

10:16:56 1 **THE TRIBUNAL RESUMED AS FOLLOWS ON WEDNESDAY**

2 **13TH FEBRUARY 2008 AT 10:30 A.M:**

3

4 MR. QUINN: Good morning, Sir.

10:41:33 5

6 CHAIRMAN: Good morning, Mr. Quinn.

7

8 MR. QUINN: Mr. Sean Ardagh, please.

9

10:41:53 10 **MR. SEAN ARDAGH, HAVING BEEN SWORN, WAS QUESTIONED BY**

11 **MR. QUINN AS FOLLOWS:**

12

13 CHAIRMAN: Good morning, Mr. Ardagh.

14 A. Good morning.

10:42:04 15 Q. 1 MR. QUINN: Good morning Mr. Ardagh. Mr. Ardagh, I understand that Mr. Aidan

16 Eames solicitor is representing you, he isn't here. I am not sure, when he

17 does come, if he proposes to apply for representation on your behalf. Are you

18 happy to go ahead in his absence or would you prefer to wait until he arrives.

19 A. No, I am prepared to go ahead. It was just that there was so much paper coming

10:42:27 20 that I hadn't had time to go over it all and I just passed it on to the

21 solicitor.

22 Q. 2 Okay. Sorry, Mr. Ardagh. Mr. Ardagh, I think you were a member of Dublin

23 County Council from 1985 to 1994. And in 1994, I think you became a member of

24 South Dublin County Council. And you remained a member of that Council I think

10:42:55 25 up until 1997, is that correct?

26 A. Would it be 1999, I think.

27 Q. 3 Until 1999. Okay. It's just that your, if could I have 1270, please. This is

28 the questionnaire which you returned to the Tribunal and you returned it on the

29 30th of March 1998, and it seemed to suggest that you ended your time in South

10:43:27 30 Dublin County Council in 1997, nothing turns on that.

10:43:30 1 A. There is an error.

2 Q. 4 There's nothing. But in any event, you were a member of Dublin County Council
3 in the relevant period 1991 and again in 1992 and 1993, during the review of
4 the Development Plan, isn't that right?

10:43:44 5 A. I was.

6 Q. 5 And you were written to I think on the 20th of December 1999. If I could have
7 1295, please. And you were asked for a statement concerning your involvement
8 in the rezoning of the Quarryvale lands, isn't that correct, you might recall
9 receiving that letter on the 20th of December 1999?

10:44:03 10 A. Yes.

11 Q. 6 And you responded to that letter I think on the 25th of January 2000. If I
12 could have 1297, please. And I think you answered the questions posed. And I
13 just to make sense of the answers, I think I just posed questions to you as
14 they appear on that letter in December 1999.

10:44:26 15
16 The first question was whether you had attended any public meetings in
17 connection with the rezoning of Quarryvale and you said in your response was
18 that you did not attend any public meetings in connection with the rezoning of
19 Quarryvale.

10:44:37 20
21 The second question was whether you had attended any private meeting with any
22 party or parties in connection with the rezoning of Quarryvale and your
23 response was that you did not attend any private meetings in connection with
24 the rezoning of Quarryvale.

10:44:48 25
26 The third question posed was whether you were requested by any party or parties
27 to provide any assistance in connection with the proposal to rezone Quarryvale
28 and if so, whether you provided such assistance in the nature and the extent of
29 such assistance sought and your response to that was that you were not
10:45:05 30 requested to provide any assistance in connection with the proposal to rezone

10:45:09 1 Quarryvale.
2
3 At paragraph D you were asked whether you were lobbied in connection with the
4 rezoning of Quarryvale and if so, in what manner, when and by whom, and you
10:45:17 5 said that you had no recollection of being lobbied in connection with the
6 rezoning of Quarryvale.
7
8 At paragraph E you were asked whether you were requested to or did solicit the
9 support of any other member of Dublin County Council for the rezoning of
10:45:29 10 Quarryvale. And your response was that you were not requested to, nor indeed
11 did you solicit the support of any other member of the Dublin County Council
12 for the rezoning of Quarryvale.
13
14 Finally you were asked if you were at any time and for any purpose in receipt
10:45:43 15 of any payments, donations or benefits, including gift assistance, service
16 facility, entertainment or any other benefit of a non-monetary nature from any
17 parties who were involved in the development of the Quarryvale Shopping Centre
18 or from any person or companies acting on behalf of the developers in the
19 parties were identified as being Barkhill Limited, Riga Limited, O'Callaghan
10:46:05 20 Properties Limited, Owen O'Callaghan and Thomas Gilmartin. And the parties
21 which appear to have acted on behalf of the developers were identified as
22 Mr. Frank Dunlop & Associates Shefran Limited and Frank Dunlop. And I think
23 your response to that was that you enclosed a copy of correspondence that you
24 had already sent to Ms. Dillon in relation to the matter and you say that no
10:46:28 25 other items occurred.
26
27 And that correspondence I think referred to monies by way of political
28 contributions received on your behalf in 1999, isn't that correct? If we could
29 have 1286. It was a letter of the 28th of March, I think you said:
10:46:47 30

10:46:47 1 "Enclosed please find all of the information I have regarding contributions
2 from Frank Dunlop and Owen O'Callaghan."

3
4 And at 1287, you referred to contributions received by Mr. Murphy who had sent
10:46:59 5 an invitation to Mr. O'Callaghan to attend a fundraising lunch in '96, '97 and
6 '98. And I think you advised the Tribunal Mr. O'Callaghan kindly contributed
7 250 pounds in February/March 1997." Is that correct?

8 A. I believe it is.

9 Q. 7 And again at 1288 I think you identify Mr. Dunlop as someone who had
10:47:23 10 contributed 250 pounds in 1996. And you -- what's on screen is a type copy of
11 a handwritten letter from you to the Tribunal. We see the handwritten note at
12 1289 for example. And at 1291, I think we see the booking form for an event or
13 a lunch and Mr. Dunlop's contribution on the 19th of April '96 at 1293, there
14 is a compliments slip from Mr. Dunlop. And at 1294 we see a cheque made
10:48:01 15 payable to the Friends of Sean Ardagh TD Committee, isn't that right, in the
16 sum of 250 pounds from Dunlop & Associates Limited and I think that there is
17 also a cheque from Mr. O'Callaghan. And is it your evidence to the Tribunal,
18 Mr. Ardagh, that these are the contributions that you received from these
19 people at that time?

10:48:24 20 A. Yes.

21 Q. 8 And if we have 14687. This is the note of the 24th of March, of the attendance
22 on your telephone conversation with counsel to the Tribunal, where you said
23 that you had confirmed that you had received you thought 250 pounds for the
24 1997 General Election from either Mr. Dunlop or Mr. O'Callaghan and you said
10:48:52 25 that it was either for the '96 or '97 election and it came by way of cheque and
26 that you had to check your records to confirm the matter, is that correct?

27
28 Now, Mr. Ardagh, as I say, you were a member of the Council in 1991 and a
29 motion in the name of Councillor McGrath came before a meeting of the Council
10:49:14 30 on the 16th of May 1991. And the original of that motion at 20392, was

10:49:21 1 received within the Council on the 15th of February '91, and I presume as a
2 member of the Council you would in the ordinary course, have received that
3 motion and you would have been on notice that the motion was due for debate and
4 for vote at a future meeting of the Council?

10:49:36 5 A. I have no reason to believe that's not correct.

6 Q. 9 Yes. And you were supplied I think with a list of your voting record in
7 relation to the Quarryvale proposals and I think again you don't take issue
8 with what's contained in that list. And if we for example put on screen if we
9 may brief page reference 16998. This is a summary of your involvement as a
10 councillor. And I think in relation to the vote on the 16th of May, in respect
11 of the McGrath motion as amended whilst you are recorded as having been in
12 attendance and having voted against a motion to discuss the manager's report
13 you don't appear to have voted on any of the subsequent motions including
14 motion 38, either of the two votes, either the vote to amend it or the amended
10:50:05 15 motion.

16 A. That appears to be the case.

17 Q. 10 Okay. Now, you have advised the Tribunal that you were never contacted or
18 lobbied or attended any meetings with either Mr. Dunlop or Mr. O'Callaghan in
19 relation to the Quarryvale proposals, isn't that correct?

10:50:49 20 A. Can I just say in relation to that. Mr. Dunlop and Mr. O'Callaghan called to
21 my office and to, they discussed Neilstown Stadium. And I do not recollect any
22 other matter discussed at that time.

23 Q. 11 You say they discussed the sports stadium the proposed sports stadium for
24 Neilstown, is that correct?

10:51:13 25 A. Yes, yes.

26 Q. 12 So when you advised the Tribunal that you were not lobbied in relation to
27 Quarryvale, you are not suggesting that you weren't lobbied or advised in
28 relation to Neilstown, is that correct?

29 A. I am not saying that I wasn't lobbied. I have no recollection of being
10:51:31 30 lobbied.

- 10:51:32 1 Q. 13 But you have a recollection of having met with Mr. Dunlop and Mr. O'Callaghan?
- 2 A. Absolutely.
- 3 Q. 14 And that accords with Mr. Dunlop's recollection, Mr. Ardagh. He has advised
- 4 the Tribunal that he did meet you and that he did seek your support and indeed
- 10:51:47 5 he says that he sought your support in relation to Quarryvale?
- 6 A. Fine.
- 7 Q. 15 Do you accept that he may be correct in that regard?
- 8 A. I can't say one way or the other. On the balance of probability he is probably
- 9 correct.
- 10:52:01 10 Q. 16 And in relation to the visit to your offices with Mr. O'Callaghan, could they
- 11 have been a visit to your office which took place in September 1992?
- 12 A. There was there was only one visit to my office and I don't know the exact date
- 13 but I have no, I accept that date has been brought forward.
- 14 Q. 17 Yes. There appears to have been a telephone attendance when you phoned Mr.
- 10:52:31 15 Dunlop's office on the 2nd of September 1992. If I could have 7949, please.
- 16 You phoned Mr. Dunlop's office and you appear to have been returning a call
- 17 from Mr. Dunlop to you.
- 18 A. Uh-huh.
- 19 Q. 18 You obviously knew Mr. Dunlop.
- 10:52:47 20 A. Oh, I did, yes.
- 21 Q. 19 Yes. And did you know that Mr. Dunlop had been retained by Mr. O'Callaghan?
- 22 A. I most likely did, it's not ...
- 23 Q. 20 And you never met Mr. Gilmartin I presume?
- 24 A. Yes, I met Mr. Gilmartin. I was introduced to Mr. Gilmartin once.
- 10:53:04 25 Q. 21 Who introduced you to Mr. Gilmartin?
- 26 A. Sean Gilbride.
- 27 Q. 22 Sean Gilbride. And was that prior to June 1991?
- 28 A. I can't say what time but it was at the very beginning of the stage when Mr.
- 29 Gilmartin was trying to pull together a block of land at Quarryvale.
- 10:53:22 30 Q. 23 And how did that meeting come about between yourself Mr. Gilbride and Mr.

- 10:53:26 1 Gilmartin?
- 2 A. I was asked to meet with a Sligo man by a Sligo man.
- 3 Q. 24 I understand. Where did the meeting take place?
- 4 A. My recollection is that it took place in the County Council offices in
- 10:53:40 5 O'Connell Street.
- 6 Q. 25 Were there others present other than Mr. Gilbride, Mr. Gilmartin and yourself?
- 7 A. No, I don't believe that there was. And it was a very perfunctory type of
- 8 meetings, just a quick handshake, you know, best of luck, how are you, type of
- 9 thing.
- 10:53:59 10 Q. 26 May I ask you and I may have already asked you. Can you recall why you
- 11 didn't vote on the McGrath motion or the amended motion in 1991?
- 12 A. If you look at the record, unfortunately, from a council point of view, I
- 13 didn't have that much time for the affairs of council because I was so busy in
- 14 my practice and I was in and out. My attendance at the council meetings wasn't
- 10:54:29 15 100 per cent. I had other matters that were, that took priority at the time.
- 16 Q. 27 Yes. But you did subsequently I think, you would have been familiar with what
- 17 was going on in west Dublin and you would obviously have been familiar with the
- 18 current position or the status quo at that time, namely, that the town centre
- 19 zoning had been for some time on the Neilstown lands as opposed to the
- 10:54:59 20 Quarryvale lands, isn't that correct?
- 21 A. Well, what we were we're looking at here is sort of human recollection and I am
- 22 reading a lot about what the Tribunal and the proceedings of the Tribunal. So
- 23 my recollection is probably tempered somewhat by what I am reading. So I now
- 24 know that that was the situation but whether I actually knew at that time and
- 10:55:29 25 was, whether it mattered to me that much, I don't know.
- 26
- 27 JUDGE FAHERTY: What ward were you, Mr. Ardagh? What ward did you represent
- 28 as a councillor?
- 29 A. I represented the area of Terenure, which effectively was the
- 10:55:48 30 Perrystown/Greenhills area and some of Templeogue. It was a very built up

10:55:56 1 area, there were no planning matters that arose in that area at all; to any
2 extent.
3

4 Q. 28 MR. QUINN: When did you know for example that it was intended by Mr.
10:56:10 5 O'Callaghan with the assistance of Mr. Dunlop, to try and canvass or lobby the
6 support of all of the councillors insofar as it could do so, Dublin County
7 Council for the Quarryvale proposals, certainly after 1991?
8 A. I have no idea what ...

9 Q. 29 For example at 6997, there was a schedule prepared of councillors whom Mr.
10:56:33 10 O'Callaghan might have met in or around March 1992, and it was intended that
11 perhaps you might be contacted. Your offices I think were probably in Terenure
12 at that stage, is that correct?
13 A. My office was at 168 Walkinstown Road and continues to this day.

14 Q. 30 But certainly you say that there was at least one meeting in September 1992.
10:56:53 15 And could that have been the meeting of 9th of September 1992. If we look at
16 7963, please.
17 A. Yes, I can I think I recall it was in the morning.

18 Q. 31 Yes.
19 A. Uh-huh.

10:57:15 20 Q. 32 On the 6th of September 1992, if I could have 7962 as well, please. 7962,
21 there was an article carried in the Sunday Business Post under the heading "55
22 million Stadium to be built in South Dublin".
23 A. Uh-huh.

24 Q. 33 I think your evidence to the Tribunal is to the effect that your meeting with
10:57:39 25 Mr. O'Callaghan, Mr. Dunlop was in the context of the stadium, isn't that
26 correct?
27 A. Yeah, I remember very comprehensive plans being shown to me of the Stadium.

28 Q. 34 Would you agree with me that it's highly unlikely that they would have
29 discussed the stadium with you and not have discussed the proposed development
10:58:02 30 or zone for Quarryvale?

10:58:03 1 A. I wouldn't speculate on that.

2 Q. 35 Sorry?

3 A. I wouldn't speculate on that.

4 Q. 36 But you knew the nexus between the Neilstown lands and the Stadium and the fact

10:58:12 5 that the town centre was now being substituted with a Stadium, isn't that right

6 at Neilstown?

7 A. This wasn't an item that was high on my agenda.

8 Q. 37 I understand.

9 A. I met these people and they showed me Neilstown. That's all I can really

10:58:26 10 honestly say to you now.

11 Q. 38 Yes. Mr. Dunlop records you as having been supportive of the Quarryvale

12 proposals.

13 A. Uh-huh.

14 Q. 39 Were you supportive of the Quarryvale proposals in 1992, now in advance of the

10:58:39 15 vote? I know you did vote in support of them but prior to that were you

16 supportive of the proposals?

17 A. I think my record in council has been always that I supported investment and

18 economic activity. There was at times, it might effect Dublin city or it might

19 effect Tallaght but I always believed that if a bit of less affair economic

10:59:09 20 approach to matters. And that was the basis for my voting at always times.

21 Q. 40 Yes.

22 A. Now, it may have been that I wasn't as conscious of the environmental

23 considerations that I should have taken into account in that. But that was my

24 attitude and it continued to be.

10:59:25 25 Q. 41 Yes. At 14665, Mr. Dunlop in his own hand sets out a, I suppose a blueprint of

26 what was likely to happen and he was identifying the support and --

27 A. Uh-huh.

28 Q. 42 -- and those who were likely to abstain. And under the heading "definite

29 support" or "support definite" he includes you, isn't that correct? And you

10:59:49 30 can see there about half the way down you will see underneath C Quinn, you see

10:59:56 1 that where the cursor is now?

2 A. Yeah. Well from my, yeah, that's true, yes.

3 Q. 43 Yes. Now, the manager I think, on the 2nd of December 1992 at 16476 sent out
4 his report on the objections and representations which had been received in
11:00:18 5 relation to the maps during their display the previous year. And you
6 presumably would as a member of the council have received the manager's report?

7 A. If it's to each member of the council I presume that it was sent out and I
8 received it.

9 Q. 44 We see that report at 16477.

11:00:39 10 A. Now whether I read it is another thing.

11 Q. 45 I understand. Well the motion which was before the council on the 17th of
12 December, was a motion in terms which supported the managers proposal, isn't
13 that right?

14 A. I don't know. I will take your word on that.

11:01:03 15 Q. 46 I'll just put the motion. The initial motion on screen at 1125. This is a
16 motion which subject to amendment which I will deal with in a moment, was
17 passed. I think sites I had signed by John O'Halloran, Colm McGrath, Therese
18 Ridge and Colm Tyndall and it was that "The council hereby resolves that the
19 manager's report regarding Lucan/Clondalkin overall planning strategy be
11:01:26 20 adopted by the council". Do you recall?

21 A. The manager's report, okay.

22 Q. 47 Yes.

23 A. I don't recall the motion, no.

24 Q. 48 Can I just ask you, did anybody other than Mr. O'Callaghan or Mr. Dunlop seek
11:01:41 25 your support for the, for that motion?

26 A. Not to my recollection.

27 Q. 49 And any of your, did Councillor for example Councillor Gilbride ever raise the
28 topic with you after that meeting with Mr. Gilmartin?

29 A. I have no recollection of anything, any discussion with Councillor Gilbride in
11:02:04 30 relation to any matter after that introduction.

11:02:09 1 Q. 50 And there was an amendment I think, two amendments in fact proposed for that
2 motion. And you supported both of the amendments. And they had the effect I
3 think of capping the development at Quarryvale at 250,000 square feet of
4 development.

11:02:24 5 A. Uh-huh.

6 Q. 51 Do you have any recollection of that vote or the discussion or any of the
7 matters surrounding that vote at that time?

8 A. No, I don't.

9 Q. 52 How well would you have known Mr. O'Callaghan or Mr. Dunlop by December of
11:02:39 10 1992, can you recall?

11 A. Mr. O'Callaghan I just met at the meeting.

12 Q. 53 In September.

13 A. In September. And Mr. Dunlop I would have bumped into him in the Council
14 offices. I didn't know him apart from that.

11:03:02 15 Q. 54 Mr. Dunlop's recollection was that he would have sought your support both in
16 relation to this development and indeed other developments or projects that he
17 was associated with?

18 A. Uh-huh. Well I accept that he could have done that. We would have met in like
19 ships in the night and comments would be made, one would forget.

11:03:24 20 Q. 55 Evidence has been given here that Mr. Dunlop was a regular attender at council
21 meetings and was a well known lobbyist, you had understood that he was acting
22 in that capacity.

23
24 Now, Mr. Dunlop has also has also given evidence that the alphabetical listing
11:03:40 25 of the councillors was hugely important in relation to proposals.

26 A. Right.

27 Q. 56 And that if one of the early councillors who were called on to vote, voted
28 against a proposal it could have a very serious effect from the point of view
29 of support from other councillors from the same party. Would you agree with
11:03:59 30 that or did anybody ever bring that to your attention before?

- 11:04:02 1 A. Well I was always the first one of 78 to vote.
- 2 Q. 57 Yes.
- 3 A. And I think on one occasion only, I "misdirected" the person next on the list
- 4 only once and it was a minor matter.
- 11:04:24 5 Q. 58 Mr. Dunlop from, giving evidence from the viewpoint of a lobbyist acting on
- 6 behalf of the developer.
- 7 A. Yeah.
- 8 Q. 59 And his advice to the developers and his evidence to the Tribunal was that it
- 9 was hugely important for each of the political parties that the early voters
- 11:04:41 10 voted in a particular way, and certainly didn't vote against a proposal.
- 11 A. Well-being the first to vote I wouldn't have been influenced by the first
- 12 voters, so I can't really answer that.
- 13 Q. 60 When Mr. Dunlop and Mr. O'Callaghan visited you concerning the stadium project
- 14 in September '92, did they explain to you why they were coming to you or why
- 11:05:05 15 they had selected you as someone that they should brief in relation to the
- 16 proposals which at this stage were more or less public knowledge?
- 17 A. I assumed that they were briefing everyone.
- 18 Q. 61 Yes.
- 19 A. I didn't ask why pick on me.
- 11:05:19 20 Q. 62 Yes. Now, I think there was contact between yourself and Mr. Dunlop after the
- 21 vote in December '92. If I could have 9090 please. There appears to have been
- 22 a telephone message from you to Mr. Dunlop's office on the 18th of January
- 23 1993. And we see that at 9091, which is the second page of that document where
- 24 you appear to have rang at 4:08 on the 18th of January.
- 11:05:51 25
- 26 However, you appear to have had a meeting with Mr. Dunlop on the 25th of the
- 27 same month. If we look at 9133, a meeting which Mr. Dunlop suggests was in
- 28 connection with Quarryvale proposal.
- 29 A. What date, Mr. Quinn?
- 11:06:11 30 Q. 63 It's 1 p.m. meeting on Monday the 25th.

- 11:06:14 1 A. Oh, yes. January ... I absolutely have no recollection of that at all.
- 2 Q. 64 There had been a General Election in November 1992. Were you a candidate in
3 that election, Mr. Ardagh? This is the ...
- 4 A. No, I wasn't a candidate. And now that you, there was a situation -- I was
11:06:39 5 looking to be selected as a candidate in '87 and in '92. And I wasn't
6 successful until '96. Also there would have been now that I think of it. I
7 think at that time, Mr. Dunlop was close to the leadership for Fianna Fail and
8 there was the question also of other Oireachtas memberships and I may at that
9 time have contacted him in for advice in relation to, you know, what he thought
11:07:12 10 about that. There was a political matter strictly, nothing to do with planning
11 at all.
- 12 Q. 65 Yes. I think in early '93 there would have been the campaign for the Seanad
13 elections, is that right?
- 14 A. Well then it may be that I was looking to get maybe, what do you call it, a
11:07:31 15 Taoiseach's nomination or something like that.
- 16 Q. 66 Yes.
- 17 A. And how do you go about it and in that regard. But that would have been it.
- 18 Q. 67 And again I think you were in contact with Mr. Dunlop in March '93. If we look
19 at 9318. You ask that he might call you. And I think on the 8th of March '98,
11:07:55 20 I think there was a meeting between yourself and Mr. Dunlop at 9323, at 11:30.
- 21 A. Well there again in my constituency. I think now John O'Connell may have
22 resigned at that stage and again there are political implications that ...
- 23 Q. 68 Yes. You have given evidence ...
- 24 A. Mr. Dunlop was Mr. Dunlop was both in professional public relations and he had
11:08:24 25 also an inside track with ministers and I believed that I asked for advice at
26 that point in time.
- 27 Q. 69 Yes. And would it be fair to say that Mr. Dunlop therefore could look upon you
28 as someone he could ring and seek your support for projects and not necessarily
29 that you would give it but he was, you you were someone that he could liaise
11:08:47 30 with and rely upon to perhaps support him on different projects that he was

11:08:53 1 working on?

2 A. I answered the phone to everybody.

3 Q. 70 You gave evidence of the one meeting that you had with Mr. O'Callaghan --

4 A. Yes.

11:09:13 5 Q. 71 -- which was in the company of Mr. Dunlop and took place in your office. Were

6 there any subsequent meetings or occasions when you had met Mr. O'Callaghan can

7 you recall?

8 A. I recall and I don't know where it was, just in passing just a wave. But not

9 actually talking or engaging with him in any way. It may have been at the

11:09:28 10 opening of some stone turning or that sort or.

11 Q. 72 This would have been later that 1997/1998.

12 A. I don't know when to tell you the truth.

13 Q. 73 Yes. In October 1993, on the 18th of October 1993 at 10278, there is a message

14 left for Mr. Dunlop at 3:30 Sean Ardagh please call him. And then on the

11:09:50 15 following day at 10279, there is a further message at 12:19 Sean Ardagh, OOC

16 spoke to him.

17

18 Now, OOC refers to Mr. O'Callaghan. Could you have been ringing Mr. Dunlop in

19 October 1993, to tell him that Mr. O'Callaghan had spoken with you and if he

11:10:12 20 had what had he spoken to you about can you recall?

21 A. I have absolutely no recollection of these calls or ...

22 Q. 74 You would agree with me that that would seem to suggest that you had at least a

23 second conversation with Mr. O'Callaghan and it was a conversation or you were

24 anxious to relay on to Mr. Dunlop the fact that Mr. O'Callaghan had spoken with

11:10:34 25 you?

26 A. Well that's what appears to be on from the, from this note here but I do not

27 have any recollection of having a second conversation with Mr. O'Callaghan of

28 any type.

29

11:10:54 30 Now, if he made a telephone call to me and spoke to me, like, again, it would

11:11:04 1 ... during a day I would have a lot of telephone calls and some of it, the
2 important ones I'd note but I ... he could have, I wouldn't have regarded it as
3 an important call.

4 Q. 75 In March 1997, at 17295 I think you, it would be fair to say that your
11:11:25 5 selection committee or your election committee received a sum of 250 pounds
6 from Riga Limited, that's Mr. O'Callaghan?

7 A. Well I forgot that cheque, yeah, obviously.

8 Q. 76 Can you help the Tribunal --

9 A. Uh-huh.

11:11:38 10 Q. 77 -- as to how Mr. O'Callaghan came to make that contribution to your campaign in
11 1997?

12 A. Oh, I think you went through this earlier, Mr. Quinn, in relation to the
13 cheques that I received.

14 Q. 78 Yes.

11:11:50 15 A. This was a lunch that was being organised by the, by some friends of mine. And
16 it was 125 pounds for the lunch and Mr. O'Callaghan obviously paid for two
17 slots of the lunch.

18 Q. 79 No that's not what I'm enquiring about, I am wondering how Mr. O'Callaghan came
19 to be selected as someone that you would seek a contribution from? His
11:12:21 20 project, you represented --

21 A. Yeah.

22 Q. 80 -- the Terenure ward. The Quarryvale project and the Neilstown project were in
23 west Dublin, isn't that correct?

24 A. I don't know if Mr. O'Callaghan was actually selected. It may have been that
11:12:37 25 Mr. Dunlop was selected and that Mr. Dunlop got Mr. O'Callaghan then --

26 Q. 81 To make the contribution.

27 A. -- to make the contribution.

28 Q. 82 And I think that as a deputy you received a letter from Mr. O'Callaghan in
29 October 1997. If I could have 13017, please, seeking your support for a
11:12:59 30 removal of the cap in an upcoming meeting of the Council. Do you recall

- 11:13:06 1 receiving that correspondence from Mr. O'Callaghan or O'Callaghan Properties?
- 2 A. No, I don't recall receiving it, Mr. Quinn.
- 3 Q. 83 Or do you recall any debate at Council in relation to the removal of the cap
- 4 imposed in the December '92 debate?
- 11:13:21 5 A. Yes, I do remember in general terms discussion in relation to the removal of
- 6 the cap, yes, at that time.
- 7 Q. 84 Yes.
- 8 A. But I am sure that I got the letter but I can't specifically say that I
- 9 remember it.
- 11:13:36 10 Q. 85 There appears to be a follow-up letter on the 7th of September of the following
- 11 year at 15250. And again, can the Tribunal take it that you have no
- 12 recollection of receiving that letter?
- 13 A. No, I have no recollection of it.
- 14 Q. 86 Would you agree with me that if Mr. Dunlop was retained by Mr. O'Callaghan to
- 11:14:01 15 promote the Quarryvale rezoning that it's almost certain that he would have
- 16 sought your support for the proposal?
- 17 A. Yes.
- 18 Q. 87 Thank you very much, Mr. Ardagh.
- 19 A. Thank you.
- 11:14:12 20
- 21 CHAIRMAN: All right. Thank you very much, Mr. Ardagh.
- 22 A. Thank you, Judge.
- 23
- 24 **THE WITNESS THEN WITHDREW.**
- 11:14:20 25
- 26 MS. DILLON: Mr. Liam Cosgrave, please.
- 27
- 28
- 29
- 30

11:14:27 1 **MR. LIAM COSGRAVE, HAVING BEEN SWORN, WAS QUESTIONED BY**

2 **MS. DILLON AS FOLLOWS:**

3

4 CHAIRMAN: Good morning, Mr. Cosgrave.

11:15:00 5

6 Q. 88 MS. DILLON: Good morning, Mr. Cosgrave. You have given evidence to the
7 Tribunal on a number of occasions, isn't that right?

8 A. Correct.

9 Q. 89 And briefly, you were first elected to the Local Elections in 1985 for the Dun
10 Laoghaire Corporation area, isn't that right?

11:15:27 10

11 A. Yeah, and it transgressed, not transgressed. It was Dublin.

12 Q. 90 You will a you had a dual mandate between Dublin County Council, isn't that
13 correct?

14 A. That's correct.

11:15:35 15

16 Q. 91 In 1985 until I think the 1st of January 1994, when the Council split and
17 insofar as you had been a member of Dublin County Council you then became a
18 member of Dun Laoghaire-Rathdown County Council, isn't that right?

18 A. That's correct.

19 Q. 92 The Quarryvale lands which are the subject matter of the present module came in
20 1994 into the functional area of South Dublin County Council, isn't that right?

11:15:51 20

21 A. Well they were Dublin County Council. Oh, they did come subsequently.

22 Q. 93 South Dublin County Council. And those lands were located to the west of the
23 Dublin County, isn't that right, the Quarryvale lands were west Dublin lands?

24 A. Yeah.

11:16:10 25

26 Q. 94 And your area would have been east Dublin if I can call it that in that you
27 were the Dun Laoghaire area, isn't that right?

28 A. Well the area subsequently where I represented but I was a councillor for all
29 of Dublin at that stage, apart from the city.

30 Q. 95 Yes. And you stood for election for the Dail in 1981, and I think you were
first elect in the February 1982, is that right?

11:16:28 30

- 11:16:31 1 A. No, June '81.
- 2 Q. 96 In June '81. And you were elected I think you lost your seat in 1987 and ran
3 again in a number of subsequent Dail elections and Senate Elections, is that
4 right?
- 11:16:44 5 A. That's correct.
- 6 Q. 97 Now, and you held a number of positions in the Seanad, isn't that also the
7 position?
- 8 A. That's correct.
- 9 Q. 98 Now, the present module, Mr. Cosgrave, is the Quarryvale Module. But you gave
11:16:57 10 evidence in the course of the Carrickmines I Module over a considerable period
11 of time, as indeed did Mr. Dunlop, isn't that right?
- 12 A. That's correct.
- 13 Q. 99 And one of the matters that was dealt with in the course of the Carrickmines
14 Module was an alleged payment by Mr. Dunlop of 5,000 pounds in cash to you in
11:17:13 15 November 1992. You remember Mr. Dunlop's evidence about that?
- 16 A. I think I read the transcript all right.
- 17 Q. 100 All right. And you remember your own evidence in relation to it?
- 18 A. I think I do, yes.
- 19 Q. 101 Now, what I propose to do with that, Mr. Cosgrave, when we come to deal with it
11:17:29 20 because there was up such extensive evidence is to summarise your position as
21 then stated and Mr. Dunlop's and see if there is any change in your position,
22 is in a all right? Rather than revisiting all of the evidence as the matter
23 has already been dealt with extensively.
- 24 A. Yeah, I don't, unless you want me to revisit it all but I just want to put a
11:17:48 25 couple of matters on the record.
- 26 Q. 102 I will come to deal with it anyway and you will have every opportunity,
27 Mr. Cosgrave, to put any matter on the record that you want to deal with.
28
29 I think that in the course of correspondence between the Tribunal and yourself.
11:17:59 30 I think in October of 2004 at 1471. The Tribunal furnished you, you will see

- 11:18:09 1 there, in the course of the fourth paragraph the Tribunal furnished you with a
2 document outlining certain lodgements to your bank accounts, which were
3 numbered 1 to 43 on the attached schedule. And they asked you to identify the
4 source of the particular lodgements. And the actual document in question is at
11:18:28 5 14523. Now, you received that document, isn't that right, Mr. Cosgrave?
- 6 A. Well, I am taking your word for it. I mean I can't remember it.
- 7 Q. 103 Well just so that there is no ambiguity about it. Can I show you 1473. And
8 this is your response to that correspondence and you reply on the 26th of
9 November 2004, acknowledging receipt of the Tribunal letter of the 29th of
11:18:59 10 October 2004, and in the second paragraph you state "I wish to confirm to you
11 that I have no specific records of the sources of the 43 lodgements set out on
12 the schedule".
13
14 That would suggest, Mr. Cosgrave, that clearly you got the documentation, isn't
11:19:14 15 that right?
- 16 A. Yeah.
- 17 Q. 104 And that in reply to the Tribunal's request for information in relation to the
18 source areas of the lodgement that are set out there, what you said was that you
19 had no specific records as to the sources of the 43 lodgements, isn't that
11:19:30 20 right?
- 21 A. Which paragraph is that in?
- 22 Q. 105 That's the second paragraph of your letter that's on screen.
- 23 A. Oh, right.
- 24 Q. 106 If that could be just highlighted please if you see where it's highlighted.
11:19:39 25 What you are confirming there, Mr. Cosgrave, is that you got the correspondence
26 from the Tribunal, that you received the schedule itemised 1 to 43, and that
27 you don't have any records as to the sources of the lodgements. Do you see
28 that?
- 29 A. Yes.
- 11:19:53 30 Q. 107 Right. Now, in the following paragraph in fairness to yourself. You set out

11:20:03 1 the following "my sources of income are known to the Tribunal for the periods
2 in question and these were Oireachtas payments, Dun Laoghaire/Rathdown
3 corporation payments, Dublin County Council payments and fees paid to me in
4 respect of my legal practice. Before enquiring with the foregoing as regards
11:20:12 5 monies received by me around these times would you confirm that the information
6 you provide with me on the schedule is accurate in terms of amounts dates and
7 concerned bank accounts and bank account numbers".
8

9 Now I think that in fact in the -- you had also been furnished with copies of
11:20:29 10 the bank statements showing those lodgements, isn't that right, Mr. Cosgrave?

11 A. Well I think, I accept what you say.

12 Q. 108 Right. So that the Tribunal was seeking from you there information in relation
13 to the source of those lodgements, some of which are quite small, isn't that
14 right? Some small amounts and then increasing in number, isn't that right?

11:20:47 15 A. Uh-huh. Well I know there was one because I thought it was, well I'm trying to
16 remember 25 pounds from --

17 Q. 109 Of course.

18 A. -- 16, 17 years ago I don't think even the man above would barely remember but
19 anyway.

11:21:01 20 Q. 110 Yes. But in any event, on the lodgement schedule at 14523. It's just
21 something -- I just want you to address your mind to it at the moment in case
22 you have managed to establish the source of the material. Do you see there at
23 item No. 38 on that lodgement slip, on that sorry schedule of lodgements?

24 A. Uh-huh.

11:21:26 25 Q. 111 You see there that there is a lodgement by cheque on the 24th of November 1992,
26 to your EBS share account?

27 A. Uh-huh.

28 Q. 112 And I think that you were asked about this in the course of the Carrickmines I
29 Module, do you recall that, Mr. Cosgrave?

11:21:46 30 A. Well I don't specifically but I accept what you are saying.

- 11:21:50 1 Q. 113 Yes. And at that time in the course of the Carrickmines Module you told the
2 Tribunal that you couldn't inform the Tribunal of the source of that cheque but
3 that you were making further inquiries about it.
- 4 A. Uh-huh.
- 11:22:00 5 Q. 114 Now have you been able to establish what the source of that lodgement was,
6 Mr. Cosgrave?
- 7 A. As far as I'm aware, I think it was a combination of, it was more than one
8 cheque I think it was a combination of elections donations and expenses.
- 9 Q. 115 So insofar as the --
- 11:22:19 10 A. As far as I'm aware.
- 11 Q. 116 As far as you're aware. Does that mean that there is a cash element in that
12 lodgement, Mr. Cosgrave?
- 13 A. Well it just says cheque, so I have no reason to believe that there is any cash
14 element in it.
- 11:22:32 15 Q. 117 You have just said, Mr. Cosgrave, that from inquiries that you've made you
16 believe that it's elections contributions, isn't that right?
- 17 A. Uh-huh.
- 18 Q. 118 Can you just first of all tell the Tribunal what inquiries you made of the EBS
19 in relation to the underlying information behind that particular lodgement?
- 11:22:47 20 A. I don't think I made any. I think I just on recollection I think it was a
21 series of cheques at the time of the General Election.
- 22 Q. 119 Is that from your own recollection, Mr. Cosgrave?
- 23 A. Uh-huh.
- 24 Q. 120 So that in fact you have no information from the EBS as to whether that's a
11:23:07 25 single cheque or a number of cheques or what the situation is, is that right?
- 26 A. No but I think given the amount I wouldn't think it's just one cheque.
- 27 Q. 121 You think it's probably a series of election donations arising from the
28 November 1992 election.
- 29 A. Yeah.
- 11:23:22 30 Q. 122 Right. And that would suggest, Mr. Cosgrave, subject to anything that you wish

- 11:23:27 1 to say on the topic, that by the 24th of November 1992, and the election was
2 over at that stage, isn't that right, the General Election was over?
- 3 A. Well I think it might have been the 25th.
4
- 11:23:41 5 JUDGE FAHERTY: Yeah I think Mr. Cosgrave is right.
6
- 7 MS. DILLON: The vote was the 25th. I will get you the actual document now.
8
- 9 CHAIRMAN: No.
- 11:23:51 10
- 11 Q. 123 MS. DILLON: In any event, on the day before or the day that the election
12 concluded you made this lodgement out of funds that you had by cheque arising
13 from the General Election, is that right?
- 14 A. That's right.
- 11:24:02 15 Q. 124 And you don't believe that there was any cash element in relation to the
16 election, to the election in that lodgement?
- 17 A. I don't because I think if, as far as I recall, if you lodge a cheque and cash
18 it would go down as cheque and cash.
- 19 Q. 125 Would it follow from that, Mr. Cosgrave, that you used funds other than the
11:24:24 20 cheques that are the subject matter of the lodgement on the 24th of November
21 1992 to fund your General Election campaign?
- 22 A. Could you repeat the question?
- 23 Q. 126 Would it follow from what you've just told the Tribunal, that if these funds
24 which you lodge on the 24th of November 1992, at the end of the General
11:24:49 25 Election campaign, that these were not funds that you used in the course of the
26 General Election campaign?
- 27 A. Well obviously I mean in any campaign you have bills to pay.
- 28 Q. 127 Yes.
- 29 A. Subsequently.
- 11:24:54 30 Q. 128 Yes. And in the course of the campaign.

- 11:24:57 1 A. Oh, of course.
- 2 Q. 129 Yes. And I think your evidence to the Tribunal had been that the general cost
3 of a campaign is of the order of around 9,000 pounds of that order. Would you
4 agree with that?
- 11:25:11 5 A. Well is that my evidence?
- 6 Q. 130 Yes. That's what you indicated in general terms to the Tribunal.
- 7 A. Well you know.
- 8 Q. 131 As to the average cost.
- 9 A. It's a bit like going out for lunch you don't know whether it will cost you 30,
11:25:24 10 40 or 50 Euros I mean you can go averages.
- 11 Q. 132 Of course, Mr. Cosgrave, but you may not know in advance but after you have
12 eaten the lunch and received the bill and when the election is over you know
13 exactly how much it's cost you, isn't is that right?
- 14 A. Well then you tot up your expenses.
- 11:25:41 15 Q. 133 And in November 1992, can you remember what it was or how much it was that the
16 General Election campaign cost you in November of 1992?
- 17 A. No.
- 18 Q. 134 And do you have any idea how much the Senate campaign of 1993 cost you?
- 19 A. No.
- 11:25:56 20 Q. 135 And when he previously indicated to the Tribunal that you felt a figure of
21 around 9,000 pounds approximately was the cost of General Election or a Senate
22 campaign, can you are you now saying that you cannot say with any certainty how
23 much such campaigns would have cost you?
- 24 A. You are probably in the general territory. Obviously, a Senate campaign
11:26:20 25 depending whether you might stay in a councillor's house, whether you stay in a
26 guest house, stay in an hotel, depending on how many counties you do. I mean,
27 I don't know what ballpark figure I suppose 5 to 10,000, you know.
- 28 Q. 136 Yes. Would it follow from that, Mr. Cosgrave, that if you are lodging almost
29 5,000 pounds at the end of the General Election campaign at the end of November
11:26:46 30 1992, you would have spent at least 5 or 6,000 pounds in the course of the

- 11:26:50 1 General Election campaign at a minimum, would you agree with that?
- 2 A. Well I wouldn't like to get into specifics. Obviously, bills come in after an
3 election, as they do during an election, as they do before an election.
- 4 Q. 137 Yes. And the Tribunal has heard from a number of elected representatives about
11:27:07 5 ongoing election costs such as, you know, paying for food for canvassers,
6 paying for petrol for canvassers, meeting up in the evening with people and
7 providing refreshments and matters such as that sort. And do you agree in
8 general that they are the sort of ongoing daily expenses that a candidate
9 incurs?
- 11:27:26 10 A. I wouldn't disagree with that.
- 11 Q. 138 Right. And that therefore it would follow from that that you yourself would
12 have incurred similar type of expenses all they you are not aware of the
13 precise amount, is that right?
- 14 A. Yeah, exactly. Just I was in a five seat constituency, other people are in
11:27:40 15 three, other people are in four seaters. Some people get, as they call them in
16 the game "solo runs" there might be one candidate. In all of those elections
17 that I ran in, three candidates ran from my party. So obviously competition
18 was intense. It's a bit different to somebody else running where one
19 candidate, you know, you are maybe the only candidate from a party. Obviously
11:28:09 20 costs probably wouldn't be the same there.
- 21 Q. 139 Yes. From what the Tribunal has been told by a variety of people it would
22 appear to be the position, Mr. Cosgrave, that candidates incur ongoing daily
23 expenses in the course of an election campaign be it Senate local or Dail,
24 would you agree with that?
- 11:28:29 25 A. I mean there is no free day out, you know what I mean.
- 26 Q. 140 And that in the course of that matters such as postering, leafletting and
27 looking after canvassers and matters such as that arise.
- 28 A. They do.
- 29 Q. 141 Yes.
- 11:28:42 30 A. And just point out that some costs are taken on by the party/constituency.

- 11:28:48 1 Q. 142 There are some costs that are borne by way of postering from central --
- 2 A. Central office.
- 3 Q. 143 -- central office and then there are some that are dealt with by the
- 4 constituency and then there are other that is are borne by the individual
- 11:29:00 5 candidate, is that right?
- 6 A. Correct.
- 7 Q. 144 It would follow from everything that you have said to the Tribunal today,
- 8 Mr. Cosgrave, that you yourself would in common with other candidates have
- 9 incurred daily expenses and had your own candidate, if I can call it, expenses
- 11:29:29 10 in the course of the November '92 election, and indeed the Senate Election in
- 11 January '93?
- 12 A. That's correct.
- 13 Q. 145 And that, that would have had to have been funded insofar as it's not funded
- 14 from central office or the local constituency from your own funds, isn't that
- 11:29:32 15 right?
- 16 A. That's correct.
- 17 Q. 146 And I think your evidence to the Tribunal has been that your family were a
- 18 support to you in terms of raising money, isn't that right, and support to you
- 19 at that time, isn't that the position?
- 11:29:41 20 A. That's correct.
- 21 Q. 147 And that you also received donations from various people but that you didn't
- 22 keep any records in relation to them, isn't that the position?
- 23 A. Correct.
- 24 Q. 148 Now, you accept I think that there was a payment of 1,000 pounds from Mr.
- 11:29:53 25 Dunlop in January of 1993, by way of a cheque, isn't that the position?
- 26 A. That's correct.
- 27 Q. 149 And I think you are happy to accept that because the cheque was in fact
- 28 provided to you by the Tribunal, isn't that the position?
- 29 A. Yeah, I have no objection.
- 11:30:07 30 Q. 150 Right. Now, if I can then just turn to deal with the issues in relation to, in

11:30:15 1 relation to Quarryvale, it would appear, Mr. Cosgrave, that prior to 1992 there
2 are no entries in Mr. Dunlop's diaries for meetings with you. And would you
3 agree that Mr. Dunlop's diaries don't record any meetings with you prior to
4 March of 1992?

11:30:35 5 A. I honestly don't know. I haven't seen Mr. Dunlop's diaries.

6 Q. 151 I think you have been furnished with the brief of ...

7 A. Well I mean I have been furnished with loads of documentation and no
8 disrespect, you try and read what you can but ...

9 Q. 152 Of course. I think that you have in previous modules accepted that insofar as
11:30:56 10 Mr. Dunlops' diaries record that insofar as Mr. Dunlop's telephone records
11 recall telephone calls from you, you accept in general that you made those
12 calls, is that right?

13 A. Well I'm not. I don't recall but I'm not. If you say I made a call I accept
14 what you are saying.

11:31:14 15 Q. 153 No. I don't say you made any telephone calls, Mr. Cosgrave.

16 A. You are saying what it was noted that a call was received, is it?

17 Q. 154 Yes.

18 A. Right.

19 Q. 155 That's all I'm saying that the documentation suggests that certain calls were
11:31:27 20 made.

21 A. Well look it, in relation to Mr. Dunlop and his evidence and his diaries and I
22 mean, my legal team back around the time of the Carrickmines Module looked for
23 some examination. It would seem subsequently ye have carried out your own
24 examination. So I don't know in relation to Mr. Dunlop's diaries. I have
11:31:51 25 something to put on the record shortly in relation to an alleged meeting with
26 him at a funeral. I'll put that on the record. But I don't know Mr. Dunlop's
27 diaries, I don't know how much they've been doctored or interfered with or by
28 him or by others -- so I just apart from, just put that go on the record.

29 Q. 156 In any event, the only point that I wanted to make to you really that I wanted
11:32:13 30 to ask you arising out of the fact that you don't appear in Mr. Dunlop's

- 11:32:18 1 diaries or the telephone attendances prior to March of 1992, whether in fact
2 you had known Mr. Dunlop prior to 1992?
- 3 A. My I knew Mr. Dunlop from the late '70s.
- 4 Q. 157 Right. So he is someone that you would have been familiar with. Would you
11:32:33 5 have been friendly with Mr. Dunlop?
- 6 A. Well, I would be, you know, I mean, in the political game, Ms. Dillon, as you
7 are probably aware you meet people that can be so-called one side of the fence
8 or the other or they may be apolitical or they may be this or that. I mean I
9 heard Mr. Ardagh saying that he answered the phone to anyone. I take people as
11:32:59 10 I meet them and, you know, nobody was turned away. If people looked to see me
11 for one reason or another, I would always listen to their case.
- 12 Q. 158 But when did you first become aware that Mr. Dunlop was a lobbyist acting for
13 developers who had lands up for rezoning before Dublin County Council?
- 14 A. I don't know.
- 11:33:18 15 Q. 159 Would you have known that in 1991 do you think, Mr. Cosgrave?
- 16 A. On the balance of probabilities probably yes. I don't know. There was all
17 sorts of people around and about and lobbyists or I mean I used to gets calls
18 from all sorts of people would I meet X, meet Y. Anyone who approached me I
19 would always say look I'll listen to your case and whatever after that.
- 11:33:43 20 Q. 160 And when you met Mr, when you became aware of the fact that Mr. Dunlop was
21 representing developers before Dublin County Council, Mr. Dunlop would have
22 spoken to you in relation to those developments in a general sense, is that
23 right?
- 24 A. Oh, most likely, yes.
- 11:34:10 25 Q. 161 And would it be fair to say also that Mr. Dunlop would have sought your support
26 in respect of the matters that he was promoting before Dublin County Council?
- 27 A. Yes.
- 28 Q. 162 And would it also be fair to say that there were a very limited number of
29 lobbyists actually working for developers in the course of the Development Plan
11:34:16 30 between 1990 and 1993, the end of '93, would you agree with that?

11:34:22 1 A. Well I mean there was an awful lot of people making application, you know
2 what's your definition of a lobbyist? I mean he could be the lands owner,
3 cousin of the landowner, an architect, solicitor, a barrister.

4 Q. 163 Well what --

11:34:38 5 A. Dozens of people. I mean, Ms. Dillon, if your brother had something up in Dun
6 Laoghaire and I knew him and he said you might know me sister down in the bar
7 and we'd consider something in relation to this or we're looking for an
8 extension I mean isn't that a lobbying?

9 Q. 164 Well maybe I should make myself clear, Mr. Cosgrave. Mr. Dunlop was a person
11:35:01 10 who represented a variety of developers, isn't that right?

11 A. He represented some people I don't know how many people he represented.

12 Q. 165 Well for example you knew that he represented Jackson Way, isn't that right?

13 A. Yes.

14 Q. 166 You knew he represented Quarryvale and Mr. Owen O'Callaghan?

11:35:16 15 A. Yes.

16 Q. 167 You knew that he represented St. Gerard's in Bray?

17 A. I think so, yes.

18 Q. 168 You knew that he represented because he spoke to you about certain other
19 developers such as Balheary and other matters such as that, isn't that right?

11:35:32 20 A. Well I don't recall him representing Balheary, I don't know which one that is
21 but I don't recall that one off the top of me head.

22 Q. 169 But he spoke to you about more than one developer, isn't that right?

23 A. Oh, yes.

24 Q. 170 So it isn't a question of somebody's brother or somebody's sister whom you may
11:35:49 25 or may not know directly or indirectly asking you to look after or approach
26 somebody on a friendly basis, isn't that right?

27 A. Oh, I accept he's in the lobbying game.

28 Q. 171 In other words Mr. Dunlop's professional activity or Mr. Dunlop's reason for
29 attending at Dublin County Council related to the interests of a number of
11:36:10 30 clients whose interests he was representing before the Council, isn't that

- 11:36:14 1 right?
- 2 A. That's correct.
- 3 Q. 172 And subsequently in South Dublin County Council and in your case in Dun
4 Laoghaire-Rathdown County Council, Mr. Dunlop continued to represent the
11:36:23 5 interests of different developers who had applications pending before Dun
6 Laoghaire-Rathdown County Council, isn't that right?
- 7 A. Uh-huh.
- 8 Q. 173 So insofar as Mr. Dunlop is concerned and the type of activity Mr. Dunlop was
9 involved with, Mr. Cosgrave, was there anybody else conducting a similar type
11:36:38 10 of activity in or around Dublin County Council particularly between 1990 and
11 1993?
- 12 A. Others mightn't have probably as many clients but there was certainly lots of
13 people lobbying.
- 14 Q. 174 Yes. But would it be fair to say that those who represented a number of
11:36:56 15 clients, that Mr. Dunlop was probably the person who had the greatest number of
16 clients with matters pending before Dublin County Council?
- 17 A. In -- probably yes but I can't confirm. There may be others who had four
18 clients or five clients but --
- 19 Q. 175 But that you are aware of, Mr. Cosgrave, or from your knowledge of Mr. Dunlop
11:37:15 20 and the clients that he represented. Would it be fair to say from your
21 knowledge that he had the widest variety of clients who had developments
22 pending before the Council between 1990 and 1993?
- 23 A. Well he certainly had a number of clients.
- 24 Q. 176 Yes. So that insofar as Mr. Dunlop had a professional reason for attending at
11:37:34 25 the Council office or meeting with councillors, in all cases what he is doing
26 when he is discussing with councillors is promoting or representing the
27 interest of a client in relation to a particular development, is that right?
- 28 A. Well, probably 90 something per cent of the time probably.
- 29 Q. 177 Right. Now attached to that from the evidence that you have given the
11:37:55 30 Tribunal, there would have been a social element to your dealings with Mr.

11:37:59 1 Dunlop and you have described how on occasion you went with a certain number of
2 other people for lunches and dinners with Mr. Dunlop in a social setting, isn't
3 that right?

4 A. Certainly without, certainly a few lunches. I don't know about dinner but a
11:38:12 5 few lunches anyway.

6 Q. 178 So that in the main, your contact with Mr. Dunlop would have related to matters
7 that were pending or current in the course of the Development Plan, is that
8 right?

9 A. Oh, yeah. Well we met him a few times, mightn't be discussing anything, any
11:38:27 10 planning matter, you know.

11 Q. 179 Now Mr. Dunlop has told the Tribunal that prior to the decision of the Council
12 on the 16th of May 1991, in relation to Quarryvale that he spoke to you and
13 that it's likely that he spoke to you with Mr. O'Callaghan about supporting the
14 Quarryvale motion. Do you have any recollection of meeting with Mr. Dunlop on
11:38:47 15 his own or with Mr. O'Callaghan, prior to the 16th of May 1991?

16 A. No.

17 Q. 180 No. Now, Mr. Dunlop also told the Tribunal that after the vote on the 16th of
18 May 1991, that you approached him and you asked him for effectively a payment
19 in return for your support or an acknowledgement of your support in respect of
11:39:09 20 the Quarryvale vote. And it was pointed out to Mr. Dunlop. Page 924, please.
21 That while you are recorded, Mr. Cosgrave, as having attended the meeting on
22 the 16th of May 1991, as your name is recorded there. You do not in fact vote
23 in favour of the Quarryvale vote, isn't that the position?

24
11:39:35 25 I will show you the vote in relation to the Quarryvale vote is at 932. Now,
26 this is a record first of all of the amendment to the Quarryvale motion and
27 then the substantive motion is put and passed. And you will note there that
28 you are not recorded as voting for or against those, that motion and you are
29 not recorded as abstaining?

11:40:00 30 A. I see that.

- 11:40:01 1 Q. 181 Right. Now, you will also have noted from your consideration of the
2 documentation, Mr. Cosgrave, that there was two earlier votes on that day. And
3 the first of those is at page 926, and this is a vote as to whether or not the
4 manager's report would be discussed. And you are not recorded as voting on
11:40:25 5 that either. Do you see that?
6 A. Yes.
7 Q. 182 And then on the following page at 927, there was a vote on rejecting the
8 manager's report and asking that the Draft Development Plan be not put on
9 display until the motions before the Council had been determined. And you are
11:40:46 10 not recorded as voting on that motion either. Do you see that?
11 A. I see that.
12 Q. 183 Now, they were the only votes that took place on the 16th of May 1991,
13 Mr. Cosgrave, and you are not recorded as voting at all on the 16th of May
14 1991. Do you agree that that's what the record shows?
11:41:06 15 A. I agree that's what I'm looking at here.
16 Q. 184 And do you agree that the record also shows that you were in attendance
17 certainly at the beginning of the meeting at 924?
18 A. Well I was obviously present at some stage in the meeting.
19 Q. 185 And again, you will see there you are recorded as being present. Would that
11:41:23 20 have been normal, Mr. Cosgrave, that a person would turn up or be present
21 obviously for a short period at the beginning of the meeting but is not present
22 thereafter for any of the votes?
23 A. Yeah could I just ... have you done the numbers on how many people were present
24 at the meeting?
11:41:54 25 Q. 186 The record of people who were present at the meeting are as shown on that
26 document, Mr. Cosgrave?
27 A. Yeah how many is that?
28 Q. 187 I don't know.
29 A. Well do you mind if I count them?
11:42:03 30 Q. 188 No, not at all.

- 11:42:29 1 A. It comes to over 60. Could you just go back and show the votes again?
- 2 Q. 189 Do you want to see all of the votes or the Quarryvale votes, Mr. Cosgrave?
- 3 A. The three votes.
- 4 Q. 190 The first vote is at page 926. 47 I think in total.
- 11:42:45 5 A. Uh-huh. Well on my reckoning I think over 60 people are being registered for
6 present. 49 vote in that first vote. So there's, I mean, if you are asking me
7 there is more than me missing.
- 8 Q. 191 Yes. I was only asking you, the question I had put to you was that it normal
9 that councillors would attend certainly for registration insofar as that
11:43:09 10 happens but would not be present thereafter for any of the votes. That was the
11 question that I had put to you.
- 12 A. Well I mean normally you would try and be there for most of the meeting but
13 obviously, you know, other things can happen. I don't know what time of the
14 day this meeting was at. Some meetings went from half two until nine or ten
11:43:30 15 o'clock at night. Other people had other commitments or things. So ... you
16 couldn't be there, no councillor was there 24/7, if you know what I mean
17 Ms. Dillon.
- 18 Q. 192 Yes. Now what Mr. Dunlop has told the Tribunal is that after that meeting --
- 19 A. Uh-huh.
- 11:43:49 20 Q. 193 -- at which even if you were present, Mr. Cosgrave, it is clear you did not
21 vote in favour of the Quarryvale rezoning motion, isn't that right?
- 22 A. Uh-huh.
- 23 Q. 194 What Mr. Dunlop says is that after that meeting, sometime after that, that you
24 had a discussion about the Local Elections and the Quarryvale project and that
11:44:17 25 you sought money from Mr. Dunlop in relation to your support for Quarryvale,
26 isn't that right? Now, first of all did you ever have any discussion in May or
27 June in 1991 with Mr. Dunlop that you recollect first of all about Quarryvale?
- 28 A. Well I don't recall anything, it doesn't mean I couldn't have had some
29 discussion. I mean, Mr. Dunlop has his own agenda down here and I mean, you
11:44:31 30 know, I am now getting money for not voting or not for, you know, not voting

- 11:44:39 1 for something. To be fair I saw the other day Ms. Dillon I think you did
2 question Mr. Dunlop you know is it vivid recollection for him or is it
3 inventive recollection. He has his own agenda down here, so be it.
- 4 Q. 195 I think in fairness to you, Mr. Cosgrave, what I had put to Mr. Dunlop on this
11:44:55 5 issue is that his evidence that you had sought payment in respect of your
6 support for Quarryvale was inconsistent with the fact that you in fact had not
7 supported Quarryvale on the day, if you follow, do you understand?
- 8 A. Yeah, I didn't see the transcript I just saw something in the paper where I
9 think you mentioned something, I don't know ...
- 11:45:13 10 Q. 196 All right. What I'm asking you about now, Mr. Cosgrave, is whether you have
11 any recollection at all of discussing Quarryvale and your support for
12 Quarryvale with Mr. Dunlop in May or June of 1991?
- 13 A. The answer is no.
- 14 Q. 197 Right. Did you have any discussion with Mr. Dunlop about an election donation
11:45:30 15 or seeking election support for him in or around the Local Election of 1991?
- 16 A. No.
- 17 Q. 198 If Mr. Dunlop had made, had paid you cash Mr. Cosgrave, in respect of the Local
18 Election of 1991. Would you have a record anywhere of any such payment?
- 19 A. No.
- 11:45:49 20 Q. 199 Now, I think it is the position that in that list that we looked at,
21 Mr. Cosgrave, at 14523. That in May and June in the early part of that list at
22 the beginning of 1991, there are a number of relatively small lodgements which
23 are cash lodgements in May and in June, isn't that right?
- 24 A. Yeah.
- 11:46:13 25 Q. 200 Right. And is it the position in relation to those lodgements which are the
26 21st of May '91, 22nd of May '91 and then the 4th of June '91, 6th of June '91,
27 that you don't have any explanation in relation to the sources of those
28 lodgements?
- 29 A. No.
- 11:46:29 30 Q. 201 And is it also the position that at this period in time, Mr. Cosgrave, that you

- 11:46:34 1 were involved in the Local Election of 1991?
- 2 A. That's correct.
- 3 Q. 202 And that that was called on the 21st of May and polling was the 27th of June?
- 4 A. 27th, was it?
- 11:46:46 5 Q. 203 The 27th of June yes at 3738. I will just show you the ... and if you look at
6 the fourth column headed local government elections, Mr. Cosgrave, you will see
7 that on the 21st of May '91, was the order calling the Local Election and the
8 election took place on the 27th of June.
- 9 A. Yeah.
- 11:47:08 10 Q. 204 91. Now, the Tribunal has heard evidence that insofar as that's particular
11 election Local Election was concerned everybody knew it was coming well in
12 advance because it had been put back from a previous year is that correct?
- 13 A. I think that's correct.
- 14 Q. 205 And is it also position in line with what you told the Tribunal earlier this
11:47:27 15 morning, that you would have incurred ongoing expenses in the course of that
16 election by way of daily expenditure that you would have had to fund yourself?
- 17 A. That's correct.
- 18 Q. 206 Now -- But you deny in any event that you had any meeting with Mr. Dunlop or
19 agreement in relation to a payment or in fact that he paid you as he says he
11:47:45 20 did, a sum of 2,000 pounds in or around that time?
- 21 A. That's correct.
- 22 Q. 207 Now, I think subsequently if I can show you a document at 7457. Moving on to
23 1992, this is a document created in June of -- in June of 1992 by Mr. Dunlop
24 dealing with support for Quarryvale. And on that document at 7459. You will
11:48:21 25 see in the very last block of names, fourth from the bottom your name and
26 beside that, that you had been contacted by Mr. O'Callaghan and Mr. Dunlop.
27 Would you agree, Mr. Cosgrave, that it's likely that by June of 1992, you had
28 met both Mr. O'Callaghan and Mr. Cosgrave (sic)?
- 29 A. Mr. Dunlop.
- 11:48:41 30 Q. 208 Sorry I beg your pardon. Mr. Dunlop and Mr. O'Callaghan?

- 11:48:44 1 A. Yeah. Probably more than probable I mean obviously I don't know exactly. I
2 mean I've met Mr. O'Callaghan a couple of times and I've met Mr. Dunlop a good
3 few times so in all probability.
- 4 Q. 209 So when did you first meet with Mr. O'Callaghan can you remember Mr. Cosgrave?
- 11:49:05 5 A. I don't know, I mean to be honest.
- 6 Q. 210 Can you remember where it was that you met him?
- 7 A. Well I'd say more likely either the Dublin County Council offices or probably
8 the or possibly the Royal Dublin.
- 9 Q. 211 All right. Can you remember who was with Mr. O'Callaghan when you met him?
- 11:49:23 10 A. No.
- 11 Q. 212 No.
- 12 A. No.
- 13 Q. 213 Can you remember whether you met Mr. O'Callaghan with Mr. Dunlop?
- 14 A. Well I certainly probably met the two of them together, I may have met Mr.
11:49:32 15 O'Callaghan separately at some stage, I don't. I mean I honestly don't recall.
16 I mean, you know, I mean the way things were down there in the Royal Dublin and
17 the council you'd meet all sorts of people. A meeting could be just literally
18 going into the foyer, you know.
- 19 Q. 214 Would you have known that Mr. O'Callaghan was the main developer or promoter
11:49:57 20 behind Quarryvale?
- 21 A. Well obviously at a certain stage I did.
- 22 Q. 215 Did you know Mr. Tom Gilmartin?
- 23 A. No.
- 24 Q. 216 Did you ever meet Mr. Gilmartin? Did you ever have any telephone contact from
11:50:12 25 Mr. Gilmartin that you can recollect?
- 26 A. No.
- 27 Q. 217 Did anyone ever discuss Mr. Gilmartin's presence or absence around Dublin
28 County Council with you?
- 29 A. No.
- 11:50:20 30 Q. 218 When did you first become aware of Mr. Gilmartin's name as having any

- 11:50:24 1 involvement in Quarryvale at all?
- 2 A. I honestly don't know. I mean it's probably more in recent times.
- 3 Q. 219 Since this Tribunal was established, Mr. Cosgrave?
- 4 A. I would imagine yes.
- 11:50:36 5 Q. 220 So that prior to that in your dealings with Mr. Dunlop and Mr. O'Callaghan in
6 relation to Quarryvale and your meetings with them when they sought your
7 support, there was no discussion about a Mr. Tom Gilmartin or his involvement
8 in the project?
- 9 A. No.
- 11:50:49 10 Q. 221 Did you ever have any discussion with any other councillor who might have
11 sought your support in relation to Quarryvale or anybody from your own party
12 for example?
- 13 A. No. I might have run it by some of the councillors in that general area and I
14 mean I think most people were pro the thing, the size was obviously an issue
11:51:09 15 but you know obviously it wasn't my direct area so it wouldn't have been I
16 wouldn't have been as interested as something in me own area.
- 17 Q. 222 Would it be fair to say that you would have been a quiet supporter of
18 Quarryvale from the beginning?
- 19 A. I would have been, I mean, I was always, I would have always been
11:51:29 20 pro-development, pro-investment so I think I would have been for it obviously
21 subject to, you know, report from well the manager or others. I mean size and
22 that I wouldn't be an expert now on shopping developments.
- 23 Q. 223 Uh-huh. But insofar as you are recorded as voting on the Quarryvale issue.
24 Where you are recorded as voting. It is a vote in support of Quarryvale, is
11:51:53 25 that right?
- 26 A. Well I voted for the manager's report in 1992 as far as I recall. I don't have
27 the vote here but.
- 28 Q. 224 I'll come to the vote in December '92. And I think in fairness what the
29 manager recommended was adhering to the 1983 plan but that if the council were
11:52:08 30 not happy with that he suggested a modified plan which was then accepted I

11:52:12 1 think by the council?

2 A. Um.

3 Q. 225 There was a motion by Mr. Colm McGrath and others.

4 A. Yeah, I don't quite know if I was up earlier when Deputy Ardagh was here. I

11:52:26 5 don't just have it here. I am taking your word for it.

6 Q. 226 I will show you the documentation, Mr. Cosgrave, anyway. Before we come to

7 look at December '92. Can I show you a document you will be familiar with at

8 8431. This is the extract from Mr. Dunlop's diary for the 11th of November

9 1992, and you said when I mentioned this to you earlier on, Mr. Cosgrave, that

11:52:52 10 you had something you wished to say about this diary entry, is that right?

11 A. Uh-huh.

12 Q. 227 This is your opportunity now.

13 A. Right. Well, I mean, this got your colleague or your former colleague here was

14 this meeting was meant to have taken place at 2:30 prior to a funeral and at

11:53:14 15 the I think time I think it was Mr. Gallagher said to Mr. Dunlop, funny time

16 for a removal. So Mr. Dunlop then when he was shall we say cornered at the

17 time suddenly the funeral is put back several hours and I just want to just put

18 on the record, I didn't. I wasn't at Dr. Dillon's funeral on that day. I

19 think the Registrar here and I am sure he can speak for himself, called out to

11:53:43 20 the house. He got the funeral attendance list. The Dillons, I called to Mr.

21 Dillon meself having tracked him down, you know, and he'd never met me before.

22

23 The funeral list which wasn't produced at the time and which was, if my name

24 was on the funeral list Mr. Gallagher would have been in here hot foot with it.

11:54:12 25 Just for the record, Ms. Dillon, obviously the fact that my name is not on the

26 list doesn't prove that I couldn't have been there because there is no

27 obligation on one. But I am just putting it on the record that the facts don't

28 add up and I think it's important, whether the Judges accept, don't accept my

29 word, they can't do much damage to me apart from putting gallows out in the

11:54:31 30 castle yard.

11:54:32 1 But I am just putting it on the record and I'm sure Mr. Kavanagh here, he
2 called out, the funeral list was not produced here by Mr. Gallagher.

3 Q. 228 Well --

4 A. He withheld it for whatever reason. Now, he was taking me out anyway on a
11:54:48 5 non-event but I just put, Ms. Dillon, I ask you to take what I say okay.

6 Q. 229 What I was going to put to you, Mr. Cosgrave, in ease of yourself rather than
7 taking you through everything that had happened was I was going to put to you
8 the summary of your evidence in relation to this alleged meeting on the 11th of
9 November, and Mr. Dunlop's. But is it your position, Mr. Cosgrave, that you
11:55:15 10 did not have a meeting at all with Mr. Dunlop on the 11th of November 1992?

11 A. As far as I'm aware, no.

12 Q. 230 Leaving aside -- the question of any funerals.

13 A. Possibly during the election he gave me a political contribution and that was
14 what it was, a political contribution. Even in his evidence I think as
11:55:33 15 recently as the last week or two, he mentions something about a contribution.

16 Now he is trying to sort of -- I mean, is he the person whether is going to
17 decide well some people give money in exactly the same circumstances, it's a
18 contribution, in other circumstances a corrupt payment. He is the only other
19 person -- I have dozens of failing, Ms. Dillon, but I'm not corrupt.

11:55:57 20 Q. 231 Mr. Cosgrave --

21

22 CHAIRMAN: Just before. In fairness to Mr. Cosgrave, I think there is
23 evidence of a list, a funeral list which doesn't include Mr. Cosgrave's name.
24 I can't remember whether that was produced in evidence but certainly we are
11:56:18 25 aware and we can ...

26

27 Q. 232 MS. DILLON: If that could be just left over until after the break. I am not
28 familiar with that myself and that's why I didn't want to say anything until I
29 had an opportunity to look at the list but I was not leaving it. I intend in
11:56:32 30 fairness to Mr. Cosgrave to come back to that list. And if it's there and I

11:56:37 1 assume that it is that it will be added in fairness to Mr. Cosgrave. So I was
2 just going to leave that small element until after the break if that's all
3 right.

11:56:43 5 CHAIRMAN: Well we can check that. My own recollection is that he was not.
6 And so --

8 MS. DILLON: So Mr. Cosgrave says.

11:56:51 10 CHAIRMAN: And that was a removal later that day in the vicinity of
11 Newtownpark Avenue.

13 MS. DILLON: There is no question about that. But it should be added and
14 there will be no difficulty about that.

11:57:01 15 CHAIRMAN: All right. We will just rise for about ten minutes.

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

11:57:22 20 **THE TRIBUNAL THEN ADJOURNED FOR A SHORT BREAK**

21 **AND RESUMED AS FOLLOWS:**

23 MS. DILLON: The following would appear to be the position in relation to the
24 death of Dr. Dillon.

12:12:45 25
26 An issue arose in the course of the Carrickmines I Module about whether or not
27 Mr. Cosgrave had attended at the funeral of Dr. Dillon, whose funeral occurred
28 on the same date as the date which Mr. Dunlop alleges that he met with
29 Mr. Cosgrave in Newtownpark Avenue and made the payment that Mr. Dunlop
12:13:03 30 alleges.

12:13:04 1 Inquiries were carried out by the Tribunal and it appears from those inquiries
2 that at the time that Mr. O'Higgins was cross examining Mr. Dunlop on behalf of
3 Mr. Cosgrave or around that time, that Mr. Cosgrave's legal team were told that
4 inquiries will be made by the Tribunal and that there did not appear to be any
12:13:23 5 record of Mr. Cosgrave having attended at the funeral or removal of Dr. Dillon.
6 And that information was communicated to the solicitors on behalf of
7 Mr. Cosgrave and acknowledged by the solicitors to Mr. Cosgrave in a letter to
8 the Tribunal dated the 2nd of April 2003.

9
12:13:45 10 Now, insofar as there is reference to a ruling or a discussion in public in
11 relation to this matter. On the 2nd of April 2003, the former Sole Member of
12 the Tribunal then sitting, the present Tribunal issued a ruling in which he
13 made reference to inquiries being made by the Tribunal into the attendance at
14 the funeral. No reference was made in that ruling to the existence of any list
12:14:12 15 or documentation that had been provided to the Tribunal and it refers to
16 nothing other than the fact that the Sole Member was then satisfied that those
17 inquiries were appropriate. So I think the position is as follows.

18
19 There doesn't appear to have been any reference in public to the existence or
12:14:29 20 non-existence of a list. And that apparently was due to the feelings or
21 consideration for the family of Dr. Dillon. However, it is clear from the
22 correspondence of the 2nd of April 2003, that Mr. Cosgrave's legal team was
23 aware of the fact that there was no documentation to suggest that Mr. Cosgrave
24 had attended at that particular funeral. And I think that's the position.

12:14:52 25
26 CHAIRMAN: All right. So that seems to make that clear.

27
28 MS. DILLON: Now, there is also. Sorry. Mr. Quinn hands me an extract from
29 Day 373, which refers in public that there was a record of those who attended
12:15:06 30 in the form of a book of condolences and Mr. Cosgrave's signature did not

12:15:11 1 appear in the book. But the actual document itself I think, wasn't provided
2 and that was at the request of the family. It wasn't provided to anybody.

3

4 CHAIRMAN: All right.

12:15:21 5 A. Just on that Ms. Dillon. Was it not provided to the Tribunal?

6

7 Q. 233 MS. DILLON: Yes it was provided to the Tribunal. But you I understand that

8 the family were anxious that it wouldn't be circulated. But I think that it is

9 clear, Mr. Cosgrave, I will just come back to deal with that in a second. That

12:15:38 10 the information contained in the list insofar as Mr. Cosgrave sought to make a

11 complaint about this before the break. That information was provided both in

12 public and in correspondence to Mr. Cosgrave in April of 2003.

13 A. Well just two things on that, Ms. Dillon, I have no wish for -- all I would ask

14 is that the list be made available to ... to the Judges. And the other thing

12:16:03 15 is in private session during, you know, Mr. Dunlop mentioned some other church.

16 Now, I don't know whether he was ever cross-examined about that and I would

17 just like to put that on the record. A church some miles away.

18

19 MS. DILLON: I don't want to allow Mr. Cosgrave necessarily undue facility in

12:16:22 20 the witness box, to be critical of and everybody. And it appears now that he

21 appears now to be criticising his own legal team for not cross-examining Mr.

22 Dunlop. Mr. Dunlop was subjects to an extensive cross-examination by

23 Mr. Cosgrave's former legal team.

24

12:16:35 25 I had hoped this morning that it wouldn't be necessary to revisit all of the

26 evidence in Carrickmines I in relation to this payment but in view of the

27 issues that are raised by Mr. Cosgrave, I have no difficulty in dealing with

28 that.

29

12:16:46 30 CHAIRMAN: Well I don't think that there is any need to -- the important thing

12:16:49 1 is that it was mentioned in public on a particular day that Mr. Cosgrave's name
2 was not on the list. And I now recall the fact that the family specifically
3 requested that the list would not be publicised. But it was --

4 A. Just on that matter. I have no wish that it be publicised. All I want is that
12:17:12 5 you are aware of it.

6
7 CHAIRMAN: Oh, we are aware of it.

8
9 JUDGE FAHERTY: It is on the record in any event, Mr. Cosgrave.

12:17:19 10
11 CHAIRMAN: And during the break we were recalling ourselves the fact that we
12 had been told that your name was not on that list. We couldn't exactly
13 remember the precise detail as to how we were told. We are aware. It was
14 mentioned in public. It was communicated to your solicitor.

12:17:35 15
16 MS. DILLON: Yes, but there appeared to have been in fairness to my colleague,
17 Mr. Gallagher. There appears to have been certainly an inference if not
18 stronger than that made by Mr. Cosgrave this morning that there was some
19 suppression or deliberately withholding of this information. And while the
12:17:51 20 document may not have been circulated at the wishes of the family of the
21 deceased, the information relevant to Mr. Cosgrave as contained within that
22 documentation, was informed to his solicitors by communication which they
23 acknowledge in correspondence in April 2003, and which is dealt with in public
24 by the Tribunal on Day 378, in the course of Mr. Cosgrave's evidence.

12:18:14 25
26 And I think that in fairness it should be acknowledged and if Mr. Cosgrave
27 inadvertently intended to suggest that there was any deliberate attempt to
28 suppress or withhold that evidence he should now acknowledge that that in fact
29 is not substantiated by the facts. And that in fact in the course of his own
12:18:32 30 evidence on Day 378 the following was stated.

12:18:35 1 "There was a record of those who attended in the form of a book of condolences
2 Mr. Cosgrave's signature did not appear in the book."
3
4 Now, it could not have been stated any more clearly. That was stated when
12:18:56 5 Mr. Cosgrave was here. And I just think in fairness to Mr. Gallagher, that
6 Mr. Cosgrave should acknowledge that there was no question of suppression of
7 the information that was contained.
8 Would you agree with that, Mr. Cosgrave?
9 A. Ms. Dillon, I am not going to get into an argument but my view is that if my
12:19:04 10 name was on that list Mr. Gallagher would have produced it.
11 Q. 234 No that's not --
12 A. It wasn't produced. That's the facts I'd rather leave it at that.
13
14 CHAIRMAN: Wait now --
12:19:14 15 A. I'd rather leave it at that. Now if you want to go on.
16
17 CHAIRMAN: No, no. First of all, we have no doubt whatsoever that
18 Mr. Gallagher acted absolutely appropriately at all times in relation to this
19 and other issues.
12:19:28 20
21 Secondly, it was recorded in public that your name was not on the list. It was
22 unnecessary for the reasons stated to physically produce the list. We were
23 aware and are aware that your name was not on the list. It was stated
24 publicly. And it was -- and your solicitors were informed of the fact. So
12:19:51 25 beyond that it, I don't think anything else could have been done. So we
26 needn't revisit the matter.
27
28 Q. 235 MS. DILLON: Now, in relation, Mr. Cosgrave, at 8431, this particular list of
29 people that Mr. Dunlop says he visited on the 11th of November 1992. In the
12:20:14 30 course of Carrickmines I, you may not have been aware of the following matters

12:20:18 1 which appear now to be the position. At 10:00 the reference is "PR at home".
2 And you may be aware that that's a reference to Mr. Pat Rabbitte and that
3 Mr. Rabbitte acknowledge that is Mr. Dunlop visited with him that morning and
4 Mr. Dunlop left, Mr. Rabbitte says 2,000 pounds in cash, with Mr. Rabbitte.

12:20:38 5 Are you aware that have, Mr. Cosgrave?
6 A. I've heard it, yes.
7 Q. 236 And that that is confirmed by Mr. Rabbitte. Are you aware of that?
8 A. Well if you -- I'll take your word for it Ms, Dillon.
9 Q. 237 And are you aware that at the second entry "TH" relates to a visit of Mr. Tom
12:20:55 10 Hand and you are aware of course that Mr. Hand is deceased, isn't that correct?
11 A. That's correct.
12 Q. 238 And the next name on the list is "MJC Marine Hotel" and Mr. Dunlop says it's
13 unlikely that he visited with him on that date. And on the next reference is
14 "CB at DCC" which is a reference to Mr. Cathal Boland. And that while Mr.
12:21:14 15 Dunlop says he did not make any payment to Mr. Boland, Mr. Boland says that Mr.
16 Dunlop gave him a donation of 4,000 pounds in cash at that meeting. Are you
17 aware of that?
18 A. Well I'm not aware. Again I am accepting what you are saying.
19 Q. 239 Yes. And that would mean then just to put it in context, Mr. Cosgrave, that
12:21:33 20 before Mr. Dunlop has an entry for your name, according to the evidence of two
21 other people whom Mr. Dunlop is alleged to have met on that day, they confirm
22 that Mr. Dunlop met with them and more than that, they confirm that Mr. Dunlop
23 paid them cash, do you understand?
24 A. I accept what you're saying.
12:21:53 25 Q. 240 All right. And also do you know that as I assume you would have known from a
26 consideration of the documents, that on the previous day is that is the 10th of
27 November 1992, Mr. Dunlop withdrew 55,000 pounds in cash from an account he
28 held at Allied Irish Bank in Rathfarnham. You are aware of that, isn't that
29 right?
12:22:11 30 A. I take your word for it.

12:22:12 1 Q. 241 Yes. And also that on the previous evening the reference at 5:30 to Ashtons in
2 Clonskeagh with the initials "OM" beside it, Ms. Mitchell accepts that she met
3 with Mr. Dunlop in Ashtons in Clonskeagh and received a sum of either 300 or
4 500 pounds from cash from Mr. Dunlop. Are you aware of that?

12:22:31 5 A. No.

6 Q. 242 And are you aware of the fact that the entry beneath that on the 10th of
7 November for "8.00 Clondalkin" is a reference to a meeting with Mr. Colm
8 McGrath in Clondalkin at which Mr. Dunlop says he paid 2,000 pounds in cash to
9 Mr. McGrath. Are you aware of that?

12:22:48 10 A. I'm not.

11 Q. 243 Right. The election had been called at this stage, isn't that right,
12 Mr. Cosgrave?

13 A. Yes.

14 Q. 244 Yes. And of the people who are listed on the 11th of November, and indeed on
12:23:02 15 the 10th of November, would most of those have been candidates in the election?
16 Ms. Olivia Mitchell was a candidate, isn't that right?

17 A. Correct.

18 Q. 245 Mr. Colm McGrath.

19 A. As far as I'm aware but I have to see, I wouldn't know, it would have been a
12:23:28 20 different area to me.

21 Q. 246 Mr. Pat Rabbitte.

22 A. Yes.

23 Q. 247 Mr. Tom Hand.

24 A. I don't think he was a General Election candidate then but I could be wrong.

12:23:28 25 Q. 248 Mr. Michael Joseph Cosgrave.

26 A. Yes.

27 Q. 249 Mr. Cathal Boland.

28 A. I think so.

29 Q. 250 Yes. I think there was some confusion about Mr. Boland standing initially but
12:23:37 30 ultimately he was selected I think to stand in that election, is that right?

- 12:23:41 1 A. Well, I mean, I don't know. I mean, obviously my main concern would have been
2 Dun Laoghaire I wouldn't have known. I accept what you say I don't think it's
3 at issue anyway.
- 4 Q. 251 So it would appear that of the people who were listed as having been met by Mr.
12:23:59 5 Dunlop on the 10th and 11th of November, the majority of them appear to be have
6 been candidates in the generally election of 1992. And of those who admit to
7 receiving money, accept that they received from Mr. Dunlop payments or
8 donations in cash on the 10th and 11th of November 1992. Do you agree with
9 that?
- 12:24:16 10 A. Yes.
- 11 Q. 252 Right. And therefore, what I am going to suggest to you, Mr. Cosgrave, is that
12 if Mr. Dunlop had an arrangement to meet you, whether at a funeral or otherwise
13 than at a funeral, that in all likelihood he was arranging to meet you for a
14 similar purpose to the arrangements that he made to meet other people which was
12:24:35 15 for the purpose of making a payment or donation to you, do you agree with that?
- 16 A. A donation, yes I accept that.
- 17 Q. 253 So would you agree that it's likely leaving aside the issue of any funeral that
18 if you met with Mr. Dunlop on the 11th of November 1992, that in all likelihood
19 the receipt of a donation by you from Mr. Dunlop?
- 12:24:55 20 A. I don't know whether I met him on the 11th. I know him I met him during that
21 campaign all right at some stage.
- 22 Q. 254 Yes. And insofar as you acknowledge that you received money from Mr. Dunlop in
23 the course of that campaign, Mr. Cosgrave, do you acknowledge that you received
24 it in cash?
- 12:25:10 25 A. Yes.
- 26 Q. 255 Right. And that therefore the dispute that exists between yourself and Mr.
27 Dunlop in relation to the donation or payment in November 1992, relates to the
28 location where the payment is made and in your case the amount, isn't that
29 right?
- 12:25:25 30 A. That's correct.

- 12:25:25 1 Q. 256 Mr. Dunlop says he paid you 5,000 pounds in cash. You say you got 2,000 pounds
2 in cash, isn't that right?
- 3 A. That's correct.
- 4 Q. 257 Mr. Dunlop says that it happened in Newtownpark Avenue. You say it happened in
12:25:37 5 Buswells Hotel, isn't that right?
- 6 A. That's right.
- 7 Q. 258 But do you dispute that you may have met with Mr. Dunlop at Newtownpark Avenue
8 at all, is it possible that you could have met him there that day?
- 9 A. No.
- 12:25:47 10 Q. 259 No. And do you accept that there is no entry in Mr. Dunlop's diary for this
11 period for a meeting you with you in Buswells Hotel?
- 12 A. I accept that.
- 13 Q. 260 Right. And that the only recorded entry for a meeting with you with Mr. Dunlop
14 in his diaries on the same date that Mr. Dunlop is meeting a series of other
12:26:06 15 people most of whom he gave -- to whom he gave an acknowledged payment of cash,
16 isn't that right?
- 17 A. That's correct.
- 18 Q. 261 All right. Now, moving on from there then, Mr. Cosgrave, very quickly to the
19 17th of December 1992. Do you accept that the record shows that you supported
12:26:25 20 Quarryvale at the vote in December 1992?
- 21 A. I supported the manager's report I think it was.
- 22 Q. 262 All right.
- 23 A. Could I see the vote sorry? Could I see it?
- 24 Q. 263 Yes. 1119, please. This is the first vote which is a vote to rezone
12:26:49 25 Quarryvale to E, industry, you see that at the very bottom of the page?
- 26 A. Yes.
- 27 Q. 264 And that would have been to support the 1983 position as Quarryvale had been
28 zoned in that fashion up to May of 1991, do you agree with that?
- 29 A. Could you repeat sorry? Trying to follow you -- what did you say sorry?
- 12:27:18 30 Q. 265 Just take it in stages. In the 1983 Development Plan, the Quarryvale lands had

- 12:27:23 1 been zoned E for industry. In May of 1991, that zoning was changed to D for a
2 portion of it town centre, isn't that right? This first motion is a motion to
3 bring it back to E industry. In other words to remove the D town centre
4 zoning, do you understand?
- 12:27:38 5 A. Correct.
- 6 Q. 266 Now in the manager's report which I will get for you in a moment, the manager
7 had recommended adhering to the original plan but that if the councillors
8 wanted to change it then what they should do was change it to a C and a D
9 zoning, do you understand?
- 12:28:05 10 A. Well if you say so.
- 11 Q. 267 And therefore if one was supporting the managers proposal in its original
12 format, one would have been supporting the motion to rezone the lands back to
13 E, do you understand?
- 14 A. I don't recall the vote.
- 12:28:15 15 Q. 268 All right. In any event, Mr. Cosgrave, you are recorded at 1120 as voting
16 against that motion to rezone it back to E. You will see your name under the
17 heading "against" in the second line, do you see that?
- 18 A. Yes.
- 19 Q. 269 And do you acknowledge that's how you voted?
- 12:28:32 20 A. I accept the minutes.
- 21 Q. 270 Yes. The second vote on the 17th of December, Mr. Cosgrave, was to amend the
22 motion to propose a C1 zoning with a cap of 100,000 square feet retail. And
23 you vote against that also and you will see that you are recorded as voting
24 against it on the second last line. You understand?
- 12:28:54 25 A. Right.
- 26 Q. 271 And then on the following page at 1121. The motion it was proposed by
27 Councillor Devitt and seconded by Councillor McGrath to amend the motion by
28 adding the words "to restrict the retail shopping to 250,000 square feet" and
29 you vote for that motion, isn't that right?
- 12:29:15 30 A. That's right.

- 12:29:17 1 Q. 272 Together with Mr. McGrath, isn't that right, and Councillor Gilbride who would
2 have been two of the main promoters for Quarryvale, isn't that right?
3 A. Well 39 people voted for it.
- 4 Q. 273 Yes.
- 12:29:30 5 A. Do you want me to read them out or do you?
6 Q. 274 No thank you, it's not necessary, Mr. Cosgrave.
7 A. I know that you have singled two out but there was a good few others voted for
8 it as well.
9 Q. 275 Yes. But on that occasion you are supporting the rezoning of Quarryvale but
12:29:45 10 with a cap of 250,000 on the retail element, isn't that right?
11 A. That's correct.
12 Q. 276 And thereafter then the fourth vote on that date is at 1122. Which was to
13 approve the move of the D zoning from Quarryvale back to Neilstown. And you
14 support that also, isn't that right?
- 12:30:04 15 A. That's correct.
16 Q. 277 And that had been part of the managers recommendation, isn't that the position?
17 A. That's correct.
18 Q. 278 Right. Now, in January of 1993 at 9072, Mr. Cosgrave, Mr. Dunlop gave you a
19 cheque, isn't that right?
- 12:30:26 20 A. That's correct.
21 Q. 279 Would you outline to the Tribunal the circumstances in which you he gave you
22 that cheque?
23 A. I don't recall. I mean he obviously gave it to me for the Senate campaign.
24 Senate Election.
- 12:30:40 25 Q. 280 Did you have any discussion with Mr. Dunlop about the fact that he had already,
26 on your evidence, given you a donation of 2,000 pounds in cash for the November
27 '92 General Election?
28 A. Note that I can recall.
29 Q. 281 Did you have any discussion with Mr. Dunlop as to why this particular donation
12:30:55 30 was being made by way of cheque when own your evidence, the earlier donation

- 12:30:59 1 had been made by way of cash?
- 2 A. No.
- 3 Q. 282 Did you, can you recollect any conversation with Mr. Dunlop at all about this
- 4 particular donation?
- 12:31:08 5 A. No.
- 6 Q. 283 What did you do with it, Mr. Cosgrave, can you remember?
- 7 A. Probably spent it on the General Election campaign or that Senate Election
- 8 campaign.
- 9 Q. 284 On the Senate Election. Is it possible that you might have lodged it at 9074,
- 12:31:27 10 please. On the 20th of January, there is a lodgement of 1,040 pounds, do you
- 11 see that?
- 12 A. Uh-huh.
- 13 Q. 285 And I ask you that only because at 9072 you will have seen, Mr. Cosgrave, the
- 14 stamp of the EBS on the cheque from Mr. Dunlop, isn't that right?
- 12:31:53 15 A. Uh-huh.
- 16 Q. 286 Yes.
- 17 A. Oh.
- 18 Q. 287 And on the reverse of that cheque at 9073. You will see the stamp is dated the
- 19 20th of January.
- 12:32:07 20 A. Yes.
- 21 Q. 288 1993, isn't that right.
- 22 A. Yeah I mean just for clarification, I wasn't saying I didn't lodge it
- 23 somewhere. What I was saying what did I, it went on the campaign.
- 24 Q. 289 Yes. And just on that point at 9129, Mr. Cosgrave, this is the lodgement of
- 12:32:28 25 1,040 is probably the lodgement of Mr. Dunlop's cheque, isn't that right?
- 26 A. In all probability, yes.
- 27 Q. 290 Isn't that right? That's in accordance with the stamp on the document from the
- 28 EBS, is that right?
- 29 A. Yeah.
- 12:32:47 30 Q. 291 Would it be fair to say, Mr. Cosgrave, that you had a good relationship with

- 12:32:55 1 Mr. Dunlop?
- 2 A. Yes.
- 3 Q. 292 And is it also fair to say that after you attended at an interview at the
- 4 Tribunal, Mr. Cosgrave, that you had a conversation with Mr. Dunlop following
- 12:33:07 5 that meeting at the Tribunal?
- 6 A. I don't recall that but anyway ...
- 7 Q. 293 And that you have expressed in correspondence with the Tribunal I think, a view
- 8 that following on that conversation with Mr. Dunlop, Mr. Dunlop became aware of
- 9 the fact that you had no record of the payments that Mr. Dunlop or donations
- 12:33:28 10 Mr. Dunlop had made to you?
- 11 A. I don't recall that but ...
- 12 Q. 294 At 15293, please. This -- at 15292 first please is dated the 4th of March
- 13 2003. This is your statement to the Tribunal and you deal with one or two
- 14 issues in that, Mr. Cosgrave, I want you to deal with. But at 15293, you state
- 12:33:59 15 "I now believe that one of the reasons why Frank Dunlop has attempted to
- 16 implicate me in his false testimony is because he learnt that I had no idea how
- 17 much he had given to me during the conversation we had after my interview with
- 18 Patricia Dillon.
- 19
- 12:34:14 20 This was a platform from which he was able to build up his lies. I believe
- 21 they are designed to protect his financial interests from the Revenue
- 22 Commissioners".
- 23
- 24 That's your statement to the Tribunal, isn't that right?
- 12:34:25 25 A. That's correct.
- 26 Q. 295 Now is it the position then, Mr. Cosgrave, that following your meeting in the
- 27 Tribunal offices you met with Mr. Dunlop and you confirmed to Mr. Dunlop that
- 28 you did not know how much Mr. Dunlop had given you?
- 29 A. I don't recall any such meeting.
- 12:34:42 30 Q. 296 It follows, does it not, if what's stated in your statement to the Tribunal is

12:34:46 1 true, Mr. Cosgrave, that you must have had such a meeting with Mr. Dunlop,
2 isn't that right?

3 A. I don't recall any such meeting.

4 Q. 297 On the previous page in the second part of the statement you say the following
12:35:09 5 "in late '98 or early '99, I was interviewed by Patricia Dillon of the Flood
6 Tribunal. There was no mention whatsoever of Frank Dunlop at this interview.
7 About a week after the interview I received a phone call to my Senate office
8 from Ms. Dillon. She said that she had forgotten to ask me a question at the
9 interview.

12:35:25 10
11 She asked if it would be possible to deal with it on the phone. I said I was
12 happy to assist. She then asked me if I had received any donations from Frank
13 Dunlop. I said I had but I was unable to tell her how much. I offered to
14 clarify the matter with Frank Dunlop but she said this would not be necessary.

12:35:39 15
16 I rang him a few days later and gossiped about my interview with Patricia
17 Dillon. I had read Frank Dunlop's last statement concerning these matters and
18 categorically deny we had any discussions about having to be careful or
19 anything of the like. I was not concerned about the political donations Frank
12:35:53 20 Dunlop had given to me because they were legitimate and made at the time of
21 elections campaigns. There is no question I was engaged in any form of
22 discussion about misleading the Tribunal."
23

24 It is clear from that portion of your statement to the Tribunal, Mr. Cosgrave,
12:36:07 25 if it is true that you had a discussion with Mr. Dunlop following on your
26 meeting at the Tribunal, isn't that right?

27 A. Oh, probably so sure I mean loads of people I've discussed the Tribunal with.

28 Q. 298 Yes. That's not the issue because the issue is, Mr. Cosgrave, at 15293, if you
29 had such a conversation with Mr. Dunlop, then the information you imparted to
12:36:33 30 Mr. Dunlop was that you had no idea how much he had given to you. Do you see

- 12:36:39 1 that in your own statement?
- 2 A. Yeah, I do.
- 3 Q. 299 Right. Now, if that statement is true to the Tribunal, it means, Mr. Cosgrave,
4 that in the conversation you had with Mr. Dunlop you told him that you did not
12:36:53 5 know how much money he had given to you. Do you accept that you told Mr.
6 Dunlop that in the course of your conversation?
- 7 A. I don't recall saying it to him.
- 8 Q. 300 Do you accept that if your statement to the Tribunal that's on screen is true,
9 it must follow that you must have told Mr. Dunlop that you had no idea how much
12:37:11 10 Mr. Dunlop had given to you?
- 11 A. I probably wouldn't have gone over each election where he gave me
12 contributions.
- 13 Q. 301 But it follows does it not, Mr. Cosgrave, if what's in this statement is
14 correct that you did not know when you had your conversation with Mr. Dunlop
12:37:28 15 after your meeting with the Tribunal, how much money Mr. Dunlop had given you,
16 isn't that right?
- 17 A. That's correct.
- 18 Q. 302 Right. And that therefore you are relying upon trying to re-constitute your
19 records from documentation, isn't that right?
- 12:37:42 20 A. That's correct.
- 21 Q. 303 And you in fact have no documentation, Mr. Cosgrave, isn't that right, in
22 relation to any donations you received from anybody, isn't that right?
- 23 A. That's right. There was no obligation in those days to keep records.
- 24 Q. 304 And insofar as the cheque payments or the payments the donations by cheque are
12:37:59 25 concerned. It is only where the Tribunal has been able to obtain those from
26 the bank that you have been able to confirm that they in fact are the record of
27 the payments you received, isn't that right?
- 28 A. That's correct.
- 29 Q. 305 And insofar as you may have received cash, Mr. Cosgrave, from any source
12:38:15 30 including Mr. Dunlop, the position is that you don't have any record at all in

- 12:38:31 1 relation to any cash payments, isn't that right?
- 2 A. That's correct.
- 3 Q. 306 And that if your statement to the Tribunal about your meeting with Mr. Dunlop
4 statement dated the 4th of March 2003 is correct, you were unable to tell Mr.
12:38:33 5 Dunlop and could not remember how much money you had in fact received from Mr.
6 Dunlop, isn't that right?
- 7 A. That's correct.
- 8 Q. 307 All right. Now, I think that there was one I think further cheque payment
9 Mr. Cosgrave, at 1174. Which was a payment in May of '95 to Fine Gael, but I
12:38:58 10 think that you were instrumental in organising the fundraising event that was
11 attended by Mr. Dunlop at 1179. Because you write to him in relation to this
12 fundraiser which is a Fine Gael fundraiser, isn't that right, Mr. Cosgrave?
- 13 A. That's right.
- 14 Q. 308 And you acknowledge receipt of the attendance and support for the galla dinner
12:39:22 15 in question, isn't that right?
- 16 A. That's correct.
- 17 Q. 309 But you have no record, Mr. Cosgrave, of issuing any acknowledgement or receipt
18 in respect of any of the admitted or acknowledged donations that you say you
19 received from Mr. Dunlop, isn't that right?
- 12:39:37 20 A. That's correct.
- 21 Q. 310 And that this particular acknowledgement that issues is in relation to a cheque
22 that Mr. Dunlop has written at 11774. To Fine Gael, isn't that the position?
- 23 A. That's correct.
- 24 Q. 311 And that this in fact was an event that was being run for fundraising purposes
12:39:57 25 in the Killiney Castle Hotel, isn't that correct?
- 26 A. That's correct.
- 27 Q. 312 And therefore is a more formal fundraising event than a meeting face-to-face
28 with Mr. Dunlop, between Mr. Dunlop and yourself, isn't that right?
- 29 A. It was a Dun Laoghaire constituency function.
- 12:40:11 30 Q. 313 Yes. But it's not a personal donation to Mr. Liam Cosgrave, isn't that right?

- 12:40:15 1 A. That's correct.
- 2 Q. 314 It's a constituency fundraiser and it's a fundraiser in which records are kept
3 and owners identified, isn't that right, Mr. Cosgrave?
- 4 A. That's right.
- 12:40:26 5 Q. 315 And in that capacity you issue your letter of thanks, isn't that right?
- 6 A. That's correct.
- 7 Q. 316 But there is no such documentation in relation to any of the other admitted
8 political donations which you say Mr. Dunlop gave you, isn't that correct?
- 9 A. That's correct.
- 12:40:37 10 Q. 317 And I think you have previously told the Tribunal that it was not your practice
11 to issue such acknowledgments although you would have verbally thanked Mr.
12 Dunlop, isn't that right?
- 13 A. That's correct.
- 14 Q. 318 Now, I think that you have previously told the Tribunal that you recollect at
12:40:52 15 15292. In the third paragraph that you recall attending a lunch and in
16 Truman's restaurant with Mr. Dunlop in early '98 or late '98 or early '99.
17
18 "Olivia Mitchell and Therese Ridge were present. At that meeting Olivia
19 Mitchell asked him if he had ever been asked for money in return for support
12:41:16 20 for a vote. He replied that Tom Hand was the only person who had ever made
21 such a request. He said that he was going to tell the Tribunal that Tom asked
22 for 250,000 pound. I didn't believe him and he thought he was just trying to
23 assume us with a tall story to go along with brandy however, I was also taken a
24 back that he was maligning somebody who was dead." Is that right?
- 12:41:35 25 A. That's correct.
- 26 Q. 319 Do you remember that meeting in Truman's Hotel?
- 27 A. Truman's restaurant.
- 28 Q. 320 Truman's restaurant.
- 29 A. Vaguely. I mean, would always, Frank was always entertaining and would dress a
12:41:52 30 story up.

- 12:41:53 1 Q. 321 Yes. Certainly such a meeting would appear to have taken place after the
2 Tribunal was established, is that right? The Tribunal was established in
3 November '97.
- 4 A. Yeah.
- 12:42:02 5 Q. 322 And in that context I suggest to you that it's in that context that he is
6 saying. He said that he was going to tell the Tribunal that Tom had asked for
7 250,000 and he replied that Tom Hand was the only person who ever made such a
8 request. So that this was information that was going to be provided by Mr.
9 Dunlop to the Tribunal, is that right?
- 12:42:22 10 A. Well I recall him saying that. I don't know what information he was going to
11 give the Tribunal.
- 12 Q. 323 Well in your statement you quote Mr. Dunlop as saying that he was going to tell
13 the Tribunal that Tom asked for 250,000.
- 14 A. Uh-huh.
- 12:42:32 15 Q. 324 It follows from that, that you were discussing what Mr. Dunlop would tell the
16 Tribunal, isn't that right, Mr. Cosgrave?
- 17 A. No I think what he was going to tell the Tribunal wasn't part of what he
18 mentioned in relation to Tom Hand, which I thought was a, you know, a dressed
19 up story in relation to what he was going to tell the Tribunal, I didn't
12:42:53 20 discuss his evidence.
- 21 Q. 325 No but certainly at a minimum if your statement to the Tribunal is correct, Mr.
22 Dunlop told you he was going to tell the Tribunal that Tom Hand was the only
23 person who had ever asked for money, isn't that right?
- 24 A. Oh, he mentioned something to that effect, yeah.
- 12:43:08 25 Q. 326 So in that context you must have been aware at the time this meeting was coming
26 on that Mr. Dunlop was in contact with the Tribunal, isn't that right?
- 27 A. Well, I mean, as I said, I have discussed the Tribunal thing with many people.
- 28 Q. 327 Of course. But in the particular circumstances where Mr. Dunlop had made
29 political donations to you, Mr. Cosgrave, and you had received those political
12:43:29 30 donations and you yourself were in communication with the Tribunal, isn't that

- 12:43:33 1 right?
- 2 A. That's correct.
- 3 Q. 328 Right so that you had a matter of mutual interest between yourself and Mr.
- 4 Dunlop. Because Mr. Dunlop was one of the people who had given you money,
- 12:43:42 5 isn't that right?
- 6 A. Political donations.
- 7 Q. 329 Isn't that right?
- 8 A. That's right.
- 9 Q. 330 And you must have known from the time of this conversation with Mr. Dunlop that
- 12:43:49 10 Mr. Dunlop was also in communication with the Tribunal, isn't that right?
- 11 A. In all probability.
- 12 Q. 331 Well it's more than that. It's definite matter because in your statement if
- 13 it's correct, Mr. Dunlop you say said he was going to tell the Tribunal that
- 14 Tom had asked for 250,000 pounds.
- 12:44:06 15 A. Yeah well I mean in the same breath, Ms. Dillon, I didn't believe that the late
- 16 Mr. Hand had asked for any sum like that.
- 17 Q. 332 But you did know that Mr. Dunlop was in some sort of communication with the
- 18 Tribunal?
- 19 A. Probably. I mean, so many letters come out of the Tribunal to all sorts of
- 12:44:24 20 people I know.
- 21 Q. 333 In 1998, Mr. Cosgrave, I suggest to you that there weren't a whole lot of
- 22 letters going out to a whole lot of people, isn't that right?
- 23 A. Well, I mean, I think all members of Dublin County Council were written to.
- 24 Q. 334 Yes.
- 12:44:40 25 A. So that would have been 78.
- 26 Q. 335 Yes.
- 27 A. And I'm sure there was others as well.
- 28 Q. 336 But not people who you knew had made payments to you, Mr. Cosgrave, isn't that
- 29 right?
- 12:44:50 30 A. That's a very different question.

- 12:44:53 1 Q. 337 Yes. So you knew for example when this conversation took place that the
2 Tribunal had had been in contact with Mr. Dunlop, isn't that right?
- 3 A. In all probability, yes.
- 4 Q. 338 You knew the Tribunal had been in contact with you?
- 12:45:05 5 A. Of course I did.
- 6 Q. 339 Yes. And you knew that the Tribunal was inquiring into payments to politicians
7 isn't that right?
- 8 A. Correct.
- 9 Q. 340 Right. And did you then have a conversation with ... did you have a
12:45:23 10 conversation with Mr. Dunlop about the payments that were made -- that he made
11 to you?
- 12 A. No.
- 13 Q. 341 Did you ever have a discussion with Mr. Dunlop about the payments Mr. Dunlop
14 had made to you?
- 12:45:40 15 A. No.
- 16 Q. 342 How then could you have said that you told Mr. Dunlop or that Mr. Dunlop would
17 have known that you did not know how much money had been paid if you weren't
18 discussing money with Mr. Dunlop?
- 19 A. Well I don't recall that. I mean, I wouldn't be discussing -- Mr. Dunlop gave
12:45:57 20 me a few contributions towards me election expenses. There was no big issue.
- 21 Q. 343 Did you attend a few lunches or dinners with Ms. Olivia Mitchell and
22 Ms. Therese Ridge and yourself?
- 23 A. Yeah, a couple of lunches. I think they were lunches more than dinners but ...
- 24 Q. 344 At those lunches in 1998 and 1997, did you discuss the Tribunal?
- 12:46:22 25 A. Oh, I'm sure it came up.
- 26 Q. 345 Did you have any discussion then yourself with Mr. Dunlop about what records he
27 had about what had been paid to you?
- 28 A. No.
- 29 Q. 346 Did you tell him that you didn't have any records in relation to how much he
12:46:36 30 had paid to you?

12:46:37 1 A. No, I don't think it arose.

2 Q. 347 And I understand from Mr. Kavanagh, the Registrar to the Tribunal, that in fact
3 by a letter dated the 2nd of April 2003, a copy of the book of condolences was
4 in fact furnished to your solicitors Egan Cosgrave. And if you just wait for
12:47:04 5 one moment please, Mr. Cosgrave, while I have that checked against the hard
6 copy file in case I am in any way misleading you.
7

8 Yes, Sir, there is a copy letter solicitors addressed to Mr. William Egan re
9 your client Mr. Liam T Cosgrave. And in the light of your complaints this
10 morning, Mr. Cosgrave, and in fairness to yourself. I will read it into the
11 record in its entirety.
12

13 Re alleged meeting with Mr. Frank Dunlop at Newtownpark Avenue, Blackrock,
14 County Dublin on the 11th of November 1992.

12:48:25 15

16 "Dear Mr. Egan, I refer to the above and to your letter of the 31st of March
17 received 1st of April 2003. I now enclose for your attention copy book of
18 condolence in respect of the removal of Dr. Edward Desmond Dillon and confirm
19 that to date, this is the only documentation held by the Tribunal in respect of
12:48:42 20 the above removal. Yours sincerely Susan Gilvarry".
21

22 Now, I am going to show you the copy of that letter, through Mr. Donal King.
23

24 CHAIRMAN: Did you see that letter before, Mr. Cosgrave?

12:49:10 25 A. I don't think so, Judge. But, you know, I've seen a good bit of correspondence
26 so I couldn't be absolutely definite. I mean, I am not making an issue of it.
27 But all my concern was that, I think it was your predecessor when he was here
28 he said that we'd consider all of the evidence. And I think it should have,
29 whether indirectly, I have no wish whatsoever to start dragging the Dillon
12:49:33 30 family into it and I hope you accept that, Ms. Dillon, or excuse the ...

12:49:39 1 But I would have thought Mr. Gallagher should have sort of said to be fair to
2 Mr. Cosgrave. Because I'm sure if me name was in the list it would have been
3 brought in. I would just like to put it on the record. I think we should
4 leave it at that and I think I hope that's taken in good faith all round.

12:49:57 5
6 MS. DILLON: Of course it is, Mr. Cosgrave.

7
8 CHAIRMAN: But it was taken on the record subsequently at Day 378, I don't
9 know what date that is.

12:50:05 10
11 MS. DILLON: It's all around this time that this is happening.

12
13 CHAIRMAN: But it was put on the record and that seems to be the case that
14 certainly we are aware of the position.

12:50:14 15
16 MS. DILLON: Yes. I think that Mr. Cosgrave had accepted after the record was
17 shown to him that it had been in fact put on the record on a date in which he
18 was physically present here and then Mr. Cosgrave's complaint had been was that
19 he should have been furnished with a copy of the book of condolences. All I am
12:50:30 20 showing him now, in ease of that complaint so that he can accept in fact it did
21 happen that he was given the book of condolences, so again he can withdraw that
22 complaint --

23 A. Excuse me, Ms. Dillon. All I wanted was that the Judges are aware of it.

24
12:50:44 25 CHAIRMAN: We are aware of it.

26 A. I think we can park it there, excuse me. Anyway that's ...

27
28 MS. DILLON: That's the conclusion of Mr. Cosgrave's evidence.

29
12:51:10 30 CHAIRMAN: That issue is the only matter. You said earlier that you wanted to

12:51:14 1 raise an issue. That was the issue?

2 A. Yeah. I think that's the only issue.

3

4 CHAIRMAN: All right. Thank you

12:51:22 5

6 JUDGE FAHERTY: Thank you, Mr. Cosgrave.

7

8 **THE WITNESS THEN WITHDREW.**

9

12:51:25 10 MS. DILLON: That completes the evidence for today. Mr. Fox was to be here

11 but you heard an application yesterday. That concludes the witnesses today.

12

13 CHAIRMAN: So we are sitting tomorrow at?

14

12:51:34 15 MS. DILLON: Half past ten. There are four witnesses tomorrow. May it please

16 you, Sir.

17

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

19 **THURSDAY 14TH FEBRUARY 2008, AT 10:30 A.M.**

12:52:04 20

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