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1 THE TRIBUNAL RESUMED AS FOLLOWS ON FRIDAY,

2 13TH DECEMBER 2002 AT 10.30 AM:

3

4 CHAIRMAN: Good morning, everyone.

5

6 MR. GALLAGHER: Mrs. Antoinette Kennedy, please.

7

8 MRS. ANTOINETTE KENNEDY, HAVING BEEN SWORN,

9 WAS EXAMINED AS FOLLOWS BY MR. GALLAGHER:

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11

12 Q 1 Good morning, Mrs. Kennedy. You are Antoinette Kennedy; is that correct?

13 A I am, yes, oh sorry.

14 Q 2 I beg your pardon. Sorry, can we have a little more volume, please? You are

15 Antoinette Kennedy?

16 A I am, yes.

17 Q 3 And you are the wife of Mr. James Kennedy?

18 A I am, yes.

19 Q 4 Where do you live, Mrs. Kennedy?

20 A Could I just say first that I am here, I am representing myself, I am not here

21 to speak on behalf, or I am n't the spokesperson for Mr. Kennedy and I can't

22 answer any questions that would be better asked of him, but I would gladly give

23 the Tribunal any information that I have.

24 Q 5 Where do you live, Mrs. Kennedy?

25 A I am resident in the Isle of Man.

26 Q 6 What does that mean?

27 A I have a home in the Isle of Man.

28 Q 7 I see. But where do you live?

29 A Well, I regard the Isle of Man as my home.

30 Q 8 Do you live in Dublin?

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1 A I have a place to stay in Dublin.

2 Q 9 Where is that?

3 A I live mostly in the Isle of Man.

4 Q 10 I see, where do you have a place to stay in Dublin?

5 A In Deerpark, Castleknock.

6 Q 11 What number?

7 A Eight.

8 Q 12 Who owns that house?

9 A It's owned by my husband's stepchildren. By my stepchildren, my husband's  
10 children from his first marriage.

11 Q 13 I see. Who bought that house?

12 A My husband bought it.

13 Q 14 When?

14 A At the time of the sale of Oaklands house.

15 Q 15 When was that?

16 A About 1982.

17 Q 16 Have you resided at that address since 1982?

18 A No, no. I had a home in Lucan up until about 1997 or '98.

19 Q 17 Did you say in 199 --

20 A I had a house in Lucan.

21 Q 18 Could I have more volume, please? Sorry.

22 A I had a house in Lucan until 1997.

23 Q 19 '87?

24 A '97.

25 Q 20 '97, I beg your pardon, I am sorry. Where was that?

26 A That was Weston Park, Lucan.

27 Q 21 And did you live there with your husband up to that time?

28 A No, my husband has been abroad since about 1989.

29 Q 22 Since 1989?

30 A Since 1989.

00003

1 Q 23 Has he lived abroad permanently since 1989?

2 A Almost. He has been back and forth during the years but he -- we -- we first  
3 took property in the Isle of Man and we then took one in Gibraltar.

4 Q 24 When did he first take a flat in the Isle of Man?

5 A In 1989 was the time that he --

6 Q 25 I see. And did you reside at any time in Westmoreland Street?

7 A No. There is no basement flat in Westmoreland Street, I see that on the paper  
8 all the time.

9 Q 26 Is there any flat in Westmoreland Street?

10 A No, no basement flat.

11 Q 27 But is there any flat? Is there a flat anywhere in Westmoreland?

12 A There's a place where a security man stays.

13 Q 28 I beg your pardon. Would you mind perhaps -- my hearing or lack of it

14 perhaps -- yes, sorry, is there any flat or apartment in Westmoreland Street?

15 A No, nothing that you'd call a flat or apartment.

16 Q 29 Is there a bed in Westmoreland Street?

17 A There is, yes.

18 Q 30 I see.

19 A It's a couch that -- a night security man stays there.

20 Q 31 Pardon? Only a security man. Has your husband ever stayed there overnight?

21 A No. The basement flat, that's referred to as a staff canteen downstairs with  
22 offices and toilets. That's it.

23 Q 32 Now, you moved to Castleknock in you say about 1997.

24 A No, I was in the Isle of Man -- I still am in the Isle of Man for most of the  
25 week.

26 Q 33 I see. When you say most of the week, what days of the week do you stay in the  
27 Isle of Man usually?

28 A Thursday, Friday, Saturday and Sunday.

29 Q 34 I see. Essentially you stay there for the weekend?

30 A Yes, four days a week.

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1 Q 35 Are your children going to school in Dublin?

2 A Boarding school and -- yeah.

3 Q 36 And where do they stay when they are not at boarding school?

4 A They come to the Isle of Man.

5 Q 37 Do they live in Castleknock at any stage?

6 A They can stay there also, there's facilities --

7 Q 38 Pardon?

8 A They can stay there also.

9 Q 39 I see. You were asked, Mrs. Kennedy, to assist the Tribunal and there has been

10 some correspondence between the Tribunal and your solicitor; isn't that right?

11 A Yes, but there's been no allegations made with regard to me in this Tribunal.

12 Q 40 Sorry --

13 A No --

14 Q 41 The Tribunal doesn't make allegations, and I quite accept that no allegation

15 has been made against you by anybody at this stage. There was correspondence,

16 as I indicated, between the Tribunal and your solicitors, Messrs. Delahunt &

17 Co; Isn't that correct?

18 A Yes.

19 Q 42 And they were the same solicitors who acted for your husband initially when the

20 Tribunal was in communication with him; isn't that right?

21 A I am not sure.

22 Q 43 Did he not tell you that?

23 A I am not here to answer questions that are better asked of Mr. Kennedy.

24 Q 44 No, but I'm asking what he said --

25 A I don't know whether that was his solicitor or not.

26 Q 45 I see. How did they come to be your solicitors, may I ask?

27 A They act for my company, the shop at 4 Westmoreland Street.

28 Q 46 What company is that?

29 A KSK Enterprises.

30 Q 47 And what property does KSK Enterprises own?

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- 1 A They own a leisure centre at 4 Westmoreland Street.
- 2 Q 48 I see. Is that known as Amusement City?
- 3 A It is.
- 4 Q 49 Is that the property in Westmoreland Street we have just spoken about where you
- 5 said there was no basement flat?
- 6 A Exactly.
- 7 Q 50 How long have you been a director of KSK Enterprises Limited?
- 8 A Since 1988.
- 9 Q 51 19 --?
- 10 A 1988 I think.
- 11 Q 52 The 31st May of 1988 I suggest?
- 12 A Is it, yes. I haven't got the exact date.
- 13 Q 53 And you are a director of that company with your husband?
- 14 A I was at that time, I am a director and sole shareholder of the company and
- 15 have been for many years.
- 16 Q 54 You were at that time -- you were a fellow director with your husband, a
- 17 business partner with your husband in that enterprise; is that right?
- 18 A Yes.
- 19 Q 55 And you ran it together?
- 20 A No. I have seen articles in the paper, my husband never worked one day in the
- 21 arcade in his life. He doesn't like that type of business.
- 22 Q 56 Would you mind please bringing it a little closer to you, please, I am sorry.
- 23 A My husband has never worked in the arcade, not for one day.
- 24 Q 57 I see.
- 25 A He has an allergy to smoke and he doesn't like the business. I have always
- 26 worked that business.
- 27 Q 58 I see. Did you see your husband on television recently on a programme done by
- 28 Charlie Bird?
- 29 A I have seen my husband on the television over the last three years, I have seen
- 30 some very slanderous media campaigns against my husband over the last three

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1 years.

2 Q 59 Did you see him being filmed as he walked along the street having come from a  
3 hotel in the centre of town?

4 A I did, yes.

5 Q 60 Where was he staying at that time?

6 A He was in the Merrion Hotel.

7 Q 61 He was a resident in the Merrion Hotel?

8 A No.

9 Q 62 I asked you where he was staying?

10 A I don't know where he was staying at that time. It's a long time ago. It's  
11 three years ago.

12 Q 63 No, it's not, it's last year?

13 A No, that was filmed two and a half years ago.

14 Q 64 I see. And you don't know where he was staying at that time?

15 A I couldn't state the exact place he was staying at that time.

16 Q 65 Was he staying in Castleknock?

17 A He was in Dublin, I am not sure if he was in Dublin for the day or for the  
18 weekend or what.

19 Q 66 I see. Now, you were appointed a director of KSK Enterprises in May of 1988,  
20 have you remained a director at all times since then?

21 A I have, yes.

22 Q 67 And has your husband or was your husband a director of that firm for a long  
23 time?

24 A He had been a director for a good number of years before that but there had  
25 been a lot of legal wrangling in the company. There was a number of partners  
26 in the company and he was effectively, he was a minority shareholder and he was  
27 effectively blocked out of the company for maybe eight or 10 years.

28 Q 68 I see.

29 A And he only got it back through the courts.

30 Q 69 Did you continue to sign the, and did he continue to sign the returns to the

1 Companies Office over the years?

2 A No, he had no effect -- he had no -- he had no role in the company.

3 Q 70 The question was did he continue to sign returns to the Companies Office over  
4 the years?

5 A I can't be a hundred percent sure, but I doubt it because he had no role within  
6 the company for maybe eight or nine years there.

7 Q 71 But do you remember signing any returns to the Companies Office?

8 A I sign them every year.

9 Q 72 I see. And who signs them with you?

10 A The -- now or then?

11 Q 73 Over the years, since you became a director in 1988 who signed the --

12 A Oh, when the company came back to my husband in 1988 as a director he would  
13 have signed the returns then.

14 Q 74 Yeah, and how long, for how many years did he sign those returns?

15 A Maybe up to 2001, was it?

16 Q 75 I see. Did he resign in 2001?

17 A 2000-2001, I can't be sure.

18 Q 76 He did resign in any event; is that right?

19 A He did.

20 Q 77 Why did he resign, can you tell me?

21 A Why did he resign? It's really a question for himself. I suppose I can only  
22 give an opinion. He was permanently based abroad, he had no involvement with  
23 the company, his son, John, took over the directorship.

24 Q 78 Why did he tell you that he was permanently placed abroad?

25 A Why did he tell me he was permanently based abroad? What kind of question is  
26 that? Why did he tell you --

27 Q 79 He gave you an explanation why he was going to be permanently based abroad and  
28 why he was going to expect you or hope for you to visit him on a weekly basis.

29 A Why did he go abroad -- contrary to media reports, my husband is not a kind of  
30 mystery man. He has worked a lot of businesses, worked very hard over the

1 years, paid a lot of tax, paid millions in tax to the state here, in 1983, when  
2 millions were actually millions, in 1983 he paid 1.4 million alone out of one  
3 deal to the state. And I think his complaint at that time was he didn't even  
4 get a Christmas card from the Revenue, so by 1989 he decided that, even though  
5 he didn't get a Christmas card abroad, he could live and work abroad, earn more  
6 income and not have to pay as much tax. And he is not a criminal for having  
7 done that, and anything he has made over the years he can justify it and  
8 there's no mystery attached to him.

9 Q 80 I see. Now, your husband resigned as a director, I think he changed his  
10 address in or about 1999 or subsequent to 1999 and he gave an address as 2 The  
11 Downs, Union Hall, Isle of Man. Is that where you reside? Is that a fact?  
12 Did he reside --

13 A He resided in 2 Union Downs for eight years. I think I remember, yes --.

14 Q 81 And does he reside there now?

15 A No.

16 Q 82 Where does he reside?

17 A He resides in, well, one of two places; 13 Cormorant Wharf, Queensway,  
18 Gibraltar, or Ballarioghyn Mansion House, Santon, Isle of Man.

19

20

21 Q 83 13 Cormorant Wharf, would you mind spelling that for the stenographer, please?

22 A C-O-R-M-O-R-A-N-T W-H-A-R-F, Queensway, Q-U-E-E-N-S-W-A-Y,  
23 Gibraltar.

24 Q 84 Is that in Gibraltar?

25 A It is, yes.

26 Q 85 And you said there was another address?

27 A Yes. Ballarioghyn, B-A-L-L-A-R-I-O-G-H-Y-N, Mansion House, Santon.

28 Q 86 Would you spell that?

29 A S-A-N-T-O-N.

30 Q 87 Where is that?

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1 A It's in the Isle of Man.

2 Q 88 In where?

3 A The Isle of Man.

4 Q 89 I see. Who were the shareholders of KSK Enterprises?

5 A I am.

6 Q 90 Was your husband at any time a shareholder in the company?

7 A He was, yes.

8 Q 91 When did he cease to be a shareholder in the company?

9 A In 1992.

10 Q 92 1992?

11 A Yes.

12 Q 93 Did he transfer the shares to somebody at that stage?

13 A He did, to me.

14 Q 94 I see so you are the sole shareholder now?

15 A Yes.

16 Q 95 I think is one of your sons also a director of the company with you?

17 A Yes.

18 Q 96 Did you see your husband benefit in any way from the income from that company,

19 KSK Enterprises Limited?

20 A No.

21 Q 97 Are you a director of any other company?

22 A Yes, I am a director of Lismore Homes. Lismore Builders.

23 Q 98 Lismore Homes and Lismore --

24 A Builders, they were two building companies.

25 Q 99 Right. Any other company? Or were you at any time a director of any other

26 company?

27 A No, not that comes to mind.

28 Q 100 Were you ever a director of an offshore company?

29 A No.

30 Q 101 Ever been a beneficiary of an offshore company?

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1 A No.

2 Q 102Did anybody ever hold shares on your behalf in any other company?

3 A No.

4 Q 103Were you a director of Ballyowen Homes?

5 A No.

6 Q 104Ballyowen Castle Homes?

7 A No.

8 Q 105Are you sure about that, Mrs. Kennedy? The returns in the Companies Office

9 show you were a director of Ballyowen Castle Homes certainly in 1990?

10 A Are you sure?

11 Q 106I'll show you a document.

12 A From what period to when?

13 Q 107Were you ever a director of Finnstown Homes Limited?

14 A No, not that I recall, no. I don't recall any other directorships at this

15 time.

16 Q 108All right. Can I just show you a document? It's bears our Tribunal reference

17 Finnstown 8 and Finnstown 9 and Finnstown 10. Would you show, tell the

18 Tribunal who the directors of that company are stated to be?

19 A James Kennedy and Antoinette Kennedy. This company would be which?

20 Q 109You are the Antoinette Kennedy referred to?

21 A Yes, I am, but which company is this?

22 Q 110That's Finnstown Homes?

23 A Finnstown Homes --

24 Q 111You see that you signed that, you are described also as the -- as a director

25 and secretary, you signed it as secretary to the company, do you see that?

26 A I do, I see that.

27 Q 112Can you confirm that that's your signature?

28 A That's my signature all right, maybe the accountants put me down as director of

29 the company at some stage and got me to sign it. What date is -- there seems

30 to be no date when this was put. I don't have too much memory, it wouldn't

00011

1 have been no harm me being a director of Finnstown Homes or Ballyowen Castle  
2 Homes.

3 Q 113If you turn down the next page which has Finnstown 9 at the top of it, you are  
4 stated to be a director of Ballyowen Castle Homes Limited?

5 A Yes.

6 Q 114And you are stated to be a director of KSK Enterprises Limited?

7 A Yes.

8 Q 115And Lismore Builders Limited?

9 A Yes.

10 Q 116Is the position then did you not know or forgotten that you were a director of  
11 Finnstown Homes Limited and Ballyowen Castle Homes Limited?

12 A It just didn't come to mind and I am sure I was put down as a director as a  
13 formality, not so much as an active --

14 Q 117Did you just sign it as a formality also?

15 A Did I sign? Yes, I am sure the company mightn't have been trading at that time  
16 or something, it just --

17 Q 118Did you understand the significance and importance and the legal consequences  
18 of signing a return such as that?

19 A Yes.

20 Q 119Signing of a return like that is not a formality, sure it's not?

21 A Well, it is if you are a director of the company.

22 Q 120So is it the position then that you didn't know you were a director of  
23 Finnstown Homes Limited?

24 A No, it's not that I didn't know, it's just that I it didn't occur to me at this  
25 time.

26 Q 121Did you know that you were a director of Ballyowen Homes Limited, Ballyowen  
27 Castle Homes Limited?

28 A If I signed the accounts, yes --

29 Q 122Did you know?

30 A Yes, if I signed the accounts I knew what I was signing, I'm not stupid, if I

1 was signing accounts for the end of the year for a company, it just slipped my  
2 mind at this time.

3 Q 123 You furnished a statement to the Tribunal in response to a request contained in  
4 a letter of the 7th October last, and that letter you were asked to -- perhaps  
5 just for the record I'll read it to you, Mrs. Kennedy if you don't mind. It's  
6 a letter to Mr. Delahunt, "Dear Mr. Delahunt, re: Lands at Carrickmines Great,  
7 County Dublin, your client, Mrs. Kennedy.

8  
9 As your client is aware the Tribunal is inquiring into whether monies were paid  
10 or any benefits to elected representatives or public representatives by any  
11 person or persons, and if so whether elected representatives and/or officials  
12 may have been influenced thereby in the discharge of their duties. These  
13 inquiries are conducted pursuant to paragraph A5 of the Terms of Reference of  
14 the Tribunal (as amended). You will have recently received a copy of the said  
15 Terms of Reference.

16  
17 Your client will be further aware that the Sole Member of the Tribunal has  
18 information regarding two adjoining parcels of land at Carrickmines Great  
19 County Dublin. You will recently have received a copy of the map of the said  
20 lands.

21  
22 The Sole Member would now be obliged if your client would provide to the  
23 Tribunal a narrative statement setting out details of any involvement, direct  
24 or indirect, or her behalf or on behalf of any person had with these lands.  
25 In addition, the Sole Member would require that your client would provide  
26 details of any benefit made at any time to (a) any elected representative and  
27 (b) any public official, whether or not your client furnishes a written  
28 statement to the Tribunal as requested as requested above, your client may be  
29 called in the near future to give evidence on oath to public to the Tribunal.

30 The fact that this letter has been written to your clients, its contents are

1 strictly confidential to the Tribunal and must be disclosed to any person, save  
2 any legal advisor your client may wish to instruct or consult, any legal  
3 advisor is likewise bound by the Tribunal's confidentiality. If you have any  
4 queries, please do not hesitate to contact me . "

5

6 That, as I say, is a letter of the 7th October 2002 and in response to that  
7 letter you furnished a narrative statement to the Tribunal dated 9th October  
8 2002. I think you have a copy of that in front of you; is that right?

9 A Yes.

10 Q 124It's a narrative statement of Antoinette Kennedy on the 9th October 2002.

11 "I make this narrative statement to the Tribunal of Inquiry into Certain  
12 Planning Matters and Payments regarding lands at Carrickmines Great County  
13 Dublin. I have had no involvement, direct or indirect, on my own behalf or on  
14 behalf of any person with these lands. I have no details of any benefit made  
15 at any time to A, any elected representative and B, any public official."

16

17 That's your statement, is that right?

18 A That is my statement, yes.

19 Q 125Do you know anything about the company called Paisley Park Investments Limited?

20 A No, my memory of anything to do with the Carrickmines lands are very vague.

21 They relate to the 1980s.

22 Q 126Right. Would you tell the Tribunal, please, what you remember?

23 A We were selling houses in Lucan, both my husband and I, as auctioneers and we  
24 were building houses and we had a site office at the front of Lismore House.  
25 We were building houses on the site and Jack Tracey, Tracey Enterprises was  
26 delivering the stone to the site, was supplying the stone. We knew Jack Tracey  
27 well because he had built, delivered stone to most of Clondalkin when it was  
28 being built, and himself and all his lads drank in the pub at that time. So he  
29 got talking to my husband in the office one day and he said Jesus, Jim, the  
30 brother has a bit of land out in Carrickmines and he is three years trying to

1 sell it, you don't know anyone that would buy it because he is in a bit of a  
2 pickle, his marriage is breaking up and it has to be sold. And my husband  
3 asked him where it was and what, and he says what kind of money and he says he  
4 is looking for 6,000 per acre for it and he laughed and he said Jesus, it's no  
5 wonder you can't sell it at that kind of money, because land was about £2,000  
6 an acre at that time, and Jack said, he said well Jim, this is not just  
7 agricultural land, this is left-hand land with potential, he said.

8

9 So, he said to him, I remember him saying to him at the time, would you not buy  
10 it yourself Jack if it's so good and -- because when you be running an  
11 auctioneer's office you always get people coming in offering you things, saying  
12 someone had something to sell and would you be interested in getting a buyer.  
13 So he said to him, he said I would, I would be interested in it but my health  
14 is very bad. Jack was on a ventilator the whole time. He was a heavy smoker  
15 and he had bad asthma. And he said I tell you I won't live to see this land  
16 come to fruition, you know, so I don't want to. He said he had only one  
17 daughter at the time, he didn't want to burden his daughter with it. So,  
18 anyway, they made a time to go out and see the land.

19

20 At that time it would have been about 1986, and I never heard anything more  
21 about it until maybe 1989, '88 or '89, Bob Tracey called in and out of the  
22 arcade a few times looking for him. Like the only -- the most people would  
23 ever do would call in to me to say I lost your husband's number, give me your  
24 husband's number or ask me to give him a ring or -- and I'd pass it on or  
25 whatever because he was in and out of the county at this stage. I didn't hear  
26 anything more about it except Laura Tracey called in. She might have called in  
27 about 1989, and she called in two or three times and I passed on the message  
28 and he hadn't got back to her and whatever. And she came in to me and said  
29 one day, she said you are Mr. Kennedy's wife, I am Laura Tracey and I believe  
30 he is the auctioneer for land out in Carrickmines belonging to my husband and

1 we are separating at this time and I just want him to be sure to know that I  
2 have to get my share of the land or my share of the proceeds when the sale goes  
3 through and I want him to know that. I have a daughter in the States and I'd  
4 really like him to ring me back on that.

5

6 So I passed on the message and that was, I never heard another word about the  
7 land until Charlie Bird start standing outside the arcade telling the nation  
8 about lands in Carrickmines.

9 Q 127Did you know that your husband had expressed an interest in the lands?

10 A That was it, I didn't hear any more about it. I didn't ask any more about it,

11 I didn't know more about it. I know that he went with Jack Tracey to see it.

12 I wouldn't be able to find Carrickmines on -- in the land if you asked me.

13 This is what I can recall of it --

14 Q 128Did he tell you that he had bought the lands or that somebody on his behalf had

15 bought the lands?

16 A No.

17 Q 129Were you aware that John Caldwell has told the Tribunal that Mr. Kennedy had an

18 interest in the lands?

19 A No.

20 Q 130You are not aware of that?

21 A No.

22 Q 131Haven't you been furnished with documents from the Tribunal through your

23 solicitor?

24 A Did documents say that -- I have read documents, I didn't see that in it.

25 Q 132Did you not get witness statements? Did you get a statement that had been made

26 by Mr. Caldwell?

27 A Oh I go -- I got a whole forest of paper, I didn't read them.

28 Q 133Did you get a statement by Mr. Dunlop?

29 A Sorry?

30 Q 134Did you get a statement that had been furnished to the Tribunal by Mr. Dunlop?

1 A I did, yes.

2 Q 135And did you see that Mr. Dunlop alleged in that statement he got £25,000 from

3 your husband in order to pay to councillors to get the lands in Carrickmines

4 rezoned.

5 A I read that in the papers.

6 Q 136Did you not read it in the statement that you got from the Tribunal?

7 A I didn't read the statement.

8 Q 137You didn't read the statement?

9 A No. There's no allegations with regard to me --

10 Q 138How do you know that if you don't read the statements?

11 A My solicitor told me.

12 Q 139Pardon?

13 A My solicitor told me, he obviously read it.

14 Q 140Who is your solicitor that told you that?

15 A Brian Delahunt.

16 Q 141I see. Did he tell you an allegation had been made against your husband in

17 Mr. Dunlop's statement?

18 A No.

19 Q 142He didn't?

20 A He is not acting for my husband.

21 Q 143He is acting for you, he knew you were coming here today as a witness, today,

22 didn't he?

23 A No, I didn't come with any legal representation here today.

24 Q 144Wasn't the summons that was served by the Tribunal on the 31st July sent to

25 your solicitor, Mr. Delahunt, isn't that right?

26 A Yes.

27 Q 145And do you say now to the Tribunal on oath that Mr. Delahunt didn't know that

28 you were coming here today as a witness?

29 A Oh, yes, he knows I am coming here but he didn't come here today for me, I

30 didn't have any legal representation, I just wanted to minimise the costs.

1 Q 146Are you telling the Tribunal he did not tell you that an allegation was  
2 contained in Mr. Dunlop's statement that your husband had passed £25,000 to him  
3 to effectively bribe councillors?

4 A He probably didn't say it to me because he didn't have to say it to me. It's  
5 been on all the papers and the dogs in the street are barking that.

6 Q 147Did you discuss this with your husband?

7 A No.

8 Q 148Did you never say James, God, you'll never believe what's in the paper?

9 A No, I am not here to answer questions that would be --

10 Q 149I just want to know, if you wouldn't mind telling me please, what you knew  
11 about the contents of the documents that have been circulated by the Tribunal  
12 and, indeed, what you told your husband the documents contain. You are telling  
13 the Tribunal you never discussed what the documents contained with him?

14 A No. What the documents -- no.

15 Q 150Are you telling the Tribunal you never read any of the documents?

16 A The big pile of -- no.

17 Q 151Pardon.

18 A The file that thick that you sent out, no.

19 Q 152What we describe as the brief?

20 A Wasn't of relevance to me. I have no knowledge of that. There were no  
21 allegations in it as regards to me. There has been never allegations, I didn't  
22 feel the need to fill my mind --

23 Q 153You were aware it contained allegations about your husband?

24 A Yes,.

25 Q 154Were you not concerned to see how those serious allegations were being made  
26 against your husband and by whom they were being made?

27 A Well, it's my opinion that if the Tribunal is fair in its findings and it bases  
28 them on the evidence and the facts put before them and not the media circus and  
29 the slanderous media campaign that has been conducted, that my husband would be  
30 fully vindicated of all the malicious allegations that have been made.

1 Q 155Your husband didn't turn up here yesterday to give evidence.

2 A No.

3 Q 156Why not, why was that?

4 A I think he stated in correspondence to the Tribunal why he wasn't turning up.

5 Q 157Did he give you an explanation why he wasn't going to turn up to the Tribunal?

6 A I think certain sectors of the media have sought from an early stage over the  
7 last two and a half years to conduct a campaign, a savage campaign to damage my  
8 husband. They have irreparably damaged my husband's reputation. They have  
9 damaged my family's reputation. None of my family are criminals, we have no  
10 criminal records. We've been made to look like criminals, we've been made to  
11 look sinister and mysterious, links with this and links with that. There's no  
12 evidence of any of this and the media have stood outside our shop, they have  
13 tried to damage our business. I mean, certain sectors of the media haven't  
14 just sought to report the news, they have actually sought to make the news for  
15 the Flood Tribunal.

16 Q 158Did you not in the light of all the concern you have, the upset that you feel  
17 and your husband feels, did you not think this was the appropriate place to  
18 come and face his accusers and face those who have -- I say accusers in the  
19 sense that those who have furnished statements which indicate that he had an  
20 interest in those lands and that he paid monies to Frank Dunlop etc, wasn't  
21 this the place for him to stand up and vindicate his good name?

22 A Well, if you know you are innocent and you are being made, made in the media to  
23 be guilty --

24 Q 159Surely he could have come here, given his evidence on oath?

25 A Do you think he would have got a fair hearing?

26 Q 160Pardon.

27 A Do you think with what is gone on in the papers he would have got a fair  
28 unbiassed hearing?

29 Q 161He would have got a fair hearing from the Tribunal.

30 A Well, obviously he didn't feel he would.

1 Q 162Is that the reason he said he wouldn't come?

2 A No. He gave his reasons to the Tribunal. This is only my opinion. I am not  
3 here to speak for Mr. Kennedy. I am not his spokesperson.

4 Q 163You mentioned that there was a payment of £1.3 million in tax. That arose out  
5 a property transaction, I take it?

6 A Yes, he paid a lot of tax out of a lot of deals --

7 Q 164Can you --

8 A He was a publican and paid the highest price for a pub ever in 1975. He was  
9 some kind of a mystery man now. He was a publican, a builder, an auctioneer,  
10 he was a land developer, he was a very busy man. He, you know, it's not like  
11 he suddenly had no money and came with money out of nowhere and nobody knows  
12 where he came from. You know, his history is well documented.

13 Q 165Mrs. Kennedy, you were asked to furnish a statement, an Affidavit of Discovery  
14 to the Tribunal in relation to any documents that you might have in your  
15 possession, power, procurement, which might be of assistance to the Tribunal.  
16 That was an foot of an order of the Tribunal, isn't that right? And you did  
17 furnish such an affidavit as requested, and I should in fairness to you  
18 acknowledge that every time you have been asked to furnish a statement, you  
19 furnished a statement almost by return, effectively saying you don't know  
20 anything about the matters we are investigating. But on the 9th October 2002,  
21 an Order for Discovery was made requiring you to make discovery on oath of all  
22 documents and records in your possession, power and procurement from the 1st  
23 January 1988 to date relating to your involvement in what are described as the  
24 Carrickmines 1 lands. That's the Jackson Way/Paisley Park lands. Including  
25 but not limited to the following (a) acquisition holdings and disposal of any  
26 of the land including any corporation dealings in respect of lands and/or (b)  
27 involvement from the commencement thereof to date in matters including motions  
28 whether successful or not in relation to the development of the land, and (c)  
29 dealings with Mr. Dunlop or any other intermediary or agent and/or (d) dealing  
30 with any elected public representative and/or (e) dealing with any public

1 official.

2

3 And you furnished an Affidavit of Discovery in response to that order, and in  
4 that you swore that you have in your possession, power and procurement  
5 Documents in relation to the matters in this question set forth in the first  
6 and second parts in the first schedule hereto, you have no documents according  
7 to the affidavit.

8

9 You said you had now, but have not had in your possession or power the  
10 documents in relation to this, the matters in question in this suit set forth  
11 in the second schedule and again you say no documents. And paragraph five  
12 "there's no documents whatever in my power procurement or possession in  
13 relation to the Carrickmines 1 lands. The issue as to the date of past  
14 possession or present whereabouts does not arise. And 6, according to the best  
15 of my knowledge information and belief, I do not now or never had in the  
16 custody or power or in the possession of custody of power of my solicitors or  
17 agent or in the possession, custody or power of any other person or persons on  
18 my behalf any deed account, book of account, voucher, receipt, letter,  
19 memorandum paper or writing or any copy of or any extract from my such document  
20 or any other document whatsoever relating to the matters in this question in  
21 this suit or any of them and wherein any entry has been made relative to such  
22 matters or any of them other than and except the documents set forth in the  
23 first and second schedule hereto." That affidavit was sworn by you on the  
24 17th October 2002. Is that correct?

25 A Yes.

26 Q 166 And in each of the schedules attached to that affidavit said that you have no  
27 documents?

28 A Yes.

29 Q 167 Now, can I ask you, Mrs. Kennedy, if you know anything of a company called  
30 Paisley Park Investments Ltd at all?

00021

1 A No.

2 Q 168Do you know anything of a company called Maskani Management Ltd?

3 A No.

4 Q 169Do you know anything of a company called Renzenbrinck Investments Inc.?

5 A No.

6 Q 170Do you know anything about a company called Xenon Ltd?

7 A No.

8 Q 171Do you know anything about a company called Pertland limited?

9 A No.

10 Q 172Do you know anything about your husband's affairs or transactions conducted by

11 him within the last five years?

12 A Affairs as in business transactions?

13 Q 173As in business affairs.

14 A I mean no specific ones, but I don't seem to know anything of what you are

15 referring to, depends --

16 Q 174Do you know anything about any land or property transactions he has been

17 involved in, and within the past five years?

18 A I know he bought my house in the Isle of Man. That's it.

19 Q 175That's all you know. Do you know he bought a property in or did he buy a

20 property in Gibraltar?

21 A Oh yeah.

22 Q 176When did he buy that?

23 A It must be about five years ago now.

24 Q 177I see. How often have you visited him in Gibraltar?

25 A Oh many times. I spend a lot of time down there.

26 Q 178I see.

27 A The summer and that.

28 Q 179I see. Tell me where do you live on Monday to Thursday when you are in Dublin?

29 A I think I answered that at the start for you.

30 Q 180Pardon?

1 A I think I answered that question for you at the start for you.

2 Q 181Did you? I am sorry, would you mind telling me again?

3 A I will tell you again but I don't see why intimate details of where I reside --

4 I mean I have been the victim of a holdup twice, robbery twice, I don't know

5 why this should become public information.

6 Q 182All right, I can see why you might not wish to give your address, would you

7 mind writing down your address please rather than give it out in public. Would

8 that be of assistance to you?

9 A I have already said in Deerpark, Deerpark Castleknock.

10 Q 183I see.

11 A The number of -- well, never mind --

12 Q 184Do you know of any dealings your husband may have had with John Caldwell in

13 relation to the lands at Carrickmines?

14 A No, I know John Caldwell, he is a solicitor in Binchy's. I don't know of any

15 dealings that my husband would have had with him in relation to lands at

16 Carrickmines.

17 Q 185Did you personally have any dealings with John Caldwell?

18 A Over the years, yes. He acted -- in a number of things.

19 Q 186Generally speaking in what capacity and in relation to what type of matters?

20 A He acted in Lismore, he acted in dealing with --

21 Q 187Sorry, would you mind --

22 A Sorry, he acted in Lismore and he acted in Lismore, you know, the 442 house

23 site and he had some role in that, legal-wise, when land was being transferred

24 and house sales and things like that. Also, we had a business once, we started

25 a bookmaking business which John's father eventually took over and ran.

26 Q 188Where was that?

27 A That was in Delta Avenue in Cabra was the main shop. There was a couple of

28 shops in it.

29 Q 189What was the name of the firm?

30 A Greyfriars Limited.

1 Q 190Did Mr. Caldwell act for Lismore Homes Limited in connection with the sale of  
2 the houses built by that company in Lucan?

3 A Binchy's acted and he was always there to advise on different matters.

4 Q 191Was he the individual in Binchy's with whom you had most dealings?

5 A I think on a day-to-day basis, Mr. Hugh Dolan, he wasn't actually a solicitor  
6 but a law agent of some sort and he acted on the day to day matters but if  
7 there was a problem --

8 Q 192Have you had any dealings with Martin Bullock?

9 A No, I don't know Mr. Bullock.

10 Q 193Do you know Martin Bullock?

11 A No.

12 Q 194Have you ever heard of him?

13 A Other than correspondence you have sent me, no.

14 Q 195What correspondence was that, Mrs. Kennedy?

15 A The list of names.

16 Q 196Do you mean the list of names that was sent to your husband, was that the list  
17 sent 29th January 2002?

18 A I think you sent me a list.

19 Q 197Pardon?

20 A I think you sent me a list.

21 Q 198Is that the -- I am handing you to a list now, is that the list you are  
22 referring to? (Document handed to witness.)

23 A Yes.

24 Q 199That's a letter of the 29th January 2002 and it's addressed to Brian Delahunt,  
25 Delahunt Solicitors, and it's to their client, James Kennedy, isn't that right?

26 A All right. I could be wrong, I thought you sent me one as well, the same  
27 thing.

28 Q 200You have seen that list of names obviously?

29 A Mm-hmm.

30 Q 201I should say that a separate list was sent to you in March of 2002, on the 1st

1 March 2002 and I think the names on that list are the same names as appeared on  
2 this list, so maybe it fairness to you, that the letter you were referring to  
3 is the letters of the 1st March. Perhaps you can identify that. It was sent  
4 to you at your home address. (Document handed to witness). Is that the letter  
5 you are referring to?

6 A Yes.

7 Q 202The Tribunal's reference is 1PTP/109/6 and it's a letter sent to Mrs. Kennedy  
8 personally. Now do you say you never met or never heard of Martin Bullock?

9 A No, no knowledge.

10 Q 203Did you ever meet him in the Isle of Man on your trips there?

11 A No.

12 Q 204Did your husband ever tell you that he was a business acquaintance or contact  
13 of his?

14 A No.

15 Q 205Did you ever hear of or meet Mr. Alan Holland?

16 A No.

17 Q 206How about Mr. Roderick Peter Harker?

18 A No.

19 Q 207He is a resident of the Isle of Man. You say you never met him or had --

20 A I never even heard the name.

21 Q 208Did you ever meet Mr. Frank Dunlop?

22 A No.

23 Q 209Did you ever hear your husband discuss Frank Dunlop or mention him in any  
24 context?

25 A Never heard my husband speak to him, never on the phone, never with him and I  
26 did hear socially and I heard from my husband about a tragedy within his family  
27 at a time there a few years ago. That would be my only recollection of him,  
28 any knowledge.

29 Q 210You see the person mentioned at number 12 on that list?

30 A John Byrne?

1 Q 211 In fact, did your husband have any dealings with that gentleman?

2 A John Byrne?

3 Q 212 I don't want to mention names on the list. When I ask you to identify somebody

4 by a number, I prefer not to because they haven't been --

5 A No, I don't know.

6 Q 213 Number 13 on the list and please don't mention the name, do you know anything

7 about that individual in the context of your husband in a property transaction

8 or anything of that nature?

9 A Yes, I remember he used to call into Lismore House when we were on the site in

10 Lucan. Big chap with glasses and seemed to be doing some type of a deal at

11 that stage. Why I remember specifically is because he said he was a

12 businessman who lived abroad and he travelled back and for the quite a bit and

13 he would be getting Mr. Lawlor to act as a consultant for him in this deal

14 and --

15 Q 214 When was this?

16 A Sorry?

17 Q 215 When was this?

18 A It was only about 1986. My husband hit the roof. He said he wouldn't have

19 anything to do -- he said he wouldn't have anything to do with that man, he

20 said. That man is the kiss of death on any type of property, he said. He

21 can't do it for himself, please don't have anything to do with him. But the

22 chap said he was going to and that was that. That's why I always found it

23 funny when you read in the paper that my husband is supposed to be a business

24 partner of Liam Lawlor because I remember that conversation so well.

25 Q 216 So far as you are aware, is there any basis or circumstances in which your

26 husband would voluntarily attend at the Tribunal to give evidence?

27 A That's a question that you better direct towards my husband.

28 Q 217 I appreciate that, but he is not here unfortunately so I'm asking you is there

29 any basis or circumstances in which you think or on which you think he would

30 attend to give evidence at the Tribunal?

1 A I just give you an opinion, I run a shop in Westmoreland Street, 14 years  
2 running it, it's a family business, it's there since 1974, and in the last  
3 three years, we have had every tax inspector, planning inspector, fire officer,  
4 customs and excise person that could scrutinize the business has been in to  
5 scrutinize it. That's fine, I run a good shop. I have no problem with that.  
6 Then we have CAB, CAB come in the middle of a busy day, seven officers, they  
7 want to search the whole place for corruption as if it's going to be sitting on  
8 top of a pool table. We have been victimised. We have been violated due to  
9 allegations made within this Tribunal --

10 Q 218Mrs. Kennedy --

11 A I do recall any time my husband would close a sale, he'd say to the person,  
12 come on now, it takes a good man to know when he's getting a good deal, any  
13 fool knows when he is getting a bad one. I think my husband is being any fool  
14 here.

15 Q 219The question I asked you is whether, in your opinion, there were any  
16 circumstances or any basis upon which your husband would attend to give  
17 evidence to the Tribunal. If you can answer that question, I appreciate it, if  
18 you can't, then you might refrain from making a speech.

19 A Your good friend and business partner owns land beside Jackson Way, he freely  
20 says he gave 36 and a half thousand to councillors and gives -- I don't see his  
21 wife here, I don't see anyone chasing him up and down streets.

22 Q 220So is there any basis --

23 A Do you think he'd get a fair hearing?

24 Q 221Pardon?

25 A Do you think this Tribunal is being fair? It's being selective.

26

27 CHAIRMAN: Mrs. Kennedy, I require you to answer the question and not to make  
28 speeches.

29 A The question --

30

1 CHAIRMAN: You are being asked a series of questions, you have or you may have  
2 information which will supply the answer to the question, if you do, please  
3 answer the questions only.

4 A It's a question I cannot answer. It's best directed to Mr. Kennedy. I am not  
5 here to speak on behalf of Mr. Kennedy.

6

7 CHAIRMAN: Right. Thank you very much, you have said that on a number of  
8 times.

9 Q 222MR. GALLAGHER: Thank you. Thanks, Mrs. Kennedy.

10

11 CHAIRMAN: Does anybody want to ask Mrs. Kennedy any other questions?

12

13 JUDGE MAHON: Mrs. Kennedy, when was your husband last in Ireland, do you know?

14 A Last Christmas. Last Christmas, maybe last January.

15

16 JUDGE MAHON: That's about 12 months ago.

17 A Mm-hmm.

18

19 JUDGE MAHON: How long was in he Ireland when he was over on that occasion?

20 A Two days he spends at a time. One or two.

21

22 JUDGE MAHON: And do you know if he is returning to Ireland in the near future?

23 A No, he has made no indication that he intends to return.

24

25 JUDGE MAHON: And you have explained how you became the sole shareholder in KSK

26 Enterprises, which owns the amusement arcade I think.

27 A Yes.

28

29 JUDGE MAHON: And those shares were transferred to you, I presume, by your

30 husband, is that right?

1 A Yes, it was at a time my husband was previously married, there was no divorce  
2 in Ireland at the time and I had a number of children and it was seen as a way  
3 of security to give me the shares within -- it was a company I was running  
4 anyway and I was the only one who had ever shown any interest in it so when his  
5 legal dispute finished with the former partners within the company, I took over  
6 the company, ran it and in 1992 he transferred me the shares.

7

8 JUDGE MAHON: And were the shares that were given to you, were they paid for by  
9 you or were they merely a gift to you?

10 A They were gifted to me at that time as a form of security in the event that  
11 anything would happen to him because of the marital situation.

12

13 JUDGE MAHON: And the companies Lismore Homes and Lismore Builders which you  
14 accept you have been a director of, are you a shareholder in those businesses?

15 A Yes.

16

17 JUDGE MAHON: Is your husband a shareholder?

18 A No -- yes, he is.

19

20 JUDGE MAHON: What percentage of the shares do you have in those companies, do  
21 you know?

22 A I think it's two shares and I hold one.

23

24 JUDGE MAHON: Sorry?

25 A It's -- 50 percent.

26

27 JUDGE MAHON: And does your husband have the balance of the shares?

28 A Yes.

29

30 JUDGE MAHON: Thank you.

1

2 CHAIRMAN: Thank you very much, Mrs. Kennedy. You are free to go.

3

4 THE WITNESS THEN WITHDREW.

5

6 MR. GALLAGHER: I understand the next witness is not in the building but can be

7 here very shortly, if I could invite the Tribunal to rise for --

8

9 CHAIRMAN: We will rise until for ten minutes.

10

11 MR. GALLAGHER: All right, thank you.

12

13 THE TRIBUNAL THEN ADJOURNED FOR A SHORT BREAK

14 AND RESUMED AS FOLLOWS:

15

16 MR. GALLAGHER: Mr. Frank Dunlop, please.

17

18 MR. FRANK DUNLOP, HAVING BEEN SWORN, WAS EXAMINED BY MR. GALLAGHER

19 AS FOLLOWS:

20

21 MR. GALLAGHER: Good morning, Mr. Dunlop.

22 A. Good morning, Mr. Gallagher.

23 Q.223If you wouldn't mind would you try to pull the microphones as close as you can?

24 A. Is that better?

25 Q.224Yes, yes, if you would --

26 A. Good morning, again.

27 Q.225Good morning.

28 A. Good morning, Chairman.

29 Q.226As you are aware we are starting today to deal with the module that we have

30 described as Carrickmines 1, which essentially deals with the lands, which were

1 formerly owned by Paisley Park Investments Limited and are now owned by Jackson  
2 Way Limited, and adjoining lands owned by Messrs. O'Halloran, Kilcoyne and  
3 Darragh, and attempts some success and some unsuccessful to rezone parts of  
4 those lands.

5

6 People who are interested -- persons who are interested in the evidence that is  
7 to be given have been circulated with various statements, as you are aware,  
8 including your statement. So that if in the course of your evidence you want  
9 to refer by way of illustration or by way of explanation to any other  
10 individual or individuals or land, parcel of land I would prefer if you didn't  
11 name those individuals. If necessary we will facilitate you by allowing you  
12 to write down the name. I know sometimes it is very hard, sometimes a name  
13 emerges before one can stop it, as it were. If you were to try to bear that  
14 in mind in your evidence, both in the questions I ask you and the questions the  
15 Tribunal may ask you and the questions you may be asked in cross-examination.  
16 If you have a difficulty about that you just, please, so indicate.

17

18 Mr. Dunlop, would you start by outlining your background and your involvement  
19 in public relations in lobbying, etc. Would you start essentially from the  
20 beginning? You were born where and how are -- what was your experience, etc.  
21 You have set it out in the introduction in broad terms and I would like you to  
22 flesh that out if you would not mind.

23 A. Well, I don't think it is a matter of any secrecy, I am a Kilkenny man, I was  
24 born on 9th October 1947. I left there in 1965 and I had never lived there  
25 since. I have lived in county Meath virtually all of my life.

26

27 Having served in the news department of RTE in both Belfast and Dublin offices  
28 for two years I was appointed Press Secretary of the Fianna Fail party in April  
29 1974.

30

1 In 1977 I became head of The Government Information Service and in 1978 I was  
2 appointed to the post of Government Press Secretary, a position which had been  
3 established on my recommendation to the then government.

4 Q.227 Now, can I stop you there and ask you to elaborate a little on the role of  
5 Press Secretary to a political party what that involves generally speaking, I  
6 think everybody would have a kind of idea in their own minds as to what work a  
7 Press Secretary does, but perhaps you might spell it out for us.

8 A. Certainly, yes. Well, it may well be a little different now than it was then.

9

10 It was something of a unique exercise in the context of the Fianna Fail party  
11 at least, the Fianna Fail party were not known at the time for their facility  
12 with communications with the press. It involved developing relations with the  
13 media outlets of the day, which included RTE, the Irish Times, the Irish  
14 Independent, the then Irish Press, the Cork Examiner as it was then known.

15 There was no proliferation of radio stations at that stage, that had not  
16 happened. There was quite a significant couldn't number of illegal radio  
17 stations, if my memory serves me correctly.

18

19 It was in the nature of the business to facilitate an understanding on the part  
20 of the media as to what the Fianna Fail party was doing or was about at that  
21 time, they were in opposition I hasten to add, they had, I was going to say  
22 they left government, they had been put out of government in January 1972.

23

24 Things developed on from there. I developed significant relations, very  
25 cordial and professional relations, with a significant number of the media at  
26 political correspondent level, at news reporter level, at editorial level, and  
27 on the opposite side of the coin I developed significant relations with  
28 politicians.

29

30 My office was in Leinster House, something of a hot house. Where everybody

1 knows everybody else and, in fact, everybody seems to know what everybody else  
2 is doing. I developed significant relationships with the extensive elements  
3 of the Fianna Fail party in the first instance, and by that I mean throughout  
4 the country and publicly elected representations of the Fianna Fail party  
5 throughout the country and also, but not to the same extent, obviously with  
6 other politically elected representatives on behalf of other parties.

7

8 If there is any more detail you want me to go into I will, Mr. Gallagher, but  
9 that is the broad essence of it.

10 Q.228I take it that in your position as Press Secretary to the party, having an  
11 office in Leinster House, that your contact by and large was with TDs, members  
12 of government and TDs, senators?

13 A. Absolutely, yes.

14 Q.229Did you have occasion to come in contact with the county councillors at that  
15 time?

16 A. Yes, I would have had occasion, but that would have been in the context, as I  
17 alluded to earlier, of relations with the wider party throughout the country, I  
18 mean, not to detain the Tribunal, but it involved quite a significant amount of  
19 travelling around the country with the then leader of the party Jack Lynch and  
20 members of his front bench, developing policies, explaining policies,  
21 strengthening up the units in the party throughout the country to ensure that  
22 at the next election people would be ready and available, or whatever,  
23 arbitrating in disputes. Political parties are made up of human beings and  
24 lots of disputes arise. In that exercise it allowed you to develop relations  
25 with people who were elected representatives in local areas and people who were  
26 not but were elected officials of the political party.

27 Q.230Do I take it that during that time you got to know elected representatives for  
28 the Dublin area both nationally --

29 A. Yes.

30 Q.231Both nationally -- politicians, if you like, and local politicians?

1 A. That is correct.

2 Q.232Yes. And primarily Fianna Fail politicians I take it?

3 A. Absolutely.

4 Q.233Now, in 1977 you became head of The Government Information Service. Was that

5 a significant change in terms of your contacts with politicians, local and

6 national?

7 A. I am not so sure it was a significant change in the context of my relationships

8 with politicians. The role had been described as the Head of Government

9 Information Service, the Government Information Service was the established

10 unit of the government contained in the Taoiseach's office for the

11 dissemination of information relating to activities of the government. In

12 effect, without being offensive, it was a post office, it just delivered copies

13 of statements, speeches, announcements, CSO; Central Statistics Office details,

14 to the news desk of the news papers, there was no substantive policy

15 discussions with the media prior to that time.

16

17 My predecessor had, with whom I had discussions after taking office, had told

18 me that he had attempted to introduce the notion of what, I suppose, was an

19 Americanized notion of a Government Press Secretary, a spokesperson on behalf

20 of the government to whom people contributed specific statements in relation to

21 specific issues.

22

23 I made -- I wrote a memo to the government and it was brought to the government

24 by the then Taoiseach Mr. Lynch. It was passed by the government and I was

25 appointed the Press Secretary the following day.

26 Q.234I think you remained as Press Secretary to the government until 1982?

27 A. I -- that is correct, yes.

28 Q.235And during all that time from 1977 -- sorry, it was indeed from 1974 to 1982,

29 I take it that you had daily contact with politicians of all shapes, hues and

30 colours both national and local?

1 A. Correct.

2 Q.236 Now, in 1982 you left the position as Government Press Secretary, I think that  
3 was following an election, is that right?

4 A. Yes, it followed -- there was some, I was not exactly prepared for this aspect  
5 of my career, Mr. Gallagher, but I mean there were a number of elections, if my  
6 memory serves me correctly, Mr. Haughey became leader of Fianna Fail and  
7 subsequently Taoiseach in December 1979 and there was an election in 1982 at  
8 which he was defeated. I was the Government Press Secretary an established  
9 civil servant level, in essence your statement is correct.

10 Q.237 Did you then move to the Department of Education, to the rank of Assistant  
11 Secretary?

12 A. Yes.

13 Q.238 What work did you do there essentially?

14 A. Well, the appointment was made at the recommendation of the newly appointed  
15 Minister for Education Mr. John Boland. It was required that the new  
16 Taoiseach Dr. Garret Fitzgerald would have his own appointee in the role of  
17 Government Press Secretary.

18

19 Since I was an established civil servant without putting it -- a berth had to  
20 be found, unless I resigned which I had no intention of doing and didn't and  
21 Mr. Boland asked me would I go to the Department of Education with him. In  
22 that role as an Assistant Secretary I had responsibility for liaison with the  
23 media.

24 Q.239 I see. Did you have any other role or function within the Department of the  
25 Environment at that time -- sorry, Department of Education at that time?

26 A. Well, there were a number of issues that arose at policy level, which required  
27 an input and it was on that -- it was during that period, Mr. Gallagher, that  
28 I first met a councillor, not of the Fianna Fail party, I had no politics  
29 because I was a civil servant, but it was the first time I met a councillor who  
30 sought my assistance in the Department for some thing that was falling within

1 that person's remit and I assisted that person and a relationship developed.

2 Q.240Is that person a person who has been named in the context of Carrickmines 1?

3 A. No, I do beg your pardon, peripherally, yes, in relation to my evidence as to a  
4 discussion that took place.

5 Q.241Perhaps you might write down a name, if you wouldn't mind, would you, please,  
6 and we might decide where we are going from there.

7

8 (Document handed to the Members of the Tribunal and to Mr. Gallagher)

9

10 Q.242Sir, the person who has been mentioned on that list is a person who is on the  
11 circulation list and has been mentioned peripherally in relation to  
12 Carrickmines 1. I ask whether or not I should mention the name in public at  
13 this stage?

14

15 CHAIRMAN: In view of the fact, as far as I understand it, her statement has  
16 been circulated I see no good reason why she should not be named. Right, yes.

17

18 MR. GALLAGHER: Thank you. The name you have written on the sheet, which I  
19 have numbered number 1 because there may be more than one is Therese Ridge.

20 Do I take it that you first met Mrs . Ridge at that time and you became -- you  
21 knew her as a politician obviously after that.

22 A. Yes.

23 Q.243Did you met any other local -- when I say "local" I mean Dublin County Council  
24 or Dublin Corporation County Councillors at that time that you had dealings  
25 with that you can remember?

26 A. No, I would not have had dealings.

27 From a contextual point of view, can I say again, this was a civil service  
28 role.

29 Q.244I understand that.

30 A. Notwithstanding my previous political background there were certain rules that

1 had to be obeyed. I could not become involved at the political level,  
2 certainly not in any way that would cause difficulties or embarrassment for the  
3 Department and the Minister for whom I was working.

4 Q.245 Just to be clear, do I understand you to say that Councillor Therese Ridge  
5 approached you in your capacity as civil servant in the Department of Education  
6 concerning a matter with which she had an interest or was concerned?

7 A. Correct. I hasten to add it was a completely simple, innocent, laudable  
8 community based exercise.

9 Q.246 Yes, I understand that. Can I ask you then about the role you played in the  
10 Department of Environment. First of all, when did you commence work in the  
11 Department of Environment?

12 A. I am just -- I am afraid I can't give you the exact date, Mr. Gallagher, but  
13 there was a certain, there was a certain period during which there was some  
14 political flux and -- let me just put it this way to you, I began working in  
15 the Department of the Environment specifically again at the request of Mr. John  
16 Boland, who had been appointed Minister for the Environment.

17

18 We had various elections again and in the interim period I had stayed in the  
19 Department of Education for a short period under another Minister, and on his  
20 appointment to the Department of the Environment Mr. Boland asked me to go with  
21 him.

22 Q.247 Roughly how long did you work in the Department of the Environment with the  
23 late Mr. Boland?

24 A. I think about two years.

25 Q.248 I see. What role did you fill there?

26 A. I had the same role that I had in the Department of Education. I was an  
27 Assistant Secretary but I had responsibility for media matters.

28 Q.249 I see. Did you have any direct contact at that time with any of the  
29 politicians who were mentioned in the Carrickmines 1 module?

30 A. Not that I can recall.

1 Q.250Right.

2 A. No.

3 Q.251Did you have any role at that stage in relation to policy, in relation to  
4 planning matters, in relation to planning decisions or anything of that nature  
5 that you can recall?

6 A. Certainly I had no role policy wise. They were specific designated functions  
7 within the Department at management level of which was decided upon by the  
8 Secretary of the Department, the permanent Secretary. I don't recall ever  
9 having any involvement whatever with any planning matter. We had -- we had --  
10 I had policy roles in other issues that were of interest to the Minister but  
11 they certainly had nothing to do with planning.

12

13 The only peripheral issue, and I think people may well recall it, was that the  
14 then Minister, and it is somewhat pertinent at the moment, had a plan for  
15 O'Connell Street. He established what was known, if my memory serves me  
16 right, as the Dublin Metropolitan Streets Commission.

17 Q.252Right. You remained in the public service until late 1986, I think you left  
18 at that stage, and you took a career break and you joined a Public Relations  
19 company as executive director, is that right?

20 A. That's correct.

21 Q.253What company did you join?

22 A. Murray Consultants.

23 Q.254And how long did you remain with Murray Consultants?

24 A. Until November 1989.

25 Q.255So, that was approximately three years?

26 A. Correct.

27 Q.256And what role did you fill as executive director in Murray Consultants?

28 A. The -- you were given an executive -- sorry, beg your pardon, you were given a  
29 director's role, in other words, that meant you had to develop a client  
30 portfolio. You were given a target of fee income on an annual basis and you

1 developed your own particular client portfolio from scratch.

2 Q.257Right. And you were at that stage, your job description would be public  
3 relations consultant or was there some other name?

4 A. No.

5 Q.258Public Relations consultant. Would you outline briefly the type of work that  
6 you did as a Public Relations consultant?

7 A. I have already resigned from the Public Relations Consultants Association as a  
8 result of my appearance at this Tribunal two and a half years ago, I am sure  
9 anything I say about what public relations consultants do, Mr. Gallagher, I  
10 might have somebody attach me.

11 But public relations consultants are there as, in effect, intermediaries  
12 between a client and in the first instance the media and/or others. It could  
13 well be they are intermediaries between a client and the state or a department  
14 of the state or an agency of the state.

15

16 It does not necessarily always follow that public relations consultants are  
17 trying to sell stories to the media on behalf of their clients. It may well  
18 end up that there is significant contact between the media and the public  
19 relations consultant about a client on a specific issue but the theory is  
20 simple, that is that a client who has a desire for greater publicity or has a  
21 wish to have a problem in relation to existing publicity resolved either  
22 appoints an in-house media consultant, media person, or brings in a public  
23 relations firm to assist. Now, it has developed into crisis management,  
24 strategy management and various other aspects of the business from the time I  
25 was in it, but essentially that is the core characteristics.

26 Q.259Are public relations consultants expected to have, or -- do they sometimes have  
27 access to government departments for example?

28 A. That has developed -- public relations consultants in the past 30 years have  
29 developed into a scenario where most public relations consultants of any name  
30 or worth will now describe themselves as public affairs consultants which

1 incorporates the facility to, which is encompassed in the word "access". In  
2 other words a client will appoint a public relations or public affairs  
3 consultant on the basis of his or her ability to have access into the areas  
4 required, be it the state, government level, ministerial level, estate agency  
5 level.

6 Q.260I take it the greater access a public affairs consultant has at the highest  
7 level of state, government or department the more useful that consultant is.

8 A. Yes.

9 Q.261Did you use your contacts, the contacts you had made in the years when you were  
10 the Press Secretary and Government Information Office, did you use those  
11 contacts to gain access to ministers or departments on behalf of clients?

12 A. The answer is yes.

13 Q.262I take it you were expected to -- you were being paid to do that?

14 A. Correct.

15 Q.263I take it that you were not unique in that sense, that your colleagues and  
16 competitors were also doing the same type of work?

17 A. Yes, in time they did. Very few, if any, at the time would have had the  
18 inclusion in their CVs of having been Assistant Secretary in the public  
19 service.

20 It is not by virtue of the fact that it is just being Assistant Secretary it is  
21 the knowledge of how the public service works that accompanies being an  
22 Assistant Secretary.

23 Q.264You had the added advantage having been Press Secretary to the largest  
24 political party in the country and head of Government Information Services for  
25 a number of years?

26 A. Correct.

27 Q.265That, as it were, was an additional notch to your CV at that time.

28 Did that mean that you had a rather unique access to the public service, to  
29 various departments and to ministers of all hues?

30 A. Well, I think the simple answer to that question is yes certainly from an

1 initial point of view.

2 Q.266Yes.

3 A. If, and by that I mean, I would like to remind you what you said yourself and  
4 what I confirmed, was that I left the public service in 1986 during the period  
5 of a coalition government, Fianna Fail were not in office at the time when I  
6 left, Minister John Boland, may he rest in peace, he was a Minister for  
7 Environment in a coalition government. So, the very fact that I came with a  
8 Fianna Fail pedigree, as it were, but was working for a coalition government  
9 under the aegis of Minister John Boland, would in itself have garnered me some  
10 recommendations among people who would not be looking at me kindly because I  
11 came from a Fianna Fail pedigree.

12 Q.267I see. In fact that was the next question I was going to ask you, details of  
13 pedigree. I take it that you were a Fianna Fail supporter in addition to  
14 having worked for the party?

15 A. Yes.

16 Q.268Now, you continued to work for Murray Consultants up to the end of 1989 at  
17 which time you established your own firm Frank Dunlop & Associates, is that  
18 correct?

19 A. That is correct, initially as a joint venture. The other directors and I  
20 agreed that, however simplistic it may sound now, nonetheless it happens to be  
21 true, that the Chinese walls were being breached, in other words, I might well  
22 have been dealing with a client on one floor of the building and a fellow  
23 director and board member might have been dealing with another client, I know  
24 this happens quite frequently in other professions, but it was getting too  
25 close for comfort in the sense that the clients were raising issues about it.  
26 We decided initially to set up a joint venture company and then subsequently I  
27 bought them out.

28 Q.269Right. After you set up Frank Dunlop & Associates I take it that you  
29 continued to do the same type of work for, presumably, the same core of  
30 clients, is that correct?

1 A. That's correct, yes.

2 Q.270When did you buy out your partners in Frank Dunlop Associates approximately?

3 A. Well, it was a scheduled buy out. I bought -- any of the clients that I had  
4 brought to Murray Consultants by agreement with each one of them they came with  
5 me in the new entity, and by agreement with Murray Consultants we agreed a  
6 scheduled pay out of, I would say, over a period of two/three years.

7 Q.271I see. During that period and the initial two or three years did you continue  
8 to do the same work, the same type of consultancy, public affairs work for your  
9 various clients?

10 A. Yes.

11 Q.272What was your knowledge of the planning process at that stage?

12 A. The reason I am pausing, Mr. Gallagher, is that I just -- to put it in context  
13 I am just thinking was I acting for somebody in the context of the planning  
14 process.  
15 My knowledge of the planning process at the time was, I wouldn't have said it  
16 was detailed, but I would have known the essential elements of what the  
17 planning process entailed. From experience arising out of a case, or perhaps  
18 "case" is the wrong word, but an incident, during the period in the early  
19 seventies when I was the Press Secretary to Fianna Fail, I would have known  
20 that the matters that are now under discussion and investigation or  
21 fact-finding by this Tribunal were then the subject matter of some discussion  
22 and interest and certainly media coverage.

23 Q.273Perhaps I better go back to a question maybe I should have asked earlier.

24 Would you tell the Tribunal what formal education you had and what experience  
25 you had and what training you had, if any, in relation to planning  
26 architecture?

27 A. I have absolutely none.

28 Q.274Okay, I see. So, that in the career that you have described to date you had  
29 no formal or informal training or experience of planning matters?

30 A. None.

1 Q.275 Now, do I understand you to say that as a result of your, I suppose, being  
2 around at the time, you became aware of matters that were in the public domain  
3 in the early 1970s?

4 A. Correct.

5 Q.276 All right. Would you outline -- just outline briefly what those matters were  
6 and the extent to which you were familiar with the details?

7 A. I think we need the pen again, Mr. Gallagher.

8 An incident occurred in the mid 1970s and I was asked by the then leader of  
9 Fianna Fail Jack Lynch to speak to the person concerned, because of the  
10 difficulties that he was experiencing with media queries.

11 I spoke to him in the context of advising him as to how he should deal with the  
12 media queries, or how he should deal with the person. I did not become  
13 involved in any substantive way with the issue in question and the matter  
14 quietened down.

15 Q.277 All right. I take it from your answer that you spoke with an individual at  
16 the request of the then Taoiseach Jack Lynch?

17 A. Yes.

18 Q.278 And you presumably reported back to the Taoiseach?

19 A. I just reported back to him that I had spoken to him and I told this person  
20 what to do. That was the end of it as far as I was concerned.

21 Q.279 Would you just write down the name of that person, please. Can we describe  
22 that -- make that name number 2?

23 A. This was the person --

24 Q.280 That you spoke to.

25 A. Yes.

26

27 (Document handed to the Members of the Tribunal and to

28 Mr. Gallagher)

29

30 Q.281 MR. GALLAGHER: Mr. Dunlop, did you discuss planning matters in any detail

1 with that individual or indeed with anybody else at that time?

2 A. No, it was a straightforward media relations exercise.

3 Q.282I see. Well, now did you have any other experience in the planning context up

4 to the time we are talking about, which would be the early -- the late '80s,

5 the early '90s?

6 A. Sorry, Mr. Gallagher, could you ask me that again?

7 Q.283I just -- you -- put it another way -- you appear to have a fairly

8 comprehensive knowledge of the making of development plans, how the plan is

9 made, the procedures that have to be gone through, the provisions of Part 3 of

10 the Local Government Planning Development Act 1963, as amended, the local

11 requirement for public display etc, etc, we will come to all that in due

12 course.

13 I am trying to establish what knowledge you had of that procedure, what

14 knowledge you had of the provisions of Part 3 of the Act of 1963 at the time we

15 are talking about, i.e. The late 1980s, early 1990s?

16 A. In the late '80s, bearing in mind I was still with Murray Consultants until

17 1989, very little, but as is the case with any particular client, or whichever

18 area it may be, starting from zero, maybe starting from scratch, you have to

19 learn. It is only in the context of actually dealing with particular issues

20 in relation to the development plan that I acquainted myself with the details

21 of the procedures.

22 Q.284Would you tell the Tribunal the circumstances and the reasons and on whose

23 behalf you acquainted yourself with the procedures in relation and issues

24 relating to the development plan and how you, as it were, educated yourself to

25 the procedures and steps that had to be taken, etc?

26 A. There is one issue prior to the development plan.

27 Q.285All right.

28 A. But it does relate to a development plan. Now, can I name this -- can I name

29 people, what do I do here?

30 Q.286Is it a person? Perhaps I will give you a circulation list and you can tell me

1 if that person is on the circulation list before you -- if the person is on the  
2 circulation list the Tribunal would wish to have the person named, is that  
3 correct?

4

5 CHAIRMAN: Yes

6

7 MR. GALLAGHER: Thank you.

8 A. No, the person's name is not on the circulation list.

9 The reason I ask you this question -- sorry, I'm shouldn't be asking questions

10 -- the reason I made the point is that you asked me the question about

11 garnering knowledge about the system.

12 Q.287Yes.

13 A. As you above all people well know that until a plan is made, a development plan

14 is made, in the local authority and County Council in particular any changes to

15 that plan is described as a material contravention of the plan and one such

16 issue arose in late, I was going to say late '89, to be more accurate I would

17 say late 1990 a material contravention of the existing plan.

18 Q.288Right.

19 A. This would be the '83 plan. It relates to a specific development in a specific

20 area, which is now built.

21 A proposal was made to the local authority concerned, which at that time was

22 the larger Dublin County Council. It entailed explaining the nature of the

23 development, identifying the proposals of the development and canvassing and

24 lobbying the elected members in relation to the material contravention which

25 was put to a vote of Dublin County Council and was virtually passed

26 unanimously.

27 Q.289Would you mind writing down for me, please, the development concerned. Would

28 you write number 3 on that please.

29 A. Yes, sorry.

30 Q.290Thank you.

1

2 (Document handed to the Members of the Tribunal and to  
3 Mr. Gallagher)

4

5 Q.291 Now, I am not going to name the development concerned. I will endeavour not  
6 to identify it by the questions I ask and I would hope that you would be able  
7 to succeed in not identifying it also.

8

9 Do I take it that in relation to the planning application, we will describe it  
10 as such, to which you referred you were engaged by the promoters of the project  
11 to act on their behalf?

12 A. Correct.

13 Q.292 Now, you were a planning -- sorry, you were a public relations consultant at  
14 that stage.

15 A. Yes.

16 Q.293 And what precisely were you asked to do in relation to this? First of all  
17 would you confirm for me that a material contravention procedure arises in  
18 circumstances where a planning application, planning permission is sought for a  
19 development which is not in conformity with the existing development plan?

20 A. Correct.

21 Q.294 And that in order to get that application through the planning authority in the  
22 first instance, which would be Dublin County Council, it would be necessary to  
23 have a motion proposed and a procedure gone through where the elected members  
24 would vote in favour of the granting of the permission sought.

25 A. Correct.

26 Q.295 And I think that An Bord Pleanála has the residual power to grant permission  
27 even where the development proposed would contravene the development plan?

28 A. Correct.

29 Q.296 So that procedure then changed in latter legislation, is that right, the  
30 voting, the weighing of the votes changed?

1 A. That's right.

2 Q.297Essentially there was a procedure whereby a majority of the members of the  
3 council could vote to material contravene the development plan?

4 A. A simple majority, yes.

5 Q.298Was that the position that was obtained when you were acting on behalf of your  
6 clients for the development that you have --

7 A. Yes, it was.

8 Q.299-- that you have identified.

9 Now, what did your clients ask you to do for them in the context of that  
10 particular development?

11 A. Well, they -- they asked me to advise them as to the procedure.

12 Q.300Do you mean the procedure in the council, or ...

13 A. Well, let me put it another way then, what would be necessary. Again context  
14 is important, when the process began this entity did not have, what I will  
15 describe as, a professional person who had operated in the construction or  
16 building or property area. And the senior person in the company who was  
17 promoting this called me and asked me, in effect, how one went about it in the  
18 context of the elected members, did one write to them and send them a copy of  
19 your proposal, did one ring them, did one invite them to lunch, drink them,  
20 water them or whatever.

21

22 The essential requirement has always been, Mr. Gallagher, that, and I am sure  
23 this is a matter that will become subject of interest later on, is that unless  
24 the elected representatives in a particular area in which the development is  
25 specified are not in favour of it, or to put it another way unless you have  
26 their support you may well be going nowhere. So, it is an essential  
27 requirement for anything in relation to the local authority development plan,  
28 going back to material contraventions and going back further to Section 4  
29 motions would require the support of the elected representative in the  
30 particular area.

1

2 Essentially, it is not rocket science, I explained to the gentleman concerned  
3 that he would be required, given the location of this proposed development,  
4 that he would have to speak to named individuals and I told him who to speak  
5 to. Again that is not rocket science either, because those names are  
6 published not only as to who the elected members of a particular local  
7 authorities are, but who the elected members of a particular ward are. It is  
8 relatively simple to identify who, in fact, people should be speaking to in the  
9 first instance as distinct from speaking to anybody else.

10 Q.301 I just want to clear up something you said. You said that the entity who  
11 approached you did not have any professional person employed. I take it by  
12 that you mean professional public relations person or professional lobbyist?

13 A. I beg your pardon, I knew I was being a little disingenuous there. I think I  
14 used the word "property", they did not have a person with a professional  
15 background in property, in dealing with property.

16 The person who eventually came on board came from a major property development  
17 entity and is still with the company.

18 Q.302 I see. So, just to be clear on this.

19 You were approached by an individual who had no experience in developing  
20 property, is that what you are saying?

21 A. Correct.

22 Q.303 And that person asked your advice as to how he or she might put together  
23 presumably some form of a team in order to progress a proposed application  
24 which would involve a material contravention, is that correct?

25 A. Correct, not a planning application, it would propose, prepare and propose a  
26 submission to Dublin County Council which would eventually be decided on by a  
27 material contravention.

28 Q.304 That would be somebody who had planning experience, a professional town planner  
29 or architect?

30 A. Yes.

1 Q.305Did you identify a professional town planner or architect?

2 A. No, my role in this particular instance was in relation to advice vis-a-vis in  
3 liaison with the elected representatives.

4 Q.306I see. So, you were approached by the person concerned to advise him or her  
5 on how they should approach the council and the members of the council in  
6 relation to the proposal, is that correct?

7 A. Correct, yes.

8 Q.307And why do you think you were selected, what experience did you have in that at  
9 the time?

10 I am afraid you will have to abandon your natural modesty and tell us what  
11 qualities you had.

12 A. Sorry, Mr. Gallagher, I don't mean -- I am trying to be as cooperative as  
13 possible. I know why you are asking me the question.

14 My belief is that my introduction to the entity was through somebody else, in  
15 other words, I was recommended to the company by somebody else.

16 Q.308Is that somebody whose name appears in that list?

17 A. Yes, it is.

18 Q.309The name is on the list?

19 A. It is, yes. Will I give you the number?

20 Q.310Will you name the person who recommended that you be approached?

21 A. Will I name him?

22 Q.311Yes, please.

23 A. Liam Lawlor.

24 Q.312So as a result, as you understand it, of a recommendation by Liam Lawlor you  
25 were approached by a particular individual?

26 A. Yes.

27 Q.313Had you ever worked for that individual before that time?

28 A. No, never.

29 Q.314Had you ever met him before that time?

30 A. Never.

1 Q.315 And you gave that individual advice and can you outline the advises that you  
2 gave?

3 A. Well, yes, I mean without -- I will keep this list in front of me -- without  
4 going into the actual details of who I --

5 Q.316 Yes, indeed.

6 A. What I said to him was I prepared a number of lists for him. The one in the  
7 first instance was that in the area in which the development was being proposed  
8 that those people were the essential people that he would have to convince as  
9 to the necessity or requirement of this proposal. And they were cross party  
10 obviously, because in each particular area it is not made up of only one  
11 political party, there were various elected representatives, that was required  
12 and this was something this man had never done before.

13

14 He had -- he had I had heard -- he had not heard of any of them before except  
15 one. He was somewhat reluctant to speak to this particular individual, not  
16 from any residual antipathy on his part to the individual, but I mean at that  
17 particular time that individual had a particular point on the political  
18 spectrum, which was not exactly something that you would expect this individual  
19 to be identifying with.

20 But he took my advice and he went and spoke to the person. The person became a  
21 very enthusiastic supporter of the development, publicly so, not in any private  
22 or secret way, publicly, spoke about it in public, identified himself with it  
23 in public.

24

25 To give expression or give concrete evidence as to what the people were  
26 proposing, what this proposal entailed, it was necessary to show them, you  
27 know, an example and there was not an example in Ireland at the time. So,  
28 this gentleman for whom I was working identified one and we invited, through me  
29 invited, if my memory serves me right, all of Dublin County Council to travel  
30 with us to this particular location. In the event I think something of the

1 order of 20, 22, again this is not something that I have paid very much  
2 attention to in recent times, the numbers maybe slightly wrong, but it was  
3 certainly in the order of 20, travelled with us and were given a full days tour  
4 and insight into what this was about. They came back and they voted for it.

5 Q.317 Who told you about the mechanics of getting the proposal through?

6 I mean somebody had presumably told you, read about it, somebody told you, how  
7 did you find out what had to be done to get the material contravention through?

8 A. I think that was a conversation of -- I don't think it is any particular one  
9 thing I certainly tried to educate myself about. I more than likely -- I  
10 cannot say with absolute certitude -- I spoke to various people including  
11 people who may well be on this list.

12 It is not something that I went to the library and took a book out about, it is  
13 not something I said, "Well, look, this is a person I need to speak to because  
14 he has to be the professor of planning", or whatever.

15

16 It was something as a result of a number of influences, and bearing in mind  
17 that the political associations that I had had, that I had had, came into play,  
18 because some of the people who were on Dublin County Council were known to me.

19 Q.318 I see. Through Mr. Lawlor? Was Mr. Lawlor known to you prior to that time?

20 A. He was, yes.

21 Q.319 Was he well known to you?

22 A. Oh, yes, absolutely.

23 Q.320 Had he been a deputy at the time when you were serving as Fianna Fail Press

24 Secretary? I am not asking you to give precise dates.

25 A. I think he became a deputy in 1977, in the election of 1977, but I think he had  
26 made various -- he was certainly a substantive, substantial figure.

27 He was a person who was, I think the phrase is in political circles, he was  
28 knocking on the door for some time, I am not sure whether he had stood for  
29 election prior to that, I am not sure whether he was a member of Dublin County  
30 Council. I know he was elected in 1977, I knew him before 1977, I had met him

1 on the circuit.

2 Q.321I take it that you met him on a reasonably regular basis in Dail Eireann while

3 you served as --

4 A. Subsequently, yes, very regularly.

5 Q.322Did he ever put other work your way prior to that time that you are aware of?

6 A. Well the answer is yes. I mean the answer will be yes in the context of that

7 question being asked to me in view of the matters that are sub -- related to

8 this module obviously.

9 Q.323Well, I just want to identify in chronological order, if I can, the matters

10 with which you became involved which related to planning.

11 A. Yes.

12 Q.324Whether they are characteristic or not, I am trying to establish what your

13 knowledge was and how that knowledge was acquired over a period.

14 A. Yes.

15 Q.325My understanding from what you told me was, that the name of the place that you

16 wrote down for us, was the first involvement that you had with anything of a

17 planning material contravention nature?

18 A. To the best of my recollection.

19 Q.326Now, did you travel abroad with the elected members of South Dublin County

20 Council on that occasion?

21 A. Yes, I did.

22 Q.327And how long did that trip last approximately?

23 A. One day.

24 Q.328I take it that there was a convivial atmosphere?

25 A. Very.

26 Q.329I take it that they were guests and were treated appropriately.

27 A. Yes.

28 Q.330That meant that their tickets were provided for.

29 A. If my recollection is correct, again I hasten to add this is subject to

30 absolute clarification, but my recollection is that the office of the person

1 for whom I was working I gave -- I provided the list.

2 Q.331 Yes.

3 A. And the air tickets -- the tickets, yes, the tickets were bought, sorry about

4 that, the tickets were bought.

5 Q.332 And were they treated to meals and drink?

6 A. Yes, my recollection is that we left in the morning, we arrived, there were a

7 number of cars to meet us and we were driven to the place.

8 We were given a presentation by the general manager or managing director of the

9 particular entity.

10 We were entertained to lunch, buffet lunch. We then went around various parts

11 of the project and we then went to a local hotel for dinner.

12 Q.333 I see. Did you return then that evening?

13 A. We returned that evening, yes.

14 Q.334 And I take it that your client footed the bill for all of this.

15 A. The answer to that is yes, but the mechanics of -- I am not absolutely certain

16 of the mechanics, but the answer is yes.

17 Q.335 This was not something that councillors paid for out of their own pockets, is

18 that correct?

19 A. No, no.

20 Q.336 Do I take it that in the course of this trip or before or perhaps after it you

21 made personal contact with all of the councillors who travelled on that trip?

22 A. Yes.

23 Q.337 Would you have known them on a first named basis?

24 A. Some of them, yes, definitely. I am trying to recollect the names now, some

25 of them are still in place, still members of the Dublin County Council or

26 various aspects of the Dublin County Council, some of them have gone to higher

27 things and some of them have died.

28 Q.338 Would this -- can you recall whether you paid initially for any of the

29 entertainment or for the travel on that occasion, or was that all left to your

30 client, in other words --

1 A. To the best of my recollection that was all done by the client.

2 Q.339 All right. Now, what happened to that application, was it successful?

3 A. Yes.

4 Q.340 I see. What was your next involvement then with a planning type of matter,  
5 planning related matter?

6 A. We are now into a period, Mr. Gallagher, where there was quite a significant  
7 number of developments beginning, because the development plan was, was in the  
8 offing at this stage and the revision of the 1983 development plan was  
9 significantly overrun.

10 Q.341 Yes.

11 A. There was quite a significant amount of comment publicly about it from  
12 professional organisations, from the construction industry, from house  
13 builders, from the government, so chronologically a number of them arose in  
14 around '91, in fact, yes '91, the beginning of '91 and through '91.  
15 To revert to the previous entity, if my recollection again is correct and it is  
16 not something I have paid much attention to again because it has never arisen,  
17 is that there were a number of issues that had to be dealt with through the  
18 planning process, the material contravention was passed, again if my  
19 recollection is correct, it was 55 votes to one in favour.

20

21 I think a number of specific planning issues arose that had to be dealt with.  
22 They were dealt with then by the professional entity that had been appointed to  
23 the company that I spoke about earlier. There would have been on-going  
24 discussions with me about continuing relations with elected representatives.  
25 It is inevitable in these circumstances, and as will be discovered throughout  
26 our conversations, that clients develop relations with the elected members on  
27 their own accord subsequent to their initial introduction it is inevitable, it  
28 always happens.

29

30 An added inevitability is that the facilitator, or the consultant, or whoever

1 he or she may be, becomes somewhat redundant.

2 Q.342 Well, I take it that in this case you were the facilitator, you were the  
3 conduit, you were the go-between, as it were.

4 A. Yes.

5 Q.343 And I take it that that was your only role, when I say "only role" I am  
6 distinguishing the role public relations person, lobbyist, call it what you  
7 will, from the role of architect or engineer or other professional.

8 A. Correct.

9 Q.344 Your role was solely to liaise, to advise your client and to liaise with  
10 politicians.

11 A. Correct.

12 Q.345 Did that mean that you consulted with more -- contacted more than the 22  
13 individuals, 22 or thereabouts, councillors who had travelled aboard with you  
14 and your client?

15 A. Yes, we contacted every single member of the council and it was a matter of  
16 policy, sorry, I shouldn't say matter of policy, it was a matter of  
17 practicality that one would do that, notwithstanding the fact that one probably  
18 knew in advance what the attitude was going to be.

19 Q.346 Now, do I take it that you made contact with each councillor individually?

20 A. Yes, again subject to my correct recollection, there were meetings arranged in  
21 the offices of the proposers, the proposing entity. Those meetings would have  
22 been arranged by me, there were lunch meetings. If I am not mistaken there  
23 were probably collective presentations, in other words, there would have been  
24 more than one councillor present for the presentation.

25

26 Going back to the original point, this starting with the people who in the  
27 local area who would either support or reject it, as it turned out the people  
28 in the local area were by and large very much in favour of it.

29

30 CHAIRMAN: Perhaps on that note we might rise for lunch. We will sit again

1 at 10 past two. Thank you.

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4 THE TRIBUNAL THEN ADJOURNED FOR LUNCH

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1 THE TRIBUNAL RESUMED AS FOLLOWS AFTER LUNCH:

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3 MR. GALLAGHER: Mr. Dunlop, please.

4

5 Q.347Mr. Dunlop, before lunch you were telling the Tribunal about your initial

6 involvement in a planning related matter in County Dublin. And my

7 understanding is that you spoke with, contacted all or virtually all of the

8 councillors in Dublin in relation to that proposal; is that correct?

9 A. That's correct, yes.

10 Q.348And as a result of that and arising from your earlier involvement in the broad

11 political picture, you knew many of the councillors in Dublin at that time?

12 A. Yes.

13 Q.349Did any councillor ask you for monies or did you offer any monies to any

14 councillor at that time in connection with that particular material

15 contravention?

16 A. No.

17 Q.350I take it that you regarded the work that you did for that particular client in

18 that particular matter as being very successful?

19 A. Yes.

20 Q.351And I take it that your client was happy with the results that was achieved?

21 A. Yes.

22 Q.352To what extent did you think you had contributed to the successful conclusion

23 in the obtaining of a granting of a permission from the councillors, at least

24 obtaining a decision to materially contravention the Development Plan from the

25 council?

26 A. Well, I am -- I played a role and none of these things happen, Mr. Gallagher,

27 except as part of a team, there is a team, team effort and there are various

28 component parts and there is preparations of documentation, preparations of

29 submissions, there are town planners, there are legal entities, there are

30 architectural inputs.

1 Q.353 Yes.

2 A. And unless, unless all of those are in sync or that they are complimentary to  
3 one another, these things don't really happen, notwithstanding anybody's view  
4 to the contrary, you don't go trying to sell something that doesn't have the  
5 necessary background professional input on the basis of either submission,  
6 preparation, getting down to detail about the element of job creation or the  
7 support it might or might not have from the relevant state agency like the then  
8 IDA, or what. So, my role was, having gathered all of these component elements  
9 together, to present it to the elected representatives as something that was  
10 worthy of voting for.

11 Q.354 You were a member of a team?

12 A. Yes.

13 Q.355 And your function and role in that team was to communicate with and to lobby  
14 elected members of Dublin County Council to obtain their support for the  
15 proposal?

16 A. Yes.

17 Q.356 And to persuade them that the proposal was worthy of support and was such that  
18 should -- for which they should contravention materially the County Development  
19 Plan?

20 A. Correct, but I was not alone in that. I mean, the other elements of the team,  
21 for example, the proposer, the company that was proposing it itself, the senior  
22 partner in that company was very involved in the -- in the presentation of  
23 material, in meeting the elected representatives in explanation --

24 Q.357 I am sure, but you I take it were the leader in that particular area, you were  
25 the PR, the lobbyist, the person with the PR experience?

26 A. Yes.

27 Q.358 And the support that you got from your employer, really, was to -- by way of  
28 back-up obviously?

29 A. Yes. But the status of the employer as well, the status of the entity was  
30 important.

1 Q.359Of course.

2 A. Yeah.

3 Q.360But your role was to communicate with and liaise with councillors at that time?

4 A. Yes.

5 Q.361And you did that?

6 A. Yes.

7 Q.362And you did it very successfully?

8 A. Yes.

9 Q.363And I take it that you felt yourself that you had contributed significantly to

10 the successful outcome so far as your client was concerned?

11 A. Yes.

12 Q.364And had you learned something of the planning process and the way the

13 councillors approached proposals for material contravention etc?

14 A. Yes.

15 Q.365And you say that you were not asked for or did not offer or pay any monies in

16 connection with that development to any councillor or official?

17 A. No.

18 Q.366Can you tell the Tribunal about the next involvement you had as a lobbyist with

19 Dublin County Council in the planning context?

20 A. I think I said to you before lunch, Mr. Gallagher, in the period beginning '91,

21 if I was to take it absolutely chronologically, I would have to say that the

22 next issue on the agenda or the list would have been Paisley Park. And matters

23 in relation to Paisley Park and the proposal or the submission in relation to

24 Paisley Park regarding its proposed zoning for uses other than as existed in

25 the 1983 plan which was agriculture.

26 Q.367I don't want to get too involved in the detail of Paisley Park just for the

27 moment because I want you, first of all if you would please explain what you

28 meant when you said that there was a system in operation in Dublin County

29 Council whereby an excess of councillors Fianna Fáil, Fine Gael and certain

30 independents proffered their support in terms of signing motions for

1 consideration during the course of the Development Plan, and in terms of  
2 support by votes from the chamber in return for cash?

3 A. That is my statement you are reading from.

4 Q.368 Indeed, yes. So, now you say that there was a system in operation and I would  
5 like you to tell the Tribunal about the system before we get involved who went  
6 to the Paisley Park proposals?

7 A. Well, the system was such that contrary to what people understood was the legal  
8 position vis-a-vis reserved functions, such as the Development Plan, that there  
9 was a whip on. In other words, the legal position, as people understood it,  
10 was that because it was a reserve function, a whip could not be exercised.  
11 That was always a moot point with political parties representatives in Dublin  
12 County Council, but notwithstanding that there was a whip on. So, in other  
13 words, a particular development would be discussed by each of the political  
14 parties prior to that particular submission -- sorry, that particular motion  
15 being discussed, debated and adjudicated on in Dublin County Council. Another  
16 element of the system was that it didn't always necessarily follow that if a  
17 particular councillor of whatever political designation was in favour of  
18 something, that all of these or her colleagues would follow suit.

19  
20 The third element of the system was akin to what I have outlined to you earlier  
21 this morning in relation to the necessity to make progress was to have the  
22 local councillors in the geographic area as part of the positive element. In  
23 other words, that they would be supportive of the system -- would be -- support  
24 the motion. Also because it was known among the parties in Dublin County  
25 Council who, in fact, would be culturally in favour of development and who  
26 would not be in favour of development, a cross party system developed to ensure  
27 that the relevant numbers were obtained and we are still talking, because it is  
28 Development Plan, which is a reserve function, we are still talking about  
29 simple majorities. We are not talking about material contraventions or the new  
30 system was applied after a regulation was implemented saying that 75 percent

1 was required -- 75 percent of the membership, not 75 percent of the presence of  
2 those attending.

3

4 Quite a significant number of councillors in the preparation of the 1991-93  
5 Development Plan which became statutorily the Development Plan and I mention  
6 the '93 plan solely because that was the period it was adjudicated and debated  
7 on, quite a significant number of those members, for those members this was  
8 their first Development Plan. They had not been members of Dublin County  
9 Council during the course of the adjudication of the 1983 plan. Quite a  
10 significant number of them would have been elected in the 1985 local elections.  
11 Notwithstanding that fact there were people in Dublin County Council who were  
12 able to discuss proposals for development for zoning with members of an  
13 opposition -- with members of another party. And I suppose the fifth element  
14 of the system that am alluding to is that it is to this day, I believe, I  
15 presume I should say rather than I believe, but it was then and I presume still  
16 is the case that unless there is cross-party support in relation to a given  
17 proposal, it is extremely difficult for that particular proposal to proceed for  
18 the simple reason that the numbers do not exist if one particular party alone  
19 is making the proposal and there is no guarantee of cross-party support then it  
20 would fail, so therefore there is a requirement for cross-party support.

21

22 The important factor in the context of the system or the elements that I have  
23 outlined is probably the fact that a significant number of the councillors  
24 during the course of the discussion and debate on the '91-'93 plan were not  
25 members of the previous council and had not had the experience of the 1983  
26 Development Plan. Now, there will be significant exceptions to that. And some  
27 of the significant exceptions will be people who will -- are on your  
28 circulation list. How much further do you wish me to go, Mr. Gallagher? Have  
29 I answered your question?

30 Q.369 Well, as I understand your answer, you have indicated a number of matters that

1 were to be found or to show that there was a system and they include the fact  
2 that there was a party whip system required that you would, correct me if I  
3 misstate anything you have indicated, that you would require to have support  
4 from some local councillors, local in the sense that they would be councillors  
5 for the area in which the property would be located, that you would have to get  
6 cross-party support, that there was an awareness that certain councillors were  
7 favourably disposed towards development and would be likely to support a  
8 project, and that if cross-party support was not forthcoming, and this may be  
9 particularly so in more recent times, that the proposal would not be carried.  
10 Now, you haven't mentioned anything about the system requiring or involving the  
11 payment of monies to councillors.

12 A. That is why I asked you how much further would you like me to go.

13 Q.370I would like you to deal with that because you did say in your statement that  
14 the system in operation which covered Fianna Fáil, Fine Gael and certain  
15 independents was a system where these councillors proffered their support for  
16 consideration. Now, by that I understand you to say that they were offering,  
17 actively offering their support for consideration, by consideration I take it  
18 that you meant money or monies worth?

19 A. I wouldn't like to disagree with you, Mr. Gallagher, but what I said is "A  
20 system was in operation whereby an excess of councillors Fianna Fail, Fine Gael  
21 and certain independents proffered their support in terms of signing motions  
22 for consideration during the course of the Development Plan." In other words,  
23 they were proving their support for the signing of the motions that would, as  
24 it were, get -- not, as it were, would get the matter considered, would get it  
25 to the agenda. The word 'consideration' there is not -- I go on to say,  
26 however, that "In return for cash and the money was requested." Yes, that is  
27 correct. There were a number of councillors who -- and let me put this in two  
28 ways -- who, one, actively proffered themselves as signatories for motions for  
29 the purpose of getting the motion to the agenda, in other words getting to the  
30 ball, you couldn't get to the ball unless you had the invitation and the

1 invitation was the motion so you could put in as many submissions as you like  
2 for consideration but if you didn't get a motion which transferred itself on to  
3 the agenda, you didn't get to dance, so these people were proving themselves as  
4 signatories of the motion. Or alternatively, and this is the second part of  
5 it, when approached to sign the motion for the purpose of getting to the agenda  
6 for consideration during the course of the Development Plan, they asked for  
7 money.

8 Q.371 You have told us of your first involvement in a planning context in County  
9 Dublin, and you have told us that no monies were asked for or were offered, or  
10 paid in that particular context, and you have told us that a system operated,  
11 and you have described that system. How did you learn about the system, from  
12 whom, and at what time approximately in terms of what year did you learn about  
13 the system?

14 A. I would -- I learnt about the system in the context directly of the Development  
15 Plan. In the context of dealing with Dublin County Council there was a  
16 remark -- sorry, in the context of dealing with Dublin County councillors in  
17 the context of the previous issue that we have spoken about in which I said no  
18 money was asked for and no money was given, a remark was passed to me by a  
19 senior councillor in the council to the effect that how did I think I was going  
20 to get this particular item through without his involvement. I explained to  
21 him that, you know, first of all, he was a member of Dublin County Council but  
22 he was from an area which was 20, if not more, miles away from the area and  
23 that in this particular instance all of the local councillors virtually without  
24 exception were in favour. He subsequently was introduced to the proposer and  
25 to my knowledge voted for it. I mention that remark solely in the context of  
26 the question that you asked me about when did I become aware.

27

28 In the context of the Development Plan --

29 Q.372 Can I ask you to pause there for a moment? Is the person who asked you how you  
30 expected to get the proposal through without his support named in that list?

1 A. No. The person is deceased.

2 Q.373 Would you mind writing his name down please and perhaps we can give that page a  
3 number, I think it is probably number four.

4

5 That councillor is a councillor who, as you said, resided some considerable  
6 distance from the lands which were the subject of the motion. Do you say that  
7 as a result of that conversation you became aware that it was necessary or  
8 desirable or it was being suggested that you should do something in terms of  
9 obtaining support of councillors?

10 A. No, I don't say that. I say that I mentioned the remark to you in the context  
11 because it is not a question of suddenly discovering on day X that this was a  
12 system that was in place that you knew nothing about, this was something that  
13 when we come to the Development Plan along the lines that I have outlined to  
14 you, where people were offering themselves and where people were asking that it  
15 was made known to me that monies would be required. Equally, it is not that  
16 people were living on another planet, we had significant media stories about  
17 alleged payments in Dublin County Council, some of which were more specific  
18 than others, none of whom ever named anybody and I refer to your opening  
19 statement, Mr. Gallagher, which I have read in relation to what the Garda  
20 Inquiry said in relation to -- that was conducted -- a number of Garda  
21 inquiries that were conducted into alleged corruption in Dublin County Council,  
22 and I think it was the last one in the report the officer concerned said that,  
23 you know, there are two parties involved in this and unless one of them speaks  
24 out, the truth will never be established. And of course while some of the  
25 media reports -- because of the legal position, some of the media reports were  
26 based on off-the-record comments, there were significant stories in relation to  
27 what might or might not be happening in Dublin County Council. As well as  
28 that, and I am making this point too so that nothing -- these things didn't  
29 happen in isolation, I am just trying to epitomise it by saying that a comment  
30 by one councillor "It will cost you "arises and -- so it was a period at which

1 you, whatever speculative position you were coming from or whatever suspicion  
2 you might have, it was a period in which this became more and more concrete in  
3 the sense that people were offering themselves for your -- as signatories for  
4 motions that you might have or were asking for money for such signatories, or  
5 support.

6

7 There was a point I wanted to make, as we progress it didn't apply solely to  
8 signatories. Signatures were important in the context, using the analogy that  
9 I used already, in getting to the ball, it wasn't just solely that matter, it  
10 was solely -- it was also issues relating to the actual support that would be  
11 required in the given circumstances of a report.

12 Q.374 Do you say that you became aware of a system where monies were being sought  
13 because you were asked by somebody, or you were told -- you were asked for  
14 money or you were told by somebody it will cost you?

15 A. I didn't become aware. I don't want to quibble, Mr. Gallagher. I didn't  
16 become aware, these were series of events that took place culminating in some  
17 of those remarks being made to me.

18 Q.375 Can you tell the Tribunal where, by whom and in what circumstances you were  
19 first asked for money, or you were told that it would cost you, and if the  
20 request or the observation -- the request came from or the observation is made  
21 by somebody who is not on the list, you might please write down the name?

22 A. In a particular case in relation to particular development which we have  
23 mentioned already, but I understand you want to deal with it --

24 Q.376 Yes.

25 A. Sorry --

26 Q.377 Yes, go on?

27 A. In the context of particular development, I mean a statement was made to me by  
28 a proposer, by the owner of the land that he had already dealt with  
29 councillors, and named one in particular.

30 Q.378 Now, you are talking about Paisley Park?

1 A. Yes.

2 Q.379I don't want to go to Paisley Park for the moment. I want to try to find out

3 whether or not you were aware that there was a system in place before you

4 started to work for Mr. Kennedy and for others in relation to Paisley Park.

5 A. Well, the truthful answer to that is yes, I was.

6 Q.380The question that follows is when and how did you come aware that such a system

7 was in place? Had you been asked for? Had you paid money up to that stage?

8 A. Up to that stage no, I had not. But the reason I prefaced my remarks a few

9 moments ago by the circumstances is the truth, there were some significant

10 discussion, debate, public debate about what was going on in Dublin County

11 Council. There was one particular individual who had been the subject of some

12 media investigation and he and I were quite friendly.

13 Q.381Is that somebody on that list?

14 A. Yes, number ten.

15 Q.382You can name the person on the list?

16 A. Yeah, Liam Lawlor.

17 Q.383And what do you say you were told?

18 A. Well I am not saying that I was told anything in particular, and I am being

19 very -- you know I am very conscious of the fact, the status of my evidence so

20 I want to be very careful about what I said. I mean, I cannot specifically say

21 to you that on a given day at a given time Deputy Lawlor, as he then was, said

22 X or Y to me in relation to what would or would not be necessary. But there is

23 no doubt in my mind that I knew and I knew because of a combination of

24 circumstances, not least of which were that Deputy Lawlor and I would have

25 alluded to the necessity, requirement or demand for money.

26 Q.384You say that you were aware that there was a system in place and that this

27 involved a whip system in place by -- put in place by parties or carried

28 through by parties. What parties are you referring to?

29 A. Well, certainly there was a whip system in Fianna Fáil. There is absolutely no

30 question or doubt about it. Do you want me to go down through the other

1 political parties?

2 Q.385Yes.

3 A. I think the attitude in Fine Gael was slightly more benign. They would take  
4 the view of the local councillor in a particular instance, unless there was a  
5 glaring or blatant contradiction as to what they were doing. The Labour Party  
6 voted for nothing, absolutely nothing. The --

7 Q.386Did that mean there was a --

8 A. Well, I have no evidence to suggest that the whip was in operation in the  
9 Labour Party in the negative. In other words, in everything that came forward,  
10 you don't vote for it. Let me put it another way to you: That it is my  
11 experience that you would rarely, rarely achieve any success with members of  
12 the Labour Party. Going forward to propose them -- propose to them the  
13 possibility of their support for a development, no matter how legitimate and no  
14 matter how noteworthy or beneficial it might be. They were independent  
15 obviously by virtue of the fact they were independents, they operate  
16 independently so therefore a whip didn't apply. As time moved on, there was an  
17 increase in the number of political entities, political parties, and they too,  
18 I cannot say whether they operated a whip system because in the vast majority  
19 of instances, they would vote in the negative.

20 Q.387Can you tell the Tribunal the first occasion on which you were asked for money  
21 or the first occasion when you were told that it will cost you or words to that  
22 effect?

23 A. Well the phrase that it will cost you I can absolutely tell you who asked me  
24 that -- who said that to me and in relation to which particular development.  
25 Whether or not it was the first time, I cannot absolutely say that to you but I  
26 can tell you said it. Who said it to me and in relation to what. And his name  
27 is on the list.

28 Q.388At number?

29 A. Number 11.

30 Q.389Yes. Who is that?

1 A. Can I say it?

2 Q.390Yes.

3 A. John Gilbride, it is down here otherwise known as Sean Gilbride. And it relate  
4 to the Quarryvale development.

5 Q.391I see. That was not the next development with which you were --

6 A. No.

7 Q.392-- involved, after the one that you mentioned. Now, you have said that you  
8 were confronted with a system that money was requested, and my understanding  
9 from what you have said is that you moved from the material contravention  
10 matter on to deal with Paisley Park, is that the situation?

11 A. That is correct, yes.

12 Q.393Does it follow, therefore, that up to that time you had not been asked for  
13 money or had not been confronted by somebody who said that you have to -- "it  
14 will cost you", or that you had not paid money to any person at that stage; is  
15 that correct?

16 A. That is correct.

17 Q.394I will come to Paisley Park in a few moments but I just want to deal with the  
18 balance of the introduction to your statement. In your introduction you have  
19 dealt with the matters in general terms that we have been dealing with so far  
20 in your evidence and you then went to say as follows: "I list below the  
21 payments made to each politician, the circumstances in which the payment was or  
22 were made, the form of the payments, why the payments was/were made and the  
23 association between such payments or motions and/or votes in the Development  
24 Plan Dublin County Council 1991/1993 and thereafter where applicable.  
25 Throughout this document, the inclusion of an asterisk beside a particular  
26 development denotes that monies were given to me with regard to that  
27 development in the full knowledge that payment to councillors were required to  
28 achieve support. In many cases, the payments which I made to councillors were  
29 made at a time when elections, whether local or general, were in the offing.  
30 Unless otherwise indicated in respect of any particular payment, the fact of an

1 upcoming election was a helpful coincidence for myself and the councillors in  
2 question and facilitated the making of the payment for their support using the  
3 guise of election contribution."  
4

5 The first question I wanted to ask you arising from that, and indeed in  
6 relation to the entirety of your statement which was dated 9/10/2000, is  
7 whether you tell this Tribunal that to the best of your knowledge and belief  
8 everything you have stated in that statement is true and accurate

9 A. Absolutely.

10 Q.395 Do you stand over everything you say in that statement?

11 A. Absolutely.

12 Q.396 I will at a later stage come to deal with evidence you have already given, I  
13 want to deal with your statement. You are standing over your statement and  
14 everything that is contained in it?

15 A. Yes, I am.

16 Q.397 You are standing over everything you have said in this statement in relation to  
17 Paisley Park and individuals have you named in relation to Paisley Park?

18 A. Yes.

19 Q.398 Do you stand over everything you said and confirm the truth of everything you  
20 said in relation to the Jackson Way lands and to the adjoining lands known as  
21 the O'Halloran Kilcoyne Darragh lands and in relation to the south eastern  
22 motorway?

23 A. Yes.

24 Q.399 Which formed part of your statement?

25 A. Yes.

26 Q.400 I will in due course come to the statements made by councillors and politicians  
27 you have named and are you aware, of course, that they have denied that they  
28 have got money in general terms, they have got money for any improper or  
29 corrupt motive.

30 A. Yes, I am so aware, yes.

1 Q.401I want to turn to deal with the lands known as Paisley Park lands and the  
2 Carrickmines lands also known as the Jackson Way lands. Before I get into the  
3 statement in detail, I just want to establish from you and get confirmation  
4 from you that at the time you were contacted by Mr. Caldwell in 1991, 17th  
5 January 1991, you have made in your statement, that you had but one experience  
6 of planning in Dublin County and that was the experience you have told us  
7 about, the material contravention matter?

8 A. Correct.

9 Q.402And at that stage you hadn't been asked for and hadn't paid any money to  
10 anybody?

11 A. Correct.

12 Q.403Is that correct?

13 A. Absolutely.

14 Q.404Do I understand you correctly to say though that it was your understanding at  
15 that time, though you hadn't had direct experience of it, that a system was in  
16 operation which required you to get the support of councillors in the manner  
17 you have described and that you being aware that such a system was in place  
18 decided to operate that system?

19 A. Correct.

20 Q.405In your statement you say that "Paisley Park refers to a body of land in  
21 Carrickmines Valley. In January 1991 I received a telephone call from a  
22 Mr. John Caldwell. Mr. Caldwell came to see me on 17th January 1991. The  
23 meeting concerned lands in Carrickmines. Mr. Caldwell told me about Paisley  
24 Park and asked me to go to Mr. James Kennedy. I called to basement of  
25 Mr. Kennedy's amusement arcade on Westmoreland Street shortly after my meeting  
26 with Mr. Caldwell. This was the first time I met Mr. Kennedy.

27

28 Mr. Kennedy informed me that there was going to be a proposal to rezone Paisley  
29 Park. At that time he didn't specifically identify who owned Paisley Park.  
30 Subsequently Mr. Kennedy informed me that Paisley Park was an Isle of Man

1 company and that he was the beneficial owner thereof. Mr. Kennedy informed me  
2 that he was aware the rezoning would cost money. I recall discussing this with  
3 Mr. Kennedy and after some discussion a figure of £25,000 was agreed between  
4 us. I believe I may have sought a sum of £50,000. Mr. Kennedy said he had  
5 been through the process before. He told me he already had been involvement  
6 with Mr. Hand. At a subsequent meeting in the arcade on Westmoreland Street,  
7 Mr. Kennedy gave me a sum of money. To the best of my belief, he gave me a sum  
8 of £25,000 in cash. Mr. Kennedy gave me this money on the understanding that  
9 money would be used to ensure that councillors would support and vote for  
10 Paisley Park."

11

12 Now I want to pause there. We already have evidence in relation to the  
13 location and the characteristics of the Paisley Park/Jackson Way lands. Did  
14 you ever walk the lands or visit the lands? You know where they are obviously.

15 A. I know where they are from the map. I've never been there.

16 Q.406 You have never been there?

17 A. No.

18 Q.407 Had you known Mr. John Caldwell before he telephoned you on 19th -- on 17th  
19 January 1991?

20 A. I don't believe so, no.

21 Q.408 Can you recall what he said to you in the course of that telephone  
22 conversation?

23 A. Well, I think the telephone call was to -- sorry, for pausing, I just needed to  
24 think a moment there, Mr. Gallagher. I think the telephone call was to meet  
25 for -- to set up a meeting. He wanted to discuss something with me and then we  
26 met and spoke to me as is outlined, as I have outlined there in my statement.

27 Q.409 Did he introduce himself and say, "I am John Caldwell, I am a solicitor, I am  
28 Binchy & Partners"?

29 A. Yes, he did.

30 Q.410 How did he?

1 A. Yes, he did.

2 Q.411 You had never spoken to him before, to the best of your recollection?

3 A. To the best of my recollection and the reason I am using that phrase is an

4 attempt to be as co-operative as possible but I mean to the best of my

5 recollection no, I hadn't met him. The only time I have ever dealt with

6 Mr. Caldwell was in relation to Paisley Park, another development, number two,

7 that is the second issue. Another development, a requirement by Binchy's

8 solicitors who were involved in some international law conference in Dublin and

9 wanted advice about complicity, and fourthly, Mr. Caldwell introduced me to a

10 UK-based client who was interested in doing something in Ireland which entailed

11 a proposal to Government.

12

13 They are the only matters that I ever dealt with Mr. Caldwell, apart from

14 subsequently, a long time after, when it became evident that the ownership of

15 the lands in question, formerly known as Paisley Park and thereafter known as

16 Jackson Way Properties Limited, the ownership was a matter for debate or public

17 inquiry, and I was approached by a journalist in relation to the ownership

18 which culminated in my meeting with Mr. Caldwell who arrived in -- at Dublin

19 airport and came to a hostelry near where I live and I advised him to meet this

20 journalist, which he subsequently did in my office, and which the meeting

21 resulted in a story to the effect that Mr. Caldwell was presenting himself as

22 the owner of the particular lands.

23 Q.412 I am sure Charlie Bird will forgive me I ask you if Mr. Bird was the journalist

24 in question?

25 A. Yes, indeed he was.

26 Q.413 You said four dealings, as I understand it, with Mr. Caldwell?

27 A. Yes.

28 Q.414 One was in relation to the Paisley Park contact?

29 A. Correct.

30 Q.415 The second was in relation to another parcel of land, we will deal with that

1 another time. The third was in relation to some public relations work for

2 Binchy's?

3 A. Yes.

4 Q.416 In the context of some legal conference and the fourth was in the context of an

5 introduction of an English client to you for -- as a potential, as a client who

6 needed the assistance of a public relations person. What I want to know is to

7 the best of your recollection and belief, had you met Mr. Caldwell in

8 connection with any one of those three matters, any one or more of those three

9 matters, before you met him in context of Paisley Park lands?

10 A. To the best of my recollection no, I had not met him in connection with those

11 lands prior to that.

12 Q.417 Had you met him at all in connection?

13 A. Again, to the best of my recollection, the answer is no, other than to say it

14 is possible that I met him in company with others or socially or otherwise, I

15 don't know. I don't recollect. I am conscious of the fact that a proposal in

16 relation to the rezoning of Paisley Park is based on a submission, has to be

17 based on a submission, I was not involved in the preparation of that

18 submission, I was not a member of a team. That submission for the purpose of

19 getting a motion signed and required to get to the agenda would have had to

20 have been prepared and submitted by a given date far in advance of the actual

21 motion ever being considered so I --.

22 Q.418 I appreciate that.

23 A. But I was not I was not involved with him in that.

24 Q.419 We will come to that, but I just wanted to put to you that you have entries in

25 your diary indicating, well entries with the name John Caldwell, can I have

26 1123, please? That appears to be John Caldwell?

27 A. Yes.

28 Q.420 For the Wednesday, 11th April 1990; isn't that right?

29 A. Yes. It is deleted.

30 Q.421 Yes, it is deleted. If you go on to page 1124?

1 A. Yes.

2 Q.422 You see Wednesday, 18th April, a week later, John Caldwell 9 a.m.?

3 A. Yes.

4 Q.423 Can you explain that?

5 A. No, I am afraid I can't, Mr. Gallagher, and I was conscious of this matter

6 having reviewed my diaries, but I cannot give you an explanation for that, I am

7 sorry.

8 Q.424 How fix the 19th -- sorry the 17th January 1991 as being the date on which you

9 first met Mr. Caldwell?

10 A. I have fixed that date on the basis of a number of matters; in relation to,

11 one, my diary notwithstanding there is an earlier entry in my diary. The next

12 item is the time-frame within the context of the Development Plan in relation

13 to Paisley Park and again, to repeat to you, the next item is to the very very,

14 very best of my recollection I never had any previous dealings with

15 Mr. Caldwell whatsoever. I am quite willing and prepared to be told that there

16 was a meeting about something or other if that is the case, but to the best of

17 my recollection, I did not.

18 Q.425 Can I have page number 1201, please? That is your diary for the 17th

19 January 1991, which suggests that you had a meeting with John Caldwell. I

20 presume when it says 6 o'clock, John Caldwell that means are you meeting him at

21 that time; is my assumption correct?

22 A. Yes, your assumption is probably correct.

23 Q.426 At the top of the page have you telephone number for John Caldwell?

24 A. Correct.

25 Q.427 Do you rely on that entry to assist you in fixing the date on which

26 Mr. Caldwell came to see to discuss the Paisley Park matter?

27 A. Yes, I do, as well as the timeframe and the context of the Development Plan.

28 Q.428 Well, the timeframe for the making of the Development Plan was one which

29 stretched from the late 1980s, late 1987 to the end of 1993, that is fairly

30 broad span, I wonder how you identify this specific date apart from the entry

1 in your diary, how you fix it in the context of Development Plan review?

2 A. Well, I fix it in my mind in the context of the only other development or  
3 matter relating to Dublin County Council that I ever dealt with was in relation  
4 to the matter we discussed just before lunch and again after lunch and then the  
5 number of issues that came forward to be dealt with in the course of 1991 in  
6 relation to the Development Plan.

7 Q.429I should say in fairness to you that Mr. Caldwell has indicated that he met you  
8 before your involvement in Paisley Park, Mr. Caldwell's diary shows he met you  
9 in December 1990 -- sorry December 1989 and he doesn't believe that that  
10 meeting related to Paisley Park?

11 A. Well, I have to say that I have no recollection of ever discussing anything  
12 with Mr. Caldwell other than the matters that I have alluded to, and within the  
13 timeframe that I have alluded to. As I say, I am quite happy if he -- I have  
14 seen Mr. Caldwell's statement and it gives me no reason whatsoever to change in  
15 any way what I have said in my own statement. If Mr. Caldwell is prepared to  
16 say what the meeting was about, it may be of help in my recollection, but I  
17 mean as far as I am concerned, these are the issues on which I dealt with Mr.  
18 Caldwell.

19 Q.430Can you remember where you met Mr. Caldwell on that occasion, 17th  
20 January 1991?

21 A. Well, he came to see me, I think is what I say in my statement.

22 Q.431Does that mean that there was a meeting in your office?

23 A. Yes. Mr. Caldwell came to see me on 17th January 1991, yes, in my office.

24 Q.432Can you recall that discussion with Mr. Caldwell?

25 A. Well, Mr. Caldwell told me in broad terms that there was a body of land in  
26 Carrickmines known as Paisley Park, that there was going to be or there was --  
27 the Development Plan was in process, that there would be an attempt to have the  
28 lands rezoned for another purpose other than what was outlined in the  
29 development -- the existing Development Plan, and that the land was in the  
30 ownership of Mr. Kennedy and would I go and see Mr. Kennedy. He gave me the

1 address of Mr. Kennedy and a telephone number for Mr. Kennedy. I subsequently  
2 rang Mr. Kennedy, made an appointment with him and went to see him.

3 Q.433Did Mr. Caldwell tell you what qualities he had identified or Mr. Kennedy had  
4 identified in you that led him to believe that you could assist him and/or Mr.  
5 Kennedy in securing the rezoning of the lands?

6 A. No, he didn't.

7 Q.434Did you ask him?

8 A. No, I didn't.

9 Q.435Did it not occur to you to say well surely this is matter for a planner, or an  
10 architect, I know nothing about planning?

11 A. No, it didn't. This was potential client, Mr. Gallagher, and you know I didn't  
12 say, you know, go somewhere else and it wasn't going to cost me anything to  
13 talk to Mr. Kennedy or to anybody else for that matter in relation to it.

14 Q.436Did he tell you exactly what kind of public relations work or lobbying work he  
15 would -- Mr. Kennedy would require you to do?

16 A. No, he was -- in broad terms he said there would be a requirement to deal with  
17 the matter with local elected representatives.

18 Q.437So at that stage you knew that Mr. Kennedy was seeking your help because he  
19 believed that you would be an intermediary or an agent who would make contact  
20 with local representatives on behalf of owners of the lands in their attempts  
21 to have the lands rezoned?

22 A. Yes.

23 Q.438You say you went to see Mr. Kennedy some short time afterwards, after the  
24 meeting with Mr. Caldwell. Yes, you say shortly after my meeting with  
25 Mr. Caldwell you went to see Mr. Kennedy. Can you tell us about that meeting,  
26 please?

27 A. I was given the telephone number or the contact number for Mr. Kennedy by  
28 Mr. Caldwell. I went -- I made the contact, made the appointment. I went to,  
29 I think it is correctly entitled The Amusement Arcade in Westmoreland Street.  
30 I was -- there is -- I was going to say security kiosk, I am sure that is the

1 correct word but there is some controlling kiosk, there is a lady or gentlemen  
2 in a glass kiosk and I think this is the person who gives monies for -- changes  
3 monies for playing in machines that are around the building, around the arcade  
4 and this person either rang down or went to a door at the side of the kiosk and  
5 that is a steel door or an iron door, I am not qualified to adjudicate whether  
6 it was iron or steel, but one or the other. That door had a security lock on  
7 it or was opened up from inside and you proceeded downstairs to the basement.  
8 That is why I described it as a basement and that is where I met Mr. Kennedy.

9 Q.439 Can you describe the accommodation in the basement that you saw?

10 A. Yes. The accommodation consists of a kitchen, nicely presented kitchen, and a  
11 dining area with a dining suite, table and chairs, sideboard, whatever you call  
12 them, and there was, if my memory serves me correctly, there was a room to the  
13 right as you came down to the bottom of the stairs which I subsequently  
14 discovered was some sort of strong room or where a lot of documentation was  
15 held, or in which there was a safe. And they are the only rooms in the  
16 basement building that I have ever been in.

17 Q.440 Had you ever met Mr. Kennedy before this?

18 A. I didn't even know who Mr. Kennedy was.

19 Q.441 What did he tell you about himself when you met?

20 A. Well, he spoke about Paisley Park. He spoke about the amount of land. I think  
21 he told me, I just have a vague recollection of this, he told me about when he  
22 bought -- you know, when he bought it, which to the best of my recollection was  
23 something in the order of, you know, anything up to ten years previously. I  
24 would not be held responsible for the accuracy of that but in context of which  
25 we were talking about he said he had land. It was called Paisley Park which  
26 just by virtue of the very name of it I found strange, Paisley Park, it seemed  
27 to be an odd name given the personality of somebody else of that name in  
28 politics. He told me -- left me in no doubt at that initial meeting that this  
29 was his land. He told me something about himself. He told me that -- I think  
30 he told me that he had -- he either lived in Lucan or had a house in Lucan. I

1 think he told me that he had been in the pub trade. He either had a bar, had a  
2 pub or a number of pubs. It was evident to me that he -- while I didn't ask  
3 him it was evident to me that he wasn't a Dubliner, he was from down the  
4 country. And he went on to discuss the matter in the terms that I have  
5 outlined in my statement in relation to having the lands rezoned, how it would  
6 be done, what would be required and that he had had a previous involvement with  
7 a councillor and he named the councillor.

8 Q.442Is that Councillor Tom Hand?

9 A. Yes.

10 Q.443When you say you discussed what would be required, who raised what would be  
11 required and what discussion took place in that context?

12 A. Well, Mr. Kennedy left me with the very distinct impression that his knowledge  
13 of what would be required was based on conversations that he had had with a  
14 member of Dublin County Council, and that that person -- it was going to be  
15 difficult to get this job done and that that person, that person's help would  
16 be required and would be of assistance in trying to achieve the desired result.  
17 It struck me then and has always stayed with me, Mr. Gallagher, that  
18 Mr. Kennedy was an extremely knowledgeable man technically in relation to  
19 matters, not specifically relating to zoning but in relation to the  
20 infrastructure required to ensure that a planner or planners or officials  
21 and/or councillors would assess the value or otherwise of a proposal. He  
22 discussed the question of access. And I think that was the general tone of the  
23 conversation.

24 Q.444You have said that he told you that -- sorry, he left you with the very  
25 distinct impression that his knowledge of what would be required was based on  
26 conversations he had with a member of Dublin County Council?

27 A. What he said was two things. One, that he had previous dealings with a member  
28 of Dublin County Council, and two, that another identified member of Dublin  
29 County Council had been very helpful and would be very helpful.

30 Q.445What did he tell you would be required? I don't understand words 'what would

1 be required' mean --

2 A. Sorry, I beg your pardon, I thought were you continuing on.

3 Q.446No, no. Sorry, you used those words certainly in the course of your oral

4 evidence, I can't recall whether you used those precise words.

5 A. Whether -- no, I used the words. His presentation of the matter to me was that

6 he knew that more matters had to be dealt with during the course of the

7 Development Plan for rezoning purposes, that councillors would either require

8 or would need to be paid in relation to their support. And in that context he

9 mentioned a councillor that he had had previous dealings with.

10 Q.447That is Councillor Tom Hand?

11 A. Yes.

12 Q.448You said in your statement that "Mr. Kennedy informed me that he was aware that

13 rezoning would cost money"?

14 A. Yes.

15 Q.449Now, that is what I take it you are talking about?

16 A. Yes.

17 Q.450When you are saying he knew what had to be done, as a result of that

18 conversation, were you aware that money would have to be paid to councillors?

19 A. As a result of that conversation, yes, I was.

20 Q.451And did you discuss what his previous dealings with Councillor Tom Hand had

21 been?

22 A. He, to the best of my recollection, he told me that he had an involvement with

23 Councillor Tom Hand where money had been sought, where money had been given and

24 where extra money was sought.

25 Q.452So when you talk about being sought, being given and extra being sought are you

26 saying it was sought by Councillor Tom Hand?

27 A. Yes.

28 Q.453It was paid to Councillor Tom Hand to Mr. Kennedy and Councillor Hand came back

29 looking for money more?

30 A. Correct.

1 Q.454Mr. Kennedy told you this had been his experience?

2 A. Yes, correct.

3 Q.455In relation to --

4 A. Nothing whatsoever to do with Paisley Park.

5 Q.456So Mr. Kennedy in a sense was setting the scene for you. He was telling you

6 what you were going to encounter, is that right?

7 A. Correct.

8 Q.457What did he say about Mr. Lawlor having been helpful in the past and about

9 hopefully being helpful in the future?

10 A. Well, he kept referring to Mr. Lawlor as Liam. I mean it wasn't a question of

11 Deputy Lawlor or Councillor Lawlor, it was Liam.

12 Q.458Right.

13 A. Liam would be -- had been very helpful and would be very helpful and I took

14 this to mean in the context of my knowledge of the then Deputy Lawlor, that he

15 was, he would be outlining out to this gentlemen who had this body of land who

16 required it to be rezoned for one purpose or another that Mr. Lawlor would be

17 telling him the required steps that were necessary to bring it to the stage

18 where it could or could not be.

19 Q.459I am afraid I am just don't quite understand what you are saying. If we can

20 just keep it simple please, for me? Was he telling you that Councillor Lawlor,

21 Deputy Lawlor was going to help him in a technical way on the submitting of the

22 rezoning proposal or was he telling him that he would use his influence with

23 the County Council to secure support, or what was he telling --

24 A. No, my apologies if I was a bit convoluted. What my understanding of what he

25 was saying was that Liam Lawlor was, had been very helpful and would be very

26 helpful in relation to what was required to bring the matter to the point, by

27 that I mean getting motions required -- getting the motion, getting to the

28 agenda, getting there and getting it voted upon. I understand -- I understood

29 it also to mean that in the context of technical matters that discussions would

30 have taken place between Mr. Kennedy and Mr. Lawlor in relation to the

1 availability of particular services like access and/or sewers, foul and  
2 otherwise.

3 Q.460Did he tell you the detail of those discussions?

4 A. No, he didn't.

5 Q.461Involved or?

6 A. No, he didn't. He said that Liam had been helpful and would be very helpful.

7 Q.462But this, as I understand it, was at a time, although you have mentioned 10

8 years, this was within perhaps three years or so of Mr. Kennedy, as we

9 understand it, becoming involved in those lands and no application had been

10 made to rezone those lands at this stage?

11 A. Well, I wasn't aware -- I wasn't aware of what -- I had no knowledge whatsoever

12 other than the meeting with Mr. Caldwell and then the then meeting with

13 Mr. Kennedy I had no knowledge whatsoever what the history of these lands were

14 at all. I didn't know whether any application had ever been made in relation

15 to these lands, planning, zoning or otherwise.

16 Q.463Did you ask Mr. Kennedy how Deputy Lawlor had been of assistance in the past?

17 A. No, I didn't ask that specific question, but my understanding of the phrase

18 that he used in relation to Liam being helpful was in the context of telling

19 him what would be required in the course of a Development Plan, to all intents

20 and purposes I took it that Mr. Kennedy had never had anything to do with a

21 Development Plan prior to that point.

22 Q.464Did he indicate to you when he was speaking about the late Councillor Hand and

23 monies that had been allegedly paid to him the lands in respect of which he was

24 interested or involved at that time, he did?

25 A. No, he didn't.

26 Q.465He did not?

27 A. No, I should not say he did not, he may have done, Mr. Gallagher, but I mean

28 I -- it meant absolutely nothing to me.

29 Q.466Right.

30 A. I took from it that it related to a planning application as distinct from

1 anything to do with rezoning.

2 Q.467 What did Mr. Kennedy tell you about access to the lands?

3 A. Other than to say that there was an agricultural access to the land. There

4 was -- I hesitate to put words in anyone's mouth, I think he said there was a

5 gateway, an agricultural gateway. That the lands were being used for

6 agriculture, it was becoming increasingly difficult to continue with the lands

7 on an agricultural basis, but that obviously the planners in relation to any

8 zoning attempt would require assurances in relation to access and other

9 infrastructure like sewers.

10 Q.468 Did you establish from him how it was proposed to get access to those lands?

11 A. No. No, I didn't at that stage.

12 Q.469 Did you at any stage?

13 A. Well subsequently that issue arose subsequently in another context which I

14 don't want to prejudice at this stage, but at that stage I don't believe I did.

15 Q.470 I see. You knew at this stage, still in the basement of Westmoreland Street

16 that Mr. Kennedy expected that you would pay money on his behalf to councillors

17 to secure their support for rezoning, is that correct?

18 A. Correct.

19 Q.471 And then I take it that you discussed how much?

20 A. I think we had a discussion, a business discussion, yes.

21 Q.472 Right. Well, I take it in this business discussion, you were hoping that you

22 were going to be -- receive some remuneration for your efforts?

23 A. Absolutely.

24 Q.473 How were you going to be paid?

25 A. Well, it was going to come out of the same amount.

26 Q.474 How much were you going to get out of this amount?

27 A. Well, it depended on what the requirements were in relation to zoning.

28 Q.475 Indeed. You say that you believe you may have sought a figure of £50,000 and

29 then accepted £25,000 with a promise that you would be paid £100,000 if you

30 succeeded?

1 A. Yes.

2 Q.476 What made you think that you were going to be -- going to have money left out  
3 of the £20,000, in other words that you wouldn't be out-of-pocket?

4 A. I suppose I was going to make sure I wasn't, but I mean I don't know what  
5 rationality I brought to it. But I mean that is what was discussed and that is  
6 what we agreed and including the success fee and that was it as far as I was  
7 concerned.

8 Q.477 You mentioned the Garda reports earlier that I quoted in my opening where they  
9 talked about bribery and corruption and the difficulty in proving bribery and  
10 corruption, where there at least two parties involved both equally guilty. Are  
11 you telling the Tribunal that Mr. Kennedy employed you to go forth to bribe  
12 councillors in order to secure the rezoning of the Paisley Park lands?

13 A. Mr. Kennedy gave me the money in his own words knowing that this could only be  
14 done by getting councillors on side arising from his experience which I have  
15 already alluded to in the context of a named councillor.

16 Q.478 Well, perhaps it is unwise to get into semantics but I take it what he was  
17 saying to you or what you were agreeing to do was to go forth and speak to  
18 councillors and to pay them to support the rezoning?

19 A. Yes, I think that is what I have said in this box heretofore, Mr. Gallagher, on  
20 another occasion.

21 Q.479 Did you see anything wrong with that at that time, Mr. Dunlop?

22 A. My honest answer to that question, Mr. Gallagher, is that on reflection I am  
23 surprised that I didn't but I obviously didn't and how truthful do you want me  
24 to do?

25 Q.480 Completely truthful.

26 A. I obviously didn't find it -- didn't find it odd or anything else, or whatever  
27 word you like to use. In effect, as subsequent events proved, it became  
28 something that was common practice.

29 Q.481 Well it may or may not be common practice but so far as you are concerned, this  
30 is something that never happened before, you were a young man recently had set

1 up a business?

2 A. Yes.

3 Q.482And you were involving yourself willingly in a process which involved going

4 forth from Westmoreland Street with money?

5 A. Yes.

6 Q.483Or agreeing to go forth to pay money to councillors to buy their votes?

7 A. Yes, I freely absolutely and honestly admit that.

8 Q.484Do you say that Mr. Kennedy had no doubt whatever about what you were doing?

9 A. None whatsoever.

10 Q.485That he employed you to do that?

11 A. Absolutely, none whatsoever.

12 Q.486Did you discuss with him on that occasion, this is the first meeting you had

13 with him, on that occasion the councillors you would approach, how much you

14 would be likely to have to pay them or generally the tactics that would have to

15 be employed to make contact with them and secure their support?

16 A. No. The only named people in that conversation were the two that I have

17 alluded to already.

18 Q.487That is?

19 A. Councillor Tom Hand.

20 Q.488Who is deceased and Deputy Liam Lawlor, is that right?

21 A. Yes.

22 Q.489Did you speak at that stage about what assistance, if any, Deputy Lawlor might

23 be able to offer you? You were, according to what you tell us, a novice at

24 this matter.

25 A. No, we didn't discuss what I would discuss with Liam Lawlor. It is palpably

26 obvious to me the discussions had already taken place between Mr. Kennedy and

27 Deputy Lawlor, as he was at that time, but we didn't discuss how I would deal

28 with the matter with anybody, Deputy Lawlor or otherwise, no.

29 Q.490I am trying to visualise the situation that obtained at that time. Here you

30 were, a young man who had set up in business, who had been very, very

1 successful in your career to that time, and you are taking on a job of going  
2 out to soliciting support for this particular project, the merits of which you  
3 knew nothing about, the merits or demerits of which you knew nothing about, you  
4 didn't know where the lands were?

5 A. The particular merits I did.

6 Q.491 Absolutely, but you didn't know whether the lands were suitable or not  
7 suitable?

8 A. Yes.

9 Q.492 You were depending on what Mr. Kennedy was telling you?

10 A. Yes, I was depending on what Mr. Kennedy was telling me and I did allude  
11 earlier on to what I -- subject to being reminded of what the words I actually  
12 said, but I mean I did allude to my distinct impression that Mr. Kennedy was  
13 very technically aware of what would be required, including in relation to, as  
14 I said, access, other infrastructure, including roads.

15 Q.493 Right.

16 A. Proposed roads.

17 Q.494 In your mind, as you were speaking to Mr. Kennedy, did you have any idea about  
18 who and how you were going to approach councillors, who you were going to  
19 approach and how were you going to approach them in order to obtain their  
20 support?

21 A. Well, going back to the principle that I established with you earlier on or not  
22 established with you, I mentioned to you earlier on in relation to the  
23 advisability of getting people in the local area to become involved or to sign  
24 particular motions to get to the agenda, in my mind -- yes, in my mind I would  
25 have been wondering how this process was going to proceed. How were we go to  
26 do it? Who were the people involved? Was it -- were we going to get support?  
27 My understanding from Mr. Kennedy was that, and I am virtually certain he did  
28 not give me a copy at that stage -- my understanding from him was that some  
29 form of submission had been made or was -- or was about to be made in relation  
30 to the lands, who prepared this submission, I don't know, or didn't know then.

1 But in the context of getting the support required, the main issue would have  
2 been a desire on my part to find out who we were going to get to move this  
3 forward. And there was no point in actually thinking about it for very long  
4 unless you could get it forward, unless you could actually get a motion signed  
5 and get it on to the agenda which was the basic requirement.

6 Q.495As I understand your statement, you reached agreement that you would be paid  
7 £25,000 with a £100 bonus at the end, sorry, £100,000 in the event of the lands  
8 being rezoned. My understanding is that no money was paid to you on that  
9 occasion?

10 A. To the best of my recollection no, I called back on a subsequent occasion.

11 Q.496Would you try to fix for the Tribunal the date or approximate date on which you  
12 first met Mr. Kennedy?

13 A. I would need to think about that, but I -- is there not a diary reference?

14 Q.497There certainly isn't a diary entry, I think, for January or February, it is  
15 much later I believe?

16 A. January, February of?

17 Q.4981991. Perhaps you would look and perhaps we can -- we will be dealing with  
18 this on Tuesday, perhaps you might look it up in the meantime.

19 A. Yes.

20 Q.499And your original diaries are here if you wish to see him immediately after the  
21 hearing?

22 A. Okay.

23 Q.500Now you left Mr. Kennedy's premises after that first meeting. Can you tell the  
24 Tribunal what happened after that, what you did and what contacts you made with  
25 Mr. Kennedy or others or did you do anything until you got the money from him?

26 A. In the intervening period between the first meeting and getting the money?

27 Q.501Yes.

28 A. I don't recollect my doing anything in particular. I may well have had  
29 conversation with somebody whose advice I thought might be valuable on that  
30 occasion but I cannot accurately and honestly say to you that I did do. But I

1 may have done but I am not prepared to speculate. Subsequent to the payment of  
2 the money, I just began to discuss the matter with various councillors on the  
3 basis that if this was to go forward, it would require a motion and therefore  
4 would require signatures.

5 Q.502 Can you tell us whether you spoke to any of the councillors who are on the  
6 circulation list at that time, and if so would you name them please?

7 A. Yes.

8 Q.503 Can you remember the first councillor, for example, you spoke to after you met  
9 Mr. Kennedy?

10 A. Well, I have to be extremely forthright here, I think probably the first  
11 councillor I did speak to was Liam Lawlor.

12 Q.504 Right.

13 A. Subsequent to that, I would have in a structured way decided who it was --  
14 whose signatures we would require if the appropriate motion, together with the  
15 map, was to proceed.

16 Q.505 Would you tell us then about your conversation with Liam Lawlor?

17 A. Very difficult to replicate every conversation I had --

18 Q.506 I appreciate that.

19 A. -- with any particular gentlemen but I mean it would certainly not have been  
20 about the weather. It would have been about how we were going to proceed, how  
21 I -- sorry, I, not we, how I was going to proceed with this matter and the  
22 desirability of getting signatures. I do not have a recollection of talking to  
23 a great many people in the lead up to getting the signatures for the motion,  
24 which was the main exercise. And bearing in mind what I have said to you in  
25 relation to get somebody or people who were of the local area, in the local  
26 area. Now, I want to refer back to a point that I made in relation to the  
27 facility of certain councillors offering themselves as signatories to motions  
28 and combined with the objective of getting somebody in the local area to sign  
29 it, which ultimately culminated in the signatures that are on the motion, one  
30 of whom is in the local area the other which was outside it but not too far

1 away.

2 Q.507Who is in the area? Which councillor is in the area who signed the motion?

3 A. Councillor Donal Lydon.

4 Q.508Who is councillor outside the area?

5 A. Councillor Tom Hand.

6 Q.509All right. Sorry, I interrupted you?

7 A. Yes. To the best of my ability, I was trying to replicate, you asked me the  
8 question what events took place in the intervening period between meeting Mr.  
9 Kennedy and getting the money and then you asked me what took place afterwards,  
10 what happened after that. What happened after that was most of the attention  
11 and effort would have been in achieving the signatories to the motion to allow  
12 the motion to go to the agenda. Once that was done and the map attached,  
13 outlined in red, and also signed, then the invitation to be on the agenda  
14 appeared, and it was published in the agenda that was circulated, would be  
15 circulated to various people.

16 Q.510We are moving ahead slightly?

17 A. Yes.

18 Q.511To go back to the meeting with Mr. Kennedy for a moment. Did he tell you in  
19 the course of that meeting that the manager of Dublin County Council had  
20 recommended that these lands should be rezoned, that he recommended to the  
21 councillors that these lands should be rezoned?

22 A. Well, I want to be very careful here, Mr. Gallagher, I am now aware of certain  
23 things that have happened in the confines of this Tribunal in relation to that.  
24 I have no recollection whatever of being told that that was the case. I never  
25 saw any document to that effect and there is -- I have no residual memory of  
26 ever having been told by Mr. Kennedy that the manager had so recommended.

27 Q.512Do you now know that the manager had so recommended at a meeting on 18th  
28 October 1990 and that subsequently that proposal was not -- did not find favour  
29 with the councillors at that time and did not appear in the Draft Development  
30 Plan in the form recommended by the county manager?

1 A. Yes, I now so know that, yes.

2 Q.513 You now know that. I was asking you about your contact with Deputy Liam Lawlor

3 was the first person you appear to have contacted after you spoke to

4 Mr. Kennedy about this matter. I take it that you would have spoken to

5 Mr. Lawlor about the work that you had agreed to undertake on behalf of Jim

6 Kennedy?

7 A. Yes.

8 Q.514 Did Mr. Lawlor know that you had seen Mr. Kennedy?

9 A. Oh, I think so, yes. Sorry, I shouldn't say I think so, yes, I am absolutely

10 certain that he had.

11 Q.515 Did he discuss what would be required in terms of making representations or

12 having motions put down in Dublin County Council to have the lands rezoned?

13 A. Yes.

14 Q.516 Did you discuss any councillors during the course of that meeting?

15 A. I -- the important aspect of who would sign the motion was the foremost issue

16 that had to be dealt with. And I would have taken advice from Deputy Lawlor on

17 that.

18 Q.517 What advice did Deputy Lawlor give you in that regard?

19 A. Well, the advice that was applicable in all such motions that the most

20 important thing was to get local people, local people to sign the motion

21 preferably on a cross-party basis.

22 Q.518 I find it difficult to visualise this meeting where you talking in such vague

23 and nebulous terms.

24 A. No, I am sorry if I am giving the impression that is vague. I mean it is a

25 discussion that takes place, we are saying well, look, I either -- I need to

26 get this motion signed to get to the dance.

27 Q.519 Yes?

28 A. Continuing my analogy. If I don't have this motion signed, well therefore

29 nothing happens so therefore we need to get it signed so who are we going to

30 get to sign this motion and we look at the list of the locally elected

1 representatives.

2 Q.520 Yes, and?

3 A. In relation to the particular area and this is where I -- bearing in mind what

4 I said to you earlier they want to be extremely careful about attributing

5 remarks to people ten years ago which do not come to the forefront of my mind

6 that easily, but obviously a discussion took place and I went about my business

7 and I got the signatories.

8 Q.521 Does it follow that whilst you cannot remember the exact words that were spoken

9 at that meeting, that you reached agreement on the persons who should be

10 approached?

11 A. Yes is the answer to that.

12 Q.522 It seems logical that given the task that you had taken on that you would go to

13 Mr. Lawlor to discuss that task and discuss what assistance he might be able to

14 give or what advice he might be able to give?

15 A. Again, Mr. Gallagher, I don't want to be unhelpful, did I say I went to

16 Mr. Lawlor? I think a meeting took place with Mr. Lawlor.

17 Q.523 All right.

18 A. I have already said in my statement that I became aware, Mr. Kennedy told me

19 that the reason I got the call in relation to this whole thing was because of

20 some recommendation that he made.

21 Q.524 Well, I apologise if I misstated?

22 A. I am not being pedantic, I just want to make sure. I am freely telling you

23 that in the context of the timing and in the context of my knowledge and in the

24 context of my association and friendship with Deputy Liam Lawlor, and because

25 of the introduction that obviously had been made, and because of the remarks

26 that were made to me by Mr. Kennedy in relation to advice and help that

27 Mr. Lawlor was going to give and had given already, that I had a discussion

28 with Mr. Lawlor which resulted in the motion being signed. Now, may I add one

29 further matter?

30 Q.525 Please do.

1 A. I can -- I cannot tell you whether I approached anybody else to sign the motion  
2 and whether I was refused or not. This is a matter which I have thought about  
3 very hard and I cannot recollect approaching anybody else other than the  
4 signatories. And the reason I am saying that to you is because of the value  
5 and status of the signatory because in some instances the signatory carried a  
6 certain status, and that if people saw that a particular councillor signed a  
7 motion they might be more willing or pay more attention to the fact that this  
8 was something that was good to support. Whereas, if somebody else signed the  
9 motion they might say well sure that is par for the course, he would sign  
10 anything, and it might be a negative in relation to the proposal no matter how  
11 valuable the proposal was, again bearing in mind the objective of the exercise  
12 was to get on the agenda.

13 Q.526I know that the motion to which you refer, that is the motion signed by  
14 Councillor Don Lydon and Tom Hand, was submitted on 4th May of 1992?

15 A. Correct.

16 Q.527Now, we are talking about a period from essentially January/February presumably  
17 early, certainly some months before the 4th May 1992. You had spoken to Deputy  
18 Lawlor and you have indicated that there was a certain status; certain people  
19 carried a certain status over and above the status that others might have. I  
20 take it that is status within a party, or council?

21 A. Both.

22 Q.528In terms of status, who would carry the greatest status on the list of  
23 councillors you have before you as you understood matters at that time?

24 A. As I understood matters at that time, I can tell you the status in retrospect  
25 but at that time well any of the following, number two.

26 Q.529That is Don Lydon?

27 A. Yeah. Number four.

28 Q.530Olivia Mitchell?

29 A. Yes. Number 14?

30 Q.53114, Betty Coffey.

1 A. Yes. Number 21.

2 Q.532 Tony Fox?

3 A. Yes. Number 31.

4 Q.533 Liam Cosgrave?

5 A. And thereafter not in any particular order.

6 Q.534 Perhaps for the record it might be better that I put in the names of the

7 councillors on the circulation list. I might just mention them now at this

8 stage lest I forget it at a later stage.

9

10 I should stress that the fact that somebody is on the circulation list does not

11 necessarily mean that there is any allegation or anything of that made against

12 them. They are people who have made statements and who will appear in due

13 course before the Tribunal.

14

15 The councillors are Councillor Don Lydon, Councillor Olivia Mitchell,

16 Councillor Charles O'Connor, Colm McGrath, Liam Lawlor, John Gilbride, Betty

17 Coffey, Tony Fox, Cyril Gallagher, deceased, Tom Hand, deceased, Jack Larkin

18 deceased, John O'Halloran, Laurence Butler, Therese Ridge, Liam Cosgrave.

19

20 CHAIRMAN: Mr. Gallagher, we are coming up to 4 o'clock if you want to

21 complete a topic you are welcome to continue on, or do you want to break now?

22

23 MR. GALLAGHER: I think it might be best --

24

25 CHAIRMAN: 10.30 Tuesday morning.

26

27

28 THE TRIBUNAL ADJOURNED UNTIL TUESDAY,

29 17TH DECEMBER 2002 AT 10:30 AM.

30

