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THE TRIBUNAL RESUMED AS FOLLOWS ON

WEDNESDAY 8TH MARCH 2006 AT 10.30 AM:

CHAIRMAN: Well good morning Ms. Dillon.

MS. DILLON: Morning sir. With your permission we are going to interrupt the evidence of Mr. Brooks to deal with a number of short witnesses relating to the bank accounts of the late Mr. Tom Hand and his family. And I expect that there are five, four witnesses and I expect them to be quite short.

CHAIRMAN: All right.

MS. DILLON: Thank you sir.

MS. DALTON: Noel Hand please.

JUDGE FAHERTY: I don't think they caught the name Ms. Dalton.

Ms. DALTON: Sorry Noel Hand please.

10:38:34 1 **NOEL HAND, HAVING BEEN SWORN, WAS EXAMINED**

2 **AS FOLLOWS BY MS. DALTON:**

3

4 CHAIRMAN: Good morning Mr. Hand.

10:39:04 5 Q. 1 Good morning, Mr. Hand.

6 A. Good morning.

7 Q. 2 I think you are the son of the late Thomas Hand, is that correct?

8 A. That's correct, yes.

9 Q. 3 Can you tell the Tribunal what your occupation was in 1992?

10:39:14 10 A. I worked in sales.

11 Q. 4 Sales. What was the company?

12 A. O'Dea and company.

13 Q. 5 Okay. I am not going to delay you for very long, I just want to ask you about

14 three lodgements to your account?

10:39:28 15 A. Yes, yes.

16 Q. 6 If I can have page 2878 please?

17 A. Beg your pardon.

18 Q. 7 There is a document which is appearing beside you there, if you just look at

19 the last entry.

10:39:40 20 A. Yes.

21 Q. 8 There are two entries on the following page which we will come to in a moment.

22 In 1992 I think you held a Bank of Ireland account number 10642955, is that

23 right?

24 A. That's correct, yes.

10:39:52 25 Q. 9 Okay. We are just going to identify the three lodgements into your account and

26 then I will ask you about the sources. If I could have page 2896 please. If

27 you can see the account on the lower part of that page, on the 20th October

28 there was a lodgement to your account in the sum of 550 pounds, do you see

29 that?

10:40:21 30 A. I do, yes.

- 10:40:22 1 Q. 10 And then on the 28th October there was a lodgement in the sum of 1,258.71
2 pounds, do you see that further down?
3 A. I do.
- 4 Q. 11 And if I could just have page 2899 and on the top part of that page, on the
10:40:41 5 20th November there is a lodgement in the sum of 500 pounds to your account, do
6 you see that?
7 A. I do.
- 8 Q. 12 You were asked by the Tribunal in a letter of the 19th January, 2006 to
9 identify the sources of those lodgements. And I think your solicitor responded
10:40:57 10 to the Tribunal in a letter on the 27th February 2006 and I am just going to
11 open that letter, if I could have page 3732 please?
12
13 This is the third page of that letter. We are just looking at the second
14 paragraph that deals with line 16 to 18 of the schedule. Three lodgements
10:41:16 15 which we just looked at.
16
17 It says there "Lines 16 to 18 refer to Mr. Noel Hand, son of the late Tom Hand.
18 Mr. Hand believes that these three sums were payments made by his employer
19 direct into his account, that the sum at line 16, that was the sum on the 20th
10:41:33 20 October of 550 pounds, was most likely commission. That the sum at line 17,
21 and that was on the 28th October in the sum of 1,258 pounds was salary and the
22 sum at line 18, that was on the 20th November in the sum of 500 pounds was
23 commission. Mr. Noel Hand doesn't have any original documents in relation to
24 those lodgements."
10:41:57 25
26 Is that your position in relation to the three lodgements?
27 A. That is correct, yes.
- 28 Q. 13 Can I just ask was commission paid directly into your account?
29 A. My salary is, my salary. All my money from the company is paid into my
10:42:11 30 account. 10642955.

- 10:42:13 1 Q. 14 Okay if I could just have page 2900 please, this is just in relation to the
2 third lodgement that we looked at, that was the sum of 500 pound on the 20th
3 November '92?
- 4 A. Right.
- 10:42:25 5 Q. 15 I think you will see this is a lodgement docket which shows that 500 pounds in
6 cash was lodged to your account and it says paid in, is that your signature
7 there?
- 8 A. It is, yes.
- 9 Q. 16 Okay. So that amount was lodged in cash in fact, isn't that right?
- 10:42:39 10 A. Well as I said, to the best of my knowledge.
- 11 Q. 17 Yes, absolutely.
- 12 A. Its a long time ago, so.
- 13 Q. 18 Yes, could you identify the source of that lodgement now?
- 14 A. I honestly couldn't. No.
- 10:42:57 15 Q. 19 You see there is a handwritten notes on the lodgement it says "25 by 20", do
16 you know what that would have meant?
- 17 A. I don't, its not my --
- 18 Q. 20 That would have made 500 pounds?
- 19 A. I beg your pardon.
- 10:43:13 20 Q. 21 That would make up 500 pounds?
- 21 A. Its not my writing, so I don't know.
- 22 Q. 22 Okay. So you can't explain to the Tribunal what the source of that lodgement
23 was?
- 24 A. As I say, no I can't.
- 10:43:29 25 Q. 23 And you just see at the bottom of that page it also says "cash received", do
26 you see that, that would have been the back of the lodgement?
- 27 A. I can see it okay, yeah.
- 28 Q. 24 Okay. Can you just tell the Tribunal did your father ever give you any money
29 which you would have lodged to this account?
- 10:43:42 30 A. No.

10:43:43 1 Q. 25 Okay. Thank you Mr. Hand. If you just answer any questions anyone else might
2 have.
3
4 CHAIRMAN: Mr. Hand, could I just ask you, you said you thought that money was
10:43:54 5 commission, the 500.
6 A. When I seen the amounts I just, I just assumed that, you know, because my money
7 from the company is paid into my account, for commission. My salary and so
8 forth like that.
9
10:44:09 10 CHAIRMAN: But this 500 isn't coming from your employer directly anyway.
11 A. No, I see that now but --
12
13 CHAIRMAN: Yes, so does that mean you don't believe it was commission, but
14 that it was --
10:44:23 15 A. To be honest, its so long ago, I just can't, couldn't verify 100 percent. To
16 my knowledge I gave the best opinion on the amounts.
17
18 CHAIRMAN: Yes I accept that. But insofar as we can think back that far, that
19 500 pounds clearly wasn't paid directly by your employer.
10:44:43 20 A. Yeah, I can see that now yes.
21
22 CHAIRMAN: As you thought it might have done.
23 A. Yes, that is correct.
24
10:44:49 25 CHAIRMAN: And would your employer have paid you in cash or cheque normally?
26 A. It normally would have been cheque.
27
28 CHAIRMAN: And --
29 A. I could get a cheque changed, you know.
10:45:01 30

10:45:01 1 CHAIRMAN: All right. But was it normal practice for it to go straight into
2 your account?
3 A. Normally, normal practice, yes.
4

10:45:08 5 CHAIRMAN: By, directly from your employer into your account?
6 A. That's correct, yes.
7

8 JUDGE FAHERTY: Would you have been taxed on commission?
9 A. Oh yeah, I am fully PAYE.
10

11 JUDGE FAHERTY: Absolutely. Every payment from your employer would have been
12 subject to whatever deductions were made?
13 A. Absolutely. Definitely. I'm totally tax compliant, PAYE.
14

10:45:31 15 JUDGE FAHERTY: Thanks very much.
16

17 CHAIRMAN: Do you want to ask any questions?
18

19 MR. O' DULACHAIN: No Chairman. No questions Chairman.
20

10:45:37 21 CHAIRMAN: Thank you Mr. Hand.
22 A. Thank you.
23

24 **THE WITNESS THEN WITHDREW.**

10:45:44 25
26 MS. DILLON: I propose to deal now with the lodgements to the accounts of the
27 late Mr. Tom Hand that might be relevant in relation to this module, could I
28 have been 2909 please?
29

10:45:55 30 This is a schedule, one of two schedules of lodges relating to the account of

10:46:00 1 the late Tom Hand and the schedule is provided to Mr. Vivien Matthews together
2 with back up documentation and the schedule discloses that on the 8th February
3 1993 Mr. Tom Hand lodged 10,000 pounds to his First Active account. On the 8th
4 January 1993 he lodged another 10,000 pounds to his AIB account. On the 2nd
10:46:23 5 November 1992 he lodged 22,000 pounds to his National Irish Bank account. On
6 the 3rd November 1992 he lodged 3,000 pounds to his National Irish Bank
7 account. And on the 16th November 1992 he lodged 10,000 pounds to his National
8 Irish Bank account.

10:46:41 10 Could I have document 2913 first please? Thank you. Now this, these are the
11 documents, this is the bank statement dealing with the lodgements in November
12 of 1992 and these three lodgements in November 1992 with an opening balance of
13 the 2nd November show a lodgement of 22,000 pounds on the 3rd November 1992 a
14 lodgement of 3,000 pounds and on the 16th November 1992 a lodgement of 10,000
10:47:14 15 pounds. That means that in November 1992 the late Mr. Tom Hand lodged 35,000
16 pounds to his bank account at National Irish Bank.

17
18 Now in addition, if we revert to the schedule again at 2909 please? And
19 looking at the first two lodgements which are made on the 8th January '93 in
10:47:39 20 the sum of 10,000 pounds and the 8th February '93 in the sum of 10,000 pounds.
21 If I could first of all have 2911 please? This is the bank account showing the
22 lodgement in the sum of 10,000 pounds on the 8th January 1993. And then if I
23 could have 2910? Which shows a lodgement on the 8th February in the sum of
24 10,000 pounds.

10:48:07 25
26 And if I go back then to the schedule at 2909? The total amount therefore
27 lodged by the late Mr. Hand between the 2nd November 1992 to the 8th February
28 1993 is contained in the schedule, amounts to 55,000 pounds.

10:48:26 30 The Tribunal wrote to the solicitors for the late Mr. Hand and seeking

10:48:32 1 information in relation to the source of those lodgements contained in that
2 schedule and the reply from Mr. Vivian Matthews of O'Mara Geraghty and McCourt
3 is at 3651 please.
4

10:48:45 5 It says "Dear Mr. King, I refer to your letter of the 27th January 2006 raising
6 furthering queries in respect of financial matters and containing a second
7 schedule with six items set out therein.
8

9 In respect of items 1 to 5 which deal with the account of the late Mr. Tom hand
10 our client are not in a position to confirm the source of the said sums, expect
11 that it was apparent given the nature of the accounts that is Mr. Hand was in
12 the practice of opening and closing accounts from time to time and obtaining
13 the best interest rate possible on short-term deposit."
14

10:49:20 15 And the next matter goes on to deal with another account that relates to a
16 different family member which I will deal with separately. The Tribunal has
17 not in its inquiries been able to reconcile these lodgements with withdrawals
18 from any account of the late Mr. Tom Hand with which it has been supplied.
19 That means in that period there is a sum of 55,000 pounds lodged to the
10:49:37 20 accounts of Mr. Tom Hand for which no explanation has been provided.
21 And which cannot be seen to emanate from any account that has been furnished to
22 the Tribunal.
23

24 The second lodgements in relation to the late Mr. Tom Hand arise on schedule
10:49:51 25 number 1 at 2878 please? Now, the first two lodgements on this schedule relate
26 also to lodgements to the account of the late Mr. Tom Hand and are in addition
27 to the lodgements of 55,000 pounds to which I have just referred, you will see
28 from the schedule that on the 24th March, the first says 24th of the 5th but in
29 actual fact it is the 24th March 1993 there was a lodgement of 15,740 pounds to
10:50:23 30 Mr. Hand's An Post account and on the 7th April 1993 there was a lodgement of

10:50:27 1 12,260 pounds to Mr. Hand's An Post account. The total value of those two
2 lodgements is 28,000 pounds.

3
4 If we can have page 2880 please? Yes, there you will see the lodgement of
10:50:51 5 15,740 pounds to An Post and if we look at 2882 please? This is the underlying
6 document that was used to purchase the lodgement of 15,740 and there is
7 reference at the side of that lodgement docket to "Cheque 15,745.11" which
8 would suggest that the lodgement was made or purchase of the saving bonds were
9 made on foot of a cheque, the source of the cheque is not known to the Tribunal
10:51:23 10 and the cheque does not appear to emanate from any bank account that has been
11 provided to the Tribunal in connection with Mr. Hand and in relation to the
12 second lodgement on schedule 1, which is a lodgement in the sum of 12,260
13 pounds, if I can have page 2880 please?

14
10:51:42 15 And if, one will see there the -- sorry I beg your pardon, 2883 please. Sorry,
16 this is the underlying document that's used to make the lodgement and again I
17 draw your attention to the fact that in making the lodgement that the cheque
18 box is ticked on the document indicating that the lodgement of the savings
19 certificates in the sum of 12,260 pounds was by way of a cheque, the Tribunal
10:52:11 20 has not been furnished with any bank account of Mr. Hand's from which this
21 cheque emanated and has no information in relation to the cheque.

22
23 Taking the totality of the lodgements on schedule 1 and schedule 2 together,
24 the position would appear to be that between the 2nd of November 1992 and the
10:52:32 25 7th April 1993 the late Mr. Tom Hand lodged a total of 83,000 Irish pounds, or
26 Punts, to his accounts for which no explanation has been provided to the
27 Tribunal and which do not appear to emanate from any bank account of the late
28 Mr. Tom Hand's which have been provided to the Tribunal and these lodgements to
29 the account of the late Mr. Tom Hand remain unexplained.

10:52:56 30

10:52:56 1 I don't know if Mr. O'Dulachain wishes to comment on that I propose to now move
2 on to deal with another member of the family.
3
4 CHAIRMAN: Well Mr. O'Dulachain unless you want to add to the information that
10:53:07 5 your solicitor gave to the Tribunal in the letter, certainly if there is --
6
7 MR. O' DULACHAIN: Simply to note that there is references to
8 reconciliations being done, no evidence of a reconciliation has been presented
9 to the Tribunal, what we are told is the conclusion of a reconciliation.
10:53:25 10
11 CHAIRMAN: Will you have access ...
12
13 MR. O' DULACHAIN: No, no. We have not seen any reconciliation exercise
14 done. By way of illustration, in relation to pages 2911 and 2910 which were
10:53:40 15 exhibited some moments ago, just to illustrate, if I might have 2911 and 2910
16 will show that the First Active account was opened with a transfer, or with a
17 cheque lodgement of 10,000 on the 8th of February 1993. If one goes then top
18 the AIB account on 2911 one will see that that account involves a withdrawal on
19 the 8th February 1993 of 10,000 pounds.
10:54:22 20
21 Now, it is a matter of inference as to whether or not one, that sum withdrawn
22 from AIB which was on a 28 day deposit, went to First Active or went somewhere
23 else, but it is indicative that a reconciliation can be done in respect of
24 various figures, and I am not sure whether by way of example that has been
10:54:45 25 allowed for in any reconciliation exercise.
26
27 MS. DILLON: No the information, the documentation was provided to Mr. Vivian
28 Matthews the solicitor on behalf of the family, he was asked to provide
29 explanation on behalf of the late Mr. Tom Hand and the estate in relation to
10:55:01 30 these lodgements. The explanation that was provided is the one that I have

10:55:04 1 opened to you. The point that's being made by my friend might be a relevant
2 point if the withdrawal on the AIB account was dated the 8th February. The
3 date of the lodgement on the First Active account of 10,000 pounds is 8th
4 February 1993, so the money is in First Active on the 8th February 1993, the
10:55:21 5 money is not taken out of AIB until the 9th February 1993, the following day.
6

7 MR. O' DULACHAIN: Sorry we are all familiar with bank accounts, whereby the
8 posting dates and the payment dates and the cashment dates and transfers can in
9 fact lead one to a wrong conclusion, in other words you can lodge to an account
10:55:43 10 with a cheque and be credited with that lodgement on the day you present the
11 cheque, whereas on the account on which it was drawn, it will appear drawn a
12 day or two later.
13

14 CHAIRMAN: Well did you bring that to the attention of the Tribunal.

10:55:56 15
16 MR. O' DULACHAIN: Yes, in our correspondence we referred specifically to
17 this as an example.
18

19 CHAIRMAN: But if a reconciliation is to be done presumably it assumes that
10:56:06 20 dates are correct unless indicated otherwise.
21

22 MR. O' DULACHAIN: Well it is very clear that Mr. Hand had significant cash
23 funds, many years before these events. And what is concerned here is the
24 management funds and it has been dressed up, effectively to give the impression
10:56:27 25 of a huge inflow of funds, as opposed to taking the position where you
26 establish what he had at the beginning of the year in cash resources and what
27 he may have had at the end of the year in cash resources.
28

29 I have seen no reconciliation evidence given to this Tribunal and yet large
10:56:44 30 figures are thrown out as if they have some probative or evidential value.

10:56:49 1 MS. DILLON: In ease of my friend we are in a position to do, this is a window
2 period lodgement, my friend can rest assured we have done the full financial on
3 the late Mr. Tom Hand, I am in a position if he really wants me do it, and I
4 can do it probably tomorrow, to do the entire financial on Mr. Tom Hand but I
10:57:05 5 am not at all sure my friend would like that done at this particular point in
6 time.

7

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10:57:10 10 MS. DILLON: There is no difficulty in doing it, it has been done, the full
11 financials have been done, but we are dealing with a window period situation
12 here, that's why the annualised -- if my friend wants me to do an annualised
13 basis of lodgments to the account of Mr. Tom Hand, over income that the late
14 Mr. Tom Hand was making and do an annual unexplained lodgement situation,
10:57:30 15 Mr. Hand that can be done, its not difficult.

16

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10:57:37 20 CHAIRMAN: What was Mr. Hand's occupation?

21

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10:57:43 25 CHAIRMAN: Well in view of the fact that Mr. Dulachain has alleged that the
26 Tribunal has dressed up these figures, then I think we'll consider doing a full
27 financial look at Mr. Hand's affairs. Because that's a serious matter.

28

29

10:58:07 30 MR. O' DULACHAIN: What I specifically said was a reference there to 50,000
in one period and in respect of one item that automatically, if that -- that

10:58:14 1 drops to 40,000. Now its --

2

3 CHAIRMAN: Well you have also said, Mr. O'Dulachain, just to make this quite
4 clear that the Tribunal have dressed up these figures.

10:58:24 5

6 MR. O' DULACHAIN: Well that was the figure that was presented.

7

8 CHAIRMAN: No, no, to say that suggests something quite clear as far as I am
9 concerned. Now, is there any other figure that -- that you want to draw the
10 Tribunal's attention.

10:58:38 10

11

12 MR. O' DULACHAIN: Well we have not had the documentation disclosed to us,
13 the Tribunal has it. The Tribunal has the financial records and the accounts
14 and the discovery records obtained in relation to Mr. Tom Hand. Now it is, if
15 the Tribunal wants to introduce financial information piecemeal, then
16 representatives cannot deal with that piecemeal unless we have disclosed to us
17 the entire information available to the Tribunal.

10:58:55 15

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19 CHAIRMAN: Right well --

10:59:09 20

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MS. DILLON: Any financial information for Mr. Hand that's relevant to these
lodgements has been provided and was provided by back up to the schedules when
they were provided to Mr. Vivien Matthews, so the family would be from a
position to provide an explanation to the lodgement. If Mr. O'Dulachain is
saying he would like a copy of the entire financial records of the late
Mr. Hand that have been provided to the Tribunal, I cannot see that there is
any difficulty in providing that information to Mr. O'Dulachain if they don't
already have it, but certainly I can't see that there would be any problem with
that.

10:59:39 1 CHAIRMAN: All right. What we'll do is, that will be done and we'll then
2 nominate a date in the very near future where we'll do a full financial review
3 of all Mr. Hand's financial affairs because I think it should be done now,
4 given the suggestion that, well it should be done now rather than later given
10:59:59 5 that Mr. O'Dulachain has suggested that the Tribunal has dressed up these
6 figures.

7
8 MS. DILLON: We are in a position to do it certainly within the next fortnight.

9
11:00:08 10 MR. DOHERTY: Sorry sir, Alan Doherty. It was inferred by the lawyers for the
11 Tribunal that Mr. Brooks would not be needed for a period of time this morning
12 and I took the opportunity to talk to him outside the Tribunal whilst these
13 issues were being dealt with. My solicitor informs me that there may be some
14 suggestion that Ballycullen Farms Limited has some connection with the sums
11:00:35 15 that are being discussed here. I am not aware of any statement or letter from
16 the Tribunal or any indication that there is such a connection and I am very
17 concerned that this discussion is taking place firstly while I was outside, I
18 didn't think it would be material to my function here, but I would like it
19 clarified as soon as possible what the connection, if any, between the figures
11:01:01 20 that are being discussed here is with Ballycullen Farms Limited and in
21 particular my client the Brooks.

22
23 MS. DILLON: There is no, there is nothing insofar as, sorry as far as I
24 understand it short of one or other of the Mr. Brooks saying they paid money to
11:01:21 25 Mr. Hand as far as I, which I don't understand to be the position, according to
26 the statement of Mr. Jones senior, a sum of 2,000 pounds was paid to the late
27 Mr. Tom Hand by Mr. Jones on one occasion and Mr. Hussey on another occasion
28 and I think that Mr. Dunlop also says, that he himself made a direct payment to
29 Mr. Hand in connection with the rezoning of the Ballycullen lands.

11:01:46 30

11:01:46 1 The normal procedure of the Tribunal is to examine all lodgements that are
2 unexplained within the window period, in other words in or around the time that
3 the payments are alleged to have taken place.

11:01:58 5 MR. DOHERTY: So as I understand the position sir, these much larger figures
6 are being looked at by the Tribunal but there is no connection being made
7 between these figures and Ballycullen Farms Limited?

8
9 MS. DILLON: That's not the position.

11:02:12 10
11 CHAIRMAN: Well we don't know if there's a connection. We look and we have
12 carried on this practice for the last couple of years, we look at a window
13 period to see whether an individual against whom there may be an allegation of
14 a payment and to see if there is evidence of unusually large lodgements being
11:02:34 15 made to that person's account or unexplained lodgements. So to that extent it
16 is relevant to Ballycullen. But we don't know of any of these payments
17 actually contain money allegedly paid in relation to Ballycullen.

18
19 MR. DOHERTY: So what we are dealing with, sir, is a coincidence in time but no
11:02:57 20 evidence whatsoever of any connection?

21
22 CHAIRMAN: Well except that if monies were paid in a particular period and
23 they are unexplained lodgements to somebody's account, in that period, then
24 there may be a connect and that's a matter for the Tribunal. So there is that
11:03:14 25 connection, but there is no evidence to indicate that any particular lodgement
26 relates to any sum paid or allegedly paid in relation to Ballycullen.

27
28 MR. DOHERTY: Thank you sir.

29
11:03:28 30 MS. DILLON: We'll inform Mr. Vivian Matthews of the date for the dealing with

11:03:33 1 the financial affairs of Mr. Tom Hand, I anticipate it will be sometime in the
2 next fortnight.

3

4

CHAIRMAN: All right.

11:03:47 5

6

MR. O' DULACHAIN: Thank you Chairman.

7

8

MS. DILLON: The next member of the hand family that, who have lodgements to

9

their account within the window period that might be relevant in relation to

11:03:53 10

this module is Ann Therese Hand. Now, Ms. Hand is not here and I understand

11

that Mr. Matthews has written previously in relation to Ms. Hand and I think in

12

the absence of, only in circumstances where there is a challenge to the matters

13

that I am about to outline to you might it become necessary for Ms. Hand to

14

give evidence, I was approached by Mr. O'Dulachain this morning and I said in

11:04:16 15

view of what he told me that I felt it would be fairer simply to deal with the

16

documentary evidence, open the correspondence and if Mr. O'Dulachain felt there

17

was something that could be clarified then she could be called to give evidence

18

if that's acceptable to the Tribunal.

19

11:04:31 20

CHAIRMAN: All right.

21

22

MS. DILLON: Could I have schedule 1 please, 2878 please? On this schedule

23

which was provided to the Tribunal at the 3rd, 4rd, 5th and 6th line there are

24

lodgements that are in the name of Tom Hand. In fact those lodgements are to

11:04:48 25

An Post and they are held in the name of Ann Therese Hand. The lodgements are

26

the 23rd March 1993, 5,040 pounds. The 6th April 1993, 5,040 pounds. The

27

second June '93, 5,000 and 16th June '93, 5,000 pounds. If I could have page

28

2881 please?

29

11:05:15 30

Now, this was of course provided to Mr. Matthews when he was asked to provide

11:05:19 1 an explanation in relation to the source of these monies. The lodgements being
2 inquired into are the first five or six lodgements there on those dates, that
3 are two lodgements of 5,040 pounds and two lodgements of 5,000 pounds. Now,
4 information has been provided to the Tribunal in connection with these
11:05:38 5 lodgements by Mr. Vivian Matthews and insofar as the first lodgement on the
6 23rd March 1993 is concerned, Mr. Matthews has told the Tribunal at page 3595
7 please, that that lodgement of 5,040 pounds was and I quote "This savings
8 certificate was purchased by Ms. Teresa Hand from funds she had and purchased
9 with a sum of 5,039 pounds withdrawn on that date."

11:06:11 10
11 Could I have 2903 please? This is a bank account of Ms. Hand's and you will
12 see that there is a withdrawal of 5,039 pounds on the 18th March '93 and
13 Mr. Matthews tells the Tribunal it was that withdrawal which was used to fund
14 the purchase from An Post and that appears to be the position. However, the
11:06:32 15 sum of 5,000 pounds that's lodged there on the 16th February 1993 is also the
16 subject of inquiry now and the Tribunal asked Mr. Matthews and Ms. Hand to
17 account for that lodgement of 5,000 pounds and the position in relation to that
18 lodgement of 5,000 pounds, is that that sum was given to Ms. Hand by her
19 father, and that is the information that's been provided to the Tribunal by
11:07:00 20 Mr. Matthews. So that the monies that were used to by the An Post certificates
21 in March of 1993 were funded indirectly from a sum of 5,000 pounds provided to
22 Ms. Hand by her father in or around the 16th February 1993.

23
24 The second lodgement under inquiry is a lodgement of 5,040 pounds and if I
11:07:24 25 could have 2881 again please? This is the second lodgement of 5,040 pounds and
26 again Mr. Vivian Matthews was asked to account for the source of monies used to
27 purchase the saving bonds and Mr. Matthews has informed the Tribunal that this,
28 at 3595 please? And if we look at line four "The savings certificate purchased
29 on the 6th April 1993 was bought by the late Mr. Tom Hand for his daughter on
11:07:57 30 that date." So that lodgement was funded directly by the late Mr. Tom Hand.

11:08:04 1 The third lodgement under inquiry is the 2nd June 1993 at 2881. And this
2 lodgement of 5,000 pounds, again the documentation was furnished to
3 Mr. Matthews, and the reply in relation to that which is contained at 3595, the
4 information that was provided is "The savings certificate was bought by Ms. Ann
11:08:34 5 Hand from money she had in her savings account on the said date."

6
7 Now the Tribunal didn't have any account from Ms. Hand from which they could
8 see a withdrawal that would allow for that lodgement but we have raised further
9 particulars with Vivian Matthews and we have waiting a response in relation to
11:08:49 10 that.

11
12 The fourth lodgement under inquiry is the 16th June 1993 at 2881 please and
13 that is the lodgement on the 16th June 1993 and again the queries were raised
14 and the reply was received at 3596 from Mr. Vivian Matthews and on the first
11:09:11 15 paragraph he says "The savings certificate bought on the 16th June 1993 was
16 purchased by the late Mr. Tom Hand for his daughter Ann on the said date.
17 Ms. Ann Therese Hand is not aware of the source of funds her father drew on to
18 purchase the aforesaid two share certificates for her." And that would relate
19 to the two purchases and in addition in relation to the three lodgements which
11:09:32 20 are funded directly by Mr. Hand the Tribunal cannot see those funds being
21 withdrawn from any account of Mr. Tom Hand with which the Tribunal has been
22 provided.

23
24 So there is therefore a sum of 15,080 pounds, 15,040 pounds which have been
11:09:56 25 provided to Ms. Ann Hand directly by her father between the February of 1993
26 and June of 1993. In addition insofar as Ms. Ann Hand is concerned there is a
27 lodgement at page 2879 on schedule 1 -- sorry I beg your pardon its 2878 on
28 schedule 1, there is a lodgement of 2,000 pounds to Ms. Hand's First Active
29 account, 2886 please. You will see there a lodgement on the 4th March 1993 in
11:10:38 30 the sum of 2,000 pounds. And earlier one sees a cash lodgement on the 23rd

11:10:44 1 December 1992, which is also the subject matter of inquiry and insofar as those
2 two lodgements are concerned Mr. Vivian Matthews has told the Tribunal at page
3 3651 please, that insofar as those two lodgements are concerned that "Ms. Ann
4 Hand confirms the lodgements were made by her and she believes the proceeds for
11:11:12 5 those lodgements were either drawn from her current account or funds she had in
6 hand as she was still in receipt of salary while on medical leave at that
7 time". The Tribunal cannot see those funds emanating from any accounts with
8 which the Tribunal has been furnished.
9

11:11:28 10 Those lodgements that have been provided to the Tribunal amount to, which are
11 under inquiry, amount to 18,000 pounds, which are under inquiry of which
12 according to Ms. Hand through her solicitor Mr. Matthews a sum of 15,040 pounds
13 was provided directly by her late father and the Tribunal does not see those
14 funds emanating from any account of the late Mr. Hand with which it has been
11:12:00 15 provided.
16

17 That would mean that that sum of 15,000 pounds is in addition to the earlier
18 sums that I referred to as being unexplained in the accounts of Mr. Tom Hand.
19

11:12:11 20 I don't know if Mr. O'Dulachain wishes to say anything in relation to those
21 matters?
22

23 MR. O' DULACHAIN: Simply to establish in relation to purchase of share
24 certificates we have seen earlier the actual forms in relation to those
11:12:30 25 purchases and whether the forms for these purchases are similarly available?
26

27 MS. DILLON: All documentation that we have available has been provided, we
28 provided all of the back up documentation to Mr. Vivian Matthews when we
29 provided the schedules. If we have it in relation to any of these lodgments
11:12:47 30 they have been given to Mr. Matthews, if we don't have it, it obviously hasn't

11:12:51 1 been given.

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3 CHAIRMAN: Right.

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11:13:02 5 MS. DILLON: Ms. Dolores Hand please.

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11:13:08 1 **DOLORES HAND, HAVING BEEN SWORN, WAS EXAMINED**

2 **AS FOLLOWS BY MS. DILLON:**

3

4 CHAIRMAN: Morning Ms. Hand.

11:13:47 5 Q. 26 Good morning Ms. Hand. I believe that you are a daughter of the late Mr. Tom
6 Hand, is that correct?

7 A. I am the eldest daughter of the late Tom Hand, yes.

8 Q. 27 I think that the Tribunal sent to your solicitor, a schedule containing
9 documentation in relation to your late father, other members of your family and
10 yourself, is that right?

11:14:04 10
11 A. That's correct.

12 Q. 28 And I think that the Tribunal asked for an explanation for a number of
13 lodgements to one particular account of yours that was set out in the schedule
14 at 2878 please.

11:14:18 15 A. I would have the necessary documentation here in front of me that I would have
16 received from Cormac and Vivian, so I can work from that with you is that okay.

17 Q. 29 That's fine, I will just take you through the documentation that was sent to
18 your solicitor, the back up documentation?

19 A. That's no problem.

11:14:34 20 Q. 30 And the explanation then that was given by your solicitor on your behalf, is
21 that all right?

22 A. That's okay.

23 Q. 31 If you want to disagree with anything that's been said you are obviously free
24 to do that of course?

11:14:44 25 A. Okay. I might fill you in on a few extra details during the course of the
26 conversation.

27 Q. 32 Absolutely. There is no difficulty with that, if we look at the first three
28 lodgements that relate to you, I call them the Dolores Hand lodgements which
29 are to the centre and bottom of the document and there were three lodgements
30 that were made in December of 1992, do you see those three lodgements?

11:15:06

- 11:15:10 1 A. That's correct, yes.
- 2 Q. 33 They relate to a bank accounts of yours, isn't that correct?
- 3 A. That would be the bank account in Allied Irish Bank in Dundrum.
- 4 Q. 34 If we look at 2891 which I think is the actual bank account and I think that
- 11:15:26 5 three lodgements are in December?
- 6 A. That's correct, the first lodgement would have been made the 7th of December
- 7 and it was for 500 pounds. Now, my family unit, I would have been reared at
- 8 number 12 Farrenboley Park by my late grandmother and my mother's three
- 9 brothers, my three uncles. That would have been the family unit in which I
- 11:15:49 10 would have been reared.
- 11 My late uncle Tom who passed away in February, 2004 would have made Christmas
- 12 contributions, plus regular contributions during the year to my household
- 13 accounts. On December 7th of that particular year, the lodgement of 500 pounds
- 14 would have come from my late uncle Tom Keogh. The lodgement of 300 euro on the
- 11:16:17 15 24th of December of that same year, would have come from my uncle Des Keogh of
- 16 12 Farrenboley Park, whom I am in joint ownership of that family home that had
- 17 been my home all of my life. And that money would have come from a tontine
- 18 society in Dundrum that would have been set up years ago, it is the burial
- 19 tontine society, where my uncles would save on a weekly basis for their burial
- 11:16:47 20 plus for the Christmas fund. And that money in my estimation and to the best
- 21 of my memory would have come from that tontine society.
- 22 Q. 35 I think that your solicitor provided information to the Tribunal on your
- 23 instructions at 3596 please, referring to those three lodgements and in the
- 24 final paragraph of that letter and the lines 10 to 12 that's referred to there
- 11:17:12 25 of the schedule we have just seen and what your solicitor set out is "Lines 10
- 26 to 12 refer to Ms. Dolores Hand, a daughter of the late Mr. Tom Hand. The
- 27 lodgement of line 10 was a lodgement made by her of 500 pounds cash which she
- 28 believed she received from her uncle Tom with whom she lived and was one a
- 29 regular contribution he would have made to her in respect of household
- 11:17:34 30 expenses. Similarly the lodgement of 300 pounds on the 24th September and 9th

11:17:38 1 November was a similar cash sum received by her from her uncle Des, with whom
2 she also lived. The lodgement of 250 cash on the 30th December was most likely
3 the proceeds of cash presents received by Ms. Dolores Hand over the Christmas
4 period from her relatives."

11:17:55 5 A. That's correct to the best of my recollection. My parents would give me cash
6 as a Christmas present, plus my brother Thomas who is here and my sister Ann.
7 And to me at that particular stage of my life, I would have been saving for my
8 future and if the Tribunal look at my saving records in Allied Irish Banks at
9 Christmas time, the years previous, plus the years since, they will know the
11:18:21 10 records of my saving habits. There is a pattern there.

11 Q. 36 Thank you very much Ms. Hand?

12 A. Is that all I need?

13

14 CHAIRMAN: yes thank you very much.

11:18:34 15

16 **THE WITNESS THEN WITHDREW.**

17

18 MS. DILLON: Mr. Thomas Hand please.

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11:18:58 20

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11:18:58 1 **THOMAS HAND, HAVING BEEN SWORN, WAS EXAMINED**

2 **AS FOLLOWS BY MS. DILLON:**

3

4 CHAIRMAN: Morning Mr. Hand.

11:19:11 5 A. Morning.

6 Q. 37 Good morning, Mr. Hand. I believe you are the son of the late Mr. Tom Hand, is
7 that correct?

8 A. That's correct, yes.

9 Q. 38 And you are a brother of the two previous witnesses, isn't that right?

11:19:21 10 A. Correct yes.

11 Q. 39 And the Tribunal sent you a schedule also sent your solicitor a schedule
12 detailing certain lodgements to your bank account which occurred in November
13 and December of 1992, 2878 please.

14 Now, if we look at the last four lodgements and ignoring the last one which

11:19:42 15 relate to your brother Noel, there are three lodgement that is relate to Thomas

16 Hand, Thomas Hand Insurance and Thomas Hand Insurance they are lodgements to
17 your bank account, isn't that right?

18 A. That's correct, yes.

19 Q. 40 Those three lodgements take place in October, November and December of 1992,
20 isn't that right?

11:19:56 21 A. That's correct.

22 Q. 41 And they were lodgements to I think it was your Allied Irish Bank accounts, two
23 separate Allied Irish Bank accounts?

24 A. That's correct. Yeah.

11:20:04 25 Q. 42 You were in full time employment at the time Mr. Hand, is that right?

26 A. I was indeed.

27 Q. 43 What were you employed as?

28 A. I was a sales consultant in the life assurance business.

29 Q. 44 Yes. I think similar to your brother who gave evidence earlier this morning

11:20:16 30 you provided the Tribunal with an explanation in relation to those lodgements,

- 11:20:19 1 isn't that right?
- 2 A. That's correct.
- 3 Q. 45 That was provided by your solicitor at 3597?
- 4 A. Yes.
- 11:20:31 5 Q. 46 And the first paragraph on that relates to the lodgements that are made to your
6 accounts and it sets out and I quote "Lines 13 to 15 refer to Mr. Tom Hand
7 junior, Mr. Hand believes the sum of 400 pounds at line 13 was expense received
8 by him from FBD in respect of mileage and meal allowances. That the sum of 600
9 pounds referred to at line 14 was a commission cheque from a life insurance
11:20:54 10 company and similarly the sum of 400 pounds at line 15 was likewise a
11 commission payment. Mr. Thomas Hand has no document relates to these
12 transactions."
- 13 A. That's correct.
- 14 Q. 47 Is that the position?
- 11:21:03 15 A. That's the position, Ms. Dillon.
- 16 Q. 48 You don't believe that any lodgement were gifts from your father or any member
17 of your family?
- 18 A. No, definitely not.
- 19 Q. 49 And did you ever receive any money from your father?
- 11:21:13 20 A. No, no. Maybe a Christmas box, maybe something -- a small donation at
21 Christmas time.
- 22 Q. 50 Other than that are you telling the Tribunal the only funds you were in receipt
23 of at that time was your income, salary and commission?
- 24 A. Absolutely.
- 11:21:23 25 Q. 51 Was that paid directly into your bank account?
- 26 A. Yes, indeed.
- 27 Q. 52 So it was a direct transfer by?
- 28 A. FBD Life and Pensions to AIB Dundrum.
- 29 Q. 53 And it was paid in directly, is that correct?
- 11:21:36 30 A. That's correct.

11:21:37 1 Q. 54 Right. Thank you Mr. Hand?

2 A. Okay.

3

4 CHAIRMAN: Thank you.

11:21:41 5

6 **THE WITNESS THEN WITHDREW.**

7

8 MS. DILLON: That's, that completes the evidence in relation to the witnesses

9 who were to be called in relation to the financial matters in connection with

11:21:51 10

the Hand family this morning.

11

12 CHAIRMAN: Is Mr. Brooks coming back?

13

14 MS. DILLON: Mr. Brooks is coming back.

11:21:56 15

16 CHAIRMAN: Well rather than, its 25 past, maybe if we give the stenographer a

17 break for ten minutes now rather than break --

18

19 MR. DOHERTY: Just before you break and before Mr. Brooks is called I wonder

11:22:10 20

can I make an observation in relation to the documents that have been put up

21 onto the screen?

22

23 They are headed "window period, Ballycullen/Beechill". I am wonder what the

24 window period is in terms of the documents that my clients, the Brooks brothers

11:22:33 25

have received, inquiries have been addressed in relation to the period early

26 1990s to date, it seems to me to be highly pejorative and potentially

27 subliminally influential label to put on documents, "window period

28 Ballycullen/Beechill", when there is no connection between the documents and

29 Ballycullen or Beechill and the sums of money in question.

11:23:09 30

11:23:09 1 CHAIRMAN: But we don't know if there is a connection. We look at, and this
2 is a practice we have followed for the last couple of years, we have looked in
3 relation to a particular module, we have looked at what we call a window period
4 which is, is it three months Ms. Dillon?

11:23:30 5
6 MS. DILLON: Yes a slight difficulty as my friend knows, is that neither
7 Mr. Jones nor Mr. Hussey are in a position to tell us precisely when it was the
8 two payments to the late Mr. Tom Hand was made, in fact the evidence, the
9 situation has changed slightly and I am not even sure that they are in a
11:23:45 10 position to confirm the year in which Mr. Hand was paid by Mr. Jones and
11 Mr. Hussey because we don't have the cheques in relation to those payments. So
12 in fact indeed the window period could have covered a three-year period in this
13 particular module.
14

11:23:59 15 MR. DOHERTY: Is it the case a term is being used "window period" but the
16 Tribunal lawyers are not in a position to say what that period is?
17

18 MS. DILLON: If my friend's clients had been in a position to provide more
19 specific information it might have been possible to narrow the window period
11:24:15 20 even further, in fact we narrowed it in fairness to the Hand family as close as
21 we could in the light of the lack of information with which the Tribunal was
22 provided. If my friend is in a position to provide the Tribunal with the dates
23 of the payments to Mr. Tom Hand that of course would assist greatly.
24

11:24:32 25 MR. DOHERTY: What is meant by the window period, that is what I am trying to
26 ascertain?
27

28 MS. DILLON: Yes. I will make available to my friend the rulings the Tribunal
29 made in public and which are available on the web in relation to the window
11:24:45 30 period and the practice direction effectively of the Tribunal in dealing with

11:24:48 1 the financial matter of people who come before it.

2

3 MR. DOHERTY: Is my friend not in a position to say what the window period is?

4

11:24:55 5 CHAIRMAN: Well it varies. What we'll do is during the break Ms. Dillon will
6 show you the documentation she is referred to, if you still have a problem or
7 an issue to raise in relation to that you can do so when we sit again.

8

9 MR. DOHERTY: I am obliged, judge.

11:25:18 10

11 **THE TRIBUNAL THEN ADJOURNED FOR A SHORT BREAK**

12 **AND RESUMED AGAIN AS FOLLOWS:**

13

14 MS. DILLON: Sir, we have attempted to find the actual rulings that, and

11:46:37 15 obviously you are familiar with the rulings because you made them and the in
16 Carrickmines I you will recollect where you said the full financials on each
17 councillor would be done at the conclusion but in each module you will deal
18 with the lodgements within the window period, we are going to get all of those
19 references from my friend, it will take some time. I would hope to have them

11:46:57 20 by lunchtime because we have some people up stairs whole also be working on it,
21 but I think maybe, my friend could accept temporarily that in fact it is the
22 procedure of the Tribunal and that's been known to the parties in the Tribunal,
23 that the window period is the matter that is dealt with for each person who is
24 alleged to have got money in the course of the module.

11:47:22 25

26 MR. DOHERTY: Sorry sir, as I understand it then, we are not able to, just at
27 the moment, get a precise fix on what is meant by the term window period?

28

29 CHAIRMAN: That's what Ms. Dillon has said.

11:47:38 30

11:47:38 1 MS. DILLON: No I am not saying that at all. You sir are in a position to
2 indeed I can tell my friend precisely what is meant by a window period.

3
4 CHAIRMAN: He wants to know the exact window period on this occasion.

11:47:51 5
6 MS. DILLON: Oh the exact window period on this occasion that's not a problem.
7 It runs approximately from September 1992 through to early mid 1993. That's
8 the window period.

11:48:04 10 Now in addition to that, that deals primarily with Mr. Frank Dunlop's
11 allegations. In addition to that there are of course then the position in
12 relation to Mr. Tom Hand is slightly different because of the fact that we
13 don't have a time within which Mr. Jones or Mr. Hussey is in a position to tell
14 the Tribunal when the payment was made to Mr. Hand, and I think Mr. Hussey in
11:48:28 15 one statement puts one payment at 1993. Now, I can be corrected on that if its
16 wrong.

17
18 JUDGE FAHERTY: Ms. Dillon, I understand certainly in relation to '92, my own
19 recollection is from Carrickmines I and previous modules that the window period
11:48:44 20 was dictated by allegation of Mr. Dunlop as to when he may have given monies to
21 people, councillors and I think it was three months either side of that
22 approximate or whatever date Mr. Dunlop pinpointed in his evidence.

23
24 MS. DILLON: Yes, approximately a six-month period.

11:49:03 25
26 JUDGE FAHERTY: That was as I understand the procedure we undertook in Carrick 1
27 and indeed in the Fox and Mahony and subsequent modules.

28
29 MS. DILLON: And St Gerard's in Bray. Yes, I think that's correct and I think
11:49:11 30 indeed in the module that was opened and didn't continue it was the same, so

11:49:15 1 its a six-month period which we have here, from September 1992 approximately to
2 early/mid 1993.
3
4 JUDGE FAHERTY: And I understand the position to be vis-a-vis monies which
11:49:26 5 Mr. Hand may have received from the Jones Group. The difficulty with that it
6 would appear is that the, we don't know the date upon which the, that cheque or
7 that donation was given.
8
9 MS. DILLON: Yes, its not even clear to us the year in which the donation was.
11:49:40 10
11 JUDGE FAHERTY: All we have 7/01, 7/02 the year ending --
12
13 MS. DILLON: Mr. Hussey has told the Tribunal he believes that the second
14 payment would have been done in or about -- or sorry one of the payment was in
11:49:50 15 or about 1993. But I mean, when in 1993 we do not know.
16
17 JUDGE FAHERTY: Yes, that is as I understood the position.
18
19 MS. DILLON: Yes, and that just creates that slight difficulty of course.
11:50:03 20
21 MR. DOHERTY: Just for the record sir, we don't know the exact times in terms
22 of the statements given by Mr. Hussey and Mr. Jones, but we do have
23 approximations and we also have the amounts which are critical importance,
24 there is no connection other than a time connection between the amounts that
11:50:29 25 had been put up on the screen with the label Ballycullen, there is no
26 connection to the amounts.
27
28 CHAIRMAN: But Mr. Doherty the label Ballycullen is just the identity of the
29 module. Its, that indicates that those issues are being dealt with in this
11:50:48 30 module. And the payments -- I mean whatever they disclose, they aren't

11:50:55 1 conclusive proof of anything, but they are still of some evidential value.
2
3 MR. DOHERTY: I suppose I just don't want to leave unsaid something that might
4 be important, which is that there is a discordance between the two 1,000 pounds
11:51:14 5 and 2,000 payment, 4,000 in total and the figures up on screen, that's all.
6
7 CHAIRMAN: Yes, but nobody is suggesting that the figures on screen are the
8 same as or exactly the same as figures which Mr. Hussey or anybody else may
9 have paid to Mr. Hand or to anyone else. Its just evidence of lodgements that
11:51:39 10 were made within a particular period of time and, to that extent.
11
12 MR. DOHERTY: Thank you.
13
14 CHAIRMAN: Yes, Judge Faherty has reminded me this is a planning and payments
11:51:53 15 inquiry.
16
17 MR. DOHERTY: Thank you sir.
18
19 MS. DILLON: Mr. Frank Brooks please.
11:51:59 20
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11:51:59 1 **FRANK BROOKS, HAVING BEEN PREVIOUSLY SWORN, RETURNED TO THE**
2 **WITNESS BOX AND CONTINUED TO BE EXAMINED BY MS. DILLON AS FOLLOWS:**
3
4 CHAIRMAN: Morning Mr. Brooks.

11:52:26 5 Q. 55 Good morning Mr. Brooks. You will recollect that yesterday evening we had just
6 come to deal with the situation in relation to Mr. Tom Hannon, do you remember
7 that?
8 A. John Hannon.

9 Q. 56 John Hannon, Councillor Hannon?
11:52:37 10 A. That's right yeah.

11 Q. 57 And I had asked to you list out the people whom you had made payments to in
12 1992, do you remember that?
13 A. Yes, I do yeah.

14 Q. 58 By reference to Schedule A, if we just have Schedule A again at 702 please.
11:52:55 15 And if we have the bottom portion of that increased as much as possible. Thank
16 you. And you will see here, this is a schedule that was prepared by
17 Mr. Christopher Jones senior with assistance from I think Mr. Hussey and
18 Mr. Jones junior and following conversations with yourself and your brother, is
19 that correct?
11:53:15 20 A. That's right, yes.

21 Q. 59 Now, if we just deal with this schedule, because we have been dealing with it
22 yesterday and if we look first of all at the, if we look first of all at the
23 bottom five and you will see that the bottom five payments are alleged to have
24 occurred at the 30th of the 6th 1995, do you see that? Well the bottom one is
11:53:41 25 1997 and then the next three are '96 and the last one above that is 1995, do
26 you see that, if we could increase it again if that's possible?
27 A. Sorry about that --

28 Q. 60 Its not your fault its the way the schedule came to us.
29 A. That's okay. Yes I have that there, I see you are gone from '92 to '95 yeah.

11:54:02 30 Q. 61 So if you look below GV Wright in 1992 the next one I think is 1995 or it could

11:54:09 1 be 1996 and the next one is '95 or '96 so eliminating those five.
2
3 MR. DOHERTY: Sorry sir we have a clearer copy here and there is no 1995
4 reference, those are all '96.

11:54:24 5 Q. 62 MS. DILLON: Well I am glad for the clarification we are dealing with a
6 document we were provided with of course. Leaving aside those whether they
7 occurred in '95 or '96, Mr. Brooks, isn't really relevant. If we look at the
8 ones that occur above that, start at the at GV Wright at the bottom and going
9 all the way to S Brock at the top those are the payment that alleged to have
10 occurred in 1992?

11 A. We went through them yesterday didn't we?

12 Q. 63 We did and I had asked you yesterday about the payment in 1992 and I asked you
13 to identify the people to whom you had made payments in 1992, do you remember
14 that?

11:54:56 15 A. Yes.

16 Q. 64 When you had given that evidence I reminded you about the fact that Mr. Hannon
17 had told the Tribunal that he got a payment of 1,000 pounds in 1992?

18 A. Yes, yeah.

19 Q. 65 That's Councillor John Hannon, is that correct?

11:55:08 20 A. That's correct yes.

21 Q. 66 Was he known us to you?

22 A. Yes he is the same parish as me, same cumman as me, a friend of mine for a
23 number of years, Fianna Fail councillor for the area, very well known to me and
24 he would be a guy that, very good councillor for the area and a person who I
25 would support at election time.

11:55:25 26 Q. 67 Right, what Mr. Hannon told the Tribunal and he wasn't cross examined on this I
27 think, is that he received in November 1992 a cheque from you for 1,000 pounds
28 on behalf of Mr. Chris Jones or Ballycullen Farms?

29 A. Right.

11:55:42 30 Q. 68 Is that correct?

- 11:55:43 1 A. Well I would say it is correct. I can't remember the actual fact but I'd say
2 its correct.
- 3 Q. 69 Yes. Do you accept that you did in fact on behalf Mr. Jones or Ballycullen
4 Farms pay 1,000 pounds to Mr. John Hannon in November 1992?
- 11:55:58 5 A. I have no reason to disagree with.
- 6 Q. 70 To disagree with Mr. Hannon's evidence?
- 7 A. No. I have no reason to disagree with that fact.
- 8 Q. 71 All right. Now that payment to Mr. Hannon doesn't appear on this list, is that
9 correct? If you look at the list of the payments in 1992 that's at the bottom,
11:56:15 10 starting with Mr. Brock and going all the way down to Mr. GV Wright?
- 11 A. I am a bit confused with the payments, I think at some stage in some other
12 statement it comes up does it not.
- 13 Q. 72 I am going show you a later payment to Mr. Hannon that occurs Later in time
14 that is on the next page of this list, but I am going to deal first of all,
11:56:36 15 Mr. Brooks, with 1992 and the payments in 1992?
- 16 A. Right.
- 17 Q. 73 And what Mr. Hannon has told the Tribunal is he got a cheque in November 1992
18 from you on behalf of Mr. Christopher Jones or Ballycullen Farms and you accept
19 that he probably did?
- 11:56:48 20 A. Well I said to you I didn't disagree with you. The fact is that as I told you,
21 we went through and tried to find all the payment that is we could come up
22 with, right? We thought we had done a thorough job and we went over and over,
23 done as thorough a job as we could right. Now if we omitted something or
24 something crops up at a later stage its not by a decision to do so or
11:57:08 25 something, its just we omitted something. Now, I am saying I don't disagree,
26 if Councillor Hannon asked me for support I would readily give it to him
27 because he is a very good councillor for our area, right? And I am saying
28 that's the facts as it stands.
29 Now where, the fact that its not here on this list its probably an omission on
11:57:28 30 that day, but it comes up later doesn't it?

- 11:57:31 1 Q. 74 No, it doesn't actually come up later and it didn't come up at all until
2 Mr. Hannon told the Tribunal about it, but that's not really what I am
3 concerned about Mr. Brooks, what I am concerned about is the fact that there is
4 any omission at all on the list, in other words is it possible that having
11:57:49 5 forgotten about the payment to Mr. Hannon that you might have forgotten about
6 payments to other people as well?
- 7 A. No I wouldn't, no, no, absolutely not. In earnest I would not -- Mr. Hannon
8 would be a close friend of mine and I cannot understand how I'd have left him
9 out to be honest with you, if he looked for support at that time I would have
11:58:11 10 given it to him and if he says I did, I did. You know what I mean.
- 11 Q. 75 That's the point you see. Its something you would have remembered.
- 12 A. Yeah but you have to take what I am saying as true as well. That he is a
13 personal friend of mine. If its not on that part of the list its not that I
14 intentionally left him out, its just that we actually went through the list and
11:58:30 15 it was a thing we didn't put on it, for no, it was omitted by accident.
- 16 Q. 76 Mr. Hannon does appear on a, the next page of the list as having got a payment
17 in May of 1999 of 500 pounds and I will come to deal with that and with I think
18 one or two other payments in '92 that appears on the following page so we can
19 deal with all of the '92 payments?
- 11:58:53 20 A. I am a bit confused, that's my fault because I probably haven't studied this
21 well enough, how does it come on the next page?
- 22 Q. 77 We'll give you a copy of the document is a three-page document?
- 23 A. I know you are very au fait with this I am not, I am just wondering how they
24 are coming up later.
- 11:59:10 25 Q. 78 Its not coming up later the list is one document.
26
- 27 MR. DOHERTY: Its a four-page document.
- 28 Q. 79 MS. DILLON: Its a four-page document?
- 29 A. You are saying I didn't mention Mr. Hannon at all I omitted him.
- 11:59:20 30 Q. 80 No I didn't say that you must listen carefully?

11:59:23 1 A. No I can't follow as well as you can.

2 Q. 81 What I said was you didn't said you had paid Mr. Brooks in November 1992?

3 A. Yes.

4 Q. 82 Is that right?

11:59:32 5 A. I accept your point.

6

7 CHAIRMAN: That he had paid Mr. Hannon.

8 Q. 83 Hannon. You didn't pay Mr. Hannon in 1992?

9 A. If it was it was an omission on my behalf, if he had looked for support in 1992

11:59:44 10 off me I would readily have given to him, so I have no reason whatsoever to

11 dispute Mr. Hannon that fact.

12 Q. 84 Now, at page 703 which is the following page of this document at the top of the

13 document Mr. Hannon's name appears can you read that?

14 A. I can read that yes.

12:00:14 15 Q. 85 Mr. Brooks?

16 A. Yes, 1999, yeah.

17 Q. 86 You see at the top of that Mr. Hannon is recorded as having received I think it

18 is 500 pounds in the 31st May 1999?

19 A. That's right, yeah.

12:00:26 20 Q. 87 Now, and then the rest of those payments that follow down as far as Eamon Walsh

21 all occur in May of '99, do you see that?

22 A. I see that yes.

23 Q. 88 You will see if you move across the column that beside each name except the

24 last name Mr. Walsh there is a four digit number?

12:00:43 25 A. That's right.

26 Q. 89 And that four digit number refers to a cheque that is drawn, that is used to

27 make these payments, do you understand?

28 A. I do, I understand that yeah.

29 Q. 90 Okay. Now you go down to the next lot of payments which occur in 2002?

12:00:58 30 A. Yeah.

12:00:58 1 Q. 91 Do you see those payments?
2 A. I have those yeah.
3 Q. 92 Now they all occur, deemed to have occurred on 31st May '92 and again I draw
4 your attention to the fact that beside each name in the second, third column
12:01:08 5 there is a four digit number which again is a cheque number referring to a
6 cheque that's used to make those payments, do you understand?
7 A. That's fine yeah.
8 Q. 93 Now you go down beneath that, which is culled general election donations and
9 you see there, there is a reference to three payments to Mr. Colm McGrath, one
12:01:27 10 of which the first is alleged to have occurred on the 19th November 1992?
11 A. Right.
12 Q. 94 Do you see that?
13 A. I see that yeah.
14 Q. 95 Do you see there is a reference to 1716 beside it?
12:01:37 15 A. That's right.
16 Q. 96 Now and the payment is 500 pounds and it's called "political democrats golf",
17 do you see that?
18 A. That is right.
19 Q. 97 I want to show new relation to that 1943 please, we looked at this yesterday.
12:01:53 20 Now do you see there is a document in your handwriting, "paid Colm McGrath 500
21 sub, 19th November '92."
22 A. Yeah that's fine yeah.
23 Q. 98 Then you see at the bottom. "Paid 1716, 19, 11, '92."
24 A. Right yeah.
12:02:09 25 Q. 99 And the 1716 is a cheque number?
26 A. That's right.
27 Q. 100 And then if you go back to the document at 703 and you go back to the payment
28 Mr. Colm McGrath on the 19th November '92 and if you look at the four digit
29 number in the third column, do you see that?
12:02:27 30 A. Yes.

- 12:02:28 1 Q. 101 1716, so what's being referenced there by the person who prepared this schedule
2 is that the payment to Mr. Colm McGrath is referable to a cheque number 1716
3 which is a cheque in fact paid to you, because you have already paid
4 Mr. McGrath, isn't that right?
- 12:02:44 5 A. That's fine, yeah.
- 6 Q. 102 Okay. So that in fact what this document is telling us is that cheque number
7 1716 was used to make a payment to Mr. Colm McGrath but in fact cheque number
8 1716 was used to make a payment to you, isn't that right?
- 9 A. I know what you are saying, yes.
- 12:03:02 10 Q. 103 Isn't that right?
- 11 A. Yeah okay.
- 12 Q. 104 That what happened is you pay Mr. McGrath and were reimbursed?
- 13 A. That's what I told you yesterday.
- 14 Q. 105 That's right. That's what the other document shows, isn't that right, the one
12:03:12 15 with your handwriting on it?
- 16 A. Yeah that's fine.
- 17 Q. 106 So that again that payment is in 1992 payment?
- 18 A. That's it, yeah.
- 19 Q. 107 And do you see that, the other payments to Mr. McGrath are I think 1995 subject
12:03:24 20 to correction and 1998 or '99 I can't read it subjects to correction and then
21 we move down to the next number of, on the schedule, do you see that?
- 22 A. Yeah.
- 23 Q. 108 The bottom schedule and the first payment there is 1991, "5,000 pounds C J" is
24 the reference which is a reference to Chris Jones and its Liam Lawlor, I will
12:03:46 25 come back to talk to you about Mr. Lawlor in a minute, but again looking at the
26 1992 payments there is a payment there of the 26th November 1992, Seamus
27 Brennan, 1731?
- 28 A. Yeah.
- 29 Q. 109 Do you see that?
- 12:03:58 30 A. Yes.

- 12:03:59 1 Q. 110 Now I think that yesterday -- just one second. We looked at the document
2 1731 -- yes, 1948 please. This is a document we looked at yesterday in
3 relation to "Seamus Brennan support, 200 pounds." Do you see that?
4 A. Yeah.
- 12:04:29 5 Q. 111 Then if we go back to look at the document again at 703 there is a reference
6 there to a cheque number 1731, do you see that?
7 A. Yeah.
- 8 Q. 112 Would that mean if you had paid Mr. Seamus Brennan or made a donation that you
9 were being reimbursed?
10 A. That's right.
- 11 Q. 113 In the same way as Mr. McGrath had been, is that the position?
12 A. That's the way it seems there and I would say that's usually the way.
- 13 Q. 114 And then there is a reference 31st December 1992 "Mr. Don Lydon 7,000 pounds",
14 do you see that, nothing do to do with you?
15 A. No.
- 16 Q. 115 Then there are other payments there in relation to '97 and '98 I think going
17 on, but the two payments that occur there in '91 -- '92 are Mr. Seamus Brennan
18 and Mr. Don Lydon?
19 A. Yeah.
- 12:05:17 20 Q. 116 Now do you see that beside Mr. Don Lydon no cheque numbers are given. Do you
21 see that?
22 A. I can see that.
- 23 Q. 117 Do you see in relation to Mr. Seamus Brennan in 1992 that in fact that 1731
24 relates to a cheque to you, isn't that right?
25 A. That's right.
- 26 Q. 118 Its a reimbursement and the other payment in '92 on that page, is the one to
27 Colm McGrath which again is a reimbursement to you, isn't that right?
28 A. That's right.
- 29 Q. 119 Now if we go back to look at the other '92 payments on page 702 and we again
12:05:50 30 increase the bottom portion of that and looking at Mr. GV Wright, going up to

12:05:54 1 Mr. S Brock, can you confirm that there is no references beside any of those
2 names indicating cheque payments, isn't that right, there's no cheque numbers
3 given?
4 A. No cheque numbers given, that's a fact, its there on the screen.

12:06:06 5 Q. 120 So that the position then would appear to be that in relation to all of the
6 payments that are identified on Schedule A as having been made in 1992, insofar
7 as they relate to a cheque payment, the cheque is in fact made to you and not
8 to the politician, isn't that right?
9 A. Say that again.

12:06:22 10 Q. 121 Insofar as the payments in relation to 1992 excluding Mr. Don Lydon, excluding
11 Mr. Lydon are concerned, insofar as Mr. Seamus Brennan and Mr. Colm McGrath are
12 concerned, those payments there are referred to by cheque number are cheques
13 that are in fact made payable to you?
14 A. That's very possible, yeah. That's probably a fact yeah.

12:06:43 15 Q. 122 Because you are being reimbursed?
16 A. That's probably right yeah.

17 Q. 123 Okay. And apart from that when we look at the schedule there are no cheque
18 numbers given for any of these payments, isn't that right?
19 A. That's what it says there, yeah.

12:06:57 20 Q. 124 Isn't that clear?
21 A. That's clear yeah.

22 Q. 125 Okay. Now we also know that there is a cheque on this that's not on this list,
23 isn't that right, that was paid in '92, that's Mr. Hannon's cheque?
24 A. Okay, right.

12:07:09 25 Q. 126 Because Mr. Hannon has told the Tribunal and I will quote from his transcript
26 at day 613 page 105 question number 730 "Can you tell the Tribunal the
27 circumstances in which you came to receive that money? Answer: Well I was a
28 candidate in the 1992 general election, it was the first and only time I was a
29 candidate in a general election and during the course of that again it was
12:07:34 30 within the period during which the elections is called, which as you have

12:07:39 1 indicated to us was between the 5th and 25th, Frank Brooks called to my house
2 and he gave me a cheque, well it was in an envelope, I didn't know how much it
3 was initially, from Chris Jones." That's Mr. Hannon's evidence. Do you see
4 that?

12:07:54 5 A. I do yeah, yeah.

6 Q. 127 Do you dispute that Mr. Brooks?

7 A. No I don't dispute it, but I don't remember it but I don't dispute it.

8 Q. 128 Fine. Now is it possible in view of the fact that you paid Mr, that you accept
9 you went to Mr. Hannon's house with a cheque in an envelope is that right, you
10 accept that now?

11 A. No I don't accept it, I didn't say that. I said I don't dispute it.

12 Q. 129 Let's analyse that then for a moment, Mr. Brooks. What exactly are you telling
13 the Tribunal. Mr. Hannon has sworn to the Tribunal that you called to his
14 house.

12:08:23 15 A. Yes.

16 Q. 130 And that you gave him a cheque for 1,000 pounds in an envelope from Chris
17 Jones?

18 A. Right.

19 Q. 131 Do you accept that that happened?

12:08:31 20 A. I have said, I have answered this twice now, this is the third time. I don't
21 remember that happening but I have no reason to disagree with John Hannon
22 because he is a personal friend of mine right, and a good councillor for the
23 area I am not going to disagree with him because I cannot remember. Now I can
24 stand up here and disagree with him and cause an argument or disagree with you
25 and cause an argument but I can't remember.

12:08:50 26 Q. 132 You have no recollection of that?

27 A. No I can't ever remember going to John Hannon's house delivering a cheque but I
28 am not going to say I didn't because I have no reason to disagree with John
29 Hannon, I believe him to be an honest politician in our area and I would not
12:09:04 30 disagree with him.

- 12:09:05 1 Q. 133 Yes. You see what I want to know Mr. Brooks arising from that, its a matter
2 probably of concern to the Tribunal, is who else you might have paid that you
3 can't remember?
- 4 A. Well I will tell you. Nobody.
- 12:09:16 5 Q. 134 Well now let's analyse that?
- 6 A. Right.
- 7 Q. 135 Right. You had no recollection of paying Mr. Hannon who was a friend of yours?
- 8 A. No I said -- yeah I said, it was very likely that if he asked me for support I
9 would have given support, he was my local councillor in my local area, a
10 personal friend of mine, I can see no reason why I wouldn't. That's why I am
11 not disagreeing or agreeing on that issue.
12
- 13 JUDGE FAHERTY: Mr. Brooks before you go on, just on that, my recollection is
14 Mr. Hannon said he hadn't sought contribution on the day. Ms. Dillon can check
12:09:48 15 that from the transcript, my note of his evidence is he said he hadn't sought,
16 you referred twice to if he had sought a contribution you would have given, no
17 hesitation because you were friendly with him and a good councillor.
- 18 A. Exactly I still stand by that because -- I would not.
19
- 12:10:09 20 JUDGE FAHERTY: I accept that entirely.
- 21 A. I would not arrive at someone's door, as much as the Tribunal would like to
22 think so, that wouldn't be actually looking for a contribution with it, I
23 wouldn't do it, it wouldn't be in me to do anything like that.
- 24 Q. 136 MS. DILLON: Yes I will just put that extract from the transcript.
12:10:19 25
- 26 JUDGE FAHERTY: I think in fairness to Mr. Brooks because, yes.
- 27 Q. 137 This is an extract against from the transcript of Mr. Hannon's evidence on day
28 613, when he is asks at question 737 at page 106 "Had you sought the
29 contribution? Answer: No." Do you see that there?
- 12:10:37 30 A. Yes I see that.

12:10:38 1 Q. 138 Now is it the position that therefore though you don't remember this payment at
2 all, that would dispute Mr. Hannon's evidence that he had not looked for the
3 contribution?

4 A. Well as I said to you, I know I am sort of holding back a bit on this, I don't
12:11:02 5 want to get into any dispute with Mr. Hannon. I have to take Mr. Hannon for
6 his word because of the gentleman he is right, so I am not going to actually,
7 maybe what he says is right but I could not see myself doing anything like
8 that. That is the honest answer to that question.

9
12:11:17 10 CHAIRMAN: Is it your position then Mr. Brooks that while you are not in a
11 position to dispute what Mr. Hannon says, you doubt very much that its correct,
12 which is to, which is another way of saying I do doubt what he said?

13 A. Well --

14
12:11:35 15 CHAIRMAN: But I am not in a position to proof prove it one way or the other?

16 A. Well that's probably true Your Honour. It is a fact, I am not waffling, it
17 sounds a bit like that. I am not on this one, because at election time all
18 election people look for contributions, they run fundraisers and things like
19 that. There are different ways and we would be very supportive of particularly
12:11:56 20 of local councillors running for election.

21
22 CHAIRMAN: Well Mr. Hannon thinks that or stated that he hadn't sought a
23 contribution, that's his evidence.

24 A. Well that's fair enough.

12:12:08 25
26 CHAIRMAN: All right.

27
28 JUDGE KEYS: But Mr. Brooks am I correct in saying that you doubt that it
29 happened that way because he hadn't sought a contribution from you, is that the
12:12:17 30 reason you doubt that it happened the way he described it?

12:12:20 1 A. Well Your Honour to be honest with you I am just telling you that I could not
2 see myself arriving at his door with a cheque.
3
4 JUDGE KEYS: Unless he asked for a contribution.

12:12:29 5 A. Unless he asked for a contribution.
6
7 JUDGE KEYS: But what happens if Mr, if your employer told you to deliver a
8 cheque to him?
9 A. My employer would not do that to me, under no circumstances. He wouldn't tell
12:12:40 10 me to go to somebody that hadn't sought a donation for something or something
11 with money, never.
12
13 JUDGE KEYS: I see.

14 A. He would not.

12:12:51 15 Q. 139 MS. DILLON: Mr. Hannon was a Fianna Fail councillor, is that correct?
16 A. That's correct.
17 Q. 140 And Mr. Hannon was known to you from your work in Fianna Fail and I think you
18 have said, correct me if I am wrong, that he was a friend of yours?
19 A. He would be a friend of mine, we would have been in the same Fianna Fail Cumman
12:13:05 20 for a number of years, he was actually Chairman of that Cumman for years I was
21 Chairman of the Cumman, we were involved locally in a lot of matters, he would
22 be a very good acquaintance and a friend of mine.
23 Q. 141 And you would be close political allies?
24 A. We would be.

12:13:17 25 Q. 142 And his name was on the list, albeit not for 1992, Mr. Brooks, is that right?
26 A. Okay yeah.
27 Q. 143 So when you were going through this list and you are assisting Mr. Christopher
28 Jones junior in preparing the list of the payments in order to assist the
29 Tribunal, you go down through the list?
12:13:32 30 A. That's right.

12:13:33 1 Q. 144 Isn't that right?

2 A. That's right.

3 Q. 145 As your brother outlined yesterday and I think you agreed yesterday evening

4 that you went down through the list?

12:13:39 5 A. I did and I also said to you that maybe we didn't scrutinize it as much as we

6 should have, because once I saw, just explaining to you, once I saw

7 Mr. Hannon's name coming up at some stage I thought we had him covered, I know

8 that might sound a lame excuse. As I said to you yesterday evening we probably

9 didn't scrutinize it good enough. We probably didn't take it to the limit that

12:13:58 10 we should have.

11 Q. 146 But the point about the list Mr. Brooks is that the list is not accurate, isn't

12 that right?

13

14 MR. DOHERTY: Sorry sir, this is not Mr. Frank Brook's document, he assisted

12:14:23 15 but implicit in the way of the question now he has to defend every entry of the

16 document, the document is a schedule to -

17

18 CHAIRMAN: He has been asked does he accept that the list is not accurate.

19

12:14:34 20 MR. DOHERTY: Well insofar as his contribution is concerned I think it should

21 be qualified I think, in that way.

22

23 CHAIRMAN: He was one of the people as I understand, who contributed to the

24 preparation of the list.

12:14:54 25

26 MR. DOHERTY: That's right, sir, but I think his involvement was subsidiary.

27

28 CHAIRMAN: Well that's something that we have to test. Not something that we

29 can just assume. I mean it may well be that that's a view we can take but for

12:15:05 30 the moment we have to ascertain as best we can the accuracy of the statement

12:15:11 1 and if there were errors in it or mistakes in it then the extent to which, the
2 extent to which it is inaccurate.

3

4

MR. DOHERTY: May it please you sir.

12:15:27 5 Q. 147 MS. DILLON: You don't dispute Mr. Hannon's evidence that you paid him 1,000
6 pounds in November 1992?

7

A. I have no reason to dispute with Mr. Hannon because I believe him to be an
8 honest person and I cannot remember that and I have stated it before, I cannot
9 remember it, but being the man he is, John Hannon in particular, is one of the
10 highest regarded people in our area and if he says something I would be a
11 person that I wouldn't dispute it with him. And I could go away and check a
12 million things and try find out different but John Hannon I wouldn't disagree
13 with.

12:15:49 10
11
12
13
14 Q. 148 And you don't dispute that the payment of 1,000 pounds in November 1992 does
15 not appear on the schedule that I have just shown you at page 702 and 703 of
16 the brief?

17

A. No.

18

Q. 149 All right. Now, let's look at your contribution to making the schedule seeing
19 as its just been raised can we have page 3539 please? Now, this is the third
20 statement of Mr. Christopher Jones senior, its an extract from it and for
21 completeness if we look at 3538 which is the first page and at 3538 Mr. Jones
22 is setting out what he is attempting to do in this statement and he says that
23 "By letter dated 3rd February 2006 to my solicitors, the Tribunal requested
24 details of how I collated the schedule of payment of fees and political
25 donations attached to my statement of November 2003 and in particular why or
26 how I came to include a number of payments on page 701 of the Tribunal brief,
27 for which I had no supporting or vouching documentation."

12:16:27 20
21
22
23
24
12:16:53 25
26
27
28
29 Now, do you understand Mr. Brooks what Mr. Jones is now endeavouring to do is
30 to explain how he came to compile Schedule A, which is the document we have

12:17:11

12:17:15 1 just been looking at and in particular how he came to compile the unvouched
2 payments which are in 1992 that are contained on the document, do you
3 understand that?

4 A. Yes.

12:17:24 5 Q. 150 Okay. Mr. Jones tells the Tribunal and I presume will tell the Tribunal in
6 evidence at page 3539 at the second paragraph "My son asked Oliver Brooks and
7 Frank Brooks in 2003 when the list was prepared, who currently and in the past
8 respectively managed my farms and assisted me in lobbying local councillors for
9 support for our rezoning proposal. Whether they thought I had paid any other
10 donations not already on the list. The remaining unvouched donations set out
11 in the list in 2003, they are then identified by name as being Mr. O'Halloran,
12 Mr. Brock, Mr. MJ Cosgrave, Mr. Creaven, Mr. Fox, Mr. Gallagher, Ms. McGennis,
13 Mr. O'Connor, Mr. Ryan, Ms. Terry, Ms. Hennessey, Ms. Quinn, Mr. Walsh and
14 Ms. Wallace were identified based on that discussion by my son with Oliver and
15 Frank Brooks."

12:18:27 16
17 Do you accept you had a conversation with Christopher Jones junior in 2003 in
18 relation to identifying persons to whom payments had been made for which there
19 was no vouching documentation?

12:18:40 20 A. Yeah, sorry. I was just reading that there.

21 Q. 151 Yes.

22 A. Yeah I do.

23 Q. 152 Please feel free to read it, Mr. Brooks, and take your time, we'll try and get
24 it right, its more important to get it right?

12:18:52 25 A. I am just trying to think back to that time when we went through the list
26 and -- yeah I accept that that was such that that's how we approached the
27 matter at the time, yeah.

28 Q. 153 So that the names Mr. O'Halloran, Mr. Brock, Mr. Michael Joseph Cosgrave,
29 Mr. Liam Creaven, Tony Fox, Mr. Cyril Gallagher, Ms. McGennis, Mr. O'Connor,
12:19:31 30 Mr. Ryan, Ms. Terry, Ms. Hennessy, Ms. Quinn, Mr. Walsh and Ms. Wallace were

12:19:37 1 identified based on the discussion that took place between Christopher Jones
2 junior, your brother Oliver Brooks and yourself, is that right?

3 A. Well I wouldn't remember offhand from now back to then, but if that's what it
4 say there is I would assume that that was the matter, yeah.

12:19:50 5 Q. 154 Mr. Jones then goes on to tell the Tribunal "That he himself had no specific
6 recollection of those payments but had no reason to doubt they had been made
7 and in the circumstances in the interest of making complete disclosure to the
8 Tribunal, I considered it appropriate to include reference to them in the
9 schedule, so that the Tribunal could make such further inquiries as it saw
10 fit."

11
12 So what Mr. Jones is telling the Tribunal there is he didn't remember making
13 any of those payments, but based on what had transpired between yourself,
14 Mr. Jones junior and your brother Mr. Oliver Brooks he put the names on a
15 schedule and sent it into the Tribunal, do you understand that?

16 A. I understand that yes.

17 Q. 155 So what Mr. Jones is telling the Tribunal, that insofar as the payments to the
18 people who were set out in that paragraph are concerned, he doesn't remember
19 making any such payments, but in view of the fact that either you or your
12:20:36 20 brother thought they had been made, he was prepared to accept that they had
21 been made, do you understand that?

22 A. Yeah I understand the way you are putting it.

23
24 MR. DOHERTY: Sorry to interrupt, sir, but I don't think that Ms. Dillon is
12:20:51 25 accurately reflecting what Mr. Jones is telling the Tribunal as matters stand.
26 This statement has been further clarified as I understand it by Mr. Jones'
27 solicitors and some of these names are now no longer unvouched, rather
28 documents in relation to some of these names have been located.

29
12:21:21 30 So in fairness to the witness when the question is being put to him as to what

12:21:26 1 Mr. Jones is saying, it should be made clear that there is a clarification
2 further to this document, so that he can respond to the totality of the
3 position.

4 Q. 156 MS. DILLON: Yes, I'm obliged to Mr. Doherty for that I didn't understand when
12:21:45 5 Mr. Jones when he was making this statement to be telling the Tribunal that he
6 had a file of documents by reference to which he was saying he was agreeing
7 those payments had been made. As I understand what Mr. Doherty's solicitor
8 told the Tribunal yesterday when she produced for the first time a file of
9 documents relating to political payment from Mr. Jones was this that file had
12:22:03 10 not been considered by anybody, had not been discovered to the Tribunal, had
11 only been located in the recent past and had been in the custody of a person
12 who hadn't been involved in the matters in relation to the Tribunal. If
13 Mr. Doherty is telling the Tribunal that when Mr. Jones prepared this statement
14 he had available to him the file of documents that have handed in yesterday,
15 that is certainly news to me and perhaps Mr. Doherty could clarify that.

16
17 MR. DOHERTY: No I'm not saying that. I don't know what documents were
18 available to Mr. Jones senior or junior when he was preparing this list. I am
19 not in fact instructed by Mr. Jones solicitor, but I do understand the position
12:22:22 20 to be that the clarification has been furnished in relation to this document,
21 so that I think in fairness to the witness it is not correct to put it to him
22 that Mr. Jones is saying in the present context what was set out in this
23 paragraph, it seems to me its unfair to the witness to put it that way without
24 also making reference to the clarification that I understand is the process
12:23:16 25 that's not yet been completed.

26
27 CHAIRMAN: Well is the information, Ms. Dillon that we recently received, does
28 that add to or clarify information already given by Mr. Jones?

29 Q. 157 No the clarification of information would be a further statement by Mr. Jones
12:23:33 30 in relation to this matter, that's not what we got. What we got were a series

12:23:37 1 of documents in a file relating to correspondence passing between certain
2 politicians and Mr. Jones. They have all been circulated and they have been
3 added to the brief. The question that I have put to the witness, if
4 Mr. Doherty had listened to the question was, that at the time he made the
12:23:55 5 statement, this statement, Mr. Jones was of the opinion, view, at the time he
6 made the statement, which was made in February 2006, that he had no vouching
7 documentation in relation to the people listed at the second paragraph and that
8 he was relying upon the conversation that had taken place between Mr. Brooks
9 and Mr. Oliver Brooks and Mr. Jones junior in furnishing the documentation to
12:24:22 10 the Tribunal, which I understand to be Mr. Jones senior's position, is that
11 when he provided this information to the Tribunal he did not have available to
12 him the documentation that became available and unless I misunderstood what
13 Ms. Helen Kilroy explained to me yesterday, nobody had available to them the
14 documentation that was provided to the Tribunal yesterday, that would have
12:24:43 15 included Mr. Jones junior, Mr. Oliver Brooks, Mr. Frank Brooks and Mr. Jones
16 senior and in those circumstances when the unvouched persons came to be
17 identified for Schedule A, it was solely as a result as Mr. Jones has outlined
18 in his statement, as a result of a conversation between this witness, his
19 brother Mr. Oliver Brooks and Mr. Jones junior --

12:25:07 20
21 MR. DOHERTY: Sorry I think that does accurately reflect the position.

22
23 CHAIRMAN: Well then Ms. Dillon is entitled to put to this witness the content
24 of statements made by Mr. Jones at the time he made that statement obviously.

12:25:25 25 Q. 158 MS. DILLON: So the position is then, Mr. Brooks, is that at the time Mr. Jones
26 provided this statement to the Tribunal as he sets out in the second paragraph
27 at page 3539, is that he himself had no recollection of the unvouched payments
28 made to the people identified there and he was relying upon what had transpired
29 as a result of a meeting between his son Christopher Jones junior, Mr. Oliver
12:25:49 30 Brooks and yourself, do you accept that?

- 12:25:50 1 A. Well that's what we had to rely on wasn't it, that's where the list came from.
- 2 Q. 159 Right. Now let's talk about 1992, was Mr. Christopher Jones junior involved in
- 3 the business in 1992?
- 4 A. I think he was just coming on the scene, maybe just, yeah.
- 12:26:14 5 Q. 160 I am subject to correction?
- 6 A. Sorry I am just trying to think of the years as well.
- 7 Q. 161 I think there is a document that puts the initial start of Mr. Jones junior's
- 8 involvement at 1993?
- 9 A. I knew it was somewhere around.
- 12:26:31 10 Q. 162 Around that. But leaving that aside, if Mr. Jones junior was not involved in
- 11 1992?
- 12 A. Right.
- 13 Q. 163 Accepting that for the moment and I will clarify that in a second with you,
- 14 then insofar as compiling the unvouched names or concerned the only two people
- 12:26:47 15 who were at the meeting who were involved in making the payments in 1992 was
- 16 yourself and your brother Mr. Oliver Jones is that right, Oliver Brooks?
- 17 A. As you say I think we would have been the two people around that time, yes,
- 18 yeah.
- 19 Q. 164 So that in compiling the unvouched names on the list, Mr. Jones tells the
- 12:27:06 20 Tribunal in relation to the people who were identified there, he has no
- 21 specific recollection of making the payments and if his son was not involved in
- 22 1992 the only people who could have provided the information was either
- 23 yourself or your brother Oliver Brooks, isn't that right?
- 24 A. Well it would seem that way, wouldn't it, yeah.
- 12:27:26 25 Q. 165 Right. So now I want you to explain to the Tribunal how you came to provide
- 26 the list that's identified at page 3539?
- 27 A. I couldn't actually tell you how those got on that list. They went on the list
- 28 that day, I am being quite honest in this, I cannot, I am being honest about
- 29 this. I cannot understand -- we went through a list and as I said to you
- 12:27:52 30 earlier on, as I said to you yesterday, we probably, we should have probably

- 12:27:57 1 went through the list a lot better, because we drew up a list and it should --
2 we should have actually probably went through it a lot better and deleted other
3 people and that, and if names remain on the list I just can't explain it and
4 that's being quite honest to you. You know if -- that's being quite honest to
12:28:21 5 you, as I said to you yesterday evening we probably should have -- you know, in
6 we had a situation where we were trying our best to make sure we remembered
7 everything, we were trying our best to make sure Chris Jones, he endeavoured to
8 give everything to the court and everything and that we were trying to get full
9 disclosure of everything, okay?
- 12:28:42 10 And I, we should have scrutinized it probably better because if people needed
11 to be deleted they should have been deleted. And that is -- I'm not, that's my
12 only explanation for it.
- 13 Q. 166 Insofar as the lobbying exercise was carried out, do you remember I think
14 yesterday you disagreed with the use of the word lobbying in connection your
12:29:07 15 own activities in connection with the councillors, isn't that right?
- 16 A. Its just not a word I am particularly happy with, people have different
17 choices.
- 18 Q. 167 Is that because Mr. Dunlop has been described as a lobbyist?
- 19 A. It wasn't that time, maybe now, but its not really a big hang up really.
- 12:29:23 20 Q. 168 Yes. As I understand, what you are telling the Tribunal, you had a lot of
21 political contacts and you saw it or were happy to take on the task of lobbying
22 and supporting the councillors involved in or seeking their support in
23 connection with the rezoning of Ballycullen?
- 24 A. Well my situation was, I was very much behind the rezoning of Ballycullen and
12:29:51 25 whatever I could do in the needs to explaining to councillors the merits of
26 what we were about to do and what should have been done in my estimation long
27 ago, I had no problem explaining that to councillors.
- 28 Q. 169 Would you have been happy explaining that to councillor other than of the
29 Fianna Fail party?
- 12:30:03 30 A. Oh yeah I sat down with our major objectors, people that were our major

12:30:08 1 objectors and spoke with them for hours.

2 Q. 170 Did you speak with Councillor Mary Muldoon?

3 A. I did on a number of occasions I know she said once, we met on different

4 matters outside of that and discussed it on a number of occasions, I want to

12:30:21 5 her house and discussed with her yeah.

6 Q. 171 Did Mr. Chris Jones senior go with you to visit Ms. Muldoon?

7 A. Funny I can't remember that, but maybe he did. I am just trying to put it into

8 context. I remember that he was with me when I met Breda Cass, I remember that

9 one but I just cant remember whether he was with me when I met Mary Muldoon.

12:30:37 10 Q. 172 He doesn't say that you were with him he says Mr. Hussey was with him?

11 A. That's fair enough.

12 Q. 173 Its sorry Ms. Muldoon didn't suggest you were at that meeting?

13 A. I don't think so.

14 Q. 174 But you would have spoken to councillors of all persuasions?

12:30:53 15 A. Oh yeah, definitely because it was a very big council at that time, it was the

16 whole of Dublin and you had to actually go around to all the councillors and

17 convince and show them the merits of what you were doing.

18 Q. 175 And --

19 A. And I was very much like, it was very much -- I needed to get it zoned because

12:31:09 20 I was the man that was living in the terrible situation that was up there.

21 Q. 176 And when Mr. Dunlop was introduced into the equation, what did you see

22 Mr. Dunlop's function as?

23 A. Well now in hindsight its different but.

24 Q. 177 No no at the time?

12:31:25 25 A. At that time to me I know this might sound very silly or that, but at that time

26 I wasn't as au fait with what was going on and things like that, I thought he

27 was just like bringing in another architect or another planner to help how to

28 get, put in your submissions, do all that kind of stuff, and also I know that

29 he was a man that knew through his being PR or whatever he was with Fianna

12:31:49 30 Fail, you know that he would be a man that would know a lot of people and know

- 12:31:52 1 how to get the right angle on the submission going in.
- 2 Q. 178 All right. So were you aware at all for example that Mr. Frank Dunlop had been
- 3 press officer for Fianna Fail, had been Government Press Secretary?
- 4 A. I did yeah that would have given him credence in front of me you know what I
- 12:32:12 5 mean.
- 6 Q. 179 Would you have known at all of Mr. Dunlop being perceived as a member, a Fianna
- 7 Fail man as it were?
- 8 A. I suppose if he was PR man I probably would have at the time, you know, no
- 9 point trying to say -- I'm not saying that I would have known, but thinking
- 12:32:28 10 back from now, if he was PR or PR for Fianna Fail he was bound to be one would
- 11 follow after the other would it not.
- 12 Q. 180 Well I mean you knew everybody in Fianna Fail around this time?
- 13 A. No I didn't know everybody, I was a local person doing local politics, I didn't
- 14 know everybody, no.
- 12:32:44 15 Q. 181 But you knew certainly, did you know that Mr. Dunlop's political allegiance
- 16 insofar as it was known was Fianna Fail?
- 17 A. I would assume that, yeah.
- 18 Q. 182 And did you believe that Mr. Dunlop was a planner?
- 19 A. Not a planner, going back to that time now.
- 12:33:02 20 Q. 183 Yes.
- 21 A. Going back to that time, I would have seen him as I met him at a meeting, I
- 22 went to a meeting and he's at the meeting right, he is introduced as a man
- 23 brought in to help with the, getting the zoning. Now, at that time I didn't
- 24 give great thought to what he was going to do.
- 12:33:18 25 Q. 184 Let's just talk about the meeting for a moment Mr. Brooks. You are brought
- 26 into a meeting, who is at the meeting?
- 27 A. As far as I remember, the only people I remember at the meeting was my brother
- 28 Oliver, Chris Jones senior and Frank Dunlop.
- 29 Q. 185 Right. So what happens are you introduced to Mr. Dunlop?
- 12:33:35 30 A. Yes, yeah.

- 12:33:37 1 Q. 186 And had you known Mr. Dunlop before this?
- 2 A. That I couldn't answer you. I may and I may not have, but I wouldn't have
- 3 known him, you know I'd know him like anyone else on the street would have
- 4 known him but I couldn't remember back that time, but I wouldn't have
- 12:33:50 5 personally known him before that.
- 6 Q. 187 What were you told Mr. Dunlop's going to do?
- 7 A. At the time we were talking about getting zoned, right? So as far as I was
- 8 concerned he was going to help get the planning permission and all that, that's
- 9 how he goes forward from there. We were actually I'm just trying to think now,
- 12:34:12 10 that's basically it, I thought he was like an architect, I don't mean that he
- 11 was an architect, like an architect, he knew how the procedure went, the
- 12 procedure went of how to get lands zoned. I know you put a twist on that but
- 13 that's what I thought at the time. The procedure of getting it in, where it
- 14 was in, all this kind of stuff, presenting the right case and all that to the
- 12:34:33 15 officials and things like that, that's what I believed at that meeting.
- 16 Q. 188 He knew -- you believed he now how to get land rezoned?
- 17 A. Well its like everything else.
- 18 Q. 189 Is that right?
- 19 A. That's not the issue. What I am saying to you is that yes in a sense that he
- 12:34:49 20 knew how to go through the workings of the County Council, how you put in your
- 21 submission, how you -- its like anyone apply for planning permission, there is
- 22 a method of doing everything and zoning applies the same, there is ways you put
- 23 in whatever sections.
- 24 Q. 190 Did you believe Mr. Dunlop was a qualified planner?
- 12:35:07 25 A. At the time I couldn't answer that question.
- 26 Q. 191 Did you believe he was an architect?
- 27 A. Did I believe he was an architect? I didn't, no.
- 28 Q. 192 Did you believe he was an engineer?
- 29 A. I didn't know.
- 12:35:16 30 Q. 193 You had been at meetings with architects and engineers we have looked at them

12:35:20 1 yesterday, isn't that right?

2 A. That's right, that's right yeah.

3 Q. 194 You knew there was a professional team in place?

4 A. That's right.

12:35:25 5 Q. 195 And you had dealings because you were looking at drawings and you were dealing
6 with professionals all the way in facts throughout 1992 with maps and plans,
7 isn't that right?

8 A. That's right.

9 Q. 196 Now, when you wanted your drawings who did you go to?

12:35:37 10 A. When I wanted my drawings?

11 Q. 197 Yeah, when you wanted drawings of the lands. You had to meet councillors bring
12 them documents and show them maps, isn't that right?

13 A. Well generally when I would want drawings I would ring up Chris Jones in
14 Beechill in his offices and he would arrange to get them for me.

12:35:52 15 Q. 198 Yes and you had been dealing with meetings at which the architect and engineer
16 were present, isn't that right?

17 A. Yeah I was at a couple of meetings yeah.

18 Q. 199 With Sean O'Laoire and Mr. Van Dyke?

19 A. I can't remember Mr. Van Dyke but --

12:36:04 20 Q. 200 That's right?

21 A. You said yesterday.

22 Q. 201 Okay. So did you think Mr. Dunlop was going to provide the same function as
23 these people?

24 A. Well we had moved on, it was a big project, we had moved on right. I had known
12:36:15 25 that we were moving on to another scene, when I was brought in, this is, you
26 see there are two different things, when I was with O'Laoire and Associates or
27 whatever the name of the company was, I am not good with names they were
28 drawing up the plans, right, okay? Drawing up the plans. Another scene then
29 is getting in the submission and all this kind of thing and getting it through
12:36:40 30 the council.

- 12:36:40 1 Q. 202 Getting it through the council?
- 2 A. Through the council in the sense of through the planners and making sure
3 everything was okay, you know what I mean. Now, with the O'Laoire thing, I
4 remember my input into that was just more or less, they would be asking things
12:36:53 5 like you know what do you think the locals would like, you know things like
6 that, and trying to present a nice feasible --
- 7 Q. 203 And when you met Mr. Dunlop first, did I understand you correctly when you said
8 that he was introduced to you or you spoke to him or you understood that he was
9 there to help in getting the zoning?
- 12:37:13 10 A. Yes.
- 11 Q. 204 But you believed he might have been a planner?
- 12 A. Well believe it or not to this day I don't know whether he is or he isn't. And
13 that's not a flippant answer. I don't know what Mr. Dunlop has, I know he was
14 PR to Fianna Fail but other than that I don't know any other credentials the
12:37:33 15 man has.
- 16 Q. 205 Did you understand him to be an expert in getting lands rezoned?
- 17 A. No I would not, not -- like in hindsight looking back now with all the media
18 and everything, you know, not at that time I wouldn't have seen him in that
19 light, no.
- 12:37:50 20 Q. 206 You already had a planner Mr. Benson, you already had an engineer, you already
21 had an architect on the project, isn't that right?
- 22 A. I wouldn't have been looking, I wasn't that deeply involved looking into things
23 in that respect, no, if there was another planner brought in or if there was
24 ten planners brought in I would have left that to Mr. Chris Jones in the sense
12:38:10 25 that he was the man that was running the project, I don't mean that I was
26 turning a total blind eye to it, but I would have left with him and wouldn't
27 have questioned the matter what so ever.
- 28 Q. 207 So you had no contribution to the introduction of Mr. Dunlop and you understood
29 him to be something in connection the rezoning but you didn't inquire any
12:38:26 30 further, is that fair?

- 12:38:27 1 A. That's right, I didn't need to because I -- like the point about it was we were
2 so frustrated in trying to get the zoning prior to this, like the more help we
3 had on a professional level the better.
- 4 Q. 208 And tell me, Mr. Brooks, did you know of any involvement of Mr. Liam Lawlor
12:38:44 5 with Mr. Christopher Jones at any stage?
- 6 A. Absolutely not.
- 7 Q. 209 Did you ever meet Mr. Lawlor in connection with Ballycullen, did you ever meet
8 him with Mr. Jones?
- 9 A. Absolutely not.
- 12:38:54 10 Q. 210 Were you aware at all, did you ever hear of a company called Comex?
- 11 A. Never.
- 12 Q. 211 Did you ever speak to Mr. Don Lydon in connection with these lands?
- 13 A. I may have spoke to him once maybe, that's the only, just not to actually
14 say -- I can't ever remember speaking to him, but I would have met Don Lydon,
12:39:18 15 we would have been in the same Comhairle Dail in South Dublin County Council
16 and I would have met him every month on a Monday night, do you know what I mean
17 to turn around and say to you that I never discussed the Ballycullen lands with
18 him, I think it might be a little bit farcical.
- 19 Q. 212 Did you ever ask him to sign a motion in connection with the lands?
- 12:39:34 20 A. Oh never no.
- 21 Q. 213 Would you have known him well enough to feel that you could have asked him to
22 seen a motion?
- 23 A. No.
- 24 Q. 214 What about Mr. Tom Hand, did you know the late Mr. Tom Hand?
- 12:39:43 25 A. I seen him from a distance once or twice.
- 26 Q. 215 Did you ever speak with the late Mr. Tom Hand?
- 27 A. I wouldn't say so.
- 28 Q. 216 Were you ever aware of any connection or involvement between Mr. Derry Hussey
29 and Mr. Tom Hand?
- 12:39:54 30 A. I would not know.

- 12:39:56 1 Q. 217 Did you know of any involvement or connection with Mr. Christopher Jones senior
2 and Mr. Tom Hand?
3 A. Not at all no.
- 4 Q. 218 Were you aware of the circumstances in which Mr. Tom Hand came to sign the
12:40:05 5 rezoning motion?
6 A. No, other than that even on the day of the motion I didn't even know who was
7 signing it, it wasn't for me, I didn't get involved in that side of things.
- 8 Q. 219 Did you see your function solely as seeking to get the support of the
9 councillors in connection with the rezoning of these lands?
12:40:20 10 A. Exactly.
- 11 Q. 220 And in making political donations or payments when you were requested to do so?
12 A. Not the two together. I was always the supporter and still am a supporter and
13 give donations to political parties and that's the way it is.
- 14 Q. 221 Were you a member of Knocklyon Community Council?
12:40:42 15 A. I was, yeah.
- 16 Q. 222 And did they ultimately support the application, the planning application, the
17 rezoning application?
18 A. Yes they did.
- 19 Q. 223 Tell me, did you ever subsequent to the lands being rezoned, did you ever meet
12:40:54 20 with Mr. Enda Conway, the planning officer?
21 A. I'm -- that question now I cannot answer because I don't, I'm not being evasive
22 again, I just don't know whether I did or not, I may have, you know what I
23 mean, I know of Enda Conway and I may have met with Enda Conway but I don't
24 think so.
- 12:41:21 25 Q. 224 Did you ever meet Mr. John Fitzgerald then the County Manager of South Dublin
26 County Council?
27 A. I think I may have met him once, yeah.
- 28 Q. 225 Mr. Tom Doherty?
29 A. I don't think I met Tom Doherty.
- 12:41:37 30 Q. 226 Mr. Hussey has told, will tell the Tribunal and has put, stated in his

- 12:41:42 1 statement at page 678 --
- 2 A. If I had these questions beforehand I could have checked them up, but I just
3 can't offhand remember that long time ago. He has said that I did meet, what
4 did he say.
- 12:41:56 5 Q. 227 What Mr. Hussey has said at paragraph 32 is that the "The permitted density was
6 extremely low and it was decided to try and see if it could be enhanced. On
7 behalf of BFL" that's Ballycullen Farms Limited, "Chris Jones, Chris Jones
8 junior and Frank Books had discussions over a period of time with council
9 officials, Mr. John Fitzgerald County Manager to South Dublin County Council
10 and Mr. Tom Doherty, deputy County Manager."
- 11 A. Yeah but like that's giving a number of people having a number of contacts its
12 not actually saying that I was at a meeting with him does it.
- 13 Q. 228 No it says you you had discussions with Mr. John Fitzgerald, council officials?
- 14 A. I am not disagreeing that I might have had some discussions but like I am just
15 saying to you that what stage -- I need to know when this letter was written.
- 16 Q. 229 This statement was put in, in either 2003 or --
- 17 A. What date in time does this 32 apply to.
- 18 Q. 230 I think after the initial rezoning took place after it was confirmed at the end
19 of '93 and going into '94/'95/'96 until the density was increased?
- 12:43:05 20 A. Yeah because I just, the only thing I know is that one section that I did get
21 involved in was when they did, this is when they did, I can't give you dates of
22 meetings or anything like that, I am trying to be as honest as I can with you,
23 I was involved in -- and I can't remember actually who I was involved with,
24 with the increasing of the density.
- 12:43:26 25 Q. 231 Yes, will you tell the Tribunal what you remember about how the density of the
26 lands came to be increased?
- 27 A. Well what happened, from my point of view what happened on the density thing
28 was that we were, the lands were zoned six houses to the acre and there was
29 8.75 acres adjacent to the lands, 8.75 acres adjacent to the land. And
12:43:50 30 eventually the council came up with a proposal to build something like 100

12:43:55 1 houses in that field, in the field adjacent to the lands. And there was uproar
2 in the local, in the two housing estates that led into this field, because
3 there was only two ways of accessing this field. One was up through very
4 narrow roads in Glenlyon where the people had been promised there would be no
12:44:20 5 roads put in through, and the other was up through two narrow cul-de-sacs in
6 Castlefield Manor. Now there was meetings held and everything and they even
7 put cars across the road and everything in Castlefield, because they had a big
8 long estate going up, it was five or six hundred yards very narrow roads and
9 the council was proposing to put in houses there, and it wouldn't have been on,
12:44:42 10 or in through Glenlyon. So through discussions the people out there had
11 discussions and wondering what they were going to do and everything, and the
12 idea was, to come up with, was to actually maybe try and get these lands taken
13 over as parkland, that's what they wanted. But at that time the council owned
14 the property and I think at the time were not that interested in handing over
12:45:07 15 this property for parklands because there was a property worth substantial
16 money at the time.

17
18 So the idea arose, where the council could sell the land and transfer the
19 housing element of that lands into the Ballycullen lands. Which was a win for
12:45:25 20 all the communities, which was a win for all the communities in the
21 Knocklyon/Firhouse area and all the communities were delighted with this and
22 they proceeded ahead with that. That's the only time I had any interaction on
23 that side of it. Okay?

24 Q. 232 Ultimately I think an apartment block came to be built on a portion of the
12:45:46 25 lands, is that right Mr. Brooks?

26 A. That's right, yeah.

27 Q. 233 Can you tell the Tribunal how that came about?

28 A. Oh, I would have nothing to do with that.

29 Q. 234 You would have nothing to do with that at all?

12:45:55 30 A. Oh, absolutely not.

- 12:45:57 1 Q. 235 Do you own any property up there, yourself at all, Mr. Brooks?
- 2 A. I own a house up there.
- 3 Q. 236 Did you build that or did you buy it?
- 4 A. I bought it.
- 12:46:04 5 Q. 237 Does your brother own anything up there?
- 6 A. Not at the moment.
- 7 Q. 238 Did he own something previously?
- 8 A. I think he owned a house.
- 9 Q. 239 In Ballycullen itself?
- 12:46:12 10 A. That's right. He just like me, both of us lived on properties belonging to,
11 belonging to Ballycullen Farms. When I had to leave Ballycullen Farms I had no
12 house, so I bought a house.
- 13 Q. 240 One of the new houses that was built on the A1 zoned land?
- 14 A. I bought a house, yeah, That's right, yeah.
- 12:46:29 15 Q. 241 And do you still live there?
- 16 A. No, I don't live there. At the time I moved up to another place and I actually
17 moved twice since.
- 18 Q. 242 Okay. But at the time that you were living there was the, was the apartment
19 block built at the time?
- 12:46:43 20 A. Oh no, the apartment block -- I know nothing about the apartment block.
- 21 Q. 243 Who does know about the apartment block, Mr. Brooks?
- 22 A. You see the apartment block, the lands in Ballycullen were sold on to another,
23 a building firm, isn't that right?
- 24 Q. 244 Is that Ellier Developments?
- 12:46:58 25 A. That's Ellier Developments.
- 26 Q. 245 Who owns Ellier Developments exactly, can you remember?
- 27 A. I don't know is it for me to say that here?
- 28 Q. 246 Is it Mr. Christopher Jones Junior and Mr. Rattigan?
- 29 A. That's right.
- 12:47:10 30 Q. 247 And they are I think a connected company, or would have been a connected

12:47:13 1 company to, well through certainly Mr. Jones Junior, isn't that right?

2 A. You mean connected to who?

3 Q. 248 Ellier Developments is owned 50 per cent by Mr. Christopher Jones Junior?

4 A. That's right, I don't know the percentage now.

12:47:27 5 Q. 249 Well leaving aside the percentage, I am not at all sure I am correct in

6 relation to the percentage, but anyway the development was carried out by

7 Ellier Developments?

8 A. That's right.

9 Q. 250 Who was the person to your knowledge, or persons, who was dealing with the

12:47:38 10 office, not the office block, the apartment block, or what came to be the

11 apartment block on the lands?

12 A. I am gone out of the scene altogether now, I know nothing about that.

13 Q. 251 You have no idea?

14 A. No, I would assume Chris Jones and Francis Rattigan, who else would be it, be

12:47:53 15 but that's only an assumption.

16 Q. 252 You didn't have anything to do with it anyway?

17 A. Absolutely not.

18 Q. 253 Can you remember at any of the meetings you had with council officials in

19 relation to increasing or changing density, who actually you dealt with on the

12:48:06 20 council? Who was the member of the council officials that you were dealing

21 with?

22 A. I can't remember that now to be honest with you.

23 Q. 254 Well you must have been dealing with somebody and it was a very important

24 matter, isn't that right?

12:48:16 25 A. No. I was working on the ground on it more than anything else, you know? I

26 mean I was working with community councils and the residents and that. As I

27 told you earlier, just going back to the -- I didn't get involved much, I sat

28 in an odd meeting and things like that, and they only brought me along to let

29 me see what was going on. But my thing was on the ground. I was running a

12:48:37 30 farm, I was on the ground, I wouldn't be involved on a, the level you think I

12:48:41 1 am involved on.

2 Q. 255 You must have been involved, with respect Mr. Brooks, to some degree because

3 you made a detailed submission to Knocklyon in order to gain their support for

4 the rezoning of the lands?

12:48:52 5 A. But that's again, that's what I mean, local level.

6 Q. 256 Yes, at 2250, you must have had the information, if we look at the submission

7 that you made?

8 A. Of course if I was being to make a submission to my local community council I

9 would look up the information and give it to them. I wouldn't go with my hands

12:49:08 10 down at my side, that's only natural.

11 Q. 257 If you look at the document which is a record of the Knocklyon Community

12 Council. Under the heading "planning", and it sets out at the second paragraph

13 under the heading "subcommittee reports: The following three part proposal was

14 made by F Brooks concerning the 8.75 acres. That Ballycullen Farm would

12:49:23 15 purchase the 8.75 acres". And these lands were not owned by Ballycullen but

16 were across the road, is that right?

17 A. That's right.

18 Q. 258 They are the lands that which you said there was housing, it was zoned for

19 housing, isn't that right?

12:49:32 20 A. That's right.

21 Q. 259 And there was a proposal to put local authority housing on those lands?

22 A. That's right.

23 Q. 260 And nobody wanted that?

24 A. No, no, that wasn't a problem -- no, excuse me. Nobody didn't want local

12:49:42 25 authority housing. They didn't want the access up through their two housing

26 estates.

27 Q. 261 But the 8.75 acres in relation --

28 A. The problem was the access not the housing.

29 Q. 262 Yes. That the lands would be developed for sorts facilities with temporary

12:49:55 30 access being provided through Ballycullen Farm. That the land would be donated

12:49:58 1 to the Knocklyon community by giving it to the Parks Department at SDCC. This
2 proposal was dependent on SDCC increasing the density of housing from the six
3 per acre to eight per acre on the already residentially zoned lands."

4 A. Yeah, that's fine, yeah.

12:50:13 5 Q. 263 You accept you made that submission to Knocklyon, of which you were a member,
6 isn't that right?

7 A. No problem.

8 Q. 264 Who gave you the information that enabled you, in the absence you had, in view
9 of the fact that you said you weren't at any of these meetings, that enabled
10 you to make that submission to Knocklyon Council?

11 A. I beg your pardon? In who, in respect? I would have been speaking to
12 Mr. Chris Jones, okay.

13 Q. 265 Is that Mr. Jones Senior?

14 A. Mr. Chris Jones Senior, yeah. And we would have discussed it and we would have
12:50:43 15 decided that it was a good course, because it was solving a lot of problems in
16 the area, and was likely to get us good support, which we seen nothing wrong
17 with, and it was a win/win situation for an area that was crying out for lands.
18 Both the soccer crowds, Knocklyon United and Ballyboden St. Enda's, both of
19 them had received lots of lands, Knocklyon United ended up with a clubhouse out
12:51:07 20 of this as well. So like, everyone was winning, there was nothing untoward or
21 anything wrong with that. That's my opinion on it.

22 Q. 266 Now just no relation to the view of Ballycullen Farms Limited in relation to
23 the possibility of building local authority housing on the 8.75 acres, in
24 fairness to yourself, I should show you 2205 please. This is a record of the
12:51:31 25 Ballycullen Farms Limited meeting held on 12th May 1994 and Mr. Oliver Brooks,
26 your brother, is present, you are not. I want to quote what is said there
27 attributed to Mr. Christopher Jones in the third paragraph:
28 "Chris Jones said that as part of the overall development strategy the company
29 was in negotiations to purchase nine acres of land from Dublin County Council.
12:51:51 30 This nine acres adjoins the Ballycullen lands and has full planning permission

- 12:51:55 1 for council houses. It was agreed that this would have a detrimental effect on
2 the proposed development of the Ballycullen lands."
3 Now would you agree from that, that certainly the view of Ballycullen Farms
4 Limited as of the 12th May 1994, that the development of local authority or
12:52:18 5 council houses on the 8.75 acres would have had a detrimental effect on the
6 Ballycullen lands development?
7 A. Are you asking me my opinion or to agree with this document?
8 Q. 267 I am asking do you agree that that is what the document says?
9 A. Sure it's written there, I can't disagree with what the document says.
12:52:28 10 Q. 268 That that was the view of Mr. Chris Jones because he is the person who is
11 recorded as expressing that view, isn't that right?
12 A. That's what it says.
13 Q. 269 Thank you very much Mr. Brooks, if you answer any questions that anybody else
14 may have for you.
12:52:44 15
16 CHAIRMAN: All right. Any party here wishes to ask questions?
17 Mr. Doherty, do you want to ask questions?
18
19 **WITNESS WAS EXAMINED AS FOLLOWS BY MR DOHERTY:**
12:52:51 20
21 Mr. Doherty: Thank you sir.
22 Q. 270 To go back to the list at appendix A to the statement of Christopher Jones
23 senior in November 2003, personally you weren't asked by the Tribunal to
24 prepare a list in 2003, isn't that right?
12:53:17 25 A. That's correct, I was not.
26 Q. 271 And you weren't responding to the Tribunal in 2003 when you assisted in
27 preparing the list?
28 A. That's quite true, yeah.
29 Q. 272 But you were asked to help in relation to any names that were not on the list
12:53:37 30 that you could recall, isn't that right?

- 12:53:39 1 A. That's quite right, yeah, yeah.
- 2 Q. 273 And the Tribunal more recently sought documents in relation to the names on the
- 3 list and when that happened names were identified on the list in respect of
- 4 which there were no documents?
- 12:54:02 5 A. That's right.
- 6 Q. 274 And you were asked to try and think of whether you had contributed to the 2003
- 7 list in respect of those, what were called unvouched payments?
- 8 A. That's correct.
- 9 Q. 275 And insofar as you were able to recall, you could remember two names that there
- 12:54:26 10 were no documents in relation to that you may have put on that list in 2003?
- 11 A. That's right.
- 12 Q. 276 But you weren't asked in 2003 to compile a list referable to you, isn't that
- 13 right?
- 14 A. That's right.
- 12:54:43 15 Q. 277 Rather you were given a list and you were asked is there anything, anyone else
- 16 that should be on this list?
- 17 A. That's right.
- 18 Q. 278 So there were some people on the list when you were given the list that you
- 19 would have been involved in passing on payments to?
- 12:54:57 20 A. Yeah.
- 21 Q. 279 But your function in 2003 was not to respond to the Tribunal but rather to add
- 22 names to that list?
- 23 A. That would have been the way it would have been in 2003, yeah.
- 24 Q. 280 And then when you received for the first time communication from the Tribunal
- 12:55:14 25 in January of this year, you said that insofar as you contributed to the list
- 26 in 2003 it was accurate, isn't that right?
- 27 A. That's right, yeah.
- 28 Q. 281 Right. Now I think you came to live on Ballycullen Farm in 1977, is that
- 29 right?
- 12:55:33 30 A. Around that time, yeah, yeah.

12:55:35 1 Q. 282 And at that stage your brother was moving to, maybe not at the exact same time,
2 but in or around that time your brother was moving or had moved to
3 Dunshaughlin, isn't that right?

4 A. It was the same time, we moved at the same time, yeah.

12:55:51 5 Q. 283 It was the same time. So you would have had first hand experience in relation
6 to the various problems that were experienced farming, pollution and so forth?

7 A. Yeah.

8 Q. 284 And I suppose there was a security man aspect to your job in the sense that if
9 there were vandalism problems you were the person on the ground?

12:56:16 10 A. That's right, we had terrible problems there with security and things like
11 that, you know, people letting cattle out on the roads and stuff like that. We
12 had another huge problem that back in '85 the council CPOed land off us and
13 zoned it and built a halting site in the middle of our farm which didn't make
14 life, I have nothing against halting sites or anything like that but I am just
12:56:41 15 making the point it didn't make life much easier that they would CPO land off
16 us and put a halting site in the middle of it, at the moment in fairness to the
17 count they have gone a great job and its a very good halting site but when they
18 started off first which didn't help. And then we had situation that lands were
19 on three sides or there is two roads up the middle of the land we had to cross
12:57:02 20 the middle of the roads every day with cows, every day was murder, every day
21 people giving out you shouldn't have cows around here, you shouldn't have this
22 around here, it was problem, problems. It was just nowhere to farm land. It
23 was just nowhere to try and run a business.

24 Q. 285 Was there a sense that you were campaigning yourself out of a job in that --

12:57:26 25 A. No, no, no. Myself we had bought a farm in Kinnegad, a fine dairy farm and it
26 was a modern farm, it was new slated unit and everything and I was hoping that
27 when the time had come, which I thought would come a lot sooner, that I would
28 be transferred down there which would get me down near home because I come from
29 down the midlands and we would have a new set up down there, a new milking
12:57:55 30 parlour I wasn't campaigning myself out of a job, but it took so long to get

12:57:57 1 the zoning and everything up and running, by the time it came around my five
2 kids had grown-up and they wouldn't go, because they got to that age, you know
3 they wouldn't go.

4 Q. 286 You wouldn't move to a more rural --

12:58:08 5 A. They became bits of Dubs I think.

6 Q. 287 That's a common enough experience. Now, I just want to ask you about the list
7 again, because it just occurs to me, this list is focused on political
8 contributions made on behalf of Christopher Jones senior and if a list was
9 compiled of charitable contributions made by Christopher Jones senior over the
10 years insofar as payments you were privy to, or your knowledge of the man, what
11 kind of a list would that be?

12 A. Oh I would say that the one for contributions to charity would far outweigh,
13 far outweigh anything in political things, because he was a very charitable and
14 still is a very charitable man, you only have to go back and say ask the nuns
15 up in Firhouse, anything like that, and I can even go back to a time even
16 though we had terrible trouble, going back again to the itinerants we had
17 terrible trouble with itinerants up there. He actually supported the setting
18 up a, some kind of encampment they had in some area, that's the type of man he
19 is and still is and even going on to the AOSOG thing.

12:59:29 20 He supported Mick Mullane came tomorrow me one day with this guy called John
21 Keogh, he introduced me to John Keogh, they told me had been around to all the
22 business in Tallaght looking for support for this AOSOG centre and I said -- I
23 had no doubt, I just sent him more or less said I'm sure Chris Jones will
24 support that, that's the type of man he is. Not alone did he support it --

12:59:52 25 Q. 288 Could I just stop you and ask you for the AOSOG centre.

26

27 CHAIRMAN: I am going to stop you as well and break until two o'clock

28

29

THE TRIBUNAL THEN ADJOURNED FOR LUNCH

13:00:13 30

THE TRIBUNAL RESUMED AS FOLLOWS AFTER LUNCH:

13:00:14 1
2
3 MS. DILLON: Before Mr. Brooks resumes his evidence, Ms. Mairead Smith, counsel
4 for Ms. Caroline Fox has an application to make, I understand in relation to
14:06:05 5 what is termed some matter contained in a newspaper today.
6
7 MS. SMITH: Chairman, members of the Tribunal I am obliged for the time and
8 apologise for interrupting the proceedings at this stage. I just wish to refer
9 to evidence that was heard by the Tribunal yesterday morning.
14:06:24 10
11 I appear in fact on behalf Mr. Tony Fox instructed by Sean Costello and company
12 solicitors, Chairman, and the issue I wish to raise relates largely to coverage
13 of yesterday's evidence in two of the today's daily newspapers, Chairman and
14 the reason I wish to raise it is largely for clarification from the Tribunal.
14:06:44 15
16 Two of today's newspapers state that Ms. Caroline Fox failed to reply to
17 lawyers from the Tribunal's letters requesting details in relation to her
18 financial affairs. That statement, Chairman, is entirely false and incorrect.
19 And in fact if my recollection is correct, bears no relation to the evidence
14:07:06 20 yesterday. Ms. Caroline Fox, it was never put to Ms. Fox that a letter was
21 written to her or that she failed to respond to a letter or there was any
22 difficulty in relation to her lodgements in that regard, Chairman.
23
24 In fact, Ms. Margaret Fox also gave evidence yesterday and at the close of
14:07:24 25 Ms. Fox's evidence the Counsel for the Tribunal indicated to Chairman and
26 Members of the Tribunal that there was some, I think the Tribunal understood,
27 difficulty with sources in relation to the lodgements and I just wish to
28 clarify for the Tribunal the sequence of events in relation to the lodgements
29 that were inquired into yesterday, Chairman.
14:07:44 30

14:07:44 1 And the reason is largely as a result of the way in which this manner has been
2 covered in newspapers, has effectively suggested that Ms. Caroline Fox withheld
3 information from this Tribunal, which again is entirely incorrect.
4

14:07:56 5 On the 19th January 2006 this Tribunal wrote to Mr. Tony Fox's solicitor,
6 seeking information in relation to the relevant lodgements and accounts that
7 were referred to yesterday morning. Mr. Tony Fox responded to the Tribunal on
8 the 8th of February 2006 with documents which were provided by Ms. Caroline Fox
9 and Mrs. Margaret Fox from their respective banks, indicating that they did not
14:08:23 10 have records of lodgements dating back that far.

11
12 Effectively, Chairman, that is the sequence of events. Financial affairs were
13 dealt with by Mr. Tony Fox on behalf of his family members, and the way in
14 which this matter was covered in the media is clearly false and inaccurate.

14:08:42 15
16 And I am simply asking the Tribunal to clarify the evidence in this regard,
17 that clearly there was no lack of information provided in relation to financial
18 details, as was covered in the newspapers. Clearly Mr. Tony Fox and his family
19 are very considerably worried about the way in which this matter has been dealt
14:08:58 20 with by the newspapers and the impact that would have on his family and the
21 Tribunal's understanding of whether or not he cooperated and the sequence of
22 events, Chairman, I say reflects that he did indeed.

23
24 CHAIRMAN: Perhaps Ms. Dillon might clarify.

14:09:16 25
26 MS. DILLON: The issue of Mr. Tony Fox's cooperation or non-cooperation is
27 obviously a matter that the Tribunal wouldn't comment on at this stage.

28
29 Insofar as Ms. Caroline Fox and Mrs. Margaret Fox is concerned, I think that
14:09:27 30 the position is that the information that was provided by Ms. Fox, Ms. Margaret

14:09:33 1 Fox and Ms. Caroline Fox in relation to the question that was put to them,
2 albeit through their father which was in relation to the sources of the
3 lodgements, the information that was provided was that the bank was unable to
4 provide any information in relation to the sources of the lodgements and that
14:09:49 5 position then was clarified somewhat by Ms. Caroline Fox when she gave evidence
6 as you recollect yesterday in relation to lodgements to her bank accounts in
7 connection with her then recent marriage.

8
9 I think to say that, and I haven't seen the coverage that's complained about in
14:10:04 10 the newspaper, I may have seen one thing but I haven't seen them all, to say
11 that its false is putting the matter too far. I think the correct position is
12 that the, a letter was received by the Tribunal from Mr. Tony Fox replying to
13 queries in relation to Ms. Margaret Fox and Caroline Fox, which while a letter
14 was received did not identify the sources of the lodgements that were then
14:10:27 15 under query which were then subsequently clarified by Ms. Caroline Fox when she
16 gave her evidence, because I think it is common case that the first time the
17 Tribunal was ever told about the sources of the lodgements to Ms. Caroline
18 Fox's account was when Ms. Fox gave evidence yesterday.

19
14:10:43 20 CHAIRMAN: But the position is that there was a reply by Mr. Fox.

21
22 MS. DILLON: Oh, yes. By Mr. Fox on behalf of Ms. Caroline Fox and Margaret
23 Fox, certainly a reply was received that addressed the issue that no
24 information could be provided in effect, but the information itself was not
14:11:00 25 provided until Ms. Caroline Fox gave evidence yesterday.

26
27 MS. SMITH: In response to that Chairman, I appreciate Ms. Dillon clarifying
28 that a response was received by the Tribunal, sent by Mr. Tony Fox, the issue
29 is that Ms. Caroline Fox was not written to so therefore it is false to say
14:11:19 30 that she refused to cooperate and provide a response to Tribunal lawyers. I

14:11:22 1 just wish, on behalf of Mr. Tony Fox, to have that issued clarified. Clearly
2 he provided a response on behalf of Ms. Fox and Mrs. Fox.
3
4 CHAIRMAN: Well that is the position I think Ms. Dillon, is it? All right.
14:11:37 5 Well its just as well that that has been clarified. We can't direct the
6 newspapers to take any particular, to make any particular correction but
7 hopefully they will do so and you are free of course to approach the
8 journalists.
9
14:11:55 10 MS. SMITH: I'm obliged Chairman.
11
12 MS. DILLON: Sorry Mr. Frank Brooks please.
13
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FRANK BROOKS RETURNS TO THE WITNESS BOX AND

CONTINUES TO BE EXAMINED BY MR. DOHERTY:

- 14:12:03 1
- 2
- 3
- 4 CHAIRMAN: Good afternoon Mr. Brooks. Now Mr. Doherty do you want to resume
- 14:12:24 5 your cross-examination?
- 6 Q. 289 MR. DOHERTY: Thank you sir. Mr. Brooks, we were talking about the entry on
- 7 the list and schedule to the first of the three Christopher Jones senior
- 8 statements in relation to AOSOG, I don't think if I am pronouncing that quite
- 9 correctly, which is a youth centre charity, is that right?
- 14:12:53 10 A. That's right yeah.
- 11 Q. 290 And although the name Mick -- or M Billane appears beside each of the AOSOG
- 12 entries, I think that you were telling the Tribunal that it was Mr. John Keogh
- 13 who was introduced to you by Mr. Billane?
- 14 A. That's right, yeah.
- 14:13:19 15 Q. 291 In relation to a request that you, on behalf of Mr. Jones, would make a
- 16 contribution to this charity or this charitable endeavour?
- 17 A. Right.
- 18 Q. 292 I think I'm right in saying that the youth centres concerned are not physically
- 19 within Mr. Billane's constituency as it were, is that right?
- 14:13:44 20 A. No, they weren't in the area, they were -- one of them was down somewhere in
- 21 north Wicklow or somewhere like that, they wouldn't be you know directly in his
- 22 own area at all.
- 23 Q. 293 So insofar as political capital is concerned these charitable contributions
- 24 would not have enhanced his position in the local?
- 14:14:07 25 A. Oh not unless one child out of the area went to them but it wouldn't have been
- 26 like getting a donation, know if he was getting a community centre in his own
- 27 area or something like that, but he wouldn't have got much. But John Keogh was
- 28 the man that was really fronting this, he came as I said to you, they went to
- 29 other businesses in the Tallaght area to get money and they had brochures and
- 14:14:34 30 everything, it seemed a very worthwhile cause, I knew that once I passed it on

- 14:14:38 1 to Chris Jones, I assumed he would support it and he did and I believe he even
2 supported it after a situation where well say Mick Billane did the first
3 introduction, I would say that the second, the third one or the second one
4 where he introduced, where he paid more monies I would say possibly Mick
14:15:00 5 Billane wouldn't have been even aware of that.
- 6 Q. 294 We see that the third on the list, the third contribution that is described
7 under the words "Political schedule" but you are not responsible for that
8 heading are you?
- 9 A. Oh no that was just because of the introduction at the beginning, just a place
14:15:19 10 to put it, you know.
- 11 Q. 295 We can see that entry for 5,000 pounds is dated 28th March 1998?
- 12 A. That's right.
- 13 Q. 296 And you may not have seen this recently Mr. Brooks and I'm afraid I don't have
14 a document number for it, but it is somewhere in the Tribunal brief I
14:15:38 15 understand, prior to that about a month prior to that was Mr. Keogh not
16 Mr. Billane who wrote to you in relation to the AOSOG outdoor centre at Laurel
17 Lodge?
- 18 A. That's right, that's right.
- 19 Q. 297 He said to you "Dear Frank, further to our discussions last Monday, 2nd of
14:16:06 20 February re the above project. The status of the project is as follows. The
21 centre has been open since June of last year and had groups of young people
22 staying there every weekend since then.
23
24 During all of last summer it was completely booked out. The primary objective
14:16:20 25 of the centre is to provide training for youth leaders and weekend breaks for
26 young people from more disadvantaged areas of our society." He goes on to
27 detail the ways in which the centres assist youngsters, some of them involved
28 in anti social activity?
- 29 A. That's right.
- 14:16:41 30 Q. 298 And he goes on to explain that the cost of the centre was 250,000 to build and

- 14:16:47 1 he says that so far 190,000 has been raised, the letter is dated 9th February,
2 but he made a note to the effect that it was sent on the 24th February 1998?
- 3 A. That's correct, yeah.
- 4 Q. 299 So in a sense it was a response to a request for Mr. Keogh certainly in
14:17:09 5 relation to the '98 payment that --
- 6 A. It would be, well it would be sort of maybe typical of Chris Jones the man
7 like, you know it wouldn't the first time that he got involved in a charitable
8 donation and would carry on supporting it year after year.
- 9 Q. 300 To your knowledge was Mr. Keogh involved in politics or --
- 14:17:29 10 A. Oh not --
- 11 Q. 301 Local representative in politics?
- 12 A. Oh not at all.
- 13 Q. 302 In fact you think Mr. Billane may not have been aware of this request, you
14 don't know one way or the other?
- 14:17:42 15 A. I don't know one way or the other but I'd say once Mr. Jones had supported the
16 AOSOG thing he would be open to be asked again to support it by Mr. Keogh.
- 17 Q. 303 I think it may not be widely known but Mr. Jones senior had over the decades
18 that you knew him, a very consistent record in terms of helping young people
19 and disadvantaged young people, is that right?
- 14:18:03 20 A. Well he would. He was always sort of a caring man and I know over the years
21 any young lads that come working with in his company he always made sure he got
22 apprenticeships particularly people from deprived areas and that, and he'd
23 always show a very good interest in young people, families and stuff like that
24 and anything like that, I have no hesitation in saying that he would be very
14:18:26 25 supportive.
- 26 Q. 304 I think that although he wasn't and isn't an ostentatious man, he is reserved
27 and quite a private man, if he came across a young person he would often take
28 up a conversation with a young person and ask them what they were up to?
- 29 A. Oh very much so. I remember even talking to people just working for him on the
14:18:51 30 building sites, not building site when it was H O'Neill he always showed a good

- 14:18:51 1 interest in young people.
- 2 Q. 305 I think there are many instances of young people who he came across who he
- 3 started off on an odd job to see what their work ethic might be and he would
- 4 have given them an apprenticeship and many instance of that over the years?
- 14:19:05 5 A. Many many instances that would be the type of person he was, he was very
- 6 interested in getting people forward, you know in work wise and things like
- 7 that.
- 8 Q. 306 And I think that Mr. Jones suffers a little in relation to this list in that
- 9 its not exclusively political and its certainly no list has been compiled of
- 14:19:23 10 exclusively charitable contributions there seems to be a good bit of overlap in
- 11 this list, if I could just draw your attention to the Seamus Brennan entry,
- 12 just bear with me one moment. There is the first on the list is "Seamus
- 13 Brennan golf", so presumably that was a golf event?
- 14 A. That's right.
- 14:20:03 15 Q. 307 And we see the second one is for 200 and then the third one which is the
- 16 largest of the three subscriptions to Seamus Brennan, the one for 850, although
- 17 it says "S Brennan", before that it says FLAGS charity?
- 18 A. Yeah.
- 19 Q. 308 Can you explain what charity FLAGS refers to?
- 14:20:28 20 A. Its a Firhouse community based, you know its a community based charity in
- 21 Firhouse and he would have been supporting that.
- 22 Q. 309 I think there was a particular community centre?
- 23 A. That's right.
- 24 Q. 310 Set up in Firhouse?
- 14:20:42 25 A. That's right and that was the body over it, yeah.
- 26 Q. 311 And finally, just in relation to this list, the right hand column where it says
- 27 political donations, in some instances and in the instance we have looked at
- 28 that's not strictly the case, there could be a charitable dimension also?
- 29 A. Very much so. And quite a lot of the time there was, it wasn't just political
- 14:21:19 30 but in our account, we just had two sections where we put in things, it was

- 14:21:23 1 either farm accounts or other, you know.
- 2 Q. 312 Yes. If I just bear with me for one moment, I just want to go over some of
- 3 your answers to Ms. Delaney's questions, I may not have any further queries in
- 4 relation to the evidence you have given on that.
- 14:21:53 5
- 6 I think you said to Ms. Dillon yesterday that you never made a cash payment to
- 7 a politician over the sum of 200 pounds?
- 8 A. That's exactly right, yeah.
- 9 Q. 313 You are absolutely clear that there were no substantial cash payments made by
- 10 you to any politician?
- 11 A. Absolutely not, no way.
- 12 Q. 314 And the payments that you did make were by and large recorded in the documents
- 13 of Ballycullen Farm Limited?
- 14 A. Oh of course yeah, yeah.
- 14:22:22 15 Q. 315 And there is no attempt to conceal or cover up any secret process, isn't that
- 16 right?
- 17 A. That's definitely true. The opposite is the case, like we endeavoured to make
- 18 sure 110 percent that we put forward everything we knew and there was no
- 19 chance, no -- I don't mean no chance, no endeavour to cover up anything. We
- 14:22:49 20 had nothing to cover up.
- 21 Q. 316 What do you say to the suggestion that there is some type of sinister link
- 22 between these payments and planning decisions?
- 23 A. Well I totally disagree with that, totally, because --
- 24
- 14:23:05 25 CHAIRMAN: Mr. Doherty nobody has used that word.
- 26 Q. 317 MR. DOHERTY: No I'm sorry sir, that is my phrase. I just want to, the witness
- 27 to respond to it. Was there any conditionality in relation to ...
- 28 A. No never.
- 29 Q. 318 In relation to any payments you made to any local representatives?
- 14:23:46 30 A. Under no circumstances we just -- supported some of our councillors and under

14:23:51 1 no circumstances did we ever have any intentions of ever bribing councillors
2 and like the vote in '92 will speak for itself, it was a substantial majority in
3 favour of the good plan that was going forward and there was no -- no in the
4 earthly world no idea behind our payments, absolutely none, to condition people
14:24:16 5 into voting a certain way. We didn't, number one we didn't have to and number
6 two we wouldn't.

7 Q. 319 Did you make, did you mention donations to any politician when you were
8 discussing rezoning issues with them?

9 A. Absolutely not. Like that would be preposterous I wouldn't insult the
14:24:34 10 politicians doing that, I mean that sincerely, these are all good genuine
11 people, I wouldn't insult any of the friends I made in Dublin south County
12 Council, I wouldn't insult them to offer them payments and I wouldn't do it.

13 Q. 320 Thank you.

14 A. Thank you Chairman.

14:24:52 15
16 CHAIRMAN: Before you go Mr. Brooks, were you aware of any rumours or stories
17 going around in the early '90s about councillors or politicians being paid in
18 relation to rezoning, because we know there were newspaper articles and some
19 witnesses have told us that there were such rumours and stories, so were you
14:25:13 20 aware of any of those?

21 A. No, Chairman, I was not, Your Honour.

22
23 CHAIRMAN: Or of the fact that there were articles written in the newspapers?

24 A. No, Your Honour, I was not. I was not. Only when it came to light, you know,
14:25:25 25 when everyone found out or say when it came the Tribunals were set up.

26

27 CHAIRMAN: No I am talking about the early 1990s?

28 A. No, no, no.

29

14:25:33 30 CHAIRMAN: Were you aware that newspaper articles had been written

14:25:36 1 A. To be honest with you I couldn't answer that question now, I don't think so.
2 It doesn't light up in my mind at the moment that I was.
3
4 CHAIRMAN: Do you recall an incident involving Mr. Trevor Sergeant I think
14:25:50 5 being accosted over money in, over a cheque?
6 A. I did, but to be honest with you I thought it was a little bit of politics and
7 I'm not making light of it, but I just thought it was a bit of --
8
9 JUDGE FAHERTY: I just want to put a couple of things, Mr. Brooks. I think it
14:26:06 10 was put to you, Mr. Hannon's evidence, he has told us that he got a cheque in
11 November 1992.
12 A. That's right.
13
14 JUDGE FAHERTY: That's what he said when he was a candidate for the election,
14:26:17 15 that's my note of his evidence. He got a cheque from you I think for 1,000
16 pounds.
17 A. That's right.
18
19 JUDGE FAHERTY: And I think it was on behalf of Ballycullen Farms?
14:26:25 20 A. That's what he says.
21
22 JUDGE FAHERTY: Yes --
23 A. That's grand, yeah.
24
14:26:29 25 JUDGE FAHERTY: I just have to check with Ms. Dillon but as I understand
26 Mr. Hannon's cheque was on behalf of Ballycullen Farms, that's his evidence?
27
28 MS. DILLON: On behalf of Chris Jones is what he actually said.
29
14:26:41 30 JUDGE FAHERTY: Oh I beg your pardon, on behalf of Chris Jones, yes. But it was

14:26:43 1 obviously from that I take it you were the conduit if you like?

2 A. I was a friend of his.

3

4 JUDGE FAHERTY: You physically handed, that's his he have. I know you say you

14:26:52 5 don't recollect that. On behalf of Mr. Jones. I just want to ask you,

6 obviously if it was a cheque there is a record somewhere in relation to it,

7 because normally obviously the reason I am asking you that is you have given

8 evidence in response to Ms. Dillon that for example you I think subbed

9 Mr. Brennan for golf or some sort of charity 200 pound and you got that back?

14:27:17 10 A. That's right.

11

12 JUDGE FAHERTY: And I think that happened, you certainly got a cheque, there was

13 a cheque written on 26th of November 1992.

14 A. Yeah.

14:27:24 15

16 JUDGE FAHERTY: And I think you now accept that cheque was probably to yourself

17 because you would have physically handed over the money?

18 A. Is that the one to Mr. Brennan.

19

14:27:32 20 JUDGE FAHERTY: It was a bit like Mr. Gallagher I think there was two such

21 A. No Mr. Gallagher -- sorry, I am missed your train of thought there for a

22 minute.

23

24 JUDGE FAHERTY: Yes, maybe I understood you wrongly. There was a payment

14:27:46 25 reference to Mr. Brennan payment cheque of 200 pounds and the cheque stub

26 number was given 1731.

27 A. That's correct.

28

29 JUDGE FAHERTY: You said and I understood your evidence to be you have would

14:27:59 30 have gotten the cheque as reimbursement that you would have already made the

14:28:03 1 contribution.

2 A. That's fair enough.

3

4 JUDGE FAHERTY: And I think that happened also in relation to, Mr. Gallagher,

14:28:08 5 Colm McGrath, I beg your pardon, not Mr. Gallagher, Mr. Colm McGrath. The

6 question I want to ask you, it would appear that certainly for these that there

7 are cheque stubs in existence.

8 A. That's right.

9

14:28:18 10 JUDGE FAHERTY: 1731 and obviously we don't know how many cheque books were used

11 at the time and obviously maybe Mr. Jones or Mr. Hussey can assist us in that

12 in due course, but it would appear so far that, do you recall seeing

13 documentary evidence when you were compiling the list about how --

14 A. No.

14:28:42 15

16 JUDGE FAHERTY: Did you have any sort, did you see any sort of documents when

17 you were assisting in the compiling of the schedule?

18 A. No we didn't, this was already used up any documents, evidence we had you know

19 what I mean to make up the list, you know what I mean. Now as to how that name

14:28:59 20 came, I cannot remember how, where that --

21

22 JUDGE FAHERTY: I know Mr. Hannon's name wasn't on the list it was Mr. Hannon

23 who told us I think, but you in fairness to yourself accept if Mr. Hannon says

24 he got a cheque?

14:29:12 25 A. That's because of the man he is, I am not disputing it.

26

27 JUDGE FAHERTY: I am just wondering whether or not you didn't physically,

28 obviously there are cheque stubs still in existence or records still in

29 existence of cheques made in 1992 because we have a reference here to you being

14:29:35 30 reimbursed back in 1992 but you don't know whether or not all of those records

14:29:35 1 are still in existence?

2 A. I wouldn't know that, particularly to do with Ballycullen Farms I wouldn't.

3 Like I had nothing to do with the bookkeeping of Ballycullen Farms.

4

14:29:42 5 JUDGE FAHERTY: I see. That's fair enough. Thanks very much Mr. Brooks.

6

7 CHAIRMAN: Thank you.

8

9 MS. DILLON: Sorry just two matters to clarify very briefly, it was in the

14:29:50 10 relation to the compilation of the list I asked you whether Mr. Christopher

11 Jones junior was involved in the rezoning in 1992 and I simply want to draw to

12 your attention page 695 of Mr. Christopher Jones senior's statement, 695 please

13 and at paragraph 46 and Mr. Jones senior is there talking about the increase in

14 density but I want to draw to your attention the last sentence paragraph in 46

14:30:30 15 "I was involved in the negotiations this was in 1996 as were my son Chris Jones

16 junior, who returned to Ireland from abroad in 1993 and Frank Brooks." Do you

17 see he says there Chris Jones returned to Ireland from abroad in 1993?

18 A. That's true, yeah.

19 Q. 321 So if that is the position then Mr. Chris Jones union year wasn't involved in

14:30:50 20 making the payments to councillors in 1992, isn't that right?

21 A. Yeah, yeah.

22 Q. 322 So that when you had your meeting with your brother Oliver and Mr. Christopher

23 Jones junior and yourself about compiling the list?

24 A. Yes.

14:31:02 25 Q. 323 Of the payments that were made in 1992, the only two people at the meeting who

26 had on the ground information as it were, was yourself and your brother, isn't

27 that right?

28 A. Well in a sense yes, but in a sense no. He was the man that had, Chris Jones

29 junior was a man with all the records. We didn't have the records we had only

14:31:20 30 memory and we were relying on memory going back 15 years what I am saying to

14:31:23 1 you is the records was where things came from, how can you think about 15
2 years, if we had to draw up that list that you have there from our memories we
3 probably would probably only have done half that list.

4 Q. 324 But the point I am making?

14:31:36 5 A. I know the point you are making but I think I have answer it had.

6 Q. 325 Yes but the point Mr. Brooks about the entries that we looked at is there are
7 no documentary records for those recent entries. So Mr. Christopher Jones
8 could not have had unless they haven't been provide to the Tribunal which I
9 doubt, a list or documentary evidence in relation to the unvouched payments do
14:31:57 10 you understand that?

11 A. I understand that quite well.

12 Q. 326 So Mr. Jones junior if what Mr. Jones senior is saying is correct didn't have
13 any documents when he was making the list?

14 A. Right, right.

14:32:07 15 Q. 327 Therefore the only people who could have provided the information in relation
16 to the payments in 1992 was either yourself or your brother?

17 A. Right.

18 Q. 328 Isn't that right?

19 A. Fair enough, right, but the point about it is I am saying to you if we had
14:32:19 20 evidence to prove that any on this list he would present it to this, what I am
21 saying is the names are there, right. And as we said we probably didn't go
22 through the list good enough. I said that to you the first time I sat up here,
23 second time I sat up here and again, I am putting my hand up and saying Okay
24 maybe we didn't scrutinize it good enough and I apologise if I didn't
14:32:40 25 scrutinize it enough but we done the best we could to give everything to this
26 court that's what we done all the time there is nothing, we are not trying to
27 leave out things or put in things as you are implying.

28 Q. 329 I just want to draw your further thing to your attention at page 2452 which is
29 the document dated the 16th February 1996 and this is the letter to you in
14:33:01 30 connection with the contribution of 3,000 pounds to AOSOG, do you see that?

- 14:33:07 1 A. Yes.
- 2 Q. 330 Isn't it the position Mr. Brooks that the material contravention that changed
3 the density on the lands was decided on 12th February 1996?
- 4 A. You could be right with them dates but that had nothing do with when Mr. John
14:33:22 5 Keogh went looking for support for his thing, he had been to every other place
6 in Tallaght on that day, he had told me, it had nothing to do with that.
- 7 Q. 331 And Mr. Michael Billane is it not the position was a member of South Dublin
8 County Council, is that right?
- 9 A. That's what he told us, yeah.
- 14:33:36 10 Q. 332 I am just drawing to your attention the two relevant dates which is the 12th
11 February 1996 being the date of the material contravention and that by the 16th
12 February 1996, 3,000 pounds had been paid by you on behalf of Ballycullen Farms
13 Limited or agreed to be paid?
- 14 A. You might read an inference into that I wouldn't. That man was looking for
14:34:06 15 donation to his charity work works and he wasn't going to stop because
16 something was done four days earlier. And if you can read that into it, if you
17 do that every day, every time something happens four days after another is
18 someone going done blamed for it, no.
19
- 14:34:10 20 CHAIRMAN: You say there was no connection.
- 21 A. I did say there was no connection. If everything has to be tied in because it
22 was four days later than something else we'd be all going around in a circle.
23
- 24 MR. DOHERTY: Sorry sir, if Ms. Dillon has in mind some inference that the
14:34:26 25 Tribunal should make at the conclusion of this process?
26
- 27 CHAIRMAN: Well then its a mat fore her to say but she hasn't said that, she
28 just highlighted the fact that there is, that there is some proximity in the
29 dates, its a matter for the Tribunal to decide whether that suggests anything
14:34:44 30 else, she hasn't done that.

14:34:46 1

2 MR. DOHERTY: Thank you sir

3

4 CHAIRMAN: Thank you very much.

14:34:49 5

6 MS. DILLON: Thank you Mr. Brooks.

7

8 **WITNESS THEN WITHDREW:**

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14:34:52 10

Mr. Sean Gilbride please.

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SEAN GILBRIDE, HAVING BEEN SWORN, WAS EXAMINED AS

FOLLOWS BY MS. DILLON:

- 14:34:54 1
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- 3
- 4 CHAIRMAN: Good afternoon Mr. Gilbride.
- 14:35:35 5 Q. 333 Good morning, sorry I beg your pardon, good afternoon Mr. Gilbride. You I
- 6 think were a member of Dublin County Council in 1992 and 1993, is that correct?
- 7 A. That's correct.
- 8 Q. 334 And I think that you are a member of the Fianna Fail political party, is that
- 9 correct?
- 14:35:48 10 A. That's correct.
- 11 Q. 335 And I think that the Tribunal wrote to you in connection with this matter among
- 12 other matters initially in 2001 and I outlined for you that there was an
- 13 allegation that between 1990 and 1994 you had received money from Mr. Dunlop in
- 14 connection with a number of developments including Ballycullen?
- 14:36:09 15 A. Yes.
- 16 Q. 336 I think you replied to that correspondence and deny that had you had received
- 17 any money from Mr. Dunlop in connection with rezonings, you acknowledged
- 18 receiving 2,000 pounds in cash for the local elections in 1991 and denied that
- 19 you had received any other payment from Mr. Dunlop or that he had influenced
- 14:36:27 20 your vote in connection with any of the lands listed including the Ballycullen
- 21 lands is that a fair --
- 22 A. That's fair.
- 23 Q. 337 Explanation of what you say. Now I think that if we turn to look at the
- 24 contact that passed between September '92 and December '92, between yourself
- 14:36:44 25 and Mr. Dunlop, did you meet Mr. Dunlop or contact him a lot in that time?
- 26 A. Well I would have met him around Dublin County Council, it was a year that I
- 27 was off work, I would have been around a lot. I would have met him, I would
- 28 have contact, lots of contact, might be replies to phone calls which he had
- 29 made to me as well, I see a list of his phone calls to me, but I would have
- 14:37:08 30 been, I was quite friendly with Mr. Dunlop, yes.

- 14:37:11 1 Q. 338 Yes I want to hand you a document which is a summary of the -- you have been
2 circulated with a brief Mr. Gilbride, isn't that right?
- 3 A. Yes.
- 4 Q. 339 And within that brief this document will be added to the brief this evening and
14:37:27 5 its going to come up on screen now, but what has been done here Mr. Gilbride is
6 rather than going through each document individually in an effort to expedite
7 the process somewhat, this by reference to the document in the brief contains a
8 list of the contact between yourself and Mr. Dunlop between the 4th September
9 '92 and the 9th December '92 initially, in so far as '92 is concerned, if you
10 look at the fourth line from the bottom you see there is a contact on the 9th
11 December '92 and commences on the 4th of the 9th, '92, do you see that?
- 12 A. I do yes.
- 13 Q. 340 So within that period of time, which is the 4th September '92 and 9th December,
14 '92 there are 24 recorded contacts between yourself and Mr. Dunlop, of which
15 three are diary meetings?
- 14:38:12 16 A. Yes.
- 17 Q. 341 That are recorded. Do you accept that that --
- 18 A. Oh, yes I would accept that, yeah.
- 19 Q. 342 Do you accept that you had that level of contact with Mr. Dunlop?
- 14:38:20 20 A. Yeah I would have a fair number of contacts with him, yes.
- 21 Q. 343 You had previously told the Tribunal, Mr. Gilbride, isn't that correct that you
22 didn't think you had very much contact with Mr. Dunlop or had met him very
23 much?
- 24 A. No I didn't, no the last time I think this matter was raised as well.
- 14:38:36 25 Q. 344 Yes, I think it was the time previous to that Mr. Gilbride?
- 26 A. I don't know, but the last time I was in when the matter was raised.
- 27 Q. 345 The last time you were here you accepted I think based on the telephone
28 contacts, but prior to the discovery of the telephone contacts I think your
29 position was that you didn't think you had a great deal of contact with
14:38:59 30 Mr. Dunlop, would that be fair?

- 14:38:59 1 A. I wouldn't be able to comment on that. I don't recollect actually, yeah.
- 2 Q. 346 All right. But do you accept this being an accurate record of the contact
- 3 between yourself and Mr. Dunlop between September and December 1992?
- 4 A. I have no reason not to accept it.
- 14:39:12 5 Q. 347 Yes. Now, can you outline as best you can recollect what would have been the
- 6 reason for this contact between yourself and Mr. Dunlop?
- 7 A. As I explained to you, I think last time, my reason for contact Mr. Dunlop was
- 8 over another development which was Quarryvale.
- 9 Q. 348 Do you think, do you recollect or do you believe that Mr. Dunlop only ever
- 10 spoke to you about one developments and one development only?
- 14:39:35 11 A. No I don't, but I mean most of my dealings with Mr. Dunlop would have been on
- 12 that particular project.
- 13 Q. 349 Do you not think its likely that Mr. Dunlop who was involved in many other
- 14 projects in connection with the Development Plan would have discussed those
- 15 projects with you?
- 14:39:52 16 A. He might have. Its very hard to recollect after 15 years whether he did or not
- 17 he might have.
- 18 Q. 350 But would it not also be likely, Mr. Gilbride, that Mr. Dunlop who needed your
- 19 support for more than one project would have canvassed your support for all of
- 14:40:11 20 the projects he was involved in?
- 21 A. I can't recollect. If you look at my voting record you will find that I voted
- 22 for everything, there was only one thing I voted against, whether he canvassed
- 23 me or not I can't remember now. But other people would have canvassed as well
- 24 and sometimes there wasn't any canvassing.
- 14:40:35 25 Q. 351 Yes. But Mr. Dunlop was a lobbyist, isn't that right?
- 26 A. Oh yeah, yeah.
- 27 Q. 352 You were a County Councillor?
- 28 A. Yeah.
- 29 Q. 353 Mr. Dunlop's interest in the Development Plan was to achieve rezonings for his
- 14:40:45 30 clients?

- 14:40:45 1 A. Yes.
- 2 Q. 354 Your interest in the Development Plan was to vote on each map that came up and
3 the various motions and applications?
- 4 A. That's correct yes.
- 14:40:52 5 Q. 355 The only common purpose you had was the Development Plan at this time?
- 6 A. Yes.
- 7 Q. 356 You weren't involved in any other business with Mr. Dunlop?
- 8 A. No.
- 9 Q. 357 So that Mr. Dunlop's contact with you related primarily you say to one
14:41:02 10 development?
- 11 A. Yes.
- 12 Q. 358 But do you not accept that it is likely and I am putting it no higher than that
13 that Mr. Dunlop would have canvassed your support in respect of other
14 developments?
- 14:41:11 15 A. He may have, yes.
- 16 Q. 359 Now do you have any recollection of Mr. Dunlop ever discussing or recognise
17 mention the Ballycullen lands to you?
- 18 A. No I don't.
- 19 Q. 360 Mr. Dunlop says you sought 1,000 pounds from him for your support in connection
14:41:23 20 with those lands and that he paid you that money in around Dublin County
21 Council on, before or immediately after the vote, do you deny that?
- 22 A. I deny that completely.
- 23 Q. 361 And that I think has been your position in relation to other matters before the
24 Tribunal?
- 14:41:35 25 A. Yes.
- 26 Q. 362 You accept Mr. Gilbride, that you voted in favour of the rezoning motion?
- 27 A. Yes I do of course.
- 28 Q. 363 And you voted in favour of confirming that rezoning the following year in
29 October '93?
- 14:41:46 30 A. That's right, yes.

- 14:41:47 1 Q. 364 You have no difficulty in relation to that?
- 2 A. None, absolutely not.
- 3 Q. 365 Right. If I could turn to deal very briefly with just some financial
- 4 transactions that arise, could I have page 2973 please?
- 14:42:02 5 A. I have the list as well.
- 6 Q. 366 You have the list of financial transactions?
- 7 A. Yes.
- 8 Q. 367 I want to hand you some documents, I am somewhat constrained about these
- 9 particular documents because they relate to a matter that I can't deal with in
- 14:42:17 10 public Mr. Gilbride?
- 11 A. Is one particular documents.
- 12 Q. 368 Yes that's correct?
- 13 A. I understand that actually I wanted to raise that myself.
- 14 Q. 369 This is the lodge of the 1,550 that you identified as a tax refund?
- 14:42:29 15 A. Yes.
- 16 Q. 370 Would it be fair to say having considered the document you accept its not a tax
- 17 refund?
- 18 A. I do. Yes.
- 19 Q. 371 And in fact the source of the money was in relation to another development if I
- 14:42:39 20 can put it like that?
- 21 A. That's right.
- 22 Q. 372 When you provided information to the Tribunal in relation to the lodgement of
- 23 1,550 pounds on the 5th October '92 being a tax refund that was not correct?
- 24 A. No it wasn't at the time. I didn't have that documentation that you have in
- 14:42:52 25 your hand now.
- 26 Q. 373 Yes which we --
- 27 A. I already had given to the Tribunal in '98 of the contributions and that wasn't
- 28 on it, that particular one wasn't on it.
- 29 Q. 374 Yes.
- 14:43:04 30 A. But I do accept that, thank you.

- 14:43:06 1 Q. 375 That the information then that was provided to the Tribunal by you in relation
2 to that lodgement the position now is you now accept the source of the
3 lodgement?
4 A. I do yes, I do yes.
- 14:43:16 5 Q. 376 Was a payment in connection with another development is the way I will put it?
6 A. Yes.
7 Q. 377 And it was not a tax refund as you identified to the Tribunal?
8 A. No it was not.
9 Q. 378 Do you regret that?
14:43:28 10 A. I do of course I do. In '98 Ms. Dillon I made a list available to the Tribunal
11 of contributions from that person, but that -- that one wasn't on it.
12 Q. 379 That's correct. Yes but if we look just briefly then Mr. Gilbride at other
13 matters on the list the first one is a lodgement of 1,000 pounds on 9th October
14 1992?
14:43:47 15 A. That's right.
16 Q. 380 And I think you have told the Tribunal that that was a present of college fees
17 from your mother-in-law, is that correct?
18 A. That's right yes.
19 Q. 381 Now other than your assertion that it comes from your mother in law there is no
14:43:58 20 documentation in relation to that?
21 A. No it would have been in cash.
22 Q. 382 It would have been a cash payment from your --
23 A. She let her land every year and that was --
24 Q. 383 Sorry I beg your pardon. 2976 please. Now, this is in fact the handwritten
14:44:16 25 notes there are your replies as it were to the Tribunal. And the first entry
26 there relates to the sum of 1,000 pounds?
27 A. That's right.
28 Q. 384 You have identified a payment from your mother in law in connection with
29 colleges college fees and that's a cash payment.
14:44:32 30 A. That's a cash payment, yes.

14:44:32 1 Q. 385 And I think the second payment of 1,200 is on the 18th September '92 and I
2 think that is at 2978 and that you have identified as County Council expenses,
3 VEC expenses?
4 A. On that Ms. Dillon, see the 1550 is cleared up that would be the tax refund.

14:44:55 5 Q. 386 That would have been the tax refund?
6 A. That would have been the tax refund.
7 Q. 387 So that that's, when you gave your initial reply to the Tribunal?
8 A. Yes.
9 Q. 388 That that was VEC expenses that was also incorrect is that -- the position?
14:45:05 10 A. Yes it was.
11 Q. 389 So you now say that in fact was the tax refund that you previously identified
12 therefore it's not the VEC expenses?
13 A. No its not.
14 Q. 390 Did you have any documentation available to you that when you made the reply
14:45:18 15 that would have enabled you to decide it was the VEC --
16 A. No the VEC documentation didn't go back that far.
17 Q. 391 If we look at the third lodgement on the list which is a lodgement of 700
18 pounds on 1st of October '92 and if we have 2978 please, that's the same one
19 that's on screen, I think if we go down beneath that lodgement on the 1st of
14:45:41 20 October 1992, is identified by you as County Council expenses, is that right?
21 A. No, I don't think so.
22 Q. 392 You see there the lodgement of 700 pounds?
23 A. Yes. Yes.
24 Q. 393 You have its the 1st of October '92 and you have written beside that County
14:46:03 25 Council?
26 A. I think so, yes.
27 Q. 394 Yes.
28 A. Yeah, I have written beside it County Council, I have.
29 Q. 395 And in view of the fact that you are now saying that the -- sorry are you still
14:46:14 30 of the view that's County Council expenses?

- 14:46:16 1 A. To the best of my recollection, that would be around the amount that I would be
2 getting, you know.
- 3 Q. 396 Yes, and you have no documentation in connection that, isn't that right?
- 4 A. No. I supplied documentation to you, as much as I was able the records didn't
14:46:31 5 go back that far.
- 6 Q. 397 Yes. And insofar as the lodgement of 600 pounds on the 13th October 1992 is
7 concerned at 2982?
- 8 A. Yeah.
- 9 Q. 398 This is a lodgement of 600 pounds?
- 14:46:44 10 A. Yeah it would be expenses again.
- 11 Q. 399 Again County Council expenses and there are no records in relation to same, is
12 that correct?
- 13 A. That's right.
- 14 Q. 400 And I think finally a lodgement of 400 pounds on the 18th December 1992 at
14:46:58 15 2984.
- 16 A. Yes.
- 17 Q. 401 2984.
- 18 A. Yeah.
- 19 Q. 402 And I think you haven't identified the source of that?
- 14:47:10 20 A. Well that would have been a number of children allowances and DP allowance for
21 one of my sons.
- 22 Q. 403 For --
- 23 A. Again to the best of my recollection.
- 24 Q. 404 So the position is in relation to all of these lodgements you are doing your
14:47:23 25 best from your memory Mr. Gilbride?
- 26 A. Yes.
- 27 Q. 405 You accept there are two errors in relation to your original explanation that
28 was provided to the Tribunal?
- 29 A. Yes and I was glad to clear it up. I would have cleared it up Ms. Dillon if
14:47:36 30 you didn't raise it I wanted to raise it myself.

14:47:38 1 Q. 406 But you were available to clear up that difficulty from the documentation
2 provided to you by the Tribunal?
3 A. I was thank you.
4 Q. 407 Thank you Mr. Gilbride.
14:47:52 5
6 JUDGE FAHERTY: Mr. Gilbride, do you recall the rezoning in Ballycullen?
7 A. Vaguely, yes I do yeah.
8
9 JUDGE FAHERTY: where was your ward again?
14:47:59 10 A. My ward would have been Balbriggan ward.
11
12 JUDGE FAHERTY: That's the north?
13 A. North, yes.
14
14:48:05 15 JUDGE FAHERTY: The north. And do you recall being lobbied by anybody Mr.
16 Gilbride?
17 A. Not really funnily enough. I mean, I probably would have met Frank or Oliver
18 Brooks from what I would have known but I really can't remember anyone lobbying
19 me about it, I didn't need to be lobbied I always voted yes. I was for
14:48:37 20 development.
21
22 JUDGE FAHERTY: I see.
23
24 CHAIRMAN: Mr. Gilbride did you hear any of these rumours or stories about
14:48:43 25 bribing of councillors?
26 A. Your Honour the last time I was in you asked me that question as well, and I
27 had, I told you that I had a telephone conversation with Detective Sergeant
28 Mullins who informed me at around that time there was articles in the paper and
29 I am giving you hopefully the same answers as I gave you the last time.
14:49:02 30

14:49:02 1 CHAIRMAN: All right. Thank you very much.

2 A. Thank you.

3

4 **THE WITNESS THEN WITHDREW.**

14:49:08 5

6 MS. DILLON: Mr. Don Tipping please.

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DON TIPPING, HAVING BEEN SWORN, WAS EXAMINED AS

FOLLOWS BY MS. DILLON:

- 14:49:36 1
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- 4 CHAIRMAN: Good afternoon Mr. Tipping.
- 14:49:53 5 Q. 408 Mr. Tipping I think when you arrived this afternoon you provided a statement to
- 6 the solicitor for the Tribunal, is that correct?
- 7 A. I did. I post it had on Monday evening so I am surprised you haven't got in.
- 8 Q. 409 Unfortunately we haven't got it yet, not to worry we'll be able to put it up on
- 9 screen and we have circulated to the parties who are here and will provide it
- 14:50:12 10 to everybody else this evening. I think you were contacted by the Tribunal and
- 11 you were asked really about two matters one was the circumstances in which the
- 12 cheque of 2,000 pounds was sent from Democratic Left and returned to Mr. Dunlop
- 13 and the second matter that was the rezoning of the Ballycullen lands?
- 14 A. Yeah.
- 14:50:30 15 Q. 410 And you are in a position to deal with both of those matters, isn't that right?
- 16 A. Yeah.
- 17 Q. 411 Now if we can just deal first of all a little bit with the political history if
- 18 that's all right, Mr. Tipping. Democratic left had a bank account, is that
- 19 right?
- 14:50:44 20 A. That's right. We had two bank accounts one a savings account and one a current
- 21 account.
- 22 Q. 412 If we could have page 3509 please? Now, this is the current account I think
- 23 the account number was 35579956?
- 24 A. Okay.
- 14:51:09 25 Q. 413 Were you a signatory on that account, that's the current account?
- 26 A. I was. Yeah.
- 27 Q. 414 And insofar as the deposit account was concerned at 3510, were you also a
- 28 signatory on that account?
- 29 A. To the best of my knowledge, on both of them, yes.
- 14:51:25 30 Q. 415 Now both of these are designated Democratic Left southwest?

- 14:51:29 1 A. Yeah Dublin South west, that was the constituency.
- 2 Q. 416 Were you the Chairman or chairperson of that Democratic Left?
- 3 A. I was the chairperson yes.
- 4 Q. 417 When did you become chairperson of Democratic Left South Dublin?
- 14:51:43 5 A. I think after the formation of Democratic Left.
- 6 Q. 418 Had you previously been in the Workers Party?
- 7 A. Yes.
- 8 Q. 419 And were most of the people who were involved in Democratic Left in 1992 and in
- 9 late 1992 had previously been members of the Workers Party?
- 14:52:00 10 A. There was a number of new members came into Democratic Left during the 1992
- 11 period.
- 12 Q. 420 And in November 1992 can you remember who was Mr. Pat Rabbit's director of
- 13 elections?
- 14 A. Mr. Noel Ward.
- 14:52:15 15 Q. 421 Mr. Noel Ward. And did you have any involvement in the election yourself in
- 16 November 1992?
- 17 A. Oh, yes of course.
- 18 Q. 422 So you would have been busy all that period with the normal matters that are
- 19 involved in an election?
- 14:52:27 20 A. We throughout every election we have always divided the responsibilities. My
- 21 responsibility was organisation basically phoning people, trying to get them
- 22 out canvassing, and organising them and in that regard to meet at certain
- 23 points.
- 24 Q. 423 And can I ask you, the national organisation of Democratic Left if I can call
- 14:52:52 25 it that, would they have had their own bank account? In other words sort of an
- 26 All-Ireland bank account if I can call it that?
- 27 A. I would presume so.
- 28 Q. 424 But this particular bank account related only to?
- 29 A. Dublin South west.
- 14:53:06 30 Q. 425 Dublin South west. And in connection with the election would payments have

- 14:53:09 1 been paid out of that account in connection with the election in November 1992?
- 2 A. Yes.
- 3 Q. 426 And would there have been fundraising by Democratic Left in or around the time
- 4 of the election in November 1992?
- 14:53:19 5 A. Well our main source of income was we used to have a monthly draw, private
- 6 member's draw for 100 pounds, that was the top prize, it was a 300 draw if you
- 7 like, and we would probably have accumulated about 150 pounds from that each
- 8 month and that would have been our main source of income.
- 9 Q. 427 You would have made how much out of that on a monthly basis?
- 14:53:44 10 A. I think -- if my memory serves me right about 100 to 150 pounds.
- 11 Q. 428 That's all that would have been credited to Democratic Left on a monthly basis
- 12 from the draw?
- 13 A. From that particular source.
- 14 Q. 429 From that particular draw.
- 14:53:57 15 A. We would also as councillor have contributed to the party at the local level.
- 16 Q. 430 By way of a levy is that right, sort of a levy?
- 17 A. I would call it more a voluntary contribution.
- 18 Q. 431 How much was the voluntary contribution have been, of the order of?
- 19 A. Probably 30, 50 pounds something like that.
- 14:54:17 20 Q. 432 So that insofar as the turnover of money in Dublin South west was concerned
- 21 there was very little turnover?
- 22 A. There would have be a great deal no obviously at election time there would be a
- 23 hell of a lot more.
- 24 Q. 433 And what was the average size of the political donations that was received by
- 14:54:34 25 the candidates in Dublin South west in November '92, can you remember?
- 26 A. In the order of less than 100 pound I'd say.
- 27 Q. 434 Well would you regard the donation of 500 pounds as a substantial donation?
- 28 A. Yes.
- 29 Q. 435 And would a donation of 500 pounds have been an unusual occurrence in the life
- 14:55:00 30 of Democratic Left in Dublin South west?

- 14:55:02 1 A. Absolutely.
- 2 Q. 436 And would a donation of 1,000 pounds have been even more unusual?
- 3 A. It would have been welcome but it would have been -- I don't think we ever got
- 4 one.
- 14:55:17 5 Q. 437 Okay. And what was the general policy or procedure in Democratic Left about
- 6 accepting donations?
- 7 A. Any donations from bodies, that weren't members, people that weren't members
- 8 would go to the officers of the constituency council and on their
- 9 recommendation would, I'm basically dealing with one because that's the only
- 14:55:43 10 one that came into me, the one from Frank Dunlop, the policy was we discussed
- 11 it had, the reasons behind it being given and we decided to send it back.
- 12 Q. 438 Okay. Well we'll come to deal with the detail of the actual discussion that
- 13 took place in connection with the return of Mr. Dunlop's money, but would it be
- 14 fair to say and I don't want to put words in your mouth, that the arrival of
- 14:56:07 15 2,000 pounds into the coffers of Democratic Left Dublin South west in November
- 16 1992 would have been an event of momentous importance?
- 17 A. Absolutely.
- 18 Q. 439 Right. So everybody would know about it and everybody would discuss it once it
- 19 became known to the officers of the constituency.
- 14:56:21 20 A. Yeah but I don't think it would have been a thing that would have been widely
- 21 known among the members at that time, it think it would have been reported
- 22 consequently to the constituency council and was.
- 23 Q. 440 But to the people who knew about it, such as yourself or the constituency
- 24 council a donation of 2,000s pound was a momentous donation to Democratic Left?
- 14:56:43 25 A. Yes.
- 26 Q. 441 And therefore the decision to return it would have been a momentous decision?
- 27 A. Yes.
- 28 Q. 442 Because it would have fair to say would it not Mr. Dipping that you were
- 29 desperately in need of 2,000 pounds in November 1992 for the election because
- 14:56:55 30 you had little or limited funds as the bank accounts show, isn't that right?

- 14:56:57 1 A. Fair comment.
- 2 Q. 443 Is that fair?
- 3 A. Fair comment.
- 4 Q. 444 Okay. Will you outline to the Tribunal what you remember of the discussion
- 14:57:05 5 where you found out about the donation in the first place and the steps that
- 6 were taken to return the money in the second place?
- 7 A. My memory is and obviously its a long time ago, but I think Pat informed me
- 8 about it, I think I was amazed, astonished that Frank Dunlop would present us
- 9 with this gift if you like, and my immediate thought was that I wouldn't -- I
- 14:57:45 10 thought there was something behind it.
- 11 Q. 445 What did you think was behind it Mr. Tipping?
- 12 A. I actually tied it in with the Quarryvale voting at the time, if my memory
- 13 serves me right Frank Dunlop was very much so involved in promoting the
- 14 Quarryvale.
- 14:58:06 15 Q. 446 If you can Mr. Tipping, try not to mention the Quarryvale matter because we are
- 16 in sort of prevented by the High Court from dealing with that, if you just call
- 17 it another development for the moment?
- 18 A. Well another, a major, it was a major item on the agenda of the council at the
- 19 time which we were totally opposed to. And that was my thought, that it was
- 14:58:30 20 maybe some perhaps some way linked to that.
- 21 Q. 447 Is that because you knew that Mr. Dunlop was involved in another development
- 22 and that you connected the two, is that what happened? When you heard about
- 23 the donation you connected Mr. Dunlop and the other development and the
- 24 payment?
- 14:58:50 25 A. Yeah, yeah.
- 26 Q. 448 And you decided based on that that there was a problem or there could be a
- 27 problem?
- 28 A. Yeah. I must say, you know, there was never any real discussion on what we
- 29 were going to do with the money, it was going back.
- 14:59:05 30 Q. 449 And when you say we, who are you talking about?

- 14:59:07 1 A. The constituency officers.
- 2 Q. 450 And how many of them would there have been?
- 3 A. The Chairman, myself, the secretary, the treasurer and the candidate and the --
- 4 election organiser.
- 14:59:25 5 Q. 451 The director of elections?
- 6 A. Director of elections.
- 7 Q. 452 So about five or six of you involved in this?
- 8 A. Five at most.
- 9 Q. 453 Five at most. Would it be fair to say from what you said you were all
- 14:59:37 10 unanimous in the view that it had to go back?
- 11 A. Absolutely.
- 12 Q. 454 Can I ask you about something you said a minute ago, you said you were amazed
- 13 by Frank Dunlop giving money?
- 14 A. Giving us money.
- 14:59:45 15 Q. 455 Giving you money. That's what I thought you said why would you be amazed by
- 16 Frank Dunlop giving Democratic Left money?
- 17 A. Because I associated him with Fianna Fail.
- 18 Q. 456 And would you have thought it strange that someone who had a known association
- 19 with Fianna Fail would make a political donation to a member of Democratic
- 15:00:04 20 Left?
- 21 A. Yeah.
- 22 Q. 457 Is it because of that strangeness that you were very clear in your own mind
- 23 that there could be no doubt with it, it was going to have to be returned?
- 24 A. No as I say, it was more the factor of what was in front of the council at the
- 15:00:21 25 time.
- 26 Q. 458 Did you doubt or have some suspicion in your own mind about Mr. Dunlop's motive
- 27 in making the payment?
- 28 A. I was surprised at it, you know, it was totally out of the blue. And as I say,
- 29 with regards to that's where my thoughts were basically on that other
- 15:00:44 30 development or that proposed rezoning.

- 15:00:48 1 Q. 459 But did you, did you doubt Mr. Dunlop's motives in giving the donation, had you
2 a question mark over Mr. Dunlop giving a donation of that size to Democratic
3 Left?
4 A. Yes, as I've said.
- 15:01:03 5 Q. 460 Yes. Did you ever see the donation, can I ask you?
6 A. No.
7 Q. 461 Did you ever know what physically happened to the money?
8 A. On -- you know obviously when it became public in that when Pat announced to
9 the media that he was the one that Mr. Dunlop was talking about in the previous
10 module of the Tribunal that was when the real discussion came about what had
11 happened to it, and it was spent during the election campaign.
12 Q. 462 Well let's just look at that for a moment then Mr. Tipping?
13 A. Or a portion of it, I'm not sure.
14 Q. 463 You have, you are told about the donation, are you told that its in cash?
15:01:55 15 A. That I can't remember.
16 Q. 464 Okay. You decide that it cannot be accepted, is that right?
17 A. That was my view, right from the start.
18 Q. 465 Everybody agrees with that view, is that correct?
19 A. Yeah.
15:02:05 20 Q. 466 And a decision is made to return the money?
21 A. Yes.
22 Q. 467 You are told the money is 2,000 pounds, is that correct?
23 A. Yes.
24 Q. 468 Okay. A cheque is written for 2,000 pounds?
15:02:14 25 A. Yes.
26 Q. 469 In December of 1992?
27 A. Yes.
28 Q. 470 Isn't that right? Now, were you ever told what happened to the money?
29 A. Subsequently, yes.
15:02:27 30 Q. 471 Well can I ask you about that. Its just that when the decision is made

- 15:02:31 1 immediately to return the money, right? And you have almost no money in your
2 bank account, isn't that right?
- 3 A. Well you'd need to refresh my memory if you can go back to the ...
- 4 Q. 472 Well I will show you the current account.
- 15:02:45 5 A. Well the savings account would be more appropriate but as you can see that we
6 took money out of the savings account there on the -- sorry the 12th is it, of
7 November and put that into the current account and that would have been the
8 money that would -- like we had what, that was 1,630 pounds, I think you will
9 accept that and our records will show that we have never spent a hell of a lot
10 at election time.
- 11 Q. 473 Yes but on the current account --
- 12 A. Well can you put up the current.
- 13 Q. 474 3509 please. The cheque for 2,000 pounds that's under the debit column there
14 dated I think 13th or 23rd December is the cheque for 2,000 pounds that's sent
15 back to Mr. Dunlop?
- 15:03:19 16 A. Okay.
- 17 Q. 475 Okay. Now, if we go back up to October and November you see the lodgement that
18 comes in in October of 1636?
- 19 A. Yeah.
- 15:03:38 20 Q. 476 That comes from the deposit account?
- 21 A. Yeah.
- 22 Q. 477 Okay. That's then debited back into your deposit account, do you see that
23 immediately?
- 24 A. Yeah.
- 15:03:59 25 Q. 478 And then again on the 12th November 1630 is lodged, do you see that?
- 26 A. Yes.
- 27 Q. 479 That comes from your deposit account and then a cheque on 17th November for
28 1,000 pounds is drawn, do you see that?
- 29 A. Yes.
- 15:04:13 30 Q. 480 And the next substantial cheque paid is the 2,000 pounds to Mr. Dunlop?

- 15:04:18 1 A. Yes.
- 2 Q. 481 So the most that's in the account at any one time in that period is 2,225
- 3 pounds which is there at the end of December immediately prior to writing the
- 4 cheque?
- 15:04:29 5 A. Yes.
- 6 Q. 482 For 2,000 pound. What I am saying to you Mr. Tipping, that it wasn't as if
- 7 Democratic Left had an awful lot of money to be writing cheques for 2,000
- 8 pounds, would you agree with that?
- 9 A. I agree with that.
- 15:04:40 10 Q. 483 And wouldn't the right thing or more sensible thing have been to say right
- 11 we'll give him back the money or where is the money let's use it, let's just
- 12 return the money?
- 13 A. Yes that's what we decided to do.
- 14 Q. 484 But in fact Mr. Tipping, you didn't return to Mr. Dunlop 2,000 pounds in cash,
- 15:04:58 15 you wrote a cheque on the 17th December isn't that right, the cheque is at --
- 16
- 17 CHAIRMAN: I think wasn't it stated Ms. Dillon by Mr. Rabbitte that that was
- 18 done for records so that there would be a record of the 2,000, that was the
- 19 reason why a cheque was used rather than any other ...
- 15:05:23 20 Q. 485 That's correct?
- 21 A. Yes Chairman. It was actually Pat that recommended that we do send it back by
- 22 cheque to have a record. Like after the suspicions were raised in our minds we
- 23 wanted to make sure that there was a record of it being sent back.
- 24 Q. 486 So why didn't somebody ensure that the 2,000 pounds that Mr. Dunlop had paid
- 15:05:44 25 and which was going to have to be paid back by cheque for record keeping
- 26 purposes, why didn't somebody make sure it was lodged through this account the
- 27 current account to make sure it was there to make the payment back?
- 28 A. With the greatest respect it was, we were in the middle of an election, we were
- 29 fighting for survival and whether to that degree the decision was made in our
- 15:06:13 30 minds its going back, the incidental of using it in the interim was never a

- 15:06:22 1 point in question.
- 2 Q. 487 Right. You had no problem with using it in the meantime until the cheque was
3 drawn?
- 4 A. It was cash, cashflow, but the principle is the important thing.
- 15:06:33 5 Q. 488 That the decision was made?
- 6 A. To send it back.
- 7 Q. 489 And was that decision made almost immediately that you were informed that the
8 money had been received?
- 9 A. It was made unofficially, yes. In my head and in others that I have spoken to,
10 yes, there was no question or doubt of whether it would go back or not.
- 11 Q. 490 Right and was this ever discussed or decided at any formal council meeting,
12 constituency council meeting?
- 13 A. After the fact, yes. After it was sent back yes.
- 14 Q. 491 After it was sent back. Was it discussed then in December '92?
- 15:07:12 15 A. It was discussed by the constituency officers in 1992 in December.
- 16 Q. 492 At a formal meeting?
- 17 A. It was a gathering of the official, officers, not of the constituency council,
18 the constituency council consisted of all the members in the constituency, the
19 officers met and decided this is going back, that was the formal decision, the
20 informal decision was already made in our own minds.
- 15:07:41 21 Q. 493 Would that decision have been that formal decision have been recorded anywhere?
- 22 A. No, it was an officer's meeting, we wouldn't, it would have been reported then
23 to the constituency council and there may still be records there but I wouldn't
24 be aware if they are or not.
- 15:08:03 25 Q. 494 Can I ask you was everybody else in Democratic Left of the unanimous view it it
26 had to go back the minute you heard about the donation?
- 27 A. Well those that were involved, yes, in the decision, the officers were
28 unanimous, when it came to the general membership knowing about it, it would
29 have been later, it would have been after the fact that it was sent back.
- 15:08:28 30 Q. 495 But everybody in Democratic Left as soon as, in the officers of Democratic

- 15:08:34 1 Left, as soon as they heard about it were immediately unanimous, because of the
2 size of the donation and source of the donation it had to go back?
- 3 A. Yes.
- 4 Q. 496 There was no question about it in anybody's mind?
- 15:08:44 5 A. No question.
- 6 Q. 497 Can I ask you did you ever make any connection or associate Mr. Frank Dunlop
7 having anything to do with the Ballycullen lands?
- 8 A. No not until I got your correspondence or until I seen the module.
- 9 Q. 498 All right. And I think its fair to say that you would accept from the
15:09:00 10 documentation with which you have been furnished that you did vote in favour of
11 the rezoning of the Ballycullen lands initially, isn't that right?
- 12 A. I voted in favour of an amendment, not the initial motion. The motion -- I
13 thank the Tribunal for, you know giving me the stuff so I can remember about
14 it.
- 15:09:25 15 Q. 499 Yes page 161?
- 16 A. The motion was proposed by Councillor Hand I think.
- 17 Q. 500 That's correct?
- 18 A. And Councillor Lydon.
- 19 Q. 501 Correct.
- 15:09:34 20 A. I was of the opinion that I wouldn't be voting for it. That was my initial
21 thoughts on it.
- 22 Q. 502 But an amendment was proposed then?
- 23 A. An amendment was proposed by Councillor Hand and Councillor Cass as you can
24 see.
- 15:09:49 25 Q. 503 And that was passed unanimously?
- 26 A. No no.
- 27 Q. 504 Yes it was, if you look at the record there.
- 28 A. The amendment was passed unanimously yes, they were the two councillors for the
29 area along with Pat Rabbitte and as far as I was concerned that was one of the
15:10:01 30 key things in voting for it was the three representatives for the area were in

- 15:10:14 1 favour ever this amendment.
- 2 Q. 505 Right and Mr. Rabbitte was in favour of the amendment?
- 3 A. He was.
- 4 Q. 506 So that when the motion is put and its voted on, you are recorded as voting in
15:10:17 5 favour of the rezoning containing the amendment?
- 6 A. Yeah. I think its important, if I may.
- 7 Q. 507 Of course?
- 8 A. Its important at this stage to go back as I said in my statement to you, its
9 important to go back to 1990 on this where the council officials were actually
10 recommending that this particular land be zoned for industry, all of it and the
11 council, councillors decided and there was motions put down by Councillor
12 Muldoon, Councillor Fitzgerald and Councillor Cass and Councillor Hannon to
13 revert back to agriculture.
- 14 Q. 508 Agriculture.
- 15:11:00 15 A. So in my mind, and I remember contributing to it because there was a
16 controversy after that, that the council officials were saying the IDA wanted
17 this land rezoned and the IDA went public and said no we don't. We have no
18 money for it. So in that context it was my opinion that the council officials
19 recognised that this land was going to be rezoned, they wanted industry, the
15:11:32 20 councillors for the area thought it better to go for residential in an A1
21 zoning, A1 is where there will be a local area plan, which gives you another
22 chance to have a more detailed look at it, which in this case happened, and two
23 thirds of it was going to be kept for open space, playing pitches, which was a
24 big thing in that area if my memory serves me right, the lack of open space.
- 15:12:00 25 Q. 509 So your position is that as a result of the councillors decision to promote the
26 lands for industrial the councillors that voted that back to agriculture, well
27 I don't think an actual vote took place I think the motions were passed by
28 agreement?
- 29 A. That's right.
- 15:12:13 30 Q. 510 And then subsequently you were of the view that the officials were not against

15:12:18 1 rezoning the land having promoted industry, but the councillors felt that
2 residential would be more appropriate with open space?
3 A. Yeah.
4 Q. 511 And you were looking at the necessity for open space in the area?
15:12:29 5 A. Yes.
6 Q. 512 And that would have been an important factor and taking into account that the
7 density was going to be kept fairly low you voted in favour of it?
8 A. Yes.
9 Q. 513 Now you subsequently in 1993 voted against confirming the motion Mr. Tipping,
15:12:41 10 isn't that right?
11 A. Yes.
12 Q. 514 Would you outline to the Tribunal the reasons why that was so?
13 A. I think it was mid 1993, the controversy surrounding rezonings and the
14 allegations that were being made about councillors possibly getting money for
15:13:04 15 rezoning. We had discussions with the Gardai to - and I think Ballycullen
16 lands, if my memory serves me right was one of the ones mentioned in the
17 newspapers at the time, and it was on foot of that that basically decided it
18 would be safer to vote against it in case we were alleged to be involved in
19 anything like that.
15:13:30 20 Q. 515 And I think Mr. Rabbitte told the Tribunal that he had a discussion with the
21 journalist in Dublin following which, sorry in the course of which it was
22 suggested to him that there was something iffy about the rezoning of the
23 Ballycullen lands and following that there was a discussion and it was agreed
24 that you would not support the confirming motion on the lands, the Democratic
15:13:50 25 Left councillors?
26 A. I think its important to say that on the radar map, Ballycullen wasn't one of
27 the big ones, I can think of a half dozen others that there was a lot of
28 controversy about, a lot of close voting, you know where two or three votes
29 would have mattered, but in this one, you know, it wasn't one of those ones
15:14:12 30 that came up as a big issue, but it was in the eyes of the journalists it was

- 15:14:20 1 one and in that context, yes.
- 2 Q. 516 And would it be fair to say, and correct me if I am wrong, that in general
- 3 Democratic Left would be consistent in the way they vote, all of the members of
- 4 the Democratic Left would vote one way or the other way as it were?
- 15:14:35 5 A. Not always.
- 6 Q. 517 Not always.
- 7 A. Not always.
- 8 Q. 518 Okay. I think it was, Mr. Billane who indicated to the Tribunal that I think
- 9 Mr. Billane, whom you know I think, is that right?
- 15:14:47 10 A. Yeah.
- 11 Q. 519 Indicated to the Tribunal that there would normally be a direction of some sort
- 12 from the Democratic Left whip in connection with the vote, would you agree with
- 13 that?
- 14 A. No, I was the whip.
- 15:15:01 15 Q. 520 Pardon?
- 16 A. I was the whip.
- 17 Q. 521 Yes that's, I think he had told the Tribunal that you were the whip and that
- 18 you were the person who would normally -- you were the person who would
- 19 normally give the instruction in relation to --
- 15:15:15 20 A. No. I was always very careful when you are dealing with Development Plan you
- 21 are told by the officials on a number of occasions, that you are acting in a
- 22 quasi judicial role and therefore a whip cannot apply. I would have asked the
- 23 members in certain instances and other members of a party would have said look
- 24 will you vote in favour of this because of this reason or that reason or the
- 15:15:45 25 other reason, but there would have been no whip. And I think that's important.
- 26 What's on the screen at the moment --
- 27 Q. 522 Is the 1992 vote?
- 28 A. 1992. Could you show me the 1993 vote.
- 29 Q. 523 Yes of course. The 1993 vote is at page 167 and the actual vote is at page
- 15:16:10 30 170. 170 and 171, the bottom of 170 which is on screen. So could we have 170

15:16:21 1 and 171 together please?
2
3 This is the vote at the confirming meeting in October '93.
4 A. Is it possible to show me the vote that took place just before that, I don't
15:16:33 5 know what the, it just shows a vote its on the information you have given me?
6 Q. 524 Yes. 169. That's on screen there.
7 A. I think you will see, I don't know what the zoning was or what the matter was,
8 but you will see Councillor Billane voted one way and I voted the other way.
9 Q. 525 On the vote at page 169?
15:16:57 10 A. Yeah.
11
12 CHAIRMAN: Yeah I think in fairness Mr. Billane I didn't understand him to say
13 that there was a strict whip. He said there was a sort of a direction given
14 but that there was a freedom there to ...
15:17:09 15 A. Absolutely.
16
17 CHAIRMAN: And that it didn't result in any ...
18 A. Chairman I was very clear in my role as whip in regards to other matters, yes,
19 I would have directed the members to be there and to vote, but not on planning
15:17:25 20 matters. I think its important also to realise that at that particular vote
21 and again in 1992 it happened, the vote before and I am going on the
22 information that you have given me, the vote before the Ballycullen, two if not
23 three other members of Democratic Left that were on the council were present,
24 but they weren't present for the Ballycullen vote.
15:17:52 25 Q. 526 I think in fairness, I should put to you what Mr. Billane actually said on foot
26 of a question by the Chairman and he said at page 23, this is the Chairman's
27 question "When you said that you would be told which way to vote by Mr. Tipping
28 as the whip that was, that used to happen quite a bit, is that right? Answer:
29 That would happen, yes. Chairman: Are you saying that even though you would
15:18:15 30 be given this direction you wouldn't necessarily have to follow it, if you were

15:18:19 1 still free to - Answer: Yes, yes. Chairman: Change your mind, would that be
2 mean you would get into trouble with Mr. Tipping? Answer: You might."
3
4 Now, what I think Mr. Billane is suggesting in that exchange is that he would
15:18:31 5 be told what way to vote but he didn't necessarily feel himself bound and what
6 I am asking you is --
7 A. I think we are dealing with language here please.
8 Q. 527 Perhaps. But would you have seen it as your position as the whip to give
9 instructions or directions to the other members as to what way to vote?
15:18:45 10 A. Not in planning matters.
11 Q. 528 And not in relation to the Development Plan?
12 A. Not in relation to planning matters, I was very very clear about that.
13 Q. 529 Can I ask you finally and this wasn't indicated in the letter Mr. Tipping, but
14 you did address it I think in your statement about the 1995 rezoning of the
15:19:04 15 lands in 1995 and the increase in density that took place?
16 A. Yes.
17 Q. 530 Do I, I think that you were in favour on, and supported the material
18 contravention, isn't that right?
19 A. I actually seconded the motion.
15:19:17 20 Q. 531 Yes and I think that planners Mr. Fitzgerald and his team were in favour of the
21 material contravention, isn't that right?
22 A. I think more credence for the previous position as I said. It was the same
23 manager who took the Development Plan meetings in 1992 and '93, this manager
24 was then, which to be fair to Mr. Fitzgerald I found him very straightforward
15:19:45 25 manager and he put a scenario to us that the, there should be higher density of
26 housing in that area. He convinced the members for that local area that this
27 was the correct course of action to do and as we were now in South Dublin
28 County Council we weren't in Dublin County Council, the tradition which myself
29 and Councillor Cass brought into as Cathaoirleach and Leas Cathaoirleach was
15:20:18 30 she would propose matters on behalf of the manager and I would second them, it

- 15:20:27 1 was just a formality thing but I do agree I was in favour of it.
- 2 Q. 532 And would it be fair to say Mr. Tipping that you were not privy or party to or
- 3 didn't participate in any discussions that took place between Mr. Fitzgerald
- 4 and his professional team and Mr. Jones and his team in connection with the
- 15:20:40 5 Ballycullen lands?
- 6 A. What would have happened in these cases and we were in the majority group the
- 7 manager would have discussed them with us and I think on this particular case
- 8 he actually discussed them with the members of that local area, obvious to get
- 9 their support for it.
- 15:20:56 10 Q. 533 Yes, but did you ever discuss the mat we are Mr. Christopher Jones senior or
- 11 junior or any member of his team?
- 12 A. Never met them.
- 13 Q. 534 And insofar as there were negotiations between South Dublin County Council and
- 14 Mr. Christopher Jones or Ballycullen Farms Limited in connection with the
- 15:21:10 15 rezoning or the change in density, that was a matter that took place between
- 16 Mr. Fitzgerald and his professional team and Mr. Jones and Ballycullen Farms
- 17 Limited?
- 18 A. Correct.
- 19 Q. 535 And the end result of that discussion was brought to the Council members by way
- 15:21:24 20 of a material contravention which was supported by Mr. Fitzgerald?
- 21 A. That's right.
- 22 Q. 536 Whose view was endorsed by yourself, Ms. Cass and indeed most of the members of
- 23 the council?
- 24 A. Yeah.
- 15:21:32 25 Q. 537 Isn't that correct?
- 26 A. I can't remember what the vote was now, but I think it was, there wasn't much
- 27 controversy for it, there may have been two or three members against it, but
- 28 that was all.
- 29 Q. 538 Yes. But other than that you weren't privy to any other discussions?
- 15:21:48 30 A. No, no.

15:21:49 1 Q. 539 Thank you very much Mr. Tipping, if you answer any questions.

2

3 JUDGE FAHERTY: Yes I just have one question Mr. Tipping, you have told

4 Ms. Dillon and ourselves that in October '93 when it came to the confirmation

15:22:09 5 vote you had had discussions among the party and because of what had transpired

6 in the media as I understand it, and things even though Ballycullen wasn't high

7 on the radar list, I think those are the words you used, you still decided

8 there was Mr. Rabbitte who described something iffy about it, those are the

9 words he said in evidence and I think it was put to you?

15:22:30 10 A. Yeah.

11

12 JUDGE FAHERTY: And you and Mr. Billane voted against confirming the rezoning in

13 October '93?

14 A. Yeah as I say we had discussed it and we thought in political terms it would be

15:22:45 15 safer to vote against it.

16

17 JUDGE FAHERTY: All right. And just I want to ask you, when it came to the vote

18 for the material contravention, now obviously at this stage it was rezoned I

19 appreciate that, but this was a proposal to increase the houses from I think in

15:23:02 20 total to from 360 to 60, is that correct?

21 A. Something like that, yeah.

22

23 JUDGE FAHERTY: Did you -- Obviously this vote was coming up and you were seeing

24 Ballycullen Farms, and presumably you would have recalled this was a vote lands

15:23:16 25 that were rezoned in '92 and '93?

26 A. Yeah.

27

28 JUDGE FAHERTY: And now we have I think February 1996, isn't that correct? And

29 can I just ask you, did the concerns you had to persuade to you vote against

15:23:30 30 confirming it in '93, were they abated or did that feature, did that concern

15:23:36 1 feature at all in around the time of the material contravention vote?

2 A. It didn't at that stage because as I said to you earlier, number one the

3 council officials 1990 were of the view that it should be a rezoning of this

4 land, to industry. There was an acceptance in 1992 that you know, myself and

15:24:04 5 my colleagues, that industry wasn't the acceptable zoning but A1 zoning was and

6 as I said A1 meant you got another look at it, you have a local area plan.

7

8 There was also with in the context of this if my memory serves me right, there

9 was the issue of trying to get social housing into that particular area, it was

15:24:31 10 a vast area where there was very little if any social housing and as part of

11 this we would have been able to provide social housing, so that was one of the

12 reasons for going for it at this stage. The question that had arisen in 1993

13 was no longer an issue in the fact that we now had the management proposing to

14 us that this is the way to go on this land, whereas in 1993 and indeed in 1992

15:25:08 15 the management were against, but they wanted it rezoned.

16

17 Now you know, I always looked at each of these matters one statement Mr. Dunlop

18 makes with certain regard to myself, is that in planning matters I didn't want

19 to talk to anybody or I didn't want to be bonding with developers which was

15:25:39 20 very true. I don't know whether its relevant or not but I think he seemed to

21 have a great grasp of me when he, I think I highlighted it actually, if you

22 will bear with me for a second because to my mind its, though it mightn't be

23 important to the Tribunal, its important to myself --

24

15:26:01 25 Q. 540 MS. DILLON: 1680 Mr. Tipping is that it?

26 A. Yeah in that regard but I think before that or after that he mentioned

27 something about, he was questioned about myself -- I thought I had it marked

28 down here. He was questioned about myself in regards to what sort of dealings

29 he had with me and he found me reluctant to talk about anything so -- and it

15:26:33 30 wasn't only Frank Dunlop or developers, I just didn't like to be, felt under

15:26:39 1 pressure. I'd go in back doors or avoid them in order that I would read their
2 literature, I would take their phone calls but I always gave them the same
3 stark answer, I will make up my mind when I have to and that's before I vote.
4

15:26:58 5 JUDGE FAHERTY: Thanks.
6

7 JUDGE KEYS: Mr. Tipping can I just answer, you may not be able to answer, but
8 did you form a view that any of the other political parties may have had in
9 place a type of whip system?

15:27:11 10 A. A type?
11

12 JUDGE KEYS: A whip system when it came to voting on these motions?

13 A. I suppose there is two contexts to a whip system. One is getting your members
14 in to vote and then the second one is telling them how to vote. In the first
15:27:30 15 instance yes, that there was throughout the Development Plan and indeed at
16 monthly council meetings where you have a lot of section 4s and material
17 contraventions, there was always an influx of members near the time of the
18 voting.
19

15:27:51 20 In 1993 when my colleague, Pat Rabbitte became Chairman, there was an agreement
21 that votes would be taken at certain stages, half four in the evening, if it
22 was an afternoon meeting and it would suddenly be a big influx of members at
23 that stage.
24

15:28:10 25 JUDGE KEYS: But in relation to what way to vote?

26 A. I wouldn't --
27

28 JUDGE KEYS: You couldn't help? Were you suspicious?

29 A. Like yourself I can only surmise. I couldn't say categorically under oath that
15:28:22 30 there was or there was not.

15:28:24 1

2 JUDGE KEYS: Okay. Thank you very much.

3

4 CHAIRMAN: Thank you very much Mr. Tipping.

15:28:27 5

6 MS. DILLON: Thank you Mr. Tipping.

7

8 **THE WITNESS THEN WITHDREW.**

9

15:28:32 10

MR. QUINN: Mr. Liam Cosgrave.

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LIAM COSGRAVE, HAVING BEEN SWORN, WAS EXAMINED AS

FOLLOWS BY MR. QUINN:

CHAIRMAN: Good afternoon Mr. Cosgrave.

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4
15:29:12 5 Q. 541 MR. QUINN: Good afternoon Mr. Cosgrave. Mr. Cosgrave you were written to by
6 the Tribunal I think as far back as 2001 and you were advised that Mr. Dunlop
7 had made an allegation that you had received money in connection with your
8 support for, amongst other matters, your support for the rezoning of the
9 Ballycullen lands, and I think on the 15th March 2001 you provided a statement
10 and included in that statement was your response in relation to that
11 allegation, and what I propose to do is read that response and then to ask you
12 one or two questions if that's agreeable to you?

13 A. Can you put it up on the --

14 Q. 542 Yes, if we can have 281 please.

15:29:55 15
16 Paragraph four in that response you say "In relation to the lands at
17 Ballycullen Road at a meeting which took place on the 29th October 1992,
18 representations were made for the rezoning of approximately 77 hectares of land
19 comprising partly of Ballycullen Farm. It was suggested that the land be
20 rezoned to provide for development of a balanced integrated private medium of
21 low density residential development together with an area of zoned open space
22 which would include recreational communities.

23
24 A member of the Jones family who I knew and also the manager of the Ballycullen
15:30:26 25 Farms made representation to me including.

26 1. That farming this land was really no longer viable to due developments
27 which had taken on adjacent land and also the problems of trespassing,
28 vandalism, dogs, etcetera.

29
15:30:39 30 2. Due to proximity of the lands to the Tallaght area, where substantial

15:30:43 1 development had already taking place.

2 3. The proximity of the Western Parkway and Southern Cross motorway would

3 facilitate residential development.

4 4. Private medium to low density residential could provide a desirable social

15:30:54 5 mix in the area.

6 5. It was indicated that the lands would be easily serviceable and not

7 obstructed, particularly below 400 foot contour line.

8 6. The proposal provided for a large area to be zoned F to preserve and

9 provide for open pace and recreational amenities which would be a significant

15:31:19 10 addition to the amenities in the area.

11 7. That St. Colmcille's Well national monument would be given an appropriate

12 conservation status.

13 8. The proposed development would also facilitate the necessary road widening

14 etc in the area.

15:31:23 15 9. That Ballycullen House would be preserved for heritage centre purposes.

16

17 There were various discussions in relation to the matter with a subsequent

18 amendment to this proposal that the number of houses be capped.

19

15:31:33 20 This was carried by 42 votes to 14, a majority of 3-to-1 with pretty well all

21 the local councillors supporting it. I was quite happy that I fully considered

22 all aspects of this proposal before casting my vote. I would further add that

23 I lived for about 20 years near this area and was well aware of the over all

24 situation and local factors.

15:31:51 25

26 I repeat at that time only people who made representations to me in relation to

27 this proposal were a member of the Jones family and the manager of Ballycullen

28 Farms Limited."

29

15:32:02 30 Now do you wish to add in anyway to that statement Mr. Cosgrave in relation to

- 15:32:07 1 this matter?
- 2 A. No, except just when I see 20 years there actually I, it would be nearer to 30
- 3 actually but anyway, that's only a detail.
- 4 Q. 543 Okay. Just to clarify the matter, which members of the Jones family do you say
- 15:32:22 5 asked for your support in relation to the matter?
- 6 A. Mr. Jones junior.
- 7 Q. 544 That's Mr. Chris Jones junior?
- 8 A. Yeah.
- 9 Q. 545 I understood that Mr. Chris Jones junior didn't come into the country until
- 15:32:34 10 1993 or return to the country until 1993 when do you say that he asked for your
- 11 support?
- 12 A. I heard that evidence earlier, I am not exactly sure now I would have known him
- 13 from, well I knew the family going back quite a, you know back in the '60s
- 14 because we lived very near them, so I am not exactly sure which of the year,
- 15:32:55 15 certainly at one stage, briefly spoke to me but I would have said see your case
- 16 is up or something like that.
- 17 Q. 546 Which member, who was the manager, was that Mr. Frank Brooks?
- 18 A. No, well I understood it was, I didn't know Mr. Frank Brooks Mr. Oliver Brooks
- 19 was the man, I thought he was the manager or had some dealings with the place.
- 15:33:16 20 Q. 547 Can you give the Tribunal your evidence about Mr. Oliver Brooks' approach to
- 21 you for your support for this proposal?
- 22 A. I knew Mr. Brooks from going to the races and I don't know even think he really
- 23 made much representations I think I raised the matter and said I would have
- 24 known, of all the areas that we dealt with from in the Development Plan this is
- 15:33:39 25 an area that I would have known literally like the back of my hand and would
- 26 have grown-up near the area, cycled around the area, hunted other these lands,
- 27 so basically nothing really anybody could have told me about these lands and
- 28 the adjoining lands and some of the difficulties that came to light probably in
- 29 the '80s and into the '90s around the difficulties with farming the area.
- 15:34:05 30 Q. 548 Had you been asked, Mr. Cosgrave, would you have signed a motion proposing the

- 15:34:09 1 rezoning of these lands?
- 2 A. I'd imagine I probably would have, knowing the lands so well and being clear
3 that this was the obvious way to go, but I mean I wasn't asked.
- 4 Q. 549 When did you first discover that the motion was being proposed by Councillors
15:34:23 5 Hand and Lydon?
- 6 A. I would have seen it on the agenda, whenever I got the agenda.
- 7 Q. 550 Did Councillor Hand discuss the motion with you?
- 8 A. Not that I recall.
- 9 Q. 551 Did you discuss the motion with any other members of your party can you recall,
15:34:36 10 any other councillors?
- 11 A. Not that I recall.
- 12 Q. 552 I understand that Councillor Muldoon was very much opposed to the proposal and
13 she was, I think at that time, a member of your party, isn't that right?
- 14 A. That's correct.
- 15:34:46 15 Q. 553 Did she canvas you for her, support for her proposing motion?
- 16 A. I don't recall that. Councillor Muldoon had a view, she was basically against
17 any development.
- 18 Q. 554 Now you know that Mr. Dunlop has alleged that you, amongst a number of other
19 councillors, received from him a thousand pounds in 1992 between the period 16
15:35:13 20 October '92 and 29th of October '92 and that is for a period of slightly before
21 or after those two dates in relation to your support for this motion, what do
22 you say to that?
- 23 A. Not true, I mean I am also aware, I think Ms. Dillon I think on the second day
24 here questioned Mr. Dunlop in relation to evidence given in private session
15:35:34 25 where I don't think that was, where he -- I think he didn't make no mention of
26 me in relation to, I think these lands. Could I also refer to a statement that
27 he made in October 2003 to the Garda Siochana and outlining alleged monies that
28 he gave to me and there was no mention in that of any money around this time in
29 that sum. And I have a copy of that here in case you want to see it, I have
15:36:05 30 also a copy of the statement from the garda who took the evidence.

- 15:36:10 1 Q. 555 You can give that in to the Tribunal solicitor, Mr. Cosgrave.
2 It is a fact, however, that you did receive monies from Mr. Dunlop in 1992?
3 A. For the 1992 general election.
4 Q. 556 That would have been sometime between the calling of the election on the 11th
15:36:28 5 November 1992 and the election itself which took place on the 26th of November?
6 A. During the election campaign.
7 Q. 557 And I think that was a sum of 2,000 pounds?
8 A. That's right.
9 Q. 558 It was a sum received in cash?
15:36:37 10 A. That's right.
11 Q. 559 And are you absolutely certain that you did not receive a further sum of 1,000
12 pounds in or around the same period from Mr. Dunlop?
13 A. Absolutely certain.
14 Q. 560 Did Mr. Dunlop canvas your support in relation to this matter?
15:36:51 15 A. No, I never knew Mr. Dunlop having any involvement with this proposal.
16 Q. 561 Did you see Mr. Dunlop in the council precincts canvassing any other
17 councillors in relation to this or other rezonings at this time?
18 A. Well he used to be down around the council chamber talking to various people.
19 Q. 562 I think there were, you yourself had a number of contacts with Mr. Dunlop in
15:37:22 20 1992, isn't that right?
21 A. That's correct.
22 Q. 563 If we could have 1670, this is the 27th April 1992, and it shows that at 4.15
23 you had rang; sorry 1671 which is the second page of that document; you had
24 rang looking for Mr. Dunlop, do you see that, this is a note taken by
15:37:39 25 Mr. Dunlop's secretary?
26 A. What date is that?
27 Q. 564 27th April 1992?
28 A. That's a good bit away from November, or October I should say.
29 Q. 565 I will move towards October. 1680, the 20th of May 1992, you see 10.15?
15:37:57 30 A. Yes.

- 15:37:58 1 Q. 566 Moving around will call later.
2 25th May 1992, 1682, 12.05 and a number. Do you recognise the number given
3 there, Mr. Cosgrave?
4 A. I should do. I think it's, could be the council.
- 15:38:16 5 Q. 567 Okay. 1691, I think you had a meeting, he has an entry in his diary for a
6 meeting with you in the Dail. Do you recall having a meeting with Mr. Dunlop
7 in the Dail on the 3rd June '92?
8 A. I don't.
- 9 Q. 568 On the, now I'm getting closer to the date in question, 15th October 1992, 1830
15:38:38 10 you had a 9.35 call in to Mr. Dunlop. Can you recall what that was in
11 connection with?
12 A. No.
- 13 Q. 569 Could I have 1869? This is the 29th October 1992 a 12.50 call from Liam
14 Cosgrave, do you see that?
15:38:54 15 A. Yes.
- 16 Q. 570 That's the actual date of the motion itself, Mr. Cosgrave. Can I just pause
17 there for a second, we do know and it is common case that Mr. Dunlop was
18 retained by Mr. Jones in relation to this matter, you accept that?
19 A. Oh yeah, I do.
- 15:39:07 20 Q. 571 And you had contact with Mr. Dunlop and you knew Mr. Dunlop and you were
21 friendly with Mr. Dunlop, isn't that right?
22 A. That's correct.
- 23 Q. 572 Is there any reason in the world why Mr. Dunlop in those circumstances would
24 not have sought your support for this proposal?
15:39:21 25 A. No, but he may have been speaking to people I spoke to and knew I was voting
26 for it.
- 27 Q. 573 But is there any reason why he wouldn't even have mentioned it to you,
28 Mr. Cosgrave?
29 A. As far as I am concerned he didn't.
- 15:39:34 30 Q. 574 And you had further contact after October '92. If you wish I will go through

15:39:41 1 them, but I think you accept that you had contact?

2 A. I have.

3 Q. 575 Now just one other matter I wish to deal with Mr. Cosgrave, if I could have

4 2840? These are a series of lodgements that were sent to you for explanation

15:39:55 5 and I just want to concentrate on three if I may.

6 There is a lodgement there of the 18th October, sorry 8th October 1992 in the

7 sum of 650 pounds, if we can have 2842 please? That appears to have been a

8 cash lodgement on the 8th October. Do you have any evidence that you can give

9 to the Tribunal in relation to the source of that cash lodgement at that time?

15:40:21 10 A. No.

11 Q. 576 There is a further lodgement of 200 on the same day. If we can have 2843

12 please? Now it doesn't appear from the document that it is in fact a cash

13 lodgement, it's just described as a lodgement, but that would have been 850

14 pounds lodged on the 8th October '92. Do you have any knowledge of the source

15:40:45 15 of that?

16 A. I have no knowledge. I just, you know, point out I think you mentioned earlier

17 the 16th or 15th of October, that's the 8th --

18 Q. 577 The 16th was the vote on Beechill and 29th was the vote on --

19 A. Yeah, no. I have no record.

15:41:00 20 Q. 578 And then finally if I could just put one more up, 9th October 1992 in the sum

21 of 200 pounds, that's at 2847. And again have you any knowledge of the source

22 of that lodgement?

23 A. No, it's a Bank of Ireland account which I have no --

24 Q. 579 Now I think that, you know the Jones family, isn't that right Mr. Cosgrave?

15:41:30 25 A. That's correct.

26 Q. 580 I think they made a contribution to you, or did they, in relation to your 2002

27 election campaign?

28 A. I think they did, yes.

29 Q. 581 If we could have 703 please? This is a schedule provided by Mr. Chris Jones

15:41:43 30 Senior, which appears to have been compiled with the assistance of Mr. Chris

15:41:49 1 Jones Junior and others, and you will see there for a the period 31st May 2002
2 L Cosgrave and cheque number given and the sum of 650 pounds general election
3 donation. You accept you received that?

4 A. Yes.

15:42:02 5 Q. 582 On a previous occasion you were asked to give the names of people who had
6 supported you in the 2002 election campaign and you gave three names and you
7 said there were a number of others for smaller amounts. The Jones Group were,
8 members of the Jones family weren't included in that schedule at that time,
9 would you accept that?

15:42:24 10 A. I accept it.

11 Q. 583 Thank you very much Mr. Cosgrave.

12

13 CHAIRMAN: Thank you very much Mr. Cosgrave.

14

15:42:33 15 MR. QUINN: Those, sir, are the available witnesses for today.

16

17 CHAIRMAN: All right. In the morning I think we are sitting at 10 o'clock

18 and --

19

15:42:41 20 MS. DILLON: Mr. Seamus Brennan is at 10 o'clock, I think.

21

22 CHAIRMAN: All right.

23

24 **THE TRIBUNAL ADJOURNED TO THE FOLLOWING DAY,**

15:43:17 25 **THURSDAY 9TH MARCH, 2006 AT 10 AM.**

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30