The 30th I think it is?
- 16 A. Yeah 30th.
- 17 Q. 136 Do you see that?
- 18 A. Yes, its possible, yes.
- 19 Q. 137 Yes. That would have been a lodgement then to your personal account?
- 12:13:51 20 A. To my account.
- 21 Q. 138 Yes. Your joint account and there doesn't appear to be immediately at any rate
22 a cheque drawn on that account for 500 pounds, isn't that right?
- 23 A. Yes.
- 24 Q. 139 So do you still say what you did with the money was that you would have given
25 to the Fianna Fail constituency in Dun Laoghaire?
- 12:14:06 26 A. I would have at some stage given a cheque to the Fianna Fail constituency or
27 what could have happened is we would be doing newsletters and what not and I
28 would have that done you know.
- 29 Q. 140 Yes. And can you tell me, Mr. Butler, prior to 1992 had Mr. Jones ever been a
12:14:22 30 political supporter of yours?

- 12:14:28 1 A. I, there could have been a small cheque at one stage for a raffle or something,
2 which we were doing there for 50 pounds maybe.
- 3 Q. 141 That's 1995, I think, Mr. Butler?
- 4 A. Oh that's '95.
- 12:14:37 5 Q. 142 I will show you that cheque in a moment?
- 6 A. That would be, as far as I am concerned all that we would have received I think
7 from Mr. Jones, that I have anyhow.
- 8 Q. 143 Yes. So what I was asking you Mr. Butler was whether the first occasion on
9 which you received political support from Mr. Jones was 1992 and I think your
10 answer to that must be yes, isn't that right?
- 11 A. Yes.
- 12 Q. 144 And I think subsequently in 1995 a cheque for 50 pounds was given to you by
13 Mr. Jones, isn't that right?
- 14 A. Yes.
- 12:15:03 15 Q. 145 But other than that, Mr. Jones subsequently was never minded to support your
16 political endeavours?
- 17 A. No, well not that I am aware, he may be supporting you know, a Fianna Fail
18 function or whatever in Dun Laoghaire but not directly to me.
- 19 Q. 146 But not directly to you, isn't that the point?
- 12:15:23 20 A. That's the point.
- 21 Q. 147 Right. And did you ever seek any further political support from Mr. Jones?
- 22 A. No.
- 23 Q. 148 Notwithstanding that he had given you 500 pounds in 1992, you never
24 subsequently approached Mr. Jones for support?
- 12:15:36 25 A. No, no.
- 26 Q. 149 I think your position is and you accept, that you voted in favour of the
27 rezoning of these lands Mr --
- 28 A. That's correct, yeah.
- 29 Q. 150 Right. You also voted in favour of the confirmation or confirming these lands
12:15:48 30 as being rezoned in October 1993?

- 12:15:51 1 A. Yes, I would have, yeah.
- 2 Q. 151 Did you have any contact or communication with the late Mr. Liam Lawlor about
3 these lands?
- 4 A. No, Mr. Lawlor never contacted me in any way, about any lands actually.
- 12:16:04 5 Q. 152 Right. And did you meet or discuss the Ballycullen lands with either
6 Mr. Francis Brooks or Mr. Oliver Brooks?
- 7 A. No but I know Mr. Oliver Brooks.
- 8 Q. 153 Right.
- 9 A. But Mr. Brooks never came to me, in fairness, Mr. Brooks never came near me,
12:16:21 10 the only one that contacted me in that regard was Mr. Jones.
- 11 Q. 154 And when Mr. Jones came to the meeting did he come on his own when he met you?
- 12 A. As far as I know, it was in Dublin County Council in the foyer I met him
13 actually.
- 14 Q. 155 And you would have known Mr. Oliver Brooks, is that right?
- 12:16:35 15 A. Yes.
- 16 Q. 156 And you would have known him through your connections in Fianna Fail?
- 17 A. Correct.
- 18 Q. 157 The Tribunal heard from Mr. Dunlop that Mr. Dunlop understood from Mr. Brooks
19 that Mr. Brooks was interfacing with Fianna Fail councillors. Now if he was
12:16:49 20 doing that he didn't meet with you, is that right?
- 21 A. No he didn't meet with me, Mr. Jones did himself.
- 22 Q. 158 Right. Can I ask you did you issue a receipt to Mr. Jones for the political
23 donation of 500 pounds?
- 24 A. I don't think so, no.
- 12:17:00 25 Q. 159 Right. Thank you very much Mr. Butler, would you answer any questions anybody
26 else may have.
- 27
- 28 CHAIRMAN: Is there any party here who wishes to cross examine Mr. Butler?
- 29 Mr. Butler just before you go, the 500 pounds you got in November 1992 was a
12:17:30 30 substantial enough payment at the time.

12:17:31 1 A. Yes, yeah.

2

3 CHAIRMAN: Did you in anyway associate it with the, with your support for the
4 vote, the rezoning vote?

12:17:41 5 A. No, no. I mean I think I have made myself quite clear at previous sessions
6 here in the Tribunal, that a donation -- I never would accept a donation as
7 such, only at either a fundraiser or that sort of approach, I never actually
8 would allow myself to have any negotiations with anybody regarding money.

9

12:18:12 10 CHAIRMAN: But even, yes but even if nothing had been said to you before you
11 got the donation, did you, when you got it, did you assume it was linked to
12 your?

13 A. No, I would have assumed it was linked to support for the party.

14

12:18:31 15 CHAIRMAN: Would you have got anything of that size from anyone else at that
16 time?

17 A. No.

18

19 CHAIRMAN: What would have been your biggest donation do you think around that
12:18:40 20 time, from others?

21 A. Well they were varied because we used to run Patrick day's functions in Dun
22 Laoghaire and there would be a 100 pounds possibly per head and if there was a
23 full table of course we never, very rarely people would take a full table but
24 they would take half a table which would be 500 pounds.

12:19:04 25

26 CHAIRMAN: All right. Thank you.

27

28 JUDGE FAHERTY: Yes, just could you remind me, Mr. Butler, where was your ward
29 at the time?

12:19:13 30 A. My ward would have been the Glencullen ward.

12:19:16 1
2 JUDGE FAHERTY: Yes I knew, it was South Dublin?
3 A. Yes, yes.
4

12:19:21 5 JUDGE FAHERTY: And how far would Glencullen be from the ward in which
6 Ballycullen farms was?
7 A. Kellystown Road was the end of my ward area which would be quite close I
8 suppose, I suppose it would be two or three miles maybe.
9

12:19:36 10 JUDGE FAHERTY: Right. Could I just get back to something that was in your
11 statement, if I can get it up again maybe, 3075 I think in Mr. Butler's
12 statement? You say that you had no great interest in what was happening in
13 either Ballycullen or Beechill, well we know obviously from this module that
14 there was plans afoot at the time to rezone the lands.

12:20:03 15 A. Yes.
16

17 JUDGE FAHERTY: Earlier this morning Ms. Muldoon who wasn't I think a
18 representative or wasn't a representative from the Ballycullen ward either, but
19 lived close, said that she had from her own, as I understand it, observations
12:20:22 20 of representations made, known of the difficulties with infrastructure there
21 was and that the number of houses that was already existing in Knocklyon and
22 the lack of sports facilities and indeed a secondary school for the people of
23 that community.
24 A. Yes.

12:20:39 25

26 JUDGE FAHERTY: And I am just asking you when you were elected to your ward, did
27 you curtail your interests in, to specifically to your own ward over all or was
28 it only in relation to rezoning matters?
29 A. Well I mean basically you have to allow your colleagues to make decisions in
12:21:01 30 their own ward areas, you can't interfere or shouldn't interfere in my opinion,

12:21:06 1 that's my own view. I was in a position to make decisions in my own ward area,
2 which I did, I could either support it or not support it, but I mean, as I
3 recall, these particular lands that we are now talking about, sometime two or
4 three years after I read the paper where there was people staying up all night
12:21:27 5 to buy the houses there. The shortage of houses and lands at that time, Your
6 Honour, was absolutely, it was critical.

7
8 JUDGE FAHERTY: When you say it shouldn't interfere, but I might suggest this to
9 you, that in fact it did interfere, because you didn't remain on the sidelines,
12:21:46 10 you voted for something. Which you are entitled to do.

11 A. My party believed that development at that particular time was required, job
12 creation was pivotal and key. Housing was pivotal and key.

13
14 JUDGE FAHERTY: Right. Well do you know where the representations were coming
12:22:06 15 from?

16 A. Pardon?

17
18 JUDGE FAHERTY: Ms. Muldoon had said she obviously came to the opposite view
19 because she had representations were people, do you understand what I am
12:22:21 20 saying? About --

21 A. Well going back to the days when I got elected in 1991 just to take you back, I
22 used to get an average of maybe 20 letters a week which is quite a lot, from
23 young people at that time to know what I was doing to ensure that housing was
24 going to become available in my own area.

12:22:37 25
26 JUDGE FAHERTY: But what did -- did you make any investigations yourself over
27 and above what you might have heard at the pre special meeting, the pre-special
28 meeting meeting of the Fianna Fail party?

29 A. No.

12:22:51 30

12:22:51 1 JUDGE FAHERTY: And did you ever do that in any matter you voted on?
2 A. No, not really. I would leave it up to my colleagues to make all the
3 investigations or whatever inquiries or had to be made in that regard.
4

12:23:05 5 JUDGE FAHERTY: I see. Thank you.

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CHAIRMAN: Thank you very much Mr. Butler.

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MR. QUINN: Mr. Michael Keating please.

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MICHAEL KEATING, HAVING BEEN SWORN, WAS EXAMINED

AS FOLLOWS BY MR. QUINN:

- 12:23:12 1
- 2
- 3
- 4 CHAIRMAN: Good afternoon Mr. Keating.
- 12:23:52 5 Q. 160 Thank you Mr. Keating. Mr. Keating, you were written to by the Tribunal and
- 6 you too furnished the Tribunal with a questionnaire back in 1998, isn't that
- 7 right?
- 8 A. Correct, yes.
- 9 Q. 161 And I think in 1992 you were a member of the Fine Gael party, subsequently to
- 12:24:09 10 become a member of the Progressive Democrat party, is that correct?
- 11 A. Yes.
- 12 Q. 162 And you were also a member of Dublin local authority, is that right?
- 13 A. Yes.
- 14 Q. 163 Dublin County Council. When were you elected to the local authority?
- 12:24:20 15 A. I had been on the Dublin City Council and then got elected for the first time
- 16 to Dublin County Council I think in 1991.
- 17 Q. 164 '91.
- 18 A. Yeah.
- 19 Q. 165 And were you a member of South Dublin County Council?
- 12:24:34 20 A. South. I was for a short period.
- 21 Q. 166 When did you leave South Dublin?
- 22 A. I resigned I think 1996.
- 23 Q. 167 When in '96 can I --
- 24 A. I'm sorry I don't have that date on the tip of my tongue, it might seem strange
- 12:24:48 25 but I don't. But I can track it down for you.
- 26 Q. 168 Nothing may turn on it. Now I think when you returned your questionnaire to
- 27 the Tribunal you also wrote at that time to the then solicitor to the Tribunal,
- 28 if I could have 729 please? I think you were critical I think of the way the
- 29 Tribunal was conducting its affairs and you were moved to commit your views on
- 12:25:12 30 it to writing at that time, isn't that right and if I just read some of what

12:25:18 1 you had to say there?
2
3 You refer to the completed questionnaire and you say "Specifically with regard
4 to the queries about the periods served by me as a public representative.
12:25:29 5 These are all matters of public record and the relevant information is
6 available through the Oireachtas library and other sources. Such records are
7 not as easily available to me at the present time as they once were as I have
8 ceased to be a member of the Oireachtas for almost a decade now. However the
9 required information is no doubt readily obtainable from the staff of the
12:25:50 10 Oireachtas or the local authority or from the published documents, books and
11 periodicals that cover such periods." This is how you dealt with your period
12 with the council.
13
14 "I was honoured to serve as a public representative for over two decades.
12:25:59 15 During that time I can honestly say that I never witnessed or experienced or
16 had the slightest shred of evidence whatsoever about any instance of the kind
17 of corruption referred to in your questionnaire. It is a tragedy for the body
18 politic generally that the rumour mill, witch hunting and broad brush smears
19 that are the currency of the times are doing extraordinary damage to the morale
12:26:19 20 of public representatives generally and many thousands of active members of the
21 political parties throughout the State. I have fully accept that this Tribunal
22 has a job to do and to that your intention is to try and operate honourably and
23 within the bounds of confidentiality.
24
12:26:36 25 I trust that do you not think it churlish of me to say that I resent very much
26 as do many of my former colleagues being asked some of the questions contained
27 in the questionnaire. You will allow me after two decades of unquestioned
28 public service without a question ever being raised of any kind about the
29 quality or the integrity of that service to feel justified resentment at the
12:27:00 30 tone and content of some of the queries contained on the enclosed, while

12:27:04 1 allowing for the fact that you have to do your job as you see fit and that
2 these questions are being asked of public representatives generally.
3
4 May I submit with respect that the appropriate course of action in the first
12:27:16 5 instance was to seek to interrogate those about whom these allegations have
6 been made other indeed more properly those about whom there is any evidence
7 whatsoever that such queries may be justified rather than sending out a
8 confetti of enquiries in this buck-shot manner. Your faithfully." Is that
9 still your view Mr. Keating?

12:27:30 10 A. To be honest that was a letter intended to be private and confidential because
11 that's what it said on the cover of the questionnaire so it was intended to
12 be a private view. It may have been a little -- fundamentally it is my view,
13 but I mean I am not making a big deal of it really, that is not my business
14 really, it's the business for other people.

12:27:45 15 Q. 169 Yeah. Now, you had been written to I think by the Tribunal in relation to
16 this and other modules, but particularly in relation to this, you were written
17 to I think in the earlier part of this year and you don't seem to have
18 responded, did you receive that correspondence or is that an oversight?

19 A. I apologise if I haven't, and I don't recall getting that, it may have
12:28:04 20 happened. I am sorry if I didn't respond. There is no reason why I shouldn't
21 have responded if I got it.

22 Q. 170 Now what ward did you represent in 1992?

23 A. Greenhills.

24 Q. 171 Were these lands within your ward?

12:28:17 25 A. No.

26 Q. 172 Were they close to your ward?

27 A. I don't think so.

28 Q. 173 I see.

29 A. I am not certain about the geographical -- I am not actually certain of the
12:28:29 30 perimeters, the area under discussion right now to tell you the truth,

12:28:34 1 Ballycullen.

2 Q. 174 Right. Did you have any meetings or associations with either Mr. Jones or any
3 representatives on his behalf in relation to these lands?

4 A. No, I never met the gentleman involved or anybody on his behalf.

12:28:48 5 Q. 175 Okay. Did you ever have any meetings or contacts about Mr. Lawlor in relation
6 to these lands?

7 A. Oh no, nor on any other matter either.

8 Q. 176 Did you have any meetings with Mr. Dunlop in relation to these lands?

9 A. Absolutely not.

12:29:01 10 Q. 177 You did have meetings those and contact with Mr. Dunlop?

11 A. Well I had known Mr. Dunlop for years, since 1981 we worked together in a
12 certain context in the Department of Education, but he made absolutely no
13 representations or approaches to me about this matter at all.

14 Q. 178 Did you ever make representations or approaches to you about other land
15 properties, if he did I don't want you to identify them?

12:29:21 16 A. I don't recall off the top of my head to be honest but I would be surprised if
17 we weren't all lobbied about something or other at the time, but in the context
18 certainly of this, he definitely did not.

19 Q. 179 Now, Mr. Dunlop drew up a programme of people whom he thought ought to be
12:29:43 20 contacted by Mr. Jones, Mr. Jones you may or may not know this, but Mr. Jones
21 appears to have retained the services of Mr. Dunlop in relation to the rezoning
22 of these lands, I don't know if you are aware of that?

23 A. Well I just learned it this morning.

24 Q. 180 Okay. You learned this morning for the first time?

12:29:57 25 A. From the public discussion, yeah.

26 Q. 181 I see. Before that you didn't know that Mr --

27 A. No I hadn't taken a huge interest in it since I got out of politics to be
28 truthful.

29 Q. 182 If we can have 1503, Mr. Dunlop who appears to have some knowledge of these
12:30:13 30 matters advised Mr. Jones that amongst the people that ought to be contacted

- 12:30:17 1 and he gave a list of people that ought to be contacted, he included your name
2 as appears from that list?
- 3 A. I see.
- 4 Q. 183 Not alone did he include your name but in order of priority you were third in
12:30:31 5 priority after Councillor Laing, who was the Chairman of the County Council and
6 Breda Cass?
- 7 A. Yes, I see that there.
- 8 Q. 184 And he included in that list the 26 members for the electoral area?
- 9 A. Yes.
- 12:30:46 10 Q. 185 So are you surprised that Mr. Dunlop would rate you as number three in order of
11 priority and number two after the Chairman to be contacted in relation to these
12 lands?
- 13 A. Well I would be. Because frankly as is obvious from the length of time I was
14 on that council, I didn't really get into the, if you like the culture of the
12:31:03 15 County Council very well, I was only there a very short time, it was very
16 different to Dublin City Council in many respects. There had been a series, a
17 whole matrix of pre established relationships and which I frankly never really
18 got into. So I would be surprised but not particularly, I don't know how much
19 significance there is in the ordering on that list to tell you the truth.
- 12:31:24 20 Q. 186 But it is a fact I think that Mr. Dunlop did contact and meet with you in
21 October 1992. If we can -- sorry.
- 22 A. In relation to?
- 23 Q. 187 First of all in the first instance you did meet?
- 24 A. I am sure I met.
- 12:31:41 25 Q. 188 Yes.
- 26 A. But I don't recall any such meeting or --
- 27 Q. 189 Okay. Let's have 1814 please? This is a telephone message received on
28 Mr. Dunlop's behalf and you will see there at "10.20 the message Liz/Michael
29 Keating's sec. 11.30 meeting this morning in Wynne's Hotel cancelled, arrange
12:32:03 30 for any time next week" and two numbers given, does that assist you in anyway?

- 12:32:07 1 A. Well I can see obviously there, is that a call that I made there is it?
- 2 Q. 190 No, I think its a call made by your secretary?
- 3 A. Yes. Okay.
- 4 Q. 191 That cancelled meeting of the 2nd October 1992 appears to have been rescheduled
- 12:32:20 5 for the 6th October 1992, if we can have 1818 please. There is a 4 o'clock
- 6 meeting on the 6th, sorry the meeting was rearranged for the 7th?
- 7 A. I see. Okay.
- 8 Q. 192 Do you see that?
- 9 A. Yes, I do.
- 12:32:38 10 Q. 193 Then if we can have 1816 please? This is an entry for the 7th in Mr. Dunlop's
- 11 diary and you will see there for 2.30 M Keating Wynne's.
- 12 A. Yes.
- 13 Q. 194 Now Mr. Keating as best you can would you tell the Tribunal what that meeting
- 14 is about?
- 12:32:54 15 A. First of all I accept, I have always found Mr. Dunlop to be a very straight and
- 16 genuine person, if those are the entries that he has recorded I would accept
- 17 them. I have absolutely, honestly, on my word of honour and before God I don't
- 18 remember any such meeting, it is probable that it was before a meeting of the
- 19 County Council.
- 12:33:15 20 Q. 195 Yes and the up coming meeting of the County Council or one of the up coming
- 21 meetings of the County Council in which Mr. Dunlop had an interest was a
- 22 meeting in relation to these land at Ballycullen which took place on the 29th
- 23 October 1992?
- 24 A. Okay.
- 12:33:29 25 Q. 196 Could Mr. Dunlop have met you in relation to those lands?
- 26 A. Its possible.
- 27 Q. 197 And if he had met you, he would have met you in the context presumably of
- 28 seeking your support for the lands?
- 29 A. Yes. Now I was, at the time possibly asking Frank's, Mr. Dunlop's advice about
- 12:33:47 30 other matters I don't know is the short answer, but no I accept he was probably

12:33:51 1 lobbying, I would be astonished if I wasn't lobbied. Everybody was asked by
2 both side of any discussion in the County Council for their support or to
3 oppose something.

4 Q. 198 Are you saying you have no recollection of anybody seeking your support for
12:34:04 5 this proposal?

6 A. I certainly can say that I never met the gentlemen you mentioned Mr. Brooks or
7 Mr. Jones. I don't remember those.

8 Q. 199 You don't ever remember meeting Mr. Brooks or Mr. Jones?

9 A. I don't. Unless in the hall of the County Council, there was usually a cluster
12:34:17 10 of people around the meetings but there would have been no formality in my
11 opinion about any such discussion, I don't remember if it occurred, genuinely
12 and I don't, if I met Frank Dunlop at that time then so be it, it would have
13 been an ordinary discussion over presumably the up coming meeting.

14 Q. 200 Well it is --

12:34:35 15 A. It is 15 years ago or something, 14 years ago.

16 Q. 201 Yes. Can I ask you who if anybody sought your support for this motion?

17 A. Who would have sought it?

18 Q. 202 Yes.

19 A. What would normally happen is the, the experience I had been used to on the
12:34:56 20 city council was that you have a group meeting and you would discuss each
21 matter and you would come along and you would take a lead, if you needed a
22 lead, from the local representatives in the area. In this case there wasn't
23 that kind of cohesion on the County Council, so generally it was much more ad
24 hoc. But you would probably have listened to people who were, I would have
12:35:18 25 been listening to people more established on the County Council than I was and
26 taken a lead from what I call the centre of gravity in the council and indeed
27 in the party group itself, generally as well you would obviously have to take
28 serious cognisance of the planner's recommendations which would be by and
29 large, what one would follow 75 or 80 percent of the time, unless there was
12:35:42 30 some extraordinary reason for not so doing.

- 12:35:44 1 Q. 203 Well can you recall anybody, councillor or otherwise lobbying your support for
2 this proposal?
- 3 A. I can't and I can say honestly that I never asked anyone for support for it, I
4 never spoke to it, never proposed or seconded it or took no real hand act or
12:36:00 5 part in its gestation.
- 6 Q. 204 If we can have 161 please? 161 is a record of the council which records what
7 transpired at that council meeting?
- 8 A. Okay.
- 9 Q. 205 And you will see there the motion which we'll call the Lydon/Hand motion?
- 12:36:17 10 A. Okay.
- 11 Q. 206 And then underneath the last paragraph you will see those 42 councillors who
12 voted in support of that motion?
- 13 A. Yes.
- 14 Q. 207 And you are listed as one of those councillors?
- 12:36:27 15 A. Yes.
- 16 Q. 208 So somebody must have sought your support or you must have for some reason
17 supported this motion?
- 18 A. Well you would generally have, as I say a discussion with perhaps the heavier
19 weights on the county council group in my own group and you would listen to the
12:36:44 20 discussion generally, there would be, I mean the centre of gravity in relation
21 to that motion was clearly in favour of supporting it.
- 22 Q. 209 Well can I put this to you, was there a Fine Gael meeting in advance of this
23 meeting?
- 24 A. I don't know that to tell you --
- 12:36:59 25 Q. 210 Was it usual to have a meeting of your colleagues in advance of the council
26 meeting?
- 27 A. There could be a very informal get together but nothing with a convened
28 agenda, not that I personally would believe to be preferable to have where you
29 have a serious discussion about the items on the agenda. So I don't think
12:37:17 30 there was a meet being this particularly.

- 12:37:19 1 Q. 211 You don't think there was a meeting?
- 2 A. I don't think there was. But you see by the nature of County Council meetings
- 3 you would get there early, there would be a group get together in one of the
- 4 anti rooms you sit down say anything important that we should to look at to day
- 12:37:35 5 and which way is which going and so on and there would be an informal
- 6 discussion about it but I'm sure that took place then, but not a normal meeting
- 7 as such.
- 8 Q. 212 Did anybody ask you not to vote in favour of the proposal?
- 9 A. No, I don't think so.
- 12:37:44 10 Q. 213 And you don't believe that Mr. Jones or Mr. Brooks asked you to vote in favour
- 11 of this?
- 12 A. No I don't. I certainly wouldn't --
- 13 Q. 214 Do you know Mr. Jones?
- 14 A. No. I don't know either of them.
- 12:37:52 15 Q. 215 Do you know Mr. Brooks?
- 16 A. No any saw them today I wouldn't even, to be honest I wouldn't know them. I
- 17 don't know them.
- 18 Q. 216 Well they seem to have known you Mr. Keating because they have supplied to the
- 19 Tribunal information which would seem to suggest that in 1992 they were moved,
- 12:38:08 20 that is Mr. Jones was moved to make a contribution to your local election
- 21 donation, if I could have 702 please? Now the last paragraph please if that
- 22 could be highlighted? You will see there Mr. Keating, that for the 31st of
- 23 December 1992 and I presume its year end 31st December 1992 there is a
- 24 contribution "M Keating, 600 pounds, local election donation". Do you recall
- 12:38:42 25 receiving 600 pounds from the Jones Group?
- 26 A. I do not. No I do not. Absolutely not. All I can surmise here, this is
- 27 absolute news to me, is that -- I see something about it Fine Gael golf outing,
- 28 which doesn't sound oh sorry that's something else previous to it.
- 29 Q. 217 You see further down, just after "C O'Connor, 30th June 1996 M Keating 500
- 12:39:06 30 pounds local election donation", was a local election in 1996?

- 12:39:10 1 A. In 1996?
- 2 Q. 218 There certainly wasn't a local election in 1992, sure there wasn't?
- 3 A. No there was a general election which I was involved in, I just -- I wonder
- 4 what, is it permissible for me to ask what form this might have taken if it was
- 12:39:27 5 cheques.
- 6 Q. 219 This is what I was proposing to ask you Mr. Keating, I have to tell you in
- 7 fairness to you, there appears to be at least one error in that because there
- 8 is mentioned in that schedule, a payment to a Marie Hennessy for the 31st of
- 9 December 1992 of 500 pounds and she wasn't a candidate in that election, but
- 12:39:47 10 this is a document given to the Tribunal by the Jones Group which purports to
- 11 show, Mr. Jones which purports to show payments by Mr. Jones?
- 12 A. The only possibility is that they made a contribution to the constituency fund
- 13 which would be made out not to me but to the party and that's a possibility,
- 14 because we were in that period between the local election in '91 I think and
- 12:40:11 15 the General Election in '92, we were endeavouring to fund raise. I was the
- 16 principal guarantor in the bank for debts that we had incurred to run such
- 17 elections and of course we brow beat and appealed to anyone who would
- 18 contribute.
- 19 Q. 220 Including property owners?
- 12:40:28 20 A. Oh we didn't mind -- To be straight about it, we didn't mind where it came
- 21 from, provided there was no string attached, provided it was legal.
- 22 Q. 221 And is it possible you did get contributions from property owners and
- 23 developers?
- 24 A. It is possible certainly that we would have as a constituency got it, I would
- 12:40:42 25 not have got it personally or if I did --
- 26 Q. 222 What was the procedure within the constituency for noting the contributions
- 27 received?
- 28 A. Well it would be, they would be receipted. And not that we got a huge number
- 29 of them, but there would be normally, it would be lodged in the party,
- 12:41:03 30 constituency bank account and there would be receipt issued and the money would

- 12:41:06 1 be expended, usually to defray debts already incurred on the back of the
2 guarantees that we had in the bank which was principally my own guarantee.
- 3 Q. 223 So if you did get or if your party got a contribution or your local grouping
4 got a contribution it would have been during the General Election in 1992 is
12:41:25 5 that what you are saying?
- 6 A. It could have been prior to that, around that time, yes.
- 7 Q. 224 That would have been shortly in or around the time of the vote in relation to
8 this amendment to the Development Plan took place?
- 9 A. It certainly look that is way, yes.
- 12:41:36 10 Q. 225 And its probable that that contribution would have been given as a result of a
11 request for a contribution?
- 12 A. That's the only way it could have come. I want to assure you, and this is
13 hugely important to me, that not once, ever, would I have considered accepting
14 either personally or on behalf of the constituency, one cent from anyone if
12:42:02 15 there was a whiff of suggestion that it had to be with illiciting support or in
16 any way compromising approach to the matters under discussion at the various
17 meetings that I might have attended.
- 18 Q. 226 You knew Mr. Dunlop quite well, Mr. Keating, I think?
- 19 A. I did I knew him relatively well, yes.
- 12:42:20 20 Q. 227 Did you know that there were rumours circulating in relation to payments to
21 councillors in 1992/'93?
- 22 A. No I wasn't very au fait with that, I am a bit surprised I wasn't because
23 everybody else seems to know but I wasn't is the short answer to you.
- 24 Q. 228 You didn't know that there was a Garda inquiry into a possible corruption in
12:42:37 25 1993?
- 26 A. No, nor was I -- Oh sorry there was something in the paper about that. I
27 wasn't asked one way or an other about that by anyone so.
- 28 Q. 229 Could that be true, Mr. Keating, might you be mistaken in that, if could we
29 have 2772 please, this appears to be a letter sent to each County Councillor,
12:42:56 30 by the then Chairman of Dublin County Council Mr. Rabbitte on the 26 July 1993.

12:43:02 1 It was included in the papers given to you, it says "I am writing to you at the
2 request of inspector Michael Guiney of Store Street Garda station. Inspector
3 Guiney has been put in charge of the investigation initiated by the Minister
4 for the Environment Mr. Smyth into certain allegations arising from recent
12:43:17 5 series of articles in the Irish Times.

6
7 Inspector Guiney is concerned that had any councillor with information relevant
8 to his investigations would make contact with him as early as possible. He can
9 be written to at Store Street Garda Station and a telephone number given.

12:43:31 10
11 I would appreciate if any councillor who feels that is he or she could be of
12 assistance in any way in this matter make contact with inspector Guiney without
13 delay. I am sure you agree that it is not desirable that this investigation
14 should hang over the council for any longer than is necessary"

12:43:47 15 A. Yes, I remember receiving that letter.

16 Q. 230 Do you remember receiving that letter, so you had more than a passing knowledge
17 of the investigation, do you want to correct your evidence now?

18 A. What I meant to say I wasn't interviewed by anyone, or there was no heavy
19 discussion. I received this letter certainly and I hadn't, unfortunately or
12:44:04 20 otherwise I had nothing to offer to it. Again I mention to you that I had been
21 on the council for a relatively short time and you know, didn't fully enter
22 into the culture of it, if you like. But that's it, I got that letter
23 certainly. If I had anything to offer I would have proffer it had of course.

24 Q. 231 Thank you very much Mr. Keating.

12:44:29 25
26 CHAIRMAN: Is there anyone who wishes to cross examine this witness? Thank
27 you very much.

28 A. Thank you Chairman. Thank you.

29

12:44:37 30

12:44:38 1

2 MS. DILLON: The next witnesses are scheduled at 2 o'clock.

3

4 CHAIRMAN: All right well we'll rise until two o'clock.

12:44:44 5

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7 **THE TRIBUNAL THEN ADJOURNED FOR LUNCH**

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12:45:01 1 **THE TRIBUNAL RESUMED AS FOLLOWS AFTER LUNCH:**

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3 MR. QUINN: Afternoon sir. Mr. O Connor, Charlie O'Connor please.

4

14:14:48 5 **MR. CHARLIE O'CONNOR, HAVING BEEN SWORN, WAS EXAMINED**

6 **AS FOLLOWS BY MR. QUINN:**

7

8 CHAIRMAN: Good afternoon Mr. O'Connor.

9 A. Afternoon Judge.

14:15:21 10 Q. 232 Thank you, Mr. O'Connor. Mr. O'Connor, you were I think in 1992 a member of
11 Dublin County Council, you had been elected I think a member of the County
12 Council in the election in June 1991, is that correct?

13 A. Yes, that's correct.

14 Q. 233 And then I think after the 1st of January 1994 you became a member of South
15 Dublin County Council, is that correct?

16 A. Yes, following the reorganisation of local government, yes.

17 Q. 234 Yes. Now we are dealing here with lands at Ballycullen, I think you
18 represented was it Greenhills or the Tallaght --

19 A. I actually represented Tallaght, Rathcoole, which stretched literally from the
14:15:55 20 Kildare border back into Tallaght.

21 Q. 235 Yes. Now you were asked by the Tribunal to provide a narrative statement in
22 relation to these lands and what I propose to do is read your statement and
23 then to ask you one or two questions arising out of that, if that's okay?

24 A. Thank you very much.

14:16:11 25 Q. 236 If we could have 3236 please?

26 You provided your statement I think on the 26th of January 2006 and I think at
27 that stage you had the benefit of the brief which had been sent to you in
28 relation to the module, isn't that right?

29 A. Yes, except I did say that I had received the major folders late, because of a
14:16:32 30 courier problem.

14:16:33 1 Q. 237 Yes.

2 A. But yes.

3 Q. 238 Now you said "Dear Mr. King. Many thanks indeed for your various items of

4 recent correspondence. I have also now received the 9 folders which had to be

14:16:46 5 redirected to my offices by the courier. I have not had the opportunity to

6 read through all the folders.

7

8 I have stated to the Tribunal on other occasions that it is difficult for me

9 remembering details on the matters as these events took place over ten years

14:16:59 10 ago.

11

12 I was first elected as a member of Dublin County Council in the local elections

13 in the summer of 1991 and became a member of South Dublin County Council in

14 1994.

14:17:08 15

16 I have also stated to the Tribunal on other occasions that did I hold a

17 political view that development would create infrastructure, housing and jobs.

18 I also said that I was very aware that planners often opposed developments

19 which subsequently proved to be positive for development.

14:17:22 20

21 The Draft Development Plan was of course regularly discussed at various

22 meetings of the Fianna Fail group and in both the councils on which I served.

23

24 I would have had regular contacts over the years with Mr. Frank Dunlop and I

14:17:34 25 presume mention of Ballycullen Farms would have been made.

26

27 I have also known Mr. Frank Brooks probably since I first became a councillor

28 and again Ballycullen Farms and it's development would have been the subject of

29 contact.

14:17:42 30

14:17:42 1 I would also know that Ballycullen Farms would have been on the list of those
2 from whom I have received political donations and I think I did receive such
3 donations I think for 500 pounds in 1992, 1994/1995 and 2002.
4

14:18:00 5 Any donations I ever received would have been in respect of fundraising for my
6 political campaigns and activities and none of such donations would have ever
7 influenced any decisions I took at council meetings.
8

9 I intend to study the documents you gave me and if I have anything further to
14:18:15 10 add i will contact you again. Yours sincerely."
11

12 You have now had a opportunity presumably, to study in more detail the
13 documents which were given to you, Mr. O'Connor, do you want to amplify that
14 statement in anyway?

14:18:24 15 A. No but can I just say I intended to spend more time reading them and when I got
16 notice yesterday and it was short, no problem, I would have read a little more
17 but no I have nothing further to add.

18 Q. 239 Just in relation to that document at 3237, you there set out political
19 donations you received and you say 500 in 1992. I take it you say you received
14:18:47 20 500 pounds in 1992. Then '94/'95 are you saying you received 500 in 1994?

21 A. Well I have asked my bank to give me statements and I am sorry they haven't
22 come through yet. But from memory I certainly recall getting a donation and I
23 am saying probably for 500 pounds at the election of '92. And I have a feeling
24 I got a donation in and around that '94/'95 and I certainly got a donation
14:19:14 25 which would have been declared under the new system in 2002.

26 Q. 240 The '94/'95 is that one donation, in either '94 or '95?

27 A. Yes.

28 Q. 241 And that would have been for 500 pounds or can you recall?

29 A. No. I can't and I have actually asked my bank to help me and I will be happy
14:19:31 30 to supply that information to the Tribunal.

- 14:19:32 1 Q. 242 Was there an election in '94/'95?
- 2 A. No there wasn't, no.
- 3 Q. 243 Now, just to deal briefly with these lands, you are familiar with the lands
- 4 that are the subject of the current module of the Tribunal?
- 14:19:44 5 A. Yes I would be, because in fairness I would have lived close to them and I now
- 6 represent those communities where the lands were built.
- 7 Q. 244 Yes. Mr. Dunlop was retained by Mr. Jones to assist in relation to having
- 8 these lands rezoned and I think you have said that you knew Mr. Dunlop and
- 9 would have regular contact or had contact with Mr. Dunlop, isn't that right?
- 14:20:05 10 A. Well yes. I mean I would have got to know Mr. Dunlop over the years when he
- 11 was first of all press secretary with the government and he would have come to
- 12 Tallaght with the Taoiseach and so on. Then he was press officer for Fianna
- 13 Fail at a time when I was a member of the local officer board and PRO so I
- 14 would have gone to seminars that he organised, so yes did I know him.
- 14:20:27 15 Q. 245 For example in Mr. Dunlop's diary for 1991, if we take 1460 please, 26th of
- 16 July 1991 we see an entry for "10 o'clock C O'Connor", do you see that?
- 17 A. Yes, I do.
- 18 Q. 246 Do you think that's a diary entry by Mr. Dunlop for a meeting perhaps with you?
- 19 A. Sure, except and I am saying this genuinely trying to be helpful, I don't
- 14:20:49 20 actually remember the various contacts but I know people like Frank Dunlop
- 21 would have contacted me in those days, first of all as a new councillor but
- 22 also somebody who had particularly through my community work, good contacts in
- 23 the area and a good knowledge in the area.
- 24 Q. 247 Did Mr. Dunlop lobby you from time to time on behalf of developers?
- 14:21:07 25 A. No I never saw it that way, because I was a very new member and I hope you
- 26 wouldn't mind me saying so but I wouldn't imagine I had much influence, if any.
- 27 But I would have been aware that as part of the process of acquainting members
- 28 of the council, because I think as I said on a different occasion to the
- 29 Tribunal, in them days it was a larger council, 78 members stretching from
- 14:21:33 30 Swords back to my area and you know, there were a lot of different issues and I

- 14:21:41 1 often found it difficult dealing with issues relating to areas outside of my
2 own immediate area, whereas Ballycullen obviously was close enough.
- 3 Q. 248 Yes. You have been described earlier as one of the key councillors in relation
4 to this development, it was close to your area, isn't that right?
- 14:21:58 5 A. Well I don't know whether key, but it was early days, people thought if I was
6 making that impression it wasn't my view, I was a new councillor, I was trying
7 to do my job in terms of my own community.
- 8 Q. 249 Witnesses here have said that other councillors would look to the voting
9 pattern or the voting intentions of the local councillors, did you find in
14:22:21 10 relation to other parts of the county that you looked at the voting pattern of
11 the local councillors when you came to vote?
- 12 A. Yes, I have always said that. In fairness, on previous occasion when I
13 appeared before the Tribunal I certainly said that.
- 14 Q. 250 So it wouldn't be surprising then to find in relation to Ballycullen, Beechill,
14:22:39 15 Ballycullen in particular that other councillors would look to you to see your
16 voting pattern?
- 17 A. No I'm not so sure you can give me credit for that kind of influence given that
18 I didn't represent Ballycullen. In fact the boundary of my electoral area, you
19 know was quite distant in that sense.
- 14:22:55 20 Q. 251 Okay. Did you ever meet with Mr. Jones in relation to the lands?
- 21 A. I'm not -- I don't think I met him. I think he made contact with me.
- 22 Q. 252 How did he make contact with you?
- 23 A. I seem to recall getting some correspondence, maybe one piece of
24 correspondence.
- 14:23:11 25 Q. 253 He would have written to you?
- 26 A. Yeah, just relating to the issue but I have been trying to find, and a long
27 time has passed and I have moved house and I don't have correspondence from
28 those days but yes, I mean I would have certainly been aware of him and aware
29 of his family.
- 14:23:24 30 Q. 254 No, but what I am asking you is do you recall Mr. Jones coming to you or

- 14:23:30 1 meeting with you and looking for your support for his proposals for his lands
2 in Beechill, sorry in Ballycullen?
- 3 A. No, I have to say honestly I don't.
- 4 Q. 255 You don't believe you were ever contacted by him in that regard?
- 14:23:48 5 A. Well no because I have to say I don't. And I have said and I am trying to be
6 fair when I have said this it seem as long time ago, as well as that my
7 recollection is that Ballycullen was one of the least controversial of the
8 proposals that was in vote at that time and subsequently, I mean the vote seems
9 to indicate that, that it wasn't controversial in those terms.
- 14:24:06 10 Q. 256 In August 1991 Mr. Dunlop prepared a report for Mr. Jones and included in that
11 report were a list of local councillors whom he identified as requiring
12 approach and an approach by and on behalf of the Jones Group and you are listed
13 in that as a councillor that ought to be approached in relation to the matter.
14 Are you saying you were never approached either by Mr. Jones, Mr. Dunlop on
15 Mr. Jones' behalf or anybody else on Mr. Jones' behalf?
- 14:24:35 15 A. What I am saying is that I don't have that recollection. I am also saying that
16 I consider that my recollection is that Ballycullen was not controversial in
17 the sense that I believed it had wide support and indeed wider support than
18 some of the proposals we were voting on, and you know, I have always taken the
19 view you know in relation to that area, that it was a good potential area for
14:24:55 20 development and now its a thriving community. My recollection of the time is
21 that it wasn't controversial.
- 22 Q. 257 So can we go forward on the basis that nobody asked you for your support on
23 this particular proposal?
- 14:25:12 24 A. No I think I said in my letter and I said in previous correspondence, that
25 these matters came up at different Fianna Fail group meetings and yes you were
26 influenced by other more experienced colleagues were saying and while I was
27 finding my way in politics at that time, I did take an interest in development
28 and I did take a view that some development was good, but I have to say
29 genuinely that I have no actual recollection of somebody pinning me down and
14:25:33 30

14:25:38 1 saying you must vote for this because that's not the way I saw it. And I
2 wouldn't have done it.

3 Q. 258 I think you have said that you have known Mr. Brooks for a number of years?
4 A. Yes, I would.

14:25:46 5 Q. 259 How do you know Mr. Brooks?
6 A. Well Mr. Brooks would have been as I would have understood it when I came into
7 politics, he would have been what I would see as a local Fianna Fail activist
8 and I would have seen him at functions and so on. He wasn't particularly
9 active in that sense in my area, Tallaght/Rathcoole, but I certainly was aware
10 of him and where I would go to neighbouring constituencies to different
11 functions I would have seen him as a Fianna Fail supporter.

12 Q. 260 Did Mr. Brooks support you and ask you for the support.
13
14 JUDGE FAHERTY: Mr. Quinn is it Oliver or Frank Brooks?

14:26:17 15 Q. 261 Sorry?
16 A. I was presuming it was Frank Brooks.

17 Q. 262 Yes.
18 A. Well I mean I certainly have a recollection of the whole Ballycullen issue
19 coming up at different Fianna Fail meetings and yes I would expect Mr. Brooks,
14:26:34 20 whom as I said I would have known and would have seen around the place, that he
21 would have mentioned to me, yes.

22 Q. 263 Yes. He would have sought your support?
23 A. Well I'm not so sure he ever, as I said came up to me and said I need you to
24 support that, no that's not the way I saw it but certainly I would have been
14:26:51 25 part of the process and he certainly would have had a lot of contact with
26 councillors from what I recall.

27 Q. 264 Well in what sense would he have contact if not seeking support of councillors
28 for the rezoning?
29 A. Well I think in general lobby terms you have people like him would have been
14:27:05 30 around the council occasionally and we would have been aware of different

- 14:27:09 1 proposals coming up.
- 2 Q. 265 But if you saw Mr. Brooks in Dublin County Council would you immediately
- 3 associate him with the Ballycullen lands or did he have a function there other
- 4 than in relation to other lands?
- 14:27:25 5 A. Well I am saying that, I mean I hardly knew him in those terms, but I certainly
- 6 would have been aware that he was a Fianna Fail supporter but that would have
- 7 been from seeing him as I said in other constituencies and so on where he lived
- 8 he was politically active in and around Rathfarnham and so on. Yes I would
- 9 have known he was Ballycullen Farms.
- 14:27:47 10 Q. 266 So if you saw him and I think you said you did see him in and around Dublin
- 11 County Council, you would have seen him there in the context of Ballycullen
- 12 Farms?
- 13 A. I probably would have, yes.
- 14 Q. 267 And would it be fair to say that having regard to your level of contact with
- 14:28:00 15 him and his support that its almost certain that he would have discussed
- 16 Ballycullen Farms with you?
- 17 A. Well its almost certain that he would have, me as one member, that his interest
- 18 would have been mentioned.
- 19 Q. 268 Not just you but other councillors?
- 14:28:15 20 A. Sure but you are asking me and that's my recollection of it yes.
- 21 Q. 269 That he did ask for your support?
- 22 A. Well I don't know whether he asked for my vote but he would have made me aware
- 23 that that was his project.
- 24 Q. 270 Yes. Presumably hoping that it would influence you in some way in your
- 14:28:28 25 approach to it?
- 26 A. Well I think to be fair, I have tried to be consistent in this evidence and
- 27 indeed when I was here previously, you know that I took a view about pro
- 28 development and I would have taken the view that these lands were good for the
- 29 development of the community and infrastructure and facilities and that's the
- 14:28:46 30 way it worked out. And as I say, sorry for repeating myself, but I didn't see

- 14:28:52 1 Ballycullen in any controversial way because I think it had wide support.
- 2 Q. 271 Now, I think you contacted Mr. Dunlop on the 25th of February 1992 on four
3 occasions. If we can have 1613 and 1614 please? Mr. O'Connor these are a
4 series of telephone messages left for Mr. Dunlop by his secretary and it would
14:29:19 5 appear that you called at 3.15 on the 25th February, 4.25, 4.45 and 5.20. Do
6 you have any recollection of making a series of calls like that to Mr. Dunlop?
- 7 A. No I have to say I don't. I would presumably have been returning a call but I
8 have to say genuinely I don't remember off hand.
- 9 Q. 272 On the 14th April 1992 at 1650 you appear to have called at 12.25 and given
14:29:46 10 numbers where you could be contacted, do you recall what that phone call was in
11 connection with?
- 12 A. No, except I think those, that number was the County Council as far as I
13 remember.
- 14 Q. 273 So you were telling Mr. Dunlop there on the 14th that you were contactable in
14:30:00 15 the County Council?
- 16 A. Yes.
- 17 Q. 274 On the 16th of April two days later, 1661 at 4.10 you again phone Mr. Dunlop,
18 can you recall, is that a County Council number?
- 19 A. No that's my home. My home then.
- 14:30:16 20 Q. 275 Okay. Then I think you contacted him on 7th May 1992 at 1673 and there is some
21 indication given as to the reason for that phone call, you were advising him of
22 a meeting or an inability to have a meeting with Councillor Farrell, can you
23 recall what that was about?
- 24 A. No except I think that falls into the context of what I told you earlier on
14:30:40 25 that you know, I would have had good contacts in the Tallaght area and I
26 presume he would have asked me to give a number or to make contact with a
27 colleague, a local colleague, because Margaret Farrell was that, but I
28 genuinely can't remember.
- 29 Q. 276 You can't remember what that was about. Again on the 2nd June 1992, at 1685,
14:31:02 30 3.15 you appear to have called, do you have any recollection about what that

- 14:31:08 1 call was about?
- 2 A. Sorry where? I am just not picking it up.
- 3 Q. 277 Sorry 1686 at 3.15.
- 4 A. No.
- 14:31:20 5 Q. 278 You can't remember. So would it be fair to say that you would have been asked
6 for support by Mr. Frank Brooks, you possibly were asked for support by
7 Mr. Frank Dunlop and you have no recollection of being asked for support by
8 Mr. Jones?
- 9 A. That's right.
- 14:31:36 10 Q. 279 Or Mr. Hussey?
- 11 A. No.
- 12 Q. 280 Did you know Mr. Hussey?
- 13 A. No.
- 14 Q. 281 But in any event on the 29th of October 1992 Messrs Lydon and Hand had a motion
15 before the council in relation to these lands which proposed their rezoning,
16 can I ask you did either Mr. Lydon or Mr. Hand ask for your support in relation
17 to the motion?
- 18 A. No, I don't think so. I did have, I would have known then both very well and
19 indeed on another occasion here in the Tribunal, I had been a co-signatory of a
20 motion with Tom Hand, but no, I don't remember.
- 14:32:05 21 Q. 282 Is it, would you think its surprising that neither of the two people promoting
22 the motion had asked for your support for their motion?
- 23 A. Well I think, my recollection of those days is that these issues would come up
24 at a Fianna Fail group meeting and I presume with other groups too. My
25 recollection of that period is that that's where those discussions took place.
26 I think there was a presumption within party groupings that there would be
27 support.
- 28 Q. 283 Do you recall a meeting at which, I am talking about now at a Fianna Fail group
29 meeting, at which the Ballycullen lands were mentioned?
- 14:32:42 30 A. Not specifically.

14:32:43 1 Q. 284 Were you ever asked for your support in relation to these motions or this
2 development by Mr. Lawlor, the late Mr. Lawlor?
3 A. No.
4 Q. 285 Now you voted in favour of the proposal at that time I think, isn't in a right?
14:32:57 5 A. Yes I think so.
6 Q. 286 Now you have given details you say of the monies you received from the Jones
7 Group, can I ask you how you came to receive monies from the Jones Group?
8 A. I think it came straight to me.
9 Q. 287 Yes. If we have, if we could have please 702 please? Mr. Chris Jones has
14:33:22 10 identified you as having received on the 31st of December 1992, 500 pounds and
11 I think you don't disagree but that you did receive 500 pounds in 1992?
12 A. I have a recollection of receiving a donation at that time from Chris Jones.
13 Q. 288 Yes, so you must have met Mr. Jones to have received the donation?
14 A. Well I have to tell you, while I was trying to remember it during the week, I
14:33:49 15 think it came to me in the post.
16 Q. 289 So you think you got a cheque in the post?
17 A. I think I did.
18 Q. 290 From Mr. Jones?
19 A. Yes.
14:33:54 20 Q. 291 When in 1992 do you believe you got that?
21 A. Well the election --
22 Q. 292 I think was called on the 5th November 1992?
23 A. Yeah it was in an around that period.
24 Q. 293 So it would have been in or around the time of this vote?
14:34:07 25 A. Yes. Can I take that date, because as I said I have got on to my bank manager
26 can I have that date?
27 Q. 294 The date of the payment here is 31st December 1992 but I suspect it is the year
28 end 31st of December '92. And then I think again in 1996 Mr. Jones records you
29 as having received a further 500 pounds on the 30th June 1996 which I presume
14:34:34 30 is a -- and again on the 31st August 2002 he records you as having received 650

14:34:40 1 pounds and I think you yourself had a recollection in perhaps '94 or '95 you
2 received a further sum of 500 pounds is that --
3 A. Except my recollection of '94/'95 may actually mean '96.
4 Q. 295 I understand. Now the confirmation of the review of the Development Plan came
14:35:00 5 before the council in 1993, isn't that right?
6 A. Mm-hmm.
7 Q. 296 And you voted on the 28th October 1993 and if we can have 171 please? You
8 voted against a proposed amendment proposed by Councillor Muldoon which would
9 have had the effect of rolling back the zoning on the lands to agriculture,
14:35:22 10 isn't that right?
11 A. Mm-hmm.
12 Q. 297 Do you recall making any declaration of interest in relation to having received
13 the contribution in 1992 from Mr. Jones when you came to vote on that motion at
14 that time?
14:35:36 15 A. No.
16 Q. 298 Thank you very much, Mr. O'Connor.
17
18 CHAIRMAN: Is there anyone wishing to cross examine this witness?
19
14:35:47 20 JUDGE FAHERTY: Just one or two matters, Mr. O'Connor. I think you lived, you
21 didn't represent the ward that the lands were in, but you lived, your ward was
22 very near, is that correct?
23 A. Well it would have been I suppose as the crow flies a couple of miles yeah,
24 maybe three miles.
14:36:08 25
26 JUDGE FAHERTY: Yes. And I think it was Mr. Butler this morning who might have
27 designated Ms. Ormonde and John Hannon as being the actual County Councillors
28 that would have represented the ward that the lands were in, is that correct?
29 A. Yes, that's correct.
14:36:21 30

14:36:21 1 JUDGE FAHERTY: And you said this morning that these lands, you didn't think
2 they were controversial and that rezoning would be welcomed in them?

3 A. Well I certainly didn't think they were controversial, no.

4

14:36:33 5 JUDGE FAHERTY: Yes. Do you know why, for example neither, you may not but I
6 will just ask you anyway if you have a view on it, why Ms. Ormonde or
7 Mr. Hannon, I think they are both Fianna Fail, is that correct?

8 A. Yes, they are.

9

14:36:53 10 JUDGE FAHERTY: Why they wouldn't have put their names to a motion? If there
11 was nothing controversial, now obviously we have heard from Ms. Muldoon this
12 morning saying she had gotten representations from the Knocklyon area saying
13 that there was a lack of infrastructure and no, not enough schools and really
14 no community facilities and that on that basis and from her own knowledge and
14:37:20 15 on the basis of representations she was minded to vote against the rezoning
16 motion, and I am just asking you, if you believe the situation to be that where
17 this wasn't, if you like controversial why in your view the local councillors
18 wouldn't have put their signatures to a motion?

19 A. Sure. I mean I do feel from recollection that it wasn't controversial and
14:37:50 20 certainly in the context of some other decisions which were made then by the
21 council through the period it certainly wasn't controversial. I think if you
22 check through some of these issues you will find that local councillors often
23 took into political considerations into account, and there were a lots of
24 occasions and on a previous occasion when I was at the Tribunal, it was
14:38:14 25 certainly one of those, and that was the old system.

26

27 And in the old system -- I take the view that the new system is a much better
28 one because the councillors are then dealing with their own areas, where in
29 them days, I think if you trawl many of the files you will find that not many
14:38:30 30 of them were signed by the actual local councillors and presumably that was for

14:38:34 1 political consideration reasons.

2

3 JUDGE FAHERTY: Yes that's true, we have evidence from other witnesses in a
4 previous module to that effect. But I am just asking you as a Fianna Fail

14:38:45 5 councillor at the time and, would you not, if this wasn't, if you like

6 controversial and presumably if the need is there and it being, if you like

7 political in the broad sense, that any kudos that could be gotten by indeed, a

8 local councillor would be grabbed I am sure.

9 A. Sure. I accept that I think in a lot of those cases the kudos weren't

14:39:13 10 available for quite sometime until the development took place. I always got

11 that sense, and remember I was a relatively new councillor. But that's the

12 sense I got that councillors tended not to be directly associated with

13 proposals for their own areas for what I would presume to have been political

14 reasons and many of these areas then developed well and then the kudos were

14:39:32 15 available politically if you like, but I think what I am saying is accurate

16 enough, because if you trawl through many of the files that is actually what

17 happened and many of them, it wasn't a great system and it was changed and I

18 believe actually that that's right. But in them days people tended to sign

19 files from outside their own immediate areas and that would bear out the point

14:39:52 20 of view, Judge that I am making to you.

21

22 JUDGE FAHERTY: And you don't, as I understand your response to Mr. Quinn, you

23 don't recall any specific discussion either with the local councillors or the

24 proposer or the signatory of the motion or the proposers about Ballycullen?

14:40:10 25 A. Sure I have to say I don't. But I was always in the room with people, I

26 certainly would have had a lot of contact with local councillors including the

27 councillors that you have mentioned not from my party and I would have been

28 aware of the discussion which was taking place.

29

14:40:24 30 JUDGE FAHERTY: And did you do anything if you can't recall obviously that, as a

14:40:30 1 relatively local councillor yourself, you would have gotten notice of this
2 motion, isn't that correct?

3 A. Oh yeah.
4

14:40:38 5 JUDGE FAHERTY: So you knew it was on the agenda. Did you take any steps to
6 inform yourself as to what the feeling on the ground was?

7 A. Well I don't think -- I mean I think there was always a process certainly
8 developed that the various party meetings and in some of these files and I
9 can't remember whether this was true in this particular one, the council often
10 arranged trips to the particular area to show us and to acquaint us with what
11 was going on, and I think you informed yourself in that way. But I don't
12 recall and you have mentioned my colleague Mary Muldoon, my former colleague
13 getting representations from the immediate Knocklyon area, I certainly don't
14 recall people in the Knocklyon area getting on to me as a Tallaght based
15 councillor asking me not to vote for them or indeed to vote for them.
16

17 JUDGE FAHERTY: Did you have any discussions with the planner abouts these
18 matters?

19 A. No I don't think I did. I think my contact with the planners would have been
14:41:31 20 at the council meetings and hearing their reports and as I said in my own
21 statement, you often got the sense that the Planning Department was opposed to
22 many developments.
23

24 JUDGE FAHERTY: We know certainly that in certain circumstances for example in
14:41:47 25 this case as I understand it, that back in 1991 the first tranche of the
26 Development Plan review the manager actually or the planning manager in the
27 department presumably had designated part of these lands, now as industrial, so
28 you don't -- you recall that?

29 A. No, I don't.
14:42:09 30

14:42:09 1 JUDGE FAHERTY: Well that, Mr. Quinn will correct me if I am wrong, but I
2 understand in 1991 and there was a motion then to dezone that from the draft
3 plan, I hope I haven't misinterpreted the evidence but that's my understanding,
4 and the question I want to ask you is, obviously you had the group meetings and
14:42:29 5 you said that's why you got your lead from, but what steps did you take as a
6 councillor to weigh up what was coming to you via, say the Fianna Fail group
7 meetings, and balancing that with what was coming through the planners and
8 equally through other sources, be it objections or representations made by
9 community groups?

14:42:50 10 A. Well I think, my recollection, as I said its a long time ago and I apologise
11 for that and I am trying to do my best to remember these occasions. But I
12 certainly remember going to the various group meetings and listening to the
13 debate, and yes what was said earlier, you certainly took a lead from local
14 councillor and what they were saying and what was being said about development
14:43:10 15 and the need for development and the need for housing and the need for
16 infrastructure, and the need for -- and you know I have always admitted in any
17 correspondence with the Tribunal that I took that pro-development approach, and
18 I now actually represent that area where there is a thriving community, I am
19 not saying that justifies anything, I am just saying that's what I hoped would
14:43:29 20 happen.

21
22 JUDGE FAHERTY: But you never personally entered into discussions as I
23 understand from what you are saying, with persons or groups other than what you
24 got via the Fianna Fail group meeting.

14:43:41 25 A. Yes, I mean --

26
27 JUDGE FAHERTY: I don't want to put words in your mouth but that's the sense I
28 am getting.

29 A. I appreciate that. You have to remember we are talking about lands where there
14:43:49 30 was no community, so there was nobody for me to contact. You have made

14:43:53 1 reference to representations coming to another colleague from Knocklyon area, I
2 have no recollection of having any contact with the Knocklyon area, and in
3 terms of where I was situated and where I was politically, Knocklyon was a long
4 way away.

14:44:06 5
6 JUDGE FAHERTY: But would you have been conscious of the type of facilities
7 available to that, I am not just talking about, obviously the Ballycullen lands
8 but the general area, because Ms. Muldoon has given evidence obviously, its her
9 recollection, that for example there was no secondary school and there was the
10 largest primary school in the whole area was located very near to these lands
11 and that part of the concerns presumably from people was that if more houses
12 were going to go up and there was no sign of schools for example, that great
13 pressure would be put on existing structures and existing facilities, education
14 or otherwise, for people.

14:44:46 15 A. Sure. Well I think yes that that's a perspective from which a local councillor
16 would come. I have always taken the view that facilities should be built and
17 provided as part of the infrastructure relating to development, but I am saying
18 you know, my view at that time was that people needed houses and this would be
19 good development for an area and that's the way its developed and certainly
14:45:09 20 there is always challenges, even today there are challenges in that wider area
21 about schools and -- but the community itself is developing and the houses are
22 in place.

23
24 JUDGE FAHERTY: Thank you I have no further questions.

14:45:23 25
26 Q. 299 MR. QUINN: Sorry sir, just one thing I just should say, just arising out of
27 Judge Faherty's question to you, I think you said this was a non-controversial
28 development, I wonder could we have 2093 please, this is an extract from a the
29 Irish Independent of the 29th October 1993, it's the day following the
14:45:43 30 confirmation vote of 1993 under a heading "Out cry after council votes to

14:45:48 1 rezone 1200 homes". There are three developments mentioned there and one of
2 those is Ballycullen development.

3 A. I am just saying in, I have tried to clarify this. My terminology relates to
4 the fact in the context of a lot of what was going on, I didn't understand it
14:46:04 5 to be controversial. And my judgement is backed a little bit by the voting
6 where, you know, there was certainly in terms of other votes there was a strong
7 support for that particular, sorry for throwing the word from if its causing
8 confusion, but it is based on that in terms of many other files, there was a
9 strong vote in favour.

14:46:26 10 Q. 300 Thank you very much.

11

12

CHAIRMAN: Thank you very much Mr. O'Connor.

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14:46:31 15

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MS. DILLON: Senator Sheila Terry please.

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SENATOR SHEILA TERRY, HAVING BEEN SWORN, WAS EXAMINED

AS FOLLOWS BY MS. DILLON:

- 14:46:37 1
- 2
- 3
- 4 CHAIRMAN: Good afternoon.
- 14:47:15 5 A. Afternoon judge.
- 6 Q. 301 Good afternoon Ms. Terry?
- 7 A. Good afternoon.
- 8 Q. 302 If I could take you back initially to 1991, I think you were elected as a
- 9 County Councillor, is that right in 1991?
- 14:47:27 10 A. That's right.
- 11 Q. 303 I think you are presently and correct me if I am wrong a member of the Fine
- 12 Gael party?
- 13 A. That's right.
- 14 Q. 304 But at that time were you a member of the Fine Gael party?
- 14:47:35 15 A. No I was a member of the Progressive Democrats.
- 16 Q. 305 Think you were became a member of the Fine Gael party in or around the year
- 17 2000?
- 18 A. That's right.
- 19 Q. 306 And am I correct in thinking then that between 1991 and 2000 you were only, you
- 14:47:49 20 stayed a member of the Progressive Democrats?
- 21 A. No. I left the Progressive Democrats in 1997 and was an independent councillor
- 22 between '97 and 2000 when I joined Fine Gael.
- 23 Q. 307 Right. But insofar as the Ballycullen lands are concerned at the time that
- 24 that vote took place you were a member of the Progressive Democrats party?
- 14:48:18 25 A. Yes.
- 26 Q. 308 And what other colleague did you have, what other colleagues did you have on
- 27 Dublin County Council who were members of the Progressive Democrats?
- 28 A. I have to try and remember -- I can't remember them all.
- 29 Q. 309 Was Councillor Breda Cass a member of the Progressive Democrats?
- 14:48:33 30 A. Yes, she was.

- 14:48:33 1 Q. 310 Later on I will show you a list and if you can identify any of the other
2 members of the Progressive Democrats in facts I think show you --
- 3 A. I probably would be able to remember them, maybe all if you want me to try.
- 4 Q. 311 Well if I show you the vote in relation to the rezoning on the Ballycullen
14:48:50 5 lands at 1902 please?
- 6 A. Yes.
- 7 Q. 312 Now, at the bottom of that and perhaps there is a vote for, if you go through
8 that list first, Ms. Terry, I think its just being made slightly bigger?
- 9 A. Will I identify them?
- 14:49:15 10 Q. 313 Yes please.
- 11 A. Well in alphabetical order as they come there, Breda Cass, Cait Keane, Larry
12 Lohan, Catherine Quinn and Colin Tyndall.
- 13 Q. 314 And if we go then to the next page at 1903, this is the vote against the
14 rezoning of the lands, do you see any names there commencing with Councillor
14:49:56 15 Buckley that were members of the Progressive Democrats?
- 16 A. No, no I don't. There aren't any there.
- 17 Q. 315 There aren't any there. If I could show you also page 2085 and this is an
18 extract from the vote on the following year on the 29th of October, 28th
19 October 1993 which is the confirming meeting at which the Ballycullen lands
14:50:31 20 were confirmed if you just look at the names that are voting against councillor
21 Muldoon's motion I think it is, in other words this effectively is a vote to
22 rezone or keep the rezoning on the Ballycullen lands, and again if you just
23 identify the members of the Progressive Democrats who are identified there?
- 24 A. Breda Cass, Cait Keane, Larry Lohan, Catherine Quinn and myself.
- 14:51:06 25 Q. 316 Yes. It would seem then that all of the Progressive Democrats who voted, voted
26 in favour of the rezoning, is that right?
- 27 A. That's correct.
- 28 Q. 317 And just for completeness, if we go to the page ahead of that, at 2084 and this
29 is the vote for the motion, which would be a vote in favour of returning the
14:51:34 30 lands to agriculture at the bottom, can you confirm to the Tribunal whether or

- 14:51:38 1 not there are any members of the Progressive Democrats listed in that vote?
- 2 A. No there aren't.
- 3 Q. 318 No. It would seem to be the position then Ms. Terry, that insofar as the vote
- 4 to rezone the Ballycullen lands are concerned the two votes, first of which is
- 14:52:03 5 on the 29th of October 1992 and the second of which is on the 28th of October
- 6 1993, that all the members of the Progressive Democrats who voted, all voted in
- 7 favour of the rezoning and then subsequently in favour of retaining the
- 8 rezoning, isn't that right?
- 9 A. Yes.
- 14:52:19 10 Q. 319 Yes. Now did any meeting take place among the Progressive Democrats in advance
- 11 of the council meeting?
- 12 A. We always met before a meeting to discuss the agenda.
- 13 Q. 320 Right.
- 14 A. Therefore any motion regarding the Ballycullen lands or any other lands would
- 14:52:40 15 have been discussed. But I have no memory of discussing any particular one,
- 16 specifically.
- 17 Q. 321 Right. But it would follow from what you have said that a meeting more than
- 18 likely did take place in advance of the meeting of the 29th of October 1992 I
- 19 think?
- 14:52:58 20 A. More than likely, because it was general practice that we met before the
- 21 meetings, I couldn't even say now whether that always happened or not, but my
- 22 recollection is of meetings before a meeting to discuss the entire agenda.
- 23 Q. 322 Right. And the purpose of the meeting was to discuss the agenda?
- 24 A. Yes.
- 14:53:23 25 Q. 323 And was it in general to see could a consensus be reached in relation to each
- 26 matter that was on the agenda?
- 27 A. No.
- 28 Q. 324 What was its purpose?
- 29 A. Really to discuss each one I suppose and if anybody had views that they wanted
- 14:53:42 30 to express but there was never a decision taken that we should vote one way or

- 14:53:50 1 the other, each individual was left to vote in whatever way they wanted, but
2 there was never pressure put on any individual councillor to vote in a certain
3 way, there was never a party line, party decision to vote in any particular
4 way.
- 14:54:07 5 Q. 325 Of the Progressive Democrat councillors that you have identified who would have
6 been the local Progressive Democrat councillor?
7 A. Breda Cass, I think was the local councillor.
- 8 Q. 326 Right. And would you have paid particular attention to whatever comments
9 Ms. Cass might have made in relation to lands within her functional area?
- 14:54:32 10 A. Yes. Obviously it was always first hand information to get, to hear what the
11 local councillor had to say, but it didn't necessarily follow that what that
12 councillor would indicate as a preference in terms of voting, it wouldn't
13 follow that the other councillors would do the same or cast their vote in the
14 same way as she or he was doing.
- 14:55:03 15 Q. 327 But it is the case is it not, Ms. Terry and the records shows that whatever was
16 the reason all of the Progressive Democrat councillors who voted on the
17 Ballycullen lands without exception voted in favour of the rezoning and
18 maintaining the rezoning, isn't that right?
19 A. That's correct.
- 14:55:18 20 Q. 328 And the records also shows that no member of the Progressive Democrats voted
21 against the rezoning, isn't that right?
22 A. That's right. Now I think there was some, there were some other councillors
23 among the party at that time who weren't present or at least their name isn't
24 listed so they obviously weren't present on the day.
- 14:55:37 25 Q. 329 Yes but insofar as the Progressive Democrats councillors who were there?
26 A. Yes.
- 27 Q. 330 One may say they voted in block as it were in favour of the rezoning?
28 A. The vote indicates that, but that doesn't mean that it was a block decision, it
29 wasn't -- we never took a decision that we would all vote for or against a
14:56:01 30 rezoning. I can't explain to you today why this particular vote shows all of

14:56:07 1 us voting the same way, but there was never any time when a decision was taken
2 to vote in a particular way that as you put it a block vote, that was never a
3 plan that was there.

4 Q. 331 Are you saying then that it is a coincidence that in this particular case that
14:56:26 5 all of the Progressive Democrats councillors were minded to vote in the same
6 way?

7 A. I would say that and now I am only trying to surmise as to why we did vote this
8 way, because I can't remember the detail of the conversations we had around
9 this particular vote, but it would indicate to me that we were all of the mind
14:56:51 10 that this was a rezoning that was suitable and that we were happy to cast our
11 vote in this particular way, because if somebody wasn't comfortable or decided
12 that this wasn't a piece of land that wasn't for rezoning they would have cast
13 their vote in that way.

14 Q. 332 It might assist you Ms. Terry with remembering what happened on the day, if you
14:57:18 15 look at page 1902 and this is the record of the vote of the 29th of October
16 1992 and this is the meeting that is considering the Hand/Lydon motion, which
17 is the motion to rezone the lands, and if we go back to the previous page at
18 1901? At the bottom of this page you will see that the manager recommends that
19 the draft plan not be changed, so the manager is recommending that the lands
14:57:49 20 stay agriculture, isn't in a right?

21 A. Yes.

22 Q. 333 Yes. Then there is a, a motion proposed by Councillor Hand and seconded by
23 Councillor Lydon that the lands be rezoned to A1 and F. Isn't that right the
24 entire of the lands and there is approximately 200 acres or thereabouts. And
14:58:06 25 then councillor Muldoon proposed her motion seconded by Councillor Eithne
26 Fitzgerald at 1902, and this is a counter motion proposing that the lands be
27 kept or maintained at agriculture, isn't that right?

28 A. Yes.

29 Q. 334 And then an amending motion is proposed by Councillor Hannon and seconded by
14:58:27 30 Councillor Cass.

- 14:58:30 1 A. Yes.
- 2 Q. 335 And you will see there that it was proposed by Councillor Hannon and seconded
- 3 by Councillor Cass that the words "To be developed to a density not exceeded
- 4 six houses per acre or 360 houses in total be added after the words 24.3
- 14:58:46 5 hectares in line four." Do you see that if you look -- its being increased for
- 6 you, do you see there?
- 7 A. Yes.
- 8 Q. 336 Now Councillor Cass is there seconding a motion which will have the effect of
- 9 limiting the density of housing permitted on the residential portion of the
- 14:59:07 10 lands?
- 11 A. Yes.
- 12 Q. 337 Now, do you think the fact that Councillor Cass who was a member of the
- 13 Progressive Democrats was seconding the amendment to that motion which is
- 14 passed unanimously is a matter that the, you and your other Progressive
- 14:59:21 15 Democrat colleagues would have taken into account in voting to rezone the
- 16 lands?
- 17 A. Well again it would probably depend on the debate and how she presented that
- 18 case and we obviously agreed with her that yes it was okay to do that.
- 19 Q. 338 Yes. But other than that you are not able to assist the Tribunal as to why it
- 14:59:56 20 was that all of the Progressive Democrats voted in a particular way in relation
- 21 to these lands other than saying it was not an agreed decision in advance of
- 22 the meeting?
- 23 A. I'm sorry that's as much as I can say, I have no memory of any other thing that
- 24 would have influenced us other than that this rezoning was in order, perhaps
- 15:00:18 25 Councillor Cass spoke to us and said that she felt that this was in order and
- 26 was acceptable, but I am only trying to guess what we would have discussed.
- 27 Q. 339 Who were the local TDs for that area, can you remember in 1991?
- 28 A. I wouldn't know. I'm sorry.
- 29 Q. 340 Was Mr. Seamus Brennan one of the local TDs?
- 15:00:44 30 A. I actually wouldn't know who the TDs were for that area.

- 15:00:49 1 Q. 341 Yes. I think Ms. Mary Harney represents Tallaght isn't that right, that area?
- 2 A. Yes.
- 3 Q. 342 Is that in this location, are these lands within Ms. Harney's area?
- 4 A. I wouldn't be sure, but I know that, I wouldn't be very familiar with that
- 15:01:07 5 area, but its possible that they were, I am sure that its close to, that its
- 6 probably adjacent to the Tallaght area.
- 7 Q. 343 Did you have any discussions with Ms. Harney or anybody on behalf of Ms. Harney
- 8 in connection with these lands?
- 9 A. Not to my knowledge.
- 15:01:24 10 Q. 344 Did you know that Ms. Harney had met with Mr. Jones in 1991 and again in 1992
- 11 in relation to these lands?
- 12 A. No.
- 13 Q. 345 You had I think a meeting with Mr. Frank Dunlop on the 20th October 1992 at
- 14 1840. You will see there at "12.30 Sheila Terry lunch in the Gresham" and
- 15:01:57 15 Mr. Dunlop told the Tribunal that he thinks he probably would have discussed
- 16 the Ballycullen lands with you at that meeting?
- 17 A. Well I actually have my own diary for that time at home and I was able to
- 18 confirm my diary that I met him, well it was in my diary that I was to meet him
- 19 at that time also, so I presume I did.
- 15:02:20 20 Q. 346 And I think in your statement to the Tribunal you accept, I think that when you
- 21 met him that you listened, you met him, he did discuss Ballycullen with you at
- 22 this time and that you listened to what he had to say?
- 23 A. Well I confirmed in my letter that I met him because I had that in my diary, if
- 24 I hadn't it in my diary I wouldn't have been able to recall it.
- 15:02:45 25 Q. 347 What you actually say in fairness to yourself, Ms. Terry, not to cut across
- 26 you?
- 27 A. If you would remind me.
- 28 Q. 348 In your statement at 3239 "I confirm I did meet with Mr. Frank Dunlop in the
- 29 Gresham Hotel as indicated in folder 7 page 1840 to discuss the proposed
- 15:03:03 30 rezoning". So what you confirmed in your statement is that your meeting was to

- 15:03:07 1 discuss the proposed rezoning. Paragraph four.
- 2 A. I actually don't know why I wrote down to discuss the proposed rezoning.
- 3 Q. 349 Well wouldn't you have written it down, I suggest to you Ms. Terry is because
- 4 the purpose of the meeting was to discuss the proposed rezoning?
- 15:03:25 5 A. I probably presumed that myself because we were dealing with Ballycullen, so I
- 6 did meet -- well I could confirm from my diary that I met with Mr. Dunlop and I
- 7 am presuming now as I did when I wrote the letter that it was to discuss
- 8 Ballycullen.
- 9 Q. 350 But you were assuming that rather than any actual recollection of that, is that
- 15:03:49 10 fair?
- 11 A. Yes.
- 12 Q. 351 Right. Do I understand you correctly to say that you are, it is by virtue of
- 13 the documentation with which you have been circulated that you assume you met
- 14 to discuss Ballycullen rather than any actual recollection?
- 15:04:03 15 A. Yes.
- 16 Q. 352 Right. Did you meet anybody else other than Mr. Dunlop in connection with the
- 17 Ballycullen lands?
- 18 A. Well as I outlined in my letter that I also met with Oliver Brooks and Vincent
- 19 Flynn.
- 15:04:18 20 Q. 353 I think Mr. Flynn was known to you and I think he is an agricultural advisor
- 21 who was advising Mr. Jones in connection with the use to which the Ballycullen
- 22 lands could be put?
- 23 A. Yes.
- 24 Q. 354 Isn't that right? And I think you outline in your statement, 3238 please, in
- 15:04:33 25 fact you went so far as to visit the lands?
- 26 A. Yes.
- 27 Q. 355 At paragraph --
- 28 A. Yes, I have said that and again that was the recollection I had when I was
- 29 writing the letter and I hope that recollection is correct.
- 15:04:50 30 Q. 356 Right. That would mean Ms. Terry that when you came to vote on the lands you

- 15:04:56 1 had put yourself in a position of knowledge by, you had gone out with Mr. Flynn
2 who was known to you and with I think Mr. Oliver Brooks and you had looked at
3 the lands?
- 4 A. I just want to say on that, that I have some recollection of seeing the lands.
15:05:17 5 I can't actually swear to it that I did, because actually I did meet with
6 Mr. Flynn, I bumped into him recently and I said to him that I had had to write
7 this letter and I said, did tell him that I was, mentioned his name and that we
8 went out to visit the lands and he said to me he didn't think we went to visit
9 the lands, so that's why I now have this doubt in my mind as to whether I
15:05:45 10 actually went out to visit the lands or not.
- 11 Q. 357 But up to the time that you met Mr. Flynn he put the doubt in your mind, it was
12 your recollection that you had in fact?
- 13 A. I thought I did. But I know Mr. Flynn, and perhaps Mr. Brooks, one of them
14 certainly had a folder with lots of photographs on it of the lands so whether I
15:06:05 15 have a memory of the photographs of the land or whether I actually saw the
16 lands I now am not a hundred percent sure.
- 17 Q. 358 But it was your initial recollection when you came to deal with this matter
18 they're you had actually gone to the trouble of going out?
- 19 A. Yes. That's true.
- 15:06:19 20 Q. 359 And you had done so at the request of Mr. Oliver Brooks.
- 21 A. Yes.
- 22 Q. 360 Now, and also I think you with Mr. Vincent Flynn, so that when you came to vote
23 on the lands in October of 1992, a number of things had happened you had seen
24 the lands you think?
- 15:06:35 25 A. Mm-hmm.
- 26 Q. 361 You discuss it had with Mr. Oliver Brooks and Mr. Vincent Flynn?
- 27 A. Yes.
- 28 Q. 362 And you had discussed it with Mr. Frank Dunlop?
- 29 A. Yes.
- 15:06:42 30 Q. 363 Isn't that right?

- 15:06:42 1 A. Well I certainly remember talking with Oliver Brooks and Vincent Flynn about
2 the lands, I don't remember the actual discussion with Frank Dunlop, but I can
3 only, I am presuming that we discussed Ballycullen. But I certainly remember
4 the let's say the impact of my meeting and whether we did that visit to the
15:07:14 5 lands or not, the resulting impression that left with me, on me was that these
6 lands were unviable for commercial, for agricultural use.
- 7 Q. 364 But they might have been viable for industry as had been suggested by the
8 manager the previous year in 1991, isn't that right? The manager had proposed
9 these lands or industrial zoning the previous year in 1991 and Councillor Cass
10 had brought a motion before the council seeking to rezone the lands to
11 agriculture, isn't that right?
- 12 A. I don't remember that.
- 13 Q. 365 If we could have page 106 please? This is the 1990 Draft Development Plan map
14 produced by the manager, Ms. Terry, and the purple or lilac coloured lands in
15:08:13 15 the centre are the top half of the Ballycullen Farm lands. Do you see those?
- 16 A. Yes.
- 17 Q. 366 Now, the manager had proposed that those lands would be zoned industrial, is
18 that right, that was the designation for purple, E industrial?
- 19 A. Yes.
- 15:08:31 20 Q. 367 And your colleague Councillor Cass had brought a motion which in fact was
21 passed without being voted on, that those lands should be put on public display
22 as agricultural lands?
- 23 A. Okay.
- 24 Q. 368 You must have been aware of that, I think Ms. Terry?
- 15:08:48 25 A. I'm sure I was aware of it at the time.
- 26 Q. 369 Right. Therefore, when you went out and you looked at the lands and when it
27 came to the meeting of the 29th of October 1992, was it your view that the
28 lands were only suitable for residential purposes?
- 29 A. I actually don't remember the difference or, that it was on the table whether
15:09:27 30 these should be industrial or residential zoned lands all I can say to you from

15:09:33 1 my memory right now was that the lands weren't suitable and this was the point
2 that was being made by Oliver Brooks and Vincent Flynn that they weren't
3 suitable for agricultural use and as to whether they were suitable for
4 industrial or residential, I now have no memory of that, just that they weren't
15:09:55 5 suitable, that agriculture was very difficult at that time because of adjoining
6 developments and problems obviously that they had in trying to keep agriculture
7 going at the time.

8 Q. 370 And what did Mr. Brooks want on the lands, what zoning did he want?

9 A. I can't remember that kind of detail. Coming here, I thought it was for
15:10:32 10 housing, so I can't remember the detail.

11 Q. 371 Certainly in 1992 Ms. Terry when the matter came to be voted on the only
12 matters that were being proposed was either the lands as agriculture or the
13 lands as either housing and a combination of housing and open space, isn't that
14 right?

15:10:50 15 A. Yes that would be my memory. I actually have no memory of industrial being
16 mentioned but that's just with the passage of time and to remember the detail
17 of each piece of land is extremely difficult at this point in time.

18 Q. 372 When you ran for election in 1991, Ms. Terry, did you receive any political
19 contribution or financial assistance of any description from either
15:11:22 20 Mr. Christopher Jones or any of his connected or related companies?

21 A. No.

22 Q. 373 Did you receive any political assistance from Mr. Jones in 1992?

23 A. From the folders that you provided me with it says that I received a donation
24 from Mr. Jones in December 1992, a local election political donation I think it
15:11:42 25 said and was it 500 pounds?

26 Q. 374 702 please. I think its 500 pounds or else its 600 pounds. But if you just
27 have the bottom section of that blown up please?

28 A. But I have absolutely no recollection of getting that donation and I have no
29 record of it, but that would be my own records. The bank doesn't have records
15:12:11 30 of the account that we had at that time, the Progressive Democrats had, so as I

- 15:12:17 1 said in my letter, I can't confirm or deny that I got that donation, but I
2 don't know Mr. Jones and I have absolutely no recollection of ever getting a
3 donation from him.
- 4 Q. 375 But you did know Mr. Brooks?
- 15:12:30 5 A. Yes because he was introduced to me by Mr. Vincent Flynn.
- 6 Q. 376 And Mr. Brooks, you acknowledge, subsequently provided you with support for a
7 golf classic?
- 8 A. Yes.
- 9 Q. 377 That you do recollect?
- 15:12:43 10 A. Yes, in '98 I think or some year around then.
- 11 Q. 378 In 1998 I think you have said in your statement?
- 12 A. '98 yes.
- 13 Q. 379 So certainly in 1998 Mr. Brooks supported a golf classic, did you write out or
14 contact Mr. Brooks in 1998 about supporting your golf classic?
- 15:12:59 15 A. I must have. Because that's how I would have asked people to support any
16 fundraising event was by writing to them.
- 17 Q. 380 And if you had received a donation in 1992 from Mr. Jones would you in the
18 normal course have written back to acknowledge it, to acknowledge receiving the
19 monies?
- 15:13:23 20 A. Normally I out of courtesy I would and I hope I did that, if I received it, but
21 so normally yes, its something that I would try to do.
- 22 Q. 381 Do you think its likely that you may have received such a donation but that you
23 have simply not forgotten about it over the passage of time and that because
24 you received a donation involving Mr. Brooks on a previous occasion that's why
15:13:51 25 you wrote to him on the second occasion when you were seeking support, if you
26 follow that somewhat convoluted point?
- 27 A. Sorry would you put that question to me again.
- 28 Q. 382 You tell the Tribunal that you wrote to Mr. Oliver Brooks in 1998 asking him to
29 support a golf classic?
- 15:14:12 30 A. Yes.

- 15:14:12 1 Q. 383 Okay. Now something must have caused you to think that Mr. Brooks was likely
2 to support you, isn't that right?
- 3 A. Yes.
- 4 Q. 384 And isn't that likely to have been the fact that on a previous occasion
15:14:25 5 Mr. Brooks had supported you?
- 6 A. But Mr. Brooks hadn't previously supported me.
- 7 Q. 385 But Mr. Jones might have supported you?
- 8 A. But I have absolutely no recollection of ever getting a donation from
9 Mr. Jones.
- 15:14:43 10 Q. 386 Yes but Mr. Brooks may in fact have given you the donation, that's the point I
11 am trying to make and obviously making it very badly Ms. Terry?
- 12 A. I think I would remember that if Mr. Brooks gave me the donation.
- 13 Q. 387 You would remember that?
- 14 A. Well I think, because I know Mr. Brooks, and many things are gone from my
15:15:06 15 memory until I see them in writing, I mean I actually didn't even remember that
16 I had met Vincent Flynn or met Oliver Brooks through Vincent Flynn until I saw
17 Vincent Flynn's documentation in the folder. So things can be forgotten about
18 but the memory can be jogged and I have really tried hard to jog my memory
19 about this donation that I am supposed to have got from Mr. Jones and I cannot
15:15:39 20 remember ever getting a donation from a Mr. Jones whom I don't know, and never
21 met him.
- 22 Q. 388 Thank you very much Ms. Cass, sorry I meant to ask you, did the late Mr. Liam
23 Lawlor, sorry I mean Ms. Terry, I beg your pardon. Did the late Mr. Liam
24 Lawlor contact you about these lands?
- 15:15:58 25 A. No.
- 26 Q. 389 No. Thank you very much Ms. Terry my apologise for getting your name wrong.
27 If anybody has any questions for Ms. Terry?
28
- 29 CHAIRMAN: Anybody any questions? Thank you very much Senator.
- 15:16:09 30

15:16:09 1 MS. DILLON: We are in the somewhat unusual position sir that we have to wait
2 now until Mr. Colm McGrath arrives at quarter to four to cross examine
3 Mr. Dunlop.
4

15:16:24 5 CHAIRMAN: Well we'll adjourn until then.
6

7 MS. DILLON: Sorry I beg your pardon, we can deal with one matter the late
8 Mr. Seamus Brock has also, was also involved in this matter and Ms. Dalton will
9 deal with the position in relation to Mr. Brock if that's suitable.

15:16:43 10
11 CHAIRMAN: Okay.
12

13 Ms. Dalton: Yes, Chairman if I briefly deal with his evidence he voted for the
14 Ballycullen rezoning motion on the 29th October '92, that's at page 161 and he
15 voted against the dezoning motion on the 28th October '93. Which is at 171.
16 And in Schedule A attached to Chris Jones statement of the 7th November 2003 at
17 page 702 Chris Jones identifies Mr. Brock as having been paid 250 pounds on or
18 before the 31st December 292 and that's, that was described as a political
19 donation.

15:17:20 20
21 Mr. Brock died on the 17th May 1994 and the Tribunal can put the matter any
22 further.
23

24 CHAIRMAN: All right. Okay we'll leave it there until a quarter to four.
25

15:17:44 26 **THE TRIBUNAL ADJOURNED FOR A SHORT BREAK**

27 **AND RESUMED AGAIN AS FOLLOWS:**
28

29 MS. DILLON: Mr. Dunlop please, Mr. Dunlop has to be cross examined by Mr. Colm
15:35:57 30 McGrath.

15:35:58 1

2

MR. FRANK DUNLOP RETURNS TO THE WITNESS BOX

3

AND CONTINUES IN CROSS-EXAMINATION.

4

15:36:15 5

CHAIRMAN: Good afternoon Mr. Dunlop. Mr. McGrath do you wish to ask questions?

6

7

Q. 390 MR. McGRATH: I do yes.

8

9

CHAIRMAN: If you prefer you can sit down.

15:36:25 10

Q. 391 I prefer to stand. I'd like to be able to see Mr. Dunlop.

11

12

Chairman, I am a little restricted in what I can ask here today by the rules

13

you have set down for me in that I am confined to the Ballycullen/Carrickmines

14

module and I think its well known Mr. Dunlop has made several allegations about

15:36:45 15

me.

16

17

CHAIRMAN: You can certainly deal with, I think you have had an opportunity to

18

look at the documentation that has been sent to you. So if other matters that

19

you wish to deal with, say in relation that you haven't dealt with in relation

15:36:59 20

to Carrickmines or previous modules you can certainly raise those again with

21

Mr. Dunlop and -- sorry do you want to say something?

22

23

MS. DILLON: No, I think that just so that Mr. McGrath understands only one

24

matter Mr. McGrath is constrained from dealing with and that is by order of the

15:37:20 25

High Court, that's the Quarryvale matter other than that there is no

26

restriction on Mr. McGrath.

27

28

CHAIRMAN: Does that help you?

29

Q. 392 MR. McGRATH: It does slightly accept had I known that before I came in I would

15:37:29 30

have probably been more prepared. However, we are dealing today --

15:37:33 1
2 CHAIRMAN: Just in relation to that, if some issue arises that you feel you
3 should have dealt with today having thought about it in the days ahead, you can
4 contact the Tribunal and if its a reasonable request we can recall Mr. Dunlop.

15:37:49 5
6 MR. McGRATH: All right as I said to your colleagues on the phone this shouldn't
7 take more than five or ten minutes.

8
9 CHAIRMAN: That's all right.

15:37:58 10
11 MR. McGRATH: Chairman, obviously anybody who has, I regard myself as a victim
12 of Mr. Dunlop, I want to say that from the outset. A victim either of his
13 defective memory or of his outright lies. One or the other is the case.

15:38:15 15 CHAIRMAN: Well you would be giving evidence at what stage?

16
17 MS. DILLON: In this module, next week

18
19 CHAIRMAN: Next week and so you will be then under oath and you can make that
15:38:28 20 type of statement certainly then. The purpose of today's business is to allow
21 you, if you wish to do so, ask questions of Mr. Dunlop and particularly its
22 important to, if you feel you want to do it, to challenge Mr. Dunlop in
23 relation to anything he has said that effects your good name.

24
15:38:53 25 MR. McGRATH: Yes, Chairman, that leaves me with really a narrow scope here
26 today. Because I will be in my evidence categorically denying Mr. Dunlop's
27 assertions.

28
29 CHAIRMAN: You can put that to Mr. Dunlop.

15:39:04 30

15:39:04 1 MR. McGRATH: But Chairman you see the predicament that witnesses in my
2 position are in. For me now to question Mr. Dunlop its just affording
3 Mr. Dunlop the opportunity to repeat his scandalous accusations.
4

15:39:15 5 CHAIRMAN: Well you can put to him things that he has said that you disagree
6 with, particularly things that you feel he has said, which you don't believe
7 are correct and which if, which if left unchallenged might in some way damage
8 your good name.
9

15:39:37 10 MR. McGRATH: Okay right. Mr. Dunlop, I presume I am assuming that he is
11 sticking to his position that he alleges that he paid me a 1,000 pounds.
12

13 CHAIRMAN: Well you can assume for the moment until Mr. Dunlop tells us
14 different that the evidence he has given in recent days in relation to yourself
15 is still his position.
16

17 MR. McGRATH: Okay. I will assume that in all cases so, unless he interjects
18 with a change of story.
19

15:40:00 20 Well, Chairman, I just want to emphatically place on the record here in public
21 and that's why I came to face my accuser, that he, I repeat again that he is
22 either badly mistaken by defective memory or else he is mischievously making up
23 this evidence for some reason which I don't understand. Because I can assure
24 him that he is mistaken in his allegation that he paid me a 1,000 pounds in
15:40:27 25 relation to the Ballycullen/Beechill module as its called. That is just
26 absolutely not the case.
27

28 And it does beggar belief, if you consider the circumstances around which that
29 particular change of zoning took place, the level of broad party support which
15:40:41 30 it enjoyed and the people who were involved, who were very well politically

15:40:46 1 connected as is well known now.
2
3 To suggest that someone with a track record of my own, in relation to
4 development and zoning proposals in the council at the time, would need to be
15:40:57 5 bribed to support such, what I regarded as an eminently suitable development,
6 it just beggars belief.
7
8 CHAIRMAN: Mr. Dunlop do you want to deal with that, its being put to you by
9 Mr. McGrath that you made up or contrived this evidence or you are mistaken.
15:41:15 10 A. No is the answer to both questions, Chairman.
11 Q. 393 MR. McGRATH: Is that it? No?
12
13 CHAIRMAN: Well what Mr. Dunlop
14 Q. 394 MR. McGRATH: Well then can I say Chairman does Mr. Dunlop, is he still
15:41:31 15 maintaining that he does not remember where or when he is supposed to have paid
16 this bribe to me?
17 A. I have said in my statement either on or before the votes in the environs of
18 Dublin County Council.
19 Q. 395 On or about?
15:41:44 20 A. Which was quite a usual place as you will recollect.
21 Q. 396 Well it certainly wasn't a usual place in my -- I think I recall from the
22 transcripts too that you have given evidence to the effect here that you never
23 paid councillors contributions or money or bribes or whatever way you want to
24 call them, in their homes, it was always at an agreed place, either a hotel or
15:42:05 25 a council lobby or something, is that right is that your evidence?
26 A. Well Mr. Chairman, of course as you know and as the Tribunal knows that is
27 contrary to evidence that I have already given in a number of modules.
28 Q. 397 Well I was quite sure I read in your transcripts that you did say in this
29 module that there was no case where you called to anybody's home to pay them a
15:42:26 30 contribution, with the exception of Mr. Rabbitte I think is the way you put it?

15:42:32 1 A. Well --

2 Q. 398 That's my clear recollection of your evidence.

3

4 CHAIRMAN: Well Mr. Dunlop, can you clarify, is that your evidence that other

15:42:39 5 than Mr. Rabbitte and Mr. Hand --

6 A. But I have already given evidence yes Mr. Hand, I have already given evidence

7 in the context of Mr. Hand, in Mr. Hand's home.

8 Q. 399 MR. McGRATH: Well, Chairman, I don't know what more I can say. Obviously

9 Mr. Dunlop is not going to change his position and I certainly won't be

15:42:59 10 changing mine.

11 Mr. Dunlop, your evidence that I have read in the transcript over the past few

12 days particularly issues raised by council for the Tribunal, Ms. Dillon in

13 particular, and subsequently by other representatives of various witnesses

14 here, its riddled with inconsistency you must even acknowledge that yourself

15:43:20 15 its riddled with inconsistencies, its reached the point where I personally

16 wouldn't believe the radio out of your kitchen at this stage.

17

18

19 MR. REDMOND: Mr. Chairman on behalf of Mr. Dunlop I know some latitude has to

15:43:34 20 be extended to Mr. McGrath, if he wants to raise inconsistencies point to them

21 but hand-bagging Mr. Dunlop in the witness box is not acceptable

22

23 CHAIRMAN: Mr. McGrath what your role here today is as a cross examiner of

24 Mr. Dunlop, so if you have questions to put to him or if you want to put

15:43:52 25 specific evidence that he has given to him on the basis that he is incorrect,

26 then you are free to do so.

27

28 MR. McGRATH: Well Chairman can I just say to counsel for Mr. Dunlop, I think

29 its ironic that they are showing such a level of sensitivity when you consider

15:44:08 30 the damage that Mr. Dunlop has caused to a plethora of people.

15:44:14 1

2 CHAIRMAN: Yes but that's --

3

4 MR. McGRATH: Through the inaccuracies of his evidence, defective memory.

15:44:19 5 There is no end to the damage he may have caused and it may, it likely is that

6 the majority of it is not true. So like, I take that with a pinch of salt,

7 jumping in to defend him.

8

9 CHAIRMAN: Mr. McGrath, the purposes of this exercise is to allow you put

15:44:35 10 questions or to challenge Mr. Dunlop in relation to any of his evidence.

11

12 Q. 400 MR. McGRATH: Okay well then I will move onto the second and almost the last

13 thing I want to ask.

14 I am curious to know from Mr. Dunlop, as someone who has received political

15:44:47 15 donations from Mr. Dunlop

16 A. Mm-hmm.

17 Q. 401 In the past and which I have documented to the Tribunal and don't deny, and I

18 emphasise they were legitimate, unconditional political donations, if as is the

19 case in this module, if Mr. Dunlop's evidence in future sections of this

15:45:09 20 Tribunal are that he also gave me bribes in relation to other items, that would

21 mean and I am speaking obviously hypothetically here, that would mean that I

22 would have kind of get a fair idea of when I was being bribed, wouldn't that be

23 a fair thing to say Chairman?

24

15:45:20 25 CHAIRMAN: Mr. Dunlop, I think he is putting to you that when you were making

26 payments to him, insofar as you say he did receive payments from you, did you,

27 was it clear, do you think it was clear at the time that he was being bribed or

28 might he have understood from the manner in which you paid him that you were

29 giving him political contributions?

15:45:42 30 A. Well there is no misunderstanding whatever as I said in the statement I made to

15:45:47 1 the Tribunal, in my narrative statement in October 2000.

2 Q. 402 So Chairman that, this is where I need some latitude, so in this case I can't
3 ask him questions about something which I already maintain did not happen,
4 right? But I am still curious to know --

15:46:03 5
6 CHAIRMAN: Well you can put to him if Mr. Dunlop has given evidence about
7 something which you disagree with, you can put to him that such-and-such a
8 thing didn't happen or that it happened in a different way or matters of that
9 nature.

15:46:19 10 Q. 403 MR. McGRATH: Okay. Well Chairman, I recall two specific instances where
11 Mr. Dunlop and in both cases curiously he did call to me, to make donations to
12 me, now in both those instances, what I want to know is what was the signal,
13 was it a wink, was it a nod, was it a swing of the hips was it a movement of
14 his coat? What was the signal to me to let me know that this money that he was
15 giving me was not a legitimate political donation but was in fact a bribe?
16 Because what I want to know is how did he show me this? What specific items
17 that were in the planning arena at the time was he referring to?

18
19 How was I to know that he wanted me to act in some way which is what a bribe
20 usually results in, you are being bribed to do something, none of these things,
21 my evidence will obviously be none of these things were shown to me, at no
22 stage when Mr. Dunlop was making a donation to me did he refer to any
23 development, did he refer to any up coming vote, did he refer to any proposed
24 zoning in the County Development Plan. In fact I recall specifically that on
25 both occasions, once we when he called to my office and once when he called to
26 my home that the discussion we had was a domestic discussion, he was always
27 very well mannered and showed a very caring disposition towards me and my
28 family, my business. He always asked how are you, your wife, your children,
29 how is business. We talked about the weather. We may have talked about some
30 current topical political issues because we were both involved generally around

15:47:55 1 the same political party, but I can assure you and this is what I cannot
2 understand, and I am sure it refers to other what I would call victims of
3 Mr. Dunlop too.

15:48:04 5 How is one to know, as he alleges that these were meant to be bribes?

6

7

CHAIRMAN: Well can you answer that?

8

9

15:48:13 10 MR. McGRATH: They were certainly not bribes in our, I would say our because
11 many will share my view. Our estimation and when you leave my home and in fact
12 I would be so appalled at the thought that you could call to my home to think
13 that you were attempting to bribe me, I mean it is a scandalous suggestion that
14 you are making and its one that I am deeply offended by. I really want to know
15 what were the signals that should have been clear to me that this was a bribe,
16 because they certainly did not come across to me?

15:48:33

16 A. Yes, I have given evidence Mr. McGrath and Mr. Chairman, I have given evidence
17 to this effect previously and I have said consistently and I say so now, to
18 Mr. McGrath, that on each occasion that I have documented that monies were paid
19 to him, were paid to him at his request. So that is the signal. There is no
20 other signal required. Its not me arriving at his home --

15:48:58

21

22 CHAIRMAN: But when you say they were requested by Mr. McGrath, can you
23 remember the circumstances in which they were requested and what sort of words
24 were used?

15:49:09

25 A. Well when I am seeking his support in lobbying for a particular development.

26

27 CHAIRMAN: Well did he, what did he, how would he have asked for the money?
28 You say he asked for money.

29

30 A. Yes and on a number of occasions Mr. McGrath and I say this, I have no
difficulty whatsoever in saying this to him face-to-face, made the point on a

15:49:24

15:49:29 1 number of occasions that he and his colleagues were conducting business in
2 Dublin County Council to the effect that they were creating multi-millionaires
3 of people and they were getting nothing out of it.

4 Q. 404 Chairman, I presume when I am in the witness box myself I will have an
15:49:48 5 opportunity to refute that.

6
7 CHAIRMAN: Oh, yes.

8
9 MR. McGRATH: But that is just ridiculous.

15:49:52 10
11 CHAIRMAN: All of those matters will be put to you in the witness box and --

12
13 MR. McGRATH: Chairman what might be lost a little on the Tribunal and I am
14 sure Mr. Dunlop won't deny it. Myself and Mr. Dunlop became quite close over
15:50:04 15 quite a number of years, I would go as far as to say we were probably friends,
16 and I'd like to think maybe sometime in the future we may even be again, but
17 that's why, I really am at a loss to know where he has, what has happened, what
18 turn has taken him?

19
15:50:19 20 I would like to think that at that time had I had any need for money, that I
21 probably could have turned to someone like Mr. Dunlop if I was in need and ask
22 him for money, totally separate from politics, that's how close we got. I just
23 cannot believe that he is suggesting to you and to the press and everyone
24 listening that I asked him for money in relation to my support.

15:50:40 25
26 Which I was giving to him willingly and in fact I assisted him in a lot of his
27 endeavours on behalf of his clients just out of my natural instinct to oblige
28 people, which I have been doing all my life as a public representative and you
29 know I just can't believe that he is actually suggesting that I was putting a
15:50:59 30 price on my assistance. It is just simply not true Mr. Dunlop, I don't know

15:51:03 1 where you are going with that.
2 We had a lot of contact, particularly over another module, on a semi
3 professional basis.
4 A. I have it here.
15:51:11 5 Q. 405 That's fair enough. I think I wouldn't be going too far to say I was a quasi
6 unofficial member of the actual project team?
7 A. That's exactly the words I used in my statement.
8 Q. 406 Maybe it is. I don't get time to read a lot of what goes on here, I read as
9 much as I can, maybe you did say that and fair enough, but then it kind of
10 makes it is even more hard to accept your evidence that I would have asked you
11 for money and I nearly said something I shouldn't but Chairman, what I am
12 trying to get at here is I knew Mr. Dunlop over probably a five year period
13 where we were fairly much involved on a lot of things, and you know, it really
14 is offensive to me to think, it is simply like tapping your friend for money.
15:51:56 15 You just don't tap your friend for money. Its just not true, Frank. Its just
16 not true what you are saying.
17
18 I mean you did assist me -- By the way, Chairman, in response, that's clever
19 use of words by Mr. Dunlop, yes I am not going to deny that I did ask you for
20 money, but it was only couched in terms of assistance for an up coming election
21 campaign or a golf fundraiser classic or something like that, I never
22 specifically asked you for anything in relation to a rezoning proposal, a
23 development proposal or anything like that, and that will be my evidence when
24 it comes around to it and Chairman, I go back to my original statement,
15:52:32 25 Mr. Dunlop your memory seems to me to be seriously defective. Seriously
26 defective.
27
28 CHAIRMAN: All right, do you want to deal with that Mr. Dunlop? Its suggested
29 to you or being stated to you by Mr. McGrath that he never asked you for money
15:52:48 30 for supporting a development other, well that's the question put to you and

15:52:52 1 that he only ever asked you for money as, for political contribution during a
2 campaign.

3 A. Yes he did ask me for money in three different categories, one for political
4 contributions, one to assist him on one occasion which I have documented and
15:53:07 5 which he can not deny in relation to a debt that he had and I personally
6 discharged it, I was refunded by a third party who is not a witness in this
7 module, and others were, in the amount of 10,700 pounds to Fry's Solicitors on
8 a phone call from you from the High Court, and then the other monies were
9 requested by you in relation to development, support for developments in the
15:53:37 10 amount over the course of the Development Plan including the monies to Fry's of
11 10,700 amounting to 30,700 so if you deduct the 10,700 you get 20,000.

12 Q. 407 I don't recall asking you that question but however?

13 A. No Mr. Chairman I am --

14 Q. 408 That is document all right, Chairman, although there are other qualifying
15:54:00 15 factors surrounding the discharge of that debt which you are, have not alluded
16 to there because it doesn't suit your evidence to allude to it, but I will be
17 alluding to when the time come and all will be explained at that stage.
18 However, Chairman, I want to get back to the credibility issue, and that's what
19 I was offered the opportunity here today to do, I am more or less going to wind
15:54:19 20 up on this.

21
22 When I came in here today having read a lot of the transcripts and having heard
23 the evidence of a lot of other witnesses I felt that my job wouldn't be too
24 hard, because I came in here already of the opinion that Mr. Dunlop's
15:54:31 25 credibility was completely shattered as it is, based on the complete
26 inconsistencies in his evidence and his defective memory and I am of no
27 different opinion now. I really believe that, you know, he is manufacturing
28 stories and payments to people which are to explain away the monies which he
29 received from clients on false pretences or whatever way he managed to convince
15:54:59 30 them to give it to them, he is now trying to explain to you, where all this

15:55:04 1 money went and he is drawing up lists after lists after lists and he is
2 changing lists and changing names as it suits him, maybe not maliciously, maybe
3 its that he genuinely can't remember because he was at one point going around
4 the place with pocketfuls of money maybe that's true, I don't know how he kept
15:55:22 5 track of it, I would suggest to him that he didn't keep track of it have and
6 now 15 years later when he is being put to the pin of his collar to write down
7 names he has to come up with something and it looks like he is just rounding up
8 the usual suspects to me which might find credibility somewhere else, you know.
9
15:55:37 10 That's really what I have to say, so I am still at a loss. I still don't know,
11 I am going to leave here today not knowing how Mr. Dunlop bribes a councillor,
12 because he certainly hasn't clarified if to me today, I still don't know where
13 was it said, what was the movement, what was the gesture when you went out the
14 door and you shook hands and thanks very much, good look in the election, where
15:56:01 15 was the signal. Where was the signal? How was one to know, how was anyone to
16 know
17 A. You asked.
18 Q. 409 No no, I did not ask?
19 A. Very simple, there is no gesture.
15:56:11 20 Q. 410 If I asked for a political contribution and you agree to give it to me, if you
21 call to my house and give to me is that a bribe?
22 A. Absolute nonsense, you asked.
23 Q. 411 No, no it is not a bribe Mr. Dunlop, I am sorry to have to say to you, you are
24 disillusioned, now if you thought it was a bribe that's your problem, but I can
15:56:28 25 assure you I certainly didn't regard it as a bribe had I thought it was a bribe
26 I would have thrown it back in your face and asked you to leave, its as simple
27 as that, you know.
28
29 Chairman I didn't mean to get as emotional as I am getting but it is just hard
15:56:42 30 to take, it is hard to take and I don't know where this is all going to go.

15:56:46 1 But I would suggest to you Chairman at the risk of my good friends across,
2 jumping up and down, that I think Mr. Dunlop should be stood down as a witness,
3 his credibility has completely imploded and he is giving so much false evidence
4 to this Tribunal and he is impugning the characters of so many people, that how
15:57:03 5 can he be left in the witness box to carry on module after module when his
6 evidence is clearly shot. I was nearly going to say something rude.

7
8 CHAIRMAN: We have to hear his evidence from beginning to end. You will be
9 given an opportunity next week to give evidence under oath and you can deal
15:57:22 10 with all these issues.

11
12 MR. McGRATH: I will be here Chairman. I can think of nothing further for the
13 moment so thank you very much for the opportunity.

14
15 CHAIRMAN: All right. Thank you. Now Mr. Gordon, do you wish -- you still
16 have about ten minutes of cross-examination.

17
18 Mr. Gordon: Thank you, Chairman, for the time given to me yesterday, I have
19 had an opportunity -- instructions have been taken from Mr. Fox and I wish just
15:57:48 20 to continue briefly with Mr. Dunlop and conclude my examination of him.

21
22 **WITNESS CONTINUES TO BE CROSSEXAMINED BY MR. GORDON AS FOLLOWS:**

23
24 Q. 412 Good afternoon Mr. Dunlop.

15:57:56 25 A. Mr. Gordon.

26 Q. 413 Just some matters I want to tidy up with you before we depart. Yesterday and
27 indeed before and just now you have been referred to as a liar, a perjurer and
28 slippery individual, isn't that right Mr. Dunlop?

29 A. Correct.

15:58:22 30 Q. 414 And person after person, including the last witness, has emphasised in this

15:58:32 1 Tribunal in some cases their innocence, when responding to the allegations that
2 you make about them, isn't that so?

3 A. They are entitled to do that.

4 Q. 415 Yes. And effectively what they say, Mr. Dunlop, is that you are nothing more
15:58:45 5 than a liar. Isn't that right?

6 A. That's what they are saying.

7 Q. 416 Yes. And there is a ring of truth about that Mr. Dunlop, isn't this?

8 A. No.

9 Q. 417 Well you have acknowledge that had you are a liar?

15:58:57 10 A. I told an untruth at the beginning, yes.

11 Q. 418 You told many untruths, in fact you swore affidavits that you knew to be false,
12 isn't that right?

13 A. Correct.

14 Q. 419 In fact you came into this Tribunal with the intention of committing perjury
15:59:11 15 before you even arrived on the doorstep, it was your intention to commit
16 perjury in here, you have admitted that also. Does that cause you a problem
17 Mr. Dunlop?

18 A. No no, are you asking a question I thought you were making a statement.

19 Q. 420 No, did you do that?

15:59:25 20 A. I came into this Tribunal and I told untruths that's what I have said.

21 Q. 421 Did you come in with the intention of committing perjury?

22 A. I came in to the Tribunal and I told the story that I told in the first two
23 days.

24 Q. 422 Mr. Dunlop you are already on record as saying that you --

15:59:44 25

26 CHAIRMAN: Sorry Mr. Gordon, is this -- I mean this may well be as a result of
27 you having consulted with your client, but this is much the same line as the
28 questioning that you spent some time on yesterday with Mr. Dunlop, I mean we
29 know from Mr. Dunlop that he has lied to the Tribunal, he says he has done it
16:00:10 30 and repeatedly putting to him that he has lied to the Tribunal doesn't really

16:00:14 1 bring us any further.

2 Q. 423 But something follows on from that Chairman, I was just about to deal with

3 that. It is clear Mr. Dunlop, that you are certainly up for lies and you are

4 certainly up for perjury and you are certainly up for corruption. History

16:00:30 5 tells us that, isn't that correct?

6 A. Possibly, yes.

7 Q. 424 It tells us that Mr. Dunlop. There are no ifs or buts about it, there are no

8 possibilities you yourself described yourself as a liar in this room in answers

9 to questions put by me. You are up for lies and you are up for corruption,

16:00:47 10 what I want to ask you is this Mr. Dunlop. Are you up for an altogether

11 different type of crime, and that is are you up for the implication of an

12 innocent person by your accusations?

13 A. The answer simply to that question is no.

14 Q. 425 Don't you think Mr. Dunlop that if you were and if history were to judge you as

16:01:10 15 not only a liar but a person who would go a step further and implicate innocent

16 men?

17 A. I am --

18 Q. 426 Sorry wait for the end of the question, if history is to judge you Mr. Dunlop

19 as the type of individual as a person who would implicate an innocent man that

16:01:28 20 is correct that would be despicable on your part, isn't that right?

21 A. It won't be.

22 Q. 427 Would you agree that that type of behaviour or conduct is despicable?

23 A. Hypothetically, yes, not in this instance.

24 Q. 428 Are you up for that, Mr. Dunlop?

16:01:44 25 A. Not in relation to your client Mr. Gordon.

26 Q. 429 So do you draw the line then Mr. Dunlop, I am interested in where your line is,

27 do you draw the line between telling lies, corrupting, committing perjury and

28 implicating then innocent men, is that a line over which you won't cross?

29 A. No, I am telling you what happened in relation to your client. I told you

16:02:04 30 yesterday, and I am telling you again today. The guts of 30 grand to your

- 16:02:09 1 client, in the course of Development Plans that I have documented, both in
2 private, beginning in private sessions, beginning in this witness box, repeated
3 in private sessions and documented.
- 4 Q. 430 He says he is innocent and that you are implicating him, that you are going
16:02:26 5 further than telling lies.
- 6 A. Your client is entitled to say what he likes, he has already been in the
7 witness box and was cross examined very effectively if I recall.
- 8 Q. 431 Well the Tribunal will judge the effectiveness of the cross-examination
9 Mr. Dunlop with respect?
- 16:02:41 10 A. Of course it will. And that applies to your previous question as well. The
11 Tribunal will ultimately decide.
- 12 Q. 432 You see Mr. Dunlop, aren't you really in the business of slaughtering certain
13 people by your evidence, assassinating their characters with the view or with
14 self interest at heart?
- 16:03:05 15 A. No.
- 16 Q. 433 Well Mr. Dunlop yesterday I couldn't help but notice that when you got an
17 opportunity to do my client down that you seized the moment and you visibly
18 became excited about it, and for example I noticed that you slipped in a
19 comment about him when you said that he was --
- 16:03:25 20
- 21 MS. DILLON: This is a submission by Mr. Gordon, with respect Mr. Gordon's
22 opinions on or comments on the conduct of Mr. Dunlop are irrelevant and should
23 form, if they are to form anything should form part of the submission at the
24 conclusion of the module.
- 16:03:52 25 Q. 434 MR. GORDON: Very well I will put that forward is a submission at the
26 conclusion of the module.
- 27
- 28 CHAIRMAN: Put any questions you have to him.
- 29 Q. 435 MR. GORDON: Did you say then Mr. Dunlop that my client was a person of small
16:03:55 30 stature?

16:03:55 1 A. Yes I did, yeah.

2 Q. 436 Would it surprise you to think Mr. Dunlop, I put this to you and the evidence
3 will be this, that in fact Mr. Fox looks down on you.

4

16:04:05 5 CHAIRMAN: Mr. Gordon I don't understand the thinking behind that question,
6 when as to what Mr. Fox thinks about Mr. Dunlop -- are you talking about
7 physically or?

8

9 MR. GORDON: Can I say this Mr. Chairman, that my client is perplexed about
10 this evidence that Mr. Dunlop is giving.

11

12 CHAIRMAN: Yes but what's the purpose of the question? Are you talking
13 about --

14

16:04:32 15 MR. GORDON: I am trying to establish Chairman with all due respect, whether
16 the evidence being given by this witness has some motive other than the one we
17 are hearing about in here. Whether he is giving his evidence because of some
18 sort of malicious intent that he might have, whether some sort of dislike that
19 he has for my client, I am trying to go discover the reason for that. Because
16:04:59 20 my client --

21

22 CHAIRMAN: Just your last question was you were asking Mr. Dunlop was he aware
23 that your client looked down on him? Now, I don't understand what that
24 question is supposed to mean?

16:05:13 25 Q. 437 Mr. Dunlop with every respect Chairman, every time he gets the opportunity, if
26 you don't mind me saying Chairman, he puts in the boot when the chance is given
27 to him. Yesterday he was heard to say in here that my client was a person of
28 small stature, and that means a lot more than the words and the utterance. He
29 said that in a particular context and what I am trying to convey to Mr. Dunlop
16:05:44 30 as counsel for my client, that my client in fact looks down upon him --

16:05:50 1
2 CHAIRMAN: Well are you talking about physical stature?
3
4 MR. GORDON: No not at all.

16:05:54 5
6 CHAIRMAN: Well are you putting to Mr. Dunlop the question does he know that
7 your client looks down on him?
8
9 MR. GORDON: Yes.

16:06:02 10 A. I haven't a clue.
11
12 MR. GORDON: This was from start to finish Mr. Dunlop, a public relations
13 disaster, isn't that so?
14 A. What was?

16:06:13 15 Q. 438 Well do I need to go through it Mr. Dunlop. Certain people engaged your
16 services, you were operating a public relations business, and that has turned
17 ultimately into a catastrophe, isn't that right?
18 A. My business.

19 Q. 439 Yes.

16:06:27 20 A. Well my business yes, I don't have a business.
21 Q. 440 And in fact its a bit like I suppose General Motors entrusting their public
22 relations business to Homer Simpson, isn't that right? You are looking at
23 Mr. Redmond, Mr. Dunlop.
24

16:06:47 25 MR. REDMOND: Mr. Chairman, might I just say at this point that --
26
27 CHAIRMAN: You needn't say anything. Mr. Gordon this is tiresome now. That's
28 just a comment and whether its done to evoke some laughter or not I don't know.
29 If you have questions, you are supposed to be cross-examining Mr. Dunlop.

16:07:06 30

16:07:06 1 MR. GORDON: Well Mr. Chairman, with every respect, with every respect
2 Mr. Dunlop comes in here and makes allegations of a very serious nature as
3 against the interests of my client. Terribly serious.
4

16:07:17 5 CHAIRMAN: Yeah but talking about Homer Simpson and General Motors.
6

7 MR. GORDON: I will deal with it Chairman. When he is pressed and asked to
8 explain and to give to you this Tribunal, the detail, he is found seriously
9 wanting. And my client shares the same difficulty that Mr. McGrath did, that
16:07:36 10 his name is being bandied about out there, this evidence is causing enormous
11 damage to my client and to his family and to him publicly.
12

13 CHAIRMAN: Yes and I can well understand that. But the purposes of
14 cross-examination is to challenge Mr. Dunlop as to, in relation to evidence
16:07:53 15 that he has given, particularly insofar as it effects your client. Commenting
16 on the depth of his evidence or the quality of is more for a submission at the
17 end of the module rather than, but it doesn't, its not part of
18 cross-examination.
19

16:08:11 20 If you have questions to put to him, put them to him.
21

22 MR. GORDON: We are just trying to discover why it is Mr. Dunlop is saying
23 these things about Mr. Fox.
24

16:08:20 25 CHAIRMAN: That's fine.
26

27 MR. GORDON: When he knows these things to be completely and utterly untrue.
28

29 CHAIRMAN: You can put that to him.
30

16:08:26

16:08:26 1

2 Q. 441 MR. GORDON: I put that to you Mr. Dunlop?

3 A. They are not untrue.

4 Q. 442 Mr. Dunlop, I just formally put this to you, my client will say here that he

16:08:36 5 never ever, ever, took a bribe from you. That you have perjured yourself in

6 particular when you referred to him as a person that you bribed as a local

7 government official. And that you have caused enormous damage by your perjury

8 and by your lies, by implicating him in this mess that you have brought down

9 upon yourself. In other words Mr. Dunlop, my client vigorously resents what

16:09:07 10 you are saying about him in these proceedings from start to finish, not just in

11 this module but in the module that we dealt with before and perhaps even in

12 future modules as you yourself have indicated.

13

14 And there is and I put it to you Mr. Dunlop, there is not a grain of truth in

16:09:22 15 what you say, there is no substance in what you say, when you are pressed about

16 what you say you are found seriously wanting. You are giving evidence here

17 which is peppered with inconsistencies and you are just nothing more than an

18 unreliable character who cannot be believed and I say that to you on

19 instructions Mr. Dunlop. That's what Mr. Fox will be saying when he is giving

16:09:48 20 evidence in here.

21

22 That your story is so incredible it has fallen apart so many times, you have

23 just been undermined incomprehensibly so Mr. Dunlop at this stage.

24

16:10:01 25 CHAIRMAN: But Mr. Gordon, can you put a question to him.

26

27 Q. 443 MR. GORDON: What I am doing is putting my client's position to him and he is

28 free to comment on it if he wishes and that's the last thing I want to put to

29 him.

16:10:13 30

16:10:13 1 CHAIRMAN: Do you want to comment?

2 A. Mr. Gordon is putting to me and I reject it absolutely as I have done before
3 and will do again Mr. Chairman.

4 Q. 444 I have no further questions. Thank you.

16:10:24 5
6 CHAIRMAN: All right. Thank you. Thanks.

7
8 MS. DILLON: That concludes Mr. Dunlop's evidence at this point in time, except
9 for his cross-examination by counsel for the Jones Group. I anticipate that
16:10:41 10 that, we should be in a position to deal with that tomorrow week, if that's --

11
12 CHAIRMAN: Right, is there anybody else who wishes to cross examine? Well
13 that's fine. Well the Tribunal will inform Mr. Dunlop when he is required to
14 come back. We may have some questions ourselves Mr. Dunlop but we'll delay
16:11:05 15 that until the cross-examination and then of course his own counsel may want to
16 ask him questions.

17
18 MS. DILLON: And ourselves, yes.

19
16:11:11 20 CHAIRMAN: So half ten tomorrow morning.

21
22 **THE TRIBUNAL THEN ADJOURNED TO THE FOLLOWING DAY,**

23 **FRIDAY 17TH FEBRUARY 2006 AT 10.30 AM.**

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