

10:24:01 1 THE TRIBUNAL RESUMED AS FOLLOWS ON TUESDAY,
2 21ST FEBRUARY 2006 AT 10.30 A.M:

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4 MS. DILLON: Good morning, Chairman. The estate of the late Cyril Gallagher
10:33:40 5 have an application by Mr. Giles Montgomery for limited representation, you
6 will recollect that limited representation has previously been granted and Mr.
7 Montgomery was unable to be here at the commencement of the module.

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9 CHAIRMAN: We will grant that.

10:33:53 10
11 MS. DILLON: May it please you.

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13 MR. QUINN: Good morning, sir. Senator Lydon please.

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10:33:59 1 SENATOR DON LYDON, HAVING BEEN SWORN, WAS EXAMINED

2 AS FOLLOWS BY MR. QUINN:

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4 CHAIRMAN: Good morning, Mr. Lydon.

10:34:25 5 A Good morning, Mr. Chairman.

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7 MR. QUINN: Good morning, Mr. Lydon. Senator Lydon in response to a query

8 from the Tribunal in relation to this module, you through your solicitors on

9 the 26th January 2006, provided a statement in relation to the circumstances

10:34:41 10 surrounding your endorsement of the rezoning of the lands at Ballycullen and

11 Beechill and it is my intention at the outset to read that letter and then to

12 ask you a few questions if that's agreeable to you.

13 A Yes.

14 Q 1 If we could have 3111 please. This is a letter addressed to Mr. King,

10:35:00 15 solicitor to the Tribunal, from Edge Manning solicitors and it's dated the 26th

16 January 2006, and it says "We refer to your letter of the 13th January 2006 in

17 regard to the above. At the outset we wish to state on our client's behalf,

18 that these matters refer to events in 1991/19912 period and understandably our

19 client is relying to the best of his recollection to the issues arising. With

10:35:25 20 regard to the specific request contained in subparagraph I to IV we stated as

21 follows.

22 I. We note from your letter of the 17th inst that the last person named therein

23 should read Francis Brooks. Our client knew Mr. Oliver Brooks and Francis

24 Brooks for approximately 15 to 20 years around this time. Both Mr. Oliver

10:35:46 25 Brooks and Mr. Francis Brooks were members of Fianna Fail as was our client in

26 Dublin south constituency. Both Oliver Brooks and Francis Brooks were members

27 of the Fianna Fail cumann and Francis Brooks attended the Comhairle Dail

28 Ceanntar in Dublin south where he would have met our client. Up to the time of

29 the motions outlined in your letter of the 13th inst, our client would not have

10:36:07 30 known Mr. Christopher Jones, although Mr. Jones' brother was known to him."

10:36:11 1 Is that Mr. Gerard Jones you are referring to there?

2 A Yes.

3 Q 2 "It was after this time that he made the acquaintance of Mr. Christopher
4 Jones." At 3112, the letter goes on to state "With regard to the Jones Group,
10:36:25 5 our client has no recollection of meetings such (if the description of first
6 companies collectively known as the Jones Group) in relation to the Ballycullen
7 Farms our client would of course have been aware that Mr. Oliver Brooks and Mr.
8 Francis Brooks managed the farm on behalf of the Jones family. He would not
9 have had any contact however with the farm operation."

10:36:45 10 II. Our client recollects that he was a candidate for election to the Seanad
11 following upon the General Election of November 1992. The Seanad campaign
12 would have commenced at the time of the general election, with the Seanad
13 election and concluding in the early part of 1993. During the course of the
14 Seanad campaign, Mr. Christopher Jones gave our client by way of a donation the
10:37:06 15 sum of 5,000 pounds, our client believes to the rest best of his recollection
16 that the overall contribution made by Mr. Christopher Jones amounted to about
17 7,000 pounds. Evidence in regard thereto was given to the Tribunal in previous
18 hearing."
19

10:37:20 20 III. Our client has a clear recollection that he was shown the site on the
21 Ballycullen farm by Mr. Oliver Brooks and that Mr. Francis Brooks was also
22 present. Our client recollects that he was asked about this matter at a
23 previous hearing of this Tribunal and that to the best of his recollection then
24 and now, he had no contact with either Mr. Frank Dunlop or with the late Liam
10:37:40 25 Lawlor."
26

27 I presume there you are trying to convey the fact that you had no contact in
28 relation to these lands with Mr. Dunlop or Mr. Lawlor because I think you have
29 already given evidence of your contact with Mr. Dunlop in relation to other
10:37:51 30 lands, isn't that right?

- 10:37:52 1 A Yes, just if I can clarify, as regards to Mr. Lawlor I had no contact at all
2 about these lands.
- 3 Q 3 Or any lands?
- 4 A No I don't think so, no. But in regard to Mr. Frank Dunlop, what I got in the
10:38:06 5 documentation from you, he must have made some contact with me in order to get
6 me to sign a motion. There was a few phone calls then I think with him around
7 the time of the thing but before that I had no contact. I didn't know he was
8 involved in Ballycullen in other words.
- 9 Q 4 Yes.
- 10:38:21 10 A I was dealing with Oliver Brooks.
- 11 Q 5 Yes. The impression I am now getting from your clarification of the statement
12 Senator Lydon and correct me if I am wrong, is that you now accept that you did
13 have contact with Mr. Dunlop?
- 14 A Yes.
- 10:38:36 15 Q 6 And that concession is made as a result of sight of the brief given to you in
16 this module, is that correct?
- 17 A Yes, that's correct.
- 18 Q 7 Heretofore, you I think only admitted to having had contact with either of the
19 two Brooks brothers in relation to the matter?
- 10:38:49 20 A Yes.
- 21 Q 8 We will deal perhaps in more detail in a moment with your contact with the
22 parties. Just at the outset, I think you now accept also, I think, that you
23 received a sum of 7,000 pounds from the Jones Group, from Mr. Chris Jones, is
24 that right, or Ballycullen Farms limited?
- 10:39:07 25 A A total.
- 26 Q 9 A total, that's a sum of 2,000 pounds and a sum of 5,000 pounds?
- 27 A Correct.
- 28 Q 10 I think that when you came to attend the Fianna Fail inquiry into June of 2000,
29 you had no recollection of receiving any money from the, Mr. Chris Jones, isn't
10:39:24 30 that right? If we could have page 884 please, this is an extract from the --

- 10:39:30 1 A I read that thing yesterday evening and I explained that before, the only asked
2 about two or three things. You must remember at that time we hadn't all the
3 documentation and information we have now. Like, the Dunlop thing there is a
4 typical example, I didn't know Dunlop was involved at all until I got all the
10:39:50 5 documentation from you. As he might call it a road map but the reason this
6 didn't come from Fianna Fail inquiry was because we weren't asked. They were
7 asking about Cherrywood and Paisley Park and ...
- 8 Q 11 They asked you the wrong question is that what you are saying, Senator Lydon?
9 A Not the wrong question, they don't asked a few questions.
- 10:40:06 10 Q 12 How many developers or indeed how many contributors gave you as much as 7,000
11 pounds towards election campaigns?
12 A I think he would be the only person ever.
- 13 Q 13 How many gave you 5,000 pounds?
14 A Two, as far as I know.
- 10:40:17 15 Q 14 And I think you have given evidence that Mr. Jones was one of those and you
16 have also given evidence of the other, isn't that right?
17 A That's correct, yes.
- 18 Q 15 And after that, I think the next largest contributor to you was Mr. Dunlop
19 himself, is that right?
10:40:33 20 A No, in regard to this one?
- 21 Q 16 No, generally?
22 A No I think I got, about two or two and a half from Monarch at one time, Monarch
23 Properties.
- 24 Q 17 But it would be fair to say that reading the report that you, of the Fianna
10:40:51 25 Fail inquiry, there was no mention of the Jones Group or Mr. Chris Jones being
26 a contributor to you and there was certainly no mention of either 5 or 7,000
27 having been received by you from Mr. Jones, is that right?
28 A No mention at all.
- 29 Q 18 And in fact in relation to the Monarch contribution, I think you referred to
10:41:09 30 1,000 pounds for the 1993 Seanad election and is it 1,000 for the 1997 Seanad

- 10:41:14 1 election?
- 2 A That's what it would have been around, it was 2,500, I think for the 1992 or
3 1993 election. 2 or 2,500, I don't remember now but I didn't have the figures
4 at that time, you see I didn't know.
- 10:41:25 5 Q 19 Are you saying that you had forgotten about the money you had received from
6 Mr. Jones?
- 7 A I had forgotten about anything else really you know because, it's a bit like
8 this, I was in there, it wasn't a very -- how I would put this -- it was
9 rigorous enough but friendly and they only asked about certain things and
10:41:44 10 that's all that occurred to me.
- 11 Q 20 All that occurred to you was the 1,000 you had received from Mr. Dunlop, the
12 1,000 from Monarch on two occasions which you have now corrected I think to
13 being a slightly larger sum and I think monies you said that you received from
14 Mr. Dunlop in the 1991, 1992 period, is that right?
- 10:42:06 15 A That's correct.
- 16 Q 21 Now, evidence has been given here, Senator Lydon, that Mr. Dunlop was retained
17 by Mr. Chris Jones in February 1991 in relation to the rezoning of the lands in
18 Ballycullen and that subsequently, he was retained either by Mr. Jones and
19 Mr. Hussey in relation to further lands at Beechill, the property of either
10:42:25 20 Ballycullen Farms or the Jones Group as it was at that time. Did you know that
21 Mr. Dunlop had been retained?
- 22 A No, definitely not.
- 23 Q 22 At any stage?
- 24 A No.
- 10:42:35 25 Q 23 Well when was the first time you realised that Mr. Dunlop had been retained to
26 assist in having these lands rezoned?
- 27 A I really don't know, I'm sure -- I remember Tom Hand telling me that Dunlop had
28 a motion on Ballycullen and he asked me to sign it and I it must have been
29 after that that Frank Dunlop came to me with a motion, I suppose sometime
10:42:56 30 before the motions were put, a week or two weeks or something like that. I

- 10:42:58 1 don't know the dates.
- 2 Q 24 In any event, we do know that the Ballycullen lands had come before the council
- 3 in 1990, isn't that right, when there was a proposal by the manager to have a
- 4 portion of the lands zoned for industrial purposes?
- 10:43:12 5 A Correct.
- 6 Q 25 You knew that?
- 7 A I knew it.
- 8 Q 26 Had anybody discussed the lands with you at that stage?
- 9 A No.
- 10:43:19 10 Q 27 At all?
- 11 A No.
- 12 Q 28 Now, then we move into 1992 and Mr. Dunlop was again assisting the, Mr. Chris
- 13 Jones in relation to the lands, when in 1992 did you first hear about these
- 14 lands?
- 10:43:34 15 A When -- it was Oliver Brooks spoke to me first about the lands. In the early
- 16 part of the year, I suppose maybe February, March, April, or something, I don't
- 17 know exactly and we went up to look at the lands and Frankie Brooks was there
- 18 the same day and we had a look around the farm, he showed me, he was quite
- 19 enthusiastic, he was putting this here and that there and so on.
- 10:43:55 20 Q 29 You had known Mr. Oliver Brooks?
- 21 A Yes.
- 22 Q 30 I think Mr. Brooks is a --
- 23 A I think I knew Frankie better at this stage but I know Oliver much better now.
- 24 Q 31 Okay but at that time you had known Frank better than Oliver, is that correct?
- 10:44:07 25 A I had known him, because he was a member of the Comhairle Dail -- Oliver was a
- 26 member of the cumann all right, I would have met him but I wouldn't have known
- 27 him very well, no.
- 28 Q 32 I think Oliver is now a councillor, isn't that right?
- 29 A He is yeah. I know him very well now.
- 10:44:20 30 Q 33 Yes, but at that time, and I'm talking about 1992?

10:44:21 1 A No.

2 Q 34 Well could you tell the Tribunal the circumstances under which Mr. Oliver
3 Brooks came to introduce you to the lands?

4 A Well as best I can remember now, Oliver and Frank I think were canvassing
10:44:33 5 Fianna Fail support for it and they'd spoke to a lot of councillors and I think
6 they brought a lot of councillors up to see the land.

7 Q 35 They were canvassing Fianna Fail councillors, were they?

8 A I don't know if they were canvassing Fine Gael, I know they were talking to
9 councillors around the chamber and --

10:44:49 10 Q 36 And were they turning up at council meetings, is that where they were meeting
11 the councillors?

12 A I don't know if they were at every meeting, they wouldn't be like Frank Dunlop,
13 but they would turn up now and again I think.

14 Q 37 You would see them now and again zoo you would see them in the lobby, is that
10:45:01 15 correct?

16 A Occasionally, you know I can't be specific.

17 Q 38 Where did they meet you in relation to it?

18 A In the lobby.

19 Q 39 In the lobby of Dublin County Council?

10:45:08 20 A Yeah.

21 Q 40 And you knew Mr. Frank and Oliver Brooks at this stage, Frank better than
22 Oliver?

23 A Yes.

24 Q 41 What did they say to you, did they both report to you and what they did say to
10:45:16 25 you?

26 A I don't know but i think it was mostly Ollie I dealt with, Ollie said like that
27 there's this farm Ballycullen and Mr. Jones I think was eager to have it
28 changed, something like this I don't know the words -- I don't want to put
29 words in his mouth because I can't remember, but he said the best thing is to
10:45:32 30 go up and have a look before you make up your mind, so I went up to have a look

- 10:45:35 1 at it.
- 2 Q 42 Did he ask you to canvass the support of any other fellow councillors within
- 3 Fianna Fail or within the other parties?
- 4 A He did his own canvassing.
- 10:45:43 5 Q 43 He did his own canvassing. Did you seek the support of any of your colleagues
- 6 for the proposal?
- 7 A No.
- 8 Q 44 How long after you met him did you go see the lands?
- 9 A I don't know, I mean you see I could have met him today I might go for three
- 10:45:57 10 weeks, or I might go for ... I don't know is the answer.
- 11 Q 45 Well we know for example if I could have 1645 please, that after the public
- 12 display in 1991 of the Draft Development Plan, that Mr. Dunlop on the 9th April
- 13 1992 was advising Mr. Chris Jones that the review of the Draft Development Plan
- 14 was likely to be considered some time after the 30th April and that he was
- 10:46:22 15 advising that the Ballycullen lands would be scheduled for discussion and
- 16 consideration in late May or early June. Just to try and put it into context,
- 17 they both ultimately took place on the 29th October 1992, so in April, 1992,
- 18 had you met Mr. Brooks, either of the Mr. Brooks?
- 19 A I would say so, yes, I would say I met them in April or March.
- 10:46:43 20 Q 46 March or April 1992?
- 21 A Yes, they may say it was earlier or later, that's what I, something around that
- 22 I think.
- 23 Q 47 Okay It would have been after the display of the 1991 Development Plan?
- 24 A If that's the case, yes.
- 10:46:56 25 Q 48 I think the 1991 plan was on display between September and December 1991?
- 26 A I don't know, but if you say so, I would accept that.
- 27 Q 49 Yeah. So he asked you to see the lands, you visited the lands, was that by
- 28 appointment?
- 29 A Well as far as I remember he was in the council chambers and said go up and see
- 10:47:16 30 it. I don't know whether it was that day or another day. I went up anyway.

- 10:47:19 1 Q 50 Did you go up with him or meet him there?
- 2 A I think I followed him up.
- 3 Q 51 You followed him up from the council chambers?
- 4 A As far as I know, yes.
- 10:47:26 5 Q 52 Did anybody travel with you?
- 6 A No, I don't think so. No.
- 7 Q 53 When you saw the lands, what did you say?
- 8 A It just looked like a big farm to me, you know? I said I would support it, I
- 9 thought it was a good idea at the time.
- 10:47:40 10 Q 54 Okay, so you said you would support the rezoning. Did he discuss with you the
- 11 type of rezoning that was proposed or was --
- 12 A I think he said they wanted to put houses on some of it and keep the rest of it
- 13 for a park or what do you call it, amenity area.
- 14 Q 55 Yes.
- 10:47:57 15 A They were going to put about 130 acres or something into amenity.
- 16 Q 56 Did you discuss his proposals for the land with anybody?
- 17 A Sorry.
- 18 Q 57 Did you discuss his proposals for the land with anyone?
- 19 A I don't think so, maybe I did. Maybe some members, I don't know. I wouldn't
- 10:48:12 20 be --
- 21 Q 58 For example, did you discuss it with the council officials, the planning
- 22 office?
- 23 A Not at all.
- 24 Q 59 Or the manager?
- 10:48:19 25 A Oh no.
- 26 Q 60 Why not?
- 27 A Why would I?
- 28 Q 61 Would you not be anxious to, as a councillor to find out the official position
- 29 in relation to the lands?
- 10:48:27 30 A Sure if you proposed, if you put something on the clar, or on the agenda, they

- 10:48:31 1 will give you a notice anyway.
- 2 Q 62 Sorry?
- 3 A If you propose something or seconded something and if there was a motion on the
- 4 clar, the manager would issue some kind of a report.
- 10:48:42 5 Q 63 Well would you not be anxious perhaps to ensure that what you were proposing
- 6 either met with the manager's approval or didn't as the case may be?
- 7 A Well it's always nicer if it met with the managers approval.
- 8 Q 64 Sp why didn't you ask the manager for his views on what was being proposed?
- 9 A I never thought, I never did that. I never knew anybody did that either.
- 10:49:03 10 Q 65 Did you ever suggest any amendment of what Mr. Brooks was proposing in relation
- 11 to the lands?
- 12 A No. At that stage I wouldn't know how many houses -- it must have been only
- 13 when I got the motion that I realised.
- 14 Q 66 Would it be fair to say that you adopted what was being proposed by Mr. Brooks
- 10:49:17 15 in relation to the lands without question?
- 16 A Without question, no, I would question the proposal but when I looked at it, I
- 17 thought there was a good one, I knew there was a need for housing, there was no
- 18 doubt about that. I approved the low density housing and --
- 19 Q 67 But your motion doesn't refer to density, does it?
- 10:49:36 20 A No, it doesn't, no, but I mean the idea was there that wouldn't be too many,
- 21 only zoned about, I forget the -- some of them were 20 or something.
- 22 Q 68 We will come to that in a moment.
- 23 A Okay.
- 24 Q 69 So you think you met him in March or April of 1992, you visited the lands, did
- 10:49:54 25 you advise them there and then that you would support the proposal or did you
- 26 go away and think about it?
- 27 A I would say I probably told hem there and then because I thought it was a good
- 28 idea.
- 29 Q 70 Yes.
- 10:50:04 30 A I mean you know, if you promise something -- you would look at it.

- 10:50:09 1 Q 71 Sorry?
- 2 A It wasn't discussed at that stage as far as I know, it wouldn't be discussed at
3 any of our meetings you know.
- 4 Q 72 Yes. No, I am just talking about your attitude to this?
- 10:50:18 5 A My attitude was a positive one towards it, because I was always in favour of
6 development anyway and I thought we needed houses and that was that.
- 7 Q 73 Why was it necessary to visit the land then?
- 8 A Anything I ever proposed or seconded, I always visited. I only proposed or
9 seconded a few things and I always look at them.
- 10:50:35 10 Q 74 Now we know that for example in April 1992, the 14th April 1992, Mr. Jones
11 sends a fax to Mr. Dunlop, if we could have 1652 please, asking that he give a
12 text of the submission that Don Lydon had to make to the council, do you see
13 that?
- 14 A I saw that. I read that yeah.
- 10:50:52 15 Q 75 Now, was that the motion that was being spoken about here?
- 16 A I have no idea what that was. That must have been something Dunlop had in his
17 mind, maybe he was going to prepare speaking notes for me, maybe he was going
18 to give me the motion, I don't know. I never saw that thing until recently.
- 19 Q 76 You only saw this recently?
- 10:51:13 20 A I only saw it when you sent me the documents there after Christmas.
- 21 Q 77 So you had no idea at this stage, that is April 1992 that the Jones Group were
22 dealing with Mr. Dunlop in relation to the same lands?
- 23 A I have recollection of anything to do with Dunlop at all.
- 24 Q 78 And Mr. Brooks, neither of the Mr. Brooks brought it to your attention
10:51:33 25 Mr. Dunlop was involved in relation to the lands?
- 26 A I don't think so, no.
- 27 Q 79 And you would have seen Mr. Dunlop I take it every time you went to the council
28 during this period?
- 29 A Sure he was always there.
- 10:51:42 30 Q 80 And yet you didn't know he was lobbying in relation to these lands?

- 10:51:45 1 A When I said I didn't know, I mean he wouldn't have come up to me and said, I
2 don't know whether he would have, I don't recall him asking me to do anything
3 with Ballycullen at all.
- 4 Q 81 He never came near --
- 10:51:57 5 A He may have mentioned in passing but if he did he would have mentioned a
6 hundred other things as well and I wouldn't have paid much attention to them.
- 7 Q 82 So we have a situation, Senator Lydon, where you were actually proposing the
8 rezoning of the lands?
- 9 A Seconding.
- 10:52:05 10 Q 83 Well we will come to that in a moment. Seconding or proposing. You certainly
11 signed the motion first, isn't that right?
- 12 A Yes.
- 13 Q 84 Lands in respect of which Mr. Dunlop has been retained and is being paid and is
14 paid, isn't that right?
- 10:52:16 15 A Yes.
- 16 Q 85 And yet neither of you speak to each other concerning the lands, even though
17 you were both independently talking to everybody else in relation to the same
18 lands.
- 19 A He probably assumed, maybe Ollie Brooks told him or someone, that I had would
10:52:30 20 be in favour so he wouldn't bother me any more. That's probably it, I don't
21 know.
- 22 Q 86 But if you just think about it for a moment, Senator Lydon, does it make any
23 sense that you would be so intimately involved in relation to this rezoning and
24 not know that Mr. Dunlop was also involved in relation to the same rezoning?
- 10:52:45 25 A I wasn't that intimately involved.
- 26 Q 87 But you signed the motion and you --
- 27 A That was a way down the line somewhere.
- 28 Q 88 We will deal with that again as I say in a moment. But at this stage, in April
29 1992, Mr. Jones is asking Mr. Dunlop for the text of a submission that you had
10:53:00 30 to make in relation to the lands and you say you knew nothing about that?

- 10:53:04 1 A I swear to God, nothing, not a thing.
- 2 Q 89 But you were in contact with Mr. Dunlop at this stage, isn't that right?
- 3 A Yes.
- 4 Q 90 If we could have 1664 please. This is a telephone attendance of the 22nd April
- 10:53:15 5 1992 and we see there that at 5 p.m, 1665, which is the second page of that,
- 6 you phoned Mr. Dunlop's office?
- 7 A Yes.
- 8 Q 91 What was that in connection with?
- 9 A I have no idea. Could have been in connection with anything.
- 10:53:30 10 Q 92 Could it have been in connection with the Ballycullen Farms?
- 11 A I don't think so because really I don't recall having any connection with
- 12 Dunlop and Ballycullen until the motions needed to be signed.
- 13 Q 93 Okay.
- 14 A I really don't.
- 10:53:41 15 Q 94 You don't have any -- sorry your recollection now is you may have take spoken
- 16 to Mr. Dunlop at the time of the signing of the motions but not prior to that,
- 17 is that correct?
- 18 A I may have spoken to him, I don't recall it. I mean he spoke to me about so
- 19 many things, he may have mentioned Ballycullen, he may not. He may have
- 10:53:59 20 assumed I was, as he would call it "on board", I don't know.
- 21 Q 95 If we could have 1659 please, this is a letter to Mr. Jones from Mr. Dunlop of
- 22 the 15th April 1992 and at paragraph 3 of that, he advises Mr. Jones of the
- 23 necessity to have a motion lodged, do you see that?
- 24 A I do, yes.
- 10:54:15 25 Q 96 Nine working days. You wouldn't disagree with that, that that was a necessity
- 26 that a motion would be lodged?
- 27 A No.
- 28 Q 97 But there's no doubt but that you are talking to Mr. Oliver Brooks at this
- 29 stage and you have advised Mr. Oliver Brooks who presumably has advised
- 10:54:27 30 Mr. Jones that you would support the motion, isn't that right, or support the

- 10:54:29 1 rezoning of the lands?
- 2 A Yes, but that was just maybe a once-off, I didn't go every day to Oliver Brooks
- 3 ...
- 4 Q 98 But after you had seen the lands, did you tell Mr. Oliver Brooks that your
- 10:54:40 5 support for the rezoning would extend to signing or seconding a motion?
- 6 A That I can't remember, I don't know. I may have or I may not, I don't
- 7 remember.
- 8 Q 99 Did Mr. Oliver Brooks ask you to sign or propose a motion to have lands
- 9 rezoned?
- 10:54:51 10 A No, no. Definitely not.
- 11 Q 100 Did you ask Mr. Brooks what the attitude of his, of any of the other fellow
- 12 councillors were to the lands?
- 13 A I may have, I don't know.
- 14 Q 101 Did you, you have told us that you yourself made no inquiries of anybody
- 10:55:07 15 concerning the lands, isn't that right, and their rezoning?
- 16 A I don't think, I did make any inquiries, but you see when you say that now,
- 17 what would normally happen as you know yourself, you know by now anyway, these
- 18 proposals come along, we discuss them at a group meeting and there would be a
- 19 position adopted whether to support it or wouldn't support it and then you
- 10:55:26 20 could do what you like that's that. And that's -- I wouldn't bother with any
- 21 more about it until it actually came up.
- 22 Q 102 Yes. You had, I think, been reelected in the 1991 local elections, isn't that
- 23 right?
- 24 A Yeah. Yes.
- 10:55:40 25 Q 103 Now, did you ask Mr. Brooks, for example, what the attitude of the locals was
- 26 to the proposed rezoning of the lands?
- 27 A I probably did but I can't remember.
- 28 Q 104 You can't remember what he said. And certainly you made no inquiries yourself
- 29 of any of the local resident groups or of the council in relation to the
- 10:56:02 30 proposals to rezone the lands?

- 10:56:03 1 A Not at that time, no. I may have or later on I might have asked the fellas
2 from the area, I don't know.
- 3 Q 105 If we could have 1662 please. We know that you had a meeting with Mr. Dunlop
4 on the 23rd April 1992 as would appear from an entry in his diary, do you see
10:56:22 5 that entry there?
- 6 A I do, yeah.
- 7 Q 106 Did that meeting tack place, Senator Lydon?
- 8 A Again I have no idea, he came to see me three, four five times that year.
- 9 Q 107 If he did come to see you on the 23rd April 1992, can you tell the Tribunal
10:56:36 10 what it was in relation to?
- 11 A I think that was the time that he brought, what do you call it, Chris --
- 12 Q 108 This is another developer to see?
- 13 A Owen O'Callaghan, I think that's what he brought to see me.
- 14 Q 109 We know that on the previous evening, the 22nd April 1992, he has an entry in
10:56:52 15 his diary for a meeting with the Knocklyon Community Council, this would be a
16 local grouping in close to these lands, did you know that that meeting was
17 taking place?
- 18 A Frank Dunlop wouldn't discuss things like that with me.
- 19 Q 110 I see. Did you for example the Knocklyon and Firhouse Community Council were
10:57:13 20 in constant contact or would appear to have been in contact with Mr. Hussey at
21 this time in relation to the proposals?
- 22 A I had no knowledge of that at all, no.
- 23 Q 111 Are you surprised those meetings would have taken place?
- 24 A Another thing surprised me about all this when I got these documents was that
10:57:31 25 Frank Dunlop was so intimately involved from such early on. I don't think
26 any -- I mean I just surprised me, that's all.
- 27 Q 112 If we could have 1666 please, this is a letter of the 23rd April 1992 to the
28 chairperson of the Firhouse Community Council in relation to the proposals for
29 the lands. You have seen that in the brief?
- 10:57:53 30 A I don't think I read it but I probably saw it, yes.

- 10:57:56 1 Q 113 Do you see there a commitment that the density would be not more than six
2 houses to the acre and that that commitment was being given in writing at that
3 time on behalf of Ballycullen Farms?
4 A Sorry, I don't see that but I take your word for it.
- 10:58:12 5 Q 114 "I confirm the statements made by us at the meeting in which we gave assurances
6 that if Ballycullen Farms is zoned that:
7 1. Planning applications would be made for housing" ...
8 A Yes I see that.
- 10:58:26 9 Q 115 "With a sense density of not more than six to the acre. Did you not know that
10 was the intention of Ballycullen Farms for the lands when you came to sign the
11 motion?
12 A I didn't know it was six to the acre, no.
- 13 Q 116 Did Mr. Brooks not advise you of that when you discussed the matter with him?
14 A My discussion with Mr. Brooks wouldn't be along lines like that. Ollie
10:58:41 15 would -- He brought me up to see the farm and asked me would I support it and
16 said I would, that would be about the height of it.
- 17 Q 117 Now, we know on the 27th April for example that you did receive a payment of
18 2,000 pounds from Mr. Jones, isn't that right?
19 A That is correct, yeah.
- 10:58:54 20 Q 118 If we could have 2935 please. I wonder could you tell the Tribunal the
21 circumstances under which you came to receive that payment?
22 A As far as I remember, Ollie said that Mr. Jones is meeting various councillors
23 and he suggested or I didn't suggest, I think he said that Mr. Jones would like
24 to meet me and he arranged a meeting with him.
- 10:59:13 25 Q 119 Where did you meet Mr. Jones?
26 A In his office.
- 27 Q 120 This is in Beechill, is that right?
28 A Yes.
- 29 Q 121 Was that after you had visited the lands?
10:59:20 30 A I think so, yes.

- 10:59:21 1 Q 122 And was it after you said you would support a rezoning application on the
2 lands?
- 3 A Yes.
- 4 Q 123 And this was in April 1992 when he was negotiating or Ballycullen Farms Limited
10:59:30 5 were negotiating density on the lands with the local community groups, isn't
6 that right?
- 7 A I didn't know that but that's right.
- 8 Q 124 And Mr. Oliver Brooks brought you to meet Mr. Jones in his --
- 9 A He didn't bring me to see him, he just arranged it, I was on my own as far as I
10:59:45 10 remember.
- 11 Q 125 Okay and had you ever met Mr. Jones before that?
- 12 A No.
- 13 Q 126 And what happened?
- 14 A Well, to the best of my recollection, he is a lovely, lovely gentleman, you see
10:59:54 15 him, you meet him, you would know that. We chatted. I think he probably said
16 something about Ballycullen, we discussed it and then we went on and discussed
17 all kinds of other things you know. I had, we discussed a number of different
18 things. And then he said I must give you something for your election campaign
19 whatever happens, for your fund or something. This, I don't know if he gave me
11:00:22 20 the 2,000 at the time or sent it to me afterwards, I think he gave it to me at
21 the time. But the reason he did that was, it's important that you know, that
22 how do I put this, it was the same reason that he gave me 5,000 later on, I am
23 talking about the amounts, not the actual gifts or the donations.
24
- 11:00:43 25 I had an involvement with a third party that he knew very well and he was very
26 appreciative of my efforts with this third party which had gone over a number
27 of years un-remunerated and he said we are very grateful to you and I would
28 like to help you along the way. Something like that.
- 29 Q 127 We will just put this in context if we can Senator Lydon. There was no
11:01:04 30 election in April 1992?

- 11:01:07 1 A Oh no, no.
- 2 Q 128 The election immediately prior to that had been in June 1991?
- 3 A Yes.
- 4 Q 129 Had Mr. Jones or the Ballycullen Farms give own you a donation towards your
- 11:01:19 5 political campaign in 1991?
- 6 A No.
- 7 Q 130 Had they ever given you a donation or political contribution to any of your
- 8 campaigns prior to 1992?
- 9 A No, I never met Mr. Jones --
- 11:01:30 10 Q 131 You didn't go to Mr. Jones seeking a political donation?
- 11 A Oh no, no.
- 12 Q 132 But you did meet him in the context of the rezoning of Ballycullen?
- 13 A That's the reason I went to see him.
- 14 Q 133 At the invitation of Mr. Oliver Brooks who had facilitated the meeting?
- 11:01:45 15 A I think at the invitation of Mr. Jones through Mr. Brooks, I think he arranged
- 16 the meeting, he met a lot of different councillors, I have discovered that.
- 17 Q 134 We will just deal with you now for the moment if we may, Senator.
- 18 A Okay, sure.
- 19 Q 135 You attended in Beechill, you had indicated your support, we know that he had
- 11:02:00 20 sought from Mr. Dunlop some days prior to that the text of the submission that
- 21 you were to make, if we go back to 1652 please. This is a fax undated,
- 22 although dated by Mr. Jones as the 14th April 1992. The cheque is dated the
- 23 27th April 1992, so some 13 days prior to this, Mr. Jones had sought from
- 24 Mr. Dunlop the text of the submission that you had to make to the council,
- 11:02:27 25 isn't that right?
- 26 A According to that, yes.
- 27 Q 136 That would seem to suggest that he required that submission for some reason and
- 28 possibly, I suggest to you, one of the reasons he may have required it was that
- 29 he could give it to you?
- 11:02:39 30 A Well he didn't give it to me. No.

- 11:02:41 1 Q 137 Did he give you anything at your meeting on the 27th?
- 2 A No, definitely not.
- 3 Q 138 But you did meet him in the context of Ballycullen Farms?
- 4 A Yes, that was the reason I went to see him.
- 11:02:50 5 Q 139 Yes. And did you, what did you say to him about Ballycullen Farms?
- 6 A I told him that I was happy to support it and I thought it was a good idea. I
- 7 was very impressed with a couple of things. They were leaving so much land for
- 8 amenity, about 130 acres. I actually thought at the time that it was, it would
- 9 have been a great opportunity for the council, what do you call it, compulsory
- 11:03:15 10 purchase the land because it would have been a marvelous park. They never did
- 11 that.
- 12 Q 140 Now, I think the 2,000 that you received from him was part of a lodgment of
- 13 2,505.68 pounds to a joint savings account of yourself and your wife, if we
- 14 could have 3441 please. Did you regard --
- 11:03:38 15 A That's correct.
- 16 Q 141 Did you regard this money as a fee income or did you regard it as a political
- 17 contribution?
- 18 A Political donation.
- 19 Q 142 Sorry?
- 11:03:44 20 A A donation, political donation.
- 21 Q 143 There's no dispute about that, is there?
- 22 A No, no, no.
- 23 Q 144 I just understood you to say something about the size of the donation being in
- 24 some way connected to some work you had done in a professional capacity for
- 11:03:58 25 somebody known to you both, is that correct --
- 26 A This arose in another module, I needn't go into it but there was two men give
- 27 me a lot of money and both had the same reasons.
- 28 Q 145 Just to clarify that. Are you saying that this was a remuneration for work you
- 29 had done for a third party?
- 11:04:14 30 A No.

- 11:04:14 1 Q 146 Are you saying this was a political donation?
- 2 A It was a political donation, he didn't give it to me for doing the work, he
- 3 gave it to me because I had done the work, you know what I mean. It was
- 4 appreciation, that's all.
- 11:04:25 5 Q 147 You lodged it to the joint account, joint savings account of yourself and your
- 6 wife, isn't that right?
- 7 A Yes.
- 8 Q 148 You have identified that. That's your writing I think, we see that at the top
- 9 of the screen, you were asked to identify a series of lodgments and that was
- 11:04:41 10 your explanation for that lodgment, isn't that right?
- 11 A Yes.
- 12 Q 149 And if we could have 3442 please, this is the lodgment docket in relation to
- 13 that, isn't that right?
- 14 A Yes. That's my wife's writing, yes. That's right.
- 11:04:54 15 Q 150 There was no election?
- 16 A No, no, no not for a long time, I don't think there was even word of it coming
- 17 up, you know.
- 18 Q 151 And it was at a meeting where you agreed to support the rezoning efforts for
- 19 Ballycullen/Beechill.
- 11:05:09 20 A Well I had already agreed to support it, yes.
- 21 Q 152 Can I just ask you, we will come to it in a moment, when you came to propose or
- 22 second this motion in October 1992 and again in October, yes, in October 1992,
- 23 did you advise your colleagues that you had received 2,000 pounds from the
- 24 developer or the landowner?
- 11:05:27 25 A Did I -- no.
- 26 Q 153 The previous April?
- 27 A No, it wouldn't be a secret but I didn't advise them, no.
- 28 Q 154 Now you did meet I think Mr. Dunlop on the 4th May 1992, if we could have 3220
- 29 please. You see "a 9.30 meeting for Don L"?
- 11:05:45 30 A That's the 4th May 1992? I don't know about that now, I wouldn't think so,

- 11:05:56 1 because I would never make an appointment for a Monday morning, I don't think
2 so.
- 3 Q 155 And again, I think you phoned him on the 4th June 1992,1689?
4 A That could be. If he has a record, that would be true, yeah.
- 11:06:11 5 Q 156 So, it is a fact that you have had contact with Oliver Brooks, you have visited
6 the land, you have given a commitment to support the rezoning, you have met at
7 Mr. Brooks' suggestion Mr. Jones and you have received 2,000 pounds, you are in
8 contact with Mr. Dunlop and yet you say that you never, Mr. Dunlop never
9 mentioned to you and you did not know that he was also involved in relation to
11:06:36 10 the rezoning of these lands?
11 A I didn't know he was involved. He may have mentioned it in passing.
- 12 Q 157 Did Mr. Brooks or sorry did Mr. Jones mention it at the meeting?
13 A That what, no, he didn't, no.
- 14 Q 158 Did the meeting take place on the 27th April?
11:06:49 15 A I have no idea.
- 16 Q 159 Are you surprised that Mr. Jones wouldn't have mentioned to you that Mr. Dunlop
17 had been retained to assist?
18 A In retrospect probably, yeah.
- 19 Q 160 Are you saying that he met other councillors at this time?
11:07:05 20 A Yes, so I believe.
- 21 Q 161 To your knowledge, did he assist other councillors with political
22 contributions?
23 A That, I don't know, but, I don't know really, I wouldn't think so.
- 24 Q 162 I wouldn't think so?
11:07:17 25 A I don't think so, I don't know.
- 26 Q 163 Why would he select you amongst all the other councillors for such largesse?
27 A The answer is simple, he made it perfectly clear as far as I was concerned that
28 it was because of what I had done.
- 29 Q 164 Because of what you had done?
11:07:30 30 A Over a number of years.

- 11:07:32 1 Q 165 I thought that related to the size of the donation rather than the actual
2 donation itself.
- 3 A This -- the size of the donation arose when we were talking about the 5,000
4 earlier on.
- 11:07:43 5 Q 166 No, the 5,000 I think is paid after the vote, isn't that right?
- 6 A The reason he gave me the donation at all was because of the work I had done.
7 It wasn't in payment for it. It was in recognition that this had had been
8 done. I never received any money or never looked for any money for the work I
9 had done and he said I must give you something towards your --
- 11:08:02 10 Q 167 Would it be fair to say that by April 1992, that was the single largest
11 political donation you had received?
- 12 A No -- well I don't know when, probably was, yes. Probably was. Maybe --
- 13 Q 168 How many donations would you have received in 1992?
- 14 A 1992?
- 11:08:19 15 Q 169 Yes.
- 16 A For the election?
- 17 Q 170 No the election was in 1991, April 1992, how many donations would you have
18 received?
- 19 A At the end of 1992.
- 11:08:29 20 Q 171 No, no, in April 1992?
- 21 A How many donations would I have received? None. One just, that's all.
- 22 Q 172 Did he ask you to sign the motion at that meeting?
- 23 A No, no, no.
- 24 Q 173 Did he give you anything at the meeting?
- 11:08:44 25 A No.
- 26 Q 174 What commitment did you give him at the meeting in relation to your --
- 27 A Just that I would support it, that's all.
- 28 Q 175 Yes. Did he tell you the names of any other councillors that were going to
29 support the rezoning?
- 11:08:55 30 A I don't think so. The memory I have of the meeting, maybe he will clarify this

- 11:09:00 1 himself, the memory I have of this, that we discussed Ballycullen briefly, I
2 said I would support the thing and then he went on to talk about an awful lot
3 of other things, we discussed politics, republicanism, and all kinds of stuff.
- 4 Q 176 But you met him for the purpose of advising him that you would support the
11:09:16 5 Ballycullen motion, isn't that right, wasn't that the whole purpose of the
6 meeting?
- 7 A The way you put him I met him for the purpose of advising him, is one way of
8 putting it but I met him just as other councillors met him and I suppose Ollie
9 would get a commitment from us and then he would then maybe like to meet us
11:09:34 10 himself. This man, he was such a lovely man. When you meet him, you will
11 know.
- 12 Q 177 Now, if we could move forward then to September of 1992, if I could have 1745
13 please. On the 10th September 1992, I think you had Mr. Dunlop has an entry in
14 his diary for a 10 o'clock meeting with you, do you recall that meeting?
- 11:09:55 15 A I don't.
- 16 Q 178 He was meeting Mr. Jones on the following day, the 11 September 1992?
- 17 A I was looking at the little Xs behind some of those things, I was wondering are
18 these mean he didn't make or he did make it. It's interesting. However,
19 whether he met me or not, he probably did.
- 11:10:12 20 Q 179 We know Mr. Dunlop met Mr. Jones on the following day, did Mr. Dunlop mention
21 to you anything about Ballycullen or Beechill ...?
- 22 A I couldn't honestly tell you.
- 23 Q 180 You can't remember?
- 24 A No. I don't even remember meeting but I'm prepared to accept that I did.
- 11:10:27 25 Q 181 Between the 27th April when you received the cheque for 2,000 pounds and the
26 28th September, which is the date of the signing of the motion, did you meet
27 Mr. Jones?
- 28 A I don't think so, no.
- 29 Q 182 Did you meet Mr. Brooks?
- 11:10:42 30 A Oh yeah, often.

- 11:10:43 1 Q 183 Did Mr. Brooks meet you in the context of the, either of the two motions,
2 either the Ballycullen motion or the Beechill motion?
3 A I met him around the council chamber, that's all.
- 4 Q 184 Now we know that there was a meeting on the 17th September and it would appear
11:11:00 5 that Mr. Lawlor may have been in attendance. If we could have 1762 please.
6 Did you know that Mr. Jones had been talking to mr. Lawlor in the context of
7 these...
8 A No, I did not. Certainly not.
- 9 Q 185 Did Mr. Jones mention Mr. Lawlor to you at your meeting of the 27th April?
11:11:13 10 A No.
11 Q 186 Did he mention that he had made a contribution to Mr. Lawlor?
12 A No.
13 Q 187 Did you ask Mr. Jones if he had the support of the local residents?
14 A I can't say that I did. I may have. I don't know.
- 11:11:28 15 Q 188 Did you ask him if he had the support of the council or the planners in
16 relation to the proposals?
17 A I don't know.
- 18 Q 189 Did you discuss the density of the housing that would --
19 A Definitely not, no. Sorry, when I say definitely not, I have no recollection
11:11:45 20 of discussing that at all. Some things stick out but ...
21 Q 190 On the 22nd September 1992, Mr. Jones wrote to Councillor Cass, if we could
22 have 1773 please. And we see there the proposal that he is putting to
23 Councillor Cass in relation to what's to be zoned, isn't that right?
24 A That's correct, yes.
- 11:12:10 25 Q 191 When did you discover that it was to be 60 acres that were to be zoned for
26 residential purposes?
27 A When I signed the motion. That's the first time I knew about it.
- 28 Q 192 Now if we could have, please, 1783. Did you sign the motion first or did
29 Councillor Hand sign it?
11:12:29 30 A I would say I signed it first. I think Hand somewhere said he wanted me to

- 11:12:34 1 sign it first.
- 2 Q 193 Mr. Dunlop I think has given that evidence to Councillor Hand?
- 3 A I didn't know that.
- 4 Q 194 Did you speak to Councillor Hand about the motion?
- 11:12:42 5 A No, he came to me first --
- 6 Q 195 Who came to you?
- 7 A Pardon.
- 8 Q 196 Who came to you?
- 9 A Tom Hand.
- 11:12:48 10 Q 197 He came to you?
- 11 A He said that Dunlop has a motion, I can't remember exactly, he intimated to me
- 12 that Mr. Dunlop had a motion regarding Ballycullen that he wanted a signature
- 13 on it, would I propose or second it or something like that and I said no
- 14 bother.
- 11:13:03 15 Q 198 When did Councillor Hand come to you?
- 16 A Well that, I don't know, probably in September, he came back in September some
- 17 time I know, he would have been on holidays in the middle of the summer.
- 18 Probably when he came back sometime.
- 19 Q 199 Did you tell Councillor Hand that you had received 2,000 pounds from Mr. Jones?
- 11:13:21 20 A No, not at all, I wouldn't know Tom Hand that well to tell him that.
- 21 Q 200 Did you ask him if he had received any contribution from Mr. Jones?
- 22 A No.
- 23 Q 201 Was it usual for Mr. Hand to ask you to sign motions?
- 24 A No but he asked me to sign a couple. He asked me, remember Paisley Park, he
- 11:13:42 25 asked me to sign it.
- 26 Q 202 You were I think the Fianna Fail member isn't that right, and Mr. Hand was a
- 27 Fine Gael member of the council?
- 28 A Correct, it would always look better if there was one of each or four if
- 29 possible.
- 11:13:53 30 Q 203 And was it in that context he, a Fine Gael member was asking you, a Fianna Fail

- 11:13:58 1 member, to sign the motion?
- 2 A It probably was and probably he promised, I don't know, he may have promised
- 3 Mr. Dunlop that he was going to sign the motion and then maybe he came to me, I
- 4 don't --
- 11:14:09 5 Q 204 So is it your evidence to the Tribunal that you had no discussion in relation
- 6 to the signing of the motion until after, with Mr. Dunlop until after you spoke
- 7 with Mr. Hand?
- 8 A I think that's correct, yes.
- 9 Q 205 So would it be fair to say that your evidence to the Tribunal is you had this
- 11:14:24 10 meeting on the 27th April with Mr. Jones where he gave you the money, the sum
- 11 of 2,000 pounds, then there was nothing and then at some stage, possibly
- 12 sometime in September 1992, Councillor Hand asked you that Mr, would you sign a
- 13 motion for Mr. Dunlop in relation to Ballycullen?
- 14 A That's the way I remember it, yeah.
- 11:14:42 15 Q 206 So you now know that Mr. Dunlop was involved, isn't that right?
- 16 A Yes.
- 17 Q 207 And did you not ask Councillor Hand why he wouldn't sign it?
- 18 A I probably did. He probably said he would sign it but maybe he wanted me to
- 19 sign it first.
- 11:15:00 20 Q 208 Why would he want you to sign it first?
- 21 A I don't know to be honest with you.
- 22 Q 209 Were you not curious?
- 23 A If I answer this honestly he would think I am crazy, but probably I wasn't.
- 24 I'd just the motion I mean if I was in support of something and I had seen it,
- 11:15:15 25 I would sign it. I wouldn't have any bother with that. I mean I wasn't
- 26 signing it for him I was signing it for ...
- 27 Q 210 Were you surprised that Mr. Dunlop hadn't asked you directly to sign the
- 28 motion?
- 29 A I don't think so. No.
- 11:15:25 30 Q 211 Were you surprised that Mr. Jones hadn't asked you to sign the motion?

- 11:15:29 1 A No because maybe the motion wasn't written at that stage.
- 2 Q 212 Was it usual that a motion would be typed up and given to you for signature, in
3 other words that you yourself wouldn't write out the motion and sign it and get
4 the other signatures?
- 11:15:41 5 A No. It would be usual that, from my point of view, it would be usual to get a
6 motion and read it and if it was okay, I would sign it.
- 7 Q 213 Where did Mr. Dunlop --
- 8 A I certainly didn't get the motion typed up anyway.
- 9 Q 214 Where did Mr. Dunlop make contact with you?
- 11:15:57 10 A I don't know, it could have been around the council, it could have been out in
11 my office. I don't know sorry to be so vague, it's a long time ago and I have
12 really no idea.
- 13 Q 215 You don't know how you came to sign the motion, is that what you are saying?
- 14 A No, I don't know where or when.
- 11:16:14 15 Q 216 But you were in contact with Mr. Dunlop in or around this time and yet there
16 was never any mention of Ballycullen or a motion for Ballycullen?
- 17 A Maybe there was but you see, I have asked other people about this, nobody seems
18 to remember Dunlop being involved. I mean he was involved in the background,
19 maybe he dealt with Fine Gael people, I don't know, but I have no recollection
11:16:35 20 of him being involved until this thing about the motion arose.
- 21 Q 217 How did Mr. Dunlop bring the motion to you for signature?
- 22 A I have no idea. I really don't know.
- 23 Q 218 How many motions did you sign?
- 24 A That, I don't know either.
- 11:16:50 25 Q 219 Would you agree that it would appear from documentation furnished to you and
26 received by the Tribunal that you appeared to have signed in relation to
27 Ballycullen that is, at least three motions?
- 28 A Yes.
- 29 Q 220 You accept that?
- 11:17:01 30 A Yes.

- 11:17:02 1 Q 221 Why would you have signed three motions?
- 2 A The only thing, I was trying to think about that and the only reason I can come
3 up with is that maybe he was preparing three different motions and that
4 something like that, I don't know.
- 11:17:12 5 Q 222 Was it usual that you would sign more than one motion?
- 6 A No, I never did anything like it before.
- 7 Q 223 This was a highly unusual feature of this motion that you had to sign it three
8 times?
- 9 A It was, yeah.
- 11:17:25 10 Q 224 Did you ask Mr. Dunlop why Mr. Hand hadn't signed it by the time you came to
11 sign it?
- 12 A I probably did, maybe, maybe, I don't know, I really don't know. Maybe he
13 wanted to get somebody else to sign it as well. I don't know.
- 14 Q 225 Did you ask Mr. Dunlop to get somebody else to sign it?
- 11:17:43 15 A No, I didn't ask him to get anybody to sign it.
- 16 Q 226 Did you ask him who else was involved in supporting the proposal?
- 17 A I knew Tom Hand was going to --
- 18 Q 227 Yes but were you not curious to know how many other councillors were in support
19 of the proposal?
- 11:17:57 20 A I probably said have you any support and he might have said yes. You see the
21 thing is it didn't matter what was proposed or seconded until we got to our
22 group meeting and then there would be discussion about it and we will say yes
23 we will go on this or we won't.
- 24 Q 228 Now the motion, the typed motion appears to have been dated 28th September
11:18:15 25 1992?
- 26 A Yeah but it was probably signed before that.
- 27 Q 229 How long before that would it have been signed?
- 28 A Maybe a week, maybe a few days, I have no idea.
- 29 Q 230 Why was it dated the 28th September, do you know?
- 11:18:27 30 A I think that's the date, most of these motions had to be in by a certain date

- 11:18:31 1 and that's probably the last date. That's all I can suppose.
- 2 Q 231 Were you prepared to sign any motion given to you by Mr. Dunlop or anybody on
3 his behalf?
- 4 A In connection with Ballycullen?
- 11:18:46 5 Q 232 Well any lands?
- 6 A No, no, I told you I wouldn't sign anything. I explained this before, I put a
7 third or a fourth on anything at all just to get it on the clar but if I was
8 proposing or seconded something I always went to visit the place. I only
9 proposed or seconded a few place and I always visited and walked the lands and
10 looked them over and everything else.
- 11:19:05 10
- 11 Q 233 Are you saying before there Dunlop came to you, you had no conversation with
12 him in relation to Ballycullen and that you first became aware of Mr. Dunlop's
13 involvement when Mr. Hand rang you and asked you to sign the motion?
- 14 A Mr. Hand asked me in the council chamber. The answer to that is maybe
15 somewhere during the way, the year I might have met Frank or somebody to say
16 you are okay on Ballycullen or are you supporting Ballycullen and I would have
17 said yes but we would have had no discussions about it.
- 11:19:21 15
- 18 Q 234 Yes. That is to say that you might have met him at a council meeting, is that
19 right and he would have confirmed your support?
- 11:19:39 20 A He was always at Development Plan meetings, always. He was forever there. He
21 always had a list outside and he would be ticking people off as they went in.
- 22 Q 235 Now, on the 30th September 1992, you phoned Mr. Dunlop, isn't that right, if we
23 could have 1796 please?
- 24 A Well I have no idea but if it's there, it's probably true. Yes.
- 11:20:02 25 Q 236 What was that in connection with?
- 26 A Oh God I have no idea, I have no idea at all. Where is it, oh yeah on the
27 top, he might have rung me first and I would ring him back or something like
28 that. I -- there's one day there I saw there was three or four phone calls
29 from me, that was probably maybe between jobs or between places I would ring
30 him and he wouldn't be in and I would ring him again, that's all.
- 11:20:20 30

11:20:23 1 Q 237 On the 2nd October 1992, you had a 9.15 meeting with Mr. Dunlop and at 9.45,
2 that same morning, he appears to have met Mr. Hand, if we could have 1780
3 please. What was that meeting in relation to? Do you see it, it's Friday,
4 2nd, "9.15, Don Lydon"?

11:20:52 5 A He could have met me there all right.

6 Q 238 Where would he have met you?

7 A On a Friday I would be at work, so he probably at the office if he met me at
8 all. I have no recollection.

9 Q 239 What meeting was that in connection with?

11:21:04 10 A I have no diaries for that period.

11 Q 240 Well Mr. Dunlop thankfully has and they do show a level of contact between you
12 and him, isn't that right?

13 A Yes.

14 Q 241 And a level of telephone contact between you and you are saying you have no
15 recollection of what that meeting was on the 2nd October was?

16 A He would come into my office and he always went through the same thing. He
17 came into my office and sometimes he would be rushing and most of the time, he
18 would rare sit down, he would say I'm proposing something, will you support it
19 and I would say yes and then he would go on and talk about himself.

11:21:35 20 Q 242 Why would he come to your office to say that to you, Mr. Lydon, when you were
21 constantly meeting him at Dublin County Council?

22 A I think because he used to go around visiting people all over the place.

23 Q 243 Yes. Now Mr. Dunlop says in connection with that meeting that he paid you a
24 sum of 2,000 pounds in cash in relation to your signature for this motion, you
11:21:57 25 are aware of that. Isn't that right?

26 A I am, yes.

27 Q 244 What do you say to that?

28 A I say he didn't. I could say this to you, in fact, in all my time as a

29 councillor, I never ever voted for a motion or against a motion or even

11:22:12 30 abstained on a motion ever in response to money from Frank Dunlop, that never

- 11:22:17 1 ever happened.
- 2 Q 245 So you are saying that he did not pay you a sum of 2,000 pounds in cash?
- 3 A I am absolutely certain he didn't pay me to.
- 4 Q 246 He says that you said that you hoped that Hand wasn't getting more.
- 11:22:27 5 A He said what?
- 6 Q 247 That you hoped that Hand wasn't getting more?
- 7 A I didn't say that because he didn't, I never got a payment like that from him
- 8 ever. I got 2 monies from Frank Dunlop, one it was a cheque for a 1,000 in
- 9 January 1993 for the Senate election and I wrote to him then among other people
- 11:22:50 10 in the local election in 1999 and he sent me a cheque for a couple of hundred.
- 11 That's the only monies I ever got from Frank Dunlop.
- 12 Q 248 Now if we could have 2919 please. This is a copy of the bank account of Don
- 13 and Maeve Lydon and it shows there on the 8th October, which is six days later,
- 14 a lodgment of 1,900 pounds, isn't that right?
- 11:23:11 15 A That's correct. Yes.
- 16 Q 249 And you were asked to explain that lodgment.
- 17 A Yes, that's ...
- 18 Q 250 And your explanation for the lodgment was cash in hand?
- 19 A That's correct.
- 11:23:19 20 Q 251 So it is fair to say that you did lodge to your joint account 1,900 pounds?
- 21 A I just tell you --
- 22 Q 252 Within six days of the date Mr. Dunlop alleges he gave you 2,000 pounds?
- 23 A I stayed up last night until 3 o'clock going through all my accounts. I did a
- 24 wee tat, for April, May, June July August and September, in April 5,600 in
- 11:23:38 25 hand, in May I had 9,000 in hand, in June I had 11,000, July I had 10,000 in
- 26 hand, August I had 12,877 in hand, October 13,000 in hand and November 11,000
- 27 in hand and December 18,000 in hand, this was cash. This was all taken out of
- 28 my own account, withdrawals and this is nothing to do with any other monies,
- 29 it's withdrawals from my own accounts that I had. So I always had cash in
- 11:24:05 30 hand.

- 11:24:05 1 Q 253 This is the account to which you had lodged the 2,000 you had received in May
2 from Mr. Jones, is that right?
3 A I have no idea, it could be true.
- 4 Q 254 Are you saying that you had all this cash in hand and that this 1,900 was a
11:24:21 5 portion of that cash in hand?
6 A Yes.
7 Q 255 And was not 1,900 of the 2,000 that you had received six days earlier from
8 Mr. Dunlop?
9 A I didn't receive it --
- 11:24:31 10 Q 256 As Mr. Dunlop alleges?
11 A I didn't receive monies from Dunlop.
12 Q 257 You didn't receive from Mr. Dunlop?
13 A I knew he had asked me this, that's why I did this exercise last night with my
14 wife. We worked until 3 o'clock, I always had cash in hand, up to 10,000 grand
11:24:46 15 or so always.
16 Q 258 Why did you have so much money in hand?
17 A Pardon?
18 Q 259 Why did you have so much money in hand?
19 A Well my wife used to dabble in antiques and we would buy and sell a bit, we
11:24:58 20 would always have a bit of cash around, that's the only reason and then we had
21 this pattern of putting money in, taking money out. She had an idea that
22 accounts should stay alive, so we often took money out of one put in another
23 and put that into the other and so on.
24 Q 260 On the 2nd October you had taken 100 pounds out of that account on a pass
11:25:15 25 machine, isn't that right?
26 A Yes.
27 Q 261 And you are saying that you lodged 1,900 on the 8th October?
28 A Yes.
29 Q 262 From cash that you had in hand?
11:25:25 30 A Yes. You see we took out a lot of money in small amounts but we never spent

- 11:25:32 1 it. I have no children, I don't smoke. I drink very little, I don't gamble
2 and I go home to my own wife at night so.
- 3 Q 263 That's the account --
- 4 A All our day to day living expenses are paid for out of a budget saver account.
- 11:25:48 5 Q 264 That's the account to which you lodged the 1,000 pounds you had received by way
6 of cheque from Dunlop & Associates in January 1993, isn't that right?
- 7 A I don't know I will take your word for it.
- 8 Q 265 If we could have 2922 please, do you see lodgment there of 159308, you have
9 identified -- can we have the full document, 1,000 cash, Dunlop and so's 500 in
11:26:21 10 cash.
- 11 A ... County Council and 500 cash.
- 12 Q 266 If we could have 2924, there's the 1,000. It's the back of the lodgment docket
13 with the 1,000 written on it.
- 14 A That's correct.
- 11:26:29 15 Q 267 You had a further lodgment I think on the 19th February 1993, if we could have
16 2926 please. You have no record of where this came from, isn't that right?
- 17 A Wait until I see now. I think I discovered for that -- no. There's a cheque
18 on it, a lodgment slip I provided to you, there was nothing on the back of it
19 so it's a cheque, I'd say that, it's probably very probably was a cheque for
11:27:04 20 the Senate.
- 21 Q 268 You had no dedicated bank account for your political receipts?
- 22 A No, you didn't have to at that time.
- 23 Q 269 So any political receipts you received were lodged to this joint account?
- 24 A No, they could be lodged anywhere.
- 11:27:18 25 Q 270 Or lodged anywhere.
- 26 A It was always spent anyway.
- 27 Q 271 Sorry?
- 28 A It was all spent.
- 29 Q 272 Did you give Mr. Jones a receipt for the 2,000 that you received in April 1992?
- 11:27:31 30 A Not at all, no.

- 11:27:34 1 Q 273 Did you write a letter of acknowledgment or gratitude for the money?
- 2 A I don't remember, I may have, yeah.
- 3 Q 274 Well did you, do you recall?
- 4 A I don't know.
- 11:27:43 5 Q 275 You don't believe you did?
- 6 A Pardon.
- 7 Q 276 You don't believe you did, is that what you said?
- 8 A I don't, no I don't say I don't believe I did, I don't know whether I did or
- 9 not. I would have thanked him when I got it naturally, whether I wrote to him,
- 11:28:02 10 I don't know.
- 11 Q 277 Now, we do know that you had further contact with Mr. Dunlop in October 1992,
- 12 if we could have 1816 please. On the 7th October 1992, Mr. Dunlop has a diary
- 13 entry "7.15, called to Don L." Do you recall Mr. Dunlop coming to, either
- 14 ringing you or contacting you on the 7th October?
- 11:28:33 15 A Wednesday, 7th October.
- 16 Q 278 You see there, you see "7.15, call to Don L"?
- 17 A I don't recall, I never saw that before.
- 18 Q 279 Mr. Dunlop said he never went to your house, is that correct?
- 19 A No. He was never in my house.
- 11:28:46 20 Q 280 But he did visit you in John of God's?
- 21 A He did, I wouldn't have been there at that hour of the evening, I would be in
- 22 the Senate.
- 23 Q 281 On the 8th October 1992, it says "Don L to call", do you see that entry? That's
- 24 the next day.
- 11:29:03 25 A The 8th October. Sorry, just bear with me a minute.
- 26 Q 282 Do you see that, "Don L to call".
- 27 A "Don Lydon to call", yes.
- 28 Q 283 You don't what that's in connection with?
- 29 A No, I don't.
- 11:29:20 30 Q 284 On the 5th October you phoned Mr. Dunlop, if we could have 1817 please. What

- 11:29:32 1 was that call in connection with?
- 2 A It could have been about anything, I don't know.
- 3 Q 285 On the 7th October 1992, if we could have 1820, you appear to have called him
- 4 twice, first of all leaving an address which I think your counsel has put to
- 11:29:48 5 Mr. Dunlop was your former address, isn't that right?
- 6 A I wasn't living there at the time, so I can't understand how that would have
- 7 happened. I mean for somebody living in the house, I wasn't there at the time.
- 8 Q 286 Yes and later that day, if we could have 1821 on the 8th October at 10.a.m,
- 9 "Don Lydon into a meeting now", will call you later. What was that in
- 11:30:12 10 connection with?
- 11 A I don't know whether I was looking for him or he was looking for me.
- 12 Q 287 12th October 1992, 1824?
- 13 A Was this coming up to the vote or something.
- 14 Q 288 The Beechill vote would have been on the 16th October '92?
- 11:30:25 15 A Maybe that's what that's about.
- 16 Q 289 You give two numbers for 4 o'clock, you see that?
- 17 A I do.
- 18 Q 290 Do you recognise those telephone numbers?
- 19 A One is my, the first one there is my work and the second one is my home number.
- 11:30:38 20 But he never rang me at home.
- 21 Q 291 He never rang you at home?
- 22 A Never.
- 23 Q 292 Well leaving two numbers gives the impression that you were anxious to make
- 24 contact with him or that he would make contact with you?
- 11:30:50 25 A You could infer that from it all right, it could also be he was looking for me,
- 26 where would I get you, I would give the two numbers.
- 27 Q 293 On the eve of the Beechill vote, if we could have the 15th October 1992 please.
- 28 You in fact left four messages for him. 1831 might be... This is the 15th
- 29 October. You see "12.55, Don Lydon, trying car phone. One o'clock Don Lydon
- 11:31:19 30 in hospital. 2.30 Don Lydon back in hospital" and "3.40, Don Lydon." Do you

- 11:31:26 1 see those?
- 2 A I do. Either I was looking for him or he was looking for me. That was
- 3 probably to do with the Beechill. It's only a supposition now.
- 4 Q 294 Yes. You can't recall what that was in connection with?
- 11:31:36 5 A Not at all.
- 6 Q 295 But you think it would be in connection with Beechill or Ballycullen?
- 7 A I think it would be reasonable to assume that but I can't confirm it. I mean
- 8 it's, you see what happens often if you take the first phone call, trying him
- 9 on car phone, I must have been looking for him or he was looking for me in
- 11:32:00 10 which case I would have left, I would have told him where I was during the
- 11 day, that's probably it.
- 12 Q 296 You see, it was put to Mr. Dunlop, presumably on your instructions, that you
- 13 denied that you had discussed Ballycullen with Mr. Dunlop?
- 14 A What was the beginning of that, I'm sorry.
- 11:32:18 15 Q 297 It had been put to Mr. Dunlop that you had not discussed Ballycullen with him.
- 16 A Yes.
- 17 Q 298 That you deny having discussed Ballycullen with him. That's incorrect now, you
- 18 now accept that you must have discussed Ballycullen and perhaps Beechill with
- 19 him?
- 11:32:32 20 A We had to, if I signed the motions on it and coming up to the thing, naturally.
- 21 Q 299 How could you forget such an important thing, Mr. Lydon?
- 22 A Mr. Dunlop wasn't a very important man in my life.
- 23 Q 300 He was a man that you were in regular contact with and you were on the phone to
- 24 four times on the eve of one of the motions you were either seconding or
- 11:32:56 25 proposing?
- 26 A I suppose at that stage I was wondering was it going to pass or something, I
- 27 don't know, was he canvassing other people, I could ask him anything at that
- 28 stage.
- 29 Q 301 The conversation, the telephone records and the diary hits that I have put on
- 11:33:09 30 screen there would show a good level of contact between yourself and Mr. Dunlop

- 11:33:13 1 at this time?
- 2 A That's correct.
- 3 Q 302 And yet you say you right up to the commencement of this module completely
- 4 forgot that that contact had taken place between yourself and Mr. Dunlop?
- 11:33:22 5 A I did, yeah.
- 6 Q 303 How could that be, Senator Lydon?
- 7 A I suppose you see various developments, you imagine somebody dealing with them,
- 8 I never imagined Frank Dunlop dealing with Ballycullen. I imagined Oliver
- 9 Brooks dealing with it. But I -- it's clear now that Dunlop was dealing with
- 11:33:44 10 it all the time.
- 11 Q 304 Now, on the 29th October 1992, the motion, your motion, came on, isn't that
- 12 right? If we could have 101 please --
- 13
- 14 JUDGE FAHERTY: 1901.
- 11:34:08 15
- 16 Q 305 MR. QUINN: Sorry 1900 and 1901 and if we could have 1902 please.
- 17 A Yes.
- 18 Q 306 Is there any significance, Senator Lydon, to the fact that although you were
- 19 the first to sign the motion, you were deemed on the day to be seconding the
- 11:34:25 20 motion?
- 21 A I don't think so really. The only thing I can think about is the Hand wanted
- 22 another name on the thing.
- 23 Q 307 But yours was to be the first name, isn't that right?
- 24 A Yes.
- 11:34:37 25 Q 308 Did you raise the motion at your group meeting in advance of the council vote?
- 26 A Well I don't know if I raised -- it was probably raised, yes.
- 27 Q 309 If it was to be raised by anybody within the group, it surely would have been
- 28 to be raised by you since you were the Fianna Fail signature on the motion?
- 29 A Well no, I would discuss it all right but the way the thing operated, we would
- 11:34:59 30 go through for the clar for the today, and say this is coming up, this is

- 11:35:02 1 coming up, this is coming up.
- 2 Q 310 But this is a motion you had signed, you were the Fianna Fail signature to the
3 motion?
- 4 A That's right, but obviously then they would have asked me why are you doing
11:35:09 5 that or what do you think of that and I would have given my point of view and
6 probably would have asked other people around the area like Charlie O'Connor,
7 John Hannon and these people.
- 8 Q 311 Did you tell the group meeting that you had received 2,000 from Mr. Jones at
9 the previous April at that meeting?
- 11:35:22 10 A Not at all.
- 11 Q 312 Did you not think that was relevant?
- 12 A No, it was nothing to do with them.
- 13 Q 313 Did you ask for support for the motion?
- 14 A I probably did but I can't remember. I mightn't even have been at the meeting.
- 11:35:42 15 Q 314 Sorry?
- 16 A I mightn't even have been there on time for the meeting, I don't know.
- 17 Q 315 But this was a motion that you were seconding.
- 18 A Yes but I --
- 19 Q 316 You had signed it, you were supporting it, are you saying that you abandoned
11:35:53 20 your support for it?
- 21 A No, no. I used to leave the hospital at one o'clock and by the time I got into
22 the meetings maybe at quarter or ten to two or something like that and they's
23 have a lot of the business done at that stage. That often happened. I am not
24 saying it happened but you asked me a question.
- 11:36:09 25 Q 317 Had you discussed it with Councillor Hannon or Councillor Cass?
- 26 A I certainly wouldn't have discussed with Councillor Cass, I may have discussed
27 with Councillor Hannon, I don't know.
- 28 Q 318 Did you know that it was Councillor Hannon's intention to propose a limit on
29 the density?
- 11:36:25 30 A I don't think so but --

- 11:36:26 1 Q 319 Did you know that it was intended that the density would be limited to six
2 house to the acre when you signed it in September 1992?
- 3 A No.
- 4 Q 320 Did you know that it had been agreed back just shortly prior to your meeting
11:36:38 5 with Mr. Jones in April 1992, that the density would be not more than six to
6 the acre.
- 7 A No, no.
- 8 Q 321 So you were proposing a motion for much greater density than that which the
9 developer was asking for or was agreeable to at this time, isn't that right?
- 11:36:53 10 A Well I don't know what density it was, I was just proposing a motion for
11 residential for one part and for amenity for the other.
- 12 Q 322 Yes. But you didn't realise that the person on whose behalf you were proposing
13 this motion was prepared to accept a lesser density or limit the density to six
14 houses to the acre?
- 11:37:17 15 A No but when Councillor Hannon proposed it, it was a good idea.
- 16 Q 323 It came as a surprise to you, did it, that Councillor Hannon was proposing a
17 limit on the density?
- 18 A No, because I wouldn't be surprised like that, I mean I thought it was
19 reasonable enough. Sure everybody voted for it. There's no hassle about it.
- 11:37:34 20 Q 324 Now, that was on the 29th October isn't that right and I think you contacted
21 Mr. Dunlop on the 29th October, if we could have 1869 please. At 9.55 that --
22 sorry, at 11.20, you had rang asking Mr. Dunlop to call you, isn't that right?
- 23 A That's what it says, yes.
- 24 Q 325 What telephone number is that?
- 11:37:59 25 A That was at the Senate.
- 26 Q 326 So you left the Senate to vote on the motion, would that be?
- 27 A Well I don't know what time the vote was at or anything you know. But I
28 probably would be at the Senate and there was always difficulty about getting
29 prepared but if I got prepared, I would go down.
- 11:38:19 30 Q 327 Now, if we could have 1909, this is on the 2nd November, you were still ringing

- 11:38:24 1 Mr. Dunlop, isn't that right? You see "2.40, Mr. Lydon, please call in", do
2 you recognise that telephone number?
- 3 A Do I know --
- 4 Q 328 The telephone number that appears there?
- 11:38:37 5 A That's at the hospital.
- 6 Q 329 That's at the hospital. What was that call in connection with?
- 7 A God only knows. I don't know. Sure I wouldn't remember any of this.
- 8 Q 330 Yes. Well did you have any conversation with Mr. Dunlop following on the
9 successful vote on the motion?
- 11:38:54 10 A I probably did I probably said that that went down well or things worked out
11 well. I would have said that, do you know.
- 12 Q 331 Do you recall that, do you recall speaking to Mr. Brooks about the motion?
- 13 A Afterwards, I have no clear recollection of speaking to him, I obviously spoke
14 to him.
- 11:39:13 15 Q 332 You have no clear recollection of speaking to anyone?
- 16 A Not about the motion passing, I probably would have met, Ollie would probably
17 have been there in the corridor, maybe even Frank could have said that has gone
18 all right and everything is okay.
- 19 Q 333 Did Mr. Jones contact you about the motion?
- 11:39:32 20 A I don't think so. I don't know, you mean after the thing passed?
- 21 Q 334 Yes, did he not thank you and express gratitude for your support?
- 22 A I don't know, he may have rung me. I think I got a letter from him or
23 something but I'm not sure. I can't be sure.
- 24 Q 335 Now that vote was on the 29th October, isn't that right?
- 11:40:04 25 A I think so, yes, that's correct.
- 26 Q 336 And I think in November, you received a cheque for 5,000 pounds from Mr. Jones,
27 isn't that right? If we could have 2941 please.
- 28 A That's correct, I don't know the exact date but that's correct, yes.
- 29 Q 337 This is the second cheque that you forgot when you were, before the Fianna Fail
11:40:25 30 inquiry, isn't that right?

- 11:40:28 1 A One of many, yes.
- 2 Q 338 Yes. This is the second 5,000 pounds cheque, one of the two largest
3 contributions you had ever received?
- 4 A I would think so, yes.
- 11:40:38 5 Q 339 Now, could you tell the Tribunal the circumstances under which Mr. Jones came
6 some short days after your vote, your successful motion on his Ballycullen
7 lands to make this payment to you.
- 8 A To the best of my recollection I went to the Goat and he was there having lunch
9 because I think he used to have lunch in the Goat.
- 11:41:00 10 Q 340 Had you met him in the Goat prior to this?
- 11 A I don't think so, no.
- 12 Q 341 How many times had you met Mr. Jones prior to this?
- 13 A I would think only in April, whatever that time was. I don't think I met him
14 after that.
- 11:41:14 15 Q 342 Sorry?
- 16 A I don't think I met him after that.
- 17 Q 343 So you had met him in April and this was your second meeting?
- 18 A As far as I know.
- 19 Q 344 So it's fair to say that the two times you met Mr. Jones in 1992, he gave you
11:41:24 20 2,000 and 5,000 respectively?
- 21 A Yes.
- 22 Q 345 And this you say was a chance meeting or was it a meeting by prior
23 arrangements?
- 24 A As far as I remember it was a chance meeting.
- 11:41:33 25 Q 346 And he just took out his cheque book and wrote a cheque there and then for
26 5,000 for you, is that right?
- 27 A I think so, yes.
- 28 Q 347 Did he thank you for your support for his Ballycullen and Beechill proposal?
- 29 A Oh yes.
- 11:41:46 30 Q 348 Was Mr. Brooks present?

- 11:41:47 1 A No.
- 2 Q 349 Who was present?
- 3 A Nobody. Just the two of us.
- 4 Q 350 And what did he say?
- 11:41:54 5 A I think he was very pleased naturally. But again -- he is the kind of man he
6 wouldn't dwell on things very much, he would say -- he obviously thanked me for
7 my support, or seconding the thing or whatever it was and then went on to talk
8 about other things. He is a very amiable man.
- 9 Q 351 At what stage did this amiable man give you this 5,000 pounds, Senator Lydon?
- 11:42:29 10 A At the end, I don't know.
- 11 Q 352 Were you surprised?
- 12 A Extraordinarily surprised.
- 13 Q 353 Did you give him a receipt?
- 14 A No.
- 11:42:39 15 Q 354 Why not?
- 16 A Why would I give him a receipt, you don't give receipts for political
17 donations.
- 18 Q 355 Who did you account to for the 5,000 that you had received?
- 19 A How do you mean who did I account to?
- 11:42:54 20 Q 356 Did you account to anybody within Fianna Fail for the 5,000 that you had
21 received?
- 22 A No sure it's nothing to do with them, sure you can get donations from anybody.
- 23 Q 357 So who would have known apart from yourself and Mr. Jones that you had received
24 5,000 from him in November 1992?
- 11:43:09 25 A I don't think anybody, unless, I may have told some of the lads but I don't
26 know. It wouldn't be a secret but I don't know if I told anybody.
- 27 Q 358 Why do you think he gave you 5,000 or why did he say he was giving you 5,000?
- 28 A I know precisely why he gave it to me.
- 29 Q 359 Well what precise reason did he give you for giving you the 5,000 in 1992?
- 11:43:32 30 A Because of the election had been called and there was a Senate election coming

- 11:43:38 1 up. That's why he gave me the donation. When we discussed the size of it, he
2 said again, it was an appreciation for what I had done.
- 3 Q 360 Well, did you discuss the size of the contribution?
- 4 A I went in and I probably said that's very kind of you, that's amazing, I didn't
11:43:54 5 expect that much or something like that.
- 6
- 7 CHAIRMAN: Mr. Quinn, do we know the date of the cheque?
- 8
- 9 MR. QUINN: The payment, if I could have, the election was, 1095 please, the
11:44:04 10 election was called on the 5th November and the polling day for the general
11 election was the 25th but the Seanad polling day was in January 1993.
- 12
- 13 CHAIRMAN: But the date of the cheque isn't clear on the screen.
- 14
- 11:44:27 15 Q 361 MR. QUINN: If could he -- it would appear to be the 13th November 1992, would
16 that be correct?
- 17 A Are you asking me?
- 18 Q 362 Yes.
- 19 A I have no idea. I don't know.
- 11:44:38 20 Q 363 I think it was lodged to your wife's account together with a further cheque for
21 5,000 pounds?
- 22 A That's correct.
- 23 Q 364 In December 1992?
- 24 A We took it out again.
- 11:44:46 25 Q 365 If we could have 2940 please?
- 26 A We took it out again the following day to start paying Senate bills. That's
27 correct.
- 28 Q 366 Why was it lodged to your wife's account?
- 29 A Well she just lodged it to some account to cash it, sure it was taken out --
- 11:45:05 30 Q 367 You had lodged the 2,000 to a joint account of yourself and your wife, isn't

- 11:45:09 1 that right?
- 2 A Yes. But it doesn't matter where you lodge it, you lodge it, cash it and take
- 3 it out again and use it.
- 4 Q 368 If we could have --
- 11:45:17 5 A At this time I mean we are running into an election.
- 6 Q 369 If we could have 3174 please, this is a clearer copy of the cheque in question,
- 7 Mr. Lydon, and it does appear to have been paid on the 12th November 1992.
- 8 A Yeah.
- 9 Q 370 Did Mr. Jones have his cheque book with him when you met him or did he have the
- 11:45:38 10 cheque pre-written?
- 11 A I have been trying to work that out. I don't know, he must have had it with
- 12 him for him to write the cheque.
- 13 Q 371 Are you saying or suggesting to the Tribunal that you had you not had this
- 14 chance meeting with Mr. Jones, you might never have received that cheque?
- 11:45:53 15 A I believe he would have sent me the cheque anyway.
- 16 Q 372 You believe he would have sent it to you anyway?
- 17 A I do, yes.
- 18 Q 373 Your evidence as I understand it to the Tribunal is that by chance, you
- 19 happened to be in the same establishment as Mr. Jones and --
- 11:46:06 20 A That's my recollection, yes.
- 21 Q 374 And completely by chance, he wrote out that cheque and gave it to you?
- 22 A You see I can't remember whether he had written out or wrote it, I must have
- 23 written it on spot or else he had it ready but, it's unlikely he would have it
- 24 ready in his pocket carrying it around hoping to met me. I don't think that's
- 11:46:27 25 right.
- 26 Q 375 How long were you with Mr. Jones?
- 27 A Maybe half an hour, three quarters of an hour I suppose.
- 28 Q 376 At some stage you say in the course of that meeting having discussed the
- 29 successful rezoning motion, he took out his cheque book and wrote this cheque
- 11:46:40 30 for you?

- 11:46:40 1 A That's the way I recall it, yes.
- 2 Q 377 And you looked at the amount on the face of the cheques and you said this was
3 extraordinarily generous?
- 4 A Well I was astounded.
- 11:46:47 5 Q 378 How much did you expect to receive from him?
- 6 A Maybe a thousand or so, a couple of thousand. I mean it's an awful lot of
7 money, you know?
- 8 Q 379 It was a lot of money in 1992, Senator Lydon?
- 9 A It's a lot of money me today as well.
- 11:47:00 10
- 11 CHAIRMAN: Mr. Lydon, why would you have expected him to give you any money?
- 12 A Why did he give me any more.
- 13
- 14 CHAIRMAN: You said it was far more than you expected, you would have expected
11:47:12 15 a thousand, why would you have expected any money from Mr. Jones?
- 16 A Well I wouldn't have expected any money but I think the counsel asked me was it
17 more than I expected. I forget the exact question.
- 18
- 19 CHAIRMAN: And you said well it was --
- 11:47:25 20 A Certainly more than I expected.
- 21
- 22 CHAIRMAN: But why would you have expected anything from him?
- 23 A I don't, I had no right to expect him. I don't think I actually expected
24 anything from him.
- 11:47:35 25
- 26 CHAIRMAN: But he was saying to you as I understand your evidence, he was
27 saying something or you understood him to be very appreciative of the support.
- 28 A Yes.
- 29
- 11:47:46 30 CHAIRMAN: So there was this link, there was this link between him giving you

11:47:52 1 the money and the support.

2 A Yes.

3

4 CHAIRMAN: Well why?

11:47:57 5 A Appears to be all right.

6

7 CHAIRMAN: And that would have been clear to you at the time.

8 A Yes.

9

11:48:03 10 CHAIRMAN: And why didn't you say I can't take money from you, I have just

11 openly supported your rezoning and --

12 A Sure was there an election coming up. I needed the money.

13

14 CHAIRMAN: Why would you take somebody from somebody who you felt was giving

11:48:31 15 you money in appreciation for voting in support. Did you not see anything

16 wrong with that?

17 A Not in the slightest. No, I mean why would there be anything wrong with it. I

18 mean -- if he wants to give me money, it's his business and I am delighted to

19 accept it.

11:48:42 20

21 CHAIRMAN: Surely it's your business as well. I mean did it not dawn on you

22 that this looks like payment for supporting the rezoning?

23 A No. You see Mr. Jones is a Fianna Fail man.

24

11:48:57 25 CHAIRMAN: Yes.

26 A So he would be giving donations, he gave donations left right and centre to

27 everybody all over the place. Fine Gael, everybody and I didn't think anything

28 strange about it.

29

11:49:09 30 CHAIRMAN: If you had voted against the rezoning, do you think he would have

11:49:15 1 given you money?

2 A I must give you an honest answer to that, I think he probably would, he's that
3 kind of man. One of nature's gentleman.
4

11:49:26 5 CHAIRMAN: So even if you had voted against it, he would have given you --
6 A I would say he might have give given me a donation, maybe. Because he is a
7 remarkable man.
8

9 CHAIRMAN: That would make him a remarkable man. But anyway, you don't see
11:49:43 10 anything wrong in the proximity?
11 A Sure the whole thing was over at that stage. I mean there was no big deal with
12 about it. He probably said I am very appreciative of what you did and I said
13 nothing to it and then he went on to discuss the other matter again and the
14 reason for the size of the cheque was because of what I had done before and he
11:50:03 15 said we are very very appreciative, I think he said something like if -- maybe
16 it was that or the other meeting, something along we can never repay you. He
17 may tell you different when sees you but that's the way I remember it.
18

19 JUDGE KEYS: May I ask you also why do you think he gave you 2,000 pounds in
11:50:25 20 April 1992 when you met him first?
21 A Pardon.
22

23 JUDGE KEYS: Why do you think he gave you monies in the sum of 2,000 pounds in
24 April when he met you first?
11:50:34 25 A Because he was showing his appreciation for what I did before.
26

27 JUDGE KEYS: What did you do before? Prior to April of 1992?
28 A I did a number of years interventions with a third party.
29

11:50:54 30 JUDGE KEYS: Was that payment then for services rendered to a third party?

11:50:59 1 A No it wasn't payment for services rendered.
2
3 JUDGE KEYS: What could it be then?
4 A It was a political donation in recognise recognition what are I had done. He
11:51:09 5 couldn't pay me.
6
7 JUDGE KEYS: He could have, how can you say it's a political donation when
8 there wasn't an even election called at that time?
9 A But sure you can get a political donation at any time. Sure the Taoiseach runs
11:51:21 10 three or four fund raisers a year.
11
12 JUDGE KEYS: The Taoiseach is in a slightly different position than you are
13 Senator with all due respect, I find it extraordinary that after you had told
14 him you would support the Ballycullen project, that it's only after then at the
11:51:37 15 end of the meeting he gave you the 2,000 pounds.
16 A If I said he had given me at the beginning of the meting you would say the same
17 thing but in fact it wasn't like that at all. He said it was a political
18 donation, I believed him. And that's all there is to it.
19
11:51:53 20 JUDGE KEYS: Do you believe if you had said to him at the meeting that I'm
21 sorry, I have looked, what I know about these lands, I am afraid I can't
22 support your motion, do you think you would have still given you 2,000 pounds?
23 A That's a good question. I mean you would have to ask him that.
24
11:52:09 25 JUDGE KEYS: Would you like to venture an answer, if you don't wish you don't
26 have but would you like to venture an answer to that?
27 A He may not, you know.
28
29 JUDGE KEYS: I wouldn't have thought so either.
11:52:22 30 A No.

11:52:22 1 JUDGE KEYS: Thank you very much.

2

3 CHAIRMAN: All right, we are going to rise for ten minutes.

4

11:52:37 5 THE TRIBUNAL THEN ADJOURNED FOR A SHORT BREAK

6 AND RESUMED AS FOLLOWS:

7

8

9 MR. QUINN: Senator Lydon please.

12:07:41 10

11 CONTINUATION OF EXAMINATION OF SENATOR DON LYDON BY MR. QUINN:

12 Q 380 Thank you, Senator Lydon, just before the break, we had been dealing with the
13 5,000 pounds which you say you received from Mr. Chris Jones on the 12th
14 November 1992 in the Goat Grill when you met him by chance and which you had

12:08:02 15 lodged to your wife's account. And I just you said that was a political

16 contribution given to you by him at the time, isn't that right?

17 A Correct.

18 Q 381 On the 29th November 2004, your solicitors wrote in response to a number of
19 queries in relation to a series of lodgments and that letter commences at page

12:08:20 20 911 in the brief, I just want to take you to page 914 and 915, item number 16

21 at the bottom of 914 says "Bank of Ireland current account, account number

22 given, date the 11th December 1992, lodgment 10,000 pounds, reference BOI Lydon
23 4.3/6."

24 And then at 915, and this is really what I just want to put to you, you say

12:08:43 25 "two cheques in the sum of 5,000 each from" and the name of the first

26 individual is redacted "and from Chris Jones to the best of our client's

27 recollection these amounts relate to monies received for professional

28 counselling services that he provided to relatives of both individuals."

29

12:09:00 30 Now, as I understand your evidence today and on a previous occasion, Senator

- 12:09:06 1 Lydon, you said that these, and certainly the 5,000 from Mr. Jones was a
2 contribution towards your election campaign at that time at that time.
- 3 A Correct.
- 4 Q 382 So is this incorrect?
- 12:09:17 5 A Well the way it's written isn't correct, no.
- 6 Q 383 It's not incorrect?
- 7 A I have this problem which --
- 8 Q 384 Let me put it this way, without dealing with your problem, did you receive
9 5,000 from Mr. Chris Jones on the 12th November 1992 for professional
10 counselling services that you had provided to a relative of his?
- 11 A No. I didn't. I received as a political donation but the reason I received it
12 was because of what I had done. I can't be any more specific about it.
- 13 Q 385 Now, I think in January 1993 you received a 1,000 pounds from Mr. Dunlop, isn't
14 that right, and we have had --
- 12:09:54 15 A That's right.
- 16 Q 386 2687. I think that was lodged to the account of yourself and your wife, isn't
17 that right?
- 18 A Yeah.
- 19 Q 387 At 2703 it's part of the lodgment of 15,93.08 pounds and you have identified
12:10:09 20 that cheque lodgment?
- 21 A Yes.
- 22 Q 388 And had you sought that money from Mr. Dunlop?
- 23 A No. That was an unsolicited cheque he sent me.
- 24 Q 389 An unsolicited cheque.
- 12:10:20 25 A I solicited the one for the local elections.
- 26 Q 390 When was the next time you met Mr. Jones?
- 27 A After that?
- 28 Q 391 Yes.
- 29 A God, I don't know. I think I met him again some time, I have no idea.
- 12:10:36 30 Q 392 Well we put the confirmation in meeting place on the 28th October 1993 if we

- 12:10:42 1 could have 170 please. The 1993 draft plan came up for consideration and
2 Councillor Muldoon had put down a motion, isn't that right, do you recall that?
- 3 A Yes, yes.
- 4 Q 393 And this was to reverse the vote on your motion, isn't that correct?
- 12:11:03 5 A Yes.
- 6 Q 394 And you voted on that, isn't that right? You voted against that Muldoon?
- 7 A Yes.
- 8 Q 395 At that stage you had received 7,000 pounds from Mr. Jones, isn't that right?
- 9 A Yes.
- 12:11:16 10 Q 396 Had you met Mr. Jones between the vote, the previous year, and this
11 confirmation vote?
- 12 A I don't think so.
- 13 Q 397 There is a note in Mr. Jones' diary for the 5th October 1993, if we could have
14 2064?
- 12:11:32 15 A I saw that, yes.
- 16 Q 398 For the 5th October 1993?
- 17 A I don't think that --
- 18 Q 399 Do you think you might have met Mr. Jones at the Goat Grill on that occasion?
- 19 A I don't think but maybe I did. But I don't think so, I have no recollection of
12:11:47 20 it.
- 21 Q 400 Did you meet either Mr. Dunlop, Mr. Jones or Mr. Brooks in advance of this
22 confirmation vote?
- 23 A No.
- 24 Q 401 There was no mention ever again after October 1992?
- 12:11:57 25 A There might have been some.
- 26 Q 402 Of your motion?
- 27 A There might have been some but you see on a confirmation vote, councillor
28 Muldoon was a very difficult lady to deal with and it was clear the thing would
29 go through anyway.
- 12:12:13 30 Q 403 But it was a controversial rezoning, wasn't it?

- 12:12:16 1 A No, it wasn't controversial at all.
- 2 Q 404 The headlines concerning itself and two other rezonings, didn't they refer
3 to --
- 4 A Paper doesn't refuse ink, wait till you see what they write about in this
12:12:27 5 evening.
- 6 Q 405 2093, this is the Irish Independent, 29th October, and it's under a heading
7 "Outcry after council votes to rezone for 1200 homes."
- 8 A The only thing I can say about that, the day before the Ballycullen homes were
9 opened, they had to put up tents for people who were queuing up to buy them, I
12:12:46 10 have no bother with that at all.
- 11 Q 406 You are saying you didn't meet Mr. Jones on the 5th October 1993?
- 12 A I am not saying I didn't meet him, I have no recollection of it. I don't think
13 so.
- 14 Q 407 How many times after your meeting in November 1992 did you meet Mr. Jones?
- 12:12:59 15 A Years ago I think I rang him up one day and went to see him one day just to say
16 hello to him, that's all.
- 17 Q 408 Why did you go to see him?
- 18 A Just to say hello to him, he was a nice man.
- 19 Q 409 Did you discuss the workings of the Tribunal?
- 12:13:14 20 A No, no.
- 21 Q 410 Was it after the establishment of the Tribunal you went to see him?
- 22 A I don't know, it could have been, I don't know when it was actually.
- 23 Q 411 Would it have been in 1997?
- 24 A I don't know honestly.
- 12:13:31 25 Q 412 The reason I ask you about 1997, Senator Lydon, at 3187 there appears to be a
26 further cheque for 500 pounds signed by Chris Jones?
- 27 A That was for the local -- Was that for the '97.
- 28 Q 413 Or '99.
- 29 A That's for the locals.
- 12:13:43 30 Q 414 The local elections in 1999?

- 12:13:46 1 A Yes.
- 2 Q 415 You were no longer a councillor in the ward or in the council dealing with the
3 Ballycullen lands after '94, is that correct?
- 4 A I was never a councillor in Ballycullen ward.
- 12:13:57 5 Q 416 But I'm saying you were not a councillor in '99 for the South Dublin county
6 council, you were a councillor for Dunlaoghaire/Rathdown county council?
- 7 A That's correct, yes, sorry, yes.
- 8 Q 417 So any further rezonings on the Ballycullen lands, you wouldn't have had a vote
9 of them after the 1st January 1994?
- 12:14:13 10 A No, there were a number of votes, contraventions.
- 11 Q 418 Can you recall getting that 500 pounds in 1999 from Mr. Jones?
- 12 A No, I don't actually remember getting it, you see at that time, that was a time
13 I wrote to a whole lot of people, I probably wrote to him as well and a number
14 of firms replied. Some I knew and some I didn't and if the cheque was under
12:14:34 15 500, you wouldn't even notice it.
- 16 Q 419 So you think you did not meet Mr. Jones after November 1992 until sometime
17 relatively recently? When you went to visit him?
- 18 A A couple of years ago I would say.
- 19 Q 420 Out of the blue.
- 12:14:48 20 A That could be three or four years.
- 21 Q 421 That would be since 2000?
- 22 A It's not a man I would have contact with, you know.
- 23 Q 422 Yes. You don't believe you met him on the 5th October 1993 even though there's
24 an entry in his diary for that date?
- 12:15:03 25 A I am not saying I didn't, I just don't remember it.
- 26 Q 423 You didn't have any further chance meetings with him in the Goat Grill after
27 November 1992?
- 28 A No.
- 29 Q 424 But he did write to you, did he not, after the vote in 1993, if we could have
12:15:17 30 2103 please?

- 12:15:18 1 A I think he did and I think I wrote to him as well. Thank you for your letter,
2 yes.
- 3 Q 425 You had written to him?
- 4 A Yes.
- 12:15:24 5 Q 426 And you had made some kind remarks in that letter?
- 6 A Yes.
- 7 Q 427 Do you recall what you had said to Mr. Jones?
- 8 A Probably something about, I don't know, he probably wrote to me and said thank
9 you.
- 12:15:42 10 Q 428 It appears that you wrote to him, he says "Thank you indeed for your nice
11 letter and your kind remarks."
12 A He had written to me first obviously.
- 13 Q 429 So you say between the 28th October and the 3rd November 1993, he had written
14 to you and you had responded to him and he was now responding to your letter
12:15:56 15 again?
- 16 A If I wrote to him to say thank you for your nice letter, he must have written
17 to me.
- 18 Q 430 This is him writing to you?
- 19 A I beg your pardon, I am sorry, I misread the thing entirely.
- 12:16:07 20 Q 431 I'm sorry?
- 21 A I must have written to him then yes.
- 22 Q 432 So after the 29th October 1993 you would have written to him you think, or the
23 28th October 1993 and he wrote to you on the 3rd November 1993 thanking you for
24 your letter and suggesting that he would contact you and arrange to meet with
12:16:23 25 you, isn't that right?
- 26 A Yes.
- 27 Q 433 Did is that contact take place?
- 28 A I don't know, I just, I don't think so.
- 29 Q 434 Other than the 500 pounds cheque which I have referred to a moment ago in June
12:16:35 30 1999, the cheques for 2,000 pounds in April 1992 and the cheque for 5,000

12:16:39 1 pounds in November 1992, did you receive any money from Mr. Oliver Brooks,
2 Mr. Frank Brooks, Mr. Chris Jones, Mr. Derry Hussey or Ballycullen Farms?
3 A No, no.
4 Q 435 Thank you very much, Senator?
12:16:52 5 A Just one second, you said from Mr. Frank Dunlop? Was that what you said.
6 Q 436 No, Frank Brooks, Oliver Brooks?
7 A No.
8 Q 437 Okay.
9 A No.
12:17:01 10 Q 438 Thank you, Senator.
11
12 CHAIRMAN: All right. Is there any party wishing to cross-examine?
13
14 MR. O TUATHAIL: Mr. Chairman, I appear for Senator Lydon.
12:17:09 15
16 CHAIRMAN: We are just wondering perhaps if there are any other party who wish
17 to cross-examine at this stage before no, no all right. Mr. O'Tuathail.
18
19 MR. O TUATHAIL: Very briefly and in order to clarify a matter that Ms.
12:17:22 20 Dillon raised in her opening statement and Mr. Quinn has very correctly raised
21 with the Senator, this is the letter of the 29th November 2004 from Senator
22 Lydon solicitors to the Tribunal and the reference to psychiatric. Now, I
23 personally will take responsibility for that because that was a garbled version
24 of the Senator's instructions and he has, he had a professional confidence that
12:17:56 25 he is not free to disclose in relation to that matter and he has indicated that
26 to the Tribunal and previously the Chairman, when this came up on a previous
27 module, accepted that, I believe, in the transcript.
28
29 CHAIRMAN: All right. For the purposes of this exercise, we will take what
12:18:12 30 Mr. Lydon said in the witness-box to be the correct version of what appears in

12:18:18 1 a letter in relation to that item.

2

3 MR. O TUATHAIL: Indeed Mr. Chairman and I am sorry for the confusion.

4

12:18:24 5 CHAIRMAN: Not at all. Do you want to ask your client any questions?

6

7 MR. O TUATHAIL: No, I have no questions to ask Senator Lydon.

8

9 CHAIRMAN: Mr. Lydon, just one thing.

12:18:34 10 A Yes, Mr. Chairman.

11

12 CHAIRMAN: You said, when you were dealing with some questions put by

13 Mr. Quinn on the signing of motions, your attitude as I understand your

14 evidence, was that the signing of the motion wasn't of huge importance in the

12:18:53 15 sense that after the signing of the motion, you would have this Fianna Fail

16 group meeting and a decision would be made as to whether the group would

17 support or object to a particular rezoning application, so that even if you had

18 signed something before as a proposer or a seconder, the matter would then be

19 discussed at the Fianna Fail group meeting and if a decision was made to vote

12:19:24 20 against that rezoning, it could be done at the actual meeting of the council.

21 So that the fact that you might have signed as a proposer or a seconder could

22 in effect be negated in the council meeting, is that a correct?

23 A Yes, that could be true. In the group meeting, a decision would be reached

24 whether the group could support it, not that they had to but they could if they

12:19:53 25 wanted to support it or maybe not support it.

26

27 CHAIRMAN: But that would mean, I mean well did it ever happen that you

28 proposed or seconded a motion, then went to the Fianna Fail group meeting, you

29 decided to vote against it, voted against it, which would then leave you in the

12:20:13 30 position where you had proposed or seconded a motion and you are now voting

12:20:16 1 against it. Did that ever happen?

2 A It didn't happened to me but I think it happened to somebody else, I think it

3 happened to Mr. O'Connor one time he proposed something but they decided not to

4 support it. It also happened to me in relation to Mr. Dunlop with Baldoyle, I

12:20:31 5 told him I would support it but I didn't support it eventually.

6

7 CHAIRMAN: Does that not make the proposer and seconder look a bit ridiculous?

8 A Yes. I am sorry but it did.

9

12:20:41 10 CHAIRMAN: Thank you.

11

12 JUDGE FAHERTY: Just a couple of things, Senator. You have told us that when

13 you met Mr. Jones in April of 1992, that you said and you had seen the farm I

14 think at that stage, is that correct? You told him you would support the

12:20:57 15 rezoning.

16 A Yes.

17

18 JUDGE FAHERTY: Now, as I understand it, the Ballycullen Farms wasn't in your

19 ward?

12:21:03 20 A No, no, no.

21

22 JUDGE FAHERTY: And do you know who, what councillor in your party --

23 A I think it was, I think -- I am not sure but I think that maybe Charlie

24 O'Connor and John Hannon and maybe Ann Ormonde. I am not sure. Two of those

12:21:22 25 anyway maybe but I couldn't be sure of the three of them.

26

27 JUDGE FAHERTY: I think it was yourself now and I don't want to obviously in a

28 previous module and it may be another witness, it may not yourself, told us

29 that if you were asked to propose a motion and it wasn't in your ward, you

12:21:37 30 might enquire from local, the actual local councillor that would be on the

- 12:21:42 1 ground county councillors.
- 2 A That's right.
- 3
- 4 JUDGE FAHERTY: Did you do that in this case, Mr. Lydon?
- 12:21:48 5 A I can't say that I did but if you are questioning one of the other councillors
- 6 and asked them, I don't know would be the answer.
- 7
- 8 JUDGE FAHERTY: Yes. Because obviously you have given, it seems, obviously,
- 9 subject to you changing your mind, a commitment to Mr. Jones that you would
- 12:22:04 10 support the rezoning.
- 11 A That's correct.
- 12
- 13 JUDGE FAHERTY: At your first meeting.
- 14 A Yes.
- 12:22:09 15
- 16 JUDGE FAHERTY: But at that stage you wouldn't have met anybody in connection
- 17 with it, any other councillors as I understand it?
- 18 A Not really, we may have discussed it casually but not really, no.
- 19
- 12:22:18 20 JUDGE FAHERTY: We have heard I think from Councillors Muldoon and perhaps I
- 21 think Councillor Cass also, that certainly after the first public display,
- 22 which was in late 1991, there were people who were objecting and making
- 23 representations.
- 24 A That was the same with everything, yes.
- 12:22:35 25
- 26 JUDGE FAHERTY: Of course. And obviously. But why would you have committed
- 27 yourself so quickly to Mr. Jones before you would have had an opportunity to
- 28 speak to, say, Councillor Hannon or indeed any other councillor?
- 29 A That's easy.
- 12:22:55 30

12:22:55 1 JUDGE FAHERTY: No matter what party, in the actual ward?

2 A The reason is quite simple because I viewed it. As I said to you before, I

3 only proposed a few things in my time as a councillor and everyone of those I

4 went and as I the saying goes, I walked the land and looked at it and I thought

12:23:03 5 this is a good idea. And I mean there may have been commotions and probably in

6 the hall somewhere, if there was three or four names, put another name on that,

7 that's different but if you propose or second anything, I always went and

8 looked at it and I went and looked at this land, and thought yes, it's not a

9 great farm at the moment, it's not going to go anywhere farming houses are

12:23:27 10 needed. They are going to allow 130 acres for amenities and I thought

11 actually, I can never understand why the council didn't actually CPO that land.

12

13 JUDGE FAHERTY: That's my next question to you, Senator Lydon, because you said

14 I think earlier this morning that when you viewed this farm, you thought it was

12:23:41 15 a great opportunity for the county council to purchase lands for amenity, for

16 parks I think you said this morning.

17 A If it was zoned amenity, they could then CPO it.

18

19 JUDGE FAHERTY: Yes. And did you ever approach anybody in the council

12:23:56 20 afterwards?

21 A I think that would be up to the manager to do that. I am not sure.

22

23 JUDGE FAHERTY: But you have a voice, you could have gone to the planners and

24 with suggestions I take it on occasions, they may not have listened always

12:24:08 25 but --

26 A I suppose I could have but I didn't anyway. I don't --

27

28 JUDGE FAHERTY: Were you concerned at all at the time when you were given

29 giving your commitment to Mr. Jones to see what really, I mean obviously

12:24:25 30 looking at the farm is one thing but that would only I would have thought, be

12:24:28 1 only one aspect of the decision-making process that you would have to have it
2 going on in your head. Obviously the farm was there, if it wasn't viable.
3 That might be one factor but surely I would have thought you would have had to
4 have had some discussions with other councillors or indeed with residents
12:24:46 5 groups or indeed with the county council planners and officials before you
6 decide to make a conscious decision?

7 A Well you see if you look at -- it was zoned industrial I think at the time or
8 was it.

9
12:24:58 10 JUDGE FAHERTY: No it was zoned agriculture and had been dezoned from
11 industrial, I think, without a vote, unanimously, I think, noted anyway back in
12 early 1991 or 1990. So it was all agricultural at this stage.

13 A I looked at the thing, whether it was a viable farm, I looked at the idea of
14 whether, I looked at the amenity thing. I look looked at proximity to the
12:25:23 15 roadway and I think there was a Ballycullen Road going to facilitate helping
16 that road being built and also there was industrial, I think they had earmarked
17 two other industrial sites at the time so the one thing going on that would be
18 really residential.

19
12:25:36 20 JUDGE FAHERTY: Would it be fair to say in your decision-making process, the
21 only people you talked to really were the Brooks brothers and Mr. Jones?

22 A Oh yeah.

23

24 JUDGE FAHERTY: About the land?

12:25:45 25 A The decision-making process, they would be the only two people.

26

27 JUDGE FAHERTY: You didn't actually speak to anybody else?

28 A I can't say --

29

12:25:52 30 JUDGE FAHERTY: To your recollection is what you are saying?

12:25:54 1 A I might -- I mean if John Hannon was the local man, I might have said it to
2 him, I might not because you see these things would come up at a group meeting.
3 You know, I must just bring you back if I may, with respect, just there was so
4 much happening during that couple of years, hundreds and hundreds of these
12:26:13 5 things going on. That you just went from one meeting to the other and if you
6 went to the group meeting and you discussed it, that would be it and that was
7 all there was to it.

8
9 JUDGE FAHERTY: But you personally have told us I think you have only actually
12:26:26 10 been involved in proposing or signing two or three motions in the context of
11 that Development Plan. Whatever about voting on that, is that correct?

12 A In the whole Development Plan?

13

14 JUDGE FAHERTY: Yes.

12:26:37 15 A I put one, two, maybe three or four.

16

17 JUDGE FAHERTY: That's my recollection from earlier evidence, so it wouldn't be
18 fair to say that you had, you were proposing or seconding or signing motions on
19 every motion in relation to every piece of land?

12:26:51 20 A No.

21

22 JUDGE FAHERTY: Within the county.

23 A I supported most rezoning because I believed that -- unless it turned out
24 right, sure.

12:26:59 25

26 JUDGE FAHERTY: Just in relation to the 500 you got in 1999?

27 A Yes.

28

29 JUDGE FAHERTY: Did you write to Mr. Jones?

12:27:11 30 A I must have written to him or rung him, I don't know which to be honest with

12:27:11 1 you. I don't recall writing him but I'm sure I did. I wrote to a whole load
2 of people, the first time I ever wrote to people. I think I told you this
3 before.

12:27:21 5 JUDGE FAHERTY: Were you surprised at the amount in the context of --

6 A It would be normal.

7

8 JUDGE FAHERTY: In the previous amounts you had gotten from Mr. Jones were
9 quite considerable amounts, some seven years previously.

12:27:31 10 A Well they showed the appreciation of I had done, I wasn't expecting him to do
11 it for the rest of his life, it was very generous, very kind of man and I
12 can't go into detail on that. In reference to the other thing about the
13 mistake on the letter, I mean I just, it's not very important point but the
14 four people I have down there insist on speaking Irish to me all the time and
12:27:53 15 sometimes my Irish is as good as theirs and I make a mistake on the letter,
16 that's all.

17

18 JUDGE FAHERTY: That's been explained by your counsel. Just on one thing, when
19 you got the money from Mr. Jones back in 1992, the cheques, were you ever
12:28:08 20 concerned about what perception Mr. Jones might have that you had voted for his
21 motion, isn't that correct?

22 A Ah no, no.

23

24 JUDGE FAHERTY: Six days or seven days later, ten days later, you meet him and
12:28:21 25 he gives you a cheque for 5,000? Just from the point of view of perception,
26 did that ever worry you or were concern you, Senator?

27 A It didn't worry me at all. The only thing I can say to you is that if that man
28 comes in here, you will see the type of man he is, he is just a beautiful
29 gentleman.

12:28:38 30

12:28:38 1 JUDGE FAHERTY: Thank you very much, Senator.

2

3 CHAIRMAN: Thank you. All right. Thank you very much.

4 A Thank you, chairman.

12:28:46 5

6 MS. DILLON: Mr. Ned Ryan please.

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- 12:28:49 1 MR. NED RYAN, HAVING BEEN SWORN, WAS EXAMINED
- 2 AS FOLLOWS BY MS. DILLON
- 3
- 4 CHAIRMAN: Good afternoon, Mr. Ryan.
- 12:29:21 5 A Good afternoon, chairman.
- 6 Q 439 MS. DILLON: I think, Mr. Ryan, that you were a member of Dublin County
- 7 Council, is that right?
- 8 A That's correct.
- 9 Q 440 Between 1985 and 1993?
- 12:29:32 10 A Correct.
- 11 Q 441 And from 1994, you are a member of Fingal County Council?
- 12 A That is correct, yes.
- 13 Q 442 And are you presently a member of Fingal County Council?
- 14 A I am not, no, I retired at the last local election.
- 12:29:45 15 Q 443 At the last local election. And I think your ward is Castleknock?
- 16 A That's correct. Yes, Castleknock/Blanchardstown.
- 17 Q 444 So that would be to the west of the city?
- 18 A It would.
- 19 Q 445 You would be quite a distance removed from the Ballycullen lands?
- 12:29:59 20 A It would, yes.
- 21 Q 446 Other than being a county councillor, who was our occupation, Mr. Ryan?
- 22 A I was in the veterinary supply business.
- 23 Q 447 In the veterinary supply business. I think that you have told the Tribunal in
- 24 a statement that you knew Mr. Oliver Brooks, is that right?
- 12:30:10 25 A I knew him for many years.
- 26 Q 448 And did you know Mr. Francis Brooks?
- 27 A I met, I would say it was in the course of the Development Plan or sometime
- 28 prior to it that I met Mr. Francis Brooks.
- 29 Q 449 Did you know Mr. Christopher Jones?
- 12:30:24 30 A Well actually, as far as I can recall, I probably met him once in the course of

- 12:30:30 1 the Development Plan in or around the precincts of the county council.
- 2 Q 450 I will come to that, yes.
- 3 A Actually, sorry, I was at the races before Christmas at a fundraiser and I
- 4 happened to meet Mr. Jones again though actually I didn't recognise the
- 12:30:48 5 gentleman.
- 6 Q 451 Would you have known the late Mr. Liam Lawlor?
- 7 A Yes indeed. He was a TD in the Dublin west constituency with the late Brian
- 8 Lenihan.
- 9 Q 452 And did you ever have any contact with the late Mr. Lawlor about the
- 12:31:03 10 Ballycullen lands?
- 11 A No, never.
- 12 Q 453 Did you know Mr. Frank Dunlop?
- 13 A I did, I met Frank, well I couldn't avoid him meeting him because you know he
- 14 was almost at every meeting in the county council chamber, planning meetings
- 12:31:19 15 anyhow.
- 16 Q 454 I think you voted in favour of the rezoning of the Ballycullen lands, is that
- 17 right, Mr. Ryan?
- 18 A That is correct.
- 19 Q 455 And I think you also voted in favour of confirming those lands in 1993, isn't
- 12:31:29 20 that right?
- 21 A Yes, as far as I can recall, yes.
- 22 Q 456 I just want to show you a few documents, Mr. Ryan, and ask you to comment on
- 23 them, in August of 1991, Mr. Frank Dunlop prepared a document for
- 24 Mr. Christopher Jones in which he outlined a number of people who would have to
- 12:31:45 25 be met and in particular, he was dealing with county councillors. Now you will
- 26 have seen this document in the brief which you have been circulated and I want
- 27 to draw to your attention page 1504. Now, prior to that, Mr. Dunlop has
- 28 outlined the 26 elected members who will be ultimately representing South
- 29 Dublin county council but then he goes on to say other important points of
- 12:32:13 30 contact will be and the second last name on that list is Ned Ryan, Fianna Fail,

- 12:32:17 1 Fingal, Castleknock?
- 2 A Yes, I see that.
- 3 Q 457 Now, can you think of any reason or could you assist the Tribunal as to why you
4 would have been considered an important point of contact?
- 12:32:27 5 A No, I suppose the fact that I had a vote, was an elected member, but other than
6 that, I couldn't see how he would regard me as an important contact. At that
7 stage, I was the only Fianna Fail representative in that ward.
- 8 Q 458 And this is to the west of the city?
- 9 A Correct.
- 12:32:44 10 Q 459 Now, I think that on the 7th September 1992, at 1746, you telephoned
11 Mr. Dunlop's office on three occasions, and if we have 1747 on screen with
12 1746.
- 13 A Actually, it's news to me. I did try, in the documentation I got, I looked up,
14 I actually, I didn't go through it thoroughly. I wasn't aware of the fact that
12:33:12 15 I had made phone calls to Frank Dunlop. But I think I can explain that.
- 16 Q 460 Okay. We will just go through the calls and then you explain it, Mr. Ryan. I
17 want you to look first of all at the 7th September 1992 at 11.55 there's a
18 phone call there, Ned Ryan, will call later. And I think on the second page at
19 1747 at 3.50, Ned Ryan will call again at 4.30 and in fact at 5 o'clock, Ned
12:33:37 20 Ryan calls again.
- 21 A Yes.
- 22 Q 461 Do you accept first and foremost that that's you telephoning Mr. Dunlop's
23 office?
- 24 A Well, I presume it is.
- 12:33:46 25 Q 462 You thought about those entries now and I think you, do you recollect what they
26 are about?
- 27 A Well, at the time, my daughter was interested in going into the PR business,
28 which she subsequently didn't enter. So I do recall at some stage mentioning
29 it to Frank Dunlop somewhere in the precincts of the council. So as far as I
12:34:16 30 can recollect, that was the nature of the phone calls. That's what they were

- 12:34:21 1 about. I certainly never made a phone call to Frank Dunlop in relation to any
2 planning matter.
- 3 Q 463 Mr. Dunlop told the Tribunal that to the best of his recollection, those three
4 telephone calls are likely to have been in connection with the Ballycullen
12:34:33 5 lands, do you disagree with Mr. Dunlop?
- 6 A I do, yes.
- 7 Q 464 Now, I want to draw to your attention on the 30th September 1992 at 1795, and
8 at 1796 at 3.05, there is a message Ned Ryan, DCC possibly be left by 4.30 but
9 please try. Do you see that?
- 12:34:59 10 A What date is that?
- 11 Q 465 That's the 30th September 1992.
- 12 A Yes.
- 13 Q 466 It's almost four weeks before the Ballycullen vote takes place and at 3.05, you
14 appear to ring Mr. Dunlop and leave a message that you are in Dublin County
12:35:13 15 Council but you will possibly be left by 4.30 but asking Mr. Dunlop to please
16 try, presumably to please try and contact you. Do you see that?
- 17 A I have no recollection unless it's associated with the other phone calls I
18 mentioned earlier in connection with my daughter.
- 19 Q 467 Prior to the rezoning of the Ballycullen lands, Mr. Ryan, were you contacted by
12:35:37 20 anybody seeking your support in connection with the lands?
- 21 A Yes, I would have had contact with Mr. Oliver Brooks whom I knew for a number
22 of years.
- 23 Q 468 What did Mr. Brooks say to you about these lands?
- 24 A Well he outlined the problems. Now, I was sympathetic because the lands were
12:35:57 25 no longer viable, and as I come from an agricultural background myself, I
26 understood perfectly the problems he had. Because a couple of farmers, in my
27 own electoral area to the west of Dublin, bordering on Finglas, had similar
28 problems, just found it impossible to farm due to, you know, unsociable
29 behaviour.
- 12:36:16 30 Q 469 Did you go out to see the lands?

- 12:36:18 1 A No.
- 2 Q 470 Did you rely upon what Mr. Oliver Brooks told you about it?
- 3 A I did, yes.
- 4 Q 471 Now, I think that the vote took place in relation to these lands on the 29th
- 12:36:28 5 October 1992 and the vote is recorded at page 1902.
- 6 A Right.
- 7 Q 472 And you will see, Mr. Ryan, that you are recorded as voting in favour of the
- 8 rezoning of these lands.
- 9 A I see that, yes.
- 12:36:46 10 Q 473 I want the list to be increased, first of all, of those voting in favour, if
- 11 that's possible. At the bottom. I want you to go through that list for the
- 12 Tribunal, Mr. Ryan, and I want you to indicate your Fianna Fail colleagues who
- 13 also voted in favour.
- 14 A Seamus Brock, Barry Butler, Betty Coffey, Conroy, Creavan, Fallon, Fox,
- 12:37:18 15 Gallagher, Gilbride, Hannon, Hanrahan, Kennedy, Lohan, Lydon, McGennis,
- 16 McGrath, Matthews, O'Connor, Ormond, myself, GV Wright.
- 17 Q 474 Now, if we turn to the next page at 1903 and we look at the councillors who
- 18 voted against the rezoning of the lands and if we can increase that again and
- 19 if I could ask you, Mr. Ryan, to indicate your Fianna Fail colleagues who voted
- 12:38:06 20 against the motion.
- 21 A There are no Fianna Fail people on that.
- 22 Q 475 Who voted against the motion.
- 23 A No.
- 24 Q 476 So that the record shows that in fact all of the members of Fianna Fail who
- 12:38:26 25 were present and who voted on the Ballycullen rezoning voted in favour of
- 26 rezoning the lands.
- 27 A That's right, yes.
- 28 Q 477 So that insofar as Fianna Fail was concerned, the Fianna Fail vote was
- 29 unanimous, is that right?
- 12:38:38 30 A That's correct.

- 12:38:38 1 Q 478 And there's no record of any member of the Fianna Fail party voting against the
2 rezoning motion, isn't that right?
- 3 A That's right, yes.
- 4 Q 479 Now the Tribunal has heard from Mr. Larry Butler, amongst others who have given
12:38:49 5 evidence to the Tribunal, that the Fianna Fail party was accustomed to have a
6 meeting in advance of the full council meeting at which the upcoming agenda
7 would be discussed, do you agree that that took place?
- 8 A Well --
- 9 Q 480 First of all, do you agree it was normal that Fianna Fail would have such a
10 meeting?
- 11 A Well they used to have meetings on occasions, yes. But I certainly can't
12 recall attending a meeting with regard to the Ballycullen lands but that's not
13 to say that they didn't have one or that I might necessarily be there.
- 14 Q 481 Let's discuss, first of all, the system before we come -- the general before we
12:39:24 15 come to deal with the specific. In general, would you agree with the evidence
16 that's been given to Tribunal that the Fianna Fail party was accustomed to have
17 meetings in advance of the Development Plan meetings at which the agenda was
18 discussed?
- 19 A Well, I know that prior to 1999, they used to have pretty regular meetings but
12:39:43 20 after that, they still held occasional meetings. Certainly if there was some
21 important issues, meetings would be held but I cannot recall any meeting in
22 relation to the Ballycullen lands.
- 23 Q 482 You have just said prior to 1999 that there were meetings.
- 24 A Yes.
- 12:40:02 25 Q 483 So are you accepting then that it was, there was a practice in being up to 1999
26 at which the Fianna Fail party had meetings in advance of the meetings of the
27 council?
- 28 A Yes, but not as I recall on that regular basis, you know?
- 29 Q 484 And that the purpose of the meeting which was taking place in advance of the
12:40:24 30 meeting of Dublin County Council was to go through the agenda of the council.

- 12:40:28 1 A Yes.
- 2 Q 485 To discuss the matters that would be coming up at the meeting that --
- 3 A That would be correct, yes.
- 4 Q 486 Isn't that right? What was the purpose of that discussion?
- 12:40:39 5 A Well I suppose really the purpose was to find out how people felt with regard
- 6 to particular motion or motions.
- 7 Q 487 And that would be how members of the Fianna Fail party, particularly the local
- 8 councillor, felt about a motion that was being proposed, is that right?
- 9 A That's correct.
- 12:40:58 10 Q 488 You have no recollection of attending any such meeting at which the Ballycullen
- 11 lands were discussed?
- 12 A No, I have no recollection.
- 13 Q 489 But you do accept?
- 14 A I do accept that a meeting could have been held.
- 12:41:08 15 Q 490 You do also accept, I think, from a review of the minutes of the meeting every
- 16 member of Fianna Fail voted in favour of the rezoning of the Ballycullen lands?
- 17 A Correct.
- 18 Q 491 Without exception?
- 19 A Without exception, that's right.
- 12:41:19 20 Q 492 Now I think, Mr. Ryan, that after, at some stage in 1992, you received a
- 21 political donation from Mr. Christopher Jones, is that right?
- 22 A That's correct.
- 23 Q 493 Now, will you outline to the Tribunal the circumstances in which you came to
- 24 receive that political donation?
- 12:41:33 25 A I was a candidate for the Senate election in 1993, it was held in actually late
- 26 January or February 1993. So as I recall, I got a donation, an unsolicited
- 27 political donation, for the cost of that Senate election. Senate elections
- 28 were very expensive, you have to travel around the country and stay out and
- 29 possibly get somebody to drive you. So as I recollect, that cheque was given
- 12:42:09 30 as a political donation for the Senate election.

- 12:42:12 1 Q 494 Okay. Let's see if we can assist at all, Mr. Ryan, at the timing of this
2 payment, do you recollect getting the cheque?
3 A I recollect vaguely, recollect getting the cheque, a vague recollection.
4 Q 495 Who gave you the cheque?
12:42:29 5 A Oliver Brooks.
6 Q 496 Did he hand you the cheque?
7 A He did, as far as I can recall, yes.
8 Q 497 Do you recollect whether that was before or after the vote on the Ballycullen
9 lands?
12:42:35 10 A I am sure it was after the Ballycullen lands.
11 Q 498 And according --
12 A Well, I was voting for the Ballycullen lands in any case.
13 Q 499 But do you believe then that you received this cheque between the 28th --
14 between the 29th October 1992 and the end of 1992?
12:42:52 15 A Yes, it would be somewhere that in that timeframe.
16 Q 500 At page 702 please, Mr. Jones -- if I could just have the bottom of that page
17 increased -- Mr. Jones has provided the Tribunal with this schedule and he has
18 set out the payments that he made to certain people in 1992 and while the date
19 is the 31st December 1992, the payments may have been made before that is to
12:43:19 20 Mr. N Ryan, Fianna Fail fund raiser, 1,000 pounds. Do you accept that you got
21 1,000 pounds from Mr. Christopher Jones?
22 A Yes.
23 Q 501 That it was given to you by Mr. Brooks?
24 A Correct, yes.
12:43:32 25 Q 502 That you say that it was in connection with the Senate election in 1992?
26 A Yes.
27 Q 503 Right. Can you -- you had been in politics, I think you told me earlier this
28 morning, from at least 1985?
29 A That is right, yes.
12:43:45 30 Q 504 Would you outline to the Tribunal the other political donations you received

- 12:43:49 1 between 1985 and 1992 from either Mr. Oliver Brooks, Mr. Frank Brooks or
2 Mr. Christopher Jones?
- 3 A None other, that was the only one.
- 4 Q 505 And after 1992, can you outline to the Tribunal the political donations that
12:44:01 5 you would have received from Mr. Oliver Brooks, Mr. Frank Brooks or
6 Mr. Christopher Jones?
- 7 A I can't recall getting any other donations.
- 8 Q 506 Would you regard a sum of 1,000 pounds as a substantial donation?
- 9 A I would, yes.
- 12:44:16 10 Q 507 Was it one of the biggest that you received that year?
- 11 A It was, yes.
- 12 Q 508 Did you ever solicit any further donation from either Mr. Jones or
13 Mr. Christopher Brooks or Frank Brooks?
- 14 A No, I never solicited a donation.
- 12:44:29 15 Q 509 Did you stand for election in any election subsequent to 1992?
- 16 A I stood in the local elections in 1999.
- 17 Q 510 And did you seek any, in the light of the substantial donation that you had
18 received from Mr. Christopher Jones, did you seek any political donation in
19 1999 from either Mr. Frank Brooks, or Mr. Oliver Brooks or Mr. Christopher
12:44:54 20 Jones?
- 21 A Well I can't recall looking for a donation.
- 22 Q 511 From then. So the only time you have been paid a political donation by
23 Mr. Christopher Jones was in 1992?
- 24 A 1992.
- 12:45:08 25 Q 512 And you say that you received that donation because of the fact that there was
26 a Senate election in late 1992?
- 27 A That's correct, yes.
- 28 Q 513 And that this payment is unconnected with your support for the Ballycullen
29 lands?
- 12:45:21 30 A That's correct, yes.

- 12:45:22 1 Q 514 Did you ask anybody to support your Senate election? By that, I mean Mr. Jones
2 or either Mr. Oliver Brooks or Mr. Frank Brooks?
3 A No, as far as I recollect, I didn't, no.
- 4 Q 515 This is an entirely unexpected donation?
12:45:37 5 A Yes, it was.
- 6 Q 516 Did you acknowledge that in writing?
7 A I didn't, no.
- 8 Q 517 Right. What did you do with the money when you got it?
9 A Well I spent it.
- 12:45:44 10 Q 518 Did you cash it?
11 A I did, yes.
- 12 Q 519 Did you receive a cheque?
13 A I did, yes.
- 14 Q 520 And did you cash the cheque?
12:45:51 15 A I did, yes.
- 16 Q 521 And you spent the proceeds?
17 A I spent the proceeds.
- 18 Q 522 I think in October 1993, Mr. Ryan, at 2081, the confirming meeting in
19 connection with the Ballycullen lands took place. This is the meeting to
12:46:06 20 confirm the rezoning on the lands and a motion had been put in, I think, by
21 Councillor Muldoon and others seeking to revert to the lands back to B,
22 agriculture. The vote is recorded at 2083. Now, the councillors who were
23 voting against the motion are voting in favour of rezoning the lands to
24 residential, do you understand my point?
- 12:46:31 25 A I do, yes.
- 26 Q 523 Can you look at that list of those voting against and can you identify the
27 Fianna Fail members who are recorded there?
28 A I can, yes.
- 29 Q 524 Thank you.
12:46:41 30 A Councillors Ardagh, Brock, Butler, Coffey, Creavan, Fallon, Fox, Gallagher,

- 12:46:53 1 Gilbride, Hannon, Hanrahan, Larkin, Lydon, McGennis, McGrath, O'Connor, Ormond,
2 myself and Wright.
- 3 Q 525 And can you identify on the first those voting in favour of rezoning the lands
4 to agriculture on that list immediately preceding it, the members of the Fianna
12:47:24 5 Fail party.
- 6 A Oh yes. People who voted for?
- 7 Q 526 For the motion, which is to rezone the lands back to agriculture.
- 8 A No, there are no Fianna Fail.
- 9 Q 527 There are no Fianna Fail?
- 12:47:43 10 A No.
- 11 Q 528 So the record of the vote in relation to the Ballycullen lands shows the
12 following insofar as the Fianna Fail party is concerned, that all members of
13 Fianna Fail who voted in favour of the rezoning -- sorry, all members of Fianna
14 Fail who were present and voting, voted in favour of the rezoning and in favour
12:47:58 15 of confirming the rezoning?
- 16 A That's right, yes.
- 17 Q 529 No member of Fianna Fail voted against the rezoning or against the confirming,
18 isn't that right?
- 19 A That's correct, yes.
- 12:48:07 20 Q 530 Yes. Can I ask you is there a whip, Mr. Ryan, in relation to rezoning matters?
- 21 A No, there was never a whip. I mean there was, it was up to yourself really to
22 go in and vote. If you decided not to, you could stay out. There was nobody
23 chasing you.
- 24 Q 531 You would have a vast experience, Mr. Ryan, of attending these Development Plan
12:48:34 25 meetings and these rezoning meetings, is that right?
- 26 A That's correct, yes.
- 27 Q 532 Would this vote be representative of the way that Fianna Fail voted in general?
- 28 A It would, yes.
- 29 Q 533 That they tended to vote in the same direction?
- 12:48:46 30 A Generally speaking, yes.

- 12:48:47 1 Q 534 Generally speaking. And you say that there was never any whip in relation to
2 these matters?
- 3 A No, there wasn't, really, no.
- 4 Q 535 When you say -- sorry? Go ahead, Mr. Ryan.
- 12:49:01 5 A No, as I said, there was nobody chasing you to go in and vote for or against a
6 particular --
- 7 Q 536 If there wasn't an official whip, as that's understood in general in political
8 senses, was there an unofficial understanding, Mr. Ryan, following the Fianna
9 Fail meeting that took place in advance of the full meeting of the council,
10 that one would follow the local councillor or that Fianna Fail would have a
11 united position?
- 12 A Yes, you know, it was accepted that they would have a united position.
- 13 Q 537 Yes. Thank you very much, Mr. Ryan, would you answer any questions anybody
14 else may have.
- 12:49:43 15
- 16 CHAIRMAN: Are there any other party wishing to ask any questions? No, thank
17 you very much, Mr. Ryan.
- 18 A Thank you very much, chairman.
- 19
- 12:49:48 20 MR. QUINN: Senator Ann Ormonde please.
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12:49:50 1 SENATOR ANN ORMONDE, HAVING BEEN SWORN, WAS EXAMINED

2 AS FOLLOWS BY MR. QUINN:

3

4 CHAIRMAN: Good afternoon, Ms. Ormond.

12:50:26 5

6 MR QUINN: Thank you, Senator Ormond. I think you were a councillor for the
7 Rathfarnham ward?

8 A That's right.

9 Q 538 And you were a member of the county council I think in 1992, 1993?

12:50:36 10

11 A That's right.

12 Q 539 You have been written to by the Tribunal and you have responded by letter of
13 the 31st January 2006, I propose to read that and ask you one or two questions
14 arising out of that. That letter is to be found at page 3206 and 3207 and 8 of
15 the brief. You said "My apologies for not responding to your letter dated 13th
16 January 2005." I think, that should be 2006. "As it was holiday time. I was
17 out of the country until now and I was not in a position to reply.

12:50:55 15

18 I have known Mr. Frank Brooks for over 25 years. Frank is a member of the
19 Fianna Fail party and is an active worker at election time. He is also a very
20 good friend of mine and he has given me great help and support throughout my
21 political career. He acted as my director of elections and fund raiser on
22 numerous occasions.

12:51:12 20

23
24 The plans to rezone Ballycullen was aired as far back as the early 1980s.

12:51:27 25

26 Initially I had serious reservations about it on the grounds that the time was
27 not right and I have made my views known to Frank at that time. However, as I
28 saw the area of Knocklyon and Firhouse growing and I had visited the site and
29 familiarised myself with the area, I saw one, that farming no longer seemed to
30 be viable with some urbanisation, trespassing and vandalism. Two, proximity of
the land to the Tallaght development area, now housing development on land

12:51:46 30

12:51:48 1 adjoining the farm. Three, proximity to the Southern Cross Route. Four, a
2 large area was to be zoned F to cater for open space and recreational amenities
3 and five, the development would facilitate road infrastructure.
4

12:52:02 5 Understandably, local objections were made to this proposed development.
6 However those objections, often local in character, could not be allowed to
7 obstruct the provision of houses and proper infrastructure. In my view
8 reasonable development should always be given a chance. In relation to the
9 vote I listened very carefully to the debate and various motions. I was also
12:52:22 10 impressed with the fact there was local and cross party support for this motion
11 and I was prepared to give this development a chance and therefore voted for
12 it.
13

14 In relation to your question about payments/political donations. Due to my
12:52:30 15 close friendship with Frank over a long period of time I got a lot of help and
16 support from him as my director of elections and fund raiser on numerous
17 occasions. As a consequence of this, he raised 5,000 for the purpose of my
18 canvassing the 1997 general election through his contact with Ballycullen Farms
19 and also contributed himself to my golf classics for the general election in
12:52:47 20 1997.
21

22 Paragraph 3. Frank Brooks: You had been asked of any contact you had in
23 relation to the Ballycullen rezoning and you said "Frank Brooks, I had no
24 contact with Frank Dunlop or the late Liam Lawlor about this matter. Thank
12:53:00 25 you, yours sincerely, Senator Ormonde." Do you want to add to that?

26 A No, that's accurate as far as my recollection goes.

27 Q 540 So, Senator Ormonde, we have heard mention of Mr. Oliver Brooks and Mr. Frank
28 Brooks, I think you are telling the Tribunal here that Mr. Frank Brooks was
29 your director of elections?

12:53:17 30 A That's right.

- 12:53:17 1 Q 541 I think you were first elected in 1985?
- 2 A That's right.
- 3 Q 542 You would again have been elected, re-elected in 1991?
- 4 A That's right.
- 12:53:24 5 Q 543 Was Mr. Brooks your director of elections in 1991?
- 6 A No.
- 7 Q 544 When did he become your director of elections?
- 8 A He came -- he -- there were two candidates at that stage for the local
- 9 elections, so he shared his time between the two candidates in that ward and
- 10 that was why.
- 11 Q 545 Were you one of the two candidates?
- 12 A And I was one of them but he didn't really give me full support because he
- 13 spread himself out.
- 14 Q 546 You were certainly a candidate in the Seanad election in late 1992, early 1993?
- 12:53:49 15 A That's right.
- 16 Q 547 Was he of assistance to you at that time?
- 17 A Well he would have propped me up whenever I needed a prop up. He was a friend
- 18 and I often felt that I needed a prop and he would say come along and he drove
- 19 me a few places around the country, that sort of thing.
- 12:54:05 20 Q 548 When you say he drove you, would he have driven you in motor vehicles, the
- 21 property of his employer, Ballycullen Farms?
- 22 A No, no it was always --
- 23 Q 549 Were they used --
- 24 A No, I would never be associated with, I always brought my own car on these
- 12:54:20 25 trips.
- 26 Q 550 But he would have driven you around the country?
- 27 A He drove me a few times to meet people, yes.
- 28 Q 551 But you would have well known him by 1992?
- 29 A I knew him very well since about 1982, 1983, because as you know at this stage,
- 12:54:34 30 he was a member of the party. And he was also in the area that I represented,

- 12:54:38 1 he lived quite close to the area that I represented. So it became obvious that
2 we would be associated on a daily basis.
- 3 Q 552 Yes. You would meet almost on a daily basis?
- 4 A I wouldn't say that but politically we would meet quite often and he would be
12:54:56 5 at our meetings and there was a couple of cumann meetings in that area so he
6 would attend them and I would attend them.
- 7 Q 553 Would those cumann meetings be attended by councillors, Fianna Fail
8 councillors?
- 9 A Well of the area, yes.
- 12:55:07 10 Q 554 Did Mr. Brooks ever raise the issue of the rezoning of Ballycullen Farms at
11 those council meets?
- 12 A Yes he did. He would have aired them with me socially when we would be out
13 having a drink. He would have aired them with me and I had been taking a read
14 on it from the local people on the ground and I knew at that stage that it
12:55:24 15 wasn't a runner and I made my views known to Frank.
- 16 Q 555 At what stage did you realise it wasn't a runner?
- 17 A About 1987.
- 18 Q 556 But now we are moved on to 1992?
- 19 A Yes.
- 12:55:33 20 Q 557 I think in 1990, the council's proposal to have the lands, a portions of the
21 lands zoned for industrial purposes had been unsuccessful?
- 22 A That's right.
- 23 Q 558 So in 1992, ten years after you had met Mr. Brooks at a time when you say you
24 were politically quite close, he presumably had raised again the prospect of
12:55:52 25 having the lands rezoned, looking after his employers?
- 26 A Of course and I said it would all depend on the local view and the residents of
27 the area and I had gone to many residents association meetings and I was taking
28 my lead from them as well and I also alerted Frank to that position. After
29 all, I was the public representative in the area and it was important to me
12:56:14 30 that I reflected their views very strongly and I conveyed those views regularly

- 12:56:19 1 to Frank on that issue.
- 2 Q 559 You briefed him on the views?
- 3 A I did, I told him that it wasn't a runner industrially, that I would much
- 4 prefer to see it agriculture, to be zoned back to agriculture.
- 12:56:30 5 Q 560 Did you ever take the views of your fellow councillors, Fianna Fail councillors
- 6 on the issue?
- 7 A Well I took account locally, that was very important to me.
- 8 Q 561 These are the local residents?
- 9 A The local residents association, they were my people. They were the people who
- 12:56:45 10 voted for me.
- 11 Q 562 Did you ever take the views of the councillors?
- 12 A I also discussed it at length with Councillor John Hannon because he was the
- 13 Fianna Fail councillor in that particular ward. I was in the adjoining ward.
- 14 So we kept in close contact in relation to this issue.
- 12:57:02 15 Q 563 And obviously it was one of the things that was preoccupying Mr. Brooks' time
- 16 at this time, namely the possibility of rezoning his employers lands in
- 17 Ballycullen?
- 18 A Of course.
- 19 Q 564 And in Beechill?
- 12:57:16 20 A Of course, I know nothing about Beechill.
- 21 Q 565 Now, I think you have given details of monies you say received by you by way of
- 22 fund raisers from either Mr. Brooks or Mr. Jones, isn't that right?
- 23 A That's right.
- 24 Q 566 If we could have 703 please. On the 31st May 1999, there is an Ann Ormonde
- 12:57:41 25 fund raiser, 600 pounds, local election donation, do you see that at the top?
- 26 You would have seen this in the brief in any event?
- 27 A Yes. That would have been in 1999 you are talking about now, is that it?
- 28 Q 567 Yes.
- 29 A That must have been my golf classic.
- 12:57:56 30 Q 568 If we go to the bottom of that page then on the 31st October 1995, I think,

12:58:03 1 there's --

2 A 1996.

3 Q 569 1996 I think there's an Ann Ormonde, 5,000 pounds political donation?

4 A That came from Mr. Jones.

12:58:12 5 Q 570 Did you ever meet Mr. Jones?

6 A Yes, I did. And I would have known him because he would have known my family.

7 Q 571 Yes.

8 A And in fact he always took a fatherly interest in me. And that, I was

9 surprised at that particular donation to be quite honest with you.

12:58:27 10 Q 572 On the 27th March 1998, there is an Ann Ormonde at Agfa Limited posters 747.29

11 political donations?

12 A To be quite honest with you, I know nothing about that. Now, obviously that

13 could have happened during my election, that somebody helped out and they

14 didn't send me the bill. I didn't know a thing about it.

12:58:52 15 Q 573 Okay. Was Mr. Frank Brooks your election agent?

16 A Yes, he was. Yes.

17 Q 574 At 2552, there's a document Ann Ormonde golf classic, 500 pounds, do you see

18 that?

19 A Yes, I do.

12:59:05 20 Q 575 Can you recall that?

21 A That was from Frank himself, yes. He put a team in himself.

22 Q 576 And if we could have 1408, there appears to be a note in the working papers of

23 KPMG of Ballycullen Farms, Ann Ormonde, 1,000 pounds?

24 A That was in 1992 I think for the --

12:59:28 25 Q 577 It's headed 7th May 1991 and the local election would have been in 1991, do you

26 think you might have received that --

27 A I can't recall that at all because the only cheque that I recall and this is

28 very important, I opened a political account in 1989 so that any money that I

29 got, I felt that they were money in relation to my campaigns and were lodged

12:59:49 30 into that account, I never touched it because I felt it wasn't my money. That

- 12:59:53 1 was money for a campaign. So I always felt it should not be used for any other
2 purpose. So I have scrutinised this and I recall getting 1,000 pounds from
3 Mr. Jones in November of 1992.
- 4 Q 578 You got 1,000 from Mr. Jones in November 1992. Would you tell the Tribunal the
13:00:11 5 circumstances surrounding the receipt of that money?
6 A Well, I remember there was a snap election, a very cold winter election and I
7 do recall that I wasn't living at home, I was staying in my brother's house and
8 somewhere during that campaign when I was out and about, I have -- this is only
9 vague recollection -- that Frank handed me the cheque.
- 13:00:33 10 Q 579 This is Frank Brooks?
11 A Yes.
12 Q 580 Had you sought money from Mr. Jones?
13 A No, no.
14 Q 581 And how do you know that it was a Jones cheque?
13:00:42 15 A I didn't know until I came home, you know what I mean? I kind of put it into
16 my pocket.
17 Q 582 Was it a cheque signed by Mr. Chris Jones?
18 A Yes it was.
19 Q 583 You have presumably no longer trace of that cheque?
13:00:55 20 A Yes, I have trace of it because it went into my political account and I have a
21 record of that cheque.
22 Q 584 In November 1992.
23 A Yes.
24 Q 585 There is an account, savings account 2706, this is account number 52233682, do
13:01:12 25 you see that account? Is the account you are speaking about?
26 A Oh God, where am I now. Yes, that would be the one I am sure, it's --
27 Q 586 There's a cheque there for 1,000 pounds on the 18th January 1993?
28 A That would probably be it. No, that would probably be another one that I got
29 from Frank Dunlop at that time for my Senate elections.
13:01:32 30 Q 587 Where is the 1,000 you got from Mr. Jones there?

13:01:36 1 A Well, I have it, I have a record of it.

2 Q 588 I know you have a record of receiving it but --

3 A But I can't.

4 Q 589 If that's the political account?

13:01:45 5 A Yes. November ...

6 Q 590 Mr. Jones has attempted to put together a schedule?

7 A The 18th January one.

8 Q 591 Mr. Jones attempted to put together a schedule of all the political donations

9 he has made, he doesn't appear to have made any reference to that cheque for

13:02:00 10 1,000?

11 A He doesn't have? No, I have a record of it though. Sorry?

12 Q 592 Could you have got 1,000 the previous year?

13 A Well I can't recall that now. I can't recall. Unless it's the one and the

14 same.

13:02:13 15

16 CHAIRMAN: All right.

17 A I can't recall to be quite honest with you.

18

19 CHAIRMAN: It's just, it's after one o'clock, so we will adjourn until 2

13:02:20 20 o'clock, all right?

21 A Okay, thank you.

22

23 The Tribunal then adjourned for lunch.

24

13:02:34 25

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THE TRIBUNAL RESUMED AS FOLLOWS AT 2.00 P.M.:

MR. QUINN: Senator Ormonde.

CONTINUATION OF EXAMINATION OF SENATOR ORMONDE BY MR. QUINN:

Q 593 Good afternoon, Senator Ormonde. Before lunch, we were dealing with your involvement in the motions concerning the rezoning of lands in Ballycullen. Mr. Dunlop had been retained in February 1991 by Mr. Chris Jones to assist in relation to having these lands rezoned and he had, in August 1991, the 30th August 1991, prepared a report where he highlighted and set out a number of councillors that ought to be canvassed for their support and if we could have 1504, you appear as one of those councillors. Can you recall being canvassed for your support by Mr. Dunlop in relation to that development?

A No, I do not recall being, have any connection with Frank Dunlop at all.

Q 594 At all?

A During that time.

Q 595 This is now August 1991?

A Yes.

Q 596 Well what about 1992 then?

A I don't recall having any contact with him either in 1992.

Q 597 You do recall Mr. Dunlop, however, appearing at the rezoning meetings?

A I permanently saw him when you would be passing through in county council offices.

Q 598 And it was well known that Mr. Dunlop was a lobbyist on behalf of developers and landowners?

A Yes, that was well known but in relation to Ballycullen, it never occurred to me. I suppose the reason being that I was dealing locally with it.

Q 599 So you are saying that you never realised and never knew that Mr. Dunlop had as a client Mr. Chris Jones?

A That's right.

- 14:09:27 1 Q 600 Mr. Brooks, Mr. Frank Brooks never told you that Mr. Dunlop had been taken on
2 board?
3 A I don't recall that.
4 Q 601 Mr. Oliver Brooks never told you that?
14:09:36 5 A No.
6 Q 602 Mr. Dunlop has n entry in his diary at 1745 for the 7th September 1992,
7 "arrange to meet A Ormonde" and then on the 8th September 1992, there's a
8 "12.45 p.m. meeting, Ann Ormonde." Do you know anything about that?
9 A No, I have no recollection of those meetings.
14:09:54 10 Q 603 Do you have meeting Mr. Dunlop in 1992?
11 A I have no recollection and the reason being is that I was dealing locally so it
12 wasn't important that I should meet him in that sense of the word.
13 Q 604 Yes. But he does have an entry in his diary for the 8th September which would
14 seem to suggest that having rang you on the 7th having regard to that entry,
14:10:18 15 that he did actually meet you on the 8th?
16 A If he did, I don't recall it.
17 Q 605 You don't recall any meeting with Mr. Dunlop at all?
18 A No, no.
19 Q 606 Now, we also know that Mr. Lawlor was assisting Mr. Jones in or around this
14:10:33 20 time, if we could have 1764, this is a fax which would appear to have come from
21 Mr. Lawlor to Mr. Jones. Can I ask you, did Mr. Lawlor contact you or?
22 A No.
23 Q 607 Or enlist or your support or canvass your support in relation to this rezoning?
24 A No.
14:10:54 25 Q 608 At any stage?
26 A At any stage.
27 Q 609 When did you discover that Mr. Jones was, or that Mr. Jones was happy to limit
28 the density on the lands to six houses to the acre?
29 A Well, I was dealing a lot with the local residents in the area and I knew there
14:11:14 30 was huge objection initially to that proposal for industrial rezoning. And

14:11:22 1 shortly after that, I knew that Mr. Jones was entering into negotiations with
2 the Firhouse Community Council and Knocklyon Community Council and I was also
3 in touch with the councillors, with John Hannon during that time. So I kept an
4 eye on things as they were evolving.

14:11:40 5 Q 610 And you were talking to Mr. Brooks, isn't that right?

6 A Exactly.

7 Q 611 Your election agent.

8 A Yes.

9 Q 612 And did you know in advance of the council meeting on the 29th October that
14:11:54 10 Mr. Or councillor Hannon was going to propose to limit the density on the
11 lands?

12 A No, I didn't know in advance but I did know that letters had gone to the
13 Firhouse Community Council and also it had circulated in the area that he was
14 prepared to increase the open space and therefore reduce the density of the
15 houses. I was aware of that because I was very much on the ground in relation
16 to that particular issue.

17 Q 613 When did you decide that you would support this rezoning?

18 A I decided, I visited the site and I did my own homework. I visited people,
19 both in Knocklyon and the areas adjacent to Knocklyon that would not be in my
14:12:14 20 ward but that this rezoning would have impacted.

21 Q 614 Yes.

22 A And I felt that at some stage --

23 Q 615 But at what stage is really my question, Senator Ormonde.

24 A Well, I knew that it was, if it was agricultural, or we would go with some
14:12:56 25 zoning and I was coming around to the idea that land around that farm was
26 being, there was huge housing development in the Tallaght area and I also knew
27 that there was a proposition that there was going to be open space, huge open
28 space in the area. And then I felt that perhaps this is the best route.

29 Q 616 Well if we --

14:13:18 30 A And I was very, I am interested in it, give development a reasonable chance.

- 14:13:23 1 Q 617 If we take it that the Development Plan was on display between September and
2 December 1991, had you decided at that stage, that is to say by December '91
3 that you would support the rezoning?
- 4 A I don't know when I would have decided but I was very much taking an interest
14:13:38 5 in it and I was very much reflecting the views and I felt the resonance and
6 there were local objections but I felt there was a huge consensus in the area
7 for it.
- 8 Q 618 Had you decided by August 1992 that you would support the rezoning?
- 9 A I would say that yes, I would say that coming up to the vote, I was coming
14:13:56 10 down.
- 11 Q 619 The vote I think was on the 29th October 1992?
- 12 A Yes.
- 13 Q 620 So by August 1992, would you have been?
- 14 A I would say it would have been September because I would have been away in
14:14:04 15 August.
- 16 Q 621 By the 28th September, 1992?
- 17 A I suppose so, I can't give you dates.
- 18 Q 622 Had you been asked would you have signed the motion?
- 19 A Well I wasn't asked.
- 14:14:14 20 Q 623 Had you been asked?
- 21 A Unlikely.
- 22 Q 624 Why not?
- 23 A Because I never fronted any motions that was not in my own area.
- 24 Q 625 You had never fronted a motion for rezoning that wasn't in your own area?
- 14:14:24 25 A Yeah, I felt that it should go, I always take the lead from councillors in that
26 area.
- 27 Q 626 Were you surprised then that Senator Lydon had fronted this motion since these
28 lands weren't in his area?
- 29 A Well I didn't give it any thought to be honest with you.
- 14:14:40 30 Q 627 You did speak at the motion, isn't that right?

- 14:14:42 1 A Yes.
- 2 Q 628 Did you speak in support of the motion?
- 3 A Yes.
- 4 Q 629 Did you tell those present that Mr. Frank Brooks, your election agent, was an
- 14:14:50 5 employee of the landowner?
- 6 A No, I didn't, I don't think I did. Maybe I should have now in hindsight.
- 7 Q 630 Now, you say that some time after the vote, you received 1,000 pounds from
- 8 Mr. Jones, isn't that right?
- 9 A In November.
- 14:15:06 10 Q 631 In November?
- 11 A 1992.
- 12 Q 632 The vote I think was on the 29th October and you say November you received the
- 13 money from Mr. Jones.
- 14 A Yes.
- 14:15:12 15 Q 633 And I put a document on the screen which would seem to suggest that you might
- 16 have received another 1,000 the year prior to that, that is in 1991, you saw
- 17 that KPMG document?
- 18 A Yes.
- 19 Q 634 Do you think you might have received 1,000 in the year prior to that?
- 14:15:30 20 A Well no I only can recall 1,000 which was in the November 1992. That's the
- 21 only one I can recall.
- 22 Q 635 If we could have 1408 please. You don't think you received 1,000 in 1991?
- 23 A In fact I can't recall it because I do remember having a little thing in
- 24 Bugler's hotel which is a quiz night and that was the only fundraising I had
- 14:15:56 25 done and I don't recall getting any donations for the 1991 campaign.
- 26 Q 636 Okay. Why do you think that Mr. Jones decided to support your 1992 campaign
- 27 and not your 1991 campaign?
- 28 A I don't, as I said, I don't know but there were two candidates in the 1991 from
- 29 that area so, I am only putting it down to that he didn't. I don't know why.
- 14:16:18 30 Q 637 You didn't recall the 1,000, you can't recall the 1,000 in 1991, you don't

- 14:16:23 1 believe you received it, you do recall 1,000 in 1992?
- 2 A Yes.
- 3 Q 638 But you didn't mention that to the Tribunal in that letter you wrote on the
- 4 31st January of this year?
- 14:16:34 5 A Yeah but I sent another one in when I had time to look over my records in, I
- 6 was conscious of the fact I was late putting that letter in so I got that off
- 7 quickly.
- 8 Q 639 You got another 1,000 in January 1993?
- 9 A That was for my Senate election campaign.
- 14:16:48 10 Q 640 Okay. Thank you very much?
- 11 A Thank you.
- 12
- 13 CHAIRMAN: Is there any party wishing to cross-examine?
- 14
- 14:17:01 15 JUDGE FAHERTY: Just one thing, Senator Ormonde, you said that you would only
- 16 ever front a motion that was in your own electoral area, is that --
- 17 A Yes, I was very conscious of that. I wasn't, I am not a front person by
- 18 nature.
- 19
- 14:17:14 20 JUDGE FAHERTY: Yes, just in relation to that, does that, do I take that to
- 21 mean that you would either sign a motion or propose or second a motion?
- 22 A No. No.
- 23
- 24 JUDGE FAHERTY: So what do you mean?
- 14:17:27 25 A I would always go with the councillor from the area where the rezoning was
- 26 being done. And I would consult with them but I would not, I would always lean
- 27 on them to take the lead because that's their area, that's what they know, they
- 28 know their area why should I come in from the outside.
- 29
- 14:17:46 30 JUDGE FAHERTY: That's what I'm asking you, do I take it you wouldn't sign a

14:17:51 1 motion that wasn't in your electoral area?

2 A No I wouldn't.

3
4 JUDGE FAHERTY: That's what I'm asking. That's what you are saying?

14:17:57 5 A I wouldn't, as far as I know I never did, because I am very conscious of that.
6 Maybe there might be one but it would be generally my view that I wouldn't,
7 maybe I did. I can't recall.

8
9 JUDGE FAHERTY: Thank you.

14:18:07 10 A Thank you.

11
12 CHAIRMAN: Thank you very much, Senator.

13
14 MR. QUINN: John Hannon please.

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14:18:13 1 JOHN HANNON, HAVING BEEN SWORN, WAS EXAMINED

2 AS FOLLOWS BY MR. QUINN:

3

4 CHAIRMAN: Good afternoon Mr. Hannon

14:18:45 5

6 Q 641 MR. QUINN: Mr. Hannon you are a councillor for the Tallaght Old Bawn area
7 since 1985, isn't that right?

8 A That's right.

9 Q 642 You were written to by the Tribunal in the context of this module and you
10 supplied a statement dated 29th January 2006 which is to be found at pages 3078
11 and 3080 of the brief. I propose to read that and then ask you one or two
12 questions arising out of that statement to you?

14:18:54

13 A Thank you.

14 Q 643 You say under the heading Ballycullen and Beechill module:

14:19:09

15 "In relation to the Beechill lands, I have no recollection was having contact
16 from anybody though it is possible as it is in the case of most rezoning issues
17 that I would have been in receipt of correspondence. However I have no record
18 or recollection of any such. In relation to the Ballycullen lands, I respond
19 as follows, both Frank and Oliver Brooks would have made contact with me at
20 various times during the period in question. These contacts were not formal
21 meetings but rather were of an ad hoc casual nature and generally took place in
22 the foyer of the council which they frequented in their efforts to lobby
23 councillors.

14:19:27

24

14:19:39

25 These conversations would have occurred to the best of my recollection in 1991,
26 '92, '95, '96 and '98 and would have centred around their wish to have the
27 lands at Ballycullen developed. In September 1992 I received a letter from Mr.
28 Frank Dunlop in which he outlined proposals for the possible rezoning of 190
29 acres of land at Ballycullen. He enclosed a copy of his submission to Dublin
30 County Council and asked me if I would meet with Mr. Chris Jones and himself to

14:19:59

14:20:03 1 discuss this submission. At some time shortly thereafter, probably nearly
2 October 1992, I met with Mr. Chris Jones in Wynne's Hotel.

3
4 To the best of my recollection, Mr. Jones outlined his view that it was no
14:20:15 5 longer possible to farm the land and put forward the merits of the proposals
6 contained in their submission. In March 1995, I met with Mr. Chris Jones and
7 his son, Mr. Chris Jones junior at their offices to discuss the then current
8 proposals to build 360 houses on the previously zoned lands at Ballycullen. I
9 received an unsolicited political contribution of 1,000 pounds in November 1992
14:20:37 10 when I was a candidate in the general election called at that time. This was
11 paid by cheque from Chris Jones,/Ballycullen Farms and was handed to me by
12 Frank Brooks who called to my home.

13
14 Ballycullen Equestrian centre sponsored a race at a fundraising event that was
14:20:51 15 organised to fund my 1999 local election campaign. This event took place at
16 the Shelbourne Park track on the 19th May 1999. Payment was made by cheque to
17 the value of 500 pounds though the net benefit would be somewhat less due to
18 the cost associated with the organising the event. I think it was posted to me
19 by Mr. Frank Brooks.

14:21:09 20
21 The following persons made representations to me on behalf of Ballycullen
22 Farms/Jones Group: Frank Brooks, Oliver Brooks, Chris Jones, Chris Jones
23 junior and Mr. Frank Dunlop. I had no contact with the late Mr. Liam Lawlor in
24 relation to these matters. At some time in 1992 I believe that I was contacted
14:21:27 25 by Mr. Frank Dunlop indicating that he was acting for Ballycullen Farms in a
26 professional capacity. He wrote to me in September 1992 enclosing a submission
27 to the council giving an outline of the same in his letter. He asked me to
28 meet with him and Mr. Chris Jones. I met the latter as outlined above but to
29 the best of my recollection, there was no formal meeting with Mr. Dunlop,
14:21:47 30 however there was some telephone contact and possibly some informal contact in

14:21:50 1 the council foyer with Mr. Dunlop frequent to that time.

2

3 To the best of my recollection thereafter there was no further contact with

4 Mr. Dunlop in relation to these matters.

14:21:58 5

6 General comments, I was opposed to the proposed industrial zoning on the basis

7 that such a zoning would alter the essentially residential character of the

8 area and would not be in the best interests of local residents. In order to

9 close off this option I proposed to a motion in February 1991 as did other

14:22:14 10 councillors seeking to have the agricultural zoning put back on the draft. I

11 was sympathetic to the view that farming these lands were no longer possible

12 and it was my opinion that it was only a matter of time before some type of

13 development would take place.

14

14:22:26 15 The proposal of October 1992 provided for a good mix of residential 60 acres

16 and open space recreational of 130 acres. It would thus secure the residential

17 character of the area and would probably ensure there would be no return to the

18 concept of an industrial zoning. Having regard to the promises made by the

19 developers as regards density and my own contacts with local residents, I was

14:22:48 20 concerned to ensure that the density and maximum number of houses permitted

21 would be specified in the Development Plan.

22

23 This would ensure that only a good quality development would be built and that

24 any changes would only be made by the elected members or 75 percent vote.

14:23:01 25 Hence my amendment which was unanimously passed and incorporated into the main

26 motion and passed on the 25th October '92. My support for the material

27 contravention motion in February 1996 was based on the view that council

28 management had negotiated a good deal with the applicants and that high quality

29 development would be constructed despite the somewhat higher density. I was

14:23:23 30 particularly anxious to ensure that 8.75 acre site would not be built on as was

14:23:27 1 the strong demand in many local residents as evidenced by the petition
2 organised by the Castlefield Residents Association and this proposal ensured
3 that this land would remain as open space with full compensation being provided
4 to the council. This funding of one million could be utilised to improve local
14:23:44 5 road infrastructure.

6
7 In the review of the 1998 County Development Plan, the county manager proposed
8 that the zoning of the balance of undeveloped lands be altered to residential
9 on the basis of the need for further residentially zoned lands in south County
14:23:56 10 Dublin. I accepted this view but was concerned about the possible traffic
11 implications and I therefore put forward a motion seeking to ensure that
12 development would not take place until the necessary infrastructural works were
13 completed on the Southern Cross motorway. This subsequently became specific
14 local objectives number 60 and 74. On all of these matters I exercised my
14:24:14 15 judgment to the best of my ability solely in the interests of the people in the
16 area whom it has been my privilege to represent since 1985."

17
18 That's your statement to the Tribunal, Mr. Hannon, in relation to the matter,
19 do you to add or detract from that in any way?

14:24:30 20 A Just one point in relation to the meeting with Mr. Jones senior and junior.

21 Q 644 Yes.

22 A I mentioned there that it's to do with the planning application. Now, since I
23 wrote that statement, I note from the information that the Tribunal gave me
24 that I got or at least, I sent a letter to Mr. Jones talking about a proposal
14:24:53 25 or a submission that they made and I think that the meeting must have been in
26 relation to that submission. Now, I don't have that submission. I don't know
27 what's in it but I suspect that that's what the meeting was about rather than
28 the planning permission, per se.

29 Q 645 Thank you. Now, you were written to by the Tribunal I think way back in 1999,
14:25:15 30 isn't that right?

- 14:25:16 1 A That's right.
- 2 Q 646 And I think you responded to the requests for information by the Tribunal, you
3 were asked for any donations you might have received from persons, including
4 Mr. Dunlop, isn't that correct?
- 14:25:24 5 A That's right.
- 6 Q 647 And your initial response I think in early 2000 was that you had received no
7 political contribution from Mr. Dunlop?
- 8 A That's right.
- 9 Q 648 If we could have 2952 please. I think on the 2nd May 2000 which would have
14:25:41 10 been shortly after Mr. Dunlop had given evidence to the Tribunal or had given
11 evidence to the Tribunal, you wrote to the Tribunal revising what you had
12 earlier said, isn't that correct?
- 13 A That's right.
- 14 Q 649 In that letter I think you referred to your earlier correspondence in January
14:25:55 15 2000, where you said you hadn't received any payments, however you went on to
16 say "That in the light of recent hearings of the Tribunal and media reports and
17 speculation and to clarify my position, I believe that I may have received a
18 payment of either 500 or 1,000 pounds in cash from Mr. Frank Dunlop in or about
19 October/November 1992 when I was a candidate in the general election called at
14:26:15 20 that time. The payment was made purely for election purposes as far as I am
21 concerned and nothing whatsoever to do with any vote I cast as a council member
22 of Dublin County Council at that time." Is that correct?
- 23 A That's correct.
- 24 Q 650 What was it that caused you to remember in May 2000 to remember receiving a
14:26:33 25 cash donation of either 500 or 1,000 pounds from Mr. Dunlop?
- 26 A Well initially when I made the first response to the Tribunal I misunderstood
27 what I was being asked, I assumed at that stage what I was being asked whether
28 or not I had received any improper payments and I hadn't. So in that context,
29 I said no. And then subsequently, having regard to the various media reports
14:26:57 30 and so on, it seemed to me that I had misinterpreted the initial question, so I

- 14:27:03 1 then wrote that letter which you have read out there.
- 2 Q 651 You do know that Mr. Dunlop has given evidence to this Tribunal that in the
3 case of cash payments, that he has advised the Tribunal that save in one case,
4 that in all other cases, cash donations were for improper purposes?
- 14:27:19 5 A I know he has said that but I would reject that absolutely in my own case.
- 6 Q 652 Can I just ask you to clarify, Mr. Hannon, was it 500 or was it 1,000 you
7 received?
- 8 A I am not certain, that's why I put it like that. I think it was 5000.
- 9 Q 653 Where do you say you received that money?
- 14:27:34 10 A He called to my house.
- 11 Q 654 In October 1992?
- 12 A No, in November 1992.
- 13 Q 655 You say October/November '92 in your letter?
- 14 A I did because at that stage, again what I was stating there was it was during
14:27:46 15 the election campaign. At that stage I wasn't quite clear about the dates of
16 the election campaign but again, on the basis of the information that you have
17 given me, the election campaign started on the 5th November until 25th. So it
18 was within that period.
- 19 Q 656 Did you ask him for the donation?
- 14:28:03 20 A I did not.
- 21 Q 657 Were you surprised when he called to you with this donation?
- 22 A Not particularly.
- 23 Q 658 Why not?
- 24 A Because first of all, he rang me and said could he call and I said okay. He
14:28:16 25 called, he gave me the donation. At that time, Mr. Dunlop was an adviser to
26 the Fianna Fail party. He was held in very high regard in the Fianna Fail
27 party and it didn't seem to me to be all that surprising that an adviser to the
28 Fianna Fail party would support a Fianna Fail candidate.
- 29 Q 659 So you hadn't asked him for a donation but he had rung you out of the blue and
14:28:43 30 asked could he call to see you and called, how long did he stay with you?

- 14:28:46 1 A I would say about ten minutes.
- 2 Q 660 Would he have when he made the arrangement to come to you, did he tell you why
- 3 he wanted to see you?
- 4 A He didn't.
- 14:28:54 5 Q 661 Was the money given to you in an envelope or was it given to you in cash?
- 6 A An envelope.
- 7 Q 662 In an envelope.
- 8 A Yes.
- 9 Q 663 Did you count it in?
- 14:29:02 10 A No. Not immediately anyway.
- 11 Q 664 Why do you now say it was 500 as opposed to 1,000?
- 12 A I am not sure.
- 13 Q 665 You are not sure which it was?
- 14 A I am not. No.
- 14:29:14 15 Q 666 How many other people would have come to your home and either given you 500 or
- 16 1,000 pounds in November 1992?
- 17 A Probably not many but I would have received some donations obviously. That was
- 18 how campaigns were funded in those days.
- 19 Q 667 Now you did have contact with Mr. Dunlop leading up to the vote on the
- 14:29:37 20 Ballycullen lands, isn't that right?
- 21 A I did, yes.
- 22 Q 668 If we could have 1633 please. On the 25th March 1992, Mr. Dunlop has a diary
- 23 entry for "11.20, ring J Hannon re: Ballycullen", do you see that?
- 24 A I see that.
- 14:29:51 25 Q 669 You would have seen that in the papers. Do you recall him ringing you in
- 26 relation to Ballycullen at the time?
- 27 A I don't recall him ringing me but you know, I am fairly happy that he probably
- 28 did ring me.
- 29 Q 670 What would he have said to you?
- 14:30:01 30 A I would imagine to the best of my recollection he would have told me that he

- 14:30:07 1 had been retained by Ballycullen, by Mr. Jones, to act professionally on their
2 behalf, as I said in my statement.
- 3 Q 671 This would have been Ballycullen would have been within your ward?
4 A It was, yes.
- 14:30:18 5 Q 672 You would have been the key councillor in relation to, the key Fianna Fail
6 councillor in relation to it?
7 A I was the Fianna Fail councillor in the area, correct.
- 8 Q 673 Did any of the other Fianna Fail councillors ask you how they should vote or
9 how the motion should be taken into relation to this land?
10 A Not that I can recall.
- 11 Q 674 But you were the key Fianna Fail councillor?
12 A Yes.
- 13 Q 675 You knew that Mr. Dunlop was involved?
14 A I did.
- 14:30:39 15 Q 676 Were you asked to sign a motion in relation to it?
16 A No.
- 17 Q 677 Had you been asked, would you have signed the motion?
18 A Probably not.
- 19 Q 678 Why not?
14:30:47 20 A Because generally speaking, it has been my practice over the years not to sign
21 motions on the basis of large rezoning proposals.
- 22 Q 679 Were you surprised that Senator Lydon had signed the motion?
23 A Well, I can't say I was surprised because at that time, at that time it was
24 quite legitimate for any member to sign any motion regardless of the area.
- 14:31:18 25 Q 680 Were you surprised that a motion was put down in relation to the Ballycullen
26 lands?
27 A Initially, possibly surprised, although as I said, I had some contact from
28 whatever date it is there from Mr. Dunlop saying that he was acting on behalf
29 of Ballycullen Farms.
- 14:31:41 30 Q 681 In March 1992, did you ask Mr. Dunlop who was likely to put down the motion?

- 14:31:45 1 A Absolutely not, no.
- 2 Q 682 Were you concerned to know who within your party would propose a motion for
3 lands in your ward?
- 4 A Well, I didn't know who was going to propose or if there was going to be a
14:31:58 5 motion even at that stage, I wasn't sure of that.
- 6 Q 683 When you did ultimately discover that a motion had been signed and put forward
7 for these lands, did you discuss the motion with the person who had signed it
8 from within your party, namely Senator Lydon?
- 9 A There wouldn't have been any formal discussion.
- 14:32:13 10 Q 684 At any stage?
- 11 A There was no formal discussion.
- 12 Q 685 Did you discuss the motion at all with Senator Lydon before it was tabled?
- 13 A No.
- 14 Q 686 Would that be usual?
- 14:32:21 15 A It would have varied in those days.
- 16 Q 687 Were you surprised that Senator Lydon didn't discuss the possibility of a
17 motion being signed by him in respect of lands within your ward?
- 18 A Well I am not sure that surprise is the correct description. I suppose I would
19 have possibly been happier had it been discussed with me.
- 14:32:43 20 Q 688 Yes and had it been discussed with you, at any stage after the 25th March 1992,
21 you would have been in a position to tell Senator Lydon that Mr. Dunlop was
22 involved, isn't that right?
- 23 A Probably, yes.
- 24 Q 689 And when you did see the motion ultimately put forward or signed by Senator
14:32:58 25 Lydon, you knew that that was a motion that Mr. Dunlop almost certainly had
26 typed or had been involved in preparing?
- 27 A Well I wouldn't have known that it had been typed by him if that's what you are
28 saying.
- 29 Q 690 Okay, that he had been involved --
- 14:33:10 30 A I would have known that he had an involvement in it because as I said in my

- 14:33:14 1 statement, Mr. Dunlop wrote me a letter stating that the motion was going to be
2 put down and setting out the various points which he was highlighting at that
3 time.
- 4 Q 691 Now, we do know that there was an entry in Mr. Dunlop's diary for 12.30 for the
14:33:33 5 Gresham on the 2nd December 1992, if we have 1729. Was that in relation to
6 Ballycullen or was it in relation to another development and if it were in
7 relation to other development, I don't want you to identify that development?
- 8 A Okay. It was another development.
- 9 Q 692 Another development. I think you rang Mr. Dunlop on the 23rd September 1992 if
14:33:55 10 we have 1776 please, do you recall what that phone call was about?
- 11 A What date, sorry?
- 12 Q 693 23rd September 1992. There's an 11 o'clock, Councillor Hannon and a number --
- 13 A I have some doubt that that is me, in fact.
- 14 Q 694 You don't recognise that phone number?
- 14:34:18 15 A I don't, no.
- 16 Q 695 You don't believe you rang Mr. Dunlop?
- 17 A Obviously I can't be certain that I didn't because it's so long ago but the
18 reason why I think it's not me, well two reasons, one, the phone number doesn't
19 ring a bell and secondly, I note from the information you have given me that
14:34:29 20 almost invariably, the few times I have apparently made contact with
21 Mr. Dunlop, my name is down as John Hannon and not Councillor Hannon and had I
22 made a phone call, I would never leave my name as Councillor Hannon to anybody,
23 not just Dunlop but anybody else either.
- 24 Q 696 Just to give an example of that, on the 30th September 1992 at 1795, there's an
14:34:50 25 "11.50 phone message for John Hannon", do you think that was you?
- 26 A Sorry where.
- 27 Q 697 11.50?
- 28 A Yes, yes.
- 29 Q 698 Do you think you made that call?
- 14:35:00 30 A I would think so.

- 14:35:02 1 Q 699 Can you recall what that call was in connection with?
- 2 A I would say and again obviously I am speculating to a degree but I would say
- 3 that that is following the letter I got from Mr. Dunlop in which he asked me to
- 4 meet Mr. Chris Jones.
- 14:35:16 5 Q 700 Yes.
- 6 A I would say I am responding saying yes, I am happy to meet him.
- 7 Q 701 There's a further phone call on the 6th October at 1818 for 11.55 a.m, was that
- 8 you?
- 9 A Yes.
- 14:35:30 10 Q 702 You recognise that phone number?
- 11 A I do.
- 12 Q 703 And then on the 7th October 1992, we have a phone call where the meeting with
- 13 Mr. Jones is being arranged, do you see that entry there, "rang Mary
- 14 O'Sullivan, told her John Hannon cannot meet him until Monday at five, Frank
- 14:35:49 15 Dunlop will call C J", presumably Chris Jones "later that afternoon" and if we
- 16 go to 1823 there's an entry in Mr. Dunlop's diary for 5 o'clock for the 12th
- 17 October 1992, "C J/John Hannon."
- 18 A Yes.
- 19 Q 704 Is that your meeting with Mr. Jones?
- 14:36:04 20 A I would think so. Yes.
- 21 Q 705 Was that attended by Mr. Dunlop?
- 22 A No.
- 23 Q 706 Was there anybody else in attendance other than yourself and Mr. Jones?
- 24 A No. Nobody else.
- 14:36:11 25 Q 707 Had you met Mr. Jones before that?
- 26 A No, I had never met him, I knew of him though.
- 27 Q 708 Did you know at that meeting that Mr. Lydon and Mr. Hand had signed the motion?
- 28 A I think I did.
- 29 Q 709 The motion would have been dated the 28th September, I should say. So you
- 14:36:29 30 think you would have known?

- 14:36:30 1 A I would have known.
- 2 Q 710 You might have also known, or did you, that Councillor Muldoon had signed
- 3 another motion seeking to have the lands reverted to agriculture?
- 4 A I might have known that, I am not sure.
- 14:36:42 5 Q 711 What was discussed at that meeting?
- 6 A Basically what was discussed at the meeting was Mr. Jones spoke to me about the
- 7 land, the difficulties that he was having in maintaining the land as a viable
- 8 agricultural entity and he also recounted some of the past history, his
- 9 attempts to have it changed over the years and you know, the background to it.
- 14:37:07 10 Q 712 Did you get the feeling that he was meeting you in the context of meetings he
- 11 was having with other councillors seeking their support?
- 12 A Well I assumed that but I didn't know.
- 13 Q 713 Did he tell you of any discussions or meetings he had with other councillors?
- 14 A I don't think so, I don't think so.
- 14:37:26 15 Q 714 Did you tell him that you would support the rezoning?
- 16 A What I said to him, well two elements to it. First of all in relation to the
- 17 agricultural element of it, I was of the view that agriculture was probably not
- 18 viable there as a farm because the reason why I say that was that I lived for a
- 19 number of years very local to that farm. And I could see not just from the
- 14:37:53 20 farmer's point of view but also from the resident's perspective that having a
- 21 farm in close proximity to a housing estate wasn't a good idea. For example, I
- 22 remember myself going back some years ago I woke up one morning to find cattle
- 23 in the front lawn, which had been only set a short time previously.
- 24
- 14:38:12 25 So there were problems like that. Smells and all the usual things that go with
- 26 the farm, obviously we had those sort of problems. So I did take the view that
- 27 agriculture probably wasn't a viable proposition in that area.
- 28 Q 715 Did you tell him that you would seek to limit the density of housing?
- 29 A No, I tell you what happened was I asked him to indicate to me what was the
- 14:38:39 30 local view because he had said to me that they were engaging with the local

- 14:38:45 1 community on the issue. And I asked him to indicate to me what the results of
2 that were. And basically, I advised him that my ultimate support or otherwise
3 would be informed to a large degree by what the local view was.
- 4 Q 716 And he was, was he able to tell you at that meeting that he had given a
14:39:10 5 commitment to limit the density to six houses to the acre the previous April,
6 to the Knocklyon Community Council?
- 7 A I don't think he mentioned that to me.
- 8 Q 717 Where did the six houses to the acre and the limitation that you put on the
9 motion ultimately, where did that come from?
- 14:39:28 10 A Well what happened was he wrote to me again subsequent to the meeting in the
11 hotel.
- 12 Q 718 I think if we could have 1865, this is a letter of the 27th October, 1992 which
13 would have been two days before the motion.
- 14 A That's right, correct. That's the letter. So he wrote to me at that stage and
14:39:50 15 he enclosed a copy as he says there, a copy of the undertaking. And in that
16 undertaking I think as far as I can remember, in that undertaking, the 360
17 houses limitation is included.
- 18 Q 719 Why was it decided that you would propose the amendment, Councillor Hannon?
- 19 A I decided that.
- 14:40:14 20 Q 720 You decided that. Was there a Fianna Fail meeting in advance of the council
21 meeting on the 29th October?
- 22 A Again, I don't think so.
- 23 Q 721 You don't believe there was any?
- 24 A But could I just, I want to clarify that. I don't think there was, I don't
14:40:26 25 have any recollection of attending a Fianna Fail meeting at that time. But
26 then I have to be clear and say that I didn't attend that many of the Fianna
27 Fail meetings for the simple reason that these meetings would normally be held
28 maybe at one o'clock or something like that and I had a job to do. I wasn't a
29 full-time councillor with the result that I just wasn't in a position to come
14:40:48 30 and spend long periods of time attending those meetings.

- 14:40:52 1 Q 722 Would you agree with councillor Ned Ryan's evidence before lunch that there was
2 an unofficial whip effectively in operation, namely that following those
3 meetings, a view would be taken that one would follow the local councillor or
4 the Fianna Fail would have a united position in relation to a rezoning?
- 14:41:09 5 A I wouldn't accept the term unofficial whip.
- 6 Q 723 Leaving the term aside, would you accept as a matter of fact that that's what
7 happened or that was the understanding, namely that you would follow the local
8 councillor and that Fianna Fail would have a united position in relation to the
9 motions?
- 14:41:26 10 A Well generally Fianna Fail had a united position, I would accept that.
- 11 Q 724 And that position would have followed some sort of discussion amongst the
12 Fianna Fail grouping in advance of the motions being debated?
- 13 A There would be some discussion, yes. Could be formal or informal.
- 14 Q 725 And the view of the local councillor would be hugely significant in forming
15 that view, isn't that right?
- 16 A It would certainly help inform that view.
- 17 Q 726 You in this case?
- 18 A Yes.
- 19 Q 727 Now, I think you spoke obviously at the debate on the motion?
- 14:42:00 20 A I did.
- 21 Q 728 Councillor Cass supported your amendment and your amendment was put, was
22 unanimously adopted as the motion and was put and I think it had the entire
23 support of the Fianna Fail candidates present, isn't right?
- 24 A And others as well. It was unanimously agreed. All parties supported it.
- 14:42:22 25 Q 729 Now, I think you also received some money in November 1992 from Mr. Jones,
26 isn't that right?
- 27 A That's right, yes.
- 28 Q 730 Can you tell the Tribunal the circumstances under which you came to receive
29 that money?
- 14:42:31 30 A Well I was a candidate in the 1992 general election. It was the first and only

- 14:42:36 1 time that I was a candidate in a general election and during the course of
2 that, again it was within the period during which the elections is called,
3 which as you have indicated to us was between the 5th and 25th. Frank Brooks
4 called to my house and he gave me a cheque, well it was in an envelope, I
14:42:53 5 didn't know how much it was initially, from Chris Jones.
- 6 Q 731 You had known Mr. Frank Brooks quite well at that stage?
7 A For many years, yes.
- 8 Q 732 Was he involved in that election campaign in 1992?
9 A Frank Brooks?
- 14:43:08 10 Q 733 Yes.
11 A I am sure he was, yes.
- 12 Q 734 He wasn't involved in your campaign?
13 A No.
- 14 Q 735 But he was to the extent that he gave you that contribution?
14:43:14 15 A Correct.
- 16 Q 736 On behalf of Mr. Jones?
17 A Correct.
- 18 Q 737 Had you sought the contribution?
19 A No.
- 14:43:20 20 Q 738 How did the 1,000 from Mr. Jones compare to other single contributions you had
21 received during the course of that campaign?
22 A It was large.
- 23 Q 739 Sorry?
24 A It was a large --
- 14:43:30 25 Q 740 Sorry?
26 A In my experience it was large but then as I say it was the only time in which I
27 was a general election candidate so I wasn't able to sort of make comparisons
28 between previous elections or whatever.
- 29 Q 741 Now, I think if we could have 703 please, there was a further contribution made
14:43:50 30 to the local election in the 31st May 1999 of 500 pounds.

- 14:43:54 1 A That's right, that's the one I alluded to earlier. That was in relation to a
2 race night, dog track.
- 3 Q 742 There's one I think for the 31st December 1998, if we could have 2552 please.
4 There's a "John Hannon care project fund." Is that you?
- 14:44:15 5 A No. I know nothing about that, the only contributions I got from Jones,
6 Ballycullen Farms, were in the general election 1992 and in the local elections
7 of 1999. I am quite specific and clear about that.
- 8 Q 743 Okay. Now I think that after the confirmation of the Development Plan, in
9 1995, I think Mr. Jones, you wrote to Mr. Jones in relation to his proposals to
10 develop on the lands for which zoning had been achieved. If he we could have
11 2290 please. Do you recall writing to Mr. Jones at that time?
- 12 A Well I do now when I see the letter, I had forgotten about it quite frankly.
13 But I do.
- 14 Q 744 I think a planning application had gone in in January 1995 and a subsequent
15 application for a larger density had gone in in August 1995. This was between
16 the two applications going forward. Would it be normal for you as chairman of
17 South Dublin county council to write in those terms to developers or
18 landowners?
- 14:45:14 19 A Well I wouldn't have seen them necessarily as developers or landowners. I
20 would have taken the view that anybody who made a submission to me, as they
21 did, and that's what I mentioned earlier on, I would make contact with them to
22 discuss the matter.
- 23 Q 745 And do you recall meeting with Mr. Jones?
- 24 A I do, yes.
- 14:45:49 25 Q 746 At what stage did you meet with him, can you recall?
- 26 A I can't but I think it must have been some time in March of that year, I would
27 imagine.
- 28 Q 747 Did you meet him in the context of the larger application for the material
29 contravention which was to go in in August?
- 14:46:06 30 A I don't think so, I think it was in relation to as I said earlier, if you note

14:46:10 1 on the letter, it says "Thank you for your copy of the proposal," it depends
2 what the proposal was, as I say I don't have a copy of that and it wasn't in
3 the brief, so I am not able to say precisely what we discussed.

4 Q 748 Did you know as chairman of South Dublin county council that there were ongoing
14:46:28 5 meetings and negotiations between Mr. Jones and the council officials in
6 relation to the acquisition of the 8.75 acres and the possible support for
7 increased density application?

8 A I don't think so at that stage, I think that was later on.

9 Q 749 Okay. I think ultimately in February 1996, there was a material contravention
14:46:46 10 brought and you voted in favour of that?

11 A I did.

12 Q 750 Thank you very much.

13

14 CHAIRMAN: Is there any party wishing to cross-examine this witness?

14:46:56 15

16 JUDGE FAHERTY: Just Mr. Hannon, when you got the cheque in November I think it
17 was from Oliver Brooks --

18 A Frank Brooks.

19

14:47:08 20 JUDGE FAHERTY: I beg your pardon, Frank Books. It was in an envelope and
21 later obviously you would have seen the cheque. And you would have seen that
22 the cheque was I think signed by Mr. Chris Jones, is that correct?

23 A Yes, I am pretty sure it was.

24

14:47:20 25 JUDGE FAHERTY: And I think you said you received it some time in November
26 1992?

27 A It was during the election campaign itself.

28

29 JUDGE FAHERTY: We know the election was called on the 5th and obviously it
14:47:30 30 went on --

- 14:47:31 1 A Sometime from the 5th to the 25th. Within that period.
- 2
- 3 JUDGE FAHERTY: Were you conscious at all of the fact that some weeks prior,
- 4 maybe 10 days prior, you had voted in favour of Mr. Jones', the motion to
- 14:47:46 5 rezone the Ballycullen lands?
- 6 A I didn't make any connection between the two, quite frankly. I had put down
- 7 the amendment to the motion.
- 8
- 9 JUDGE FAHERTY: Yes.
- 14:47:59 10 A And that had got all party support. And the motion itself, when it was put
- 11 before the council with the amendment, the substantive motion had got support
- 12 from across the board and in the electoral area which I represented, all three
- 13 of us, all three councillors for that area and we represented three different
- 14 parties, came to the same conclusion on the matter. And we didn't have any,
- 14:48:26 15 shall we say, pre-discussion, it was myself, Cass and Pat Rabbitte, we call
- 16 came to the same conclusion independently.
- 17
- 18 JUDGE FAHERTY: You didn't make any connection?
- 19 A No, I didn't, absolutely not.
- 14:48:38 20
- 21 JUDGE FAHERTY: Did you have any concern, while you mightn't, that others might
- 22 make, it might be perceived --
- 23 A Well, it didn't. To be honest, I didn't.
- 24
- 14:48:52 25 JUDGE FAHERTY: Because you had met Mr. Jones, you hadn't just voted for his
- 26 proposal, you had had contact with him and with Mr. Brooks obviously?
- 27 A Yes, I had the contact as I mentioned with Mr. Jones and Mr. Brooks and I had
- 28 looked at the proposal critically and it was only in the light of having a
- 29 degree of local support, etc, that led me to the conclusion that this was a
- 14:49:18 30 worthwhile motion to support. And as I said earlier as well, I was very

14:49:22 1 conscious of the industrial zoning idea. I wanted to get that off the table in
2 whatever way I could. Because that was certainly, there was huge opposition to
3 it and it was my view that it would have had disastrous consequences for the
4 area.

14:49:42 5
6 JUDGE FAHERTY: I just want to ask you, something you said in reply to
7 Mr. Quinn when he asked you hadn't been asked to sign a motion.

8 A No.

9
14:49:50 10 JUDGE FAHERTY: You were the councillor for the actual area?

11 A I was.

12
13 JUDGE FAHERTY: Which was where the Ballycullen farms were located and I think
14 you said in answer to Mr. Quinn that if you had been asked, you probably
14:49:59 15 wouldn't have signed because it was a general practice of yours not to sign
16 large rezoning motions?

17 A Correct.

18
19 JUDGE FAHERTY: I just want to ask you, if when you, if you had been satisfied
14:50:12 20 yourself that, I have heard what you said in regard to the farm not being
21 viable, etc, and Tallaght housing encroaching on the farm or whatever and the
22 proximity of other housing to the farm, why is it, as a general principle
23 wouldn't you have put your name to a motion?

24 A Because I think there's always the, a certain shall we say, can be misconstrued
14:50:41 25 if one does that. The construction could be put on it that one is acting
26 solely in the interests of a particular owner, developer, rather than in the
27 public interest.

28
29 JUDGE FAHERTY: I see. Thanks very much Mr. Hannon.

14:50:56 30

14:50:56 1 CHAIRMAN: Thank you very much.

2 A Thank you.

3

4 MS. DILLON: Mr. GV Wright please.

14:51:09 5

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- 14:51:09 1 MR. GV WRIGHT, HAVING BEEN SWORN, WAS EXAMINED
- 2 AS FOLLOWS BY MS. DILLON:
- 3
- 4 CHAIRMAN: Good afternoon, Mr. Wright.
- 14:51:36 5 A Hello, chairman.
- 6 Q 751 MS. DILLON: Good afternoon, Mr. Wright. I think on the 12th November 1992, a
- 7 cheque in the sum of 5,000 pounds signed by Mr. Christopher Jones was made
- 8 payable to you, is that right?
- 9 A That's correct.
- 14:51:49 10 Q 752 In 1992, were you the chief whip of the Fianna Fail group in Dublin County
- 11 Council?
- 12 A Yes.
- 13 Q 753 Can we have the cheque please. 3172. This is a cheque for 5,000 pounds, Mr.
- 14 Wright, and it's made out to you, isn't that right?
- 14:52:12 15 A That's correct.
- 16 Q 754 It's signed by Mr. Jones. I want to ask you where you negotiated that cheque.
- 17 A I didn't negotiate the cheque anywhere.
- 18 Q 755 What did you do with the cheque?
- 19 A I have made it clear over the last number of months in relation to this that I
- 14:52:27 20 had no recollection of the amount that I was given, I recognise the fact that I
- 21 had received a political donation in November of that year but I had no
- 22 recollection of the amount in relation to the cheque itself.
- 23 Q 756 We will come to deal with the sequence of your disclosure in relation to this
- 24 particular payment, Mr. Wright, in a few moments but if we just concentrate now
- 14:52:48 25 for the moment on what you did with it when you got it?
- 26 A I have no recollection of the cheque itself or the circumstances thereof and
- 27 that is why I have responded in such a way. I made it clear in the interviews
- 28 that I had with my own party at the time that I had received a cheque at that
- 29 time I thought in relation to 500 pounds for an election and that I had
- 14:53:09 30 received to the best of my knowledge another donation from Mr. Jones but I

- 14:53:15 1 hadn't got the circumstances or the amount to my knowledge.
- 2 Q 757 In November of 1992, Mr. Wright, you have previously told the Tribunal that in
- 3 early November 1992 you received two separate payments of 5,000 pounds, one
- 4 from a developer whose name we won't mention?
- 14:53:32 5 A Yes.
- 6 Q 758 And the other from Mr. Frank Dunlop of cash, is that right?
- 7 A Correct.
- 8 Q 759 This is the payment of 5,000 pounds in November 1992?
- 9 A Correct.
- 14:53:42 10 Q 760 I think it would be fair to say, Mr. Wright, that subject to any correction
- 11 that you want to make, that until you were provided with this cheque in the
- 12 brief of documents that the Tribunal provided to you, you had not disclosed
- 13 either to the Fianna Fail inquiry or this Tribunal that you received a payment
- 14 of 5,000 pounds from Mr. Jones in November 1992?
- 14:54:01 15 A That's correct, but I made it quite clear to the Fianna Fail party that I had
- 16 received a donation, not the amount, and if I can say without going into other
- 17 files that you have mentioned there, in the context of putting it together the
- 18 information, the other particular information I had made contact which I
- 19 shouldn't have done at the time in relation to the amounts on that. That is
- 14:54:24 20 how I had the information on those.
- 21
- 22 I did not make contact and have not made contact in any shape or form with
- 23 Mr. Jones, even though I meet him on a regular basis at various social
- 24 functions, race meetings, I never discussed since, the issue of and I think my
- 14:54:40 25 understanding, Ms. Dillon is that up to a couple of weeks ago, the issue of the
- 26 two payments were based on different amounts at that time I hadn't through my
- 27 solicitor made any comment in relation to the amount. But made it quite clear
- 28 through the Fianna Fail documents that I had received a political donation in
- 29 November of 1992.
- 14:54:59 30 Q 761 But it appeared and I am putting to no higher than this, you can correct me if

- 14:55:05 1 I am can it was your understanding when you were dealing with the Fianna Fail
2 inquiry and indeed in all of your communications with the Tribunal up to the
3 time you received the brief in this module that the amount you had received
4 from Ballycullen Farms in 1992 was 500 pounds.
- 14:55:19 5 A No.
- 6 Q 762 No, that's not correct?
- 7 A That's not correct.
- 8 Q 763 Okay. Is it the position, I will take you through the documents.
- 9 A Okay.
- 14:55:25 10 Q 764 But is it your position it was not until you received the documents in the
11 brief that you realised or remembered, that would be a fair word that you had
12 got 5,000 pounds from Mr. Jones in November?
- 13 A That's correct, it's only up to the last couple of weeks that the information
14 was forthcoming.
- 14:55:41 15 Q 765 And that's because the information was provided to you, is that right, rather
16 than you having any recollection of getting 5,000 pounds?
- 17 A Which was stated I haven't and hadn't. Even though we had asked on various
18 issues in relation to looking for information, in relation to banks, there was
19 no information forthcoming to us.
- 14:55:57 20 Q 766 Yes. But insofar as you acknowledge now that you received this cheque, Mr.
21 Wright, you don't know what you did with it when you got it?
- 22 A No.
- 23 Q 767 Is there any evidence in your bank accounts that you lodged that cheque?
- 24 A I have no evidence to that effect at this moment in time. No.
- 14:56:13 25 Q 768 That suggests, does it not, that you cashed it?
- 26 A That may have happened.
- 27 Q 769 Can I draw your attention to the stamp on the rear of the cheque and if we
28 increase the bottom of the cheque please. I am advised that that bank sort
29 code, that that relates to a stamp from Allied Irish Bank at 1, Lower Baggot
14:56:32 30 Street and the bank sort code is 93-10-12 I understand. Now, do you have a

- 14:56:37 1 bank account at lower Baggot Street in AIB?
- 2 A No.
- 3 Q 770 Did you have a practice of cashing cheques at Lower Baggot Street?
- 4 A No.
- 14:56:44 5 Q 771 Does that assist you at all at recollecting how you might have negotiated this
- 6 particular cheque?
- 7 A No, no.
- 8 Q 772 Can I take you back, Mr. Wright, to deal with your sequence of disclosure to
- 9 the Fianna Fail Inquiry to which you have already made reference. At page 1035
- 14:57:01 10 please, in the final paragraph on that page you state and this is a record in
- 11 the Fianna Fail inquiry and you were recorded as stating and I quote "For the
- 12 1992 general election campaign, GV Wright received donations of 2,500 pounds
- 13 from Malahide Marina Limited 2,500 pounds; 1,000 pounds from Andeliu Ltd; 1,000
- 14 pounds from Monarch Properties; and 500 pounds".
- 14:57:27 15
- 16 You will recollect a few moments ago I put to you that it had been your
- 17 recollection up to a certain point in time you had got 500 pounds in 1992 from
- 18 Ballycullen Farms and you said no, is that right?
- 19 A That's correct because ... Based on that 500 was based on a payment at a local
- 14:57:44 20 election or previous or the 1997 general election.
- 21 Q 773 Sorry. What are you now suggesting, Mr. Wright?
- 22 A I am saying that in the context of that, I recognise that payment, I mistook it
- 23 in the context of the 1992 general election.
- 24 Q 774 So you remembered a payment of 500 pounds from Ballycullen Farms?
- 14:58:00 25 A I do.
- 26 Q 775 But you didn't remember what year it was?
- 27 A No.
- 28 Q 776 But you elected to --
- 29 A Because as you are aware, Ms. Dillon, there are no records and I have no
- 14:58:09 30 records in relation to those elections, there was no need to have them and

- 14:58:11 1 there never were.
- 2 Q 777 I am dealing now with --
- 3 A I was dealing off the top of my head at that time in relation to an inquiry at
- 4 the time.
- 14:58:17 5 Q 778 So the position is you had a recollection when dealing with the Fianna Fail
- 6 inquiry that you had got 500 pounds from Ballycullen Farms, is that right?
- 7 A Yes but the date is wrong in the context of what's in the report.
- 8 Q 779 But you elected to attribute that to the 1992 general election in dealing with
- 9 the Fianna Fail inquiry?
- 14:58:36 10 A I did.
- 11 Q 780 All right, you then go on to say that these donations were unsolicited
- 12 political donations for elections and constituency purposes, you set out some
- 13 further payments you received and then you state "GV Wright" to the final
- 14 sentence "recalled he may have received a donation from Mr. Chris Jones but was
- 14:58:50 15 still seeking confirmation of same." Now, Mr. Chris Jones had an interest in
- 16 Ballycullen Farms, isn't that right?
- 17 A That's correct.
- 18 Q 781 You are now telling the Tribunal that in addition to the 500 pounds you got
- 19 from Ballycullen farm, you may have received a donation from Mr. Jones?
- 14:59:06 20 A Correct.
- 21 Q 782 You then write following that meeting, Mr. Wright, you then write to the Fianna
- 22 Fail inquiry at page 1038, and you state at the very beginning of this
- 23 paragraph, " Further to our recent meetings" -- and you had two meetings, isn't
- 24 that right?
- 14:59:24 25 A Yes. That's my understanding.
- 26 Q 783 "I attach the following" and you set out a series of documents and appendix
- 27 five is political donations?
- 28 A Yes.
- 29 Q 784 And at the bottom of that letter at paragraph 3 you state? "In relation to
- 14:59:38 30 appendix five and again arising from 1 it is not been possible to access the

- 14:59:42 1 appropriate documentation as to as to respond comprehensively to your specific
2 inquiry. However wishing to cooperate to the best of my ability, I have over
3 the past week made contact based on my best recollection with contributors."
4 You see that sentence?
- 14:59:55 5 A I do. Yes.
- 6 Q 785 You have already identified Mr. Chris Jones as a person you thought may have
7 been a contributor but that you were going to contact him, isn't that right?
- 8 A That's correct.
- 9 Q 786 That's what you told the inquiry?
- 15:00:06 10 A That's correct.
- 11 Q 787 You are now telling them in writing between the dates of the last meeting and
12 you providing the information that I am going to go into in more detail, you
13 had made contact with contributors.
- 14 A Correct.
- 15:00:13 15 Q 788 One of whom you had already identified as Mr. Jones?
- 16 A Yes.
- 17 Q 789 So did you in the intervening period contact Mr. Jones?
- 18 A No.
- 19 Q 790 All right. I am now in a position to advise the detail set out in appendix 5
15:00:25 20 arising from the responses of those contacts, do you see that answer?
- 21 A I do.
- 22 Q 791 Before we do that, let's just recap, you have identified Mr. Jones in your
23 interview with Fianna Fail as a person who may have made a contribution to you?
- 24 A Yes.
- 15:00:39 25 Q 792 You have now writing to them post that and you are telling them I have spoken
26 to my contributors and as a result of those conversations, I am in a position
27 to advise the details set out in appendix 5. So if we look at appendix 5 and I
28 think we find it at page 1044, now, you will see at the top of that, there's a
29 small 5 at the top of the page and that's appendix 5, isn't that right?
- 15:01:05 30 A That's correct.

- 15:01:05 1 Q 793 And then you say, you state "As stated in my covering letter following
2 telephone contact, the following donations have been confirmed for the 1992
3 elections."
4 A Yes.
- 15:01:14 5 Q 794 "1. Malahide Marina 2,500 pounds;
6 2. Andeliu Ltd 1,000 pounds;
7 3. Monarch Properties 1,000 pounds;
8 4. Ballycullen Farms 500 pounds."
9 Now, what you appear to be stating there, Mr. Wright and correct me if I am
15:01:29 10 wrong to the Fianna Fail Inquiry is you have made telephone contact with
11 Ballycullen Farms and it has been confirmed to you that the amount of the
12 donation you received in 1992 was 500 pounds, is that correct?
13 A That's not correct, I didn't make any contact.
- 14 Q 795 Sorry?
15:01:44 15 A You suggested I made contact with Ballycullen Farms in relation to the 500.
16 Q 796 I'm sorry, Mr. Wright, I am not suggesting anything at all, I am simply reading
17 out to you what you wrote?
18 A I'm sorry, my apologies. Yes.
- 19 Q 797 If we have difficulty with it, we will go back through it again. What you
15:01:57 20 state there is that following telephone contact, the following donations have
21 been confirmed for the 1992 elections. Do you accept on a simple reading of
22 that that anybody reading that document would understand that you had
23 telephoned, had made telephone contact with Ballycullen Farms and had been
24 advised by them as to the amount of the donation you had received?
15:02:14 25 A Yes, you would.
- 26 Q 798 Did that happen?
27 A No.
- 28 Q 799 Why did you state in this letter that it had happened if it hadn't happened?
29 A I can't answer that, I just can't answer that in the context that I just made a
15:02:27 30 presumption which I shouldn't have.

- 15:02:28 1 Q 800 But you didn't state any presumption?
- 2 A No, I accept that. Can I just say Ms. Dillon I took no advice in writing this
3 letter or otherwise at the time. It was done purely out of my own resources
4 and so forth.
- 15:02:41 5 Q 801 Mr. Wright either you telephoned them and they told you they paid you in 1992
6 or you didn't?
- 7 A I didn't, I just stated I didn't.
- 8 Q 802 Right. You then set out various monies that you say that you received from
9 Mr. Frank Dunlop, isn't that right?
- 15:02:55 10 A Yes.
- 11 Q 803 And you set out in the following paragraph "That as discussed at your
12 interviews all funding were unsolicited political donations for election and
13 constituency purposes", is that right?
- 14 A That's correct.
- 15:03:08 15 Q 804 So now the position of as of the date of this correspondence with the Fianna
16 Fail inquiry in May of 2,000, is you have told the Fianna Fail inquiry that you
17 got 500 pounds from Ballycullen farms?
- 18 A Yes.
- 19 Q 805 You have told them that you had contacted your contributors, Ballycullen Farms
15:03:21 20 and that they had confirmed to you the sum paid was 500 pounds?
- 21 A Yes.
- 22 Q 806 You now accept that never happened and in providing that information it was
23 incorrect to the Fianna Fail Inquiry?
- 24 A In the context of the Ballycullen farms. Yes.
- 15:03:36 25 Q 807 Is that the position?
- 26 A Yes.
- 27 Q 808 All right. You then proceed to enter into correspondence with the Tribunal,
28 isn't that right?
- 29 A That's correct, can I just state in relation to the Fianna Fail report, in its
15:03:48 30 last report and the report that was issued to the Tribunal itself, it states

- 15:03:52 1 clearly at the end and obviously in my private interviews probably with them, I
2 still left outstanding the issue of Mr. Jones and that's why it's in the report
3 itself. It's in the last paragraph as you know of the report itself.
- 4 Q 809 That's which we have just looked at?
- 15:04:08 5 A Yes.
- 6 Q 810 And that, if we go back and so there's absolutely no ambiguity about that, if
7 we look at the paragraph that you are referring to which is at 1035 --
- 8 A I understand that.
- 9 Q 811 The very last sentence says "Mr. Wright recalled we may have received a
10 donation from Mr. Jones but he was still seeking confirmation of same."
- 11 A Okay.
- 12 Q 812 This is a record of a meeting that took place with yourself and Fianna Fail
13 prior to you sending in the correspondence we have just opened?
- 14 A That's correct.
- 15:04:35 15 Q 813 So as of the date you have your meeting with Fianna Fail, you are telling them
16 that you may have received a donation from Mr. Jones but you are still seeking
17 confirmation, isn't that the position?
- 18 A My understanding is the report was written after those letters.
- 19 Q 814 But the report that's on screen records what you told hem at your two meetings,
15:04:52 20 isn't that right?
- 21 A That's correct.
- 22 Q 815 After those two meetings took place, you sent in a letter dated I think the
23 18th May 2000, isn't that right?
- 24 A That's correct.
- 15:05:00 25 Q 816 And the Fianna Fail inquiry attached your letter an the appendices to its final
26 report?
- 27 A That's correct.
- 28 Q 817 And in that letter, you tell them that you had made contact with Ballycullen
29 Farms and that the political donation was confirmed at 500 pounds, isn't that
15:05:15 30 right?

- 15:05:15 1 A Yes.
- 2 Q 818 And you don't deal at all with, Mr. Jones?
- 3 A I don't.
- 4 Q 819 In your letter. But you accept now you were incorrect when you told the Fianna
15:05:23 5 Fail inquiry that?
- 6 A In the context of that, yes.
- 7 Q 820 You then engage in correspondence with the Tribunal arising out of queries the
8 Tribunal has in connection with certain lodgments to your bank accounts?
- 9 A Yes.
- 15:05:34 10 Q 821 And you were asked to deal specifically with a particular lodgment which if we
11 have 2817 please, now, this is an Irish, an ICS bank account, building society
12 account, isn't that right?
- 13 A That's correct.
- 14 Q 822 And the Tribunal asked you for the source of the lodgment that is made there in
15:05:57 15 the sum of 20,050 pounds?
- 16 A That's right.
- 17 Q 823 And that's made I think on the 18th November 1992.
- 18 A Correct.
- 19 Q 824 And you have dealt with that in previous evidence, isn't that right?
- 15:06:09 20 A Not in its totality.
- 21 Q 825 Not in its totality?
- 22 A Far from it.
- 23 Q 826 But I think you dealt with it in the Fox and Mahony module to some degree?
- 24 A To some degree.
- 15:06:21 25 Q 827 You were asked by the Tribunal to identify the source of monies that went into
26 making up that lodgment?
- 27 A Correct.
- 28 Q 828 At page 1047, your initial response to the Tribunal in relation to the source
29 of that lodgment on the 8th November and this is what's being dealt with, it's
15:06:42 30 paragraph 2, you state and I quote, "I believe that the cheque that I received

- 15:06:48 1 from Mr. O' Callaghan prior to the November 1992 elections contained this
2 lodgment, the remainder of the lodgment would amount to 15,550 pounds. I
3 cannot fully identify but from inquiries I have made, I can say it would have
4 included the following amounts and I identified the parties who made the
15:07:06 5 political donations to me at that time. " And you set out there four parties,
6 Malahide marina, 2,500; Andeliu Ltd 1,000; Monarch Properties 1,000 and
7 Ballycullen Farms, 500 pounds?
- 8 A That's correct.
- 9 Q 829 So you are now identifying to the Tribunal that insofar as a particular
15:07:26 10 lodgment in your Irish Civil Service bank account is contained, that part of it
11 comes from Ballycullen Farms in the amount of 500 pounds, is that right?
- 12 A The only reason for that was just using off the information that I was dealing
13 in relation to the Fianna Fail inquiry, I used the same donation, same part of
14 that answer. I am stating to you now that was incorrect so far.
- 15:07:46 15 Q 830 What you say "From inquiries I have made, I can say it would have included the
16 following amounts", are now saying that's incorrect?
- 17 A It is incorrect.
- 18 Q 831 You were asked to provide further information I think to the Tribunal in
19 relation to the same account and at page 1066, you set out the parties whom you
15:08:10 20 think may have contribute to the same lodgment. Now, I think the amount from
21 Mr. Dunlop there of 5,000 pounds, you ultimately accepted could not be part of
22 that lodgment, isn't that right?
- 23 A I am not sure of that.
- 24 Q 832 Because we can go back and look at it, I think we dealt with it previously in
15:08:23 25 fact all of the lodgments making up that 20,000 pounds are cheques and
26 Mr. Dunlop had paid you in cash.
- 27 A That's correct.
- 28 Q 833 Isn't that right?
- 29 A That's correct, yes.
- 15:08:32 30 Q 834 So that it's not possible for Mr. Dunlop's 5,000 pounds --

- 15:08:35 1 A I am not sure whether that's correct, whether they were definitely made up of
2 cheques.
- 3 Q 835 2187 please -- 2817 please. Can we turn that on its side. And you see the
4 entry beside the 20,050 pounds, do you see it says cheques?
- 15:08:57 5 A It does.
- 6 Q 836 Do you see it does not say cash, indicating a mixed lodgment?
- 7 A Yes.
- 8 Q 837 That would suggest and I think you have previously agreed with me, Mr. Wright,
9 that in fact all of those, that lodgment must have been a combination of
10 cheques or else a single cheque?
- 15:09:10 11 A As it's written there, there's no element of cash involved. As it's written
12 there.
- 13 Q 838 If there's no element of cash involved, it cannot include any portion of
14 Mr. Dunlop's 5,000 pounds that he paid you in cash?
- 15:09:25 15 A That's correct.
- 16 Q 839 So if we go back to the deal with the information you are providing to the
17 Tribunal at page 1066, and you identify there again that the sum of 500 pounds
18 from Ballycullen Farms may be included as part of the lodgments in the 20,050
19 pounds?
- 15:09:46 20 A That's correct.
- 21 Q 840 Now again I think you would accept that information is incorrect?
- 22 A Correct.
- 23 Q 841 Right. I think you also provided, have already provided to the Tribunal the
24 information you provided to the Fianna Fail inquiry?
- 15:10:00 25 A Yes.
- 26 Q 842 Now you accept, I think, Mr. Wright, that the position is that you received a
27 sum of 5,000 pounds from Mr. Jones on the 12th November 1992?
- 28 A That's correct.
- 29 Q 843 Right. Can you outline to the Tribunal the circumstances in which you came to
15:10:16 30 receive this sum.

- 15:10:18 1 A I have no recollection of the cheque arriving to me or in the office at that
2 particular time. I was in the middle of an extremely difficult election time.
3 It probably came in the last couple of days in the election itself in November
4 of 1992.
- 15:10:34 5 Q 844 How do you know it came into the office?
- 6 A I don't know, that's what I'm saying to you.
- 7 Q 845 Did you ever have a face to face meeting with Mr. Jones?
- 8 A I would have known Mr. Jones for 20 or 30 years through, in the early part when
9 I joined Fianna Fail being a member of the Oireachtas, I became part of the
15:10:50 10 Cairde Fail committee which is the fundraising section of Fianna Fail. I would
11 also know Mr. Jones over 20 or 30 years in relation to our mutual interests in
12 the horse racing, so I have no direct recollection of any particular meetings
13 but I have no doubt Mr. Jones would have sought my support in relation to his
14 proposal.
- 15:11:08 15 Q 846 I think you were here earlier on when certain of your colleagues were giving
16 evidence, is that right?
- 17 A I heard the afternoon session.
- 18 Q 847 And I think that on the 29th October 1992, there was a vote in connection with
19 the Ballycullen lands?
- 15:11:22 20 A That's correct.
- 21 Q 848 And the vote is recorded at page 161. Now, Mr. Ryan, your colleague, has gone
22 down through the list of the councillors voting in favour of the Ballycullen
23 rezoning and has indicated or identified to the Tribunal all the members of the
24 Fianna Fail party who voted in favour.
- 15:11:46 25 A Yes.
- 26 Q 849 And I think you would accept, Mr. Wright, if one looks at page 162, namely the
27 councillors voting against it, that no member of the Fianna Fail party voted
28 against the Ballycullen rezoning?
- 29 A That wouldn't be unusual on any particular motion.
- 15:12:00 30 Q 850 That would or wouldn't?

- 15:12:01 1 A Would not be unusual.
- 2 Q 851 Do you agree with Mr. Ryan's evidence this morning that in general, Fianna Fail
3 tended to present a united front in relation to his rezoning matters?
- 4 A On any issue in relation to development and housing, in relation to investments
15:12:17 5 or otherwise, the Fianna Fail position was always very clear, Ms. Dillon,
6 always very clear, it was a pro development party and in the context of the
7 majority of the overwhelming majority or the overall party voting for a
8 particular motion would not be unusual over the seven or eight years of the
9 Development Plan.
- 15:12:34 10 Q 852 Would you agree with Mr. Ryan's evidence the Fianna Fail party in general
11 tended to present a united front in relation to the motions that they were
12 dealing with on the floor?
- 13 A Especially if the individuals in the area were in support of a particular
14 proposal, yes, you would do, they would support their colleagues.
- 15:12:52 15 Q 853 And would that be a matter then I assume would have been fairly generally
16 known, is that right?
- 17 A I think it would be fair to say that the majority of the Fianna Fail people who
18 stood on a ticket in every election, they stood in on the basis of being pro
19 development. That's a stance of the party in general. It was pro investment,
15:13:12 20 pro development and pro in need of housing subject to the proper procedures
21 being put in place.
- 22 Q 854 And the Fianna Fail had meetings in advance of the council meetings, including
23 the special meetings?
- 24 A Not official meetings, no, not after 1992.
- 15:13:27 25 Q 855 Sorry, if we talk about the Development Plan of 1991 to 1993 --
- 26 A You would having, I think the last colleague that was here made it quite clear
27 that the majority of those who were involved were basically working as well so
28 there would not be in any way a full meeting in the context of the party
29 itself. But going back to what you asked me earlier on, in relation to any
15:13:46 30 proposal --

- 15:13:47 1 Q 856 If we just deal with the question of the meetings, Mr. Wright and I will try
2 and get --
- 3 A I am trying to explain it.
- 4 Q 857 Sorry, Mr. Wright, start with the simple thing. Did Fianna Fail have rooms in
15:13:57 5 Dublin County Council?
- 6 A A room that would fit about ten people.
- 7 Q 858 Did they have a room?
- 8 A Yes.
- 9 Q 859 What was the purpose of the room?
- 15:14:04 10 A To make the odd phone call to constituents.
- 11 Q 860 Did you have meetings in that room?
- 12 A That was the only room that was available to us.
- 13 Q 861 Was there --
- 14 A I am trying to get across to you, there were occasions in the past, other
15:14:16 15 places used for meetings. They stopped after 1991. We used the room inside
16 and most days of meetings, which some would start at 10 a.m. in the morning,
17 there could be eight or nine or ten in the room at the start of the meeting.
18 The general procedure was if the local council in the area were in favour of
19 the development, yes the Fianna Fail colleagues would support them.
- 15:14:37 20 Q 862 So there were meetings that took place in advance of the council meetings,
21 whether they were special meetings, not everybody attended them but meetings
22 did take place?
- 23 A Everybody knew before the meeting that there would be obviously a discussion in
24 relation to a agenda, they were dealing with four or five meetings in the week
15:14:54 25 at that time. It was nearly a full-time job in the context of it. People
26 would rely, the same as my own area, any other area, people would rely on the
27 local people of the area to advise them of the best and then listen to the
28 debate in the chamber and make the decisions. If you ask me in general if the
29 party was in support of development, yes it was.
- 15:15:10 30 Q 863 And you don't dispute that insofar as Ballycullen is concerned, both in terms

15:15:14 1 of the rezoning meeting and the subsequent confirming meeting, every member of
2 Fianna Fail who voted, voted in favour of the rezoning and in favour of the
3 confirming?

4 A That's correct, and in the context of the rescinding motions, I think the
15:15:26 5 record will show, chairman, there was very little variations in relation to the
6 votes. You might see one or two or maybe people weren't there on the day
7 itself or couldn't be there but in general terms, the party having made the
8 decision, stuck with the decision.

9 Q 864 Your position as chief whip, if that's the proper term, of the Fianna Fail
15:15:45 10 group, what was your function?

11 A The only function that I had was the secretarial role, there was no whip in
12 relation to party and I think every individual that has been there here made it
13 quite clear, there never was and we wouldn't have that.

14 Q 865 What's the difference Mr. Wright between official whip and an understanding
15:16:03 15 that the party has a united front, to all intents and purposes?

16 A Sure, a whip means as it would mean in the Dail, if the party takes a position
17 and if somebody didn't adhere to that, there would be disciplinary situation.
18 That's in the Dail itself. It didn't extend to the council. What extended to
19 the council was each and everyone of us basically supporting their colleagues
15:16:24 20 in the area and taking a position. But the main position from the party itself
21 was that it was pro development, pro investment, pro jobs and absolutely made
22 it clear at the time, which I have done on the previous, that the original plan
23 that was in front of us was totally flawed, it allowed for no development
24 whatsoever.

15:16:42 25 Q 866 If we can just go back to deal with that question about the whip as opposed to
26 the united front, from the point of view of the ordinary person in the street,
27 Mr. Wright, you say that there was no whip in relation to Fianna Fail, in
28 relation to the Fianna Fail party for planning matters and by that, you mean
29 that if a member of the Fianna Fail party voted one way and every other member
15:17:05 30 of Fianna Fail voted another way, there would be no censure on the person, is

- 15:17:10 1 that right.
- 2 A Absolutely not, and in the context if you were asking for those of us that were
- 3 charged with the job and leader and chief whip, in no way in any context was
- 4 anybody put under pressure on the basis that you either vote this way or the
- 15:17:23 5 other. It just didn't happen that way. Each individual colleague of mine that
- 6 was elected by the public and by their own constituency stood on their own two
- 7 feet and voted on that basis.
- 8 Q 867 But the end result would be if the party in general presented a united front
- 9 after this meeting that took place, would be the same as if there was a whip,
- 15:17:41 10 isn't that the effect of it?
- 11 A You could put that interpretation.
- 12 Q 868 The result was the same?
- 13 A The party has always had a discipline of supporting each other, always had and
- 14 always had in the council. It's probably one of the strengths of the party
- 15:17:54 15 itself. It may be on the reasons why it always had a position of power within
- 16 our own democratic process. There's a discipline within the party itself, that
- 17 we support, the concept that was supported was in the interests of development
- 18 of the area, in the interests of investment in the area and in the interests of
- 19 the better of the community itself.
- 15:18:14 20 Q 869 The end result would be the local councillor was in favour of it, Fianna Fail
- 21 would tag in behind?
- 22 A Generally.
- 23 Q 870 In general? Having voted in favour of it.
- 24 A Having in most instances having listened to the debate itself but unfortunately
- 15:18:28 25 the debate was one sided in relation to the plan itself, that the only
- 26 submissions made, the only advice from the senior planners and management was
- 27 in negative and it came then that the only people that were going to deal with
- 28 the plan itself were the elected members and naturally those that were seeking
- 29 planning permissions or seeking, sorry, development of their lands, the only
- 15:18:49 30 people they could go to were the elected members of the area and the elected

- 15:18:53 1 members of Dublin council.
- 2 Q 871 And can you remember, Mr. Wright, ever disclosing to either the private meeting
- 3 of Fianna Fail or on the floor of Dublin County Council the fact that you had
- 4 ever received money from a developer prior to the vote taking place?
- 15:19:07 5 A Just repeat that again, sorry?
- 6 Q 872 On the 12th November 1992, you got 5,000 pounds from Mr. Christopher Jones and
- 7 this matter came up before the council before a confirming meeting a year later
- 8 in October 1993, did you tell any of your Fianna Fail colleagues or did you
- 9 tell any of your colleagues in Dublin County Council that you had received
- 15:19:32 10 5,000 pounds from Mr. Jones in November 1992?
- 11 A No, and that would make no difference to the context of where I come from. I
- 12 voted for whatever proposal on its merit and not for any other reason.
- 13 Q 873 In any case where you ever received money from a developer, have you ever
- 14 disclosed either to your colleagues in Fianna Fail or to your colleagues on the
- 15:19:51 15 council the fact that you had received money from any such developer?
- 16 A That's correct, no, I wouldn't have.
- 17 Q 874 Never?
- 18 A No.
- 19 Q 875 Do you know of any of your own colleagues?
- 15:19:59 20 A I couldn't answer that.
- 21 Q 876 But at any meeting of the Fianna Fail councillors at which you were at, before
- 22 the council meeting, do you recollect any colleague of yours ever saying I
- 23 shouldn't vote or I got money?
- 24 A Not to my knowledge. That doesn't mean somebody, I wouldn't have been at every
- 15:20:17 25 meeting that was held but in the context of what you are asking me, not to my
- 26 knowledge.
- 27 Q 877 You have been in politics a very long time, Mr. Wright?
- 28 A I have.
- 29 Q 878 And you prior to 1992, you had been in politics for a very long time? Prior to
- 15:20:29 30 1992?

- 15:20:29 1 A Correct, since 1981.
- 2 Q 879 Since 1981, you have known Mr. Christopher Jones for most of that time I
3 understand, in a racing context?
- 4 A And through my position in the party in relation to the Cairde Fail.
- 15:20:41 5 Q 880 Which was the fundraising arm of the Fianna Fail. Between 1981 when you went
6 into politics and 1992 when you received this 5,000 pounds, did Mr. Jones ever
7 make any political donation to you?
- 8 A Not to me, no.
- 9 Q 881 And --
- 15:20:54 10 A I can only answer that in relation to 1992. It was the first time in my own
11 constituency that after a revision, we were now a four seater, it was the first
12 time that it was ever suggested in the media I might win a seat in the context
13 of Dublin north. It was also just after my period of being the leader of the
14 Fianna Fail group in the Senate and also the leader of the Senate itself and I
15 would suggest and hope that Mr. Jones thought that there was a possibility that
16 I would be elected to Dail Eireann at that time.
- 17 Q 882 But you don't recollect why he paid you the 5,000 pounds?
- 18 A I don't.
- 19 Q 883 If I understand your evidence correctly, Mr. Wright?
- 15:21:29 20 A I don't.
- 21 Q 884 If we go just go back to the question then, which is a simple question, between
22 1981 when you started in politics and November 1992 when you got paid 5,000
23 pounds, had Mr. Jones or any of his companies made any political contributions
24 to you in that period?
- 15:21:46 25 A No and the only reason in the context of my position in Cairde Fail, that only
26 came about in the 1984/1985 period, in the context of meeting in political
27 terms, it would only be in that time.
- 28 Q 885 Do you have any recollection of asking Mr. Jones?
- 29 A Never.
- 15:21:57 30 Q 886 To make a political contribution to you in November 1992?

- 15:22:00 1 A Never.
- 2 Q 887 It follows then Mr. Jones was minded himself to make this political donation in
3 November 1992?
- 4 A I would hope so.
- 15:22:07 5 Q 888 But it follows also that he wasn't minded to make any political contribution to
6 you prior to November 1992?
- 7 A I can't speak for Mr. Jones but what I mean by that, he may have seen in 1992
8 an opportunity that I was going to be successful.
- 9 Q 889 Or he may have seen that you had voted in favour of his rezoning on the 29th
10 October 1992?
- 11 A I was one of 44 cross party that voted for his proposal. One of 44 cross
12 party.
- 13 Q 890 Right. Now, do you recollect Mr. Jones ever approaching you asking for your
14 support in connection with the rezoning of Ballycullen farm?
- 15:22:39 15 A I am sure he did.
- 16 Q 891 Did Mr. Dunlop contact you about Ballycullen Farms?
- 17 A I have difficulty recollecting that but I have no doubt in the context of
18 Mr. Dunlop's role at the time and in the context of his relationship with all
19 of us, I am sure he would have paid contact in some shape or form but he would
15:22:55 20 have known that that, from Mr. Jones that all things being equal, that I
21 wouldn't have been in a position and I made it quite clear where I stand and
22 where I stood all my time in relation to development. But I'm quite, without
23 having specific dates or otherwise, I am sure in the context of Mr. Dunlop's
24 role at the time, he would have made contact with me.
- 15:23:14 25 Q 892 And you would have indicated to him you were in favour of the rezoning of these
26 lands?
- 27 A I probably would have on the basis of subject to the feelings of the local
28 councillors of the area at the time.
- 29 Q 893 Did you have a meeting in 1993 with Mr. Jones?
- 15:23:30 30 A I could have had.

- 15:23:31 1 Q 894 Mr. Jones diary, 2064 please. Records that on the 5th October 1993, there is
2 an entry, "GV Buswells 12 o'clock."
3 A I am sure that's possible, Ms. Dillon.
4 Q 895 It's unlikely there was another GV?
15:23:53 5 A It's my understanding there isn't, not in political terms anyway.
6 Q 896 And then there's Don Lydon at 6 o'clock in the Goat. If you look at the diary
7 entry that's in front of you.
8 A Yes.
9 Q 897 And Mr. Lydon I think is one of the signatories to the motion, to rezone the
15:24:09 10 Ballycullen lands?
11 A That's correct, as I understand it.
12 Q 898 Do you recollect receiving any political donation or payment from Mr. Jones in
13 1993?
14 A Yes, there may well have been one, either the local on general election in
15:24:33 15 1993.
16 Q 899 The general election of 1993?
17 A Sorry.
18 Q 900 Page 1095 please. This is a record of the elections, the general elections you
19 will see there was a general election in 1992?
15:24:53 20 A That's correct.
21 Q 901 And then for the local election, there's no local election in 1993.
22 A It was a Senate election in 1993.
23 Q 902 Senate election in 1993. Do you recollect receiving a payment from Mr. Jones
24 in 1993?
15:25:08 25 A I don't actually.
26 Q 903 You don't.
27 A I don't.
28 Q 904 I want to draw to your attention, Mr. Wright, a lodgment, if I could have --
29 sorry, I will find you the actual -- 2817 please.
15:25:36 30

15:25:36 1 MR. KENNEDY: Chairman, could I intervene and just say enquire where
2 Ms. Dillon is going. If I may enquire where Ms. Dillon is going, I think she's
3 going to deal with a payment sometime in 1993. There's no allegation in any of
4 the brief of documents that I have seen where anybody on behalf of Ballycullen
15:25:59 5 is suggesting a payment that I think she's now going to suggest may have come
6 from Ballycullen. In fact the presentation in the brief is, to put it mildly,
7 confusing. No doubt Ms. Dillon will deal at some stage in her
8 cross-examination or in her words, the fact that the only two payments we saw,
9 initially two alleged payments in documentation submitted by the Jones people
15:26:25 10 of 500 and I think 600. 500 in December 1992 and 600 in 1997. And following
11 on, being given that, this cheque appeared which was the confirmation Mr.
12 Wright is referring to. Ms. Dillon seems to be now dealing with a payment that
13 we have not seen contained in the brief so I don't know that it's --
14

15:26:48 15 CHAIRMAN: All right, just to explain, there doesn't have to be an allegation
16 to enable the Tribunal to consider any particular payment. It looks that all
17 payments or the evidence of all payments to a particular witness within a
18 specific period of time. We are concerned now with the period from 1991
19 onwards. So the mere fact that nobody has identified either Mr. Jones or
15:27:20 20 Mr. Dunlop has identified a payment to Mr. Wright during a particular period of
21 time does not, it does not follow that the Tribunal will not look at payments
22 during that time. Because if it was the case that they merely looked at
23 payments of which we were given specific information, then there would be very
24 little point of conducting an inquiry in the first place.

15:27:46 25
26 MR. KENNEDY: I couldn't agree more.

27
28 CHAIRMAN: So we had to look at all payments that arise. Obviously, if Ms.
29 Dillon, in the course of her cross-examination makes reference to a payment and
15:27:58 30 Mr. Wright wants time to consider that particular payment or its source, then

15:28:04 1 he will be given that time and he can deal with that particular payment at a
2 later date. So to that extent, he won't be compelled to make or to provide an
3 answer that he is not in a position to do without doing further research.
4

15:28:21 5 MS. DILLON: I mean in ease of Mr. Kennedy, I can explain exactly where I am
6 going, there's a lodgment of 3,000 pounds on the 7th October 1993. Mr. Wright
7 when he initially dealt with that lodgment with the Tribunal told the Tribunal
8 that he had received a payment in 1993 from Mr. Dunlop in cash. It was to do
9 with the Senate election and he could not remember when it was paid. He then
10 subsequently told the Tribunal that he had then recollected that that lodgment
11 of 3,000 pounds was in fact a cash payment made by Mr. Dunlop. Mr. Dunlop
12 disputes that he paid 3,000 pounds in October of 1993 to Mr. GV Wright,
13 although he accepts he did pay him in early 1993 in connection with the Senate
14 election. In the light of that difference between Mr. Wright and Mr. Dunlop,
15 and in view of the meeting that took place on the 5th October 1993, between
16 Mr. Jones and Mr. Wright, I am simply seeking to establish from Mr. Wright
17 whether it is possible that the payment of 3,000 pounds which he accepts was
18 made but which Mr. Dunlop disputes, may have been made by another party. Do
19 you understand all of that, Mr. Wright?

15:29:29 20 A I do, absolutely not.

21 Q 905 I will start at the beginning, you meet Mr. Jones on the 5th October 1993, is
22 that correct?

23 A That's correct, yes, as per your notes there.

15:29:45 24 Q 906 According to your bank records, there's a lodgment of 3,000 pounds on the 7th
25 October 1993?

26 A Yes.

27 Q 907 When you were asked by the Tribunal about that lodgment of 3,000 pounds
28 initially, and you were asked about payments from Mr. Dunlop, you said that you
29 remembered a payment of 3,000 pounds from Mr. Dunlop in 1993 in connection with
15:30:01 30 the Senate election?

- 15:30:01 1 A Correct.
- 2 Q 908 The Senate election took place in February of 1993?
- 3 A I am aware of that.
- 4 Q 909 You then later told the Tribunal that you recollected that you had received
- 15:30:11 5 3,000 pounds from Mr. Dunlop in or around Dublin County Council?
- 6 A Correct.
- 7 Q 910 And it was in connection with the Senate election and it happened in or around
- 8 early October 1993?
- 9 A Correct.
- 15:30:21 10 Q 911 You were aware that Mr. Dunlop disputes that he gave you 3,000 pounds at that
- 11 time?
- 12 A Yes.
- 13 Q 912 Though he does accept that he gave you money in early 1993 in connection with
- 14 the election?
- 15:30:37 15 A Yes.
- 16 Q 913 Remember you understand all of that?
- 17 A I do.
- 18 Q 914 Now, what I want to ask you, is there any possibility that in fact that 3,000
- 19 pounds was not paid by Mr. Dunlop but may have been paid by somebody else?
- 15:30:45 20 A No.
- 21 Q 915 How is it that when you were initially asked by the Tribunal about that
- 22 lodgment of 3,000 pounds, you were unable to explain it and it was only some
- 23 considerable time after you had been asked about it that you remembered it was
- 24 Mr. Dunlop who had made the payment?
- 15:30:59 25 A Well that's after reflecting on the whole situation at the time.
- 26 Q 916 But what was it that --
- 27 A If you are suggesting as you seem to be suggesting, Ms. Dillon, that following
- 28 a meeting I may have had with Mr. Jones in Buswells that something untoward
- 29 happened after that in relation to the file, to be quite honest with you, the
- 15:31:17 30 Tribunal sat is that January, the first of the Ballyogan file I even had

- 15:31:24 1 forgotten that Mr. Dunlop was involved in the file itself.
- 2 Q 917 The reason I am asking you this, Mr. Wright and it's not to trap you, it's very
3 simple, you didn't disclose the 5,000 pounds to the Tribunal until the Tribunal
4 gave you the cheque?
- 15:31:35 5 A Yes.
- 6 Q 918 Isn't that right?
- 7 A Yes.
- 8 Q 919 You weren't in a position to explain this 3,000 pounds to the Tribunal on the
9 first number of occasions you were asked, isn't that right?
- 15:31:42 10 A That's correct.
- 11 Q 920 And it was only in the context I think of the Fox and Mahony module that you
12 were able to recollect that that 3,000 pounds in cash came from Mr. Dunlop?
- 13 A Yes.
- 14 Q 921 Isn't that right?
- 15:31:50 15 A That's correct.
- 16 Q 922 Now it's in the light of your failure of recollection that I am now asking you
17 is there any possibility that that sum of 3,000 pounds did not come from
18 Mr. Dunlop, but may have come from Mr. Somebody else?
- 19 A Not to my knowledge. No it did not.
- 15:32:05 20 Q 923 But other than your recollection, there is no nothing that indicates that you
21 got that money from Mr. Dunlop, is that the position, that 3,000 pounds?
- 22 A That's my understanding, yes.
- 23 Q 924 You have nothing else that establishes you got it from Mr. Dunlop?
- 24 A No, no.
- 15:32:19 25 Q 925 And Mr. Dunlop disputes he gave it to you at that time?
- 26 A Correct, yes.
- 27 Q 926 Okay. Thank you very much, if you answer any questions anybody else --
28
- 29 CHAIRMAN: Is there anybody wishing to ask this witness a question? Do you
15:32:34 30 want to ask your client anything?

- 15:32:37 1
- 2 MR. KENNEDY: Yes, I do, chairman. Can I just by way of comment, as I am
- 3 surprised Ms. Dillon hasn't dealt with documentation that is in the brief and
- 4 it's documentation that was provided by the Ballycullen people, Mr. Jones in
- 15:32:52 5 particular, that two specific payments of 500 --
- 6
- 7 MS. DILLON: I apologise with Mr. Kennedy, there is one further payment I
- 8 should have dealt with, I can deal with it very briefly. I think Mr. Wright
- 9 there was a final, a further payment to you in May of 1997?
- 15:33:08 10 A Correct.
- 11 Q 927 From Mr. Jones, is that correct?
- 12 A That's correct.
- 13 Q 928 Would you outline to the Tribunal the circumstances in which that payment was
- 14 made.
- 15:33:15 15 A My understanding it was a cheque.
- 16 Q 929 From Mr. Jones?
- 17 A That's my understanding.
- 18 Q 930 And it was paid to you, was it sent to you in the post, did you meet Mr. Jones,
- 19 in what circumstances?
- 15:33:25 20 A I don't think I met Mr. Jones, no.
- 21 Q 931 Do you believe that you received it by way of a cheque?
- 22 A I do, that's my understanding.
- 23 Q 932 In connection with this election?
- 24 A The 1997 election.
- 15:33:33 25 Q 933 The 1997 local election?
- 26 A Yes.
- 27 Q 934 Right. And could I have page 703 please. This is the third entry from the
- 28 bottom, is that correct?
- 29 A I see it there, yes.
- 15:33:51 30 Q 935 And I think it's paid by cheque number 2698 and I think the amount may be 500

- 15:33:56 1 pounds, not 6, according to that record?
- 2 A I am not sure.
- 3 Q 936 Would you agree that it was either five or six hundred pounds that you
4 received?
- 15:34:05 5 A I do. Yes.
- 6 Q 937 According to the records that have been provided initially to the Tribunal by
7 Mr. Jones, the only amounts that were disclosed on this document an the
8 preceding page were two payments of 500 pounds, is that correct?
- 9 A That's correct.
- 15:34:18 10 Q 938 But in the later documentation supplied bye-bye Mr. Jones the cheque for 5,000
11 pounds was discovered?
- 12 A If it's not the 500 one.
- 13 Q 939 Sorry the initial documentation that was provided to you included this
14 documentation, isn't that right, Mr. Wright?
- 15:34:33 15 A That's correct.
- 16 Q 940 In this documentation which was compiled by Mr. Jones and his assistants, two
17 payments are disclosed to you?
- 18 A That's correct.
- 19 Q 941 500 pounds in 1992 and five or six hundred pounds in 1997?
- 15:34:47 20 A That's correct.
- 21 Q 942 There's no disclosure of a payment of 5,000 pounds?
- 22 A That's correct.
- 23 Q 943 In the cheques when they were provided to the Tribunal and furnished to you,
24 there is a cheque for 5,000 pounds in November 1992?
- 15:35:00 25 A That's correct.
- 26 Q 944 It's not until you receive that cheque that you recollect you received 5,000
27 pounds?
- 28 A That's correct, yes, on the basis that I hadn't sought and hadn't been given
29 the information up to then.
- 15:35:10 30 Q 945 By?

- 15:35:10 1 A By Mr. Jones.
- 2 Q 946 But you hadn't looked for it?
- 3 A That's correct.
- 4 Q 947 That's your evidence. The?
- 15:35:15 5 A The last time I looked for information I ended up in serious trouble in
6 relation to the Tribunal.
- 7 Q 948 Yes. I think that's so far the documentation was supplied to the Tribunal by
8 Mr. Jones, that's the position?
- 9 A Correct.
- 15:35:26 10 Q 949 Isn't that right?
- 11 A Yes.
- 12 Q 950 Thank you very much, if you answer any questions anybody else would have.
13
- 14 CHAIRMAN: Mr. Kennedy, do you want to ask any?
- 15:35:32 15
- 16 MR. KENNEDY: Yes, chairman.
17
- 18 THE WITNESS WAS EXAMINED AS FOLLOWS BY MR. KENNEDY:
19
- 15:35:34 20 Q 951 Mr. Wright, I think if we could go back to the beginning, when you were first
21 invited by the Tribunal to come up for an informal discussion, I think it was
22 the early part of 1999, is that right?
- 23 A Correct, yes.
- 24 Q 952 And you came up, I think, within days of receiving the written invitation?
- 15:35:55 25 A Yes.
- 26 Q 953 And you had a full and frank discussion with counsel for the Tribunal at that
27 time, is that right?
- 28 A That's correct, yes.
- 29 Q 954 You were invited to give a report to the Fianna Fail party about donations that
15:36:11 30 you had received and this is what is contained in this Fianna Fail report that

- 15:36:17 1 Ms. Dillon made reference to earlier and you did that willingly and without any
2 legal advice from any source, is that correct?
- 3 A That's correct.
- 4 Q 955 And you gave the best information that was available to you and what was your,
15:36:28 5 how did you put together the information that you gave to the Fianna Fail
6 people?
- 7 A Not in any great professional way.
- 8 Q 956 To the best of your recollection?
- 9 A No records, off the top of my head.
- 15:36:43 10 Q 957 And in that information, you gave details which have proven to be accurate,
11 true and correct, isn't that right, in regard to a number of payments?
- 12 A Yes.
- 13 Q 958 Which you have always acknowledged you received?
- 14 A Correct.
- 15:37:00 15 Q 959 In respect of this particular module, which is the Ballycullen module, Beechill
16 in your interviews with Fianna Fail, you told them that you had received, you
17 thought you had received a donation from Mr. Chris Jones, isn't that correct?
- 18 A That's correct, yes.
- 19 Q 960 And the wording in the report at page 43 is that you were seeking confirmation
15:37:20 20 of same.
- 21 A Yes.
- 22 Q 961 What efforts do you feel you could have made to get confirmation of that, short
23 of going to Mr. Jones or somebody in Ballycullen?
- 24 A I don't believe there's anything else really in the context.
- 15:37:39 25 Q 962 So when did you get confirmation of that payment?
- 26 A In the last 10 days, 14 days.
- 27 Q 963 Which is when, I think you received that on the 10th February?
- 28 A That's correct, yes.
- 29 Q 964 And prior to your receiving that confirmation, you had, I think, been shown by
15:37:59 30 your legal people the lists that had formed the initial brief which included

- 15:38:08 1 references to two payments made by you, made to you rather?
- 2 A That's correct.
- 3 Q 965 One amount of 500 and one amount of I think 600 in 1992 and in 1997.
- 4 A That's correct.
- 15:38:22 5 Q 966 Now, in her opening remarks here, chairman, Ms. Dillon mentioned that I won't
- 6 say she used the word confusion but she said there might in fact be only one
- 7 payment, that the 500 pounds referred to in this list that was provided by the
- 8 Jones people might have been a mistake or an error or simply a failure of
- 9 proper recollection. I think she was suggesting that there was only one
- 15:38:51 10 payment of 5,000 pounds. Be that as it may, you saw a list from, compiled by
- 11 Jones people referring to two payments?
- 12 A That's correct.
- 13 Q 967 And then you saw a copy of a cheque after that?
- 14 A Correct.
- 15:39:09 15 Q 968 Dealing with this 5,000.
- 16 A Yes.
- 17 Q 969 Now when you were shown that cheque or copy of it, did it refresh your memory
- 18 in the context of the reference you made to the Fianna Fail party?
- 19 A Yes, it did, yes.
- 15:39:27 20 Q 970 So are you now telling the Tribunal that, in fact, that was the payment that
- 21 you had referred to in your --
- 22 A Yes.
- 23 Q 971 The information given to Fianna Fail as far back as 1999?
- 24 A That's correct, yes.
- 15:39:43 25 Q 972 Can you recall when the general election of 1992 was called?
- 26 A I think about the 5th November.
- 27 Q 973 The 5th November.
- 28 A Yes.
- 29 Q 974 And the election itself was conducted on the 25th November?
- 15:39:55 30 A That's correct yes.

- 15:39:57 1 Q 975 You have already told the Tribunal in other modules about other payments that
2 you received during that time period from the date the election was called to
3 the date the election was held, you identified various payments?
- 4 A Correct.
- 15:40:13 5 Q 976 That you have got?
- 6 A Yes.
- 7 Q 977 Which have been referred to and which are the subject of another module but you
8 have always acknowledged those payments?
- 9 A Correct, yes.
- 15:40:28 10 Q 978 Now in that timeframe, you seem to have received a cheque dated the 12th of
11 November or you did receive a cheque dated 12th November from and signed by,
12 from somebody on behalf of Mr. Jones, you are not sure who gave it to you?
- 13 A Yes, correct.
- 14 Q 979 Would you tell the Tribunal what it's like to run a general election campaign
15 in a three week time period?
- 16 A Well I would say when it comes to the last week, you are starting at 7 a.m. in
17 the morning right through until 10, midnight and so forth on a daily basis.
18 Basically, you might be in the office for about a half an hour or so just
19 putting together the team and off you go. But in the context of that, that was
15:41:01 20 an extremely difficult election and it was very intense election in 1992 but
21 there was great pressure in relation to it to deliver our two seats in relation
22 to the constituency and it is very difficult to put together all your thoughts
23 and all the various issues that were alive, become part of an election and all
24 the various people that you may or you may not meet in the context of an
15:41:26 25 election itself. But it's basically in that particular one for me, it was so
26 important in the context of my own political career and so forth in the 1992
27 election, that that's, that it was a most difficult one and the most
28 challenging one. And basically, as I say, it's 14, 16 hour day in relation to
29 election. And the last thing on your mind is in relation to, is any expense or
15:41:50 30 otherwise, you are out there hoping to survive and to be elected in the weeks

- 15:41:54 1 ahead.
- 2 Q 980 Mr. Wright, could you give the Tribunal some idea of the cost of running a
3 general election campaign in a constituency like Dublin north.
- 4 A Well, I think it's on record from many people over the years in relation to the
15:42:10 5 type of costs that an election like, if you are going back to 1992 and old
6 money, you know, there are people who would have spent 15 to 20,000 in relation
7 to an election.
- 8 Q 981 You weren't elected, I think, on that occasion?
- 9 A No.
- 15:42:24 10 Q 982 You ran for the Senate?
- 11 A I went straight into a Senate campaign.
- 12 Q 983 How long did that Senate campaign last?
- 13 A I think it went into the end of February.
- 14 Q 984 And can you give the Tribunal any notion of the cost of the Senate campaign?
- 15:42:36 15 A I think again, chairman, I think from a Dublin base where you are on a daily
16 basis out in every part of the country, again, like a 20, 30,000 campaign would
17 be well possible.
- 18 Q 985 Thank you, chairman, I have no further questions.
- 19
- 15:42:55 20 CHAIRMAN: All right. Mr. Wright, did I hear you correctly earlier say that
21 you couldn't recollect why you were paid 5,000 pounds?
- 22 A Correct, other than -- may I? Sorry, chairman, I have thought over the last,
23 in the context of the last couple of weeks of it. I come from a background of
24 a business background of a Dublin family of 150 years involved in business. I
15:43:25 25 think it's fair to say over the last 20 plus years of my career, my colours in
26 relation to pro business and pro development would be well known in the context
27 of my career both at a local community and local and at a national level and it
28 is a matter of fact that I have been well supported over the number of years by
29 the business community of Dublin and friends of the family and so forth. And
15:43:50 30 I, I haven't seen or heard why Mr. Jones would say otherwise but my only belief

15:43:55 1 possibly was that I had a high profile going into that election in relation to
2 my leadership of the Senate and I think it's fair to say that the records of
3 any comments made by opposition afterwards was that a reasonable job had been
4 done. And that in the context of a Dublin north constituency, it was the first
15:44:12 5 time in my political career, it had changed from a three seat to a four seat.
6 And there is no doubt that a lot of people in the political world had a fair
7 expectation that Fianna Fail would win two seats and I certainly would be, I
8 had only been beaten a couple of hundred votes in the '89 election in a three
9 seater so there was every expectation that I would be successful in the 1992
15:44:36 10 election.

11
12 CHAIRMAN: When you say that you don't recollect why you were paid it, do you
13 think it was a political donation?

14 A I do, most definitely, so.

15:44:44 15
16 CHAIRMAN: Are you saying you don't know what prompted him to be so generous?

17 A That, I can't answer.

18
19 CHAIRMAN: Or --

15:44:49 20 A That, I can't answer. But I can understand why he may have, I had got to know
21 him quite well. He is -- sorry.

22
23 CHAIRMAN: But given that he hadn't given you money before --

24 A Yes.

15:45:02 25
26 CHAIRMAN: Did you not, in your own mind, connect it in some way to the
27 rezoning?

28 A I didn't, sir, because I tell you why, I had a very limited role other than I
29 was one of 44 that voted for the file. I had a very limited role in that file.

15:45:20 30 It was not part of my own particular area but at the same time, the system then

15:45:24 1 was we represented all of Dublin so I obviously had the same vote as anybody
2 else. But in the context of support or otherwise, I think it's fair to say
3 that I don't think there would be a colleague in the room that would suggest
4 that I made contact or made a comment or otherwise.

15:45:40 5
6 CHAIRMAN: What do you mean?

7 A In other words, that I was seeking support within my own system for the file
8 itself.

15:45:46 10 CHAIRMAN: No but I mean even if you hadn't made any contact with Mr. Jones,
11 the fact that he would give you this size of donation.

12 A Sorry, what I meant was contact with my own colleagues. I thought you were
13 suggesting that maybe I had a role bigger than the role I had. I may have
14 misunderstood you there.

15:46:04 15
16 CHAIRMAN: Right.

17
18 JUDGE FAHERTY: Just a couple of things, Mr. Wright. You answered, I think,
19 your own solicitor a few minutes ago, Mr. Kennedy, you said that when you went
15:46:12 20 into the Fianna Fail inquiry?

21 A Yes.

22
23 JUDGE FAHERTY: You went in, you put the information together yourself?

24 A I did, with a couple of lay colleagues but not professional help.

15:46:25 25
26 JUDGE FAHERTY: I understand that perfectly. And you said you hadn't any
27 records, it was off the top of your head.

28 A To the best of my, yes, it was.

29
15:46:32 30 JUDGE FAHERTY: Did you have any records or inquiry, or make any inquiries

- 15:46:36 1 before you went into the Fianna Fail inquiry?
- 2 A Not in any detail with anybody, no.
- 3
- 4 JUDGE FAHERTY: The reason I am asking you that, just wondering when you told
- 15:46:47 5 the Fianna Fail inquiry you had got a number of political donations, you
- 6 mentioned the Ballycullen Farms, 500 pounds.
- 7 A Yes.
- 8
- 9 JUDGE FAHERTY: Then you also mention you may have got something from Chris
- 15:46:56 10 Jones but there's nothing specified.
- 11 A I I thought the 500 in the first one, if I may say, I related that one to the
- 12 1997 election.
- 13
- 14 JUDGE FAHERTY: My question to you is this, why do you think, if you didn't
- 15:47:13 15 have any records or whatever, you were able to recall a 500 donation from
- 16 Ballycullen farms but not a 5,000 donation from Mr. Jones?
- 17 A I can only suggest that one was 1997 and the other was in 1992.
- 18
- 19 JUDGE FAHERTY: But just in terms of the amounts, there's a significant
- 15:47:28 20 difference in the amounts.
- 21 A I accept that.
- 22
- 23 JUDGE FAHERTY: You would have thought the greater amount might have stayed in
- 24 your memory longer.
- 15:47:34 25 A Can I say to you if I had known the figures, I would have no problem putting
- 26 them. I wasn't sure and can I just make one comment in relation to what my
- 27 solicitor said recently. If I was to, based on the information that was sent
- 28 to me recently from the Tribunal in early January, and I had replied to you on
- 29 the basis of two 500 payments, I suggest I would be in a worse position than I
- 15:47:53 30 am now in the context of memory or otherwise, that I am suggesting it was only

15:47:57 1 two 500s.
2
3 JUDGE FAHERTY: Thank you very much, Mr. Wright.
4

15:48:00 5 JUDGE KEYS: Mr. Wright, I take it you would accept that the sum of 5,000
6 pounds in 1992, 1993 was a substantial sum of money?
7 A I do.
8

9 JUDGE KEYS: Did it ever cross your mind why somebody would pay such a large
10 sum, who owned land and who was awaiting a vote, whether it would be rezoned or
11 not?
12 A I can't, in the context of that, no.
13

14 JUDGE KEYS: Confirmation of it would come through.
15:48:29 15 A I make a point there in everything I have ever done, it was never part of my
16 thinking that anybody would support me in relation to a vote, just wouldn't.
17

18 JUDGE KEYS: Did it ever dawn on you why would somebody who has an interest in
19 land which is awaiting a confirmation, pay a councillor who has the right to
15:48:48 20 vote yea or nay to that confirmation, pay such a large sum of money without
21 looking for something in return?
22 A Well, I can only answer in the way I am saying to you that it might be for
23 other reasons he was supporting my election campaign at that time.
24

15:49:04 25 JUDGE KEYS: Did you ever think it might be an inducement in that he'll hope
26 --
27 A No.
28

29 JUDGE KEYS: That by virtue of paying this sum, you might consider to look
15:49:11 30 favourably on the confirmation vote?

15:49:13 1 A There was no need for me to even or anyone need to think otherwise. My record
2 of voting throughout the whole seven or eight years of the plan was one of pro
3 development and just to say to you, at that stage I would have known him in the
4 context of more of a friend and so forth and in the context of Mr. Jones, I
15:49:29 5 certainly would not have thought anything untoward.

6
7 JUDGE KEYS: Well did you not consider saying well, listen, I am voting on a
8 motion, there's a conflict of interest here. There could be a conflict of
9 interest here. Please, I cannot accept this, at this stage. Maybe later on in
15:49:43 10 the campaign, if I need money for to help me in my campaign, so be it but not
11 now because the public perception could be, they could make a connection with
12 me being paid 5,000 pounds so as to buy your vote at the confirmation stage.

13 A I can't argue that point. I am just making the point to you in the context of
14 it, it was in the middle, the last week of a general election and I took it on
15:50:07 15 that basis.

16
17 JUDGE KEYS: I see. And you would agree with me that most businessmen, when
18 they do pay monies, they always do expect something in return. Would you agree
19 with me?

15:50:16 20 A Well, not in this context I would hope not.

21
22 JUDGE KEYS: Maybe not in this context but general speaking.

23 A Yes, of course I do.

24
15:50:26 25 JUDGE KEYS: Thank you very much.

26
27 CHAIRMAN: All right. Thank you very much, 10.30 tomorrow.

28
29 **THE TRIBUNAL THEN ADJOURNED UNTIL THE FOLLOWING DAY,**

15:50:43 30 **WEDNESDAY, 22ND FEBRUARY 2006 AT 10.30 A.M.**

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