

THE HEARING RESUMED AS FOLLOWS ON THE 14TH DECEMBER, 2000,

AT 10:30AM:

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CHAIRMAN: Good morning everyone.

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MR. GALLAGHER: Morning Sir. Mr. Lawlor please.

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LIAM LAWLOR RETURNED TO THE WITNESS-BOX AND CONTINUED TO BE
EXAMINED AS FOLLOWS BY MR. GALLAGHER:

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1 Q. MR. GALLAGHER: Morning Mr. Lawlor.

A. Morning Mr. Gallagher.

2 Q. The addresses of the properties in Prague which I mentioned
yesterday, I'm afraid were not all established. I wonder,
if you wouldn't mind please identifying each of the
addresses which you mentioned yesterday, and indeed to any
you didn't mention with which you are involved or have been
involved in Prague?

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MR. DELAHUNT: I wonder, Sir, just before Mr. Lawlor
answers that particular question. I will be seeking a
ruling from you in relation to this particular line of
questioning, Sir, particularly the business dealings of Mr.
Lawlor in the Czech Republic, Sir. I would seek a ruling
from you in relation to their applicability to the
proceedings here and in particular, Sir, under what
elements or what part of the Order of the 8th of June, Sir,
that would be encompassed?

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CHAIRMAN: Mr. Gallagher?

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MR. GALLAGHER: Well, they are clearly potential - they are sources of income, potential sources of income. The evidence has disclosed that Mr. Lawlor received ú600,000 from Prague and that I suggest, is relevant in the context of the inquiry that this Tribunal is carrying out, and will be carrying out in perhaps greater detail next year in relation to planning and zoning.

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It is a question for you to determine, what weight, if any, is to be given to that evidence, nonetheless it is relevant, it is evidence that is required to be produced on foot of the High Court Order and on foot, indeed, of the Order of this Tribunal.

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Unfortunately it wasn't produced and it had to be dealt with in the manner in which you have been forced to deal with it in public here. It is relevant, it is material that I say should be explored, and it is an area of inquiry that the Tribunal should be permitted to continue with.

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MR. DELAHUNT: Sir, my colleague, Mr. Gallagher, said in particular the monies raised, yesterday, Sir, in the proceedings, were a form of income. With respect to my colleague, Sir, the word "income" is not used anywhere within the terms of the Order, Sir, of the 8th June, and for that reason, Sir, I say it is irrelevant and the further line of questioning in relation to that is irrelevant, Sir.

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CHAIRMAN: In my opinion and my ruling, the evidence yesterday, and in particular the physical buildings or the address of the physical buildings referred to, relate to the documents referred to in the Affidavits of Discovery which purport to be a compliance with the High Court Order, and accordingly are relevant. That's my ruling.

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MR. GALLAGHER: Thank you Sir. Mr. Lawlor --

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MR. DELAHUNT: Sorry to cut across my colleague again, Sir. In relation to that, my instructions, Sir, in light of your ruling, Sir, is to bring an appropriate application before the High Court in relation to the applicability of that particular evidence --

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CHAIRMAN: You can do whatever you want, that's your affair.

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MR. DELAHUNT: I am just explaining to you. I wonder, Sir, if in those circumstances Mr. Lawlor might be afforded the facility to formally instruct another legal team, Sir, as it were, to deal with that particular application forthwith?

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MR. GALLAGHER: Sir, I suggest the inquiry, the examination of Mr. Lawlor should proceed.

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CHAIRMAN: I agree. Do proceed.

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3 Q. MR. GALLAGHER: Mr. Lawlor, yesterday I asked if you would

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identify the addresses of the various structures and buildings or lands with which you had been associated in Prague. Would you mind doing that now please?

A. Mr. Chairman, it is my contention that I will not provide this information to the Tribunal. I have provided yesterday all the financial information that I received, I had nothing to hide whatsoever. The physical buildings in Prague and the Czech Republic are property projects that I have various interests in, and I don't see them as coming under the Terms of Reference.

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So I appreciate your position, Chairman, that you have to interpret, and do so, the Terms of Reference. I have an opinion on them as a member of the Oireachtas that set up this Tribunal. And I will provide any financial information I can, relative to my bank accounts which I have already disclosed, but as regards the physical buildings in the Czech Republic, I see them as having no relevance to this Tribunal, and I propose, as outlined by my counsel, to pursue the matter as outlined.

4 Q. Are you refusing to answer the question that I have asked?

A. I am seeking a judicial review of the fact that physical buildings in the Czech Republic have any relevance to this Tribunal?

5 Q. Are you refusing to answer the question I have asked?

A. I have answered the question.

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MR. DELAHUNT: Again, Sir, I respectfully make the application that my client be afforded the facility to formally instruct --

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CHAIRMAN: I have declined that.

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MR. DELAHUNT: I am repeating in the light of my client's
answer to Mr. Gallagher.

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6 Q. MR. GALLAGHER: Mr. Lawlor, would you please identify the
addresses?

A. Sorry, Chairman, I have already clarified my position on
that matter.

7 Q. Will you answer that question?

A. I have clarified my position, Mr. Gallagher. I have stated
my situation on that matter. I will provide you with any
information I can regarding finances and banks and so
forth, that I did yesterday. The physical buildings in
Prague have nothing to do with this Tribunal.

8 Q. Mr. Lawlor, I don't wish to offer you any advice in
relation to the matter, your counsel and solicitor are well
capable of doing that, but there are provisions in the
legislation which deal with refusal or failure to answer
questions that are legitimately put.

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The Tribunal has, the Sole Member has ruled that these
questions are relevant and it is my contention to this,
submission to the Tribunal and to you, sir, that you have
an obligation in law to answer those questions and if you
fail to do so certain consequences may flow.

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So I am going to give you one last opportunity to answer
the question. And the question is: Would you please

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identify the addresses of the lands and other properties
with which you have been involved in the Czech Republic?

A. Mr. Chairman, I am entitled to take a different view from
Mr. Gallagher, and a proper forum to have that matter
addressed. I am well aware of the terms of this Tribunal
and the penalties for not cooperating, and I fully
understand them, but I believe this matter is not relevant
to this Tribunal, other than as detailed voluntarily
yesterday by myself, regarding the financial loan that I
drew down, and that's all disclosed already to the
Tribunal, and I will endeavor to answer any questions
related to that matter and provide any additional
information I can. I wasn't aware it had any bearing on
the Terms of Reference of this Tribunal, and physical
buildings in the Czech Republic have no bearing on the
workings of this Tribunal in my humble opinion.

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MR. GALLAGHER: I don't know, Sir, whether you wish to have
that question answered or whether we should pass from it?

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CHAIRMAN: I think a better thing to do is I would note
that there is this failure to cooperate with the Tribunal.
In due course of time I may or may not implement my powers
in that regard.

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At the moment I am prepared to pass from it, and anybody
who wants to take such proceedings as they may desire,
which of course is a citizen's right, and I am in no way
curtailing that or to be understood to do so.

A. Thank you, Chairman.

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CHAIRMAN: At the moment I am taking no action on it, but I reserve my position, and in due course of time when an appropriate occasion arises I will make a decision over the entire aspect of the evidence which is come before the Tribunal at this point in time.

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That's my position at the moment and that's my ruling.

Proceed.

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MR. GALLAGHER: Thank you, Sir

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CHAIRMAN: Leave that question outstanding. It is not to be abandoned or withdrawn.

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9 Q. MR. GALLAGHER: I will pass from that.

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Mr. Lawlor, yesterday you were asked questions about documents that you had produced. The question was asked by the Sole Member of the Tribunal and it referred to a letter that you had written on the 30th of January of 1997.

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I wonder could Mr. Lawlor have a copy of that letter please? It is - sorry - on this folder here, it is - our reference is LL DISC 2.3 - 341.

(Document handed to witness.)

A. Thank you.

10 Q. Do you recognise that letter, Mr. Lawlor?

A. I do, yes.

11 Q. That's the letter to Mr. Eoin Wolohan, National Irish Bank,

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Naas, County Kildare, from Liam Lawlor, and dated the 30th of January of 1997.

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It reads as follows: "Dear Eoin, I have signed the necessary documents this afternoon to transfer €15,897 to my current account. It may take a three or five days to go through the International Section.

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I would appreciate if you could ensure that the small outstanding cheques, if any, are discharged.

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The above-mentioned funds should be with you Wednesday/Thursday next week at the latest.

Signed: Liam Lawlor."

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That's a letter, I take it, that you sent to Mr. Wolohan on the date in question?

A. Yes, that's correct.

12 Q. You referred to necessary documents which you had signed on that afternoon to transfer 15,897 to your current account. Do you have copies of those documents?

A. If there is any copies of that it would be in the Prague office.

13 Q. I see.

A. It was, I assume it was a transfer from the Longwater Investment account, and all the paperwork associated with my business activities in the Czech Republic, obviously I don't haul them all the way back or forth, so they are in the Prague office.

14 Q. Can I refer you to a document which bears our reference LL

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DISC 2.1 - 13? It is - sorry, it is in Book 1, Sir.

These are all documents that you produced to the Tribunal,
Mr. Lawlor, with your affidavit of the 6th?

A. Could I suggest, Mr. Chairman, yesterday you referred to
that, Mr. Gallagher, I think that may have been discovered
by National Irish Bank to the Tribunal, I am not sure that
I --

15 Q. This, sir, is your discovery. These are all documents that
you furnished to the Tribunal.

A. Okay, fine.

16 Q. This is a copy of a statement issued by National Irish
Banks in Naas?

A. Yeah.

17 Q. In relation to account number --

A. 01016237.

18 Q. -- 16237 is correct. Do you see the entry for the 4th of
February, 1997?

A. 4th of February, yes.

19 Q. That entry --

A. Sorry?

20 Q. That entry shows, does it not, a sum of ú15,870.15 is
credited to your account?

A. Yes, that's correct.

21 Q. Is that the monies that you had requested to be transferred
in your letter of the 13th of January, 1997?

A. I presume so, yes.

22 Q. And this money, these monies I take it which came through
Bank of Ireland, it would appear, if you look under the
heading "Narrative"?

A. Yeah, I see that.

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23 Q. Yes. Bank of Ireland International, I suggest, would have come from the bank in Vaduz that you told us about yesterday?

A. Correct, yes.

24 Q. And the original of the documentation that you sent to Vaduz would be with the gentleman you referred to yesterday in that bank, Mr. Kiber?

A. I assume so, yes.

25 Q. I take it that the correspondence that you had in this instance was with Mr. Kiber, as you indicated yesterday?

A. I assume so, yeah.

26 Q. Well, would you - I am going to give you a document and ask you if you would sign it to authorise the Tribunal to receive the copies of the original documents that you sent to Mr. Kiber.

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MR. DELAHUNT: I wonder, Sir, could I see the document?

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27 Q. MR. GALLAGHER: Sorry, this is a letter addressed from you to Mr. Kiber, and I ask that you would sign this asking him to forward copies of all written correspondence that you had with him in relation to transfers to your Irish bank accounts at National Irish Bank, Naas, and the Ulster Bank, Lucan?

A. What I will do, Chairman, is I will consult with the Longwater Investment Company and, as agreed yesterday, and get them to outline the details of this matter.

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MR. DELAHUNT: So - sorry, I wonder if I could take instructions?

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CHAIRMAN: First of all, may I - just one moment. I don't see any reason why you should have any obligation to consult with Longwater Investment Company at all. This correspondence is correspondence between you and the institution, it is your correspondence and you are entitled to it and nobody has any interest of events in it. As far as I am concerned you wrote the letters, you can ask for their return. You say you haven't got copies in this country, you say they are in the Prague office, and the other source from which they can be obtained is Vaduz and I require them to be obtained and I require you to sign that letter.

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MR. DELAHUNT: I wonder again if I might seek instructions from my client? I haven't seen it before. I would like to be able to avail of instructions from my client.

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CHAIRMAN: I will give you five minutes.

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MR. GALLAGHER: Can I point out, these are documents that should have been produced and included in the Affidavit of Discovery.

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MR. DELAHUNT: Only if it comes within the terms of the Order.

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CHAIRMAN: They do come within the terms.

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MR. DELAHUNT: That's your ruling, Sir?

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CHAIRMAN: Yes.

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MR. GALLAGHER: May I point out, they are bank records
that come clearly within the terms of the Order of the
Tribunal and the Order of the High Court.

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MR. DELAHUNT: I would still, Sir, seek the facility to
take instructions.

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CHAIRMAN: I will give you five minutes.

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MR. DELAHUNT: Thank you Sir.

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THE HEARING THEN ADJOURNED FOR A SHORT BREAK AND RESUMED
AGAIN AS FOLLOWS:

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MR. DELAHUNT: Thank you, Sir, for the time forwarded to me
and Mr. Lawlor in relation to the matter.

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My client will execute the document in question, Sir, but
just if it were possible by way of an addendum to that
document, to insert the documents which were being faxed or
the manner in which they are coming within the Tribunal's
power, Sir, if they could also come within Mr. Lawlor's.

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I would like to avoid a situation, Sir, whereby, which has
unfortunately previously happened in relation to Mr.
Lawlor, whereby certain documents were with the Tribunal
and certain documents were unobtainable by Mr. Lawlor.

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CHAIRMAN: Just a moment. What exactly are you suggesting to me? That I would have been party to any form of concealment, is that what you are suggesting?

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MR. DELAHUNT: No, no, Sir.

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CHAIRMAN: Be quite clear.

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MR. DELAHUNT: That was never my intention, Sir.

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CHAIRMAN: Whatever documents come through on foot of this particular fax, I will see that my office provide you with one, copies of one hundred percent of those documents, let there be no other suggestion.

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MR. DELAHUNT: It was never meant as a suggestion, Sir.

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CHAIRMAN: I accept that these things can be badly phrased.

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MR. DELAHUNT: Thank you, Sir. Thank you, Sir.

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MR. GALLAGHER: Sir, for the record, I am not going to put it on screen, Sir, but just for the record; the letter is addressed to the bank in question. It is addressed to Mr. Kiber, and it is in the following terms:-

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"Please forward as a matter of urgency copies of all my written correspondence to you in relation to my transfers

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to my Irish bank accounts at National Irish Bank Naas,
County Kildare, and Ulster Bank, Lucan, County Dublin.
Details should be faxed in the first instance to the fax
number." And the fax number of the Tribunal is given.

"I would appreciate receipt before close of business today
if at all possible. Liam Lawlor."

I would ask that Mr. Lawlor should sign that document now
and should confirm that no, to the best of his ability no
communication should be made with Mr. Kiber in the meantime
or indeed with - no instructions or counter instructions
should be given. In saying that, I am not implying in
anyway --

MR. DELAHUNT: Again, Sir, I have been accused of putting
things badly, but perhaps, My Lord, that could be rephrased
slightly? It seems to imply that some form of contact
would be made.

CHAIRMAN: I am directing, I will put in a formal
direction: There is to be no communication by anyone else
in this building or associated with this building at the
moment, with Mr. Kiber, other than this fax until the reply
is received.

Now that's --

A. Mr. Chairman, I would fully agree with that. I have
inserted my fax number here on the letter.

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MR. GALLAGHER: Sir, the fax number that we have asked that the material should be faxed to is the Tribunal's fax number.

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A. Yeah, and I have added mine, Chairman.

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CHAIRMAN: No. The letter goes out as drafted with no addition to it.

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MR. GALLAGHER: The letter as signed by Mr. Lawlor, Mr. Lawlor now has added in his own fax number, Sir. Perhaps you will --

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A. Is that reasonable, Chairman, that we should be given copies of the correspondence?

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CHAIRMAN: I am perfectly happy that you should be given copies of the correspondence on their receipt in the Dublin office of the Tribunal. I give you an undertaking from the Tribunal, that that will be done forthwith on receipt.

A. Thank you, Chairman.

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CHAIRMAN: I now require your fax number to be deleted.

A. Well, I have another letter I will sign, Chairman.

(Witness signs document.)

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CHAIRMAN: Destroy the one with the fax number on it.

A. Could I just say, Chairman, in the meantime, if I have any information as discussed yesterday, I will be glad to provide it to the Tribunal on this matter.

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28 Q. MR. GALLAGHER: Thank you, Mr. Lawlor.

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I should, Sir, point out that the documents which are now being sought from the bank in Vaduz are documents which should have been discovered and produced, as you know - that we have --

A. Mr. Chairman, that was a very genuine point of misinterpretation on my behalf. I didn't appreciate that these matters were of relevance to the Tribunal. I have absolutely nothing to hide, and I would be delighted to give every cooperation in this matter.

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CHAIRMAN: I note your statement and thank you.

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29 Q. MR. GALLAGHER: Mr. Lawlor, you said yesterday or the day before, or perhaps on both days, that you had worked as a consultant to a number of organisations or companies, isn't that right?

A. Yes.

30 Q. What consultancy do you carry out for, on behalf of the company that gives you €1,000 per month as a retainer?

A. The company is in a similar sector to my own companies that we discussed at the outset, Irish Refrigeration and HALL Thermotank and the mechanical and engineering companies, and I would normally sit at a monthly sales meeting and review various new projects.

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The company is headquartered outside Belfast and have a Dublin office, and I would advise on and make contacts and

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have meetings in the pursuit of new mechanical and electrical contracting projects.

31 Q. And what particular expertise do you bring to that consultancy?

A. 30 years.

32 Q. As a consultant?

A. Having run a company that had a fleet of refrigeration engineers, design engineers, cold store construction, pretty much related to all new building projects. The company tends to specialise in heavy industrial electrical contracting and mechanical and air conditioning services. And prior to my election in the Dail in 1977, having started off as a small one man band business, I built it up to a very substantial engineering contracting organisation with building of ice plants, cold stores, the meat sector, the dairy sector, computer air conditioning sector, all of that back in the '70s, and then I disposed of that interest. So I would still have a range of contacts in that sector.

33 Q. So it is your contacts that are of assistance to those for whom you provide your consultancy?

A. Yeah, it is pretty much a marketing back-up of, discussions about new projects and so forth, and ensuring that they got their opportunity to tender and so forth.

34 Q. I take it from that, that it isn't your engineering expertise per se, that is of value to those who retain you as a consultant?

A. No, I am not involved in the technical design side, they have their in-house team of design engineers.

35 Q. As you say, it is ensuring that they get their opportunity

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to tender and so forth?

- A. Yes, and first actually, I deal with this company because they also had an office in the Czech Republic and they were pursuing the international mobile industries which we are familiar with in this country.

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Contracts in the Czech Republic they did was Cabury's and Schweppes (SIC) in the Eastern European situation, the fall of Communism, a lot of those international contracting organisations set up operations, and as I say I would have attended a monthly meeting at the company's offices here in Dublin and reviewed the list of projects they were bidding for and so forth and offered various advices.

- 36 Q. Tell me, what particular expertise did you provide to the individuals and companies who employed you in Prague and in other parts of the Czech Republic?

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MR. DELAHUNT: Before Mr. Lawlor answers that particular question, we seem to be slightly drifting back to the areas I had raised previously in relation to Mr. Lawlor's business activity within the Czech Republic.

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MR. GALLAGHER: Sir, we know that there are monies paid as a result of Mr. Lawlor's dealings or involvement in projects in the Czech Republic, I don't want to detail them in anyway, but that is the position and it is based on consultancy that he provides to the companies in question, and I wonder what particular expertise he has that makes his assistance, his expertise of value to those who employ him in the Czech Republic or elsewhere? And I just want to

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give him an opportunity to explain to you, Sir, what that expertise is.

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CHAIRMAN: I think it is a very reasonable inquiry. It is peripheral. I accept it is peripheral, but it is a very reasonable inquiry, among the other inquiries I would like to know is - how fluent he is in Czech?

A. Well, shall I address you in Czech, Chairman? Chairman, to be helpful to Mr. Gallagher, as somebody who, as briefly - I am not going to take up the Tribunal's time - in a business sense, I formed, built up, ended up as Managing Director of a large group of companies in the '70s, specialising in the sector that I have already referred to. I went on to be a Non-Executive Director of Food Industries which was a major food conglomerate.

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What expertise did I bring to the Board of that company? I suppose the historic success of the Baileboro Co-op voting to sell the, the farmers selling their business to that company rather than the competing co-op at the time, that necessitated a lot of organising of large meetings and communication and discussion and outlining the policies of the company, and I have gone on in that whole sector.

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So I would suggest negotiation, hopefully a fairly concise mind to bring together projects, get all various advices and so forth, negotiation in that way.

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So, as a sort of a businessman with a lot of experience, and obviously in public life it overlaps in one's ability

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to communicate, and try and solve problems and bring solutions to various matters. So it would be in that wide range of business expertise.

37 Q. I see. Yesterday you indicated that of the €600,000 that was transferred to your accounts in Naas and in Lucan, monies were expended to discharge debts that you owed to various institutions. My recollection, I don't have a note just before me, but my recollection is that sums of the order of 80 to €90,000 was expended in that matter?

A. I think it might have been somewhat larger.

38 Q. If it was so to be, the record will show.

A. I think the statement showed the outgoings.

39 Q. Whatever the figure was, you suggested in any event that the debts were discharged out of the monies that came from abroad into your accounts, isn't that right?

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Can I refer you to a document that you discovered as part of your discovery on the 6th of November of this year? It is to be found in Book No. 2, and it is our reference LL DISC 2.3 - 327.

(Document handed to witness.)

A. Yes, I have that.

40 Q. Would you read - sorry, 327, Mr. Lawlor.

A. 327?

41 Q. Yes. Do you have that?

A. That's to Mr. Brendan McDermot.

42 Q. That's right. It is from your home address, Somerton, Lucan, County Dublin. The telephone number is given. 15th of February, 1996, addressed to Mr. Brendan McDermot, National Irish Bank, North Main Street, Naas, re: Account

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number 01016237, that's the account we referred to earlier?

A. Yes.

43 Q. "Dear Brendan, you will recall you opened a current account for me some months ago. At that time I was in the process of disposing of a landholding on the Newcastle Road, Lucan. The sale has now been completed and part of the proceeds were used to clear all bank debts to ACC Bank, Bank of Ireland, Allied Irish Bank, Woodchester, Cambridge Finance (in receivership).

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When we were discussing the opening of the account you suggested when the sale was completed and the debts cleared I should formally confirm this information to you for your file. I now confirm, as per the attached paperwork from the various banks, that the debts have all been cleared.

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I am considering changing my car and will contact you regarding a car loan which I hear advertised regularly.

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Yours sincerely, Liam Lawlor."

And a reference "LAL". I take it "Liam A Lawlor" and "AY" is?

A. Sorry?

44 Q. What's the "AY"?

A. That would be my secretary.

45 Q. Whose name is?

A. Ann Yurell.

46 Q. Now, that letter suggested that the proceeds of sale of your lands were used to clear the debt?

A. Unfortunately it didn't, Mr. Gallagher, it only cleared the

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ACC, and the rest was cleared from the drawings on the loan account. The land secured €410,000 at public auction and the ACC got the proceeds of that, less the outgoings.

47 Q. I just want to draw to your attention that you told the Bank Manager in question that the sale had been completed and part of the proceeds were used to clear all bank debts to the ACC, Bank of Ireland and others?

A. No, I didn't. I had to borrow the other monies to clear the other banks because ACC had first charge and it didn't clear, it just cleared the ACC debt.

48 Q. Well, does it follow that that statement in that letter to your Bank Manager was incorrect?

A. Well, as outlined, I have explained it to you, the ACC was the only bank cleared on the land sale.

49 Q. Does it follow that that statement in that letter to your Bank Manager was incorrect?

A. As outlined there, yes. As I have already explained to you, the money from the proceedings of the sale of the land only cleared the ACC Bank.

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MR. GALLAGHER: Sir, I am going on to another topic, I wonder if you would rise for five minutes perhaps, ten minutes say?

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CHAIRMAN: Certainly. Ten minutes.

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MR. GALLAGHER: 25 to 12?

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CHAIRMAN: 25 to 12 then.

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THE HEARING THEN ADJOURNED FOR A SHORT BREAK AND RESUMED
AGAIN AS FOLLOWS:

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50 Q. MR. GALLAGHER: Mr. Lawlor, I just want to ask you very
briefly about the Report of the Committee on Standards in
Public Life. The Committee was established by the Fianna
Fail Party, with which you had some dealings earlier this
year, isn't that right?

A. Correct, yes.

51 Q. And you have read that report, I take it?

A. Not very thoroughly to be honest.

52 Q. Well, I take it that you had some, perhaps more than a
passing interest in what it said about you in that report
and your dealings with the Committee?

A. Yes, Chairman, I provided the information and I think I had
two or three meetings with the Committee.

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MR. DELAHUNT: I wonder, Sir, might I have a copy of the
report, Sir?

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MR. GALLAGHER: I just want to --

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CHAIRMAN: Would your client not have one?

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MR. DELAHUNT: He doesn't have it with him, Sir.

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A. I would want a 40-foot container here, Chairman, to bring
it all.

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CHAIRMAN: We will see if we can find you one.

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53 Q. MR. GALLAGHER: Mr. Lawlor, during the course --

A. Sorry, Mr. Gallagher.

54 Q. During the course of the report the Committee quoted you as follows: "He recalled that he had visited Prague with Frank Dunlop in 1994 and 1995, and that subsequently a company in which he was involved which he described as the "Irish Consortium in Prague" invoiced Mr. Dunlop for ú38,000 before tax deductions. This was for consultancy services.

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He informed the Committee that this company was registered in Prague and had its offices in London, and he stated he was a director of the company.

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Mr. Lawlor stated that the fees for the consultancy services were paid by cheque. He stated that he had never invoiced Mr. Dunlop in any other form and that this was the only such invoice."

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Have you read that?

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MR. DELAHUNT: Again, Sir, sorry to cut across my colleague, but it would appear to me that we were drifting back into a previous area, Sir, which I had raised, and also in particular the report of the, the Report of the Committee of Standards in Public Life, Sir, is by no stretch of the imagination included within the Order of the 8th of June, Sir. And I respectfully submit that this particular line of questioning does not come within the

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ambit of your order, Sir.

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MR. GALLAGHER: In my respectful submission it clearly does come within the ambit of the Order, it relates to if there was an alleged payment of ú38,000 before tax deductions for a consultancy service. It is monies that were paid by cheque, and according to the report Mr. Lawlor informed the Committee that he had never invoiced Mr. Dunlop in any other form and that this was the only such invoice.

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And the questions I want to ask Mr. Lawlor arising from that are in relation to the invoice which he has, which is referred to here, which has not been discovered by him or produced by him, nor has a - produced by him and I want to ask to find out what bank account the money in question was lodged or how it was dealt with.

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A. First of all, Chairman, it is my recollection that that was the sum, I don't have a copy of the invoice, and I think I probably said that, and to clarify so that there is not a misunderstanding, I appear to have stated directorships when they were advice rather than directorships. As I explained yesterday, in the Czech Republic you are not actually entitled to a hold a directorship unless you are a native, and I clarified that, that on the thirty-three and a third.

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So the question, if I could say, regarding Frank Dunlop and his visit to Prague --

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55 Q. MR. GALLAGHER: No, I don't want you to talk about that, if you don't mind.

A. Sorry?

56 Q. I just want you to confirm first of all, is that an accurate account of your dealings with the Tribunal, sorry, with the Committee insofar as you can recall?

A. It is - I wouldn't say it is totally accurate, but it was

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57 Q. In what respect is it inaccurate?

A. They didn't give me a transcript. Wait until I just read it now. I don't believe it is with the Irish Consortium that actually invoiced Frank Dunlop, and I think the Committee got my visit to Prague with Frank Dunlop somewhat mixed up. No, I think - well I may have stated I was a director, as I clarified, or I may have said I was advising the company. Yeah, I am not sure that I never invoiced Frank Dunlop for anything else, maybe I did, I don't have copies of it.

58 Q. Can you assist the Tribunal in telling us what other invoices you would have issued to Frank Dunlop, even if you haven't got copies of them?

A. No, I can't be absolutely certain that I didn't invoice Frank Dunlop, and I could have, absolutely, but I just --

59 Q. For what service would you have invoiced --

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MR. DELAHUNT: Sir, again invoice is not, the phrase "invoice" is not covered within the Order, Sir.

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MR. GALLAGHER: It relates to accounts, Sir.

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MR. DELAHUNT: No, invoice is different to an account.

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MR. GALLAGHER: It relates to an account.

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CHAIRMAN: This question is perfectly relevant. Now, let's get on with it.

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60 Q. MR. GALLAGHER: In respect of which services would you have invoiced Frank Dunlop?

A. Well, Frank Dunlop at the time was considering, nothing to do directly with me, but he was considering opening up a communications public relations office in Prague at the time, well that was just a purpose of his one trip there, and I recall making introductions for him to a number of people in Prague, in that area, and I think he also met the Minister for Industry or some of his senior staff.

.

He pretty well went off and had his own meetings in his own field of expertise. I recall he met a Czech public relations company and in the discussions during the trip he spoke about --

61 Q. Well, don't mind about - I am asking you what service you provided for him?

A. I had facilitated him by arranging these meetings in Prague and he was looking at setting up an office in Prague.

62 Q. And do you say that a man who was a former Government Press Secretary, who was perhaps one of the best-known public relations individuals in this country, employed you as a consultant to arrange meetings with his counterparts in the

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Czech Republic?

A. It wasn't a formal arrangement.

63 Q. Whether it was a formal arrangement or whatever it was, he was paying you to do this work, the work that was his particular expertise?

A. That was the purpose of I facilitating Frank in visiting Prague, having meetings in Prague, looking at setting up - and if I could just finish, Chairman? He was also at that time considering the possibility of providing training facilities back here for personnel in that sector in Prague.

64 Q. What monies --

A. He never pursued that matter to the best of my recollection.

65 Q. Mr. Lawlor, what monies did Mr. Dunlop pay to you or what monies did you invoice Mr. Dunlop for?

A. I don't have copies of the invoices.

66 Q. I am not asking you what they were, not asking about the invoice at the moment. Did you send invoices to Mr. Dunlop?

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MR. DELAHUNT: If Mr. Gallagher can clarify what this has to do --

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CHAIRMAN: If you would be kind enough to stop interrupting the question when it is being validly asked on a matter which I have declared and ruled to be relevant. Would you please be kind enough to let the witness answer the question which he is asked.

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MR. DELAHUNT: If I may just clarify my position, Sir, perhaps it might just clarify matters a little. As I understand the Orders, and in particular, Sir, the Order which was made by this Tribunal, it was that Mr. Lawlor attend on a particular date in question to give evidence to the Tribunal in relation to the documents and records mentioned in paragraphs A, B and C of the Order of your Tribunal, Sir, on the 8th of June.

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Now, I would respectfully submit that Mr. Gallagher should point out to both myself and to Mr. Lawlor, where within paragraphs A, B or C the particular documents which he is now referring to are encompassed?

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67 Q. MR. GALLAGHER: I will deal with that in just one moment, Sir, if I may, but before I do I would like to ask one or two further questions from Mr. Lawlor in relation to the report.

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This report indicates, as I understand it, that you told the Committee that you got ú38,000 or thereabouts before tax deductions from Frank Dunlop, is that correct?

A. That's correct, yes. That's correct.

68 Q. And did you receive ú38,000 or thereabouts from Frank Dunlop?

A. I would suggest, yes, but I can't be accurate on the figure, Mr. Gallagher.

69 Q. All right.

A. If you have a copy of the invoice I can confirm if it was an invoice I submitted.

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70 Q. Indeed, I am sure you can. Tell me, when did you receive that from Mr. Frank Dunlop approximately?

A. I am guessing, in the mid-'90s, I think '95, '96 but I can't be categoric about that.

71 Q. Where would one find the copy invoice that you issued to Mr. Frank Dunlop for that sum?

A. I would think Frank Dunlop's office could have been able to provide it to you.

72 Q. A copy of it?

A. I don't have a copy of it, no.

73 Q. Where did you keep it or did you ever keep a copy of it?

A. I can't be sure whether I did or not.

74 Q. Is it your practice to keep copies of invoices?

A. Not particularly, after you have finalised your tax year, so forth.

75 Q. I see. Can you tell us what year this income of ú38,000

--

A. Mr. Chairman, I just said I thought it was '95 or '96, but I can't be sure.

76 Q. It would be included in your returns for those years, one or other of those years?

A. Whatever issues regarding the taxation matters are a matter that have been fully disclosed to the Revenue Commissioners.

77 Q. Now, you didn't furnish to the Tribunal any copy of that invoice, isn't that right?

A. I don't have it to furnish it.

78 Q. I see. And you didn't refer to it in your affidavit in anyway?

A. I didn't see the relevance of it.

00031

79 Q. I see. Can you tell me the account into which this money was lodged?

A. I can't, no. Again as I said, Chairman, I might have cashed the cheque or lodged it, I can't be sure.

80 Q. A cheque for ú38,000, you might have cashed it?

A. Yeah.

81 Q. Why would you cash a cheque for ú38,000?

A. Because I might want to pay it into different bank accounts.

82 Q. What different bank accounts would you have paid it into?

A. The range that, which have been discovered.

83 Q. So you can't assist the Tribunal in indicating a deposit book or a cheque lodgement account or a receipt of any description that you might have received from any bank for the lodging of the ú38,000, either in one transaction or in --

A. Well, I think it is important, and that's why I explained to the Committee that I received it, sure that's what I would have thought was the important relevance, that it was there as having been received, and that's why I volunteered that information to the Committee.

84 Q. Yes. Were you asked by the Committee about that payment?

A. No, I volunteered to tell them about it.

85 Q. I see.

A. That's the best of my recollection. I introduced all these matters to the Committee in an effort to be as fully cooperative as I could. It seems to have created a lot of difficulties for me afterwards, having read the report and other comments about the two party reports. When you read them, the information I provided was extensive, that it

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caused great difficulties for me personally afterwards.

86 Q. By the way, I take it that you invoiced Mr. Dunlop in your own name?

A. It could have been one of the consultancies, I can't be certain.

87 Q. What consultancy would that be, could it be?

A. If the Tribunal has discovered the invoice from Frank I can authenticate it for you, I don't have a copy of the invoice and I don't know which consultancy it was invoiced to him, but I recollect the amount being in that region.

88 Q. Well, just can I refer you to the various companies that you identified in your sworn affidavit as companies with which you had some involvement in an executive shareholding or non-executive role: Irish Refrigeration Limited - sorry this is page 66, Mr. - of Mr. Lawlor's affidavit of the 6th of November of 2000.

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HALL Thermotank Limited.

Irish Air Conditioning Limited.

Irish Insulations Limited.

Economic Reports Limited.

Advance Proteins Limited.

Eastern International.

Demographic and Strategic Consultants.

Menolly Homes. Sorry, Food Industries plc.

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Was any one of those companies or --

A. No, my recollection is that it could have been Long Associates out of their London office --

89 Q. Sorry?

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A. My recollection is the invoice, it may have been Long Consultants which was a consultancy that was advising a company in London, and I think the invoice could have issued from Long Associates, I can't be sure, but if you have a copy of it I can confirm it.

90 Q. Now, tell me what's Long Associates? What association has Long Associates with you?

A. Long Associates was a name that was used as a consultancy.

91 Q. By whom?

A. By me.

92 Q. What was the, what address was it operating from?

A. A London address.

93 Q. Yes.

A. I don't have the exact address, but it was a London address.

94 Q. Where in London, Mr. Lawlor?

A. Downtown London. I will get you the address, I just don't have it.

95 Q. Well, what part of London?

A. What part of London? Near the Connaught Hotel, on the same street as the Connaught Hotel.

96 Q. Do you have invoices showing the offices that you were operating from or accounts or records showing --

A. No, but I think Frank probably would have discovered to the Tribunal --

97 Q. Who?

A. Frank Dunlop.

98 Q. Don't worry about Frank, we were interested in you, Mr. Lawlor.

A. I appreciate you are, Chairman. In an effort to be of

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assistance, if you have the invoice I will confirm I issued

it. I can't really elaborate further.

99 Q. Your company, you were operating a consultancy from London under the name "Long Associates"?

A. Correct, yes.

100 Q. And you have never disclosed that to the Tribunal up to now, isn't that right?

A. I don't have any records of it.

101 Q. I didn't ask you that. Isn't it a fact that you never disclosed it to the Tribunal until now?

A. I have disclosed it to you now.

102 Q. You have sworn two affidavits.

A. I am only recollecting as you raised this invoice as regards Frank Dunlop, as to which consultancy was advised to --

103 Q. Mr. Lawlor, you were ordered by the High Court to furnish affidavits, and ordered to come here. You, sir, have sworn two affidavits.

A. Yeah.

104 Q. Now, you have not disclosed your association or involvement with Long Associates in either of those affidavits?

A. I actually only --

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MR. DELAHUNT: The reason Mr. Lawlor has not disclosed such is that the word "company" is used, that's completely different. If the Order was to be as, brought as to cover consultancy, Sir, it would fall within the ambit of the Order. As we all know, Sir, a corporate entity is completely different from a company, maybe a firm of partners, a different form of liability arises.

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105 Q. MR. GALLAGHER: Demographic and Strategic Consultants was not one that was disclosed in the affidavit?

A. I didn't disclose yesterday, until you asked for the information on Demographics, in looking at the memo and the incorrectness, as I recall in the report that it referred to the Irish Consortium, it most definitely wasn't the Irish Consortium. Now, I don't have a copy of the invoice I issued to Frank Dunlop. If the Tribunal has a copy of the invoice and gives it to me I can confirm I issued it. I cannot be of any great further assistance, other than to volunteer that I invoiced Frank Dunlop with an amount and, you know, I can't be more forthcoming than that to you.

106 Q. Mr. Lawlor, it seems to me that what you are suggesting is that the Tribunal might show its hand to you and you will then comment upon it and tell us whether it is a good hand or a bad hand?

A. No, I don't want you to show me anything.

107 Q. I see.

A. But I am not here on entrapment either, so if you have an invoice, just like the argument developed yesterday, Mr. Gallagher - Chairman, if the Tribunal has information that it wants me to authenticate, I will be delighted to do it for you, I have absolutely nothing to hide, I am as forthcoming - and when I see that note about that report, I recollect that that may have been, and I am only saying "may have been" the consultancy that issued the invoice.

108 Q. I see. Did you convey this information to Dr. Rory O'Hanlon when you read his report identifying the Irish Consortium in Prague as the --

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A. My recollection on the second interview is that I corrected these matters.

109 Q. This is the final report, sir, this is the final report of the Ethics Committee?

A. It may be inaccurate.

110 Q. The report may be inaccurate?

A. Yes, very much.

111 Q. Do you have a letter where you wrote to them? There is a number of letters written to you and by you to the Committee, do you have any letter or any record of any correction that you made or any reference you made to Long Associates?

A. No, my recollection is that I was informed that all correspondence that I had with everybody else was submitted to the Tribunal.

112 Q. Sorry?

A. My recollection is receiving a letter from the Chairman of the Parliamentary Party, I think, confirming that all details had been forwarded to the Tribunal and correspondence.

113 Q. I am asking you did you have any letter or copy of letter that you wrote to the Committee or to the --

A. No, on the second meeting --

114 Q. -- in relation to Long Associates?

A. No, what I did at the second meeting was clarify that I recollected it wasn't the Irish Consortium, but they didn't correct it in the report.

115 Q. I see. Did you tell them about Long Associates?

A. No, it was at the time, only going through it here and if - I had no problem telling them about Long Associates if I

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had recalled it at the time, Chairman.

116 Q. Well now, where and what type of offices does Long Associates have in London?

A. They were just using it as an address.

117 Q. Who are they?

A. Well myself, Long - Long Associates or Long Consultants, and the company that was there at the time was Ganley Group Limited, and they were, they were doing business in the Middle East and elsewhere, and I made a number of trips to Albania with that company and it was there, in their offices.

118 Q. Their offices?

A. Their offices, yes.

119 Q. I see. You were using that, their offices?

A. When I was in London I used to go and use the offices.

120 Q. You were carrying on business as Long Associates?

A. From there.

121 Q. Was that a registered company or a registered business name?

A. No.

122 Q. Was it registered for VAT?

A. No.

123 Q. Did it have a bank account?

A. No.

124 Q. Did it have a telephone?

A. Well, it would have been the switch board of the offices.

125 Q. Of its own, did it have a telephone?

A. I think on the invoice there would be a telephone, but it was Ganley Group's offices.

126 Q. How many customers did Long Associates have?

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A. I can't recollect, very few.

127 Q. How many, approximately?

A. I don't know, a couple, three or four advices given on various matters, it was mainly out of there --

128 Q. Can you write down the names of the customers please?

A. I don't, I don't know, I can't.

129 Q. Sorry?

A. I can't, other than I recollect that I invoiced Frank Dunlop, that's the only invoice. If there was other issues, invoices issued from Long I don't have a record of them.

130 Q. Tell me, why would you issue an invoice to Frank Dunlop in the name of Long Associates from a London address, given that any consultancy work you did for him or any introductions you effected were done in Prague?

A. I facilitated Frank with introductions in this country also.

131 Q. Why, why did you invoice him from Long Associates in London?

A. I just did.

132 Q. Why?

A. I just did.

133 Q. But I am asking you why, there had to be a reason?

A. Because it was just convenient and I was using that office.

134 Q. There had to be a reason?

A. There is no great reason for it, no.

135 Q. Were you trying to hide the money, Mr. Lawlor?

A. Absolutely not.

136 Q. Will you tell me what account the money was lodged to please? It is in the discovery. Tell me what account?

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A. I don't know what account it was lodged to, but it is in one of those accounts or cashed and lodged.

137 Q. Are you aware that there is an obligation on you to keep records of, in relation to your business activities?

A. I am aware of what I have to do to keep records, yes, and if I don't have records I can't discover them for you, and if I had I would have given them to you gladly.

138 Q. Have you disclosed to anybody, to your accountant, to your solicitor, to your Tax Man or to anybody else, the fact that you got ú38,000 approximately from Frank Dunlop payable to Long Associates in Downtown London?

A. What I have done is disclosed every penny I received since 1985 to my accountants and Revenue Commissioners.

139 Q. Your accountants will have records of the payments Long Associates received --

A. They will have records of every penny I received in 1985, whether it will identify Long Associates I am not clear, but the amount of money will show up in the accounts and will have been declared as income of various sorts.

140 Q. Why would you use the name Long Associates for the payment of monies out of the jurisdiction and not disclose the fact that you, calling yourself Long Associates, and you had received ú38,000 or thereabouts from Mr. Dunlop?

A. I have disclosed the income I got.

141 Q. Why did you not --

A. There is no specific reason, other than I was travelling back and forth through London to Prague and Tirana, and I used the office as I already outlined.

142 Q. And you used the name Long Associates?

A. To the best of my recollection on the invoice to Frank

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Dunlop, yes.

143 Q. It is not what's on the invoice, I am asking you were you conducting a business or consultancy using the name Long Associates?

A. I put that forward to you in the first instance, Mr. Gallagher. I have explained that to you 10 or 15-minutes ago, that that's what I was doing.

144 Q. The answer is "yes". If it wasn't Long Associates on the invoice what other name could it possibly be?

A. I think it was Long Associates.

145 Q. You think?

A. Yeah I think, yeah.

146 Q. If it --

A. If you were asking --

147 Q. So, it had to be either Liam Lawlor or Long Associates, can the Tribunal take it that that is the position?

A. I can't be absolutely categoric on it, and if it is from some other consultancy it is irrelevant, it is the amount that's important and I volunteered that to the Fianna Fail Committee.

148 Q. Tell me, what did you mean by "€38,000 before tax deductions" when you spoke to the Committee?

A. My recollection is that Frank Dunlop deducted the appropriate tax from the amount invoiced.

149 Q. I see. So his records you say, should show that he deducted tax on €38,000 payable to Long Associates?

A. I remember my discussion with Frank, that he said he would deduct the appropriate tax from the invoice.

150 Q. And presumably return that to the Revenue Commissioners?

A. I would assume so yes, that was the discussion I had with

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Frank Dunlop and that was the agreement, that he would deduct the appropriate tax.

151 Q. What did you consider the appropriate tax to be?

A. Whatever his accountant would have deducted, what I should have deducted.

152 Q. I see.

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CHAIRMAN: Was it not your obligation to return and pay the VAT on the services rendered? Aren't you the person providing the services rendered and isn't it your obligation? My recollection from days of practice, that one return one's own VAT?

A. Well, the discussions I had with Frank Dunlop was that he would deduct the appropriate tax.

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CHAIRMAN: Who discharged it and on whose behalf?

A. Sorry, Chairman?

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CHAIRMAN: Who discharged it and on whose behalf was it discharged?

A. Well, it is my recollection that he deducted the appropriate tax and discharged to the Revenue, that's the discussion I remember clearly having with him about the matter.

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153 Q. MR. GALLAGHER: On whose behalf did he discharge to the Revenue Commissioners?

A. That's a question for Frank Dunlop.

154 Q. So far as you were concerned, on whose behalf was he going to discharge it?

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A. On behalf of the consultancy he was going to disclose that he received consultancy.

155 Q. That's Long Associates?

A. If it was Long Associates.

156 Q. If it wasn't Long Associates it was some other name that you were using, isn't that right?

A. Exactly, I have already said that to you, Mr. Gallagher.

157 Q. And it was coming into your pocket one way or the other, isn't that right?

A. Yeah, that's correct, yeah. And it was lodged into my bank account.

158 Q. And you say this was for a consultancy, isn't that right?

A. That's correct, yes.

159 Q. That service that you were providing, isn't that right?

A. You can call it three, four names, it is what it says, yes.

160 Q. And you weren't registered for VAT?

A. No, no.

161 Q. Are you aware of the obligation to be registered for VAT when you have an income for services in excess of something of the order of €15,000 or thereabouts?

A. Well, I think if it is being invoiced from outside the country I don't think you are collecting VAT.

162 Q. I see. And was that the reason it was invoiced from outside the country?

A. No, not at all, no.

163 Q. The cheque, I take it, was payable to Long Associates because Long Associates had invoiced you, had invoiced Mr. Dunlop for the work you had done?

A. I assume so, yes.

164 Q. Yes. Now, that cheque payable to Long Associates would

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have to be lodged to an account of Long Associates,
wouldn't it?

A. Or it could have been cashed.

165 Q. How could it be cashed if it was paid to Long Associates?

A. Because it was my understanding, unless it is made out to a
limited company it could be cashed and probably could have
been cashed.

166 Q. Who would identify you as Long Associates?

A. Who would identify me?

167 Q. Yeah, who would identify you as Long Associates? I mean,
you don't have something stamped on your forehead to say "I
am Long Associates", how do you --

A. Mr. Gallagher, with all due respects now, I don't wish to
get acrimonious here today, I came in here to cooperate
fully and I have volunteered and intend, Chairman, to
endeavor to be as cooperative --

168 Q. No --

A. I am telling you now that I recollect that I possibly
cashed the cheque and lodged it into the various accounts
or paid off bills.

169 Q. Did you? What I can't understand, Mr. Lawlor, and I want
you to try and assist me.

A. I will explain it to you very clearly. You endorse the
back of it with "Long Associates", and you can go and cash
the cheque if it is not made out to limited company and
then pay whatever debts and bills, which is what it was
used for.

170 Q. Where do you get it cashed, Mr. Lawlor? Where? What bank
do you go in and say "Here is a cheque 'Long Associates'",
endorsed "Long Associates" on the back and somebody hands

00044

you \$38,000?

A. If you have discovered a cheque from Frank Dunlop you know the answer.

171 Q. You tell me, Sir, the cheque was given?

A. I am telling you that I believe I cashed, I could have cashed it or lodged it, yeah.

172 Q. Well now, into what, in what bank and in what branch did you negotiate it, whether you lodged it or cashed it?

A. I don't recall which bank, but I believe I may have cashed a cheque and lodged it into a number of different accounts. As I explained to the Chairman yesterday, if you have various debts with banks you paid off some, paid the mortgage, paid bills in the office and so forth, that's my recollection of what happened with that invoice.

173 Q. And where did you cash the cheque in order to pay off those bills and invoices?

A. I can't recall where I cashed it but I, and I am guesstimating that I may have, and if it was cashed I am sure in discovery, in Frank's discovery that you have the details.

174 Q. I take it that it would have to be in a bank where you were personally known?

A. I am reasonably well-known, as you know, Mr. Gallagher.

175 Q. I take it in order to cash a cheque which is not payable to you and which is endorsed by an unincorporated entity, endorsed by you using the name Long Associates, that you would only be able to cash that cheque in a bank where you were personally known?

A. That's correct, exactly what would have happened and I can't say which bank.

00045

176 Q. So we can take that it would have been cashed in one of the banks which you have discovered, one of the financial institutions that you have referred to in the your affidavits?

A. No, I could have possibly cashed had with a local publican who would have possibly provided the cash over a period of time.

CHAIRMAN: Mr. Lawlor, ú38,000?

A. Sorry, yeah. Chairman, what would happen is obviously he wouldn't have ú38,000 and he would provide it over a period of time, that could have happened as well.

177 Q. MR. GALLAGHER: Well tell me, what bank, what publican would have taken your cheque, the cheque made payable to Long Associates?

A. A good friend of mine, Pat Murphy.

178 Q. And where is --

A. He had the Sarsfield Bar in Inchicore.

179 Q. I see. Are you saying you gave it --

A. No, I'm saying I may have or I may have cashed it in the bank, Mr. Gallagher.

180 Q. Did you ever give Mr. Murphy a very substantial cheque?

A. Yes.

181 Q. What cheque did you give him?

A. I may have given him the cheque we are discussing.

182 Q. Tell me, the one you did give him, you say you did give him a very substantial cheque?

A. It may have been this cheque.

183 Q. It may have been?

00046

A. Yeah, it may have been.

184 Q. What other cheque could it have been, what other cheque could it have been?

A. I think Mr. Murphy would have cashed cheques over a period of time.

185 Q. What substantial cheques would Mr. Murphy have cashed for you over a period of time?

A. I don't have details of them.

186 Q. Where did they emanate from, who gave them to you? Would you please write them down, write down the sources of the cheques?

A. I have nothing to write down. I am telling you, Mr. Murphy would have over a number of years cashed cheques for me.

187 Q. But I am asking you about --

A. I don't have the specifics, all I can tell you, Chairman, is that I would have cashed cheques with Pat Murphy, I might have often cashed a Dail salary cheque, expenses cheque.

188 Q. I see. How about cheques over ú30,000?

A. Sure this one is over ú30,000.

189 Q. Indeed, tell me about another cheque over ú30,000 that Mr. Murphy would have cashed, for example?

A. I don't recollect what cheques he cashed for me, but Pat Murphy regularly cashed cheques for me.

190 Q. Did he ever cash cheques in excess of ú10,000 that you can remember?

A. He possibly could have.

191 Q. Virtually anything is possible, Mr. Lawlor. I am asking you to identify --

A. I can't be specific, Mr. Gallagher, other than to say Pat

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Murphy would have cashed cheques for me over many years, and he also rented the land and farmed the land around my home for 15 years.

192 Q. What rent did he pay you for that?

A. Very little, ú100 an acre or something.

193 Q. A thousand pound a year perhaps?

A. Yeah, maybe even less. By the time you pay the water bill for the cattle there was nothing left of it.

194 Q. I see. So you say that to the best of your recollection you did not lodge this money to a particular account, or at least you can't recall any account you lodged it to. You think you probably cashed it, and it may very well have been cashed with a publican?

A. That's correct, I have said that already, Mr. Gallagher.

195 Q. Tell me, was there any other bank other than the banks you have identified that would have known you as the person who carries on business as Long Associates?

A. No, I don't believe so, I can't recall.

196 Q. I take it that you have no objection to the Tribunal getting any assistance that Mr. Murphy can give?

A. Yeah that's - I have no problem with that.

197 Q. I see. Is there any other place where you cashed cheques apart from Mr. Murphy's establishment?

A. Well, I recall a prior trip to Prague, cashing a cheque in Kenny's in Lucan the night before flying out, early in the morning.

198 Q. How much would those cheques be for, approximately?

A. Just expenses, just having ú500, 750 or so.

199 Q. Do you recall any cheque in excess of ú10,000 that you gave to Mr. Murphy to cash?

00048

A. I could have, yeah, but I can't recall the specifics, but Pat Murphy over a long period of time would have cashed a number of cheques for me, I can't remember the specifics.

200 Q. Mr. Lawlor, €10,000 was at least, for many years probably half your net salary.

A. When I went into the Dail, Mr. Gallagher, I was earning about 30, less than €30,000 and the Dail salary was €16,000.

201 Q. That's right. So a cheque for €10,000 would be a very substantial cheque in terms of your earnings as a member of the Oireachtas in your yearly earnings?

A. But not in the context of the overall situation.

202 Q. I am asking you in that context, can you recall having tendered any cheque to Mr. Pat Murphy to, in excess of €10,000 in order to have it cashed?

A. No, but Pat Murphy may have the record. He would have cashed the cheques so he may have a record, I don't have a record of him --

203 Q. Are you saying that you did in fact?

A. I said I did earlier, Mr. Gallagher. I can only repeat the answers that I gave to the question when you repeat the question three or four times.

204 Q. Mr. Lawlor, you may have answered it, my understanding was that you said you may possibly have given it, and I am asking you are you saying on oath, that you gave to Mr. Murphy a cheque or cheques in excess of €10,000 in order that he could cash them for you?

A. I believe I could have.

205 Q. Now you believe you could have?

A. Yes, over a lengthy period of time, probably going back 10,

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15 years.

206 Q. Mr. Lawlor, I am asking you a specific question?

A. And I am answering the specific question. I have told you that Pat Murphy would have cashed cheques for me over a lengthy period of time. Now, I can't tell you any more than that.

207 Q. Well, you can.

A. And if I could I would.

208 Q. Well, I think you could. And I think you can. I am asking you are you swearing on oath that you gave cheques, third party cheques, presumably to Mr. Murphy, for sums in excess of ú10,000 to be cashed on your behalf, to be cashed by him for you?

A. I think for the third or fourth time, I have said "yes."

209 Q. You have?

A. Yes, so, you know --

210 Q. On how many occasions?

A. I don't know how many occasions, but I confirm I have. That chap has facilitated me, he is a friend of mine, farmed my land for about 15 or 20-years, lived in Lucan, so --

211 Q. Whose third party cheques did you ask him to cash for you?

A. I can't recall, and during election time he would have cashed contributions, campaign funds and so forth.

212 Q. How many contributions in excess of ú10,000 would you have asked him to cash?

A. I can't recall.

213 Q. And you can't recall who the drawer of the cheque was, who the donor was, can you?

A. No, but what I have tried to do is reconstruct, and I would

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be delighted to provide to the Tribunal, going back over 15 years or so, any contributions I ever received.

214 Q. And how far advanced are you in that process?

A. Well, I have been trying to go through the bank statements and identify them, and I would be delighted to provide the Tribunal with a list of the recollections of any contributions I ever got from any source, and I would suggest within, by the end of next week I will provide the Tribunal with a list of contributions I might have received over the years.

215 Q. Tell me this: Why did you not go into your Bank Manager and hand in your cheque for €38,000 and say "Would you give me cash for that or give me drafts for that. Deal with it in whatever way you feel appropriate."? Why give it to Mr. Murphy rather than your Bank Manager?

A. Convenience really.

216 Q. Convenience?

A. Yeah, Pat would be about out walking the land, checking on the cattle and it would facilitate me, give him the cheque and he would give me 5 or 10,000, and when he had the cash he would give it over a period of three or four weeks. If I cashed the cheque with Frank Dunlop that's what would happen.

217 Q. My understanding is that you believe you gave the cheque to Mr. Murphy and he cashed it for you, am I correct in that?

A. I mean, I have told that you 15-minutes ago.

218 Q. Is the answer "yes"?

A. I have told you I did that, if I did it with that cheque, 15-minutes ago. Pat Murphy, as I can only repeat, Chairman, cashed cheques for me over a lengthy period of

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time.

219 Q. Yeah, but you see, many of your answers, Mr. Lawlor, I am sure it is an inadvertence on your part; many of your answers are qualified "if I did that", "I could possibly have done it", "I may have", I am asking for --

A. But if I knew the answer that I can be absolutely categoric, Mr. Gallagher. I would have no hesitation in telling you, Sir.

220 Q. That's your reason. I see. Tell me, did you get any other cheques that you can recall for work done by Liam Lawlor using the name Long Associates?

A. I can't recall any other invoices that were issued from Long Associates.

221 Q. That isn't the question, I asked you did you get any other cheques that you can recall for work by Liam Lawlor using the name Long Associates?

A. Yeah, if it issued any other invoice, I can't recall, I am only guesstimating that was the consultancy invoice sent to Frank Dunlop at the time.

222 Q. You see, Mr. Lawlor, you will forgive me for saying, and I don't mean this in a disparaging way, but it seems to me that your recollection is flawed and very poor in relation to these matters, because you can't recall whether you issued the invoice in the name of Long Associates, you can't recall any other invoices you may have issued and you can't recall any cheques you may have received in the name of Long Associates. Will you do your best and try to assist the Tribunal in identifying the source of any other cheques you might have received, or indeed any other contract you might have carried out or work you might have

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carried out using the name Long Associates?

A. I can't be of any further assistance than I have already outlined, Mr. Gallagher.

223 Q. Have you carried out any other work using any other pseudonym?

A. I think with National Toll Roads I issued a couple of invoices back in the early '90s.

224 Q. I see. What pseudonym did you use there?

A. I think you wrote to me about them - you have the full details in your letter - about two months ago and so --

225 Q. I don't have --

A. You have all the details of the two payments.

226 Q. Would you perhaps for the record, would you perhaps --

A. Did you say you don't?

227 Q. Pardon?

A. Did you say you don't?

228 Q. I don't have it here immediately with me.

A. Sorry.

229 Q. So, for the record would you please tell us what the name of the --

A. Certainly, do you wish me to write it down or tell you?

230 Q. Sorry?

A. Sorry, do you want me to write it down?

231 Q. No.

A. Sorry, Industrial Consultants was a company that I had a friendship with back in the - well, the principal is a personal friend of mine for 25, 30 years.

232 Q. Industrial Consultants, where is that company?

A. I think they have moved offices, probably in the early '90s they were in Abbey Street.

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233 Q. Is that a limited liability company?

A. I couldn't be certain. Industrial Consultants - I am not sure, it is an associate of mine, a friend of mine. He has been trading out of the country for years and I was advising him at the time and he was talking about coal.

234 Q. I am sure that's very interesting, I would just like to know about the name of the company?

A. I have just given you the name of the company and the address and you have the information there in front of you.

235 Q. Mr. Lawlor, you are giving evidence on oath here.

A. I don't need to be reminded, Chairman. I am well aware I am giving evidence on oath, and I am endeavoring to answer. And I have given you the name of the company, the address was then Abbey Street, I think they have moved in recent years.

236 Q. I see. You haven't mentioned that company in your affidavits, either of your affidavits?

A. Well it was - they were political donations that I received, and the late Tom Roche, when I was having trouble and bad publicity about difficulties with banks and so forth, offered to give me two contributions, which the Tribunal is fully aware of, and as he wanted some invoices for the amounts - and I had prepared feasibility studies for a cold storage project in Nigeria associated with a fish processing company in Killybegs, and I issued two invoices because I had that company's head bills to National Toll Roads, and that has been discovered to the Tribunal and you are fully familiar with the detail of what happened.

237 Q. You have what company's head bills?

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A. I had Industrial Consultants because I had prepared a report on the feasibility of cold store projects. At that time Nigeria was a major export for fish from Killybegs. They were looking at providing on-shore facilities for fish processing.

238 Q. Are you saying you issued an invoice in the name of Industrial Consultants?

A. Yes.

239 Q. Presumably "Limited"?

A. I am not sure about "Limited" or not, maybe they are, you have it there in front of you.

240 Q. I don't have it in front of me, sir.

A. Well, if you can get it out and give it to me I will confirm it to you.

241 Q. You say that you issued an invoice?

A. Two invoices, Chairman.

242 Q. Two invoices on headed notepaper?

A. One for ú34,000 and one for ú40,000.

243 Q. And they were - that was on, both on headed note papers using the name --

A. Industrial Consultants.

244 Q. -- industrial Consultants?

A. That's correct.

245 Q. Did you have any beneficial interest in that company?

A. No, no.

246 Q. Did you have any shareholding in it?

A. No.

247 Q. Were you a director of it?

A. No, I had prepared for them the feasibility studies for their pursuing of the possibility of Irish contractors

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building cold store facilities to facilitate the export of fish from Killybegs Sea Foods, I think was the name of the company.

248 Q. You issued what seems to me to be fake invoices at the request, you say, of the late Mr. Roche?

A. The late Tom Roche, yeah. He, himself, and my father were friends going back to the construction before virtually the foundation of Roadstone, and I had financial difficulties with the banks at the time and he facilitated me with those two contributions. Now, we had had a spate of elections, I think there was three elections in 18 months and plenty of debts and bills to be paid.

249 Q. I see. Did you invoice him using the letter head?

A. Industrial Consultants.

250 Q. Of a company that you had no beneficial interest in, shareholding in or directorship in?

A. No, I advised the company on what I already outlined and I think I might have given advice on other matters related to the engineering sector.

251 Q. Well, you advised who on --

A. Industrial Consultants. I actually provided them with a very comprehensive proposal and costing for cold store and freezing facilities to be located in Nigeria to facilitate the export of Irish fish, but the project never proceeded. I think some other Eastern European country won the contract based on competition, and it never went forward.

252 Q. Did you not tell me here earlier this morning that you provided no technical information or expertise to any of the companies for whom you acted as a consultant?

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A. Sorry?

253 Q. Did you not tell me that you did not provide any technical

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A. I think I told you the reverse.

254 Q. Pardon?

A. I told you the reverse, I told you that I advised Rotary on their marketing and technical and other aspects. Let me clarify, Chairman, lest there be a misunderstanding. What I provided was a very specific estimating costing per cubic foot of a cold store project. Outlining the general costing of such a project. So it wouldn't really be technical, it would be a costing.

255 Q. And did you do this yourself?

A. Yes.

256 Q. And what expertise did you have to provide costing for the building of a cold store in Nigeria?

A. Mr. Gallagher --

257 Q. No, I am asking you.

A. I am about to answer you. I built up, before being elected in '77, the largest refrigeration engineering company in this country. I also was the founder of Modular Cold Store Manufacturers, that created jobs in County Leitrim manufacturing polyurethane insulated panels, and I had a network of service and design engineers covering from the top of Ireland, we eventually ended up with an office in Harland and Wolfe facilitating marine refrigeration. So the expertise to provide a costing on a cold store was something I would do on a slide rule within an hour or two.

258 Q. I see.

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A. Now calculators, but in those days we used slide rules.

259 Q. Where in Nigeria --

A. It was a number of locations. It was just a general cost, if you want to construct 100,000 cubic feet of a cold store, etc., etc.. And they were looking at a number of locations, because obviously there was a lot of wastage and a lot of rejects of frozen fish, and the companies in Killybegs were suffering losses and they were endeavoring to see could they provide an on-shore facility, so when they exported the fish it would be maintained in a quality way.

260 Q. Mr. Lawlor, it occurs to me if I were interested, and maybe

I am being very naive, but if I were interested in building a plant such as you describe in Nigeria that I wouldn't even go to an Irish engineer to advise me on the likely costings and the likely outlays, I would have thought I would go to somebody who has experience in Nigeria and would know what prices are in Nigeria, what taxes would have to be paid, and what the supply position is, for example, of materials. Why were you selected to provide costings on a square footage or square metreage basis for a cold store at an unspecified or unidentified site somewhere in Nigeria?

A. I would answer that, Chairman; did you ever hear of ESB International? They are an engineering sub-company of the ESB and they are providing engineering advice all over the world, just like Aer Rianta running duty free shops in Lahore in Pakistan. Why don't they get somebody to run a shop in Lahore? They are using Irish expertise. I have expertise in cold storage and freezing. I provided

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budgetary costings for a company of whom the principal is a personal friend of mine since growing up, and they were looking at how - and we would hopefully, if successful, export the panels from Modular Cold Stores in Leitrim, King Span or other companies, Mr. Gallagher.

There are Irish engineering companies working all over the world, as you know. Nigeria is not one of the most advanced and developed countries in the world, so they need to bring in overseas expertise.

And actually, Industrial Consultants are down there for the last 20-years refitting power stations, petrol, chemical engineers and so forth, so there was nothing unusual in asking an Irish engineering expert to provide budgetary costing for a project in Nigeria.

261 Q. Are you an Irish engineering expert in relation to matters such as this?

A. I thought I had already outlined to you that I am, yes.

262 Q. You are?

A. With all humility, yeah. I built up the largest refrigeration group in this country before being elected.

263 Q. Tell me, did you invoice Industrial Consultants for the work that you say you did for them at their behest?

A. No, it was a feasibility project that never went forward, so if the project had been successful everybody would have benefited, but it is my understanding, because I had never actually been to Nigeria, that I think it was an engineering export company from one of the government sponsored Middle East or Eastern European countries that

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won the business on a very competitive bid, and the Irish costings were out of line and the business wasn't secured.

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CHAIRMAN: I wonder could we just return from Nigeria to Dublin? Because we are getting a little far away from our topic.

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264 Q. MR. GALLAGHER: Mr. Lawlor, the question I asked that lead to the information you have just furnished was, what other companies or pseudonyms did you use in your work in advising or consulting with or providing services for any other person or organisation?

A. I can't recollect any other name, Mr. Gallagher.

265 Q. Does that mean you didn't use any?

A. No, it doesn't but over a 15, 25 year period, as you can see, I have had extensive interest in a whole range of areas and I don't believe I did, but I may have.

266 Q. You see, I find it, I have to say it is probably naivete on my part --

A. You are anything but naive, Mr. Gallagher, I would suggest to you.

267 Q. Thank you. But I find it difficult to understand why if somebody has this body of experience, this expertise that has been built up over many years, why one would not advertise it as such? Would not say set up a company such as Lawlor and Associates or Liam Lawlor Associates or Liam Lawlor Limited or something like that so somebody could immediately identify you as the person with the expertise to whom, who should be consulted in relation to any project in the country or out of the country?

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A. Well, Mr. Chairman, when I completed my apprenticeship I locked up my toolbox and gave it back to the employer and said I would never work for anybody only myself and set up a one man business called Irish Refrigeration Limited.

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Now, the reason I chose Irish Refrigeration Limited was because it had a broad appeal, and subsequently, as you know, I formed other subsidiary companies, but when I was elected to the Dail - the refrigeration engineering business is a bit like a vocation because you are dealing with perishable commodities; and it was seven days and I was getting phone calls to say "The plant in Killybegs is not functioning and the ice-cream is defrosting." So it was a very hands-on committed type of industry, and I think by about '81, having been elected the first time --

268 Q. Sorry, Mr. Lawlor, sorry to cut you short but the reason, the question I asked you is why did you not promote the expertise that you say you had by using your own name?

A. There is no particular reason, and it wasn't day-to-day activity in commerce in those days in the early '90s, just that a friend of mine set up trading in Nigeria. We had an inquiry and a possibility of doing what we did, and that's how it was, how that came about. I wasn't actively in commercial life, I was virtually a full-time public representative from 1977 onwards.

269 Q. Yes. Now, you have told us that you, as I understand it, at the request of the late Mr. Tom Roche, issued fake invoices using the notepaper of Industrial Consultants Limited of Middle Abbey Street in respect of two substantial payments that you received from Mr. Roche?

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A. What Mr. Roche said at the time was "Look, I will give you those contributions and I need some paperwork for the accounts." And I explained that I had been doing a feasibility study for Industrial Consultants, and it was agreed that I would provide him with those two invoices.

270 Q. And --

A. To me they were political donations. I probably gave some general advice about the demographics of West Dublin and so forth to - at the time Tom Roche was looking at the feasibility of the West Link Bridge and so forth.

271 Q. What particular expertise did you have in relation to demographics?

A. I was elected to three or four country villages in '77, Lucan, Clondalkin, as you know.

272 Q. I am aware of that, but what particular expertise?

A. Demographics would be population placement.

273 Q. Was that not obvious to anyone who lived in that area or any other elected representative for that area?

A. It was attempting to forecast the future really.

274 Q. Is that not normally done by the Local Authority officials and perhaps the Central Statistics Office, people who operate and conduct the Census?

A. I think there is lots of people who get independent comment and advice and, you know, on these matters.

275 Q. That they pay for?

A. Sorry?

276 Q. That they pay for?

A. Well, I think probably the likes of traffic flows and so forth, Local Authorities don't do it, they would retain consultants, but my dealings were with Tom Roche, he made

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those two political contributions to me.

277 Q. Are you suggesting you were giving advice in relation to traffic flows?

A. No, I explained the international organisation are believed to be Wilbur Smith. You are suggesting that the Local Authority - I am suggesting that in a whole range of areas, various views are sought in matters.

278 Q. You are aware that Local Authorities conduct their own traffic counts?

A. Not always I don't think.

279 Q. Pardon?

A. Not always.

280 Q. Not always, no?

A. I think they might retain consultants and advisors, traffic experts.

281 Q. That information would be available to the Local Authorities, to the Roads Authorities and the Planning Authorities, isn't that right?

A. Absolutely, yeah.

282 Q. Would you be able to have access to that information because of your position as a public representative?

A. No.

283 Q. No?

A. No.

284 Q. I thought public representatives were in a position to write to Local Authorities or to the Dail or to --

A. Absolutely, yeah, sure.

285 Q. I see. So you did have access?

A. That's pretty obvious.

286 Q. So you did have access?

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A. I had the access every other public representative would be provided with.

287 Q. I see. So did you have access to that information?

A. Access to what information?

288 Q. In relation to road demographics, how the West Dublin area was going to develop, matters of that nature?

A. Actually for a period of nearly 8 or 9 years I was Chairman of ERDO, which is the Eastern Regional Development Organisation. I signed off a report in 1988 attempting to forecast population placement to the year 2001 at the time in 1988. If you take it down and dust it and look at the Bacon Commission Reports.

289 Q. The question is: Did you have access to that information?

A. Whatever general access was available to everybody.

290 Q. Now, can you tell me if Long Associates continue or whether you rather, using the pseudonym "Long Associates" continue to provide services to any other person, company or entity?

A. No.

291 Q. No. Who did you deal with in the company that you have named Ganley International? Who authorised you to use their offices for the purpose of your business operating as Long Associates?

A. Well, I would have dealt with Declan Ganley at the time and Gary Hunter.

292 Q. Do I take it that Mr. Ganley authorised you to use his office as long as, using the name Long Associates?

A. I am not all that sure that I would have gone into the detail of that, he normally spent his name in the United States.

293 Q. So does it follow that he didn't give you authority to use

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his office using the name Long Associates or your own name even?

A. I was in and out and using that office regularly for a number of years.

294 Q. That is not the question, sir. The question is: Are you saying that Mr. Declan Ganley gave you authority to use his office for the conducting of your business?

A. I don't know that I ever formally discussed it with Declan Ganley at all.

295 Q. Right. Did you ever discuss with the other gentleman, you named Mr. Hunter?

A. Possibly did, yes, I can't be absolutely certain, but I had more dealings with him than Declan Ganley.

296 Q. Do you say, did you ask him could you use his office as an accommodation address?

A. I was using it quite extensively.

297 Q. That's not the question. Did you ask him if you could have permission to use his office or the offices of Ganley International as an accommodation address?

A. Well, you see I was, made a number of trips to Tirana.

298 Q. Mr. Lawlor, sorry I may not make myself clear, I am asking you did you ask Mr. Hunter for permission to use the office of Ganley International as an address for which you would conduct your business using the name Long Associates?

A. My recollection is it would have been Mr. Hunter would have discussed the matter.

299 Q. So the answer is "yes"?

A. I would have discussed with Gary Hunter, I think, yes.

300 Q. You would have obtained his permission, you say, to use that office for the conducting of your office business

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using the name Long Associates?

A. I am not sure we specified the name of the consultant, but I was using the office.

301 Q. You used the office for the conducting of your business as a consultant?

A. I gave advice to the Ganley Group also.

302 Q. Forget about that also, I want to be clear on this; you are saying you spoke with Mr. Hunter and he gave you permission to use their offices for the conducting of your business as a consultant?

A. My recollection is it would have been Gary Hunter who I discussed the matter with, yes, and I used the office very extensively for a short number of years back and forth.

303 Q. What years were those?

A. I think around the mid-'90s.

304 Q. I see. Around the mid-'90s?

A. I think '94, '95, '96, just the mid-'90s.

305 Q. I see.

A. And I went on a number of visits to Tirana.

306 Q. Yes. I am just wanting to know about the office in London you are using. Did mail come to you to this address?

A. Possibly, I might have sought various publications and so forth.

307 Q. Why would they come to you at that address and not your home address in Lucan?

A. Depends on where one was going to be, if I was passing through London and might want to collect information. Normally it would come to my home in Lucan.

308 Q. Tell me, did you issue any other invoice in the name of Industrial Consultants Limited to any other party for work

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that you did for them?

A. I would suggest no, but I couldn't be absolutely sure, but I used Industrial Consultants. I - this was, it was the early '90s, I am not sure.

309 Q. How many parties did you issue invoices?

A. My recollection of Industrial Consultants was National Toll Roads.

310 Q. National Toll Roads?

A. Yes.

311 Q. I see. Are you saying that that to the best of your recollection is the only --

A. I could have used Industrial Consultants, I can't be absolutely categoric, but I can recollect National Toll Roads.

312 Q. What other type of work would you have issued an invoice on the headed notepaper of Industrial Consultants Limited?

A. I can't remember, I can't recall any other use of Industrial Consultants.

313 Q. Now, can the Tribunal take it that you never had an account in the name of Long Associates --

A. Correct, yes.

314 Q. -- in this country or in the UK?

A. Yeah, I had two nominee accounts that Pat Long, who was a colleague of mine, as you have discovered, I provided you with the information from the Ulster Bank in Palmerstown and the Irish Permanent I believe, in Lucan.

315 Q. I see.

A. Pat Long was associated, a friend of mine for years, and I was travelling a lot at the time so we, there was a couple of accounts opened and he discharged various outgoings. I

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have discovered that to the Tribunal.

316 Q. I see. What particular expertise did Mr. Long have that he could offer to you?

A. He didn't have any expertise other than he was a colleague, he drove me, campaigned for me since I went into public life, a very close colleague.

317 Q. I see. I see. And he operated a bank account for you, is that right?

A. He did, yeah. And I gave you the full details of it.

318 Q. Was there any particular reason why you didn't have your wife, for example, or a member of your family operate that account in your name?

A. No, no particular reason, just convenience.

319 Q. Why did you use the name "Pat Long" in operating that bank account?

A. For convenience.

320 Q. For convenience?

A. Because I was travelling abroad a lot at the time.

321 Q. Why didn't you simply allow Pat Long to use that account by making him a co-signatory on the account?

A. He was a signatory on the account.

322 Q. No, it was - the account was in his name?

A. That's correct, yes.

323 Q. Were you a signatory on the account?

A. No.

324 Q. I see.

A. But he discharged various, on my instructions and he --

325 Q. Who put the money into the account?

A. I think there was a transfer into the account from the overseas loan account.

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326 Q. Who arranged that?

A. I would have probably through the Morgan, would have transferred that, and they are registered.

327 Q. Do you mean out of the accounts that we have already referred to?

A. Yeah, exactly.

328 Q. You would have arranged money to be transferred from Liechtenstein into an account in the name of Pat Long?

A. Who was a nominee of mine and I was, as you probably know, was away in Prague a tremendous amount at the time.

329 Q. I see.

A. Pat Long was back here dealing with various matters and that's exactly it, and I have provided you with all that information.

330 Q. Mr. Lawlor, I must put it to you that you did not disclose your acting as or under the name or title of Long Associates when you furnished the information you were required to furnish under the Ethics in Public Office Act for the period the 1st of February, 1996, to the 31st of January, 1997?

A. I wasn't active, I wasn't registered and I registered myself as a consultant which covered any consultancy that I was active in.

331 Q. But you also, you registered yourself as Chairman of Eastern International Consultancy which was not trading?

A. '96 I registered, in '97, '98.

332 Q. Yeah, but you never registered yourself at any time as Long Associates?

A. No, but I registered Management Consultants, that covered that.

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333 Q. But you never registered, you did register other consultancies, such as the consultancy you held with Rotary and the MNE Group, and you registered the consultancy with Eastern International, but you never registered --

A. I think Eastern International might have been a limited company that was formed.

334 Q. You registered it in any event, you never registered Long Associates?

A. No, because it wasn't actively trading but I registered --

335 Q. It was actively trading to have €38,000, according to you, paid into it?

A. Yeah, but I registered, my registering of Management Consultancy covered, in my opinion, that matter.

336 Q. Wasn't that nearly as much as you got or perhaps more than you got as a Dail Deputy in that year?

A. Yeah, but I mean, being a Dail Deputy is not one of the highest paid positions in the country, as we all know, and the relativity to it is - I don't know. I mean, as I said when I entered public life I was earning about twice as much as I was paid as a Dail Deputy. I went in to give public service and was provided with a car and all sorts of facilities, and was Managing Director of a group of companies. I forewent a lot of revenue and income to enter public life.

337 Q. Mr. Lawlor, I want to turn, if I may, to the affidavit which you swore on the 6th of November of this year. It is on page 66. Do you have that, sorry?

A. Is it in these files?

338 Q. Of your affidavit, it is the - it is coming up on screen in a moment.

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A. All right.

339 Q. This is the second part of the first schedule of that affidavit that's on page 66, and it is headed:

"Recollection of companies I have had involvement with in executive, shareholding and non-executive roles since the 1960s."

And you told us about Economic Reports Limited and the other companies mentioned at paragraphs one, two, three and four, and I just want to ask you now about No. 5, Advanced Proteins Limited. This is a company you say - and I quote: "This company carried out extensive feasibility studies in the added value meat processing areas, nationally and internationally. The company was approved for an IDA grant but never advanced to building the food processing plant and never traded." Isn't that right?

A. That's correct, yeah.

340 Q. Now, am I correct in thinking that that company was registered in the company's office and had its registered office at Somerton House, Lucan, County Dublin?

A. Yes.

341 Q. I think it started off as JP Hurson and Sons Limited, and the initial director were Francis Roche and Gerrard O'Grady?

A. That might have been the shelf's solicitor's office or something.

342 Q. It changed its name then to Advanced Proteins Limited in 1987 or thereabouts, and the address, the address of the registered office was changed to your home, Somerton House, on the 3rd of August 1985?

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A. Yeah, fine.

343 Q. And your wife is secretary Of that company, and you and your wife are the only directors?

A. Correct, yes.

344 Q. Now, is that company still trading or what's the position in relation to it?

A. No, it never traded, Chairman. Like a lot of intent in those days, the debate issued around adding value, trying to set up added value companies. The intention was that, to produce proteins and probably liver tablets and various other added values to the meat processing sector.

345 Q. I think for the record, the company was incorporated on the 6th of the 7th, 1984, and subsequently changed its name to Advanced Proteins Limited. And the last time a return was furnished was on the 31st of the 12th, 1989?

A. Yeah, I presume those dates are obviously correct.

346 Q. You didn't in fact furnish any of that information with your affidavit?

A. Sorry, I didn't get the information you referred to now.

347 Q. That's the information from the Companies Office?

A. Yeah, yeah.

348 Q. You didn't make any inquiries of the Companies Office in relation to it?

A. Well quite honestly, by listing it for you I was identifying that I had an involvement with the company, the date of registration and so forth. Seeing as it never traded, I didn't see it other than to confirm that was a company, and I am here to explain in detail anything I can. And the Companies office information I probably could have sought and got, but I didn't see it as being of

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specific relevance to the Tribunal because it was in the food processing sector.

349 Q. I see. Can I just hand you a copy of the printout from the Companies Office so that you can identify it, Mr. Lawlor, please?

A. Certainly, sure. (Document handed to witness.) Thank you. Yes, yes Chairman.

350 Q. The document you are reading, just for the record, has a reference at the top of it.

A. "Advanced Proteins Limited" - "dissolved", is that it?

351 Q. Sorry, no, there is --

A. Page 4, no?

352 Q. Sorry --

A. Sorry, the first page is the - the JP Hurson means nothing to me at all actually, it must have been a solicitor's office or something that had that name.

353 Q. No, I think if you open at page - do you have a document?

A. Number 70 is the first.

354 Q. LL 05 - 5?

A. LL 08 - it starts at 08 actually.

355 Q. I beg your pardon. LL Co. 08- 5.

(Document handed to witness.)

A. Yes, I have it now, Chairman.

356 Q. And the company number is 102023, is that right?

A. Yeah.

357 Q. You see that Mr. Roche and Mr. O'Grady were directors, and then it changes name, isn't that right?

A. Yeah, they must have been two personnel in the formation of the company. Chartered Company Formations is what that name must have been and those people must have been in

00073

that.

358 Q. And then I think yourself and your wife were appointed directors on the 3rd of August, 1985. That's LL Co. 08 - 16. Do you see that?

A. Yes.

359 Q. And the company was in due course, I think, registered for VAT, as I seem to recall.

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Can I refer you to Book 2 just for the purpose of identification? Perhaps we can leave it until the afternoon, Mr. Lawlor. I just wanted you to identify - sorry 223 on the second book.

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Perhaps we can leave it - sorry, I beg your pardon, it is at page 222. Just if you identify --

A. Sorry? (Document handed to witness.)

360 Q. The VAT number is 4739820 U, isn't that right?

A. 2 - 223.

361 Q. 2 - 22 --

A. A preliminary tax document, is it?

362 Q. Yes.

A. 31st of July, 1990.

363 Q. The 1990 - I just want to get for the record the returns.

Do you see the tab, yellow tab on mine, it is 2.22 tab?

A. Yes.

364 Q. The documents in that section, as indeed all the other documents, were furnished by you --

A. Yes.

365 Q. -- to the Tribunal?

A. Yeah.

366 Q. There is a numbering at the bottom of each document, the first document I have has a number 14?

A. Yes, I have that.

367 Q. That's 2.22 - 3. The next is 54, and the next one is 60. Whose numbering is that?

A. I have no idea, Chairman.

368 Q. Where did these documents come from?

A. 54, 60.

369 Q. 14, 54 and 60, and they all relate to, well preliminary tax, VAT and preliminary tax?

A. Chairman, they were just --

370 Q. For Advance Protein?

A. In just trawling through the files, because it was back whenever you mentioned there, the company never traded and there was a tremendous amount of material associated with it, and that was just the information we discovered on various files and so forth, and submitted it because we were endeavoring to provide whatever we could in the office, and that's the three pieces of paperwork.

371 Q. What various files did you retrieve this information from?

A. I think probably it could have been in general files or something to that effect, because we don't have anything in any detail on Advanced Proteins other than what I gave you.

372 Q. Why did you not discover those general files? These records were relevant to the general files, why did you not discover the entire general file?

A. No reason in the wide earthly world. That's the only pieces of paperwork I could find in the office associated with Advanced Proteins.

373 Q. I see.

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A. That I provided you with.

374 Q. I see.

A. It is a company that was --

375 Q. So I take it, that the general file that you referred to
has at least --

A. All I am saying is I found the pieces of paperwork in a
trawl through whatever we could in the office, in an effort
to be - and that's, if there was any other detail about
Advanced Proteins we would have provided it.

376 Q. And that file, I suggest, contained at least 60 pages,
because we can see --

A. Could have, well yeah, I don't have them, because if I had
them you would have them.

377 Q. Where is the file?

A. I don't have a file, sure I would give it to you if I had
it.

378 Q. You just told me that you extracted, that you extracted the
three documents from a file?

A. Actually, on the second affidavit you will notice,
Mr. Chairman, I discovered some information on Food
Industries that I didn't have in the first affidavit, so it
was an attempt to provide every piece of paperwork I could
to the Tribunal, even though Advanced Proteins was intended
as an added value blood processing plant.

379 Q. Where is the file from which these documents were
extracted?

A. Not to be misinterpreted, whatever we found in the office
and whatever files that we were rooting through, we
discovered to you, I don't have any other file. I have
nothing to hide about any file, if I had it I would have

forwarded it to you, Mr. Chairman,.

380 Q. Where is the file which consists of at least 60 documents from which you extracted those three?

A. I don't have it - you are picking up numbers here, I don't even know what the numbers refer to, to be honest, No. 14, No. 54.

381 Q. Why are they numbered?

A. But sure, this is going back ten years and this is what I found regarding Advanced Proteins.

382 Q. Where did you find them?

A. In my office.

383 Q. What file?

A. It is not a specific file, the Food Industries information came up wrongly filed or whatever. I mean, if there is an implication here that I didn't discover what I had it is incorrect and if I had it you would have had it, and what it has to do with the Tribunal is --

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CHAIRMAN: Sorry, can I intervene here?

A. Sorry, Chairman.

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CHAIRMAN: What counsel is inquiring from you, the file starts at page --

A. I understand --

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CHAIRMAN: Listen to me please. It starts at page 14, goes to page 54, goes to page 60. What we are looking for is the intervening pages?

A. I don't have them, Chairman.

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CHAIRMAN: What?

A. I don't have them, and who says these numbers are in sequence anyway?

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CHAIRMAN: But you tell us that you took this from a general file, which gives the impression that there were more documents on the file and you selected these?

A. There are not, Chairman, and if I had them you would -

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CHAIRMAN: Could you show us the general file from which you took these, so we can --

A. May I clarify? What I am saying is, that in going through files these three pieces of paperwork were discovered, they referred to Advanced Proteins, and I put them in with Advanced Proteins' information. If I have any other information you would have had it, I don't have it. This is a company that never traded, it was heavily invested in and it is going back to '87. I thought there was a statutory requirement. We operated for five or six years or so. I just don't have the information, I have no reason not to give it to you.

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MR. GALLAGHER: Sir, it is now just gone one o'clock. Perhaps it is time --

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CHAIRMAN: Very good. We will rise and sit again at a quarter past two.

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MR. GALLAGHER: Ten past two.

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CHAIRMAN: Ten past two. Very good.

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THE HEARING THEN ADJOURNED FOR LUNCH

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THE HEARING RESUMED AFTER LUNCH AS FOLLOWS:

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MR. LAWLOR RETURNS TO THE WITNESS-BOX AND CONTINUES TO BE
EXAMINED BY MR. GALLAGHER AS FOLLOWS:

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384 Q. MR. GALLAGHER: Mr. Lawlor, before lunch you were giving
evidence in relation to a company known as Advance Proteins
Limited. Which was referred to at number 5 on the second
schedule - second part of the first schedule of your
affidavit. I just want, for the purpose of the record, if
you would please, identify two further documents relating
to that company.

.
They are to be found at the Tribunal's reference LL DISC,
2-06- 60. It is in Book 2 of the four books he gave.

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These are documents that you gave and discovered and
produced to the Tribunal under the Order for Discovery.

Do you have that? It is towards the end, Mr. Lawlor?

A. 2.6, yes.

385 Q. 2.06 at page 60.

A. Sorry, does that start with Eastern International Limited?

386 Q. Yes, it does. Yes?

A. I am sorry, 2.6?

387 Q. 2.06, page 60. It is a preliminary tax pay slip for
Advanced Proteins Limited.

A. Is that number 10? What number, page number?

388 Q. Page 60, printed on the top?

A. 60 on the top? Okay, yes, I have that.

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389 Q. You will see it is a preliminary tax pay slip in respect of Advance Proteins for the preliminary tax accounting period ended the 31st of July, 1990?

A. Yes.

390 Q. And immediately before that on page 59 there is a letter dated the 6th of February, 1991, signed by your wife?

A. Yes.

391 Q. To Bascal Charlton company, Marine House?

A. Sure.

392 Q. Accountants. Enclosing the tax form which must be submitted before the 28th of July, 1991:

"I have been making nil returns since March/April for APL." I take it that is for Advanced Proteins Limited?

A. I assume so, Chairman, yes.

393 Q. "I believe you had a discussion with Liam some time ago regarding the closing of the account and the fact that you would carry out the necessary arrangements to do so. Please advise as to the up-to-date position."

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That, I take it, is some discussion you had with Mr. Matthews in relation to Advance Proteins Limited?

A. Yes.

394 Q. Do you have any other records, or accounts or documents in relation to that, to the tax affairs or to the accounts?

A. I don't, Chairman.

395 Q. Of that company?

A. No, and I mean those numbers are referring to what you were querying earlier as to where they were, obviously.

396 Q. The numbers --

A. No, you were talking about 14 and 50 something, these are

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58 and 59, I notice. But no, the company never traded and I think eventually the accountants would have, the company was deregistered or whatever happens, and Mr. Matthews would have, he had been returning nil returns because the company never actually traded.

397 Q. Yes, in fact the numbers at the bottom of the pages before and after the document I have just referred you to, are numbers which relate to documents which appear to have come from the Eastern International Limited file; isn't that right?

A. I see that, yeah. I am not sure whether they were all wound into one, because of the sequence, because you have numbering for Advance Proteins sheets of paper and then it runs on to Eastern International Limited.

398 Q. In any event, you have identified this as a company with which you had an involvement in an executive shareholding and non-executive role since the 1960's. You described it as a company that never traded?

A. Yes.

399 Q. Isn't it the position, Mr. Lawlor, that you, at all material times were a director of this company, Advanced Proteins Limited?

A. Yes. When the company was formed myself and my wife Hazel were the two directors of the company.

400 Q. Where are the various accounts and records of that company now?

A. There are no records other than whatever we have discovered by requesting the Bank of Ireland to provide statements. I think you mentioned that it was registered back in 1987/1985. And it had built up a considerable tome of

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technical paper and so forth. As it was no longer of any relevance, I don't have any further information other than what I discovered for you and what the bank was able to provide.

401 Q. And what the bank provided was - what you provided in terms of bank statements and bank records were documents that were forwarded to you at your request, I suggest?

A. That's correct. I didn't have the information so I sought it from the bank to provide it to the Tribunal.

402 Q. Did you inquire from Bascal Charlton and Co. as to what records and accounts they have in relation to, in relation to Advance Proteins Limited before you swore the affidavit?

A. No, I didn't Chairman, but I can.

403 Q. Did you?

A. No, I didn't, but if they have any information we can secure it for you. I don't know that they have.

404 Q. I think in the affidavit you identified two bank accounts in the Bank of Ireland in Lucan - sorry, in the Bank of Ireland, Lucan?

A. Yes, that's correct.

405 Q. In the name of Advanced Protein Limited. There is a current account No. 73429836. Which operated between July 1987 and, according to the affidavit, November 1982, but I assume that is an error, in that that should be November of 1992. Just so that you can be clear, if I show you the affidavit and you can - it is on page 62. It will come up on the screen for you, Mr. Lawlor?

A. Thank you.

406 Q. You see that the first, the first account at the top of the page is the account I am referring to. The last three

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digits are 836. July '87 to November '82?

A. Yes, sorry --

407 Q. I imagine that should be November '92. I haven't checked it, I am not going to hold you to that?

A. No, no.

408 Q. It may be a different date, but certainly it had to be a date after 1987?

A. Yes, and that would have been about the time that the company was checking out the feasibility of going forward with a project, yes.

409 Q. Now Mr. Lawlor, you have furnished to the Tribunal copies of the bank statements which you obtained in relation to that account, 73429836.

A. Yes.

410 Q. And I want to see if you can assist the Tribunal in any way in relation to any other documents or records that might be available to assist the Tribunal in relation to that particular account.

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From a perusal of the records that you have provided to us, Mr. Lawlor, it appears that in the period 1986 to 1991 inclusive, a sum of ú535,588 was lodged to that account. I just wanted to take, to go through those records as quickly as possible, indeed to see whether or not you can identify the sources of the larger sums that appear on this account.

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If I can refer you to Tab number 2.15 on Book 4. These are the documents that you have furnished to the Tribunal. They are the bank statements you furnished to the Tribunal?

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A. Sure. Sorry, could you repeat the number?

411 Q. It is just close to the beginning of the folder. It is Tab 2.15, and it is LL DISC 2.15 - 3 that I am referring to?

A. 2.15, yes.

412 Q. For future reference I will just refer to the page number without referring to the 2.15, if you don't mind?

A. Sure.

413 Q. The first lodgement is a lodgement of ú1,000 in 1987 or thereabouts, I am not quite sure of the date. It is a date in August. Do you have any record of that or any knowledge of what it relates to?

A. I don't really. At that stage I was trying to fund the feasibility of that, so it would have been a lodgement for ú1,000.

414 Q. Well, do you have any record of the transfer of ú6,683 that follows that?

A. No, I don't actually, no.

415 Q. On page 4 there are three lodgements of ú1,384, 2,762 and ú515 respectively. Do you have any record in relation to that?

A. No, other than I was trying to fund the feasibility of the project. There would have been lodgements from maybe some borrowings, another account or whatever expenses, it could even be a salary cheque lodged.

416 Q. I see. Now, if you go on to page 7, we see that there is a lodgement of ú20,000, by way of --

A. Sure.

417 Q. -- transfer. It appears to be in October 1987, the date isn't clear. Do you know where that ú20,000 came from and what it related to? Do you have any documents or records

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relating to it?

A. No, I don't have any. I can't say other than it probably came from some of my other bank accounts, because we were trying to fund the project at the time. What I can do is say that we will - sorry, no, so the answer is no, I don't have a detail of where the sources of funds were.

418 Q. On the next page, page 8 there is a another lodgement of ú20,000?

A. Yes.

419 Q. In October, again in October of 1987. Do you have any record of that?

A. No.

420 Q. If we go on to page 10 there is a, there are lodgements of 5,100; I am just using round figures; and ú1,450 approximately. Do you have any records or details or information in relation to that?

A. No, I don't Chairman.

421 Q. How about on page 11, there is 2000 and ú5,000 respectively?

A. 5,000, no, all I suggest is that possibly from some of the other borrowings, or other accounts, they were transferred or paid in, one of them is an account transfer. We will see.

422 Q. Were invoices issued for any of those transactions?

A. No, they never traded. That was just a funding, a continual funding of the feasibility.

423 Q. Where did the monies come from?

A. I can't identify other than to say that it was transferred; if it was transferred I presume it was transferred from one of the other accounts. I had a 20,000 overdraft facility

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there. I think maybe at the same time, or perhaps other borrowings.

424 Q. If we go to page - sorry on page 12, there are two transfers of ú5,000 each?

A. Yeah.

425 Q. Do you know where they came from?

A. No, I can't identify those.

426 Q. The next page, on 13, ú1,545, anything - can you assist us in relation to that?

A. No.

427 Q. On page 15, there are, there is an account transfer of ú4,000 on the 21st of December, 1987?

A. I don't know - obviously the bank, whether they can identify where the transfers were from. I can't recall from which account they would have been transferred.

428 Q. Well, there was a lodgement of ú5,000 on the 24th of December?

A. I see that, 25,000.

429 Q. Do you know where they would have come from?

A. No. Then there is, is it 2 or ú7,000, the following.

430 Q. Would you know these figures would have come from, Mr. Lawlor?

A. I think they may have been transfers from the other accounts.

431 Q. Well, one was described as "lodgement" and another was an "account transfer"?

A. An account transfer. You see, the transfer would have been from some of the other accounts I would have held at the time in order to pay the outgoings.

432 Q. Have you made any inquiries to try to establish the account

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from which these monies were transferred in there?

A. I haven't. I asked the bank to provide me with everything they have. I have given what they have discovered for me. It is back in 1988 now,'87, so I don't have any detailed records, no.

433 Q. Well Mr. Lawlor, you knew you were going to be asked about, questioned about these bank accounts and records; did you endeavour to prepare a reconciliation, or did you ask your accountants to do an analysis to assist you in identifying and tracing monies that might have moved from account to account?

A. I didn't, because Advance Proteins, as a project, I didn't see as part of the business of the Tribunal; and when asked to provide whatever records of bank accounts I had, I proceeded to write to each of the banks I could recall having accounts with. This account was closed, I think you said possibly in 1992, and I have no records other than what the bank have provided me with now.

434 Q. Well, you see, you know that the Tribunal is making inquiries into monies that you may or may not have received?

A. Yeah, I appreciate that, yeah.

435 Q. And the summons was, two summonses were issued by the Tribunal for the purpose of requiring you to produce documentation and produce records. And the bank statements that have been furnished in relation to Advance Proteins Limited show that in the period between 1986 and - in which year there was a sum of 6,500 lodged - but between 1987 and 1991 essentially there was a sum of approximately ú900,000 lodged to two accounts in that name. You will understand

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why the Tribunal is anxious to identify the sources of these monies insofar as they can do so?

A. Sure, yeah.

436 Q. I want to know what effort you have made, knowing that you were coming here on foot of a summons, to prepare a reconciliation or an analysis, or to prepare a detailed account of where these monies came from, and why, what they were paid for and why you got them, and what they were used for; and if they were borrowed, from whom you borrowed them and on foot of what documentation and what other documentation or material you might have?

A. Yes, well I when seeking from the bank the information - I asked them to provide me with whatever information they could, and thus I discovered to the Tribunal. I actually do not recall that Bascal Charlton acted for the company, although I remember now, yes, Paul Matthews did act for the company.

437 Q. I see.

A. And now, there is - I am just looking for it. I recall there was a very large lodgement --

438 Q. Well, perhaps we will deal with those, we will find it when we go through those accounts?

A. Yes.

439 Q. On page 15 there is 4,000; 5,000 and 5,000 credited to the account. Have you any recollection of the sources of these monies or have you any documentation relating to them?

A. No, I have no documentation other than what I have provided to the Tribunal.

440 Q. Have you any recollection as to the sources of these monies? What they were? Who provided them?

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A. They were coming, as I recall, I can't identify them, but I was lodging and trying to pay the outgoings of the company from my own resources over a lengthy earlier period, and that could have been from borrowings in one bank account, or whatever other income. ú500 could have been an expenses cheque, or whatever. The smaller amounts - I can't identify the individual lodgements other than the very large lodgements that I can.

441 Q. Well, we have an account transfer of ú2,000. You see there is a total as I calculate it, of approximately ú900,000 lodged to the two accounts of Advance Proteins Limited in the years in question. Now, this you have sworn was a company which never traded?

A. That's correct, yeah, never traded.

442 Q. Yes. Which was registered for VAT and - I just wonder where its monies were coming from and why there are no invoices to show how the money was being generated, how the income was being generated?

A. It wasn't trading. These were lodgements out of whatever monies I had at the time, and then Goodman international invested a very substantial amount of money in the company because the whole process that was being proposed was an added value area, and the source of raw material for the intended project was the meat processing plants throughout the country.

443 Q. Mr. Lawlor, did you endeavour to make, did you make any effort to endeavour to establish what banks, and out of what accounts these transfers were made?

A. No, I assumed because it was a food processing project, that what I asked for was what was going to be provided.

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If the bank has any further information or if they can provide the detail of where the transfers came from I can certainly ask them and discover it, if I am put in possession of it. I wasn't so aware that a food processing project was applicable to the Terms of Reference, and when asked about the bank accounts, I sought the information on the bank accounts. I got what information is available to me and forwarded it to the Tribunal.

444 Q. Did you inquire from any of your legal advisors as to whether or not it was your duty, on foot of the orders to make, to disclose particulars of Advance Proteins Limited and their accounts of that company?

A. No, but if we can establish any further information and I will seek to do so --

445 Q. Mr. Lawlor, you have said that on so many occasions --

A. Exactly.

446 Q. -- that I have lost track.

A. I said it for good reason, Chairman.

447 Q. Indeed. You were required to give evidence in relation to the documents and records mentioned at paragraphs A, B and C, and I have repeated this ad nauseam. They included records of all companies in which you had an interest or an involvement. Now, you for whatever reason, did not disclose in your sworn affidavit that you were a director of this company. It is it has now been established and you agree in evidence that you were. As a director you had certain obligations in law. You knew you were coming here to be examined in relation to these documents and yet you made no effort, you say, to identify the sources, or the accounts out of which monies were transferred into these

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accounts, is that right?

A. Mr. Chairman, if --

448 Q. Is that the position, Mr. Lawlor?

A. If I was aware --

449 Q. Is that the position? Is that the position?

A. Just allow me answer the question.

450 Q. Yes.

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CHAIRMAN: You are being asked to answer the question, first. If you want to add an explanation you are very welcome to do so, but you first answer the question.

A. Sure. My answer to the question is I was not even aware that this issue would arise and that it was my responsibility to provide you with the information you are now asking me. I don't have it. I could only discover what I had, and I can attempt to establish and get further information. I have no reason why I would not give you the information if I have it. And I think it says in the affidavit "within my possession". Now, I may have been remiss if I didn't seek the information from the banks and if the banks can provide it, I have no doubt they will.

451 Q. It is not the bank we are concerned about Mr. Lawlor, it is you and the documents that you should have in your possession, or in your power, or in your procurement which relate to this company and any other company in relation to any interest held by you in any company, and all documents and records in your possession or power, which would include your procurement, relating to any accounts held by or on behalf of any such companies in any financial institution, either within or outside the State?

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A. All I can say, Chairman, is I apologise to the Tribunal if I didn't discover what might be discoverable and I will certainly endeavour to discover whatever material I can to the Tribunal and I will be very pleased to forward it to you.

452 Q. We will perhaps then proceed through these documents as quickly as we can, it is just for the record. On page 18 there are three lodgements, the largest of which is ú2,000. Do you have any record or information to give to the Tribunal in relation to those?

A. No Chairman, I can't identify the exact source.

453 Q. On page 19 there is an account transfer of ú15,000 and one of ú5,000 and one of ú1,300 approximately?

A. No, Mr. Gallagher, I can't identify those.

454 Q. Is it possible that the ú1,300 plus, could be your Dail salary, for example?

A. Possibly, it could have been.

455 Q. On page 23 there is an account transfer of ú12,000.

A. No, I can't.

456 Q. Do you know anything about that?

A. No.

457 Q. Do you have any other documentation in relation to it?

A. Could I say, Mr. Chairman, maybe I should be able to answer, but I just have to ask the question; I wonder is it possible that there was a lodgement in the savings account and these amounts were transferred to the current account?

458 Q. Well, my --

A. Because I think when the larger --

459 Q. No doubt you will be able to answer that. You can see - in due course, you will see, for example, if you go to page

00093

27, the account was overdrawn to the extent of ú23,115.

Now that showed that there was a significant number of transactions, cheques being paid out by the company?

A. Oh, yes.

460 Q. This is a non-trading company.

A. Yes, but the cheques being paid out were outgoings as part of the on-going feasibility study of the project. The project was, you know, it might help if I elaborated a little for you on what the company was about to, or supposed to do.

461 Q. I am not concerned about the nature of the company, I just want to know about the accounts of it, if you don't mind.

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Can I just go on to the other figures. There is a lodgement of ú10,000 on the 28th of November. There are two smaller lodgements of ú1,000 approximately, and 1,465. A further adjustment then of ú10,000 in December. There is a lodgement of ú3,500 on the 6th of December. There is a cheque, for example, of ú10,000 issued on the 6th of December.

A. Issued?

462 Q. Yes.

A. You mean paid out.

463 Q. Debited. You can see it on page 28.

A. Yeah. There was a continual lodging of monies to pay the on-going feasibility and the other office outgoings at the time. There was extensive costs for travel, there was various engineering personnel from abroad requested to carry out the checking of the feasibility.

464 Q. Presumably you were paying these people for all the work

00094

they were doing, the company were?

A. The cheque outgoings would be the outgoings of checking, actually the leading technology in the world at the time was actually in Argentina and I went down there and studied the technology, and this was a project that the IDA advanced the grant of some half a million. Feoga advanced --

465 Q. Was that drawn down?

A. No.

466 Q. I see.

A. Feoga advanced a grant of, I think ú800,000.

467 Q. Was that drawn down?

A. No.

468 Q. So the ú900,000 that appear in the two accounts of this company do not include any grants?

A. No, they were approved but not - and there was a bank facility I can try and recollect, of about a half million approved by the ICC, which wasn't drawn down either.

469 Q. Do I take it that from your evidence in general, we will go into it in greater detail shortly, do I understand that although there were lodgements of ú900,000 over the period that I have referred to into the two accounts of this company, that such lodgements did not include any grant from the IDA?

A. Correct. There was no drawdown from any other sources.

470 Q. No?

A. They were approved and it showed that, showed the potential viability of the project if it had of gone, because it went through a very strict period of assessment, both by the IDA and Feoga.

00095

471 Q. And tell me, am I correct in thinking that you financed the expenditure of this company yourself out of inter-account transfers; is that your understanding?

A. No.

472 Q. Who funded it or where was it funded from?

A. What I am trying to do, I was looking for - I think there was \$250,000 and possibly 300,000 Goodman International, because of the association with the meat processing sector, part funded the on-going outgoings, and that would be included in the total number you are speaking about, and the rest is funding that had been transferred and borrowed at the time and provided --

473 Q. Borrowed from where?

A. Possibly other bank accounts. You are talking about transfers. I assume the transfers were from another account.

474 Q. Can you tell me what banks you borrowed monies on behalf of?

A. Whatever debts that I had accumulated, they were funding Advance Proteins on a feasibility basis.

475 Q. Can you tell me any banks that were advancing, were funding Advance Proteins on a feasibility basis? Can you identify them?

A. No, I just want to make the point --

476 Q. Sorry, if you wouldn't mind staying on that question?

A. No, I didn't borrow specifically for Advance Proteins.

477 Q. You didn't?

A. No.

478 Q. No.

A. We got approval from ICC but we never drew down the loan.

00096

479 Q. Therefore, where did the €600,000 which appears to be, to have been lodged to the two accounts in question - I am excluding the monies that you have referred to from Goodman - where did the, where did the €600,000 come from?

A. Well, the first thing is I need to be absolutely clear that the total figure, or whether it is the savings account transferring to the current account, or whether it is a total --

480 Q. No, I am telling you that according to my calculations, the Tribunal's calculations Mr. Lawlor, the total lodgements to the two accounts amount to €900,000?

A. Well, I think --

481 Q. I am not saying there isn't a sum, some inter-account transfers, but I am asking where the monies came from that were lodged?

A. What I am saying is that the savings account was all transferred into the current account. So whether there is double accounting or not I cannot be specific. However, I can ask the accountant to do an exercise on it and give whatever information I can to you.

482 Q. Well, you didn't ask your accountant to do that so far, I take it?

A. No, but I would be very pleased to do so, Chairman.

483 Q. Well, we will proceed. I may be able to provide you with that information if you give me half an hour or so. Could you excuse me just a moment, please?

A. Sure.

484 Q. Now, I will endeavour to establish that information for you, Mr. Lawlor. Perhaps we can proceed with the other documents? If we go to page 31 there is a lodgement of

00097

6,000 plus; a lodgement of 1,400 plus; and a lodgement of
ú5,000 plus. Do you have any record of those or do you
know how they arose?

A. No, I can't.

485 Q. Do you have any invoices or any VAT returns or anything
else that would assist in relation to the various cheques
that were paid out? For example, if you look on screen you
will see page 31. You will see that there are cheques for,
there is a wages cheque for ú700, for example?

A. Mmm.

486 Q. Do you know who that, who wages were paid to?

A. I don't, no. It would have been somebody at the office.

487 Q. I take it that PSRI, or whatever other taxes would have
been payable, that would be payable, would be paid on those
wages?

A. I assume so, yes.

488 Q. You see there are cheques for ú140, ú300, ú170, a wages
cheque for ú1,200, a cheque for ú1,700, that is in respect
of Hamilton Ireland?

A. I think that could be possibly a leasing agreement for some
office equipment.

489 Q. That would be, presumably, an agreement that would attract
VAT, and in respect of which you, your company registered
for VAT would be able to recoup the VAT paid to that
company?

A. Possibly it didn't recoup the VAT because it wasn't
trading, it may not - it may pay the VAT but didn't recoup
it.

490 Q. It is registered for VAT?

A. If it did then there should be a VAT return, but I don't

00098

have it. I am just saying that the company might have, if it was registered for VAT, but there could have been VAT on various invoices received. We might have paid the VAT but not recovered it.

491 Q. Did you ask the VAT people, or the Revenue Commissioners or anybody who might be able to assist you --

A. If it would help - I didn't, because I didn't see Advance Proteins having a bearing on planning in County Dublin.

492 Q. Mr. Lawlor --

A. Therefore I didn't do that. It appears now in the discussion, or evidence I am giving it is remiss and we can endeavour to establish any of that information for you. I don't have it and I gave you what I had in my possession, which is what I thought was required of me.

493 Q. Where did you find anything in any Order that was served on you that said: "Please furnish to the Tribunal copies of bank statements which you received from any particular bank or branch."

A. But sure, on receiving the correspondence or the order from the Tribunal, Chairman, or the letter I would suggest, I immediately after receipt of that letter wrote to the banks asking them to provide me with everything they had. Now, that was the starting point and the only information. I assumed if I got that information for the Tribunal I was complying with your requirements.

494 Q. Yes. Mr. Lawlor --

A. You know, it is quite obvious from your point of view that is not what you expected or wanted, and I can write to the accountants, I can write to the banks, I can ask them can they give me details; I am not legally required, I believe,

00099

after six years, to have any of this information. I don't have it, if I had it I would give it to you.

495 Q. I see.

A. I have no problem with giving it to you, if I had it. I can only give you what I have.

496 Q. The order was that you would provide all documents and records?

A. Yes, that is it. And I have provided them to you.

497 Q. You have provided us with copies of bank statements you got from the bank, by and large, 98 percent of the material --

A. And nothing else. If I don't have anything else how can I give it to you?

498 Q. The next lodgement, Mr. Lawlor, was on page 34. ú10,000 on the 27th of January. Do you have any record of that and do you know where it came from?

A. What page again?

499 Q. It is on page 34.

A. No.

500 Q. 4,900 lodgement on page 35. Do you know anything about that?

A. No, I don't.

501 Q. Well, the next few pages are vague and faint. If you go on to page 38, a lodgement of - an account transfer of ú2,300. Do you know anything about that? Do you have any records of it?

A. No. It is overdrawn then, trying to payoff, you see the adjustments.

502 Q. A figure of ú1,432 on page 39?

A. No.

503 Q. If we go on the smaller amounts, adjustments on page 41.

00100

If you go on to page 43 there is a lodgement of ú15,000?

A. I don't have any details on that.

504 Q. You have no idea where that came from?

A. Not a clue.

505 Q. No invoice or receipt or letter of thanks?

A. No, nothing at all. If I had I would have given it to you,
Mr. Chairman.

506 Q. Smaller payments then on page 46 and page 47, smaller
lodgements. A lodgement then of ú3,500 on page 49?

A. No, no.

507 Q. A lodgement of ú17,539 on the 1st of July on the same page?

A. No.

508 Q. Do you have any idea what that is about?

A. No Chairman, I don't.

509 Q. Where it came from?

A. No.

510 Q. No. A lodgement of ú3,000; ú3,500 on page 50. Plus a
lodgement of in excess of ú1,000 on the same page. Do you
know anything about those?

A. No details.

511 Q. Do you have any records?

A. No.

512 Q. On page 51 - ú7,000?

A. No idea.

513 Q. A lodgement?

A. No.

514 Q. There is a figure then for, on that page there appears to
have been payments out to Woodchester Investments or
Woodchester - direct debit; Hamilton Leasing - a direct
debit; Shield Life - a direct debit?

00101

A. Yes, my recollection of that, Chairman, is that the ICC, when they approved the loan, wanted an insurance policy taken out and I think I was insured for - I think the amount of the loan - half a million pounds.

515 Q. I see.

A. That is what that payment was to be, the insurance company to comply with the loan approval letter which I mentioned earlier was never drawn down.

516 Q. This Shield, with Shield Life?

A. Shield Life, yes.

517 Q. So do I understand you to say that the ICC approved you for a loan of half a million, as part of their loan facility?

A. Security.

518 Q. Security letter, they indicated they would require life insurance on your life for half a million, you took out such a policy?

A. Yes, because I think they wouldn't approve the loan until they were provided, and I think they obviously - the insurance policy would have been assigned to ICC.

519 Q. You didn't take, you didn't drawdown this half a million?

A. No, but I tried to maintain the policy.

520 Q. I see.

A. I reduced it over the years, out of my own resources.

521 Q. Out of assets of a non-trading company?

A. It went on when this ceased going on, paying out of my current account. Today I am still paying it in a reduced format.

522 Q. I see.

A. Could I just clarify on the trading aspect for you please, Chairman.

00102

523 Q. Yes.

A. If this company was ever to trade, it would have been at the end of the building of about a five or six million food processing plants and producing plasma and proteins and various other added value products which would have been exported or sold on the home market. It never got remotely near that final process, setting up and so forth. I am not sure that - I don't think it was, but it was travelling in that direction, the whole BSE thing was one of the reasons why the project never went forward.

524 Q. Mr. Lawlor, sure that the tax advisor would be able to advise you, presumably did advise you in relation to this matter. My understanding is that a company is required to make returns whether it is trading or not, because it may have income, which is perhaps investment income or dividend income or income from other sources, and the fact that it isn't selling or buying material or goods doesn't necessarily mean that it isn't trading. That is --

A. I am sorry, Chairman, with due respect to the professional integrity of Bascal Charlton, they were obviously handling the matter at a given time, and would have advised in whatever the requirements were.

525 Q. I am sure. Now Mr. Lawlor, page 54 - a lodgement of ú5,205, do you know anything about that?

A. No, I have no details on that.

526 Q. On page 56 is another lodgement of ú3,500, and a lodgement of in excess of ú1,500. Do you know anything about those and where they might have come from?

A. No, I don't.

527 Q. I am not obviously picking out all the lodgements.

00103

A. I appreciate that. You can just see the re occurring standing order for office equipment from Hamilton Ireland there.

528 Q. Indeed. There is an adjustment for ú13,000 as shown on page 60. There is a lodgement of 6,400 and 2,000, respectively. Do you know anything about those matters?

A. No, and one can see that the account was overdrawn, I think running at about ú20,000 at that time, is that right? Yes. So the bank had provided a facility of, in that order.

529 Q. Mr. Lawlor, were you paying any political contributions or political donations you received at this time into this account?

A. No, that I can recollect but --

530 Q. Is it possible?

A. It could possibly, because the outgoings were, you know, pretty over-loading in the running of the office which was one and the same, between my constituency office and studying in the feasibility of this project. It was all paid out of - I suggest substantial amounts of the outgoings were for office, possibly ESB and telephones and so forth.

531 Q. My understanding of your evidence yesterday, or the day before, was that effectively you didn't have any separate accounts or separate records in relation to donations you received as a politician, and that effectively they were all put into the same pot, if I may so describe it, and used for office --

A. Different accounts.

532 Q. -- for office, they were mixed up?

A. I particularly tried this morning to provide you with as

00104

much of a detailed record as I can.

533 Q. And on page 62, on the 20th of April of 1989, there was
ú5,000 lodged. And there was 24,000, sorry ú20,000
transferred into the account on the 24th of April of that
year. ú6,000 transferred on the 2nd of May of 1989, that
is on page 64. Then there was an express lodgement by post
on the 19th of May on page 65. A further lodgement of
ú3,500 on the 31st of May and another express lodgement by
post on the second of June. It appears that at all times
this account was overdrawn, so far as one can see; isn't
that right?

A. That's correct, yes.

534 Q. On the 6th of June of 1989 there was ú7,450 lodged.
On the 9th of June - ú1,200. 14th of June - ú5,000.
Do you have any explanation for any of those?

A. No, I don't.

535 Q. Can you assist in identifying the source?

A. No.

536 Q. There was a lodgement of ú2,000 on the 27th of June of
1989. There was an adjustment of ú3,000 on the 7th of
July, on page 68. There was a lodgements of ú4,000 on the
10th of July and a lodgement of ú2,000 on the 12th and a
lodgement of ú2,000 on the 20th. Do you have any idea
where these monies came from?

A. No, and I just notice that, about lodgements there in the
Lawlor/Murtagh account into Advance Proteins, which was a
ú20,000 facility, I recall that the same bank had provided
on that account. So the facility of 20 odd thousand was
transferred into APL.

537 Q. Sorry, if you just bear with me for a second, Mr. Lawlor.

00105

On page 70 there is a lodgement of ú4,000. Do you know anything about that?

A. No.

538 Q. Do you have any invoice or receipt or records in relation to it?

A. No, it is repetitive. I know you may have to go through each sheet, Mr. Gallagher, but I don't have details of those amounts.

539 Q. All right. At page 71 there is, in 1989, in October, lodgements of ú500; 3,500; 1,000; 5,000; 1,700; 5,000 plus. Any information or records in relation to those?

A. No I don't, Chairman.

540 Q. Page 72 - ú2,000; ú600 plus; ú500 plus - anything in relation to those?

A. No Chairman, no.

541 Q. On page 73, there is a 352, and ú1,675.

Page 75 - four other lodgements, the largest of which is ú1,845. Do you know anything about those, any records or documents?

A. No, I think they were just, as you say, probably Dail salary or expenses, in order to try and - it was overdrawn to 230,000 effectively, give or take.

542 Q. A further lodgement on page 76 of ú3,500 among - and a number of other small lodgements. Relatively small lodgements, one of ú5,000 on the 9th of July.

A. No, I don't.

543 Q. Another lodgement on the 9th of August, an account transfer of ú5,000. Do you know anything about that?

A. No.

544 Q. On the 23rd of August, a lodgement of ú7,000?

00106

A. No, I don't.

545 Q. And two days later a lodgement of €1,875. If we go on to page 81, I am skipping some of the lodgements, as you will appreciate?

A. Yes.

546 Q. If we go on to the 12th and 25th of October? Lodgements of 6,000 and €3,000 respectively. Do you know anything about those, or have any receipts or vouchers?

A. No, Chairman.

547 Q. In relation to any of the payments that have been made on any of those accounts, do I take it that you have no records, invoices, receipts, documents of any description?

A. No, I don't. Other than you can see the standing orders for office equipment that was Hamilton Ireland's lease, Hamilton Ireland is one, and Hamilton Leasing, it may be the same.

548 Q. I see. Well now Mr. Lawlor, I know turn, if I may, to the account on, it is in Folder 3. It is at Tab 2.11.

A. Sorry, is that a different book, is it?

549 Q. Yes, a different book, Mr. Lawlor.
(Book handed to witness)?

A. I think we have it here, which tab please?

550 Q. The tab is 2.11.

A. Yes.

551 Q. Do you have that? That is an account in Bank of Ireland in Lucan in the name of Advance Proteins Limited. It is described as a "savings account"?

A. Yes.

552 Q. And the account number is 83363543?

A. That's correct, yes.

00107

553 Q. It is on, for the record, the reference is LL DISC 2.11

-5. That account appears to have been opened in, so far as one can judge, in 19 --

A. April '88.

554 Q. -- '88, is that correct?

A. You will just see it there on page 4, page 3, the 11th of April, 1988.

555 Q. Page 3. Well, if we take it from the beginning - sorry, if we go to page 5?

A. Yes.

556 Q. It appears to me to be the first of the three pages we received from you in relation to this account. First of all, do you have any other further details, or any other statements in relation to this account?

A. You are on page five now?

557 Q. Yes?

A. Yes. It is my recollection that that \$250,000 and the \$65,000, and I think probably the \$50,000; those three lodgements came from Goodman International, and I just note all these transfers, I think that is what is coming across in the current account, because they were transfers out of that account.

.

The point I raised earlier, Chairman, that it may be my understanding to be corrected, that all the various transfers you see would probably reflect in the current account transfers that I wasn't able to identify, but I think you will probably find that everything that went into the - the reason that was done was obviously, to put it on deposit and get some interest, and then as the monies were

00108

transferred out of the savings account into the current
account --

558 Q. It would appear that there is ú250,000 lodged in, I think
the 30th of September, and the year is, maybe 1987 - 22nd
of October, ú65,000.

A. Correct.

559 Q. And on the 29th of February of 1988 - ú50,000?

A. Yeah.

560 Q. So that makes up ú365,000?

A. Yeah. It is, to the best of my recollection that was the
amount invested by Goodman International in the feasibility
study for the project.

561 Q. Where is the feasibility study to be found? I mean where
is the document as a result of this expenditure to be --

A. Possibly the IDA may have a copy of it, I don't. Feoga.

We made a very comprehensive submission, because as you can
appreciate any project being approved for possibly one and
a half million pounds from those agencies requires a very
comprehensive submission. Also, ICC in approving the loan
--

.
There was quite a colossal build-up of technical food
processing engineering information and, you know, it was
then not trading, it ceased. I think you said I closed the
account in 1992, so I didn't retain the volumes and volumes
of technical and other documents. They were just surplus
and taking up space in the office when the project didn't
proceed.

.
So I had no reason to retain the thousands of documents

00109

that I assembled in the feasibility process.

562 Q. You were a director, were you, of Food Industries plc at that time?

A. Possibly, yes. I could have been, yes, there could have been some overlap there, yes.

563 Q. It wasn't Food Industries. It wasn't Food Industries' investment in your --

A. No, in the Articles of Association of Food Industries it had a very specific terminology, that had nothing whatsoever to do with the meat processing sector. It was in the dairy and other food sectors, but not meat or any related activity.

564 Q. I see. If you bear with me just one second, please?

A. Sure.

565 Q. MR. GALLAGHER: I wonder, Sir, would it be convenient to take a five-minute break just now?

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CHAIRMAN: Certainly.

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THE HEARING THEN ADJOURNED FOR A SHORT BREAK AND RESUMED AGAIN AS FOLLOWS:

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566 Q. MR. GALLAGHER: Mr. Lawlor, before the break we were dealing with the accounts of Advance Proteins Limited in the Bank of Ireland in Lucan?

A. Yes.

567 Q. And you had raised the query as to, a query as to whether monies had been transferred from the savings account of Advance Proteins Limited to the current account of Advance Proteins Limited, and I told that you I would endeavour to

00110

have a calculation done on that.

.

We have done a calculation, which of necessity has been fairly rushed, but it would appear that out of the total sum of ú535,000 approximately, lodged to that account, essentially in the years 1987 to 1990, except for ú10,000; that approximately ú114,000 or thereabouts, was transferred from the current account, sorry from the savings account to the current account; and that would leave a figure of approximately 400 and something - 410, ú420,000, which was not transferred from the savings account into the current account.

.

Have you any information or anything, has anything occurred to you in the intervening period which would assist in identifying what might have happened to the balance of the monies in the savings account?

A. No --

568 Q. Because we know that 365,000 was lodged to the savings account?

A. Yes. No, I think the transfers obviously reflect the earlier current account, I don't have any other detail.

569 Q. And can you give any explanation as to the source of the sum of approximately 420,000 which appears, if the calculations are correct, appears to have been lodged to the current account during that period?

A. No, I don't have any detailed breakdown or itemised list of the individual amounts.

570 Q. Can you give any idea as to what the possible source or the bank account out of which they might have come, who might

00111

have made those payments, anything of that nature?

A. No. The point I made earlier is that I saw the Lawlor/Murtagh account which was an overdrawn, overdrawing facility or a loan and I see that there was payments going into the current account. So again there was, that is the only comment I can make there on the detail of it, and I see the name of the account referred to on the statements on the current account.

571 Q. And can I refer you to page 2.11 - 5.

A. Yes.

572 Q. Do you see at the bottom of that page that there is a draft for ú203,125.61 paid out from that savings account?

A. Yes.

573 Q. It would appear on the 10th of December of 1987, I believe. Do you know what that money was paid out for?

A. No. That was probably returned to Goodman, to the Goodman Group because the project wasn't likely to go forward. It was identified as unlikely to ever proceed. We had sought to acquire a site in Virginia, County Cavan to build the plant, and it appeared there was a lot of reasoning at that stage as to over-glutting in the market and the proposed product and so forth; so it was - that is as far as I can recall, it was pretty well decided that the project wouldn't go forward.

574 Q. So that, do I understand you to say that it is your belief that that draft for ú203,000 approximately, which was drawn on the 10th of December 1987, was in fact a refund of the monies that had already been paid by Goodman International?

A. Yeah, that is my recollection.

575 Q. Now, if that is so --

00112

A. Rather than going forward with the project.

576 Q. If that is so it meant that the majority of the monies advanced in September and October, and shown on the same page, amounting to ú315,000, a significant amount of that money was in fact refunded?

A. I think the figure you specified was --

577 Q. Refunded?

A. That is my recollection, I can't be absolutely certain.

578 Q. So of the total monies advanced that you have identified as being advanced by Goodman International, amounting to 365,000. 203,000 was refunded to that company?

A. That is to the best of my recollection, yes.

579 Q. And that was refunded within two months of having been advanced. It was advanced in October, it was refunded in December?

A. Yes, there was a lot of debate as to whether there was a feasibility for going forward. I had discussions at the time with specialist engineering --

580 Q. I am sorry, Mr. Lawlor, I don't want to interrupt you and forgive me for doing so, but the position is that in October, according to your evidence, Goodman International had advanced to your company the sum of ú315,000, that is in October of 1987; isn't that right?

A. Yes, that's right, yes.

581 Q. And in December of 1987, 203,000 of that was refunded?

A. Yes.

582 Q. And you say that was refunded that it had been decided a project, I think you said in Virginia, County Cavan wasn't to go ahead, is that correct?

A. I am trying to recall for you, my recollection, it wasn't

00113

clear then as to where one might source the equipment for the project. We were trying to establish exactly --

583 Q. No, I am just trying to establish what the position was about the refunding of monies, and I may have misheard you, my recollection may be faulty. I thought that you had said that, that you had identified a particular site and then had decided not to go ahead with it. I thought you had mentioned Virginia, County Cavan, I may be entirely wrong. Did you - I can check the --

A. Sorry, what I said was, actually we looked at a site in Longford as well, we looked at other sites at the time, and trying to make an analysis as to where the most strategic location would be.

584 Q. What you said, Mr. Lawlor, was as follows, the question was: "It would appear in, it would appear on the 10th of October 1987, I believe. Do you know what that money was paid out for?" That is the €203,000.

"Answer: No, that was probably returned to Goodman, to the Goodman Group because the project wasn't likely to go forward. It was identified as unlikely to ever proceed, we had sought to acquire a site in" - did you say "Virginia"?

.
"In County Cavan to build the plant and it appeared there was a lot of reasoning at that stage as to over-glutting in the market and the proposed" --

A. No, it was at a much later stage, the decision not to proceed.

585 Q. I am just quoting to you what you said, Mr. Lawlor?

A. Sure.

586 Q. "As to over glutting in the market and the proposed product

00114

and so forth, so it was, that is as far as I recall, it was pretty well decided that the project wasn't going forward"?

A. I think it might have been quite a bit later than that, the decision not to proceed. It was probably, my recollection is that in or around that time I had travelled quite extensively to the continent, and --

587 Q. Mr. Lawlor, sorry I am just interested in the money and the \$203,000 that was refunded?

A. Exactly, if you give me an opportunity to explain it to you.

588 Q. You can explain it in a moment. I just want to establish the fact. \$203,000 you say was refunded in December of 1987. That was 203 out of 315 which had been advanced to the company just two months earlier.

.
My understanding, from what you have sworn, is that prior to the refunding of the 203,000 a decision had been taken not to go ahead with this project in Virginia in Cavan?

A. No, sorry let me clarify for you. It was a much later stage when it was decided not to proceed with the project.

589 Q. Why was the money then refunded to Goodman International on the 10th of December of 1987?

A. Because I had returned from Argentina, if I recall, I wasn't satisfied with the technology that we were looking at purchasing. The funding wasn't required in the company at that juncture. And on the instructions of Goodman International the money was transferred, it would have been three or four years later that we actually decided to abandon the project.

590 Q. In the meantime the monies hadn't been returned to you,

00115

i.e. the monies which you had refunded to Goodman had not been returned to you?

A. No, because it was decided, and the remaining funding had funded the on-going studies and feasibility, and so forth. And it was intended that we would open a letter of credit with the Argentinian special processor and it was decided not to proceed with that.

591 Q. I am sorry; do you have any record of this letter of credit, any documentation in relation to it?

A. No, I don't believe - it was intended, not actually actioned. There was a debate as to where the most advanced technology was.

592 Q. I am sure that is of interest on another occasion perhaps. I just wanted to, if you don't mind, just to focus on the actual payments. My understanding, from what you have told me is that Goodman International advanced to you, or to your company in October of 1987, the sum of ú315,000. Two months later it refunded to you ú203,000, sorry you refunded ú203,000 to the company?

A. Yes.

593 Q. And that was the end of Goodman's involvement so far as financial matters were concerned. I mean they didn't put any more money into the project because eventually you decided not to proceed with it?

A. The remaining funding remained in the project.

594 Q. You had --

A. It was decided not to place the contract --

595 Q. That was roughly ú113,000?

A. Correct.

596 Q. Which, coincidentally, is the amount that was, or the

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approximate amount that appears to have been transferred from the savings account?

A. Into the current account.

597 Q. Into the current account?

A. Yes, and it was decided not to place the contract with the Argentinian supplier.

598 Q. And not to proceed --

A. Well, it wasn't decided not to proceed - it was decided that that technology wasn't adequate, having gone and seen it operated first hand.

599 Q. Whatever the reason, it was decided not to proceed with the project?

A. No, it was decided not to place a contract for that specific equipment at that time.

600 Q. Was any contract placed for any --

A. Subsequently, no.

601 Q. So it was, so the project didn't proceed at all?

A. Yes, but it was quite a long time after --

602 Q. That may be?

A. No, the project never - I explained that earlier to you, it never proceeded, but it would have been into, probably 1991 before it was decided, and actually the Virginia, County Cavan site was the first location identified, and then it was felt that maybe Longford was a more strategic location where you were buying supplies from around the meat plants in the country.

603 Q. Where did this sum of ú50,000 lodged on the 29th of February, 1988, to the savings account, come from?

A. I can't recollect other than I assumed it was from the, from Goodman International.

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604 Q. Goodman International, you had just refunded them two months earlier, you had just given them back ú203,000?

A. We weren't placing the contract, so the funding wasn't required at that time.

605 Q. What was the funding? What is the ú50,000 required for?

A. If it was from that source it was on-going for me to cost.

606 Q. Sorry, if you are saying if that was from that source. If it was from that source?

A. Yes, I am trying to establish for you, I am absolutely certain that the ú250,000 came from Goodman, I am 95% that the 65,000 - I just assumed that the other 50,000 came in from Goodman, I can't be absolutely categoric.

607 Q. Do you not think that given the sequence of the events that arose, i.e. Advancing 315,000 to you, to the company; the company refunding 203,000 within a month or two, that it would be unlikely that Goodman would come with another 50,000 within a further two months, isn't that unlikely?

A. It is very likely, it did happen.

608 Q. It is very likely that it did happen? You have no record of it happening?

A. Not a detailed record, no. I told you earlier I don't have any record. If I did, I would have provided it to you.

609 Q. Any record Mr. Lawlor?

A. No.

610 Q. Any recollection, any recollection?

A. I have no recollection of the detail of the specific issue of this transfer in February '88, is it?

611 Q. Have you any recollection of the circumstances surrounding it, or the discussions that lead to it, the documents that were signed in relation to it, the letters of request or

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the guarantees that might have been given, the security that might have been offered or demanded, the cheque that might have been written?

A. No Chairman, I don't have any detail.

612 Q. You have nothing like that?

A. No, nothing at all.

613 Q. Where do you think it might be found?

A. I don't have it.

614 Q. Where do you think they might be found. Have you made any search for them?

A. No.

615 Q. Did you inquire from Goodman International or from anybody else, as to whether or not they had given you the monies that are referred to in this account?

A. No, because I did not see Advance Proteins as having anything to do with your Terms of Reference.

616 Q. I see. But you included Advance Proteins in your Affidavit of Discovery. You see that seems to be --

A. Mr. Chairman, if I didn't include Advance Proteins I would be accused of withholding information from a company that was a director of. I provided it to you, I didn't spell it out that I thought a blood processing plant was part of the Flood Tribunal. You could be excused for --

617 Q. You considered it is important not to withhold information from this Tribunal, is that what you are saying?

A. No, the reverse is the case.

618 Q. Are you saying you considered --

A. I am telling you that I discovered details of companies that had nothing whatsoever to do with planning for this Tribunal, thinking that was the correct thing to do. And

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any information I had in that context I provided it.

619 Q. Are you saying that you considered it important not to withhold information from the Tribunal?

A. What I did was I was asked that any interest I ever had in any company; I endeavoured to the best of my recollection to provide you with that information. It now appears, even though these companies had nothing to do with what I perceived to be your Terms of Reference, they are a basis of contention. I don't see how they should be, and if there is information that suggests that I should have sought from other parties and didn't, well that was remiss on my part, but that was the way I was endeavoring to be of assistance.

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So if I didn't disclose that I was a director of Advance Proteins, or if I didn't give you the details of the company, I would be withholding information. I give you the information and there is something wrong also. So, it is pretty hard, from my point of view, to know which is the right course of action to have taken.

620 Q. Mr. Lawlor, the question that I have asked twice is: Are you saying that you considered it important not to withhold information from the Tribunal?

A. Mr. Gallagher, I provided to you, Chairman, whatever information I could assemble for you to meet what I perceived to be your requirements, and I believe it wasn't beyond it in providing this sort of information which now seems to be a bone of contention.

621 Q. I will ask the question --

A. You may ask the question as often as you like. I am

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telling you I provided you, and you are now --

622 Q. You provided me with what?

A. With information on Advance Proteins Limited, that was set up to recover various products from meat processing plants around this country and add value in a processing factor. Now, I am at a loss to know how that has anything to do with the Terms of Reference of your Tribunal.

623 Q. Mr. Lawlor, do I understand you to say that it is your belief that you should not withhold anything that is relevant, from this Tribunal?

A. I have discovered for this Tribunal whatever information I had at my disposal, and I sought it from every bank I could recall having anything to do with; this is '88/'89/'90, over ten years ago, I don't have a detailed recollection of each of these issues.

624 Q. Mr. Lawlor, have you withheld any information from this Tribunal that you should have given to this Tribunal, Mr. Lawlor?

A. Not knowingly. If I have any information I would have given it to the Tribunal, and if I have withheld any information which you can identify and I can secure for you, I will be very pleased to provide the Tribunal with that information.

625 Q. Have you disclosed all your bank accounts to the Tribunal, Mr. Lawlor?

A. I have disclosed everything I can recall, and if there is a bank account that I have not disclosed it is because I have no information or detail.

626 Q. I see.

A. If you can point out any bank account I haven't disclosed

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to this Tribunal, I will be delighted to confirm its existence, if it exists.

627 Q. Mr. Lawlor, the next item on your affidavit sworn on the 6th of November last, under the heading at page 66, sorry - item 7 "Demographic and Strategic Consultants"?

A. I don't have that here in front of me.

628 Q. We will put it up on the screen, this is your affidavit on page 66.

"Demographic and Strategic Consultants. That is a current consultancy company involved in the electrical/mechanical contracting sector"?

A. Yes.

629 Q. This, I think, we discussed yesterday. You gave evidence about it yesterday, it was a business name that was, you registered some time ago; isn't that right?

A. In 1987 I think it was.

630 Q. September, the 25th of September of 1988?

A. '88, sorry.

631 Q. Sorry, 1998, I did say '88?

A. Yes.

632 Q. And you were the owner of that business name?

A. Yes, that's correct.

633 Q. Does that business have a bank account?

A. Yes, and I think --

634 Q. Where does it have the bank account?

A. If you recall, Mr. Chairman, yesterday at some inconvenience we sent out and got in everything we had --

635 Q. Mr. Lawlor, where does it have the bank account?

A. In the Ulster Bank, Main Street in Lucan, and I believe we have given you the cheque books, even the current cheque

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book and everything else.

636 Q. Mr. Lawlor, where will I find a reference to that bank account in the affidavit that you swore on the 6th of November, 2000?

A. It is not in the affidavit, it is an omission. It was detailed as a company, there with a bank account, and we have given you the information yesterday.

637 Q. Mr. Lawlor, would you go through the bank, the affidavit that you swore on the 6th of November of 2000, and check the 18 bank accounts you identified, and point out for me the bank account that is currently operating, which is the currently operated bank account of Demographic and Strategic Consultants? Would you please go through those accounts, there were 18 accounts?

A. Demographic and Strategic Consultants is not on there, I provided you with the bank information yesterday.

638 Q. This, sir, is your sworn affidavit. Would you point out to the Tribunal --

A. If there is an omission in my sworn affidavit, it is not intentional, to imply otherwise is quite incorrect.

639 Q. I am not implying anything.

A. You are, yes you are. You are asking me to show where it is. If it is not on will the list I omitted it, and yesterday I gave you every shred of paper I have associated with it and I can swear that up for you, that I have given it to you, if you so wish, because it was a genuine omission, if it was not on the list.

640 Q. All right. Just look those 18 bank accounts that you swore to on the 6th of November in purported compliance with the order of the High Court, and identify for me, if you can,

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the bank account operated by Demographic and Strategic Consultants?

A. Mr. Chairman, it is a genuine omission by me, if it is not there. And I have provided the Tribunal yesterday with the lodgements, the cheque books, and every other detail we have about the little company. And as I explained to you this morning, it was invoicing €1,000 a month to the Rotary Group and may have issued another invoice or two, copies of which we provided. So since it was formed we have provided you with all the detail necessary and if it wasn't on the list, it was my error.

641 Q. Mr. Lawlor, would you please do what I have asked you to do? Would you please look through the 18 bank accounts which are set out in the schedule to your sworn affidavit, the affidavit of the 6th of November of this year, and identify for the Sole Member of the Tribunal whether or not the bank account of Demographic and Strategic Consultants is shown among those 18? Now, please look through them and just confirm whether the bank account is among that 18 or not?

A. No, the bank account is not there.

642 Q. It is not?

A. It was my omission or --

643 Q. I see.

A. -- or as I again, although being a bank account, that is why, if I listed it as a consultancy that I have - if I had a bank account I should have provided it to you. If I was trying to withhold something I wouldn't have listed it. So I apologise to the Tribunal, in error, if I didn't give you the details, and that at least explains one of the bank

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accounts that you asked me to provide details on, and we have wracked our brains to try and provide, I think we have now provided something like 27 or 28 accounts which are everything from bank accounts to lease agreements to photocopiers etc., etc., and if there is anything else I have omitted it was not intentional, under any stretch of the imagination, Chairman.

644 Q. Would you read paragraph eight of the affidavit that you swore on the 6th of November last?

A. Is this what I have here?

645 Q. Yes, it is on page 58?

A. The document --

646 Q. Yes, sorry, yes. No, sorry, would you read the paragraph 8 "The last mentioned documents were -- Sorry,"according to the best of my knowledge etc."

A. Number 7 is the last.

647 Q. No, number 8.

A. Sorry, number 8:

"According to the best of my knowledge, information and belief I have not now and never had in my possession, custody or power, or in the possession, custody or power of my solicitors or agents, or in the possession, custody or power of any other person or persons on my behalf, and any deed, account, book of account, voucher, receipt, letter, memorandum, paper or writing, or any copy or extract from any such document, or any other document whatsoever, relating to the matters in question in this suit, or any of them, other than and except the documents set forth". In that context --

648 Q. "Set forth in the schedule hereto"?

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A. "In the schedule hereto" and I had a current account, with Ulster Bank, Lucan, for Demographic and Strategic Consultants which you now point out, rightly so, I omitted to provide in the schedule.

649 Q. And following some correspondence from the Tribunal, including the lengthy letter of the 5th of December of 2000, which at the request of the Sole Member was read into the record yesterday; you furnished a further affidavit, isn't that correct?

A. That's correct.

650 Q. A second affidavit, and in that you identified ten further accounts?

A. Yes.

651 Q. Now, would you read through those accounts please and identify them for yourself and tell me, tell the Tribunal whether or not the account of Demographic and Strategic Consultants is identified among those additional ten accounts that you have sworn to?

A. Mr. Chairman, can I say --

652 Q. Would you --

A. No, I am going to say something, if I could, because this is very important, from my point of view --

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CHAIRMAN: Mr. Lawlor --

653 Q. It is --

A. -- that we establish, exactly, the facts --

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CHAIRMAN: Mr. Lawlor.

A. Yes Chairman?

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CHAIRMAN: Will you answer the question? Will you point out if it exists? Where the account is shown in that affidavit? Now, if you want to explain it after you have answered that question.

A. I am --

CHAIRMAN: I will hear your explanation.

A. Okay Chairman.

CHAIRMAN: First and foremost you must answer the question.

A. Chairman, if inadvertently that bank account --

CHAIRMAN: Is that the answer, that it isn't there?

A. If, inadvertently, that bank account is not on this list, Chairman, and when requested yesterday I provided you with everything associated with that consultancy; and again, it should have been on the list, and again I repeat mechanical and electrical engineering didn't strike me as being relevant; but you should have been provided with the information, and I apologise to the Tribunal for not so providing this, it was totally unintentional.

It is rather ironic in my office that they were able to trawl back ten and 15 years and we didn't give you the very current bank account that is active. So I apologise Mr. Gallagher, to you for not providing you with that with the affidavit.

654 Q. Mr. Lawlor, would you again read paragraph eight of that Supplemental Affidavit which was sworn in an effort to

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rectify and fill the omissions and deficiencies in the first affidavit. That paragraph is the same paragraph you have just read, isn't that right?

A. What is the purpose in reading it?

655 Q. Paragraph eight.

A. What is the purpose in reading it?

656 Q. I am not going to ask you to read it. Did you swear an affidavit containing that specific --

A. I have sworn two affidavits, but it appears that I omitted one bank account, which I have now provided you with, and I trust you are not implying that I withheld it knowingly? Because that wasn't the case.

657 Q. Well, the position is, is it not, that if the Tribunal had not insisted on you producing the file to this Tribunal yesterday, the Tribunal would never have known, from you, of the existence of this particular bank account, isn't that right?

A. That may well be, but it was not intentional.

658 Q. Just for the record.

A. I repeat, Chairman, not intentional.

659 Q. Can I, just for the record, identify the bank account and the details - the VAT returns appear to be in the name of Liam Lawlor TD, trading as Demographic and Strategic Consultants, 288 Harold's Cross Road, Dublin 6W, is that correct?

A. That is the accountant's office.

660 Q. Is that the office from which you carry on business?

A. No. No, it is the registered office for the company in the accountants, that is Burke's.

661 Q. It is not a company, it is a registered, it is a business

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name.

A. Sorry?

662 Q. It is a business name, it is not a company.

A. That is where the name is registered and that is the accountants for the company, Mr. Gallagher.

663 Q. All right.

A. Because they registered it for tax and for VAT, for everything.

664 Q. Yes. And there is a lodgement book furnished by the Ulster Bank to Demographic and Strategic Consultants and the account number appears to be 88772035?

A. Could I ask, Chairman, in my discovery was the bank statement provided for that account? You know --

665 Q. Mr. Lawlor, I cannot answer that question. To the best of my belief; to the best of my belief I am told "no" I haven't checked it for that purpose.

A. I thought they might have given you the statements and might have forwarded them and then didn't declare it on the list, because if I had of, I know Ulster Bank were very cooperative and they gave me everything they could, I recollect, at the time.

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MR. GALLAGHER: Sir, it is now four o'clock. I don't know whether you wish --

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CHAIRMAN: I think we will call it a day at that, unless you want to deal with something specific today?

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MR. GALLAGHER: No, I think not at the moment. It has been a long day.

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CHAIRMAN: Very good. We will close the proceedings.

Tomorrow morning?

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MR. GALLAGHER: 10:30.

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CHAIRMAN: 10:30. Very good gentlemen.

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THE HEARING THEN ADJOURNED UNTIL THE FOLLOWING DAY, FRIDAY

THE 15TH OF DECEMBER, 2000, AT 10:30 AM.

