

13:55:53 1 **THE TRIBUNAL RESUMED AS FOLLOWS ON WEDNESDAY,**

2 **30TH JANUARY 2008, AT 2:00 P.M:**

14:07:32 5  
6 MS. DILLON: Good afternoon, Sir. Mr. Dunlop, please.

7  
8 **MR. DUNLOP, HAVING BEEN SWORN, WAS QUESTIONED**

9 **BY MS DILLON AS FOLLOWS:**

14:07:37 10  
11  
12 CHAIRMAN: Good afternoon, Mr. Dunlop.

13  
14 MR. DUNLOP: Chairman, Judges. Good afternoon, Ms. Dillon

14:07:56 15 Q. 1 If I could deal first of all with a matter that arose on the last occasion.  
16 You will recollect, Mr. Dunlop, that you advised the Tribunal on the last  
17 occasion that you were told by Mr. O'Callaghan that it was Mr. Batt O'Keeffe  
18 who had advised Mr. O'Callaghan that he should consider making a contribution  
19 to Mr. GV Wright following which Mr. O'Callaghan approached you, isn't that  
14:08:15 20 right?

21 A. Yes.

22 Q. 2 In the intervening period the Tribunal has received a letter from Frank Ward &  
23 Co. Solicitors, 2550 please, on behalf of Mr. Batt O'Keeffe and in relation to  
24 the matter about which you gave evidence in connection with Mr. Batt O'Keeffe  
14:08:34 25 it is stated on behalf of Mr. O'Keeffe who will be giving evidence in the  
26 short, in a short period of time, Mr. Dunlop, that that evidence is entirely  
27 without foundation and is entirely incorrect. Now, is it the position that you  
28 do not know whether what Mr. O'Callaghan told you was true or false, is that  
29 right?

14:08:53 30 A. That's correct.

- 14:08:54 1 Q. 3 You yourself did not have any contact or communication with Mr. Batt O'Keeffe  
2 about Mr. GV Wright, isn't that the position?  
3 A. None whatsoever.
- 4 Q. 4 But what you have told the Tribunal is that you were told by Mr. O'Callaghan  
14:09:05 5 that it was Mr. Batt O'Keeffe who so advised him, isn't that right?  
6 A. I had a conversation with Mr. O'Callaghan during the course of which Mr. Batt  
7 O'Keeffe's name arose in the context of advising that a payment be made to GV  
8 Wright. That is my understanding, my recollection and my understanding and  
9 that is my evidence.
- 14:09:22 10 Q. 5 And if there was any conversation or communication between Mr. Batt O'Keeffe  
11 and Mr. Owen O'Callaghan you were not present when any such conversation took  
12 place, isn't that right?  
13 A. No I was not.
- 14 Q. 6 Now, if I can take you back, Mr. Dunlop, then to the 11th of November 1992 at  
14:09:39 15 8431. And on the last occasion we had first of all dealt with the political  
16 donation you say that you made to Mr. GV Wright in early November 1992 in the  
17 company of Mr. Owen O'Callaghan, isn't that right?  
18 A. Correct.
- 19 Q. 7 We had also dealt with the money you had paid to Ms. Olivia Mitchell and to  
14:10:03 20 Mr. Colm McGrath on the 10th of November 1992, and we had looked at the payment  
21 you had made to Mr. Pat Rabbitte on the 11th of November 1992, and on the 11th  
22 of November, Mr. Dunlop, there are five entries in your diary. The first of  
23 which is "PR at home," isn't that right?  
24 A. Yeah, correct.
- 14:10:23 25 Q. 8 And that refers to Mr. Pat Rabbitte?  
26 A. Correct.
- 27 Q. 9 The second is "TH at home" and that's a reference to Mr. Tom Hand.  
28 A. Correct.
- 29 Q. 10 The third is "MJC Marine Hotel" and that's Mr. Michael Joseph Cosgrave?  
14:10:36 30 A. Correct.

- 14:10:36 1 Q. 11 "1 o'clock CB at DCC" is Cathal Boland at Dublin County Council, isn't that  
2 right?  
3 A. Correct.  
4 Q. 12 At "2:30 Phil Monahan" but there is a line through Phil Monaghan, isn't that  
14:10:46 5 right?  
6 A. That's correct.  
7 Q. 13 "2:30 LTC at Newtownpark Avenue" isn't that right?  
8 A. Liam Cosgrave.  
9 Q. 14 Can I ask you about the entry in, the second entry "TH at home?"  
14:10:58 10 A. Yes.  
11 Q. 15 Did you meet with Mr. Hand on the 11th of November 1992?  
12 A. Yes I believe I did and I think the transcript will show that I have spoken  
13 about this issue on another occasion. But I do not believe that I gave money  
14 to Mr. Hand on that occasion.  
14:11:22 15 Q. 16 Yes. If I can show you what you have previously said in relation to this  
16 meeting on day 358 please of the transcripts at page 44.  
17 A. Yep.  
18  
19 CHAIRMAN: Which Module?  
14:11:47 20  
21 MS. DILLON: It would have been Carrickmines I. You will remember Mr.  
22 Michael O'Higgins, Senior Counsel acted for Mr. Liam Cosgrave, isn't that  
23 correct?  
24 A. Correct.  
14:12:14 25 Q. 17 And Mr. O'Higgins cross-examined you in relation to these entries in your diary  
26 for the 11th of November, isn't that right?  
27 A. Yes.  
28 Q. 18 And I want to show you at question 274 and at question 274 the question is, now  
29 it is down to two other payments, and what is being discussed here, Mr. Dunlop,  
14:12:32 30 are the entries in your diary for the 11th of November?

- 14:12:35 1 A. Yes.
- 2 Q. 19 And you reply, "no, Mr. O'Higgins at 10.00 o'clock, I met an individual at his  
3 home, are you with me at which money was transferred?"
- 4 A. Yes.
- 14:12:43 5 Q. 20 And that 10.00 O'clock entry relates to Mr. Pat Rabbitte, isn't that right?
- 6 A. Yes.
- 7 Q. 21 "At 11, I met a Councillor at his home at which money was transferred, he was  
8 not a candidate?"
- 9 A. Yes.
- 14:12:53 10 Q. 22 And the 11 o'clock entry is Tom Hand?
- 11 A. Correct.
- 12 Q. 23 So in Carrickmines I what you told the Tribunal was that you had transferred  
13 money to Mr. Tom Hand at the meeting at 11 o'clock, isn't that right?
- 14 A. Yes.
- 14:13:04 15 Q. 24 Now what you are telling the Tribunal today is that you do not believe that you  
16 paid any money to Mr. Hand at that meeting, isn't that right?
- 17 A. I cannot definitively say that I did.
- 18 Q. 25 So what you have done, Mr. Dunlop, is you have given two diametrically opposed  
19 versions of the same incident, isn't that right?
- 14:13:22 20 A. I cannot definitively say that I gave money to Mr. Hand on that particular  
21 occasion. I gave money to Mr. Hand on many occasions but I cannot definitively  
22 say that I did. I certainly did not give him money in relation to the General  
23 Election because he was not a candidate.
- 24 Q. 26 Yes. And on the 6th of October 1992 according to your prior evidence in this  
14:13:44 25 Module, Mr. Dunlop, you had a meeting with Mr. Hand and Mr. O'Callaghan in your  
26 office, isn't that right?
- 27 A. Correct, yes.
- 28 Q. 27 At which Mr. Hand repeated his demands for a substantial amount of money?
- 29 A. That's correct.
- 14:13:55 30 Q. 28 And Mr. O'Callaghan refused to countenance or pay it?

- 14:13:59 1 A. Correct.
- 2 Q. 29 Now, in those particular circumstances is it likely that you were paying
- 3 Mr. Hand on the 11th of November 1992?
- 4 A. Yes, it is possible.
- 14:14:10 5 Q. 30 Yes?
- 6 A. But I am not definitively saying that it is the case.
- 7 Q. 31 But previously on day 358 you made a positive statement that you met a
- 8 Councillor at 11:00 at which money was transferred, he was not a candidate,
- 9 isn't that right?
- 14:14:26 10 A. Correct.
- 11 Q. 32 Now you are telling the Tribunal if I understand you correctly --
- 12 A. Uh-huh.
- 13 Q. 33 -- that that evidence may not be correct and that in fact you may not have paid
- 14 Mr. Hand?
- 14:14:34 15 A. As I sat here on the last occasion I was here and on today, I cannot
- 16 definitively say to you from recollection that I paid Mr. Hand money on that
- 17 particular occasion. I did give money to Mr. Hand on a number of occasions
- 18 when I visited him at his home and in other locations.
- 19 Q. 34 You are not suggesting or are you suggesting that when you met Mr. Hand on the
- 14:14:55 20 6th of October 1992 in the company of Mr. O'Callaghan that you gave him money?
- 21 A. No, I am not so suggesting.
- 22 Q. 35 But on in occasion the furthest that you were able to put the matter today is
- 23 that you might have given money to Mr. Hand on that occasion?
- 24 A. Correct.
- 14:15:09 25 Q. 36 All right. And the next entry in your diary, Mr. Dunlop, is "MJ C Marine
- 26 Hotel?"
- 27 A. Yes.
- 28 Q. 37 Now, did you make any payment to Mr. Michael Joseph Cosgrave on the 11th of
- 29 November?
- 14:15:26 30 A. No.

- 14:15:27 1 Q. 38 Did you make any payment to Mr. Cosgrave, did you meet with him first of all?
- 2 A. Again I have given evidence in relation to this matter in relation to meeting
- 3 Mr. Cosgrave, Michael Joe Cosgrave. I have given election contributions to
- 4 Mr. Cosgrave on a number of occasions but I cannot definitively say to you that
- 14:15:49 5 I made a payment to him on that day or that I actually met him.
- 6 Q. 39 Yes. You have previously told the Tribunal that the third appointment at 11:30
- 7 which is the one that relates to Mr. Michael Joseph Cosgrave did not take
- 8 place?
- 9 A. Correct.
- 14:16:02 10 Q. 40 And you describe logical circumstances will indicate that because it wouldn't
- 11 have been possible I think you were suggesting to have gone to the Marine Hotel
- 12 in Malahide, is that right?
- 13 A. That is, Sutton I think. The Grand Hotel Malahide is in Malahide, the Marine
- 14 Hotel is in Sutton.
- 14:16:20 15 Q. 41 But if you are correct in your evidence in relation to Mr. Tom Hand it is clear
- 16 that you certainly met with Mr. Rabbitte at some stage although he disputes the
- 17 date and that you paid him money although the amount is in dispute, isn't that
- 18 right?
- 19 A. Mr. Rabbitte?
- 14:16:35 20 Q. 42 Yes. Mr. Rabbitte is the first person on that day?
- 21 A. I have absolutely no doubt whatsoever that I did meet Mr. Rabbitte in the
- 22 circumstances that I outlined to you previously. In the context of Mr. Michael
- 23 J. Cosgrave I cannot say to you definitively that I met Mr. Cosgrave on that
- 24 day or that I gave him money on that day. I certainly did not give him cash in
- 14:16:58 25 relation to the election. I supported him subsequently I think it was in
- 26 relation to an election contribution for the Senate.
- 27 Q. 43 Yes. Mr. Hand, if I can just revert to Mr. Hand for a moment. And I had, I
- 28 think I had indicated to you on the last occasion, there are lodgements to the
- 29 account of Mr. Hand. Could I have page 21214 please. On the 16th of November
- 14:17:38 30 1992 --

14:17:39 1 A. Uh-huh.

2 Q. 44 -- there is a lodgement of 10,000 Pounds to the account of Mr. Hand. Did you  
3 pay 10,000 Pounds to Mr. Hand on the 11th of November 1992?

4 A. No.

14:17:52 5 Q. 45 It is the case is it not that Mr. Hand supported Quarryvale in the subsequent  
6 vote?

7 A. Yes, it is.

8 Q. 46 Yes. And insofar as Mr. Michael Joseph Cosgrave is concerned it is also the  
9 case that Mr. Michael Joseph Cosgrave supported Quarryvale in the December  
10 vote, isn't that right?

11 A. That's correct, yes.

12 Q. 47 Now, Mr. Michael Joseph Cosgrave also has lodgements to his account at 21216  
13 please. On the 11th of November on the day that you might have met with  
14 Mr. Michael Joseph Cosgrave?

14:18:06 15 A. Uh-huh.

16 Q. 48 There is a lodgement of 4,660 Pounds to the account of Mr. Cosgrave which he  
17 describes as probably Dail. You will see the explanation in handwriting at the  
18 side?

19 A. Yes.

14:18:38 20 Q. 49 And subsequently on the 20th of November there is a lodgement of 1,000 Pounds?

21 A. Yes.

22 Q. 50 Do you see that? Did you pay money to Mr. Cosgrave on the 11th of November?

23 A. No.

24 Q. 51 The next entry, Mr. Dunlop, is for 1:00 o'clock, "C B at DCC" which relates to  
14:18:56 25 Mr. Cathal Boland at Dublin County Council, isn't that right?

26 A. Correct.

27 Q. 52 Now, Mr. Cathal Boland has told the Tribunal that he met you on this occasion  
28 and that you paid him 4,000 pounds in cash and you deny that, isn't that right?

29 A. I have absolutely no recollection of ever giving Cathal Boland 4,000 pounds in  
14:19:18 30 cash.

- 14:19:18 1 Q. 53 But have you previously told the Tribunal that you paid Mr. Cathal Boland on  
2 this occasion when you met him on the 11th of November 1992?
- 3 A. No, I have said I have no recollection of ever giving 4,000 pounds to  
4 Mr. Cathal Boland. Mr. Cathal Boland is in the unique position that he is the  
14:19:36 5 only Councillor to my knowledge that has ever stated publicly that he got money  
6 from me in cash. I did give contributions to Cathal Boland, small  
7 contributions to Cathal Boland on a number of occasions. I have no  
8 recollection of meeting Cathal Boland, either on the day or for the purposes of  
9 giving him money.
- 14:20:00 10 Q. 54 Yes. Could I have day 358, page 44 please. The discussion here again relates  
11 to the diary entries, Mr. Dunlop?
- 12 A. Uh-huh.
- 13 Q. 55 And the Chairman intervenes and says, "please allow the witness to finish his  
14 answer and you continue. He was a candidate in the election he actually lost  
14:20:25 15 in the election and subsequently ran in the Senate Election the following  
16 January for whose campaign I gave him a donation?"
- 17 A. That's Michael Joseph Cosgrave.
- 18 Q. 56 And then you say "at 1.00 o'clock I met a councillor at Dublin County Council  
19 who ran in the election and to whom I gave money?"
- 14:20:40 20 A. Uh-huh.
- 21 Q. 57 Now, you told the Tribunal on day 358 that you met a Councillor in Dublin  
22 County Council at 1 o'clock and that's Mr. Cathal Boland according to your  
23 diary?
- 24 A. Yes.
- 14:20:51 25 Q. 58 And you describe him as somebody who ran in the election and that was the case,  
26 isn't that right?
- 27 A. Yes.
- 28 Q. 59 And you say "to whom I gave money?"
- 29 A. Yes.
- 14:20:59 30 Q. 60 Now were you intending to suggest to the Tribunal that when you met Mr. Cathal

14:21:03 1 Boland on the 11th of November 1992 you on that occasion paid him money?  
2 A. I may well have been. I have no recollection and I have consistently said  
3 since then that I have no recollection of giving money to Cathal Boland in the  
4 context of the 1992 General Election in which he was a candidate. I also said  
14:21:23 5 that I would have no reason whatsoever to give Cathal Boland 4,000 pounds.  
6 Q. 61 Mr. --  
7 A. In cash.  
8 Q. 62 Mr. Boland says that you gave him 4,000 pounds in cash and he identifies a  
9 lodgement to his bank account which he says was made on the 13th of November  
14:21:41 10 1992 in the sum of 3,300 Pounds as evidence supporting what he did with the  
11 4,000 pounds in cash that you paid him?  
12 A. Yes.  
13 Q. 63 But you dispute what Mr. Boland says, is that right?  
14 A. I do.  
14:21:52 15 Q. 64 So insofar as the first, as the entries in the diary are concerned for the 11th  
16 of November, the position is as follows, in so far as Mr. Pat Rabbitte is  
17 concerned, you say you met him, you paid him 3,000 Pounds in cash.  
18 Mr. Rabbitte disputes the amount but agrees that there was a payment in cash he  
19 says 2,000 pounds. In so far as Mr. Hand is concerned, you initially told the  
14:22:16 20 Tribunal you had paid him when you met him at this meeting. You are now saying  
21 that you think it's unlikely that you paid him at this meeting, isn't that  
22 right?  
23 A. The circumstances in which I would visit Mr. Hand at his home were obviously, I  
24 visited Mr. Hand at his home on a number of occasions, on, I wouldn't say all  
14:22:34 25 of those but virtually all of those, it was by arrangement with the purposes of  
26 giving him money. But I cannot say to you specifically categorically that I  
27 gave him money on that day.  
28 Q. 65 Insofar as Mr. Michael Joseph Cosgrave is concerned, you think it's unlikely  
29 you met him but that even if you did you didn't pay him any money on this  
14:22:53 30 occasion?

- 14:22:54 1 A. Correct.
- 2 Q. 66 In so far as Mr. Cathal Boland is concerned you say you did not pay him on this  
3 occasion but you have previously told the Tribunal you did pay him, isn't that  
4 right?
- 14:22:59 5 A. Yes.
- 6 Q. 67 It would appear, Mr. Dunlop, that if any portion of your evidence in relation  
7 to these first four entries in your diary is correct that on the 11th of  
8 November you had set about meeting people with the purpose of paying them,  
9 isn't that right?
- 14:23:15 10 A. Yes, I would say that is a fair comment.
- 11 Q. 68 And if Mr. Cathal Boland is correct then it's likely that your meeting with him  
12 was also for the purposes of paying him, isn't that right?
- 13 A. Other than I would say in circumstances that I had very few, if any, previous  
14 or subsequent meetings with Cathal Boland, I had very little contact with this  
15 gentleman at all.
- 14:23:36 16 Q. 69 When you met with -- when you met with Mr. Rabbitte on the 11th of November  
17 1992 did you discuss Quarryvale with him?
- 18 A. Quarryvale was mentioned, yes.
- 19 Q. 70 And in what context was Quarryvale mentioned?
- 14:23:51 20 A. Well Quarryvale was mentioned in the context of issues that were arising in  
21 relation to the Development Plan in Dublin County Council, issues that had  
22 already arisen and were likely to arise.
- 23 Q. 71 And when you met with Mr. Tom Hand did you discuss Quarryvale?
- 24 A. I think there wasn't an occasion up to and including the final votes in  
14:24:10 25 relation to Quarryvale that we did not discuss Quarryvale with Mr. Hand.
- 26 Q. 72 If you had met with Mr. Cosgrave at half eleven, Mr. Michael Joseph Cosgrave,  
27 is it likely that you would have discussed Quarryvale?
- 28 A. Yes, it is likely.
- 29 Q. 73 And similarly, if you had met with Mr. Cathal Boland, he says you did and you  
14:24:27 30 say you didn't, that is it likely that you would have discussed Quarryvale?

- 14:24:30 1 A. I have no recollection whatsoever of talking to Cathal Boland about Quarryvale  
2 on any occasion. I do have some residual recollections of talking to Cathal  
3 Boland on one maybe two occasions about other matters which related to north  
4 County Dublin. But certainly not in any concerted way in relation to  
14:24:52 5 Quarryvale.
- 6 Q. 74 And at 2:30 in your diary you have an entry "LTC at Newtownpark Avenue." There  
7 has been substantial evidence about this on a previous occasion, Mr. Dunlop,  
8 but it relates to Mr. Liam Cosgrave in Newtownpark Avenue?
- 9 A. Yes.
- 14:25:08 10 Q. 75 And I think in summary your position is that you met him by arrangement, you  
11 paid him 5,000 Pounds in cash in a carpark outside a church by prior  
12 arrangement there was a discussion about Quarryvale and you say that  
13 Mr. Cosgrave asked you to pass on to Mr. O'Callaghan that he, Mr. Cosgrave, was  
14 being supportive. Mr. Cosgrave says no such meeting took place but that he did  
14:25:29 15 meet you around the time of the November '92 election in Buswells Hotel and  
16 that you gave him a political donation of 2,000 pounds in cash, is that right?
- 17 A. Correct.
- 18 Q. 76 Right. Now, does your position remain the same; that you did in fact meet  
19 Mr. Cosgrave on the 11th of November 1992 and pay him 5,000 Pounds in cash?
- 14:25:49 20 A. In the location specified, yes.
- 21 Q. 77 And what conversation did you have with Mr. Cosgrave about Quarryvale?
- 22 A. The Quarryvale -- Quarryvale, the Quarryvale issue was raised because of the  
23 context in relation to an impending vote. Mr. Cosgrave's concern obviously  
24 were a little more immediate, they were in relation to the General Election.  
14:26:12 25 And Mr. Cosgrave, as I previously outlined, repeated his support in relation to  
26 Quarryvale and asked me to tell Owen O'Callaghan that that was the case.
- 27 Q. 78 Mr. Cosgrave did in fact support, isn't that right, Quarryvale on the 17th of  
28 December 1992?
- 29 A. Yes, he did.
- 14:26:32 30 Q. 79 But Mr, Mr. Cathal Boland did not, isn't that right?

- 14:26:36 1 A. Correct.
- 2 Q. 80 Mr. Cathal Boland didn't attend the meeting of the 17th of December 1992, isn't  
3 that right?
- 4 A. Correct.
- 14:26:43 5 Q. 81 So that if you had paid Mr. Cathal Boland in connection with his support and I  
6 am not suggesting that you are saying that you did, so he did not turn up, he  
7 did not attend, isn't that the position?
- 8 A. Correct, yes.
- 9 Q. 82 If this was a series of paying meetings, Mr. Dunlop, that you had put together  
10 on the 11th of November 1992, how did you pick these particular people?
- 11 A. Well obviously these meetings were set up in advance, we can go through them  
12 Seriatum again if you so wish. These were arranged meetings. I have noted for  
13 example that Mr. Rabbitte says that I arrived, and please forgive me if I'm  
14 pressing his evidence, but it is something to the effect that I arrived  
14:27:36 15 unannounced at his house. That is not the case. Would not have been the case.  
16 I had never been to his house previously. So there was a telephone call in  
17 advance.  
18
- 19 And I think I have already stated that the telephone call was, the substance of  
14:27:55 20 the telephone call was in relation to a contribution. The meeting with Tom  
21 Hand as I've previously said, I had a number of meetings with Tom Hand in his  
22 home, some of which I gave -- at some of which I gave him money. And obviously  
23 I would not call to his home again unless there was a prior arrangement. And  
24 in the case of Liam Cosgrave, there was an arrangement to meet at that location  
14:28:29 25 which was specified by him.
- 26 Q. 83 If I could have page 8431 please. The question I had asked you, Mr. Dunlop, is  
27 how did you select these people to be the recipient of money from you. If you  
28 accept that the list on the 11th of November, 1991 is a paying list?
- 29 A. Uh-huh.
- 14:28:48 30 Q. 84 And that the purpose of these meetings is primarily for the purposes of making

- 14:28:52 1 payments to the people who are listed there. What I want you to explain to the  
2 Tribunal is the methodology you employed to select these people as being the  
3 recipients of money from you, do you understand?
- 4 A. Yes, I accept that, I accept that perfectly. Either one, it was at the request  
14:29:10 5 of the individuals concerned or it was at my initiation, one or the other. And  
6 I can say to you in the context of Mr. Pat Rabbitte it was at my initiation.  
7 In the context of Tom Hand, a meeting with Tom Hand at home normally meant that  
8 Tom Hand was looking for me. If I had met Michael Joe Cosgrave at the Marine  
9 Hotel and there was such an arrangement it was probably at the instigation of  
14:29:38 10 Michael Joe Cosgrave. Similarly with Cathal Boland at DCC as I have said to  
11 you previously, I had very little contact with Mr. Cathal Boland. In fact I  
12 cannot recall too many occasions in which I initiated contact with Mr. Boland.  
13 And the final one, Mr. Cosgrave met him at Newtownpark Avenue because that's  
14 where he specified. And obviously that was a conversation that took place  
14:30:04 15 either at Mr. Cosgrave's initiation or mine in relation to the General Election  
16 and a contribution.
- 17 Q. 85 Yes. On the previous day on the 10th of November '92 you had made two  
18 payments, one to Ms. Olivia Mitchell of 500 pounds, and one to Colm McGrath of  
19 2,000 pounds, isn't that correct?
- 14:30:24 20 A. That's correct.
- 21 Q. 86 So you had spent two and a half thousand pounds on the 10th of November and if  
22 the evidence in relation to all of the payments is correct on the 11th, that  
23 is, you are correct about paying 3,000 to Mr. Rabbitte and you are correct  
24 about paying 5,000 Pounds to Mr. Cosgrave and Mr. Cathal Boland is correct  
14:30:41 25 about receiving 4,000 pounds. Then you spent 12,000 Pounds on the 11th  
26 November, isn't that right?
- 27 A. Yes.
- 28 Q. 87 And you had spent 2,500 pounds the day before?
- 29 A. Yes.
- 14:30:51 30 Q. 88 So you spent 14,500 Pounds, isn't that right?

- 14:30:55 1 A. Correct.
- 2 Q. 89 Out of the 72,000 pounds that you had available to you to make donations, isn't
- 3 that right?
- 4 A. Yes.
- 14:31:00 5 Q. 90 So that by the end of the evening on the 11th of November you are 14,500 Pounds
- 6 the poorer, isn't that right?
- 7 A. If you are premising that on the basis that I gave 4,000 pounds to Cathal
- 8 Boland.
- 9 Q. 91 Accepting as I said that the evidence about the payments is correct?
- 14:31:16 10 A. Correct.
- 11 Q. 92 So that you have spent 14,500 Pounds?
- 12 A. Yes.
- 13 Q. 93 And you had over 72,000 pounds in cash, isn't that right?
- 14 A. Yes, that's correct.
- 14:31:25 15 Q. 94 So did you make any other substantial payments, Mr. Dunlop?
- 16 A. No.
- 17 Q. 95 Did you -- sorry. You paid 5,000 Pounds to Mr. GV Wright?
- 18 A. Yes.
- 19 Q. 96 So that's 19 and a half thousand pounds?
- 14:31:37 20 A. Uh-huh.
- 21 Q. 97 And did you make any payments to Mr. Lawlor?
- 22 A. In the -- in the -- the 1992 General Election I gave 25,000 pounds to Liam
- 23 Lawlor.
- 24 Q. 98 And would you outline the circumstances in which the request for money was made
- 14:31:50 25 of you by Mr. Lawlor?
- 26 A. Yes, again, I have traversed this issue previously. In summary, a discussion
- 27 took place with Mr. Lawlor and myself in relation to a contribution in relation
- 28 to the election and as I recall matters, I called to Mr. Lawlor's home and gave
- 29 him 25,000 pounds.
- 14:32:16 30 Q. 99 Yes. Now, Mr. Lawlor prior to his death in relation to this matter had

14:32:22 1 provided a statement to the Tribunal at 2547. And in the second last paragraph  
2 of this statement Mr. Lawlor states "in the November 1992 General Election I  
3 recall Frank Dunlop coming to my office in Lucan on his way home and my  
4 recollection is that he gave me a contribution for that campaign of 5,000  
14:32:44 5 Pounds.

6  
7 I remember Frank Dunlop telephoning me requesting a receipt and a standard  
8 acknowledgement receipt would have been posted to his office. They are the  
9 electoral contributions I recall having received from Frank Dunlop".

14:32:56 10  
11 That is at the end of a list of contributions, isn't that correct?

12 A. Correct, yeah.

13 Q. 100 Now there is no dispute between yourself and the late Mr. Lawlor that the  
14 transaction took place at Mr. Lawlor's home, isn't that right?

14:33:08 15 A. At an office at the back of Mr. Lawlor's home, yes.

16 Q. 101 It was in the course of the November 1992 election, isn't that right?

17 A. Yes.

18 Q. 102 The dispute between you centres on the amount of money, isn't that right?

19 A. Yes.

14:33:18 20 Q. 103 And the fact that you sought a receipt and a receipt issued?

21 A. I would disagree with that statement by the late Mr. Lawlor.

22 Q. 104 Yes. Now, the Tribunal sought information from Mr. Lawlor in relation to  
23 certain lodgements to bank accounts. And in particular, Mr. Dunlop, if I can  
24 show you 8479. This is a lodgement to, on the 11th of November which is the  
14:33:48 25 date that you were making the payments, isn't that right, Mr. Dunlop?

26 A. Yes.

27 Q. 105 To the other people that you've listed in your diary of 3,500 Pounds to the  
28 account of Mrs. Hazel Lawlor, you see that?

29 A. Yes.

14:33:59 30 Q. 106 On inquiry from Mr. Lawlor at page 8370, asked for an explanation for the

14:34:10 1 source of the lodgement of 3,500 Pounds, the late Mr. Lawlor described it as  
2 election fundraising and attach hows contribution of 4,000 pounds lodged 11th  
3 of November '92 which may be source less cash, listed 37 discovery C 52 which  
4 sounds slightly complicated, Mr. Dunlop, until I show you 8482. And this is  
14:34:36 5 the list provided by Mr. Lawlor and you will see that No. 37 on that list?

6 A. Yes.

7 Q. 107 Is Frank Dunlop and there is a reference to AIB 11th of November '92, 4,000  
8 pounds?

9 A. Yes.

14:34:49 10 Q. 108 And what Mr. Lawlor was suggesting is that he received 4,000 pounds in cash and  
11 of that sum 3,500 Pounds was lodged to the account of Mrs. Hazel Lawlor on the  
12 11th of November 1992?

13 A. I thought Mr. Lawlor said that I had given him 5,000 Pounds.

14 Q. 109 Yes, insofar as the explanation for this particular lodgement is concerned he  
14:35:09 15 is saying that it was out of the 4,000 pounds which may have been out of 5,000  
16 Pounds, but what is being stated there is that the 3,500 Pounds lodged on the  
17 11th of November came from the money that you paid him?

18 A. Yes.

19 Q. 110 It would follow from that, if Mr. Lawlor was correct, that the payment,  
14:35:26 20 whatever amount you had paid him, had been made by the 11th of November, isn't  
21 that right?

22 A. It would follow from that, yes.

23 Q. 111 Yes, yes that's all I'm saying Mr, Dunlop, isn't that right?

24 A. Yes.

14:35:36 25 Q. 112 Now, is that correct, had you paid Mr. Lawlor by the 11th of November?

26 A. I cannot specifically, I said in my statement that I cannot give you  
27 specifically give you a date. I had given a large number of dates in relation  
28 to my dealings with Mr. Lawlor and what I said was that it was made on a date  
29 between the announcement of the election in early November and Friday the 17th  
14:36:00 30 of November.

- 14:36:01 1 Q. 113 Yes but --
- 2 A. But I cannot specifically say what exact date it was.
- 3 Q. 114 I think that what you said in your statement was that the payment was made
- 4 between the calling of the election, 5th of November, and the date you went to
- 14:36:15 5 Fianna Fail Headquarters?
- 6 A. Which is the 17th.
- 7 Q. 115 Which is the 20th?
- 8 A. Sorry I was asked to go on the 17th and I went on the 20th.
- 9 Q. 116 Isn't that right?
- 14:36:23 10 A. That's correct, yes.
- 11 Q. 117 So in what you are saying to the Tribunal in your statement is the payment to
- 12 Mr. Lawlor was between the 5th November '92 and 20th of November '92, isn't
- 13 there right?
- 14 A. Yes.
- 14:36:34 15 Q. 118 So is it possible that you had paid Mr. Lawlor whatever sum you paid him by the
- 16 11th of November '92?
- 17 A. It is possible. It is possible given the dates. Given the calling of the
- 18 election on the 5th and my non-availability as it were after the 20th.
- 19 Q. 119 Yes. You don't have any entry in your diary for the week beginning the 9th for
- 14:37:00 20 Mr. Lawlor, isn't that right?
- 21 A. Correct.
- 22 Q. 120 Did you have any meetings with Mr. Lawlor which weren't record in the your
- 23 diary?
- 24 A. Yes, I did.
- 14:37:06 25 Q. 121 So that the position then in relation to the alleged payment to Mr. Lawlor is
- 26 that the late Mr. Lawlor acknowledges receiving 5,000 Pounds from you at his
- 27 home and has provided documentation to the Tribunal which suggests that a
- 28 donation from you is the source of a lodgement to the account of Mrs. Hazel
- 29 Lawlor, isn't that right?
- 14:37:27 30 A. That's what he suggests.

- 14:37:28 1 Q. 122 Yes. You say that the amount that you paid was 25,000 pounds?
- 2 A. Correct.
- 3 Q. 123 Right. Can you indicate to the Tribunal the source of that money, Mr. Dunlop?
- 4 A. Well it was certainly from the amounts of money that I had available to me at
- 14:37:43 5 the time which we have dealt with, we have traversed on a number of occasions.
- 6 But certainly I had sufficient cash in my possession at that time to give
- 7 Mr. Liam Lawlor that amount of money.
- 8 Q. 124 So that if you are correct in what you tell the Tribunal about your payments in
- 9 November of 1992, Mr. Dunlop, you have paid including the payment to Mr. GV
- 14:38:08 10 Wright 19,500 Pounds to assorted councillors, isn't that right? You have paid
- 11 Ms. Olivia Mitchell, Mr. Colm McGrath, Mr. Pat Rabbitte, Mr. Cathal Boland,
- 12 Mr. Liam Cosgrave?
- 13 A. Five.
- 14 Q. 125 And Mr. GV Wright?
- 14:38:25 15 A. Two, and Liam Lawlor.
- 16 Q. 126 And then we come to?
- 17 A. Yes.
- 18 Q. 127 That's what I am saying. You have paid assorted councillors, Mr. Lawlor wasn't
- 19 a Councillor?
- 14:38:35 20 A. Yes.
- 21 Q. 128 You paid assorted councillors 19 and a half thousand pounds?
- 22 A. Correct.
- 23 Q. 129 You have paid Mr. Lawlor 25,000 pounds?
- 24 A. Yes.
- 14:38:40 25 Q. 130 If you are correct, isn't that right.
- 26 A. Yeah.
- 27 Q. 131 And that totals 44,000 pounds?
- 28 A. Yes.
- 29 Q. 132 And this is money that's being paid out of your "war chest" monies, money that
- 14:38:49 30 you have withdrawn in cash, isn't that right?

- 14:38:51 1 A. Correct.
- 2 Q. 133 So you have in excess of 72,000 pounds, isn't that right, Mr. Dunlop?
- 3 A. Yes.
- 4 Q. 134 So what did you do with the rest.
- 14:38:59 5 A. I kept it.
- 6 Q. 135 Where did you keep it?
- 7 A. I have said on various occasions I kept it in a briefcase or in a number of
- 8 briefcases at my home and on occasion I brought some of it with me in my car to
- 9 my office to have available to me for ready access.
- 14:39:22 10 Q. 136 When you made payments by way of expenses when you organised posters for people
- 11 or you organised mail shots on behalf of councillors, this was all routed
- 12 through your office, wasn't it?
- 13 A. Yes, it was.
- 14 Q. 137 And a record was kept of it and it was on occasion recouped from some of your
- 14:39:41 15 clients, isn't that right?
- 16 A. Yes, it was yes.
- 17 Q. 138 So any of that activity such as the postering or expenses that never came in to
- 18 eating into your cash, isn't that right?
- 19 A. No, that is correct.
- 14:39:52 20 Q. 139 So that in fact the only matters that eats into your cash are payments, isn't
- 21 that right?
- 22 A. To politicians, yes.
- 23 Q. 140 Right. So that the Tribunal is left then with this choice that you arrange for
- 24 an urgent transfer of 70,000 Pounds from Cork on the 10th of November 1992,
- 14:40:13 25 isn't that right?
- 26 A. Correct.
- 27 Q. 141 You had been offered or a cheque had been arranged for you but that course of
- 28 action is abandoned and a same day value transaction takes place which puts you
- 29 70,000 Pounds to the good as it were in your Rathfarnham account, isn't that
- 14:40:29 30 right?

- 14:40:29 1 A. I cannot specifically recall the detail in relation to the cheque. But I do  
2 recall as I gave in evidence in recent days in relation to providing the  
3 account number.
- 4 Q. 142 Yes?
- 14:40:39 5 A. In relation for the same day transfer.
- 6 Q. 143 And we know it was a same day value transfer from the banking documentation,  
7 isn't that right?
- 8 A. Correct.
- 9 Q. 144 And we know from the date on the withdrawal slip signed by yourself and in your  
14:40:52 10 handwriting that you took out 55,000 Pounds in cash on the 10th of November  
11 1992, isn't that right?
- 12 A. Correct.
- 13 Q. 145 And with we know if your other evidence is corrects that prior to doing that  
14 you had over 20,000 pounds in cash available to you anyway, isn't that right?
- 14:41:04 15 A. Yes.
- 16 Q. 146 From funds you had recently come into possession of, isn't that right?
- 17 A. Correct.
- 18 Q. 147 Independent of any funds you were holding in cash already, isn't that right?
- 19 A. Yes.
- 14:41:13 20 Q. 148 So what was the urgency for the 55,000 Pounds on the 10th of November, Mr.  
21 Dunlop?
- 22 A. Well the urgency was again as I have said previously and in recent days, was  
23 that I knew that demands were going to be made of me in relation to  
24 contributions by politicians, from politicians, in relation to the General  
14:41:36 25 Election.
- 26 Q. 149 Uh-huh.
- 27 A. I think I used the phrase I may not have used it here but I certainly used it  
28 previously that when elections were called the phone would walk off the desk.
- 29 Q. 150 How did you select the amount of 55,000 Pounds, Mr. Dunlop?
- 14:41:52 30 A. That I can't answer you. No, I'm afraid I can't answer that.

- 14:42:00 1 Q. 151 Well there had to be a reason doesn't it follow, Mr. Dunlop?
- 2 A. It normally follows that there is a reason for most actions. Sometimes they
- 3 are involuntary, sometimes they are voluntary but I cannot say to you
- 4 specifically why I chose 55 for withdrawal on the day. No, I can't say that
- 14:42:21 5 there was a specific reason.
- 6 Q. 152 But you would have known a number of facts that nobody else would have known,
- 7 Mr. Dunlop, I suggest to you. You would have known for example how much cash
- 8 you were holding, isn't that right?
- 9 A. Yes.
- 14:42:31 10 Q. 153 That's not something that would have been known to Mr. Ahern in the bank, isn't
- 11 that right?
- 12 A. No.
- 13 Q. 154 And it's not something that would have been known to Mr. O'Callaghan in Cork,
- 14 isn't that right?
- 14:42:41 15 A. No.
- 16 Q. 155 So the person who knew how much cash you were holding was yourself?
- 17 A. Correct.
- 18 Q. 156 And I would suggest to you that when you were deciding to make a substantial
- 19 withdrawal of cash you do so having considered the amount of cash you are
- 14:42:50 20 already holding, isn't that right?
- 21 A. Well I certainly would be aware of the amount of cash that I already had, yes.
- 22 Q. 157 So if you were holding 20 or 22,000 pounds in cash as you say you were, that's
- 23 something you would have considered, Mr. Dunlop, prior to making a decision to
- 24 withdraw 55,000 Pounds in cash, isn't that right?
- 14:43:07 25 A. Well I would have been aware of it. Whether I would have considered it in the
- 26 specific circumstances that you are the outlining I can't say. But certainly I
- 27 would have been aware of what I had in my possession, yes.
- 28 Q. 158 I mean, if for example you made your calculation about how much money you
- 29 needed for the election and you were comparing it let's say for example to the
- 14:43:28 30 Local Election in 1991 which was the nearest election to you?

- 14:43:31 1 A. Uh-huh.
- 2 Q. 159 And how much did you spend overall in the Local Election, Mr. Dunlop, in 1991?
- 3 A. Offhand I cannot say to you now. But certainly I know I have given --
- 4 Q. 160 Yes?
- 14:43:41 5 A. -- details in relation to the payments that were made in relation to the Local
- 6 Elections in 1991.
- 7 Q. 161 Well did you spend 55,000 Pounds, Mr. Dunlop?
- 8 A. Well I gave, I gave 40,000 to Liam Lawlor.
- 9 Q. 162 Leaving aside Mr. Lawlor?
- 14:43:54 10 A. Yes, okay. Well he was a Councillor at the time and running for election at
- 11 the time.
- 12 Q. 163 Yes?
- 13 A. I cannot say to you how much the total was in relation to what was spent in
- 14 1991 but certainly it was substantial.
- 14:44:07 15 Q. 164 But the substantial payment you made in 1991 was to Mr. Lawlor, isn't that
- 16 right?
- 17 A. Correct, yes.
- 18 Q. 165 And the election, the General Election prior to 1992, Mr. Dunlop, when was that
- 19 election, the one before November '92?
- 14:44:21 20 A. The one before 1992, offhand I can't ...
- 21 Q. 166 Was that June 1989?
- 22 A. Yes.
- 23 Q. 167 And at that stage, Mr. Dunlop, were you in private practice as it were, Mr.
- 24 Dunlop, in June of 1989?
- 14:44:36 25 A. June of 1989, yes I was, yes.
- 26 Q. 168 And can you remember what was the level of the political donations that you
- 27 made in the General Elections in June of 1989?
- 28 A. I cannot say to you as I sit here now. But certainly if there were any I think
- 29 they are either documented or I can't recall.
- 14:44:52 30 Q. 169 Yes, but were they of the order of 55,000 Pounds, Mr. Dunlop?

- 14:44:56 1 A. No, if that is the correct direct question the answer is, no.
- 2 Q. 170 And in subsequent General Elections, Mr. Dunlop, that took place?
- 3 A. Uh-huh.
- 4 Q. 171 Did you ever make or spend of the order of 50 or 55,000 Pounds?
- 14:45:10 5 A. No, I don't believe I did.
- 6 Q. 172 And in fact from the information that you have provided to the Tribunal in
- 7 relation to the money that is spent subsequently by you and your firm at the
- 8 time of General Elections, there is no amount approaching 50,000 Pounds, isn't
- 9 that right?
- 14:45:29 10 A. That is correct.
- 11 Q. 173 So that this event and this withdrawal, this debit and this election in
- 12 November 1992 was a singular election and your single most expensive election,
- 13 isn't that right?
- 14 A. Yes.
- 14:45:43 15 Q. 174 Why was that, Mr. Dunlop?
- 16 A. All I can say to you is that what I have said previously is that I knew at the
- 17 time that there were going to be many calls on my, my resources in relation to
- 18 the election and also that there would be, on my initiative, would be payments
- 19 in relation to the election like for example in the context of Mr. Pat Rabbitte
- 14:46:19 20 where we had a discussion about an election contribution. And in the overall
- 21 circumstances there are two issues. One is the General Election per se and the
- 22 level of activity that I was involving myself in, vis-a-vis events and Dublin
- 23 County Council.
- 24 Q. 175 You were on your way at this stage, Mr. Dunlop, as you are making these
- 14:46:44 25 payments or within a short period into Fianna Fail Headquarters to run the
- 26 election for Fianna Fail, isn't that right?
- 27 A. Yes.
- 28 Q. 176 And you are in a position of very significant political influence, isn't that
- 29 right?
- 14:46:56 30 A. Well I was an apparatchik, I don't know whether I was a great influence.

- 14:47:02 1 Q. 177 You pedalled influence, isn't that right?
- 2 A. Yes, I like anybody else including people who have a capacity to deal with
- 3 resolve issues or get matters done, yes, I was able to organise situations
- 4 where people who wanted either to meet politicians or organise meetings with
- 14:47:25 5 politicians, yes I was able to facilitate that.
- 6 Q. 178 Right. And at this time in November 1992 when you were on your way into Fianna
- 7 Fail to assist them with the election this is the time of your single most
- 8 expensive election, isn't that right?
- 9 A. Yes.
- 14:47:41 10 Q. 179 But the donation that you make yourself. 8517 to Fianna Fail. 8517 please.
- 11 It's a cheque for 1,000 pounds, isn't that right?
- 12 A. Correct.
- 13 Q. 180 To Fianna Fail.
- 14 A. Yes.
- 14:48:01 15 Q. 181 For which you are issued a receipt, isn't that the position?
- 16 A. Yes.
- 17 Q. 182 But the rest of your payments in November 1992, the rest of the payments we've
- 18 looked at, they're all in cash, isn't that right?
- 19 A. Yes.
- 14:48:15 20 Q. 183 And at this time did Mr. O'Callaghan make a donation to Fianna Fail of which
- 21 you were aware?
- 22 A. He may well have done, I am not, and I may have become subsequently aware as I
- 23 sit here now I cannot specifically say to you. Yes, he may well have done,
- 24 yes.
- 14:48:31 25 Q. 184 Yes. I think in fact that according to the documentation that's been provided
- 26 Mr. O'Callaghan sent a cheque to Mr. Albert Reynolds in the sum of 5,000 Pounds
- 27 for Fianna Fail, isn't that right?
- 28 A. As I recollect seeing it in the brief, yes.
- 29 Q. 185 At 8532, Mr. Dunlop. This is the letter that accompanied the cheque for 5,000
- 14:48:52 30 Pounds to Fianna Fail?

- 14:48:53 1 A. Yeah.
- 2 Q. 186 "Dear Taoiseach, thank you for your recent letter. It has always been my  
3 policy over the years to support individual candidates and in particular this  
4 time both in Dublin and in Cork."
- 14:49:05 5 A. Yes.
- 6 Q. 187 Now, certainly by the 17th of November 1992 Mr. O'Callaghan had gone with you  
7 to Mr. GV Wright?
- 8 A. That's correct, yes.
- 9 Q. 188 Isn't that right? "As you know I have very close contacts with candidates in  
14:49:18 10 both these areas" now do you know who were the candidates in Dublin with whom  
11 Mr. O'Callaghan was in close contact?
- 12 A. Well in 1992 the candidates that Mr. O'Callaghan would have been in contact  
13 with would either have been those people that I introduced him to during the  
14 course of our lobbying in relation to Quarryvale unless Mr. O'Callaghan is able  
14:49:44 15 to say that he met somebody else individually without my knowledge. But  
16 certainly I introduced Mr. O'Callaghan to the councillors in Dublin County  
17 Council, some of whom were candidates in the General Election.
- 18 Q. 189 And he goes on to say "and hope I have done the right thing in supporting  
19 candidates," that's plural, "individually to gain those vital few seats" do you  
14:50:06 20 know what candidates plural Mr. O'Callaghan supported in Dublin in November  
21 1992?
- 22 A. Well he certainly gave money to GV Wright.
- 23 Q. 190 Yes?
- 24 A. I was present on the occasion that we discussed the previous day. I cannot say  
14:50:26 25 definitively that I knew then that he gave money to anybody else individually.  
26 And as I sit here now or recall matters I don't recall anything in relation to  
27 Mr. O'Callaghan's contributions to politicians on an individual basis.
- 28 Q. 191 Mr. O'Callaghan continued "the total support is in excess of six figures but it  
29 is vital for the country that we have a Fianna Fail controlled Government". A  
14:50:59 30 six figure sum as I understand it is a figure in excess of 100,000 Pounds would

- 14:51:04 1 that be your understanding also?
- 2 A. Of a six figure sum, yes.
- 3 Q. 192 Do you know how and to whom Mr. O'Callaghan paid 100,000 Pounds or more in the
- 4 November 1992 General Election?
- 14:51:14 5 A. No.
- 6 Q. 193 If this letter is correct?
- 7 A. Well if this letter is correct, no, I don't. I don't is the answer.
- 8 Q. 194 Did you have any discussion with Mr. O'Callaghan in November 1992 about the
- 9 political payments Mr. O'Callaghan was making?
- 14:51:31 10 A. No, as I said previously, Mr. O'Callaghan came to me in relation, I discussed
- 11 payments with Mr. O'Callaghan on a number of specified occasions. One of which
- 12 was the payment to GV Wright in the circumstances that I outlined.
- 13 Q. 195 Were you aware of the fact if indeed it is the case whether or not Mr.
- 14 O'Callaghan had in fact made payments in excess or totalling 100,000 Pounds to
- 14:51:52 15 Fianna Fail candidates in the November 1992 General Election?
- 16 A. No, subsequently obviously it would be disingenuous to suggest otherwise,
- 17 subsequently obviously I heard or read that various contributions were made by
- 18 Mr. O'Callaghan to the Fianna Fail party arising out of fundraising activities
- 19 or fundraising dinners.
- 14:52:13 20 Q. 196 Yes?
- 21 A. But I mean I wasn't aware at the time and Mr. O'Callaghan didn't tell me.
- 22 Q. 197 With the greatest of respect to you, Mr. Dunlop, those figurings couldn't have
- 23 been within Mr. O'Callaghan's contemplation when he wrote the letter in
- 24 November 1992 because the fundraising referred to didn't commence until 1993,
- 14:52:29 25 isn't that right?
- 26 A. Well you accept the circumstances which I outline. You asked me did I know.
- 27 Q. 198 No I don't, Mr. Dunlop. Because the question I asked you was specific?
- 28 A. No.
- 29 Q. 199 I am asking you for your information which based on the letter that's in front
- 14:52:42 30 of you, whether you were aware in November 1992 or subsequently of political

14:52:48 1 donations or payments totalling 100,000 Pounds or more by Mr. O'Callaghan to  
2 Fianna Fail or Fianna Fail candidates?

3 A. No.

4 Q. 200 No. Now, in later years?

14:52:57 5 A. Yes.

6 Q. 201 There was a fundraising drive, isn't that right?

7 A. Drives, plural.

8 Q. 202 Yes. But they originated or started in 1993 and culminated in 1994 with a  
9 payment by Mr. O'Callaghan, isn't that right?

14:53:12 10 A. As I understand matters, yes.

11 Q. 203 That couldn't account for a positive statement by Mr. O'Callaghan that the  
12 total support was in excess of six figures in November 1992, isn't that right?

13 A. Correct, absolutely.

14 Q. 204 Right. So therefore again I ask you, did you ever have any discussion with Mr.  
14:53:27 15 O'Callaghan about the level of support he was giving to Fianna Fail or Fine  
16 Gael or any political party in the November 1992 election?

17 A. Not that I can recall.

18 Q. 205 Is the only payment that Mr. O'Callaghan discussed with you in November 1992  
19 the payment to Mr. GV Wright?

14:53:44 20 A. As I recall matters, yes.

21 Q. 206

22

23 MR. KEATING: Sorry Chairman, as you know I represent Mr. O'Callaghan. I just  
24 would like to point out in relation to this letter. That on the face of the  
14:53:55 25 letter in the first paragraph, Chairman, the letter doesn't refer specifically  
26 to November 1992 election but in fact refers to it always having been his  
27 policy to support individual candidates over the years, Chairman. And I think  
28 that certainly it should be I think put fairly to Mr. Dunlop and interpretation  
29 on this letter. Sorry. Forgive me Chairman. It is not a reasonable or the  
14:54:22 30 only interpretation of this letter to suggest that this is, that reference to

14:54:27 1 the November 1992 election.

2

3 MS. DILLON: Very good. May I take from my friend in relation to that, it

4 would be Mr. O'Callaghan's evidence when he comes to give evidence to the

14:54:37 5 Tribunal that when he wrote this letter he was in fact referring to previous

6 contributions made by him to Fianna Fail, and if that is the position could it

7 be unambiguously stated and I then would be in a position to put that, which I

8 am only aware of the first sometime now, to Mr. Dunlop.

9

14:54:52 10 CHAIRMAN: Well is that Mr. O'Callaghan's?

11

12 MR. KEATING: Of course I don't know if that's the position, Chairman. Mr.

13 O'Callaghan will come to give evidence and that can be canvassed at that stage

14 when he is in a position to give an answer himself in testimony.

14:55:07 15

16 CHAIRMAN: I agree, it is capable of both interpretations. It may be a

17 reference to 100,000 Pounds plus paid in the immediate period before this

18 letter was written or it may be a reference to that level of support over a

19 longer period into maybe possibly the previous ...

14:55:28 20

21 MS. DILLON: Can I suggest then, Sir, so that there should be no ambiguity in

22 relation to the matter that my friend will take instructions from Mr.

23 O'Callaghan and provide a short letter to the Tribunal stating what Mr.

24 O'Callaghan's position in relation to this letter is, and I will then put that

14:55:43 25 position when it's been clarified to Mr. Dunlop.

26

27 CHAIRMAN: Well for the moment, I mean, to be fair to Mr. O'Callaghan, and I

28 think that should be done and presumably it can be done.

29

14:55:55 30 MR. KEATING: Oh, yes, Chairman.

14:55:57 1  
2 CHAIRMAN: That can be clarified. But Mr. Dunlop, if it is a reference to  
3 100,000 plus over a longer period, would you have had any greater knowledge of  
4 it?  
14:56:07 5 A. No.  
6  
7 MR. KEATING: Chairman, just for the record, it's always open to the Tribunal  
8 to ask for a statement on any issue and it is my understanding that that has  
9 been done but not in relation to this issue.  
14:56:25 10  
11 CHAIRMAN: It can be done now.  
12  
13 MR. KEATING: Yes.  
14  
14:56:25 15 CHAIRMAN: It's useful and helpful to the Tribunal now that this issue has  
16 been raised that at some stage in the near future Mr. O'Callaghan might let the  
17 Tribunal know through his solicitor what his in, what the intended meaning of  
18 this particular letter was.  
19  
14:56:37 20 MR. KEATING: Yes.  
21  
22 MS. DILLON: We have of course Mr. O'Callaghan's statement in relation to all  
23 his prior political payments up to and including the 17th of November 1992.  
24  
14:56:45 25 CHAIRMAN: Yeah, well he can give an additional statement in relation to this  
26 now.  
27  
28 MS. DILLON:  
29 Q. 207 Did Albert Reynolds ever discuss with you, Mr. Dunlop, whether or not Mr.  
14:56:56 30 O'Callaghan had made donations to Fianna Fail?

14:56:59 1 A. Never.

2 Q. 208 Right. Were you ever approached by Fianna Fail to approach Mr. O'Callaghan.

3 Sorry. It must have been well known that Mr. O'Callaghan was a client of

4 yours?

14:57:10 5 A. Yes, it was. I am quite certain it was well known, yes.

6 Q. 209 Were you ever asked to approach Mr. O'Callaghan for the purpose of seeking a

7 donation or a payment to Fianna Fail?

8 A. By?

9 Q. 210 By anybody within Fianna Fail?

14:57:21 10 A. No.

11 Q. 211 I include in that Mr. Albert Reynolds but also Mr. Des Richardson?

12 A. No.

13 Q. 212 In relation to Ms. Therese Ridge. Can I ask you, Mr. Dunlop, whether or not in

14 November 1992 you made a payment to Ms. Ridge of 1,000 Pounds in cash?

14:57:41 15 A. Yes, I gave Therese Ridge money in relation to I think it was either the

16 General Election or the Senate Election campaign.

17 Q. 213 Ms. Ridge has told the Tribunal that she received from you?

18 A. Uh-huh.

19 Q. 214 1,000 Pounds in November 1992?

14:58:02 20 A. Yes.

21 Q. 215 In cash?

22 A. Yes.

23 Q. 216 Right. Now, I think it's also the position?

24 A. At her home. Sorry. At her home.

14:58:08 25 Q. 217 At her home?

26 A. Yes.

27 Q. 218 Was that a donation in relation to the election, Mr. Dunlop?

28 A. Yes. I cannot immediately recollect whether Ms. Ridge was standing in the

29 General Election. I know she stood in the Senate Election and was subsequently

14:58:22 30 elected. But certainly I cannot absolutely say to you that she was a

- 14:58:27 1 candidate. She must have been a candidate in the 1992 General Election in fact  
2 she was as I reprise matters in my head now. And yes, it was in relation to  
3 the 1992 General Election.
- 4 Q. 219 Did you have any discussion with Ms. Ridge about Quarryvale?
- 14:58:43 5 A. Yes. And for clarity, on an ongoing basis with Ms. Ridge and on the day that I  
6 gave her money, yes.
- 7 Q. 220 Ms. Ridge has told the Tribunal herself on day 700 that she was voting for  
8 Quarryvale no matter what, that she was an ardent supporter of the Quarryvale  
9 project?
- 14:59:05 10 A. Well there is absolutely no doubt about that. I would not dispute that for one  
11 moment. She was a very significant supporter of Quarryvale from day one.
- 12 Q. 221 And in fact I think you have described to the Tribunal that you understood that  
13 she was the person who advised you to go and see Mr. Gerry Leahy about securing  
14 the support of Mr. Peter Brady for Quarryvale, isn't that right?
- 14:59:24 15 A. That's correct.
- 16 Q. 222 So that she was a pro-active member of the of the pro-Quarryvale team, is that  
17 right?
- 18 A. Yes, and an identified pro-active member.
- 19 Q. 223 Do you say to the Tribunal, Mr. Dunlop, that the payment of 1,000 Pounds to  
14:59:40 20 Ms. Ridge was an improper payment to secure and continue with her support for  
21 Quarryvale?
- 22 A. The payment was in cash. It was in relation to the 1929 General Election of  
23 which Ms. Ridge was a candidate. On the occasion in which I gave the money to  
24 Ms. Ridge a number of issues were traversed including Quarryvale.
- 14:59:57 25 Q. 224 You understand my question?
- 26 A. Yes, I do.
- 27 Q. 225 Mr. Dunlop, you have given unequivocal evidence in relation to other  
28 councillors that they sought support, they sought money for their support?
- 29 A. Yes.
- 15:00:08 30 Q. 226 Now in relation to Ms. Ridge, will you simply make your position absolutely

- 15:00:13 1 clear to the Tribunal?
- 2 A. Yes.
- 3 Q. 227 Are you saying that this payment of 1,000 Pounds to Ms. Ridge in November 1992
- 4 was an improper or corrupt payment to secure or continue her support for
- 15:00:23 5 Quarryvale?
- 6 A. In the circumstances in which it was given and in the circumstances in which
- 7 the issue of Quarryvale was discussed at the time that money was paid in cash
- 8 in her home, therefore, it was in recognition of her support for Quarryvale and
- 9 her ongoing support for Quarryvale. And in your terminology therefore, it must
- 15:00:42 10 be described as a corrupt payment.
- 11 Q. 228 Did she ask you for 1,000 Pounds in return for her support for Quarryvale?
- 12 A. She did not ask me for 1,000 Pounds in return for her support for Quarryvale.
- 13 She asked me for a contribution for her candidacy in the General Election of
- 14 November 1992 on the basis that we were in daily contact and the main concern,
- 15:01:12 15 the main issue of contact was Quarryvale.
- 16 Q. 229 Did she ask you for a cash contribution?
- 17 A. She did not ask me for a cash contribution. She asked me for a contribution.
- 18 Q. 230 Was the person who made the decision to give her cash you, Mr. Dunlop?
- 19 A. Yes, it was.
- 15:01:18 20 Q. 231 All right. And if I understand you correctly, you are not saying that it was
- 21 on foot of a demand in return for her support?
- 22 A. No, I am not saying it was on foot of a demand for her support, I am saying to
- 23 you it was given in the circumstances which obtained which was an election in
- 24 which she was a candidate, and in recognition of the support that she had given
- 15:01:36 25 in relation to the Quarryvale matter.
- 26 Q. 232 Who fixed on the figure of 1,000 Pounds, Mr. Dunlop?
- 27 A. I think it was discussed between us and I may well have suggested that it was
- 28 1,000 Pounds.
- 29 Q. 233 You are the person who suggested 1,000 Pounds or was -- are you saying you
- 15:01:57 30 discussed it and then agreed it with Ms. Ridge?

- 15:01:59 1 A. I believe if we had a discussion in relation to support for her candidacy in  
2 the General Election and the resulting in 1,000 Pounds being given.
- 3 Q. 234 And in so far as Mr. Richard Greene was concerned, did you make a payment to  
4 Mr. Richard Greene?
- 15:02:16 5 A. Yes, I think again from recollection, I made a payment of 500 pounds I think at  
6 the General Election in 1992 to Mr. Greene.
- 7 Q. 235 Would you outline the circumstances in which that payment was made, Mr. Dunlop?
- 8 A. Yes, I cannot where, I cannot say to you specifically where I made the payment  
9 to him but the likelihood is that I made it to him in the environs of Dublin  
10 County Council. I cannot recollect that I ever knew or visited Mr. Greene in  
11 his home but I didn't have a great deal of contact with Mr. Greene but I did  
12 canvass him in relation to Quarryvale. And as I recollect matters there was a  
13 direct relationship between Mr. Sean Gilbride and Mr. Greene. And I made a  
14 contribution to him on foot of a request by him for an election contribution.  
15:03:28 15 I think this was the first time that he had stood in a General Election and I  
16 was happy to do so.
- 17 Q. 236 Did -- was the donation in any way contingent upon his support for Quarryvale?
- 18 A. There is absolutely no doubt that in any conversation that I would have had  
19 with Mr. Greene Quarryvale would have been mentioned. I cannot specifically  
15:03:53 20 say that he asked me for the, for a donation specifically because of his  
21 support for Quarryvale. Certainly in any discussion that I would have had with  
22 him and there were very few, Quarryvale would have been mentioned including in  
23 relation to the payment.
- 24 Q. 237 Yes. At 1917 in your statement, Mr. Dunlop, you refer initially in the first  
15:04:18 25 paragraph to two diary entries and then you say "I did not have a great deal of  
26 contact with Mr. Greene and even though I canvassed him in relation to  
27 Quarryvale which he supported, I recall that Mr. Gilbride maintained a good  
28 relationship with him. The payment was made to him on foot of a request from  
29 him for an election contribution. On the basis that as an independent he had  
15:04:36 30 provided crucial support for the Quarryvale project."

- 15:04:39 1 A. Yes.
- 2 Q. 238 Now are you saying there that Mr. Greene when he requested the election  
3 contribution did so in terms where he tied that contribution to his support for  
4 Quarryvale?
- 15:04:49 5 A. What I am saying is as I have said in the statement that on contact by Mr.  
6 Greene to me in relation to a contribution, he would have reminded me of the  
7 support that he had given or was giving in relation to the Quarryvale project.  
8 Because as the statement says, he was an independent. He was an independent  
9 Councillor.
- 15:05:12 10 Q. 239 Mr. Greene at 2219, explains that in relation to the 1992 election the very  
11 last paragraph, he had attended a meeting and then he says "after the meeting I  
12 was walking to my car when totally unplanned and without any prior arrangement  
13 I met Owen O'Callaghan and Frank Dunlop who had both emerged from Mr. Dunlop's  
14 office. They inquired about my well-being. I informed them that I was  
15 standing as a pro-life, pro-family candidate in the forthcoming General  
16 Election.  
17  
18 Mr. O'Callaghan indicated to me that the cause I was representing was a noble  
19 and worthy one and that he would like to make a contribution to my pro-life  
15:05:48 20 work. I then or shortly thereafter received a cash payment of 250 Pounds which  
21 was a private charitable donation to my pro-life election campaign from Owen  
22 O'Callaghan. The money helped to pay elections expenses incurred in running my  
23 campaign in Dublin south". Isn't that right?
- 24 A. Well that's what he says, yes.
- 15:06:06 25 Q. 240 Now you say the amount was 500 Pounds?
- 26 A. Yes.
- 27 Q. 241 Did you have a meeting by chance with Mr. Greene as outlined by Mr. Greene in  
28 his statement?
- 29 A. No, I don't recollect any of the circumstances which Mr. Greene outlines there.  
15:06:27 30 I do recollect meeting Mr. Greene on a number of occasions in the environs of

15:06:27 1 Dublin County Council. Mr. O'Callaghan may well have been present. In fact  
2 there is a likelihood that I introduced Mr. O'Callaghan to Mr. Greene or that  
3 Sean Gilbride facilitated a meeting between Mr. Greene and Mr. O'Callaghan and  
4 myself. But certainly I have no recollection of the circumstances that Mr.

15:06:40 5 Greene alludes to there.

6 Q. 242 At 8179 Mr. Dunlop, on the 9th of October 1992 you have an entry in your diary  
7 for Richard Greene, isn't that correct?

8 A. Yes.

9 Q. 243 And subsequently on the 14th of October, 1992 at 8243. You have an entry "3:30  
10 Richard Greene, Royal Dublin."

11 A. Yes.

12 Q. 244 Isn't that right? And that is after a meeting at 1:00 in the Westbury, JD,  
13 AK, LL, OOC and self," isn't that right?

14 A. Correct.

15:07:08 15 Q. 245 And Mr. Greene says at 14295.

16 A. Sorry?

17 Q. 246 14295. That on the 14th in the third paragraph "on the 14th of October '92 in  
18 the Royal Dublin Hotel that he was lobbied by Mr. O'Callaghan and Mr. Dunlop  
19 and I believe two other men with maps and models on the proposed Quarryvale  
15:07:31 20 project were present. Date and venue from Mr. Dunlop's statements. I agreed  
21 to support the project if it brought jobs and prosperity to the Dublin West  
22 area and in particular Ballyfermot and Clondalkin where most of the students in  
23 the school where I served and serve to this day as a career guidance councillor  
24 live. Mr. O'Callaghan assured me and others present that would be the case and  
15:07:50 25 I made it abundantly clear I would support the project for job reasons" isn't  
26 that right?

27 A. Yes.

28 Q. 247 He then says he didn't request a political donation. It follows that prior to  
29 the election being called on the 5th of November 1992 if what Mr. Greene says  
15:08:03 30 is correct, and what you have in your diary is correct, that Mr. O'Callaghan

- 15:08:07 1 and yourself had met with Mr. Greene by the second week in October 1992, isn't  
2 that right?
- 3 A. That's correct.
- 4 Q. 248 And that therefore by the time the election was called Mr. Greene would have  
15:08:18 5 known both yourself and Mr. O'Callaghan to see and you and Mr. O'Callaghan  
6 would have known Mr. Greene, isn't that correct?
- 7 A. That's correct.
- 8 Q. 249 Now, does any of that assist you in recollecting whether in fact Mr. Greene is  
9 correct in his description of meeting accidentally as it were, with yourself  
15:08:33 10 and Mr. O'Callaghan following which a donation was made which he understood to  
11 be from Mr. O'Callaghan?
- 12 A. No, I have no recollection whatsoever of the circumstances outlined by Mr.  
13 Greene.
- 14 Q. 250 Were you aware of a political donation by Mr. O'Callaghan through O'Callaghan  
15:08:54 15 Properties to Sheila Terry in the sum of 500 Pounds in November of 1992?
- 16 A. At that time, no.
- 17 Q. 251 And can I ask you, Mr. Dunlop, just to explain to the Tribunal the  
18 circumstances in which you provided cash for the security of Quarryvale and  
19 subsequently recouped that from Mr. O'Callaghan?
- 15:09:14 20 A. Yes. At some stage, which I cannot specifically recall to begin what date this  
21 began. But certainly there was an element of security required in, at the  
22 Quarryvale site for specific circumstances which I don't think need to be gone  
23 into in detail. But certainly it related to security issues and I paid an  
24 individual, whose name escapes me.
- 15:09:51 25 Q. 252 Mr. Simpson.
- 26 A. Sorry?
- 27 Q. 253 Mr. Simpson.
- 28 A. Yes. There was also Mr. O'Sullivan if my recollection is correct. But  
29 certainly there was an arrangement arrived at where I paid the representative,  
15:10:07 30 let me put it this way of the person doing the security on the site who called

- 15:10:13 1 to my office for payment on specified days and I recouped this from Mr.  
2 O'Callaghan.
- 3 Q. 254 So that what you did was you paid the people who were providing security on the  
4 site and you recovered that in invoices subsequently from Mr. O'Callaghan?
- 15:10:26 5 A. Correct.
- 6 Q. 255 From Barkhill or from Riga, isn't that right?
- 7 A. Whichever entity Mr. O'Callaghan designated.
- 8 Q. 256 Yes. Now following the election on the 23rd of November Mr. O'Callaghan wrote  
9 at 8556 to Allied Irish Bank and he enclosed an invoice on behalf of you to the  
10 bank, isn't that right?
- 11 A. Yes.
- 12 Q. 257 And that invoice is at 8557 I think we've already dealt with it?
- 13 A. Yes.
- 14 Q. 258 And it was paid on the 1st of December, isn't that right? It's in the sum of  
15 21,063 Pounds?
- 15:10:58 16 A. Correct.
- 17 Q. 259 In the balance of the letter at 8556. He, Mr. O'Callaghan says "I am anxious  
18 to get our own "election" going again next Friday/Monday, hopefully the  
19 councillors will be settled down by then. As I mentioned to you, we have  
20 provided as much support as we could afford over the past few weeks. I will  
15:11:16 21 inform you of this when you when we meet". Did you ever have a discussion with  
22 Mr. O'Callaghan about the level of support whatever it might have been that Mr.  
23 O'Callaghan might have provided leading up to the 23rd of November '92?
- 24 A. No.
- 15:11:34 25 Q. 260 What support were you aware of had been provided by Mr. O'Callaghan leading up  
26 to the 23rd of November 1992? By the end of November '92 what monies had Mr.  
27 O'Callaghan paid to your knowledge for political purposes?
- 28 A. Certainly he had given GV Wright the amount that he says in his statement. I  
29 was not aware at the particular time, as I have said in evidence, what that  
15:11:59 30 amount was but of course I subsequently learnt what that amount was; 5,000

15:12:04 1 Pounds. And other than that I cannot say that I knew anything of any great  
2 detail in relation to any payments that he had made to anybody during the  
3 course of the election.

4 Q. 261 So that if Mr. O'Callaghan had in fact made payments in, to politicians or  
15:12:24 5 political parties in November 1992 other than the 5,000 Pounds to Mr. GV  
6 Wright, these were payments of which you were unaware at the time, is that  
7 right?

8 A. At the time, yes.

9 Q. 262 And therefore it follows that you had not discussed with Mr. O'Callaghan?

15:12:40 10 A. The only discussion I had with Mr. O'Callaghan was when he sought my advise in  
11 relation to Mr. Wright. Mr. GV Wright.

12 Q. 263 Now, in January of 19 -- sorry. In December of 1993, Mr. Dunlop, the, coming  
13 up to the 17th of December 1993 and following the election --

14

15:13:10 15 JUDGE FAHERTY: I think it was '92.

16

17 MS. DILLON: I beg your pardon, 1992. There was a concerted effort by  
18 everybody. There was a gathering of the troops as it were, leading up to the  
19 vote on the 17th, isn't that right?

15:13:21 20 A. Yes, there was, yes.

21 Q. 264 Now other than the payments you've outlined that took place on the 10th and the  
22 11th of November, the payment to Mr. Wright and the payment to Mr. Lawlor, did  
23 you make any other payments?

24 A. In relation to Quarryvale?

15:13:38 25 Q. 265 Yes.

26 A. No. No, not that I can recall. There were issues that arose. I cannot  
27 specifically say what the dates were. There were issues that arose for example  
28 in relation to Sean Gilbride, in relation to a payment that he said he had  
29 arrived at an arrangement with Mr. O'Callaghan. I can't specifically put a  
15:14:00 30 date on that now.

- 15:14:01 1 Q. 266 You say it was September 1992.
- 2 A. 1992, yes. And I paid the relevant cheque to Mr. Sean Gilbride in the
- 3 circumstances that I outlined after discussion with Mr. O'Callaghan.
- 4 Q. 267 Yes?
- 15:14:17 5 A. Sorry?
- 6 Q. 268 I don't think you have suggested, to this point in time, Mr. Dunlop, that you
- 7 paid him by cheque. I think what you have told the Tribunal is that you paid
- 8 him?
- 9 A. Yes, correct yes. Yes, I paid Mr. Gilbride.
- 15:14:28 10 Q. 269 Yes?
- 11 A. The amount he was, 1,700 odd I think it was, that he was saying that was
- 12 representative of his salary plus pension contributions of which he had arrived
- 13 at an arrangement with Mr. O'Callaghan about.
- 14 Q. 270 Yes. The Quarryvale vote was listed for the 17th of December 1992?
- 15:14:50 15 A. Yes.
- 16 Q. 271 The General Election had been called on the 5th of November 1992, isn't that
- 17 right?
- 18 A. Yes.
- 19 Q. 272 Now you have outlined the payments you say that you made in November 1992?
- 15:14:58 20 A. Yes.
- 21 Q. 273 And you have identified those to the Tribunal?
- 22 A. Yes.
- 23 Q. 274 And apart from those payments that you have identified to the Tribunal I have
- 24 asked you did you make any other payments therefore between the 5th of November
- 15:15:10 25 '92 and the 17th of December 1992 other than the payments you have identified
- 26 to the Tribunal, did you make any other payments?
- 27 A. That I cannot recall as I sit here now. But whatever I have said in my
- 28 statement in relation to any payments that were made, whatever the date, the
- 29 payments were made.
- 15:15:29 30 Q. 275 So if you haven't told the Tribunal about any other payment in your statement

- 15:15:37 1 then no other payments took place?
- 2 A. No other payments took place.
- 3 Q. 276 And coming up to the 17th of December 1992, Mr. Dunlop, there would have been a
- 4 gathering of a support, isn't that right?
- 15:15:48 5 A. Yes.
- 6 Q. 277 There would have been the counting of heads and the ensuring of the position
- 7 that the matter would be passed, isn't that right?
- 8 A. Yeah, as much as is possible to do in the circumstances, yes.
- 9 Q. 278 And I suggest to you that one of the issues that arose early in December 1992
- 10 was the question of a possible cap on the retail element of Quarryvale?
- 11 A. Yes.
- 12 Q. 279 Right. Now, when did you remember this first arising?
- 13 A. The issue of a cap as I recollect it arose very early on. I can't give you a
- 14 specific date on it. Again, I dealt with this issue previously. But I cannot
- 15:16:03 15 give you a specific date in relation to when the issue of the cap arose but
- 16 certainly it did arise at an early stage.
- 17 Q. 280 So by early December it would have been within your contemplation that a cap
- 18 was being mooted, isn't that right?
- 19 A. Yes, I would say, I would say that that is highly likely, yes.
- 15:16:44 20 Q. 281 And that also obviously Mr. O'Callaghan would have known about a cap being
- 21 mooted certainly by early December 1992?
- 22 A. Yes, yes, I cannot say specifically. Certainly from my own account, I cannot
- 23 speak for Mr. O'Callaghan. I cannot specifically say to you in relation to a
- 24 cap when the issue first arose but it arose very early on.
- 15:17:04 25 Q. 282 All right. If we look at 8628. There was a meeting on the 1st of December
- 26 1992 at Bank Centre involving Mr. O'Callaghan and others and in fact I think at
- 27 that -- following that meeting I think that you get your cheque for 21,063
- 28 Pounds, the invoice that had been raised on the 1st of October?
- 29 A. That you showed a moment ago.
- 15:17:29 30 Q. 283 Yes, that's right. In this in the very first paragraph there is apparently a

- 15:17:34 1 discussion about Quarryvale. If we just increase the first paragraph. The  
2 banker being informed of the following "the date for Quarryvale vote has been  
3 set for the 17th and 18th of December" that was correct, isn't that right?
- 4 A. Yes.
- 15:17:47 5 Q. 284 He, that is presumably Mr. O'Callaghan "is confident that a decision will be  
6 made one way or the other on that date" in fact a decision was made on the  
7 17th?
- 8 A. Yes, on the 17th.
- 9 Q. 285 "It is very tight. In response to my query he confirmed that the officials are  
10 thinking in terms of a compromise at this stage which involve the Jim Mansfield  
11 Clondalkin centre and a smaller centre for equal Quarryvale of approximately  
12 250,000 square feet."
- 13 A. Yes.
- 14 Q. 286 It will appear so by the 1st of December '93 Mr. O'Callaghan?
- 15:18:16 15 A. '92.
- 16 Q. 287 I keep saying '93, I apologies. '92. Mr. O'Callaghan was in a position to  
17 inform the bank that the officials were thinking of a compromise of 250,000  
18 square feet, isn't that right?
- 19 A. Yes.
- 15:18:28 20 Q. 288 Now I think in fact on the 1st of December 1992 at 8598. Mr. O'Callaghan had  
21 gone to see Mr. John Fitzgerald, isn't that right? You will see there at  
22 12.30?
- 23 A. Yes.
- 24 Q. 289 Right. And Mr. John Fitzgerald ultimately became the Manager of South Dublin  
15:18:49 25 County Council, isn't that right?
- 26 A. That's correct, yes.
- 27 Q. 290 So he would have been the Deputy Manager within the Council at this time with  
28 responsibility effectively for South Dublin?
- 29 A. Correct.
- 15:18:58 30 Q. 291 As it was going to be?

- 15:18:59 1 A. Yes.
- 2 Q. 292 So if we go back then to 8648. If Mr. O'Callaghan is correct in what he is  
3 telling the bank on the 1st of December the officials were thinking of a  
4 compromise and a figure that's being mentioned is 250,000 square feet, is that  
15:19:16 5 right?
- 6 A. Correct, yes.
- 7 Q. 293 Right. Now, the position will obviously be clear in about two weeks, that's  
8 coming up to the vote, isn't that right?
- 9 A. Yeah.
- 15:19:22 10 Q. 294 And then his lobbying continues. And he indicated that he had injected 85,000  
11 Pounds into the situation from O'Callaghan Properties. Were you aware of Mr.  
12 O'Callaghan injecting 85,000 Pounds into the lobbying situation from  
13 O'Callaghan Properties?
- 14 A. Well if that's what ... he is lobbying ... into the situation ... no, other  
15:19:44 15 than the invoices that I issued to Mr. O'Callaghan, whatever they amount to,  
16 and whatever time frame Mr. O'Callaghan is talking about, that is all I would  
17 be aware of.
- 18 Q. 295 Yes. But your invoices I think the last invoice we looked at, which was the  
19 21,000 Pounds invoice which in fact is being paid on this day, isn't that  
15:20:03 20 right?
- 21 A. Uh-huh.
- 22 Q. 296 Is an invoice to Barkhill at 8152. Which is paid, Mr. Dunlop, not by  
23 O'Callaghan Properties but out of the Barkhill No. 2 account at Allied Irish  
24 Bank, isn't that right?
- 15:20:17 25 A. Yes, correct.
- 26 Q. 297 You will see there a bank draft by Allied Irish Bank?
- 27 A. Yes.
- 28 Q. 298 Which was how the Barkhill payments were made, isn't that right?
- 29 A. Yes.
- 15:20:22 30 Q. 299 If we go back then to what Mr. O'Callaghan was saying at 8648. Just on that

15:20:30 1 issue of the 85,000 Pounds, do you know what Mr. O'Callaghan was talking about  
2 when he told the bank that he had injected 85,000 Pounds from O'Callaghan  
3 Properties into the situation?

4 A. No, I don't.

15:20:45 5 Q. 300 No?

6 A. And I don't now know either.

7 Q. 301 So is that a surprise to you?

8 A. Well I have seen, I have seen various documentation in relation to it and  
9 various figures have been mentioned in relation to square footage and in  
10 relation to payment, in relation to monies. I don't mean to be offensive. All  
11 I have to say to you is you have to ask Mr. O'Callaghan what he meant by that.  
12 Certainly there was no discussion with me in relation to Mr. O'Callaghan saying  
13 that he had injected 85,000 Pounds into the situation. What that means I do  
14 not know.

15:21:18 15 Q. 302 You were Mr. O'Callaghan's lobbyist, isn't that right?

16 A. Yes.

17 Q. 303 You were the person who was retained by him as the expert, isn't that right?

18 A. Correct.

19 Q. 304 And you and your company were providing the lobbying services for Mr.  
15:21:27 20 O'Callaghan for Barkhill and for Riga in connection with Quarryvale, isn't that  
21 right?

22 A. That's correct, yes.

23 Q. 305 And you were the lobbying expert?

24 A. Yeah.

15:21:35 25 Q. 306 And therefore, I suggest that the person with whom Mr. O'Callaghan would have  
26 discussed the lobbying or the lobbying situation was likely to have been  
27 yourself?

28 A. Primarily, certainly primarily me. I would not discount that he discussed it  
29 with other people.

15:21:50 30 Q. 307 Of course.

- 15:21:50 1 A. Primarily with me. I can only account for the conversations that I had with  
2 him, yes.
- 3 Q. 308 And if Mr. O'Callaghan had injected 85,000 Pounds from anywhere or from  
4 O'Callaghan Properties into the lobbying situation I suggest you would have  
15:22:03 5 expected to have been informed of that by Mr. O'Callaghan at the time that he  
6 was injecting the funds into the lobbying situation?
- 7 A. Yes, whatever is meant by "injecting", injecting where and you know into what.
- 8 Q. 309 Yes?
- 9 A. But I accept the point you are making, yes.
- 15:22:18 10 Q. 310 That you would have expected to have discussed it with Mr. O'Callaghan because  
11 as the expert you would be the person who would best know how to deploy 85,000  
12 Pounds to secure the successful rezoning of Quarryvale, isn't that right?
- 13 A. Yes, correct.
- 14 Q. 311 That's why you were brought on board because you were the expert?
- 15:22:35 15 A. Yes.
- 16 Q. 312 So that if Mr. O'Callaghan is going to spend 85,000 Pounds on the lobbying  
17 situation, you would have expected to have been consulted about where it could  
18 best be spent, I suggest. That's why you were there?
- 19 A. Yes, if it related to lobbying, if it related to the project, if it related to  
15:22:55 20 my relationship with Mr. O'Callaghan. Yes, the norm would be that Mr.  
21 O'Callaghan would have discussed that with me.
- 22 Q. 313 Yes. And I suggest to you the 85,000 Pounds on a plain reading of the sentence  
23 relates to the lobbying because the sentence reads "his lobbying continues" and  
24 he indicated that he had injected 85,000 Pounds into the situation from  
15:23:16 25 O'Callaghan Properties and that the only thing that the 85,000 Pounds can be  
26 referring to on a plain reading that is the lobbying, isn't that right?
- 27 A. I would accept that interpretation, yes.
- 28 Q. 314 If that is correct interpretation of it it's not a matter that was ever  
29 discussed between yourself and Mr. O'Callaghan?
- 15:23:30 30 A. No.

- 15:23:31 1 Q. 315 Now, you prepared at this time a number of documents showing the position of  
2 the councillors and the best position, the worst position?  
3 A. Yes.
- 4 Q. 316 If the Dail was sitting, if the Dail wasn't sitting, if certain people voted a  
15:23:43 5 certain way, if other people abstained, isn't that right?  
6 A. Correct, yes.
- 7 Q. 317 So that you were preparing documents that were showing on a continuous basis  
8 whose support was strong, whose support was lukewarm, who was against and who  
9 was going to abstain, isn't that right?  
15:23:57 10 A. Correct.
- 11 Q. 318 And these documents can be found if we look first of all at 8617. And here you  
12 are preparing a list of councillors first of all the ones whom you describe as  
13 support definite?  
14 A. Yeah.
- 15:24:13 15 Q. 319 Do you see that?  
16 A. Yeah.
- 17 Q. 320 I just want to ask you about one name on that list really which is Ms. Marian  
18 McGennis?  
19 A. Yes.
- 15:24:20 20 Q. 321 As I had understood Ms. Marian McGennis' public position was that she was in  
21 paver of Blanchardstown and against Quarryvale?  
22 A. Yes.
- 23 Q. 322 How then could you put her on a list as describing support definite for  
24 Quarryvale?  
15:24:34 25 A. Because on a number of occasions not alone, I hasten to add, but certainly in  
26 the company -- accompanied by Mr. Liam Lawlor she assured me and I believe  
27 others, including Mr. O'Callaghan, of her support.
- 28 Q. 323 And you will see there under the heading support definite you have an asterisk  
29 beside a number of names namely Peter Brady, Colm Tyndall, John Hannon, Breda  
15:25:01 30 Cass, Charlie O'Connor, Catherine Quinn and Sean Ardagh, isn't that right?

- 15:25:05 1 A. Yes, that's in relation, I think the code.
- 2 Q. 324 To be contacted?
- 3 A. To be contacted, yeah.
- 4 Q. 325 And then you have beneath that another code a circle with a line through it to
- 15:25:15 5 be contacted by A another?
- 6 A. Yes.
- 7 Q. 326 Did that mean that somebody else was to contact them?
- 8 A. Yes.
- 9 Q. 327 Who?
- 15:25:23 10 A. Um. I am just looking at the names. Yes, it meant that either another
- 11 Councillor who was close to the particular Councillor would make the contact
- 12 with these individuals that we have, that I have I have identified by that
- 13 particular mark.
- 14 Q. 328 And under the heading "abstaining" Mr. Dunlop. You have a number of names, Gus
- 15:25:48 15 O'Connell?
- 16 A. Yes.
- 17 Q. 329 Yes. Cathal Boland?
- 18 A. Yes.
- 19 Q. 330 Who in fact didn't attend?
- 15:25:53 20 A. He didn't attend.
- 21 Q. 331 Joan Maher?
- 22 A. Yeah.
- 23 Q. 332 Sean Lyons, Niamh Breathnach Jane Dillon Byrne and Trevor Sargeant?
- 24 A. Yes.
- 15:26:00 25 Q. 333 How would you have known or anticipated that they would be abstaining?
- 26 A. Well I probability didn't know that they were, that they were abstaining but it
- 27 may well be a hope on my part when I was drawing up this list that they could
- 28 be neutralised by abstaining.
- 29 Q. 334 And how would you neutralise somebody? How do you ensure that somebody would
- 15:26:23 30 abstain?

15:26:23 1 A. That they would say well if they didn't feel strongly one way or another about  
2 it that they either wouldn't vote or that they wouldn't attend.

3 Q. 335 And for example in so far as Mr. Gus O'Connell is concerned, did he attend?  
4 A. Mr. ... I can't specifically say which meeting Mr. O'Connell did not attend.

15:26:43 5 He did not attend one particular meeting which was the cause of some surprise.

6 Q. 336 Yes?  
7 A. It may well have been this particular meeting 17th of December I'm not -- I'm  
8 not absolutely certain that that is the case. But I mean certainly he did not  
9 attend a crucial vote in relation to Quarryvale, which I do believe was  
10 December 1992.

11 Q. 337 Yes. I think you in private interview with the Tribunal I think suggested that  
12 in fact he was sent on a junket, isn't that right?  
13 A. Yes.

14 Q. 338 And I think the record shows in fact that at the meeting of the 17th of  
15 December 1992 Mr. Gus O'Connell who was then an independent Councillor, did not  
16 attend, isn't that right?  
17 A. Correct. He was an independent councillor from Palmerstown which was nearby  
18 Quarryvale.

19 Q. 339 The next ward?  
20 A. Yes.

15:27:34 21 Q. 340 Now what was your understanding of the reason why Mr. Gus O'Connell didn't  
22 attend?  
23 A. Yes. My understanding, there was some discussion about this. Both on the  
24 basis that it was very valuable in the context of the vote that if he had been  
25 there he may well have voted against and Mr. O'Callaghan and myself had had a  
26 number of meetings, somewhat fractious meetings with Mr. O'Connell, who had a  
27 lot of detailed objections in relation to how this would affect Palmerstown.  
28 But be that as it may, my understanding, he did not attend. There was some  
29 discussion immediately afterwards with councillors and I cannot absolutely say.  
15:28:17 30 Now, I know what I said in private session. Cannot absolutely say what, what

15:28:26 1 the reason for it was but at some stage it was suggested that Mr. O'Connell was  
2 missing because he had been in the employ that he was at the particular time,  
3 may still be well be, I don't know, that he was sent on a junket at that  
4 particular time, or he was on a junket at that particular time and could not  
15:28:48 5 make it.

6 Q. 341 I think what you said to the Tribunal in private session. At 17687. And I  
7 think the record shows Mr. O'Connell was not present at the meeting on the 17th  
8 of December '92?

9 A. Yes.

15:28:58 10 Q. 342 And I think the record also shows that Mr. O'Connell was the signatory on a  
11 number of motions and certainly one seeking to rezone the Quarryvale lands to E  
12 industry, isn't that right?

13 A. Correct, yes.

14 Q. 343 Now what you stated in the private sessions was the following "my  
15:29:15 15 understanding, I cannot prove it. My understanding is that John, Owen  
16 O'Callaghan and John Lynch, Chairman and our Chief Executive of FAS at the time  
17 was very friendly. John Lynch was either Chairman of Board Gais or had been  
18 and Owen O'Callaghan had been a member of Board Gais and Gus O'Connell was sent  
19 on a foreign junket.

15:29:32 20 Q: at the time of the Quarryvale vote?

21 A: yes. If you go through the records again, Mr. Gallagher, you will find  
22 that when it comes to the Written Statement you will find motions in the name  
23 of obviously if Gus O'Connell was sent on junket it didn't last for 18 months  
24 but it lasted for an appropriate period when the crucial vote was taken" And  
15:29:49 25 then it goes on to talk about the Written Statement. And then at question 439  
26 "when you say sent on a junket, he was abroad for the December '92 vote or was  
27 it the main one, the '91 one?

28 A: I cannot be absolutely certain whether it was the May '91 or December '92  
29 one but certainly one of them. I would imagine again subject to, it was the  
15:30:08 30 May '91 one because the May '91 was not dodgy but it was, we weren't sure. The

15:30:13 1 December '92 was a different scenario because of the capping that was  
2 introduced and support that was going to come from people who might not have  
3 voted unless the capping was on. That was completely different. The May '91  
4 one was a very dodgy crucial vote. Yes, I don't actually have the vote here  
15:30:36 5 but if you look I think the margin was comfortable but nothing more".  
6  
7 I think then on the following page you are told that he was present at the  
8 meeting in May of 1991 all right? Now,  
9 Q. 344 Did you yourself ever have any discussion with Gus O'Connell as to why he  
15:30:42 10 wasn't present at the December 1992 vote?  
11 A. No.  
12 Q. 345 Did you know Mr. John Lynch whom you referred to in the private interview?  
13 A. Yes, I did.  
14 Q. 346 Had you worked with Mr. John Lynch?  
15:30:52 15 A. Yes, I had.  
16 Q. 347 And what was Mr. Lynch's position?  
17 A. Mr. Lynch's position was the Chief, Chairman or Chief Executive, I cannot  
18 specifically say, whether he was executive Chairman or Chief Executive of FAS.  
19 Q. 348 Did Mr. O'Callaghan know Mr. Lynch?  
15:31:08 20 A. I understand that yes, he did.  
21 Q. 349 Yes. Did you ever have any meeting where you were present with Mr. O'Callaghan  
22 and Mr. Lynch together?  
23 A. I would not. I would not say definitively no to that question. But certainly  
24 I don't recall ever having an organised formal meeting with Mr. Lynch and Mr.  
15:31:36 25 O'Callaghan together.  
26 Q. 350 You were asked to provide a statement as indeed was --  
27 A. Yes.  
28 Q. 351 -- Mr. O'Callaghan, Mr. Lynch and Mr. O'Connell about this matter. And in your  
29 statement to the Tribunal at 21237. You say you cannot recall from whom you  
15:31:53 30 heard that Mr. O'Connell was missing from the vote due to being sent on a

- 15:31:56 1 junket by his superior, Mr. John Lynch. You did hear this being proffered as  
2 an explanation?"
- 3 A. Yes.
- 4 Q. 352 And I think in your private interview you had understood but you hadn't  
15:32:07 5 indicated the source of your understanding, isn't that right?
- 6 A. No, my understanding of the scenario. My recollection and my understanding of  
7 the scenario is that there was considerable surprise expressed at the time that  
8 Mr. O'Callaghan -- Mr. O'Connell, Mr. Gus O'Connell did not attend at the vote.  
9 This was as much a matter of debate and concern, not concern. Matter of debate  
10 and comment among his fellow councillors as it was to anybody else. From my  
11 point of view as I said to you quite straight forwardly we regarded it as a  
12 plus in the context of the vote that took place because the likelihood is that  
13 he was going to vote against. He never specifically said that he was going to  
14 vote against. He never specifically said that he was going to vote for. He  
15:32:55 15 was constantly coming up with questions.
- 16 Q. 353 You must have known I suggest, Mr. Dunlop, as indeed must everybody connected  
17 with the Quarryvale matter that Mr. O'Connell was not a supporter of Quarryvale  
18 because he was a signatory to a motion to rezone Quarryvale back to E?
- 19 A. Yes.
- 15:33:10 20 Q. 354 So whatever view you might have had about any conversations you had with  
21 Mr. O'Connell, Mr. O'Connell's written word as represented by a motion to  
22 Dublin County Council?
- 23 A. Dated. Dated.
- 24 Q. 355 Sorry.
- 15:33:24 25 A. It depends on the date. Mr. O'Callaghan and myself met Mr. Gus O'Connell on  
26 numerous occasions in numerous locations in relation to Quarryvale. And I  
27 don't recall Mr. Gus O'Connell specifically ever saying you are wasting your  
28 time, I'm not going to vote for it.
- 29 Q. 356 Yes?
- 15:33:42 30 A. I do recall that at some stage it became palpably obvious that Mr. O'Connell

15:33:49 1 was not going to support Quarryvale and that would have accorded with the  
2 motions that you've just eluded to.

3 Q. 357 Yes. I think at page 1133. In a motion signed by Councillor Joe Higgins?  
4 A. Uh-huh.

15:34:03 5 Q. 358 And Councillor Gus O'Connell was a motion seeking to rezone Quarryvale back to  
6 E, isn't that right?  
7 A. Is there a date on that, Ms. Dillon?

8 Q. 359 There is no date but it was lodged with Dublin County Council and accepted and  
9 dealt with on the 17th. And there was a second motion, Mr. Dunlop, dealing  
10 with Lucan/Clondalkin town centre at 1139.

11 A. Yes. These motions in the format that they are in, in the handwriting that  
12 they are in strike me as motions that were put forward in the course of the  
13 meeting.

14 Q. 360 Be that as it may, it is the written record of Mr. O'Connell's position, isn't  
15 that the position?  
16 A. Absolutely.

17 Q. 361 And insofar as Mr. Lynch's position is concerned. Sorry, insofar as Mr.  
18 O'Callaghan's position is concerned, Mr. O'Callaghan at 20263. States that  
19 there was some surprise that Mr. O'Connell wasn't present but he had no  
20 involvement whatsoever in sending Gus O'Connell on a junket and Mr. Lynch who  
21 was provided with the same information at 22416, accepts that he knew Mr.  
22 O'Callaghan and at paragraph three says that "he has never in more than 30  
23 years involvement in senior executive position sent anyone on a junket." It  
24 goes on to say "I have of course gone to conferences, courses, fact-finding  
15:35:01 25 visits and been involved in delegations and have been accompanied by or sent  
26 executives of various organisations I have served to such events. 4. I can  
27 recall arranging to send Gus O'Connell to London for a course or seminar or  
28 research project dealing with some aspect of employment services early in my  
29 stint as DG. I cannot remember the year. The reason I recall this otherwise  
15:35:49 30 unremarkable occurrence is that prior to his department I learned there was a

15:35:53 1 planning vote of some importance scheduled to clash with his absence and I knew  
2 he was a local councillors and might have an interest. I then spoke to him and  
3 told him that he did not have to go to the UK if he needed or wanted to stay.  
4 He decided to go. I refute absolutely the implication in the interview that I  
15:36:07 5 arranged for Gus O'Connell to be unavailable for a rezoning vote. As to  
6 contact with Mr. O'Callaghan in relation to Quarryvale, I recall being  
7 contacted by him so see what assistance FAS could provide in relation to  
8 availability of workers with a variety of skills in the unemployment register  
9 in the area and his opening of a facility in the centre to provide training for  
10 disadvantaged people in retail skills. I believe I would have and in all  
11 probability did give him the contact names for personnel in FAS to liaise with  
12 for such assistance".  
13

14 And Mr. O'Connell when he was asked to deal with the issue at 20957. Dealing  
15:36:44 15 with this issue at paragraph three states "sometime in the middle of December  
16 1992 it may have been on Thursday the 10th, that's Thursday the 10th, I was  
17 requested by the then FAS Director General, Dr. John Lynch, to be part of a  
18 small specialist group that was to do a brief study visit to the UK to examine  
19 how privatisation of the training and employment services was working out. I  
15:37:07 20 believe that the schedule and itinerary were more or less fixed before I was  
21 invited to be part of the delegation. Dr. Lynch and I discussed the fact that  
22 I was very much involved in the review of the County Dublin Development Plan  
23 and that the vote on Quarryvale was coming up shortly, in fact on the 17th of  
24 December. Dr. Lynch said that he appreciated it probably created a dilemma for  
15:37:28 25 me and he said that the visit needed to be made now rather than later. We  
26 agreed that I would go off and consider the pros and cons.  
27

28 In consideration the options I was very conscious of the fact that I was a  
29 part-time public representative. We were having quite a lot of meetings in  
15:37:41 30 Dublin Council and FAS was very flexible with me. As long as my work did not

15:37:46 1 suffer I was able to work flexible hours to make up for time off for council  
2 business. I was facilitated very well in my work as a public representative.  
3 Nevertheless, I operated on the principle that my first loyalty was to my  
4 employer. Hence it was not possible for me to attend all the meetings I should  
15:37:59 5 or would have liked to attend in a given year. Besides my job with FAS  
6 involved quite a lot of travel both within Ireland and across the EU. This  
7 often meant that my travel plans were outside of my control. For example, I  
8 was the alternative representative at that time for the Department of Labour on  
9 the Youth for Europe Committee that often meant attending meetings in Brussels  
15:38:18 10 and elsewhere at very short notice.

11  
12 In considering the Council work and impending debate on Quarryvale I put a lot  
13 of work into it and had a number of motions down for debate". Now, I just say  
14 to you that if Mr. O'Connell is correct in his recollection, then by, around  
15:38:34 15 the time that he is asked on the 10th of December to attend on this trip, he  
16 had already put down his motions.

17  
18 "I however, all of these were co-sponsored with Councillor Joe Higgins and I  
19 knew they would be moved and debated even if I was not present. In addition a  
15:38:49 20 number of other councillors had similar motions down.

21  
22 I then met with the Director General and said I was prepared to be part of the  
23 team if he so wished. He thanked me and again pointed out how important the  
24 visit was and how important that I be part of it given my background. I had  
15:39:03 25 been part of an advisory group to Geoffrey Holland when he was in charge of UK  
26 Manpower Service in 1978 to '81 and my role in relation FAS provision for youth  
27 including being national co-ordinator for Youth Reach. I sent my apologies to  
28 the Council and set about preparing for the visit to London to find out how the  
29 training and employment services operated.

15:39:22 30

15:39:22 1 The delegation set out from Dublin Airport on the starlight flight to London on  
2 the 17th of December 1992. We did our business over the 17th and 18th and on  
3 return drew up a report which was passed onto the Director General Mr. John  
4 Lynch. This to my knowledge helped inform the FAS strategy for 1993 and  
15:39:39 5 beyond. Later over the next 18 months or so I was asked by the Director  
6 General, Mr. John Lynch to lead two further similar delegations to the UK to  
7 do a comparison with the Irish FAS training and employment system and make  
8 appropriate recommendations which I did.

15:39:56 10 I kept in touch with proceedings in the Council during the afternoon of the  
11 17th. If the vote was tight I had explored the feasibility of flying back to  
12 Dublin for the vote not due to be taken until after 7 p.m. Again this was not  
13 unusual as I returned on a number of occasions from various parts of the  
14 country at my own expense for critical council business. As it transpired our  
15:40:12 15 schedule ran a bit late and there was an alert on the London Underground making  
16 it impossible for me to catch the appropriate flight. The vote was taken  
17 around 8 p.m. resulting in 39 for and 28 against the zoning with two  
18 abstentions. My vote would not have changed the result.

15:40:27 20 I hope the above meets with your requirements".

21  
22 There is Mr. O'Connell's history of the circumstances in which if he is correct  
23 he was asked on Thursday the 10th of December 1992 around then, to attend on  
24 this fact-finding mission in the United Kingdom, isn't that right?

15:40:42 25 A. Yes.

26 Q. 362 Now, were you aware of any of that, Mr. Dunlop, around the time that that was  
27 happening?

28 A. No, other than to say that a number of issues arose. One was that there was  
29 surprise that Gus O'Connell was missing. For example I remember Therese Ridge  
15:40:58 30 saying to me in positive terms, if I might put it that way, that surprising

15:41:08 1 that Gus O'Connell wasn't present. So his absence was noted. It was a source  
2 of -- it was a source of comment among people. I cannot say that it was stated  
3 then but certainly I did become aware of comment to the effect that he was out  
4 of the country or that he was on "notwithstanding his sensitivity in relation  
15:41:31 5 to overseas trips being called junkets" that he was on a junket. But I, the  
6 only thing that I can say in relation to that is, that the only basis for any  
7 such comment could have come from Mr. Gus O'Connell himself telling people that  
8 he was on a junket.

9 Q. 363 Were you aware of any reason why Mr. Lynch, Mr. Lynch would have had reason to  
15:41:55 10 contact your office in December 1992?

11 A. He may well do if our contractual obligations were with FAS at that time, yes  
12 he may well do. But we had a line, management line communication with the FAS  
13 organisation which didn't include Dr. John Lynch. Dr. John Lynch was contacted  
14 for, let me call it, plenary meetings in relation to our brief.

15:42:21 15 Q. 364 Can you think of any reason why Mr. Lynch would have been contacting your  
16 office to make contact with Mr. O'Callaghan in December 1992?

17 A. No unless he wanted to make contact with Mr. O'Callaghan and couldn't contact  
18 him. But certainly if Mr. John Lynch did contact me in relation to contacting  
19 Owen O'Callaghan it was particularly for that reason.

15:42:41 20 Q. 365 Yes. If I could show you 8654, Mr. Dunlop, which is a telephone message entry  
21 of the 2nd of December 1992?

22 A. Yeah.

23 Q. 366 And I want to show you in particular 8655. And at 4:12 in your office there is  
24 recorded a message for Mr. O'Callaghan?

15:42:57 25 A. Yeah.

26 Q. 367 OOC please call John Lynch FAS?

27 A. Yeah.

28 Q. 368 Can you explain to the Tribunal why Mr. John Lynch of FAS would be ringing your  
29 office to make contact with Mr. Owen O'Callaghan on the 2nd of December 1992?

15:43:09 30 A. Because he had been told or was aware that he was in my office. Obviously this

- 15:43:14 1 is a record of a call for a message to be given to Mr. O'Callaghan to call  
2 Mr. John Lynch. So it follows that Mr. John Lynch called looking for Mr. Owen  
3 O'Callaghan at my office.
- 4 Q. 369 Yes. But I was asking you why would Mr. Lynch have been telephoning  
15:43:34 5 Mr. O'Callaghan in your offices on the 2nd of December 1992?  
6 A. That I cannot specifically say.
- 7 Q. 370 Do you know why Mr. Lynch would have rung your offices on the 16th of December  
8 1992 at 8794. At 10:33 Mr. John Lynch of FAS rings your office?  
9 A. Again I cannot recall.
- 15:43:57 10 Q. 371 On the 15th of December 1992 at 8782. Mr. John Lynch at 9:45 telephones from  
11 FAS?  
12 A. Yeah.
- 13 Q. 372 Can you think of any reason in December 1992, Mr. Dunlop, that would have  
14 necessitated this contact between Mr. John Lynch of FAS and your offices in the  
15:44:17 15 two days immediately preceding the Quarryvale vote?  
16 A. No, other than in the context of one of the calls which specifically states  
17 that he was looking for Mr. O'Callaghan.
- 18 Q. 373 Yes. And that was on the 2nd of December?  
19 A. Yes.
- 15:44:29 20 Q. 374 And you don't know what that contact was about, is that right?  
21 A. Yes.
- 22 Q. 375 And do you know what the contact was about on the 15th of December 1992 and the  
23 16th of December 1992?  
24 A. No, I cannot say.
- 15:44:49 25 Q. 376 If Mr. O'Connell is correct in his recollection of the events that he has  
26 outlined to the Tribunal in his statement. He, in his statement, says that the  
27 delegation was leaving on the starlight flight or the morning flight on the  
28 17th of December 1992, isn't that right?  
29 A. I saw him say that, yes. I saw that, yes.
- 15:45:04 30 Q. 377 That's the actual date of the vote, isn't that right?

- 15:45:07 1 A. Correct, yes.
- 2 Q. 378 And if Mr. O'Connell is correct about the date he was first approached about  
3 going on the delegation. That was the 10th of December?
- 4 A. Yes.
- 15:45:15 5 Q. 379 1992, isn't that right?
- 6 A. Correct.
- 7 Q. 380 If Mr. O'Connell is correct?
- 8 A. Yes.
- 9 Q. 381 So that he is first approached on the 10th of December 1992 by Mr. Lynch and he  
15:45:24 10 takes the flight on the 17th, isn't that the position?
- 11 A. Yes.
- 12 Q. 382 And in the intervening period on the 2nd of December it appears that Mr. Lynch  
13 rings your office looking for Mr. O'Callaghan and on the 15th of December and  
14 16th of December Mr. Lynch rings your office, isn't that right?
- 15:45:40 15 A. Correct, yeah.
- 16 Q. 383 Now, can you, is it likely that Mr. Lynch for example might have been ringing  
17 your office to discuss whether or not Mr. Gus O'Connell was necessary or he  
18 needed to be there for the vote or anything such as that, Mr. Dunlop?
- 19 A. I don't recall ever having any such discussion with Dr. John Lynch.
- 15:45:58 20 Q. 384 You would have rung him back I assume?
- 21 A. Oh, yes. If there was a message for me to ring a named person the practice was  
22 to ring back, yes.
- 23 Q. 385 And were you providing services to FAS at that time, Mr. Dunlop?
- 24 A. Yes. I can't specifically say what the dates of our terms of employment by FAS  
15:46:20 25 were but certainly at some stage we did provide on an ongoing basis services to  
26 FAS at middle senior management level.
- 27 Q. 386 Yes. And there are other entries, isn't that correct, in your diary for  
28 Mr. Lynch, isn't that right?
- 29 A. Yes, there is, yes.
- 15:46:37 30 Q. 387 But there are no others in December, isn't that right?

15:46:40 1 A. If you say so, yes. I accept that, yes.

2 Q. 388 Isn't that the position?

3 A. Yes.

4 Q. 389 And can you tell the Tribunal from where it was that you you heard this story

15:46:48 5 or this rumour about Mr. O'Connell being sent on a junket so as to make sure he

6 wouldn't be there for the vote?

7 A. Yes, certainly from a time basis it is at the time of the vote obviously. And

8 as I said, it was a matter of some comment among his colleagues on the Council.

9 And I either heard it at a that particular occasion on the day or sometime

15:47:12 10 immediately afterwards that Gus O'Connell was away because he was on a junket.

11 That has always been in my mind in relation to this particular gentleman in

12 relation to this particular vote.

13 Q. 390 So from 1992 you've had if in your mind that the reason Mr. O'Connell wasn't

14 there is because somebody had organised to send him on a junket?

15:47:32 15 A. No. Certainly it had been in my mind. Arising out of comment and discussion

16 that had taken place, the likelihood is in the environs of Dublin County

17 Council among his colleagues that he had not been at the vote because he was on

18 a junket.

19

15:47:48 20 CHAIRMAN: Can I just -- this is important to clarify this?

21 A. Sorry, Chairman, yes.

22

23 CHAIRMAN: There are two possibilities.

24 A. Yeah.

15:47:55 25

26 CHAIRMAN: Being suggested. One is that he was purposely --

27 A. Uh-huh.

28

29 CHAIRMAN: Taken out, so to speak, and sent off so that he wouldn't be, so that

15:48:04 30 he wouldn't be there to vote?

15:48:06 1 A. Uh-huh.  
2  
3 CHAIRMAN: The other is that it so happened coincidentally that he wasn't at  
4 the council because he was on, what you described as a junket. So which of  
15:48:17 5 them did you understand the case to be from rumours that you'd heard?  
6 A. Oh, from my understanding from rumours that I heard was that he was away on a  
7 junket, whether that was deliberate or accidental, coincidental or otherwise.  
8  
9 CHAIRMAN: But was the rumour, was there a rumour or an aspect of any of the  
15:48:38 10 rumours that he had been purposely taken away or that?  
11 A. Yes, I would have to say, Chairman, I would have to say that there was while  
12 that may not have been directly said, there was an imputation to that effect  
13 that he had been sent away on a junket which in retrospect and at that time I  
14 probably would have found somewhat surprising because we had done a very  
15:49:04 15 careful tally on the vote. And whether Mr. Gus O'Connell was going to support  
16 or not the likelihood is that we were going to succeed. But notwithstanding  
17 that, I think, yes, there was an imputation that he had, he was missing because  
18 he had been, because he was on a junket and that the possibility was that he  
19 had been sent deliberately.  
15:49:26 20  
21 CHAIRMAN: All right. It's, we are just going to take a break because we are  
22 sitting until 5 o'clock.  
23 A. Are we?  
24  
15:49:40 25 CHAIRMAN: That's my understanding.  
26  
27 MS. DILLON: It's my understanding.  
28  
29 CHAIRMAN: So we will just take a short break.  
15:49:40 30

15:49:40 1 MS. DILLON: May it please you, Sir.

2

3

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

4

**AND RESUMED AS FOLLOWS:**

15:49:47 5

6

7

CHAIRMAN: Ms. Dillon.

8

9

MS. DILLON: Good afternoon, Mr. Dunlop.

16:08:49 10

A. Yes.

11

Q. 391 On the 2nd of December 1992 the Manager's Report in relation to Quarryvale and

12

map 16,17 and 18 were circulated, isn't that right? As was normal the

13

Manager's Report?

14

A. In advance of the meeting.

16:09:05 15

Q. 392 Was circulated in advance, isn't that right?

16

A. Correct.

17

Q. 393 And it reviewed the report, the history of the development of Quarryvale and

18

the proposals in relation to Quarryvale, isn't that right?

19

A. Yes.

16:09:15 20

Q. 394 And in essence what it recommended or suggested at 16482 at paragraph 4, it

21

recommended that the entire Quarryvale area 180 acres be zoned C and E, in

22

other words a joint zoning, isn't that right?

23

A. Correct, yeah.

24

Q. 395 And that was a new joint zoning, it had never been used before?

16:09:37 25

A. Never been used before, yes.

26

Q. 396 And that there should also be an amendment to the written statement to provide

27

that the Council it would be an object of the Council to foster the creation of

28

employment opportunities in the area and to facilitate provision of a district

29

centre to serve the larger community, isn't that right?

16:09:53 30

A. Yes.

- 16:09:53 1 Q. 397 So it was proposing a change to the map, in other words, that the Quarryvale  
2 180 acres would be C and E?  
3 A. Yes.  
4 Q. 398 And they were zoned D from May of '91, isn't that right?  
16:10:03 5 A. Correct, yes.  
6 Q. 399 And then proposing an amendment to the Written Statement, if the Council and  
7 this was all predicated on if the Council didn't want to adhere to the original  
8 1983 plan, isn't that right?  
9 A. Yes.  
16:10:16 10 Q. 400 At paragraph 5 it dealt with changing areas west of the Fonthill Road to be  
11 zoned for industry which in fact happened, isn't that right?  
12 A. That's correct.  
13 Q. 401 And then at paragraph 6 that the Neilstown lands which had been the original  
14 Merrygrove lands would be zoned again D but with a change to the Written  
16:10:34 15 Statement to provide an objective of the Council to encourage the development  
16 of specialised commercial recreational and industrial and residential uses in  
17 that area?  
18 A. Yes.  
19 Q. 402 Had that amendment been passed and brought into the Written Statement it would  
16:10:47 20 have permitted the development of the stadium, isn't that right?  
21 A. Yes, it would.  
22 Q. 403 So what the Manager's Report was recommending was that if they wanted to depart  
23 from the 1983 Western town strategy this was a mechanism by which they could do  
24 that and achieve an objective, isn't that right?  
16:11:06 25 A. Yes. The context was that the Manager and his officials recognised there was a  
26 certain inevitability about what was happening because of the context that they  
27 would have had with elected members, and that this was an alternative strategy  
28 as it were to deal with the totality of the area including Neilstown.  
29 Q. 404 Yes. At 16481. I think the Council, the management deal with that in the  
16:11:44 30 third paragraph they say "the planning decision to be made by the Council is

- 16:11:47 1 essentially as between the strategic concept of the 1972 and '83 Development  
2 Plans which has been discussed above and is recommended."
- 3 A. Yes.
- 4 Q. 405 So that the starting position for the Council officials was recommending that.  
16:12:00 5 And a possible variation which would envisage the eventual development of three  
6 distinct communities instead of one?
- 7 A. Yes.
- 8 Q. 406 Considered by the Council that the process of achieving the integration of  
9 Lucan/Clondalkin into a new urban entity would be spread over an unacceptably  
16:12:14 10 long time frame in social and community terms and modified approach could be  
11 suggested for consideration by the Council along the following lines. Then it  
12 talks about the development of three smaller centres culminating in effect in  
13 paragraphs four and five that I just outlined to you, isn't that right?
- 14 A. That's correct, yes.
- 16:12:29 15 Q. 407 So this is the document that was circulated by the management, isn't that  
16 right?
- 17 A. Yes.
- 18 Q. 408 And following on receipt of that document a motion was brought, isn't that  
19 right, to the Council signed by Councillors O'Halloran, McGrath, Ridge and  
16:12:45 20 Tyndall at 8855. Now this is the motion, it's unaccompanied by a map but this  
21 motion which was 10 11 recommended that the Manager's Report be adopted, isn't  
22 that right?
- 23 A. Yes.
- 24 Q. 409 And then it recognised the commitment of the IDA to job creation and to approve  
16:13:11 25 the C and E zoning on the Quarryvale site as recommended by the Manager to  
26 ensure the provision of a suitable centre to meet the overall needs of the  
27 area?
- 28 A. Yes.
- 29 Q. 410 Now, that's signed by Councillors John O'Halloran, Colm McGrath, Therese Ridge  
16:13:28 30 and Colm Tyndall, isn't that right?

- 16:13:28 1 A. Yes.
- 2 Q. 411 Now who drafted that motion?
- 3 A. The likelihood is that Liam Lawlor and myself drafted it in consultation with
- 4 Mr. O'Callaghan and/or Colm McGrath. If I could approach it from another point
- 16:13:44 5 of view, Ms. Dillon, it might expedite matters. Certainly Colm Tyndall didn't
- 6 draft it and Therese Ridge didn't draft it and John O'Halloran didn't draft it.
- 7 I don't specifically recognise the typeface or that nothing rides on that I
- 8 hasten to add, but I don't recognise the typeface. But let me put it to you
- 9 this way. This motion would certainly not have been put forward by any of the
- 16:14:13 10 signatories without the knowledge of Mr. O'Callaghan, myself, Liam Lawlor
- 11 and/or Colm McGrath and probably others including Ambrose Kelly.
- 12 Q. 412 And is it likely that you would have obtained the signatures on that motion?
- 13 A. Yes, it is likely. I cannot specifically recall that I did but it certainly is
- 14 likely.
- 16:14:30 15 Q. 413 And certainly by the 9th of December when this is date stamped as received by
- 16 the secretariat, this motion is accepting the contents of the Manager's Report,
- 17 isn't that right?
- 18 A. Correct, yes.
- 19 Q. 414 And the Manager's Report is taking the D zoning off the Quarryvale lands and
- 16:14:45 20 replacing it with the C and E zoning, isn't that right?
- 21 A. Yes.
- 22 Q. 415 And this motion was itself amended by a subsequent motion, isn't that right?
- 23 A. Correct, yes.
- 24 Q. 416 But insofar as the signatures are concerned was there any question about
- 16:14:59 25 payment in return for any of these signatures, Mr. Dunlop?
- 26 A. Not that I can recall.
- 27 Q. 417 Yes. And can I show you 25489. Mr. Dunlop, it's a summary of the motions that
- 28 were dealt with in relation to Quarryvale that were lodged. The first motion
- 29 10 11 is the motion we've just looked at, to approve the Manager's Report?
- 16:15:22 30 A. Correct.

- 16:15:22 1 Q. 418 And that was amended. Then the second block of motions are motions that are  
2 proposing the rezoning of Quarryvale to E, industrial?  
3 A. Yes.
- 4 Q. 419 And the motions to rezone the Lucan/Clondalkin town centre to D, isn't that  
16:15:34 5 right?  
6 A. Correct.
- 7 Q. 420 Now effectively those motions were taken first but one of those motions went  
8 first, isn't that right?  
9 A. Correct.
- 16:15:42 10 Q. 421 And was unsuccessful?  
11 A. Yes.
- 12 Q. 422 And that had an effect on the balance of those motions?  
13 A. Correct.
- 14 Q. 423 And the second motion that was put before the Council on the 17th was a motion  
16:15:52 15 to cap the retail element at 100,000 isn't that right, square feet?  
16 A. 250,000.
- 17 Q. 424 No that was --  
18 A. Sorry I beg your pardon, you are quite right the retail element, yes.
- 19 Q. 425 So your motion?  
16:16:05 20 A. Industrial.
- 21 Q. 426 The first motion that's lodged motion 10 11 is lodged on the 9th of December  
22 1992?  
23 A. Yes.
- 24 Q. 427 And the balance of the motions then are lodged between then and up to and  
16:16:15 25 including the 17th of December, isn't that right?  
26 A. Correct.
- 27 Q. 428 Now, on the summary that has been prepared at 24722. It is clear from the  
28 record of meetings that you had in December and in particular the telephone  
29 contact that you had that there was a significant increase in contact between  
16:16:38 30 yourself and councillors, isn't that right?

- 16:16:40 1 A. Correct.
- 2 Q. 429 And for example Mr. Sean Gilbride rings 11 times. Mr. Hand the same. Ms.
- 3 Therese Ridge, nine times, Mr. Colm McGrath six and so on so. Would it be
- 4 fair to say that your diaries in the first two and a half to three weeks in
- 16:16:57 5 December 1992 show marked contact between councillors and yourself and they
- 6 almost continue as presence of Mr. O'Callaghan in Dublin?
- 7 A. Yes, it would.
- 8 Q. 430 Right. And also on the 13th of December 1992. At 8757. There is the
- 9 publication of an article on the Sunday before the meeting takes place, isn't
- 16:17:19 10 that right?
- 11 A. Yes.
- 12 Q. 431 Because the meeting is the 17th. Which records the fact that Mr. Gilmartin has
- 13 been declared bankrupt in England, isn't that right?
- 14 A. Correct, yes.
- 16:17:28 15 Q. 432 And that's an article by Mr. Harding?
- 16 A. Yes.
- 17 Q. 433 And I think we dealt with this before and we had seen that Mr. Harding had
- 18 contacted your office, isn't that right?
- 19 A. That's correct, yes.
- 16:17:38 20 Q. 434 Looking for Mr. O'Callaghan on the 11th of December 1992?
- 21 A. Correct.
- 22 Q. 435 And you, is it your position that the information contained in that article did
- 23 it come from you, Mr. Dunlop, or did it come from Mr. O'Callaghan?
- 24 A. What I think I have said to you, what I do say, is that there is absolutely no
- 16:17:58 25 doubt in my mind that I did, had many discussions with Mr. Harding, that I did
- 26 discuss various things in relation to Quarryvale with Mr. Harding, and
- 27 obviously without being, without being dismissive, Mr. O'Callaghan will have to
- 28 talk in relation to any contact that he had with Mr. Gilmartin, with
- 29 Mr. Harding himself or Mr. Harding with him. But yes, I would say that the
- 16:18:22 30 probability is the likelihood is that I did discuss the content of that article

- 16:18:27 1 with Mr. Harding.
- 2 Q. 436 There is just two aspects of that article that I want to draw to your  
3 attention?
- 4 A. Yeah.
- 16:18:33 5 Q. 437 In the particular context that the article is appearing on the 13th of  
6 December?
- 7 A. December.
- 8 Q. 438 And that the hearing or the meeting, the Council meeting is settled for the  
9 17th of December. The first is the third paragraph?
- 16:18:44 10 A. Uh-huh.
- 11 Q. 439 Is the second paragraph. "Gilmartin retains no interest in the land at  
12 Quarryvale which is now owned by developer Owen O'Callaghan and AIB" was that a  
13 correct statement as of the 13th of December?
- 14 A. No, it was not.
- 16:18:56 15 Q. 440 And on the second column on the fourth paragraph it states "Gilmartin's  
16 involvement in the land ended almost two years ago according to O'Callaghan."
- 17 A. Well, that's not correct.
- 18 Q. 441 That's not a correct statement?
- 19 A. No.
- 16:19:10 20 Q. 442 Isn't that correct?
- 21 A. No.
- 22 Q. 443 So that what is being put out here into the ether, as it were, as what is  
23 published in the newspapers is false information or untrue information not  
24 about Mr. Gilmartin's bankruptcy but about Mr. Gilmartin's involvement in  
16:19:26 25 Quarryvale, isn't that right?
- 26 A. Yes.
- 27 Q. 444 And the fact that he no longer has an involvement in Quarryvale and that has  
28 been put out there publicly some four or five days before the vote takes place,  
29 isn't that right?
- 16:19:37 30 A. Yes. But for completeness I should say that before somebody asks me, did I

16:19:41 1 ever tell Mr. Harding that Mr. Gilmartin no longer had an interest in  
2 Quarryvale, I could not have so told him because I did not know. All I knew is  
3 what Mr. O'Callaghan told me. And at this stage Mr. O'Callaghan had, I cannot  
4 specifically say at this particular time. But Mr. O'Callaghan had continuing  
16:20:02 5 contact with Mr. Gilmartin and with AIB in relation to the Quarryvale  
6 development and as I have said previously, the issue of Mr. Gilmartin's  
7 finances were the issues that obtained in the main, not his involvement in  
8 Quarryvale.

9 Q. 445 What reason would there have been in December of 1992 of having the information  
16:20:26 10 publicly circulated that Mr. Gilmartin no longer had any involvement in  
11 Quarryvale?

12 A. Well forgive me for saying that that's a slightly sort of hypothetical or  
13 theoretical question in the sense, the only reason that I could say and albeit  
14 in retrospect with the benefit of hindsight, is that Mr. Gilmartin certainly  
16:20:48 15 was not persona grata with quite a significant element of the elected members  
16 of Dublin County Council on the basis, and almost solely on the basis of the  
17 proposal that he had put forward initially for I think it was, and I stand to  
18 be corrected if it's wrong, one and a half million square feet of development  
19 including retail elements in Quarryvale having been told on a number of  
16:21:20 20 occasions not least by Mr. Lawlor, and I think, I believe others, that this was  
21 a non-sensical proposal and wouldn't work.

22  
23 Now, again for completeness, Ms. Dillon, I did say previously that when I was  
24 asked about Mr. Gilmartin's absence as it were, physical absence from any of  
16:21:43 25 the lobbying in relation to Quarryvale or his absence from meetings in Dublin  
26 County Council or speaking to councillors, I did say quite straight forwardly  
27 that I understood Mr. Gilmartin had financial difficulties and he was looking  
28 after those in England and he was taking time to look after those.

29 Q. 446 Can I put it to you like this, Mr. Dunlop, in its simplest terms. From a  
16:22:06 30 strategic point of view, was it considered advantageous or would it have

16:22:12 1 assisted at the rezoning of Quarryvale if the perception among councillors was  
2 that Mr. Gilmartin no longer had an involvement in Quarryvale?

3 A. Not at that stage I would suggest in reply because, because Mr. O'Callaghan had  
4 developed a relationship with the vast majority of councillors in relation to  
16:22:31 5 what he was proposing.

6 Q. 447 Yes. But what my point to you is predicated on an earlier answer that you gave  
7 which was that Mr. Gilmartin was persona non-grata amongst certain councillors  
8 and arising from that I'm asking you, did you consider or was it considered  
9 among the Quarryvale team in December 1992 that the chances of a successful  
16:22:49 10 outcome in relation to the Quarryvale rezoning would be enhanced if people  
11 believed that Tom Gilmartin no longer had anything to do with Quarryvale?

12 A. No, I don't think so. I don't think that ever specifically arose in those very  
13 precise terms. Notwithstanding the fact that there was ongoing discussion  
14 about Mr. Gilmartin per se and I've eluded to that in the context of his  
16:23:16 15 finances. And secondly in relation to what he had proposed initially, which  
16 was a million and a half square feet. But I would have to say to you straight  
17 forwardly that I do recall not anybody ever suggesting that it would be in our  
18 interest, our being the proposers, of having a story put out that Mr. Gilmartin  
19 was no longer involved.

16:23:36 20 Q. 448 Well if the story is accurate. At 8577 and Mr. O'Callaghan is the person who  
21 told Mr. Harding that Mr. Gilmartin's involvement in the land ended almost two  
22 years ago as he is quoted as saying in the article at 85757. In the second  
23 column, fourth paragraph, "Gilmartin's involvement in the land ended almost two  
24 years ago according to O'Callaghan". If that is accurate by Mr. Harding, as  
16:24:04 25 attributing that to Mr. O'Callaghan, what reason could Mr. O'Callaghan have had  
26 in December of 1992 for suggesting to anybody that Mr. Gilmartin no longer had  
27 an involvement in the lands?

28 A. Well my straight forward answer is I cannot see what the objective there would  
29 be because as I said to you, Mr. O'Callaghan through my, through his own and my  
16:24:25 30 efforts, had been very successful in our lobbying of councillors in relation to

16:24:30 1 the particular aspect. But we were, I would say to you, straight forwardly, we  
2 were asked on a number of occasions and I was asked individually on a number of  
3 occasions where was Mr. Gilmartin and why was he no longer involved. And I  
4 gave a very straight forward answer in relation to it that I said that he had  
16:24:50 5 financial problems and was no longer about.

6 Q. 449 What discussions did you have with Mr. O'Callaghan or Mr. Ambrose Kelly or  
7 Mr. Deane about the strategy that would be employed by the Quarryvale team on  
8 the 17th of December 1992?

9 A. Yes.

16:25:05 10 Q. 450 How you were going to go about achieving the rezoning?

11 A. Yes. Well again for completeness if I say that from the beginning. I don't  
12 recall having any great indepth conversation with Mr. Deane about what was  
13 going to happen in relation to the Quarryvale proposal. Any conversations or  
14 indepth stratigy meetings that we had in relation to Quarryvale normally  
16:25:28 15 included Mr. O'Callaghan, forgive me modestly saying, myself, Mr. Lawlor,  
16 Mr. McGrath and on occasion as I've already said Ms. Marian McGennis with  
17 Mr. Ambrose Kelly because he was the architect proposer. And what the  
18 discussions related to in the main were, what was the status of support at any  
19 given particular time resulting from the fact that it was Mr. O'Callaghan and  
16:26:01 20 myself, albeit with assistance from people like Mr. Sean Gilbride and on one or  
21 two occasions and Mr. McGrath himself, what was the status of the support and  
22 did we need to do anything else in relation to that particular status of  
23 support prior to any vote.

24 Q. 451 So if we look then at what the Tribunal has been told happened, Mr. Dunlop, on  
16:26:24 25 the 17th of December?

26 A. Uh-huh.

27 Q. 452 For example did you have any discussion with Mr. O'Callaghan about what would  
28 happen or would be done about Mr. Gilmartin on the 17th of December 1992?

29 A. No, I definitely did not have any prior discussion with Mr. O'Callaghan. My  
16:26:44 30 main concern on the date of the vote --

16:26:47 1 Q. 453 I'll Come to your concern, Mr. Dunlop --

2 A. Sorry my main role then. My role then.

3 Q. 454 Was dealing with the councillors?

4 A. Correct, yes. And being present actually in the chamber.

16:26:56 5 Q. 455 But there were a number of strands to this activity on the 17th of December?

6 A. Yes.

7 Q. 456 One of those strands was Mr. Gilmartin, isn't that right?

8 A. Correct, yes.

9 Q. 457 You knew on the 17th of December Mr. Gilmartin was still an owner in some

16:27:07 10 capacity in relation to the Quarryvale lands, isn't that right?

11 A. In some capacity, yes, I wasn't quite sure what the detail were. Certainly in

12 some capacity, yes.

13 Q. 458 And you would also have been aware because it would have been your job to have

14 been aware of the article in the previous Sunday's newspaper that he was

16:27:20 15 bankrupt and no longer had an involvement in Quarryvale, isn't that right?

16 A. Yes, I would have been so aware as a result of those stories, yes.

17 Q. 459 Were you aware of any arrangement made by Allied Irish Bank in connection with

18 Mr. Gilmartin for the 17th of December 1992?

19 A. No, I certainly was not.

16:27:35 20 Q. 460 Did you know that representatives from Allied Irish Bank travelled on the 17th

21 of December 1992 to meet with Mr. Gilmartin in Luton?

22 A. I did not know that then.

23 Q. 461 And that Mr. Eddie Kay and Mr. Dave McGrath went to London on the 17th of

24 December 1992 to meet with Mr. Gilmartin and they were there until the evening

16:28:02 25 of the 17th of December. Did you know that at the time?

26 A. No, not at the time.

27 Q. 462 Did you subsequently become aware of?

28 A. Yes, I became aware. I cannot say to you how. Certainly I became aware

29 subsequently that there were ... what I might describe as other contacts with

16:28:17 30 other people, it wasn't germane to me at the time. My main function was in

- 16:28:22 1 relation to the councillors. And yes, I certainly, to answer your question, I  
2 did become so aware at a subsequent date.
- 3 Q. 463 That the bank had gone to meet with Mr. Gilmartin in London on the 17th of  
4 December?
- 16:28:33 5 A. Yes.
- 6 Q. 464 What reason were you given for the visit by the bank to Mr. Gilmartin on the  
7 17th of December 1992?
- 8 A. I don't think I was ever given a reason.
- 9 Q. 465 Yes?
- 16:28:44 10 A. I think all I knew was that contact had been made with Mr. Gilmartin in or  
11 around that time, that date, but I don't think I was ever given a reason.
- 12 Q. 466 But you did become aware of the fact that two people from Allied Irish Bank had  
13 gone to see Mr. Gilmartin on the 17th?
- 14 A. Yes, yes, I did so become aware at some stage subsequently. I don't know how  
16:29:12 15 long afterwards but certainly I did become so aware, yes.
- 16 Q. 467 Did you become aware of Mr. Gilmartin attempting to contact people by way of  
17 the telephone from Dublin County Council?
- 18 A. Yes.
- 19 Q. 468 Would you just explain that to the Tribunal please, Mr. Dunlop?
- 16:29:28 20 A. I heard subsequent to the vote bearing in mind that I spent most of the  
21 evening, that particular evening in the chamber, I don't need to go into the  
22 details of this because I said it before. If you got your seat in this  
23 particular chamber you kept it because it was such a small place. I was in the  
24 chamber keeping an eye on things. But I subsequently heard either that evening  
16:29:56 25 or the days immediately following that Mr. Gilmartin had attempted to contact  
26 various councillors or one in particular either Sean Gilbride and/or Colm  
27 McGrath and that he was phoning the Council on a telephone from England  
28 obviously to a telephone that was located in the Fianna Fail party rooms.
- 29 Q. 469 Yes. At 17722, please. This is in the private interviews?
- 16:30:39 30 A. Yes.

- 16:30:39 1 Q. 470 And at the very first answer you say "wait a minute I was there. I was  
2 certainly aware that he was making calls because both Gilbride and Deane told  
3 me. I do not think subject to 20/20 hindsight I am absolutely certain in my  
4 own mind that I did not take any calls from Mr. Gilmartin myself that night.
- 16:30:57 5 We were all aware that Tom Gilmartin was on the phone desperately anxious to  
6 talk to people to make sure they voted against it."
- 7 A. Yeah.
- 8 Q. 471 And was it your understanding on the night that Mr. Gilmartin wanted people to  
9 vote against the Quarryvale motion because he didn't want the cap?
- 16:31:08 10 A. He did not want a reduction from what he understood at that time to be the  
11 proposal which was 500,000 square feet.
- 12 Q. 472 So he wanted people to vote against any reduction?
- 13 A. Correct.
- 14 Q. 473 Right. Now, you were asked then how did you become aware of this and the  
16:31:24 15 answer is because John Deane was in the Fianna Fail rooms and it was to the  
16 Fianna Fail rooms that Tom Gilmartin was trying to call and John Deane was  
17 specifically put on a manage the phone exercise in that room to take calls from  
18 Tom. In fact if my recollection is correct again he did speak to him on a  
19 number of occasions and told him, "sorry Tom, they are all inside the chamber  
16:31:43 20 and they cannot come out because they don't know when the vote is going to be  
21 called". Okay is that accurate?
- 22 A. That is accurate.
- 23 Q. 474 So that Mr. Deane was put on a manage the phone exercise so as to ensure that  
24 Mr. Gilmartin didn't contact anybody that he was trying to contact in order to  
16:32:02 25 make his case from London that people should not vote in favour of any reduced  
26 retail element on the cap, is that right?
- 27 A. Yes, I think for completeness again, Ms. Dillon. I think what happened is  
28 specifically was that Tom Gilmartin did get through on the telephone either to  
29 Sean Gilbride or Colm McGrath. I cannot specifically say which one of the two  
16:32:25 30 but after that had occurred we were, people were anxious. I wasn't party to

16:32:35 1 this I hasten to add. But people were anxious that the telephone would ring  
2 and people would come in and take out an individual Councillor that Tom  
3 Gilmartin was looking for and detain him in the Fianna Fail rooms. And that is  
4 why John Deane answered the phone because he said the meeting is going ahead  
16:32:53 5 and they are all in the meeting.

6 Q. 475 So what was going on in effect was put in place a little system was put in  
7 place on the evening in the Fianna Fail rooms in Dublin County Council,  
8 somebody is on the phone making sure that Mr. Gilmartin doesn't get to speak to  
9 councillors, is that right?

16:33:08 10 A. Well put in those stark terms the answer is yes, the system is such that if  
11 there is a Council meeting going on or particularly a Development Plan meeting  
12 people are in the chamber unless they voluntarily leave the room to either make  
13 or take telephone calls. But matters were so crucial at the point, at the time  
14 that obviously it was felt that Mr. Gilmartin's overtures were unwelcome.

16:33:47 15 Q. 476 And how did anybody know that Mr. Gilmartin was going to ring those rooms,  
16 going to ring that telephone?

17 A. Yes I think that as I said to you earlier, it is my belief that Mr. Gilmartin  
18 did actually ring and got through to one or other of either Colm McGrath or  
19 Sean Gilbride and it was as a result of that, that the phone management  
16:34:14 20 exercise ensued.

21 Q. 477 Yes?

22 A. Now, I cannot absolutely say to you, Ms. Dillon, that that is an accurate  
23 representation of what occurred because as I've said to you earlier, I was in  
24 the chamber.

16:34:28 25 Q. 478 Yes?

26 A. And this is by secondhand as far as I'm concerned.

27

28 JUDGE FAHERTY: Ms. Dillon, could I just ask Mr. Dunlop?

29 A. Sorry, Judge.

16:34:36 30

16:34:36 1 JUDGE FAHERTY: When you refer here in your interview and in your evidence to  
2 the Fianna Fail rooms.  
3 A. Yes.  
4

16:34:42 5 JUDGE FAHERTY: What do you mean exactly by the Fianna Fail rooms?  
6 A. I --  
7

8 JUDGE FAHERTY: I assume I know but --  
9 A. I don't want you to fall off your chair in horror, Judge. But I mean, Dublin  
16:34:54 10 County Council at that stage was located in two shop fronts in O'Connell  
11 Street.  
12

13 JUDGE FAHERTY: Yes.  
14 A. And when you went in the door if you turn left at the reception desk there were  
16:35:05 15 two very small rooms.  
16

17 JUDGE FAHERTY: Yes.  
18 A. Very small. I think maximum you could seat six people around a small table.  
19 One of those was the Fianna Fail room the other was the Fine Gael room.  
16:35:17 20

21 JUDGE FAHERTY: Yes. But what was the purpose of the room?  
22 A. The purpose of the room was for meetings. It had a telephone, one telephone,  
23 as I recollect matters. And it was for members, Fianna Fail members, who would  
24 use the room, leave a meeting make a telephone call if they so wished rather  
16:35:33 25 than going outside into the street or trying to get upstairs into the officials  
26 offices. It was a token genuflection towards local democracy.  
27

28 JUDGE FAHERTY: Forget about the size I appreciate that. We've heard that  
29 evidence before indeed from many people here, Mr. Dunlop.  
16:35:51 30 A. Yes.

16:35:52 1

2 JUDGE FAHERTY: But it was the function of the room. So for Fianna Fail

3 councillors so that they could have some privacy or whatever?

4 A. Correct, yes. I would if you forgive me. I would correct myself in one

16:36:04 5 aspect. I think probably there were two telephones. I think there was a phone

6 what do you call it, a link line from the reception desk or the reception of

7 Dublin County Council, and I think there was a direct line in the room.

8

9 JUDGE FAHERTY: Thank you.

16:36:21 10 A. And that was for use by the Fianna Fail councillors.

11

12 CHAIRMAN: Mr. Dunlop, could I just clarify one thing with you?

13 A. Yes, Sir.

14

16:36:27 15 CHAIRMAN: You've given evidence as to your understanding of the basis on

16 which Mr. Deane was manning the phone?

17 A. Uh-huh.

18

19 CHAIRMAN: And there are two possible scenarios. One, was it your

16:36:43 20 understanding that he was manning the phone for the purposes of ensuring that

21 councillors who were in the chamber were not disturbed because in doing so they

22 would be taken from the chamber when the vote might appear on the agenda, and

23 in other words, they would be out talking to Mr. Gilmartin when they should be

24 in the chamber. The second possibility which is a somewhat less, less pleasant

16:37:23 25 connotation, is that they were to be, that there was an attempt to prevent

26 councillors being spoken to by Mr. Gilmartin for fear that he might change

27 their mind or affect their decision. Which was your understanding as to what

28 the purpose of the manning of the phone was?

29 A. The latter.

16:37:44 30

16:37:44 1 CHAIRMAN: The latter?

2 A. Yes.

3

4 JUDGE FAHERTY: Just, do you know how -- maybe you don't know this and we'll

16:37:55 5 wait for Mr. Deane, how Mr. Deane got into Fianna Fail rooms?

6 A. Well, Mr. Deane --

7

8 JUDGE FAHERTY: Well at whose invitation?

9 A. There is no, there was no, I don't know what the situation is now at all,

16:38:09 10 whether those offices are even used now. But I mean there was no, this was in

11 the evening. All officials are gone. The receptionist is gone. There is

12 nobody there except the officials in the chamber. There is no janitor, there

13 is nobody. People could go in and out of those rooms as they so wished. I

14 have often gone in there myself and sat down and made a phone call.

16:38:32 15

16 JUDGE FAHERTY: Thank you.

17

18 MS. DILLON: You have told the Tribunal previously, Mr. Dunlop, that each

19 political party had group meetings in advance of the meeting, isn't that right?

16:38:42 20 A. Yes.

21 Q. 479 And the purpose of the provision of such rooms was initially in any event to

22 facilitate such meetings, isn't that right?

23 A. Correct.

24 Q. 480 So there were rooms assigned specifically assigned to Fine Gael and

16:38:55 25 specifically to Fianna Fail. They may not have been sufficient for their

26 purposes but they were so designated?

27 A. That's right.

28 Q. 481 And it is in that room, in the Fianna Fail room that Mr. Gilmartin was trying

29 to contact somebody on the telephone, isn't that right?

16:39:07 30 A. Yes.

16:39:08 1 Q. 482 And if I just read to you what Mr. Deane will tell the Tribunal about this  
2 issue at 1590. Mr. Deane says. It's the last paragraph on this page "I was  
3 present at the County Council offices on the afternoon of the vote taken by  
4 Dublin County Council on the 17th of December 1992. During the course of the  
16:39:30 5 evening I answered a telephone call. I recognised that Tom Gilmartin was the  
6 person on the other end of the telephone although he did not give his name when  
7 asked. He was looking for Councillor McGrath but Councillor McGrath was not in  
8 the room at the time. When Councillor McGrath returned to the room I informed  
9 him that Tom Gilmartin had phoned and he was adamant that I would not mention  
16:39:50 10 his name while he was in the company of any other people as the mere mention of  
11 his name would revive fears of the large scale shopping development which Tom  
12 Gilmartin was proposing at a time when it was very difficult to achieve an  
13 agreement on a scheme of 250,000 square feet. Councillor McGrath indicated to  
14 me that he would not take a call from Tom Gilmartin unless he was in the room  
15 on his own. Tom telephoned several times that evening but on no occasion was  
16 Councillor McGrath in the room and alone". All right?

17 A. Yes.

18 Q. 483 Does that accord with your recollection, Mr. Dunlop, of Mr. Gilmartin's  
19 telephone efforts to have made contact with councillors on the night of the  
16:40:30 20 17th of December?

21 A. Yes. Well obviously I can't account for Mr. Deane's direct involvement. That  
22 is a matter for Mr. Deane, as we've seen from his statement there and I'm sure  
23 he will give further evidence, further explanation of that in due course. But  
24 the genesis of your questioning to me in relation to this is that did I know.  
16:40:50 25 Yes, I did. When did I know? I knew subsequently. I was present in the room.  
26 I was present in the chamber but I did know subsequently either from Mr.  
27 O'Callaghan, Colm McGrath, John Deane or others that Tom Gilmartin had  
28 attempted to call and was looking for as I said earlier to you, either Colm  
29 McGrath or Sean Gilbride in John Deane's statement he is saying that it was for  
16:41:20 30 Colm McGrath. The circumstances as I recall them subsequent, when I'm told

- 16:41:26 1 subsequently was that Mr. Deane managed, manned the phone and that Mr.  
2 Gilmartin did not get to speak to anybody.
- 3 Q. 484 All right. So that the strategy was successful insofar as Mr. Deane was given  
4 his job, isn't that right, as you understood it?
- 16:41:42 5 A. Yes, well, can I just contextualise this for a moment?
- 6 Q. 485 Before you contextualise anything, Mr. Dunlop.
- 7 A. That might be --
- 8 Q. 486 What you told the Tribunal at 1722 and it's your words that I'm quoting.  
9 Because you say at 17722 at question 148 "because John Deane was specifically  
16:42:05 10 put on a manage the phone exercise in that room to take calls from Tom."
- 11 A. Yeah.
- 12 Q. 487 Now, that is a very clear statement about what you understood had happened on  
13 the 17th of December 1992?
- 14 A. Yes.
- 16:42:17 15 Q. 488 In the Fianna Fail rooms, isn't that right?
- 16 A. Correct.
- 17 Q. 489 Now it's not a question if that is correct, if your interpretation there is  
18 correct, it's not a question of Mr. Deane accidentally picking up the phone and  
19 having a conversation. According to what you've told the Tribunal he was put  
16:42:33 20 on a manage the phone exercise, isn't that right?
- 21 A. Yes.
- 22 Q. 490 And it follows from that, if you are correct in that, Mr. Dunlop, the only  
23 purpose of such a manage the phone exercise was to ensure that Mr. Gilmartin  
24 did not get to speak to any Councillor because he might influence them in a way  
16:42:49 25 contrary to what you wanted or what Mr. O'Callaghan wanted or Mr. Deane wanted,  
26 is that right?
- 27 A. In its totality I would have to accept the generality of that, yes.
- 28 Q. 491 So that the purpose of that portion of the exercise was to ensure that  
29 Mr. Gilmartin didn't make contact with councillors?
- 16:43:10 30 A. Correct. Mr. Gilmartin at the time as I've said to you again previously was

- 16:43:11 1 regarded as persona non-grata because of his persistence in relation to the  
2 size of the proposed development and he was just regarded as a pain in the butt  
3 at the time.
- 4 Q. 492 And again the article in the Sunday Business Post that had stated be it right  
16:43:36 5 or wrong, that Mr. Gilmartin no longer had an interest in the Quarryvale lands  
6 was also something that could be discussed and referred to, isn't that right,  
7 about Mr. Gilmartin? It was there, it had been published it was in the  
8 newspapers, isn't that right?
- 9 A. Yes, of course, yes.
- 16:43:50 10 Q. 493 Yes?
- 11 A. Yes.
- 12 Q. 494 And anyone could point to that newspaper article and say sure look there it is  
13 it's in the newspapers, isn't that right?
- 14 A. Well they could except in circumstances that I outlined to you some days ago  
16:44:02 15 about what you do or do not believe what you read the newspaper.
- 16 Q. 495 So that on the night of the 17th, on the day of the 17th of December a number  
17 of things happened prior to the 17th of December and a number of things  
18 happened on the 17th of December. There was an article about Mr. Gilmartin  
19 that was published that indicated he no longer had an involvement in  
16:44:21 20 Quarryvale?
- 21 A. That was incorrect.
- 22 Q. 496 But it is a fact that it happened, isn't that right?
- 23 A. Yes, it is.
- 24 Q. 497 Allied Irish Bank went to London to meet with Mr. Gilmartin on the 17th of  
16:44:31 25 December?
- 26 A. Which I subsequently learnt of, but they did.
- 27 Q. 498 Mr. Gilmartin attempted to contact people through the telephone in the Fianna  
28 Fail rooms and Mr. Deane was put on a manage the phone exercise to take the  
29 calls from Mr. Gilmartin?
- 16:44:43 30 A. That is as I understand it subsequently either immediately after the vote or in

16:44:47 1 the days immediately thereafter.

2 Q. 499 And your part in this strategy was to speak to the councillors, keep your  
3 councillors on side and ensure that the vote was carried, isn't that right?

4 A. Correct.

16:44:58 5 Q. 500 And the vote was I think ultimately carried albeit with the cap of 250,000  
6 square feet, isn't that right?

7 A. That's correct, yes.

8 Q. 501 And at 1119 please. The first vote was taken which was the motion by  
9 Councillors Burton and Ryan to rezone Quarryvale to E, isn't that right?

16:45:24 10 A. To E, yes.

11 Q. 502 And that was unsuccessful?

12 A. Correct.

13 Q. 503 And the effect of that was that all of the other motions to rezone Quarryvale  
14 to E fell, isn't that right?

16:45:31 15 A. Yes.

16 Q. 504 And that was 32 Councillors voted for it, in other words, against Quarryvale  
17 and 32 voted for the motion. Sorry. The 32 for the motion were against  
18 Quarryvale?

19 A. Yes.

16:45:43 20 Q. 505 The second vote is on the following page. And that was a proposal to amend the  
21 motion to the addition to propose a C1 zoning with a cap of 100,000 square  
22 feet?

23 A. Yes.

24 Q. 506 And that effectively in simple terms was to put a retail cap of 100,000 square  
16:46:02 25 feet on Quarryvale?

26 A. Correct.

27 Q. 507 That was also put and was unsuccessful, isn't that right?

28 A. Same vote.

29 Q. 508 The same vote. And then on the following vote which is on the following page,  
16:46:15 30 this is the second amendment?

- 16:46:16 1 A. Yes.
- 2 Q. 509 Which is to cap the retail element at 250,000 square feet?
- 3 A. Correct.
- 4 Q. 510 Right. Now, this vote is 39 for and 28 against, isn't that right?
- 16:46:27 5 A. Yes.
- 6 Q. 511 There's two people I want to draw to your attention. The first is that
- 7 councillors Hanrahan and Madigan abstained isn't that right?
- 8 A. Correct.
- 9 Q. 512 Now I think that previously Councillor Madigan I think had voted against?
- 16:46:42 10 A. Yes.
- 11 Q. 513 The motion isn't that right?
- 12 A. Correct. Well he certainly was an opposer.
- 13 Q. 514 An opposer of the?
- 14 A. Of the development at Quarryvale.
- 16:46:51 15 Q. 515 Yes. And had his own motion which was unsuccessful isn't that right?
- 16 A. Correct. He was a supporter of John Corcoran in Blanchardstown.
- 17 Q. 516 Yes. Now, do you know the reasons under which either Councillor Madigan or
- 18 Councillor Hanrahan abstained?
- 19 A. I don't. I think probably they saw, they saw what was happening and they just
- 16:47:11 20 abstained. They didn't want to be linked in either for or against and they
- 21 just abstained. I don't really have an answer to that question. I don't think
- 22 it ever obtruded to anybody's concern about the matter afterwards.
- 23 Q. 517 Yes. Was this the evening on which Mr. O'Callaghan had his, as you've
- 24 described it, his walk around the block with Councillor Hanrahan?
- 16:47:33 25 A. Yes, I believe so, yes.
- 26 Q. 518 And you have I think told the Tribunal on the last occasion of your
- 27 understanding about what transpired in relation to Councillor Hanrahan isn't
- 28 that right?
- 29 A. Yes, I think culminating in Mr. O'Callaghan turning in a less than placid
- 16:47:56 30 humour.

- 16:47:56 1 Q. 519 With Mr. Hanrahan?
- 2 A. Yes, I mean he had the conversation with Mr. Hanrahan. But when he came back
- 3 to, I shouldn't say me. When he came back to us, whoever else was there, and I
- 4 cannot recall specifically who was. But certainly he was in a less than his
- 16:48:10 5 usual placid humour.
- 6 Q. 520 The Quarryvale motion, as amended, with the cap of 250,000 square feet was then
- 7 put and passed unanimously isn't that right?
- 8 A. Correct yes.
- 9 Q. 521 And effectively what was achieved on the 17th of December was a joint C and E
- 16:48:26 10 zoning on the Quarryvale lands with a cap on the retail element of 250,000
- 11 square feet together with amendment to the Written Statement?
- 12 A. That's correct, yes.
- 13 Q. 522 And also what was passed on the 17th of December was to rezone the Neilstown
- 14 lands back to D?
- 16:48:41 15 A. D.
- 16 Q. 523 Major town centre. With an amendment to the Written Statement that would allow
- 17 the development of a National Stadium on the site, isn't that right?
- 18 A. Yes but of course that, for contextualisation the National Stadium issue was
- 19 not mentioned on that particular occasion. That wasn't the purpose of what was
- 16:49:00 20 done. It allowed for it but nobody had said this is what's going to happen
- 21 there at that stage.
- 22 Q. 524 Well I think in fact there was a submission made by Mr. Ambrose Kelly on behalf
- 23 of O'Callaghan Properties to Dublin County Council of -- and there in fact had
- 24 been a planning application?
- 16:49:18 25 A. Sorry I beg your pardon, Ms. Dillon. You are absolutely right. Sorry it is
- 26 becoming late in the evening now. Yes, I do apologise. You are absolutely
- 27 right. Yes. What they did in relation to the Neilstown site did allow for,
- 28 without specifically saying so, but it did allow for a stadium proposal yes.
- 29 Q. 525 And those lands were owned by Merrygrove, isn't that right?
- 16:49:41 30 A. That's correct.

- 16:49:41 1 Q. 526 And Merrygrove was a company that had been owned by Mr. O'Callaghan, isn't that  
2 right?
- 3 A. That's correct.
- 4 Q. 527 So that both elements involved Mr. O'Callaghan and his companies, and indeed  
16:49:51 5 Mr. Gilmartin, because Mr. Gilmartin through Barkhill had an interest in  
6 Merrygrove, you may not know that?
- 7 A. That's correct, yes.
- 8 Q. 528 Now following -- can you remember anything that was said or discussed by  
9 anybody following the imposition of the cap?
- 16:50:06 10 A. Yes. Well the exception. The acceptance of the cap, there was a discussion  
11 about whether or not it should be accepted and again I've dealt with that  
12 matter previously. And I cannot speak for anybody else other than those people  
13 who advised Mr. O'Callaghan to go for what was being proposed. But I do recall  
14 taking the view with Mr. O'Callaghan who had expressed something of the concern  
16:50:39 15 in relation to what the bank might think about this, I said look half a loaf is  
16 better than no bread. If you don't get your foot in the door now --
- 17 Q. 529 You misunderstood me Mr. Dunlop?
- 18 A. Sorry.
- 19 Q. 530 I am not asking you about comments people might have made before the cap was  
16:50:55 20 imposed I am asking you about people's attitude after the cap was imposed?
- 21 A. Oh, yes.
- 22 Q. 531 Simply if I show you the documents. At 9683 please. This is an extract from a  
23 a newspaper. Could we increase the bottom portion of it. This refers to  
24 Mr. Tom Morrissey at a meeting of the Council on the 5th of June 1990. And he  
16:51:19 25 is recorded as having told the meeting within five minutes of the decision last  
26 December to limit shopping space at the centre he was informed by the developer  
27 of the Quarryvale project that the decision would be overturned and he would  
28 develop the project at the original intended size of 500,000 square feet?
- 29 A. Yes. Now, I can't account for Mr. Morrissey, what he was or was not told.
- 16:51:39 30 Q. 532 Yes?

- 16:51:40 1 A. But certainly from the generality of that comment, I would say that he is  
2 correct. That the attitude fairly rapidly, within probably the same evening  
3 after the vote or certainly if not certainly the following week, that the  
4 attitude was that look, we didn't like accepting this but we'll make sure that  
16:52:00 5 this is overturned.
- 6 Q. 533 Insofar as Mr. Morrissey refers there to the developer, is that a reference to  
7 you speaking on behalf of Mr. O'Callaghan or is it a reference to Mr.  
8 O'Callaghan?
- 9 A. Well that I cannot say. I have, I did speak to Mr. Morrissey. I haven't  
16:52:14 10 spoken to Mr. Morrissey for a long, long time. But I did speak to Mr.  
11 Morrissey both prior to the vote and the likelihood is that I probably spoke to  
12 him afterwards. There was a convivial atmosphere afterwards and the likelihood  
13 is that I speak to him afterwards, yes.
- 14 Q. 534 Mr. Morrissey in his evidence to the Tribunal on day 744 was not clear in his  
16:52:42 15 recollection whether you spoke to him or Mr. O'Callaghan spoke to him. He  
16 rather doubted that Mr. O'Callaghan would have been in the Council Chamber. So  
17 he seems to suggest that it was likely to have been yourself who spoke to him  
18 after the meeting?
- 19 A. It is quite likely. Did he say that this statement was made in the Council  
16:52:53 20 Chamber?
- 21 Q. 535 No, he said that it was said after the vote?
- 22 A. Yes.
- 23 Q. 536 And the only matter that was dealt with on that night was the Quarryvale vote?
- 24 A. Yes. It is quite likely. I do recall that the circumstances, who was sitting  
16:53:06 25 beside me in the chamber. And I do recall having a number of councillors come  
26 to me, both prior to the vote and subsequent to the vote. And it is likely  
27 that yes, I said something to the effect Mr. Morrissey look it, you know, fine  
28 we accept the 250,000 square feet but that that will be overturned.
- 29 Q. 537 With the new Council?
- 16:53:29 30 A. Correct, yes.

- 16:53:29 1 Q. 538 And if I can show you what Mr. Keating, who was the performing -- who was the  
2 PR person for Green Property recollects, at 23558, on this issue.
- 3 A. Uh-huh.
- 4 Q. 539 And in the third paragraph Mr. Keating says "the December '92 Council vote  
16:53:52 5 confirmed Quarryvale with a cap on its size". And then he says further down  
6 "as Councillor McGrath emerged from the council chamber after the vote in a  
7 bullent form I overheard him openly and brazenly say 'good day's work lads  
8 we'll lift it in the new Council" right which I suggest to you if it happened  
9 was a statement by Councillor McGrath that the cap would be lifted in the new  
16:54:15 10 Council, isn't that right?
- 11 A. Yes.
- 12 Q. 540 So if such a statement was made by Councillor McGrath as recorded there by  
13 Mr. Keating I think then it was the view of at least one of the local  
14 councillors that the cap which had just been imposed would be lifted in the new  
16:54:27 15 council isn't that right
- 16 A. Correct yes.
- 17 Q. 541 And that would be consistent with what Councillor Morrissey records probably  
18 yourself as having said to him after the vote isn't that right?
- 19 A. Yes, I have absolutely no hesitation Ms. Dillon in saying to you that from a  
16:54:41 20 very, very early stage subsequent to the vote and as I said the likelihood is  
21 on that evening that the view was expressed, either by meself, as you now say  
22 Mr. Keating says Mr. O'Callaghan, or Mr. McGrath, or all of us yes that this  
23 would be overturned in the new Council.
- 24 Q. 542 Yes. And Mr. O'Callaghan himself at 14793 on the 23rd of December writing to  
16:55:08 25 Mr. Bailey, Manager of Bank of Ireland, in the third paragraph say said in the  
26 letter "As soon as the existing Dublin County Council is divided into three  
27 separate counties and this will happen officially in January 1994 we will be in  
28 John Fitzgerald's new county i.e. Dublin South and we can then get as much  
29 retail space as we can fill" isn't that right?
- 16:55:30 30 A. Yes.

- 16:55:30 1 Q. 543 That's what he said. Now Mr. Fitzgerald when he gave evidence to the Tribunal  
2 said that he was against lifting the cap and that in fact during his tenure as  
3 Manager of South Dublin the cap was not lifted, isn't that right?
- 4 A. Yes well in ease of Mr. Fitzgerald, I do recall hearing both from elected  
16:55:47 5 members and I do believe from Mr. O'Callaghan that John Fitzgerald was against  
6 the lifting of the cap.
- 7 Q. 544 Yes. And in his statement to the Tribunal Mr. O'Callaghan says on this issue,  
8 at 3162. In the second paragraph "As indicated in my previous statement the  
9 zoning which was achieved for Quarryvale in '92 was subject to a cap on the  
16:56:08 10 amount of retail space in the amount of 250,000 square feet. At the same time  
11 as the cap was imposed I realised I would have to wait until the next  
12 Development Plan before there could be any possible alteration to the size of  
13 the cap -- of this cap. In view of the difficulties in achieving a zoning of  
14 250,000 square feet, I thought at the time there would be enormous difficulties  
16:56:28 15 in having the cap lifted or extended" isn't that right?"
- 16 A. Yes.
- 17 Q. 545 Notwithstanding his view as stated in his letter of the 23rd of December 1992  
18 to Mr. Bailey, that they would be in John Fitzgerald's new counties Dublin  
19 South and they would get as much retail space as they could fill isn't that  
16:56:46 20 right?
- 21 A. Yes, well that's what Mr. O'Callaghan said in his letter, yes.
- 22 Q. 546 Now Mr. Gilmartin in his evidence to the Tribunal says that he records that in  
23 his conversations with Mr. O'Callaghan prior to the cap that Mr. O'Callaghan  
24 told him he was going along with the cap because when the Council split he  
16:57:05 25 could put what he liked on the site. That's what Mr. Gilmartin told the  
26 Tribunal about his conversations with Mr. O'Callaghan?
- 27 A. Prior to the vote or subsequent to it?
- 28 Q. 547 Prior to the vote.
- 29 A. I'm not in a position to make a valued judgement on anything that Mr. Gilmartin  
16:57:22 30 might have said in relation to that but ... but I certainly ... certainly could

16:57:33 1 say that the likelihood is that there was a discussion at some stage with Mr.  
2 Gilmartin in relation to what was being proposed. Remembering that Mr.  
3 Gilmartin had with some great difficulty acceded to the notion that his one  
4 million and a half square feet would be reduced down to 500, which was always  
16:57:56 5 the proposal that was put forward by Mr. O'Callaghan. So I could see that if  
6 it was suggested to Mr. Gilmartin by anybody including Mr. O'Callaghan that it  
7 would be reduced further to 250,000 square feet, that he would probably, yes,  
8 would object to that. But I, I don't recall any imperical data in relation to  
9 it. I certainly never had a discussion with Mr. Gilmartin about it.

16:58:20 10 Q. 548 Did you have any discussion with Mr. O'Callaghan about the cap immediately  
11 following the vote on the 17th of December 1992?

12 A. Yes, I believe I did. I cannot specifically say immediately after it that  
13 night or in the immediate days afterwards but certainly I did, yes. And the  
14 attitude as I say quite generally was that an effort would be made to have the  
16:58:49 15 cap removed and that it would be removed.

16 Q. 549 And would it be fair to say, Mr. Dunlop, that if you are the person who Mr.  
17 Morrissey recollects speaking to you, that you were optimistic about the  
18 prospects of having the cap lifted?

19 A. Yes, and I think probably that optimism was more than likely generated by  
16:59:08 20 somebody like Colm McGrath though I cannot say to you other than you putting  
21 that on the screen now as to what Mr. Keating said. I cannot say to you that I  
22 recall Mr. McGrath saying that or having a discussion with Mr. McGrath about  
23 it. But certainly I would have been given the impression by a number of  
24 people, particularly those who were going to be in the new Dublin South Council  
16:59:30 25 that every effort would be made to have the cap lifted.

26 Q. 550 But if you are the person?

27 A. Yes.

28 Q. 551 Who is recorded by Mr. Morrissey as having saying it, you were confident that  
29 you were going to get the cap lifted, isn't that right?

16:59:41 30 A. Yes. Well without giving a dissertation about what PR people do and don't do.

16:59:49 1 Sometimes PR people have a capacity to indicate a certain positive attitude  
2 that might be a protean for less than positive attitude internally and might  
3 just have been given the impression that, yes, we are going to make every  
4 effort to have the cap removed. But I can say to you quite straight forwardly  
17:00:10 5 that it was within a very short time of the vote that it, I became and I can  
6 only speak for myself, I became confident that every effort would be made to  
7 have the cap lifted and that the likelihood was that it would be lifted.

8 Q. 552 And I think Mr. --

9 A. As eventuated.

17:00:31 10 Q. 553 Yes. But I think that almost immediately also following the vote on the 17th  
11 of December 1992. 8900 please. You issued this invoice to Riga, isn't that  
12 right?

13 A. Yes.

14 Q. 554 This is another Shefran invoice, isn't that right?

17:00:46 15 A. Yes.

16 Q. 555 It's characterised in some respects, it's similar to the other invoices but not  
17 in all respects. It has no element of VAT, isn't that correct, Mr. Dunlop?

18 A. Yes.

19 Q. 556 It's a round figure sum?

17:00:57 20 A. Correct.

21 Q. 557 It has no invoice on it?

22 A. Correct.

23 Q. 558 It's the day after the vote?

24 A. Yes.

17:01:02 25 Q. 559 It's an invoice made out to Riga?

26 A. Correct.

27 Q. 560 And it was paid by Riga on the 17th of February 1993?

28 A. Correct.

29 Q. 561 I will show you the document in relation to that?

17:01:12 30 A. Yes, I see it, yes.

- 17:01:14 1 Q. 562 I want to draw to your attention what you state in the body of the invoice, Mr.  
2 Dunlop, which is to professional advisory development in north Clondalkin?  
3 A. Yeah.
- 4 Q. 563 What were you talking about there?
- 17:01:24 5 A. Oh, Quarryvale.
- 6 Q. 564 Quarryvale. Were you talking about the stadium?  
7 A. The 18th of December 1992. I can't specifically say that I was. Well  
8 certainly from the point of view of north Clondalkin, the point of view of  
9 Riga, Shefran, Owen O'Callaghan, it certainly relates to in the immediate, in  
17:01:52 10 my immediate terminology it relates to Quarryvale.
- 11 Q. 565 Was this an invoice that you would have issued only after discussion with Mr.  
12 O'Callaghan?  
13 A. Yes.
- 14 Q. 566 Right. And is it likely that the change in the description of the services  
17:02:04 15 provided is something that happened because you discussed it with Mr.  
16 O'Callaghan?  
17 A. It's, yes, that is distinctly possible.
- 18 Q. 567 This is not an invoice, Mr. Dunlop, that was recouped by Riga from Barkhill?  
19 A. Uh-huh.
- 17:02:22 20 Q. 568 This was a cost that was borne by Riga alone?  
21 A. Uh-huh, uh-huh.
- 22 Q. 569 Do you think now that you know that, that unlike the other invoices that the  
23 change in the description is something that you put in following discussion  
24 with Mr. O'Callaghan?  
17:02:31 25 A. Well certainly I would, I would agree that the invoice in the first instance  
26 would not have been drawn down without prior discussion with Mr. O'Callaghan.  
27 As to the actual terms used in the body of the invoice, it is likely, yes, it  
28 is likely that I would have discussed that with Mr. O'Callaghan but I just  
29 cannot recollect whether I did or did not. But it is likely that I would. I  
17:02:57 30 have so discussed.

17:02:58 1  
2 CHAIRMAN: Sorry, Ms. Dillon, it's four o'clock so we might, five o'clock. We  
3 are sitting tomorrow at ten o'clock.  
4

17:03:07 5 MS. DILLON: Yes. 10 o'clock for the evidence of Mr. Dunlop. Just give me  
6 one moment. Mr. Dunlop has been here, Sir, until five o'clock and I was just  
7 wondering, we have no no other witnesses tomorrow and subject now to  
8 Mr. Redmond's availability, that if we were to sit somewhat later than ten  
9 o'clock tomorrow morning, possibly in ease of Mr. Dunlop, eleven o'clock and  
17:03:30 10 take the three-hour sitting. If that is what Mr. Dunlop wishes, it's a matter  
11 really for Mr. Dunlop.  
12

13 MR. REDMOND: Chairman, it was listed that the evidence would be taken at 10  
14 o'clock. I have other commitments at one o'clock.

17:03:44 15  
16 CHAIRMAN: We'll sit at ten o'clock.  
17

18 MS. DILLON: May it please you, Sir.  
19

17:03:47 20

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22

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

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**THURSDAY, 31ST JANUARY 2008, AT 10:00 A.M.**

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