

1 **THE TRIBUNAL RESUMED AS FOLLOWS ON FRIDAY,**

2 **24TH FEBRUARY 2006 AT 10.30 A.M:**

3
4 CHAIRMAN: Good morning, Ms. Dillon.

5
6 MS. DILLON: Good morning, sir. Mr. Pat Rabbitte please.

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8 **MR PAT RABBITTE, HAVING BEING SWORN,**

9 **WAS EXAMINED AS FOLLOWS BY MS DILLON:**

10
11 MS DILLON: Good morning, Mr. Rabbitte, I understand that you are at present
12 the leader of the Labour Party.

13 A That is that is correct, Ms. Dillon.

14 Q 1 I think that you were between 1985 and 1993 a member of Dublin County Council,
15 is that correct?

16 A That's right

17 Q 2 And thereafter, between 1993 and 1994, you were a member of South Dublin county
18 council.

19 A Yes, that's right, for a very brief time.

20 Q 3 And I think that between July and December 1993, you were chairman of Dublin
21 County Council.

22 A I was.

23 Q 4 And that you would have in that period have overseen the final ratification of
24 the 1993 Dublin Development Plan.

25 A I did indeed.

26 Q 5 I think Mr.Rabbitte you have provided a series of information to the Tribunal,
27 but initially can I ask you, you knew Mr. Frank Dunlop, is that right?

28 A I did, yes.

29 Q 6 And I think and I believe you have told the Tribunal in statements that you
30 knew Mr. Dunlop as a lobbyist.

1 A Well, I knew him mainly in his political role. He was the head of the
2 Government information service, he was Jack Lynch's right hand man. I
3 subsequently knew him as a political advisor or communications advisor to John
4 Boland, who was Minister for Education at the time and I knew him, I think it
5 is fair to say, as a PR consultant rather than a lobbyist. A lobbyist is
6 something that emerged sometime later in Ireland.

7 Q 7 Right. Could I have page 3494, this is part of a statement Mr. Rabbitte, if
8 you look at the screen to the other side of you. Right beside you, it will
9 come up on the screen, this is one of a number of statements you provided to
10 the Tribunal and this was a statement you provided in response to being asked a
11 detailed letter about the function and role of councillors, including the
12 function and role of lobbyists and what I want to draw to your attention is the
13 third paragraph on that page.

14 A Yes, I see it.

15 Q 8 You say "The best known lobbyist was Frank Dunlop and the only other lobbyist
16 who canvassed my support for any rezoning material contravention, that I can
17 recall was a cursory approach from Mr. Pat O'Malley, in respect of lands at
18 Dublin airport. From memory these were known as the Dummigan lands.
19 Otherwise, to the best of my recall, where contact was made, it was made
20 directly by the developer, or builder." And what you appear to be telling the
21 Tribunal there and correct me if I'm wrong Mr. Rabbitte, is that the best known
22 lobbyist was Mr. Frank Dunlop.

23 A There's no doubt about that, he was both I think the first and the best known.
24 But that was a later evolution of Frank Dunlop. He started life as a
25 journalist, subsequently political adviser, civil servant, assistant secretary,
26 PR consultant, lobbyist.

27 Q 9 Yes, and this information that you are providing to the Tribunal in this
28 statement is relation to the 1992 to 1993 Development Plan, isn't that right,
29 Mr. Rabbitte?

30 A That's right, Ms. Dillon.

1 Q 10 And what you had been asked in the information that the Tribunal had sought
2 from you to which you are providing a reply was the role played by lobbyists
3 and you were asked to deal in particular with Mr. Dunlop, but not to limit your
4 answers to Mr. Dunlop, isn't that right?

5 A I think that's right, from memory.

6 Q 11 And I think that if we look at the previous page at 3493, at the bottom of
7 that, you say "It is true that the course of the Development Plan in particular
8 was accompanied by canvassing and lobbying by various interests, but especially
9 by developers and builders. My own impression is that my party colleagues and
10 myself and other members of the minority block were subjected to somewhat less
11 lobbying than other councillors. A pattern had become apparent" -- next page
12 please -- "Early in the lifetime of the 1985 council that revealed the
13 disposition of most councillors in planning matters." You then go on to
14 outline the conduct of councillors and then you go on to deal with the lobbying
15 by Mr. Dunlop, if we could have the third paragraph again please?

16 A That's right.

17 Q 12 From what it would appear that what you were telling the Tribunal in that
18 statement is that insofar as the review of the 1983 plan was concerned, between
19 1991 and 1993, the best known lobbyist in Dublin county council was Mr. Frank
20 Dunlop?

21 A That's correct.

22 Q 13 Right. So that it would be fair to say then that you would have known
23 Mr. Dunlop in that capacity between 1991 and 1993, is that right?

24 A I would, of course. I mean he was visibly around the place at the time. I
25 didn't think it was by any means his sole business or anything like that. But
26 he had canvassed my views in the environs of Dublin County Council on another
27 development and yes, of course I knew that he was there representing at least
28 another developer.

29 Q 14 And during the period of the review of the Development Plan, Mr. Rabbitte,
30 between 1991 and 1993, did you have any concern about the pattern of rezoning

1 that was emerging, between 1991 and 1993?

2 A Did I did, yes. You know it was plain, I think, that there was a pro-developer
3 led rezoning block on the council and there was an anti-rezoning block on the
4 council and the pattern for hundreds of developments is evident and certainly
5 on some occasions, there was cause for disquiet, for example, I can't remember
6 individual cases now but I actually, on occasion would have been tempted or
7 would have liked or would have thought that I probably should have voted for a
8 particular development but refrained from doing so because of the manner of the
9 orchestration of support for it.

10 Q 15 When you say orchestration of support, Mr. Rabbitte, could you outline to the
11 Tribunal what you mean please?

12 A Well it seemed to me that the largest party in the council applied a whip on
13 these matters.

14 Q 16 And by the largest party, which party do you mean?

15 A Fianna Fail.

16 Q 17 And when you say it seemed to you that they applied a whip, can you explain to
17 the Tribunal what you mean by that?

18 A Well, all the visible evidence was that people, indeed many of whom had often
19 departed the chamber, you know, or were marched in like ducks at the time the
20 vote was imminent and almost always, with the exception of a single councillor
21 in my memory, voted en block and very frequently against the advice of the
22 manager. Now that's not something that happened, Ms. Dillon, in the context
23 only of 1991, 1993, I was elected to the council in 1995 and almost never I
24 would say, between 1985 and the election of 1991, did we ever reach any
25 business other than Section 4, or Section 4 motions or material contraventions,
26 other than a bit of business from the manager, if it was necessary for the
27 financial functioning of the council. So that that pattern was evident for
28 some considerable time and, you know, I have mixed feelings about it, looking
29 back on it now, you know, those votes were against the recommendation of the
30 manager in very many cases. But then of course looking back on it, for the

1 first part of my life on the council, the manager was George Redmond. And, you
2 know, I see stuff written about the manager, going against the manager's
3 recommendation like as if somehow that was a tablet of stone. Looking back on
4 it, I think one feels a bit foolish about that.

5 Q 18 But I think you said that there were two camps, there was the rezoning camp
6 which if I understand your evidence correctly you say was led by the Fianna
7 Fail party, is that right?

8 A That's right.

9 Q 19 And to you there appeared to be a whip in relation to it?

10 A There appeared to me to be so.

11 Q 20 By whip do you know the members of Fianna Fail were in your opinion constrained
12 to vote a particular way?

13 A I don't know about constrained, I don't know precisely, I am answering your
14 question about what was my impression, I don't know what went on in the party
15 rooms. I know there was a man when I went on to the council called Pat Dunne
16 and it seemed to me that he called the shots. He was the whip. That's the way
17 I read it. There was no big secret about it. I didn't hear anybody ever
18 saying you must obey the whip, or there is a whip, but it seemed to me in
19 effect that there was a whip.

20 Q 21 And insofar as you said then also that there was equally a smaller
21 anti-rezoning lobby, who do you mean were the component parts of the smaller
22 anti-rezoning group on the council?

23 A It would largely have come price the Labour Party, Democratic Left, latterly
24 the Green Party, some Independents, sometimes sometimes some PDs, always almost
25 a minority of Fine Gael, but but you couldn't say in a hundred percent of the
26 cases the votes were always the same. Individual councillors had individual
27 preoccupations and were greatly more motivated by their own particular area
28 than something happening remote from their area, so it wasn't always a hundred
29 percent, but if you review 100 decisions, the pattern is starkly similar.

30 Q 22 And the Tribunal has heard evidence from a number of councillors that they

1 would listen to and pay attention to the local councillor for a particular
2 area, would you agree that in general that is something all councillors would
3 pay attention to, regardless of what party?

4 A I would, I would, yes. Because there was no way -- at that time Dublin County
5 Council had an enormous compass. You will recall it was subsequently broken up
6 into three local authorities and there was no way if you were representing
7 Swords, that you could have known about particular fields in the borough of Dun
8 Laoghaire or Lucan or Tallaght or whatever. So that in my own case, I was
9 reliant on the advice of the planners and guided by the advice of my my local
10 colleagues. And I would say that that was pretty much the story for most
11 politicians, most councillors on the council.

12 Q 23 During that --

13 A There were one or two exceptions who seemed to know an awful lot about every
14 field in the county but that's a different matter.

15 Q 24 During that period, 1991 to 1993, were you aware of any allegations of
16 corruption or concern about corruption in Dublin County Council?

17 A I was aware of concern. I was not aware of any particular allegation.
18 Information had been brought to me that I think I ventilated in the Dail once,
19 that concerned the allegation about the route of what is now the M50 and a
20 house adjacent to the Strawberry Beds and the allegation brought to me was, as
21 I recall it, that the house had no planning permission and no by-law approval.
22 And I was approached to establish why it was acquired by the County Council.
23 And I had some difficulty in doing that but I eventually got a letter, rather
24 than an answer on the agenda, saying that it was acquired and giving me the
25 figure. And if memory serves, retention was applied for after it was purchased
26 and I am not at all sure, looking at it nowadays, that it was on the route of
27 the motorway anyway.

28 Q 25 I think you are talking about Mr. Jim Kennedy's house in Strawberry Beds?

29 A That's right.

30 Q 26 And the compulsory acquisition of that house by Dublin County Council as it

1 then was?

2 A That's right.

3 Q 27 Apart from that matter, which is not the subject of any inquiry in this module,
4 Mr. Rabbitte, were you aware of any generalised concern in the course of the
5 review of the Development Plan between the years 1991 and 1993, about the
6 conduct of councillors in general in Dublin County Council?

7 A I was I aware of some concerns, yes, in a generalised sense as you say. I
8 answered the question about the Liffey Valley house because you also asked me
9 was aware of any particular allegation. Yes, I was aware of a generalised
10 concern. There were some of us who would obviously talk amongst ourselves on a
11 cross-party basis when it seemed on some cases clearer than others, that there
12 was not a case for rezoning of a particular development at that particular
13 time. In other cases, it was a harder judgment to call. In other cases, it
14 could have gone either way. But on some occasions, it seemed that arguments
15 made to one by developer and usually written submissions were being replicated
16 in the chamber as reasons for rezoning rather than any good planning
17 considerations, or any other considerations.

18 Q 28 Were you aware of any actual allegation of any particular councillor accepting
19 money in return for their support for a vote?

20 A Not that I can recall, Ms. Dillon. I don't believe that I ever came across
21 such a situation. My own view at the time would have been that builders and
22 developers supported the party centres at general election times and that may
23 or may not have had some formative influence on how their members voted on a
24 given issue. But I did not suspect that individual councillors were in receipt
25 of money for their votes.

26 Q 29 What would your view be in relation to councillors receiving monies from
27 developers during the course of the review of the Development Plan?

28 A I would personally have some difficulty with it because it lay one open to a
29 possible conflict of, a possible conflict of interest. At the same time,
30 elections had to be funded and at that time in particular, they were funded by

1 donations, corporate donations, which the conservative parties would have got
2 the lion's share of, but I would have had concerns about it if I knew a
3 particular development was coming down the track, I can only I suppose speak
4 for myself. And somebody offered a donation, I would either have made very
5 clear to him where I stood on the development, or I wouldn't have accepted it.

6 Q 30 So does one take from that that, in general, you would not support or you would
7 not be in favour of councillors accepting money from developers at a minimum in
8 the course of the review of a Development Plan?

9 A I don't know, you know, I think with the benefit of hindsight to come some
10 extent, I don't know to what extent I would have particularly been struck by
11 the period of the Development Plan. There was no time, Ms. Dillon, that I was
12 on the council that we weren't voting on material contraventions or Section 4s,
13 quite outside of the Development Plan. And I remember, you know, the pressure
14 of that in the context of the time that I took over as Chairman. The
15 Development Plan hadn't been reviewed since 1983 and the planners at the time,
16 I worked in particular with Mr. Al Smith and Mr. Willie Murray, two dedicated
17 public servants in my judgment, and it looked like we might not make the
18 deadline of December. And that it would all fall. And it certainly wouldn't
19 have been too difficult to contrive not to meet the deadline. They argued very
20 strongly and advised me very strongly that that course could not be allowed
21 happen because the plan hadn't been reviewed effectively for 10 years and in an
22 expanding city, the fall out would have been disastrous. And as a result, I
23 sometimes had to convene meetings four days a week. So, you know, there was an
24 extraordinary pace of development and you know developers and builders and
25 others were arguing for material contraventions and Section 4s right throughout
26 my lifetime on the council. I remember, I think it was Mervyn Taylor devising
27 a strategy, by which the rest of us could translate the Section 4 mechanism to
28 deal with the occasional bit of ordinary business at the council. Because
29 otherwise, Section 4 as I said explain had precedent. They were taken first.
30 And if you weren't in the Section 4, you simply, your business wasn't reached.

1 Q 31 I obviously didn't make myself clear, Mr. Rabbitte, the question I I asked you,
2 does one take it in general you would not support or be in favour of
3 councillors accepting money from the developers at the minimum in the course of
4 the Development Plan? That's the question I asked you.

5 A I think it's fair to say I would not.

6 Q 32 Right. And insofar as you have brought material contraventions and the other
7 conduct of the council into the matter, would it also be your position that you
8 would not be favour in councillors accepting money from any developer or
9 landowner who had business with the council on a which a councillor might
10 ultimately have to vote or make a decision?

11 A I think the answer is the same, Ms. Dillon, but I think the opportunity arises,
12 you know, to also make clear where you stand, you know, if you come to me and
13 you say that I might be in for a rezoning later in such and such a piece of
14 land and I said to you well, fine, but I won't be voting for it and you still
15 wanted to make a donation to me, I might consider it. I don't recall it ever
16 happening. But I would have made, as Mary Harney said yesterday, very plain
17 what my view was. So I don't know in the context of a situation where there
18 were literally hundreds of rezonings, that I can answer very generalised
19 questions like that. Every situation was different, Ms. Dillon. Generally
20 speaking, the spirit of what you are saying, I agree with but every situation
21 was different.

22 Q 33 If we can turn to look, Mr. Rabbitte, as it were from the general to the
23 specific, your involvement in the rezoning of the Ballycullen lands. I think
24 that if we have page 1633 please, Mr. Dunlop has an entry in his diary on the
25 25th March 1992 which is on screen beside you, and you will note that at 2.30,
26 he is meeting Mr. Christopher Jones, who was the ultimate beneficial owner of
27 the Ballycullen lands and then at 4 o'clock he has an entry for Mr. Pat
28 Rabbitte. Now would you accept first of all it's likely such a meeting took
29 place between your self and Mr. Dunlop on the 25th March 1992?

30 A I don't. I don't, Ms. Dillon. I don't. I did not associate Mr. Dunlop at all

1 with Ballycullen. And I don't recall, as Councillor Cass said, ever meeting
2 him about Ballycullen and I am puzzled as to why it ought to be suggested
3 because I met the Brooks brothers, perhaps both of them, but certainly one of
4 them.

5 Q 34 I am sorry Mr. Rabbitte I am not making myself clear, the question I asked you
6 was do you accept that you had a meeting with Mr. Dunlop on at 4 o'clock on the
7 25th March 1992 as is recorded in his diary and --

8 A I don't know. I may have, I may have. I don't know. But I didn't meet him
9 about Ballycullen ever to the best of my memory.

10 Q 35 So what you say then is that you may have had such a meeting with him but if
11 you did, it was not in connection with Ballycullen but that you don't recollect
12 the nature of the meeting?

13 A That's right.

14 Q 36 Would that be fair?

15 A That's fair.

16 Q 37 Mr. Dunlop says in his evidence that you thinks that he may have mentioned
17 Ballycullen to you at that meeting.

18 A At what meeting?

19 Q 38 At the meeting that is recorded in the diary on screen at page 1636?

20 A On the --

21 Q 39 25th March 1992.

22 A First of all, you know, I don't remember meeting him. But if I did meet him, I
23 tell you I have no memory at all about Frank Dunlop having a meeting with me
24 about Ballycullen.

25 Q 40 Yes. He says that he could not say definitively where the meeting took place
26 but he says that at that time, he says that he would have mentioned Ballycullen
27 but it could have related to other matters and he refers, I thinks, to your
28 statement where I think you accept that you probably did have a meeting with
29 Mr. Dunlop?

30 A No, I didn't.

1 Q 41 In relation to the later entry, is that right?

2 A No, I didn't. What I said was that if he said in his letter to Chris Jones
3 that he was meeting me after, that he had arranged to meet me after Easter --

4 Q 42 You would accept it took place?

5 A No, no, I did not say that, Ms. Dillon. I said that if he said that he had
6 told Mr. Jones that he was arranging to meet me after Easter, then he very well
7 may have told Mr. Jones that, or may have arranged a meeting. But the meeting
8 never happened in my memory, never actually took place. And if it did, I don't
9 recall it and I notice in the evidence and your examination of Mr. Dunlop, he
10 couldn't remember where it took place. And he ended up in the evidence saying
11 that he spoke to me, which is a different matter.

12 Q 43 In fairness to yourself, Mr. Rabbitte your statement at 2775 on this issue
13 please, I think you don't say that the meeting, I think what you actually said
14 is that, this is your solicitor on your behalf, in the second paragraph; "He"
15 that's you "Advises us that if Mr. Dunlop claims that he had arranged to meet
16 him he will accept his statement but if that meeting ever happened, he has no
17 memory of it.?"

18 A Correct, that's the distinction I was drawing in.

19 Q 44 The point is so far as your meetings with Mr. Dunlop are concerned, you are not
20 saying the meetings didn't happen, you are saying you didn't recollect the
21 meeting, is that correct?

22 A No, I don't think you can say that.

23 Q 45 Very good.

24 A I don't think you can say that, Ms. Dillon. Mr. Dunlop was going around at the
25 time making phone calls and all that kind of thing and he says in the evidence
26 to you, I am sure you can find it for me, that it may have concerned other
27 things. I have no idea there either what he means. But what I'm saying is
28 that if he claims that he arranged a a meeting with me, I am prepared to accept
29 the statement, all I am telling you is, I am satisfied because I would remember
30 that kind of thing.

- 1 Q 46 Yes.
- 2 A That I never met him about Ballycullen. And he ends up in the evidence saying
3 to you that he spoke to me. Well, maybe he did. Maybe he is the cause of the
4 Brooks brothers coming to me. I can't recall that but I never met Dunlop about
5 it. I can recall that.
- 6 Q 47 And at 1633 please, in this diary entry, is it then your position, Mr.
7 Rabbitte, so there's no ambiguity about it, that you are not at all certain
8 that any such meeting as is recorded took place. But if any meeting took place
9 with Mr. Dunlop, it was not in connection with Ballycullen.
- 10 A I see he says here "Yes but in fairness to Mr. Rabbitte I have to say that I
11 could not say to you definitively now where the meeting took place".
- 12 Q 48 He says a meeting took place but he can't remember where the meeting took
13 place?
- 14 A Yes.
- 15 Q 49 That's in relation to the entry that's on screen now?
- 16 A It's a wonder he can't remember it though, if it took place.
- 17 Q 50 Well can you remember where it took place?
- 18 A I would have thought my answer already, Ms. Dillon, makes plain, if I think it
19 didn't take place, then I can't remember where it took place.
- 20 Q 51 That's the point. What I'm trying to establish from you, Mr. Rabbitte, if we
21 just concentrate on that entry in the diary, first of all is it your position
22 that no meeting at all took place, is that what you are saying?
- 23 A I couldn't possibly that say that at 14 years remove. Ms. Dillon. I couldn't
24 possibly, I meet so many people every day of the week. 14 years later to say
25 that there's a scribble in a diary saying I met someone at 4 o'clock. I
26 couldn't possibly say that I did or I didn't. I was answering your question
27 about did I ever meet Frank Dunlop about Ballycullen and I tell you again, I
28 did not, to the best of my memory.
- 29 Q 52 In the normal course of, Mr. Rabbitte, would you accept and I believe that a
30 member of the government and obviously all busy people keep diaries that record

- 1 the people and appointments that they have, isn't that right?
- 2 A That's right.
- 3 Q 53 And in the normal course of events a diary such as this by Mr. Dunlop would
4 record the people who in 1992 he was meeting on that day, would you accept
5 that?
- 6 A To be honest, Ms. Dillon, I'm not going to be drawn into conferring approval on
7 Mr. Dunlop's diary.
- 8 Q 54 Sorry, is it your position that people don't normally record the people they
9 are going to meet in diaries Mr. Rabbitte?
- 10 A That's a different matter entirely. I am talking about Mr. Dunlop. Of course
11 people record things in diaries.
- 12 Q 55 And in the --
- 13 A But I am in no position to confirm the authenticity of the piece of paper on
14 screen before me or any other piece of paper from his diary.
- 15 Q 56 You don't have your diaries for 1992, Mr. Rabbitte, is that the position?
- 16 A I don't, I believe, no.
- 17 Q 57 I think subsequent to the diary entry, on the 15th April 1992 at 1659,
18 Mr. Dunlop wrote to Mr. Jones. And in that letter at paragraph 4 he told
19 Mr. Jones "I have arranged to see P. Rabbitte immediately after Easter."
20 Would you accept that the P. Rabbitte who is referred to there is yourself?
- 21 A Absolutely.
- 22 Q 58 Would you also accept --
- 23 A There's quite enough in one of them around.
- 24 Q 59 Would you also accept Mr. Rabbitte this letter establishes contact between
25 yourself and Mr. Dunlop in connection with Ballycullen Farms.
- 26 A I don't, Ms. Dillon. And I will tell you why. That's a letter to Mr. Chris
27 Jones, from whom we know now Mr. Dunlop was being paid a great deal of money to
28 pursue a certain strategy and he is reporting back on a number of points to
29 Mr. Jones. And one of them is that he tells Mr. Jones he has arranged to see
30 me after Easter. Now he may well have arranged to see me after Easter, I can't

1 recall. All I know is that on Ballycullen, he didn't see me. If he means by
2 that a face to face meeting.

3 Q 60 Right. If we just look at the contents, would you accept, first of all the
4 letter was written in April 1992?

5 A So it seems.

6 Q 61 This is a document for your benefit that you may not appreciate this Mr.
7 Rabbitte, which was provided to the Tribunal not by Mr. Dunlop but by
8 Mr. Christopher Jones?

9 A Sure, that doesn't confer any more authenticity on it.

10 Q 62 Are you suggesting Mr. Jones forged this document --

11 A Not at all.

12 Q 63 Fine, it would appear the document was created in April of 1992, Mr. Rabbitte,
13 would you accept that?

14 A I accept that Ms. Dillon.

15 Q 64 And if Mr. Jones is asked as he probably will be in the witness-box to confirm
16 that that letter came into his possession in April 1992, would you dispute that
17 evidence?

18 A No, I wouldn't.

19 Q 65 Would you accept therefore it was likely when this letter was written, it was
20 written and created in April 1992?

21 A I do accept that.

22 Q 66 Do you accept the letter is entitled Ballycullen Farms?

23 A I do.

24 Q 67 Do you accept the letter is sent to Mr. Christopher Jones by Frank Dunlop?

25 A I do.

26 Q 68 If you accept if the balance of the contents of the letter and are true and
27 accurate, that it's likely and I put it no higher than that, Mr. Dunlop had
28 arranged to meet you or contact you after Easter in connection with Ballycullen
29 Farms?

30 A As I said to you earlier, he may have well have arranged to meet me. I am

1 telling you that I have no recollection at all of the meeting actually ever
2 taking place.

3 Q 69 On the 14th May 1992 at 1676 please, there is a record in Mr. Dunlop's
4 telephone records at, 2.30, Linda, Pat Rabbitte's secretary, Pat R not
5 available today, will be talking to councillors over the weekend, will get back
6 to you, do you see that entry?

7 A I do, yes. What date is that?

8 Q 70 That's the 14th May 1992?

9 A Yes. What's that, a about a month after the letter?

10 Q 71 Yes, the letter is dated the 15th April 1992.

11 A Yes.

12 Q 72 The letter says that Mr. Dunlop has arranged to meet you after Easter, you say
13 if I understand your evidence correctly that you don't recollect such a meeting
14 but if it did take place you did not discuss Ballycullen, is that correct?

15 A Yes, that's correct.

16 Q 73 Now on the 14th May 1992, did you have a secretary call Linda?

17 A I did indeed.

18 Q 74 Do you accept that this is a bona fide record of a telephone call from your
19 secretary imparting information to Mr. Dunlop?

20 A I would say it is, yes.

21 Q 75 Can you recollect why a message would be left for Mr. Dunlop to the effect that
22 you weren't available that day but you would be talking to councillors over the
23 weekend and that you would get back obviously to Mr. Dunlop.

24 A It could have been any number of matters, Ms. Dillon. I really can't say.
25 Mr. Dunlop was phoning everybody around and about that time. We were in the
26 height of the Development Plan, there would be nothing at all usual about it.
27 That was his business and presumably, that was a return phone call which could
28 be read to mean exactly what it says or it could be read to mean will you ever
29 ring him back and get him off my back. I have no idea.

30 Q 76 What the record actually notes is that your secretary tells Mr. Dunlop's office

1 that you are going to be talking to councillors over the weekend, isn't that
2 right?

3 A It says that I am not available and that I will be talking to councillors over
4 the weekend. And there would be nothing unusual about that.

5 Q 77 Mr. Dunlop told the Tribunal insofar as this entry is concerned, that it was
6 his opinion that the only councillors you would have been talking to would have
7 been either workers parties or Democratic Left councillors?

8 A Can we clarify that as well Ms. Dillon, I see that running through the
9 transcripts, the party was the Democratic Left.

10 Q 78 Democratic Left?

11 A And you are right, it would in all probability refers to my colleague
12 Democratic Left councillors at the time because I can't see what I would be
13 talking to any other councillor about. I wasn't in the habit of discussing
14 with other councillors over the weekend.

15 Q 79 And the only matter am I correct in understanding the matters you would have
16 been discussing with your colleagues in Democratic Left at that time would have
17 been matters to do with the Development Plan?

18 A I could be discussing any matter with my colleague councillors but insofar as
19 Frank Dunlop would be interested in it, I think you are right, it would very
20 probably be to do with the Development Plan. But I could have an agenda with
21 my councillors that could have any number of items on it, I can't recall.

22 Q 80 Yes, but why would you be reporting back or getting back to Mr. Dunlop?

23 A Because he had presumably canvassed my view on something or other.

24 Q 81 But he wasn't canvassing your view, if this note is accurate, because what you
25 are telling him through your secretary is you're going to talk to your
26 councillors over the weekend and then you're going to get back to him.

27 A That may well have come as a result of Frank Dunlop ringing my office to find
28 out what was the story on one or other development.

29 Q 82 So you would have no difficulty with finding out the view of your colleagues in
30 relation to a proposed development and reporting that back to Mr. Dunlop?

- 1 A None at all, we may well not even have discussed whatever it was at the time.
- 2 I don't even know what the issue is. Why would I have any difficulty? I never
- 3 made any secret of telling him, as he says in his evidence, where we stood on
- 4 any given development, it was no secret.
- 5 Q 83 So that insofar as this entry is concerned, you would accept that it's accurate
- 6 and you would accept it's likely that it happened and you would accept that it
- 7 probably related to some Development Plan matter and that you were going to
- 8 discuss something to do with the Development Plan with your councillors and
- 9 then you were going to speak to Mr. Dunlop?
- 10 A I'd say it was likely that I was, I don't know what I was nor do I know about
- 11 the accuracy of this but it seems to me that the phone call happened and that's
- 12 the version of it taken on the other end of the line. I have no difficulty
- 13 with that.
- 14 Q 84 You say you doubt the accuracy?
- 15 A I didn't doubt the accuracy.
- 16 Q 85 Are you disputing the accuracy?
- 17 A No.
- 18 Q 86 Do you accept therefore it's an accurate record?
- 19 A Well I don't know what transferred, I am not questioning the accuracy but I
- 20 don't know what transferred in the phone call between my secretary and whom so
- 21 ever she spoke to at the other end of the line. How can I confirm the accuracy
- 22 of it? I am not questioning the accuracy of it, but I cannot confirm the
- 23 accuracy of it? I don't know what they said to each other.
- 24 Q 87 Certainly what's recorded there, records you leaving a message, a message being
- 25 left on your behalf, that you weren't available but that you will be talking to
- 26 councillors over the weekend and you will get back to Mr. Dunlop?
- 27 A That's right.
- 28 Q 88 And it's likely that the matters you were going to talk to your colleagues
- 29 about related to the Development Plan?
- 30 A I would say in this respect yes, there may be a lot of other matters as well

1 but I would say in this respect, that he would hardly be ringing me about other
2 party business.

3 Q 89 Do you think that it's likely that one of the matters that you might have
4 discussed with your colleagues over that weekend was the rezoning of the
5 Ballycullen farm lands?

6 A It's possible. I don't know. It's possible. All I know is that I didn't meet
7 him about it, I can't put my hand on my heart and say that he never telephoned
8 me about it. I can't recall the origin of the Brooks brothers contact. I
9 don't know whether he was the author of it or as I recall, it may be the time
10 they came to Leinster House to see my colleague deputy Eamonn Gilmore. They
11 are both from the part of the country Ms. Dillon, called Ballinasloe. And
12 Eamonn Gilmore introduced me to them. That may have been the contact. Or the
13 contact may have been made by, it may have been set up by Frank Dunlop. I have
14 no recollection of it.

15 Q 90 Following that entry of the 14th May 1992, Mr. Dunlop has an entry in his diary
16 for the 11th August 1992, 1713 please. At the top of the 11th, there is an
17 entry that says ring PR and beneath that also TH, Mr. Dunlop has told the
18 Tribunal that the PR is Pat Rabbitte and beneath that also TH is Tom Hand and
19 he would have contacted, he would have contacted you in relation to the
20 upcoming Ballycullen matter, that's what Mr. Dunlop says, do you agree with
21 that, Mr. Rabbitte?

22 A Do I agree now Ms. Dillon, with what?

23 Q 91 That Mr. Dunlop says that the PR that's in his diary refers to you, Pat
24 Rabbitte, that that is a note in his diary to ring PR which is ring Pat
25 Rabbitte. And that he would have rung you in relation to an upcoming issue
26 which was in his view obviously Ballycullen and I am putting to you --

27 A Well I am sceptical, Ms. Dillon. And let me tell you why I'm sceptical and I
28 don't know why I didn't pick this up before now. Mr. Dunlop must be telepathic
29 if he could ring me on the 11th August because there hasn't been an 11th August
30 for the last 15 years when I wouldn't be found in the vastness of west Kerry.

1 And there were no mobile phones or I certainly didn't have one in those days
2 and if I did, I wouldn't have it on. And I certainly wouldn't be talking to
3 Frank Dunlop. So I don't know who ring PR is. But unless he rang Paudie
4 O'Shea's pub, in west Kerry, he would find great difficulty in talking to me.
5 So he wouldn't have been able to contact your secretary or anybody else in your
6 constituency office, or anybody else in your political organisation?

7 A He may, I don't know.

8 Q 92 So it's your position on the 1 1st August 1992, you would have been in Kerry
9 and it's unlikely you would have believed Mr. Dunlop would have contacted you?

10 A That's my belief.

11 Q 93 The, on the 29th October 1992, the matter came up, the rezoning matter of the
12 Ballycullen lands came up for decision by the council, Mr. Rabbitte, you are
13 aware of that?

14 A I am indeed Ms. Dillon.

15 Q 94 Now Mr. Frank Brooks has told the Tribunal that he, that you came to see the
16 lands at Ballycullen. Do you agree with that?

17 A I do. I do. I remember putting on my Wellington boots and going around the
18 place with one or other, I can never distinguish between the Brooks brothers.
19 I went around the farm with him. That's true.

20 Q 95 And can you outline to the Tribunal the circumstances in which Mr. Brooks came
21 to you as best you can recollect?

22 A Well I recall a casual meeting in Leinster House, I can't put a date on it when
23 they came to see Eamonn Gilmore. I don't know whether there was another
24 contact or not. And I may well have committed because it's in my constituency,
25 I may well have committed then to going up to see it. Because the argument was
26 that the farm was unviable. That you couldn't continue to farm because of the
27 incursion of development and vandalism and various other matters that you know
28 about and I know a bit about farming, I went around the place with Frank Brooks
29 and I had a look at it, I listened to his arguments and so on and so forth.

30 Q 96 And on the 29th October 1992, I think you accept you were at the meeting and

1 that you voted in favour of the rezoning of these lands?

2 A That's right.

3 Q 97 The manager, I think you would accept from the documentation that you have been
4 furnished with, was not in favour of the rezoning of these lands?

5 A I do accept that.

6 Q 98 These lands are situate within your constituency, is that correct?

7 A They are.

8 Q 99 You previously provided a statement to the Tribunal, Mr. Rabbitte, and in fact
9 you may in fact have been referring to these lands at page 3494 please. And
10 again if we look at the third paragraph there and you are talking about the
11 rezonings, the paragraph that deals with Mr. Dunlop. Then you go on to say
12 "Generally if I was present I would have cast my vote after such contacts based
13 on the planners advice and/or the internal debate in my party. I can recall
14 only two major exceptions to that general rule and both were in my own
15 constituency. The first concerned the business park now known as Citywest
16 which won all party support on the base of arguments since borne out, my
17 contact was directly with the developer. The second was a housing development
18 at Kiltipper where again most members of the minority block ended up supporting
19 the rezoning based on various considers including the ceding 40 acres to the
20 council for the Dodder Linear Park?

21 A I think it should be 48 Ms. Dillon.

22 Yes, insofar as you are talking about the housing development at Kiltipper--
23 are you discussion the Ballycullen lands there?

24 A No, I am not, they're completely separate.

25 Q 100 In fairness to yourself you have told the Tribunal in that statement that there
26 were two pieces of land within your own constituency where you had gone against
27 the planners advice. I was concerned to give you the opportunity to deal with
28 the Ballycullen rezoning being another piece of land within your constituency
29 where you didn't go with the planners advice.

30 A I appreciate that Ms. Dillon.

1 Q 101 Yes. So if we go back then to the actual vote Mr. Rabbitte, at 161 please. Do
2 you accept that in addition to the other two pieces of land that were outlined
3 there, that this is another piece of land which the planners advice that the
4 rezoning not take place but that you voted in favour of the rezoning?

5 A I do.

6 Q 102 Now, can you identify for the Tribunal if we could increase the bottom piece of
7 that page please, the members of Democratic Left who voted in favour of that
8 rezoning.

9 A Myself, Councillor Tipping, Councillor Billane.

10 Q 103 And I think on the following page at 162, did any member of Democratic Left
11 vote against the rezoning?

12 A No. And I think you are referring back to that extraordinary three or four
13 pages of PD James theorizing about difficulties within Democratic Left.

14 Q 104 I am not actually, Mr. Rabbitte, I am referring to the vote.

15 A And a whole lot of blather about Councillor Tipping being the councillor for
16 the area and how he was opposed to it and all the rest. I was the councillor
17 for the area. There was no dispute within Democratic Left and as the chairman
18 brought Mr. Dunlop eventually to acknowledge, we all voted the same way.

19 Q 105 Yes.

20 A There was no dispute.

21 Q 106 And would that be normal with Democratic Left that they would all vote the same
22 way?

23 A There was nothing normal with Democratic Left, Ms. Dillon, but we did discuss
24 these issues as best we could, especially when it concerned your own patch.

25 Q 107 And when it came --

26 A And it would usually be the case that we were of like mind, it wasn't always
27 the case. But it would usually be the case we were of like mind.

28 Q 108 And when it came to the confirming meeting in October 1993, the following year,
29 I think almost a year later, I don't think that you were present at the vote,
30 Mr. Rabbitte, is that correct?

1 A That's right.

2 Q 109 But I think Mr. Billane and Mr. Tipping were present?

3 A They were.

4 Q 110 Yes. And they voted against confirming the rezoning, is that right?

5 A They did.

6 Q 111 Do you have any idea why that happened?

7 A I do.

8 Q 112 Can you outline to the Tribunal the reasons why you believe councillors Billane
9 an Tipping voted against the confirming motion on the 28th October 1993?

10 A Yes. In 1993, after the first vote, a series of articles appeared in the Irish
11 Times about, I think it was 20 rezonings altogether and it went on for a week.
12 I was chairman at the time. And there was an incident at the council, given
13 the minuting of only decisions, I don't know whether this is minuted or not but
14 several colleagues will recall it, where Professor Richard Conroy, who was then
15 a Senator I think, demanded that as chairman, I deplore at least the reference,
16 in the articles to a particular councillor who is deceased and who was named in
17 the articles.

18
19 There was quite a deal of commotion about it and as chairman, I very vividly
20 recall rising to reassert control and comment that as far as I was concerned,
21 provided the journalists who happened to be two reputable journalists could
22 stand over it, they were perfectly entitled to write anything they could stand
23 over but that I regretted the fact that the only person named was a deceased
24 councillor.

25
26 Subsequent to that, I had discussions with Frank McDonald. Some of them --
27 briefing about various matters in the Development Plan, some of them to do with
28 articles that he wrote, one of which the Tribunal has sent me on when I became
29 Chairman, I invited by letter 700 residents associations in the county to make
30 their views known to the council about the various rezonings, explaining how

1 they would do that, explaining the procedure, explaining what they might expect
2 from it and so on and so forth.

3
4 In the course of those discussions, Frank McDonald, in temperate tones, made
5 known to me his displeasure that I had criticised the naming of a particular
6 councillor who was dead and said, did I not understand that you couldn't name
7 living councillors because of the laws of defamation and so on. And we got to
8 discuss it and we got to discuss the various rezonings and I asked him about
9 Ballycullen, which I pointed out to him I had voted for. I thought it was
10 kosher. That he, out of the 20 rezonings, he gave it three factual sentences
11 over five days and there was no imputation of dishonesty or anything else. And
12 he said to me that he didn't agree with me. He said to me that he had nothing
13 tangible but that he thought it was iffy and he thought it was wrong. I
14 subsequently tested that position against the planners who were advising me.
15 Nor would they confer approval on it. And we discussed it as a party and we
16 decided that if there was a motion to rescind, that because of our concerns
17 arising from those incidents, that we would vote against it and that's what we
18 did.

19 Q 113 And that's your explanation for the change in position, is that correct?

20 A Absolutely.

21 Q 114 Right. Did you mention Mr. Dunlop at all to Mr. McDonald when you were having
22 this conversation?

23 A He was inevitably mentioned. It's not a conversation, I had a number of
24 conversations with him around that time. I was chairman of the council. For
25 example, I presume I had discussions with him for example about the Garda
26 inquiry. I was dealing with the Chief Superintendent who was dealing with the
27 Garda inquiry.

28 Q 115 Yes, in what context did you mention Mr. Dunlop to Mr. McDonald in your
29 conversations?

30 A I am not sure that I would have invoked it, I think it's more probable that Mr.

1 McDonald may have invoked it with me. I don't remember the actual detail or
2 anything like that.

3 Q 116 In what context could Mr. Dunlop have come up in any discussion passing between
4 you?

5 A I didn't say that Mr. Dunlop came up. I was answering your question about why
6 we voted to rescind.

7 Q 117 No, the question I asked you I am quoting from the transcript, "Did you mention
8 Mr. Dunlop at all to Mr. McDonald when you were having this conversation", your
9 answer, Mr. Rabbitte was "He was inevitably mentioned", do you want to change
10 your evidence?

11 A I don't, I don't think it was possible to talk to any journalist and certainly
12 not one as knowledgeable as Frank McDonald at that time without Frank Dunlop
13 getting a mention.

14 Q 118 In what capacity was Mr. Dunlop mentioned in your conversation with Mr.
15 McDonald?

16 A As a lobbyist.

17 Q 119 In Dublin County Council?

18 A In Dublin County Council.

19 Q 120 For developers?

20 A For developers.

21 Q 121 You received a letter on the 2nd November 1992 at page 1911 from
22 Mr. Christopher Jones.

23 A Em --

24 Q 122 Sorry let me rephrase that.

25 A Just before you do that Ms. Dillon --

26 Q 123 Sorry, Mr. Rabbitte, I will just rephrase the question.

27

28 CHAIRMAN: Just, Mr. Rabbitte has a query.

29 A Thank you chairman. Just before that, Ms. Dillon, you commented on and I have
30 heard a lot of pretty vengeful comment on radio by Mr. Paul Cullen in

1 particular about my absence on the rescinding motion and I should make plain to
2 you that that particular day of the 28th October 1993 was the biggest day in
3 the parliamentary calendar, there was a motion of no confidence in the
4 Government. I was under the whip in the Dail. I contributed to the motion of
5 no confidence, I contributed to the order of business. I took question time.
6 I was the spokesman from 2.30 to 3.45. And I manned the benches until the vote
7 at 5.30, that's why I didn't vote and I hope Mr. Cullen gives that as much
8 prominence as he does other things.

9 Q 124 What Mr. Cullen does is a matter for himself. If we could concentrate now on
10 the letter that's on screen and I inelegantly, if I can put it like that, put
11 the question to you. Do you accept first of all insofar as this letter is
12 concerned, which I should inform you was provided to the Tribunal by
13 Mr. Christopher Jones is a genuine letter.

14 A It certainly looks likes that way, Ms. Dillon.

15 Q 125 Do you have any recollection of receiving it?

16 A I don't.

17 Q 126 Do you accept that it is likely that you did receive it?

18 A I'd say it is, yes.

19 Q 127 Now in the letter --

20 A I'd say it's likely as well that Frank Dunlop wrote it for Chris Jones who sent
21 it me. I never Chris Jones in my life.

22 Q 128 Mr. Dunlop said he would have recommended Mr. Jones to write to you a letter
23 thanking you for your support?

24 A That's what I would have thought.

25 Q 129 Right. The letter "Thank you for support for our proposal last Thursday". It
26 says "I can assure you that our development plans will be a major benefit to
27 the area" it says again "Many thanks, I greatly appreciate your support." You
28 see that letter?

29 A I do.

30 Q 130 And you will recollect, you will have seen the newspaper coverage of the fact

1 that letters pass between Mr. Hussey I think and Miss Harney who gave evidence
2 yesterday?

3 A Yes, I think I have seen that.

4 Q 131 And therefore obviously the Tribunal would want to enquire into the
5 circumstances in which you came to receive this letter and you say that you had
6 no contact with Mr. Christopher Jones?

7 A None at all.

8 Q 132 But you did have contact with Mr. Oliver Brooks?

9 A I did indeed.

10 Q 133 Or one of --Is that correct?

11 A Don't commit me now to one other of the Brooks, I can't distinguish but I think
12 Frank was the main player.

13 Q 134 I think a general election was called on the 5th November 1992 and polling day
14 was the 25th November 1992, would you agree with that?

15 A I think that's right.

16 Q 135 At page 1933 on the 10th November 1992, Mr. Dunlop's telephone records record
17 that a Mr. Pat Rabbitte at 10.25 rang Mr. Dunlop's office, would you accept
18 it's likely that that is an accurate record of a telephone call that you would
19 have made on that day to Mr. Dunlop's office?

20 A Well I can't think of any reason why he would fabricate it, it looks, I don't
21 know how he was on phone at the same time as Bernie Cahill, but I think that's
22 a minor point.

23 Q 136 Were you aware on the same day, the 10th November 1992 and I think evidence was
24 given over 140 questions with Mr. Dunlop in relation to the financial
25 transactions that took place with his accounts in November 191992 that led to
26 him making certain disbursements in November 1992? Page 2651 please. This is
27 a withdrawal docket, Mr. Rabbitte, I don't know whether you are familiar with
28 this document?

29 A No, I am not. I think no matter which way you turn it, Ms. Dillon, it's likely
30 to not make much sense to me.

1 Q 137 I will explain it, Mr. Rabbitte. Can we get a hard copy of the document please
2 for Mr. Rabbitte. If you could increase the bottom entry. This is a
3 withdrawal docket from Mr. Dunlop's Rathfarnham account, Mr. Rabbitte and it's
4 dated 10th November 1992, which is the same date you made, you accept the
5 telephone call was made to Mr. Dunlop's office and Mr. Dunlop withdraws 55,000
6 pounds in cash from his bank account on the 10th November 1992?

7 A Mmm.

8 Q 138 And Mr. Dunlop has told the Tribunal that he used those funds to make certain
9 disbursement to councillors in connection with the Development Plan. Some but
10 not all, sorry he didn't use all of that money to pay councillors but he used a
11 certain, significant proportion of it?

12 A I don't know anything about Mr. Dunlop's affairs Ms. Dillon, I accept whatever
13 you just said.

14 Q 139 Yes but you see Mr. Rabbitte you criticised I think in your correspondence the
15 Tribunal for failing to establish the fund from which Mr. Dunlop paid made the
16 payment to you which I am coming on to deal with, is that right?

17 A I certainly wrote to the Tribunal, Ms. Dillon. Yes.

18 Q 140 Would you like me to refresh your memory in relation to that particular
19 criticism, Mr. Rabbitte, in which you said the Tribunal had failed to establish
20 or identify the fund out of which the payments were made, do you remember that?

21 A I do yes, I do because the point is that in the list published, neither from
22 the monies disbursed by Mr. Chris Jones or the nine councillors named by
23 Mr. Dunlop, I didn't feature in either of them.

24 Q 141 In fact, I think in fairness to yourself, Mr. Rabbitte, you did feature in one
25 list of Mr. Dunlop's which I will draw to your attention in a moment but
26 leaving that aside, your complaint --

27 A Hold on a second, Ms. Dillon, the list as I read it anyway, had a large number
28 of disbursements in a computer printout from Mr. Chris Jones and there were
29 nine councillors named in connection, allegedly, with Ballycullen by Mr. Dunlop
30 and I was on neither list.

1 Q 142 No, your complaint which is what we are discussing at the moment, Mr. Rabbitte,
2 related to the failure of the Tribunal to establish the fund or funds from
3 which the payment that was made to you by Mr. Dunlop emanated and I am drawing
4 to your attention the 140 questions that were put to Mr. Dunlop in relation to
5 the utilisation of the withdrawal of this fund, the 55,000 pounds which is
6 contained in the transcript of the public evidence. I don't know whether you
7 got an opportunity to consider that evidence, Mr. Rabbitte?

8 A I don't recall it, Ms. Dillon.

9 Q 143 I see. Well in any event, the Tribunal dealt in some detail with Mr. Dunlop in
10 relation to this withdrawing of 55,000 pounds in cash from his bank account on
11 the 10th November 1992 and I think in the course of that evidence Mr. Dunlop
12 outlined that he had made certain disbursements from that fund in cash to
13 certain councillors and some of whom are involved in the current module and
14 that the balance had been, some of the balance had been disbursed to other
15 councillors. You are not familiar with that?

16 A I am not familiar with that.

17 Q 144 I see. You didn't read the transcript, did you, Mr. Rabbitte, before you sent
18 the letter to the Tribunal?

19 A I did. I did.

20 Q 145 Yes?

21 A But that didn't make any impact on me.

22 Q 146 I see. If you were for your own benefit, Mr. Rabbitte, if you were to look at
23 day 609, questions 874 through to 982 you would see that the subject matter of
24 the examination of Mr. Dunlop on that date dealt with this withdrawal and the
25 transactions that related to --

26 A I accept what you say, Ms. Dillon.

27 Q 147 Now, Mr. Dunlop has told the Tribunal that when he made payments in cash, that
28 in the normal course of events, those payments were corrupt payments but he
29 says that insofar as he made a payment to you, Mr. Rabbitte, he says and has
30 always said that it was not a corrupt payment. Do you agree with Mr. Dunlop in

1 that?

2 A I do.

3 Q 148 Right. Now, Mr. Dunlop's diary, 1929 please for the 11th November 1992,
4 records an entry at 10 o'clock, it says PR at home. And Mr. Dunlop has
5 identified to the Tribunal that PR as being you. And in summary, Mr. Dunlop
6 has told the Tribunal that he went to your house by arrangement with you and he
7 paid you a sum of 3,000 pounds in cash on the 11th November 1992. Do you agree
8 with Mr. Dunlop first of all that on the 11th November 1992, he came to your
9 house?

10 A I don't, Ms. Dillon. I am very very sceptical, he came to my house. That's
11 absolutely true. But I don't believe it was on the 11th November and the
12 reason I don't believe that was the content of our discussion which he puts at
13 different places in his evidence, in his private interview with the Tribunal,
14 he said it lasted between a half an hour and 45 minutes and I think he
15 moderated that to a half an hour or something, in his latest incarnation
16 Now, he is right. It certainly was about a half an hour's duration and it
17 could have been more. Because we had an animated discussion about the progress
18 of the election. And he was immensely well informed. He explained to me how
19 he had come to be recruited against his wishes to Mount Street for Fianna Fail,
20 how he had tried to avoid it, how the poll data and information or research
21 they had bore out the public polls except it was worse He told me that they
22 would lose a dozen seats, that Labour would likely gain as many. He told me
23 the election was all over. I argued that things could change. He said no,
24 there will be no change, it's all over. And we had an animated discussion and
25 he was immensely well briefed and of course it turned out he was uncannily
26 accurate as well in terms of the outcome and I am very puzzled as to how that
27 could have transpired as early as the 11th November, a few days after the
28 election was called.

29 Q 149 You are --

30 A I don't think that's possible.

1 Q 150 All right. Were you ever of the opinion that Mr. Dunlop had come to your house
2 on or before the 11th or in or around the 11th November 1992?

3 A I don't know if I ever focused on that point until you require me to assist the
4 Tribunal. But once I have had to focus on it, I can't see how -- I mean I
5 recall, recall very vividly that discussion.

6 Q 151 If we just stay at the moment, we will try and establish the date if we can of
7 the meeting.

8 A Whatever, Ms. Dillon, whatever.

9 Q 152 Right. At 2746 please, this is a letter that's sent to the Tribunal, Mr.
10 Rabbitte, on your behalf and you are being asked by Tribunal, where you put the
11 money that Mr. Dunlop gave you.

12 A Mmm.

13 Q 153 And what you tell the Tribunal in the second paragraph, through your
14 solicitors, the letter is entitled Pat Rabbitte, Quarryvale, Frank Dunlop,
15 payment and it says in the second paragraph, "As far as we have been able to
16 ascertain the relevant lodgment is the 12th November 1992 in the amount of
17 1,630 pounds." Do you see that?

18 A I do.

19 Q 154 What you are telling the Tribunal there is that where you put Mr. Dunlop's
20 2,000 pounds in cash was into the Democratic Left bank account in the sum of
21 1,630 pounds on the 12th November 1992. Isn't that right?

22 A I recall that, Ms. Dillon, and I recall the subsequent letter to you pointing
23 out that that was mistaken on my part and I also remember the background to
24 that. I had got a letter from the Tribunal after it had established that I had
25 returned the cheque and it had the cheque in its possession and it wanted to
26 know what did I do with the funds. I was in some disbelief since I had
27 returned the cheque and you had the cheque, what you wanted to know what I was
28 doing with the funds. And my solicitor was harassing me to meet the deadline
29 of replying. And I looked at the accounts for the month and I told him and in
30 fact there's written evidence of this that it probably was that. As soon as

1 the weekend came or the first opportunity I got to go through the accounts I
2 found out that that couldn't be true because that 1630 Irish pounds was
3 transferred out of a Democratic Left savings account. And I put that right to
4 you within a week or whatever it was.

5 Q 155 Let's just take it sequence Mr. Rabbitte, so that there's no ambiguity about
6 it, the Tribunal wrote to you on the 8th March 2005, 2740, the Tribunal asked a
7 simple question. "Into which account was the 2,000 pounds cash lodged and for
8 what purpose were the monies used?" Your solicitor replied, 2743 please, "Our
9 client advises us that the monies were lodged to bank account number 35579956
10 in the Bank of Ireland and the name of the account is Democratic Left SW. Item
11 B of your letter which is how were the monies used does not arise since the
12 monies were returned by cheque. Now do you accept first of you that's the
13 letter that was sent to the Tribunal

14 A I do.

15 Q 156 Do you now accept that's incorrect?

16 A It is and I told you that in writing.

17 Q 157 Well we'll deal with it in sequence.

18 A I know but I, let's just -- I've waited six years to get in here.

19
20 CHAIRMAN: We are going to deal, Ms. Dillon I assume is going to go through
21 the correspondence with you which would bring you to your final position in
22 relation to it.

23 A All right, Mr. Chairman. Thank you.

24
25 MS. DILLON: So as of the 13th April 2000, the first information you had
26 provided to the Tribunal, was that the money had been lodged to the account of
27 Democratic Left, isn't that right?

28 A And that was supposition on my part. That's what I presumed had happened, I
29 had no opportunity at that stage, it wasn't public, to discuss it with my
30 colleagues who were involved or anything else.

- 1 Q 158 Right.
- 2 A And I told that to my solicitor, because that was my best supposition at the
3 time to get him and you off my back because I had some considerable disbelief
4 about having established to you that I had returned the donation and that you
5 had the cheque, what you still wanted to know what did I do with it.
- 6 Q 159 Yes. Now at 2744, the Tribunal when it first got its reply wrote to you and
7 sent you a copy of the bank statement, at which it was a more legible copy?
- 8 A I think I asked for that, didn't I.
- 9 Q 160 You did.
- 10 A Because I couldn't read, that's a very good point. Thank you Ms. Dillon
11 because I couldn't read what you had sent me which is part of the reason that I
12 made the error.
- 13 Q 161 Of course.
- 14 A Well it's important though.
- 15 Q 162 Yes. Yes it is very important, Mr. Rabbitte. You say in the letter, sorry the
16 Tribunal says in the letter there does not appear to be a lodgment of 2,000
17 pounds into the account and you are provided now with a clearer copy of the
18 bank statement.
- 19 A That's right.
- 20 Q 163 Bank statement at 2745 please.
- 21 A Sorry Ms. Dillon, did you ask me something.
- 22 Q 164 I am showing you the bank statement now shows a lodgment on the 12th November
23 of 1,630 pounds to the account of Democratic Left?
- 24 A Yes.
- 25 Q 165 Following receipt of the clearer bank statement, you then write through your
26 solicitors, 2746 please, and you say "As far as we have been able to ascertain
27 the relevant lodgment is the 12th November 1992 in the amount of 1,630 Irish
28 pounds". Is that right?
- 29 A Yes.
- 30 Q 166 You have now been given the clearer cheques, you see the lodgment is 1,630

1 pounds and you confirm to the Tribunal that the lodgment of 1,630 pounds on the
2 12th November are the monies that Mr. Dunlop gave you, isn't that right?

3 A Yes, that was to the best of my ability at the time.

4 Q 167 And doesn't it follow, Mr. Rabbitte, from that time that correspondence took
5 place, in May and April of 2005, that you believed that you had met Mr. Dunlop,
6 on or before the 12th November 2005. I beg your pardon, 12th November 1992.

7 A I presumably was operating on what the lodgments into the account were made
8 because I presume I had lodged it to the Democratic Left account.

9 Q 168 Do you understand the question?

10 A I do.

11 Q 169 Doesn't it follow from the sequence of correspondence that the belief you had
12 in April and May of 2005 was that you had met Mr. Dunlop and received the money
13 from Mr. Dunlop, on or before the 12th November 1992?

14 A Like I said to you at the outset, Ms. Dillon, I never focused on any
15 significance of the date because I didn't know what the date was, until I was
16 required to appear here. And when I had to focus on that, it became quite
17 clear to me and I submitted to you in evidence, for example, an excerpt from
18 the book by Sean Duignan, *One Go On The merry Go Round*, where he makes it plain
19 that Mr. Dunlop wasn't recruited until after the 11th November. So the
20 discussion, it seems to me, that I had with Mr. Dunlop about the internal
21 workings of Fianna Fail after his recruitment couldn't have happened on the
22 11th November and that's why, when I had to examine what I remember of the
23 conversation against what's in Sean Duignan's book, for example, it simply
24 doesn't tally.

25 Q 170 If we could look at the letter on screen and concentrate on dealing with the
26 issue that arises there, is it the position in April and May of 2005, you were
27 of the opinion that your meeting with Mr. Dunlop had to have taken place on or
28 before the 12th November 1992?

29 A I was replying, Ms. Dillon, to a query about the use of the funds and looking
30 at the bank statement you sent me, I presume, I didn't know the 1630 was

1 transferred from another Democratic Left account. I presume that that was the
2 figure closest to it. I really didn't give it all that much attention, let me
3 tell you, and by that, I don't mean any disrespect to the Tribunal.

4 Q 171 But you understand the question I am asking you?

5 A I do.

6 Q 172 This is the third time now Mr. Rabbitte, so if you could just try and address
7 the question you're being asked, which is this, when this correspondence took
8 place from your solicitor to the Tribunal on your behalf, was it your belief at
9 that time that your meeting with Mr. Dunlop had to have taken place on or
10 before the 12th November 1992?

11 A It couldn't mean otherwise from what's on the screen, Ms. Dillon. But I am
12 telling you that I never focused on what the date was or attached any
13 significance to it and only did so when I was required to reconcile what
14 transpired in the discussion between Mr. Dunlop and I, on whatever date he
15 arrived and with the information that he didn't join Fianna Fail until after
16 the 11th.

17 Q 173 Your solicitor then goes on to give an explanation in the balance of that
18 letter for the discrepancy between the 2,000 pounds that you say Mr. Dunlop
19 gave you and the 1,630 pound lodgment to Democratic Left and your solicitor
20 states on your behalf, "As far as we have been able to ascertain, the
21 discrepancy in the amount is either by reconciliation by the bank at that date
22 whereby minor sums were withheld or not lodged in order to discharge typical
23 cash requirements that arise from such a campaign, for example election workers
24 who were require to be refunded for petrol, food, poster-ties etc. Our client
25 could have accessed the cash for small amounts for reasons of convenience to
26 avoid having to go to the bank during the campaign."

27 A Yes.

28 Q 174 And that was your position that the discrepancy of 370 pounds as it were
29 between the 1630 that's lodged to Democratic Left and the 2,000 pounds that
30 Mr. Dunlop gave you, that that discrepancy is accounted by minor disbursements

1 attributable to the election campaign?

2 A Without any assistance from my colleagues who were involved in the transaction,
3 Ms. Dillon, I was attempting to make the best effort I could to explain the
4 question you asked me and that was my best effort at explaining it until I got
5 an opportunity to sit down and talk to my colleagues after these hearings went
6 public.

7 Q 175 Yes, and I think subsequently in May 2005, you had been sent some other bank
8 statements by the Tribunal, is that right, you were sent I think documentation
9 that caused you to write a letter on the 25th May 2005 at 2751. In this
10 letter, your solicitor says that you "Had contacted him to say that you had
11 unearthed some documentary evidence to show that the 1,630 pound lodgment on
12 the 12th November 1992 to the Democratic Left account was a transfer from
13 another Democratic Left account?"

14 A That's right.

15 Q 176 Now the Tribunal wrote to you and asked you to outline the documentary evidence
16 with which you had been provided, isn't that right?

17 A That's right.

18 Q 177 At 3508 please. And you advised in response to that query that the documentary
19 evidence came to you from the Tribunal in a form of a bank statement which was
20 provided to you by the Tribunal and from which you were able to establish that
21 the 1,630 pounds that you had thought had been attributable to Mr. Dunlop was
22 in fact a transfer from another Democratic Left bank account?

23 A That's right.

24 Q 178 So that your position in relation to the, to the utilisation of the funds that
25 you got was that your initial belief was that the funds had been lodged to the
26 credit of Democratic Left, is that correct?

27 A Yes, that's right. Never even crossed my mind, what crossed my mind was that
28 when I got the donation, it was sent back. The question of where it went or
29 what it, what happened in the intervening period never even crossed my mind,
30 the decision was made almost immediately to return it and I had something else

1 on my mind at the time rather than tracking what happened it after that. The
2 fact of the matter is, it was spent for the purposes of the campaign and
3 returned in full by party cheque.

4 Q 179 Yes. Your position as of the 22nd February 2006 at 3505 please, at the bottom
5 of the last paragraph, 3, you state "In the knowledge that we had already
6 decided not to accept the donation and that it would be returned by
7 constituency party cheque, we had no difficulty in using the cash in the
8 intervening period to meet election expenses."

9 A Yes, I think if you look up higher, Ms. Dillon, you will see that that arises
10 from a discussion with my colleagues who were involved in the decision at the
11 time. We had resolved to return the donation and did so at the first
12 opportunity and we returned it out of party accounts and therefore used the
13 cash which saved us five or six trips to the bank during the course of the
14 general election.

15 Q 180 Well now let's consider that for a minute, Mr. Rabbitte.

16
17 CHAIRMAN: Sorry, just we might take a break for Mr. Rabbitte a break for 10
18 or 15 minutes.

19
20 MS. DILLON: Certainly, sir.

21
22 **THE TRIBUNAL THEN ADJOURNED FOR A SHORT BREAK**

23 **AND RESUMED AS FOLLOWS:**

24
25 CHAIRMAN: Now, Ms. Dillon.

26
27 MS. DILLON: Good afternoon, Mr. Rabbitte, just before the break we had been
28 looking at the statement at 3505 please. And I want to draw to your attention
29 the very last sentence on that page "In the knowledge that we had already
30 decided not to accept the donation and it would be returned by constituency

1 party cheque, we had no difficulty in using the cash in the intervening period
2 to meet election expenses," is the Tribunal to understand from that statement
3 that the money that was paid by Mr. Dunlop to you was used by Democratic Left
4 in the run up to the general election of the 25th November 1992?

5 A That's right.

6 Q 181 Now --

7 A Once we had decided to return the money in full, that was the only issue that
8 we were concerned about. After that, money is fungible I am still at a loss to
9 understand the significance of the query.

10 Q 182 Yes, but the starting position, Mr. Rabbitte, if I can call it that, in your
11 dealings with the Tribunal in relation to this particular payment by Mr. Dunlop
12 had been that the money had been lodged to the credit of Democratic Left.

13 A Yes, but you are not putting my statement here into context Ms. Dillon. If you
14 look at the full statement. This information I have put together for you as a
15 supplemental statement based on the discussions with my colleagues who were
16 involved, since this Tribunal went public on this issue. This was being
17 inquired into in the context of another development as you well know. The
18 first I heard about Ballycullen was on the 19th or the 23rd or 26th January of
19 this year. And my colleagues as it says there said, "Since the Tribunal
20 commenced taking evidence in public, I have had the opportunity to examine the
21 papers sent to me and did discuss with colleagues the issue involved in the
22 transaction being inquired into." I was the candidate in a general election,
23 Ms. Dillon, this was the least of my concerns. The bigger concern for me was
24 that -- the big concern for me was, that we resolved to return the donation
25 and when I decided to do and when we decided to endorse that, there was no
26 Tribunal of Inquiry. That was in 1992. We sent it back.

27 Q 183 On the 17th December 1992, you returned a cheque for 2,000 pounds, Mr.
28 Rabbitte, isn't that correct?

29 A That's correct.

30 Q 184 Now, what I want to ask you to concentrate on, if we can and if we can just

1 address this apparent inconsistency, that your initial position with the
2 Tribunal in relation to what you did with Mr. Dunlop's money was that it had
3 been lodged to the account of Democratic Left, isn't that correct?

4 A No, it wasn't my initial position. That was the supposition I made on the
5 basis of a query as to what happened the money. I did not have any
6 recollection of what happened the money. My recollection was of the decision
7 we made to return it. When I had the opportunity to get the files from you,
8 some of which I have read, and an opportunity to discuss with my colleagues, I
9 made that supplemental statement to you.

10 Q 185 Yes. But you have just said, is it your position that you don't actually
11 recollect what happened to the money?

12 A I don't, actually, no. I don't. I was concerned with knocking on 20,000 doors
13 in my constituency and fighting a general election campaign for a party that
14 was born some five months earlier. This was not my concern, Ms. Dillon.

15 Q 186 Is there any possibility Mr. Rabbitte you might have lodged a portion of these
16 funds either to your partners account or to your own personal bank account?

17 A Absolutely none.

18 Q 187 Can I show you and I will shortly be asking Ms. McDermott about it, a lodgment
19 to Ms. McDermott's bank account on the 11th November 1992, at page 178 please.
20 Sorry I beg your pardon, I will get the correct page. I'll just, get you the
21 bank statement. I think it's about page 3462 possibly. That's it 3462. I
22 want to draw to your attention there Mr Rabbitte and give you an opportunity to
23 deal with it if you wish to, a lodgment in the sum of 1060, which is made on
24 the 11th of November 1992, C/L 2, Ms. McDermott's bank account. Can you
25 confirm first of all that Ms. McDermott is your partner?

26 A She is indeed.

27 Q 188 And Ms. McDermott is herself going to give evidence, I want to draw to your
28 attention also a document to which you have been circulated which has been
29 provided to the Tribunal by the bank, by Allied Irish Bank at 2737 to explain
30 what is meant by C/L on that account, the bank provided information 2737 and if

1 we could increase the second paragraph, the lodgment of 1060 pounds on the 11th
2 November 1992 was a bank link card swipe lodgment cash only, at the counter in
3 Clondalkin branch and there are no lodgment dockets associated with this type
4 of transaction, do you see that Mr. Rabbitte?

5 A I do, yes.

6 Q 189 That means as I understand it, if we can go back then to the previous page,3462
7 I think it is, that means that the lodgment on the 11th November 1992 in the
8 sum of 1,060 was a lodgment comprised entirely of cash and was made in person
9 in Clondalkin, you understand that?

10 A Well, Ms. Dillon, can I just say to you --

11 Q 190 I will ask you first of all --

12 A My wife's accounts and affairs are an entirely separate -- I have no knowledge
13 of her transactions, good bad or indifferent. I see 1,2, 3, 4, 5, 6
14 transactions there in front of me. She had her own practice as a
15 psychotherapist. I know nothing about her affairs. Good bad or indifferent
16 and --

17 Q 191 Can I ask you this --

18 A I don't understand the imputation.

19 Q 192 There's no imputation.

20

21 CHAIRMAN: Just, Mr. Rabbitte, what Ms. Dillon is in effect asking you is
22 that, is any portion of that, from the money given to you?

23 A No, sir. Absolutely not.

24

25 CHAIRMAN: And you are certain of that?

26 A I am absolutely certain of it, as a matter of interest, now that you ask me the
27 question, even if the date of the 11th was correct and I submit it was not and
28 by the way I have found the Sean Duignan reference where he says "Black Friday,
29 13th November dawned with more bad news. Tom Savage, sounding utterly drained,
30 rang me before 7 a.m. to say that he was hor de combat, Frank Dunlop was

1 hurriedly drafted in, but he was being presented with a practically
2 insurmountable task. The appointment was reported into the Irish Times on the
3 16th November 1992. Now that's the actual reference. But even if it was on
4 the 11th, I completely fail to understand the significance of the imputation
5 for this reason. As Mr. Dunlop says in his evidence, there was nobody in the
6 house when he called. And that much is true. There was nobody in the house.
7 I left the house after, immediately after he called and I didn't return until
8 that evening. Because I had a public meeting in St. Mark's community school or
9 St. Mark's primary school, I can't remember which, record of it is there, on
10 the night of the 11th. And I returned and changed my clothes and eat, that
11 evening. So I had no opportunity to talk to my wife until that night.

12
13 CHAIRMAN: But in any event, you say that no portion, this is our interest in
14 it obviously, no portion of that cash lodgment into your wife's account came
15 from any of the Frank Dunlop money?

16 A The officers of my Party and myself, Mr. Chairman, had to account to our
17 constituency council for this transaction after the election. First
18 opportunity when the smoke cleared. We had to account for it.

19
20 JUDGE KEYS: That particular transaction?

21
22 A No, no for all transactions. For all transactions. And I noticed that you
23 have evidence from a former colleague of mine that that's the procedure that we
24 followed, even though I haven't spoken to that woman for the best part of 10
25 years, apart from attending a funeral a year ago where she was bereaved, no
26 contact with her good bad or indifferent and she recorded the procedure, as
27 indeed does Mr. Dunlop in his evidence of the 8th May, on the 8th May which he
28 seems to be resiling from in the evidence that he gave last week. But in his
29 evidence of the 8th May, he very clearly states that he got a phone call from
30 me and I quote " I received a phone call from this individual" -- sorry the 8th

1 May 2000 I should say, six years ago -- "I got a phone call from this
2 individual who said he had discussed it as I supposed they are wont in that
3 particular, with officers of his party and they felt it was inappropriate and
4 that they returned it in the form of a cheque." That was the procedure that
5 applied. That's what I told him then and that's what he recounted in his
6 evidence of May 8th, 2000. Although he is now saying that it's illogical.

7
8 Q 193 MS. DILLON: With respect, sorry Mr. Rabbitte, what Mr. Dunlop said on day 148
9 at question 311, in the answer he said was within three weeks of the election
10 concluding, and the new Government being formed, I received a telephone call
11 from this should who said he had discussed it as I suppose they are want in
12 that particular with officers of the party and they felt it was inappropriate
13 and they returned it in the form of a cheque." What I want to draw to your
14 attention about the part of the extract I now quoted is Mr. Dunlop is saying
15 within three weeks of the election concluding, he had a telephone conversation
16 with you in which you said you had had a discussion with the party. He is not
17 saying that he had that conversation with you at the time that the money was
18 handed over. Do you understand the difference?

19 A I do of course, yes and I am not saying otherwise.

20 Q 194 Because in your letter of complaint to the Tribunal, you make the point that in
21 fact Mr. Dunlop, when he made this statement on day 148 was accepting that you
22 had had a discussion in your house at which it was discussed that you would
23 have to deal with the party before you could decide whether to accept --

24 A Oh yes, absolutely, that absolutely happened. When he knocked on my door, and
25 I vividly remember the surprise at seeing him and I brought him into my study
26 and he said that he wanted to make a small donation on behalf of a small number
27 of clients. I said well Frank, whether it's small or large, it has to go
28 through the procedure that we apply. That's absolutely correct.

29 Q 195 And --

30 A And I made that clear to him at the time.

1 Q 196 And Mr. Dunlop says in the extract from which you have just partially quoted
2 that that conversation took place according to Mr. Dunlop after the election
3 when you telephoned him to say you were returning the money and not at the time
4 that --

5 A I never implied, Ms. Dillon, that what I quoted to you took place at the time.
6 I am merely offering it as evidence of the procedure that we had in place and I
7 am further telling you that I told him that when he called to my house,
8 whatever the date was and I am saying that the fact that he has given it to you
9 in evidence on May 8th 2000, is evidence of the fact that I did, when I rang
10 him, tell him about the procedure and why we had decided to return it.

11 Q 197 And if I could show you one other bank account which is your own bank account,
12 Mr. Rabbitte, 3466 please. I want to draw to your attention here, Mr.
13 Rabbitte, a lodgment on the 11th November 1992 in the sum of 500 pounds which
14 is second from the bottom, do you see that lodgment?

15 A I don't --

16 Q 198 Do you see where the little arrow is moving on the screen, do you see
17 immediately above that?

18 A What's the date.

19 Q 199 11th November 1992.

20 A It could be the 11th November, yes, I don't know.

21 Q 200 I will hand you a hard copy so there's no ambiguity please, could we have a
22 copy please?

23 A No, no, no, I am quite happy to accept that, Ms. Dillon.

24 Q 201 I want to draw to your attention?

25 A What account.

26 Q 202 It's called a bridging term loan account, Mr. Rabbitte. And it's 18552354, I
27 think.

28 A Right.

29 Q 203 And I want to draw to your attention first of all that all of the lodgments
30 that precede the lodgment on the 11th November, on the 11th November 1992 and

1 if we start at the top, we will see that the first credit of 200 pounds comes
2 from another bank account, is that right? You look at the very first --

3 A I have no idea, I don't ever recall seeing this before, Ms. Dillon.

4 Q 204 Yes. Well if you look at the hard copy?

5 A What did you say it was, a bridging --

6 Q 205 If you see the document in front of you, it's a document that's been provided
7 as a bridging term loan account with the name of Patrick Rabbitte, with Bank of
8 Ireland?

9 A From 1992?

10 Q 206 1992 and what I want to draw to your attention, Mr. Rabbitte, is that the first
11 credit to that account is a transfer from another account on the 16th March, on
12 the 14th April and the 14th May, there are two similar transfers of 200.

13 A Right.

14 Q 207 On the 15th June, there are three transfers from another account, sorry one
15 transfer on the 15th June, one in July, one in August and then on the 14th
16 September, there's one 287 and on the 14th October there's one of 287 and they
17 are all transfers from another bank account, is that right?

18 A If you say so, Ms. Dillon. I have never seen this before.

19 Q 208 Right. It is I think your bank statement, Mr. Rabbitte.

20 A Mmm.

21 Q 209 And I want to draw to your attention that the lodgment on the 11th November
22 1992 is not a transfer from another bank account, do you see that, Mr.
23 Rabbitte?

24 A I do, yes.

25 Q 210 And it is described as lodgment, 500 pounds, do you see that?

26 A I do.

27 Q 211 Right. Now taking that and I do more than point out to you Mr. Rabbitte on the
28 11th November 1992 you lodged a similar sum of 500 pounds to that account and a
29 sum of 1,060 pounds was lodged to your partners sole bank account, do you
30 accept that?

1 A I do.

2 Q 212 I want to also in fairness to yourself draw to your attention another bank
3 account, which is at 3468 please, which is an extract from your current account
4 and it shows that on the 17th November, a cheque in the sum of 500 pounds is
5 debited to your account, do you see that?

6 A I do.

7 Q 213 Now, I suggest to you, Mr. Rabbitte and I do no more than that, suggest to you
8 that it's unlikely that the lodgment of the 11th November is attributable to
9 that that cheque, but do you accept that or do you think that it is possible
10 that the lodgment of 500 pounds to the bridging term loan account to be
11 attributable to that cheque, the 500 pounds that that's drawn on your current
12 account and debited on the 17th November?

13 A I can't see how it could be attributable to it, Ms. Dillon, if the cheque
14 wasn't debited until the 17th November.

15 Q 214 It is the closest related transaction and what I'm suggesting to you is that it
16 is, do you think that it is possible that the source of the 500 pounds that's
17 lodged on the 11th November 1992 might be that cheques that's debited on the
18 17th November 1992 from your current account?

19 A But the dates don't coincide, I don't see how it could, whether it's in ease of
20 me or not, I don't see how it could.

21 Q 215 Can I ask you, Mr. Rabbitte, when Mr. Dunlop came to your --

22 A No, no, now just a second now Ms. Dillon. I mean sure it's absolutely
23 preposterous, you could pick any date here and say what transaction happened on
24 that particular date. Any given date. There are several transactions there
25 and on the loan account that I have, I don't recall this loan account but
26 obviously I had one. For I don't know, is that 14,000 or 4,000? I don't know
27 the figure at the top.

28 Q 216 That is --

29 A But to take any other date, to take a coincidental date in that or this and
30 relate it to the transaction you are inquiring into seems to me to be

1 fantastic.

2 Q 217 As you wish, Mr. Rabbitte?

3 A Fantastic.

4 Q 218 Can I ask you when Mr. Dunlop called to your house, on whatever day Mr. Dunlop
5 called to your house, had he telephoned you to make an arrangement first?

6 A I don't believe he did, no, I don't believe he did. It's not possible. In
7 fairness to Mr. Dunlop. It's not possible at this remove to know who rang me
8 and who didn't ring me on a date in November in 1992. It's not possible. But
9 the reason that I tend to the view that he didn't, is my surprise at seeing him
10 when I opened the door to him. It's perfectly possible that he rang to arrange
11 to see was I there or whatever. If he did, I don't recall it. I do recall my
12 surprise when I saw who it was.

13 Q 219 The sequence of the telephone contact that's recorded in Mr. Dunlop's telephone
14 records followed by the diary entry in Mr. Dunlop's diary, you do not accept
15 that they would and on the balance of probabilities mean it is likely that
16 Mr. Dunlop called to see you on the 11th November 1992?

17 A I don't for the reasons I have told you and I also am sceptical about, you
18 know, this note in the corner, all in the same handwriting, all in the same
19 pen. He could afford to stay with me for 45 minutes, he said. And yet he had
20 to be at the other end of the county to meet another person named there at 11
21 o'clock. And he had to get from there to the Royal Marine hotel at half past
22 11. I am sceptical.

23 Q 220 Right. On the day that Mr. Dunlop called to you, he said to you according to
24 your statement that he wanted to make a donation on behalf of a number of
25 clients.

26 A On behalf of a small number of clients. That's what he said. I saw that in
27 his latter evidence. He latched on to that sentence when you put it to him.
28 But I had to put that in my statement because that's what he said.

29 Q 221 Who did you understand Mr. Dunlop to be referring to when he said he wanted to
30 a make a donation on behalf of a small number of clients?

- 1 A It was never pursued. He said that to me, I told him about the procedure that
2 we had in place. We started to discuss the general election. Its progress,
3 the likely outcome, and so on. I took a phone call. We resumed our
4 discussion. I took another phone call which proved more difficult to
5 terminate. He rose and either gestured, or said to me that he had to leave.
6 Put his hand into his pocket, took out an envelope and laid it down on my desk.
- 7 Q 222 And did you open the envelope when Mr. Dunlop was gone?
- 8 A I did.
- 9 Q 223 And did you count the money that was there?
- 10 A I did, or approximately anyway.
- 11 Q 224 Well did you?
- 12 A Yes, I did, yes I did.
- 13 Q 225 And did you satisfy yourself as to the sum that was there?
- 14 A I did.
- 15 Q 226 And how much was it?
- 16 A 2,000 pounds.
- 17 Q 227 And you dispute Mr. Dunlop's evidence that it was 3,000, you don't agree with
18 Mr. Dunlop?
- 19 A Well of course I don't agree with Mr. Dunlop. Mr. Dunlop doesn't agree with
20 Mr. Dunlop. I mean --
- 21 Q 228 What did you do with the money?
- 22 A Let's -- no, this is a very important point for me Ms. Dillon because I have no
23 difficulty at all with it being stated that I was offered a donation of 2,000
24 pounds and that I sent it back you I have very great difficulty with the
25 suggestion that I retained part of the donation. That's an entirely different
26 matter. And if I can refer you, it's out of the old book, for example, his own
27 handwritten note --
- 28
- 29 CHAIRMAN: Is there a page number?
- 30 A It's page number 377, Chairman.

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MS. DILLON: It's 2781 I think.

A That's correct, in the new book. I have this from Quarryvale. 2781.

CHAIRMAN: Is that it on screen?

A Yes, thank you, chairman. That's it. This is his own handwritten note. Where he says he gave me 3,000 in cash. And in brackets he has, "This was later returned in the form of a cheque." He doesn't say portion of this was later returned in the form of a cheque. Or he doesn't say part of it was later returned. He said "This was later returned in the form of a cheque." That's his own handwriting. That's his own decision. And also chairman, 2784, 2784 chairman is also Mr. Dunlop's handwriting that you asked him to record while in the witness-box. And it says "Name of person with whom I had a conversation on his initiative about a cash payment in 1992 which was subsequently returned." He doesn't say part of which was subsequently turned or portion of which was subsequently returned. And at no stage and correct me, Ms. Dillon, if I am wrong, at no stage in any of the papers that you have sent me is there any statement from Mr. Dunlop from which it could be reasonably inferred that anything less than the full amount of donation was returned. Now he started to quibble when he got into the witness-box laterally in the, last week, about this but at no stage does he ever make a statement and it's plain from a review of his private interview with the Tribunal in April or May of the year 2000, that he can't remember whether it was 2,000 or 3,000 but whatever it was, it was, it was returned in full. That's his position and there is that statement that you put to him Ms. Dillon if you could remind me where it is?

Q 229 This is, what he said in private interview was put to him?

A Yes.

Q 230 And you complained in your letter to the Tribunal that that in fact hadn't been done if I recollect properly, Mr. Rabbitte. The transcript extract that you are looking for, I will come to it in a moment, will you outline to the

1 Tribunal what you did with the 2,000 pounds after Mr. Dunlop had left.

2 A I think I have that reference, Ms. Dillon. Yes, I have it, Chairman. It's on
3 page number 878.

4 Q 231 These are the private interviews of Mr. Dunlop which weren't circumstance
5 circulated as part of the brief and were provided to Mr. Rabbitte under a veil
6 of confidentiality, under injunction from the High Court the documents were not
7 to be used for any purpose other than the cross-examination of Mr. Dunlop. I
8 think these were the documentation to which Mr. Rabbitte referred to in a press
9 release that he made subsequent to Mr. Dunlop's evidence in the Tribunal, if I
10 am given a few moments, if Mr. Rabbitte would proceed to answer the question
11 and we will get the documentation for him in a manner that will enable us to
12 put it up on screen.

13
14 Q 232 CHAIRMAN: You put it to him in evidence Ms. Dillon, so therefore is perfectly

15 --

16 A Ms. Dillon: Yes I quoted from it Mr. Rabbitte, but I wasn't in a position to
17 put it on screen.

18
19 CHAIRMAN: We just want to identify which we will do before we finish the
20 document you are referring to so that we can get a page number.

21 Q 233 MS DILLON: Thank you chairman. In the meantime Mr. Rabbitte if you would
22 outline to the Tribunal what you did with the money after Mr. Dunlop left?

23 A I left the house almost simultaneously with Mr. Dunlop, I stuck it in a drawer,
24 I talked to my director of elections that night about it. I told him about it.
25 He advises me that what I told him was, I have good news and I have bad news.
26 We got a significant donation today and the bad news is that it has to go back.

27 Q 234 What was physically done with the money?

28 A It was stuck in a drawer in my desk.

29 Q 235 Was it ever removed from the drawer?

30 A Stuck in a drawer in my desk incidentally, Ms. Dillon, which is not a table.

1 Same desk I have now. Transparently an old fashioned desk in a study where
2 thanks to a text from my wife when Mr. Dunlop was giving evidence about the
3 wall paper coming off, she reminded me that the study is shelved and painted
4 since 1981. And the desk was clear. I don't sit on a low armchair, nor does
5 anyone else at a desk. I sat on a hard backed chair at the desk. And these
6 embellishments and manufactured detail, in a number of his statements in latter
7 day evidence are not helpful.

8 Q 236 Did you understand the question, Mr. Rabbitte, which is what did you do with
9 the money?

10 A I told you I put it in a drawer.

11 Q 237 Did it stay in the drawer, Mr. Rabbitte, and if it did, for how long?

12 A I have no recall. The director of elections and myself discussed as I said
13 that night and we agreed that it had to go back. I don't know how long it
14 would have been there because the key people in my constituency affirm that
15 decision and once we affirmed that decision, the envelope would have been used
16 to defray expenses as they arose after we had decided that the party would
17 return it and that we would get the cheque to him as soon as the election was
18 over.

19 Q 238 Do you have any idea what the money was used for, Mr. Rabbitte?

20 A I don't. But my colleagues tell me that we used it for the normal expenses of
21 the campaign which very probably was things like advertising in the local
22 newspapers, petrol expenses, all of the expenses that one has during a campaign
23 rather than go down to the bank a number of times and draw out money each time,
24 Ms. Dillon.

25 Q 239 And that is your position now notwithstanding your earlier view that these
26 funds had in fact been lodged to the account of Democratic Left?

27 A I told you exactly. I told you exactly the context, Ms. Dillon, of my earlier
28 view. I got a letter from you, notwithstanding the fact that I had produced
29 evidence that the donation went back. Wanting to know what money was, what use
30 was the money put to? I had no idea and no interest as to what use the money

1 was put to. My interest was that it was returned, it was returned. And I am
2 fascinated by the interest in it since I am the only witness before this
3 Tribunal who returned the donation and it seems to be attracting more attention
4 than those that weren't returned.

5 Q 240 Now, Mr. Rabbitte, did you subsequently meet Mr. Frank Dunlop in some
6 department store, be it Switzers or Brown Thomas in Dublin?

7 A I did.

8 Q 241 Did you have a discussion with Mr. Dunlop about the Tribunal?

9 A Well, firstly, let me say, talking about the embellishments, I didn't appear
10 from behind a pillar. I don't know if there are pillars in Switzers or
11 whatever it was at the time. I bumped into Frank Dunlop in circumstances where
12 there were literally hundreds of people. I had no knowledge at the time of the
13 gravity of the situation that he was in. It was in the newspapers prior to
14 that accidental encounter that he was going to be summoned to the Tribunal and
15 I engaged in some banter with him. I would say it lasted about two minutes.

16 Q 242 Did --

17 A And in the course of it, the only thing I can recall about the banter was him
18 getting serious and telling me it was far more serious than that and did I know
19 he had already expended 121,000 in preparing for the Tribunal.

20 Q 243 Did you?

21 A And that's the only recall I have about what was a pretty frivolous encounter.

22 Q 244 Do you say as I think you have just said a moment ago that this conversation
23 with Mr. Dunlop took place in advance of Mr. Dunlop first giving evidence to
24 the Tribunal?

25 A Oh absolutely, I mean he --

26 Q 245 So it would have been before May or April of 2000 when Mr. Dunlop first gave
27 his public evidence to the Tribunal.

28 A Oh, I think it was probably the end of the year of 1997, 1998, or you know
29 that, after the Christmas period of that year I should have thought.

30 Q 246 Mr. Dunlop says that at that meeting, chance meeting as it was, that you said

1 to him that there would be no chance of that matter coming up and Mr. Dunlop
2 understood that matter to refer to the payment he had made in November 1992, do
3 you agree or disagree that that was discussed?

4 A No, I don't believe it was. And I will tell you why. Because I got a
5 telephone call and I filed this as well to you at least in the context of the
6 other development, I don't know if it's here, I got a phone call from him
7 saying, I am preparing for you know what. Can you remember the precise amount
8 of a certain non-donation. I remember it clearly. And I told him that I
9 presumed he was referring to the 2,000 donation that I returned and he thanked
10 me and the next time I ever heard him from was when I accidentally bumped into
11 him in the store in question. And I trust, Ms. Dillon, that nobody is
12 suggesting that I woke up after Christmas and said I should go to the Christmas
13 sales in the chance that I meet bump into Frank Dunlop and talk to him about
14 the Tribunal. It was completely accidental.

15 Q 247 Can I show you Mr. Rabbitte a letter of the 20th December 1999 that the
16 Tribunal wrote to you at page 2762? And I am interested really in the contents
17 of 2763. I want to draw to your attention to paragraph F of that letter, Mr.
18 Rabbitte, it's a letter addressed to you and the question that you were asked
19 and this is December 1999, whether you were at any time and for any purpose in
20 receipt of any payment, donations or benefits including any form of gift
21 assistance, service facilities, entertainment or other benefit of a
22 non-monetary nature from any parties involved in the development of the
23 Quarryvale shopping centre or from any persons or companies acting on behalf of
24 the developer." So the first question you were being asked whether you at any
25 time or for any purpose ever got any money from these people and then the
26 parties are identified for you Mr. Rabbitte and they are identified as being
27 the parties primarily involved in Quarryvale and the second sentence says "The
28 parties which appear to have acted on behalf of the developers are Frank Dunlop
29 & Associates Limited, Shefran Limited and Frank Dunlop", do you see that?

30 A I do.

1 Q 248 What you are being asked there on a plain reading of that question, I think Mr.
2 Rabbitte was whether you were ever for any purpose paid any money by any of
3 these parties including Mr. Frank Dunlop, Shefran and Frank Dunlop &
4 Associates, is that right?

5 A Yes.

6 Q 249 Now you replied to that in January 2000, and insofar as you reply to question F
7 is concerned, 2765 Mr. Kavanagh please, now, question F, "I received no
8 payments donations benefits, including as defined in question F from or on
9 behalf of any persons concerned with the development." Do you see that?

10 A Yes.

11 Q 250 Is that an accurate answer?

12 A It is.

13 Q 251 Did you get 2,000 pounds from Mr. Dunlop in November 1992?

14 A No, I did not. I made very plain to you at all stages, Ms. Dillon, I told
15 Mr. Dunlop that we had a procedure in place that would judge after the election
16 whether or not we should accept any donation. And that applied right through
17 my time in elections. So, we did not accept that donation, we resolved
18 immediately to return it and as soon as we could conveniently get to the bank
19 after the election, we did that.

20 Q 252 Well why didn't you tell the Tribunal that, Mr. Rabbitte? In January of 2000?

21 A Well I didn't see as he called it himself a donation, I didn't see how it
22 fitted into that in any event, I couldn't see any connection to that
23 development or any other. I voted against Quarryvale. And he himself says in
24 the same private transcript that you referred to, that he did not come to talk
25 to me about any planning matter. Nor did he. Nor was any planning issue
26 raised.

27 Q 253 What I want to deal with here Mr. Rabbitte is your disclosure to the Tribunal
28 of the 2,000 pounds to, paid to you by Mr. Dunlop in November 1992. And the
29 question that was put to you at page 2763 by the Tribunal to which you replied
30 no was as follows. Whether you were at any time or for any purpose in receipt

1 of any payment donation or benefit, including any gift assistance, service
2 facilities, entertainment or other benefit from and included in the list was
3 Frank Dunlop & Associates, Shefran Limited and Frank Dunlop and did you
4 understand the question you were being asked, Mr. Rabbitte?

5 A Yes.

6 Q 254 Now can you outline to the Tribunal then why you replied in the light of your
7 knowledge that you had in fact got 2,000 pounds in cash from Mr. Dunlop in
8 November 1992 although it was returned in December 1992, where you replied in
9 January 2000 that you had not received any payment or benefit or monies from
10 Mr. Dunlop?

11 A Because we didn't accept the payment. We didn't accept the payment. It's as
12 clear as that. We didn't accept the payment. I didn't get any benefit from
13 the payment. The same amount as I got was returned. We got no benefit from
14 it. I didn't solicit it, I didn't ask it and we sent it back. We had a
15 procedure that we could not accept any monies until we met and observed that
16 procedure which we did after the election.

17 Q 255 Did your failure to disclose to the Tribunal the fact that you had received
18 2,000 pounds from Mr. Dunlop in November 1992, did your failure to disclose
19 that in January 2000 have anything to do with your conversation with Mr. Dunlop
20 which took place in either Switzers or Brown Thomas about the Tribunal?

21 A Absolutely nothing Ms. Dillon.

22 Q 256 Is it coincidental in January in 2000 in your considered response to the
23 Tribunal, you do not disclose that you had received 2,000 pounds from
24 Mr. Dunlop in November 1992?

25 A Absolutely nothing to do with it, Ms. Dillon. As I said to you in the phone
26 call where he described it to me as a certain non-donation, that's the light in
27 which I regarded it. It went back. We didn't accept. It was returned.

28 Q 257 And the cheque was returned by cheque on the 17th December 1992 at 2771 please.
29 This is the cheque from Democratic Left. Isn't that correct?

30 A That is correct.

1 Q 258 And it's signed by yourself and I think Mr. Donal Tipping, is that correct?

2 A That's correct.

3 Q 259 And that is the return of the 2,000 pounds donation?

4 A That's right.

5 Q 260 Is that correct?

6 A That is correct.

7 Q 261 Right. And you say that the amount of that donation was that sum and not any
8 sum as stated by Mr. Dunlop?

9 A Of course.

10 Q 262 And you also say is that your answer to the Tribunal in January of 2000 related
11 to your belief, if I can call it that, that even though Mr. Dunlop had paid you
12 2,000 because you were determined to return it from the start, it didn't count
13 as donation, is that right?

14 A I don't know how many times I can say this, Ms. Dillon. I didn't accept any
15 donation from Frank Dunlop. I explained to you the procedure that we had in
16 place. You heard evidence from a colleague of mine earlier this week on the
17 same issue. That applied, whoever it was, and whatever it was. We did not
18 accept it, it was returned in full. Now I don't know how many times I can make
19 that plain.

20 Q 263 Yes, I don't know whether we can put it on screen but the transcript extract
21 which Mr. Rabbitte refers and which was put to Mr. Dunlop in evidence is of the
22 1st May 2000, I think it was to be added to the brief and Mr. Kavanagh, can you
23 scan this in?

24

25 CHAIRMAN: It might be simpler was it, is it a lengthy extract?

26

27 Q 264 MS. DILLON: No a very short extract. It was put to Mr. Dunlop previously, if
28 it's handed back, I can read it and we can I can read it into the record. or I
29 can give the hard copy to Mr. Rabbitte. The extract from the private interview
30 that was put to Mr. Dunlop when he was give evidence in relation to the cheque

1 was as follows "Mr. Dunlop said I gave it to him. I have said to you 3,000
2 pounds unless he produced cheques and he says for 2,000 pounds, I will believe
3 it then that it was for 2,000 pounds" is that the extract you were referring
4 to?

5 A That's the extract, yes.

6 Q 265 And sorry you want to make some comment?

7 A It seems to me, well it seems to me crystal clear this is himself talking, he
8 says unless he produces the cheque and he says it was for 2,000, I believe it
9 then that it was for 2,000.

10

11 CHAIRMAN: What's the date, Ms. Dillon.

12 A MR RABBITTE: It's the 11th May Chairman, 2000.

13

14 MS. DILLON: It's part of the private interviews. Can I ask you, Mr.

15 Rabbitte, in relation to the Garda inquiry that took place --Just before we
16 slide over that, Ms. Dillon.

17

18 Slide over, Mr. Rabbitte?

19

20 CHAIRMAN: We are not sliding over.

21

22 MR RABBITTE: Mr. Hanratty said to Mr. Dunlop after that, "I don't think the
23 figures really matter. It's a difference of recollection or whatever." Now, I
24 know where Mr. Mr. Hanratty was coming from, I know what he meant by that but
25 it does matter to me. Because there is a world of difference between being
26 offered, refusing and sending back a donation and it being alleged that I
27 retained portion of it. Here in his own words he says that if I produce the
28 cheque, that he would equate the amount with the amount that was on the cheque.
29 You have just put the cheque on the screen, it was for 2,000. He never
30 anywhere in the papers says anything to the effect that less than the full

1 amount was returned. So, you know, it just seems bizarre to me that it is
2 alleged that I would have retained part of it. Why wouldn't I have retained
3 all of it? As he says himself, there was nobody in the house. But the two of
4 us. Why wouldn't I have retained all of it? Why would I have retained part of
5 it? And returned the major part of it? It makes absolutely no sense. And not
6 until his most recent appearance in the witness-box has he ever questioned that
7 whatever amount it was, there was no doubt but that it was returned in full.
8 And in several places, he says that he can't remember whether it was two or
9 three but it's clear that he accepted that the full amount was returned.

10 Q 266 I think all of those matters were put to Mr. Dunlop when he was here in the
11 witness-box, including the extract that you have just referred to, Mr.
12 Rabbitte, isn't that correct?

13 A It is, yes.

14 Q 267 Now and I think you issued a press statement following Mr. Dunlop's evidence,
15 isn't that right?

16 A That's right.

17 Q 268 And you quoted in that press statement matters that had been confidentially
18 supplied to you by the Tribunal, isn't that right?

19 A Yes, that's right.

20 Q 269 Now you were supplied with a letter as everybody else was, Mr. Rabbitte, when
21 you were provided with what's known as the prior evidence of witnesses, isn't
22 that right?

23 A That's right.

24 Q 270 And you were told as was everybody other witness in this module and every other
25 person who was supplied with the prior evidence, the following: Please note
26 that Mr. Justice Iarlaith O'Neill, in the High Court specifically stated that
27 the purpose of circulation of prior statements was for cross-examination as to
28 credit only. An application for permission to use the documents for a purpose
29 other than cross-examination as to credit was specifically refused by
30 Mr. Justice Iarlaith O'Neil and this decision was not appealed and the Tribunal

1 then proceeded to give you all of the documents which you had sought with the,
2 inclusion I think of Mr. Liam Lawlor's documentation by reason of Mr. Lawlor's
3 death, is that correct?

4 A I got a lot of documents, Ms. Dillon, yes.

5 Q 271 Did you receive that that letter, Mr. Rabbitte?

6 A I did.

7 Q 272 Were you aware therefore of the existence of the fact that you were not
8 permitted to use the documentation other than for the purposes of
9 cross-examining Mr. Mr. Dunlop or for cross-examining any witness indeed?

10 A I am sure I was.

11 Q 273 Would you just explain to the Tribunal why, without notice to the Tribunal you
12 elected to disclose the confidential material contained in prior statements of
13 people without any notice to the Tribunal?

14 A Well, in the modern world in which we live, Ms. Dillon, the Tribunal is not the
15 only Tribunal of assessment of this kind of controversy. And I found myself in
16 circumstances where Mr. Dunlop was in the box saying things markedly different
17 from what he said in private evidence in private interviews with the Tribunal
18 six years ago. That have never been put into the public domain and that are
19 substantially in ease of my position. In fact, I have little enough dispute
20 apart from some detail, with the private interviews that he gave to Mr.
21 Hanratty and Mr. Gallagher a way back on the 11th May 2000 and he is now saying
22 something markedly different. And I felt that those who are condemning me in
23 public ought to know what it is that he said when he had been here previously
24 and what it is that he was saying now when he has reverted to spinning like a
25 top.

26 Q 274 Can I ask you, Mr. Rabbitte, as a member of the Oireachtas, what example does
27 it set for the other persons who come to deal with this Tribunal that you elect
28 for your own interests to flout the request, the legitimate requests that are
29 made of you by this Tribunal?

30 A Well I don't think it was, I don't think for the functioning of the business of

1 the Tribunal of which I have always been immensely supportive, that the issue
2 has much significance but it is huge and enormous significance for me that you
3 can have somebody coming in here changing his story, embellishing, garnishing,
4 gilding the lily, to use your own term and putting a construction on events
5 that didn't happen at the time. Manufacturing detail. I think it was very
6 important that I responded to that situation.

7
8 JUDGE KEYS: Mr. Rabbitte, can I just say you could have done that through
9 your lawyers by coming into the Tribunal and using the documentation and
10 cross-examining and putting your case forward, you opted not to do that and
11 that would have alleviated what has now occurred

12 A Well I don't know, judge, Keys, I mean I was in a situation where one newspaper
13 in particular was on a mission to give as much prominence to a donation that
14 was sent back as if I was the main player in Ballycullen. I never heard of
15 Ballycullen featuring prominently until I heard a journalist last night, until
16 recently, I heard a journalist last night quoting Frank McDonald saying it was
17 the third worst rezoning in his experience. That is completely untrue. Frank
18 McDonald wrote a series of articles over five days where it barely merited
19 three sentences and he wrote a book subsequently called the *Construction of*
20 *Dublin*, about these events and Ballycullen doesn't appear in it once. Firhouse
21 Community Council came out in support of the decision to rezone it. The
22 sporting clubs made representations to me to have it rezoned. The farm manager
23 made representations to me that you couldn't farm in it any more. That it
24 simply wasn't viable. It seemed to me on balance a reasonable decision at that
25 time. And I find myself, by happenstance, I ought to have been here on the
26 Quarryvale module if it hadn't been styled in litigation. And something that
27 I voted against. By happen enhance, I find myself here on the Ballycullen
28 module where I voted for the development for the reasons that I have just
29 explained. And where my party and myself changed our position after there was
30 some public disquiet in the wake of it.

1
2 JUDGE KEYS: All I can say is this Tribunal wishes to comply with all orders
3 made by the High Court, that's what it is doing. I just make the point that
4 the situation you found yourself in could have been alleviated through your
5 lawyers by cross-examining Mr. Dunlop. I am not going to say any more on it.
6 That's just reality.

7 A Well.

8
9 JUDGE KEYS: We will leave it that

10 A I meant no disrespect to the Tribunal.

11
12 JUDGE KEYS: I accept that.

13 A I meant no disrespect and I have paid my own legal fees in this thing so far.

14
15 JUDGE KEYS: I accept that.

16 A Thank you.

17
18 MS. DILLON: And I think, Mr. Rabbitte, that following your complaints to the
19 Tribunal, the Tribunal wrote to you and told you they would make Mr. Dunlop to
20 be cross-examined by you and made Mr. Dunlop available yesterday for
21 cross-examination by you, is that right?

22 A I am not sure, Ms. Dillon. If you say so, I accept that.

23 Q 275 3440 please.

24 A I have no interest at this stage.

25 Q 276 Just so to satisfy yourself that no unfairness was done to you, 3440 please.

26 The Tribunal in its letter I will wrote it from you of the 20th February 2006
27 which be found at the record of page 3449 and 3440 as far as follows "If there
28 are matters you believe should be put to Mr. Dunlop, to challenge his account
29 of events, insofar as they relate to you, you would have the opportunity of so
30 doing after Mr. Dunlop resumes giving evidence before the Tribunal on Thursday,

1 23rd February at 10.45. Do you see that, Mr. Rabbitte. It's on the screen
2 beside you?

3 A Yes I do.

4 Q 277 You didn't avail of that opportunity yesterday, isn't that right?

5 A I set out in a very long letter, Ms. Dillon, to you my view that that's the
6 task of the Tribunal. I have supported the Tribunal from day one, I have no
7 interest in cross-examining Mr. Dunlop having read the tenor and change of
8 direction in his evidence since his recovery and I have every confidence that
9 you will do that in due course.

10 Q 278 And at page 2772, Mr. Rabbitte on the 26th July 1993, at chairman of Dublin
11 County Council, you wrote to every county councillor asking them to cooperate
12 with an inquiry by inspector Michael Guiney of Store Street Garda Station. He
13 had been put in charge of an by the Minister for the Environment into
14 allegations arising from the recent series of articles in the Irish Times. And
15 you asked all the councillors if we they could be of assistance to contact him
16 and it was desirable that the investigation not hang over the council any
17 longer than was necessary?

18 A That's right.

19 Q 279 Did you at any chance disclose to inspector Guiney that Mr. Dunlop had called
20 to your house in November 1992 and given you 2,000 pounds in cash which you had
21 subsequently returned?

22 A I don't recall, Ms. Dillon, because I don't think that in any way I associated
23 that with planning. As I have said to you and as Mr. Dunlop has said to you, I
24 believed that was a donation to my campaign in anticipation of a change of
25 government. And Mr. Dunlop has said broadly the same thing to you. He has
26 also said to you on a number of occasions that he did not come to my -- can we
27 put up his statement to this Tribunal, he has said in a number of occasions
28 that there was no planning context, that he didn't come to talk to me about any
29 planning matter -- yes, thank you. If you look at his statement.

30 Q 280 The fourth paragraph, Mr. Rabbitte?

1 A The fourth one, is it? I went to his house in November '92, "I did not travel
2 to his house to discuss planning matters with him." He later on says "To my
3 knowledge, Mr. Rabbitte never voted for anything that I was promoting." Which
4 is a very odd thing to say. If he now says that I voted for Ballycullen at his
5 request. They simply don't, can't be reconciled, he said to "To my knowledge,
6 Mr. Rabbitte never voted for anything I was promoting. I did not travel to his
7 house to discuss planning matters with him." That's true, he didn't and no
8 planning matters were discussed and I at the time said that my assessment was
9 it was and it's my assessment now it's and is seems to be his assessment now
10 that he had in mind that there would be a change of Government and he was
11 anticipating a change of Government, he was making a donation to someone he
12 thought would be a minister in a few weeks.

13 Q 281 I obviously didn't myself clear?

14 A That's one of the factors in the decision. That was it my mind to send it back
15 whereas my colleagues may well have had a consideration with his prominence as
16 a lobbyist.

17 Q 282 I obviously didn't make myself clear, the question I asked you whether as a
18 matter of fact you disclosed to Inspector Guiney the fact that Mr. Dunlop had
19 made a payment to you of 2,000 pounds in November 1992 when the Garda inquiry
20 took place in July 1993, would you just answer the question, Mr. Rabbitte?

21 A I don't recall Inspector Guiney, although obviously I met him, the man I think
22 I recall is Superintendent Brendan Burns, if my memory serves me. And I
23 wouldn't have told Superintendent Brendan Burns about a donation that I didn't
24 I believe had any planning context. Nor could I see why I would do so.

25 Q 283 At 2735 please, can I draw to your attention Mr. Rabbitte letter that you sent
26 to Mr. Dunlop when you returned the cheque to him. Just in relation to that.
27 The last point that you were making there. The second paragraph "I repeat that
28 no offence is intended and I hope you will understand that. The decision --
29 that is the decision to return the cheque -- was aimed at drawing a distinction
30 between decisions pending and ones already decided in the normal way before the

1 election was called." What decisions were you talking about?

2 A What I was referring to there, Ms. Dillon, was I had telephoned Frank Dunlop to
3 say that we were returning the donation. And he said fine, there was no major
4 discussion about it. However, when it came to reconciling our affairs after
5 the election, I had to telephone him to know to whom to make out the cheque
6 because it was in my mind that he had made this statement about a small number
7 of clients. And he said well Frank Dunlop & Associates of course. And we
8 exchanged some discussion which implied that the small number of clients had
9 gone out the window and that it was his contribution and I make the cheque out
10 to Frank Dunlop & Associates and he said "By the way, why are you guys
11 returning it?". And I explained to him that while there were, the firm
12 conviction of my colleagues, that while there were still decisions to be taken
13 in respect of the Development Plan, that the possibility of a conflict of
14 interest might arise in the future. And that we were returning it for that
15 reason.

16 Q 284 It wasn't appropriate, if I may paraphrase what you are saying, Mr. Rabbitte,
17 it was the decision of Democratic Left that it wasn't appropriate that a
18 payment of 2,000 pounds would be accepted by you or the party in circumstances
19 where you and members of your party were in a position to vote on matters in
20 which Mr. Dunlop had an interest.

21 A On my recommendation.

22 Q 285 And therefore when you returned the cheque to Mr. Dunlop in December 1992, the
23 matter that according to this letter that caused to you return the cheque were
24 planning matters, isn't that right?

25 A No, I was -- that refers to the discussion. You are not referring to the first
26 sentence of the letter, Ms. Dillon.

27 Q 286 You say --

28 A The first sentence of the letter says "I refer to our telephone discussion at
29 the weekend."

30 Q 287 Yes --

1 A And it refers back to our telephone discussion at the weekend. That he was
2 inquiring, I told him my view, I told him my colleagues' view and I was
3 adverting to that telephone discussion at the weekend and.

4 Q 288 I am drawing to your attention Mr. Rabbitte the reason you give for returning
5 the check, you say the decision, which is the decision to returning the
6 cheques, is that right, thank you for the record, the decision to return the
7 cheque was aimed at drawing a distinction between decisions pending, that is
8 pending in Dublin County Council, is that right?

9 A Mmm.

10 Q 289 And those already decided in Dublin County Council in the normal way before the
11 election was called and I am making the point to you, Mr. Rabbitte, that the
12 decision to return the cheque related to a possible conflict between the
13 receipt of the money and planning decisions yet to be made in Dublin County
14 Council?

15 A I already told you, Ms. Dillon, about the discussion that we had as colleagues
16 in making this decision. That I and my assessment was then and is now that
17 this was made in anticipation of change of Government. My colleagues felt in
18 addition that the possibility of a conflict might arise in the future, given
19 his profile in the Development Plan issues. And that letter merely refers to
20 that discussion. I explained that to him on the telephone. He asked me this
21 time, he didn't ask me the previous time. He said there's no danger of that,
22 you know there was no planning context and so on and I said "well, that's the
23 view of my colleagues" and in explaining that and saying I hope you don't take
24 offence, I was merely reiterating the view of my colleagues. That's all.

25 Q 290 Was this the biggest donation in cash you ever received, Mr. Rabbitte?

26 A It was, yes.

27 Q 291 Thank you Mr. Rabbitte, would you answer any questions anybody else may have
28 for you.

29

30 JUDGE FAHERTY: Just Mr. Rabbitte I have just one question. You said earlier

1 that back in 1991 and 1992, there was some concerns or talks maybe cross party
2 about people who might have concerns about what was happening in the course of
3 the making of the Development Plan and you have said that. Was it ever a
4 situation and I am talking particularly I suppose because there was a Garda
5 investigation and there was the situation where I think Michael Smith in May of
6 1993 made a speech at some point where he refers to I think debased currency.
7 And I was just wondering was it ever a situation within the County Council
8 chamber that that was ever, was there ever an attempt to put that in for
9 discussion by way of motion or otherwise and I don't know if that is possible
10 or not but I'm just asking you, if there was concern, did anybody ever
11 contemplate that or was that ever discussed or did that ever happen by way of a
12 normal debate as opposed to you talking to somebody, either your own colleagues
13 or cross party?

14 A Well I think you could only discuss things at the County Council, Judge, on the
15 basis of it being listed as an item and the meetings that you are referring to
16 are exclusively the planning meetings and all kinds of things and one of the
17 great regrets I have is that there isn't a verbatim record of what transpired
18 at the council. Because many concerns would have been publicly frequently
19 ventilated, but nobody that I know of had had any hard tangible evidence of
20 anyone selling their vote for money. But the subterranean thing was there
21 about the pattern, the pattern being remarkably similar through the course of
22 the plan.

23
24 JUDGE FAHERTY: Right. Thanks.

25
26 CHAIRMAN: Thank you very much, Mr. Rabbitte

27 A Thank you, chairman.

28
29 MS. DILLON: Thank you, Mr. Rabbitte. Ms. Deirdre McDermott please.

30

1 **MS. DEIRDRE MCDERMOTT, HAVING BEEN SWORN,**

2 **WAS EXAMINED AS FOLLOWS BY MS. DILLON: --**

3
4 CHAIRMAN: I take it Ms. Dillon.

5
6 Good afternoon, Ms. McDermott, a series of documents will come up on the screen
7 beside you and I will take you through them very briefly, I think you hold a
8 bank account with AIB account number 73529054?

9 A Correct.

10 Q 292 Page 3457 I want to run very briefly through these and look at one particular
11 lodgment. This bank account commenced on the 13th July 1929 and insofar as the
12 lodgment are concerned, between July and August 1992, you will see that the
13 single biggest lodgment is 270 pounds, do you see that?

14 A I do.

15 Q 293 And on 3458 please, next page, which is the continuation of the same account,
16 between the 28th August 1992 and the 17th September 1992, the biggest lodgment
17 is 370 pounds, do you see that?

18 A Correct.

19 Q 294 And then 3459 please, between the 17th September 1992 and the 30th September
20 1992, the largest lodgment is 247 pounds?

21 A Correct.

22 Q 295 And 3460 please, between the 30th September 1992 and the 29th October 1992, the
23 largest lodgment is 442?

24 A Correct.

25 Q 296 At 3461 please, which is the 29th October, there are no lodgments, isn't that
26 right?

27 A Correct.

28 Q 297 And then at 3462 between the 30th October 1992 and the 30th November 1992,
29 there is on the 11th November 1992 a lodgment of 1,060 pounds.

30 A Correct.

- 1 Q 298 Do you see that?
- 2 A I do.
- 3 Q 299 And I think if we go on to the next page please at 3463, you will see that the
4 next biggest lodgment is the 21st December '92 at 697.13?
- 5 A Correct.
- 6 Q 300 If we go back then to page 3462?
- 7 A There was also a lodgment on the previous page you missed for 700.
- 8 Q 301 I am going to deal with that. It's on the same page. At 3462 please this is
9 the lodgment of 1060 on the 11th November 1992 and there is an additional
10 lodgment on the 30th November of 700 pounds?
- 11 A Yes.
- 12 Q 302 And over the period we are looking at, they would be the two biggest lodgments,
13 is that correct?
- 14 A Yes.
- 15 Q 303 And can you outline to the Tribunal as best you can recollect the sources of
16 monies that were used to make the lodgment on the 11th November 1992?
- 17 A Well it's very difficult for me 13 years down the road to be absolutely precise
18 about what that money was made up of but because it was a cash lodgment, I
19 would be pretty sure that the money was made up from money from my
20 psycho-therapy practice, maybe from children's allowance money which I usually
21 allowed to accumulate, for money from my father, from looking after him, oh yes
22 and of course because we were in a general election at that time, I was
23 collecting money from friends and colleagues to finance the campaign at that
24 stage. --So the point I'm making is the fact that that lodgment is larger than
25 lodgments over that particular period would be explained by the fact that we
26 were in the middle of a general election and that I was the chief money hunter
27 you might say, amongst friends and colleagues to finance the election.
- 28 Q 304 You accept it's a cash lodgments?
- 29 A I do.
- 30 Q 305 And you accept I think that it's a lodgment that would in the normal course

1 have been made by you?

2 A Absolutely.

3 Q 306 Did you did he have any money were Mr. Patrick Rabbitte in relation to that
4 lodgment?

5 A I may have received some housekeeping money, I would receive money from him, it
6 would be a mixture of cheque and cash or whatever.

7 Q 307 Does the same situation pertain in relation to the lodgment of 700 pounds on
8 the 30th November 1992?

9 A I would -- yes, it would, I would say that again, the election connection would
10 be appropriate there also.

11 Q 308 Thank you Ms. McDermott, would you answer any questions anybody else may have.

12
13 CHAIRMAN: Okay thank you. That concludes today's business, there are no
14 witnesses next week because of the difficulties with witnesses.

15
16 MS. DILLON: difficulties with, yes, with the availability of witnesses for
17 next week. I think the Tribunal is sitting on Monday, the 6th and it now looks
18 like we will be sitting for the five days of that week and we will conclude the
19 module or almost completely conclude if that way

20
21 CHAIRMAN: I think Monday 6th we are not sitting before 11.30.

22
23 MS. DILLON: That's correct. Yes. And I think that will be Mr. Dunlop is to
24 be cross-examined been on that occasion by Mr. Hussey and Mr. Jones.

25
26 CHAIRMAN: All right. Thank you very much.

27
28 MS. DILLON: May it please you, sir.

29
30 **THE TRIBUNAL THEN ADJOURNED UNTIL MONDAY,**

6TH MARCH 2006 AT 11.30 A.M.

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