

10:59:30 1 **THE TRIBUNAL RESUMED AS FOLLOWS ON MONDAY, 6TH MARCH,**  
2 **2006, At 11:30 A.M.:**

3  
4  
11:36:14 5  
6 CHAIRMAN: Good morning, Ms. Dillon.

7  
8 MS. DILLON: Good morning, Sir.  
9

11:36:19 10 The first witness is Mr. Tom Kitt. Represented by Mr. Gerry McGrevy, of Brady  
11 McGrevy solicitors. They have an application for limited representation, Sir.

12  
13 CHAIRMAN: That's granted.

14 MCGREY: Obligated, Sir.

11:36:34 15  
16 **MR. KITT HAVING BEEN SWORN, WAS EXAMINED AS FOLLOWS**

17 **BY MS. DILLON:**

18  
19 CHAIRMAN: Good morning, Mr. Kitt.

11:36:58 20 A. Good morning.

21  
22 Q. 1 MS. DILLON: Good morning, Mr. Kitt.

23  
24 Between 1979 and 1992 you were a member of Dublin County Council; is that  
11:37:12 25 right?

26 A. That's correct.

27 Q. 2 You are a member of the Fianna Fail political party; is that correct?

28 A. Correct.

29 Q. 3 Now, can you tell the Tribunal whether you recollect during your period in the  
11:37:23 30 council and in particular towards the latter part of the time you were a member

11:37:26 1 of the council whether you had any concerns about corruption in the planning  
2 process?

3 A. No, I can't say that I had any concerns about corruption in the planning  
4 process.

11:37:37 5 Q. 4 The Tanaiste has given evidence to the Tribunal, Ms. Harney. And she told the  
6 Tribunal in her evidence when she was asked by the Tribunal about whether she  
7 had concerns. She told the Tribunal that she specifically remembered having  
8 discussions with Tom Kitt and Chris Flood and we were concerned about things.  
9 Now, they were suspicions. There appeared to be people who had a lifestyle  
11:38:00 10 that might not have been compatible with their obvious income and then she goes  
11 on into deal with Sections 4s. Do you recollect ever having any such  
12 discussion with the Tanaiste?

13 A. I would recall discussions with the Tanaiste and Chris Flood in relation to  
14 concerns that we would have about the whole cumbersome system and maybe  
11:38:19 15 unwieldy system, that we had to work with. We were elected around the same  
16 time. And certainly I think we shared concerns that some councillors seemed  
17 to rezone land in practically all cases, in particular the concerns that I  
18 would have possibly would be in relation to a rezoning motion in my own area  
19 that I would be intimate with and that type of concern we would share about the  
11:38:45 20 fact that they said that some people would rezone in all cases.  
21  
22 Now, that's not to make a judgement with regard to their motivation

23 Q. 5 Yes. The question that was in fact put to the Tanaiste by the Chairman was  
24 whether she was aware of, or did she hear of rumours about payments to  
11:38:59 25 councillors, was it spoken amongst politicians in Dublin County Council. And  
26 it is to that question that she gave the reply that she remembered discussing  
27 those matters with you and with Mr. Chris Flood.  
28  
29 Now insofar as that specific matter is concerned, Mr. Kitt, can you tell the  
11:39:16 30 Tribunal whether you had any such discussions with Mr. Harney about payments or

- 11:39:20 1 suspicions of payments to politicians.
- 2 A. No, I don't recall specifically recall, conversations with regard to suspicions
- 3 of payment.
- 4 Q. 6 Or payments?
- 11:39:28 5 A. Or payments.
- 6 Q. 7 Right. Are you saying that such conversation didn't in fact take place?
- 7 A. I'm -- if the Tanaiste feels that she can elaborate on that, that's fine. But
- 8 I'm simply saying that I don't recall any such conversation.
- 9 Q. 8 Were you aware of any general concern or -- in the late '80s early 1990s about
- 11:39:51 10 corruption or concerns about the planning process, particularly in Dublin?
- 11 A. No, no.
- 12 Q. 9 Were you aware of a series of newspaper articles?
- 13 A. Yes. I mean, I was going to say that. Obviously, there were, there was much
- 14 commentary in the media about this issue. But as regards the internal
- 11:40:12 15 conversation one would have the answer is no.
- 16 Q. 10 You were aware of concern in the media about corruption in the planning
- 17 process?
- 18 A. I was aware of articles written by various journalists at the time. There are
- 19 people like Frank McDonald and others who have written articles.
- 11:40:30 20 Q. 11 And were you aware of a Garda inquiry?
- 21 A. I'm aware of a Garda inquiry before my time in the council, as I understand it.
- 22 Q. 12 And when I think when Mr. Pat Rabbitte was Chairman of the council there was a
- 23 Garda inquiry following the publication of the newspaper articles to which
- 24 you've just referred, there was another Garda inquiry. Were you contacted in
- 11:40:52 25 connection with that Garda inquiry?
- 26 A. I was not.
- 27 Q. 13 I think you met with Mr. Jones; is that correct? In connection with the
- 28 Ballycullen lands?
- 29 A. I recall a meeting with Mr. Jones in his offices.
- 11:41:10 30 Q. 14 Can you tell the Tribunal approximately when that meeting took place and what

11:41:13 1 was discussed?

2 A. I haven't got the precise date of that meeting. But it would be prior to my  
3 appointment as a Minister, which took place in February of '92. So obviously  
4 I was, insofar as I can recollect I was a councillor and a TD at the time.

11:41:34 5 The conversation was a courteous one, to the best of my recollection, there was  
6 a reference made to the Ballycullen lands and he would have expressed his views  
7 that he would like to see his lands developed.

8 Q. 15 And did he ask for your assistance in helping to get the lands rezoned?

9 A. I don't particularly think he asked for my assistance. Obviously, I was a  
11:42:03 10 local TD for the area. This particular tract of land would border my  
11 constituency. It would be on the border with the southwest. He certainly  
12 would have made his case with regard to the need to have it rezoned. But I  
13 don't particularly ask -- I described the meeting as a courteous one in my  
14 narrative, he was very respectful. I found him to be a very dignified type of  
11:42:30 15 person. And the meeting was very cordial. There was no, as I recollect, no  
16 major request on his behalf to seek my assistance. But he may have,  
17 obviously, asked for my assistance in some shape or form.

18 Q. 16 You, I think, knew, know both Mr. Oliver Brooks and Mr. Frank Brooks. Did you  
19 have discussions with Mr. Frank Brooks in connection with the Ballycullen  
11:42:55 20 lands?

21 A. Mr. Frank Brooks I would know because he's an active member of the Fianna Fail  
22 party in south Dublin. He has been for some time. He's been a member of the  
23 local Cumann in Firhouse, Knocklyon area. So he would have raised this issue  
24 with me. I would have say on a number of occasions. But in particular, in a  
11:43:20 25 context of maybe a conversation after a meeting of the local organisation in  
26 that area. These meetings would happen on a regular basis. And his comments  
27 can be easily interspersed with comments on the previous Sunday's GAA matches.  
28 He would be a keen GAA supporter, a keen sports lover like myself. In that  
29 type of environment.

11:43:46 30 But you you remember Mr. Frank Brooks raising the topic with you of the

- 11:43:50 1 rezoning of the Ballycullen lands.
- 2 A. I do recall him, I would say on a number of occasions, raising with me the
- 3 concerns we had regard to the -- his wish to see this land developed.
- 4 Q. 17 And did you give him any indication that you would support such an application
- 11:44:07 5 or otherwise?
- 6 A. Not specifically in the sense that I would always listen, as I would in any
- 7 case like that. Probably point out the obvious concerns of local people in
- 8 general with regard to rezoning motions in areas adjacent to residential lands
- 9 where people are living there would be concerns and I would clearly refer to
- 11:44:30 10 concerns of local residents as a public representative one would clearly have
- 11 to take all of the factors into account.
- 12 Q. 18 Did you discuss the rezoning of these lands with Mr. Oliver Brooks?
- 13 A. Mr. Oliver Brooks, I would not know as well as Frank Brooks. He was a Fianna
- 14 Fail supporter and I -- is now a Fianna Fail councillor. And in relation to
- 11:44:55 15 discussions with Mr. Oliver Brooks, I recall one such brief encounter. Where
- 16 he raised this with me, again in, a social setting, after a Fianna Fail Ard
- 17 Fheis. That would be, I can't recall any lengthy discussion but certainly he
- 18 would have raised this matter with me, again, on the same lines as his brother
- 19 Frank Brooks would have.
- 11:45:22 20 Q. 19 Can you remember approximately when it was that you had these conversations
- 21 with Mr. Frank Brooks or Mr. Oliver Brooks?
- 22 In relation to Mr. Frank Brooks. The answer is no in both cases because I
- 23 wouldn't any particular recollection of the specific time. But certainly in
- 24 relation to Mr. Frank Brooks, I can, as I said earlier, if I haven't said I'll
- 11:45:46 25 repeat. He would have raised it on a number of occasions. In relation to
- 26 Mr. Oliver Brooks, I wouldn't have the specific date. But as I mentioned, my
- 27 recollection is that it was around the time of an Ard Fheis.
- 28 Q. 20 What I'm trying to establish from you, Mr. Kitt, is whether you were still a
- 29 councillor at the time these representations were made to you or not.?
- 11:46:08 30 A. I would, I believe that I would have been a councillor/TD at the time in

11:46:14 1 relation to both cases.

2 Q. 21 So these conversations would have taken place on or before February of 1992?

3 A. Correct. That would be my belief.

4 Q. 22 Did you ever meet Mr. Derry Hussey in relation to these lands?

11:46:29 5 A. I don't recall any meeting with Mr. Derry Hussey.

6 Q. 23 Can you tell the Tribunal how the meeting with Mr. Chris Jones was set up?

7 A. Again, I am presuming here that I was contacted in some way, perhaps by

8 telephone, I presume on this basis that I mentioned I believe I was a

9 councillor/TD at the time. I hadn't established at that stage my constituency

11:46:58 10 office, which I would go on to do so in 1993. I mention that because in a

11 situation like that I would have been holding my advice centres in, actually

12 one or either of two local pubs in my constituency. It would be appropriate

13 for me to meet that case if they asked to meet me in, their offices. So what

14 I believe would have happened is that I would have been contacted by his office

11:47:27 15 and asked to come along to meet Mr. Chris Jones.

16 Q. 24 Did that meeting take place in the then Jones group headquarters in Beechill,

17 Clonskeagh?

18 A. That's my understanding.

19 Q. 25 So -- that you traveled to meet with Mr. Jones?

11:47:42 20 A. Correct.

21 Q. 26 Did you ever attend any meeting which was also attended by Mr. Seamus Brennan

22 in connection with these lands?

23 A. I don't recall any particular meeting with Seamus Brennan.

24 Q. 27 Could I have page 1341, please.

11:47:59 25

26 This is a document, Mr. Kitt, which is dated 23rd of January, 1991. It's been

27 provided to the Tribunal by the -- Mr. Christopher Jones. And at the top of

28 it, the document records "Seamus B and Tom Kitt" and then there's a reference

29 beneath that , "Al Smith, County Manger, Kevin O'Sullivan Chief Planner.

11:48:24 30 General discussion on planning as specs of Ballycullen." I am not suggesting

- 11:48:30 1 to you that any meeting took place Mr. Kitt, to be clear about it, but I'm  
2 asking you, now that you see this document, does it assist you in recollecting  
3 whether in January of 1991, you attended any meeting at which Mr. Either  
4 Mr. Brennan was present or alternatively Mr. Al Smith or Kevin O'Sullivan?
- 11:48:46 5 A. I don't have any recollection of such a meeting. I do note in looking at the  
6 council minutes of that date, the 23rd of January, 1991, that I attended a  
7 County Council meeting, which began at 2:30 and finished at 4:55.
- 8 Q. 28 The document records that there was a general discussion on planning aspects of  
9 Ballycullen and again subject to clarification, it's not entirely clear whether  
11:49:16 10 that relates to the references to yourself and probably Mr. Brennan or  
11 Mr. Smith and Mr. O'Sullivan. But you can't assist in relation to this  
12 document in any event?
- 13 A. No, I can't.
- 14 Q. 29 Did you receive payments from the Jones group -- from Mr. Christopher Jones?
- 11:49:37 15 A. Yes, I did. And I have itemised those in my correspondence with the Tribunal.
- 16 Q. 30 I think you were initially asked, Mr. Kitt, by the Tribunal to provide details  
17 in relation to any payments that you had received from either the Jones group,  
18 Mr. Christopher Jones, Mr. Oliver Brooks, Mr Frank Brooks or Ballycullen  
19 farms; isn't that correct?
- 11:50:04 20 A. That's correct.
- 21 Q. 31 I think in your initial response to the Tribunal, page 3110, please.  
22  
23 Now, I think in the letter from the Tribunal to you, you had been told that  
24 there was apparently a payment of 500 pounds in May of 1991, isn't that right?
- 11:50:24 25 A. Yes, indeed.
- 26 Q. 32 And you confirmed in your correspondence, that you had received a payment.  
27 You believed that the payment related to the Local Elections of 1991; isn't  
28 that right?
- 29 A. Yes, indeed.
- 11:50:36 30 Q. 33 You say that you believed it was by cheque and that it was sent your home?

- 11:50:43 1 A. Yes.
- 2 Q. 34 And then you refer to golf classics and you refer to a payment in 2005 of 800  
3 pounds by Mr. Frank Brooks in connection with the golf classic?
- 4 A. Yes. All of the payments were made either at election time or in relation to  
11:51:00 5 fundraising events for my constituency organisation.
- 6 Q. 35 If we look first of all at the number of payments. You identified two  
7 payments Mr. Kitt; isn't that correct?
- 8 A. Yes.
- 9 Q. 36 And you confirm a payment of 500 pounds in May of 1991. And you deal with  
11:51:17 10 another payment in 2005 from Mr. Frank Brooks?
- 11 A. Correct.
- 12 Q. 37 Right. Now, I suggest to you that didn't represent the totality of the  
13 payments that were made to you; isn't that right?
- 14 A. No. And obviously I regret that did not carry out, as I said in my second  
11:51:34 15 letter, a more comprehensive checking of the payments. I did that  
16 subsequently.
- 17 Q. 38 I think the Tribunal sent you, after you had furnished that information, sent  
18 you a brief of documents, in connection with your apparent involvement in this  
19 matter; isn't that right?
- 11:51:52 20 A. Yes.
- 21 Q. 39 And following on receipt of consideration of that documentation, you wrote  
22 again to the Tribunal; isn't that the position?
- 23 A. I did, indeed.
- 24 Q. 40 And page 3363, please.
- 11:52:06 25
- 26 Now, you set out at the third paragraph there, "Regrettably due to pressure of  
27 work and in order to comply with your deadline, set in your letter of the 19th  
28 of January, my response to that letter was not as comprehensive as it ought  
29 to have been". By that, do you mean that you hadn't provided all of the  
11:52:21 30 information in relation to the payments to the Tribunal in your first letter?



- 11:52:26 1 A. By that I meant that I regretted that I hadn't carried out more extensive  
2 examination of the records etc.
- 3 Q. 41 Yes. What you actually say is "my response to that letter was not as  
4 comprehensive as it ought to have been".
- 11:52:41 5 A. Yes.
- 6 Q. 42 By that, did you mean to tell the Tribunal that there was information that  
7 should have been provided in the first letter which wasn't?
- 8 A. On foot of your second letter, I clearly felt that I needed to carry out a more  
9 comprehensive search of the information that perhaps was available.
- 11:53:00 10 Q. 43 You then go on to say "The examination of records prior to sending that  
11 response was brief and of a general nature. I am now having a more thorough  
12 examination of records carried out and hope to revert to you with the results  
13 of same when completed.  
14
- 11:53:15 15 I have written to my bank in order to assist with this matter, I enclose  
16 herewith a copy of that letter". And then you set out "In relation to the  
17 payments referred to in the documentation furnished by you". And there are  
18 four payments detailed there; isn't that right, Mr. Kitt?
- 19 A. Correct.
- 11:53:27 20 Q. 44 Now, that information was provided by the Tribunal to you; isn't that correct?
- 21 A. That's correct.
- 22 Q. 45 Now, I think it's correct that you don't dispute, is that right, these  
23 payments?
- 24 A. I do not now -- no, I do not dispute these payments.
- 11:53:39 25 Q. 46 In other words, you don't say these payments didn't happen?
- 26 A. Well, yes. Because as far as I'm concerned, they make sense on the basis that  
27 firstly, any payment made to me was made at election time, or else for a  
28 constituency fundraising event, for my organisation in Dublin South.
- 29 Q. 47 These payments listed on this letter, which come to I think 365, 000 pounds, do  
11:54:09 30 he not refer to the payment in your first letter of 800 pounds, paid by

11:54:14 1 Mr. Frank Brooks?

2 A. That's correct.

3 Q. 48 In 2005?

4 A. Correct.

11:54:16 5 Q. 49 Right. So that the four payments that you're dealing with here are payments  
6 that have come to you directly from Mr. Christopher Jones; is that right?

7 A. Correct. Mr. Christopher Jones Ballycullen farms, yes.

8 Q. 50 Yes. Now, you outline in that letter that you had no specific recollection of  
9 receiving the above cheques, but you had held regular golf outings by way of  
10 fundraising. The 1996 payment would be most likely in respect of a golf  
11 outing, is indicated with the reference to local election donations, would be  
12 incorrect. The 1992 and 2002 payments coincide with the general election  
13 campaigns held in those years. "I have a vague recollection of receiving a  
14 letter, accompanied by an election contribution from Mr. Chris Jones in, which  
11:54:56 15 he extend its his good wishes "; is that correct?

16 A. That's correct.

17 Q. 51 So is it the position then, Mr. Kitt, that you would have received four letters  
18 from Mr. Jones or Ballycullen farms at different periods of time?

19 A. When -- in reference to this letter, I have a recollection of one particular  
11:55:16 20 letter. Because -- but and I cannot guarantee that there were four particular  
21 letters. But I would presume that the contributions came in that form.

22 Q. 52 And the letters would all have -- cheques. Is that right, these payments were  
23 all by cheque?

24 A. Yes.

11:55:36 25 Q. 53 And these payments were all lodged to your bank account?

26 A. They were all lodged to my bank account, yes.

27 Q. 54 Now insofar as -- can I have page 3173, please.  
28

29 Now, if we could just have the top of the cheque, the first half of the page,  
11:55:56 30 please. This is a cheque for 2,000 pounds made payable to you. Is that

11:56:00 1 right?

2 A. Yes.

3 Q. 55 And it's dated 16th of November, 1997?

4 A. Yes.

11:56:07 5 Q. 56 If we look at the very top?

6 A. Yes.

7 Q. 57 Sorry, 1992?

8 A. Yes, 1992.

9 Q. 58 And I believe that it was negotiated, that your branch of your bank, on 27th of

11:56:18 10 November 1992?

11 A. I now know that, yes.

12 Q. 59 And the general election was the 25th of November, 1992?

13 A. That's correct.

14 Q. 60 Was polling day; isn't that right?

11:56:31 15 A. Yes.

16 Q. 61 Now, insofar as that cheque for 2,000 pounds is concerned, that's the largest

17 payment that Mr. Jones or Ballycullen farm made to you; isn't that right?

18 A. Yes.

19 Q. 62 You were in a position to confirm to the Tribunal in your first correspondence

11:56:44 20 receipt of a payment of 500 pounds; isn't that correct?

21 A. Yes.

22 Q. 63 Right. How was it that you didn't recollect this payment, Mr. Kitt?

23 A. I explained this in a narrative which I have forwarded to the Tribunal. That

24 I have a vague recollection of a letter which was a courteous letter, a letter

11:57:05 25 wishing me well in the election. But I have no recollection of the amount

26 involved. And that is, I have now obviously established, with the assistance

27 of the Tribunal, that this particular contribution did actually, in my view

28 arrive at my home.

29 Q. 64 I think you had previously provided the Fianna Fail internal inquiry with

11:57:30 30 certain information; isn't that the position?

11:57:33 1 A. Yes, indeed. I provided the Fianna Fail inquiry with information in relation  
2 to my period as a councillor, which would have spanned from 1979 to February  
3 1992. We were asked at that particular inquiry to declare our particular  
4 contributions, etc. and the specific questions were asked in relation to  
11:58:04 5 contributions made during that period. And I replied to those questions to  
6 the best of my ability.

7 Q. 65 3106, please. The information that you provided to the Fianna Fail inquiry is  
8 set out there, Mr. Kitt. And what's recorded is that you were a councillor  
9 for the elect area of Dundrum 1979 until his appointment as Minister of State  
11:58:34 10 in 1991.  
11 That should be 1992.  
12 1992, You never received donations from Frank Dunlop, can you confirm that  
13 that's the position?

14 A. Yes.

11:58:41 15 Q. 66 "During this period he would not have received donations from builders or  
16 developers in excess of 500 pounds. He does not recall anyone showing an  
17 untoward interest in the Quarryvale project" and then you go on to discuss the  
18 size.

19 A. Yes.

11:58:55 20 Q. 67 Was the only period of time that you were dealing with in that inquiry the  
21 period while you were a member of the council?

22 A. That Is true. The questions were asked of me in relation to my period as a  
23 councillor, which as I said, ended in February of 1992.

24 Q. 68 And therefore, you are satisfied that you were simply dealing with that period  
11:59:15 25 and not any other period, Mr. Kitt, and therefore, you didn't have to disclose  
26 the 2,000 pounds payment from Ballycullen farms?

27 A. Well, obviously, as is the case, up to recently, I didn't recall this  
28 particular contribution when that inquiry took place in the year 2000. But I  
29 am absolutely satisfied, even if I did, that the questions related specifically  
11:59:42 30 to my period as a councillor and I answered those questions properly.

- 11:59:46 1 Q. 69 Uh-huh. And when the Tribunal came to correspond with you in connection with  
2 the payment from Ballycullen farms Mr. Kitt, you didn't recollect this payment  
3 of 2,000 pounds?  
4 A. Absolutely not.
- 11:59:56 5 Q. 70 Right. And was that a large -- would you have regarded that as a significant  
6 payment or a significant contribution at the time?  
7 A. I would indeed. It is a significant contribution in the context of my  
8 receiving contributions, it would be a significant contribution.
- 12:00:16 9 Q. 71 And did you keep any schedule or list of the people who had made contributions  
10 to you at election time?  
11 A. I have informed the Tribunal in my narrative that I have no record of  
12 contributions going back 14 years. And this was one of, in fact four  
13 elections in five years going from 1987 to '89 to a Local Election in '91/'92.  
14 There were elections that is I fought in those four years. A number of the  
12:00:46 15 contributions would have come to help me with my campaigns. And I certainly  
16 have no recollection of this. I mentioned earlier that I had a recollection  
17 of a letter, a complimentary letter, but not of this specific amount.
- 18 Q. 72 I'm obviously not making myself clear, Mr. Kitt?  
19 A. Sorry.
- 12:01:03 20 Q. 73 I'm asking, did you keep a list of the people who were contributors to you at  
21 each election time?  
22 A. It's possible I would have a list. I have no record of any list in recent  
23 times, clearly with databases and computers etc...This is pre-data base period.  
24 I have no list. I may have had a list or somebody belonging to my election  
12:01:25 25 team may have had a list. In the normal situation, one would obviously in  
26 doing a circular in seeking funding from various people, you would thank people  
27 afterwards. In this case probably a general thank you and in that case one  
28 would need a list.
- 29 Q. 74 And did you issue a general thank you, was that your practice?  
12:01:45 30 A. My normal practice would be to issue a general thank you to people. Could I

12:01:49 1 say, the dynamics of election are that the candidate, in my own case, I would  
2 be out about from morning to evening, and the election team would be in charge  
3 of this area. I certainly, my whole focus was on being re-elected. But,  
4 yes, the answer to your question is more than likely there would have to be a  
12:02:09 5 circular sent out to various people. This was a sudden election. People  
6 would have to be contacted and then thanked afterwards.

7 Q. 75 You didn't vote on the Ballycullen motions; isn't that correct, Mr. Kitt? You  
8 had left the council by that time?

9 A. I had left the council and if I may, I did note that I think in the earlier  
12:02:28 10 opening statement there was reference made to me as not being present I think  
11 at the meetings, special meetings of Dublin County Council when these crucial  
12 votes were taken. Could I clarify. That I was not a councillor when these  
13 special meetings took place. So I had no hand, act or part in these rezoning  
14 motions. I was a councillor up until February '92. I was not a councillor  
12:03:00 15 when these votes took place in October '92 and I think the confirming motion in  
16 October '93.

17 Q. 76 I think at that stage you were a Minister of State Mr. Kitt, is that correct?

18 A. I was a Minister of State from February '92 onwards.

19 Q. 77 Thank you Mr. Kitt. Would you answer any questions anybody else might have.

12:03:21 20

21 CHAIRMAN: Mr. Kennedy?

22

23 MR. KENNEDY: I do, Chairman. Thank you for asking me.

24

12:03:27 25 Mr. Kitt, Martin Kennedy, solicitor. I represent GV Wright

26 A. Yes.

27 Q. 78 You might wonder why I want to ask you a question.

28

29 I have will before me a letter from AIB bank 1 - 4 Lower Baggot Street. Is  
12:03:43 30 that your bank?

12:03:44 1 A. Yes, my bank is in Lower Baggot Street AIB, yes.

2 Q. 79 And there is a statement in that which I am interested in. When Mr. Wright  
3 gave his evidence here on the 21st of February Ms. Dillon, who has just  
4 finished -- you are finished, Ms. Dillon are you?

12:04:10 5

6 MS. DILLON: Yes.

7

8 MR. KENNEDY: She has just finished her examination-in-chief of you. She put  
9 it to Mr. Wright that he presented a cheque, I think effectively and cashed it  
10 at AIB at 1 - 4 Lower Baggot Street. He denied that here on oath. I'm just  
11 telling you that by way of information. Because I want you to, if you can, to  
12 explain the second paragraph of this letter, which is page 3531. If that  
13 could be brought up on the screen. Do you see that?

14 A. Yes.

12:04:50 15 Q. 80 And in that Mr. Dowling, the manager, it's a letter to yourself and I think  
16 your wife. He is enclosing a copy of a cheque back and front, that I have  
17 obtained. As you can see, it is a much clearer copy than the one you gave me  
18 with your letter of 10th inst. In addition, the copy of the back of the  
19 cheque, this is what I want to concentrate on, Chairman. "The copy of the  
12:05:20 20 back of the cheque now enclosed, is quite different from the copy you furnished  
21 to me at that time." Now, if I could ask you this question initially.  
22  
23 Can you explain what the manager is referring to when he says there is a  
24 difference between the back of the cheque he is now sending you and the back of  
12:05:39 25 the cheque that he had seen earlier, which I think you produced, or somebody on  
26 your behalf.

27 A. Yeah.

28 Q. 81 Produced to the bank. Can you assist the Tribunal?

29 A. Well, Chairman, the situation is, as I understand it, when I went to the bank  
12:05:59 30 with the copy of the check that I received from the Tribunal, they informed me

12:06:03 1 that the copy of the back of the cheque provided by the Tribunal indicated that  
2 cheque was negotiated in the Bank of Ireland, Malahide. And this certainly  
3 created considerable confusion and stress for me. But my own bank have now  
4 provided a clearer copy of the cheque. The back is different and shows that  
12:06:24 5 the cheque was -- the cheque which we have been talking about earlier, was  
6 negotiated in my bank on the 27th of November, '92.

7 Q. 82 Thank you for , that Mr. Kitt. If you could just stay where you are for the  
8 moment. I may just want to ask you another question. I think that this  
9 means, Chairman, in relation to my client. Mr. Wright was mystified when he  
12:06:53 10 got a brief and it included a cheque that he was enthusiastically  
11 cross-examined on by Ms. Dillon on the 21st of February. And the back of that  
12 cheque, the front was in hand-writing and was clearly payable to Mr. Wright for  
13 5,000 pounds, a sum he acknowledged that he had got. But he was absolutely  
14 mystified by the back of the cheque. He didn't deny that he received a cheque  
12:07:20 15 for 5,000 pounds. But Ms. Dillon put it to him, as perhaps she had no choice  
16 or option at that time, that he had presented it at the AIB at Baggot Street  
17 and had cashed it.

18  
19 Now, there now seems to be a serious question mark over whether that happened.  
12:07:46 20 And I'd like an opportunity not necessarily today, to continue with this. But  
21 I am a little bit surprised. My surprise may be quelled if the Tribunal,  
22 through any of its officials, can explain. And I just happened to be here  
23 today, Chairman, and I'm listening to this.

24  
12:08:04 25 CHAIRMAN: Well certainly that does raise an issue which will have to be  
26 clarified. And presumably that can be done over the next couple of days.  
27 And if necessary, it can be raise the again at a public hearing before the end  
28 of the week.

29  
12:08:20 30 It does look like the Malahide cheque.



12:08:24 1  
2 MS. DILLON: I think the situation is that the documentation was provided to  
3 the Tribunal in connection with this particular cheque and the back of it by  
4 Mr. Christopher Jones. And these -- it came in with the back and what  
12:08:36 5 appeared to be the front of the cheque and the back of the cheque. It was  
6 subsequently as a result of Mr. Kitt's bank, carried out a further inquiry in  
7 relation to the matter that the reverse of the cheque appears to be the reverse  
8 of a different cheque, if I'm making myself clear.  
9  
12:08:51 10 We were provided with the information by Mr. Christopher Jones.  
11  
12 CHAIRMAN: All right.  
13  
14 CHAIRMAN: If Ms. Dillon and Mr. Kennedy discussed it during one of the  
12:09:04 15 breaks. And if necessary, the matter can be clarified, or at least in greater  
16 detail.  
17  
18 MR. KENNEDY: In fairness to everybody, in particular to Mr. Wright, my client.  
19 It was my intention -- I've only -- this is only dawning on my as I hear Mr.  
12:09:20 20 Kitt giving his evidence. I haven't had an opportunity, which I would have  
21 taken had I known about this. To approach a colleague and ask her what had she  
22 to say about this.  
23  
24 CHAIRMAN: You can clarify that with Ms. Dillon. If necessary if you wish  
12:09:34 25 or Ms. Dillon wishes to do so, it can be raised again.  
26  
27 MR. KENNEDY: What I'm going to say, Chairman, when it's raised again is that  
28 the cheque that was put to Mr. Wright on the 21st of February, he denied  
29 presenting AIB. He was truthful in that evidence, as subsequent documentation  
12:09:53 30 produced since then seems to prove.

12:09:56 1  
2 Now, he is singularly unique in that situation.  
3  
4 CHAIRMAN: All right.

12:10:00 5  
6 MR. KENNEDY: He has proof after an event that he was telling the truth to this  
7 Tribunal in respect of this particular matter. I think that's noteworthy,  
8 Chairman.  
9

12:10:10 10 CHAIRMAN: Certainly. It can be raised later in the week.  
11  
12 MR. KENNEDY: Thank you, Mr. Chairman.  
13  
14 CHAIRMAN: Mr. Collins, you don't wish to cross-examine?

12:10:18 15  
16 MR COLLINS: No, Sir.  
17  
18 CHAIRMAN: Mr. Redmond?  
19

12:10:21 20 MR. REDMOND: No, thank you, Chairman.  
21  
22 CHAIRMAN: Do you wish to ask any? I have just one question, Mr. Kitt  
23 A. Sure.  
24

12:10:28 25 Q. 83 CHAIRMAN: The 2,000 pounds donation that you received at general election  
26 time. Would that have been the largest donation that you would have received  
27 as best you can recollect at around that time?  
28 A. It would, indeed, yes. Yes, Chairman.  
29

12:10:50 30 Q. 84 JUDGE FAHERTY: I know you weren't a councillor after February '92.

- 12:10:54 1 Obviously, you were still a TD for the area?
- 2 A. Yes.
- 3
- 4 Q. 85 JUDGE FAHERTY: And I think you said earlier to Ms. Dillon that you were  
12:11:01 5 talking to her that Mr. Frank Brooks or Oliver Brooks, that you would have  
6 raised concerns of residents. Obviously, do you have any recollection in  
7 October - or in the run-up to '92, October, of you ever being approached by  
8 residents association, about the rezoning of Ballycullen?
- 9 A. I think I'd certainly recollect over a longer period of time concerns being  
12:11:28 10 raised in attending various community meetings of local concerns. As a public  
11 representative for the area. But your question relates to specifically the --  
12
- 13 Q. 86 JUDGE FAHERTY: Well just in that year, generally.
- 14 A. I have no specific recollections of that year. But I have a recollection of,  
12:11:49 15 as I said, a lengthy period of concerns being raised by, mainly by community  
16 associations.  
17
- 18 JUDGE FAHERTY: Thanks very much.  
19
- 12:12:01 20 Q. 87 JUDGE KEYS: Mr. Kitt, can I just ask you one question. Can you recollect  
21 whether or not in fact you seized to be a councillor member in February of  
22 1992, is that correct?
- 23 A. Yes, I do.  
24
- 12:12:12 25 Q. 88 JUDGE KEYS: Were you approached at any stage by the Brooks or Jones family in  
26 relation to the Ballycullen lands after you had retired from the council?
- 27 A. I mentioned earlier the kind of meetings I might have had can, particular  
28 people like Frank Brooks who would be very much an active member of the that is  
29 right my constituency, so it's quite possible that this particular matter would  
12:12:45 30 have been mentioned by Mr. Frank Brooks in that period.

- 12:12:45 1
- 2 Q. 89 JUDGE KEYS: Well could I put it like this. is it probable that you could have  
3 been lobbied by these gentlemen after you left the Council in February 1992?  
4 A. It's very probable that it would have been raised by me, as it would have  
12:13:00 5 beforehand. Having said ,that I now was in a busy Ministry. I was replaced  
6 by a councillor, councillor Trevor Matthews, who was democratically elected by  
7 the Fianna Fail organisation in my ward. And in relation to anybody raising  
8 it with me, I would obviously refer them to the new -- they knew all of the  
9 councillors within my own party.
- 12:13:25 10
- 11 Q. 90 JUDGE KEYS: Well why would they raise it with you after February 1992 if you  
12 were not a member of the council?  
13 A. Well, you asked a question. Is there a possibility. I'm saying that there  
14 was a possibility.
- 12:13:37 15
- 16 Q. 91 JUDGE KEYS: Was there a probability?  
17 A. The only possible reason that there would be would be to keep me updated on  
18 what was going on. I would be meeting people on a regular basis.  
19
- 12:13:48 20 Q. 92 JUDGE KEYS: Would it not also that you might going to the councillors who  
21 were members of the Fianna Fail party and canvass them on behalf of the Jones  
22 group to vote in favour of the Ballycullen?  
23 A. I certainly did not do that. In particular I would have mentioned to the  
24 person who succeeded me and I wouldn't have to tell him anyway how I would have  
12:14:09 25 voted according to my better judgement. And I would obviously advise him to  
26 do the same. The answer is no, I certainly brought no inference to bear on  
27 any of the Fianna Fail councillors. I had a pretty busy new career.  
28
- 29 Q. 93 JUDGE KEYS: I appreciate that. It appears to me then that what the Jones  
12:14:26 30 people were doing was a total waste of time then if that's the case. Because

12:14:29 1 why would they go to you to canvass or to lobby or try and persuade you to say  
2 that this is a good rezoning motion if you weren't going to go to the  
3 councillors and also say is a well listen this seems to be good, I've had  
4 representations from the Jones Group, you might seriously consider it

12:14:51 5 A. Could I refer, you, Judge, to Mr. Dunlop's statement. Mr. Chris Jones  
6 informed him that discussions with ministers Kitt and Brennan had been to no  
7 avail.

8  
9 Q. 94 JUDGE KEYS: That may be so, I'm just saying it must have been their intention  
10 hopefully that you might have gone back to the councillors.

11 A. I would quite frankly, I would have no difficulty with anybody raising issues  
12 with me as a TD or as a Minister for State in relation to an important  
13 development in my area.

14

12:15:23 15 Q. 95 JUDGE KEYS: Yes.

16 A. But I think just as a matter of course, if it happened had the context I  
17 mention in the relation to frank books I have no difficulty with that. The  
18 key point is I did not ask anybody, or any of my colleagues to do anything on  
19 behalf of Mr. Brooks.

12:15:39 20

21 Q. 96 JUDGE KEYS: Thank you.

22 A. Okay.

23

24 CHAIRMAN: Thank you very much, Mr. Kitt. Thank you for attending.

12:15:48 25

26 MS. DILLON: Thank you Mr. Kitt.

27

28 The next matter is the resumption of the cross-examination of Mr. Frank Dunlop  
29 by Mr. Maurice Collins for Mr. Jones, Mr. Hussey, Mr. Oliver Brooks and

12:16:02 30 Mr. Frank Brooks

12:16:02 1

2

CHAIRMAN: All right.

3

4

**FRANK DUNLOP, PREVIOUSLY SWORN, WAS CROSS-EXAMINED**

12:16:20 5

**AS FOLLOWS BY MR COLLINS.**

6

7

CHAIRMAN: Good afternoon.

8

9

COLLINS: Mr. Chairman, Judges. Before asking any questions. I should just

12:16:46 10

thank the Tribunal and its council for facilitating this examination and

11

deferring it to a point time in which it was possible to do it. Thank you

12

very much.

13

14

I should also perhaps just for the record, make it clear, I am not in fact

12:16:59 15

appearing or instructed to appear on behalf of the Brooks. Mr. Doherty I

16

think will be representing the interests of the Brooks. I represent the

17

interests of Mr. Hussey and Mr. Jones. And it's on their behalf Mr. Dunlop,

18

that I have hopefully a limited number of questions for you, which I hope we

19

can agree onto the maximum possible extent.

12:17:21 20

21

Now, now, at the start of 1991 you were operating a business, Frank Dunlop and

22

associates; isn't that correct?

23

A. Correct.

24

Q. 97 And perhaps you would just give us a description of the services that that

12:17:36 25

business involved, providing to clients?

26

A. Public relations and lobbying.

27

Q. 98 Yes. And was lobbying a term of art, or a term in common use that the time?

28

A. A term of art probably being introduced slowly into the public relations

29

business. It probably wasn't something that had been -- a word that had been

12:18:07 30

specifically used. Public relations was the normal term.

- 12:18:07 1 Q. 99 Yes. But the term lobbying or the concept of lobbying didn't carry any  
2 negative connotations; is that correct?
- 3 A. Not really, no. No, I don't think so.
- 4 Q. 100 Well, perhaps people might have thought that it was a good thing or a bad  
12:18:20 5 thing. But it didn't necessarily imply anything improper; isn't that right?
- 6 A. No, I don't think it did.
- 7 Q. 101 And you were offering services I think to clients who wanted to have their  
8 views made known to politicians at any number of levels?
- 9 A. Yes. Anybody involved in the business, Mr. Collins, will tell you that the  
12:18:47 10 best lobbyists in the country and they existed before the word was used, the  
11 IFA, The Farmers Association, they were the best lobbyists that anybody could  
12 conceive of.
- 13 Q. 102 Yes, well even with that due modesty, Mr. Dunlop. Just talking about your  
14 services for a moment. You were in a position to have access to politicians  
12:19:11 15 at different levels; isn't that right?
- 16 A. Yes.
- 17 Q. 103 And I think you had been previously a Government press secretary and obviously  
18 that assisted you greatly in terms of being able to know who the relevant  
19 politicians were in respect of any particular piece of business a client might  
12:19:26 20 ask you to help hem them in relation to?
- 21 A. Yes.
- 22 Q. 104 And your contacts would have been in respect of national Government, national  
23 administration, and local Government, particularly local Government in Dublin?
- 24 A. Yes.
- 12:19:41 25 Q. 105 And at that stage, I think local Government was perhaps more simply organised  
26 than it is now. There was a Corporation that is now the City Council and then  
27 there was a County Council; isn't that correct?
- 28 A. Correct.
- 29 Q. 106 And the County Council spanned a very large geographic area?
- 12:19:59 30 A. The totality of County Dublin.

12:20:01 1 Q. 107 Yes?

2 A. Excluding the City.

3 Q. 108 Yes. From Malahide, up in the north, down to the southern fringes beyond Dun  
4 Laoghaire?

12:20:09 5 A. Skerries to Dun Laoghaire.

6 Q. 109 And out west to Tallaght?

7 A. Correct.

8 Q. 110 And in terms, for a moment, of the public relations that your clients or sorry  
9 that you offered to your clients other than contact with, or lobbying of  
10 politicians, I think you provided services in terms of meeting with local  
11 residents groups, trying to persuade them of the virtues of proposals that your  
12 client might be interested in forwarding; isn't that right?

13 A. If the particular exercise demanded it had.

14 Q. 111 Yes. And obviously, that depended on what was being proposed and what level  
12:20:51 15 of Government was involved deciding whether it should proceed or not; isn't  
16 that right?

17 A. Yes.

18 Q. 112 And you had a certain expertise and experience in terms of dealing with members  
19 of the public and presenting information to them and trying to persuade; isn't  
12:21:10 20 that right?

21 A. Yes.

22 Q. 113 And trying to allay concerns. And you are nodding, just for benefit of the  
23 transcript?

24 A. Sorry, correct.

12:21:20 25 Q. 114 And in terms of your expertise, I think you had a particular expertise, I'm not  
26 suggesting it was uniquely the expertise that you had, but you had a particular  
27 expertise in the knowledge that you had of the procedures followed by the local  
28 authorities here in Dublin in relation to decision making generally and  
29 decision making in respect of planning issues; isn't that right?

12:21:46 30 A. Yes.



- 12:21:47 1 Q. 115 And I think that was a further piece of expertise and experience that you made  
2 available to your clients; isn't that right?
- 3 A. Yes.
- 4 Q. 116 And again, when, depending on what piece of business you are being asked to  
12:22:06 5 advise on or assist on, that was a piece of expertise that you made available  
6 to clients?
- 7 A. If it was required, yes.
- 8 Q. 117 And presumably, you would agree with me, that that was, at least in cases where  
9 it was required, as you say, a very valuable piece of assistance that you could  
10 give to your clients; isn't that right?
- 11 A. Yes.
- 12 Q. 118 And in a sense, you could, if one talks in general terms, and I'll come more  
13 specifically in a moment. But where a client came to you looking for  
14 assistance in relation to a proposal which was required which was a planning  
12:22:44 15 relate the proposal, which was required to go through the processes of Dublin  
16 Corporation or Dublin County Council, as the case would have been, you were  
17 able to offer a number of different complimentary pieces of expertise to such a  
18 client; isn't that right? You knew the ropes, so to speak, if I can use that  
19 crude phrase, as to how decisions were made at the local authority level; isn't  
12:23:21 20 that right?
- 21 A. Yes.
- 22 Q. 119 You had access to members of the Corporation or Council, as the case might be?
- 23 A. I think if we stick with the Council Mr. Collins, because it's easier from  
24 everybody's point of view. Any relationship I had with the Corporation was  
12:23:31 25 minimal. Yes, is the answer to your question.
- 26 Q. 120 And presumably, you also had a familiarity with the administration side, the  
27 managerial side, of the County Council as well as it then was?
- 28 A. Yes.
- 29 Q. 121 And in addition to that, you had access to members of will Dail, national  
12:23:52 30 politicians as opposed to local councillors?

- 12:23:56 1 A. Yes.
- 2 Q. 122 And you had an expertise in terms of advising as to any publicity campaign, I'm  
3 deliberately going to avoid the use of the term public relations, at least for  
4 time being, any publicity or persuading campaign that might be required or  
12:24:14 5 might seem desirable in relation to local members of the community or local  
6 community groups?  
7 A. Yes, in broad terms, yes.
- 8 Q. 123 And in broad terms, to use your phrase, isn't that precisely what Mr. Jones and  
9 Ballycullen farms limited came to you to obtain in early 1991?  
12:24:42 10 A. They came to me looking for my services and advice in relation to getting the  
11 Ballycullen lands rezoned.  
12 Q. 124 And I think you obviously became aware over a period of time, not instantly, as  
13 to what was at issue, the nature of the proposed rezoning, the nature of the  
14 land etc.; isn't that right?  
12:25:07 15 A. Yes. Well, Mr. Jones very early on made it clear, outlined the difficulties  
16 that he had encountered in relation to the lands.  
17 Q. 125 Yes. And I think he had sought to have the lands rezoned that had been  
18 unsuccessful?  
19 A. Yes. But there had been some rezoning on the lands of an industrial nature,  
12:25:28 20 which was, he didn't consider to be of any value.  
21 Q. 126 And I think in the course of your evidence to Ms. Dillon, you agreed that from  
22 any landowners point of view ,that would be unhelpful.  
23 A. Yes.
- 24 Q. 127 And I think there also had been applications for planning permission that had  
12:25:45 25 failed; isn't that the right?  
26 A. That's correct, yes.
- 27 Q. 128 And you were made aware of that?  
28 A. Yes.
- 29 Q. 129 By Mr. Jones?  
12:25:51 30 A. Yes.

- 12:25:52 1 Q. 130 And Mr. Jones, essentially, engaged your services on behalf of Ballycullen  
2 Farms Limited and the services he retained from you or sought to obtain from  
3 you was to advise him in relation to persuading the County Council to rezone  
4 the lands at Ballycullen; isn't that right?
- 12:26:14 5 A. Yes.
- 6 Q. 131 And I think that you did a number of things, and hopefully we can go through  
7 this as quickly as we can. But in general terms, we'll come, more  
8 specifically in a moment. Did you precisely what you have just described as  
9 being the services that you generally provided. You engaged with councillors;  
10 isn't that right?
- 12:26:34 11 A. Correct.
- 12 Q. 132 You advised Mr. Jones and the Ballycullen Farms Limited as to the process that  
13 would have to be followed by Dublin County Council if there was to be a  
14 successful rezoning; isn't that correct?
- 12:26:52 15 A. Correct.
- 16 Q. 133 You engaged with a number of national politicians; isn't that right?
- 17 A. Correct.
- 18 Q. 134 And you met with and advised Mr. Jones in Ballycullen Farms Limited about  
19 presenting information to a number of community groups; isn't that right?
- 12:27:11 20 A. That's right.
- 21 Q. 135 Now, can I ask you to look at a document which is I think at page 180 of the  
22 Tribunal. Sorry, I have alternative citations. 1499 is the other one.  
23 That's the document, thank you very much. Dated 30th of August, 1991. And  
24 it's a submissionary strategy for Ballycullen lands; you recognise that, Mr.  
25 Dunlop?
- 12:27:53 26 A. Yes, I recognise the front page, the frontest piece, yes.
- 27 Q. 136 Perhaps we could go to the next page. And that just identifies that it's a  
28 document prepared by you and it identifies the date?
- 29 A. Yes.
- 12:28:08 30 Q. 137 And then if you could go to the next page, please. And that sets out, it

12:28:18 1 firstly identifies it's a Draft Action Plan submitted to Mr. Chris Jones on  
2 Friday the 30th of August 1991. And then it identifies the context in a  
3 relatively brief way and then sets out, starting on that page and into the next  
4 page the process that is to be followed. And then I think in paragraph No. 3,  
12:28:40 5 which is on the next page, and we might go to the next page. Then you say  
6 that "Given the details outline in the paragraph 2 above it's now imperative to  
7 act as follows" and you set out various pieces of advice and you identify who  
8 was to be responsible. The first of those that you identify is a fully  
9 integrated plan should be prepared by the architects Murray O'Laoire. That  
12:29:14 10 would form the basis of a submission by Mr. Jones, that a Development Plan  
11 display, you were aware, obviously, at that stage, that Murray O'Laoire  
12 architects had been retained by Ballycullen farms. Yes, I had either met them  
13 or Mr. Jones had told me. Yes and you were aware also that there were other  
14 consultants who had been retained by Ballycullen farms with a view to bringing  
12:29:35 15 forward the project of obtaining the rezoning of the lands; isn't that right?  
16 Mr. Meehan, I think, the planning consultant had been involved; is that  
17 correct?  
18 A. That's correct, yes, Mr. Brian Meehan.  
19 Q. 138 And Mr. Benson had been involved?  
12:29:50 20 A. I never met, or had any knowledge of Mr. Benson's involvement, other than what  
21 I have read in correspondence.  
22 Q. 139 Yes. So you were one of a number of advisors who was assisting Ballycullen  
23 farms; isn't that correct?  
24 A. Correct.  
12:30:04 25 Q. 140 And you address, on internal page three, which is the next page, the need for a  
26 public affairs programme. And you say that given the previous history of  
27 interaction with both planners and election members vis-a-vis the Ballycullen  
28 lands, we propose an intensive public affairs programme during the public  
29 display period. And the public display period was the period during which the  
12:30:28 30 Draft Development Plan would be put on public display and comments through the

- 12:30:33 1 public would be invited; isn't that correct?
- 2 A. The initial public display. There are two. The initial public display.
- 3 Q. 141 But not before the finally agreed submission is ready. Copies of a
- 4 submission together with detailed maps in respect of our proposal are to be
- 12:30:47 5 made available to those elected members with contact. It's vitally important
- 6 that it is unified and cohesive. We recommend that all contact unless
- 7 otherwise required, be made by Frank Dunlop. This is matter for discussion
- 8 with Mr. Jones ". And then you go on to identify various suggested contacts
- 9 in order of priority. And can you just tell us, that represents a number of
- 12:31:13 10 councillors from different parties; isn't that right?
- 11 A. That's correct, yes.
- 12 Q. 142 And all of them from the area around Ballycullen; isn't that right?
- 13 Rathfarnham, Terenure, Tallaght, Clondalkin, Lucan.
- 14 A. Yes.
- 12:31:30 15 Q. 143 All of them relatively speak, and I appreciate it's all relative, adjacent or
- 16 approximate areas; isn't that correct?
- 17 A. Correct.
- 18 Q. 144 Presumably, on the basis that they would be the councillors most likely to be
- 19 interested in and engaged by the proposals for this particular rezoning; isn't
- 12:31:49 20 that correct?
- 21 A. Correct.
- 22 Q. 145 And then I think you identify other important points of contact and they are
- 23 set out at internal page four. And you identify a number of Government
- 24 minutes officers who are also TDs for that particular part of the constituency,
- 12:32:05 25 isn't that correct?
- 26 A. Correct.
- 27 Q. 146 And then you set out a proposed action schedule detailing a number of meetings
- 28 of the professional advisors involved and others. And then submissions to the
- 29 Planning Department to be made on Tuesday 17th of September and then on the
- 12:32:23 30 13th of September public affairs programme begins. And the public affairs

12:32:28 1 programme was the series of meetings. Was it with the councillors that you  
2 identified?

3 A. Yes.

4 Q. 147 And was it contemplated at that stage that the public affairs programme would  
12:32:40 5 also, in due course, involve meetings with interested community groups?

6 A. Yes.

7 Q. 148 Now, I think you said in your evidence to Ms. Dillon that it was actually quite  
8 unusual for a document such as this to be prepared by you?

9 A. Yes.

12:33:00 10 Q. 149 And I think you said normally, no such documentation is ever provided?

11 A. Very rarely.

12 Q. 150 And had this document been asked for by Mr. Jones?

13 A. Yes.

14 Q. 151 And he was anxious to have you set down in writing precisely what you were  
12:33:19 15 going to do for him in return for whatever fees he would end up paying you;  
16 isn't that the right?

17 A. By and large, yes.

18 Q. 152 And he wanted to know the avenues you were going to explore in order to ensure,  
19 as far as possible, that the proposal for rezoning would be considered by as  
12:33:39 20 many councillors as possible, councillors would have an opportunity to be  
21 informed of the reasons why the rezoning was sought and would have an  
22 opportunity to decide whether the rezoning was appropriate or not; isn't that  
23 correct?

24 A. Yes.

12:33:55 25 Q. 153 And I think, I'll bring you to certain of the documents in just a moment  
26 Mr. Dunlop. But there were quite a number of letters from you to Mr. Jones;  
27 isn't that right? Post dating this document. You wrote to Mr. Jones on a  
28 number of occasions, in some cases reporting on what had occurred, what  
29 meetings you had had, to whom you had spoken. And in other cases you were  
12:34:23 30 preparing draft documents, draft letters and you were providing those to

12:34:29 1 Mr. Jones; isn't that right?

2 A. Yes.

3 Q. 154 And perhaps we might just have a look at some of those, just for the purposes

4 of identification.

12:34:37 5

6 And one of those is page 1455. Which is in fact a letter from July 1991.

7 And there's a document attached to that I think which we'll look at in just a

8 moment.

9

12:34:57 10 But your letter states "I attach a note regarding action on Ballycullen. As I

11 explained to you at our meeting, it will be necessary for you to make a

12 submission during the period of the public display this must be comprehensive

13 and should include detailed elements regarding leisure, housing and industry.

14 Because of the debacle regarding the local election results we'll have to sit

12:35:09 15 down and look very carefully at the people we will have to deal with.

16

17 Can I just ask you, In relation to the first paragraph there, this is, I think

18 you will agree with me, precisely what one would expect to see, in a letter

19 from someone providing services of the nature of the services you were

12:35:33 20 providing to a client. You were advising, firstly, as to when the submission

21 is to be made, and I think that's drawing on the expertise that we agree you

22 had as to the procedures and processes of Dublin County Council. And then you

23 are advising that the submission must be comprehensive and should include

24 detailed elements regarding leisure, housing and industry

12:35:59 25 A. Yes.

26 Q. 155 And that's presumably, in order to achieve the objective, that was the

27 objective of Ballycullen farms, which was to persuade the councillors letters

28 that it was appropriate to rezone the lands in question; isn't that right?

29 A. Yes.

12:36:15 30 Q. 156 And then I think the Action Plan is at the following --

- 12:36:18 1 A. Sorry, Mr. Collins, sorry to interrupt you. The submission is the submission  
2 to Dublin County Council officials during the course of the Development Plan,  
3 it doesn't necessarily mean that it relates to persuading the councillors.
- 4 Q. 157 Well the submission would go in the first instance to...?
- 12:36:37 5 A. Officials, yes.
- 6 Q. 158 Officials, and then it would be circulated to councillors?
- 7 A. By the officials, yes.
- 8 Q. 159 But there would be nothing to stop anybody interested in trying to persuade  
9 councillors to send copies of any submission, not simply this submission by any  
10 submission at all directly to councillors.
- 11 A. No.
- 12 Q. 160 And to discuss it with them, with a view to ensuring fully what was involved,  
13 the reasons for it and the virtues, or the perceived virtues of it; isn't that  
14 right?
- 12:37:01 15 A. Yes.
- 16 Q. 161 And then the document attached is an Action Plan involving, for example, week  
17 beginning the 22nd of July, referring to page 1456. The appointment of a  
18 project team involving architects, designers, town planners. And that was  
19 done, isn't that right? The team consisted of Murray O'Laoire.
- 12:37:29 20 A. Yes.
- 21 Q. 162 Yourself and Mr. Meehan; isn't that correct?
- 22 A. That's correct.
- 23 Q. 163 And then I think it sets out a programme of events which I think need not  
24 detain us. But can I ask then that page 1462 would come up. That's a letter  
12:37:52 25 to you, I think from Mr. Jones. Copied to both Messrs. Brooks. And it says  
26 "further to our recent meeting re. Ballycullen development strategy. I have  
27 informed Oliver and Franky Brooks of our proposal regarding local community  
28 information, they're most anxious to get involved at whatever level is  
29 appropriate as soon as possible. They are awaiting a call from you for  
12:38:09 30 discussion".



12:38:13 1  
2 So local community information was part of the proposal from the start.  
3 Isn't that right, Mr. Dunlop?  
4 A. Yes.  
12:38:21 5 Q. 164 And Mr. Jones was simply ensuring that, telling you that the Brooks' wanted to  
6 be involved in that aspect of the project; isn't that right?  
7 A. Correct.  
8 Q. 165 And then can I ask that page 1476 would be brought up.  
9  
12:38:38 10 And that's a letter from Mr. Jones to Sean O'Leeria of Murray O'Laoire  
11 Associates. And I just want to bring you your attention to the third  
12 paragraph Mr. Dunlop "I had, as you know, a recent meeting with Jan and Frank  
13 Dunlop, with a view to making a further submission on the lines of our original  
14 submission, when the draft plan goes on show, I've asked Jan to keep in touch  
12:39:08 15 with us to make sure that the quality of our proposal is highlighted to the  
16 local community and all parties concerned."  
17  
18 Who is Jan, Mr. Dunlop, do you know?  
19 A. To the best of my recollection, I think it's Jan Van Dyke. Not the famous Van  
12:39:20 20 Dyke. I think that's his name. I do recollect having a meeting with man of  
21 that name.  
22 Q. 166 He was an architect in the firm of Murray O'Leeria.  
23 A. Yes.  
24 Q. 167 There wasn't any secrecy about your involvement; isn't in a right, Mr. Dunlop?  
12:39:41 25 A. None whatever.  
26 Q. 168 You were a part of the team that Mr. Jones had engaged in relation to the  
27 rezoning?  
28 A. Yes.  
29 Q. 169 And you were providing your particular expertise and the architects were  
12:39:48 30 providing their particular expertise and I suppose Mr. Jones is here trying to

12:39:54 1 ensure that the efforts are co-ordinated; isn't that right?

2 A. Yes.

3 Q. 170 And, can I ask then that 1591 would come up.

4

12:40:19 5 And again, I think that's another letter from you to Mr. Jones dated, 20th of

6 January, 1992. And that informs him of the position as of that date. And of

7 the position resulting from the meeting of Dublin County Council on the 13th of

8 January, 1992; isn't that right

9 A. That's correct.

12:40:55 10 Q. 171 And it sets out the time table anticipated, to be followed in relation to the

11 Draft Development Plan; isn't that right?

12 A. Yes.

13 Q. 172 And again Mr. Dunlop, I think you'd agree with me, that this is an

14 unexceptional letter. Anybody who knew the nature of your engagement by

12:41:15 15 Mr. Jones would say, would look at that letter and say, well that is an element

16 of precisely what Mr. Dunlop and Frank Dunlop and associates was retained to

17 provide?

18 A. Yes.

19 Q. 173 His expertise and up to the minute knowledge of the processes and procedures

12:41:33 20 being followed by Dublin County Council; isn't that correct?

21 A. Correct.

22 Q. 174 And then I think, there's just a letter on the 22nd of January in response to

23 that, which points out that one of the attachments wasn't in fact completed or

24 sorry included, I beg your pardon. And then in March I think you wrote again

12:41:55 25 to Mr. Jones. And it's 1628.

26

27 And that's a letter dated 12th of March, 1992. Refers to a meeting that you

28 had had with Mr. Jones on the 5th of March, 1992. And it attached an overview

29 note vis-a-vis the time frame within which we have to operate, a recommended

12:42:27 30 schedule of contact, a draft text of information leaflet for distribution

12:42:32 1 locally, amongst councillors, amongst residents, community and sporting  
2 organisations.  
3  
4 I can those attachments aren't there, certainly not in my book. They are  
12:42:47 5 there and they are as they are described; isn't that right? Do you recall  
6 sending that letter and preparing those documents?  
7 A. Yes, I don't think those documents are attached, Mr. Collins. But that is my  
8 letter, yes.  
9 Q. 175 Yes. And again, just focussing on subparagraph C for a moment. That is an  
12:43:06 10 information leaflet for councillors and for residents, community and sporting  
11 organisations?  
12 A. Yes.  
13 Q. 176 And again that was an important part of the project, to ensure that residents  
14 and residents groups, understood what was being proposed, why it was being  
12:43:22 15 proposed and as far as possible, to allay any concerns or objections that they  
16 might have, or might be anticipated to have; isn't that right?  
17 A. Yes.  
18 Q. 177 And again, anybody looking at that letter, would not find it in any way  
19 exceptional, Mr. Dunlop. You are doing precisely what you were engaged to do  
12:43:43 20 by Mr. Jones and Ballycullen farms isn't that correct?  
21 A. Correct.  
22 Q. 178 And then, I think there are further letters. A letter of the 9th of April,  
23 1992. Page 1645. From you to Mr. Jones.  
24  
12:43:58 25 And again, that's keeping Mr. Jones up to date in terms of the processes being  
26 followed at Dublin County Council; isn't that correct?  
27 A. Yes, it relates to the time frame.  
28 Q. 179 Yes. Sorry, I skipped over 1643.  
29  
12:44:32 30 And perhaps we could just go to that, for just a moment.

12:44:36 1  
2 And that's a letter that you sent I think to councillor Breda Cass dated 8th of  
3 April, 1992. Around the same time as your letter to Mr. Jones. And I think  
4 you were asking her to meet with Mr. Jones in that regard.

12:45:13 5 A. Yes.

6 Q. 180 Yes. And I think councillor Cass ultimately voted in favour of the modified  
7 proposal?  
8 A. Yes, she did.  
9 Q. 181 Rezoning proposal; isn't that right?

12:45:23 10 A. She did.  
11 Q. 182 So would you attribute any of that to your efforts on behalf of Ballycullen  
12 Farms?  
13 A. I would say partially yes, she voted for the changed plan. I think she felt  
14 that she herself had had a contribution to make towards the plan, towards the  
15 changed usage of the land.

12:45:46 16 Q. 183 Yes it wasn't for any improper reason certainly the way she did it; isn't that  
17 right?  
18 A. No.  
19 Q. 184 And 15th of April, page 1659.

12:45:56 20  
21 That's a further letter and a further update from you to Mr. Jones; isn't that  
22 correct?  
23 A. Yes.  
24 Q. 185 And if I could ask you just to look of a paragraph five, which is on the next  
25 page.

12:46:17 26  
27 That refers to a meeting with the Planning Committee of the Knocklyon Community  
28 Council, which had been arranged for the 22nd of April. And was that one of a  
29 number of meetings with community councils and other representative bodies that  
30 you organised, Mr. Dunlop?

12:46:33

- 12:46:35 1 A. Yes, there were a number. I was not at all of them. But there were a  
2 number. Mostly organised and attended by, either Oliver or Franky Brooks.  
3 But I think mainly Franky Brooks.
- 4 Q. 186 And were those meetings attended by anybody else Mr. Dunlop, can you recall?  
12:46:54 5 Did you attend any from time to time?
- 6 A. Well, I recollect attending one.
- 7 Q. 187 Yes.?
- 8 A. And I think in fact there was correspondence between and contact, telephone  
9 contact, between me and either the Chairman or the secretary of the Knocklyon  
10 residents association, a man called Martin I think.
- 11 Q. 188 Yes. And what was the format and purpose of those meetings, Mr. Dunlop?
- 12 A. Well the purpose of the meetings was to provide information in the first  
13 instance, about the proposal. And secondly, to answer any questions that the  
14 local community might have in relation to the impact that the proposal would  
15 have if it was successful.
- 12:47:35 16 Q. 189 Yes. And the fundamental purpose, I suppose, again, being to persuade, this  
17 is a process or task of persuasion; isn't that right Mr. Dunlop?
- 18 A. It was a two-way process Mr. Collins. One was to negate any potential  
19 negative feeling in the area. And secondly, to facilitate comfort for local  
12:48:06 20 politicians.
- 21 Q. 190 Yes. Ultimately, perhaps to persuade residents that any negative features  
22 which they perceived in relation to the proposed rezoning was not as acute as  
23 they might have thought or perhaps weren't there at all?
- 24 A. That is a fairway of putting it, yes.
- 12:48:24 25 Q. 191 And to persuade them, perhaps, that the rezoning might bring benefits in terms  
26 of additional facilities or amenities that they might not have been aware of;  
27 isn't that correct?
- 28 A. Correct.
- 29 Q. 192 And again, presumably, a perfectly normal process in terms of trying to achieve  
12:48:42 30 a rezoning; isn't that right, Mr. Dunlop?

12:48:45 1 A. Yes.

2 Q. 193 And the next document then is a letter from you, fax from you rather, dated

3 21st of July. Page 1703.

4

12:49:00 5 And that's a fax apologising to Mr. Jones for cancelling a meeting that

6 morning, the 21st of July.

7

8 And then I think if we can go to 1704 we can see the reply.

9

12:49:14 10 That's from Mr. Jones expressing the disappointment and strong disappointment

11 that the meeting had been cancelled. Do you recall that, Mr. Dunlop

12 A. Yes.

13 Q. 194 And isn't it clear from that correspondence, that Mr. Jones was very anxious to

14 ensure that he was at all times kept up to date by you as to how matters were

12:49:35 15 proceeding?

16 A. Correct.

17 Q. 195 And wanted to be told the -- be given the sort of information that has been set

18 out in the correspondence we've just looked at, the procedures where matters

19 stood vis-a-vis, Dublin County Council, where matters stood in relation to

12:49:54 20 meetings with local residents and so on; isn't that correct?

21 A. Yes.

22 Q. 196 And then, for completeness, 1731.

23

24 And that again I think illustrates the nature of the team work that was going

12:50:13 25 on at this stage. It's a letter from Murray O'Leeria to Mr. Jones. In the

26 fourth paragraph it refers to "I note that I will endeavour to bring the

27 proposals to draft stage by early next week with a view to meeting with

28 Mr. Frank Dunlop and or your good self and Oliver and Frank Brooks, I note

29 that it is your intention that the document be available in approximately two

12:50:33 30 weeks".

- 12:50:34 1  
2 So again. And that letter is in fact copied to you. Here is a co-ordination  
3 of the efforts of the various expert advisors that were assisting Ballycullen  
4 Farms with a a view to ensuring the production within the relevant time limits  
12:50:50 5 of a submission to the County Council; isn't that correct?  
6 A. Yes.  
7 Q. 197 And then just on page 1733.  
8  
9 There is I think a draft letter, dated incompletely September 1992. Which I  
12:51:08 10 think at that stage you had prepared for the purposes of it being sent to  
11 councillor Cass? Isn't that right?  
12 A. Yes.  
13 Q. 198 And that letter or draft letter states that, "As a result of our meetings with  
14 you" I'm reading from the second sentence, "I instructed our architects to come  
12:51:44 15 up with a revised proposal which would incorporate in as economically viable a  
16 fashion as possible, a balanced and integrated private medium to low density  
17 residential development together with a defined area of zoned open space".  
18 And that presumably reflects concerns that she would have expressed in the  
19 course of the meeting; is that correct?  
12:51:56 20 A. Sorry, Mr. Collins. That is a draft letter prepared by me and sent to  
21 Mr. Jones. Is that correct?  
22 Q. 199 I understand that. It's draft letter which I think you prepared for sending  
23 ultimately to councillor Cass, but I think was sent to Mr. Jones for his  
24 approval?  
12:52:14 25 A. Correct. But would be sent by Mr. Jones to councillor Cass.  
26 Q. 200 Well I don't think that's so. Mr. Dunlop, if you look at page 1734.  
27  
28 The draft appears to envisage that you would sign it.  
29 A. Yes.  
12:52:31 30 Q. 201 But in any event, I think you say "Our architects have now completed their

12:52:36 1 report and I enclose a copy for your information". And then I think you  
2 headline some of the major features of what was being proposed at that stage;  
3 isn't that right?

4 A. Yes. I just return to that point that I made. I would not normally be  
12:52:54 5 describing people as my architects or, my feeling is that this is a draft  
6 letter prepared for usage by Mr. Jones but nothing turns on it.

7 Q. 202 Very good. Well in any event, it's a draft prepared by you whether for  
8 sending by you or for sending by Mr. Jones; isn't that right?

9 A. Correct.

12:53:13 10 Q. 203 And there's also then a draft of the report I think that's referred to isn't  
11 that right? 1735.  
12  
13 And again, it's not the detail of this that I wish to dwell on, Mr. Dunlop.  
14 But it's a summary of the major features or principal features of the proposal.  
12:53:37 15 And you are proposing at that stage to send it to councillor Cass, whether  
16 under your own name, so to speak, or under the name of Mr. Jones

17 A. Yes.

18 Q. 204 And again, I suggest to you, anybody looking at that correspondence wouldn't  
19 find it in any way exceptional?

12:53:55 20 A. Not really.

21 Q. 205 You were simply trying to persuade councillor Cass to what was being proposed  
22 had been altered to take account of some of the concerns that she had  
23 expressed, apparently, and seeking her support for the modified proposal; isn't  
24 that correct?

12:54:12 25 A. And some of the recommendations that she had also made.

26 Q. 206 Yes. In terms of, what recommendations?

27 A. The division between what would be residential and what would be recreational  
28 amenity.

29 Q. 207 Yes. I think that's addressed in the two bullet-points in the second page of  
12:54:28 30 the letter and addressed then also in the enclosed draft document at page 1735,



12:54:36 1 isn't that right, Mr. Dunlop?

2 A. Sorry Mr. Collins, yeah.

3 Q. 208 I'm glad you wanted to look at me, Mr. Dunlop. Yes, I'm sorry. You referred  
4 recommendations which councillor Cass had made and I think you made the point  
12:55:00 5 that this letter wanted to emphasise or wanted to make clear that the  
6 recommendations had, to some extent, at least, by incorporated into the revised  
7 proposal?

8 A. Correct. You referred page two but it hasn't come up on my screen here.

9 Q. 209 I beg your pardon. The second page is 1734. That's the second page, I think  
12:55:27 10 of the enclosed document. 1734.  
11

12 CHAIRMAN: ' 36.

13 Q. 210

14 COLLINS: Thanks very much. It's the second page of the letter Mr. Dunlop.  
12:55:54 15 You say there reading the last sentence of the second paragraph, "I believe we  
16 now have an excellent proposal which takes account of two important factors"  
17 and then you identify those factors and then you identify those factors, "The  
18 provision of new residential communities in accordance with approved action  
19 area plans". And secondly, "The preservation and provision of open space  
12:56:19 20 recreational/leisure amenities on a total of 52.78 hectares. 130 acres."  
21 A. Correct.

22 Q. 211 Are they issues that councillor Cass had raised with you?

23 A. Yes. And she was notwithstanding her evidence that she didn't have much  
24 contact with me, Mr. Collins, in relation to this. This, obviously, goes  
12:56:34 25 against that. Councillor Cass was very concerned that there would be a proper  
26 balance between any residential facility that that was made available to be  
27 counter balanced by any recreational, leisure local amenity.

28 Q. 212 Yes. And then 1766.  
29

12:57:00 30 Thank you. That's a fax, a handwritten fax I think from you to Mr. Jones 18th

12:57:11 1 of September 1992. Attached please find re draft of letter to B Cass and B  
2 information note forever councillors

3 A. Yes, that is mine and that is my handwriting.

4 Q. 213 And then I think 1767 is the revised draft letter to councillor Cass. And  
12:57:30 5 1968. And, 1768 and I don't think that there is anything particular turning  
6 on the contents of that letter. Though I bring to your attention the point  
7 that you were making earlier on, that it is now being signed by Mr. Jones.  
8 And then at 1769 and following pages, there is an expanded note "Residential  
9 leisure development at Ballycullen, County Dublin." And whereas the original  
12:57:58 10 document was two pages long and three paragraphs long, this is a three page  
11 document with five paragraphs. If you look at page 2 of that document, 1770.

12  
13 You will see a new paragraph in relation to roads. And is that an issue, can  
14 you recall of concern, that had been raised?

12:58:25 15 A. Yes. Obviously, this is a matter that was included in the draft as a result  
16 of consultation with Mr. Jones and/or the architects, as a result of the CPO.

17 Q. 214 Yes. And if we might just turn to the next page of that document, please.  
18 1771.

19  
12:58:53 20 There's a new section headed under the heading of "Conclusion" and it says  
21 "Farming in Ballycullen is no longer viable. A new use for these lands is now  
22 required, a use which will on the one hand accord with area plans regarding  
23 residential and on the other provide suitable amenity and recreational uses for  
24 both the existing communities and for any new community".

12:59:14 25  
26 "We have given a public commitment that we will manage the total development of  
27 these lands ourselves. These lands are in our total ownership and are not  
28 carrying any financial burden. We have had these lands for 30 years. We  
29 would ask you to give your favourable and sympathetic consideration to the  
12:59:33 30 zoning proposal we have made to Dublin County Council. Should you require any

12:59:37 1 further information" and then it gives the numbers for Mr. Jones, the two  
2 Brooks brothers and your own number isn't that right?

3 A. That's right.

4 Q. 215 And I think you accepted in the course of your evidence to Ms. Dillon, that you  
12:59:45 5 had in fact received a report from Mr. Flynn, the burden or thrust of which was  
6 that it was no longer possible to farm the lands in Ballycullen; isn't that the  
7 right?

8 A. That is correct. This is a report that was commissioned by Mr. Jones in  
9 relation to the non-viability of agriculture in a particular area. The further  
10 non-

13:00:15 10 non-  
11 Q. 216 Yes. And could we just have 1548 for a moment.

12

13 CHAIRMAN: Mr. Collins, I think we'll stop there. it's one o'clock.

14

13:00:24 15 MR. COLLINS: Thank you very much, Sir. We'll sit again at two o'clock.

16

17 MR. COLLINS: Thank you.

18

19

13:00:52 20

21

22 **THE TRIBUNAL THEN ADJOURNED FOR LUNCH.**

23

24 **THE TRIBUNAL RESUMED AS FOLLOWS AT 2:00 P.M.:**

13:01:00 25

26

27 MS. DILLON: Mr. Dunlop, please. Mr. Collins has agreed that Mr. Dully can  
28 cross-examine Mr. Dunlop now, Mr. Dully appears on behalf of Mr. O'Halloran.  
29 He's only going to be ten minutes. Mr. Collins has agreed to facilitate

14:08:43 30

Mr. Dully to let that go ahead.

14:08:44 1  
2 CHAIRMAN: All right.  
3  
4  
14:08:55 5 Q. 217 MR DULLEY: My name is Martin Dulley, I appear on behalf of Mr. Halloran.  
6 And I just have a few questions for you arising out of your evidence to the  
7 Tribunal concerning Mr. O'Halloran on this Module.  
8  
9 And if I could ask you first of all Mr. Dunlop, whether you concede that you  
14:09:17 10 made a statement to the Tribunal in which you said that we paid a sum of money  
11 to Mr. O'Halloran and a portion of that sum of monies you say was in return for  
12 his support on the Ballycullen rezoning. Do you confirm that that is your  
13 allegation, Mr. Dunlop  
14 A. Yes.  
14:09:44 15 Q. 218 Now, as I understand it Mr. Dunlop, you appear to be referring in the course of  
16 your evidence to this Tribunal to a single payment that you made it to  
17 Mr. O'Halloran concerning his alleged support on the Ballycullen vote; is that  
18 correct?  
19 A. Yes.  
14:10:01 20 Q. 219 Could you indicate to the Tribunal the circumstances in which you say you met  
21 Mr. O'Halloran and you made that payment to him?  
22 A. Yes, sometime after the vote in the environs of Dublin County Council.  
23 Q. 220 In the environs of Dublin County Council?  
24 A. Yes.  
14:10:17 25 Q. 221 Now, I had understood your evidence to be to the Tribunal initially that you  
26 had in turn understood that Mr. O'Halloran was going to support the first vote  
27 on Ballycullen.  
28 A. Yes.  
29 Q. 222 Can you confirm Mr. Dunlop, that Mr. O'Halloran wasn't present at the meeting?  
14:10:34 30 A. Yes, I can, he was not.

- 14:10:34 1 Q. 223 At which this vote took place?
- 2 A. He was not present.
- 3 Q. 224 Are you saying that you had an arrangement with Mr. O'Halloran prior to that
- 4 meeting that you would support this particular proposal; is that correct?
- 14:10:45 5 A. Yes.
- 6 Q. 225 Are you saying that the arrangement that you had with Mr. O'Halloran was a
- 7 corrupt arrangement, in the sense that you would agree to pay him some money
- 8 return for his support?
- 9 A. Yes.
- 14:10:55 10 Q. 226 I take it that you have a specific recollection of coming that arrangement with
- 11 Mr. O'Halloran concerning Ballycullen?
- 12 A. Yes.
- 13 Q. 227 Could you indicate to me when you came to that arrangement with Mr. O'Halloran?
- 14 A. In the lead up to the lobby -- in the lobbying in the lead up to the vote.
- 14:11:11 15 Q. 228 Right. Can you be a little bit more specific about it than that other than to
- 16 indicate that it was in the lead up to the lobbying before the vote?
- 17 A. No.
- 18 Q. 229 You can't?
- 19 A. No.
- 14:11:21 20 Q. 230 Now, at that stage I think you were putting together a coalition of councillors
- 21 who would be willing to support this rezoning motion; isn't that right?
- 22 A. Correct.
- 23 Q. 231 Now, I take it, since you were soliciting Mr. O'Halloran to engage in a corrupt
- 24 act and that you intended to pay him some money, you would recall some of the
- 14:11:43 25 details concerning the arrangement that you reached with Mr. O'Halloran, in
- 26 advance of the vote. Can you recall anything about where you met
- 27 Mr. O'Halloran, the circumstances in which you met him, how much you agreed to
- 28 pay him and what Mr. O'Halloran's alleged response was Mr. Dunlop?
- 29 A. Virtually all of my meetings with your client were in the environs of Dublin
- 14:12:09 30 County Council. I asked him for his support, he indicated that he would give

- 14:12:14 1 it. In return for a contribution. I agreed. And the matter continued from  
2 there.
- 3 Q. 232 Are you suggesting that you paid the contribution to Mr. O'Halloran in advance  
4 of the first vote Mr. Dunlop?
- 14:12:30 5 A. No, I'm not.
- 6 Q. 233 Uh-huh. And are you suggesting that there was an arrangement with  
7 Mr. O'Halloran as to when the money would be paid?
- 8 A. Normally, after the vote but not always.
- 9 Q. 234 Now, Mr. O'Halloran, I take it, agreed, in return for money, according to your  
14:12:54 10 evidence Mr. Dunlop, that he would support the proposal; is that right?
- 11 A. Correct.
- 12 Q. 235 I take it that you were flabbergasted when you discovered that Mr. O'Halloran,  
13 notwithstanding his arrangement with you, to accept money to vote in a corrupt  
14 manner, failed to turn up at the meeting?
- 14:13:13 15 A. A bit surprised, yes.
- 16 Q. 236 I take it you took it up with Mr. O'Halloran at the first available  
17 opportunity?
- 18 A. I don't recollect having any conversation with him about it in detail other  
19 than to say to him, you weren't there.
- 14:13:27 20 Q. 237 And when did that conversation take place, Mr. Dunlop?
- 21 A. Subsequent to the vote.
- 22 Q. 238 Subsequent to the vote. Well clearly it took place subsequent to the vote.  
23 Can you recall with any degree of greater precision when it might have taken  
24 place or the context?
- 14:13:42 25 A. The context would have been in the environs of Dublin County Council where I  
26 normally met your client. Obviously, since it was subsequent to the vote, it  
27 was afterwards.
- 28 Q. 239 Is that it, Mr. Dunlop?
- 29 A. Yes.
- 14:13:52 30 Q. 240 You can't recall anything else about it?

- 14:13:54 1 A. No, that's it.
- 2 Q. 241 Now, how much had you agreed to pay to Mr. O'Halloran?
- 3 A. I think something of the order of 500 pounds.
- 4 Q. 242 500 pounds?
- 14:14:03 5 A. Yes.
- 6 Q. 243 So you are fairly specific about that. An arrangement Mr. O'Halloran would
- 7 vote corruptly and support this rezoning motion for 500 pounds; is that
- 8 correct?
- 9 A. Yes.
- 14:14:16 10 Q. 244 Now, can I ask you Mr. Dunlop, why it was when you made your narrative
- 11 statement to the Tribunal that you are unable to include any of this degree of
- 12 detail concerning Mr. O'Halloran and concerning these lands?
- 13 A. I don't follow your question.
- 14 Q. 245 When you made a statement to the Tribunal concerning these particular lands,
- 14:14:34 15 Mr. Dunlop, you were unable to furnish any information or particulars
- 16 whatsoever concerning a corrupt payment to Mr. O'Halloran in its amount and in
- 17 terms of the circumstances or location of the payment or when it took place.
- 18 Could you indicate to me why you didn't do that Mr. Dunlop?
- 19 A. In my narrative statement to the Tribunal I had indicated that I had given
- 14:14:57 20 monies to your client, on an ongoing basis during the course of the Development
- 21 Plan in relation to a number of projects.
- 22 Q. 246 Did you indicate in your narrative statement to the Tribunal that monies were
- 23 paid to Mr. O'Halloran in return for his support for both motions?
- 24 A. No, I did not.
- 14:15:30 25 Q. 247 Did you differentiate between his failure to vote on the first vote and his
- 26 subsequent voting in favour of the confirmation of the rezoning?
- 27 A. No.
- 28 Q. 248 Why not?
- 29 A. I didn't really regard the matter as relevant.
- 14:15:38 30 Q. 249 All right. Now, if do you accept that at this particular juncture in the

14:15:51 1 course of your dealings with Mr. O'Halloran that you would have met  
2 Mr. O'Halloran concerning a particular other proposal of which Mr. O'Halloran  
3 was a key supporter; is that right.

4 A. Yes.

14:16:02 5 Q. 250 And do you accept that the vast majority of the meetings that are detailed in  
6 your diaries and contacts with Mr. O'Halloran would have related to that  
7 particular proposal; is that right?

8 A. Quite a few of them, but not the vast majority.

9 Q. 251 You see what I'm interested in establishing Mr. Dunlop, is how you can actually  
14:16:20 10 say specifically, that you can recall an occasion in October or November of  
11 1992 in which you had a meeting with Mr. O'Halloran and which you discussed  
12 with Mr. O'Halloran his failure to actually support this proposal first time  
13 around, notwithstanding his agreement to be bribed. Can you explain how you  
14 specifically recall that meeting or can you give any details of that meeting or  
14:16:43 15 where it took place?

16 A. No -- Well, as I have already told you, the meeting took place where I normally  
17 met your client; the environs of Dublin County Council.

18 Q. 252 Can you say who was responsible for organising the meeting?

19 A. No, there's no question of any organising of meetings. Mr. O'Halloran was a  
14:17:02 20 regular attender at County Council meetings and that is where I met him, either  
21 in the lobby, or in the immediate environs.

22 Q. 253 Now, why was it, Mr. Dunlop, that you would have waited until an informal  
23 situation to have this discussion with Mr. O'Halloran, when in fact your diary  
24 indicates a number of meetings with Mr. Halloran which you apparently chose not  
14:17:29 25 to discuss his failure to turn up and vote on the Ballycullen rezoning. Are  
26 you aware that you would have met with Mr. O'Halloran on a number of occasions,  
27 as detailed in your diary, prior to this after the first vote?

28 A. Correct.

29 Q. 254 Right. So why didn't you bring up with Mr. O'Halloran any of those meetings  
14:17:51 30 his failure to make good on his agreement to vote corruptly in favour of the



- 14:17:57 1 Ballycullen rezoning?
- 2 A. That I cannot tell you.
- 3 Q. 255 Well, it's a bit odd isn't it Mr. Dunlop, since you were concerned that
- 4 Mr. O'Halloran hadn't turned up to vote, since he had apparently made an
- 14:18:11 5 arrangement with you to vote in return for you say a specific payment of 500
- 6 pounds. That you chose not to discuss this with Mr. O'Halloran at any other
- 7 meeting that you may have with Mr. O'Halloran until October or November of
- 8 1992, it's a little odd; isn't it?
- 9 A. I don't think so.
- 14:18:40 10 Q. 256 Is there any -- is it simply a matter of coincidence, Mr. Dunlop, when you made
- 11 this allegation about Mr. O'Halloran, in your narrative statement to the
- 12 Tribunal, that the wording of it is identical in form to the wording of the
- 13 allegation that you made concerning Mr. O'Halloran in the Carrickmines Module?
- 14 That you made him a sum of money and part of it was in return for his support
- 14:19:06 15 on the Carrickmines Module. You say exactly the same thing concerning Mr.
- 16 O'Halloran and the Ballycullen Module?
- 17 A. Yes.
- 18 Q. 257 I think you concede at this stage and I think you conceded in the course of
- 19 your evidence to the Tribunal in the previous Carrickmines Module Mr. Dunlop,
- 14:19:22 20 that in fact Mr. O'Halloran did not vote in favour of the Carrickmines
- 21 rezonings at all in fact didn't even attend the meeting; isn't that right?
- 22 A. Yes.
- 23 Q. 258 And I think in fairness to you, Mr. Dunlop, you withdraw an allegation that
- 24 you made about Mr. O'Halloran receiving corrupt payments in return for his vote
- 14:19:40 25 on the Carrickmines Module; isn't that right?
- 26 A. Yes, correct.
- 27 Q. 259 But you're not prepared to make that withdrawal of allegation in respect of
- 28 this one no. way.
- 29 A. No way.
- 14:19:50 30 Q. 260 Because you are absolutely certain, is that right, because Mr. O'Halloran

- 14:19:54 1 received a corrupt payment?
- 2 A. On an ongoing basis.
- 3 Q. 261 On an ongoing basis. Now, I have to suggest to you, Mr. Dunlop
- 4 that you simply didn't recall, one way or another what the situation was with
- 14:20:08 5 regards Mr. O'Halloran when you made your narrative statement to the Tribunal.
- 6 A. No. That's not correct.
- 7 Q. 262 Right. And that the reason why your statement to the Tribunal is in such a
- 8 general form is that you had absolutely no specific recollection of ever having
- 9 had a conversation with Mr. O'Halloran concerning the Ballycullen lands?
- 14:20:34 10 A. No.
- 11 Q. 263 If you had such a recollection, Mr. Dunlop, I have to put it to you that you
- 12 would have included it in the narrative statement?
- 13 A. No, I did include the Ballycullen lands and your client in the narrative
- 14 statement.
- 14:20:44 15 Q. 264 Isn't it the case, Mr. Dunlop, that as regards other councillors who you say
- 16 that you bribed in respect of other votes, that you're able to give the
- 17 Tribunal chapter and verse as to when you met them, the details of the
- 18 conversation, refer the Tribunal to a particular diary entry, discuss what was
- 19 discussed, and actually indicate to the Tribunal the precise sum paid. Now,
- 14:21:09 20 why is it that when it comes to Mr. O'Halloran we don't get any of do these
- 21 details Mr. Dunlop?
- 22 A. Well first of all, not in all of the instances are the details outlined as you
- 23 suggest. Secondly, I have already made my narrative statement in relation to
- 24 what I did and did not do in relation to Mr. O'Halloran, your client.
- 14:21:29 25 Q. 265 What I'm suggesting to you Mr. Dunlop, is that the lack of detail concerning
- 26 O'Halloran in your statement, tells its own story about your recollection of
- 27 your dealings with Mr. O'Halloran.?
- 28 A. No, I don't accept that.
- 29 Q. 266 You have already been caught out once in Carrickmines making allegations which
- 14:21:46 30 have been proven to be false concerning Mr. O'Halloran. And what we're at

- 14:21:50 1 again here are similar generalised allegations which it is virtually impossible  
2 for Mr. O'Halloran to disprove?
- 3 A. Mr. O'Halloran has already admitted receiving 500 pounds from me.
- 4 Q. 267 All right. And I have to suggest to you, that that, according to  
14:22:06 5 Mr. O'Halloran, at least, was not in the context of any particular rezoning at  
6 all.?
- 7 A. Rubbish.
- 8 Q. 268 And you are suggesting, I take it, Mr. Dunlop, that it was entirely in the  
9 context of Ballycullen that that payment is made, is that right, and no other  
14:22:21 10 context? None at all?
- 11 A. I paid your client a sum in the order of 500 pounds in relation to his support  
12 for Ballycullen. Your client made a statement that he received 500 pounds  
13 from me on another occasion.
- 14 Q. 269 Am I correct in saying that as regards that admission made by Mr. O'Halloran,  
14:22:39 15 that Mr. O'Halloran actually volunteered that information to the Tribunal;  
16 isn't that right?
- 17 A. Sometime after his first narrative statement.
- 18 Q. 270 He volunteered it. Now that's a payment made, according to you, in cash.  
19 Isn't that right?
- 14:22:49 20 A. Yes.
- 21 Q. 271 And yet, this is a payment which Mr. O'Halloran volunteered to the Tribunal.  
22 And that he can recall having receive it had from you; isn't that the right?
- 23 A. It's -- after saying first that he never got anything.
- 24 Q. 272 All right. Now, isn't it the case, Mr. Dunlop, that there was absolutely no  
14:23:07 25 method of tracing that payment one way or the other isn't that right? Other  
26 than Mr. O'Halloran's admission that he received it; isn't that right?
- 27 A. I have no idea.
- 28 Q. 273 Well, that is the position; isn't it? With a cash payment? Mr. Dunlop.
- 29 A. Probably, yes.
- 14:23:23 30 Q. 274 Yet Mr. O'Halloran is the person who volunteered that information to the

- 14:23:27 1 Tribunal. Not you. You couldn't say what you paid him; isn't that right?
- 2 A. No, I said that I gave him a -- I paid him, on a number of occasions regularly
- 3 throughout the Development Plan.
- 4 Q. 275 Right. Now, I think you indicated on previous occasion, indeed in your
- 14:23:42 5 narrative statement, that you made a payment or composite payments of
- 6 approximately 5,000 pounds to Mr. O'Halloran; isn't that right?
- 7 A. Correct.
- 8 Q. 276 Now, I think when I asked you this question before, Mr. Dunlop, you were not in
- 9 a position to give this Tribunal any evidence at all of a specific payment that
- 14:24:02 10 you can recall making to Mr. O'Halloran. On the last occasion we discussed
- 11 these matters Mr. Dunlop?
- 12 A. No, I paid your client regularly. That's what was in my narrative statement.
- 13 Q. 277 And that the only occasion that you can recall actually making a payment to Mr.
- 14 O'Halloran is the occasion that you now say that you can recall, a specific
- 14:24:20 15 payment of 500; isn't that right?
- 16 A. No, that's not correct.
- 17 Q. 278 What I'm suggesting to you Mr. Dunlop ,that you're actually doing. I'm
- 18 suggesting to you, that when Mr. O'Halloran made a statement to the Tribunal
- 19 accepting that he received the sum of 500 pounds from you, you simply latched
- 14:24:38 20 on to that payment and have decided to attribute this to the Ballycullen Module
- 21 and payment, to support your totally spurious allegation that you paid
- 22 Mr. Halloran to vote in a particular way?
- 23 A. Nonsense.
- 24 Q. 279 Nonsense. All right. Can you recall giving your evidence to, I think it was
- 14:25:07 25 Ms. Dillon, concerning the conversation that you had with Mr. O'Halloran in
- 26 which you discussed with him this payment of 500 and made the payment to him?
- 27 I think you indicated that you may have said to him or asked him why he hadn't
- 28 supported the original rezoning vote; is that right?
- 29 A. Yes.
- 14:25:29 30 Q. 280 And indeed why he hadn't been present?

14:25:32 1 A. Uh-huh.

2 Q. 281 Now, I take it from that, Mr. Dunlop, that you have a specific recollection of

3 pinning O'Halloran to the door, so to speak, and saying you weren't here on the

4 last occasion, you said you were going to support it and why didn't you; isn't

14:25:44 5 that right? You have a recollection of that conversation taking place with

6 Mr. O'Halloran?

7 A. I have a recollection of raising the issue with your client, yes.

8 Q. 282 I think you put to the in those terms that you would have raised with him his

9 failure to turn up, notwithstanding his assurance that he would. Isn't that

14:25:59 10 right Mr. Dunlop?

11 A. Yes.

12 Q. 283 That you have absolutely no recollection, according to your own evidence, of

13 Mr. O'Halloran's response; isn't that the correct?

14 A. Yes.

14:26:09 15 Q. 284 How is it possible that you can remember one half of the conversation and not

16 the other half, Mr. Dunlop?

17 A. I have no answer to you on what Mr. O'Halloran said.

18 Q. 285 Well, you looked for an explanation. You can recall looking for an

19 explanation. Isn't it somewhat surprising that you can't actually recall what

14:26:27 20 the explanation was?

21 A. No, I don't think it's surprising, no.

22 Q. 286 He gave you an explanation; isn't that right?

23 A. Obviously of some sort.

24 Q. 287 But you have no recollection as to what that might have been at the time?

14:26:40 25 A. No.

26 Q. 288 All right. Am I correct in saying, if I could just return, for a moment, Mr.

27 Dunlop, to your evidence concerning Mr. O'Halloran and the Carrickmines Module.

28

29 Am I correct in saying that in that case, you did not have in front of you when

14:27:16 30 you made your statement, a list of the councillors who had attended the

- 14:27:21 1 meetings at which the Carrickmines rezoning votes had taken place when you made  
2 your statement?
- 3 A. That I can -- when I made which statement?
- 4 Q. 289 Your statement concerning Mr. O'Halloran and the Carrickmines Module?
- 14:27:35 5 A. That I can't recollect.
- 6 Q. 290 Now, did you have a list of the councillors who had voted or not voted on the  
7 Ballycullen rezoning when you made your statement concerning Mr. O'Halloran in  
8 front of you?
- 9 A. I don't think I consulted any voting record, no.
- 14:27:50 10 Q. 291 You didn't?
- 11 A. I don't think so.
- 12 Q. 292 All right. And I take it, that you are you are always in a position to  
13 distinguish between councillors whom you bribed to vote on the first  
14 Ballycullen rezoning and those who then voted for its conformation, isn't that  
15 right? You were in a position to provide that level of detail to the Tribunal  
16 if necessary?
- 17 A. I know who asked me for money.
- 18 Q. 293 All right. Now, are you saying that Mr. O'Halloran is one of the people who  
19 you asked you for money?
- 14:28:20 20 A. Yes.
- 21 Q. 294 In connection with this particular rezoning?
- 22 A. Yes.
- 23 Q. 295 Are you saying that he solicited funds from you in advance of the vote; is that  
24 right?
- 14:28:28 25 A. Yes.
- 26 Q. 296 Now with have the bizarre proposition of somebody going to see you Mr. Dunlop  
27 and solicits funds, indicates he is prepared vote in a corrupt fashion for  
28 money. You agree to pay him the money, apparently you agreed the sum of 500  
29 pounds. And that individual doesn't even turn up to vote; is that right?
- 14:28:47 30 A. That's correct.

- 14:28:48 1 Q. 297 All right. I'll try again Mr. Dunlop. Can you recall when this conversation  
2 took place and which Mr. O'Halloran solicited funds from you prior to the first  
3 Ballycullen vote?
- 4 A. No.
- 14:29:00 5 Q. 298 Well, how can you actually recall that the conversation took place if you can  
6 recall nothing of the detail concerning the conversation Mr. Dunlop?
- 7 A. Because I had many conversations with your client.
- 8 Q. 299 I'm asking you to recall a specific conversation. You say that you can.  
9 Now, could you indicate to me when precisely that conversation took place in  
10 advance of the vote?
- 11 A. Precisely, no.
- 12 Q. 300 Right. Was it weeks, months, when?
- 13 A. Weeks.
- 14 Q. 301 Weeks. Now, the position is that in addition to this other meeting that you  
15 discussed with Ms. Dillon in which you say Mr. O'Halloran offered you some  
16 feeble excuse or some excuse which you can't recall, for not turning-up for the  
17 vote. That you now recall another conversation with Mr. O'Halloran prior to  
18 the first vote, in which you say and specifically recall Mr. O'Halloran  
19 solicited funds from you?
- 14:29:51 20 A. I have already said consistently, that I canvassed your client, I met your  
21 client on many occasions. I canvassed him in relation to Ballycullen. He  
22 agreed to give it his support in return for a contribution.
- 23 Q. 302 Am I correct in saying, and I'm subject to correction by you Mr. Dunlop. That  
24 when you were giving evidence concerning Ballycullen and Mr. O'Halloran, you  
14:30:15 25 had absolutely nothing to say at all about any meeting at which Mr. Halloran  
26 solicited funds, in advance of the Ballycullen rezoning in return for his  
27 corrupt vote. Did you say that to Ms. Dillon?
- 28 A. I have no recollection, I'm sure it's on the transcript.
- 29 Q. 303 Now, what you say here is, it's I think at page 125 of the transcript. It's  
14:30:51 30 day 606.

14:30:53 1  
2 And it's I think it's question 482. "Are you saying that you needed to see a  
3 record of a meeting at which the Ballycullen lands were voted on before you  
4 were in a position to state which of the councillors recorded being present you  
14:31:08 5 paid?" Answer, "Not specifically in those terms. What I undertook to do was  
6 that on foot of a review and on foot of an issue by issue basis in the course  
7 of the Development Plan I would provide the Tribunal with as much detail as I  
8 possibly could in the context of any payments. And this was the core issue.  
9 Any payments to anybody in relation to those issues. As and as I reviewed  
14:31:31 10 them that was how the statement was prepared and produced."  
11  
12 You undertook to do your level best payments that you made to councillors when  
13 they happened, how much they were for and who solicited them; isn't that right?  
14 A. Correct.  
14:31:45 15 Q. 304 How is it, if that's the case Mr. Dunlop, do you make a generalised allegation  
16 against Mr. O'Halloran without indicated the payment that you made to him about  
17 Ballycullen. And you purport to give in evidence much more specific detail of  
18 specific payments made -- you say to Mr. O'Halloran that he solicited 500  
19 pounds from you both in advance of the meeting and then subsequent to the  
14:32:09 20 meeting. That you asked him at the second meeting, according to yourself, why  
21 he hadn't return turned up at the first one. Why were these details omitted  
22 from your statement?  
23 A. Because I gave a general statement in relation to your client.  
24 Q. 305 Could I just repeat what you said in answer to the Tribunal.  
14:32:25 25  
26 "What I undertook to do was on foot of a review and on an issue by issue basis  
27 in the course of the Development Plan, I will provide the Tribunal with as much  
28 detail as I possibly could in the context of any payments. This was the core  
29 issue. Any payments to anybody in relation to those issues as I reviewed them  
14:32:43 30 that is how the statement was prepared and produced".



14:32:47 1  
2 Now, would you like to say how it is, bearing in mind that that was your modus  
3 operandi in making the statement, how you came to make such a generalised  
4 statement concerning Mr. O'Halloran and not include the level of detail which  
14:33:02 5 you now purport to include concerning him?  
6 A. No, I made my narrative statement in relation to your client, the amount of  
7 money that I gave your client over the course of the Development Plan.  
8 Q. 306 Well, I have to suggest to you finally, Mr. Dunlop, that your evidence  
9 concerning Mr. O'Halloran as it was in the Carrickmines Module, is equally  
14:33:33 10 unconvincing and unsupported by the facts. And that you are making up these  
11 allegations concerning Mr. O'Halloran, in respect of the Ballycullen lands and  
12 that your failure to provide any detail at all concerning the circumstances in  
13 which you made these payments to Mr. O'Halloran allegedly indicates its own  
14 story. You simply do not recall making any payments at all to Mr. O'Halloran  
14:34:00 15 concerning the Ballycullen lands. And that your evidence to this Tribunal  
16 today concerning any such alleged payments is a complete and total  
17 fabrication.?  
18 A. Utterly completely refute that.  
19 Q. 307 Thank you Mr. Dunlop.  
14:34:13 20  
21 Q. 308 CHAIRMAN: Mr. Dunlop, if you say you paid Mr. O'Halloran. Or if you say you  
22 agreed to pay Mr. O'Halloran.  
23 A. Yes.  
24 Q. 309 CHAIRMAN: For his support, why did you pay him when he didn't give you that  
14:34:28 25 support?  
26 A. Yes, Chairman. This question came up in another Module about another,  
27 something similar. The undertaking was, once it was promised it was given.  
28 It was paid. And on the basis that Mr. O'Halloran, as in another instance,  
29 would be kept sweet.  
14:34:49 30

- 14:34:49 1 Q. 310 CHAIRMAN: But surely it was, it would have been simple for you to say to him  
2 we had a deal, you didn't turn up, so I'm not going to pay you this time.  
3 I'll look after you the next time. Why would you pay him whether or not he  
4 turns up?
- 14:35:08 5 A. Well that was the arrangement we had with him. And it occurred on a number of  
6 other occasions as well with other people. And I just, we agreed that we  
7 would give him the money and I gave it to him.  
8
- 9 Q. 311 CHAIRMAN: Would you have paid others in the same way?
- 14:35:23 10 A. I think this issue came up once before in another Module in relation to  
11 somebody not turning up or voting against, if my memory serves me right.  
12  
13
- 14 Q. 312 CHAIRMAN: And that didn't, according to yourself, that wouldn't prevent a  
15 payment being made?
- 14:35:40 16 A. No. Because, Chairman, the issue was in relation to the composite Development  
17 Plan in which there were many, many motions and many, many developments in  
18 which I was involved. And I required the support of a certain number of  
19 people who were prepared to give it on foot of being paid.
- 14:36:02 20
- 21 Q. 313 CHAIRMAN: But a composite payment was one this. This was a specific  
22 payment for a specific task.
- 23 A. Yes.  
24
- 14:36:09 25 Q. 314 CHAIRMAN: Which he failed to perform?
- 26 A. Correct.  
27
- 28 Q. 315 CHAIRMAN: But yet you say you still paid him?
- 29 A. Yes.  
14:36:18 30

14:36:18 1 CHAIRMAN: All right. Mr. Collins, do you want to continue?  
2  
3 MR. COLLINS: Yes. Yes, Sir, thank you very much.  
4  
14:36:28 5  
6 Q. 316 Mr. Dunlop, just before lunch I had just brought your attention to a report, I  
7 think a letter, firstly, 1548 from Mr. Jones to you. Enclosing a two-page  
8 document 1549 and 1550 being a report prepared by Mr. Vincent Flynn of Vincent  
9 Flynn Limited Agriculture Consultancy?  
14:36:58 10 A. Yes.  
11 Q. 317 And I think the import of that report was that it was not feasible to continue  
12 the agriculture use of the land at Ballycullen; isn't that correct?  
13 That's correct, yes.  
14 Q. 318 And I think you mentioned to Ms. Dillon, you confirmed that you received that.  
14:37:14 15 You said that you hadn't read it, is that correct?  
16 A. Correct, yes.  
17 Q. 319 But the important point perhaps is that it was sent to you by Mr. Jones; isn't  
18 that right?  
19 A. Yes, it was.  
14:37:24 20 Q. 320 And presumably sent to you so that it could be used by you, as you saw fit in  
21 terms of the exercise of persuasion as we saw this morning?  
22 A. Correct.  
23 Q. 321 This was obviously an important fact in that it undermined any case that the  
24 land should be retained in agricultural use and zoned for agricultural use;  
14:37:44 25 isn't that right?  
26 A. Yes, a useful piece of information.  
27 Q. 322 And I think I don't want to go into the details or get bogged down in the  
28 details. But one of the points, an essential point being made in Mr. Flynn's  
29 report, is that by virtue of the change of use of lands surrounding the  
14:38:02 30 Ballycullen lands it was now a piece of land surrounded by housing mainly;

14:38:09 1 isn't that correct?

2 A. Well, I didn't read the report. So I cannot make any comment as to what  
3 exactly its contents were. But Mr. Jones told me that it related to the non,  
4 further non-viability of the land.

14:38:24 5 Q. 323 Yes.

6 A. For agriculture purposes.

7 Q. 324 It make as number of points. Perhaps you would just confirm whether these  
8 were points ever discussed, not in terms of you reading this report. You said  
9 you didn't read it.

14:38:35 10 A. Correct.

11 Q. 325 It makes at that the point for example that there were difficulties with  
12 trespass into the lands by virtue of the number of people around.

13 A. Yeah, I don't recollect Mr. Jones ever raising that issue with me.

14 Q. 326 And difficulties with objections to the smells associated with the use of an  
15 active farm?

14:38:53 16 A. No, I don't recollect that.

17 Q. 327 I see. Now, can -- as we know, the -- there was a vote, the first rezoning  
18 vote took place in the latter part of 1992; isn't that right?

19 A. October 1992.

14:39:20 20 Q. 328 Yes. And I think there were, the motion in relation to Ballycullen was  
21 carried by a majority of 42 - 7. Sorry, 42 - 14?

22 A. 14, Yes.

23 Q. 329 And I think of the 42 councillors that voted in favour of the proposal you  
24 claimed to have made corrupt payments to 7 of those; isn't that right?

14:39:43 25 A. Yes.

26 Q. 330 You continued to work in relation to the Ballycullen project in the course of  
27 2003; is that right Mr. Dunlop?

28 A. 1993.

29 Q. 331 I beg your pardon. Sorry. I think it's fair to say that you worked as at a  
14:40:01 30 less intensive level than you had in the course of 1991 - 1992?

- 14:40:06 1 A. Yes.
- 2 Q. 332 Ultimately, we know the rezoning was confirmed in a vote in the latter part of  
3 1993; isn't that right?
- 4 A. December -- November 1993, yes.
- 14:40:22 5 Q. 333 Yes. And isn't it fair to say that in the course of the period from your  
6 initial engagement in February 1991, to November 1993, that you provided a  
7 considerable amount of service to Ballycullen Farms Limited? You'd gone  
8 through a number of the documents this morning?
- 9 A. Yes.
- 14:40:38 10 Q. 334 And I think you say in your statement, one of your statements, that you  
11 attended or at least your diary indicates that you attended 38 meetings between  
12 the 21st of February 1991 and the 3rd of February 1994?
- 13 A. Yes.
- 14 Q. 335 And in the same statement you say that your telephone log indicates 157  
15:41:00 15 contacts between you or your office and the various other people associated  
16 with the project?
- 17 A. Yes.
- 18 Q. 336 And I think in answer to Ms. Dillon, in the course of the second day of  
19 evidence, the 9th of February, you accepted I think that this was indicative of  
14:41:24 20 a bona fide exercise, the documents that you prepared, the meetings that you  
21 attended, the presentations that you arranged to be made to community council.  
22 A bona fide exercise in lobbying I think was the word Ms. Dillon used, or  
23 persuasion, the word that I have used; isn't that correct?
- 24 A. Indicative of an intensive campaign.
- 14:41:45 25 Q. 337 Intensive and legitimate campaign to secure approval for the rezoning proposal,  
26 isn't that correct?
- 27 A. An intensive campaign.
- 28 Q. 338 And Mr. Jones I think was in contact with you on very many occasions by  
29 telephone and met you on a number of occasions and indeed wrote to you on a  
14:42:03 30 number of occasions?

14:42:04 1 A. Correct.

2 Q. 339 And isn't it fair to say that you were clearly -- you clearly understood the

3 importance of keeping Mr. Jones informed of how matters were progressing in

4 terms of the meetings you had had, in terms of the procedure as it unfolded

14:42:23 5 before Dublin County Council?

6 A. Yes.

7 Q. 340 And that was inter alia the purpose of the various documents that we've gone

8 through this morning?

9 A. Yes.

14:42:31 10 Q. 341 And presumably, the telephone calls that you say you made and had with

11 Mr. Jones were at least partially to cover the same purpose, to keep him

12 informed; isn't that right?

13 A. That is correct, yes.

14 Q. 342 And Mr. Jones wanted to see what progress was being made and what was being

14:43:01 15 done for Ballycullen Farms; isn't that right?

16 A. Yes.

17 Q. 343 And wanted to see where his money was going so to speak?

18 A. He wanted to be informed about what the progress was in relation to the

19 lobbying, yes.

14:43:15 20 Q. 344 Yes. And he had retained you or Ballycullen Farms had retained you for the

21 purposes of carrying out an exercise and he wanted to know how the exercise was

22 progressing?

23 A. He was that type of man, yes.

24 Q. 345 Yes. And, can I turn now to the issue of Beechill. And I think you agreed

14:43:42 25 with Ms. Dillon that this was an altogether less controversial issue than

26 Ballycullen; isn't that correct?

27 A. Yes.

28 Q. 346 Now, there was, it seems, some confusion about the zoning of the area around

29 Beechill Limited's office at Beechill. But I think it's now accepted, and

14:44:09 30 Ms. Collins in her evidence to the Tribunal on Friday 17th of February,

- 14:44:14 1 accepted that the zoning was at all times an industrial zoning?
- 2 A. Yes.
- 3 Q. 347 It had been suggested that it was in fact an amenity zoning. But I think
- 4 that's now been accepted as incorrect.?
- 14:44:29 5 A. That I can't tell you. I'm subject to Ms. Dillon's information that she put
- 6 to me. I'm not au fait with that.
- 7 Q. 348 Yes. And can you recall when you first had contact with I think Mr.-- you
- 8 dealt with Mr. Hussey in relation to Beechill primarily; isn't that correct?
- 9 A. Correct.
- 14:44:51 10 Q. 349 Can you recall when and in what circumstances, you had contact with Mr. Hussey?
- 11 A. Mr. Jones asked me would I meet him in the context of the Companies Offices in
- 12 Beechill. And I agreed to meet him.
- 13 Q. 350 And he explained to you that there was some concern that the level of office
- 14 usage at Beechill, the validity of it, so to speak, or irregularity having
- 14:45:18 15 regard to the industrial zoning in which the building sat?
- 16 A. Yes in, general and in the context of what was taking place in the surrounding
- 17 lands.
- 18 Q. 351 A move towards office development; is that correct?
- 19 A. Yes.
- 14:45:29 20 Q. 352 And I think it was fair to say Mr. Dunlop, that this was a concern being
- 21 expressed as a matter of caution, so to speak? No difficulties had arisen in
- 22 relation to the planning authority, for example?
- 23 A. Not that I'm aware of, no.
- 24 Q. 353 Nobody had suggested that the usage, that the current or the then current
- 14:45:47 25 office usage was in any way improper or irregular in plan terms?
- 26 A. Not that I know of.
- 27 Q. 354 But Mr. Hussey simply brought to your attention the fact that having regard to
- 28 the development in the surrounding area there was an issue or there might be an
- 29 issue as to the level of office usage.
- 14:46:06 30 A. yes, in the context of the Development Plan that was the opportunity to have

- 14:46:10 1 whatever was required regularised.
- 2 Q. 355 Yes. And I think in fact Beechill had obtained and sought and obtained
- 3 planning permission to extend its offices in the 1970s?
- 4 A. So I understood.
- 14:46:23 5 Q. 356 And it had got permission obviously for that?
- 6 A. Obviously.
- 7 Q. 357 Notwithstanding any particular zoning issues or zoning characteristics?
- 8 A. Correct.
- 9 Q. 358 And Beechill Properties Limited was I think you were aware and are aware now a
- 14:46:37 10 subsidiary of the Jones Group PLC; isn't that right?
- 11 A. I was made aware of that.
- 12 Q. 359 At the time?
- 13 A. At the time, yes.
- 14 Q. 360 And I think in contrast, Ballycullen Farms Limited was not and is not a
- 14:46:49 15 subsidiary; isn't that right?
- 16 A. Correct.
- 17 Q. 361 So they weren't related companies in that sense. They weren't subsidiaries of
- 18 the same parent?
- 19 A. No, The Ballycullen Farms is owned by the Jones family and Beechill was owned
- 14:47:02 20 by the Jones Group.
- 21 Q. 362 And the Jones Group was a publicly quoted company at the time?
- 22 A. Correct.
- 23 Q. 363 And you were aware of the distinction between those two corporate entities?
- 24 A. Yes.
- 14:47:13 25 Q. 364 Now, I think that it was put to you in the course of your examination by
- 26 Ms. Dillon, what you were asked to do in relation to Beechill was a relatively
- 27 straight forward matter?
- 28 A. Yes, relatively straight forward.
- 29 Q. 365 And can you recall what you said to Mr. Hussey as to what precisely you would
- 14:47:33 30 do to try and resolve the concerns that had been raised?



- 14:47:36 1 A. Well, the discussion took place on the basis that it was matter that would take  
2 place during the course of the Development Plan. And that it was -- the  
3 Development Plan would be used to put a motion down to have the matter  
4 regularised and that, therefore, councillors would have to be spoken to.
- 14:47:58 5 Q. 366 And did you anticipate that that would be controversial at that stage?
- 6 A. I didn't know at the initial stage I did not know. Subsequently, I discovered  
7 that it wasn't going to be at all as controversial as Ballycullen.
- 8 Q. 367 Yes it wasn't couldn't controversial at all in fact.
- 9 A. Not in comparison to Ballycullen.
- 14:48:17 10 Q. 368 It wasn't controversial at all, Mr. Dunlop?
- 11 A. Not very.
- 12 Q. 369 It wasn't controversial at all Mr. Dunlop?
- 13 A. No.
- 14 Q. 370 Thank you. Now, in terms of the arrangements for payment for your fees. You  
14:48:31 15 were again being, correct me if I'm wrong or if you disagree, you were being  
16 retained by Mr. Hussey, effectively on behalf of Beechill Properties, on the  
17 recommendation Mr. Jones?
- 18 A. Correct.
- 19 Q. 371 And Mr. Jones at this stage was well aware of your expertise in terms of the  
14:48:48 20 processes of Dublin County Council; isn't that right?
- 21 A. He recommended me.
- 22 Q. 372 He was aware of your expertise. You had been dealing with him and providing  
23 assistance in relation to Mr. Ballycullen?
- 24 A. I would prefer to leave Mr. Jones' awareness of my competency to him.
- 14:49:04 25 Q. 373 Yes?
- 26 A. But the answer to your question is obviously so if he recommended me to  
27 Mr. Hussey.
- 28 Q. 374 Well we've seen from the documents that we went through this morning that you  
29 had been advising him in relation to a number of matters, but included in those  
14:49:17 30 matters were the processes of Dublin County Council?

14:49:20 1 A. Correct.

2 Q. 375 I think you agreed with me this morning, that was an area of expertise Frank  
3 Dunlop and Associates had and had available to clients; isn't that right?

4 A. Correct.

14:49:31 5 Q. 376 Now, can you recall how you indicated to Mr. Hussey this issue would be  
6 addressed by you?

7 A. That it would be necessary to talk to councillors. And that I would establish  
8 from the councillors, as local as possible, what their attitude to the matter  
9 was.

14:50:00 10 Q. 377 Yes?

11 A. And that I undertook to do.

12 Q. 378 And did you do that?

13 A. Yes, I did.

14 Q. 379 And I think at some point you came back to Mr. Hussey and suggested that he  
15 would meet with councillor Hand; is that correct?

16 A. Correct, yes.

17 Q. 380 I think at some stage in the course of your examination by Ms. Dillon that the  
18 meeting was arranged at Mr. Hussey's request. I think the reality is that you  
19 suggested that the meeting take place. And he then asked you to make the  
20 arrangements; isn't that how it happened? You suggested the meeting with  
21 councillor Hand.

14:50:28 22 A. I'm not 100 percent certain on that point, Mr. Collins. The likelihood is  
23 yes, I did.

24 Q. 381 I see. And can I ask you to look at 1727, please.

14:50:56 25

26 And that's a letter from Mr. Hussey to you. And just in passing, you note  
27 it's on Beechill Properties Limited notepaper. And it says "Dear Frank, thank  
28 you for your letter of the 25th of August. I have discussed it with Denis  
29 Magee. We would like to accept the proposal with a view to having the zoning  
14:51:16 30 changed and I enclose a cheque in respect of your fee".

- 14:51:20 1  
2 Now, I think the letter of the 25th of August, to which this letter is a  
3 response, isn't available; is that right, Mr. Dunlop?
- 4 A. No. Certainly, I haven't been able to discover it anyway.
- 14:51:33 5 Q. 382 And can you recall what was in that letter?
- 6 A. Well, given the response from Mr. Hussey and he refers to the proposal, with a  
7 view to having the zoning changed, I presume and I can only presume that it  
8 contained a proposal in relation to how the matter would be progressed.
- 9 Q. 383 Now, we've seen this morning documents that you prepared in relation to the  
14:52:06 10 Ballycullen rezoning. Is it likely, obviously, the content, the detail  
11 content would be different. Is it likely that the proposal contained in the  
12 letter of the 25th of August would be similar in its form to the documents that  
13 you presented to Mr. Jones in relation to Ballycullen?
- 14 A. Yes, it's likely.
- 14:52:28 15 Q. 384 So it's likely to have been a relatively detailed description of the procedures  
16 which you proposed to follow in terms of bringing the concerns that Beechill  
17 Properties Limited had about its zoning to the attention of the Council and  
18 bringing it most effectively to the attention of the Council so that the  
19 concerns could be addressed and resolved?
- 14:52:51 20 A. That is likely.
- 21 Q. 385 And then looking at the latter part of the second sentence in the second  
22 paragraph it says "We'd like to accept the proposal" that's clearly whatever  
23 proposal that you were making "with a view to having the zoning changed and I  
24 enclose a cheque in respect of your fee ". I think we don't have -- at least  
14:53:14 25 we haven't seen a copy of that cheque; isn't that correct?
- 26 A. I haven't seen it anyway. I don't think it was provided here in the Tribunal  
27 in examination by Ms. Dillon either.
- 28 Q. 386 And just the reference there to "in respect of your fee". Doesn't that  
29 clearly imply, I think you'll agree, Mr. Dunlop, that you had discussed at a  
14:53:36 30 fee or at least you had mentioned a fee in your letter of the 25th of August.

- 14:53:40 1 And that fee was being discharged by the enclosed cheque?
- 2 A. Yes.
- 3 Q. 387 And isn't it clear I think Mr. Dunlop you'll agree, that it was a single fee
- 4 being discharged by a single payment enclosed that letter?
- 14:53:55 5 A. No, well, it just says I enclose a cheque in respect of your fee.
- 6 Q. 388 It's a matter of ordinary language?
- 7 A. Well I enclose a cheque in respect of your fee.
- 8 Q. 389 Not in part of your fee no. Or the first tranche of your fee?
- 9 A. No.
- 14:54:11 10 Q. 390 Or the first installment of your fee. It indicates as a matter of ordinary
- 11 language that it was a fee and the cheque enclosed was discharging that fee;
- 12 isn't that right that?
- 13 A. Is one interpretation, yes, Mr. Collins.
- 14 Q. 391 I have to put it to you, Mr. Dunlop, that is the only interpretation that's
- 14:54:29 15 consistent with the language actually used in the letter?
- 16 A. Not really. I'm not going to get into a semantical discussion with you about
- 17 it. But eh -- I enclose a cheque in respect of your fee. It could mean one
- 18 of a number of things.
- 19 Q. 392 The most likely interpretation, it's a matter obviously for Tribunal insofar as
- 14:54:49 20 this is relevant?
- 21 A. Correct.
- 22 Q. 393 To any issue the Tribunal has to determine. The most likely interpretation is
- 23 that which I have suggested to you; a single fee being accepted and being paid
- 24 by Mr. Hussey with a cheque enclosed.
- 14:55:04 25 A. Well as you rightly say, that is a matter that the Tribunal will adjudicate on
- 26 in due course.
- 27
- 28 Q. 394 CHAIRMAN: Mr. Dunlop what, other interpretation could anyone reasonably put
- 29 on it?
- 14:55:15 30 A. Well it could a be a cheque, one cheque of a number of cheques:

14:55:22 1

2 Q. 395 CHAIRMAN: But then it would be, but then it would presumably make reference

3 to it being part payment of a fee or ...?

4 A. It could well do, yes.

14:55:33 5

6 Q. 396 CHAIRMAN: The question being asked of you in the ordinary meaning of that

7 sentence, does it not suggest that it was a cheque one payment in respect of

8 one fee

9 A. It could be it could conceivably be interpreted as that, yes Mr. Chairman. We

14:55:59 10 don't have, as I understand it, the documentation in relation to invoices.

11

12 Q. 397 CHAIRMAN: No but in the absence of that. While you can't absolutely be

13 certain.

14 A. Yes.

14:56:02 15

16 Q. 398 CHAIRMAN: Isn't it a reasonable suggestion that that is the only ordinary

17 meaning that one could attribute to that sentence, that it's a payment of a

18 fee?

19 A. It is a reasonable suggestion, yes.

14:56:18 20

21 Q. 399 CHAIRMAN: How much -- Do we know how much the cheque --

22 A. No, we haven't. I don't think we have discovered that cheque, as Mr. Collins

23 says. I don't have a copy that have cheque.

24

14:56:31 25 Q. 400 MR. COLLINS: I think in fact Mr. Dunlop, it was put to you in the course of

26 your evidence to Ms. Dillon that the cheque was likely a cheque in the amount

27 of 7, 500 pounds at that stage?

28 A. Correct.

29 Q. 401 If we could just have 1722 for a moment.

14:56:48 30

- 14:56:48 1 I think it was put to you that it is likely the cheque was in discharge of this  
2 invoice
- 3 A. Correct.
- 4 Q. 402 And I think you accepted that that that was so?
- 14:56:59 5 A. That that was the likelihood, yes.
- 6 Q. 403 Can I just ask you just a number of questions arising from that, please.  
7  
8 The first thing arising -- the invoice is dated 18th of August, '92
- 9 A. Correct, yes.
- 14:57:12 10 Q. 404 And I think in the course of your 2004 statement, you referred to the fact that  
11 invoices were issued after payment was received, do you recall saying that?
- 12 A. That I cannot specifically recall.
- 13 Q. 405 Well perhaps we'll have a look at your 2004 statement?
- 14 A. Uh-huh.
- 14:57:34 15 Q. 406 It's --  
16  
17 JUDGE FAHERTY: 544 I think.  
18  
19 MR. COLLINS: 544 is the -- sorry, it's 543, I beg your pardon. You're  
14:57:57 20 talking here about a different payment. I'm just wondering whether this  
21 reflects the general practice of Frank Dunlop and Frank Dunlop and Associates,  
22 invoices were issued to Beechill Properties Limited care of Jones Group PLC,  
23 following the receipt of these fees. The invoices followed the fees as  
24 opposed to vice versa
- 14:58:15 25 A. Yes.
- 26 Q. 407 And with a that your general practice that invoices were issued after payment  
27 was made?
- 28 A. No, not normally. Normally invoices were issued and payment would be  
29 received.
- 14:58:27 30 Q. 408 I see. Just in terms of the portion of the statement I've just alluded to

- 14:58:37 1 while it's there, Mr. Dunlop. The invoices in respect of the work at  
2 Ballycullen clearly shouldn't have been invoiced or directed to Beechill  
3 Properties Limited; isn't that right?
- 4 A. No, they were -- well we can review the issuing of the invoices which are  
14:58:57 5 available in relation to Mr. Jones in relation to Ballycullen. But you are  
6 correct in saying that they should not be invoiced to Beechill Properties  
7 Limited, care of the Jones Group, that, as we have already decided, is a  
8 different company.
- 9 Q. 409 Yes. And the process, and we'll come in just a few moments to what else was  
14:59:19 10 done. The only service provided by Frank Dunlop and Associates to Beechill  
11 Properties Limited was in respect of this clarification of zoning issues
- 12 A. The zoning proposal in relation to the Development Plan for Beechill  
13 Properties.
- 14 Q. 410 And that was effectively dealt with uncontroversially in the course of 1992;  
14:59:40 15 isn't that right?
- 16 A. Yes, yes.
- 17 Q. 411 And it was dealt with by the device, and I don't mean any pejorative overtones  
18 or undertones of that word. The device of the manager clarifying the  
19 statement of use in the Development Plan and making it clear that the  
15:00:00 20 industrial zone not guilty that area could support office use up to a certain  
21 maximum amount; isn't that right?
- 22 A. Yes. Following a motion together with map that was submitted to the  
23 Development Plan, signed by councillors.
- 24 Q. 412 Yes?
- 15:00:15 25 A. And on a report from the manager outlining issues as you have just outlined  
26 them.
- 27 Q. 413 Yes. And do you recall when that was dealt with?
- 28 A. That was dealt with first, if my memory serves me right, before Ballycullen.  
29 That was dealt with in I think the 16th of October, 1992.
- 15:00:37 30 Q. 414 You mean dealt with by vote?

- 15:00:39 1 A. Yes.
- 2 Q. 415 That portion of the Development Plan was subjected to a vote, is that it?
- 3 A. Yes. Well, there was no vote. It was brought forward at a meeting of the
- 4 Development Plan and on foot of the motion plus the map being submitted, some
- 15:00:56 5 discussion took place, and the manager or a representative of the council
- 6 outlined what the current position would be and that was agreed. There was no
- 7 vote actually took place.
- 8 Q. 416 Yes. And presumably, that reflected the fact that it was entirely
- 9 uncontroversial?
- 15:01:15 10 A. Yes.
- 11 Q. 417 It wasn't controversial at the level the councillors or the level the
- 12 executive or the management of the Council?
- 13 A. No.
- 14 Q. 418 And it was no more or no less, I think you'll agree, a simple clarification to
- 15:01:31 15 reflect the reality on the ground at Beechill; isn't that correct?
- 16 A. It was -- I don't think what the verb you would use.
- 17 Q. 419 But it was regularising a position in relation to the usage of lands in the
- 18 surrounding area and not just the Beechill lands, that is to say the lands
- 19 owned by Beechill Properties Limited, but the lands surrounding that lands;
- 15:01:54 20 isn't that right.
- 21 A. Well the only concern that I had was in relation to obviously the Beechill
- 22 lands.
- 23 Q. 420 Yes. I think you were aware, you probably would have made yourself aware,
- 24 that the lands immediately surrounding those lands were largely used for office
- 15:02:07 25 use or certainly substantial use?
- 26 A. Yes, I see what you're getting at. Yes, that is absolutely true.
- 27 Q. 421 Now, can I ask you just to go to 1722, please. 1722, please.
- 28
- 29
- 15:02:33 30 Q. 422 And that's the invoice of the 18th of August that we've touched on already.



- 15:02:38 1 That's addressed to accounts payable Jones Group Limited, Beechill?
- 2 A. Yes.
- 3 Q. 423 Is there any reason why it wouldn't have been addressed if this was in respect
- 4 of the Beechill Properties Limited work to Beechill Properties Limited?
- 15:02:53 5 A. Not necessarily. Obviously, it was either agreed that that was the way it
- 6 would be addressed or it was erroneously addressed.
- 7 Q. 424 Thanks. And then just in terms of the description it says "to professional
- 8 services in respect of public affairs programme and communications training
- 9 seven and a half thousand and VAT at 00. Can I just ask you a couple of
- 10 questions in relation to that.
- 11
- 12 There's nothing on the face of this invoice, if it was related to Beechill
- 13 Properties to suggest that the seven and a half thousand figure is the first
- 14 instalment or the first tranche or anything other than the fee?
- 15:03:37 15 A. Correct.
- 16 Q. 425 And unless there was some alteration in the arrangements or different agreement
- 17 made subsequently, if this was the invoice to which the payment referred on the
- 18 28th of August, 1992, was directed. Then that was that; isn't that the right,
- 19 Mr. Dunlop?
- 15:03:58 20 A. It would appear so, yes.
- 21 Q. 426 And if that is so, then the most that was paid in respect of the Beechill
- 22 Properties' piece of work if I may describe it as, that was seven and a half,
- 23 thousand.
- 24 A. It would appear so.
- 15:04:14 25 Q. 427 And that's, of course, all predicated on the assumption that this is in fact
- 26 the invoice being paid by the letter of the 28th of August with the cheque
- 27 enclosed, which we haven't yet seen?
- 28 A. Well I was reluctant to point that out. Now that you've pointed that out,
- 29 yes. Yes, it's premised on that.
- 15:04:36 30 Q. 428 Well if that isn't the invoice associated with the letter, then we have no

15:04:42 1 evidence at all, or we haven't seen any evidence, as to what was the amount of  
2 the cheque; isn't that correct?

3 A. Correct.

4 Q. 429 Now in, the course of your evidence to Ms. Dillon you suggested surprise I  
15:04:53 5 think and skepticism that your fee would have been as low as seven and a half,  
6 thousand pounds. I think you suggested that it couldn't have been as low as  
7 that?

8 A. Correct.

9 Q. 430 Well I have to put to it to you that given the relatively modest amount of work  
15:05:09 10 that you did Mr. Dunlop, there's reason at all it suspect that it would have  
11 been higher than seven and a half thousand pounds?

12 A. No, I would revert to what I said Ms. Dillon. That would be somewhat  
13 surprising.

14 Q. 431 Well, we've seen the range of work that you provided or the services that you  
15:05:33 15 provided in respect of Ballycullen over -- sorry, do you want to say something.

16 A. Can I interrupt you?

17

18 CHAIRMAN: We'll rise for five minutes.

19

15:06:15 20 **VERY BRIEF ADJOURNMENT**

21

22 Q. 432 MR. COLLINS: Thanks, Mr. Dunlop. I'm not going to ask you any more  
23 questions in relation to that document.

24

15:13:28 25 There are just a couple of additional invoices that I want to bring to your  
26 attention and ask you some questions about them.

27

28

29 Just in terms of the invoices that you sent, Mr. Dunlop, correct me if I'm  
15:14:06 30 wrong, but I think the first of those is 1603. And I think there's no dispute

- 15:14:20 1 but that that was paid. And it's directed to Ms. June Murphy, Ballycullen  
2 Farms; isn't that right?
- 3 A. Yes, that's correct.
- 4 Q. 433 And it's for 5,000 pounds?
- 15:14:29 5 A. Yes.
- 6 Q. 434 And then the next invoice is an invoice dated the 18th of August, 1992. And  
7 that is 1722. And that's the one we've just looked at. And it appears you  
8 are suggesting that that was a Beechill invoice, though not directed to  
9 Beechill; isn't that right?
- 15:14:58 10 A. That is likely, yes.
- 11 Q. 435 Yes. And then I think -- page 1970.  
12  
13 Now, that is directed to Mr. Hussey, Beechill Properties Limited, care of Jones  
14 Group plc. And it's invoice 792 to second tranche of agreed fee rezoning of  
15:15:25 15 lands at Beechill and that's 7, 500.  
16  
17 The next document, 1972, is a credit note effectively cancelling that invoice;  
18 do you see that, Mr. Dunlop? Can you see that?
- 19 A. Yes.
- 15:15:50 20 Q. 436 Now, there wasn't, it would seem, on the face of Mr. Hussey's letter, any  
21 agreement in relation to payment of fees in tranches in respect of Beechill?
- 22 A. In relation to Mr. Hussey's letter, no.
- 23 Q. 437 Yes.
- 24 A. We have discussed that already.
- 15:16:10 25 Q. 438 And Mr. Hussey certainly doesn't recall making any arrangement for payments of  
26 any fees and installments or fees and tranches in respect of Beechill. Isn't  
27 that consistent perhaps with the fact that shortly after it was issued the  
28 invoice is cancelled by the credit note that I've referred you to?
- 29 A. That is one explanation.
- 15:16:36 30 Q. 439 Well, can you recall otherwise why the invoice was cancelled?

- 15:16:41 1 A. No. As I said to Ms. Dillon, in her examination, I can't quite give a cogent  
2 explanation as to why it was cancelled. But I am intrigued by the use of the  
3 phrase "second tranche". And it is addressed to Mr. Hussey.
- 4 Q. 440 Well can I suggest to you perhaps what is being referred to there is that is  
15:17:04 5 the agreement in relation to Ballycullen and that you have mis-addressed the  
6 invoice to Beechill Properties Limited and mis-described the agreement as being  
7 an agreement in respect of fees for zoning of lands at Beechill?
- 8 A. I would find that somewhat hard to credit to use a phrase, Mr. Collins, because  
9 my -- you take the other invoices that were sent in relation to Ballycullen  
15:17:33 10 Farms. They were specifically sent to either Mr. Jones or his secretary or  
11 the account's secretary or the account's department, subject to correction now.
- 12 Q. 441 Well I think you are subject to correction there, Mr. Dunlop. Perhaps we'll  
13 just move on and see what the over invoices say.  
14
- 15:17:56 15 But in any event, isn't it clear that as of January 1993 Beechill, the issue at  
16 Beechill was effectively resolved entirely; wasn't it?
- 17 A. Other than the necessity for its confirmation later on. Confirmation, meeting  
18 of the council.
- 19 Q. 442 But that was entirely a formality, because there had been no controversy about  
15:18:18 20 what the manager had done, no opposition to it from anybody with the management  
21 or within the Council?
- 22 A. It was a normality but still had to be gone through.
- 23 Q. 443 Well a necessary formality, Mr. Dunlop, but nonetheless a formality?
- 24 A. Yes.
- 15:18:33 25 Q. 444 It wasn't going to require any act of re-engagement with the Council or any  
26 effort to stave off an attempt to have the Council change its mind?
- 27 A. Not necessarily. Contingent on the Council maintaining the view that they had  
28 maintained at management level.
- 29 Q. 445 Yes. The Council's view I think was clear and simple, isn't that right, and  
15:18:54 30 nobody had suggested at any stage that there was likely to be or ought to be

- 15:18:59 1 any dispute about it; isn't that right?
- 2 A. No. Other than the possibility that somebody could put in a rezoning motion,  
3 which was still a possibility.
- 4 Q. 446 Yes. But it was unlikely to the point of being hugely improbable?
- 15:19:12 5 A. Highly improbable.
- 6 Q. 447 Highly improbable. So it wasn't in anticipation of any work associated with  
7 that highly improbable scenario that you would have been sending a fee invoice  
8 in January 1993 to Beechill; isn't that right?
- 9 A. Highly likely.
- 15:19:35 10 Q. 448 And I think the credit note is unsurprisingly directed to Mr. Hussey at  
11 Beechill Properties Limited as well. And can I then ask you to turn to or ask  
12 that invoice No. or page No. 2151 would be brought up. I'm sorry. 31st of  
13 December 1993. Invoice No. 968. That's a further invoice for 7,500. And  
14 that isn't addressed to Beechill though it's addressed to Mr. Hussey it's  
15 addressed to Mr. Derry Hussey, Jones Group plc. Isn't that right?
- 15:20:36 16 A. Yes.
- 17 Q. 449 And it refers to the third and final payment, as per the agreement?
- 18 A. Yes.
- 19 Q. 450 And that again is consistent with it referring to the Ballycullen rezoning;  
15:21:03 20 isn't that right?
- 21 A. I don't know that it's consistent with the Ballycullen rezoning. But it is  
22 consistent with what, when we started out with these invoices first, second and  
23 third tranche. Albeit addressed to Mr. Hussey in each case.
- 24 Q. 451 Well, is there any evidence of any payment by, on behalf Beechill of any fees  
15:21:17 25 with the exception of the evidence that we have in the form of the letter from  
26 Mr. Hussey?
- 27 A. No, I don't think there is.
- 28 Q. 452 I think you've agreed with me and agreed with the Chairman, that the internal  
29 evidence of that letter suggests that it's referring to a payment of a fee and  
15:21:33 30 enclosed a payment in discharge of that fee?

- 15:21:36 1 A. Yes, I agreed with the Chairman that that is a reasonable interpretation.
- 2 Q. 453 I'm not going to go back on that. There is no evidence, is there, of any  
3 additional payment being made by Beechill as opposed to anybody else in respect  
4 of the services that you provided to anybody else?
- 15:21:52 5 A. Not extant, no.
- 6 Q. 454 And 2151 is, I say, invoice No. 968. That's cancelled by a credit note No.  
7 2165 -- sorry. That's the page number reference. The credit note reference  
8 is No. 3. That's again addressed to Mr. Hussey at the Jones Group plc,  
9 Beechill, Clonskeagh.
- 15:22:27 10  
11 2165, please.  
12  
13 Now, that cancels the invoice we've just been looking at, Mr. Dunlop; isn't  
14 that correct?
- 15:22:40 15 A. Correct.
- 16 Q. 455 Can you recall the circumstances in which that --
- 17 A. No, I can't.
- 18 Q. 456 And that's the second invoice that has been cancelled at this stage?
- 19 A. It's been credited, yes.
- 15:22:51 20 Q. 457 Well cancelled by virtue of a credit note; isn't that right?  
21 A. Yes.
- 22 Q. 458 And you don't recall the circumstances in which the credit note was issued?
- 23 A. No, as I said to Ms. Dillon on examination, I'm afraid I can't.
- 24 Q. 459 Well is it likely or doesn't it seem likely that the reason it was cancelled by  
15:23:08 25 virtue of the credit note is that the amount of 7,500 was wrong?  
26 A. That is a possibility, yes.
- 27 Q. 460 Well, when one realises that a further invoice, No. 983, was issued on the 3rd  
28 of February, 1994, for the sum of 5,000, referring to third payment as per  
29 agreement, doesn't it suggest that the difficulty with invoice 968 was that it  
15:23:33 30 was for the wrong amount?

- 15:23:35 1 A. It could be.
- 2 Q. 461 And again, invoice 983, is addressed to Mr. Hussey at Jones Group plc, that's
- 3 page 2166.?
- 4 A. Yeah, correct.
- 15:23:51 5 Q. 462 And that obviously related to Ballycullen; isn't that right? It seems to have
- 6 related to Ballycullen?
- 7 A. I have to say yes.
- 8 Q. 463 Yes. And 968 also related to Ballycullen; isn't that right?
- 9 A. Likely, yes.
- 15:24:10 10 Q. 464 And I think you'll accept that these invoices, if they related to Ballycullen,
- 11 should in fact have been not addressed to Jones Group plc but to Ballycullen
- 12 Farms Limited?
- 13 A. Correct.
- 14 Q. 465 Isn't that right? And can I come back to 968 for a moment. It was suggested
- 15:24:26 15 to you by Ms. Dillon that notwithstanding that a credit note was issued on the
- 16 3rd of February effectively cancelling that invoice, that there might have been
- 17 a payment made later in 1994 in respect of that invoice?
- 18 A. Ms. Dillon did make that point, yes.
- 19 Q. 466 But I have to suggest to you that there is no basis whatsoever for making that
- 15:24:49 20 suggestion, Mr. Dunlop.
- 21 A. That I cannot say.
- 22 Q. 467 Well, can I just bring you through it by stages, if I may.
- 23
- 24 If the credit note was issued, for whatever reason, and we'll come back to the
- 15:25:05 25 reason for a moment. Then one would expect not to find a payment in respect
- 26 of the invoice; correct
- 27 A. Correct.
- 28 Q. 468 Otherwise the purpose of issuing the credit note is entirely redundant?
- 29 A. Correct.
- 15:25:16 30 Q. 469 Secondly, if the amount that was -- if the problem with invoice 968 was that it

- 15:25:21 1 was for the wrong amount, that is of itself a reason why you would not expect  
2 it to be paid; isn't that right?
- 3 A. That you would issue a credit note.
- 4 Q. 470 But you wouldn't expect to find a payment in respect of that cancelled invoice;  
15:25:34 5 correct?
- 6 A. Correct.
- 7 Q. 471 And thirdly, we don't have any evidence, isn't that right, Mr. Dunlop, of any  
8 payment made in respect of invoice 968. Perhaps unsurprisingly?
- 9 A. No, we don't have any evidence.
- 15:25:45 10 Q. 472 And I have to suggest to you, that there is no reason in common sense, or  
11 commercial sense or on the basis of commercial prudence, why a company, such as  
12 Jones Group PLC, or a person such as Mr. Hussey, would agree to make a payment  
13 at some later time in respect of an invoice that has been cancelled.
- 14 A. That would appear reasonable, yes.
- 15:26:16 15 Q. 473 And Mr. Hussey will say to the Tribunal that he would not have made a payment  
16 in respect of a cancelled invoice and certainly was not -- would not have  
17 agreed to making a payment at some deferred time, as was suggested to you.  
18 And I think it's fair to say that while you gave certain answer to Ms. Dillon,  
19 that was essentially on the basis of agreeing with suggestions put to you?
- 15:26:35 20 A. It was premised on a strategum that was outlined by Ms. Dillon, yes.
- 21 Q. 474 Well, I don't think that strategum is necessarily the right word, a hypothesis  
22 or scenario?
- 23 A. Hypothesis, Yes.
- 24 Q. 475 And, It's not that you have any recollection of that being the case or any  
15:26:54 25 reason to think it is the case?
- 26 A. Correct.
- 27 Q. 476 And then just can I ask you to look at 2167. And that's I think an  
28 observation which accompanied these documents, when you made discovery to the  
29 Tribunal and this particular document refers to invoice No. 963. And it says  
15:27:21 30 "This is marked as a third payment all presumably of 5,000 pounds plus VAT and



- 15:27:26 1 refers to public affairs consultancy services vis-s-vis lands at Beechill owned  
2 by Jones Group PLC which were re zoned, or and at Ballycullen Farms owned by  
3 the Jones Group family also rezoned. And I think you've accepted that this  
4 invoice is in fact more likely to relate to Ballycullen not Beechill, isn't  
15:27:45 5 that right?
- 6 A. Right, it says one or the other in this statement.
- 7 Q. 477 But apart from your evidence here today, which perhaps has clarified matters.  
8 Doesn't this document indicate that at the time that you were making discovery,  
9 you weren't in fact in a position yourself to relate invoices to particular  
15:28:01 10 pieces of work and to distinguish within invoices relating Beechill and  
11 invoices relating to Ballycullen?
- 12 A. Whether we distinguished or not. We discovered any of the invoices that we  
13 are had available to us.
- 14 Q. 478 I understand that. And obviously that's perfectly proper Mr. Dunlop. What's  
15:28:23 15 apparent from the formulation here is that you weren't in a position to  
16 instruct your solicitors to identify these invoices as being related to one or  
17 the other. And it was and/or as far as you were concerned?
- 18 A. And/or, yes.
- 19 Q. 479 Now, Mr. Dunlop, Ms. Dillon suggested to you that you may have received up to  
15:29:06 20 60,000 pounds from I think, cumulatively from Mr. Jones/Ballycullen Farms and  
21 Beechill?
- 22 A. 59 odd.
- 23 Q. 480 And I think you ultimately assented to that possibility if not probability; is  
24 that right?
- 15:29:24 25 A. Yes, on the basis of the material provided by Ms. Dillon.
- 26 Q. 481 And in respect of a number of those, a number of building blocks that led to  
27 the calculation that led to the 60,000 pounds odd. That was on the basis of  
28 an assumption that certain invoices were paid, even if they were subsequently  
29 cancelled, I think particularly the invoices we've just looked at.
- 15:29:50 30 A. No, I don't think so that's correct, Mr. Collins.

- 15:29:52 1 Q. 482 I see.
- 2
- 3 CHAIRMAN: That's not correct.
- 4 A. Sorry, that is not correct in fact. If my recollection is correct, this
- 15:30:01 5 matter was analysed by Ms. Dillon, somewhat forensically in relation to
- 6 invoices issued, invoices credited, invoices cancelled and payments made on the
- 7 basis of statements made by Mr. Jones and Mr. Hussey.
- 8 Q. 483
- 9
- 15:30:21 10 MR. COLLINS: Well I just want to put to you. I hopefully won't have to
- 11 dwell on this in any detail with you Mr. Dunlop. By my calculations, and they
- 12 may be wrong. We have payments which amount to 39, 500 pounds plus, possibly
- 13 7,500 pounds in respect of the invoice of the 18th of August, assuming that was
- 14 paid, as you say it was. And that would come to a total of 47, 000 pounds.
- 15:30:53 15 A. Well, I really -- I really don't know what you expect me to answer on that.
- 16 All I can say to you again Mr. Collins is that Ms. Dillon put very specific
- 17 questions to me on foot of documentary evidence in relation to payments and
- 18 cheque copies amounting to 59,000 odd, notwithstanding statements by Mr. Jones
- 19 and Mr. Hussey individually and as per the zones group together, of something
- 15:31:33 20 of the order from a start point of 26, 000 rising to 36,000. Now, that is my
- 21 recollection of how the matter was presented to me.
- 22 Q. 484 Yes. Well I think the 60,000 figure include or included value for the invoice
- 23 No. 968; isn't that right?
- 24 A. Subject to correction by Ms. Dillon's examination I just have to defer to
- 15:32:15 25 Ms. Dillon's presentation of the matter.
- 26 Q. 485 Well, can I just ask you to look at 2274 for a moment.
- 27
- 28 And that's a compliment slip, a Jones Group PLC.
- 29 A. Yes.
- 15:32:25 30 Q. 486 Which I think you were asked to refer to in the course of your examination by

15:32:28 1 Ms. Dillon; isn't that correct?

2 A. Yes.

3 Q. 487 Invoice 968, 9, 075 pounds cashed on the 20th October 1994 and I think it was  
4 put to you and you ultimately accepted that there may have been an agreement to  
15:32:44 5 pay you the amount referred to in invoice No. 968, but to have it deferred  
6 until a later time; isn't that right?

7 A. Subject to what was put to me by Ms. Dillon. And again, I presume I accept  
8 that you are recounting the matter accurately. If that is the case, yes.

9 Q. 488 But you have accepted, as I understand it, in your evidence to me, Mr. Dunlop.  
15:33:07 10 That there is no reason why invoice 968 ought to have been paid?

11 A. As we discussed it, yes.

12 Q. 489 And you can't proffer any explanation as to why such a payment would have been  
13 made to you in October 1994 in respect of an invoice that saw the light of day  
14 in December 1993 and was in existence for three or four days before it was  
15:33:30 15 cancelled?

16 A. Correct.

17 Q. 490 Then just finally in relation to the invoices. 983, which is the replacement  
18 invoice, Mr. Dunlop. I think you agreed with me that the likelihood was that  
19 the earlier invoice was in the incorrect amount. There isn't insofar as I'm  
15:33:56 20 aware, any evidence that that invoice was made?

21 A. Do we have 983.

22 Q. 491 Sorry, 2166.

23  
24

15:34:13 25 Q. 492 We haven't seen a cheque discharging that invoice amount; isn't that right?

26 A. Just a moment now, Mr. Dillon (SIC). No, I don't -- I cannot answer you that  
27 as of now. Other than in the circumstances put to me by Ms. Dillon that --  
28 that may have been paid and cashed. But I am subject to correction.

29 Q. 493 I see. Well, just to be complete about this. And I don't want to be unfair  
15:35:13 30 to you in any way.

- 15:35:15 1  
2 Could we just look firstly at 2168.
- 3 A. Yeah.
- 4 Q. 494 That's an extract from, described as sales book details; do you see that?
- 15:35:27 5 A. Yes, correct, we have it.
- 6 Q. 495 And on the third line we have a minus figure of 9075, which is perhaps the  
7 invoice we've been looking at. Sorry, the credit note we've been looking at  
8 dated 3rd of February. That seems to be so with the same reference CR 003.  
9 For the same date then we have invoice 983. That simply reflects the fact  
10 that an invoice for that amount was raised that day Mr. Dunlop?
- 11 A. From the sales book details, yes.
- 12 Q. 496 And then if we can look at 2169 for the 11th of February, 1994. This is the  
13 print cash book details. There is indeed an entry Jones Group 6050.
- 14 A. Yes.
- 15:36:19 15 Q. 497 And then if we can just look at 2170. There's a document headed Frank Dunlop  
16 and Associates Limited, variance between cash receipt book and bank statements  
17 appendix two. Have you seen that document before?
- 18 A. Well, we discovered this document obviously to the Tribunal but to which are  
19 you referring to.
- 15:36:49 20 Q. 498 This is a document that you prepared or somebody on your behalf?
- 21 A. This would have been prepared in my office in the accounts department, yes.
- 22 Q. 499 And Collum two has a number of entries dates lodged, details as per cash book;  
23 isn't that right? You see the 11th of the second 1994?
- 24 A. Yes.
- 15:37:08 25 Q. 500 Jones?
- 26 A. Yes.
- 27 Q. 501 And then there are three entries that being one of them and three amounts which  
28 are said to have been lodged on the 14th of February, as part of 11 737?
- 29 A. Yes.
- 15:37:22 30 Q. 502 But the three amounts don't seem to add up to 117 37, Mr. Dunlop?

- 15:37:30 1 A. I think we've had this discussion Mr. Collins in, another, prior to your  
2 arrival. Let me just have a quick look at it. Yes, that's correct.
- 3 Q. 503 And Mr. Hussey, just to be complete, has no recollection of making any payment  
4 in respect of invoice 983. That's to say the revised invoice on the 3rd of  
15:38:02 5 February. Mr. Dunlop.
- 6 A. Where did the cheque come from?
- 7 Q. 504 Well we don't have a copy of the cheque; isn't that correct?
- 8 A. Correct. Well, I mean, I have a lodgement here written by an independent  
9 member of my staff which says that this is part of a lodgement.
- 15:38:22 10 Q. 505 Now, can I bring you back to I suppose a central aspect of your evidence, as  
11 far as my client is concerned. That is the question of what they knew of what  
12 activities you were engaged in. And in particular, whether they knew that you  
13 were making corrupt payments to councillors as you you now say you were.  
14
- 15:38:57 15 You've made a number of statements to the Tribunal and you've given evidence on  
16 a number of occasions; isn't that correct?  
17 That's correct. Correct.
- 18 Q. 506 Can I just ask you, firstly, to look at page 356, please. That is an extract  
19 from the transcript for the 18th of April, 2000. And to put this in context,  
15:39:36 20 Mr. Dunlop, and correct me if I'm wrong. I think you had certainly given  
21 evidence on the previous day, 17th of April, and at the end that day you were  
22 invited by the then member, Sole Member of the Tribunal, to reflect on your  
23 evidence. And I think at that stage, 17th of April, 2000, you were  
24 maintaining the position that you had not engaged in anything improper  
15:40:04 25 yourself; isn't that right?
- 26 A. Correct.
- 27 Q. 507 And on the 18th of April, which is the day that this transcript relates, to you  
28 adopted a different approach?
- 29 A. Yes.
- 15:40:15 30 Q. 508 And you acknowledged to the Tribunal for the first time that you had been

15:40:19 1 engaged in improper conduct and that you had misled the Tribunal previously in  
2 relation to your denials of being engaged in such conduct; isn't that right?

3 A. Yes.

4 Q. 509 And I think you were asked about a number of developments, this being one of  
15:40:35 5 them, on the 18th; isn't that correct?

6 A. Yes.

7 Q. 510 And clearly, this was evidence given in particularly striking circumstances, I  
8 suppose, Mr. Dunlop, if that's not exaggerated, you had maintained a position  
9 of being not engaged in anything improper. You had now acknowledged that you  
15:41:00 10 had been engaged in improper conduct; isn't that right?

11 A. Yes.

12 Q. 511 And presumably, it was important to you then, having misled the Tribunal  
13 previously to give truthful evidence now on the 18th of April; isn't that  
14 right?

15:41:15 15 A. Yes.

16 Q. 512 And perhaps, to describe the difference between your evidence on the 17th and  
17 on the 18th as a Pauline conversion would be too colourful or exaggerated  
18 phrase. But whatever label one puts on it it had occurred by the time you  
19 gave this evidence on the 18th of April?

15:41:36 20 A. It's too Biblical a reference.

21 Q. 513 Yes. Perhaps not exaggerated in the sense of describing the very different  
22 approach you were taking on this day; isn't that right. To look at question  
23 114 and, I think this was in answer to Mr. Hanratty I think. It's not of  
24 particular importance. But he's bringing you through a a list of some  
15:41:58 25 description; isn't that correct? And I think we'll go through each individual  
26 item he says so that you can make any particular point that you wish to make.  
27 No. 2 is that the description of a property. It's perhaps a description of a  
28 company. And I think the reference is to Ballycullen. Well it's a  
29 description of the a property which was related to another company. It may  
15:42:19 30 have been Jones Group. In essence, may I say to you on that particular one,

15:42:23 1 that is relatively innocent if anything can be innocent of this matter. A  
2 relatively innocent procedure involving one or two very honourable people who  
3 had been completely frustrated by virtue of the fact that they had made  
4 application after application and nothing had happened.

15:42:39 5  
6 So, at that stage you were clearly saying to the Tribunal that this was an  
7 innocent transaction involving very honourable people. And I think the two  
8 very honourable people you are referring are Mr. Chris Jones Senior and  
9 Mr. Hussey

15:42:56 10 A. Yes.

11 Q. 514 And at that stage, very clearly it was the case that you were not making any  
12 allegation of impropriety against Mr. Hussey or Mr. Jones; isn't that right?

13 A. Correct.

14 Q. 515 And you've agreed with me, that this was your evidence on a day of considerable  
15 significance. You had recanted your previous misleading testimony and you  
16 were now seeking to tell the truth to the Tribunal?

17 A. Yes.

18 Q. 516 And the truth as far as you were concerned at that stage was that Mr. Hussey  
19 and Mr. Jones were very honourable people and this had been an innocent  
20 transaction?

21 A. Relatively innocent honourable people.

22 Q. 517 And I think subsequent to that evidence you were examined on the 11th of May  
23 2000. And I think this may have been in private session. Can I ask you to  
24 look at 394.

15:43:47 25  
26 And you're answering a question which isn't set out in in this particular page.  
27 In relation to monies given to Mr. Lydon, or allegedly given to Senator Lydon  
28 and councillor Hand. And you are quoted as saying "People whose bona fides  
29 were quite genuine came to me. I did allude to that. One of those that I  
15:44:18 30 did say the other day was Owen Chris Jones of the Jones Group. Old Chris

15:44:19 1 Jones had been run around the place ragged for a variety of political entities  
2 because obviously Chris didn't know the system or wasn't prepared to or Derry  
3 Hussey, his financial controller was saying not on, or whatever. And  
4 Mr. Hanratty says yes.

15:44:33 5  
6 I'm going to read the next paragraph. I'm going to come back to that that  
7 paragraph I've just read and ask you some questions in relation to it, Mr.  
8 Dunlop.  
9

15:44:42 10 And you said "I eventually got called in I specifically suspect that also in  
11 that case I was called in as a result of some contact with Liam Lawlor. I  
12 have no proof, none whatsoever. But definitely the disbursements of the money  
13 to politicians was never discussed with Chris Jones and/or Derry Hussey.  
14 There were meetings organised with me or people like Hand. Hand got money  
15:45:02 15 from me in relation to that particular one because he signed the motion with  
16 Don Lydon. Breda Cass absolutely not. Mary Muldoon won't meet us under  
17 whatever circumstances."  
18

19 And I take it you were telling the truth at that stage, Mr. Dunlop, or trying  
15:45:17 20 to do so?

21 A. Yes.

22 Q. 518 And the first point I'd make is that you describe Mr. Jones and I think by  
23 extension Mr. Hussey, as people whose bona fides were quite genuine?

24 A. Yes.

15:45:35 25 Q. 519 And you then go on to suggest that old Chris Jones had been run around the  
26 place ragged for a variety of political entities because obviously Chris didn't  
27 know the system.  
28

29 I am going to pause there. And I appreciate there's an or and I'll come to  
15:45:52 30 that in a moment.



15:45:53 1  
2 Firstly, I think Mr. Jones, unlike perhaps many people who engaged your  
3 services of one kind or another, he wasn't a developer. He was seeking to  
4 rezone land that he owned. But that land was land that he had used for  
15:46:09 5 agriculture purposes and farmed himself or under his supervision; isn't that  
6 right?  
7 A. Correct.  
8 Q. 520 He wasn't somebody who was in the business of buying land speculatively and  
9 seeking to have it developed as part of a development business that he was  
15:46:25 10 operating?  
11 A. Not that I'm aware or was aware of or am now aware of. I don't know is the  
12 answer.  
13 Q. 521 He was in fact an engineer by profession I think, though obviously one with a  
14 significant interest in agriculture?  
15:46:40 15 A. And property.  
16 Q. 522 Yes. Well his interest in property, was I suppose advantageous or fortuitous,  
17 Mr. Dunlop. He had a considerable area of land which had been used for  
18 agricultural purposes and which was no longer capable of being used for  
19 agriculture purposes; isn't that right?  
15:47:01 20 A. Yes.  
21 Q. 523 His interest in rezoning or land and securing the rezoning of the land arose  
22 from those particular circumstances; isn't that right?  
23 A. Yeah. Over a long period. This wasn't the first time.  
24 Q. 524 No, absolutely. I'm just asking you to accept. I don't think it's  
15:47:14 25 controversial. That he wasn't in the position of somebody who was on a  
26 regular basis buying land, seeking its rezoning from the appropriate local  
27 authority, selling the land or developing it and then moving on in a pattern of  
28 acquisition, rezoning development; isn't that right?  
29 A. If what you are saying Mr. Collins isn't that it he wasn't in the as we  
15:47:39 30 traditionally know to be the house building industry, buying land and rezoning

- 15:47:45 1 it for residential purposes, selling on and buying again, that is correct.
- 2 Q. 525 Yes. And you can take it to me, subject to correction at least, that is the
- 3 position, Mr. Dunlop.?
- 4 A. I accept that.
- 15:47:53 5 Q. 526 And it follows from that, doesn't it. This is I think perhaps what you are
- 6 touching on here in this evidence. That Mr. Jones didn't have the experience
- 7 of dealing with, we're here concerned with Dublin County Council. Dealing
- 8 with Dublin County Council that other persons who were developers would have
- 9 had; isn't that right?
- 15:48:16 10 A. Well, I think that's a relative issue. Again, I won't enter into a debate
- 11 about it with you. As I said to you just two moments ago. This was the
- 12 ultimate in a number of attempts that he had made to have his lands rezoned.
- 13 And he had had contact, considerable, with politicians and with officials.
- 14 Q. 527 And all of those efforts previously had been singularly unsuccessful; isn't
- 15:48:47 15 that right?
- 16 A. Absolutely singularly, yes.
- 17 Q. 528 And they were all singular in the sense that they related to this one piece of
- 18 land; isn't that correct?
- 19 A. Correct.
- 15:48:56 20 Q. 529 Is it not the case and not reasonable to assume that one of the reasons why he
- 21 engaged your services, Mr. Dunlop, was to provide him with an expertise which
- 22 he himself didn't have and a knowledge of the workings of the Council which he
- 23 himself didn't have?
- 24 A. I don't mean to be uncooperative with you, Mr. Collins. But that is something
- 15:49:21 25 that you have to ask Mr. Jones as to why, what the *raison d'etre* of his
- 26 approaching me and asking me to help him was. But it was in the context of
- 27 the Development Plan and an opportunity obviously presented itself during the
- 28 course of the Development Plan that, notwithstanding the failure up to that
- 29 point on his part that the development a plan might provide the opportunity.
- 15:49:46 30 Q. 530 Yes. Mr. Jones will say that in fact he had been advised that he lacked

- 15:49:50 1 credibility as far as Dublin County Council was concerned, precisely because he  
2 wasn't seen as a developer and somebody with a track record of development?
- 3 A. No, I wouldn't. I don't accept that.
- 4 Q. 531 I see that. That will be his evidence. But you don't accept it?
- 15:50:05 5 A. Well, no, I don't accept that, I mean Mr. Jones is a highly represented  
6 individual in the Construction Industry per se. And has had, by his own  
7 comments to me, in early meetings, in fact, in the first two meetings,  
8 indicated strongly his views about named individuals in the political system
- 9 Q. 532 I see.?
- 15:50:35 10 A. So I -- it's a matter for Mr. Jones if that's what he feels was his, as you  
11 say, lack of credibility. But certainly, this is a man who was or had been in  
12 the Construction Industry for the best part of 30 years, had been Chairman or  
13 President of the Construction Industry Federation, had a number of subsidiary  
14 companies, and was well known in the political system. And to use his own  
15 phrase, was fed up giving money to political parties.
- 15:51:05 16 Q. 533 Can I just bring you back to what you said here now, Mr. Dunlop. And let's  
17 perhaps just focus on that. Obviously Chris didn't know the system. That  
18 was one alternative you were giving?
- 19 A. Uh-huh.
- 15:51:21 20 Q. 534 When you say the system, you were referring what precisely?
- 21 A. The system in relation to payments to politicians.
- 22 Q. 535 Or wasn't prepared or Derry Hussey's financial controller was saying not on or  
23 whatever?
- 24 A. That I -- we've begun through this with Ms. Dillon. I don't understand the  
15:51:42 25 English, what the phraseology there means. If you stick with the question in  
26 relation to the system, what I'm saying there obviously Chris Jones didn't know  
27 the system, whatever the system was in, Dublin County Council in relation to  
28 paying politicians.
- 29 Q. 536 And that's your evidence now, that he didn't know the system?
- 15:52:07 30 A. Well, no, I'm saying that's what I said at that time. I'm just dealing with

- 15:52:12 1 that matter then.
- 2 Q. 537 That was your evidence then on the 11th of May?
- 3 A. Correct.
- 4 Q. 538 That Mr. Jones didn't know the system?
- 15:52:19 5 A. Yes.
- 6 Q. 539 And then you go on to say "I eventually got called in". You say definitely
- 7 the disbursements of the money to politicians was never discussed with Chris
- 8 Jones and/or Derry Hussey?
- 9 A. That's correct.
- 15:52:32 10 Q. 540 And I think we're going to trace some significant differences in your accounts
- 11 from time to time Mr. Dunlop. But I think that's one aspect of it that has
- 12 remained relatively constant; isn't that right?
- 13 A. The question of not discussing payments to politicians?
- 14 Q. 541 Yes?
- 15:52:51 15 A. Yes, that is correct.
- 16 Q. 542 You never mentioned, on your account, you never mentioned to either Mr. Jones
- 17 for Mr. Hussey that you were going to be making any form of improper payment to
- 18 politicians?
- 19 A. Correct. Other than a specific use of language.
- 15:53:09 20 Q. 543 Well we'll come to that Mr. Dunlop. Don't have any questions about that.
- 21 We'll come to it, you never said to Mr. Hussey or to Mr. Jones that you were
- 22 going to make improper payments to politicians?
- 23 A. Correct.
- 24 Q. 544 And after you made those payments you never said to them that you had made
- 15:53:26 25 those payments; isn't that right?
- 26 A. Correct.
- 27 Q. 545 And they never said anything to you which indicated a knowledge that you had
- 28 made specific improper payments to specific politicians?
- 29 A. Other than the language that we used.
- 15:53:41 30 Q. 546 We'll come to that Mr. Dunlop. And I know you're very eager to refer us back

15:53:46 1 to that. Honestly, you will have an opportunity. I'm trying to get you to  
2 distinguish, perhaps you'd just listen to me for a moment. Between a comment  
3 which you say carried with it an inference that you might be engaged in the  
4 some form of activity and language which expressed clearly that you were  
15:54:08 5 engaged in the such activity. You never used language of the latter kind with  
6 Mr. Hussey or Mr. Jones; isn't that right that?

7 A. That is correct.

8 Q. 547 And they never used language with you that suggested that they knew, or  
9 understood, or suspected, or believed that you were engage in the such  
15:54:36 10 activity?

11 A. Specifically, no.

12 Q. 548 And I think on the 18th of May you were examined again I think in a private  
13 sitting. And can I ask you to look at 397, please.

14  
15:54:53 15  
16 Q. 549 There you described that there were two issues. And one was the Ballycullen  
17 issue. They also had an application for a rezone of the actual Beechill lands  
18 and their offices were at the back of the development at Beechill. So we went  
19 in and sat down and discussed this matter. We agreed that the fee was 15,000  
15:55:24 20 plus if anything happened. There was no specification as to what the success  
21 fee would be. I told Mr. Jones and on occasion Mr. Hussey but certainly  
22 Mr. Jones that the ways of the world would have to apply, he said he was fully  
23 aware of that. He said that he had difficulties in the context of one Fine  
24 Gael, two Fine Gael councillors. And then you go on to say at line 30 on page  
15:55:48 25 398. I cannot say to you that Chris Jones knew that I specifically handed  
26 specific monies to Tom Hand in relation to this particular development.

27  
28 Now, I think you go on to say at page 3999 that in fact you thought that  
29 Mr. Jones understood that you were going to have to make disbursements out of  
15:56:13 30 the 15,000 but not with specificity, that's what Mr. Hanratty put to you. And

- 15:56:21 1 you agreed with it
- 2 A. Yes.
- 3 Q. 550 So coming back to what you said at line 30, page 398. You are not in fact
- 4 saying, I think, that you -- Christ Jones knew that you specifically handed
- 15:56:34 5 specific monies to Tom Hand in relation to this particular development; isn't
- 6 that right?
- 7 A. Correct, I cannot say to you that Chris Jones knew.
- 8 Q. 551 Now, this is your third version of the events, isn't that right, Mr. Dunlop?
- 9 A. Yes, if you put it that way, yes.
- 15:56:51 10 Q. 552 As well there any other way of putting it?
- 11 A. No no, numerically yes.
- 12 Q. 553 And in the first of those, you simply the day after your crisis of conscience
- 13 you referred my clients as being very honourable people and the enterprise in
- 14 which they were engaged, a relatively innocent procedure?
- 15:57:11 15 A. Yes.
- 16 Q. 554 And there was no reference there to ways of the world or to any form of
- 17 language which you believe must have or ought to have led Mr. Jones or
- 18 Mr. Hussey to form a view that you were going to engage in the making of
- 19 improper payments; isn't that right?
- 15:57:35 20 A. Correct.
- 21 Q. 555 And on the 11th of May, 2000, your second go at giving an account of these
- 22 events, you specifically say that the people involved here, their bona fides
- 23 were quite genuine. And you say specifically that the disbursements of the
- 24 money was never discussed with Chris Jones or Derry Hussey?
- 15:58:00 25 A. Yes.
- 26 Q. 556 And that's an absolutely statement?
- 27 A. Yes.
- 28 Q. 557 It's not subject to qualification, at least not on the 11th of May.
- 29 A. Yes.
- 15:58:09 30 Q. 558 It's not subject to a rider that they must have known or possibly knew or

15:58:13 1 should have known?

2 A. Never discussed.

3 Q. 559 Yes. But any person listening to that evidence and on the -- assuming that

4 you were giving truthful evidence, would understand that evidence to mean that

15:58:25 5 there was no discussion and no suggestion of knowledge. It's an absolute

6 statement unqualified by any rider or qualification; isn't that right?

7 A. No specificity.

8 Q. 560 Sorry, when you say no specific sophisiticy what, do you mean by that?

9 A. No specific.

15:58:44 10 Q. 561 Yes, well what do you mean by that? That isn't what you say Mr. Dunlop. Do

11 you want to look again at 394?

12 A. No specific discussion with either Mr. Jones or Mr. Hussey in relation to

13 payments.

14 Q. 562 No. No, Mr. Dunlop. You refer at other points to the fact that specific

15:58:58 15 payments were not discussed?

16 A. Uh-huh.

17 Q. 563 And there was no specificity, that isn't what you are saying on the 11th of

18 May. Would you look at 394.?

19 A. Yes.

15:59:12 20 Q. 564 You are making a more general broader and far more absolute statement, aren't

21 you, Mr. Dunlop? Definitely. The disbursements of money to politicians.

22 Not in specific terms but in absolutely terms. The disbursements of money to

23 politicians was never discussed with Chris Jones or Derry Hussey?

24 A. Yes.

15:59:34 25 Q. 565 The issue was never discussed?

26 A. Correct.

27 Q. 566 No qualifications?

28 A. No.

29 Q. 567 No buts, no however, nothing like that; isn't that correct?

15:59:44 30 A. Correct.

- 15:59:45 1 Q. 568 And this was version No. 2. No version to ways of the world?
- 2 A. Not there, no.
- 3 Q. 569 And presumably, you were attempting to give or endeavouring to give the
- 4 impression that you were attempting to give truthful and complete evidence in
- 15:59:59 5 relation to this; isn't that correct?
- 6 A. Correct.
- 7 Q. 570 And then coming back then to your evidence on the 18th of May, 2000. That is
- 8 the first time that this expression which has become something of a mantra with
- 9 you since, the ways of the world. That's the first time it's deployed by you
- 16:00:20 10 in your evidence; isn't it, Mr. Dunlop?
- 11 A. Yes, I think so, yes.
- 12 Q. 571 But still I put it to you, that and sorry, I should have referred you to page
- 13 401. Just so that you have it there. I'm not going to ask you any questions
- 14 about the passage. There it is. It's the question of, you were being asked
- 16:00:53 15 why you hadn't discussed payments I think. You were being asked why, for
- 16 example, you would have agreed a fee from which disbursements were, on your
- 17 account, to be made, without ever mentioning that and without ever looking for
- 18 any form of increase.?
- 19 A. Yes.
- 16:01:14 20 Q. 572 Just to remind you of that. It's question and answer 10.
- 21
- 22 Now, nothing in this evidence, even though you use for the first time this
- 23 expression "ways of the world". Nothing in this evidence, and correct me if
- 24 I'm wrong, suggests any impropriety, or knowledge of impropriety, on the part
- 16:01:44 25 of Mr. Hussey or Mr. Jones. When I say impropriety, I mean your impropriety,
- 26 Mr. Dunlop.
- 27 A. Overtly, no, it does not suggest that.
- 28 Q. 573 And can I ask you then to look at page 406, please. And this is a further
- 29 statement of yours, dated the 9th of October, 2000; isn't that right?
- 16:02:16 30 A. That's correct, yes.



- 16:02:16 1 Q. 574 And you'll see the date on page 407. Now, this statement was prepared some  
2 six months after you had acknowledged to the Tribunal that you had been engaged  
3 in the making of corrupt payments; isn't that correct?
- 4 A. That's correct.
- 16:02:37 5 Q. 575 And this was, so to speak, from my client's point of view, version number four  
6 of your account of your dealings with them?
- 7 A. Correct.
- 8 Q. 576 And you'd had plenty of time to consider the position, this wasn't a series of  
9 answers given in the course of oral examination, either in public or private  
16:02:54 10 session. This was a statement, presumably prepared by you and in  
11 circumstances where you had time to do so?
- 12 A. Yes.
- 13 Q. 577 And was it prepared with the assistance of your legal advisors?
- 14 A. I submit it had to my legal advisors, yes.
- 16:03:11 15 Q. 578 So this was a considered statement of the position as far as you were  
16 concerned; isn't that right?
- 17 A. Yes.
- 18 Q. 579 And I think the form of the statement was "this statement here, a relatively  
19 short document. And then there were a number of appendices or additional  
16:03:32 20 pages which referred particular developments; isn't that right?
- 21 A. Correct, yes.
- 22 Q. 580 And just at page 406. You refer in the fourth paragraph, the paragraphs  
23 aren't numbered, to the system, in inverted comas, which was in operation in  
24 Dublin County Council. And do you see that?
- 16:03:59 25 A. Yes.
- 26 Q. 581 And that's the "system" I think that you had also referred to in your earlier  
27 statement; isn't that correct? It's that "system" that you say that Mr. Jones  
28 was unfamiliar with or didn't know back in your evidence of the 11th of May  
29 it's the same "system" that you're talking about; isn't it?
- 16:04:29 30 A. I don't think so, Mr. Collins. Er-- " system was in operation in Dublin County

- 16:04:38 1 Council whereby a nexus of councillors". Yes, I have to say yes.
- 2 Q. 582 Yes. And that's the system that you had earlier identified was one not known  
3 to Mr. Jones; isn't that correct?
- 4 A. In Private session, yes.
- 16:04:55 5 Q. 583 Yes. Well private session public session or anything in between Mr. Dunlop it  
6 was your evidence wasn't it?
- 7 A. Yes.
- 8 Q. 584 It was your evidence; wasn't it?
- 9 A. Yes.
- 16:05:02 10 Q. 585 And it was presented as truthful evidence at the time?
- 11 A. Yes.
- 12 Q. 586 And you wish it had to be understood as being truthful evidence; isn't that  
13 correct?
- 14 A. Yes.
- 16:05:10 15 Q. 587 Now, second last paragraph on that page, 406: Throughout this document the  
16 inclusion of an asterisk beside a particular development denotes that monies  
17 were given to me with regard to that development in the full knowledge that  
18 payments to councillors were required to achieve support ". There's no  
19 asterisk against the Ballycullen document which is 471, isn't that right?
- 16:05:38 20 A. Correct.
- 21 Q. 588 And what you say there, is that while Mr. Jones Senior may well have suspected  
22 that I had to make disbursements out of the sum of 15,000 that he gave me, we  
23 did not discuss the matter specifically.
- 24
- 16:05:49 25 I think you accepted here was your opportunity to characterise your dealings in  
26 relation to Ballycullen as one where the principals involved and in particular  
27 Mr. Jones, but also Mr. Hussey, knew that you were engaged in the system; isn't  
28 that right
- 29 A. Yes.
- 16:06:11 30 Q. 589 With all that that involved; the making of corrupt payments to councillors to

16:06:22 1 procure support?

2 A. Uh-huh.

3 Q. 590 That's what the system involved; isn't that right?

4 A. Yes.

16:06:22 5 Q. 591 You had earlier said that Mr. Jones didn't know of the system?

6 A. Yes.

7 Q. 592 But here you had another opportunity to express your considered view as to

8 whether he knew of the system or not, whether he knew that -- sorry. Whether

9 monies were given to you with regard to that development in the full knowledge

16:06:47 10 that payments to councillors were required to achieve support, to use your

11 words. And you did not indicate that they knew; isn't that right?

12 A. Correct.

13 Q. 593 And presumably, that was because they didn't know; isn't that the right?

14 A. Other than in the circumstances that we -- of the language that we used amongst

16:07:09 15 ourselves.

16 Q. 594 Well there's no reference to that in this statement; isn't that right?

17 A. Correct.

18 Q. 595 And you are telling the Tribunal clearly, depending object whether there was an

19 asterisk or not, whether particular persons, be they developers or others, such

16:07:26 20 as Mr. Jones, knew -- made payments to you in the full knowledge that payments

21 were going to be made in pursuance of the system that you described?

22 A. Yes.

23 Q. 596 And you had your opportunity another opportunity, to say yes, they did know and

24 you didn't say?

16:07:41 25 A. Yes.

26 Q. 597 In fact, the absence of an asterisk indicated that they didn't know; isn't that

27 correct?

28 A. Correct.

29 Q. 598 Sorry, Sir. I appreciate it's five past four. I hope I won't be that much

16:07:53 30 longer with the witness.

16:07:58 1  
2 CHAIRMAN: How long approximately?  
3  
4 MR. COLLINS: I think perhaps twenty minutes, Sir. No more than that. I  
16:08:05 5 hope.  
6  
7 CHAIRMAN: Okay.  
8  
9 MR. COLLINS: Thank you very much, Sir.  
16:08:14 10 Q. 599  
11 I think you accepted in answer to Ms. Dill --  
12  
13 CHAIRMAN: we are just going to rise just for two minutes.  
14  
16:08:28 15 MR. COLLINS: Certainly.  
16  
17 **VERY BRIEF ADJOURNMENT.**  
18  
19  
16:13:28 20 MR. COLLINS: Thanks very much, Sir.  
21  
22 Now, in the course of your evidence to Ms. Dillon on the second day of your  
23 testimony, which was the 9th of February, I think you accepted and I'm going to  
24 come to your later statement in just a moment Mr. Dunlop. And to your  
16:13:52 25 evidence Ms. Dillon. When you accepted in a what you are now suggesting is  
26 inconsistent with your earlier statements. You accepted at page 39 of the  
27 transcript for the 9th of February --  
28  
29 JUDGE FAHERTY: Day 607 I think.  
16:14:16 30

- 16:14:16 1
- 2 Q. 600 MR. COLLINS: Sorry, day 607. Thank you very much. Day 607 page 39 that
- 3 the statement that definitely the disbursements of money to politicians was
- 4 never discussed with Chris Jones or Derry Hussey. You accepted that that was
- 16:14:32 5 an absolute statement of fact and unambiguous. And you accepted that that was
- 6 inconsistent with the statement that you had given to the Tribunal in October
- 7 2004; isn't that right?
- 8 A. Yes.
- 9 Q. 601 And at page--
- 16:14:49 10 A. Question 24.
- 11 Q. 602 Page 56, question 241 in fact I think it's cut off slightly. At page 56 of
- 12 the same transcript you accepted that the suggestion which you are now
- 13 advancing that Mr. Jones and/or Mr. Hussey knew of your activities, was
- 14 inconsistent with the statement we've just been looking at, which is the
- 16:15:21 15 statement from October 2000. And the fact that you had not put an asterisk
- 16 beside Ballycullen; isn't that right?
- 17 A. At question, what Mr. Collins again, question?
- 18 Q. 603 Well, question 348 onwards in fact in earlier questions as well.
- 19 A. Yes.
- 16:15:43 20 Q. 604 And you accepted that the statement that you made in October 2004 to which
- 21 we're just about to come, didn't reflect any additional information that you
- 22 had received and it couldn't be explained, the inconsistency between the two
- 23 statements, could not be explained by virtue of any additional evidence
- 24 becoming available to you; isn't that right? Or further information?
- 16:16:08 25 A. Yes. If that is what I said in those questions, yes. I don't see it here.
- 26 Q. 605 Well, it's question 359 on page 57, for example.?
- 27 A. Coming to it now, yes.
- 28 A. Yes. And subsequent questions; isn't that right?
- 29 A. Correct.
- 16:16:26 30 Q. 606 And at question 369. Perhaps I'll go back to 366. At 365 and 366 you

16:16:40 1 referred to the fact that what you were saying was that there was some  
2 reference to the ways of the world. And then at 367 you're asked from that  
3 you deduce in 2004 they were aware of your corrupt activities? yes. Having  
4 previously had the view that you are not aware? Correct. And you're not in a  
16:17:03 5 position to explain what led you to this change of view? No, not really.

6 Nothing dramatic."

7 A. Yes.

8 Q. 607 That was your evidence a number of weeks ago; isn't that right?

9 A. Yes.

16:17:17 10 Q. 608 Can I ask you now then to turn to your October 2004 statement, if I may?

11

12 JUDGE FAHERTY: 543 I think.

13

14

16:17:31 15 Q. 609 MR. COLLINS: 543 and subsequent pages.

16

17 This is a statement that you made some four years exactly after your asterisk  
18 statement; isn't that right?

19 A. Yes.

16:17:43 20 Q. 610 And you referred to some various matters about fees and then at the top of page

21 544 you say in the discussions leading up to the agreement regarding fees

22 Mr. Chris Jones indicated to me that he was aware that councillors would be

23 required to be paid. And that if they were not there was no hope for lands

24 such as his to be rezoned.

16:18:11 25

26 Now, pausing there. Mr. Jones never said that to you; isn't that right, Mr.

27 Dunlop?

28 A. Other than in the context of the phraseology that we used.

29 Q. 611 Mr. Dunlop, I'll just ask you if you can address the questions I'm asking you.

16:18:28 30 Did Mr. Jones ever say to you Mr. Dunlop or Frank, I'm aware that councillors

- 16:18:33 1 would be required to be paid. And if they are not there's no hope for land  
2 such as this to be rezoned?
- 3 A. No.
- 4 Q. 612 He never made such a statement to you?
- 16:18:43 5 A. No.
- 6 Q. 613 And it's misleading, therefore to say that he indicated to you that he was  
7 aware that councillors would be required to be paid and if they were not there  
8 was no hope for lands such as his to be rezoned?
- 9 A. Other than in the context.
- 16:18:54 10 Q. 614 Well, anybody reading the statement. And I think I have to include here  
11 counsel for the Tribunal, Ms. Dillon, who in opening this Module quite  
12 understandably attributed this statement to you as a direct statement of  
13 evidence you would give as to what Mr. Jones had said to you?
- 14 A. Yes.
- 16:19:14 15 Q. 615 Anybody reading the statement would take from it, this sentence, that Mr. Jones  
16 had explicitly said to you that he was aware that councillors would be required  
17 to be paid and that if they were not there was no hope for land such as his to  
18 be rezoned. And he never made any such statement to you; isn't that right?
- 19 A. No.
- 16:19:36 20 Q. 616 So this was a misleading attribution; isn't that right, Mr. Dunlop?
- 21 A. Well, other than in the context.
- 22 Q. 617 Well the context we'll come to in a moment but if anybody read this statement,  
23 as I suggest to you any reasonable person reading, would take it as meaning,  
24 that Mr. Jones had explicitly indicated that he was aware that councillors  
16:19:56 25 would be required to be paid and if they were not, no rezoning could be  
26 achieved. Anybody reading the statement would be misled; isn't that correct?
- 27 A. Yes, possibly.
- 28 Q. 618 Well is there any doubt about it, Mr. Dunlop?
- 29 A. No, because you are extracting it from the context.
- 16:20:13 30 Q. 619 And you go on to say "I informed him then and subsequently Derry Hussey at a

16:20:19 1 later meeting, that the ways of the world would have to apply. Mr. Jones said  
2 he was fully aware of the situation but that people such as himself had no  
3 option but to comply".  
4

16:20:31 5 Now, that statement doesn't make clear, and I respectfully suggest to you that  
6 it obfuscates that what you are in fact now saying is that you made a reference  
7 to the ways of the world and you infer from that, on the basis of an assumption  
8 as to the state of knowledge about Mr.-- that Mr. Jones had, that that was a  
9 sufficient communication to him, that you were going to make improper payments  
10 to councillors.

16:21:03 11 A. What I said to Ms. Dillon on her examination is that that was my view. On  
12 foot of my statement.

13 Q. 620 So the first sentence should be struck from the statement, the first sentence  
14 of that paragraph, Mr. Dunlop; isn't that right?

16:21:22 15 A. The first sentence should be struck but should not be taken out of context of  
16 Mr. Jones' comments in relation to being fed-up paying political parties.

17 Q. 621 So here at version number five by my count, you're still not getting it right,  
18 Mr. Dunlop, are you?

19 A. No, I've said to Ms. Dillon and I'm saying to you, and I said in my October,  
16:21:49 20 9th of October statement when it came to Ballycullen, that I specifically used  
21 the phraseology, the ways of the world, to both Mr. Jones and to Mr. Hussey.

22 Q. 622 And what particular magic did that form of words have as far as you were  
23 concerned, Mr. Dunlop?

24 A. Well, as I said to Ms. Dillon, these are men of the world. They have been  
16:22:13 25 operating in a particular system. The Construction Industry. And this was  
26 the first occasion that I had met with Mr. Jones. And I used that phrase  
27 specifically, with an intention in mind and Mr. Jones and subsequently  
28 Mr. Hussey assented. They ask did not ask me what do you mean by the ways of  
29 the world.

16:22:43 30 Q. 623 Now, can I -- you've said there that you -- that these were men of the world



16:22:52 1 aware of how the system operated; isn't that the thrust of what you've just  
2 said.

3 A. Yes, they are business people.

4 Q. 624 Well, you said in your earlier statement that Mr. Jones did not know the system  
16:23:03 5 that was in operation?

6 A. Well, Mr. Jones either did not know the system, didn't want to participate in  
7 the system, or as I said to Ms. Dillon previously, Mr. Hussey wouldn't let him  
8 participate in the system.

9 Q. 625 Well that's just speculation on your part Mr. Dunlop; isn't it?

16:23:22 10 A. It's something I've said previously so I'm bringing it to your attention.

11 Q. 626 Well you may have said it previously but that doesn't alter its character as  
12 speculation; isn't it?

13 A. No, it's my view.

14 Q. 627 I see. Well it's a tri partite view. You are offering three alternatives;  
16:23:38 15 isn't that right?

16 A. Correct.

17 Q. 628 And you're not in a position to say which was the position; isn't that right?

18 A. Correct.

19 Q. 629 But isn't the likelihood that, and this is what Mr. Jones and Mr. Hussey will  
16:23:48 20 say in their evidence, so we're clear about it. That they did not know of any  
21 system such as the system that you've described. And everything you say all  
22 of the inferences that you are asking the Tribunal to draw from the use of the  
23 phrase the ways of the world, that's all premised on assuming that they did  
24 know what was going on in relation to this system of yours, Mr. Dunlop; isn't  
16:24:18 25 that right?

26 A. Correct.

27 Q. 630 So if that's not so, then even on your own account, what you suggest as being  
28 the inference to be read into the use of the words, it doesn't follow?

29 A. Well I can't account for what Mr. Jones and Mr. Hussey will say. I have seen  
16:24:35 30 what they said in their statements. I've read their statements.

16:24:39 1 Q. 631 Well you've seen that they consistently deny -- they deny clearly your October  
2 2004 statement, which was just provided to them earlier this year, and deny any  
3 knowledge that you were going to engage in improper payments and deny any  
4 suspicious that you were going to do that. Isn't that right?

16:24:58 5 A. I made the -- I used the phraseology, the ways of the world, very early on.  
6 And I used it in my 9th of October, statement, the general introduction to  
7 which you alluded to earlier on, but you did not allude to the component part  
8 in relation to Ballycullen in which I specifically said I used the phrase, the  
9 ways of the world to both Mr. Jones and Mr. Hussey.

16:25:20 10 Q. 632 That's the statement of the 9th of October, is that what you said Mr. Dunlop?

11 A. Yes, yes.

12

13 JUDGE FAHERTY: 471.

14

16:25:31 15 Q. 633 MR. COLLINS: But you say in that statement that Mr. Jones may well have  
16 suspected and you acknowledge that the thrust of this statement, in fact the  
17 clear conclusion of the statement, is that you were not asserting that they  
18 knew; isn't that right Mr. Dunlop? Don't be smiling at me now.

19 A. I'm not smiling at you. I'm pointing out to you paragraph three.

16:25:54 20 Q. 634 Yes, I see that, Mr. Dunlop. I see that. But I thought you'd already  
21 accepted that here was an opportunity to indicate clearly whether or not  
22 Mr. Jones and Mr. Hussey made payments to you in circumstances where they knew  
23 that you were going to make corrupt payments to politicians and you did not  
24 indicate that; Isn't that right?

16:26:17 25 A. Specifically, no.

26 Q. 635 You didn't indicate it, you didn't add the asterisk that you said was going to  
27 indicate knowledge?

28 A. Correct, the asterisk not added.

29 Q. 636 Perhaps we'll get back to your October 2004 statement, if we may, Mr. Dunlop.

16:26:32 30 So it boils down to this I think Mr. Dunlop. Correct me if I'm wrong. That

- 16:26:37 1 you are saying that you made a reference to the ways of the world?
- 2 A. Correct.
- 3 Q. 637 And you made that in the hearing of both Mr. Hussey and Mr. Jones?
- 4 A. In -- individually.
- 16:26:49 5
- 6 Q. 638 JUDGE FAHERTY: Mr. Collins, sorry to interrupt your cross-examination. Just
- 7 that you're on that point. Mr. Dunlop, just on the 18th of May in the private
- 8 interview transcript.
- 9 A. Yes.
- 16:27:02 10
- 11 Q. 639 JUDGE FAHERTY: On page 401 you appear to attribute the words "the ways of the
- 12 world". I don't know Mr. Collins may well be dealing with it once he's on it
- 13 you attribute those words to yourself now in evidence; isn't that correct, Mr.
- 14 Dunlop?
- 16:27:19 15 A. Yes.
- 16
- 17 Q. 640 JUDGE FAHERTY: But if you read, if you look at the third paragraph on page
- 18 401. Line 26. Well I mean I have' already said to you that Mr. Jones said,
- 19 you know, that he knew the ways of the world.
- 16:27:38 20 A. Yes, I don't have it here because I have 471, I have it now, yes, yes.
- 21
- 22 Q. 641 JUDGE FAHERTY: I understand your evidence on the last occasion you were here
- 23 and this afternoon that you attribute those words to yourself
- 24 A. Correct.
- 16:27:45 25
- 26 Q. 642 JUDGE FAHERTY: But the 18th of May transcript would seem in attribution to
- 27 Mr. Jones.
- 28 A. No, no. The phrase was mine.
- 29
- 16:27:54 30 Q. 643 JUDGE FAHERTY: I see.

- 16:27:56 1 A. It's my usage.  
2  
3 JUDGE FAHERTY: Thank you. Sorry Mr. Collins.  
4
- 16:28:03 5 Q. 644 MR. COLLINS: Not at all.  
6  
7 Madam, that was perfectly helpful.  
8  
9 In fact, isn't it perfectly clear from this passage of your evidence on the  
16:28:13 10 18th of May that you were attributing the use of the phrase, ways of the world  
11 to Mr. Jones?  
12 A. I'm using the ways of the world in a conversation with Mr. Jones. And the I  
13 said on the 9th of October in my statement, in my narrative statement, I  
14 informed Mr. Jones and subsequently Mr. Hussey --
- 16:28:30 15 Q. 645 We're not talking about the 9th of October statement here Mr. Dunlop. We're  
16 talking about your transcript of examination of 18th of May. Doesn't it  
17 clearly attribute to Mr. Jones the use of the phrase, the ways of the world?  
18 A. I'm not going to enter into a debate on foot of what the Judge Faherty has  
19 brought up. But I'm saying that is my phrase, the ways of the world, that is  
16:29:00 20 a phrase that I used.  
21 Q. 646 But it's attribute in the this passage from your evidence to Mr. Jones. Isn't  
22 that the right?  
23 A. Well, yes.  
24 Q. 647 And I don't have the references just at my finger tips I'll find them if  
16:29:16 25 necessary. There are other versions you have given where you've attributed to  
26 Mr. Hussey, rather than yourself, the use of the phrase, ways of the world?  
27 A. He acknowledged that the ways of the world. He acknowledged that the ways of  
28 the world would apply when I used the phrase.  
29 Q. 648 Well for the record, both Mr. Jones and Mr. Hussey will say that they have no  
16:29:36 30 recollection of that being said to them or less still, of they saying it to

- 16:29:42 1 you.?
- 2 A. Well, the only thing I can assist you on in relation to the latter point is
- 3 that it is my phrase. And in response to Judge Faherty's question, it is my
- 4 phrase, it's the phrase that I used to both men individually.
- 16:29:58 5 Q. 649 And certainly, even if you used the phrase, which they don't recall, it
- 6 certainly didn't convey to them anything of the nature which you are now
- 7 suggesting?
- 8 A. That is matter for them. I have to say, I can only say that that is a matter
- 9 for them.
- 16:30:16 10 Q. 650 Well precisely so, Mr. Dunlop. Isn't that the so?
- 11 A. Well they have to give their view as to whether they heard it. Or as you are
- 12 now saying if I did use it they didn't interpret it in that fashion.
- 13 Q. 651 Well if they say in their evidence, as they will say, that nothing said by you
- 14 gave them reason to believe, reason to suspect, less still, reason to know,
- 16:30:42 15 that you were going to make corrupt payments to councillors. You have no
- 16 reason to disagree with that; Isn't that right that?
- 17 A. Will be their evidence. I cannot and will not other than to say that this was
- 18 a phrase that I used and as I said on the 9th of October, 2000.
- 19 Q. 652 Taking what you say, at its very height Mr. Dunlop, and I'm not suggesting for
- 16:31:11 20 a moment what you say should be taken at its height. But taking it as its
- 21 height. What you are saying is that you said something for which you believe
- 22 it had could be inferred that you were going to make payments, on the
- 23 assumption that the hearers knew of the system for making payments; isn't that
- 24 right?
- 16:31:35 25 A. The phrase, the ways of the world, was used specifically. I was not
- 26 questioned about it by either gentleman. I know exactly what I meant when I
- 27 used the phrase the ways of the world, they did not dispute it and, as I said,
- 28 Mr. Jones Senior said that he was fully aware of that.
- 29 Q. 653 But even taking your evidence at its height, as I've said. Isn't it possible
- 16:32:01 30 that no matter how clearly you thought you were expressing the position in the

16:32:08 1 coded language that you were using, that the fact that coded language was being  
2 used and the fact that it meant what it meant in your mind, was simply missed  
3 by Mr. Hussey and Mr. Jones. That they didn't simply realise what coded  
4 message you were seeking to convey to them?

16:32:29 5 A. I see.

6 Q. 654 Isn't that so?

7 A. No.

8 Q. 655 I see. If that is their evidence, that will be their evidence Mr. Dunlop, I'm  
9 asking you a question now and I'd ask you now to just address it if you don't  
16:32:47 10 mind. Isn't it perfectly possible, taking everything you've said as being  
11 true, for the purposes of this question alone. Isn't it perfectly possible  
12 that you thought you were saying something which was clear, but in fact it  
13 wasn't clear at all to Mr. Hussey or to Mr. Jones.

14 A. No, I don't accept that.

16:33:01 15 Q. 656 Because they simply didn't have your frame of reference in terms of what was  
16 being said?

17 A. Well, I presume that their frame of reference will be dealt with subsequently  
18 in relation to what they did or did not think or why Mr. Jones was making  
19 payments to politicians himself. That's another matter. That's for him to  
20 deal.

21 Q. 657 It is another matter, Mr. Dunlop. Would you please address the question I  
22 have already asked you, please.?

23 A. I have already said I do not accept in the context of the conversations that I  
24 had with both gentlemen, and I have already prefaced that by saying that they  
16:33:36 25 are businessmen, men of the world, and that the -- it was not objected to.

26 Q. 658 Yes. Well, the Tribunal will be hearing from Mr. Jones and Mr. Hussey and I'm  
27 not going to be-labour this cross-examination by putting matters repeatedly to  
28 you Mr. Dunlop.

29  
16:34:02 30 Can I just ask you to consider the evidence that you gave to Ms. Dillon. And

16:34:20 1 there's just one passage that I want to bring to your attention. And that's  
2 page 37. It's day 607. Just the reference that I mentioned to you earlier.  
3  
4 And it's question 223. "Are you saying that all that Mr. Hussey ever said to  
16:34:42 5 you was that he knew the ways of the world would have to apply?" And your  
6 answer was yes.  
7  
8 So you seem to be attributing that statement to Mr. Hussey there; Isn't that  
9 right?  
16:34:51 10 A. No -- what question are you on?  
11 Q. 659 Question 223 on page 37 of 607.  
12 A. Yes.  
13 Q. 660 And 225. Are you saying the full extent --  
14 A. It's premised on the previous answer, the ways of the world will apply  
16:35:07 15 Mr. Hussey.  
16 Q. 661 Are you saying the full extent of what Mr. Hussey ever said to you was a that  
17 he knew the ways of the world would apply and your answer was yes?  
18 A. Yes.  
19 Q. 662 And again you seem to be attributing that observation to Mr. Hussey?  
16:35:19 20 A. Not in the context of the questioning, if you go back to it, Mr. Collins. I'm  
21 being asked by Ms. Dillon.  
22 Q. 663 Now, there are just some additional matters that I just want to bring to your  
23 attention?  
24 A. Uh-huh.  
16:35:34 25 Q. 664 I have to suggest to you, Mr. Dunlop, that the suggestion that you've made in  
26 your evidence that Mr. Jones and Mr. Hussey knew that you were going to engage  
27 in corrupt payments, is inconsistent with the detail of the material I put to  
28 you this morning. It's inconsistent with Mr. Jones being anxious to meet you,  
29 being anxious to have reports in writing as to the progress you were making.  
16:36:12 30 But that that is not consistent with them engaging you to engage in impropriety

- 16:36:20 1 on their behalf. Do you have any observation in relation to that?
- 2 A. I don't accept that.
- 3 Q. 665 I see. Because we've gone through the material. And I think I reminded you
- 4 that you had accepted to Ms. Dillon that it had the characteristics of a bona
- 16:36:36 5 fide exercise in persuasion; isn't that right?
- 6 A. It had the characteristics, yes.
- 7 Q. 666 I see. And just on a number of smaller points. Important but small points.
- 8 Your evidence is I think that Mr. Jones and Mr. Hussey knew that you would
- 9 utilise any fees paid to you to make corrupt payments to councillors; isn't
- 16:37:03 10 that right?
- 11 A. They knew from the phraseology that I used and they assented in, that what the
- 12 system involved was.
- 13 Q. 667 They knew that you would make payments to politicians, corrupt payments?
- 14 A. The ways of the world, yes.
- 16:37:19 15 Q. 668 Perhaps you would just address the question that I asked you. A simple yes is
- 16 the answer; is it?
- 17 A. Yes.
- 18 Q. 669 Mr. Hussey in his statement I think describes how he met with Mr. Hand,
- 19 councillor Hand, shortly after his meeting with you. And then the matter was
- 16:37:38 20 dealt with at council level. I'm talking now obviously about the Beechill
- 21 matter?
- 22 A. You're talking about Beechill, yes.
- 23 Q. 670 He describes had in his evidence that councillor Hand came to him looking for
- 24 what Mr. Hussey describes as a political subscription?
- 16:37:54 25 A. Yes.
- 26 Q. 671 Why, if what you're saying has any truth Mr. Dunlop, why didn't Mr. Hussey say
- 27 to councillor Hand go away, Mr. Dunlop is supposed to be making the payments to
- 28 you. He's going to be looking after you. I'm not going to give you any
- 29 money.?
- 16:38:13 30 A. You'd have to ask Mr. Hussey that.



- 16:38:13 1 Q. 672 I'm asking you, Mr. Dunlop?
- 2 A. I've none. I have no idea what transpired between Mr. Hussey and Mr. Hand.
- 3 Q. 673 Isn't the simple truth of it that Mr. Hussey making a subscription to
- 4 councillor Hand in those circumstances, is entirely at odds with the suggestion
- 16:38:31 5 that you had been engaged to play and pay the system, as you say you were and
- 6 that Mr. Hussey and Mr. Jones knew that to be the case?
- 7 A. No, all I can say to you is it's up to Mr. Hussey to say what occurred between
- 8 himself and Mr. Hand. I'm not going to enter into that.
- 9 Q. 674 You have no explanation as to why that payment was made?
- 16:38:55 10 A. Which payment?
- 11 Q. 675 The payment that was made to councillor Hand. The political subscription
- 12 described in Mr. Hussey's statement?
- 13 A. Yes. I understand Mr. Hussey said that I negotiated that payment or was that
- 14 another one Mr. Hussey said that I negotiated to Mr. Hand?
- 16:39:15 15 Q. 676 I'm not going to answer your questions if you don't mind. I have enough to be
- 16 doing with you now.
- 17
- 18 Just taking as a fact for a moment, that Mr. Hussey was asked to make a payment
- 19 to councillor Hand, subsequent to this issue of the Beechill zoning being
- 16:39:33 20 addressed at council level and addressed conclusively, subject only to the
- 21 formality of the confirmation vote. Being asked by councillor Hand to make a
- 22 payment. Isn't the fact that such a payment was made by Mr. Hussey clearly
- 23 irreconcilable with the suggestion that you have made which is that Mr. Hussey
- 24 knew that you would be looking after councillor Hand
- 16:39:58 25 A. No, I can't make any comment that on whatsoever. I wasn't party to any
- 26 discussion between Mr. Hussey and Mr. Hand. I did not negotiate any payment
- 27 to Mr. Hand on behalf of Mr. Hussey. I was not asked to transmit any money to
- 28 Mr. Hand by Mr. Musty, by cheque or otherwise, as Mr. Hussey says, which is
- 29 wrong. So therefore, I'm not in a position to comment. I don't know what
- 16:40:22 30 transpired between them.

16:40:25 1 Q. 677 Well, the Tribunal will draw its own inference from those facts Mr. Dunlop?  
2 A. Yes, it will.

3 Q. 678 Equally, is it not the case that the political contributions that Mr. Jones  
4 made throughout 1992, you say, without your knowledge, you say you were  
16:40:41 5 surprised to hear of it. Are inexplicable if you hypothesize that Mr. Jones  
6 was a party to your corrupt payments to councillors. Is that not so?  
7 A. So again Mr. Collins, I cannot comment on what motivation Mr. Jones had in  
8 making the payments of 46,000 pounds in total, in a short period to politicians  
9 of a wide range. I was not consulted. I did not know about it. He did not  
16:41:15 10 tell me. And the first I heard about it was when Ms. Dillon read it out in  
11 the opening statement.

12 Q. 679 Well just to conclude then Mr. Dunlop. I have to suggest to you that what you  
13 are now suggesting, firstly, is at odds, inconsistent with and irreconcilable  
14 with the version that you first gave the Tribunal back in April of 2000. It's  
16:41:47 15 equally irreconcilable with the second version that you gave the Tribunal.  
16 It's irreconcilable with the third version that you gave the Tribunal. And  
17 it's irreconcilable with the fourth version that you gave the Tribunal. And  
18 just to identify those.  
19

16:42:09 20 They are the public hearing in April of 2000. The two private sessions. And  
21 the statement of October 2000 with the asterisk or indeed the asterisk that  
22 wasn't there.  
23

24 You've given four versions within a period of a year. None of which is to the  
16:42:30 25 effect that your evidence now is. Firstly, that's the first point I'm going  
26 to put to you.  
27

28 Secondly, it's inconsistent and going to be contradicted by the evidence of  
29 Mr. Hussey and Mr. Jones.  
16:42:46 30

16:42:46 1 Thirdly, it's inconsistent, and this is a matter for the Tribunal to determine.  
2 But in my suggestion, with the objective facts, such as the facts I've just  
3 mentioned to you, and with the degree of engagement that Mr. Jones demonstrated  
4 in relation to the work you were doing.

16:43:06 5  
6 And is not worthy of credit at all, Mr. Dunlop. No one could properly rely on  
7 anything that you say in relation to this matter, given the number of times  
8 that you have given different and significantly different accounts, Mr. Dunlop,  
9 I suggest to you. Differences for which you have no explanation; isn't that  
10 right Mr. Dunlop?

11 A. No.

12 Q. 680 So the Tribunal certainly can be sure of one thing, and perhaps only one thing,  
13 in relation to your evidence on this issue, Mr. Dunlop. And that is to put it  
14 at its kindest, that you have given inaccurate evidence on at least one  
15 occasion in relation to this matter; isn't that right?

16 A. No.

17 Q. 681 The Tribunal can't be satisfied of that?

18 A. I will refer the Tribunal to my statement of the 9th of October, 2000, where I  
19 specifically alluded to the phraseology that is the subject of this

16:44:17 20 interchange. The ways of the world and what Mr. Jones and Mr. Hussey did or  
21 did not know.

22 Q. 682 Thank you very much.

23  
24 CHAIRMAN: Thank you, Mr. Collins. Mr. Doherty, do you want to cross-examine  
16:44:34 25 Mr -- or have you any cross-examination?

26 MR. DOHERTY: I have no questions for Mr. Dunlop.

27

28 CHAIRMAN: All right. You have some?

29

16:44:42 30 MS. DILLON: The Tribunal will be about an hour in re-examination Mr. Dunlop.

16:44:46 1 I think Mr. Dunlop isn't available for the rest of this week.  
2  
3 I was going to suggest subject to Mr. Redmond's availability possibly next  
4 Tuesday we could conclude Mr. Dunlop's evidence. And we can proceed to finish  
16:44:59 5 the rest of the of the Module this week.  
6  
7 CHAIRMAN: Tuesday?  
8  
9 MS. DILLON: Sorry?  
16:45:10 10  
11 CHAIRMAN: What about Monday?  
12  
13 MS. DILLON: There's another Module scheduled to start on Wednesday.  
14  
16:45:20 15 CHAIRMAN: I think Mr. Dunlop has exams, is that right?  
16  
17 CHAIRMAN: Well isn't the best thing to do, is for you to talk to Mr. Redmond  
18 and come up with some agreement as to when we can ....  
19  
16:45:40 20 MS. DILLON: If we can.  
21  
22 CHAIRMAN: Obviously we'd have to allow two hours in total because we may have  
23 some issues. We can do it some day either at ten o'clock or two o'clock in  
24 the afternoon or whatever.  
16:45:54 25  
26 You just have to come to some arrangement with Mr. Redmond.  
27  
28 MS. DILLON: Hopefully I can do that after you rise and ...  
29  
16:46:02 30 CHAIRMAN: We are sitting tomorrow at half ten.

16:46:05 1

2

MS. DILLON: May it please you, Sir.

3

4

CHAIRMAN: Thank you, Mr. Dunlop.

16:46:19 5

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

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**TUESDAY, 7TH MARCH, 2006, AT 10:30 A.M.**

16:46:34 10

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