

09:56:27 1 **THE TRIBUNAL RESUMED AS FOLLOWS ON THURSDAY,**

2 **9TH MARCH, 2006, AT 10:00 A.M.:**

3

4 CHAIRMAN: Good morning.

10:08:27 5

6 MR. QUINN: Good morning, Sir. Seamus Brennan, please.

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8 MR. McCABE: I suppose, Chairman, I should formally apply for representation

9 at this stage.

10:08:38 10

11 CHAIRMAN: All right. Yes.

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SEAMUS BRENNAN, HAVING BEEN SWORN, WAS EXAMINED

AS FOLLOWS BY MR. QUINN:

CHAIRMAN: Good morning.

A. Good morning, Sir.

Q. 1 MR. QUINN: Good morning, Mr. Brennan. On the 19th of January 2006, at 3419, please. The Tribunal wrote to your solicitors enclosing some documentation and asking for a narrative statement in relation to monies you may have received either by or on behalf of Ballycullen Farms, The Jones Group, Christopher Jones, Oliver Brooks and Frank Brooks from the 1st of January 1990 to date. And it asks that you, if possible, would reply to that letter by the 3rd of February, 2006.

And I think on the 7th of March you, through your solicitors, faxed through to the Tribunal, a statement in relation to that request. And I propose to read that statement to you, Minister, and then I propose to ask you one or two questions arising out of that, if that's agreeable to you?

A. That's fine.

Q. 2 The statement is at 3727 and it's the statement of Seamus Brennan TD.

You say "Neither my constituency office nor I have any records of receiving 200 pounds from Ballycullen Farms Limited on behalf of Mr. Chris Jones 14 years ago on or around November 25th 1992 or at any time. I was not a member of Dublin County Council or any other local authority other than for a brief period between 1985 and March 1987 when I was appointed as Minister for Trade and Marketing.

There was a General Election in 1992 at which time I was Minister for Education and was a political contribution 200 pounds for my election committee towards election campaign costs could have been received as Mr. Frank Brooks was a

10:10:22 1 member of Scholarstown Fianna Fail Cumann and was also a member of the
2 Knocklyon Community Council both of which are in my constituency. My election
3 committee and I would have understood this to be coming from Mr. Frank Brooks
4 in a personal capacity as a local Fianna Fail member which to the best of my
10:10:37 5 memory may have been for tickets for a poker classic which was organised at the
6 time in connection with the General Election.

7
8 With regard to the Tribunal's request for any information in the 16 years from
9 the 1st of January 1990 to date, I asked my constituency office to examine any
10:10:52 10 records available to establish if any political contributions were received
11 from or on behalf of the Jones Group, Mr. Christopher Jones, Mr. Oliver Brooks
12 and Mr. Frank Brooks. My constituency office golf classic committee organised
13 a number of golf classics over the years to help support my election
14 committee's work, in regard to campaign costs local and community sponsorships
10:11:10 15 etc.. Mr. Frank Brooks entered the team of players in such golf classics on
16 at most three or four occasions over the 16 years. The players formed the
17 team of four at a gross cost of 125 pounds for person, out of which green fees
18 and dinner costs of approximately 75 pound per person was paid. Leaving a net
19 amount of about 50 pounds for person available to my election committee. No
10:11:35 20 political contributions or payments of any sort other than those mentioned
21 above were offered or accepted at any time from any of the above.

22
23 In the records of the Tribunal the sum of 860 pounds was shown as a charitable
24 donation for FLAGS, that's the Firhouse Leisure and Golfing Society in 1995.
10:11:54 25 At that time I was opposition frontbench spokesperson for Tourism Transport and
26 Communications. From memory, but without records, I believed that this
27 relates to entering a golf team as sponsorship for this local community group.
28 Firhouse Leisure and Golfing Society who were involved in supporting the
29 development of Firhouse Community Centre, which was then located in my
10:12:15 30 constituency. It would be normal practice in situations where my constituency

10:12:19 1 office was approached by charities and community organisations in my
2 constituency to occasionally suggest the names of local businesses or
3 organisations that might have an interest in supporting their causes and to
4 suggest they make direct contact. It would not be unusual for charities and
10:12:32 5 community organisations to use my name as a point of reference. But any
6 support given to charities and community organisations by a third party would
7 be of no financial benefit to me or my election committee nor would it come
8 through me or my constituency office. It would be a matter between the local
9 businesses and organisations and the bodies concerned.

10:12:50 10
11 What appears to be a reference to my name at page 1341."

12
13 And if we could have 1341 please.

14
10:12:57 15 "In the Tribunal documentation furnished to me in January 1991, I was a member
16 of the Government as Minister for Tourism, Transport and Communications.
17 According to my official diary for that date a copy of which is attached
18 hereto." If we could have 3729, please.

19
10:13:18 20 "I had a full schedule of engagement which did not include any meetings with
21 local government officials and I have no recollection of having attended such a
22 meeting and it is my belief that I did not attend any such meeting. The
23 record for the Tribunal appears to have a question mark shown against my name
24 which could indicate that I was either considered for invitation or declined to
10:13:42 25 attend any such invitation. As a local TD however, it would not be unusual
26 for me to receive a briefing from local government officials on matters
27 involving significant local infrastructural projects. The Tribunal documents
28 show a letter from my constituency golf office -- golf classic committee to
29 Mr. Frank Brooks in 1996 about the arrangements for a golf classic in May of
10:14:05 30 that year. There is a reference in the letter to the Jones Group being

10:14:08 1 represented. But as previously stated, Mr. Brooks was involved in local
2 Fianna Fail matters and my constituency office contact was with Mr. Brooks in a
3 personal capacity not the Jones Group with whom neither I nor my constituency
4 office nor committee had contact.

10:14:23 5
6 On a point of clarification, in the schedules supplied by the Tribunal
7 reference is made to an amount in 1999 under the heading "Local Elections
8 donations". While the local elections were held that year, I believe this
9 amount relates to a team of four players in the constituency office golf
10 classic held that year as normal and has nothing to do with the Local Election
11 donation as suggested in the supplied schedule."

12
13 And that statement as I say, is dated 6th of March, 2006.

14
10:14:52 15 Now, you may not know, Minister, but on the same day a file was given to the
16 Tribunal by solicitors acting on behalf of Ballycullen Farms and
17 Mr. Christopher Jones. And included in the that file, was a letter which
18 hadn't been sent to you, which I am now putting on screen. 3692, a copy of
19 which I think has been furnished to new advance of this morning's hearing.

10:15:18 20
21 And in that letter it appears to be a letter to you from Mr. Christopher Jones,
22 enclosing contributions of 3,000 pounds by way of two cheques perhaps of 1,500
23 pounds each from Messrs. H A O'Neill and Ballycullen Farms. And it's a
24 contribution to reducing what is referred to as the "overdraft". And there is
10:15:41 25 reference there then to an attendance by Mr. Jones at a night in Firhouse,
26 which appears also to have been attended at the time by the Taoiseach. It
27 seems to have been a function held in relation to fund-raising.

28
29 Do you recall that function and that fund-raising and your meeting there with
10:16:01 30 Mr. Christopher Jones and the handing over of 3,000 pounds to you at that

- 10:16:06 1 meeting?
- 2 A. I remember the function well.
- 3 Q. 3 Yes.
- 4 A. The Taoiseach was organising a number of functions around the country. The
10:16:13 5 party had a very big debt in 1994 and was trying to reduce its overdraft at
6 that time. This money here was not for me. It was for the party. I was
7 simply being the postman in this context and the function would have been
8 attended by I think 12, 14, 15 people. The Taoiseach would have presided at
9 it. It was part of a national fundraising campaign going on throughout the
10:16:41 10 country. All deputies were involved in trying to help the party reduce its
11 debt at that time.
12
13 I don't have any particular memory of Mr. Jones at that particular function.
14 But I do know that these funds were totally for the party. And just
10:16:57 15 immediately passed on by me, as might have been the case for a number of other
16 people at that particular function who came from different walks of life.
17
18 I was the party's national organiser at the time. I had a Mount Street role,
19 so it wouldn't be unusual for me to be involved a national fundraising campaign
10:17:18 20 of any sort. But these funds were not for me.
- 21 Q. 4 So that portion of your statement which says that you had no contact with the
22 Jones Group would be incorrect to the extent that you obviously had met
23 Mr. Christopher Jones on the night of this function. And he had said to you
24 on behalf of Fianna Fail 3,000 pounds; isn't that correct?
- 10:17:35 25 A. The reference that I had no contact in my statement. I am quite clear -- I
26 was referring there to the golf classics. As you will see in the paragraph
27 "Mr. Frank Brooks entered a team in a golf classics on a number of occasions".
28 And having no contact there, clearly refers in my mind, I had no contact with
29 Mr. Jones in regard to the golf classics.
- 10:18:01 30 Q. 5 Did you have any contact with Mr. Jones in relation to anything?

10:18:01 1 A. No, I don't believe I did.

2 Q. 6 Now, in a statement supplied to the Tribunal by Mr. Dunlop. If I could have
3 543, please.
4

10:18:04 5 Mr. Dunlop was asked to give more details about his meeting and his retention
6 by Mr. Jones. And in the course of that statement he has advised the
7 Tribunal. He says, you will see in the middle of the paragraph.
8

9 "He also informed me that he and or his associates Messrs Oliver Brooks and
10 Francis Brooks had mentioned the development of the lands to Mr. Tom Kitt, then
11 a member of Dublin County Council. And that the matter had also been
12 discussed with Mr. Seamus Brennan TD and with Mr. Liam Lawlor TD. Mr. Chris
13 Jones informed me that discussions with Messrs. Kitt and Brennan had been to no
14 avail".

10:18:43 15

16 Now, were the lands, the property of Mr. Jones and Ballycullen Farms Limited,
17 discussed with you in the way that it is alleged here?

18 A. I am certain I had no discussions about these lands. I was not a member of
19 the County Council. I was a Minister in the Government. I had no interest
20 in them whatsoever, to be honest with you. I don't remember any discussions
21 with Mr. Jones, or anybody else, about Ballycullen lands.
22 Now, that doesn't mean at some stage as a local TD somebody, Mr. Brooks, or
23 somebody, going to Fianna Fail meetings didn't mention it to me. It could well
24 have happened. I had absolutely no discussions that I recall about those
25 lands whatsoever. I had no interest in them to be honest with you.

10:19:21 26 Q. 7 You did know Mr. Frank Brooks, I take it?

27 A. Yeah, Franky Brooks, as I said in my statement, he is a local Fianna Fail
28 member in my constituency. I think he might have been party chairman in one
29 of the Cumanns. He would have been one of 20 or 30 Cumanns throughout the
30 constituency. It would be quite normal when we were running golf classics or

10:19:44

- 10:19:47 1 poker nights or whist drives, or whatever you want, in the course of ordinary
2 fund raising, to run elections.
- 3 Q. 8 Did you know it that Mr. Brooks was employed by Mr. Jones?
- 4 A. I knew he was something to do. I knew he was a farm manager with Ballycullen
10:20:01 5 Farms. I remember that part. I didn't, to be honest with you, and maybe I
6 should -- I didn't make any link between Ballycullen Farms and Mr. Jones. I
7 wasn't interested in who owned these lands, or what the lands -- I had no
8 interest in the lands whatsoever. I remember vaguely that Mr. Brooks was
9 employed as a farm manager in some farm on the edge of the constituency,
10:20:19 10 Ballycullen Farms. I now know that Mr. Jones was involved in that. I wasn't
11 aware of that at the time.
- 12 Q. 9 Were you aware of any controversy particularly in 1993, after the confirmation
13 of the rezoning motion on the lands?
- 14 A. None whatsoever. I was not a member of the County Council.
- 10:20:34 15 Q. 10 No, I accept that.
- 16 A. I had no part at all in these discussions.
- 17 Q. 11 I accept that, Mr. Brennan.
- 18
- 19 But we have seen and there -- you although you haven't supplied with it there
10:20:42 20 are extracts from newspapers which following on the confirmation meeting in
21 October '93 referred to controversy surrounding the confirmation of the
22 rezoning.
- 23 A. Well I tell you, I was Minister in the Government. I had my hands full. I
24 took no interest whatsoever in local issues like this. I just did my clinics
10:21:01 25 in the ordinary course of business. And I had no interest whatsoever. And
26 very little knowledge. I don't remember the controversy to be honest with
27 you.
- 28 Q. 12 It was obviously something that influenced or exercised the minds of the local
29 community at that time?
- 10:21:17 30 A. Well in a general sense. I mean, a local TD would have dozens and dozens of

10:21:22 1 cases. I vaguely recall some fuss being kicked up about Ballycullen. But I
2 was not a councillor and took no interest in it and nobody that I can recall
3 sat me down and briefed me in any kind of detail about it. So I wouldn't have
4 had any more knowledge than the man on the street about that issue.

10:21:40 5 Q. 13 Now, you were supplied at 1341 with a manuscript document which has the name
6 "Seamus B" possibly a question mark "Tom Kitt" and it's dated 23rd of January
7 1991. This was given to the Tribunal by, on behalf of Ballycullen Farms.

8
9 Are you saying to the Tribunal that you have -- that you had no meetings with
10:22:05 10 Mr. Jones in relation to these lands in 1991 or at any time?

11 A. That's what I'm saying. And I'm actually further saying, I have supplied you
12 with my diary for that day as I dug out. As Minister for Tourism, Transport
13 and Communications I had about eight or nine semi State companies to worry
14 about that day. You can see from my diary it was physically impossible for me
10:22:35 15 to attend almost any other meeting. As far as I'm concerned. I see a
16 question mark here after my name, and I suggest that might be they were
17 thinking of inviting me. As far as I'm concerned I was not at any meeting
18 like that.

19 Q. 14 And Mr. Dunlop when retained in early 1991 by August 1991 and compiled a report
10:22:44 20 for Mr. Christopher Jones and in the course of that report he identified people
21 who ought to be contacted and lobbied in relation to the matter. If we could
22 have 1504. I think you have been supplied with this, Mr. Brennan.
23 And in that there are three government ministers identified. And the first of
24 those is yourself, do you see that?

10:23:02 25 A. Yeah, I do. But I mean, I was ...

26 Q. 15 And are you saying that nobody followed up on that advice to Mr. Jones?

27 A. That's exactly what I'm saying. Nobody followed up on that. Just -- I had
28 been Minister for Education just before that. I was the Senior Fianna Fail
29 person in the constituency. And I would expect my name to appear in any list
10:23:21 30 that people wanted to contact public representatives. Nine times out of ten

10:23:26 1 people like that never do get around to contacting you. They make a list of
2 who they should contact but they don't go near you. As far as I was concerned
3 nobody, nobody came to me about Ballycullen lands. And I want to be absolutely
4 clear about that.

10:23:39 5 Q. 16 Neither Mr. Frank Brooks, Mr. Chris Jones or Mr. Derry Hussey?

6 A. That's exactly right.

7 Q. 17 You know Mr. Hussey?

8 A. Sorry?

9 Q. 18 Do you know Mr. Derry Hussey?

10:23:49 10 A. Who?

11 Q. 19 Mr. Derry Hussey, who is financial controller of the Ballycullen Farms at this
12 time?

13 A. I don't know him. I don't know him. Now, I've been Minister for over 20
14 years. And he was no doubt in a room at dozens of functions that I attended.

10:24:03 15 So I may have shaken his hand or said hello to him. I don't know the man
16 personally.

17 Q. 20 You talked to us about your knowledge of Mr. Frank Brooks, did you know his
18 brother Mr. Oliver Brooks?

19 A. I don't. But I now know that he was involved in Fianna Fail up in County
10:24:18 20 Meath. So I knew that Franky had a brother called Oliver. And again I may
21 have met him at Fianna Fail functions around the country because I was the
22 national organiser and was in about 40 constituencies in the ten months before
23 that. So I could well have run into him. I don't know him in that sense.

24 Q. 21 If we could have 1948, please.

10:24:36 25
26 This is a note on a diary but it's dated 25th of November, 1992 and it says "S
27 Brennan support 200 pounds F Brooks." And Mr. Brooks has given evidence in
28 relation to that entry and he believes that he paid you a sum of 200 pounds.

29 A. Yeah. As I said in my statement, that coincides with the '92 General
10:24:59 30 Election. And I believe that was for a couple of tickets that were purchased

10:25:03 1 for a poker classic that was organised at the time in connection with the
2 General Election.

3 Q. 22 Now, if we could have 3765, please.
4

10:25:11 5 This is a cheque stub, Mr. Brennan. Again, given to the Tribunal. We don't
6 have the return date cheque. But I can tell you that that stub is represented
7 as being a cheque stub of the company Ballycullen Farms Limited, which would
8 suggest that the cheque to which that refers is a cheque from Ballycullen Farms
9 Limited.

10:25:36 10 A. Is that the one we just dealt with?

11 Q. 23 Yeah. 25th of November '92?

12 A. Sure. What I'm saying, as far as I'm concerned, that was the purchase of a
13 couple of tickets for a poker classic that was run in Rathfarnham.

14 Q. 24 Yes.

10:25:50 15 A. In connection with -- that's about I think the week of the General Election of
16 1992.

17 Q. 25 Yes, that's correct. I think the election was called on the 11th. And I
18 think it may have taken place on the 26th of November.

19 A. That's right. So there was a poker classic. In fact I recall there was a good
10:26:06 20 attendance at that.

21 Q. 26 But that cheque was paid not by Mr. Frank Brooks but by Ballycullen Farms
22 Limited. Now, it may have been given over to you by Mr. Frank Brooks. It
23 appears to have been paid by Ballycullen Farms Limited?

24 A. I said to you I would have had a -- I mean I would have had a committee running
10:26:22 25 all of this stuff. I wouldn't have been aware to be honest with you who paid
26 what particular or who signed what particular cheque. This was a poker
27 classic attended by a large number of people. I had an organising committee
28 and they would have dealt with all of that issue.

29 Q. 27 Now, if we could have 3759. This is a bank cheque stub and it relates to a
10:26:43 30 payment of 1,500 pounds. And this would appear to have been one of the two

10:26:47 1 cheques handed over to you?

2 A. Yes.

3 Q. 28 Or sent to you in the letter of 28th January '94, which I referred to earlier?

4 A. Sure.

10:26:55 5 Q. 29 And again it's clearly designated for Fianna Fail?

6 A. Yeah, I passed that over to the party straight away. I mean I would as

7 national organiser around the country I could have got a number of these sent

8 to me because it would have been sent to me because it would have been sent to

9 the general secretary or the national organiser or the party treasurer or the

10:27:07 10 national fund raiser. Any one of us would have got cheques like this. And

11 we simply passed them over to the headquarters and to the national fundraiser.

12 Q. 30 If we could have 2463, please.

13

14 This a is a letter "constituency office annual golf classic, Seamus Brennan TD

10:27:21 15 21st of May 1996." Sent to Mr. Frank Brooks seeking support, isn't that

16 right?

17 A. Yeah. That's the annual golf classic which our constituency committee run to

18 pay for General Election expenses. To buy posters and leaflet drops and all

19 that. We run an annual golf classic and we have a very good committee and

10:27:43 20 they had been running this for years. And it's, they write out to all local

21 businesses and local supporters and Franky would have been a member of the

22 party so he would have got a letter asking if he'd like to enter a team.

23 Q. 31 3764, please.

24 This appears to be again a cheque stub. But it appears to have been a

10:28:04 25 cancelled cheque, dated the 22nd of either May or June 1996 "constituency

26 office south 500 pounds." You may not know that there was a cancelled cheque?

27 A. Yeah. The letter that you just showed was obviously looking for support for

28 that particular golf classic. That was cancelled. I think what happened

29 here was that I think there was another amount of 850 which you'll probably

10:28:31 30 come to.

10:28:32 1 Q. 32 3766, please. For the 5th of July, '96?

2 A. Yeah. Yeah, that's it there. That's the same 500 I think that's shown

3 there. So it looks to me like the 350 went to the Firhouse golf outing and

4 the 500 went to the Dublin south constituency golf classic. So that would be

10:28:51 5 in response to the letter that you just showed. And the cancelled cheque would

6 have been cancelled because we didn't want to take two payments obviously.

7 Q. 33 If we could have 2552 please? This is a handwritten note again supplied to the

8 Tribunal of payments to politicians. We see your name Seamus Brennan. Now,

9 again, that could relate to the 500 pounds?

10:29:12 10 A. I think it does, yeah.

11 Q. 34 Although there is reference to the 31st of December '98, do you see that?

12 A. That's the same 500.

13 Q. 35 It does refer to the 31st of December, '98 at the bottom?

14 A. I'm not sure if that refers to that list because I'm of the view that that's

10:29:28 15 the 500 referred to.

16 Q. 36 From earlier?

17 A. Yeah. I don't think that date is relevant to be honest with you.

18 Q. 37 Okay. If we could have 3763, please.

19 This is an undated cheque stub for "650 pounds Seamus Brennan."

10:29:43 20 A. What date was that?

21 Q. 38 There appears to be no date attaching to that.

22 A. Well, it's --

23 Q. 39 Sorry 650 Euro I should say.

24 A. The legal limit -- first of all, the legal spending limit by the elections I

10:29:57 25 think for a five seater is I don't know, is about 18 or 19,000 so every TD in

26 the country raises that money by way of golf classics or poker classics or

27 whatever. There is a legal limit since the 2000 Act came in. So my believe

28 is that this is probably 2002. Because the Act came in in 2000. Long before

29 the Act came in I had a strict policy of limiting support for the golf classics

10:30:22 30 to the figure of 500 or 125 Euro per person playing. So I believe that's 2002

10:30:31 1 and the reason it's that amount is that's a team of four. And the old 500,
2 125 pounds per head. That's the legal limit above which you have to make
3 returns.

4 Q. 40 If we could have 3762. This is a further payment of 500 pounds on the 11th of
10:30:48 5 May, 1999?

6 A. Yes.

7 Q. 41 That's to bear out what you're just saying?

8 A. Exactly. Precisely. That's exactly right.

9 Q. 42 So it's your evidence, Minister, to the Tribunal that you have never been
10:31:00 10 lobbied in relation to these lands?

11 A. Precisely.

12 Q. 43 Apart from the one meeting with Mr. Chris Jones, you've never met Mr. Jones
13 before or since. You have never discussed the lands with Mr. Jones or either
14 of the Brooks' to your recollection and nobody lobbied you in relation to them?

10:31:16 15 A. Nobody came near me about those lands that I can recall. I don't remember any
16 pressure, any approaches, any briefing. I had a general awareness, like
17 anybody else, about the development. I might have come across Mr. Jones, I
18 don't know. I'm not saying I didn't meet the man at functions somewhere. I
19 wouldn't know him well. If he says he was at that particular dinner then
10:31:34 20 obviously he was because he sent on funds for party headquarters. I don't
21 recall actually talking to him but if he says he was there that's fine by me.

22 Q. 44 Thank you very much, Minister.

23

24 CHAIRMAN: Mr. Collins, do you want to ask anything?

10:31:47 25

26 MR. COLLINS: No questions.

27

28 CHAIRMAN: Mr. McCabe?

29

10:31:51 30 MR. McCABE: No.

10:31:52 1

2 CHAIRMAN: Thank you very much, Mr. Brennan.

3 A. Thank you, Chairman.

4

10:31:56 5 MS. DILLON: May it please the Tribunal.

6 Before I call Mr. Jones to give evidence. I want to draw the Tribunal's

7 attention to a matter that occurred yesterday evening.

8

9 The Tribunal was furnished yesterday evening with a large number of copy

10:32:15 10 cheques by the solicitors on behalf of Mr. Jones. And on a review of those

11 cheques. Could I have page 3735 please.

12

13 This is a cheque made out to cash in the sum of 2,000 pounds dated the 9th of

14 December, 1993.

10:32:28 15 And I want to draw the Tribunal's attention to the account number into which

16 the cheque is lodged at 89256888. That account number is the account number

17 of Mr. Don Lydon, Senator Don Lydon. And that lodgement to the account of

18 Mr. Don Lydon -- sorry. The account number to which this is lodged at

19 89256888 is an account number of Mr. Don Lydon's. We will be writing this

10:33:06 20 morning and furnishing Mr. Lydon with a copy of the cheque and asking him to

21 provide a narrative statement and informing him that this is a matter that will

22 be dealt with Mr. Jones in evidence. I have given a copy of the cheque to

23 Ms. Helen Kilroy, solicitor for Mr. Jones.

24

10:33:24 25 It is likely, and I can put it no further than that, that it will be necessary

26 to recall Mr. Lydon to deal with this matter.

27

28 Now, one would have to say that unless one was aware looking at the cheque that

29 the account number on the back was Mr. Lydon's, it wouldn't be possible to

10:33:37 30 determine who the payee or the recipient of the funds were. But it is clear,

10:33:41 1 I think, that that account is that of Mr. Lydon. If you bear with me one
2 moment I'll put the relevant document on screen.

3
4 CHAIRMAN: Ms. Dillon, has Mr. Lydon's counsel or solicitor been informed?

10:34:25 5
6 MS. DILLON: No. They are being informed this morning. We only received
7 these after six o'clock yesterday evening. And it was only quite late last
8 night when we were going through them that we established that this was the
9 case. I simply want to put 2920 on the screen.

10:34:41 10
11 I just want to draw to your attention this is an account of Mr. Lydon that is
12 already in the Ballycullen brief. And you will see the account number there
13 is 892569 sorry 5688, that's 89256888. And if we go back to the previous
14 document, at 3735. You will see on the reverse of the cheque that the account
10:35:03 15 number which is an account at Bank of Ireland, Blackrock, County Dublin, is
16 89256888, which is the same account number.

17
18 Now, it would only be possible if one had the information that that was
19 Mr. Lydon's bank account to make the connection between the two. But it will
10:35:22 20 be necessary to ask Mr. Jones about this in the course of today or tomorrow.
21 And to ask Mr. Lydon for a narrative statement and an explanation in relation
22 to it.

23
24 CHAIRMAN: All right.

10:35:32 25
26 MS. DILLON: It may very well be that some issue may arise in relation to the
27 discovery that has been provided. But again, that's something that can either
28 be dealt with tomorrow or left over to a letter date.

29
10:35:42 30 Mr. Christopher Jones Senior, please.

10:35:46 1 MR. COLLINS: Sir, could I just add to what Ms. Dillon has said? These
2 documents were provided yesterday at the request of the Tribunal. Obviously,
3 the significance or the apparent significance of this particular cheque was not
4 known to our side. We were unaware of the significance of the number written
10:36:01 5 on the back of it and we're certainly unaware that it represented the bank
6 account of or apparently represents the bank account of Mr. Lydon.

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8 CHAIRMAN: All right.

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10:36:10 1 **CHRISTOPHER JONES SENIOR, HAVING BEEN SWORN, WAS EXAMINED**
2 **AS FOLLOWS BY MS. DILLON:**
3
4 CHAIRMAN: Good morning, Mr. Jones.
10:36:49 5 A. Good morning, Chairman.
6
7 CHAIRMAN: If you require, it would be our normal practice to take a break
8 after about one hour.
9
10:36:57 10 If you at any time want a break before then, please indicate to us.
11 A. Thank you.
12
13 CHAIRMAN: And we will
14
10:37:05 15 MS. DILLON: Good morning, Mr. Jones. Can you hear me?
16 A. I can, indeed, yes.
17 Q. 45 Mr. Jones, I think that a folder of documents was provided by the Tribunal to
18 your solicitor two days ago?
19 A. Yes.
10:37:17 20 Q. 46 And that contained a number of documents in an attempt to agree matters. So
21 to reduce the amount of time that you'd have to spend giving evidence, isn't
22 that right?
23 A. Thank you, yes.
24 Q. 47 Now, I think it's fair to say and I'll be corrected if I'm wrong, that among
10:37:32 25 the documents with which you were provided were all contacts passing between
26 Mr. Dunlop and yourself. In other words, Mr. Dunlop's documentary record of
27 telephone calls and diary contacts apparently between you and Mr. Dunlop; isn't
28 that's right?
29 A. That's right, yes.
10:37:46 30 Q. 48 Now, I think in fairness to yourself, the position is, is that you are

10:37:57 1 surprised at the number of contacts or the level of contacts that's apparent
2 from Mr. Dunlop's diary records and telephone records. But that you are not
3 in a position to dispute those contacts; is that right?
4 A. That's correct, yes.

10:38:02 5 Q. 49 And you do accept and agree that you did retain Mr. Dunlop, isn't that right?
6 A. Absolutely.
7 Q. 50 Yes. So we'll come to deal with the retention of Mr. Dunlop. But insofar as
8 that block of documents are concerned, you're not disputing those documents,
9 isn't that right?

10:38:18 10 A. No.
11 Q. 51 All right. I think you were also provided with documents in relation to your
12 involvement with Mr. Lawlor. And you don't dispute the contents of those
13 documents, isn't that right?
14 A. No.

10:38:27 15 Q. 52 But I'll have to take you through those documents Mr. Jones because we haven't
16 really dealt with Mr. Lawlor's involvement in your affairs up to this point in
17 time?
18 A. That's all right.

19 Q. 53 All right. Now, I think we also provided a schedule of political payments made
10:38:40 20 by you, these are payments to Fianna Fail as opposed to individuals. And you
21 don't dispute those contents, isn't that the right?
22 A. No, not as far as I remember, no.

23 Q. 54 Right. Those payments would comprise the payments to Fianna Fail or political
24 payments that set out to political parties in the schedule you provided
10:38:55 25 together with the supporting documentation?
26 A. Yes.

27 Q. 55 Right. I think in addition to that then we provided you with as a series of
28 documents relating to apparent payments by you, Beechill Properties,
29 Ballycullen Farms Limited, to Mr. Dunlop?
10:39:09 30 A. Yes.

10:39:09 1 Q. 56 Right. Now, I think insofar as they are concerned, you don't dispute the vast
2 majority of them. But there are three payments with which you have a
3 difficulty?

4 A. Yes.

10:39:17 5 Q. 57 And that is -- I'll come to deal with those payments. But other than those
6 payments, you don't have any difficulty?

7 A. That's right yes.

8 Q. 58 So we'll deal with those payments when we come to them, Mr. Jones is that all
9 right?

10:39:30 10 A. That's all right.

11 Q. 59 Now, I think in relation to -- could I have the 3646 back on screen. This is
12 the cheque from last night. I won't deal with this at the moment. I just
13 want to draw to your attention about this cheque Mr. Jones. That's a cheque
14 drawn on your personal account and made out to cash?

10:39:47 15 A. Yes.

16 Q. 60 Right and I want to draw to your attention. 3646, please. Sorry. The
17 first cheque should have been 3645. And the cheque that's on screen. Sorry.
18 Yes, at 3645. This is a cheque made out to cash also, isn't that right?

19 A. That's right.

10:40:10 20 Q. 61 But that's a cheque that was made payable to Mr. Dunlop and it's drawn on your
21 personal account?

22 A. It's a cash payment.

23 Q. 62 It's a cash payment. But it's endorsed on the reverse by Mr. Dunlop?

24 A. That's okay, yes, fine.

10:40:20 25 Q. 63 And again, at 3733. This is the payment in April of 1992, which I will deal
26 with later, to Mr. Don Lydon. And I want to draw to your attention that it's
27 on your personal account and it's made out to cash?

28 A. Yes.

29 Q. 64 And then I think there is the payment of this morning, 3735. And this is also
10:40:45 30 a payment made out to cash, which may have been lodged to the account of

10:40:51 1 Mr. Don Lydon, do you see that?

2 A. I do, indeed, yes.

3 Q. 65 And it's a cheque drawn on your personal account. So insofar as those four

4 cheques are concerned, they are all cheques made out to cash, Mr. Jones, isn't

10:41:04 5 that right?

6 A. Yes.

7 Q. 66 And they are all drawn on your personal account?

8 A. Yes.

9 Q. 67 So in the absence of other information, such as information contained on the

10:41:09 10 reverse of the cheque, it wouldn't be possible for someone looking at the

11 cheque to know who got the money, isn't that right?

12 A. Correct.

13 Q. 68 All right. I'll come back to deal with those in more detail in a little while,

14 Mr. Jones.

10:41:20 15

16 If I can take you back to the time after the lands were purchased. You made

17 efforts, according to your statement, and the documentation, to have the lands

18 rezoned in the time leading up to the 1983 Development Plan?

19 A. Correct.

10:41:36 20 Q. 69 And I think that you met with a number of people who were then either

21 politicians or councillors at that time in order to get, assist you in getting

22 the lands rezoned; isn't that's right?

23 A. That's right.

24 Q. 70 And I think that you met with Deputy Sean Walsh and as he then was?

10:41:53 25 A. I did, yes.

26 Q. 71 And Mr. Larry McMahon?

27 A. Yes.

28 Q. 72 And I think Councillor Gannon?

29 A. Yes.

10:41:58 30 Q. 73 And can you just outline briefly to the Tribunal what you hoped to achieve at

- 10:42:03 1 that point in time in connection with the Ballycullen lands?
- 2 A. Well, it was becoming very apparent that the Ballycullen lands were being
3 abused by new comers to the Tallaght district. When we started in Ballycullen
4 it was a country area on the foot hills of the Dublin mountains, a run down
10:42:25 5 farm, which we bought and revived and ran a very successful dairy herd there of
6 about 250 cows. And then we began to see that the lands at weekends were
7 being seriously abused by gates being opened, cattle let out, running down the
8 town, down Templeogue, and places, and we called out in the middle of the
9 night, and so on.
- 10:42:44 10
- 11 So it was obvious to me that I had to try and do something with the lands
12 because they couldn't be farmed. And we ultimately moved the farming
13 enterprise to a new holding in Kinnegad. And the lands were then virtually
14 derelict. So it was time to move them into some position where they'd have
10:43:05 15 some serious value and some reasonable operation that we could -- And we made
16 many attempts to do that unsuccessfully. We produced many attractive
17 Development Plans for garden development, garden, industrial development, a mix
18 of housing. So that was roughly where I started it with Sean Walsh and Larry
19 McMahon, who died the other day, Lord rest him. But all nice people.
- 10:43:33 20 Q. 74 And would you have known at that time, which is in the time leading up to the
21 making of the 1983 Development Plan, what you needed to do in order to get your
22 lands rezoned?
- 23 A. Well, the rezoning, it's one of the very rare privileges of county councillors.
24 So I knew that the county councillors had to be spoken to. But I didn't know
10:43:54 25 the extent that one had to involve themselves with the county count letters, at
26 that time.
- 27 Q. 75 And I think that those attempts were -- you also put in place at this time I
28 think a professional team. Isn't that right?
- 29 A. Oh, yes, I did yes.
- 10:44:09 30 Q. 76 This is in the 1980s. I think at that stage it was Mr. Kieran O'Malley?

- 10:44:14 1 A. That's right.
- 2 Q. 77 He was retained by you in relation to the proposals to change the status of the
- 3 lands at Ballycullen?
- 4 A. Correct.
- 10:44:21 5 Q. 78 I think those efforts which you made Mr. Jones, were ultimately unsuccessful?
- 6 A. Totally.
- 7 Q. 79 Insofar as the 1983 plan was concerned?
- 8 A. Yes.
- 9 Q. 80 Although it did appear at some stage that there was some prospect of success.
- 10:44:34 10 But that fell away?
- 11 A. It did. They were zoned and dezoned.
- 12 Q. 81 And that was as a result of a direction I think that issued from a political
- 13 party close to the time of the confirming motion, is that right?
- 14 A. I'm not sure but it happened.
- 10:44:47 15 Q. 82 But certainly, at that period of time, in the mid, early 1980s, you were aware
- 16 of the necessity of getting the support of councillors in order to achieve a
- 17 change on the zoning status of your lands?
- 18 A. Correct.
- 19 Q. 83 Now, I think that while all of those events, those attempts were unsuccessful,
- 10:45:12 20 it would be fair to say that by the time you had come through that process, you
- 21 were aware of the necessity of seeking the support of all of the councillors,
- 22 if you wanted to get the lands rezoned?
- 23 A. Yes, three quarters of the councillors need to vote for rezoning.
- 24 Q. 84 For a material contravention?
- 10:45:28 25 A. Yes.
- 26 Q. 85 Right. But for a rezoning I think it was a simple majority.
- 27 A. Yes.
- 28 Q. 86 But you would have known all of this by the time you had come through your
- 29 first efforts?
- 10:45:38 30 A. I'd have known most of it.

10:45:39 1 Q. 87 Yes. And you also had in place a professional team to assist you in achieving
2 the change in the planning status?
3 A. That's right.
4 Q. 88 And would it be fair to describe that your efforts to change the planning
10:45:49 5 status was an ongoing project throughout the 1980s and the 1990s?
6 A. Correct.
7 Q. 89 That it was not something when you were unsuccessful you left it aside?
8 A. Correct.
9 Q. 90 You kept at it as it were, with your professional team?
10:46:01 10 A. Well I had to.
11 Q. 91 Yes. That is because you felt farming a pedigree herd that you had was no
12 longer a viable option on the lands at Ballycullen?
13 A. Absolutely.
14 Q. 92 Right. And it was too close to urban development?
10:46:15 15 A. Yes.
16 Q. 93 Now, would you outline to the Tribunal the circumstances in which you first met
17 Mr. Liam Lawlor and how you came to involve him in your affairs, as it were?
18 A. I would, indeed. I would have had a casual acquaintance with Liam Lawlor
19 because we had a similar business. And we didn't exchange business things or
10:46:36 20 anything but I would have known him from meeting him at various functions and
21 things. But then I was at a function in the Westbury Hotel, which was -- I
22 think it was run by Albert Reynolds. It was -- I think it was a 1,500 pounds
23 lunch fundraising thing. And Liam Lawlor came to my table to tell me that in
24 his view, I had no possibility of ever getting these lands zoned on my
10:47:08 25 reputation because I had no reputation at all as a developer. So, therefore,
26 anything I suggested they were dubious of.
27
28 His view was I needed a developer, partner, or advisor, to get me through this.
29 And in the course of time he introduced me to a well known developer, called
10:47:33 30 Joe Tiernan. And I met Mr. Tiernan, whom I knew, because I was president of

10:47:40 1 the federation, the Construction Federation, and Joe Tiernan was a very
2 prominent member of the council. So we were known to each other. And we
3 discussed the possibilities of development and Mr. Tiernan felt that the land
4 was right for development and that he would be interested in joining with me in
10:48:01 5 a joint venture. So we discussed that over a period of time and that we would
6 release the lands in tranches to him, at an agreed price, and go on until we
7 had exhausted the entire land bank.
8
9 Now, we went through all of that and agreed that it would be let out in 20 acre
10:48:22 10 tranches. And we would agree on the areas to be developed. But ultimately
11 when final agreement on the whole episode and the whole development, I said
12 that I wanted a substantial down payment to show that we were genuine about the
13 whole thing and that we just weren't waiting for the thing to happen, that he
14 would also assist in the rezoning. But -- I wouldn't say, we disagreed on the
10:48:54 15 down payment and we finished the negotiations, we just didn't continue. We
16 didn't agree.
17 Q. 94 You didn't agree with Mr. Tiernan in relation to the development of the -- or
18 the down payment price. And that matter I think that you never concluded any
19 agreement with Mr. Tiernan, isn't that right?
10:49:14 20 A. No, that's right.
21 Q. 95 But can you, first of all, in time, as best you can, tell the Tribunal when it
22 was that you were at this fundraising meeting in the Westbury at which you
23 first met Mr. Lawlor in connection with the lands?
24 A. I guess it was about '90 or '91, or thereabouts.
10:49:31 25 Q. 96 And prior to that were you aware of Mr. Lawlor having any involvement in
26 matters relating to you?
27 A. I had a very brief meeting with him earlier. But it didn't develop into
28 anything. I think it's recorded in the stuff there, Ms. Dillon.
29 Q. 97 Yes. It's in the documents Mr. Jones, that in 1988 Mr. Kieran O'Malley
10:49:51 30 certainly, who was then your consultant?

10:49:53 1 A. Yes.

2 Q. 98 Had contact with Mr. Lawlor?

3 A. Correct.

4 Q. 99 I think about meeting various people in connection with the lands, isn't that's

10:50:00 5 right?

6 A. That's right.

7 Q. 100 Were you aware of Mr. Lawlor's involvement at that time?

8 A. In my development?

9 Q. 101 Yes.

10:50:08 10 A. I was kind of, in a way. I was very positive over it. If you know that

11 Kieran O'Malley was doing a lot of things there that I wasn't aware of. That

12 was just part of his function.

13 Q. 102 Could I have page 1176.

14 There is a letter of the 22nd of January, 1988, from Kieran O'Malley to you

10:50:30 15 about Ballycullen. And in the third paragraph it says:

16

17 "Liam Lawlor makes the point and I can understand and agree with him, that as

18 he understands it, there's a definite drainage problem with the lands at

19 Ballycullen. He makes the observation that if this is so, he doesn't quite

10:50:44 20 understand how Mr. Prendergast, the planning manager, can simply accede to a

21 rezoning request as, of all factors, drainage seems to be the principal and

22 dominant detriment."

23 A. The situation there, Ms. Dillon, is there was no question about the drainage.

24 Mr. O'Donnell there is the City Chief Engineer. Because I knew from the day

10:51:07 25 the consultant who designed this drainage system, that it was clear of

26 development up into old Jobstown. It's a huge culvert, and the impact of our

27 drainage into it would absolutely make no impact on it and I was assured of

28 that. And the same as far as water was concerned, I was told that there was a

29 water problem. The water that's being used at the moment in that whole

10:51:35 30 development, it was never changed from what it was in the first of our

- 10:51:42 1 applications.
- 2 Q. 103 Yes. The reason I'm showing you the documents, Mr. Jones?
- 3 A. Yes.
- 4 Q. 104 Is to see if we can establish that Mr. Lawlor was involved with Mr. O'Malley
- 10:51:52 5 this with the Ballycullen lands as far back as 1988?
- 6 A. Correct.
- 7 Q. 105 And the documents -- and could I have 1174, please. This is a document from
- 8 Mr. Kieran O'Malley. It's dated the 9th of January. I think it's 1988.
- 9 And in that on the third line it says "LL" that's Liam Lawlor "has already
- 10:52:17 10 spoken with K O D", that's Mr. O'Donnell, the county engineer, "and has
- 11 arranged to meet him. Will he now go ahead with this meeting."
- 12
- 13 Now, I'm not suggesting you saw this meeting, Mr. Jones. And at 1175, please.
- 14
- 10:52:29 15 This is a telephone attendance to "phone Liam Lawlor or his secretary and say
- 16 that Kieran O'Malley was talking to Chris Jones a couple of days ago and he had
- 17 already been talking probably before Liam or Kieran O'Malley talked to him to
- 18 Sean Walsh."
- 19
- 10:52:45 20 Now, that appears to say, Mr. Jones, that there was contact passing between
- 21 yourself and Kieran O'Malley in which Mr. Lawlor was discussed or mentioned?
- 22 A. Yes.
- 23 Q. 106 So it would seem from these documents that certainly as far back as 1988 that
- 24 Mr. Lawlor was talking to your engineer. And he was talking to somebody in
- 10:53:05 25 the County Council or proposing talk to somebody in the County Council about
- 26 the Ballycullen lands?
- 27 A. Yes.
- 28 Q. 107 Would you accept that?
- 29 A. I would accept, yes.
- 10:53:12 30 Q. 108 Right. And I think that you kept in contact with Mr. O'Malley in connection

10:53:18 1 these lands, isn't that right?

2 A. As would appear at the time, yes.

3 Q. 109 Yes. And Mr. O'Malley has an entry in his diary for April 1988. At 1185.

4

10:53:32 5 And at 9 a.m. on the 19th of April there's a reference "L Lawlor" and beneath

6 that "Rathcoole products" beneath that "McEnerney" and beneath that "Jones

7 Ballycullen".

8 A. Yes.

9 Q. 110 That seems to suggest and I put it no higher than that, that's a list of

10:53:50 10 matters that Mr. O'Malley was going to discuss with Mr. Lawlor and one of them

11 was Jones Ballycullen?

12 A. It looks like that.

13 Q. 111 At that time Mr. Lawlor was a member of Dublin County Council, isn't that

14 right?

10:54:02 15 A. Yes.

16 Q. 112 He wasn't an official. He was an elected county councillor?

17 A. Correct, yes.

18 Q. 113 In 1991, Mr. Jones, you came to pay some money to Mr. Lawlor, isn't that right?

19 A. I'm not sure when the date was but I paid him some money, yes.

10:54:19 20 Q. 114 And you paid him through I think a company called Comex Trading?

21 A. Yes.

22 Q. 115 Would you outline to the Tribunal the circumstances in which you came to make

23 that payment to Mr. Lawlor?

24 A. Well, when Mr. Lawlor came to me we had several discussions. And then he

10:54:34 25 indicated that he wanted a donation for his election funds. And I think

26 according to the documents I gave him 5,000 pounds. And in the Comex invoice

27 he subsequently came to me and said that he wanted further donations. So I

28 said that I couldn't give him any more money insofar as donations were

29 concerned towards the party funds. But considering that he was giving me a

10:55:05 30 service, which he was, that I could give him a donation or a fee if he invoiced

10:55:13 1 me for it. And that was the 7,500. And the service that I believe he gave
2 me was he first and foremost, he advised me how I might go about getting proper
3 rezoning on the lands. Which obviously I hadn't been aware of, and secondly,
4 he brought Mr. Tiernan to me. And he very positively convinced me that
10:55:38 5 these -- that I should pursue where I was going because the lands were ideally
6 suitable for development. So I felt that was a service that I hadn't received
7 before and he was entitled to be paid for it.

8 Q. 116 He advised you as to how to get a proper zoning on the lands, is that correct?

9 A. Yes, that's correct.

10:55:58 10 Q. 117 What advice did he give you, Mr. Jones, about that?

11 A. Well the advice he gave me was that first and foremost, I'd have to get a
12 partner. That I had to get somebody with credibility, which I didn't have, in
13 regard to development. And it was clear that I was being turned down every
14 opportunity that I took. And he also brought Mr. Tiernan to me, who convinced
10:56:24 15 me that I should pursue it. Because I was getting very dubious about this
16 because we put forward the most attractive schemes of a mixed development,
17 which were all rejected. I couldn't make any sense of it.

18 Q. 118 Who did you feel -- sorry. Did Mr. Lawlor advise you as to with whom you
19 lacked credibility, was it with the officials of the Council or was it with the
10:56:47 20 councillors?

21 A. Well I think it was mainly with the planners. But the councillors were being,
22 they were being somewhat led about that as well. I think they were very
23 concerned about ultimately what was going to happen to the land. That I
24 wasn't a developer. And if I got it zoned that I'd sell it, which I was
10:57:07 25 totally against. And they didn't know then what kind or where the land would
26 go from there.

27 Q. 119 Now, I think to be fair to yourself, Mr. Jones, you've said a few minutes ago
28 to the Tribunal, that the first payment a that you made to Mr. Lawlor was a
29 payment of 5,000 pounds for an election contribution. Is that right?

10:57:26 30 A. That is my memory, yeah.

- 10:57:27 1 Q. 120 And the second payment that you made was the payment to the company?
- 2 A. That's right.
- 3 Q. 121 I think in fact it must be the other way around?
- 4 A. Well it could be, I'm not ...
- 10:57:34 5 Q. 122 Because the payments that you made to Mr. Lawlor directly were in late 1992?
- 6 A. Yes.
- 7 Q. 123 And I'll go through those with you. But the payment to Comex was in 1991.
- 8
- 9 Could I have 1465 -- sorry. 1463.
- 10:57:49 10 Now, this is the payment to Mr. Lawlor through Comex Trading. Do you see the
- 11 invoice that's on screen, Mr. Jones?
- 12 A. I do, yes, of course.
- 13 Q. 124 And that's addressed to the Jones Group at Beechill. And at the bottom of it,
- 14 it has a reference "paid 501130, the 30th of the 7th '91."
- 10:58:24 15 A. Yes.
- 16 Q. 125 Right. And I think in fact, that that was a cheque, a Ballycullen Farms
- 17 Limited cheque, 1466, please.
- 18 A. Yes.
- 19 Q. 126 That's the cheque stub in relation to the payment to Comex Trading. And
- 10:58:39 20 that's a Ballycullen Farms Limited cheque?
- 21 A. Correct.
- 22 Q. 127 Now, I think you said to the Tribunal a few minutes ago that because you had
- 23 already made a payment to him once?
- 24 A. Yes.
- 10:58:50 25 Q. 128 When he came the second time you said you'd need an invoice?
- 26 A. Correct.
- 27 Q. 129 Right.
- 28 A. For services that he had given me.
- 29 Q. 130 Yes. If you hadn't made any payment, as it appears to be the case, prior to
- 10:59:03 30 the Comex invoice, in other words, if you hadn't made any payment to Mr. Lawlor

10:59:08 1 before 1991?

2 A. Yes.

3 Q. 131 Why would you have sought or asked him for an invoice at that stage?

4 A. My recollection now is that I paid him the 5,000 before the Comex invoice.

10:59:22 5 Q. 132 That's still your recollection?

6 A. Yes.

7 Q. 133 Is it possible, Mr. Jones, that in fact what happened was you did pay him 5,000

8 pounds before the Comex invoice?

9 A. Yes.

10:59:32 10 Q. 134 And that after the Comex invoice in late '92 you made another two payments; one

11 of 3,000 and one of 2,000 to Mr. Lawlor?

12 A. I have no recollection of doing that.

13 Q. 135 All right. Well if we just establish the payments in November '92 first.

14

10:59:46 15 If we could have 3715 please.

16 And can I ask you, when you paid him the 5,000, was it your belief, Mr. Jones,

17 that it was a single payment of 5,000?

18 A. Yes.

19 Q. 136 Right. Can I -- If we just look now briefly at the November '92 sequence.

11:00:05 20 3715. This is a letter from you of the 16th of November '92 to Mr. Lawlor

21 "enclosed herewith a contribution towards the campaign expenses. It's going

22 to be tough going and the best of luck and thank you also for all of your good

23 advice." Do you see that?

24 A. Yes.

11:00:21 25 Q. 137 And you enclose with that a cheque for 2,000 pounds?

26 A. Yes.

27 Q. 138 At 3175, please.

28 A. If I

29 Q. 139 We'll just go through it Mr. Jones. There is the cheque dated the same day,

11:00:36 30 which the 16th of November, '92. And it's a cheque to Mr. Lawlor for 2,000

11:00:41 1 pounds drawn on your personal bank account.

2 A. Yes, I see it here.

3 Q. 140 I think subsequently on the 2nd of December, '92. 3714.

4 You wrote and you congratulated Mr. Lawlor on his success in being reelected

11:00:55 5 A. Yes.

6 Q. 141 And you told him "it was richly deserved and the best of luck in the next

7 session", do you see that?

8 A. Yes.

9 Q. 142 And you have already paid Mr. Lawlor 2,000 pounds as a contribution?

11:01:06 10 A. Uh-huh.

11 Q. 143 Isn't that right?

12 A. That's right, yes.

13 Q. 144 And the next thing that happens in the sequence is that on the 10th of

14 December, 1992, page 3713, please.

11:01:16 15 You send Mr. Lawlor another letter. "Dear Liam, enclosed herewith

16 contribution towards the election expenses. Congratulations on your

17 re-election."

18 A. Yes.

19 Q. 145 And enclosed with that at 3176 is a cheque for 3,000 pounds.

11:01:38 20 A. I have no recollection of those, Ms. Dillon.

21 Q. 146 No recollection?

22 A. None at all of those two now. I'm very clear about the first two.

23 Q. 147 Yes. Well what appears to have happened is that in late November early

24 December 1992 you sent a 2,000 pounds donation to Mr. Lawlor?

11:01:56 25 A. Yes.

26 Q. 148 You then wrote and congratulated him on his re-election and you sent him then

27 another payment of 3,000 pounds in early December?

28 A. Yes.

29 Q. 149 Now, they are the payments in 1992 with which the Tribunal has been furnished,

11:02:11 30 Mr. Jones, do you understand that?

- 11:02:12 1 A. Yes.
- 2 Q. 150 The Tribunal has not been given any single cheque payment for 5,000 pounds to
3 Mr. Lawlor, do you understand that?
- 4 A. I do, yes.
- 11:02:20 5 Q. 151 But it was your, as I understand your evidence, it's your belief that you did,
6 prior to making the Comex payment, make a single payment of 5,000 pounds to
7 Mr. Lawlor by way of single cheque, is that correct?
- 8 A. That's my belief, yes.
- 9
- 11:02:32 10 CHAIRMAN: Ms. Dillon is the date on that cheque not January?
11
- 12 MS. DILLON: No. No, I think that's December in fairness to -- It's the 10th
13 of December, 1992. 3176. I think that's "Dec".
14
- 11:02:51 15 CHAIRMAN: All right.
16
- 17 Q. 152 MS. DILLON: And do you believe, Mr. Jones, that when you paid Mr. Lawlor the
18 5,000 pound cheque, do you believe that that was a cheque from your personal
19 bank account?
- 11:03:01 20 A. I think it was, yes.
- 21 Q. 153 All right. And do you believe that that payment was made to Mr. Lawlor before
22 you paid him the Comex money in mid 1991?
- 23 A. I do, yes.
- 24 Q. 154 And do you believe that it was or can you assist, do you think it was in 1990
11:03:15 25 that you made that payment?
- 26 A. I wouldn't be sure about the dates, Ms. Dillon.
- 27 Q. 155 All right. Do you recollect that the cheque was a cheque to Mr. Liam Lawlor
28 or was it a cheque made out to cash do you think?
- 29 A. No, I would think it was a cheque made out to Liam Lawlor.
- 11:03:32 30 Q. 156 So it would have pay Liam Lawlor 5,000 pounds?

11:03:35 1 A. Correct. In fact, the confusion in my mind here is, normally paying any of
2 those people I paid them by their name not by cash. I think you'll come
3 across others like that.

4 Q. 157 Yes.

11:03:46 5 A. It wasn't my style or my way of doing it.

6 Q. 158 Okay. So can I summarise the position then, Mr. Jones?

7 A. All right.

8 Q. 159 It's your belief that you paid Mr. Liam Lawlor 5,000 pounds some time before
9 early or mid 1991?

11:04:00 10 A. Yes.

11 Q. 160 That you paid him by way of a single cheque drawn on your personal bank
12 account?

13 A. Yes.

14 Q. 161 You then paid him in 1991 in July of 1991, 7,500 pounds by way of cheque drawn
11:04:12 15 on Ballycullen Farms Limited and payable to Comex Trading corporation?

16 A. Correct.

17 Q. 162 You then in late 1992 though you don't recollect it, made two separate payments
18 to Mr. Lawlor of 2,000 and 3,000 pounds, is that correct?

19 A. That's correct, yes.

11:04:28 20 Q. 163 Now, insofar as the payment of the 2,000 and 3,000 pounds that we've seen are
21 concerned, they appear to be election contributions made by you, isn't that
22 right?

23 A. Yes.

24 Q. 164 Right. Now, insofar as the Comex Trading corporation payment is concerned.
11:04:43 25 You say that you were paying him for the advice that he gave you?

26 A. Correct.

27 Q. 165 Is that right?

28 A. Yes.

29 Q. 166 So that's not an election contribution, is that right?

11:04:51 30 A. No.

- 11:04:51 1 Q. 167 So you were treating Mr. Lawlor like a consultant effectively?
- 2 A. Absolutely.
- 3 Q. 168 Right. And I think it must follow, because Mr. Lawlor had been involved in
- 4 your affairs since '88, does it follow that the payment of 5,000 pounds to
- 11:05:06 5 Mr. Lawlor, was that a payment for a professional payment or was that an
- 6 election contribution can you remember?
- 7 A. No. No, I think, Ms. Dillon, there's confusion here insofar as the cheques.
- 8 The 3,000 and the 2,000 amounted to 5,000 and there is no 5,000 pounds cheques.
- 9 Maybe I paid the 5,000 in two tranches, I don't know. But I'm pretty
- 11:05:30 10 convinced that I only paid him the two payments, 5,000 and the seven and a
- 11 half.
- 12 Q. 169 The 5,000 and seven and a half?
- 13 A. Correct.
- 14 Q. 170 But it's your belief that the 5,000 was paid before the seven and a half?
- 11:05:43 15 A. It is, yes.
- 16 Q. 171 Yeah. Now, did you ever discuss with Mr. Lawlor or say to Mr. Lawlor when he
- 17 came to you for the second payment , that you know, look you're a county
- 18 councillor, you are providing services as an elected representative, you don't
- 19 need to be paid for any of this?
- 11:06:04 20 A. No, I never discussed it in that sort of mode anyway. But I think the seven
- 21 and a half was a sort of a reduction on what he asked me for. It's an odd sum
- 22 of money, I suspect he might have asked me for more and I compromised with the
- 23 seven and a half.
- 24 Q. 172 So that you negotiated with Mr. Lawlor for a smaller sum?
- 11:06:26 25 A. I think so, yes.
- 26 Q. 173 Do you have any idea what Mr. Lawlor would have looked for?
- 27 A. I wouldn't really, no. It's the sum looks odd to me seven and a half isn't
- 28 sort of the fee that you'd get. It's five or ten or something.
- 29 Q. 174 Was it your normal practice when you were writing cheques, Mr. Jones, on your
- 11:06:56 30 personal bank account to identify the payee of the cheque?

- 11:06:59 1 A. Yes.
- 2 Q. 175 And would it be unusual for you to write cheques made to cash when you knew the
3 person who was going to get -- opposed to say writing a cheque where you were
4 cashing it yourself?
- 11:07:09 5 A. I would use cash for payments being made to, say, weekly payments to myself.
- 6 Q. 176 Right.
- 7 A. And my driver would cash them and he'd endorse them Tom Murphy. So I think in
8 the course of searching you'll find a number of cash, payable to cash. But
9 not to outside individuals. Very rarely would I do it.
- 11:07:34 10 Q. 177 The cheques to Mr. Murphy, are you saying that those cheques would normally be
11 cashed and then you would spend the proceeds?
- 12 A. Yes, they'd be weekly or fortnightly cash.
- 13 Q. 178 But you'd have that money available to you?
- 14 A. Through my current account, yes.
- 11:07:51 15 Q. 179 No, what I'm saying to you is when you wrote the cheque to Mr. Murphy and the
16 cheque is cashed, does Mr. Murphy give you the cash?
- 17 A. Yes.
- 18 Q. 180 That's right. And you have that available to you then, isn't that right?
- 19 A. Correct.
- 11:08:02 20 Q. 181 Did you ever pay Mr. Lawlor in cash?
- 21 A. I don't think so.
- 22 Q. 182 Did Mr. Lawlor ever ask you for cash?
- 23 A. I don't think he did, no.
- 24 Q. 183 Did you feel that the service that Mr. Lawlor provided to you which was
11:08:15 25 advising you to get in a development partner because you lacked credibility was
26 advice that was worth 7,500 pounds?
- 27 A. Well that and the assessment that he made of the land for me. He convinced me
28 of any doubts that I had about the possible viability of getting the land
29 rezoned. That was valuable land.
- 11:08:38 30 Q. 184 And did Mr. Lawlor give you any advice at all about how you'd go about

11:08:43 1 achieving the rezoning of lands?

2 A. Well in so far as he advised me to get the partner. That I wouldn't succeed

3 on my own, which was fairly obvious that I wasn't succeeding.

4 Q. 185 Now, did Mr. Lawlor have any involvement in advising you to bring in Mr. Frank

11:09:00 5 Dunlop as a person to assist you in relation to the rezoning?

6 A. I don't recollect that he had.

7 Q. 186 I think Mr. Dunlop has told the Tribunal but he has put it no higher than he

8 had a belief that you, that he was brought in to the equation, as it were,

9 probably he thought on the advice of Mr. Lawlor. Do you recollect ever

11:09:20 10 discussing anything to do with Mr. Dunlop with Mr. Lawlor?

11 A. I don't, no.

12 Q. 187 I think that there is one further payment to Mr. Lawlor, at 2013, please.

13 And this is a fundraising payment I think to Mr. Lawlor of 300 pounds.

14 A. Yes.

11:09:45 15 Q. 188 Its on the screen beside you, Mr. Jones. I think that's your signature. And

16 you sent him a letter saying that you couldn't attend at the Royal Hospital but

17 you provided a cheque for 300 pounds.

18 A. Yes, that's all right.

19 Q. 189 And you had no difficulty with providing that cheque made out to Mr. Liam

11:10:02 20 Lawlor TD?

21 A. No.

22 Q. 190 Why did you want an invoice from him in relation to Comex or any invoice from

23 him?

24 A. Well I thought he was, the donation for his status in the whole electoral scene

11:10:20 25 at whatever 12 and a half was getting a bit excessive. And he had given me

26 advice, I mean, there was no question or doubt about that.

27 Q. 191 I want to put to you what your document that you furnished initially to

28 Mr. Lawlor, which also has been furnished to the Tribunal, Mr. Jones in,

29 relation to this matter.

11:10:41 30

11:10:41 1 Page 708, please.

2 Now, I think that what happened reading to you writing this letter,. Is that

3 the Tribunal had instituted proceedings against Mr. Lawlor. And you had been

4 identified as a person who might have received an invoice and Mr. Lawlor had

11:10:59 5 written to you looking for any documents in relation to payments that might

6 have been made, isn't that right?

7 A. Yes.

8 Q. 192 And this was your response in September 2001. And you say "Dear Mr. Lawlor, I

9 wish to reply personally to your letter dated 21st of August, 2001, with

11:11:17 10 enclosures addressed to Jones Engineering Limited, the company. In it you

11 refer to correspondence and to the company by Brian Delahunt solicitor in

12 December 2000. Having made appropriate internal inquiries I can state that no

13 such correspondence was received by Jones Engineering Limited or me. For the

14 sake of good order you might forward me copies of the correspondence in

11:11:36 15 December 2002 which you refer.

16

17 As requested, I set out below the details of two payments made to you during

18 the period June 1977 up to the present time. The first by me personally and

19 the second by Ballycullen Farms Limited. For completeness, I wish to state

11:11:54 20 and confirm that apart from the two payments referred to below, no other

21 payments have ever been made to you either by me personally or any other person

22 on behalf of Ballycullen Farms Limited or the company.

23

24 My recollection is that in 1990/1991 you were providing consultancy advice to

11:12:07 25 Ballycullen Farms Limited on the rezoning of lands at Ballycullen, Knocklyon,

26 County Dublin. Ballycullen Farms Limited being a company, the shares of which

27 were at all times substantially beneficially owned by myself since the lands

28 were acquired 1963 in the name of Ballycullen Farms Limited and worked between

29 then and 1996 as a farm. In response to a verbal request by you either in

11:12:28 30 late 1990 or early 1991, I made a personal contribution of 5,000 pounds by

11:12:32 1 cheque as I recollect to your political fund."
2 And that is what you recollect as the first payment Mr. Jones, is that right?
3 A. It is, yes.
4 Q. 193 Yes. I continue quoting "subsequently, you made a request for a further
11:12:45 5 payment of 7,500 pounds. And at my request you furnished an invoice dated
6 29th of July, 1991, in the name of Comex Trading Corporation in the sum of
7 7,500 pounds which invoice was in error address to the Jones Group. I enclose
8 a copy of the invoice. Neither the Jones Group nor any of its subsidiaries or
9 associated companies had anything to do with these transactions. I arranged
11:13:09 10 for that 7,500 payment to you to be paid by Ballycullen Farms Limited being the
11 company to whom you were providing the consultancy advice by cheque No. 501130
12 for 7,500 pounds drawn on the Rathgar branch of Allied Irish Banks in favour of
13 Comex Trading Corporation and issued to you on the 30th of July 1991".
14
11:13:29 15 Is that correct?
16 A. Correct, yes.
17 Q. 194 Now, I think if I can summarise your position in relation to Mr. Lawlor then,
18 Mr. Jones, as being the following. You believed that you had made a single
19 payment of 5,000 pounds to Mr. Lawlor?
11:13:41 20 A. Yes.
21 Q. 195 You believed that that payment took place before the Comex Trading payment?
22 A. Correct.
23 Q. 196 You do not recollect making two separate payments of 3,000 and 2,000 in
24 November/December 1992, but you accept that that is so?
11:13:53 25 A. I do, yes.
26 Q. 197 Yes. You do not believe that Mr. Lawlor was instrumental in introducing to
27 you Mr. Dunlop?
28 A. I don't think so.
29 Q. 198 All right. Now, would you outline to the Tribunal the circumstances in which
11:14:03 30 you came to retain Mr. Dunlop?

- 11:14:06 1 A. Yes. I don't know who introduced me to Mr. Dunlop but he came with a very
2 high reputation as a PR consultant. And that's what we employed. And our
3 difficulty was again when I was confronted with the final throw of trying to
4 get these lands into a zoned position, that there was 76 councillors to be
11:14:34 5 spoken to. They were based from Balbriggan to Shankill. And I couldn't see
6 any possibility of my contacting all of them. And my advice was that if you
7 didn't speak to them, councillors wouldn't vote for you. They needed to be
8 asked for the vote. So to that end I employed Frank Dunlop who was very au
9 fait with all of this procedure and the strategic planning procedure. So he
11:15:04 10 had a lot to bring to the table, as far as I was concerned. And that's why I
11 employed him.
- 12 Q. 199 Did you know Mr. Dunlop to be a successful lobbyist in terms of planning
13 matters in particular?
- 14 A. Well I knew him to be a successful lobbyist. I wasn't all that sure about
11:15:22 15 what his role was in planning. But he assured me that he had contacts, daily
16 contacts with councillors from all over Dublin. And that he would be well
17 capable of approaching them with a view to getting them to support our vote.
- 18 Q. 200 When you first met Mr. Dunlop, a meeting obviously was set up, Mr. Jones.
- 19 A. That's correct.
- 11:15:43 20 Q. 201 When you met Mr. Dunlop. And you were to agree terms, at that meeting you
21 must have had a discussion with Mr. Dunlop about, in other words, you must have
22 told Mr. Dunlop what you wanted to achieve?
- 23 A. Correct.
- 24 Q. 202 And what you wanted to achieve was the rezoning of the Ballycullen lands?
- 11:15:58 25 A. That was it.
- 26 Q. 203 And therefore, there must have been a discussion between yourself and Mr.
27 Dunlop as to how you were going to set about achieving this?
- 28 A. Correct.
- 29 Q. 204 What did Mr. Dunlop tell you that he could do that would help you get the
11:16:10 30 Ballycullen lands rezoned?

11:16:11 1 A. Well he told me that he had almost daily contact with the councillors. And
2 that he would have no difficulty in approaching them. And asking or seeking
3 their vote to support our rezoning. And he also said that he had quite
4 experience of a strategic procedure to set it up, to support the lobby, which
11:16:37 5 he did. Because we also lobbied the local committees, I mean, there was
6 committees based on the local areas and we spoke to all of those, including
7 Mary Muldoon. And we never made any comments to Mary Muldoon about our, we
8 might have said at least or told us from the start that you weren't prepared
9 support. I never made any comments about other councillors, because I
11:17:08 10 wouldn't do it. She said I did but I didn't.

11 Q. 205 I'll come to deal with Ms. Muldoon. But while we're on the topic, I think
12 Ms. Muldoon from memory says you asked to shake her hand and says she was the
13 only honest councillor that you met?

14 A. I'm sure I shook her hand. I certainly would have never have referred to any
11:17:28 15 set of councillors as being dishonest, because they weren't.

16
17 MR. COLLINS: Sorry, I don't think the witness, Councillor Muldoon, former
18 Councillor Muldoon, said that Mr. Jones said she was the only honest councillor
19 he had met.

11:17:38 20
21 CHAIRMAN: No. I think she said it was good to see you
22

23 Q. 206 MS. DILLON: Fair enough. I mean, I was paraphrasing, I think I had made
24 that clear. I'll put the actual extract from the transcript.

11:17:50 25 A. I refute that absolutely. And I certainly did not. Ms. Muldoon I sat in her
26 home nearly a whole Saturday with her, in friendly terms, but not a reflection
27 on the other councillors.

28 Q. 207 Can I ask you what you understood Mr. Dunlop's strategic procedure to be?

29 A. Well, first of and foremost, I had got the impression that he was constantly in
11:18:17 30 touch with councillors. And that this was, it wasn't an extraordinary

11:18:21 1 operation as far as he was concerned because it was part of a routine that he
2 was partaking in. Because he was lobiest for an awful lot of people,
3 including me.

4 Q. 208 Did he tell you at that meeting or subsequently that he was heavily involved in
11:18:35 5 the Development Plan in lobbying for people other than yourself?

6 A. No, he didn't, Ms. Dillon, no. But I knew he was. I mean, I could see it
7 from the names that he was referring to in the course of our discussions about
8 the rezoning that he had a lot of people on board.

9 Q. 209 And when you say he had a lot of people on board, were they a lot of developers
11:18:58 10 or landowners or were they a lot of councillors?

11 A. I would say that they were a lot of developers.

12 Q. 210 Did he mention developers to you by name?

13 A. Yes.

14 Q. 211 And did he use those names by way of illustration of what he was involved in
11:19:11 15 doing?

16 A. More or less I'd say, yes.

17 Q. 212 And did you get an impression from Mr. Dunlop or did you understand from your
18 meeting with Mr. Dunlop that he was vastly experienced in the this whole
19 rezoning area?

11:19:22 20 A. Well, I don't know about his experience. The plan was only sort of on the --
21 But I got the impression that he was very competent in what he was doing.

22 Q. 213 And were you satisfied ultimately with the over all job that was achieved in
23 relation to the Ballycullen lands?

24 A. I was. But I have to make a point here.

11:19:41 25 Q. 214 Uh-huh.

26 A. That during Mr. Dunlop's campaign, what we did was we searched in getting the
27 lands zoned at I think four houses to the acre, which would be utterly useless
28 as a development proposition. So ultimately it arose through contacts with
29 the planners and the councillors. That there was a serious shortage of
11:20:06 30 sporting land. There was something like 80 teams of various varieties,

11:20:13 1 soccer, rugby, GAA, and they had no accommodation for it. And there was a
2 plot of land right beside ours which the rumour was or the talk was that it was
3 going to -- it was to provide 90 local authority housing. So I knew from the
4 councillors that I was in touch with, that that would be a serious
11:20:44 5 embarrassment to them if it occurred where they bought expensive houses. So I
6 had some contact with the manager. And I told him that I thought I could
7 relieve him of that embarrassment by buying that plot of land. And adding 11
8 acres of our own land to it. It was roughly 17 acres of land. That you would
9 then seek to the local games people for playing fields, which is what we did.
11:21:20 10 And the manager asked me what would I pay for this land. And I started him
11 off with a sum of money of like, say, 500,000. And ultimately paid a million
12 for it. So instead I had no playing fields. They had roughly 11 and about
13 16 or 17 acres, which is magnificent. So that was ultimately how we got the
14 land through material contravention.
11:21:54 15 Q. 215 In 1996.
16 A. Whenever it was, yes. Now, that was passed, as you probably know from your
17 records, by almost complete council vote. There were only two dissenters of
18 it. 24 or 26.
19 Q. 216 Yes. I'm going to come to deal with the material contravention, Mr. Jones.
11:22:08 20 But I was going to try and deal with it in order of time?
21 A. All right, thank you.
22 Q. 217 And maybe deal with the initial rezoning in which Mr. Dunlop was involved
23 first?
24 A. Heavily involved, yes.
11:22:17 25 Q. 218 In 1992 and 1993?
26 A. Yes.
27 Q. 219 You don't dispute the level of contact between yourself and Mr. Dunlop, isn't
28 that right?
29 A. I don't?
11:22:26 30 Q. 220 Dispute the amount of contact you had with Mr. Dunlop about the project?

- 11:22:30 1 A. Yes. I didn't have a lot of contact.
- 2 Q. 221 You did or you didn't.
- 3 A. Didn't.
- 4 Q. 222 You didn't have a lot of contact with Mr. Dunlop?
- 11:22:38 5 A. No.
- 6 Q. 223 No. But you don't dispute the entries in Mr. Dunlop's diary or his telephone
7 records about the level of contact that you have, isn't that's right?
- 8 A. Oh, no.
- 9 Q. 224 Is it the position that the only project that you had in being with Mr. Dunlop
11:22:52 10 was the Ballycullen Farm lands?
- 11 A. Yes, and we had a slight contact with him we won a world championship
12 apprentice award. And he did a public relations thing for us on it. We gave
13 a reception and thing for the young fella to recognise his award. And he
14 dealt with that and that was it. It might have been a day's operation or
11:23:13 15 something for it.
- 16 Q. 225 But the main project that you had with Mr. Dunlop was the rezoning of the
17 Ballycullen lands and then at a later stage the regularisation of the position
18 in relation to Beechill, the head office at Beechill, isn't that's right?
- 19 A. That's right.
- 11:23:28 20 Q. 226 When you initially retained Mr. Dunlop it was not in connection with Beechill,
21 is that right?
- 22 A. That's right.
- 23 Q. 227 It was in connection with the rezoning of the Ballycullen Farm lands?
- 24 A. Totally, yes.
- 11:23:38 25 Q. 228 That wasn't a matter related to the zones group at all, isn't that right?
- 26 A. No, the Jones Group had no involvement in Ballycullen, either financially or
27 otherwise.
- 28 Q. 229 So the job specification as it were between yourself and Mr. Dunlop was to
29 achieve a rezoning on those lands?
- 11:23:52 30 A. Correct.

11:23:52 1 Q. 230 And ultimately, in 1992 a 60 acres of the lands, in fact all of the lands were
2 rezoned, but 60 acres of them were rezoned A1 residential, isn't that right?
3 A. That's correct.
4 Q. 231 And that was subsequently confirmed in October 1993?
11:24:09 5 A. Then there was a difficulty arose, Ms. Dillon, insofar as when the land zoned
6 was remeasured it actually, the planners had rezoned 70 acres.
7 Q. 232 The planners had made a mistake?
8 A. Yes.
9 Q. 233 Isn't that right? Or a mistake had happened. I can't say it was the
11:24:27 10 planners?
11 A. I don't know.
12 Q. 234 But an error had happened. And more land had actually been rezoned
13 residential than the written motion had provided for?
14 A. Correct. Yes.
11:24:36 15 Q. 235 Right. And that was one of the factors that led to initiation of communication
16 between yourself and Mr. Fitzgerald, the manager?
17 A. Correct.
18 Q. 236 And that all took place or started in 1994 and ended in 1996?
19 A. Yes.
11:24:47 20 Q. 237 When the material contravention was passed?
21 A. Correct.
22 Q. 238 But if -- we'll try and stay now between the events that happened between the
23 time you retained Mr. Dunlop in February 1991 to October 1993 when the lands
24 were confirmed --.
11:25:00 25
26 MR. COLLINS: This might be a convenient time for a break.
27
28 MS. DILLON: I was about to say that, yes.
29
11:25:05 30 CHAIRMAN: We will break for about 15 minutes.

11:25:07 1 A. Thank you, Chairman.

2

3

THE TRIBUNAL THEN ADJOURNED FOR A SHORT BREAK

4

AND RESUMED AS FOLLOWS:

11:25:26 5

6 MS. DILLON: Just before the break, Mr. Jones, I was going to ask you, what
7 you thought Mr. Dunlop was going to do for you in order to achieve the
8 rezoning?

9 A. Well, I thought he was going to draw up a strategic plan about what we'd -- how
10 I'd go at it, which he did. And that he would lobby the councillors on my
11 behalf.

12 Q. 239 Did you --

13 A. Which he did.

14 Q. 240 Sorry, Mr. Jones. Did you understand Mr. Dunlop's primary function to
15 interact on your behalf with the councillors?

11:48:35

16 A. Yes.

17 Q. 241 Did Mr. Dunlop ever discuss with you the fact that he was going to pay
18 councillors or that in his opinion councillors would have to be paid for
19 support?

11:48:45

20 A. Never. Absolutely never!

21 Q. 242 Mr. Dunlop has told the Tribunal, he has told the Tribunal a number of things.
22 By he has told the Tribunal that he had a conversation with you in which he
23 said to you "that the ways of the world would have to apply." And that you
24 agreed with that, do you recollect any such conversation?

11:49:04

25 A. Never heard that comment in my life from anybody.

26 Q. 243 Including Mr. Dunlop?

27 A. Including, Mr. Dunlop.

28 Q. 244 And it's your position, is it, that no such conversation took place between Mr.
29 Dunlop and yourself?

11:49:18

30 A. No, nor with anybody else either.

- 11:49:18 1 Q. 245 And did Mr. Dunlop ever discuss making payments to councillors with you?
- 2 A. No.
- 3 Q. 246 Well, to be fair to yourself. I think on one occasion there was a discussion
- 4 in connection the late Mr. Tom Hand, isn't that right?
- 11:49:30 5 A. There was, Mr. Hand, yes.
- 6 Q. 247 I'll come to deal with Mr. Hand in a moment. But leaving aside Mr. Hand for
- 7 the moment. Did Mr. Dunlop ever discuss with you the fact that councillors
- 8 were going to have to be paid to secure their support?
- 9 A. No but he indicated that the elections which were on around the time of our
- 11:49:47 10 zoning, that he would have to make donations to some of these councillors as
- 11 political donations.
- 12 Q. 248 Can you remember -- So the election took place I think in June of 1991?
- 13 A. That's right, yes.
- 14 Q. 249 And you must have had that conversation with Mr. Dunlop before that, isn't that
- 11:50:04 15 right?
- 16 A. I would think, so, yes.
- 17 Q. 250 And I think your first contact with Mr. Dunlop, from the documentation, appears
- 18 to be February of 1991, isn't that right?
- 19 A. That's correct.
- 11:50:13 20 Q. 251 So some time between February and June of 1991, you had a conversation with Mr.
- 21 Dunlop or a meeting with Mr. Dunlop, in which Mr. Dunlop discussed making
- 22 political contributions to councillors. Is that right?
- 23 A. Yes. We didn't go into any detail on that, Ms. Dillon. He made comments
- 24 regarding donations, but I mean, I didn't see anything wrong with that.
- 11:50:37 25 Q. 252 What did Mr. Dunlop say, can you remember, Mr. Jones?
- 26 A. Well that these elections were on the way and he said that we had to make
- 27 political donations, which I had to make as well.
- 28 Q. 253 When you say you had to make political donations, was that for the Local
- 29 Election in 1991?
- 11:50:53 30 A. Yes. There was a General Election some time fairly soon afterwards.

11:50:57 1 Q. 254 Yes, I think that was November 1992?
2 A. '92 yes. I'm not very certain about the dates but ...
3 Q. 255 Well the Local Election was I think June of 1991?
4 A. Yes.
11:51:09 5 Q. 256 Before the Local Elections, Mr. Dunlop said to you that he was going to have to
6 make payments to the councillors for the Local Elections; isn't that right?
7 A. Donations.
8 Q. 257 Donations. And did you say to him that you too were going to have to make
9 donations?
11:51:25 10 A. I don't think so.
11 Q. 258 I thought you said a moment ago that you said to him that you'd have to make
12 donations as well?
13 A. Well no. I'm saying to you that I also had to make donations.
14 Q. 259 You didn't say that to will Mr. Dunlop?
11:51:35 15 A. I may well have done.
16 Q. 260 Well was it the position that you made donations for the elections in June of
17 1991?
18 A. That I made them?
19 Q. 261 Yes.
11:51:45 20 A. Yes.
21 Q. 262 Okay. Can you remember what donations you made for the Local Elections in
22 June of 1991?
23 A. I don't remember but I know that they are all recorded.
24 Q. 263 Are you talking about the schedule that was prepared?
11:51:56 25 A. Yes.
26 Q. 264 Mr. Jones?
27 A. Yes.
28 Q. 265 All right. I think that there are very few payments that are identified as
29 having been made in 1991 on that schedule?
11:52:08 30 A. Well I'm -- I don't know when donations. But I know that we contributed both

11:52:14 1 the by-elections. Or sorry the Local Elections and the General Election.

2 Q. 266 Yes. I think that you made a payment to the Fianna Fail party in connection

3 with the Local Elections in 1991. I'll show you the document.

4

11:52:32 5 JUDGE FAHERTY: 701, I think. 700.

6

7 Q. 267 MS. DILLON: Sorry. Can I have 3720, please.

8 This is a letter Mr. Jones, in the 19th of June, 1991. Addressed to

9 Mr. Charles Haughey enclosing a contribution towards the Local Elections and to

11:53:03 10 wish the party good luck in those elections, do you see that?

11 A. I do, yes.

12 Q. 268 That was in the sum of 1,000 pounds. It's very faint on the screen. But I

13 think it's a personal cheque from you in the sum of 1,000 pounds?

14 A. I remember that, yes.

11:53:16 15 Q. 269 I think that was as a result of a letter or request for support you got from

16 the Fianna Fail party?

17 A. Yes.

18 Q. 270 And that request for support from the --

19 A. I tell you, I think that was from Mr. Haughey.

11:53:24 20 Q. 271 Yes. Now in, addition to that payment in June of 1991 for the Local

21 Elections, do you say that you also made payments to councillors individually

22 for the 1991 Local Elections?

23 A. I'm sure I did, yes.

24 Q. 272 Well, if we look then at the schedule.

11:53:47 25

26 CHAIRMAN: Sorry, Ms. Dillon. Could I just ask, Mr. Jones, just before you

27 leave the subject. You said that Mr. Dunlop had indicated to you that you had

28 to make donations.

29 A. Well he didn't say that I had to.

11:54:06 30 CHAIRMAN: What did he say?

11:54:06 1
2 MR. COLLINS: The witness did not give that evidence.
3
4 JUDGE FAHERTY: He said that we'd have to make donations.
11:54:10 5
6 MR. COLLINS: No, he didn't say to Mr. Jones, he Mr. Jones, would have to make
7 donations. That isn't what the witness said.
8
9 CHAIRMAN: Can we just go back.
11:54:49 10
11 MS. DILLON: I think it's at 11:43:32, is the time.
12
13 JUDGE FAHERTY: Yes.
14
11:55:09 15 MS. DILLON: The question and answer is:
16 "Q: So some time between February and June of 1991 you had a conversation with
17 Mr. Dunlop or a meeting with Mr. Dunlop in which Mr. Dunlop discussed making
18 political contributions to councillors, isn't that's right?
19 A: Yes. We didn't go into any details on that, Ms. Dillon. He made
11:55:26 20 comments regarding donations. I didn't see anything wrong with that."
21
22 CHAIRMAN: And then I think ...
23
24 MS. DILLON: And then he goes on to say the question is:
11:55:37 25 "What did Mr. Dunlop say can you remember Mr. Jones?
26 A: Well that these elections were on the way that we had to make political
27 donations which I had to as well."
28
29 JUDGE FAHERTY: Yes, that's the comment.
11:55:49 30 MS. DILLON: That's the transcript.

11:55:50 1
2 CHAIRMAN: Do you remember saying that, Mr. Jones?
3 A. I think I do, Chairman, yes.
4
11:55:55 5 CHAIRMAN: And that was advice, that was based on advice, you say, you were
6 getting from Mr. Dunlop?
7 A. Well, no, I'm not saying that. I'm saying that apart from Mr. Dunlop saying
8 that he was going to make donations that I felt that I was also in a position
9 where I should make donations.
11:56:12 10
11 CHAIRMAN: And donations for what purpose?
12 A. For their election expenses.
13
14 CHAIRMAN: But this was being said to you by Mr. Dunlop in circumstances where
11:56:23 15 he was advising you as to what should be done or what needed to be done in
16 relation to organising the rezoning?
17 A. Well, what he was saying was what he was going to do. That he would be making
18 donations. But follow on from, I agree with that yet here at the Tribunal, I
19 also felt that I should make donations to the people that I knew myself.
11:56:47 20
21 CHAIRMAN: But is that, and you can correct me if I'm wrong. Is that in
22 effect the same as saying that if I wasn't going to make, if I wasn't prepared
23 to make donations, I wouldn't get anywhere with the rezoning?
24 A. Well, no, I wouldn't think that at all. In fact, the rezoning wasn't an issue
11:57:09 25 at that juncture. I mean, I was merely having met Mr. Dunlop. We were
26 really talking about the elections we weren't really talking about the zoning.
27
28 CHAIRMAN: But you didn't see this as a suggestion that unless you made
29 donations you weren't going to make any progress?
11:57:29 30 A. I didn't really, no.

11:57:31 1
2 CHAIRMAN: All right.
3
4 CHAIRMAN: Sorry, Ms. Dillon.
11:57:36 5 A. We always make donations anyway at these times, Local and General Elections.
6 And are still making them.
7
8 MS. DILLON: If we look at the, first of all, if we look at document 1095,
9 please.
11:57:54 10 And this is a schedule Mr. Jones, of the elections.
11 A. Correct.
12 Q. 273 And you will have seen that document in the documentation that's been furnished
13 to you.
14 And the first matter that I'll draw to your attention is in relation to the
11:58:11 15 Dail elections. There's an election in 1989. Then there is another election
16 in 1992.
17 A. Yes.
18 Q. 274 And then if you move down to deal with the Local Elections, you will see that
19 there's an election in 1991, which is called on the 21st of May and which takes
11:58:27 20 place on the 27th of June?
21 A. Yes.
22 Q. 275 Now, if we look at the -- you prepared for the assistance of the Tribunal a
23 schedule of payments that included professional fees incurred in relation to
24 Ballycullen, political donations and payments to Mr. Dunlop, is that right?
11:58:47 25 A. Sorry?
26 Q. 276 It's not on screen, Mr. Jones. You remember the schedule that you prepared
27 that you attached to your statement that you gave the Tribunal in 2003?
28 A. Yes.
29 Q. 277 Now, on page 700, first of all, please.
11:59:01 30 Do you remember this schedule?

11:59:07 1 A. I do, yes.

2 Q. 278 Right. And there are four pages to that schedule. We are going to
3 concentrate on page 702 for the moment, please.

4 A. Okay.

11:59:29 5

6 JUDGE FAHERTY: Have you a hard copy?

7

8 Q. 279 MS. DILLON: We'll give you a hard copy of the schedule, Mr. Jones.

9 A. Thank you.

11:59:37 10 Q. 280 And I want to remind you of what you said in your statement when you provided
11 this schedule initially, at page 697.

12

13 You said at paragraph 56 "Throughout my business career I have made and
14 continued to make personal and corporate contributions to political parties and
11:59:58 15 to politicians public representatives. Many of these -- page 698, please --
16 were made over the extended period while I endeavoured, as described above, to
17 secure the rezoning of the Ballycullen lands.

18

19 Subscriptions were made at times in response to requests. And I also made a
12:00:13 20 number of donations to community and charitable organisations with which a
21 local councillor may have been associated in their particular area. More
22 generally, however, the subscriptions were for expenses for local or General
23 Elections. I enclose at appendix A, a schedule setting out the subscriptions
24 made by me or on my behalf. They were made normally by cheque through BFL.

12:00:35 25 At times the cash situation in BFL was such that I had to pay them out of my
26 personal funds. Oliver and Frank Brooks made a number of subscriptions which
27 are included in the schedule and either BFL or I reimbursed Oliver or Frank in
28 respect of the subscriptions they made."

29

12:00:51 30 That was a statement you made on the 7th of November, 2003, isn't that right?

- 12:00:55 1 A. Correct.
- 2 Q. 281 And the schedule that you refer to there at appendix A is the document we
- 3 looked at on screen a minute ago and a copy of which you have just been given a
- 4 hard copy?
- 12:01:04 5 A. Yes.
- 6 Q. 282 And in that document, page 702, which is the third page of the document, there
- 7 are a number of -- there are a number of payments that are described as Local
- 8 Election donations, at the bottom of the page. Commencing with S Brock and
- 9 for 1992 ending with GV Wright?
- 12:01:26 10 A. Yes.
- 11 Q. 283 Do you see those, Mr. Jones?
- 12 A. I do, yes.
- 13 Q. 284 Now, if we go through those one by one. And if we start with Mr. Brock. You
- 14 will see the date that's beside the payment to Mr. Brock is the 31st of
- 12:01:41 15 December, 1992, do you see that?
- 16 A. I do, yes.
- 17 Q. 285 And the amount of the payment to Mr. Brock is 250 pounds and it's described as
- 18 Local Election donation, do you see that?
- 19 A. Yes.
- 12:01:51 20 Q. 286 Now, the Local Elections as we've seen from the document at page 1095 took
- 21 place on the -- called on the 21st of May, 1991 and took place on the 27th of
- 22 June, 1991.
- 23 A. Correct.
- 24 Q. 287 Right. But are you saying then that you made a payment to Mr. Brock in 1992
- 12:02:10 25 that related to the Local Election of 1991?
- 26 A. Yes.
- 27 Q. 288 Can you outline to the Tribunal the circumstances in which you came to make the
- 28 payment to Mr. Brock in 1992 in relation to the election in 1991.
- 29
- 12:02:23 30 MR. COLLINS: Sir, I'm reluctant to intervene, I don't want to do so but this

12:02:26 1 has been a subject of communication. This schedule has been subject of
2 extensive communication between the Tribunal and McCann Fitzgerald. It has
3 been explained that this witness had a role in its creation in terms of
4 reviewing it. But he did not prepare it. It was prepared by his son by
12:02:41 5 reference to documentation that was then available. Subsequently, additional
6 documentation has become available and it's been provided to the Tribunal.

7
8 I just don't think it's fair to this witness to be asking him to address in
9 detail what is set out in this document when the Tribunal knows that it was his
12:02:58 10 son, Chris Jones Junior, that prepared the documentation and particularly
11 ascribed or allotted items of expenditure under particular categories. That
12 wasn't done by Mr. Jones, the witness giving the evidence now.

13
14 CHAIRMAN: Well if Mr. Jones was responsible for the payment.

12:03:14 15
16 MR. COLLINS: And vouching documentation in relation to that particular
17 payment has since been provided to the Tribunal.

18
19 CHAIRMAN: This is in relation to the payment to Mr. Brock?

12:03:24 20
21 MS. DILLON: Yes. I'm going to come to deal with that vouching
22 documentation.

23
24 This document and I mean, let's be clear about this. This document, the
12:03:32 25 Tribunal was initially told when it was given it was a schedule that was
26 prepared by this witness. To provide information to the Tribunal in relation
27 to payments and donations that were made, subsequently queries were raised by
28 the Tribunal about the schedule. And the Tribunal was told that it was
29 prepared by Mr. Christopher Jones Junior with assistance from the two
12:03:56 30 Mr. Brooks'. And that it was prepared by reference to documentation. The

12:04:00 1 Tribunal was then subsequently provided with documentation, which nobody
2 apparently had available to them when this was prepared, which goes some
3 measure to dealing with these payments.
4

12:04:10 5 I am not engaged in any exercise where I am seeking to trap or catch out this
6 witness at all. But I do really object to My Friend, first of all,
7 attributing what I don't accept but attributing partly some sort of a motive to
8 me which certainly is not correct.
9

12:04:28 10 The document that he is referring to that was provided three days ago by
11 Messrs. McCann Fitzgerald to the Tribunal is at 3712, and was about to be, if
12 My Friend had waited, the next document that I was about to put to the witness.
13

14 It's not, as I see it, my job to trap Mr. Jones. It's my job to ask him why
12:04:43 15 the date is there for 1992 when the Local Election took place in 1991 and when
16 the document clearly shows that the payment was made in November 1992.
17

18 CHAIRMAN: All right. But in relation to each of these. Mr. Jones will be
19 referred to some more recent documentation. So you will have an opportunity
12:05:01 20 to qualify his answer?
21

22 MS. DILLON: Yes.
23

24 CHAIRMAN: And Mr. Jones, if you don't follow a particular entry, if you don't
12:05:09 25 understand it, certainly say so and it can be, we can do our best to clarify it
26 for you.

27 A. Thank you, Judge.
28

29 CHAIRMAN: And matters can be cleared up in cross-examination later if
12:05:22 30 anything else arises.

12:05:23 1
2 MR. COLLINS: Thank you, Sir. I should make it clear, I don't know why
3 Ms. Dillon characterises my interjection as suggesting that she is trying to
4 trap the witness. That isn't what I was trying to suggest at all.

12:05:33 5
6 This witness is here to help the Tribunal as much as he can. He did not have
7 any detailed involvement with the preparation of this schedule. The Tribunal
8 knows that.
9

12:05:43 10 Most of the items in this schedule were in fact vouched ab initio. The
11 schedule was provided a number of years ago and no queries were raised in
12 relation to it. It has since come to light that some limited amount of
13 vouching documentation is available. And when that became known to Mr. Jones
14 it was provided immediately to the Tribunal.

12:06:05 15
16 CHAIRMAN: All right. Well where it's necessary to refer to that in the
17 recent documentation, it can be done at the same time.
18

19 MR. COLLINS: Well I think that would be helpful, Sir.

12:06:15 20
21 MS. DILLON: Mr. Jones, when the schedule was prepared, the date that's given
22 for this payment is the 31st of December, 1992, is that right?
23 A. Correct.
24 Q. 289 It's a payment to Mr. Brock. And it's described as a Local Election donation?

12:06:33 25 A. Yes.
26 Q. 290 Now, as I understand the position, you know the file that was discovered
27 recently that's called election I think expenses that was given to the Tribunal
28 two days ago?
29 A. Yes.

12:06:44 30 Q. 291 You didn't have the benefit of that file when you were preparing the schedule,

- 12:06:48 1 isn't that right?
- 2 A. That's correct.
- 3 Q. 292 Okay. Now, and the schedule I think was prepared by your son, Mr. Chris Jones
- 4 Junior, with assistance from a number of people, including yourself?
- 12:07:00 5 A. Correct.
- 6 Q. 293 Right. So that it wouldn't be fair to say, I think, that you didn't have
- 7 anything to do with preparing this schedule, isn't that right?
- 8 A. That's correct.
- 9 Q. 294 I think in fact in your statements to the Tribunal you have outlined the ones
- 12:07:10 10 that the reason the schedule was prepared is because you had a recollection of
- 11 payments being made, for which there was no vouching documentation?
- 12 A. Correct. Yes.
- 13 Q. 295 And that in addition to , that you consulted or had your son consult with
- 14 Mr. Frank Brooks and Mr. Oliver Brooks who also had a recollection of payments
- 12:07:28 15 being made for which there was no vouching documentation?
- 16 A. Correct.
- 17 Q. 296 So that between all of you, Mr. Frank Brooks, Mr. Oliver Brooks,
- 18 Mr. Christopher Jones junior and yourself, you as best you could, put together
- 19 the schedule, is that right?
- 12:07:41 20 A. That's right.
- 21 Q. 297 Now, you didn't have available to you the file of documents that was furnished
- 22 to the Tribunal three days ago, isn't that right?
- 23 A. Yes.
- 24 Q. 298 But in that file of documents there is a letter sent to Mr. Seamus Brock?
- 12:07:51 25 A. Yes.
- 26 Q. 299 Who is the first name on the list, isn't that right?
- 27 A. Correct.
- 28 Q. 300 Now that letter is at 3712, please.
- 29
- 12:07:58 30 Now, this letter is dated the 24th of November, 1992. And it's addressed to

12:08:09 1 Seamus Brock. And it says:
2
3 "Enclosed herewith contribution to the campaigning expenses, which I have no
4 doubt are pretty heavy at this time. With best wishes and thank you for all
12:08:17 5 your help", isn't that right?
6 A. Correct.
7 Q. 301 Now, the election that was happening in November 1992, Mr. Jones, and it's not
8 a major point, but the election was the General Election, isn't that right?
9 A. Yes.
12:08:28 10 Q. 302 Now, so that, therefore, if we go back to page 702 of the list. And we look
11 at what is said about the payment to Mr. Brock in '92 and we see that that is
12 described as the Local Election donation, isn't that right?
13 A. That's right.
14 Q. 303 So would you agree with me, that that can't be correct? That the donation was
12:08:56 15 not a donation for the Local Election?
16 A. I think it was.
17 Q. 304 There was no Local Election in November '92?
18 A. No, but it was for payment for the previous, for the Local Election that had
19 taken place in the earlier part of the year.
12:09:01 20 Q. 305 Okay. If with we go back again to page 3712. Which is the letter that you
21 sent to Mr. Brock. And we see, if you just take your time with this,
22 Mr. Jones. You say, what you say in the letter is:
23
24 "Enclosed herewith contribution to the campaigning expenses". That would
12:09:22 25 suggest it was a campaign that was current in November '92, isn't that right?
26 A. I don't know, Ms. Dillon. I don't think Mr. Brock ever stood for the General
27 Election. I think he only stood for Local Election.
28 Q. 306 And you say "Which I have no doubt are pretty heavy at this time". And the
29 time you must be referring to is November 1992?
12:09:41 30 A. I don't know.

- 12:09:41 1 Q. 307 You don't know? All right.
- 2 A. Because I don't think he stood. I could be corrected on this. As a
- 3 candidate in the General Election.
- 4
- 12:09:51 5 CHAIRMAN: He of course could have been campaigning.
- 6
- 7 Q. 308 MS. DILLON: Yes. Is it your best belief, Mr. Jones, in relation to
- 8 Mr. Brock, that the payment you made in November 1992 was in relation to the
- 9 Local Election of 1991?
- 12:10:04 10 A. I think so. Or else his he is campaigning now. Certainly he didn't, as far
- 11 as, I stand to be corrected, but I don't think Mr. Brock stood for the
- 12 election.
- 13 Q. 309 And insofar as the next person on the list is concerned, which is Mr. Larry
- 14 Butler.
- 12:10:21 15 A. Yes.
- 16 Q. 310 There's a sum of 500 pounds, which again the date is given as the 31st of
- 17 December, 1992 and it's described as Local Election donation?
- 18 A. Yes.
- 19 Q. 311 Now, again, I think recently a letter was provided to the Tribunal, at page
- 12:10:38 20 3716.
- 21 Dated the 16th of November, 1992. And again, it's:
- 22 "Enclosed a contribution to the campaign expenses, which I have no doubt will
- 23 be pretty heavy and thank you for all your help."
- 24 A. I have absolutely no doubt, that was for the Local Elections. Because he
- 12:11:00 25 didn't either stand. I'm pretty certain he never stood for the General
- 26 Election.
- 27 Q. 312 Yes. And I think Mr. Butler has him self told the Tribunal he was not a
- 28 candidate in the General Election in November 1992?
- 29 A. That's right. I'm certain about that.
- 12:11:13 30 Q. 313 And when you said to Mr. Butler in the letter "thank you for all your help"

12:11:18 1 what were you referring to?

2 A. I'm referring to the zoning.

3 Q. 314 Which had taken place on the 28th of October, 1992?

4 A. Yeah. Well I'm not sure.

12:11:26 5 Q. 315 Isn't that right?

6 A. That's what I'm referring to anyway.

7 Q. 316 And I think you did later give a second donation for 50 pounds in 1995 to

8 Mr. Butler?

9 A. That could be right, yes. He might have been running a classic or all of

12:11:39 10 these things that fundraise for political parties.

11 Q. 317 So that if we go back to 702 then. It's your position in relation to

12 Mr. Butler, that notwithstanding the payment is made in November 1992 that it's

13 in connection in with the Local Election of 1991?

14 A. I think so, yes.

12:11:54 15 Q. 318 And then if we look at the next entry which is MJ Cosgrave?

16 A. Yes. I don't know anything about Mr. Cosgrave.

17 Q. 319 Mr. Cosgrave, Mr. Jones, doesn't know anything about you either.

18 Mr. Cosgrave's evidence to the Tribunal was he had no recollection of ever

19 receiving any donation or payment from you.

12:12:26 20 A. Well I believe he did.

21 Q. 320 Pardon.

22 A. I believe that he did.

23 Q. 321 It's your belief that did you pay Mr. Cosgrave?

24 A. Yes.

12:12:34 25 Q. 322 And do you believe that payment took place late in 1992.

26 A. I wouldn't be sure when it took place. I'm pretty certain it was made.

27 Q. 323 And do you believe it was a payment that was made by cheque?

28 A. I do, yes.

29 Q. 324 And would that have been a payment from your personal bank account do you

12:12:48 30 think?

- 12:12:49 1 A. I don't think so.
- 2 Q. 325 You don't think so?
- 3 A. I don't know but I wouldn't think so.
- 4 Q. 326 You wouldn't think so. Do you think that it's likely that it was a payment
- 12:12:55 5 from Ballycullen Farms Limited?
- 6 A. Yes.
- 7 Q. 327 And do you think that there should be a record of that payment in Ballycullen
- 8 Farms Limited accounts?
- 9 A. If they made one I'm sure there is.
- 12:13:06 10 Q. 328 But you do believe, do you, that Mr. Michael Joseph Cosgrave was paid?
- 11 A. That's my belief, yes.
- 12 Q. 329 You never met Mr. Cosgrave?
- 13 A. Never met him.
- 14 Q. 330 Do you know whether anybody else, Mr.-- I think Mr. Oliver Brooks was known to
- 12:13:22 15 Mr. Michael Joseph Cosgrave?
- 16 A. I think so, yes.
- 17 Q. 331 Do you think that it's likely that you would have given the cheque to
- 18 Mr. Oliver Brooks for Mr. Michael Joseph Cosgrave?
- 19 A. Yes, I think that probably would have been the procedure.
- 12:13:33 20 Q. 332 Yes. I think that Mr. Oliver Brooks told the Tribunal in relation to
- 21 Mr. Cyril Gallagher that he recollected bringing a cheque across the City on
- 22 his way to the airport and giving it to Mr. Gallagher?
- 23 A. Yes. I don't know about Mr. Gallagher.
- 24 Q. 333 You don't know about Mr. Gallagher. We'll come down to deal with -- now, just
- 12:13:56 25 for clarification.
- 26 There are -- no documentation has been furnish in the connection with the
- 27 payment to Mr. Michael Joseph Cosgrave, even in the newly found documentation.
- 28 Now, the next name on the list, at page 702, Mr. Jones, is Mr. L. Now, what's
- 29 written there is Creaven but in fact I think that relates to Liam Creaven.
- 12:14:22 30 A. Creaven, that's right.

12:14:22 1 Q. 334 Right, now, do you believe that a sum of 1,000 pounds was paid to Mr. Creaven
2 in 1992?
3 A. I believe it was, yeah.
4 Q. 335 And do you believe that that was in connection with the Local Election of 1991?
12:14:32 5 A. Yes.
6 Q. 336 But the payment was made in 1992?
7 A. Yeah, I don't know for what other reason it could have been made for. I never
8 met him.
9 Q. 337 You never met Mr. Craven?
12:14:47 10 A. No.
11 Q. 338 And I think Mr. Creaven, the furthest Mr. Creaven puts it in his evidence, is
12 he has no recollection of receiving any such payment?
13 A. Well, I can't elaborate on that.
14 Q. 339 But you believe such a payment was made?
12:15:03 15 A. I do, yes.
16 Q. 340 And do you think that it is likely that that payment was made from the accounts
17 of Ballycullen Farms Limited or from your personal bank account?
18 A. I would think it was Ballycullen Farms, I would think.
19 Q. 341 The next name on the list is Mr. Tony Fox.
12:15:18 20 A. Never met Tony Fox. I know of him but I never met him.
21 Q. 342 But I think he was known to Mr. Frank Brooks and Mr. Oliver Brooks?
22 A. He was very well known in the area. A prominent councillor.
23 Q. 343 And I think that Mr. Fox does not dispute that there was a payment to him. He
24 doesn't seriously, I think Mr. Fox doesn't dispute that there was a payment.
12:15:38 25 And I think at 3711, in the recently discovered documents. There is a letter
26 dated the 24th of November, 1992 to Mr. Tony Fox.
27 A. Yes.
28 Q. 344 "Enclosed herewith contribution to the campaigning expenses, which I have no
29 doubt are pretty heavy at this time. With best wishes and thank you for all
12:15:58 30 your help."

- 12:15:59 1 A. That's it.
- 2 Q. 345 Again Mr. Jones what, help were you referring to when you wrote that letter?
- 3 A. I presume I was referring to the rezoning.
- 4 Q. 346 This is the vote on the 29th of October, 1992, on the Ballycullen lands?
- 12:16:14 5 A. Yes.
- 6 Q. 347 All right. And the election that you are referring to there and the
- 7 campaigning expenses, are they the 1991 Local Election again?
- 8 A. I would think so, yes.
- 9 Q. 348 Right and that even though the letter refers to the campaigning expenses being
- 12:16:27 10 heavy at this time. What you had in mind was the Local Election of 1991?
- 11 A. Yes. Because again, I don't think that he ever stood for General Election.
- 12 Q. 349 Mr. Fox told the Tribunal that he was looking to run in the Senate Election in
- 13 November of 1992?
- 14 A. Yes.
- 12:16:54 15 Q. 350 In fairness to yourself Mr. Jones, so it is possible that he was looking to run
- 16 in the Senate Election that would take place after the General Election in
- 17 November 1992?
- 18 A. Could be.
- 19 Q. 351 But your belief is that when you sent him the cheque that it was in connection
- 12:17:09 20 with the Local Election of 1991?
- 21 A. Yes. I didn't -- I can't recall that I knew that he went for the Senate.
- 22 Q. 352 The next name on the list at page 702 is Cyril Gallagher?
- 23 A. Never knew him.
- 24 Q. 353 You never met him?
- 12:17:23 25 A. No.
- 26 Q. 354 Now, Mr. Gallagher, as you know, Mr. Jones, is deceased, and therefore,
- 27 obviously, has not given any information to the Tribunal in connection with
- 28 this matter. But Mr. Oliver Brooks, who I believe was your over all farm
- 29 manager?
- 12:17:36 30 A. Correct.

- 12:17:37 1 Q. 355 Told the Tribunal that he remembered taking a cheque in an envelope and
2 delivering it to Mr. Cyril Gallagher on his way I think to the airport?
3 A. Yes.
4 Q. 356 Now, would you agree with Mr. Brooks that such a payment took place?
12:17:51 5 A. I would, yes.
6 Q. 357 Right. Do you know or can you assist as to from what account that payment
7 might have been made?
8 A. I'd guess Ballycullen.
9 Q. 358 You do know Mr. Jones, that no documentation has been furnished in connection
12:18:08 10 with that payment to Mr. Gallagher although Mr. Oliver Brooks remembers
11 bringing out the payment?
12 A. Yes.
13 Q. 359 Yes.
14 A. Yes, I do.
12:18:17 15 Q. 360 Yes. And the payment with your permission, Mr. Jones, to Mr. Tom Hand. I'm
16 going to leave for the moment and I'll come back to deal with it at the end.
17 A. That's right.
18 Q. 361 And if we can deal with the next payment on , that which is Mr. Michael
19 Keating.
12:18:33 20 A. Yes, I remember that.
21 Q. 362 And in relation to Mr. Michael Keating. You believe that a payment for 500
22 pounds was made to Mr. Keating in connection with the Local Election of 1991?
23 A. I do, yes.
24 Q. 363 And that that payment again was made in 1992?
12:18:50 25 A. Yes, it was I, made that myself.
26 Q. 364 I beg your pardon?
27 A. I made that payment myself.
28 Q. 365 Personally to Mr. Keating?
29 A. Correct.
12:18:56 30 Q. 366 And can you just outline to the Tribunal the circumstances in which you came to

12:19:00 1 make the payment to Mr. Keating?

2 A. Well, Mr. Keating was at that time a very prominent councillor as well. And I

3 lived out in beyond Dunshaughlin and he was a neighbour of mine. So I met him

4 at his house and I made a contribution.

12:19:20 5 Q. 367 Mr. Michael Keating.

6 A. Correct.

7 Q. 368 Because Mr. Keating has told the Tribunal that he never met you, Mr. Jones.

8 Do you disagree with him in relation to that?

9 A. I do, yes. Absolutely.

12:19:31 10 Q. 369 Right.

11 A. I can remember quite vividly being at his house, which is quite near where I

12 live.

13 Q. 370 And did you make more than one payment I think to Mr. Keating, is that right?

14 A. I think I made two.

12:19:41 15 Q. 371 But not at this time. At this time, which is the payments we're dealing with

16 at the moment, I think you made one payment to him, is that right?

17 A. That's right.

18 Q. 372 I think what Mr. Keating said. Just so that, to be clear. I just want to

19 put to you what Mr. Keating said. Mr. Keating was asked, at page 611.

12:19:57 20 "Question 174: Did you have any meetings or associations with either Mr. Jones

21 or any representative on his behalf in relation to these lands?

22 A: No. I never met the gentleman involved or anybody on his behalf."

23 A. That's not correct.

24 Q. 373 And also further I think Mr. Keating is asked at question 198.

12:20:18 25 "Q: Are you saying you have no recollection of anybody seeking your support

26 for this proposal?

27 A: I certainly can say I never met the gentleman you mentioned, Mr. Brooks or

28 Mr. Jones, I don't remember those.

29 Q: You don't remember ever remember meeting Mr. Brooks or Mr. Jones?

12:20:34 30 A: I don't".

12:20:36 1 Now, you disagree with that?

2 A. Totally.

3 Q. 374 And did you meet Mr. Keating on more than one occasion?

4 A. My recollection is I met him twice.

12:20:44 5 Q. 375 Right. Now, Mr. Keating I think does say -- sorry. You believe that you met

6 him twice?

7 A. Twice.

8 Q. 376 On both occasions when you met Mr. Keating did you make a payment to him, do

9 you believe?

12:20:58 10 A. One payment to him at that time, yes.

11 Q. 377 And did you hand a cheque over to him in his house?

12 A. Yes.

13 Q. 378 Now, if we look at the next name on that list, which is Ms. Marian McGennis?

14 A. Never met her.

12:21:18 15 Q. 379 Now, I think Ms. McGennis has told the Tribunal that she knew Mr. Oliver

16 Brooks?

17 A. Yes.

18 Q. 380 And that Mr. Brooks may have supported her in relation to the payment in

19 question?

12:21:35 20 A. Correct.

21 Q. 381 Now, she did say she'd like to see the cheque but that she does confirm that

22 she never met you. And you would agree with that, is that right?

23 A. That's right.

24 Q. 382 Do you think therefore it's likely if a payment was made in Ms. McGennis in

12:21:49 25 1992 it was through Mr. Oliver Brooks?

26 A. I think so.

27 Q. 383 And Mr. Brooks, I think Mr. Frank Brooks also outlined to the Tribunal that

28 there was an agreement in place whereby he could make payments from his own

29 funds, political payments, and then that they would be reimbursed either by

12:22:06 30 Ballycullen Farms Limited or yourself; do you agree with that?

- 12:22:08 1 A. I agree totally with that, yes.
- 2 Q. 384 And therefore in, so far as Ms. McGennis is concerned, you would not dispute
- 3 that Mr. Oliver Brooks would have had authority to make such a repayment and
- 4 could have recouped those funds from yourself or Ballycullen Farms Limited?
- 12:22:23 5 A. Correct.
- 6 Q. 385 Now, the next name on the list I think is Mr. Charles O'Connor?
- 7 A. He was very well known to us. He was very local.
- 8 Q. 386 I beg your pardon?
- 9 A. He was very well known to us and very helpful.
- 12:22:36 10 Q. 387 And when you say he was very helpful, Mr. Jones. How do you mean that he was
- 11 helpful?
- 12 A. Well he was speaking to the other councillors on our behalf.
- 13 Q. 388 And who asked him to speak to the other councillors?
- 14 A. I would say it was Frank Brooks who would be most close to him. Frank Brooks
- 12:22:52 15 I would say was the person that was ...
- 16 Q. 389 Now, Mr. O'Connor has told the Tribunal that he thought you might have made
- 17 contact with him but that he wasn't sure that he had actually met you I think,
- 18 would you agree with that?
- 19 A. I would, yes. I'm not very sure that I met him either.
- 12:23:09 20 Q. 390 Yes but are you satisfied that a payment would have been made to Mr. Brooks at
- 21 this time?
- 22 A. Yes.
- 23 Q. 391 Sorry, I beg your pardon, to Mr. O'Connor?
- 24 A. To Mr. O'Connor, yes.
- 12:23:29 25 Q. 392 And again, would that have been a payment in 1992 in relation to the Local
- 26 Elections of 1991?
- 27 A. Or if there was a General Election coming up he was certainly a candidate.
- 28 Q. 393 Well there was a General Election --
- 29 A. I would say it was more to do with that.
- 12:23:33 30 Q. 394 It was more to do with the General Election in 1992, is that right?

- 12:23:38 1 A. That's correct.
- 2 Q. 395 Now, Mr. O'Connor told the Tribunal he believed he might have got a cheque in
3 the post from you in relation to this payment?
- 4 A. Yeah, that could happen. Frank Brooks might ask me to send it on to him.
- 12:23:58 5 Q. 396 Right. And do you regard Mr. O'Connor as being a person who was helpful to
6 you?
- 7 A. Very helpful.
- 8 Q. 397 In relation to the rezoning of the Ballycullen lands?
- 9 A. Absolutely.
- 12:24:07 10 Q. 398 In the light of that, if you had been asked to support Mr. O'Connor in either
11 the Local Elections or the General Elections of 1992, you wouldn't have had a
12 problem with that?
- 13 A. Not at all, no.
- 14 Q. 399 Would you have taken advice from Mr. Oliver Brooks or Mr. Frank Brooks about
15 the councillors to whom you should make donations?
- 16 A. I probably did, yeah.
- 17 Q. 400 Would you have listened to what they would have said to you?
- 18 A. Well they were very much in touch with the local political scene, which I
19 wasn't really. Because I was living up beyond, as I say, near Navan.
- 12:24:44 20 Q. 401 The next name on that list is Mr. Ned Ryan. And the amount there is 1,000
21 pounds. Again, described as Local Election donation and paid on the date
22 attributed is the 31st of December, 1992.
23 Do you agree that such a payment was made?
- 24 A. I have no doubt that it was made, yes.
- 12:25:10 25 Q. 402 Yes.
- 26 A. I don't know Ned Ryan.
- 27 Q. 403 You don't know him?
- 28 A. I don't know him, no.
- 29 Q. 404 I think the evidence to the Tribunal was that he was known I think to
12:25:19 30 Mr. Oliver Brooks.

- 12:25:20 1 A. Yes.
- 2 Q. 405 And I think that Mr. O'Connor accepts that he got that payment --
- 3
- 4 JUDGE FAHERTY: Mr. Ryan.
- 12:25:31 5
- 6 Q. 406 MS. DILLON: Sorry, I beg your pardon, I am trying to read this. Mr. Ryan
- 7 accepts that he got that payment.
- 8 And the next name on the list I think is Sheila Terry.
- 9 A. Don't know the lady.
- 12:25:48 10 Q. 407 Sorry, Mr. Jones. Just in relation to -- yes. Mr. Ryan confirms that he
- 11 received a sum of 1,000 pounds. And insofar as Ms. Terry's evidence is, she
- 12 confirms that she had met Oliver Brooks and that she would have gone to visit
- 13 the lands. But she did -- but she denies or says she has no recollection of
- 14 getting that payment.
- 12:26:21 15 A. I don't know anything about that.
- 16 Q. 408 Do you think it's likely that the payment, if it was made, would have been made
- 17 through either Mr. Oliver Brooks or Mr. Frank Brooks?
- 18 A. I would think so.
- 19 Q. 409 Would it be fair to say, Mr. Jones, that other than where you have sent out
- 12:26:34 20 letters yourself, that the payments would have been made through Mr. Oliver
- 21 Brooks or Mr. Frank Brooks?
- 22 A. I would, yes.
- 23 Q. 410 And whenever you yourself sent a cheque to a councillor, did you always send a
- 24 letter with it?
- 12:26:47 25 A. I think that would be the pattern, yes.
- 26 Q. 411 As we've seen with Mr. Butler and Mr. Fox earlier on?
- 27 A. Yes.
- 28 Q. 412 In November '92?
- 29 A. Yes.
- 12:26:55 30 Q. 413 And is it over all, can I ask you. Is it your recollection that in relation

- 12:26:58 1 to all of these payments that around this list on screen, that take place in
2 November 1992, that they were all payments in connection with the Local
3 Elections of 1991?
- 4 A. I think some of them might have been, if there was a General Election pending,
12:27:13 5 they could have been, some of them could be to do with that.
- 6 Q. 414 Right. And again, that all of these payments, do you remember that they took
7 place after the vote on the Ballycullen lands?
- 8 A. Yes.
- 9 Q. 415 And was that a factor in you deciding whether or not to make a payment to the
12:27:30 10 people who were listed on the schedule?
- 11 A. I suppose it was partly that anyway. But I was anxious to fund them for their
12 expenses and so on.
- 13 Q. 416 Is that election expenses?
- 14 A. Yes.
- 12:27:45 15 Q. 417 But was it in your mind when you were making these payments in November of 1992
16 that one of the factors you were taking into account was whether or not the
17 person had supported or been supportive of your rezoning of the Ballycullen
18 lands?
- 19 A. Oh, undoubtedly, yes.
- 12:28:02 20 Q. 418 And when the correspondence --
- 21 A. I made contributions along -- beyond people who supported me in the Ballycullen
22 rezoning. Like, for instance, I think there's a note there for Tom Kitt. I
23 mean, we always supported Tom Kitt in his elections. And we always supported
24 Seamus Brennan, who was here this morning, in their elections, without any
12:28:29 25 inference about Ballycullen at all.
- 26 Q. 419 But in so far as the local councillors are concerned which is the list we are
27 looking at at the moment, and I think Mr. Kitt wasn't on the council at the
28 time the vote took place and neither was Mr. Brennan, isn't that right?
- 29 A. That's right, sorry, yeah.
- 12:28:39 30 Q. 420 I'll come to deal with Mr. Brennan and Mr. Kitt separately, as it were. We'll

12:28:44 1 just try and stay with the list.
2
3 Insofar as that list is concerned. Of the people who were councillors who did
4 vote in favour of the rezoning the Ballycullen lands. Do you agree that most
12:28:57 5 of these payments took place in November 1992?
6 A. Yes. That's right, yes
7 Q. 421 And that they took place after the rezoning of the Ballycullen lands?
8 A. Correct.
9 Q. 422 And that the rezoning of the Ballycullen lands and the support of the
12:29:09 10 individual councillor in connection with the Ballycullen lands was a factor
11 that you took into account in deciding to support the councillor?
12 A. Yes.
13 Q. 423 Independently of that you would have known, I think, some of these councillors
14 better than others, is that right?
12:29:22 15 A. Oh, I would have of course, yes. Absolutely. All of our local councillors.
16 Q. 424 And you had a policy, if I can put it, I can't say policy is the correct word,
17 but you had a number of methods of paying the councillors, if I can put it like
18 that. Some payments were made through Mr. Frank Brooks or Mr. Oliver Brooks.
19 Is that right?
12:29:39 20 A. Absolutely.
21 Q. 425 And in addition to that, you wrote yourself directly to some councillors?
22 A. That's right.
23 Q. 426 Did you also separate to that again, meet councillors yourself?
24 A. I did, yes.
12:29:48 25 Q. 427 And in particular, did you meet Mr. GV Wright?
26 A. Yes, many a times.
27 Q. 428 Did you meet Mr. Don Lydon?
28 A. Yes, I did, of course, yes.
29 Q. 429 Now, occasions - and I'll come to deal with Mr. GV Wright and Mr. Don Lydon in
12:30:03 30 slightly more detail. But did it happen when you met Mr. Lydon you physically

12:30:08 1 handed over cheques to him at the meeting?

2 A. Well, I don't think so.

3 Q. 430 All right.

4 A. The first thing he said he got money in The Goat. I would never have

12:30:18 5 brought -- handed out money to anybody in The Goat. That I met him in The

6 Goat Grill place and he sounded to me as a very distressed man.

7 Q. 431 Mr. Lydon did?

8 A. Yes.

9 Q. 432 All right.

12:30:32 10 A. That he was going sort of bank around politics and giving up his job as a

11 psychiatrist or a psychologist in John of Gods. And that sounded to me like

12 something fairly serious. And in the light of what he was telling me, I gave

13 him -- I sent him a cheque for whatever money is recorded there.

14 Q. 433 I'll come to take you through the cheques one by one, Mr. Jones, in fairness to

12:30:57 15 yourself.

16 A. Okay.

17 Q. 434 But what I want to ask you is that in addition to sending the letters and

18 Mr. Oliver Brooks and Mr. Frank Brooks paying the councillors. Did you

19 yourself ever at a face to face meeting with the councillor, hand over a cheque

12:31:09 20 or a political donation that you can remember?

21 A. No, I can't remember.

22 Q. 435 Right. And insofar as Mr. Lydon says there was a payment handed over in the

23 Goat Grill, you don't dispute making a payment to mr. Lydon but you dispute

24 that you handed it over in a face-to-face meeting in the Goat Grill, is that

12:31:24 25 correct?

26 A. Absolutely.

27

28 MR. O TUATHAIL: Mr. Chairman, Seamus O'Tuathail here for Mr. Lydon.

29

12:31:28 30 I would like to ask Ms. Dillon to put it correctly to Mr. Jones.

12:31:34 1
2 I do not believe that Mr. Lydon said that he was handed a cheque in the Goat.
3 He met Mr. Jones in the Goat. And he wasn't sure whether he got money there
4 or later in the post.
12:31:46 5 That's my sense of it.
6
7 CHAIRMAN: All right. Ms. Dillon.
8
9 MS. DILLON: I'm just going to check the transcript and I will put what's in
12:31:54 10 the transcript to ...
11
12 MR. O'TUATHAIL: Mr. Chairman, it may or may not be the opportune time to say
13 it but I arrived here late this morning. For which I apologise.
14
12:32:05 15 But a matter was mentioned that has come to light in the last few days
16 apparently in relation to Mr. Lydon. Now, I will be objecting at one o'clock,
17 if I get the time or now, very shortly, to the manner of that notice. And the
18 absence of proper notice to my solicitor and to myself of the raising of this
19 issue, which is a document or a cheque in December of 1993, which is outside
12:32:31 20 the window period of this particular Module, which is given, as of yesterday's
21 evidence or the day before, as September '92 to early or mid 1993.
22
23 CHAIRMAN: But it's not outside the window period, Mr. O'Tuathail. We're
24 looking at all payments made. The window period relates to lodgements to
12:32:59 25 banks from either known or unknown sources. This relates to a payment,
26 apparently made by Mr. Jones or one of his associated companies.
27
28 MR O TUATHAIL: I accept that, Mr. Chairman, that it's right and proper that
29 it should be raised in this module. But not in this manner. That my client
12:33:19 30 is held out to obligee in the media without any notice to himself. He has

12:33:23 1 co-operated fully with this Tribunal. He has given his evidence. He is
2 cross-examined. He is available to be recalled and to deal with this. We did
3 not get any proper notice of this.

12:33:35 5 CHAIRMAN: Well the reason I think for that was that this became -- this came
6 into the Tribunal's possession last night. And it's a matter that has to be
7 dealt with this witness, Mr. Jones. Who is only here for a very limited
8 period of time. And the opportunity I think, Ms. Dillon mentioned it this
9 morning, is there.

12:33:54 10

11 MS. DILLON: Yes.

12

13 CHAIRMAN: And Mr. Lydon will be asked to return at the earliest opportunity
14 to deal with the issue.

12:34:04 15

16 MR. O'TUATHAIL: I accept that, Mr. Chairman.

17

18 CHAIRMAN: And clearly, if the cheque is not his or if he has an explanation
19 for it then he will have that opportunity. And if it suits Mr. Lydon, it can
12:34:17 20 be done as early as tomorrow possibly, but you can discuss that with your
21 solicitor.

22

23 MR. O'TUATHAIL: I am discussing it at the moment with my solicitor. And I
24 am seeking to contact the client. The complaint is that there is no need to
12:34:32 25 raise this in this manner this morning in relation to Mr. Lydon and leave him
26 open to misinterpretation in the media.

27

28 CHAIRMAN: But there is no miss interpretation. It's evidence of a payment to
29 him. Nothing has been said as to the -- at least it is evidence of a payment
12:34:47 30 which may have been made to him because his bank account is referred to. It

12:34:58 1 has to be dealt with. We don't wish to bring Mr. Jones back next week to deal
2 with that particular item. Mr. Lydon will be given an opportunity to explain
3 his position.

12:35:11 5 MR. O'TUATHAIL: Yes. And I accept that, Mr. Chairman. And my only point
6 is that he should have been given that opportunity and be notified of this
7 issue now arising. And not be pilloried as it were, or open to the media in
8 the manner that it happened this morning. That's my objection.

12:35:32 10 CHAIRMAN: All right, well we'll note that objection but the reason, I'm just
11 explaining the reason why it was necessary to do it in that way.

13 MR. O'TUATHAIL: Well I disagree that respectfully that, that could be a valid
14 reason to in -- for the manner of dealing with a witness who has co-operated
12:35:49 15 fully at all times with this Tribunal and who was entitled to some notice of
16 what's happening.

17
18 I accept that the Tribunal have difficulties. And I don't want to create any
19 difficulties whatsoever for Mr. Jones' evidence. I have no problem with that
12:36:05 20 at all. What I have to be concerned about is that my client can be treated in
21 that manner, with no notice, no proper notice, and not given an opportunity to
22 respond, as he has always responded.

23
24 CHAIRMAN: Yes but, Mr. O'Tuathail, we're in the middle of a module. There
12:36:22 25 is evidence, and has been evidence, of payments made already to Mr. Lydon.
26 This matter had to be raised this morning.

27
28 So it may be that your solicitor should have been notified at half nine rather
29 than at half ten or eleven. We will accept that criticism. But short of
12:36:43 30 that. It's a matter that had to be raised and dealt with today.

12:36:47 1
2 MR. O'TUATHAIL: And we will be dealing with it, Mr. Chairman, I can assure
3 you. And we are fully --
4

12:36:53 5 CHAIRMAN: And Mr. Lydon will be given the opportunity. And it can be dealt
6 with fairly quickly.
7

8 MR. O'TUATHAIL: Thank you, indeed, Mr. Chairman.
9

12:37:01 10 MS. DILLON: Mr. O'Tuathail's initial objection to the question that I had put
11 to Mr. Jones was, I had put what I had understood Mr. Lydon's evidence to be.
12 Which was that Mr. Lydon says that there was a payment handed over in the Goat
13 Grill. You don't dispute making a payment. You dispute that you handed over
14 in face-to-face meeting is that correct and he said yes. And then
12:37:24 15 Mr. O'Tuathail interrupted and said I would like to ask Ms. Dillon to put it
16 correctly to Mr. Jones. I do not believe that Mr. Lydon said that he was
17 handed a cheque in the Goat Grill. He met Mr. Jones in the Goat but the money
18 he wasn't sure if he got the cheque there or later.
19

12:37:37 20 I just put the actual transcript of Mr. Lydon's evidence to Mr. Jones.
21
22 Mr. Jones, what Mr. Lydon told the Tribunal about the payment in the Goat Grill
23 was as follows:
24

12:37:57 25 And the transcript is day 613. Commencing at question 345 -- sorry. 344
26 "Q: So it's fair to say that the two times that you met Mr. Jones in '92 he
27 gave you 2,000 and 5,000 respectively?
28 A: Yes.
29 Q: And this you say was a chance meeting or was it a meeting by prior
12:38:09 30 arrangement?

12:38:10 1 A: As far as I remember it was a chance meeting.

2 Q: And he just took out his cheque book and wrote a cheque then and there for

3 5,000 pounds for you, is that right?

4 A: I think so, yes.

12:38:19 5 Q: Did he thank you for your support for his Ballycullen or Beechill

6 proposal?

7 A: Oh yes.

8 Q: Was Mr. Brooks present?

9 A: No

12:38:26 10 Q: Who was present?

11 A: Nobody just the two of us"

12

13 And then at question 351:

14 "Q: At what stage did this amiable man give you this 5,000 pounds Senator

12:38:34 15 Lydon?

16 A: At the end, I don't know.

17 Q: Were you surprised?

18 A: Extraordinarily surprised.

19 Q: Did you give him a receipt?

12:38:42 20 A: No."

21

22 I think at earlier question 339. Mr. Lydon is asked:

23 "Q: To tell the Tribunal the circumstances under which Mr. Jones came some

24 short days after the vote to make the payment?" And he answers at question

12:38:53 25 339:

26 "A: To the best of my recollection, I went to the Goat and he was there having

27 lunch because I think he used to have lunch in the Goat".

28

29 And that is Mr. Lydon's evidence, Mr. Jones, about the payment of 5,000 pounds.

12:39:07 30 Now, do you accept that you made a payment of 5,000 pounds to Mr. Lydon, first

12:39:12 1 of all?

2 A. I do, of course, yes.

3 Q. 436 Do you believe that payment was handed over in the Goat Grill?

4 A. I don't, no.

12:39:19 5 Q. 437 And do you believe that you sent it to Mr. Lydon.

6 A. I do, yeah.

7 Q. 438 And that arose as a result of a conversation you had with Mr. Lydon when you

8 met him in the Goat Grill?

9 A. Correct.

12:39:28 10 Q. 439 And if I understood what you had earlier told the Tribunal, Mr. Lydon was

11 distressed because he was considering going into politics full-time, is that

12 correct?

13 A. Well I think he was in politics. But I think he was getting deeper into it.

14 I must say, I had very full sympathy for him because he did appear to be unsure

12:39:47 15 where he was going because he had a big challenge ahead of him to try and get

16 Local Election and Senate Election if we could just turn to deal, while we're

17 dealing with Mr. Don Lydon. If we just look at the documents that are in the

18 brief in relation to Mr. Lydon, Mr. Jones, if we can.

19 And if I could have page 1652.

12:40:08 20

21 MR. COLLINS: Sorry Sir, I wonder would this be a convenient time to break?

22

23 MS. DILLON: Is Mr. Collins suggesting that Mr. Jones' evidence would finish

24 now?

12:40:18 25

26 MR. COLLINS: Yes, I am suggesting that.

27

28 CHAIRMAN: For the day. All right, that's fine.

29

12:40:20 30 MR. COLLINS: Yes. There are just two points that I would like to deal with,

12:40:23 1 Sir, as we are breaking. I appreciate that the Tribunal is facilitating and it
2 has indicated that will facilitate Mr. Jones in relation to the giving of his
3 evidence but as we are breaking; I wonder could I just make two points, Sir,
4 just so that there wouldn't be any misunderstanding.

12:40:39 5
6 Firstly, it is the case, as the Tribunal is aware that Mr. Chris Jones Junior
7 had provided a statement to the Tribunal in which he says inter alia, he
8 describes the circumstances in which the schedule through part of which
9 Ms. Dillon has brought this witness, was prepared. Indicates that when
12:40:56 10 preparing that list in 2003, Mr. Jones Junior's priority was to try and
11 identify all donations made to ensure the fullest possible disclosure. These
12 were payments in respect of which we had no documentation, so the dates and
13 categorisation of them were by necessity estimates. I now know that the
14 nearest Local Election was in June 1991. And I note that some of the
12:41:19 15 individuals were General Election candidates in 1992. And I think in
16 fairness, that should be put into the public domain at this stage.

17
18 And secondly, Sir. In I think in fairness. Also reference should be made at
19 this stage to a letter dating from March 1994 -- sorry. A letter from the
12:41:37 20 25th of February, 1994. There's a reply to it dated 8th of March, 1994.
21 From Betty Coffey, who was as I understand leader of the Fianna Fail group --

22
23 MS. DILLON: I just was to warn Mr. Collins, he may not be aware of the
24 procedure. But there is a practice here of not mentioning or dealing with
12:41:53 25 people. I'm aware of I think, the correspondence that My Friend is about to
26 open.

27
28 It's not in the brief. It's not circulated as part of this Module. Although
29 it's a document that has been provided in relation to I think by Messrs. McCann
12:42:09 30 Fitzgerald. There's very little I can do if Mr. Collins wants to go ahead

12:42:21 1 and --

2

3 MR. COLLINS: It makes an important point, Sir, that's relevant.

4

12:42:21 5 CHAIRMAN: I mean, does it contain some sort of an allegation against?

6

7 MR. COLLINS: No, no, not at all. Far from that Sir, it's an entirely
8 innocuous letter. It indicates that as late as February 1994, the Fianna Fail
9 group were still fundraising in an effort to clear the large debt outstanding
10 since the 1991 Local Elections.

12:42:37

11

12 And that's the point I think that needs to be appreciated. That as late as
13 early 1994, fund-raising was still going on in respect of the 1991 Local
14 Elections. And I think that's a matter that is of considerable importance
15 having regard to the date and timing of the payments and the characterisation
16 of them as Local Election payments, which Mr. Jones has been brought through.

12:42:52

17

18 CHAIRMAN: All right. Can I just say this in relation to the list.

19

12:43:04 20 We are conscious of the fact that Mr. Jones didn't alone provide the
21 information that makes up that list.

22

23 He is not being stuck rigidly to it, so to speak. He is being allowed every
24 opportunity to explain the entries and to indicate any lack of knowledge or
25 information he has at this stage to explain those entries. So they aren't set
26 in stone. Every opportunity is being given -- and Mr. Jones Junior also will
27 have the opportunity to provide explanations.

12:43:31

28

29 MR. COLLINS: I appreciate that, Sir.

12:43:45

30 The only other point that I would make is that the vast majority of entries

12:43:49 1 were vouched. And obviously we are now focussing perhaps understandably on
2 the limited number of entries that were not vouched. And we wouldn't want
3 anybody to get the wrong impression. The vast majority of items were
4 accounted for and vouched. And indeed some of the unvouched items have since
12:44:05 5 been vouched.

6
7 CHAIRMAN: All right. We appreciate that. Hopefully, we'll all be wiser
8 when both Mr. Jones' have given their ...

9
12:44:13 10 MS. DILLON: I was wondering would it be possible. I haven't given any
11 notice of this to Mr. Collins or Ms. Kilroy, would it be possible for Mr. Jones
12 Senior to be here at ten o'clock in the morning, if that was suitable. It's
13 just, it would allow him to have two breaks maybe in the course of the morning
14 and we would be able to conclude Mr. Jones' evidence then tomorrow morning.

12:44:32 15
16 CHAIRMAN: All right. Well does that suit you, Mr. Jones?

17 A. No problem at all, Chairman.

18
19 CHAIRMAN: Ten o'clock. Is there any point at sitting at ten to two, will
12:44:42 20 there be anybody here?

21
22 MR. QUINN: Mr. Hussey is the next scheduled witness. I understand that he is
23 here. If it were agreeable to the Tribunal we could commence his evidence at
24 this stage.

12:44:55 25
26 CHAIRMAN: All right. Does that suit?

27
28 MR. COLLINS: Mr. Hussey is happy to start now or happy to start at ten to
29 two. Whatever suits the Tribunal.

12:45:03 30

12:45:03 1 CHAIRMAN: Or Mr. Kennedy?
2
3 MR. KENNEDY: Mr. Chairman, it might be in ease of myself and hopefully the
4 Tribunal, if I could deal with the issue of the cheque that came up in the
12:45:12 5 course of evidence being given by Mr. Kitt earlier this week.
6
7 MR. COLLINS: Can Mr. Jones leave the witness box, please?
8
9 CHAIRMAN: Sorry, yes. You can step down, Mr. Jones.
12:45:23 10 A. Thanks.
11
12 CHAIRMAN: Thank you very much. We'll see you tomorrow.
13
14 MR. KENNEDY: I anticipate that I would have had an opportunity at lunchtime of
12:45:29 15 talking to Ms. Dillon. But I don't have an awful lot to say except I think the
16 issue of the cheque should be -- I should be allowed make further comment on
17 it.
18
19 CHAIRMAN: Which cheque is this?
12:45:40 20
21 MR. KENNEDY: This was the issue, Chairman, where questions were put to Mr.
22 Wright by Ms. Dillon. She believing that the cheque had been presented at a
23 particular bank. And documentation --
24
12:45:54 25 CHAIRMAN: All right. Can I just stop you there. I think we'll leave
26 Mr. Hussey until ten to two if that's ...
27
28 MS. DILLON: As you wish, Sir. I think in ease of Mr. Kennedy. I can say
29 the following.
12:46:05 30

12:46:05 1 CHAIRMAN: I just want to hear what he says.

2

3 MS. DILLON: The cheque that he talks about, as I understand what happened.

4 We presented the cheque to everybody in the format in which we got them.

12:46:15 5 There were two cheques. One was a cheque to Mr. Tom Kitt. One was a cheque

6 to Mr. GV Wright. The reverse of Mr. Kitt's cheque was attached to Mr. GV

7 Wright's. The reverse of Mr. GV Wright's cheque was attached to Mr. Tom

8 Kitt's. As a result of which I asked certain questions of Mr. GV Wright

9 which, if I had had the proper reverse of the cheque, attached to his cheque I

12:46:34 10 would not have asked him. I don't know whether that goes any way to assisting

11 Mr. Kennedy

12

13 MR. KENNEDY: It does, Chairman.

14 I appreciate Ms. Dillon's comments in that regard. I did note earlier today

12:46:46 15 that and I congratulate Ms. Dillon and her team on the forensics that she was

16 able to conduct in regard to another matter that mentioned at the start of this

17 module -- this morning rather. In that a bank reference at the back of the

18 cheque has helped to identify circumstances of that cheque. I'm not going to.

19 I think you know what I'm referring to.

12:47:06 20

21 The same applied in respect of this cheque, Chairman. There was a very clear

22 reference on the back of the cheque that was sent to Mr. Wright. Which

23 identified that it was and this is the reality of it -- it was presented by him

24 and lodged in an account in a bank in Malahide, an account that he had

12:47:25 25 discovered, on oath, some years ago. And that is where the cheque ended up.

26

27 At the start of Ms. Dillon's questioning on, I think it was Tuesday. Monday

28 of this week or Tuesday. This cheque was at the top of her shopping list of

29 questions. And she went straight into it. And she assumed because she

12:47:49 30 didn't have the correct information that Mr. Wright had walked into another

12:47:54 1 bank and I think the thrust of her questioning was trying to suggest that he
2 had cashed this particular cheque at a bank that he had no dealings at all
3 with.

4 One of her questions was did he have an account at that bank, which he said no
12:48:09 5 to.

6
7 MR. CHAIRMAN: But that was the belief, I think, at the time.

8
9 MR. KENNEDY: It was the believe but it created, as My Friend, Mr. O'Tuathail
12:48:15 10 said, a frenzy amongst the media I'm sure as to what was going on here.

11
12 The honest reality was that the cheque was lodged in a bank account he had
13 identified. And I simply wanted the opportunity of making that absolutely
14 clear to the Tribunal.

12:48:30 15
16 CHAIRMAN: Well I think that has been clear.
17 I mean, the reason I think why there was so much attention to the back of the
18 cheque this morning was because it was a cheque to cash and there was no other
19 way of identifying any possible link with any of the councillors.

12:48:51 20
21 But we take your point. It was a mistake that was made. And it has been
22 corrected. And as far as we're concerned, it has been corrected. All right?

23
24 MR. KENNEDY: Thank you, Chairman.

12:49:02 25
26 CHAIRMAN: All right.

27

28

29

THE TRIBUNAL THEN ADJOURNED FOR LUNCH.

30

12:49:37 1 **THE TRIBUNAL THEN RESUMED AS FOLLOWS AT 1:50 P.M.:**

2

3

MR. QUINN: Good afternoon, Sir.

4

13:56:32 5 Mr. Derry Hussey, please.

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DERRY HUSSEY, HAVING BEEN SWORN, WAS EXAMINED

AS FOLLOWS BY MR. QUINN:

CHAIRMAN: Good afternoon, Mr. Hussey.

Q. 440 MR. QUINN: Good afternoon, Mr. Hussey.

A. Good afternoon.

Q. 441 Mr. Hussey, you in response to queries from the tribunal, through your solicitors have provided statements to the Tribunal. What I propose to do is to, in fairness to you, to open your statement on the 25th of November, 2003, to the Tribunal. And read that statement. And then ask you one or two questions arising from it. Is that agreeable to you?

A. Yep.

Q. 442 It's between pages 670 and 682 of the Tribunal brief.

You said "That the information which you provided to the Tribunal in this narrative is prepared very largely from memory and for good order you should say that it would be obviously subject to correction by reference to any files or documents which were not currently available to you."

Under the heading "personal details" you say: "That you are a chartered account and from December 1972 to June 1993 you were the financial director of the Jones Group plc. You were also a director of many of it's subsidiaries including Beechill Properties and H A O'Neill Limited."

And you attach a list of your directorships in appendix A, that's to be found at 683 of the brief.

And I think you there set out a number of companies, quite of few of which are Jones Group companies and subsidiaries, all of which you are either a current director or a past director, is that correct?

- 13:58:28 1 A. I'm not a director of any of the Jones Group companies.
- 2 Q. 443 Yes. Are you a director of Jones Staff Limited or were you a trustee?
- 3 A. No, Jones Staff was actually a provident society. I was trustee whatever, a
- 4 member of that. But it's in liquidation it has been liquidated.
- 13:58:46 5 Q. 444 I think you were identified in that list as having been a past director of it?
- 6 A. Yeah, because it's in liquidation. It's been liquidated, it's not in
- 7 liquidation as far as I know.
- 8 Q. 445 Now, you say that "You held no shares in Beechill Properties Limited and less
- 9 than 1% of Jones Group plc. During your business career you have been a
- 13:59:08 10 non-executive director of a number of companies connected with Chris Jones and
- 11 his family, not with the Jones Group, including Ballycullen Farms, Ballycullen
- 12 Holdings and you say these are identified in appendix A. And you have marked
- 13 the companies in which you have a beneficial interest with an asterisk and the
- 14 Jones Group companies with the letter J. You say you have no shareholding in
- 13:59:32 15 Ballycullen Farms Limited or Ballycullen Holdings Limited."
- 16
- 17 I take it that you never had a holding in Ballycullen Farms or Ballycullen
- 18 Holdings, is that right?
- 19 A. That's correct.
- 13:59:34 20 Q. 446 You said that "The Jones Group was set up in 1972 to act as a holding company
- 21 to a number of companies then wholly owned and controlled by Chris Jones and
- 22 his family. The Jones Group traded successfully throughout the 1990s. From
- 23 1993 several subsidiaries of the Jones Group were subject to management buyouts
- 24 following which they cease to be subsidiaries of the Group." You say "In or
- 13:59:52 25 around 2000 the Jones Group and it's remaining subsidiaries were bought by a
- 26 company controlled by Mr. Alan Sheeran. On the sale of the Jones Group, all
- 27 papers and documents relating to the Jones Group and it's then subsidiaries
- 28 passed to the new company."
- 29
- 14:00:05 30 And then under the heading "Beechill offices acquisition and disposal of lands"

14:00:08 1 you say "That the Beechill property in Clonskeagh about which the Tribunal has
2 asked was acquired in the early 1970s by a specially formed company, Beechill
3 Properties Limited. This company became a wholly owned subsidiary of the
4 Jones Group at the end of 1972 and a property then became the Jones Group head
14:00:23 5 quarters. It consisted of offices, workshops, doors and comprised
6 approximately 4.9 acres. There was a large storage shed which was left in the
7 short lease. In 1995 - 1996 the Beechill property was sold by public tender
8 for 3 million to a third party. The proceeds of sale were ultimately made
9 available or redistributed to the Jones Group which was still the parent
14:00:44 10 company of Beechill Properties Limited."

11
12 Zonings/rezonings: You say "That the area in Clonskeagh where Beechill
13 Properties was located had originally been an area used for light industrial
14 use and offices. And by the 1980s had become almost completely an office area
14:00:59 15 where the Jones Group had substantially reduced and discontinued it's workshop
16 and storage usage on the site. The zoning of the premises in 1983 Dublin
17 County Development Plan was industrial and no reference was made to office use
18 as part of that zoning.

19
14:01:12 20 There were two large developments adjoining Beechill which were also office
21 blocks. The Smurfitt head office which was all offices, adjoined the site and
22 had been new printing works which had been redeveloped as a very large office
23 park. The Jones Group considered it appropriate in a the zoning of the
24 property should reflect these changed circumstances in the area."

14:01:30 25
26 You said "Chris Jones, fellow director and Chairman of the Jones Group spoke to
27 Frank Dunlop about how this might be done. At the time Mr. Dunlop was
28 advising Ballycullen Farms Limited in relation to the rezoning of Ballycullen
29 Farms. I understand that Mr. Dunlop has suggested to Chris that we should
14:01:47 30 raise the matter with Mr. Tom Hand, who was the local councillor."

14:01:50 1
2 You say "You then met with Mr. Hand some time in 1991 or 1992 you think. You
3 explained to him your actual usage of Beechill and that surrounding properties
4 were primarily used as offices too and that the zoning was industrial. Mr.
14:02:06 5 Hand said that he thought that there would be no problem having this addressed
6 in the next Draft Development Plan. He said that he would talk to the Dublin
7 County Council officials responsible with planning matters and explain the
8 position to them. At this meeting, Councillor Hand raised no question of
9 political subscriptions. At the time he understood that the provision of the
14:02:23 10 Draft County Development Plan was a function of the County Council planning
11 office and relevant officials.
12
13 You say I understood that the drafting of any revision did not involve a vote
14 of councillors but the council would consider the revised draft plan in due
14:02:37 15 course, voted whether or not to adopt the new draft plan. The next Dublin
16 County Council Development Plan of 1993 provided for office use of certain
17 floor areas in the E zone, that's industrial and related uses. The zoning
18 allowed for offices up to 100 metres squared as a permitted use and offices up
19 to 1,000 metres square were in principle permitted."
14:02:58 20
21 You say "That at some time after the revised plan was introduced Mr. Dunlop
22 asked you for a subscription to councillor Hand's political fundraising.
23 Beechill Properties Limiter made a subscription by cheque of 1,000 pounds which
24 you believe was made payable to Councillor Hand and was drawn in the company's
14:03:12 25 account with AIB in Rathgar."
26
27 You say that "I do not recall if this cheque was given to Mr. Dunlop for onward
28 delivery to Mr. Hand or to Mr. Hand directly. You did not have access to any
29 cheque book or bank records of Beechill Properties but believe that this would
14:03:26 30 have been done in or about 1993. Subsequently Mr. Dunlop sought a further

14:03:31 1 subscription from Mr. Hand and as far as I recollect, that request was made
2 through Mr. Chris Jones. I refused this request on behalf of Beechill
3 Properties Limited." You say then "That Mr. Dunlop then asked Mr. Chris Jones
4 to make a subscription and that he did."

14:03:43 5
6 Under the heading "Ballycullen Farms".
7 "Any acquisition of lands -- you say -- that in 1963 A J O'Neill was controlled
8 by Chris Jones and his family, O'Neills bought Ballycullen Farms in South
9 County Dublin. The holding initially consisted of 194 acres in Ballycullen
14:03:59 10 and by 1967 or '68 a further 25 acres adjoining the original farm was added to
11 the holding lands and given total holding of about 219 acres."

12
13 Under the heading "Ownership of company: "
14 You say "That in 1972 plans were made for O'Neills to be become a wholly owned
14:04:18 15 subsidiary of Jones Group. Prior to that happening arrangements were made for
16 another company to be set up, which would own the farm. And then for this
17 company to be transferred from O'Neill's itself to the ownership of the person
18 who are the shareholders, O'Neills. That duly happened in late 1972 and
19 O'Neills transferred the farm and herd to a newly formed company Ballycullen
14:04:38 20 Farms Limited, BFL. In consideration of this transfer, Ballycullen Farms
21 Limited allotted shares to the persons who were then shareholders of O'Neills
22 in the ratio of their shareholdings in O'Neills. At this time Chris Jones and
23 his family owned 77 percent of the issued capital in O'Neills and so came to
24 have a corresponding shareholding in Ballycullen Farms.

14:04:57 25
26 Ms. A O'Neill held about 9 percent and Gerard Jones, a brother of Chris Jones
27 and his families interest held about 14 percent.

28
29 In 1973 a trust company formed by Chris Jones for his family bought out
14:05:09 30 Ms. O'Neill giving him and his family almost 86 percent of the issued share

14:05:15 1 capital of Ballycullen Farms Limited."

2

3 Is that the Jones Staff company that I referred to earlier or is that a

4 different trust?

14:05:20 5 A. It's a different trust.

6 Q. 447 You say: "The ownership of Ballycullen Farms Limited did not change between

7 1973 and 1995. In 1995 Chris Jones trust company sold its interests in

8 Ballycullen Farms to Jones Staff Society Limited. Jones staff was an

9 industrial and provident society, the entire issue share capital of which was

14:05:41 10 owned by the trustees and family settlement that Chris Jones had established in

11 1973. In November 1996 you say that the Jones Staff acquired 14 percent

12 interest owned by Gerard Jones and his family in Ballycullen Farms and then

13 transferred those shares to itself."

14

14:05:57 15 "In September 1998 they acquired the shares in Ballycullen Farms held by Chris

16 Jones. By 2002 Ballycullen Farms no longer owned any lands in Ballycullen.

17 So a resolution was a passed for it's winding up and the liquidation was

18 completed in June 2003. In 2002 Jones Staff was liquated and its shares in

19 Ballycullen Farms were transferred to Custom Coleen Limited, which in turn went

14:06:18 20 into liquidation, and that liquidation was completed in June 2003."

21

22 Under the heading "disposal of lands" you say "That between 1971 and 1978

23 certain parts of Ballycullen Farms were compulsory acquired. In 1971 Dublin

24 County Council served notice of their intention to compulsory acquired 13.3

14:06:35 25 acres in Ballycullen Farm. The compulsory acquisition was finalised in 1979

26 and Ballycullen Farms received about 280,000 pounds in compensation.

27

28 In 1996/1997 a small portion of Ballycullen Farms lands was compulsory acquired

29 by south Dublin County Council but you did not know what compensation was paid.

14:06:53 30

14:06:53 1 In December 1998 .72 of an acre was compulsory acquired by south Dublin County
2 Council for 92,000 pounds."
3
4 You say that "At various points between 1980 onwards Ballycullen Farms tried to
14:07:06 5 sell Ballycullen Farms and eventually did so on a phased basis. In 1983 Gerard
6 Jones had negotiations with the council about the possible purchase of all of
7 the Ballycullen Farm for 3 millions pounds but no deal was reached because the
8 council was unable to find the required funding. He reported on these matters
9 to the board of Ballycullen Farms Limited, of which you were a director."
14:07:27 10
11 I understood that you became a director of Ballycullen Farms Limited in 1992.
12 Am I incorrect in that, Mr. Hussey?
13 A. You could well be right. I don't recall exactly when I became. I was always
14 involved in Ballycullen Farms. I was company secretary.
14:07:43 15 Q. 448 You say "In 1996 Ballycullen Farms set up a subsidiary Ballycullen Holdings
16 Limited and sold 600 sites at Ballycullen Farm to Ballycullen Holdings for 3
17 million in January 1997. Those sites were sold to Ballycullen Holdings to
18 Ellier Developments Limited on a phased basis and between 1997 and December
19 2001."
14:08:03 20 And I think in the subsequent correspondence if we could have 3611, please.
21
22 Your solicitors have advised the Tribunal that those 600 sites in all realised
23 over a period to a sum of 22 million, isn't that correct?
24 A. I am sure it is, yes.
14:08:21 25 Q. 449 Earlier developments is owned on a 50/50 basis by Mr. Christopher Jones Junior
26 and Francis Rattigan.
27
28 At 676 you go on to say that "In 1996 Ballycullen Farms bought 8.75 acres from
29 South Dublin County Council for 1 million. It then gifted the 8.75 acres back
14:08:39 30 to the council for use as playing pitches. At the same time Ballycullen Farms

14:08:50 1 also gifted 11.2 acres of Ballycullen Farm to the council for use as playing
2 pitches. In September 1997 Ballycullen Farms made an application to south
3 Dublin County Council for a change in zoning of 110 acres from amenity to
4 residential."

14:08:58 5
6 We're dealing here, I think, Mr. Hussey, with the lands which were zoned F in
7 the 1993 Development Plan, isn't that right?

8 A. Yes, I think so.

9 Q. 450 And you say that at the end of 1997 these 110 acres were sold by Ballycullen
10 Farms to Chris Jones' children for 3.8 million. And December 1998 a new Draft
11 County Development Plan was published which included the rezoning which
12 Ballycullen Farms had sought had September 1997 in respect of the 110 acres and
13 the Development Plan was approved in 1999?

14 A. Yeah.

14:09:30 15 Q. 451 So the current position I think is that the 600 sites had been sold on for 22
16 million. And the balance of the lands originally zoned agriculture, zoned F
17 in the 1993 plan are now zoned for housing and I think some 650 housing
18 permissions have been granted on those lands?

19 A. That's right.

14:09:49 20 Q. 452 And would it be reasonable to assume, therefore, that if the first 600 houses
21 had been sold on over a period for 22 million that the balance would be worth
22 at least the same again?

23 A. Oh, I think so, yes.

24 Q. 453 So we're talking about property. Because of its increased rezoning and
14:10:08 25 increased density is worth in excess of 50 million?

26 A. I would think so, yeah. Over a period of, well a considerable period, yeah.

27 Q. 454 Now, under heading of "history of planning/rezoning applications" you say "From
28 early 1970s the plan in Ballycullen Farms when in Ballycullen Farm was to seek
29 to develop the land and its use as farm was difficult to sustain given the
14:10:28 30 change in the character from rural to one of suburban development. In 1971

14:10:33 1 prior to Ballycullen Farms Limited taking ownership of the farm, O'Neills had
2 made application to Dublin County Council for outline permission for a
3 residential development with ancillary facilities on 182 acres on Ballycullen
4 Farms. This application was refused by the council and then appealed. In
14:10:47 5 1972 a new county Development Plan was introduced and most of Ballycullen Farms
6 remained zoned for agricultural use.

7
8 In 1973, Ballycullen Farms Limited retained Delaney McBride architects,
9 engineers and planning consultants and they made submissions appealing the
14:11:02 10 refusal to grant permission to the Minister for Local Government. And the
11 appeal was refused in 1975 on the grounds that development would be against
12 proper planning and development of the area and might overload the sewage
13 system."

14
14:11:13 15 You say that "In 1980 a Draft Development Plan was introduced. And most of
16 Ballycullen Farm Limited land was still zoned for agricultural use.
17 Ballycullen Farm Limited then engaged a planning consultant Kieran O'Malley, of
18 O'Malley Bergin civil engineering and town planning consultants. He made a
19 submission on behalf of Ballycullen Farms Limited to the council under the
14:11:32 20 draft plan dealing with the objections raised by the council in respect of the
21 1971 application and subsequent appeal.

22
23 Mr. O'Malley made submissions between October 1980 and December 1982 and they
24 brought no change because in 1983 a new Dublin County Development Plan was
14:11:46 25 introduced and most of Ballycullen Farm was still zoned for agricultural use.

26
27 In 1990 a Draft Development Plan was published and the zoning of about 70 acres
28 of Ballycullen Farms was proposed as industrial. The suggested changes
29 apparently following an expression of interest in the site by the IDA. At
14:12:04 30 this time Frank Benson, planning consultant, was retained to advise Ballycullen

14:12:09 1 Farms Limited on the draft plan. Mr. Benson recommended that Murray O'Laoire
2 Associate, architects be retained and having done so they in turn retained
3 Brian Meehan, planning consultant, to prepare a report on the planning and
4 zoning issues arising. Mr. Meehan advised that they were sound planning
14:12:22 5 arguments to support a rezoning in Ballycullen Farms to include additional
6 residential development."
7
8 I think by this time you had Ciaran O'Malley, planning consultant, Dr. Brian
9 Meehan, planning consultant and Mr. Frank Benson planning consultants at
14:12:37 10 different stages in relation to advising you in relation to the lands, is that
11 correct?
12 A. We did.
13 Q. 455 You say that "In October 1990 Ballycullen Farms Limited decided to make a
14 second planning application for outline provision for business/light industrial
14:12:52 15 park on 348 houses. This was prepared by Murray O'Laoire architects with the
16 help from John B Barry and partners engineers who became involved since Kieran
17 O'Malley was unavailable and Mr. Meehan and Mr. Benson. The application was
18 refused in December 1990 and again in appeal in May 1991, principally on the
19 basis that it would materially contravene the Dublin Development Plan. The
14:13:10 20 application seemed to be unpopular with local residents and interest groups and
21 they did not support it.
22
23 By this time the farm was surrounded by residential developments on its
24 northern Western boundaries and farming was becoming impossible. So in 1992
14:13:25 25 the herald was transferred to another farm owned by Chris Jones and Ballycullen
26 Farms Limited established a Ballycullen Equestrian Centre on the lands which
27 operated until about 2000."
28 A. That was quite a small operation.
29 Q. 456 And was that operated by Mr. Frank Brooks?
14:13:38 30 A. It was.

- 14:13:39 1 Q. 457 Yes. So Mr. Brooks' involvement with Ballycullen Farms Limited after mid 1992
2 onwards was as a manager of the equestrian centre?
3 A. I think he was doing it of his own right.
4 Q. 458 I see. When you say he was doing it in his own right?
14:13:58 5 A. I think he might have paid Ballycullen a rent.
6 Q. 459 I see.
7 A. I think that was the situation.
8 Q. 460 So can we take it then that from 1992 onwards Mr. Frank Brooks is no longer an
9 employee in Ballycullen Farms Limited, he is in fact renting from them an
14:14:13 10 equestrian centre which he is running from them?
11 A. Well, from memory that would be the situation, yeah.
12 Q. 461 You were the financial controller at this time?
13 A. I wasn't. That's a misstatement. I was never financial controller of
14 Ballycullen Farms Limited. I was financial director of the Jones Group.
14:14:25 15 Q. 462 I see. So had you any involvement then at all with Ballycullen Farms Limited?
16 A. I did. I was a non-executive director of Ballycullen.
17 Q. 463 You had no involvement from a financial point of view with Ballycullen Farms
18 Limited?
19 A. Other than the fact that I would have -- as a non-executive director I would
14:14:41 20 have had to look at the financial aspects and governance aspects.
21 Q. 464 You would leave that expertise to the board?
22 A. Such as it is.
23 Q. 465 Yes. I understand. Mr. Oliver Brooks I think it was, has advised the
24 Tribunal, given evidence, that yourself and Mr. Jones were the signatories on
14:14:58 25 the account of Ballycullen Farms Limited. Was he correct in that?
26 A. Yeah. We certainly would have both been signatories.
27 Q. 466 Now, both of you required to sign cheques or had you individual signing
28 authority?
29 A. My recollection, it could be wrong, my recollection was that either of us could
14:15:15 30 sign a cheque up to 5,000 and a cheque in excess of 5,000 might require two

- 14:15:21 1 signatures.
- 2 Q. 467 I understand. At paragraph 30 at 678, you go on to say that "Around this time
- 3 Mr. Meehan and Murray O'Laoire advised me that Ballycullen Farms Limited should
- 4 start a public relations campaign to get support for the rezoning.
- 14:15:37 5 Ballycullen Farms Limited retained Frank Dunlop to help with the campaign
- 6 because he then had a reputation as a very effective lobbyist in planning and
- 7 rezoning related matters. Mr. Dunlop set out his views in writing on how
- 8 Ballycullen Farms Limited should promote the issue locally and the process of
- 9 lobbying the council in favour of the rezoning of the lands began. Public
- 14:15:56 10 meetings began with local residents associations and I attended these on one or
- 11 two occasions. I met with Councillor Muldoon and made representations to her
- 12 about the rezoning which were unsuccessful."
- 13
- 14 Ms. Muldoon has given evidence, you may or may not be aware of it, Mr. Hussey,
- 14:16:13 15 in relation to a meeting between yourself Mr. Jones and herself, where you
- 16 sought to convince her that she should support the rezoning of Ballycullen.
- 17 Do you recall meeting with Ms. Muldoon?
- 18 A. I do.
- 19 Q. 468 She said that she knew you through your wife and through the political
- 14:16:28 20 connection?
- 21 A. Yeah, I knew her through politics.
- 22 Q. 469 And she indicated to the Tribunal that she felt that you might have been
- 23 disappointed that because of your connection that you were unable to change her
- 24 view in relation to her attitude to the rezoning of the lands?
- 14:16:43 25 A. Well I'm sure that's true.
- 26 Q. 470 She also has advised the Tribunal that when leaving Mr. Christopher Jones spoke
- 27 with her and thanked her for hearing him on the issue and that he paid some
- 28 tribute to her along the lines that he was delighted to have met an honest
- 29 councillor. Do you recall that incident, that exchange?
- 14:17:05 30 A. I don't recall it, no. I mean, I'm not denying it for a minute. I suspect

14:17:09 1 what he meant was that most people who are not going to vote for you will say
2 I'll talk to my constituents or I'll do this that or the other thing, when they
3 really mean I'm not going to do it. And she said I'm not going to do it.

4 Q. 471 In paragraph 31. You go on to say that "In 1992 based on the outcome of
14:17:25 5 discussions with all of the interested parties, a new submission attaching
6 motion and map seeking amendment of the Draft Development Plan was made to the
7 council by Murray O'Laoire on our behalf. The submission sought the rezoning
8 of 60 acres to residential with a housing density of 6 houses to the acre. On
9 the 28th October 1992 a proposal by Councillor Lydon, seconded by Councillor
14:17:46 10 Hand was passed by a majority of 48/22, to be rezoned residential in the draft
11 Development Plan with a housing density of 6 to the acre. The remaining
12 acerage was zoned for amenity.
13

14 The new Dublin County Development Plan with the zoning changes was introduced
14:18:03 15 in 1993 although it transpired with the mapping in error it appeared to zone
16 about 77/78 acres for residential use. You said that the permitted density
17 was extremely low and it was decided to try and see if it could be enhanced.
18 On behalf of Ballycullen Farms Limited, Chris Jones, Chris Jones Junior and
19 Frank Brooks had discussions over a period of time with council officials,
14:18:25 20 Mr. John Fitzgerald county manager to south and Dublin County Council, Mr. Tom
21 Doherty, deputy county manager.
22

23 Ballycullen Farms Limited then applied to the council in January 1995 for
24 planning permission for 360 houses. This is at page 679 on 59.3 acres with
14:18:42 25 density was permitted under the new zoning. The council queried why the
26 application did not cover all of the zoned lands 77/78 acres, and that is when
27 the mapping error was discovered. The council would not process the
28 application until the status of the 17/18 acres was clarified."
29

14:18:59 30 You said that "Arising from the discussions referred to above, and to resolve

14:19:03 1 the mapping error what was then immense local pressure on the council to
2 provide playing pitches for the local community and Ballycullen Farms Limited
3 needs and density. Ballycullen Farms Limited agreed in July 1995 to purchase
4 8.75 acres from the council for 1 million and gifted the same 8.75 acres back
14:19:20 5 to the council for use as playing fields. Ballycullen Farms Limited also
6 agreed to seed 11.2 acres of Ballycullen Farms to the council for use as
7 playing fields. And in the event of getting full planning permission for 600
8 houses on its 77/78 acres of zoned residential land.

14:19:38 10 In August 1995 having reached such agreement with South Dublin County Council a
11 new planning application for 600 houses on 78 acres was met by Fitzgerald Reddy
12 architects, formally Reddy & Associates for Ballycullen Farms. In February
13 1996 a material contravention of the plan was proposed to the council to allow
14 for the higher density of the application. The proposal was supported by the
14:19:59 15 council officials and was approved by the council by 23 votes to 2.

16
17 Subsequent to the approval of the material contravention of South Dublin County
18 Council issued a decision in February 1996 to grant planning permission for 600
19 houses and in March 1996 the planning application for 360 houses was withdrawn.
14:20:18 20 The grant was appealed to An Bord Pleanala. And in August 1996 following an
21 oral hearing An Bord Pleanala, following the planning inspector's
22 recommendation, upheld the south Dublin County Council's decision and issued a
23 grant of permission for 600 houses.

14:20:29 25 In September 1997, Fintan Simons made a formal rezoning proposal for
26 Ballycullen Farms Limited to South Dublin County Council to have the remaining
27 lands at Ballycullen changed from F amenity to A1 residential.

28
29 In September 1998 a new Dublin County Development Plan was adopted and it
14:20:47 30 provided for a change of zoning sought by Ballycullen Farms Limited in 1997.

14:20:51 1 In 2000 planning permission was sought for 655 houses on the remaining lands at
2 Ballycullen and planning permission was granted in January 2002."
3
4 Under heading "payments" and under the heading "Frank Dunlop". You say that
14:21:03 5 "During the period where Mr. Dunlop advised Ballycullen Farms Limited about its
6 proposals for rezoning of lands at Ballycullen. To the best of my knowledge
7 the company paid him three amounts totalling 12,500 pounds. The payments were
8 made by Ballycullen Farms Limited in the following amounts.
9 2,500 on the 7th of May 1991 cheque 1014.
14:21:23 10 5,000 pounds on the 10th of September 1991. Cheque 1194.
11 5,000 pounds on the 20th of February 1992. 1384."
12
13 Under the heading "Liam Lawlor". You say that "I have never had any dealings
14 with Liam Lawlor. He has submitted an invoice to Ballycullen Farms Limited in
14:21:39 15 about July 1991, in respect of his advice on the rezoning project of
16 Ballycullen Farms. It was made out in the name of Comex Trading Limited for
17 7,500 pounds dated 29th of July, 1991. And that invoice was paid by
18 Ballycullen Farms by cheque No. 1130. Dated the 30th of July 1991."
19
14:21:55 20 That cheque would appear to be in excess of the 5,000 pounds referred to
21 earlier. Was that a cheque, therefore, that we can take it that you would
22 have counter signed with Mr. Jones?
23 A. I don't know but I suspect so.
24 Q. 472 So you would have known from July 1991 that Mr. Lawlor had an involvement with
14:22:18 25 Mr. Jones or Ballycullen Farms Limited.
26 A. Oh I would. Yes, yes.
27 Q. 473 Heading "public officials".
28 "In the course of my business career, which goes back to the early 1960s, I
29 have not made either directly or indirectly, on my own behalf or on behalf of
14:22:38 30 any other person or company, any payment of money to any public official, nor

14:22:38 1 have I colluded with any of them with any benefit of any kind."

2

3 Under the heading "Personal donations". You said that "In the same period

4 other than in respect of contributions of less than 100 pounds, I have made no

14:22:45 5 payments to any elected representative directly or indirectly on my own behalf

6 or on behalf of any other person. I set out below information payments to

7 representatives which I initiated or made on behalf of a number of companies.

8 My wife became a Senator in 1977 and TD in 1982. Subsequent to which she was

9 a member of the cabinet. She left politics in 1987. Throughout her

14:23:04 10 political career I obviously supported her in every way possible.

11

12 Under the heading "Jones Group donation".

13 You say "In December 1972 to June 1993 when as noted above, I was financial

14 director of the Jones Group and a director of many of its subsidiaries. The

14:23:18 15 Group either directly or through it's subsidiaries made contributions to the

16 three major political parties. These subscriptions were made by cheque and

17 were in response to requests for subscriptions. Subscriptions were made at

18 the time on General Elections, European elections and Local Elections and they

19 were made either to the party headquarters to or to constituencies.

14:23:35 20

21 Records are not available to me to say exactly how much these payments were but

22 I believe them to have been in the region of 6/7,000 in total at each election

23 time. This being the aggregate amount in relation to all of the parties. The

24 Jones Group was sold in 1999 and I understand that the accounting records then

14:23:51 25 retained went back only as far as 1993. I imagine that if further details of

26 these payments were needed the relevant banks may well be able to supply bank

27 statements and perhaps returned cheques.

28

29 During the period dating back to 1972 some subscriptions were made by the Jones

14:24:06 30 Group and its subsidiaries directly to elected representatives.

14:24:11 1 I believe that none of these direct subscriptions would have acceded 1,000
2 pounds on any occasion."

3
4 This morning we had reference to 2 1,500 pound cheques one from Ballycullen
14:24:23 5 Farms Limited and the other from H A O'Neill Limited given in 1994 to
6 Mr. Brennan on behalf of Fianna Fail. You wouldn't disagree with that?

7 A. Well, Ballycullen Farms wasn't part of the Jones Group.

8 Q. 474 Okay. H A O'Neill was that part of the Jones Group?

9 A. Well, it was from 1972 on.

14:24:43 10 Q. 475 Yes. So a cheque from H A O'Neill to Fianna Fail for 1,500 pounds in 1994
11 would require the sentence here to be revised somewhat, would you agree with
12 that?

13 A. That could have happened without my knowledge.

14 Q. 476 I understand.

14:24:59 15 "All of the payments were made by cheque in most instances was with response to
16 requests for subscriptions. The recipients include -- You name a number of
17 people there including your wife -- but as far as I recollect I received a
18 subscription for each General Election from 1981 to '87. These would not have
19 been solicited. None of these payments was made for or in anticipation of any
20 action or favour from any of the recipients."

14:25:18 21
22 In one of the elections during the 1980s a subscription of 500 pounds was made
23 to Fine Gael TD and you identified him there, Mr. Kenny. You said this was
24 unsolicited and paid by company cheque. And he had facilitated the
14:25:35 25 arrangement of a meeting between the Jones Group division and the Department of
26 the Marine to discuss regulations.

27
28 "These as far as I recollect are the only payments made by the Jones Group and
29 its subsidiaries through me to any public representatives between 1972 and
14:25:48 30 1993."

14:25:48 1 Under the heading "Other corporate donations" you say "As noted above, I have
2 over the years been a non-executive director of a number of companies which
3 were not within the Jones Group. I have made no payments to nor have I
4 provided any benefit for any public official out of these companies."

14:26:03 5
6 And finally, at paragraph 48. You say "I am however aware that some of the
7 companies on the list, that is in appendix A, have made political subscriptions
8 to parties and to public representatives. I understand that records exist
9 within these companies going back a number of years which show the amounts and
10 dates of these payments."

11
12 And if we had 683 again. It's fair to say, therefore, Mr. Hussey what, you
13 are effectively saying is that any number of political subscriptions could have
14 been made by any of the companies that appear there in that schedule. Any of
15 the Jones companies appearing there in that schedule?

14:26:35 16 A. Well, they could. But, I mean, I think it would be discussed at a certain
17 level if they were of a certain size.

18 Q. 477 And just before I leave the issue of the statements. I just want to refer
19 just very briefly to just points made in a letter of the 10th of November,
14:26:59 20 2003. From your solicitors to the Tribunal in response a series of questions
21 raised.

22 If I could have 668, please.

23
24 These are just for clarification and in fairness to you, yourself, Mr. Hussey.
14:27:23 25 At 688. This is the second page of a letter of the 10th of November 2003 and
26 if you'll forgive me. I will read it into the record if your counsel insists.
27 But just to get through it quickly at paragraph 3 you say in the first line
28 "Mr. Hussey has no personal involvement or dealings at any time with Mr. Liam
29 Lawlor" is that correct?

14:27:35 30 A. Yes.

14:27:36 1 Q. 478 Paragraph five you say that "Mr. Hussey in his letter of the 15th of June has
2 confirmed that neither he nor any company with which he had any involvement had
3 ever made any payments to any local authority official either directly or
4 indirectly", is that correct?

14:27:48 5 A. Yes.

6 Q. 479 And again at paragraph 8 you admit to the representations being made to
7 Councillor Muldoon in relation to the rezoning of Ballycullen, isn't that
8 correct?

9 A. Yes.

14:27:55 10 Q. 480 And then the second last sentence you say that "Mr. Hussey ceased to be a
11 director of the Jones Group plc in 2000 and no longer has access to records and
12 documentation relating to the Jones Group plc and it's subsidiary." Is that
13 correct?

14 A. Yeah.

14:28:10 15 Q. 481 Paragraph 2 there you say "The payment to Mr. Dunlop of 1, 000 pound to
16 Mr. Hand was made by cheque drawn on the account of Beechill Properties
17 Limited, then a wholly owned subsidiary of the Jones Group plc, Beechill
18 Properties banked with AIB in Rathgar but mr. Hussey does not have any access
19 to any records evidencing the payment."

14:28:26 20
21 And then at 669, the letter goes on to say that "The subsidiaries of the Jones
22 Group are marked A on the letter." We see that a moment ago.

23
24 He said that "he", that is you, Mr. Hussey, "is not in a position to say which
14:28:39 25 companies within the group may have made any particular payments. The only
26 other subscriptions were made out of Ballycullen Farms Limited and details of
27 these are included in the narrative."

28
29 And says that "Mr. Hussey in his capacity as financial director up to 1993 and
14:28:52 30 the Jones Group plc would have been responsible for insuring the proper books

14:28:56 1 and records would have been maintained by the group and its subsidiaries. You
2 were not in a position as mentioned, to refer to any existing records and was
3 not responsible for the maintenance of any individual records or for the
4 subsequent safekeeping of records."

14:29:07 5
6 But you are satisfied that at all times any of the payments referred to proper
7 book-keeping record procedures are in place within the group, isn't that
8 correct?

9 A. That's correct.

14:29:19 10 Q. 482 Now, Mr. Hussey, you have I think advised the Tribunal that it is the case that
11 you were a non-executive director, from at least 1992 onwards. But that you
12 had been involved with Ballycullen Farms Limited prior to 1992. And of course
13 you had a long-standing involvement with Mr. Chris Jones and his various
14 companies, isn't that correct?

14:29:42 15 A. That's correct.

16 Q. 483 And you would have held a very senior position within the Jones Group itself
17 and a very prestigious company within the State, isn't that correct?

18 A. Yes.

19 Q. 484 In 1991 I think the Ballycullen Farms Limited found itself in a situation where
14:29:57 20 it had just been refused permission for a development of the lands in
21 Ballycullen, isn't that right?

22 A. Yes.

23 Q. 485 And it had a long history of seeking to have the lands either rezoned or
24 developed or at least have the planning status of the lands revised so that the
14:30:14 25 development could take place on the lands, isn't that correct?

26 A. Yep.

27 Q. 486 You had been involved in that adventure with Mr. Jones and I suggest Mr. Oliver
28 Brooks at least?

29 A. No, that's not altogether correct. I mean, Chris was dealing with the
14:30:31 30 rezoning question. And I knew that the Brooks' were helping him. But I

- 14:30:36 1 really -- I had some involvement but not a lot.
- 2 Q. 487 Okay. Mr. Dunlop has described Mr. Jones, when asked about providing reports,
3 that Mr. Jones was anxious that matters would be done properly. And that when
4 people were retained that they would provide a report etc; is that his form?
- 14:30:53 5 A. Yes, I would think so.
- 6 Q. 488 Yes. He had, as I say, he was the head of a fairly prestigious company that
7 had developed and had become very, very successful?
- 8 A. Yeah, but that's not -- Ballycullen Farms, I'm not saying that it was run
9 differently. Ballycullen Farms was not part of that.
- 14:31:11 10 Q. 489 I suggest to you that he is unlikely to have brought a different business
11 standard to Ballycullen Farms than he brought to the rest of his companies?
- 12 A. Well, the constraints and disciplines which apply to a public company are
13 different to the constraints and disciplines that apply to a private company.
- 14 Q. 490 Well would it be fair to say that there were regular board beatings of
15 Ballycullen Farms Limited?
- 16 A. It would.
- 17 Q. 491 And anything that transpired at board meetings were reviewed and discussed at
18 those board meetings?
- 19 A. Yeah.
- 14:31:39 20 Q. 492 And I suggest one other factor that would have required a fairly open and
21 honest debate in relation to what was happening between board meetings was the
22 fact that there was a minority shareholder, who was also a director of the
23 company, who wasn't involved in the day to day activities of the company,
24 namely, Mr. Gerrard Owens?
- 14:32:01 25 A. That's correct.
- 26 Q. 493 In 1991 I think you, presumably, in your capacity as assisting Mr. Jones on
27 behalf of Ballycullen Farms, had a meeting with a number of planners or
28 representatives of the planning department of the Council; isn't that right?
29
- 14:32:10 30 If we could have 1343, please.

14:32:12 1
2 This is a note of a meeting, which appears to have been signed by you. Held
3 with named planners. And included yourself and Mr. Frank and Oliver Brooks?
4 A. Yep.

14:32:28 5 Q. 494 Do you recall that meeting?
6 A. No.
7 Q. 495 I see.
8 A. Well I'm quite sure that it took place.
9 Q. 496 And I'm sure you've read your own memorandum, prepared on foot of a meeting?
14:32:38 10 A. I would have prepared a memorandum. I would have imagine that I attended that
11 meeting because Chris Jones was away.
12 Q. 497 Are you saying that you were never really concerned about the rezoning of the
13 Ballycullen lands?
14 A. Of course I was concerned. But I wasn't involved in the mechanics of it or
14:32:53 15 the exercise of it.
16 Q. 498 You were involved during this time, January 1991, to the extent that you had
17 met with the Council officials?
18 A. Yeah, and I would have discussed the thing with Chris in a formal way.
19 Q. 499 Who set up that meeting with Council officials?
14:33:14 20 A. I don't know really.
21 Q. 500 Can you recall was there any difficulty having a meeting with Council
22 officials?
23 A. No. I think, broadly speaking, that the people in the Dublin County Council
24 were agreeable to meet people from time to time. I'm sure it took a lot of
14:33:30 25 time to set up.
26 Q. 501 There would be no difficulty whatsoever with having a meeting with officials?
27 A. It might take a long time to set it up.
28 Q. 502 I appreciate that. But not a problem. It seems to have been an open and
29 frank discussion where there was an adequate and transparent exchange in views.
14:33:46 30 You understood where they were coming from in relation to the lands and what

14:33:49 1 their intentions and expectations were. You left them, I suspect, in no doubt
2 about where you wished to see the lands?
3 A. Well absolutely, yeah.
4 Q. 503 Now, if I could have 1341.
14:34:02 5
6 There is a manuscript document, discovered to the Tribunal. It's just to
7 clarify it, insofar as you can, Mr. Hussey.
8
9 It's dated 23rd of January, 1991. And it refers to the names of some of the
14:34:14 10 officials whom you met on the 24th. It also referred to two politicians.
11 First of all, do you recognise the handwriting in that document?
12 A. I do.
13 Q. 504 Whose writing is that?
14 A. I think it's mine.
14:34:25 15 Q. 505 Now, can you tell the Tribunal, as the author of that document, what you
16 intended to convey by it?
17 A. I can't remember. Are Al Smith and Kevin O'Sullivan people who were at the
18 previous?
19 Q. 506 Yes, they were. 1343, please.
14:34:48 20 A. Maybe it was through the good offices of Seamus Brennan and Tom Kitt that that
21 meeting was set up.
22 Q. 507 Do you recall contacting Mr. Brennan or Mr. Kitt?
23 A. No.
24 Q. 508 Do you ever recall speaking to Mr. Kitt or Mr. Brennan in relation to
14:35:01 25 Ballycullen Farms Limited?
26 A. No.
27 Q. 509 Do you ever recall speaking to Mr. Chris Jones where he might have advised you
28 that he had spoken to Mr. Kitt and Mr. Brennan?
29 A. I would that that's very likely, yeah. If I was to guess I'd say that Chris
14:35:13 30 set it up and couldn't go to it and he asked me to go.

- 14:35:16 1 Q. 510 Do you think it was set up with the assistance of Mr. Brennan and/or Mr. Kitt?
- 2 A. Perhaps.
- 3 Q. 511 Now, --
- 4 A. Whose diary is that from?
- 14:35:29 5 Q. 512 Sorry?
- 6 A. That note. I mean, I didn't submit any diaries. I don't know who -- it
- 7 might have been in just a single page, I don't know.
- 8 Q. 513 Yes. It's a document discovered to the Tribunal amongst the documentation
- 9 generally discovered by Ballycullen Farms Limited.
- 14:35:49 10 A. Yeah, yeah, that's all my writing.
- 11 Q. 514 You say it doesn't refer to a meeting you had with either Mr. Brennan or Mr.
- 12 Kitt. But you do believe it to be the case that both -- either Mr. Brennan
- 13 and/or Mr. Kitt facilitated a meeting that you had had the next day with
- 14 Mr. O'Sullivan and Mr. Smith?
- 14:36:13 15 A. It's 15 years ago. That could well be the case.
- 16 Q. 515 Well would you have had many meetings with representatives of Dublin County
- 17 Council over the last 15 years?
- 18 A. No, no.
- 19 Q. 516 Now, we do know that on the 21st of February there is an entry in Mr. Dunlop's
- 14:36:29 20 diary. If I could have 1386, please, of a 4 p.m. meeting with Mr. Chris
- 21 Jones. Do you recall discussing the outcome of that meeting that we've just
- 22 seen of the 21st of -- 24th of January with Mr. Jones?
- 23 A. Well I imagine I gave him a copy of the memorandum I did.
- 24 Q. 517 Well do you recall discussing with Mr. Jones the possible retention of a PR
- 14:36:57 25 consultant?
- 26 A. Well I think in the memorandum, as I recall it, the planners themselves said
- 27 that we had a PR deficit.
- 28 Q. 518 Yes. If we could have 1343, please.
- 29
- 14:37:07 30 I put this to Mr. Oliver Brooks earlier in the week, Mr. Hussey. You said I,

- 14:37:14 1 that's you I think, "had the firm impression that the planners think we have a
2 PR problem, which perhaps we should address ". Was that the beginning of the
3 decision which led to the retention of Mr. Dunlop?
- 4 A. That might be to overstate my influence. I mean, I reported what the planners
14:37:35 5 said.
- 6 Q. 519 Yes?
- 7 A. I don't know.
- 8 Q. 520 But did you discuss with Mr. Jones and/or Mr. Brooks the PR deficit?
- 9 A. Yes, I'm sure I discussed it with Chris Jones, yeah.
- 14:37:45 10 Q. 521 Could you tell the Tribunal what discussion you had? Did you discuss how you
11 might resolve the problem or how it might be addressed?
- 12 A. Well, I think I might have said to him look, we've made no progress with
13 architects and surveyors and engineers. The strong impression I have is that
14 unless we get to know the councillors and unless we get to know the concerns of
14:38:09 15 the local residents, we're not going to get anywhere.
- 16 Q. 522 And did you discuss who you might retain as a PR consultant?
- 17 A. I don't think so.
- 18 Q. 523 Well did Mr -- in advance of retaining Mr. Dunlop, was there any discussion at
19 the board of Ballycullen Farms Limited about the professional that might be
14:38:30 20 retained to act as a PR consultant on behalf of the company?
- 21 A. I don't think so. The board meetings weren't exactly in that form. The
22 board meetings dealt with specific items that -- I mean, to be frank about it.
23 The minority shareholder was a major consideration in the agenda and the
24 minutes that were written arising from those board meetings.
- 14:38:55 25 Q. 524 Yes. I'll come to --
- 26 A. They were in a way more formal board meetings than one would normally have in a
27 private company.
- 28 Q. 525 I think one of the complaints in the minority shareholder was that there were
29 pre board meeting decisions being met that he wasn't privy to, isn't that
14:39:10 30 right?

14:39:11 1 A. I'm sure he said that, yes.

2 Q. 526 Well was one of those decisions the appointment of a PR consultant. In
3 particular, the appointment of Mr. Dunlop?

4 A. I don't know.

14:39:20 5 Q. 527 Are you saying that there was no discussion between yourself and Mr. Chris
6 Jones concerning the possible appointment of PR consultant, in particular the
7 appointment of Mr. Dunlop?

8 A. I'm quite sure arising out of the memo from the meeting with planners that he
9 really said we need somebody on PR. It might well be that Chris said well
10 Dunlop has a good reputation, why don't we use him.

11 Q. 528 Yes. Mr. Lawlor had had an involvement with Ballycullen Farms Limited at this
12 time?

13 A. Uh-huh.

14 Q. 529 That you will have seen, if you were here this morning. And I can put it on
15 the screen.

14:39:53 16 A. No, I've seen it.

17 Q. 530 The references to Kieran O'Malley and his involvement with Mr. O'Donnell,
18 concerning drainage on the site. Were you aware of that involvement at that
19 time?

14:40:06 20 A. Of Lawlor?

21 Q. 531 Yes.

22 A. Yep.

23 Q. 532 Did Mr. Lawlor have any input into the appointment of Mr. Dunlop?

24 A. I never met Lawlor.

14:40:14 25 Q. 533 Sorry?

26 A. I never met Lawlor.

27 Q. 534 You never met Mr. Lawlor?

28 A. No.

29 Q. 535 But you knew that Mr. Jones?

14:40:21 30 A. Yeah.

- 14:40:22 1 Q. 536 Said that he had an involvement?
- 2 A. Yeah.
- 3 Q. 537 Did you know that Mr. Jones might have paid Mr. Lawlor about 5,000 pounds in or
- 4 around this time , that is January 1991?
- 14:40:31 5 A. He told me that.
- 6 Q. 538 He told you that?
- 7 A. Yeah.
- 8 Q. 539 Did he tell you why he had paid Mr. Lawlor?
- 9 A. Yes, it was a political subscription.
- 14:40:39 10 Q. 540 That would have been a considerable political subscription in January 1991?
- 11 A. It would.
- 12 Q. 541 Were you surprised at the level of subscription?
- 13 A. Yeah, well Chris Jones did things on the grand scale, so I wasn't that
- 14 surprised.
- 14:40:50 15 Q. 542 That would have been a 5,000 pounds cheque. Would your signature have been
- 16 required on that cheque?
- 17 A. No, I don't think so.
- 18 Q. 543 Who would have countersigned that cheque?
- 19 A. I think 5,000 and over. Over 5,000.
- 14:41:02 20 Q. 544 So 5,000?
- 21 A. Was the top.
- 22 Q. 545 So Mr. Chris Jones had made the maximum contribution to Mr. Lawlor at that
- 23 time?
- 24 A. I couldn't be sure I didn't counter sign that cheque. I mean, I have no
- 14:41:15 25 recollection of it. But certainly if you're suggesting that Chris Jones paid
- 26 Lawlor 5,000 because that's as much as he could pay by just a single signature,
- 27 I wouldn't accept that.
- 28 Q. 546 But there is no doubt whatsoever but that Mr. Jones at this time had advised
- 29 you that he had given Mr. Lawlor 5,000 pounds?
- 14:41:35 30 A. Yeah.

- 14:41:35 1 Q. 547 So at this time it would appear, and again, I don't want to put words in your
2 mouth. It would appear that the following three politicians had been
3 involved; Mr. Lawlor, Mr. Kitt and Mr. Brennan; isn't that right? At least one
4 of them, Mr. Lawlor, had received 5,000 pounds?
- 14:41:50 5 A. Well, yes. But I think the situation was that Mr. Kitt and Mr. Brennan was
6 different to Mr. Lawlor's situation.
- 7 Q. 548 In what sense?
- 8 A. Well Lawlor had lost his seat, as far as I recall.
- 9 Q. 549 That was in June 1991?
- 14:42:02 10 A. Yeah, well --
- 11 Q. 550 In the local, in the County Council?
- 12 A. Yeah. That's certainly different anyway.
- 13 Q. 551 But that would have been in June. We're now back in January, February, 1991?
- 14 A. I'm sure you're right.
- 14:42:19 15 Q. 552 And you would have been aware that these three politicians were, to some extent
16 or other, assisting in either facilitating meetings with local official,
17 Council officials or in Council, other Council officials, as in the case of
18 Mr. Lawlor, in 1998?
- 19 A. Yeah, Mr. Brennan and Mr. Kitt were- didn't seem to me to be doing very much.
14:42:42 20 Mr. Lawlor had a more significant role.
- 21 Q. 553 Yes. And in fact, Mr. Dunlop has told the Tribunal in his statement that when
22 he first met with Mr. Jones that that was one of Mr. Jones' complaints , that
23 Mr. Brennan and Mr. Kitt weren't of much assistance.
- 24 A. I'm sure that's true.
- 14:43:05 25
- 26 MR. COLLINS: Is there a reference for that? I'm certainly not aware of it.
- 27
- 28 MR. QUINN: Sorry. If you just bear with me a second.
- 29 A. Sure.
- 14:43:24 30 Q. 554 543.

14:43:34 1
2 CHAIRMAN: Mr. Quinn, did you put a question to Mr. Hussey to the effect that
3 Mr. Brennan and Mr. Kitt were assisting in setting up meetings with officials?
4 I don't think that ...

14:43:47 5
6 MR. QUINN: I thought that Mr. Hussey had referred to the memorandum which I
7 had on screen for the 23rd of January. And the reference to Mr. Brennan and
8 Mr. Kitt as perhaps having arranged the meeting which occurred on the 24th.
9 It was in that context that

14:44:04 10 A. That would be a surmise on my part. It's just a note. I don't know.
11
12 CHAIRMAN: But you're not certain?

13 A. No, I'm certainly not.
14

14:44:12 15 MR. QUINN: 543, please.
16

17 Q. 555 Mr. Dunlop in October of last year -- 2004, advised the Tribunal that when he
18 met Mr. Jones, that Mr. Jones informed me that Ms. Cass, Ms. Muldoon and
19 Ms. Fitzgerald had submitted motions in the past seeking to have the lands
14:44:31 20 retained for agricultural use. He also informed me that he and/or his
21 associates, Messrs. Oliver Brooks, Francis Brook, had mentioned the development
22 of the lands to Mr. Kitt, then a member of Dublin County Council, and that the
23 matter had also been discussed with Seamus Brennan TD and with Mr. Lawlor TD.
24 Mr. Chris Jones informed me that discussions with Messrs. Kitt and Brennan had
14:44:52 25 been to no avail".
26
27 That seems to be consistent with what you're saying?

28 A. Well I don't know what -- I don't know what he's expecting them to do. I
29 mean, they were local TDs and, presumably, had a fair amount of influence in
14:45:09 30 local residents association. Further than , that I don't see what they could

- 14:45:14 1 have done, with the best will in the world
- 2 Q. 556 To be absolutely fair to Mr. Brennan, he has given evidence this morning that
- 3 he never had these lands mentioned to him directly by Mr. Jones and/or -- or
- 4 you, Mr. Hussey.
- 14:45:27 5 A. I think he said he never met me.
- 6 Q. 557 Sorry, he never met you. Is he correct in that?
- 7 A. I think I met him at a party once.
- 8 Q. 558 I think he left room for that for that meeting. When did you first hear
- 9 that Mr. Dunlop had been retained by Mr. Jones?
- 14:45:49 10 A. Oh, I suppose at a fairly early stage. I can't recall exactly when he was
- 11 retained but I would imagine it wouldn't have been kept secret from me. I'd
- 12 have known from day one.
- 13 Q. 559 Yes. And as best you can recollect it now, can you tell the Tribunal what the
- 14 terms of Mr. Dunlop's engagement were?
- 14:46:11 15 A. Well, it was to facilitate the gap which we perceived in our efforts to get
- 16 this thing rezoned. It was to make us, to make us aware of the various
- 17 councillors and so on that had to be dealt with. To deal with the local
- 18 residents associations. To get the temperature of what was going on. And to
- 19 advise us. He knew his way around the planning process, which, as you can
- 14:46:38 20 see, we didn't.
- 21 Q. 560 But you had, even at this stage, a moment ago, you had agreed with me that you
- 22 had three planners?
- 23 A. Yeah.
- 24 Q. 561 You had Mr. O'Malley, Mr. Benson and Mr. Meehan. And Murray O'Laoire
- 14:46:52 25 Architects?
- 26 A. And Reddy and a few others.
- 27 Q. 562 And you had been through the process I think in the 1980s in relation to the
- 28 '80 Development Plan?
- 29 A. It didn't work, I mean.
- 14:47:03 30 Q. 563 What extra could Mr. Dunlop have brought to the table at this stage did you

14:47:07 1 think?

2 A. I thought he could bring the councillors out to look at the land and say look,

3 this is a reasonable place for housing development. He could get to the

4 residents associations. And the residents associations had serious enough

14:47:26 5 reservations about the whole development, at this pretty large area. How was

6 it going to effect their houses. And nobody, I mean, everybody likes to think

7 that their houses are the last houses that are going to be built-in the

8 expansion to the City, because it's nice to sit and look outside at the

9 country. So that was a natural resistance. And the other thing that

14:47:50 10 definitely emerged as a problem, which we weren't aware of, was that there was

11 a feeling, I don't know from where it came, that as soon as this land was zoned

12 that we would sell it hot foot and some developer would come in and do whatever

13 he wanted to do.

14 Q. 564 Presumably, he would develop it in accordance with the zoning?

14:48:11 15 A. Yeah, but there are plenty of things that you can do with zoning, as we have

16 seen.

17 Q. 565 In any event -- just in relation to what Mr. Dunlop would do for you. What

18 was Ballycullen Farms Limited obliged to do for Mr. Dunlop?

19 A. Pay him.

14:48:30 20 Q. 566 And how much?

21 A. Well, my original information was, I don't know whether it was 12 and a half or

22 15,000.

23 Q. 567 Well we now know that he got paid considerably in excess of that.

24 A. Yeah, we do.

14:48:45 25 Q. 568 You accept that. But was he to be paid one sum of 12,500 or 15,000 or was it

26 to be paid over a period?

27 A. I didn't negotiate the deal with Frank Dunlop.

28 Q. 569 I appreciate that. I'm just wondering as a non-executive director of the

29 company on whose behalf he was retained, if you were aware or if you are aware,

14:49:04 30 of the terms of his engagement in relation to his consideration for his

- 14:49:10 1 retention by the company?
- 2 A. Not really. Other than it didn't emerge because he started to send invoices
- 3 to me, which he shouldn't have done. I think we're referring to tranches.
- 4 Q. 570 We'll come to the invoices in a moment.
- 14:49:23 5
- 6 There were a series of meetings then I think between Mr. Dunlop and Mr. Jones,
- 7 at 1386. We are the have meeting I referred to on the 21st of February, which
- 8 appears to be the first. And then one on the 12th of April, at 1391. The of
- 9 7th of May, 1392. The 12th of June, 1449. The 20th of June, 1454. And
- 14:49:49 10 23rd of July, 1459.
- 11
- 12 Throughout this period, were you aware that Mr. Jones was meeting with Mr.
- 13 Dunlop?
- 14 A. In a vague sort of a way. I certainly wouldn't have had any details
- 14:50:06 15 Q. 571 And then on the 29th of July Mr. Jones wrote to Mr. Dunlop. If we could have
- 16 1462, please. Advising him that Mr. Oliver and Frank Brooks had been informed
- 17 of proposals regarding local community information and were anxious to get
- 18 involved. What was the role to be performed by Mr. Oliver and Frank Brooks in
- 19 relation to the development of the lands at this time?
- 14:50:37 20 A. Well they knew their way around that area. They lived in the area. They knew
- 21 the people. It seemed appropriate that they should have an involvement.
- 22 Q. 572 I think that they had a huge involvement with politics locally?
- 23 A. Huge, yeah.
- 24 Q. 573 And they were involved with the local community groups?
- 14:50:53 25 A. Yeah.
- 26 Q. 574 And they had been involved, according to Mr. Oliver Brooks, in lobbying for the
- 27 material contravention of the councillors in late 1990. That's the
- 28 application that was refused in December 1990?
- 29 A. I'm sure they are.
- 14:51:08 30 Q. 575 So they would have been aware of the councillors, and certainly aware of the

14:51:12 1 Fianna Fail councillors?

2 A. They would, in that area.

3 Q. 576 And then I think on the 30th of August Mr. Dunlop finally provided a submission

4 re strategy for the Ballycullen lands.

14:51:30 5

6 At 1500, please.

7

8 This was handed over to Mr. Jones at the meeting. I'm sure you would have

9 seen this, would you, Mr. Hussey?

14:51:39 10 A. I probably did. I don't remember it.

11 Q. 577 Now, at some stage around this time you yourself, on behalf of Beechill

12 Properties Limited, came to retain Mr. Dunlop; isn't that correct?

13 A. Yeah.

14 Q. 578 Well, would you tell the Tribunal the circumstances under which you came to

15 retain Mr. Dunlop?

16 A. Well Beechill was zoned ...

17 Q. 579 Industrial I think.

18 A. Industrial, yeah. And there were offices on it. And it goes back to the

19 '40s, it was a Chivers jam factory. We bought it in '72 and we converted a

14:52:12 20 bay of the offices into drawing offices and we extended the offices a bit. We

21 took advice actually from senior counsel as to whether we were all right with

22 the planning laws in that regard. And we were told on balance we were. And

23 then in '78 we extended, with planning permission, the offices by about 6,000

24 square feet. But between then and certainly the late '80s Smurfitts had built

14:52:43 25 their head office right beside us. There had been a speculative office built

26 beside Smurfitts. The two factories that had been there, Delarue and Brown &

27 Nolan had been knocked down and developed into offices. In Richview there

28 were offices. So we said well really we had reduced our industrial activity,

29 workshops and so on, on the site. We said really we should get this thing

14:53:13 30 corrected. I mean, this area is clearly an office area and set about getting

14:53:19 1 it corrected because the reality is that it's now an office area.
2
3 So I would have discussed that with my colleagues, Denis Magee and Chris Jones.
4 We said yeah, we should go about that. I can't remember. I suspect it was
14:53:36 5 Chris says Dunlop knows all about that. We did talk to Dunlop. He said that
6 should be easy to do, the reality of the situation is that this is all offices.
7 And I thought that there was no fee involved for this effort. Because my
8 recollection of it is that there was an extremely small amount of work involved
9 in it. Looking back over the discovery, it may be, and I can't be certain,
14:54:01 10 that is the fee of Dunlop of seven and a half thousand was paid for this
11 service, it could be less.

12 Q. 580 In the first instance, do you recall the meeting at which you retained Mr.
13 Dunlop to deal with the Beechill lands?

14 A. No. I mean, I don't think that's the way it would have happened. I think
14:54:20 15 ...

16 Q. 581 Do you recall retaining him or who retained him on behalf of Beechill?

17 A. I think what would have happened is I phoned him. Look, we're talking to
18 Chris. We have this problem. It seems fairly simple. Could you come up
19 and see me or tell me and what to do. Yes, I know the fella that will get
14:54:37 20 that fixed for you. Tommy Hand, he's a local TD. I'll arrange for yourself
21 and Hand to meet. And that's what happened.

22 Q. 582 Did you discuss money at that meeting?

23 A. I don't recall. And I said in my memorandum, that I didn't think that a fee
24 was paid for that service. It's the heel of the hunt service amounted to a
14:54:57 25 row of beans.

26 Q. 583 I appreciate what you say in that regard. Really at this stage I'm anxious to
27 inquire as to whether or not money was mentioned. In other words, fees
28 payable to Frank Dunlop or Frank Dunlop & Associates.

29 A. Well, I mean, from what emerged in the correspondence of discovery, I had no
14:55:18 30 documentation available to revive my memory. It does appear that I paid him a

14:55:24 1 single fee.

2 Q. 584 Yes. A fee was payable. Was a fee discussed?

3 A. Well I imagine if -- yeah. I am going on scraps of information. But in my

4 letter I said that Denis Magee and I discussed it and accept it and I enclose a

14:55:39 5 cheque for your fee.

6 Q. 585 That's in 1992. Are you saying that Mr. Dunlop was retained in 1992 in

7 relation to the Beechill matter?

8 A. I would think so.

9 Q. 586 Okay. Now, Mr. Dunlop has advised the Tribunal that when you retained him or

14:55:52 10 when he was discussing the matter with you, that he advised you that what he

11 referred to as "the ways of the world" would have to apply and that he

12 understood that you would have understood by that, that he would have had to

13 pay councillors?

14 A. That's absolute nonsense.

14:56:08 15 Q. 587 You are familiar with that evidence?

16 A. I've read it. I mean, it was absolute nonsense. He never said anything of

17 the kind to me about that.

18 Q. 588 Well, do you recall the meeting that you had with Mr. Dunlop?

19 A. Only very, very vaguely. I wonder even if it was a meeting. It might have

14:56:24 20 been a telephone call where he said arising from which he sent me a letter. I

21 recall the dates. Only because I looked at the discovery. It was August of

22 '92.

23 Q. 589 And --

24 A. And my impression, having talked to Dunlop and to Hand, was that this was --

14:56:45 25 there was no question of a vote here or of a resolution. This was a question

26 of pointing out to the planners that there was an anomaly in the zoning and

27 that it would be properly corrected. And that's the way it turned out.

28 Q. 590 I had dealt with meetings between Mr. Jones and Mr. Dunlop up to August 1991.

29 And we know that from Mr. Dunlop's diary, at least, that there were further

14:57:10 30 meetings in September at 1542.

14:57:13 1 That's the 16th of September. The 30th of September, 1544. The 11th of
2 November, 1568. The 18th of November, 1569. The 25th of November, 1572.
3 All in 1991.
4

14:57:33 5 And then we know that there was a meeting on the 5th of March at 1623. Again,
6 there is a reference to a draft procedure by the 12th of March, 1626.
7

8 And we see that letter of the 12th of March, 1992. Going to Mr. Jones with a
9 copy to yourself and Mr. Brooks, at 1628. Do you see that? It should be on
14:57:57 10 screen now. This is a letter to Mr. Jones.

11 A. Yeah.

12 Q. 591 Now, on the 19th of March there is a further meeting with Mr. Jones, at 1629.
13 Again, on the 25th of March, '92, at 1633. 2nd of April 1992, 1637. Then we
14 know that on the, possibly the 14th of April, Mr. Jones sought from Mr. Dunlop
14:58:44 15 the text a submission from Mr. Don Lydon, at 1652.
16

17 Did you know that at this time that Mr. Lydon was supportive of the rezoning of
18 Ballycullen Farms?

19 A. No.

14:58:59 20 Q. 592 Did you know Mr. Lydon?

21 A. No.

22 Q. 593 Had you ever met Mr. Lydon?

23 A. No.

24 Q. 594 Had anybody advised you that Mr. Lydon was supportive of Ballycullen Farms
14:59:08 25 Limited proposed rezonings?

26 A. No.

27 Q. 595 Then on the 15th of April, at 1659. There's a further letter from Mr. Dunlop
28 to Mr. Jones with a copy to you. Where he gives more detailed particulars of
29 when the submissions in relation to the plan and the motion etc. have to meet.
14:59:32 30 And he encloses a copy of the text of the motion with that letter. Do you

14:59:36 1 recall getting a copy of that letter?

2 A. Could you put it back and see the date?

3 Q. 596 Yeah, 1659. It's the 15th of April, 1992.

4 A. I don't recall it, no.

14:59:50 5 Q. 597 You don't remember it. Now, there's a reference in that letter that "I have
6 arranged to see P Rabbitte immediately after Easter". That's a letter, a copy
7 of which appears to have been sent to you. Do you know what that reference is
8 to?

9 A. No. I had very little hand, act or part in this process. And, I mean ...

15:00:14 10 Q. 598 Mr. Dunlop is including you in the correspondence certainly between the 12th of
11 March, '92, at 1628. And the 15th of April, 1992, at 1659.

12 A. Yeah but you'll see that the letter is addressed to Chris Jones as the Jones
13 Group plc. It hadn't got anything to do with the Jones Group plc.

14 Q. 599 It's cc'd to you, Mr. Hussey.

15:00:38 15 A. Yeah, well, I mean --

16 Q. 600 But that would seem to imply that as far as Mr. Dunlop was concerned, you were
17 very much involved.

18 A. Mr. Dunlop was extremely confused about the difference between the Jones Group,
19 Chris Jones and Ballycullen Farms Limited and me.

15:00:48 20 Q. 601 Well did you ever write to him or talk to him or speak to him at this time and
21 say look why are you sending me copies of this correspondence?

22 A. No.

23 Q. 602 Now, there's a further meeting on the 22nd of April 1992, at 1622. On the
24 29th of May 1992, at 1684.

15:01:07 25 Now, the meeting in April '92 appears to have been at Beechill. Whereas the
26 meeting in May '92 appears to have been in Adelaide Road. Was there a
27 distinction between the offices of Beechill and Adelaide Road?

28 A. There was. At that stage, and I couldn't give you exact dates, Chris Jones
29 retired as Chief Executive. And it was decided that it would be better if he
15:01:31 30 didn't retain his offices in Beechill because of the confusion that it might

15:01:37 1 cause. And for a short time he had an office in Adelaide Road.

2 Q. 603 So he was visiting Mr. Jones, you say in, Adelaide Road?

3 A. Uh-huh.

4 Q. 604 Certainly by the 15th of June he seems to be back in Beechill. If we could

15:01:51 5 have 1692. There's a reference to "C Jones/Beechill", do you see that?

6 A. Well the Adelaide Road experiment didn't work-out very well.

7 Q. 605 I see.

8

9 MR. COLLINS: I wonder could the witness just lean forward bit. Come a

15:02:04 10 little bit closer to the microphone?

11 A. Yeah. Sure.

12

13 Q. 606 MR. QUINN: On the 19th of June 1992, Mr. Hussey, Mary O'Sullivan from the

14 Jones Group plc. If we could have 1693, please. Has sent a fax to Mr.

15:02:21 15 Dunlop and in that fax she says "Derry Hussey has asked me to let you know that

16 John Van Dyke will have the drawings by Tuesday next."

17 A. Uh-huh.

18 Q. 607 What drawings does that fax refer to?

19 A. I don't know. I mean, that would seem to me to be another occasion where

15:02:36 20 Chris is away and Chris asked me to deal with the zoning and maybe meet Frank

21 Dunlop while he was away.

22 Q. 608 John Van Dyke I think was the architect in Murray O'Laoire who had

23 responsibility perhaps for drawing the maps, is that correct?

24 A. Yeah, or even --

15:02:54 25 Q. 609 We're not talking about a planning application at this stage, isn't that right?

26 Maps or drawings, it can only refer to motions?

27 A. Well, there could be drawings of proposed schemes, I don't know.

28 Q. 610 Well were there drawings of proposed schemes made up by Mr. Van Dyke or Murray

29 O'Laoire in 1992 for Ballycullen Farms Limited?

15:03:15 30 A. I really don't know the answer to that question.

- 15:03:19 1 Q. 611 The only reason that any drawings would be going to Mr. Dunlop from the Jones
2 Group at this time would be in relation to either Ballycullen Farms or
3 Beechill. And Beechill I think comes later, isn't that right?
- 4 A. Well there were no drawings about Beechill because there wasn't any proposal to
15:03:36 5 do any buildings.
- 6 Q. 612 So any drawings would have to refer to Ballycullen Farms Limited, isn't that
7 right?
- 8 A. I suspect it may have been the layout of any proposal for housing. I don't
9 know. I'm not an expert in planning.
- 15:03:48 10 Q. 613 But were there housing proposal layouts done in 1990 -- that is in April or
11 June 1992 for Ballycullen Farms Limited?
- 12 A. There might have been.
- 13 Q. 614 Just to put it in context. The vote in relation to Ballycullen Farms Limited
14 was the 29th of October 1992?
- 15:04:05 15 A. Uh-huh.
- 16 Q. 615 Did you know that Mr. Jones had met with Mr. Lydon at this stage?
- 17 A. No.
- 18 Q. 616 Did you know that Mr. Jones had given Mr. Lydon a cheque for 2,000 pounds at
19 this stage?
- 15:04:17 20 A. No.
- 21 Q. 617 When did you discover that Mr. Lydon was involved in signing the motion for
22 Ballycullen Farms Limited?
- 23 A. I think when this inquiry made -- when this Tribunal made its inquiries.
- 24 Q. 618 So prior to that you had no knowledge of Mr. Lydon's involvement?
- 15:04:31 25 A. I mean, I knew that Chris Jones was paying expenses relating to the development
26 of Ballycullen out of his own pocket.
- 27 Q. 619 Yes. And would you regard monies paid to Mr. Lydon and other councillors as
28 expenses in relation to Ballycullen Farms?
- 29 A. No.
- 15:04:49 30 Q. 620 Well what expenses do you think Mr. Jones was paying out of his own pocket?

15:04:55 1 A. Well, I never got details about it. I imagine -- I know that he paid Frank
2 Dunlop out of his own pocket. I know that he paid subscriptions to
3 politicians out of his own pocket.

4 Q. 621 Do you regard those as expenses in relation to the rezoning in Ballycullen?

15:05:11 5 A. Yeah.

6 Q. 622 Now, if we could have 1695, please. On the 25th of June, 1992, there's a
7 further text from you. Fax I should say sorry, from you to Mr. Frank Dunlop.
8 And then in this fax you say that "I told Tom Hand that I would come back to
9 him to indicate the square footage which we would think would be appropriate
10 for the development of the site here. Based on the latest development it
11 would seem to us that something between 130 and 140 square feet would be of the
12 order of what we think would be appropriate. Could you let Tom Hand know
13 this."
14

15:05:53 15 Can I ask you, which development are you referring here?

16 A. I find that fax very puzzling I mean, first of all, it couldn't possibly be
17 130, I'm not saying -- I'm quite sure that I originated it.

18 Q. 623 Yes.

19 A. But, I mean, it's 130 and 140 square feet. That must be 130,000 and 140,000
15:06:12 20 square feet and even then --

21 Q. 624 Is it referring to Ballycullen or Beechill?

22 A. Beechill I'm sure.

23 Q. 625 You think that that refers to Beechill?

24 A. I do.

15:06:21 25 Q. 626 And that that therefore would suggest that you had already spoken to Mr. Hand
26 at this time?

27 A. Yeah.

28 Q. 627 Now, can I ask you the circumstances under which you say you came to speak with
29 Mr. Hand?

15:06:35 30 A. I told you. Dunlop suggested that when I explained the problem on Beechill

15:06:42 1 that if I talked to Hand, Hand would be able to get it sorted out for me.

2 Q. 628 And did you speak to Mr. Hand?

3 A. I did.

4 Q. 629 And who was with you when you spoke to Mr. Hand?

15:06:50 5 A. I don't think anybody was with me.

6 Q. 630 Where did you meet Mr. Hand?

7 A. Beechill.

8 Q. 631 And who arranged the meeting?

9 A. Dunlop.

15:07:05 10 Q. 632 Mr. Hand came to your offices to visit you?

11 A. He did.

12 Q. 633 And had he -- had Mr. Dunlop spoken to him in advance?

13 A. Oh, I think so, yeah.

14 Q. 634 And how long had transpired between you speaking with Mr. Dunlop and Mr. Hand

15:07:09 15 coming visit you?

16 A. I don't know. Not very long I would have thought.

17 Q. 635 And you explained your situation to Mr. Hand?

18 A. Yeah.

19 Q. 636 And what did Mr. Hand say?

15:07:17 20 A. He said he didn't think that would cause much problem. He'd go and talk to the

21 planners about it.

22 Q. 637 You yourself had already spoken to the planners in relation to Ballycullen the

23 previous January, isn't that right?

24 A. Yeah.

15:07:28 25 Q. 638 And you had no difficulty speaking with them about Ballycullen, isn't that

26 right?

27 A. That's right.

28 Q. 639 Was there any reason why you required Mr. Hand to speak to hem again in

29 relation to Beechill?

15:07:39 30 A. Well, our record on talking to planners and getting things done was pretty

- 15:07:43 1 poor. And I imagine that I decided that a local councillor would be a more
2 appropriate person to knock on the door of the planners than I would have been.
- 3 Q. 640 Now, on the 28th of August 1992. This is the document to which you refer I
4 think. 1727.
- 15:08:00 5
6 You write to Mr. Dunlop at Frank Dunlop & Associates. You thank him for his
7 letter of the 25th. You say you have discussed it with Mr. Magee and you said
8 that you would like to accept the proposal with the view to having the zoning
9 changed. And you enclose a cheque in respect of his fee.
- 15:08:19 10 A. Yeah.
- 11 Q. 641 Now, maybe I'm incorrect in this. Correct me if I'm wrong. His proposal in
12 relation to the changing of the zoning on Beechill, is that you speak with
13 Mr. Hand? Or am I incorrect in that?
- 14 A. Well that's with hindsight. I mean, and I would have agreed with you. That
15 is more or less what I say in my statement. But then I can't answer the
16 question to myself. If that's all he was going to do why did he get 7,500.
17 So I have to speculate. So I mean, it wasn't as though I decided to give 7,500
18 for his services. I discussed it with Denis Magee, who was by no means a
19 stupid man. So I must have thought there was more to it. And if you asked me
15:09:02 20 to speculate, I would have to say that we probably thought that all of the
21 details relating the five or six developments would have to be listed and
22 prepared and dated and all the rest of it. That's not what happened.
- 23 Q. 642 Now, we had spoken a moment ago about your fax to Mr. Dunlop. At 1695, that's
24 a fax of the 25th of June?
- 15:09:24 25 A. Yeah.
- 26 Q. 643 And it's obvious from that fax, that you have already spoken with Mr. Hand?
- 27 A. Yeah.
- 28 Q. 644 The letter or the proposal letter we're dealing with at 1727 is a letter of the
29 28th of August, 1992.
- 15:09:37 30 A. Yeah.

- 15:09:37 1 Q. 645 And it refers to a letter of the 25th of August. So you appear to have met
2 with Mr. Hand prior to June '92. And you are now dealing with the proposal
3 from Mr. Dunlop in August '92?
- 4 A. Yeah.
- 15:09:52 5 Q. 646 So can you tell the Tribunal what Mr. Dunlop's proposal was?
- 6 A. No.
- 7 Q. 647 Could his proposal have been in relation to the structure of his fee for his
8 assistance?
- 9 A. Yes, I'm quite sure he mentioned a fee, yeah.
- 15:10:05 10 Q. 648 Sorry?
- 11 A. I'm sure he did mention a fee.
- 12 Q. 649 Now, there was recently discovered to the Tribunal at 3688, a document which is
13 headed "fee note" and has a manuscript note on the top left hand corner called
14 "Ballycullen" and it appears to be from Frank Dunlop & Associates?
- 15:10:25 15 A. Yeah.
- 16 Q. 650 It's dated the 28th and it's a sum of 7,500 pounds. Is that the fee note that
17 you're referring to?
- 18 A. Well, I've only seen it recently but it looks -- yes, I think that is the fee
19 note because that's my signature passing it.
- 15:10:39 20 Q. 651 That's your signature passing it. Do you think you might have countersigned
21 that cheque to Mr. Dunlop?
- 22 A. I'm sure.
- 23 Q. 652 And that's a fee note for professional services in respect of public affairs
24 communications programme and training 7,500. What public affairs
15:10:56 25 communication programme and training did Mr. Dunlop provide to you or to
26 Beechill and to Ballycullen Farms?
- 27 A. Well, I mean, it's arguable that the public affairs part of it was talking to
28 planners I imagine.
- 29 Q. 653 Talking to Mr. Hand I think?
- 15:11:10 30 A. Well arranging for Mr. Hand to talk to the planners, yeah.

- 15:11:13 1 Q. 654 So the Tribunal can take it that that reference to professional services in
2 relation to public affairs communications programme and training is a reference
3 to Mr. Hand speaking with you and Mr. Hand speaking with the planners and
4 reporting back to you?
- 15:11:36 5 A. Mr. Dunlop's. All of Mr. Dunlop's invoices are vague in the narrative.
- 6 Q. 655 Yes. Now, the reference on the top left hand corner is Ballycullen, do you
7 see that?
- 8 A. Yeah.
- 9 Q. 656 Whose handwriting is that?
- 15:11:39 10 A. I don't know. There was a bookkeeper in Ballycullen called June Murphy, and
11 it might have been her's.
- 12 Q. 657 She certainly seems to be writing that up to Ballycullen's --
- 13 A. Yeah.
- 14 Q. 658 Account rather than Beechill's account?
- 15:11:53 15 A. Yeah.
- 16 Q. 659 You think that should more correctly refer to Beechill?
- 17 A. Well, what impels me in that direction is the date.
- 18 Q. 660 That is to the say 28th of August 1992 being the date you wrote to Mr. Dunlop
19 per the letter at 1727?
- 15:12:08 20 A. Yeah.
- 21 Q. 661 There is a further invoice of the 18th of August 1992, at 1722. Which is
22 again for professional services in respect of public affairs programme with
23 communications training for 7,500 pounds. It's to accounts payable the Jones
24 Group Limited, Beechill Clonskeagh, Dublin 14. I take it that's an entirely
15:12:28 25 different invoice?
- 26 A. I don't think that was ever paid.
- 27 Q. 662 Leaving aside whether it was paid for a moment, Mr. Hussey. But that relates
28 to something else?
- 29 A. I don't think it does. I think it's probably the same.
- 15:12:37 30 Q. 663 You think it relates to -- isn't it completely different to the fee note as

15:12:42 1 opposed to invoice which I referred to earlier at 3688? Which has recently
2 come --

3 A. The amount is the same.

4 Q. 664 I appreciate that the amount is the same. If you look at the -- if you look
15:12:54 5 at that fee note and now perhaps if we could have 1722 put up on the screen
6 side by side, please.

7 A. I don't see a whole lot of difference.

8 Q. 665 Sorry. 1722 and 3688.

9 A. They look like the same invoice to me.

15:13:22 10 Q. 666 Well they are the same because they are the same document, Mr. Hussey. Now,
11 we have two different documents.

12 A. They are very similar too.

13 Q. 667 I suggest to you one is an invoice and the other is a fee note.

14 A. What's the difference?

15:13:37 15 Q. 668 Well, one has a heading Frank Dunlop & Associates. On the second document,
16 which has your manuscript note 28th of August, '92. You'll see at the bottom
17 Frank Dunlop & Associates. There appears to be no VAT number given in the fee
18 note. Isn't that right? In fact there's no VAT number given in either of the
19 documents?

15:13:59 20 A. No.

21 Q. 669 You think that they are one and the same documents?

22 A. I do.

23 Q. 670 And you think that they were both received together?

24 A. I don't know.

15:14:11 25

26 CHAIRMAN: Well, not one and the same document I assume.

27 A. I mean, they are probably the same thing.

28

29 CHAIRMAN: One is essentially a copy of the other?

15:14:21 30 A. Well they are not exactly a copy.

- 15:14:23 1 CHAIRMAN: One headed fee note and one headed invoice?
- 2 A. Yes. And they are both 18th or 28th of August.
- 3
- 4 Q. 671 MR. QUINN: Well one is the 18th of August and the other is paid on the 28th of
- 15:14:36 5 August, isn't that right? There's no date on the second document
- 6 A. If you receive something on the 18th of August it's not unusual to sign it off
- 7 on the 28th.
- 8 Q. 672 In fact you got it on the 25th of August if you got it with Mr. Dunlop's
- 9 letter. At 1727, your reply letter refers to Mr. Dunlop's letter of the 25th
- 15:14:54 10 of August.
- 11 Do you see it's possible, Mr. Hussey, this is what I'm getting at here. One
- 12 of the issues that the Tribunal has to determine is exactly how much was paid
- 13 to Mr. Dunlop by either Beechill, Ballycullen Farms, Mr. Chris Jones or any of
- 14 the other companies. If these are two separate invoices for two separate
- 15:15:15 15 amounts and they both have been paid. It's a difference of between Mr. Dunlop
- 16 receiving at this time 7,500 pounds or 15,000 pounds, isn't that right?
- 17 A. I mean. I find it very difficult to believe that he got 7,500 for what he
- 18 did. But I would find it impossible to believe that he was paid 15,000 for
- 19 what he did.
- 15:15:35 20 Q. 673 Supposing one of the invoices was intended to be in respect of Ballycullen
- 21 Farms Limited and the other was in respect of Beechill Properties Limited?
- 22 A. Beechill Properties could not pay anything out of Beechill Properties in
- 23 respect of Ballycullen Farms.
- 24 Q. 674 I accept that but maybe one of the invoices, maybe the fee note was satisfied
- 15:15:49 25 out of Beechill Properties Limited and the 18th of August invoice was satisfied
- 26 out of Ballycullen Farms Limited or Mr. Jones' personal accounts.
- 27 A. Well there's no record, as far as I know --
- 28 Q. 675 That's the problem Mr. Hussey. That's the problem and what we're trying to
- 29 deal with.
- 15:16:13 30 A. Yeah, but the original record of Ballycullen paying 7,500 around that time.

15:16:13 1 Q. 676 There was no record until recently of at least two payments of cash to Mr.
2 Dunlop, isn't that right?

3 A. Well we're jumping from Ballycullen to or from Beechill to Ballycullen.

4 Q. 677 Yes.

15:16:24 5 A. All I'm saying is to deal with Beechill is that he might have got 7,500 out of
6 Beechill in August. If he did, that was the end of it.

7 Q. 678 But could he have got 7,500 out of in respect of Ballycullen in August? On
8 foot of a separate invoice either from the company or otherwise?

9 A. Well if he got it out of Ballycullen Farms Limited there would have been a
15:16:47 10 record of that payment. And there's not.

11 Q. 679 There was no record of a payment of 2,000 pounds in August up to I think last
12 week on the 11th of August. If we could have 3645, please. This is a record
13 of a cash payment of 11th of August 1992. Of 2,500.
14

15:17:13 15 MR. COLLINS: These aren't Ballycullen Farms cheques?
16
17 MR. QUINN: No I accept that.

18 A. Yeah well that's the answer.
19

15:17:16 20 MR. COLLINS: There's apples and oranges are being mixed here by Mr. Quinn.
21

22 CHAIRMAN: Mr. Hussey makes the point, that there is no record in Ballycullen
23 Farms.
24

15:17:24 25 MR. QUINN: That's correct. And I accept --
26

27 CHAIRMAN: This isn't a Ballycullen Farms question.
28

29 MR. QUINN: I think Mr. Hussey also accepted that Mr. Jones, out of his own
15:17:33 30 resources, paid expenses on behalf of Ballycullen Farms Limited

15:17:37 1 CHAIRMAN: Yes. I understand.
2
3 Q. 680 MR. QUINN: I am not necessarily confining the payment of the 7,500 on the 18th
4 of August to Ballycullen Farms accounts. I'm just saying that from
15:17:46 5 Mr. Dunlop's point of view, irrespective of the source of the funds that he may
6 have received 15,000 pounds in August 1992. That is to say 7,500 on foot of
7 your fee note of the 28th of August. And perhaps another 7,500 from another
8 source perhaps in relation to Ballycullen Farms. That's all I'm putting to
9 you Mr. Hussey.

15:18:10 10 A. Well, I think we've established that it didn't come out of Ballycullen Farms
11 Limited. That second payment. That you postulate.

12 Q. 681 Yes.

13 A. There's a cheque here dated August ...

14 Q. 682 The same year. 11 days -- seven days earlier?

15:18:26 15 A. '92, '93.

16 Q. 683 '92.

17 A. Well that's certainly possible. But it doesn't relate to 7,500.

18 Q. 684 I accept that that 2,500 that might be in addition again to the 15,000 that I'm
19 dealing with.

15:18:40 20 A. But you're asking me to answer questions about what Chris Jones might have paid
21 out of his personal account. And I can't do it.

22 Q. 685 Yes. All I'm putting to you, Mr. Hussey, is the possibility, for the moment,
23 that Mr. Dunlop might in fact have received 17,500 pounds in 1992. That is to
24 say 7,500 sanctioned by you on foot of a fee note and enclosed with your letter
15:19:06 25 of the 28th of August '92?

26 A. I accept that.

27 Q. 686 And a possible further 7,500 on foot of the invoice of the 18th of August,
28 directed to the Jones Group at 1722. Together with the 2,500 which is on the
29 screen, cheque from Mr. Jones made payable to cash.

15:19:26 30 A. Well, you're asking me to comment on what might have been paid out of Chris

15:19:30 1 Jones' personal account. And I can't do it.

2 Q. 687 Well you were a director of Ballycullen Farms Limited?

3 A. Yeah.

4 Q. 688 And there was no reason why in August '92 Ballycullen Farms Limited couldn't

15:19:40 5 have written a cheque for Mr. Dunlop for 2,500 pounds?

6 A. Except there is a record of it.

7 Q. 689 There is a record of the cheque out of Mr. Jones' personal account, made

8 payable to cash for 2,500 pounds on the 11th of August 1992, isn't that right?

9 A. Yeah but you are mixing the two.

15:19:56 10

11 JUDGE FAHERTY: 2,000 I thought. And the other one that I think that is at

12 issue is ...

13 A. No, it's 2,500.

14

15:20:00 15 JUDGE FAHERTY: Oh sorry, I beg your pardon.

16

17 Q. 690 MR. QUINN: It's 3645. I'm not trying to confuse you, Mr. Hussey.

18 A. You're not doing too badly.

19 Q. 691 I'm sorry. At 3645. We have the cheque made payable to cash for, dated 11th

15:20:18 20 of August 1992. Made payable or cashed by Mr. Dunlop. It's endorsed by Mr.

21 Dunlop, do you understand?

22 A. I do, yeah.

23 Q. 692 Can you give any explanation, other than the fact that it's possibly Mr. Jones

24 paying expenses on behalf of Ballycullen Farms Limited for the payment of that

15:20:34 25 cheque to Mr. Dunlop by him?

26 A. Well, that is true as far as that cheque goes. But, I mean, I draw the line

27 at the connection you're making with the two invoices which seem to me to be

28 duplicates of the 7,500 relating Beechill Properties and you're jumping in to

29 Ballycullen to say it might have been paid by Ballycullen. I can't really

15:20:59 30 accept that.

- 15:20:59 1 Q. 693 Well if we go back again perhaps to 1722. This is the first invoice of the
2 18th of August 1992. Whilst it's sent to accounts payable the Jones Group
3 Limited. There is nothing to suggest that it's in respect of Beechill
4 Properties, isn't that the right?
- 15:21:13 5 A. Yeah.
- 6 Q. 694 And similarly in, relation to, if we could have 3688, please. The fee note.
7 Which is sanctioned by you on the 28th of August '92 for 7,500 pounds. There
8 is nothing in fact that refers that to Beechill Properties?
- 9 A. Well.
- 15:21:30 10 Q. 695 In fact, if it's to be designated to any account it's possibly Ballycullen
11 because the manuscript entry on the document other than your endorsement is a
12 reference to Ballycullen, isn't that right?
- 13 A. That's right. But I wouldn't pass a Dunlop invoice in respect of Ballycullen.
14 I would pass it in respect of Beechill only. I really think this is a
15 cul-de-sac. There's nothing in it.
- 15:21:54 16 Q. 696 So can we take it, that the fee note passed by you on the 28th August 1992 is
17 referable to Beechill?
- 18 A. Yeah.
- 19 Q. 697 And do you leave open the possibility that the invoice of the of the 18th
15:22:09 20 August 1992, at 1722. Directed to the Jones Group accounts payable to the
21 Jones Group, could refer to Ballycullen Farms. Leaving aside whether it was
22 satisfied or not?
- 23 A. Well, I mean, this is such a long time ago. I can't cross my heart and say
24 that that definitely is not the case. I am very strongly of the view that
15:22:29 25 that is not the case.
- 26 Q. 698 And we do know that on the 11th of August 1992, that is seven days before that
27 invoice of the 18th of August, that Mr. Jones made a cheque payable to cash,
28 which appears to have been cashed, by Mr. Dunlop, isn't that right?
- 29 A. I'm sure it is.
- 15:22:45 30 Q. 699 And we have no invoice that we can see in relation to that?

15:22:48 1 A. I mean, that gives me the opportunity to say that the invoicing of this whole
2 think is chaotic. I mean, there are tranche payments, three tranches, sought
3 from Beechill Properties. And in Dunlop's evidence he says that the
4 arrangement was that Ballycullen would pay him a fee of 15,500 and that it
15:23:10 5 would be invoiced to Beechill Properties Limited. That doesn't make the
6 slight bit of sense and it is utterly incredible.

7 Q. 700 Well your position I think, is as I understand it is that you were in charge of
8 any payments out of Beechill Properties and you only made one payment on behalf
9 of Beechill Properties and that was the payment we see there on 28th of August
15:23:27 10 1992. For 7,500 pounds.

11 A. That's right.

12 Q. 701 And you're not aware of, directly aware of any other payments to Mr. Dunlop?

13 A. Out of Beechill?

14 Q. 702 Out of Beechill.

15:23:40 15 A. Well, the short answer to that is yes, I'm not aware. I retired as an
16 executive director of the Jones Group in June '93. And there are a series of
17 invoices and credit notes in '93 and '92. One cancelling the other.

18 Q. 703 We're going to come to those, Mr. Hussey.

19 A. I'm just anticipating that. There's -- they are both cancelled. And then
15:24:09 20 finally, there's what looks like a substitute invoice for 6,000. And I
21 couldn't swear to you that that wasn't paid. If it was paid it certainly
22 wasn't paid by me.

23 Q. 704 Yes.

24 A. And it was eight months after I'd retired.

15:24:26 25 Q. 705 That doesn't mean it wasn't paid?

26 A. That's why I'm drawing your attention to it.

27 Q. 706 You didn't pay it?

28 A. I didn't pay it.

29 Q. 707 Yeah. That's grand.

15:24:36 30

15:24:36 1 Now, we know that in July 1992 there was a further meeting on 21st of July with
2 Mr. Jones, at 1701. And on foot of that, Mr. Dunlop -- sorry. Cancelled
3 that meetings, apologies, at 1703. And that was rearranged perhaps for the --
4 for the 17th of August '92. And that appears to be a meeting at 1718. That
15:25:02 5 you attended, Mr. Hussey?

6 A. Why do you say that?

7 Q. 708 Because his diary at 1718, you will see at "10:30 see Jones/D Hussey", do you
8 see that?

9 A. Yeah. I mean, I'm not saying I wasn't there. I don't know.

15:25:20 10 Q. 709 By sheer coincidence, that appears to be the day prior to the invoice of the
11 18th of August 1992, at 1722.

12 A. Yeah.

13 Q. 710 And it appears to be approximately five or six days after the cancelled meeting
14 and the personal cashed cheque that I referred to earlier for 2,500 pounds.

15:25:46 15 Did you know at that meeting on the 17th of August, that Mr. Dunlop had given a
16 cheque made payable to cash to Mr. Dunlop?

17 A. To Mr. Jones.

18 Q. 711 To Mr. Jones, sorry. To Mr. Dunlop on the 11th of August.

19 A. No.

15:26:00 20 Q. 712 Then on the 31st of August, at 1729. There's a further meeting with
21 Mr. Jones. Again, on the 11th of September. 1992. There's 10:30 meeting.
22 Jones/Beechill. Similarly, on the 17th of September 1992, at 1755. A
23 further meeting. Did you attend any of those meetings?

24 A. No, I don't think so. But, I mean, if somebody produces a document which said
15:26:38 25 that I did -- broadly speaking, my recollection is that I didn't attend any of
26 these meetings. But if Chris was away I might have gone to them.

27 Q. 713 We know, for example, there is a memo -- if I could have 1762. There appears
28 to have been a meeting on the 17th of September 1992 attended by Chris Jones,
29 John Van Dyke and possibly Mr. Lawlor; do you see that on the top right hand
15:27:00 30 corner of that document?

- 15:27:02 1 A. Yeah.
- 2 Q. 714 Did you know in September 1992 that Mr. Jones was meeting with Mr. Lawlor?
- 3 A. No.
- 4 Q. 715 At 1764, there is a fax from Mr. Lawlor to Mr. Jones referring to their meeting
- 15:27:25 5 perhaps a meeting on the 17th, on the same date, do you see that?
- 6 A. Yeah.
- 7 Q. 716 Did you know that Mr. Dunlop was liaising with Mr. Lawlor in relation to his
- 8 activities concerning Ballycullen Farms?
- 9 A. No. In fact, I mean, when I saw it, it came as a surprise. I thought that
- 15:27:44 10 after the Comex invoice, and I can't remember the date of that.
- 11 Q. 717 That's July 1992.
- 12 A. Yeah. Well I thought that Lawlor really dropped out of the scene.
- 13 Q. 718 '91 I should say.
- 14 A. I'm surprised that Lawlor had anything to do with it at that stage.
- 15:28:00 15 Q. 719 Again, at 1798, Mr. Lawlor appears to have faxed through to Mr. Jones. A
- 16 written report for the adjoining corporation lands. And advised Mr. Jones
- 17 that he was in constant contact with Frank. Presumably, Mr. Dunlop.
- 18 Possibly with Mr. Brooks?
- 19 A. I don't know what the corporation lands are.
- 15:28:20 20 Q. 720 I see. It is the case that a motion was signed, both for the Beechill lands
- 21 and the Ballycullen lands, isn't that's right?
- 22 A. That's right.
- 23 Q. 721 And they were signed both motions were signed by Mr. Hand and Mr. Lydon, isn't
- 24 that correct?
- 15:28:35 25 A. That's correct.
- 26 Q. 722 Did Mr. Hand advise you you at your meeting with him that he would be prepared
- 27 to sign the motion in relation to Beechill?
- 28 A. Mr. Hand told me that he talked to the planners and that would be how the thing
- 29 was solved. And the first I knew of a resolution in relation to Beechill was
- 15:28:52 30 when I saw the discovery documents in January of this year.

- 15:28:54 1 Q. 723 You had no idea that a motion had been tabled and debated on the 16th of
2 October '92?
- 3 A. It wasn't even debated, to tell you the truth. First of all, from what I
4 read. There was no such zoning as the one that was proposed in the
15:29:10 5 resolution.
6 Secondly, as I say, I knew nothing about a resolution being required.
7 Thirdly, the whole -- I mean, the idea that there was political support
8 required to sustain the Beechill adjustment never occurred to me. Nor as it
9 turned out and it was right. That the manager pointed out that there was
15:29:31 10 240,000 square feet of offices in the area and therefore offices on our site
11 wasn't exactly a big problem.
- 12 Q. 724 So you had no idea, Mr. Hand never advised you that he had to sign, table a
13 motion to alter the maps?
- 14 A. No.
- 15:29:45 15 Q. 725 In relation to Beechill?
- 16 A. No.
- 17 Q. 726 Or that he was prepared to sign such a motion or that his signature, another
18 signature was required for such a motion?
- 19 A. Absolutely.
- 15:29:54 20 Q. 727 Were you aware of the motion in relation to the Ballycullen Farms lands in
21 September '92?
- 22 A. Well I certainly was aware that that would require a motion, yeah.
- 23 Q. 728 And were you aware that Mr. Hand and Mr. Lydon had signed that motion?
- 24 A. I'm certainly aware of it now. At what point I became aware of it, I don't
15:30:12 25 know.
- 26 Q. 729 Then on the 19th of October, '92, Mr. Dunlop at 1840 had a further meeting with
27 Mr. Jones. And I think Mr. Jones had entered into an undertaking with local
28 residents associations in relation to the level of density that would be
29 permitted on the lands, isn't that right?
- 15:30:46 30 A. I think so.

15:30:46 1 Q. 730 And were you aware that those negotiations were ongoing and were attempts by
2 Mr. Jones and the Brooks to alleviate the fears of local residents concerns?
3 A. Yes, I was in fact, I went to a meeting of a residents association in the
4 Spawell.

15:30:54 5 Q. 731 And then I think there were meetings on the 27th and 29th of October 1992. If
6 we could have 1863, please.
7 With Mr. Jones and Mr. Dunlop and we know that the Ballycullen motion was on
8 the 29th. Were you aware that obviously you became aware that that motion had
9 been successful

15:31:17 10 A. Yeah.

11 Q. 732 And that the lands in fact had been zoned?
12 A. Yeah.

13 Q. 733 Now, if you were here this morning you will have heard Mr. Jones deal with a
14 number of political payments made in 1992 during the election campaign in 1992.
15:31:37 15 Were you aware that those payments were being made at that time?
16 A. Yeah, I knew he was making payments. I didn't know to whom or how much.

17 Q. 734 Well what payments were you aware of?
18 A. Just aware that payments were being made.

19 Q. 735 But in what sense were you aware of the payments?
15:31:56 20 A. He told me. He said I'm paying some of these expenses out of my own pocket.

21 Q. 736 But the payments were being seen as expenses in connection with the development
22 of Ballycullen Farms, is that right?
23 A. That's correct.

24 Q. 737 Including the November '92 payments?
15:32:10 25 A. What's in November '92?
26 Q. 738 These are the payments that I referred to a moment ago.
27 A. Yeah, yeah.

28 Q. 739 Now, there were further meetings I think throughout '92 and '93 and the matter
29 was came up again for discussion in October '93 and was voted upon, isn't that
15:32:25 30 right?

- 15:32:26 1 A. Yes.
- 2 Q. 740 And was successfully dealt with. I don't wish to pry more than is necessary,
3 Mr. Hussey, but there was some tension at board level, as documented in the
4 minutes?
- 15:32:41 5 A. Uh-huh.
- 6 Q. 741 Between Mr. Chris Jones and Mr. Gerard Jones or maybe Mr. Gerard Jones and
7 everybody else concerning expenses. And I don't want to go into that in
8 relation to staff members or anything like that.
- 9 A. Yeah.
- 15:32:54 10 Q. 742 Would it be fair to say and I raised it with Mr. Oliver Brooks, that Mr. Gerard
11 Jones was concerned about some of the expenses paid at this time and credited
12 to Ballycullen Farms?
- 13 A. I don't want to get into that controversy either. But it really wasn't about
14 expenses. It was Mr. Gerard Jones was a minority shareholder and had several
15 grievances against the majority shareholder in the company and as you read the
16 minutes you can get some flavour of the difficulties and indeed how far they
17 went back.
- 18 Q. 743 I'm only concerned in relation to the concept that there may in fact have been
19 difficulties concerning the rezoning expenditures?
- 15:33:36 20 A. Yeah there was and there were queries and he appointed Feilim Court to look
21 into it.
- 22 Q. 744 If we could have 1979 please. This is a meeting on the 9th of February 1993.
23 At which it was hoped that the accounts for 1991 would be approved?
- 24 A. Yeah.
- 15:33:49 25 Q. 745 And we'll remember that the Comex payment was made in 1991 and there had been a
26 number of payments to Mr. Dunlop in 1991. At the end of that minute of the
27 under heading "letters of representation" it says "The letter did not state
28 Gerard Jones' disagreement to the amount of monies expended on zoning
29 Ballycullen and the personalities to whom the monies were paid."
- 15:34:08 30

15:34:08 1 Now, can you tell the Tribunal, Mr. Gerard Jones' concern in relation to the
2 personalities to whom monies were paid in connection with the rezoning of the
3 land? I'll be more specific. Did it refer to Mr. Lawlor and/or Mr. Dunlop?
4 A. No. I mean, the letter of representations doesn't cover that kind of thing.
15:34:31 5 The letter of representations is a director representing that what is in the
6 balance sheet he saw and is correct and properly accounted for. And
7 Mr. Gerard Jones had difficulties with, as I said, the majority shareholder.
8 And without going into detail, the letter of representations was used as a
9 vehicle for. Because the letter of representations had to be signed by the
10 directors and the refusal to sign it meant that the accounts were delayed.
15:34:58 11 Q. 746 But his concerns related to the amounts and personalities in relation to
12 rezoning expenses, isn't that's right?
13 A. Yes, it is right, yeah.
14 Q. 747 There was in fact a memorandum prepared, was there not, and furnished to
15 Ballycullen by Mr. Gerard Jones. If I could have 1989, please.
16
17 It's a memorandum re minutes of board meeting held on the 9th of February.
18 You see there just paragraph C. "Mr. Denis O'Hogan in his reply to the
19 question on expenditure surrounding the rezoning application stated his belief
15:35:41 20 on information from management. This does not mean that he had seen or
21 audited the receipts for expenditures incurred as you state it. The
22 expenditure referred to there is the rezoning expenditure, isn't that right?
23 A. Yes.
24 Q. 748 And that was a concern of Mr. Gerard Jones', isn't that right?
15:35:53 25 A. Yeah.
26 Q. 749 And I think in fact there were, a memorandum was sent to you from Mr. Gerard
27 Jones on the 19th of March 1993.
28
29 If we could have 1999, please.
15:36:06 30

15:36:06 1 This is where Mr. Jones is setting out the data which he requires before he
2 could satisfy himself in relation to the accounts. And he wanted sight of
3 briefs given to each professional/consultant involved in the rezoning
4 applications and a copy of their reports. And a detailed analysis of

15:36:22 5 disbursements made under the heading of "other expenses" including
6 subscriptions in the sum of 12,200 in a document dated the 2nd April, 1992,
7 isn't that right?

8 A. Yeah, and I have to say that is not an unreasonable request.

9 Q. 750 Yes. And if we could have 1468, please.

15:36:41 10 This appears to set out the rezoning expenditure for Ballycullen, isn't that
11 correct?

12 A. Yeah.

13 Q. 751 And are you saying that Mr. Gerard Jones knew from that, looking at that
14 document, that the 7,500 pounds payment there and credited to Comex Trading was
15 in fact a 7,500 pounds payment to Mr. Liam Lawlor, TD at that time?

16 A. Maybe. I don't know. I imagine if he didn't know who Comex Trading was he'd
17 have asked.

18 Q. 752 Well he did ask I think, because on the 22nd of April, 1993, at 2003. His
19 accountant, Mr. Corr, wrote to you, isn't that right?

15:37:23 20 A. Yeah.

21 Q. 753 And if we just take the central paragraph there he says "In particular there is
22 no substantiation whatsoever in relation to the payments made to Mr. Benson and
23 Mr. Heron nor evidence that they were in respect of services rendered to the
24 company. The invoice from Frank Dunlop & Associates relates to professional
15:37:38 25 education training services for which an explanation is required. The payment
26 to the County Council is not evidence by any form of documentation and the
27 introduction of Comex Trading for 7,500 at this point is inconsistent with the
28 information previously provided".

29
15:37:53 30 What information had been previously provide in the relation to the payment of

15:37:57 1 Comex?

2 A. There's a reply to that letter by me I think is there?

3 Q. 754 2004, on the 29th of April 1993. 2004.

4 A. No, that's not it.

15:38:12 5 Q. 755 2004. Apologies. Now, you identify who Mr. Benson was. You advise who
6 Mr. Heron was. And you say in relation to Mr. Dunlop. You say "A good deal
7 of feedback which we got from him was negative. And this precipitated the
8 lobbying of him. This was orchestrated by Frank Dunlop & Associates and the
9 description of professional education and training services relates to
10 rehearsals of preparations for meetings with community councils. These were
11 attended by Dunlop, Chris and myself. It is proposed shortly to convene a
12 board meeting of the company and perhaps any further queries which you have or
13 Gerard might have, may be dealt with at that time".
14

15:39:03 15 There is no attempt there to explain any query in relation to Comex, is there?

16 A. It could have been done verbally, I don't know. It didn't seem to give rise to
17 our problems.

18 Q. 756 But you were dealing with the problem, isn't that right?

19 A. Yeah, I was dealing with it. I gave the information.

15:39:16 20 Q. 757 You didn't give any information in relation to Comex?

21 A. I wasn't asked for it.

22 Q. 758 You were. Because in fact in the previous document, one of the issues had
23 been raised in relation to the Comex issue.
24

15:39:28 25 2003, please.

26 A. I must have satisfied him because it doesn't seem to arise again.

27 Q. 759 Well it seems if we go forward on the correspondence we will come to a
28 situation on the 13th of May, if I could have 2008.
29

15:39:44 30 Where you write to Mr. Jones. And you say "We had a discussion at today's

15:39:54 1 management meeting with -- arising from your letter to me 7th of May. Chris
2 gave Feilim an outlined of the history of the entire zoning saga and outline
3 reasons for incurring of the various expenditure. Feilim agreed that if
4 returned cheques were made available in respect of the payments in respect of
15:40:06 5 the payments to Joe Tiernan and Frank Brooks that would largely solve the
6 problem."
7 Was that the solution?
8 A. Yeah.
9 Q. 760 Ultimately?
15:40:13 10 A. Yeah.
11 Q. 761 Was Mr. Jones ever advised of the identity of Comex Trading?
12 A. I'm sure he would have asked.
13 Q. 762 Was the payment to Comex a legitimate political contribution or was it an
14 expense in relation to the rezoning of these lands?
15:40:42 15 A. It was an expense paid to Lawlor in respect of advice, "strategic advice" he
16 called it.
17 Q. 763 What strategic advice did Mr. Lawlor give in relation to these lands?
18 A. Chris Jones went through that this morning dealing with Joe Tiernan and all of
19 that kind of thing.
15:40:50 20 Q. 764 That you should take on board another developer?
21 A. That we had no credibility.
22 Q. 765 But you managed to develop the lands without taking on board another developer;
23 isn't that right?
24 A. It is.
15:41:00 25 Q. 766 And are you saying that Mr. Lawlor got 7,500 pounds for giving that advice?
26 A. I didn't deal with Mr. Lawlor.
27 Q. 767 Yes. Is there any reason why you didn't deal with Mr. Lawlor?
28 A. Yes, because I wasn't dealing with the whole question of the rezoning, Chris
29 was dealing with that. I mean, I was there as a non-executive direct or,
15:41:19 30 dealing with financial considerations. I was also dealing with some of the

- 15:41:22 1 company secretarial stuff and that was all.
- 2 Q. 768 But you were at the board meetings, isn't that correct?
- 3 A. Yes.
- 4 Q. 769 And you were in fact signing off on the accounts of the company, isn't that
- 15:41:33 5 right?
- 6 A. Yes.
- 7 Q. 770 Of this company.
- 8 A. Yeah.
- 9 Q. 771 Which included signing off under the expenditure occurred the company with
- 15:41:38 10 Mr. Lawlor?
- 11 A. Yeah. There's nothing wrong with that.
- 12 Q. 772 Mr. Jones, I understood his evidence this morning to be, that he had already
- 13 given Mr. Lawlor 5,000 pounds. And you have confirmed that to be the case.
- 14 And that this second payment arose in the context of Mr. Lawlor looking for a
- 15:41:58 15 political subscription. It was Mr. Jones' suggestion that whilst he wasn't
- 16 prepared to pay a second political subscription, he would pay something for
- 17 advices given, is that your recollection of events?
- 18 A. That's it, yeah.
- 19 Q. 773 Would you have sanctioned a further 7,500 pounds to Mr. Lawlor's election
- 15:42:18 20 campaign?
- 21 A. It wouldn't have been my call. And I mean, 7,500 or 12,500 for political
- 22 subscription would sound fairly strong to me.
- 23 Q. 774 In fact it now appears that it may be as much as 17,500 between 1991 and 1992?
- 24 A. That could be.
- 15:42:43 25 Q. 775 Now, in relation to the post '93 period. The Development Plan I think was
- 26 confirmed in December 1993. But there appears to be further payments to Mr.
- 27 Dunlop which post dated that period, isn't that right? And you have raised
- 28 queries in relation to some of those payments. If we --
- 29 A. These are these invoices?
- 15:43:09 30 Q. 776 Yes. Perhaps if we just take them up from November 1992. If I could have

- 15:43:14 1 1922, please. That's an invoice for 11,000 pounds. And it's dated November
2 6th 1992, isn't that right?
- 3 A. Yeah.
- 4 Q. 777 Now, sorry it's not an invoice. It's a letter to Mr. Dunlop enclosing a
15:43:41 5 cheque in relation to an invoice which had been raised, isn't that correct?
- 6 A. Yep.
- 7 Q. 778 I don't think we have the invoice but we do have the cheque. And it is
8 Ballycullen Farms cheque 3138, please.
9 Just in fairness to yourself, Mr. Hussey, that cheque appears to have only one
15:44:01 10 signature on it and it is in excess of 5,000 pounds.
- 11 A. Yeah. Well, I mean --
- 12 Q. 779 Maybe the mandate had increased by then?
- 13 A. No, I don't think so. Occasionally if there wasn't a second signatory around.
14 This is total speculation. The cheque would be sent out and a letter would be
15:44:16 15 sent to the bank confirming that it could be met.
- 16 Q. 780 Then if we could have 1960. On 9th of December 1992 there was a further 2,500
17 pounds paid. Isn't that correct?
- 18 A. Yep.
- 19 Q. 781 On the 3rd of October 1993. 3139, please.
15:44:38 20 There's a further 2,000 pounds paid by Mr. Jones. Isn't that right?
- 21 A. Yeah.
- 22 Q. 782 On the 21st of October I think it's 1993, 3140. It appears to have been a
23 further 6,000 pounds paid?
- 24 A. Yes.
- 15:44:59 25 Q. 783 Now, there is an invoice to you then on the 3rd of February '94. 2166.
26 Invoice No. 983. For 6,050 pounds. Can you recall what that invoice related
27 to?
- 28 A. Yeah, that was -- you skipped over two other invoices which were sent to
29 Beechill Properties or Jones Group, which were cancelled by credit notes.
- 15:45:29 30 Q. 784 I think I'm probably going to come to those.

15:45:33 1 A. Well --

2 Q. 785 They are in December '93. Would you prefer if I came to those first?

3 A. They are very simple to deal with.

4 Q. 786 2151, please.

15:45:43 5

6 This is an invoice 958, dated 21st of December '93 for 9, 075 pounds directed

7 to Derry Hussey, Jones Group plc, Beechill. And this is for public affairs

8 consultancy. Third and final payment, as per agreement.

9 A. Yeah well there was one before that dated 18th of January '93. 7, 500. 792.

15:46:08 10 Cancelled on the 12th of January 1993. The one you're talking about is

11 December '93. Wherever it is.

12 Q. 787 If we could just deal with the one in December '93 and then come back to the

13 other.

14 A. That was cancelled by credit note on 3rd of February, 1994.

15:46:26 15 Q. 788 Just dealing with that, on the face of it for the moment. To the satisfaction

16 of that. Just for the moment. That does appear to be an invoice to you,

17 first of all?

18 A. Yeah.

19 Q. 789 It would appear to be Mr. Dunlop's understanding, per that invoice, that he was

15:46:41 20 entitled to three payments of 7,500 pounds. And this was the third of those

21 payments?

22 A. That's not true at all.

23 Q. 790 Okay. It's the final payment of three; isn't that right?

24 A. Yeah.

15:46:55 25 Q. 791 And --

26 A. It's clear if you go back to the other one. That there was only one payment

27 in respect of Beechill.

28 Q. 792 We know there was a payment on the 28th of August 1992. We dealt with that.

29 And there is no dispute between you and Mr. Dunlop on that. You paid on foot

15:47:09 30 of that fee note.

- 15:47:11 1
2 At 3688, please. So the first payment was 7,500. This is an invoice for
3 what is referred to as the third payment. That's 2151. And what do you say
4 was the second payment?
- 15:47:27 5 A. These payments were not for Beechill at all. These were invoices which should
6 have been invoiced to Ballycullen Farms Limited. That's what the reference to
7 the tranches is. For some reason Mr. Dunlop got it into his head that these
8 invoices were to be sent to Beechill Properties. It doesn't make any sense.
9 As I've said, two of them were cancelled by credit notes. And I can't
10 explain, because I wasn't there, in 1994, how another invoice emerged in
11 February 1994. And what Mr. Dunlop would have been doing for Beechill
12 Properties in 1993, never to mind 1994, I don't know.
- 13 Q. 793 Neither does the Tribunal, Mr. Hussey (laughter) the Development Plan I think
14 had been confirmed by December 1993; isn't that right?
- 15:48:15 15 A. Yeah, it was past the post in 1992 because there was no opposition to it.
- 16 Q. 794 There should have been no further payments after 1992 one would have expected?
- 17 A. Yeah.
- 18 Q. 795 There is no doubt but that he appears to have received monies after 1992,
19 isn't that right?
- 15:48:30 20 A. Yeah, not from me.
- 21 Q. 796 Did you have a dispute with Mr. Dunlop concerning these invoices in 1993?
- 22 A. No, I either got somebody them to them send back to him, which I think I did,
23 or I sent them back to myself or I phoned him or did something.
- 24 Q. 797 Could there have been some discussion between yourself and himself concerning
15:48:46 25 these invoices at this time?
- 26 A. Well if there was it wasn't very effective.
- 27 Q. 798 Sorry?
- 28 A. If there was it wasn't very effective.
- 29 Q. 799 Well was Mr. Dunlop insisting that he was entitled to these payments?
- 15:48:57 30 A. No, I don't think so. There was never any question of tranches of payment.

- 15:49:05 1 Q. 800 Now, you wanted to refer, I think, to an invoice, 983 on 3rd of February, 1994;
2 isn't that right?
- 3 A. Yeah.
- 4 Q. 801 2166?
- 15:49:17 5 A. Yeah. '21? Oh, yeah.
- 6 Q. 802 Was that invoice paid?
- 7 A. Well I hope not. But I wasn't there.
- 8 Q. 803 Mr. Dunlop has advised the Tribunal, if I could have 2170, please. And it
9 would appear to be the case that this invoice was in fact satisfied by the
10 Jones Group. Do you see --
- 11 A. I do. I've looked at that. The figures don't at up.
- 12 Q. 804 2168. You see 3rd of February 1994. 983. Jones Group 6050.
- 13 A. Where is it now? If you went back to the one with the lodgement.
- 14 Q. 805 I think you're referring to 2169; is it?
- 15:50:05 15 A. I don't know. Previous. No. Previous again.
- 16 Q. 806 Sorry. If I go back to 2170.
- 17 A. Yeah.
- 18 Q. 807 You see Mr. Dunlop advises that that was part of a composite lodgement of
19 11,737 on the 14th of February '94?
- 15:50:29 20 A. If you add the three figures they come to less than -- they come to less than
21 11,737. So ...
- 22 Q. 808 That's net of VAT I think, is that right?
- 23 A. I don't think VAT entered into it.
- 24 Q. 809 Now, there is an entry on Mr. Jones' diary for August 22nd 1994.
15:50:57 25
26 44245, please. You see on the 22nd of August there's a reference to Mr. Frank
27 Dunlop; do you see that? Could that be D Hussey re Frank Dunlop? What was
28 that in connection with do you know, does it make any sense to you?
- 29 A. I don't know what that is.
- 15:51:28 30 Q. 810 You don't know what that is. What about the 5th of September 1994.

- 15:51:28 1
2 2251. Payment to Frank Dunlop. Do you see that?
- 3 A. What's this got to do with Beechill?
- 4 Q. 811 Forgive me for saying this, Mr. Hussey. But you are concentrating on Beechill
15:51:46 5 but you are a non-executive director of Ballycullen Farms; isn't that right?
- 6 A. It is. But I wasn't dealing with Frank Dunlop or the payments to him or to
7 deal with him.
- 8 Q. 812 You had dealt with Mr. Dunlop as a non-executive director of Ballycullen Farms
9 Limited and on behalf of Beechill Limited, both in relation to rezonings; isn't
10 that right?
- 11 A. Well, now, the Beechill thing, in my view, was not rezoning. It was a
12 direction.
- 13 Q. 813 Did we not deal earlier with you faxing through to him a map on behalf of
14 Ballycullen Farms Limited?
- 15:52:18 15 A. I didn't say I had no dealings with him. I had no financial dealings with
16 him.
- 17 Q. 814 October 1994, at 2270. There is an entry in Mr. Jones' diary. Ring Frank
18 Dunlop. Do you see that? 10th of October 1994?
- 19 A. Yeah.
- 15:52:37 20 Q. 815 And 2274.
21
22 Mr. Dunlop has a Jones Group plc compliments slip for invoice 968. And he
23 says "cashed on 20th of October '94". And that, presumably, is the 9075 and
24 he shows the designation of some of that money; isn't that right?
- 15:53:01 25 A. Well, I mean, you can't argue that that's a cheque. I mean, 968 has already
26 been cancelled by a credit note.
- 27 Q. 816 You were still a director of the company in '94; isn't that right?
- 28 A. Yeah.
- 29 Q. 817 And in '94 I think there was an action area plan for the Ballycullen area;
15:53:32 30 isn't that right? Prepared by the planners?

- 15:53:36 1 A. Maybe. I'm not familiar with it.
- 2 Q. 818 And the future development of the lands was a very live issue at this time;
3 isn't that right?
- 4 A. Yeah.
- 15:53:45 5 Q. 819 And not just the lands which had been zoned subject to the cap of 360 houses
6 but also the lands which had been zoned F; isn't that right?
- 7 A. Yes.
- 8 Q. 820 And there was a proposal I think to develop lands close by, Mr. Jones referred
9 to them earlier, for local authority housing; isn't that right?
- 15:54:04 10 A. Yeah.
- 11 Q. 821 And I think that there were meetings with local authority officials and the
12 Ballycullen Farms representatives?
- 13 A. Yes.
- 14 Q. 822 Did you attend any of those meetings?
- 15:54:14 15 A. No.
- 16 Q. 823 It does appear that arising out of those meetings that agreement was reached
17 that in exchange for the lands swop or the land purchase and redesignation of
18 the site that the Council officials would support an increase in density; isn't
19 that right?
- 15:54:34 20 A. That's right.
- 21 Q. 824 Were you familiar with how that increase in density came around and how those
22 discussions progressed?
- 23 A. Well I was. But I wasn't involved in them.
- 24 Q. 825 Yes. But presumably those who were involved with them were reporting back to
15:54:48 25 the board on them?
- 26 A. Yep.
- 27 Q. 826 And I take it that from Ballycullen Farms' point of view, it was a very good
28 outcome from -- for their objectives for the lands?
- 29 A. Yeah. The first one really was quite poor. I mean, the first zoning was six
15:55:08 30 to acre was a pretty poor zoning.

15:55:10 1 Q. 827 But it was what you had agreed with, to get it through; isn't that right?

2 A. Well, yes. Beggars can't be choosers.

3 Q. 828 Yes, yes. Thank you very much, Mr. Hussey.

4 A. Thank you.

15:55:28 5

6 CHAIRMAN: Mr. O'Tuathail, do you want to ask any questions of Mr. Hussey?

7

8 MR O TUATHAIL: No questions, thanks.

9

15:55:35 10 CHAIRMAN: All right. Mr. Collins, do you want to ask Mr. Hussey?

11

12 MR. COLLINS: Yes, Sir.

13

14 I will be about twenty minutes. I'm sure the witness is anxious to finish

15:55:48 15 today, if that's possible, if that doesn't inconvenience the Tribunal.

16

17 CHAIRMAN: Well I wonder is it too much? If it's a bit much we can resume at

18 11?

19 A. Can we have a break for five minutes?

15:55:58 20

21 CHAIRMAN: Would you prefer to break for five minutes and finish in twenty

22 after that or come back tomorrow?

23

24 A. No, break for five minutes.

15:56:10 25

26 CHAIRMAN: Okay. We'll break for five minutes.

27

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

29 **AND RESUMED AS FOLLOWS:**

15:56:23 30

16:06:12 1 CHAIRMAN: Now, Mr. Collins.
2
3 Q. 829 MR. COLLINS: Thank you, Sir.
4
16:06:16 5 Mr. Hussey, would you just mind making sure that you lean forward so that I can
6 see you and hear you.
7 A. Okay.
8 Q. 830 Properly, please. Now, I think you explained at the start of your statement
9 that you had no beneficial interest whatever in Ballycullen Farms Limited;
16:06:34 10 isn't that right?
11 A. That's right.
12 Q. 831 And you had I think a small shareholding in the Jones Group which was ultimate
13 parent company of Beechill Properties Limited; is that correct?
14 A. That's correct.
16:06:48 15 Q. 832 And you were the financial controller of Beechill; is that correct?
16 A. No.
17 Q. 833 Were you the financial director, sorry?
18 A. I was financial director of the Jones Group.
19 Q. 834 Yes. And you were responsible --
16:06:55 20 A. I had no executive role again in Ballycullen Farms. There was an
21 accountant/financial controller in Ballycullen Farms.
22 Q. 835 I didn't in fact ask you about Ballycullen. I asked you about Beechill.
23 A. There was no.
24 Q. 836 There was no formal position of financial controller?
16:07:12 25 A. It was a small company, simply paid the outgoings and collected the rent from
26 the Jones Group companies that occupied the space and offices and warehouses
27 and so on.
28 Q. 837 You effectively exercised the financial control or financial direction
29 functions in respect of Beechill as a subsidiary of the Jones Group, would that
16:07:31 30 be fair to say?

- 16:07:32 1 A. Yes.
- 2 Q. 838 Now, you mentioned at one point in your evidence to Mr. Quinn that Jones Group
3 plc was a public company?
- 4 A. Yes.
- 16:07:40 5 Q. 839 And that imposed or imported certain requirements in terms of I think
6 discipline and control?
- 7 A. Yes.
- 8 Q. 840 And were you careful to ensure that any invoices that were presented to
9 Beechill related to services provided to Beechill?
- 16:08:03 10 A. Yes. I mean, obviously, I couldn't look at everything. But in the Jones
11 Group plc there would have been a system of internal control, which imposed
12 disciplines about payments and the security of the assets and all sorts of
13 things. And there would have been an internal audit function. And there
14 would have been an external audit function. And the requirements of the
16:08:27 15 external audit function in the cases of a plc would be higher than a private
16 company. There was a listing agreement would also impose disciplines. So
17 there would have been a high level of control within the Beechill, and I hope
18 all of the Jones Group companies.
- 19 Q. 841 Now, I think Mr. Dunlop in the course of his evidence on Monday accepted that
16:08:50 20 he had sent a number of invoices directed to the Jones Group or possibly to you
21 at the Jones Group, which in fact ought to have been directed to Ballycullen
22 Farms?
- 23 A. Yes.
- 24 Q. 842 And he was clearly confused in relation to the sending of invoices. I presume
16:09:07 25 you wouldn't have been confused. You would have been insured that any
26 Ballycullen invoices sent to you would have been paid by Ballycullen and
27 certainly wouldn't have been paid out of the Jones Group accounts or Beechill's
28 accounts?
- 29 A. No, they couldn't have been. And I would have sent them back.
- 16:09:22 30 Q. 843 Yes. And I'll come, in just a few minutes, to some of the invoices that we've

- 16:09:28 1 been discussing, Mr. Hussey, just in relation to that.
- 2
- 3 Now, can I ask you, firstly, about the Beechill, if I may call it, the zoning
- 4 issue in relation to Beechill. And you've described I think to Mr. Quinn that
- 16:09:44 5 the industrial use of the Jones Group property at Beechill had declined; isn't
- 6 that right?
- 7 A. Yes.
- 8 Q. 844 And the office component had correspondingly, perhaps, increased?
- 9 A. It would have done, yeah.
- 16:10:01 10 Q. 845 And there was, you had some concern that the use of the site or the building
- 11 might not be entirely consistent with its zoning which was industrial; isn't
- 12 that correct?
- 13 A. Well that's true. I mean, we had, and I mentioned this earlier. We had
- 14 found ourselves short of office space and in 1978 we had applied for planning
- 16:10:21 15 permission to extend the offices. And we got that without any trouble. But
- 16 it was, what had happened in the environs of our site was made it, sort of
- 17 clear to everybody, that the zoning was simply out of date. Because where
- 18 there had been three industries, there was now effectively none. And there
- 19 were five, maybe six office developments, amounting, as I've said, to 240, 000
- 16:10:53 20 square feet or something.
- 21 Q. 846 Yes. And I think you described that you had got counsel's opinion at some
- 22 point?
- 23 A. Well we got it at the very beginning. We were a bit concerned about the
- 24 office element.
- 16:11:04 25 Q. 847 Yes.
- 26 A. But, this wasn't an earth shaking decision. We said to ourselves this is a
- 27 housekeeping matter. It's untidy that this zoning is as it is and we should
- 28 get it corrected. So it's not a rezoning. It's really acknowledging the
- 29 reality of what was there.
- 16:11:26 30 Q. 848 Yes. And I think you mentioned that to Mr. Jones, or it arose in conversation

- 16:11:30 1 with Mr. Jones and Mr. Jones at some point suggested that Mr. Dunlop might be
2 engaged; is that correct?
- 3 A. Yeah, that's correct. I mean, I would have -- just thinking. I would have
4 been dealing, I suppose, in the group with about 20 properties and I would have
16:11:58 5 been dealings with valuers and architects and planners and consultants of all
6 kinds. So this wasn't a big item.
- 7 Q. 849 Yes. And you -- what did you think of Mr. Dunlop at this point. Had you
8 come across him in connection with Ballycullen at this point in time can you
9 recall?
- 16:12:06 10 A. I had certainly come across him in the context of Ballycullen. And I couldn't
11 tell you exactly the sequence relative to the Beechill consultancy. I think,
12 I'm almost sure that the Ballycullen consultancy started before the Beechill
13 consultancy.
- 14 Q. 850 Yes. Mr. Dunlop in his evidence accepted on Monday that he was perceived to a
16:12:29 15 particular expertise in terms of dealing with the local Government
16 administration in relation planning. Was that something that you were aware of
17 at the time, Mr. Hussey?
- 18 A. Yes. I think he knew how the planning process worked. He knew the residents
19 associations. He knew the concerns. He knew all about who was doing what in
16:12:51 20 the Council. And he was therefore a useful person to provide the service that
21 it had been pointed out to us, not -- by the planners and by other people, that
22 we were short of.
- 23 Q. 851 Yes. Did you at that stage have any reason to believe or suspect that Mr.
24 Dunlop was anything other than a bona fide provider of that sort of service?
- 16:13:12 25 A. Absolutely none.
- 26 Q. 852 Now, can you just tell us that, confirm to me that it was Mr. Dunlop's
27 suggestion that Councillor Hand would be an appropriate conduit to the Council;
28 is that correct, is that a correct or a fair way of putting it?
- 29 A. Yeah, it is.
- 16:13:31 30 Q. 853 And he said that he would arrange a meeting with Mr. Hand, Councillor Hand,

- 16:13:36 1 sorry. Is that correct?
- 2 A. Yes.
- 3 Q. 854 And was there any mention, at that stage, as far as you can recall, of any
- 4 payment being required to be made to Councillor Hand, either by Mr. Dunlop or
- 16:13:52 5 by Beechill Properties?
- 6 A. None whatsoever.
- 7 Q. 855 No mention of any payment?
- 8 A. None.
- 9 Q. 856 And then I think you met with Councillor Hand; is that correct?
- 16:14:01 10 A. Yeah.
- 11 Q. 857 And he indicated that he thought he'd be able to assist in sorting out the
- 12 problem; is that right?
- 13 A. Yeah, it wasn't a very long meeting. I explained the problem to him. And I
- 14 also suggested to him that as a local representative, if somebody decided to
- 16:14:16 15 build a tar factory in our site that was zoned industrial as it stood and it
- 16 wouldn't go down very well with the local residents. And he accepted that and
- 17 said yeah, really it was something that could be corrected by the planners when
- 18 they produced the next draft plan.
- 19 Q. 858 And you weren't aware of then, I think you said, of any particular mechanism of
- 16:14:37 20 being required or being suggested?
- 21 A. No. I'll I became aware of that only when I read the documentation in January
- 22 of this year. Where, to my amazement, first of all, I discovered that there
- 23 had been a proposal, albeit couched in terms, that didn't seem particularly
- 24 appropriate. But the County Manager said that all of these changes would have
- 16:15:01 25 to be done by proposal. But when it came to Beechill, he simply said well
- 26 look, it's all offices, we just put in a note.
- 27 Q. 859 Yes. In the course of your meeting, and you've just indicated that it was a
- 28 relatively short meeting, with Councillor Hand. Did he indicate that he would
- 29 require to be paid in any form for assisting you?
- 16:15:27 30 A. Definitely not.

- 16:15:28 1 Q. 860 Did he mention any issue of money or payment to you?
- 2 A. Nothing.
- 3 Q. 861 Can you just then bring us on in terms of the narrative, Mr. Hussey, and
- 4 focussing on the moment for Beechill. What was your next interaction with
- 16:15:43 5 either Mr. Dunlop or Councillor Hand in relation to Beechill?
- 6 A. My recollection is that Dunlop contacted me and said that Hand wanted his
- 7 political subscription. And I said, I think I said is that so. And I was
- 8 surprised. I don't suppose I was amazed but I was surprised. So I said to
- 9 him well sort of subscription is he talking about. And I think he said 1,000
- 16:16:15 10 pounds. So I said I'll think about that. And I am sure I discussed it with
- 11 Denis Magee and Chris. And I was tempted to say that you can have no
- 12 subscription. That seemed a little churlish. Another option was to give him
- 13 less than he was looking for. I think collectively we decided for what you'd
- 14 say that it wasn't worth and it and get rid of it and pay him.
- 16:16:45 15 Q. 862 Did you agree to give Councillor Hand any money?
- 16 A. No, I could have said no to him, as I proved subsequently.
- 17 Q. 863 Was it the case that there was any understanding, even if nothing had been
- 18 spoken, any understanding, either with Councillor Hand or with Mr. Dunlop, that
- 19 Councillor Hand would get money from Beechill for assisting it?
- 16:17:03 20 A. Absolutely not.
- 21 Q. 864 Now, you are aware, I think, that Mr. Dunlop has suggested that at some meeting
- 22 with you, he made a reference to, he said to you that the "ways of the world"
- 23 would have to apply. By which, according to him, he was indicating to you
- 24 that he was going to be making corrupt payments to councillors and that you
- 16:17:29 25 would have understood that that is what he meant?
- 26 A. Well that's absolutely wrong. I would, under no circumstances, have
- 27 Councillors Dunlop or anybody else paying corrupt payments for achieving the
- 28 objections that we have for ourselves.
- 29 Q. 865 Do you recall Mr. Dunlop ever use the expression "ways of the world" would
- 16:17:48 30 apply to you or in your hearing?

16:17:51 1 A. Never. I had no discussion with Frank Dunlop about Ballycullen fields at any
2 point. And in respect of Beechill, there was some correspondence. But there
3 was never a suggestion that anyone was going to have to be paid.

4 Q. 866 Well, leaving aside for the moment the question of fees to Mr. Dunlop. Did
16:18:16 5 Mr. Dunlop ever say anything to you, whether it was the formula that he recited
6 on many occasions in the course of his testimony, or any other formula or form
7 of words, that indicated to you that he was going to engage in making corrupt
8 payments, either in connection with the Beechill issue or in connection with
9 the Ballycullen issue?

16:18:40 10 A. There was no thought in my mind that there was any question of corrupt payments
11 in respect of Ballycullen or Beechill Properties.

12 Q. 867 Would you have lent yourself to any enterprise that would have involved such
13 payments?

14 A. I would not.

16:18:56 15 Q. 868 Now, in -- I think you've addressed the letter of the 28th of August 1992.
16 Perhaps we could have it up on screen.
17
18 It's 1727.
19

16:19:09 20 I'm not going to labour this, I hope, Mr. Hussey. But this is a letter
21 written by you, in response to a letter you had received from Frank Dunlop.
22 It would appear to be.

23 A. Yes.

24 Q. 869 And it was suggested to you that the proposal that you referred to in the
16:19:30 25 second paragraph is -- might be a proposal as to payment in tranches or payment
26 of installments. And I just want you to read the second sentence of the
27 second paragraph, Mr. Hussey, for a moment. And just refresh your memory as
28 to what it says. And I think Mr. Dunlop accepted from me, though with some
29 reluctance, that the reasonable construction of this letter was that you were
16:20:03 30 making reference to a single fee and paying that single fee, with whatever

16:20:08 1 cheque was enclosed?

2 A. That has to be the case.

3 Q. 870 And I think again, as a matter of ordinary language, the proposal that's

4 referred to there is a proposal with a view to having the zoning changed.

16:20:21 5 That's what's being referred to; isn't it?

6 A. And it's headed Beechill Properties Limited.

7 Q. 871 Yes. And you can't recall, or can you, at this remove of time, Mr. Hussey,

8 what that proposal involved?

9 A. No. I can't. And I could speculate but I don't see much point in that. I

16:20:43 10 don't know what he did other than sent Tommy Hand to ...

11 Q. 872 Well can I just bring to your attention some evidence that Mr. Dunlop gave on

12 Monday. In answer to questions that I gave to him. He accepted, I think,

13 that it was at least possible that the proposal might have taken a form similar

14 to the document which has been termed the "strategic proposal" I think in

16:21:08 15 relation to Ballycullen Farms. That it might have taken the form of a

16 document setting out how he proposed to achieve the resolution of the issue

17 that had arisen in respect of Beechill. Might that be so?

18 A. It might. But, I mean, I have no recollection of it at all.

19 Q. 873 Yes. And as far as you're concerned then, Mr. Hussey. And as far as you can

16:21:34 20 recollect, was -- we know that I think a vote took place on the plan including

21 the new managerial note to the effect that the industrial zoning would permit

22 of a certain level of office use. The voting took place in October 1992 I

23 think.

24 A. No. I think -- yeah. It was October 1992 when the county manager said look,

16:22:05 25 we'll put in a note.

26 Q. 874 Yes. There wasn't any specific vote on that aspect concerning the plan

27 itself?

28 A. No.

29 Q. 875 And as far as you're concerned. Was that the end of the Beechill issue

16:22:25 30 insofar as you are concerned, Mr. Hussey?

16:22:25 1 A. I'm not an expert on planning but I suppose I did know that after the whole
2 process that there would have been a vote.

3 Q. 876 To confirm?

4 A. On the entire plan.

16:22:28 5 Q. 877 Yes. And we know that that took place approximately 12 months later?

6 A. That's right.

7 Q. 878 But I think Mr. Dunlop accepted in his evidence that in fact there was no
8 controversy in relation to this proposal and that there was although some
9 theoretical risk that it might be upset at the confirmation vote. That the
10 only risk was an entirely theoretical risk?

11 A. I think that's absolutely true, yeah.

12 Q. 879 You don't have any recollection of there being any engagement once the initial
13 vote -- sorry. Once the initial decision was taken in October 1992?

14 A. None. Nor do I recall any publicity. Nobody was writing about the fact
15 that, you know, this thing had gone from industrial to offices because
16 everybody knew there were offices there already.

17 Q. 880 Yes. And I think in fairness to him, Mr. Dunlop ultimately accepted that the
18 proposal was an entirely uncontroversial proposal which met with the approval
19 of the planners and the manager and didn't generate any dispute whatsoever?

16:23:10 20 A. Yep.

21 Q. 881 Can I ask you then to put aside or put behind the Beechill issue, for a moment,
22 at least. And turn to the Ballycullen rezoning. Now, is it fair to say that
23 your involvement in Ballycullen, although you were a director, was less intense
24 generally or less demanding of your time or involved less of your, so to speak,
25 than your involvement in the Jones Group, of which you were an executive?

16:23:59 26 A. Yeah. The Jones Group was a biggish company and there were three or four
27 divisions and that took the vast bulk of my time.
28
29 Ballycullen was something that I attended -- well, yes, I suppose they were
16:24:18 30 proper board meetings but like all private companies they're kind of a mix of

16:24:23 1 management meeting and board meeting. But there were some serious issues
2 dealt with at the Ballycullen board meetings because of the minority
3 shareholder and the problems he had.

4 Q. 882 Yes. Now, we'll come to those in just a moment, Mr. Hussey. Can I bring you
16:24:39 5 to January of 1991. 1343, please.
6
7 And this is a note that Mr. Quinn I think brought you through. And I think
8 you mentioned that you attended this meeting insofar as you can recollect
9 because Mr. Jones was away.

16:25:03 10 A. I think so.

11 Q. 883 Is that a fairly illustrative of your, at least some of your involvement in the
12 Ballycullen rezoning project, if I may use that expression? You stepped in for
13 Mr. Jones from time to time?
14 A. Yes.

16:25:18 15 Q. 884 And I think you were -- I'll bring you back to some of the detail and content
16 of this minute in a moment, Mr. Hussey but while I'm at it, you were aware in
17 general terms, certainly, of the attempts being made to obtain rezoning of the
18 Ballycullen lands, isn't that right?
19 A. Oh, absolutely. Going right back to the first planning, I mean it went on for
16:25:40 20 20 years.

21 Q. 885 And you knew that a team of people, such as Murray O'Laoire architects and some
22 planning consultants were engaged from time to time?
23 A. Yes.

24 Q. 886 And you knew that Mr. Dunlop had been engaged?
16:25:54 25 A. I did.

26 Q. 887 And that was all with a view to obtaining a rezoning of the land, isn't that
27 right?
28 A. That's right.

29 Q. 888 And you were aware that in the course of the '80s culminating in a decision I
16:26:09 30 think perhaps of December 1990, efforts had been made either to get a rezoning

- 16:26:14 1 or to get a planning permission for development that went outside the existing
2 zoning and material contravention and that had all been unsuccessful?
- 3 A. Yeah, and there was all sorts of things. There was an IDA proposal. There
4 was a proposal for a golf course. There was all sorts of things that were
16:26:31 5 tried and didn't work.
- 6 Q. 889 And I think you were aware that in terms of agricultural, use the position in
7 the Ballycullen lands had become unsustainable?
- 8 A. Yeah, over the years it became more and more difficult to run it as a farm.
9 And it was a pedigree herd that was there. That farm was run right back to, it
16:26:52 10 was acquired in 1963.
- 11 Q. 890 Yes.
- 12 A. It was a well established farm.
- 13 Q. 891 Yes. Now, can I ask you just to look at the note before you. And just to
14 bring you to the third paragraph. We said that "Chris Jones was anxious to
16:27:07 15 deal with the land as prudently as possible." Are you indicating there
16 essentially that Chris Jones was the principal involved in this project?
- 17 A. He was. He was the major shareholder. And he was the one who dealt with all
18 of these professionals that were engaged to further the zoning thing.
- 19 Q. 892 Yes. And I hope I'm not being unfair to the planners. But one gets the
16:27:33 20 impression from this note, Mr. Hussey, and if I'm wrong or if you have a
21 different view, say so. That the planners listened to you but really
22 suggested nothing that would give you any comfort in terms of their future
23 attitude. And I'm just drawing your attention particularly in that regard to
24 the fifth paragraph, fourth from the bottom. "They had nothing much by way of
16:27:55 25 suggestion as to how the planning situation of the land could be improved."
- 26 A. Well, planners were not obstructive or dismissive.
- 27 Q. 893 No.
- 28 A. They indicated that they saw local difficulties for a variety of reasons to the
29 development of the land for housing.
- 16:28:21 30 Q. 894 Yes. And then I think the third paragraph they appear to hint to us that we

16:28:26 1 should protect the zoning that is there and that anything further which we
2 thought should be included in the plan, they would be prepared to speak to us
3 about I believe, the inclusion of anything else would be a political decision."
4 I think that that must be a reference to a decision of the councillors, is that
16:28:40 5 correct?

6 A. Yes, I think so.

7 Q. 895 Yes.

8 A. The industrial zoning never came to anything anyway.

9 Q. 896 Yes. And then finally in the final paragraph. "I have the firm impression
16:28:48 10 that the planners think that we have a PR problem which we should perhaps
11 address." What did you mean, can you recall, by PR problem, Mr. Hussey?

12 A. Well, we were submitting proposals for the development of the land. And I
13 think we could be criticised for the fact that the amount of consultation that
14 went on with the local residents was limited and I -- I think we could be
16:29:23 15 criticised for not being more conversant with what would be acceptable or
16 indeed welcomed in the area.

17 Q. 897 Yes. And just in general terms. Was that perhaps a difference between the
18 efforts made from 1991 onwards, which resulted in the rezoning decision in
19 October 1992 and previous efforts at getting rezonings agreed or planning
16:29:51 20 permissions through?

21 A. Yeah, I mean, I mean, Dunlop provided a valuable service insofar as he exposed
22 mainly Chris and the Brooks to all sorts of thoughts that were going around
23 about what was good for the place and bad for the place and what should and
24 shouldn't be done. And I suppose the ultimate proposal was coloured by all of
16:30:16 25 that.

26 Q. 898 Yes. And I think you were aware in general terms of the efforts being made in
27 relation to the Ballycullen rezoning issue, which you weren't intimately
28 involved with them, is that correct?

29 A. I certainly wasn't intimately involved with them. I was anxious that they
16:30:36 30 would be successful. But Chris is doing it. And it didn't need any

- 16:30:43 1 assistance from me. I knew two of the councillors personally. As I said, I
2 said this before. And I arranged for Chris to meet them. With not a whole
3 lot of success. And then -- I mean, Chris and I saw each other every day.
4 So that it would be -- the matter would come up and we would discuss it. But
16:31:08 5 he was running it.
- 6 Q. 899 Yes. And did you think there was anything untoward in the involvement of Mr.
7 Dunlop in that campaign?
- 8 A. No. I mean, it was something that I welcomed. I mean, we had the problem.
9 Dunlop had the professional skills to deal with it. And that's why he was
16:31:27 10 employed.
- 11 Q. 900 Now, did you form the view that he was making a contribution in relation to
12 that, Mr. Dunlop?
- 13 A. To the process?
- 14 Q. 901 Yes.
- 16:31:36 15 A. Oh, he was.
- 16 Q. 902 Yes. Now, did you have any role in negotiating Mr. Dunlop's financial
17 remuneration in relation to Ballycullen?
- 18 A. None.
- 19 Q. 903 Now, did -- were you aware at this time, by which I mean 1991/1992/1993, of the
16:32:00 20 existence of a system in Dublin County Council as described by Mr. Dunlop where
21 certain councillors were apparently suborn to vote in favour of proposals by
22 virtue of corrupt payments being made to them?
- 23 A. No, I was not.
- 24 Q. 904 Did anything that Mr. Dunlop ever said to you indicate the existence of any
16:32:25 25 such system?
- 26 A. No.
- 27 Q. 905 Did Mr. Jones ever come to you and say that Mr. Dunlop had informed him of the
28 existence of such a system or told him, Mr. Jones, that Mr. Dunlop was going to
29 be making corrupt payments on his behalf?
- 16:32:57 30 A. Definitely not.

- 16:32:57 1 Q. 906 Did -- you were aware I think that in general terms I think you said to
2 Mr. Quinn, that Mr. Jones made contributions to political causes and to
3 politicians?
- 4 A. Yeah. Chris Jones, and indeed myself, going back years made political
16:33:12 5 contributions to three major political parties. To individuals that either we
6 knew or felt that were doing a good job or some of them might have done
7 something for us. Normally at election time, we would make contributions.
- 8 Q. 907 And you were aware I think you said to Mr. Quinn, in general terms of payments
9 but not of the who or the how much. I'm speaking about Mr. Jones'
16:33:43 10 contributions.
- 11 A. Well part of the contributions that Chris would have made would have been made
12 through companies. And some times there would be a conversation with me about
13 that. We're not making political contributions to the same party so that
14 there's a certain conflict. But we managed that and it never gave rise to a
16:34:08 15 problem.
- 16 Q. 908 You might have preferred if contributions were being made to a different party?
- 17 A. Exactly.
- 18 Q. 909 In terms of Mr. Jones' personal payments, by which I mean payments made by
19 Mr. Jones personally rather than through the vehicle of the Jones Group. I
16:34:22 20 think you would have been aware in general terms that he made donations
21 personally?
- 22 A. Yes, I would.
- 23 Q. 910 But not aware necessarily of who or how much?
- 24 A. No.
- 16:34:34 25 Q. 911 And did you regard that as having any untoward character or aspect to it?
- 26 A. No, I didn't. I mean, he would have done it either to politicians that he
27 admired or politicians that he would have had a connection with or indeed the
28 Brooks' or he knew their family, or something like that.
- 29 Q. 912 Yes. And now that you I think have a greater awareness perhaps or a greater
16:35:06 30 knowledge of the pattern of payments involved and the number of payments. Do

- 16:35:10 1 you have any reason to have a different view of them?
- 2 A. I don't quite follow that question.
- 3 Q. 913 You said in your evidence just a moment ago that you were aware in general
- 4 terms that Mr. Jones made personal payments. And you said that you didn't
- 16:35:23 5 regard that as having any untoward character or aspect. And I'm simply asking
- 6 you to express a view as to whether that is still your view, having regard to
- 7 the fact that you now have a little bit more information about the payments
- 8 that were made?
- 9 A. Yes, it is. It's certainly my view. And he can't say -- but, I mean, Chris
- 16:35:46 10 made subscriptions to people or to institutions other than political
- 11 institutions. He was extremely generous in the area of charitable
- 12 contributions. Perhaps some emphasis on medical, but I could think of four or
- 13 five subscriptions that he would have made to medical research or medical
- 14 equipment which would be a multiple of anything that he gave to any politician.
- 16:36:17 15 Q. 914 Yes. I think you said in your evidence that Mr. Jones liked to do things on a
- 16 grand scale or did things on a grand scale, is that what you were referring to?
- 17 A. Yeah, certainly when it came to that kind of thing he did do it on a grand
- 18 scale, yes.
- 19 Q. 915 Now, just, hopefully this few last issues to address with you. You were
- 16:36:38 20 present at the meeting that took place I think between Mr. Jones and Councillor
- 21 Muldoon and you were there also, isn't that right?
- 22 A. I was.
- 23 Q. 916 And leaving aside for a moment any particular form of words that might have
- 24 been used. And you may not be able to recall. Can you recall Mr. Jones
- 16:36:58 25 making any comment, the thrust of which was that Councillor Muldoon was one of
- 26 the few or the only honest councillor that he had met?
- 27 A. I can't recall it. I read it in the paper subsequently arising from this --
- 28 the evidence of Mary Muldoon, gave here.
- 29 Q. 917 Yes. I think you said in your answers to Mr. Quinn, that Mr. Jones may well
- 16:37:24 30 have been referring to the fact that she had said straight out that she

- 16:37:29 1 hadn't -- she hadn't been persuaded and she was not going to support the
2 proposal?
- 3 A. She was quite unequivocal that she wasn't going to support this proposal. And
4 I think he felt that that was a better answer that we'll see or I'll talk to
16:37:43 5 somebody.
- 6 Q. 918 And was that the sort of answer that one could sometimes get from other
7 councillors, that there was a non-committal answer?
- 8 A. Well, I didn't really talk to that many other councillors. But I suspect it
9 is. That you would have got some kind of equivocation. People don't like to
16:38:01 10 say no.
- 11 Q. 919 Yes. And then just in relation to the internal affairs of Ballycullen and in
12 particular to the differences of view between Mr. Gerry Jones, one of the
13 minority shareholders and other members and directors. Did that, as far as
14 you were concerned, relate in any way to any concern that Gerry Jones had as to
16:38:28 15 the persons involved in the rezoning project, if I may call it that?
- 16 A. No. I don't think his reservations were about the people involved. I think
17 he purported to be concerned about the amounts that were being paid and what
18 was being got for them.
- 19 Q. 920 Yes.
- 16:38:50 20 A. But, I mean, there was a difficulty about that company and that minority
21 shareholder which went back for a long time.
- 22 Q. 921 Yes. And I think this was perhaps just a manifestation of that ongoing
23 difficulty, is that a fair way of putting it?
- 24 A. Yes, it was a hook to hang it on, I think.
- 16:39:08 25 Q. 922 I'm not going to bring you through the documents because they are there and
26 some of them have been referred to already, Mr. Hussey. But queries were
27 raised on behalf of Mr. Gerry Jones in relation to expenditure. And those
28 queries were addressed I think, by you?
- 29 A. Yeah. I mean, some of the queries were quite proper queries. And they were
16:39:29 30 answered, I believe, properly. But there was a row about not signing letter

16:39:34 1 of representations which presented a difficulty to the company because it
2 couldn't comply with its Companies Office requirements. That was finally
3 sorted out and we had the auditor there and all sorts of things.

4 Q. 923 Yes. And can I just ask you to look at 2008 for a moment?

16:39:54 5 And that's a letter that comes after the letters that Mr. Quinn brought your
6 attention to and in particular the letter of the 22nd of April 1993. And 29th
7 of April 1993. And that's a letter from you to Mr. Gerard Jones. And in the
8 second paragraph you say "Chris, gave Feilim an outline of the history of the
9 entire zoning saga and outlined reasons for incurring of the various expenses"
16:40:22 10 and then there is reference to the returned cheques. And I think the
11 documents suggest that that was the end of the issue, at least the end of the
12 issue that had been raised in respect of the expenditure.

13 A. Yes, I think that's true. And it wasn't too long after that, that
14 negotiations started to buy out the minority shareholder.

16:40:45 15 Q. 924 But that was the end of the matter apparently in relation to the queries, the
16 queries had been resolved?

17 A. That's as far as I recall, yeah.

18 Q. 925 Can I just bring you to certain of the invoices that were addressed. And in
19 particular, the two, the invoice and fee note dated I think the 18th of August.
16:41:07 20 3688 and 1722.
21 And that's a document which I think was uncovered in the last short while.
22 And that has your handwriting on it, isn't that correct?

23 A. That is correct.

24 Q. 926 But Ballycullen isn't written in your handwriting?

16:41:28 25 A. No. But it was in the Ballycullen file. It had been in the Beechill file it
26 would have been gone.

27 Q. 927 Yes. Now, if you look at what you've written there. 28th of the 8th '92?

28 A. Yeah.

29 Q. 928 "CH 1947". What does that refer to, can you recall, or can you help us,
16:41:51 30 Mr. Hussey?

- 16:41:52 1 A. Well I'd be almost certain that that would be the number of the cheque that was
2 issued to satisfy the invoice.
- 3 Q. 929 Yes. And that doesn't seem to be a Ballycullen farms cheque. It doesn't
4 tally that number I think?
- 16:42:07 5 A. No.
- 6 Q. 930 And is it likely then to be a Jones Group cheque or possibly a Beechill
7 Properties cheque do they have separate accounts?
- 8 A. Oh, yeah. Well, I mean, I can't be certain, I would be almost certain that
9 would have been paid out of Beechill Properties.
- 16:42:24 10 Q. 931 So Beechill properties might have a copy of the cheque or would have had a copy
11 of the cheque possibly or a cheque stub and information relating it would be
12 available from the bank account?
- 13 A. Yes.
- 14 Q. 932 But those documents I think weren't available to you when you were drawing up
16:42:39 15 your statement and they haven't become available to you since?
- 16 A. No, because of the sale of the entire Jones Group and all of its subsidiaries
17 to Shirley in 19 ... whatever it was.
- 18 Q. 933 Yes. And can we look at 3688 then, please.
19
- 16:43:01 20 JUDGE FAHERTY: I think it's 1722.
21
- 22 Q. 934 MR. COLLINS: Sorry. 1722. I beg your pardon.
23 Now, there's nothing on that document. There's no manuscript writing from you
24 or from anybody else, Mr. Hussey, isn't that right?
- 16:43:16 25 A. That's right.
- 26 Q. 935 To indicate payment or there's no cheque number or anything of that nature?
27 A. No.
- 28 Q. 936 If it was paid it would have been paid, presumably, from the Jones Group
29 Limited?
- 16:43:35 30 A. Well, I can't see.

- 16:43:35 1 Q. 937 Yes.
- 2 A. That the two invoices could have been paid.
- 3 Q. 938 Yes. Well, I think could it be that one is a draft of the other?
- 4 A. Well, this is discovered, as I understand it, from Frank Dunlop's. And here
- 16:43:44 5 is an invoice which is the top copy of the invoice, which would normally be
- 6 sent out. So it looks as though it wasn't sent out to me. But that's a
- 7 guess.
- 8 Q. 939 Yes. In any event, you have no -- to take it in stages, do you have any
- 9 recollection of there being more than one payment in respect of Beechill?
- 16:44:03 10 A. No. I mean, no. My recollection when I sat down to prepare my statement was
- 11 that I didn't pay Dunlop anything for the Beechill effort. And that I suppose
- 12 was coloured by the fact that it seemed to me that all he did in the event was
- 13 to send Hand up to me and Hand talked to the planners.
- 14 Q. 940 Yes. But just in relation to this invoice here. Your recollection or your
- 16:44:28 15 belief is that there was just one payment. That these were not in fact two
- 16 separate invoices?
- 17 A. Yes, absolutely.
- 18 Q. 941 And you have I think no reason to believe whether or not this invoice that I'm
- 19 looking at here, 1722, was ever paid or was certainly not paid separately?
- 16:44:50 20 A. You've got 1722. I haven't got that. I suppose the very top is it?
- 21 Q. 942 No, it's at the bottom.
- 22 A. I can't see that.
- 23 Q. 943 It's the invoice you're looking at rather than the fee note.
- 24 A. Yeah, well, I'd be almost sure that wasn't paid.
- 16:45:05 25 Q. 944 Yes. And then just finally, Mr. Hussey. Could we have invoice 968, which is
- 26 12151. 2151.
- 27
- 28 CHAIRMAN: 2151.
- 29
- 16:45:37 30 Q. 945 MR. COLLINS: Now, that is an invoice, as you can see addressed to you,

16:45:48 1 Mr. Hussey. And then 2165, is a credit note dated 3rd of February 1994. In
2 the same amount. And again, addressed to you?

3 A. Yeah. There are two other invoices somewhere earlier.

4 Q. 946 Yes.

16:46:04 5 A. Which I think January of ...

6 Q. 947 Yes.

7 A. And the same sequence takes place.

8 Q. 948 I understand. I understand. And I think you fairly perhaps said that Mr.
9 Dunlop's invoicing was somewhat chaotic?

16:46:16 10 A. Yeah.

11 Q. 949 Can I just ask you in relation to these invoices, if you don't mind. The 968
12 was cancelled. And on the same day as the credit note cancelling it, we have
13 invoice 983, which is 2166.
14 And leaving aside for a moment, Mr. Hussey, any issue as to whether invoice 983
16:46:42 15 was paid, can you conceive of circumstances in which you would have paid or
16 authorised the payment of invoice 968, it having been cancelled by a credit
17 note some four weeks after the invoice was issued?

18 A. No, there are no circumstances in which an invoice of that kind could be paid.

19 Q. 950 And it was suggested I think to Mr. Dunlop that there might have been some
16:47:10 20 agreement reached with you between Mr. Dunlop and yourself for the later
21 payment of that invoice. And that it might have been paid in the latter part
22 of 1994. Is there any -- can you think of any reason how that could be so,
23 Mr. Hussey?

24 A. No, I can think of no reason at all. I mean, the Jones Group wasn't short of
16:47:34 25 money. Anyway, the invoice is not paid. That's full stop. To suggest for
26 some reason eight months later it would become payable even though there was a
27 credit note, doesn't make any sense.

28 Q. 951 Thank you very much.

29

16:47:50 30 CHAIRMAN: Mr. Hussey, just one or two very short matters. If Mr. Dunlop did

16:48:05 1 say that words to you or used the term "ways of the world" would you have
2 understood what he meant in the way that he says he understood it at the time?
3 A. If he had said that to me I would have said what do you mean?

4
16:48:20 5 CHAIRMAN: I think you've told Mr. Collins that you weren't aware of ...

6 A. I mean.

7 CHAIRMAN: Stories relating to -- I don't know whether you did or not. I
8 should ask you, were you aware of stories or rumours around that time that
9 there was bribing of councillors underway?

16:48:42 10 A. Well, I certainly would have heard that the planning system wasn't entirely
11 free of corruption.

12
13 CHAIRMAN: So if he had then in -- if he had used the term "ways of the world"
14 would you have understood him to mean we're going to have to pay councillors?

16:49:01 15 A. I would have totally opposed the employment of Dunlop if I felt for a minute
16 that he was going off bribing people to get votes.

17
18 CHAIRMAN: If he had used that term?

19 A. I would have said what do you mean, do you mean you are going to go and bribe
16:49:21 20 people. I would have said I'm not going to be any part of this.

21
22 CHAIRMAN: When Mr. Hand, when you learned that Mr. Hand was looking for a
23 political donation, was it Mr. Dunlop that asked you for that?

24 A. Yeah.

16:49:27 25
26 CHAIRMAN: And did I understand you correctly that he had asked for -- when
27 you said how much or what sort of figure --

28 A. Yes.

29
16:49:38 30 CHAIRMAN: Are we talking about. Did you say or is it your recollection that

16:49:45 1 you were told that Mr. Hand had asked for or wanted a sum of 1,000 or was that
2 Mr. Dunlop's advice as to what was appropriate?

3 A. My recollection is that Dunlop said that Hand was looking for a political
4 subscription.

16:50:01 5

6 CHAIRMAN: Yes.

7 A. And I would have said is that so. How much is he looking for by way of
8 political subscription. And my recollection that Dunlop says he's looking for
9 1,000.

16:50:12 10

11 CHAIRMAN: That it was Mr. Hand who was looking for 1,000 rather than Mr.
12 Dunlop saying to you think I think you should give 1,000?

13 A. Oh, definitely.
14

16:50:20 15 CHAIRMAN: That it was a request from Mr. Hand?

16 A. That's as Mr. Dunlop recounted it to me. Now, I didn't -- when that happened,
17 I said to myself well, so I talked to my two colleagues about it and said what
18 should we do in these circumstances. And I certainly felt that if I decided
19 so to do I could have said no, you're getting nothing. But that seemed
20 somewhat churlish.

16:50:45 21

22 CHAIRMAN: And did you feel that perhaps you were being cornered in a way
23 because of any assistance Mr. Hand might have given in relation to the
24 rezoning?

16:51:01 25 A. No. I don't think so. Because, I mean, as I said in my submission, Mr.--
26 through Chris Jones I think.
27

28 CHAIRMAN: Yes.

29 A. Mr. Dunlop or Mr. Hand came back and said they wanted more and I said no, you
16:51:18 30 you can't have it.

16:51:18 1
2 CHAIRMAN: But did you feel, while you mightn't have been comfortable with it.
3 Did you feel that this was some sort of pressure being placed, given the
4 rezoning issue?

16:51:32 5 A. Well, no. That would be to overstate it I think. I had in the past given a
6 political subscriptions of that order to individuals.

7 CHAIRMAN: And was there an election, do you remember, at that time?

8 A. No. The election had taken place in 1991. So it was about a year
9 afterwards. But I mean, I had a fair involvement with politics myself.

16:51:58 10
11 CHAIRMAN: Did you see the payment as being in the context of defraying
12 election or political expenses?

13 A. My experience is that constituencies and individuals running for office
14 accumulate a fund to meet the expenses of the election. And they always over
16:52:18 15 spend. And they then are subsequently looking for ways of recovering it. In
16 fact, Seamus Brennan was saying that this morning. That is just what happens.
17

18 CHAIRMAN: All right. Thank you very much. Do you want to ask any?
19

16:52:31 20 JUDGE FAHERTY: I think you said Mr. Hussey in, your direct evidence that it
21 was some time after I think the words you used was the revised plan that Mr.
22 Dunlop came to you about Mr. Hand?

23 A. Yes.
24

16:52:43 25 JUDGE FAHERTY: Do I take it to mean, was that after the lands were rezoned?

26 A. We're talking about Beechill now?
27

28 JUDGE FAHERTY: No, no. Yes, we're talking about Mr. Hand. Well both of
29 them I think gave -- one was 16th of October '92 and one was the 29th October
16:52:58 30 '92. At least both were '92 as I understand it. I just want to know, just put

16:53:02 1 it in time, when Mr. Dunlop came to you asking for this political contribution
2 for Mr. Hand?

3 A. I can't pretend to you that I could put a date exactly on that. I don't know.
4 I suspect it was probably after October '92 but I wouldn't be at a all sure.

16:53:19 5
6
7 JUDGE FAHERTY: Yes. And just you said earlier I think that in response
8 again to Mr. Quinn, I think your words were I'm just paraphrasing them. That
9 you knew Mr. Jones was paying expenses regarding Ballycullen from his own
16:53:37 10 pocket, isn't that right?

11 A. That's correct.

12
13 JUDGE FAHERTY: And I think you said I never got details of the payments to Mr.
14 Dunlop. But he, Mr. Jones, paid subscriptions to politicians out of his
16:53:46 15 pocket and these you would regard as expenses regarding the rezoning of
16 Ballycullen. That's -- you responded to Mr. Quinn's questions.

17 A. Yes, that's true.

18
19 JUDGE FAHERTY: And that's a summary now. I hope I'm not doing you any
16:54:00 20 injustice, Mr. Hussey.

21 A. I think Chris Jones would probably at the same time have made political
22 subscriptions to politicians that weren't involved in --

23
24 JUDGE FAHERTY: Yes. I'm sure he did. We'll see in the schedule. But I
16:54:17 25 just want to ask you, could I have document 1468, just for a moment.

26
27 I think this is the document. Yes. This was the letter I think or document
28 rather I should say, that I think was prepared in response to Mr. Gerry Jones'
29 expressions of concern that we had seen in the memo?

16:54:42 30 A. That's right.

16:54:44 1
2 JUDGE FAHERTY: Yes. And this was expenditure, as I understand it, regarding
3 the rezoning of the Ballycullen lands?
4 A. Yes.

16:54:51 5
6 JUDGE FAHERTY: Now, we've heard from Mr. Jones this morning. And I know
7 there's a schedule of payments in the year ending 1992. Now, it's not on
8 this, Mr. Hussey. I just want to put this in context. Where he says
9 Mr. Jones agrees that monies and cheques were paid to a number of councillors?
16:55:11 10 A. Yes.
11
12 JUDGE FAHERTY: Some I think, if I recall, Mr. Jones this morning, from
13 personal cheques of Mr. Jones and some were Ballycullen Farms Limited?
14 A. Yes.

16:55:20 15
16 JUDGE FAHERTY: And I'm just wondering in the context of this document, if you
17 will equate payments to councillors where on this documents would those
18 expenses be cited?
19 A. Well --

16:55:35 20
21 JUDGE FAHERTY: Why aren't they on the document?
22 A. Well there is a figure there for subscriptions.
23
24 JUDGE FAHERTY: That was my next question in actual fact. I was just going
16:55:45 25 to ask you what does subscriptions mean on that document?
26 A. Well they could be political subscriptions. There could be subscriptions to
27 the GAA Club, I just don't know. Certainly it could have included political
28 subscription. It could have included other subscriptions as well.
29
16:56:01 30 JUDGE FAHERTY: Yes. But it's 6,963 or something. I'm just saying in the

16:56:08 1 context of what you said earlier, that if you equated certainly some donations
2 Mr. Jones made or Ballycullen Farms made regarding the rezoning. If that was
3 expenditure, should that not have been listed in a more particularised form in
4 this document?

16:56:26 5 A. Well, it's a tough one for me to answer. Maybe up to that point that was what
6 had been subscribed.

7 JUDGE FAHERTY: Yes. I'm just saying we know I think in relation to
8 Mr. Creaven and Mr. Michael J Cosgrave. I think those two I recall, that
9 Mr. Jones would have said this morning they would have been cheques in the
10 region of I don't know 1,000 pounds and drawn on Ballycullen Farms Limited?

11 A. Yes.

12
13 JUDGE FAHERTY: I'm just wondering if that's the case why aren't those, and
14 you yourself have said that they would be regarded as expenditure in or about
15 the rezoning Ballycullen, albeit cited as political donations. Why are they
16 not on the document?

17 A. Well, the number 96337 was capitalised in the balance sheet of Ballycullen
18 Farms Limited.

16:57:23 20 JUDGE FAHERTY: Oh, I have no issue about that. I'm just wondering, given --
21 if you bear with me for a moment. Given that Mr. Gerry Jones, if you like, it
22 would appear from documents, queries about expenses and personalities?

23 A. Uh-huh.

16:57:43 25 JUDGE FAHERTY: That wouldn't seem to answer that now, that concern.
26 Obviously -- I'm only querying this on the basis of what has been opened in
27 documentation to the Tribunal.

28 A. Yeah.

16:57:54 30 JUDGE FAHERTY: And the basis of your own evidence, understanding that

16:57:58 1 expenses could include political subscriptions to councillors and indeed
2 politicians.

3 A. I just don't know. I mean, some subscriptions might have been written off.
4

16:58:10 5 JUDGE FAHERTY: I see.
6

7 JUDGE KEYS: Mr. Hussey, I just have one question. When it was communicated
8 to you that Mr. Hand was looking for 1,000 pounds subscription, did that strike
9 you as being very, very high at the time? Bearing in mind there was no
16:58:29 10 election? Did it not even dawn on you that that was?

11 A. I would have in the past made subscriptions of 1,000 pounds and perhaps more.
12

13 JUDGE KEYS: To individuals?

14 A. To individuals, yeah.

16:58:40 15

16 JUDGE KEYS: Councillors?

17 A. Perhaps not councillors.
18

19 JUDGE KEYS: That's what, Mr. Hand was a councillor.

16:58:49 20 A. He was a councillor, yes. He was at -- it was at the upper end of ...
21

22 JUDGE KEYS: Very much so.

23 A. Well, yes.
24

16:58:56 25 JUDGE KEYS: And it never crossed your mind that maybe it had some connection
26 with the rezoning project that was processing at the time?

27 A. It didn't. Because there was no vote on this thing. As far as I knew, there
28 was no proposal in this thing. So , that I mean, he was looking for money,
29 which, as you say, was at the upper end of what was reasonable for a
16:59:22 30 councillor. But certainly there was no question of him doing anything other

16:59:37 1 than his councillor's work.
2
3 JUDGE KEYS: Yes, but there was going to be a vote on the Ballycullen lands,
4 wasn't there?
16:59:37 5 A. Well, I didn't -- I could not take anything relating to Ballycullen into
6 consideration in making decisions with regard to Beechill. The two things
7 were totally separate.
8
9 JUDGE KEYS: I appreciate that. But it's just that you had knowledge of both
16:59:43 10 projects going ahead. And just that you were asked via Dunlop for a sum of
11 1,000 pounds political contribution at a time when there was no election. It
12 was high, you could see that that was the top of the range to be asked in the
13 circumstances. And I'm just wondering that you didn't put one and one
14 together that there might be something iffy in this.
17:00:10 15 A. Well I did because he came back and I said no.
16
17 JUDGE KEYS: And you said no. Even then, when he came back even look looking
18 for more. Did that not make you -- set off alarm bells?
19 A. I thought he was being somewhat avaricious about the kind of level of
17:00:27 20 subscriptions he thought he should get. I wouldn't give it to him.
21
22 JUDGE KEYS: I see. Thank you very much.
23
24 CHAIRMAN: All right. Thank you. Thank you very much, Mr. Hussey.
17:00:37 25
26 MR. QUINN: That's the available witnesses for today. Ten o'clock in the
27 morning.
28
29 CHAIRMAN: Ten o'clock in the morning. Thank you very much.
17:00:44 30

17:00:44 1 **THE TRIBUNAL THEN ADJOURNED UNTIL THE FOLLOWING DAY,**
2 **THURSDAY, 10TH MARCH, 2006, At 10:00 A.M.:**
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