

THE TRIBUNAL RESUMED AS FOLLOWS ON THURSDAY,

13TH MARCH 2008, AT 10:30 A.M:

CHAIRMAN: Good morning Mr. O'Neill.

MR. O'NEILL: Good morning, Chairman, Members of the Tribunal.

Mr. Tim Collins, please, if you come forward to the witness box.

MR. CUSH: Good morning, Members of the Tribunal. I appear on behalf of the witness scheduled to give evidence today. And just before Mr. Collins takes the witness stand, I might just raise one small matter that I don't think will interrupt or inconvenience the Tribunal in any way.

Just I think approximately at half past ten we were furnished with a transcript of an interview given in private to the Tribunal, which in a large part concerned an aspect of a transaction which was raised in correspondence with us within the last week. And all I want to do for the moment is, just given the shortness of time, is reserve our position in relation to that.

If it was a matter on which the witness was in a position to give detailed evidence to the Tribunal, I would actually be asking for an adjournment given the shortness of time. Given that the thrust of his evidence is that he is unfamiliar with any aspect with that part of the transaction, it's difficult to see how he is prejudiced by seeing the material at all.

But in fairness to him, he for example has only looked at it in the last ten or fifteen minutes or so. If at some point a matter of detail is being raised with the witness, it may be that I will come back to the Tribunal in relation to that.

10:52:41 1 CHAIRMAN: Okay. You can raise the matter again if a difficulty arises.

2

3

MR. CUSH: Thank you, Mr. Chairman.

4

10:52:48 5 MR. O'NEILL: Mr. Collins, please.

6

7

MR. TIMOTHY COLLINS, HAVING BEEN SWORN, WAS QUESTIONED BY

8

MR. O'NEILL AS FOLLOWS:

9

10:53:17 10 CHAIRMAN: Good morning, Mr. Collins.

11 A. Good morning.

12

13 CHAIRMAN: We are aware of the fact that you are not in the best of health, so

14 if -- our normal practice would be to break at about half eleven or a quarter

10:53:32 15 to twelve for a short break.

16 A. I appreciate that, Chairman, thank you.

17

18 CHAIRMAN: And we will certainly break at that time. If you need a break

19 before that, at any time, if you want to step down for any period of time

10:53:46 20 before that or even after the break, please tell me and we'll ...

21 A. Thank you, Chair.

22

23 CHAIRMAN: All right.

24

10:53:53 25 Q. 1 MR. O'NEILL: Good morning, Mr. Collins.

26 You have already given evidence to the Tribunal in other modules of the

27 Tribunal's inquiry. And I think you are familiar with the fact that documents

28 will be shown to you on the screen in front of you --

29 A. Yeah.

10:54:07 30 Q. 2 -- as well as on the large screen which we see at the end of the hall.

10:54:11 1 Mr. Collins, in the year 1992, you may be aware that a cheque was written by a
2 firm of stockbrokers, J&E Davy in favour of Mr. Bertie Ahern in the sum of
3 5,000 pounds. That cheque being dated the 11th of November 1992. You will see
4 it on screen now at page 25331. And if you could just turn that, please.

10:54:40 5
6 That cheque, as you see, Mr. Collins, J&E Davy's who you may know to be a firm
7 of stockbrokers, and the cheque is in the sum of 5,000 pounds and it's written
8 in favour of Mr. Ahern and dated the 11th of November of 1992. I think in
9 relation to that date, you may be able to confirm to us that, that is the
10:55:04 10 period during which there was the lead up to the 1992 General Election, isn't
11 that so?

12 A. That's correct.

13 Q. 3 And I would ask to you look now at document 26366, which is a document which
14 accompanied the last document, that is the cheque. And it is a compliments
10:55:22 15 slip from Davy Stockbrokers. It reads "Bertie, best of luck in the election
16 Robbie K" and Mr. Ahern has identified the person there as being Mr. Robbie
17 Kelleher, then of Davy Stockbrokers.

18
19 That cheque and its compliments slip, Mr. Collins, would appear to indicate
10:55:46 20 that this was intended as a contribution towards the General Election expenses
21 that were being incurred by Fianna Fail at the time, isn't that so?

22 A. That's right, yeah.

23 Q. 4 And I think that in anticipation of and in order to facilitate the financing of
24 the election, accounts were opened by Fianna Fail Dublin Central constituency
10:56:11 25 for that election, are you aware of that?

26 A. That's right, yes.

27 Q. 5 If we a could look at page 26823. This is a photocopy of a document which
28 expresses itself to be a transaction report on an account number 11554-065.
29 And what we see here is "Fianna Fail election account, current account".

10:56:45 30 A. Uh-huh.

10:56:45 1 Q. 6 And the address "St. Luke's, 161 Lower Drumcondra Road". And it starts with an
2 opening balance which is 700 pounds.
3 A. Uh-huh.
4 Q. 7 And a somewhat indistinct I think 13th of November 1992 on the left-hand margin
10:57:04 5 of that. Are you familiar with that account number 11554-065, Mr. Collins?
6 A. I'm not quite sure. I was the secretary of the election in '89 and '92. What
7 year is that, 92?
8 Q. 8 That is 1992.
9 A. Yeah.
10:57:29 10 Q. 9 This is an account which was opened on the 13th of November 1992.
11 A. Yeah.
12 Q. 10 Two days after the Davy's cheque was written and at a time when I think you
13 agreed, preparations were in hand for the General Election which was to take
14 place polling day some weeks later, isn't that right?
10:57:47 15 A. Yeah well I was secretary of the election account in '92.
16 Q. 11 Yes.
17 A. Yeah.
18 Q. 12 Well this particular document that you see on screen here doesn't contain any
19 reference to you, isn't that right?
10:57:59 20 A. That's correct, yeah.
21 Q. 13 Do you understand this to be an election account which was opened by the Dublin
22 Central constituency?
23 A. Well that's what it states on it there.
24 Q. 14 Well it doesn't in fact mention the word "constituency" anywhere. What it says
10:58:15 25 is "Fianna Fail election account, current account" isn't that right?
26 A. That's correct, yeah.
27 Q. 15 This is a copy of a document which was provided to the Tribunal in the course
28 of its investigations. And I suggest that it is an incomplete copy of that
29 document. If we can look now at page 26588. We will see the same document
10:58:42 30 save that in this instance the name "Tim Collins" is put in place of it, isn't

- 10:58:49 1 that right?
- 2 A. That's right.
- 3 Q. 16 The only difference between this document and the last one we saw is that
- 4 somebody has chosen to delete the reference "Tim Collins" above St. Luke's and
- 10:59:03 5 in advance of the words "Fianna Fail" isn't that right?
- 6 A. Well that's, I was secretary for the '92 collections I collected money and put
- 7 it into the accounts.
- 8 Q. 17 Yes, I appreciate that, Mr. Collins. I am asking you whether or not you accept
- 9 firstly, that of the two bank statements we have looked at in the past moments,
- 10:59:28 10 there is a distinction between of the two of them. And that distinction is
- 11 limited to the deletion of your name from the face of the document. And I am
- 12 asking you now, whether or not you can provide any explanation to the Tribunal
- 13 as to why it is that your name was deleted from this account?
- 14 A. I don't know.
- 10:59:46 15 Q. 18 You don't know?
- 16 A. I don't know.
- 17 Q. 19 Were there in fact two accounts operated out of the Allied Irish Bank in
- 18 Drumcondra at the time of this election, both of which were set up for the
- 19 purpose of that election?
- 11:00:10 20 A. I don't know. The only one I know is that I operated one out of the AIB in
- 21 Drumcondra, I don't know about another one.
- 22 Q. 20 Yes. If we look now to page 27174, and if we can enlarge that, please. This
- 23 was another account which was opened on the 13th of November 1992, in the same
- 24 branch. And it expresses itself to be "Fianna Fail election '92 current
- 11:00:41 25 account". Do you see that?
- 26 A. I do, yes.
- 27 Q. 21 Yeah. And the details of that account are to be sent to Mrs. Cathleen Kelly at
- 28 an address in Phibsborough, isn't that right?
- 29 A. That's right, yeah.
- 11:00:58 30 Q. 22 Do you know Mrs. Kelly to have been one of the joint honorary treasurers of the

11:01:06 1 Fianna Fail Dublin Central constituency in 1992?

2 A. I don't.

3 Q. 23 You don't know that?

4 A. I don't know that. Well I don't know that lady at all.

11:01:15 5 Q. 24 You don't?

6 A. No.

7 Q. 25 Do you know why there were two apparently similarly named accounts opened in

8 the same branch in respect of this election, one which you accept had your name

9 Tim Collins, Fianna Fail election account, current account and the other Fianna

11:01:36 10 Fail election current account.

11 A. I don't know.

12 Q. 26 You don't know either of these?

13 A. No.

14 Q. 27 Are you a party member of Fianna Fail as of 1992 or a Cumann member or an

11:01:54 15 officer of any of the organisation of Fianna Fail in 1992?

16 A. No, I was never a member of Fianna Fail. I was always a helper with Fianna

17 Fail. I was never an official member of Fianna Fail. I was never a Cumann

18 member of Fianna Fail. I just helped during election time and at the beginning

19 of the house, trying to get the house organised.

11:02:19 20 Q. 28 For completeness, you are not an officer then --

21 A. I am not, no.

22 Q. 29 -- of the Fianna Fail organisation?

23 A. No, I was a helper in the general sense of the word.

24 Q. 30 Yes. Can you assist the Tribunal as to why it is that you took it on yourself

11:02:40 25 or you were allowed yourself to be the account holder for an account expressing

26 itself to be the Fianna Fail election account?

27 A. I was just helping out.

28 Q. 31 But did you not inquire as to whether or not the organisation already had

29 precisely the same type of account but this time done through the official

11:02:54 30 organisation giving the name of its joint treasurer as the account holder and

- 11:03:02 1 obviously an account for which the joint treasurer would be accountable to the
2 organisation?
- 3 A. I never inquired, no.
- 4 Q. 32 You never inquired?
- 11:03:12 5 A. No.
- 6 Q. 33 Who, if anybody, were you accountable to for the proceeds of the funds that you
7 raised or which you perhaps more accurately allowed to be lodged to this
8 account, that is the one at page 26823.
- 9 A. Is that the one with my name on it?
- 11:03:34 10 Q. 34 Well, it doesn't have your name on it in the copy that was provided to us in
11 the recent accounting exercise prepared by Price Waterhouse Coopers. But in
12 fact as we see from the document beside it that's 26588, it is the account that
13 bears your name.
14
- 11:03:51 15 My question was, Mr. Collins who, are you accountable in relation to the monies
16 which were lodged to this account?
- 17 A. I would be accountable, I would imagine at the time, to the people that were
18 running the election in St. Luke's.
- 19 Q. 35 Do you mean the representatives of --
- 11:04:20 20 A. The representatives.
- 21 Q. 36 -- of the Dublin CDC at the time?
- 22 A. CDC?
- 23 Q. 37 Comhairle Dail Ceantar for abbreviation, do you not know the term?
- 24 A. I don't, no.
- 11:04:34 25 Q. 38 No. Well perhaps if we look at page 26646. We'll see the Dublin Central CDC
26 officers from 1988 to 1996, their names and addresses, a document which has
27 been provided to the Tribunal. And if we move down to 1992. Do you see that
28 the secretary was Mary O'Donnell?
- 29 A. Yes.
- 11:04:57 30 Q. 39 The Cathaoirleach was Chris Wall. The joint honorary treasurers were Cathleen

11:05:03 1 Kelly and Joe Byrne. Did you account to the treasurers, Mr. Kelly, sorry
2 Ms. Kelly or Mr. Byrne in relation to the funds that you had gathered or you
3 had banked in this account?
4 A. No, I would just -- the only person on that Chris Wall is the only man I know
11:05:19 5 on that.
6 Q. 40 I see.
7 A. Yeah.
8 Q. 41 Yes.
9 A. I was a general, I offered my services to be secretary to help fundraise and
11:05:30 10 collect funds for the election and to put them into the bank account.
11 Q. 42 Yes. I can understand your evidence, Mr. Collins, and I'm trying to establish
12 for the benefit of the Tribunal why it was that a system of banking of these
13 funds is in existence other than the one which was set up by the organisation
14 itself?
11:05:52 15 A. Yeah.
16 Q. 43 You will appreciate, I take it, that the party has party supporters within the
17 constituency?
18 A. Uh-huh.
19 Q. 44 People who are going to vote for Fianna Fail?
11:06:03 20 A. Yeah.
21 Q. 45 It then has party members who are resident in the constituency and who may well
22 be members of a local Cumann. And then that local Cumann will vote members to
23 the CDC, which will operate the constituency affairs of the political party and
24 have a role in choosing candidates and matters of that nature, isn't that
11:06:26 25 right?
26 A. That's right.
27 Q. 46 And that organisation has to be funded and obviously it sets up bank accounts
28 for the purpose of funding its operations. And in this instance we see that it
29 had exactly such an account for the purpose of the election and I'm trying to
11:06:43 30 establish, if I can, why it is that this alternative bank account is set up

11:06:49 1 outside the organisation for the purpose of this fundraising activity. Do you
2 know why that is?

3 A. I don't know, I just followed on from the '89 and trying to get the house
4 sorted out with other people and I just offered my services to help fundraise,
11:07:11 5 that's it.

6 Q. 47 Well as we see from document 26823, this wasn't a follow on, Mr. Collins --

7 A. Yeah.

8 Q. 48 -- of an existing account which was set up in 1989 for that election. This was
9 the opening of a separate account on the 13th of November 1992, specifically
11:07:29 10 with your name involved and with an opening balance that we see here, on
11 exactly the same day as the FF organisation set up its own account. You can't
12 explain --

13 A. I can't explain.

14 Q. 49 -- the reason for that?

11:07:44 15 A. I can't explain that, no.

16 Q. 50 The election account, well firstly, I should say that in relation to the
17 account of which you were the named person and where the accounts were being
18 sent to you at St. Luke's. That account raised some 28,730 pounds --

19 A. Yeah.

11:08:09 20 Q. 51 -- between the opening of the account and the 10th of December 1992. If we
21 look to page 26590. You will see a carry forward at the top of the page on the
22 account of the balance of 20,248 which had been raised between the 13th of
23 November, opening the account and that date. And you will see that by December
24 the 10th there was there was 28 -- sorry. 28,478 --

11:08:49 25 A. Uh-huh.

26 Q. 52 -- pounds in that account, isn't that right?

27 A. That's correct, yeah.

28 Q. 53 If we compare that with the receipts of the Fianna Fail election 1992 account,
29 we will see at page 27174 that that account was opened with a balance of 500
11:09:11 30 pounds, you see that?

- 11:09:15 1 A. Yes.
- 2 Q. 54 There are no credits at all to the account but there is expenditure?
- 3 A. Yes.
- 4 Q. 55 And that expenditure results in there being an overdrawn balance of 1,572.65
- 11:09:30 5 pounds in the constituency's fundraising account, isn't that so?
- 6 A. Well that's what's there, yeah.
- 7 Q. 56 By the 14th of December. So that whilst the party's efforts have resulted in
- 8 an indebtedness of 1,500, your efforts have result in the there being a benefit
- 9 of 28,000 pounds or so to the account, isn't that right?
- 11:09:56 10 A. According to that, yeah. The figures, Mr. Chairman, figures are not my forte.
- 11 Q. 57 Well you are the person who is chosen, apparently, to be the secretary of this
- 12 financial committee, Mr. Collins?
- 13 A. Yeah, I know. Yeah.
- 14 Q. 58 And I can only suppose that that is because others believe that you did have
- 11:10:15 15 sufficient knowledge and skill to operate an account on behalf of others.
- 16 Would you accept that?
- 17 A. I'd accept that, yes.
- 18 Q. 59 Well, can you explain why it is then that the constituency's official account
- 19 was allowed to be in debt to the extent of 1,578 pounds, whereas your
- 11:10:40 20 independent fundraising activities were in the black to the extent of 28,000
- 21 pounds?
- 22 A. I can't explain that.
- 23 Q. 60 Now, the account into which the cheque from Davy's could have been lodged, that
- 24 is the cheque for 5,000 pounds, could have been one or other of those two
- 11:11:08 25 accounts, isn't that so? The two accounts I'm referring to now are your Tim
- 26 Collins Fianna Fail election account and the Dublin Central constituency
- 27 election account. Both of those were opened on the 13th of November of 1992
- 28 and the cheque from Davy's was written for the purpose of the election, isn't
- 29 that so?
- 11:11:32 30 A. That's so, yeah.

- 11:11:33 1 Q. 61 It follows then that that cheque could have been lodged to either one of those
2 two accounts for election purposes, isn't that right?
- 3 A. That's true, yeah.
- 4 Q. 62 Now, if we look to the next document at page 26369 we will see that this is,
11:11:46 5 it's a lodgement docket, I apologise for the quality of it but it was the way
6 it was received from the financial institution involved and it hasn't been
7 improved on since then. But it is from the Irish Permanent Building Society
8 and that is from their branch at Drumcondra and it reflects transactions which
9 took place in January of 1993. Firstly, can you assist the Tribunal,
11:12:29 10 Mr. Collins, in relation to the account name which is shown there. What do you
11 understand that so to show?
- 12 A. That I understand that to be the building trust account for Luke's.
- 13 Q. 63 It expresses it itself to be B and T, isn't that's correct?
- 14 A. That's correct.
- 11:12:46 15 Q. 64 That's what it says. And this is a lodgement docket which would have
16 accompanied the lodgement to that account, isn't that so?
- 17 A. That's correct.
- 18 Q. 65 Perhaps we can --
- 19 A. As far as, it's hard to see it.
- 11:13:00 20 Q. 66 Yes. It is poor quality print but we are told that it shows in the computer
21 printout on the bottom line of that document you will see 10,000 pounds and if
22 you look up to the total of cheques you will see equally in manuscript 10,000
23 pounds?
- 24 A. I see that, yeah.
- 11:13:25 25 Q. 67 You see that. This lodgement slip, Mr. Collins, I take it you would agree with
26 me is not to an election account, isn't that so?
- 27 A. No, that's the building trust account.
- 28 Q. 68 Right. And as we see, the cheque was payable for the purpose of the election.
29 The election had taken place in November 1992. This transaction is taking
11:13:51 30 place -- sorry, on the 31st of January of 1993, which is some nine weeks after

- 11:13:57 1 the cheque was written. Can you explain to the Tribunal the circumstances in
2 which that cheque came to be lodged to a non-election account?
- 3 A. Well the period of time would have been over the Christmas period, so it would
4 have been put in after, after Christmas.
- 11:14:19 5
6 The situation on the building trust account is that when the House Committee,
7 which were four or five members, five members, decided that if we had a surplus
8 monies coming in and it was decided by the committee and various members of the
9 committee that we would put a sinking funding together called a building trust
11:14:41 10 in the event of and my view at the time, in the event of anything ever
11 happening to Bertie Ahern got knocked down or anything like that, the trustees
12 would not be held responsible for any debt on St. Luke's and to this day I hold
13 that view, although some of the members have since died.
14
- 11:15:04 15 And where we thought we could possibly, we had enough money for the election,
16 we would put money in or cheques or whatever into the building trust account.
17 And that was the whole idea behind the building trust for, call it a rainy day,
18 a sinking fund, call it what you like. But that was my view on it and it was
19 particularly another member that has since deceased as well, that was his view
11:15:32 20 as well. That we would have a rainy fund day there. Because we bought St.
21 Luke's and it gave problems. At the end of the day I, particularly myself, I
22 wasn't the youngest at the time, that I didn't want to be held responsible for
23 it all, any debt on the house, you know.
- 24 Q. 69 Does it follow from that response, Mr. Collins, that a decision was taken by
11:15:57 25 you and possibly by other members of a committee that the 5,000 pounds Davy's
26 cheque together with another 5,000 pounds cheque would be diverted from the
27 election accounts in 1992 that you were operating?
- 28 A. Uh-huh.
- 29 Q. 70 And would in turn be transferred to this B and T account?
- 11:16:22 30 A. That's right, to the building trust account.

- 11:16:23 1 Q. 71 Yes. Now, we know from the date of the cheque, Mr. Collins, that it was
2 written on the 11th of November. And the account for the election was opened
3 on the 13th of November. And the decision to lodge this particular cheque into
4 the account was not taken until the 31st of January of the following year,
11:16:48 5 isn't that so?
6 A. That's so, yeah.
- 7 Q. 72 It follows I think from that sequence, as a matter of probability, that the
8 cheque for 5,000 pounds from Davy's would have been one of the first available
9 cheques or funds available to be lodged to the election account, isn't that
11:17:08 10 right? It could have been lodged on the opening day, the 13th of November of
11 1992, isn't that right?
12 A. I suppose so, yeah.
- 13 Q. 73 And if there had transpired to be a surplus of funds over expenses, that is
14 something which only would have occurred once the election expenses had been
11:17:28 15 quantified when the General Election was completed and the bills had been paid,
16 isn't that right?
17 A. Not -- well the feeling was at the time that they were going to have a very
18 good election funding. And that was a decision that the committee made if and
19 when we could put money into the building trust, we would do so.
- 11:17:49 20 Q. 74 I'm trying to understand how it is, Mr. Collins, that this particular cheque
21 was not lodged immediately to an account and if there was a surplus at the end
22 of the day that it was not taken out of that account and then transferred over
23 to the building trust account, if as you say this was surplus to funds.
24 Because I am suggesting to you that you could not know that this was going to
11:18:15 25 be surplus to funds at the time it was received because it was one of the first
26 payments made and in those circumstances one would expect it would have been
27 the first lodgement to be made on the 13th and not -- on the 13th of November I
28 should say --
29 A. Uh-huh.
- 11:18:31 30 Q. 75 -- and not the at the end of January, some nine weeks later. Can you

- 11:18:35 1 understand that there appears to be some unusual process that did not result in
2 this cheque being cashed immediately which was received?
- 3 A. I can't comment on that. It was just that we put it into that account.
- 4 Q. 76 But obviously you held this cheque back. We don't know what the cheque, the
11:18:55 5 other cheque for 5,000 pounds was dated on but certainly this cheque was held
6 back for nearly two months before being presented?
- 7 A. Well it was during the Christmas period and there wouldn't have been very many
8 meetings, that's possibly what happened there.
- 9 Q. 77 But it had been with you, I suggest, from November of 1992.
- 11:19:15 10 A. Well I hadn't got it personally. It just was in St. Luke's.
- 11 Q. 78 Have you any recollection of making the decision to retain the Davy's cheque
12 and use it in the manner which you have described?
- 13 A. I have no specific recollections, specific recollection.
- 14 Q. 79 Do you ever remember discussing this particular cheque with Mr. Ahern or asking
11:19:42 15 him for example to endorse the back of it, if it was going to be lodged to an
16 account other than his own account?
- 17 A. I have no recollection.
- 18 Q. 80 You will see that it was not endorsed?
- 19 A. I have no recollection of that, Mr. O'Neill.
- 11:19:50 20 Q. 81 Have you any recollection at all of discussing this particular lodgement with
21 or this particular donation of Davy's with Mr. Ahern?
- 22 A. I have no recollection of that.
- 23 Q. 82 I take it you would accept that it was a donation which was at the highest
24 level of donations received during that election period, 5,000 pounds. Do you
11:20:14 25 know of any other single donation greater than that?
- 26 A. Well there was one lodged with it there, I don't know who it was from offhand.
- 27 Q. 83 Yes.
- 28 A. According to that there, you know.
- 29 Q. 84 Well if we look, Mr. Collins, at page 26823, which is the opening balance of
11:20:33 30 that account. If you run down through the lodgements which are made there, you

11:20:39 1 will see that they are all even sum amounts, isn't that so?

2 A. That's so, yeah.

3 Q. 85 None of them approach 5,000 pounds, isn't that right?

4 A. That's right, yeah.

11:20:49 5 Q. 86 And if we go then to the next page, 26590, please, we see the credits on that

6 page, isn't that right?

7 A. That's right, yeah.

8 Q. 87 So if these were two cheques, they were the single two largest individual

9 contributions which were received by you, isn't that right?

11:21:16 10 A. That's right.

11 Q. 88 Is that why they were diverted to be lodged to this account because of their

12 size?

13 A. I can't comment on that.

14 Q. 89 Well --

11:21:29 15 A. I cannot give the reasoning. Well, no, the committee made the decision. We

16 had four or five people, five people, and we'd have a meeting every week to ten

17 days and a decision would be made --

18 Q. 90 This --

19 A. -- for the money.

11:21:45 20 Q. 91 This committee that made these decisions, Mr. Collins, perhaps you could just

21 run down through the names of the persons other than yourself who were members

22 of this committee. And when doing so, perhaps you'd indicate to me whether or

23 not they are members of the Fianna Fail Party, to your knowledge.

24 A. Paddy Reilly was, he is deceased.

11:22:05 25 Q. 92 Yes.

26 A. Jimmy Keane was.

27 Q. 93 Yes. He is deceased also.

28 A. He is deceased, yeah. Joe Burke I think is or was or is, I'm not sure, you

29 know.

11:22:17 30 Q. 94 Yes.

- 11:22:19 1 A. Gerry Brennan, I'm not sure. He's deceased, the solicitor.
- 2 Q. 95 Yes.
- 3 A. Myself, I was never a member of the Fianna Fail. Although I worked with them
- 4 for years, you know.
- 11:22:31 5 Q. 96 So again this particular committee that you have identified is a committee in
- 6 respect of which none of the officers of the Fianna Fail Comhairle Dail Ceantar
- 7 for Dublin Central was a member, isn't that so?
- 8 A. Well I don't know whether they were or not.
- 9 Q. 97 Well if we look to page 26646. We will see the list of the names of the
- 11:22:55 10 officers of the CDC at that time, they are again in '92 the secretary Mary
- 11 O'Donnell?
- 12 A. No.
- 13 Q. 98 Chairperson, Mr. Wall. The joint treasurers Cathleen Kelly and Joe Byrne.
- 14 A. That's right.
- 11:23:12 15 Q. 99 So this is another committee set up in which none of the officers of the CDC
- 16 are members, is that right?
- 17 A. That's right, yeah.
- 18 Q. 100 And it is a committee that is making decisions with regard to the diversion of
- 19 election funds from election purposes to an account which is the B/T account?
- 11:23:33 20 A. That's right, the building trust account.
- 21 Q. 101 Yes. Now, the B/T account was an account which was in existence for some years
- 22 prior to 1992, isn't that right, Mr. Collins?
- 23 A. '89 as far as I can ascertain.
- 24 Q. 102 Yes. If we look to page 26329, we see the application form which was completed
- 11:24:09 25 to open that account in the Irish Permanent Building Society?
- 26 A. That's correct.
- 27 Q. 103 As it then was?
- 28 A. That's my signature on it there, yes.
- 29 Q. 104 That's your signature on it?
- 11:24:18 30 A. That's right.

- 11:24:18 1 Q. 105 And you're applying in this document to open an account for the purpose of
2 lodging to it 7,285.71 pounds, isn't that so?
3 A. That's right, yeah.
- 4 Q. 106 It's in the top right hand corner?
11:24:38 5 A. Yes, I see that, yeah.
- 6 Q. 107 Yes. Have you a recollection of the sources of that particular lodgement or
7 the manner in which the lodgement was made as regards either being?
8 A. I haven't.
- 9 Q. 108 Cash, cheque or otherwise?
11:24:52 10 A. I'm sure that's information that's been furnished. I haven't got a
11 recollection of at.
- 12 Q. 109 Can you confirm to me Mr. Collins, that as with the 1992 situation there was a
13 General Election in 1989, isn't that so?
14 A. That's true, yeah.
- 11:25:13 15 Q. 110 And is it the case that as well the 199 -- 1992 situation, there was an
16 election account set up for 1989?
17 A. That's right, yeah.
- 18 Q. 111 Into which one would expect funds raised for election purposes to be raised, is
19 that so?
11:25:38 20 A. Correct.
- 21 Q. 112 If we look to page 26806, we see an account number 01609-028. Its opening date
22 is the 29th of May 1989, ahead of the election and it's opened with the 5,000
23 pounds lodgement, do you see that?
24 A. I see that, yes.
- 11:26:08 25 Q. 113 That account is headed "Fianna Fail north -- sorry NC election account" isn't
26 that so?
27 A. That's right, yeah.
- 28 Q. 114 And if we look to the left hand column we'll see that the parties to whom this
29 account would be sent, the statements would be sent are Bertie Ahern esquire
11:26:28 30 and Joe Burke esquire care of AIB Drumcondra, Dublin 9?

- 11:26:34 1 A. That's true, yeah.
- 2 Q. 115 Do you understand that when that address is given by an account holder, it
3 means that the account statements are retained within the branch?
- 4 A. I see a care of AIB Drumcondra, that's right.
- 11:26:55 5 Q. 116 They are not sent across the road to 161 or indeed possibly in those days to
6 146 Lower Drumcondra Road, isn't that right?
- 7 A. That's right.
- 8 Q. 117 Do you know whether it is the case that Fianna Fail, the organisation, that is
9 the Dublin Central Comhairle Dail Ceantar, had its own account operating
10 throughout that period?
- 11 A. I don't know.
- 12 Q. 118 If we look to page 27172, we will see an account. This is an account, the
13 earliest legible print of the account is on the 19th of June 1984, Ms. Mary
14 O'Donnell who is one of the officers, the secretary of the CDC is the person to
11:27:48 15 whom the account's details are being sent.
- 16 A. Uh-huh.
- 17 Q. 119 And just for completeness, that account was closed in 1998, we will see at page
18 27173. The account is closed in 1998.
- 19
- 11:28:12 20 Now, that account was current throughout the period when the election account
21 opened by Mr. Ahern and Mr. Burke on the 29th of May took place. Do you
22 remember whether or not the funds which you used to open the B and T account
23 were funds which were diverted from election contributions received at that
24 time?
- 11:28:42 25 A. Could you say that again, please.
- 26 Q. 120 We saw if we go back to page 26329, we saw that you opened an account on the
27 6th of June 1989, into which you lodged the sum of 7,285.71 pounds?
- 28 A. That's right, yeah.
- 29 Q. 121 Now, I'm asking you whether or not you can say whether the funds that were
11:29:08 30 lodged to that account were funds which were diverted from election

11:29:14 1 contributions. We know that to have been the position in 1992 when the 10,000
2 pounds was diverted into this account. I am asking you whether or not the
3 opening balances to this account also came by way of diverted funds from the
4 election campaign?

11:29:34 5 A. I don't know.

6 Q. 122 Well you are the person who opened this account --

7 A. Yeah.

8 Q. 123 -- Mr. Collins. You must know what funds you lodged to this account and why it
9 was opened?

11:29:46 10 A. Yes, I haven't got a list of the funding, the people that funded it or their
11 names. I thought the accounts were supplied in relation to all of that.

12 Q. 124 Supplied to whom, Mr. Collins?

13 A. To the Tribunal.

14 Q. 125 The Tribunal has received certain --

11:30:05 15 A. Yeah.

16 Q. 126 -- documents in relation to this account and I will be taking you through those
17 documents shortly but I was hoping that you could assist as to whether or not
18 it is the case that the opening balance of funds to this account represented
19 funds which were diverted from election funds to open the account. Do you know
20 that or not?

11:30:30 21 A. I'm not sure, I'm not sure.

22 Q. 127 But you believe that they were?

23 A. I'm not sure, I can't comment on that. I'm not sure.

24 Q. 128 Well if we put this in the context that you say that this is an account which
11:30:46 25 was set up for the purpose of a sinking fund in relation to St. Luke's, isn't
26 that right?

27 A. That's right, yeah.

28 Q. 129 Does had help you to know that St. Luke's was bought in May 1988, 13 months
29 before this account was opened?

11:31:04 30 A. That would be about right, yeah.

- 11:31:07 1 Q. 130 So that it wasn't necessary to open an account when you bought St. Luke's for
2 the purpose of creating a sinking fund, isn't that right?
- 3 A. The idea of opening a sinking fund was, as I explained on, was for a rainy day
4 or a sinking fund that in the event of anything ever happening to Bertie Ahern
11:31:26 5 that there would be no, none of the trustees would be held responsible for any
6 debt that would be on the house. And that was the whole idea behind the
7 sinking fund.
- 8 Q. 131 Well is that something that occurred to people over a year after the property
9 had been purchased?
- 11:31:43 10 A. Well --
- 11 Q. 132 Which is when this account is opened, Mr. Collins.
- 12 A. Well we discovered when the property was purchased that the building was
13 sinking, that's what, we had a lot of work done on it. And it was raised that
14 look, it may, we may have trouble with this building. But my view all of the
11:32:00 15 time was look it we will need a fund for to payoff any debts that would accrue
16 over the years on this house, that the trustees that would have been left
17 wouldn't have to carry the can for it.
- 18 Q. 133 Mr. Collins, the account of the Fianna Fail election account in 1989, at page
19 26806.
- 11:32:27 20 A. Uh-huh.
- 21 Q. 134 Shows the substantial amount of lodgements made in a relatively short period of
22 time on that initial page, isn't that right?
- 23 A. That's right, yeah.
- 24 Q. 135 Yes. Were you aware at all of the fact that these funds were being raised,
11:32:44 25 were you a member of the finance committee at that time in 1989?
- 26 A. I was, as far as I was concerned, I was the secretary of the election
27 committee. That's as far as I can recollect, that's 20 years ago.
- 28 Q. 136 Yes.
- 29 A. Well I remember helping out at the time as secretary.
- 11:33:07 30 Q. 137 Are you likely to have been kept up-to-date --

11:33:09 1 A. No.

2 Q. 138 -- on the state of the finances?

3 A. Not particularly, no.

4 Q. 139 Accounting on a pound for pound basis, did you learn that the fundraising

11:33:19 5 conducted through this particular account, that is the Bertie Ahern and Joe

6 Burke account, had resulted in there being a considerable surplus of funds over

7 expenses in the 1989 period, did you know that?

8 A. All I knew at the time is that they had a good election run, a good election

9 account run.

11:33:43 10 Q. 140 Yes. Did you know that there was a surplus of over 17,000 pounds over

11 expenditure at the conclusion of the election period?

12 A. No, I didn't know that.

13 Q. 141 You didn't know that. Do you know of an account called the CODR account?

14 A. That's the Cumann, yeah, the CODR account, yeah.

11:34:07 15 Q. 142 You know of the CODR?

16 A. The CODR account, yeah.

17 Q. 143 What do you know of that account in 1989?

18 A. Well I think the CODR account emanated from when we got the house and we tried,

19 we were doing up the house, Cumann O'Donovan Rossa that was at the time used to

11:34:25 20 write CODR on it because it was shorter.

21 Q. 144 Do you believe that that was an account run by a Cumann?

22 A. I think so, I'm not sure.

23 Q. 145 There are, we understand, approximately 27 Cumann in Dublin Central now, it may

24 have varied over the years, given the change in the electoral boundaries over

11:34:55 25 time.

26 A. Yeah.

27 Q. 146 But certainly probably was never less than 21 or so Cumann?

28 A. Uh-huh.

29 Q. 147 Do you know anything about Cumann O'Donovan Rossa's particular interest in St.

11:35:10 30 Luke's, if it has any?

- 11:35:16 1 A. I'm not too clear on that. I know it was a CODR, we used to fundraise under
2 the CODR for the annual function in Kilmainham.
- 3 Q. 148 Yes. Has CODR the account anything to do with Cumann O'Donovan Rossa?
4 A. Well that's the abbreviation of Cumann O'Donovan Rossa.
- 11:35:41 5 Q. 149 My question is, has Cumann O'Donovan Rossa anything to do with the CODR
6 account?
7 A. Well as far as I felt they were the same.
- 8 Q. 150 If we look at page 26672, Mr. Collins, this is an account in AIB bank. It is
9 an account named CODR deposit account. The address of it is the secretary
11:36:10 10 CODR, 146 Drumcondra Road, Drumcondra, Dublin 9. Do you see that? And this
11 document shows an opening balance of zero, you see that?
12 A. Correct, yeah.
- 13 Q. 151 And then beneath that the 11th of January 1988, a lodgement of 22,955.13
14 pounds?
- 11:36:35 15 A. Uh-huh.
- 16 Q. 152 Isn't that so?
17 A. That's correct, yeah.
- 18 Q. 153 Now, do you know any reason why the Cumann O'Donovan Rossa communications
19 should be sent to 146 Drumcondra Road, Dublin 9?
- 11:36:59 20 A. Where is 146 Drumcondra? I don't know what address that is.
- 21 Q. 154 It's Fagan's pub.
22 A. That was the old, that was the old office, the old constituency office.
- 23 Q. 155 Well we're told the constituency office was in Amiens Street and that Mr. Ahern
24 had his offices above Fagan's pub which are 146 Lower Drumcondra Road?
- 11:37:25 25 A. That's right.
- 26 Q. 156 They are not the constituency offices they are Mr. Ahern's offices? In 1988 I
27 think you will agree with me, Mr. Collins, the constituency offices were
28 located in Amiens Street, that building was sold in 1989. So that in 1988 this
29 was Mr. Ahern's office, isn't that right?
- 11:37:51 30 A. Well in '90 I was never in Amiens Street in my life, I didn't, I was never

11:38:03 1 there. Well all I remember was the office over Fagan's.

2 Q. 157 The office over Fagan's was the office of Mr. Ahern?

3 A. That's right, yeah.

4 Q. 158 Uh-huh. It wasn't the office of Cumann O'Donovan Rossa?

11:38:15 5 A. I don't know.

6 Q. 159 You don't know?

7 A. I don't know.

8 Q. 160 Do you know who the secretary of Cumann O'Donovan Rossa was in 1988?

9 A. No.

11:38:49 10 Q. 161 It might assist you if we look to page 27116. Which is a list of the officer
11 board in Cumann O'Donovan Rossa, you will see in 1988 first column there the
12 constituency is within Dublin Central that year?

13 A. Uh-huh uh-huh.

14 Q. 162 Mr. Liam Cooper with an address in Bantry Road, Drumcondra is the secretary,
11:39:11 15 isn't that right?

16 A. That's right, yeah.

17 Q. 163 He is not the secretary at 146 Lower Drumcondra Road or upper Drumcondra Road,
18 isn't that right? Do you know Mr. Cooper?

19 A. I know Liam Cooper. Yeah.

11:39:31 20 Q. 164 Okay. Do you know him having any connection whatsoever with the CODR deposit
21 account at page 26672?

22 A. I don't know. I don't know.

23 Q. 165 No. If we can revert please to page 26672. Do you know where the opening
24 balance of 22,955 pounds used to open this account came from?

11:40:02 25 A. No, I don't know.

26 Q. 166 No. Could I suggest to you that no Cumann in Dublin Central would have that
27 level of funds available to it?

28 A. I take your word on that but I don't know, you know.

29 Q. 167 Do you know how many members thereby in Dublin in the CODR Cumann?

11:40:24 30 A. No.

- 11:40:24 1 Q. 168 No. If we look to the expenditure on this particular account, Mr. Collins. If
2 you accept my figures as accurate for a moment, if you go down to July of that
3 year. By July of that year some 50,000 pounds or so had been put into that
4 account. Do you know that?
- 11:40:57 5 A. I am just trying to see it here.
- 6 Q. 169 Yes.
- 7 A. I can't recollect as a far back as that.
- 8 Q. 170 And it had expended 25,000 in March, 12,000 in July, 21,000 -- sorry. 2,362 in
9 December. The expenditure out of that account that year was 44,000 and the
11:41:31 10 incoming funds were in excess of 50,000 pounds?
- 11 A. Did they -- I thought there were documents given to the Tribunal, accounts in
12 relation to that.
- 13 Q. 171 Yes, the Tribunal has been furnished in advance --
- 14 A. Yeah.
- 11:41:50 15 Q. 172 -- of your attendance herewith an exercise conducted by a firm of accountants
16 Price Waterhouse Coopers?
- 17 A. Yeah.
- 18 Q. 173 In which they address this account as being the Cumann O'Donovan Rossa account.
19 I take it that that is on the basis of information provided either by you or by
11:42:08 20 somebody else to the effect that that was an account of the Cumann?
- 21 A. Well I didn't provide it.
- 22 Q. 174 No.
- 23 A. I haven't been active in 13, 14 years, you know.
- 24 Q. 175 This account opened before St. Luke's was purchased, isn't that right? St.
11:42:23 25 Luke's was purchased in May 1988?
- 26 A. '88 well if you say so, the dates ...
- 27 Q. 176 You are one of the trustees named on the deed which acquired the property on
28 the 18th of May of 1988. And you signed the document together with your fellow
29 trustees Mr. Des Richardson, Mr. James Keane, Mr. Patrick Reilly and Mr. Joe
11:42:52 30 Burke?

- 11:42:53 1 A. Uh-huh.
- 2 Q. 177 On the 18th of May 1988. You may take it that that is the date upon which St.
- 3 Luke's was purchased.
- 4 A. Okay.
- 11:43:00 5 Q. 178 Now, in advance of that purchase in May this account CODR was cash rich to the
- 6 extent that we see on screen here, isn't that right?
- 7 A. That's right.
- 8 Q. 179 Do you know where this money came from?
- 9 A. I don't know it came from, I cannot say now where it came from.
- 11:43:37 10 Q. 180 Are you aware of whether or not it is the case that St. Luke's was bought for
- 11 56, 000 pounds?
- 12 A. I was aware of that, yeah.
- 13 Q. 181 And where did that money come from?
- 14 A. By that, that money came from about 24 or 25 people that got together to buy
- 11:43:57 15 it.
- 16 Q. 182 Yes. Did they call themselves CODR?
- 17 A. They may have I'm not sure, they may have. My recollection going back so far
- 18 really is ...
- 19 Q. 183 Were they part of the official Fianna Fail organisation for Dublin Central or
- 11:44:18 20 Dublin North central as it was then?
- 21 A. My recollection is that they were all each individual people. I know they were
- 22 individual but they were, I don't know whether they were Fianna Fail members or
- 23 not.
- 24 Q. 184 Had you anything to do with the assembly of this 56,000 pounds used to buy this
- 11:44:35 25 property?
- 26 A. I would have, I would have done some of the known some of the people,
- 27 certainly, yes.
- 28 Q. 185 Yes.
- 29 A. I would certainly have known them.
- 11:44:46 30 Q. 186 And where did they have the money before they gave or sorry -- where did you

- 11:45:04 1 assemble the money before you purchased the property St. Luke's and from what
2 account has that 56,000 pounds come?
- 3 A. I cannot answer that but I'm sure the accounts will show where that came from.
- 4 Q. 187 Well, they don't, Mr. Collins.
- 11:45:12 5 A. Well I think Drumcondra better get them for you, I don't know what accounts ...
- 6 Q. 188 This account, could I suggest to you, Mr. Collins, was used in connection with
7 St. Luke's, isn't that right?
- 8 A. I would imagine so, yeah.
- 9 Q. 189 Can you identify any of the expenditure or withdrawals here that are
11:45:40 10 attributable to St. Luke's, of which you were a trustee?
- 11 A. When the house was purchased there was a lot of work carried out on the house.
- 12 Q. 190 Right.
- 13 A. There was a lot of engineering work underneath because the house was sinking.
14 And had to be piled in a raft or underneath it because it was close to the
11:46:06 15 River Liffey and it costs a lot at the time to sort it out.
- 16 Q. 191 Did this not happen years later, Mr. Collins?
- 17 A. We had major problems years later with that as well.
- 18 Q. 192 Are you saying that there was an initial amount of building work.
- 19 A. There was a lot of work. There was an extension put on it as well. But I also
11:46:29 20 remember that the house had to be piled with mini piles because it was sinking
21 and there was a lot of money spent on that at the time.
- 22 Q. 193 You see the withdrawals that are there under the heading "debits" in this
23 particular account?
- 24 A. Yeah.
- 11:46:49 25 Q. 194 Can you recognise any one of those debits as being an expenditure in relation
26 to St. Luke's, it may assist you to know that in the latest analysis prepared
27 by Price Waterhouse Coopers and submitted to the Tribunal, two of these amounts
28 that is 30,000 pounds and 5,000 pounds are attributed to expenditure on St.
29 Luke's, you see that?
- 11:47:10 30 A. I see that, yeah.

- 11:47:11 1 Q. 195 Does that accord with your understanding as one of the trustees of St. Luke's,
2 that it was going to be funded out of the CODR account?
- 3 A. I would imagine so but it costs a lot. There were major problems when the
4 house, we purchased which we didn't know of and we had to get it sorted out.
- 11:47:34 5 Q. 196 Mr. Collins, if the expenditure on the building St. Luke's is being funded out
6 of the CODR account --
- 7 A. Uh-huh.
- 8 Q. 197 -- in July and in August 1991, what was the necessity of putting money into the
9 B/T account which apparently is for the same purpose?
- 11:47:55 10 A. No, the B/T account, and I will say this to the day I die.
- 11 Q. 198 Yes.
- 12 A. Is a sinking fund in the event of anything ever happening to Mr. Ahern, that
13 the trustees that would be left alive wouldn't have to pick up any tab on the
14 house, any debt that would be left on it. And that was my view at the time and
11:48:18 15 another person on the committee.
- 16 Q. 199 Yes.
- 17 A. And I mean, they could always raise funds. Fundraising could be raised for to
18 payoff debts during the year. But the idea was to keep it there for the
19 duration and it's still there to this day.
- 11:48:37 20 Q. 200 Mr. Collins, this account that we see on screen is opened in January 1988.
21 It's opened in advance of the purchase of St. Luke's.
- 22 A. Uh-huh.
- 23 Q. 201 A considerable sum of money is put into this particular account and I suggest
24 to you that it is greater than the available resources of any Cumann within
11:49:00 25 Dublin North central?
- 26 A. Uh-huh.
- 27 Q. 202 Then or since, 50,000 pounds within six months. Do you accept that?
- 28 A. Yeah but I accept what you are saying to me.
- 29 Q. 203 This account is set up or is operated in some way in connection with St.
11:49:18 30 Luke's, isn't that so?

- 11:49:23 1 A. That's right, yeah.
- 2 Q. 204 We see that the expenditure at the end of the page there is expenditure which
3 was incurred on building works for St. Luke's, isn't that right?
- 4 A. That's right, yeah.
- 11:49:39 5 Q. 205 Is there any reason therefore, for you to have opened a second account in June
6 of 1989 if it was to meet expenses in connection with St. Luke's, you could
7 have left them I suggest in the CODR account which is the account which
8 actually has funded St. Luke's, isn't that so?
- 9 A. Well that's your interpretation. My interpretation and of the committee was
11:50:06 10 that we wanted a sinking fund. And I keep coming back to it, a sinking fund, a
11 rainy day fund to keep there, that when Mr. Ahern left politics that we could
12 payoff the debt if there was a debt on the house.
- 13 Q. 206 Was there any debt on the house when you bought it in May of 1988, Mr. Collins?
- 14 A. I can't remember.
- 11:50:32 15 Q. 207 Yes.
- 16 A. I can't remember that.
- 17 Q. 208 You are one of five trustees who buy this house?
- 18 A. That's right.
- 19 Q. 209 And you say you can't remember whether you had to borrow money to do so?
- 11:50:52 20 A. To do what?
- 21 Q. 210 To buy it. Somebody had to come up with the 56,000 pounds?
- 22 A. Yeah, I told you people funded the house. 24 or 25 people came forward and
23 funded the purchase of the house.
- 24 Q. 211 Yes.
- 11:51:05 25 A. And I'm sure the records are there to show that.
- 26 Q. 212 Well have you seen any record which names any one of the 25 people who are said
27 to have funded the acquisition of this house?
- 28 A. No, I don't see any records.
- 29 Q. 213 Have you ever seen a document which sets out the names of the persons who
11:51:21 30 purchased this house or who provided the funds?

- 11:51:25 1 A. I would imagine they would be with the solicitor that looks after the business
2 of St. Luke's of the names of the people.
- 3 Q. 214 Do you say such a document exists? Have you ever seen it?
- 4 A. I don't know, I cannot recollect whether I've seen it or not but I'm sure there
11:51:44 5 is a document somewhere.
- 6 Q. 215 If we look to document 26308. This is a document which is a declaration of
7 trust, Mr. Collins. It's a legal document?
- 8 A. Uh-huh.
- 9 Q. 216 It's made in the context of there being a transfer of property from a
11:52:05 10 Mrs. Catherine Daly on the one part to the trustees on the other part. And it
11 relates to the property known as St. Luke's, it's otherwise described as 161
12 Lower Drumcondra Road.
- 13 A. Uh-huh.
- 14 Q. 217 Mrs. Daly sold this property by virtue of an indenture of 18th May 1988 to five
11:52:28 15 named persons. And these named persons in this document declare that they hold
16 the property in trust. You would be familiar with this document because you
17 are one of the signatories to it, Mr. Collins. If you look to page 26310, you
18 are signatory No. 3 from the top. Your signature was witnessed by Gerard
19 Brennan, now deceased, solicitor.
- 11:52:56 20 A. Uh-huh.
- 21 Q. 218 Do you see that?
- 22 A. I do, yeah.
- 23 Q. 219 If we revert back to page 26308. You will see that the trustees hereby
24 acknowledge ... I will read it as it is written here. "Are not to hold the
11:53:14 25 property for their own absolute use and benefit but upon the trust here and
26 after declared and as directed by the settlors of the trust the St. Luke's
27 club."
28 What do you know, Mr. Collins, if anything, of the St. Luke's club?
- 29 A. The first time I've come across that, St. Luke's club. Now, reading that now.
- 11:53:42 30 Q. 220 Well you signed your name to the document --

- 11:53:44 1 A. Yeah.
- 2 Q. 221 -- Mr. Collins.
- 3 A. Yeah.
- 4 Q. 222 In which you acknowledged that the settlors of the trust, that is the people
- 11:53:51 5 who had conferred the money on you, to allow you to purchase this property --
- 6 A. Uh-huh.
- 7 Q. 223 -- was the St. Luke's Club. You did that in 1988. Surely you know who it was
- 8 who gave you the money and empowered you, Mr. Richardson, Mr. Keane, Mr. Reilly
- 9 and Mr. Burke, to hold this property on their behalf, the settlors?
- 11:54:18 10 A. Yeah, there are as I said 23 or 25 people. Gerard Brennan did all of the legal
- 11 documentation and I'm sure his office or whoever took over his practice can
- 12 supply that information.
- 13 Q. 224 This is a declaration of trust. Have you ever seen the actual deed appointing
- 14 you as trustees signed by the settlors of the trust?
- 11:54:43 15 A. I'm sure I've had, I should have, I must have seen it if I sign it had.
- 16 Q. 225 No. You signed this document which is a declaration, which effectively is a
- 17 disclaimer on your part of personal ownership of the property --
- 18 A. Uh-huh.
- 19 Q. 226 -- in favour of it being held by you in a beneficial, sorry -- in a trustee
- 11:55:03 20 capacity for other beneficiaries. It is not the deed of trust that the
- 21 settlors of the trust, that is the people who gathered the money together and
- 22 appointed you, the trustees, under that deed to administer or to hold this
- 23 property. Was there ever such a document?
- 24 A. Do you mean a legal document?
- 11:55:28 25 Q. 227 Yes. Was there ever a legal document drawn up between the 25 people you say
- 26 contributed the money which was to be used to purchase this property and which
- 27 appointed you as trustees, was there ever such a document?
- 28 A. Whichever way I say yes or no, I'm not sure, you know, I'm sure there is a
- 29 legal document somewhere in some solicitor's office.
- 11:55:57 30 Q. 228 Yes.

- 11:55:57 1 A. And I'm sure that can be found by contacting the Fianna Fail or whoever the St.
2 Luke's legal people.
- 3 Q. 229 The account that we were looking at earlier, the CODR account, is as I say, the
4 account which was funding apparently the structural works in relation to this
11:56:21 5 property. And it was doing so at a time when there were funds available and
6 within the accounts of the B/T account to meet such liability, isn't that
7 right?
- 8 A. That's right.
- 9 Q. 230 Do you know why the funds in the sinking fund were not used for the purpose of
11:56:58 10 maintaining this property or doing the necessary works if that was the purpose
11 for which the account was set up?
- 12 A. As I said earlier on, the building trust account was set up for a rainy day or
13 a sinking fund and if monies were acquired to do anything with the house they
14 could fund, people could fundraise for it and that was my view and it was the
11:57:25 15 view of other members of the committee, that it wasn't to be touched for that,
16 it was for a sinking fund for the house.
- 17 Q. 231 Well could there be more of a sinking fund if the building is sinking and you
18 need money to repair it, is that not the first fund you go to, to take the
19 money out and to use it for that purpose?
- 11:57:43 20 A. Well that was the decision that was made at the time.
- 21 Q. 232 But isn't that totally contrary to what the purpose, you say, of the B/T
22 account was; it was to meet the eventuality that the property might require a
23 significant expenditure, isn't that right?
- 24 A. No, primarily it was, the building trust account primarily was to payoff, if
11:58:06 25 there was a debt on the property when Mr. Ahern left politics, that was my view
26 and still is my view.
- 27 Q. 233 Well why would Mr. Ahern have any connection, good, bad, indifferent with St.
28 Luke's. He is not the owner of the property. You are the owners of the
29 property. He hasn't taken out a loan in respect of the property, nor did you?
- 11:58:28 30 A. But that was our view at the time.

11:58:29 1 Q. 234 Well how could you have that view if there was no debt to meet, Mr. Collins,
2 you can't have a sinking fund to meet a debt unless you have a debt? I am
3 suggesting to you that there is no evidence of there being any debt on St.
4 Luke's at the time you opened the B/T account in 1989, in June 1989.

11:58:51 5 A. That's right.

6 Q. 235 Why did you open the account then?

7 A. We opened the account for the simple reason that we wanted, as I stated, we
8 wanted to have a sinking fund there, for a rainy day fund.

9
11:59:03 10 CHAIRMAN: All right, Mr. O'Neill, I just want to give Mr. Collins a break.
11 So we will break for about ten to fifteen minutes.

12

13 MR. O'NEILL: Thanks. Ten or fifteen minutes

14 A. Thank you, Chairman.

11:59:15 15

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

17 **AND RESUMED AS FOLLOWS:**

18

19 A. Thank you, Chairman.

12:18:32 20

21 CHAIRMAN: All right.

22

23 Q. 236 MR. O'NEILL: Mr. Collins, I think just before the break you were indicating
24 that the contingency that you had in mind for the account which is the B/T
12:18:42 25 account was that at the end of Mr. Bertie Ahern's political career, this would
26 be a fund which would ensure that whatever indebtedness there was in relation
27 to St. Luke's would be discharged from that fund, is that so?

28 A. That was my belief, yes.

29 Q. 237 Now, I had asked you whether or not as the case that Mr. Ahern had any
12:19:06 30 connection with St. Luke's from the point of view of ownership. And I think

12:19:11 1 you agreed with me that he is not the owner of this property and therefore has
2 no liability arising from that, isn't that so?

3 A. That's so, yeah.

4 Q. 238 Yes. And in those circumstances, I am asking you to explain how it is that the
12:19:27 5 contingency that you identify has any reality at all given that Mr. Ahern will
6 never have a liability, contingent or otherwise, arising from this property?

7 A. The trustees could have a liability if there was a debt on the property.

8 Q. 239 But only if they take out a debt, only if they incur a debt?

9 A. Well if there's -- if at the time and if it ever happened there was a debt on
12:20:00 10 the property that was the idea of the sinking fund.

11 Q. 240 Were you asked to explain what the nature of this particular arrangement was in
12 relation to the B/T account to the accountants engaged by Fianna Fail for the
13 purpose of providing a report to the Tribunal, Price Waterhouse Coopers, in
14 other words. Have you you spoken to any of the Price Waterhouse Coopers
12:20:28 15 accountants to explain what this account, the B/T account is?

16 A. No, I haven't spoken, no.

17 Q. 241 You haven't spoken to anybody about it?

18 A. I haven't spoken to Price Waterhouse about it.

19 Q. 242 I beg your pardon, I meant that?

12:20:39 20 A. No, I haven't spoken to anybody.

21 Q. 243 Could we have page 26659, the Tribunal was furnished with a document generated
22 by Price Waterhouse Coopers in relation to this account. I will read it. It
23 says:
24

12:21:04 25 "Building trust account income and expenditure 1989 to 2007. This account was
26 set up in June 1989 to administer funds for the maintenance and upkeep of the
27 property known as St. Luke's. The trustees of this account in 1989 were Gerry
28 Brennan, Joe Burke, Tim Collins, Jim Keane and Paddy Reilly. Mr. Brennan,
29 Mr. Keane and Mr. Reilly are now deceased. The account has not been active
12:21:24 30 since 1995 with all transactions going through the main account".

12:21:28 1 I will stop at that point there, Mr. Collins.

2 A. Yeah.

3 Q. 244 Is that an accurate statement as far as you are concerned as to what the

4 purpose of setting up this account was in 1989, namely, to administer funds for

12:21:44 5 the maintenance and upkeep of the property?

6 A. Except that they could have put in as a sinking fund in the event of a debt

7 being on the property. That's the view I have on that.

8 Q. 245 But on your evidence it's not an account set up to maintain and insure the

9 upkeep of the property, it's to meet a contingent liability in the event that

12:22:09 10 one arises from debts having been incurred. It's quite separate and distinct.

11 A. Well that was my view on it.

12 Q. 246 Okay. So they have it wrong here, is that correct?

13 A. Well I say they could have added to it, you know.

14 Q. 247 But what is said here is not the account as far as you are concerned as to why

12:22:27 15 this account was set up in the first instance, is that right?

16 A. Well that's my view. My view is as I have stated a few times, it was in the

17 event of, it was a sinking fund in the event of anything ever happened that it

18 was a debt that the trustees would not have to carry the can for it.

19 Q. 248 Did you set up this account for the purpose of the maintenance and

12:22:47 20 administration of the funds for the building, the upkeep of the property?

21 A. My --

22 Q. 249 Do you understand the question firstly?

23 A. Well my view was always as a I stated, to be a sinking fund in the event of ...

24 Q. 250 Does it follow then that you didn't set it up for the purpose of upkeep of the

12:23:11 25 building?

26 A. Well my view at the time, as I said, it was the long-term view was what I

27 stated.

28 Q. 251 Can we revert, Mr. Collins, to page 26672, which is the CODR deposit account,

29 which we referred to a little earlier. I want to draw your attention to a

12:23:32 30 transaction on the 29th of January 1990, in the sum of 17,019.80 pounds, do you

- 12:23:41 1 see that? Highlighted there for you.
- 2 A. I do, yes.
- 3 Q. 252 That deposit of those funds was the deposit of the outstanding balance of the
- 4 funds were from the election account in 1989, which was maintained by Mr. Ahern
- 12:23:58 5 and Mr. Burke. In other words, the surplus of their funds went into this CODR
- 6 account, you see that?
- 7 A. Uh-huh.
- 8 Q. 253 And therefore it formed a portion of the monies which were subsequently used as
- 9 the 30 and 35 to meet the upkeep of St. Luke's, you see that?
- 12:24:21 10 A. I see that, yeah.
- 11 Q. 254 Now, if we can revert to the opening of the account itself at page 26329. The
- 12 application form that you completed, if we can turn that, please, Mr. Collins,
- 13 is signed by you?
- 14 A. Yes.
- 12:24:42 15 Q. 255 Do you now tell the Tribunal that the initials B/T or B-T are intended to
- 16 reflect the words building trust?
- 17 A. That's correct, yes.
- 18 Q. 256 Is there any reason why you didn't use the words "Building Trust" when this
- 19 account was opened?
- 12:25:01 20 A. I had no reason for doing it or saying why that was put there, it's an
- 21 abbreviation, building trust.
- 22 Q. 257 But why abbreviate it?
- 23 A. Why not.
- 24 Q. 258 It's not particularly long?
- 12:25:14 25 A. We had CODR, Cumann O'Donovan Rossa. We had BT.
- 26 Q. 259 Yes.
- 27 A. That was it, that was it.
- 28 Q. 260 BT you say is building trust, is that right?
- 29 A. Correct.
- 12:25:32 30 Q. 261 Do we understand that the trustees of the building are the persons who we see

12:25:37 1 in the declaration of trust. It was read a little earlier, I can put it back
2 on screen, if you wish. The document which is the deed of trust or declaration
3 of trust. It's page 26308. Could you highlight, please, the name of the
4 trustees there. Is that the building trust you're talking of, Mr. Collins?

12:26:11 5 A. Except for one omission. Des Richardson wasn't on the House Committee.

6 Q. 262 My question is whether or not when you completed the form the building trust,
7 did you intend to open an account for the building trustees?

8 A. No, it was for the House Committee.

9 Q. 263 I see. Is there any reason why you didn't have "HC" then perhaps as the name
12:26:41 10 of the account because it's not an account of the building trustees?

11 A. I have no, there is no reason why it's not HC, it's just that I put BT for
12 building trust.

13 Q. 264 Did you indicate to anybody at the time of the opening of this account that it
14 was an account in which your interest was solely that of being a nominee for
12:27:09 15 others and that you had no beneficial interest in the funds which you were
16 lodging to this account?

17 A. No, all I did at the time, I went across and I just filled in the form and put
18 BT on it and put my name on the signature.

19 Q. 265 And in doing so, you signed a declaration at the bottom of that form, if we can
12:27:29 20 see it at page 26329. Where you sign a form saying "I hereby declare that this
21 investment is my own property and that it is not made as a nominee for any
22 other individual or company" do you see that at the bottom of that?

23 A. I see that, yes. Mr. Chairman, I just went over, opened the account and signed
24 the document. I quite frankly, didn't read all that wording on it, you know.
12:28:06 25 I just opened the account, the building trust account.

26 Q. 266 You indicated that the postal address for the account should be care of the
27 Irish Permanent Building Society at Lower Drumcondra Road, isn't that so?

28 A. That's correct, yeah.

29 Q. 267 And the effect of that is that no communications in respect of this account
12:28:28 30 left the branch but they were retained within the branch itself, isn't that so?

- 12:28:32 1 A. According to that, that's right, yes.
- 2 Q. 268 Well have you a recollection as to why it was that you elected to so treat the
3 account rather than to give the name or address 161 Lower Drumcondra Road in
4 which instance the statements on the account would have been sent to Fianna
12:28:50 5 Fail?
- 6 A. I can't comment on that, I have no reason.
- 7 Q. 269 The consequence of that, Mr. Collins, I think you would agree with me, is that
8 no documentation in relation to this account was sent to Fianna Fail CDC or to
9 any named House Committee or other committee at 161 Lower Drumcondra Road,
12:29:16 10 isn't that right?
- 11 A. I'd agree with you, yeah.
- 12 Q. 270 There must have been a reason for you to elect to do that, Mr. Collins. You
13 had the option, the normal option I suggest would be to put down the name of
14 the, and address of the person who, whose affairs were being represented by
12:29:34 15 this account?
- 16 A. I didn't do it at the time.
- 17 Q. 271 I know you didn't. But I'm asking you for an explanation as it to why you
18 elected to keep the documentation in the branch?
- 19 A. I have no explanation for that.
- 12:29:56 20 Q. 272 An analysis of this account was performed by Price Waterhouse Coopers and
21 provided to the Tribunal by your solicitors, Mr. Collins. And I am wondering
22 whether or not you've had the opportunity of looking at that summation of the
23 events as represented in the accountant's report. Have you seen the
24 accountant's report firstly, Price Waterhouse Coopers analysed a number of the
12:30:29 25 accounts which had been covered in the evidence of Mr. Ahern and that
26 information was provided to the Tribunal ahead of your attendance here?
- 27 A. I haven't seen the, I haven't seen the documentation. I believe it was given
28 to the Tribunal recently.
- 29 Q. 273 Uh-huh. Were you consulted by the accountants about the accuracy of any one of
12:30:54 30 the entries that appears in their summation?

- 12:30:58 1 A. No.
- 2 Q. 274 I see. Do you know of anybody else who operated this account during the period
- 3 between 1989 and 1995, who would be in a position to indicate what the purpose
- 4 of the expenditures were other than yourself?
- 12:31:20 5 A. I don't think so.
- 6 Q. 275 I see. Well we look at the report, Mr. Collins. Page 26662, if we can turn
- 7 that, please. Blank that page, please. I will have to scan another copy in.
- 8 A. Okay, no bother.
- 9 Q. 276 Now, the document which you see own screen, Mr. Collins?
- 12:33:32 10 A. Yeah.
- 11 Q. 277 Is an analysis carried out by the accountants Price Waterhouse Coopers of the
- 12 building trust lodgements which were made to the account. And we can see the
- 13 lodgements themselves from the bank statements which were?
- 14 A. Uh-huh.
- 12:33:47 15 Q. 278 Provided by the financial institution to the Tribunal. And blanked on this
- 16 document for the moment are the names of the individuals and companies whose
- 17 funds are represented by the Irish pound amounts which you see on the document,
- 18 you understand?
- 19 A. Yeah.
- 12:34:06 20 Q. 279 That is because at this point in time the Tribunal has considered it's not
- 21 appropriate to circulate the names of those parties. But you will see from the
- 22 first nine of those lodgements that they were carried out in June and July of
- 23 1989, that is during the period of the 1989 General Election, isn't that so?
- 24 A. That's so, yeah.
- 12:34:31 25 Q. 280 Yes. And the account opened on the 6th and as you move across from left to
- 26 right you will see that 5,000 pounds cash was the first amount, you see that?
- 27 The tick against cash, if you are moving from left to right?
- 28 A. I see it, yes, yes.
- 29 Q. 281 As was the second item cash and the third item cash?
- 12:34:56 30 A. Uh-huh.

- 12:34:57 1 Q. 282 So that there was 8,285.71 pounds in cash --
- 2 A. Uh-huh.
- 3 Q. 283 -- used to open this account?
- 4 A. Uh-huh.
- 12:35:09 5 Q. 284 And lodged on the 6th. You see that?
- 6 A. Yeah.
- 7 Q. 285 This is an account which you opened, isn't that right?
- 8 A. That's right.
- 9 Q. 286 You were in the bank, you completed the documentation.
- 12:35:19 10 A. Uh-huh.
- 11 Q. 287 You elected to treat it as the B/T account.
- 12 A. That's right.
- 13 Q. 288 Now, have you any recollection yourself as to where these funds came from in
- 14 cash?
- 12:35:35 15 A. I don't know the people that supplied them, you know.
- 16 Q. 289 I don't know the names?
- 17 A. Yeah, I don't know who they are. Maybe if I saw the names I could recognise
- 18 them, I don't know.
- 19 Q. 290 Do you have a recollection of going to any particular individual and getting
- 12:35:51 20 either the 5,000 pounds in cash that we see here?
- 21 A. No.
- 22 Q. 291 Or the 2,285.71 or the 1,000?
- 23 A. No.
- 24 Q. 292 No. Can we take it that the first nine of those lodgements made up to the 31st
- 12:36:07 25 of July 1989, were all contributions made for the purpose of the election which
- 26 it was decided would be put into the B/T account?
- 27 A. Yes, you could say that, yeah.
- 28 Q. 293 As regards the next donations, you will see that there was no activity on this
- 29 account from July 1989 until March 1990, you see that?
- 12:36:41 30 A. That's right, yeah.

- 12:36:44 1 Q. 294 And in March 1990 June 1991 and February 1992, identical sums of 5,000 pounds
2 --
- 3 A. Uh-huh.
- 4 Q. 295 -- were lodged to this account?
- 12:36:56 5 A. I see that, yeah.
- 6 Q. 296 And in respect of each one of those years, two 1992 until July 1992, they were
7 the only transactions conducted in that account, isn't that right?
- 8 A. Correct, yeah.
- 9 Q. 297 From the information provided in the unblanked edition of this document, each
12:37:20 10 of those three payments of 5,000 pounds was made by the same individual. Do
11 you know why it is that that individual's 5,000 pounds payments were being made
12 in the first instance because we're not talking about an election year here,
13 isn't that right?
- 14 A. I can't answer that. I don't know.
- 12:37:41 15 Q. 298 You are the person who is running this account --
- 16 A. That's right.
- 17 Q. 299 -- Mr. Collins. You made very few lodgements to it.
- 18 A. Uh-huh.
- 19 Q. 300 A decision had to be taken by you in 1990, that for some reason the cheque
12:37:57 20 written by this individual for 5,000 would be an appropriate cheque to lodge to
21 the B/T account.
22 Now, what processes did you go through to make that decision?
- 23 A. I cannot explain the process I went through as the cheque -- possibly the
24 cheques came in and they were put into the B/T account.
- 12:38:26 25 Q. 301 Well one cheque per year, Mr. Collins, came in from the same individual. And
26 his cheques are lodged to this account every year and to this point in July
27 1992, they represent the only lodgements to that account. And I am suggesting
28 to you that there must be some explanation as to why it was that this
29 particular individual's cheques were treated in this manner, because I assume
12:38:55 30 that you received other funds from time to time?

12:38:59 1 A. Well I'm sure the person that supplied those three cheques could give you an
2 explanation why they were given in the first place and maybe they wanted it for
3 the house, you know.

4 Q. 302 You lodged --

12:39:18 5 A. You had the names of the, surely you have the names of the person, you know.

6 Q. 303 Yes, yes. But you have I think agreed with me that in relation to the first
7 nine lodgements, the intention of the donors of those funds was that they would
8 go towards funding the electoral expenses of Mr. Ahern and/or Dublin central
9 constituency. There is no question of them being payments made to the B/T
10 account by the St. Luke's club --

11 A. -- uh-huh.

12 Q. 304 Or any of its members, isn't that right?

13 A. I cannot give you an explanation why they were put into the B/T account but
14 that's where they went, the donor probably had a reason for, he may have said I
15 don't know, I don't know who he is or who they are.

12:40:03 16 Q. 305 The next lodgement we see is on the 25th of August 1992 and somebody has
17 written in there "golf classic".

18 A. Uh-huh.

19 Q. 306 I don't know if you are a golfer.

12:40:31 20 A. I'm not.

21 Q. 307 I share that. But can you tell me what you know of there being a golf classic
22 in 1992 and what its connection, if any, is with 19,000 pounds lodged to the
23 account that we see here?

24 A. My view would be that it was a golf classic, they would normally one or two,
12:40:56 25 two, I don't know, because I don't play golf, one or two a year and that's
26 probably the proceeds of one of them or, I don't know, a golf classic there,
27 you know. But I'm sure St. Luke's would be able to furnish you the details on
28 that.

29 Q. 308 Now, whilst you may believe that they can, to date the Tribunal has not
12:41:17 30 received any document showing that there was a golf classic in 1992 or that it

12:41:22 1 produced these funds or that it is attributable to a lodgement to the B/T
2 account?

3 A. Well I can only read what's there, you know, golf classic.

4 Q. 309 But what's here, Mr. Collins, is merely what the accountants, Price Waterhouse
12:41:41 5 Cooper, have been told?

6 A. Yeah.

7 Q. 310 You are the person who made the lodgements to these accounts. And I am asking
8 you whether or not you have any knowledge of there ever having been a golf
9 classic in 1992?

12:42:00 10 A. I doubt there was a golf, there were golfs every year. I don't know what dates
11 they were on because I don't, I never played golf but I cannot, you know,
12 that's the best I can make on that one, you know. If it says a golf classic
13 and that's what the accountants stated on their sheet, you know.

14 Q. 311 But just to be clear about what the accountants are doing here.

12:42:25 15 A. Yeah.

16 Q. 312 Mr. Collins, this isn't an account prepared in 1992?

17 A. Uh-huh.

18 Q. 313 This is a summary prepared, there is a date unknown to the Tribunal, but later
19 than 2007.

12:42:41 20 A. Uh-huh.

21 Q. 314 In which the accountants offer this as the explanation?

22 A. Uh-huh.

23 Q. 315 For these particular payments. Now, you are the person who carried out these
24 transactions?

12:42:52 25 A. Uh-huh.

26 Q. 316 You tell me that you have not spoken to any accountant in relation to these
27 transactions in the recent past, isn't that right?

28 A. That's true, yeah.

29 Q. 317 All right. And you yourself have no recollection of any documentation in
12:43:07 30 relation to this transaction, is that correct?

- 12:43:12 1 A. Except I would have, if I lodged it there would be a lodgement slip, I would
2 have lodged it.
- 3 Q. 318 Yes. There is a lodgement slip.
- 4 A. Uh-huh.
- 12:43:23 5 Q. 319 If we look to page 26365. What we see here, Mr. Collins, is, firstly, a
6 lodgement slip or a lodgement docket to the B/T account, right?
- 7 A. Uh-huh.
- 8 Q. 320 We see a signature which I think is your own.
- 9 A. Correct, yes.
- 12:44:06 10 Q. 321 As the person lodging it, isn't that right?
- 11 A. That's right.
- 12 Q. 322 And if we move across we will see under the reference "total cheques 20,000
13 pounds" do you see that?
- 14 A. I do, yes.
- 12:44:20 15 Q. 323 Beneath that we see "1,000 pounds".
- 16 A. Yeah.
- 17 Q. 324 Beneath that we see "total lodgement 19,000 pounds".
- 18 A. That's right.
- 19 Q. 325 And on the computer printout at the bottom we see working from left to right
12:44:37 20 "cash 1,000; 19,000 cheque".
- 21 A. That's right.
- 22 Q. 326 And beneath that again we see "cheque 20,000". Do you see that?
- 23 A. Yeah.
- 24 Q. 327 Now, that indicate, Mr. Collins, that a cheque for 20,000 pounds was presented,
12:44:58 25 that 1,000 pounds was given back in cash, and that 19,000 pounds was lodged to
26 the account?
- 27 A. That's right.
- 28 Q. 328 Isn't that right?
- 29 A. That's right.
- 12:45:09 30 Q. 329 In what circumstances would you see, Mr. Collins, that you would get a cheque

- 12:45:13 1 for 20,000 pounds at the end of a golf classic?
- 2 A. What do you mean exactly?
- 3 Q. 330 A golf classic, as I understand it, involves a number of teams of four
- 4 contributing in this instance perhaps 250 pounds each, so that each team
- 12:45:42 5 contribute 1,000. There are any number of teams but for each team one has
- 6 1,000, isn't that right? Now, they pay either in cash or individual cheques,
- 7 whatever it might be, isn't that right?
- 8 A. That's right.
- 9 Q. 331 There is an accumulated fund. And out of that fund you have to meet the prize
- 10 giving, the Green fees for the club itself and various expenditure like that,
- 11 isn't that right?
- 12 A. That's right, yeah.
- 13 Q. 332 I am suggesting to you that such an event would not produce a cheque of 20,000
- 14 pounds. It may produce cash and cheque. It may produce a series of cheques.
- 12:46:26 15 But it wouldn't produce a cheque of 20,000 pounds.
- 16 A. There's it's also possible that the people that organise the golf put it
- 17 together and gave a cheque, you know, I don't know, you know.
- 18 Q. 333 Well you made the lodgement here and what we see is that it's a lodgement of a
- 19 cheque.
- 12:46:51 20 A. 20,000 that's right.
- 21 Q. 334 20,000; 1,000 comes back, presumably, to you in cash?
- 22 A. Uh-huh.
- 23 Q. 335 Do you know why it was that 1,000 pounds was not left in there?
- 24 A. I have no idea of that.
- 12:46:59 25 Q. 336 For this contingency fund?
- 26 A. No, I have no explanation for that.
- 27 Q. 337 No. If there was a golf classic being held at this time it would be the Dublin
- 28 Central golf classic, is that right?
- 29 A. I would imagine so, yeah.
- 12:47:26 30 Q. 338 Do you actually have any recollection of receiving any funds at all at any

- 12:47:31 1 time, Mr. Collins, from a golf classic?
- 2 A. I think on two occasions but unfortunately I cannot pin the time down over the
3 years.
- 4 Q. 339 You are aware of two golf classics then?
- 12:48:00 5 A. I'm not 100 per cent but I would have thought about two, I'm not -- see, I
6 don't honestly remember, you know.
- 7 Q. 340 Yes. If we look to document at page 27160. This is a document which was
8 issued by Paul Kiely, director of elections, you know who he is don't you?
- 9 A. I do know Paul, yes.
- 12:48:28 10 Q. 341 Director of elections in Dublin Central constituency, St. Luke's, 161 Lower
11 Drumcondra Road, Dublin 9:
12
13 Dear, in this instance Tony, "I am writing to invite you to the Fianna Fail
14 Dublin Central constituency golf classic on Monday the 13th of October 1997 in
12:48:45 15 St. Anne's Golf Club, Dublin.
16
17 In the aftermath of a very successful General Election campaign I am committed
18 to ensuring the constituency debt is eliminated as soon as possible" you see
19 that?
- 12:49:00 20 A. Yeah.
- 21 Q. 342 "With this goal firmly in mind, we have arranged the inaugural Dublin Central
22 constituency golf classic. I have selected St. Anne's Golf Club, the renowned
23 18 hole links course on north Bull Island as the venue." Is that right?
- 24 A. Yeah.
- 12:49:19 25 Q. 343 At face value, Mr. Collins, it appears that the inaugural golf classic for
26 Dublin Central at St Anne's was to be held in the year 1997, isn't that so?
- 27 A. According to that, yeah.
- 28 Q. 344 If that is so, of course the reference to there being a golf classic which
29 produced funds for the B/T account in the years 1992 and 1995 would appear to
12:49:53 30 be at odds with that information if this was a Dublin Central constituency golf

12:50:00 1 classic, isn't is that so?

2 A. I can't comment on that, you know.

3 Q. 345 Well you can agree or I disagree with the question that I'm putting to you. If

4 Dublin Central constituency held a golf classic in 1992 and in 1995, it could

12:50:18 5 hardly write to people in 1997 indicating that the inaugural Dublin Central

6 constituency golf classic will take place on the 13th of October 1997, isn't

7 that so?

8 A. Well according to that. There may have been other golf, golf outings, you

9 know.

12:50:44 10 Q. 346 Yes. There was another golf outing and that was on the following year. But if

11 we look now to page 27161. In 1997, this again is a document being issued by

12 Mr. Des Richardson in this instance. He writes from the national treasurers

13 Fianna Fail the Republican Party at the Berkley Court:

14

12:51:16 15 "Paul I would appreciate if you would advise by return the names of your people

16 who will be a team, who have agreed to enter a team in the Dublin Central golf

17 classic.

18

19 Please also arrange to have cheques made payable to director of elections

12:51:31 20 Dublin Central, many thanks and kind regards".

21

22

23 One can, I take it, assume, Mr. Collins, from that, that the intended recipient

24 of the funds from the golf classic that was being organised by Dublin Central

12:51:54 25 was a Dublin Central account, isn't that so

26 A. According to that, yeah.

27 Q. 347 Not the B/T account or any grouping of its trustees, whether as a building

28 trust or otherwise?

29 A. According to that, yes.

12:52:11 30 Q. 348 Isn't that so? In 1998 there is a second golf classic. At page 27164, Dublin

- 12:52:33 1 Central constituency second annual golf classic, St. Anne's golf club 12th of
2 October 1998. And the prizes as we'll see at the bottom were to be presented
3 by An Taoiseach at 9:45 that day. Is it possible, Mr. Collins, that they are
4 the two golf classics that you remember?
- 12:53:11 5 A. I honestly don't know.
- 6 Q. 349 You appreciate that the Tribunal has not received any documentation whatsoever
7 so far in relation to either the back up of the golf classics set out on page,
8 the breakdown of the building trust account lodgements.
- 9 A. Uh-huh.
- 12:53:33 10 Q. 350 Can I have that page back, please. In respect of the 19,000 pounds there. No
11 documentation backs that. Nor is there any documentation furnished in relation
12 to the 18th of July of 1995 in the sum of 10,000 pounds?
- 13 A. I can't comment on that, where the documentation is.
- 14 Q. 351 The 10,000 pounds apparently was lodged as 10,000 pounds in cash. Do you know
15 of any reason why the entire proceeds, if that's what they were, of a golf
16 classic should be lodged by you in cash or be given to you in cash?
- 17 A. I have no reason to, I don't have any reason for that.
- 18 Q. 352 If we can move to 26378, please. That's the lodgements slip and you will see
19 at the bottom of it there, Mr. Collins, 10,000 pounds cash lodgement?
- 12:55:09 20 A. That's right, yeah.
- 21 Q. 353 Have you any recollection of making that lodgement?
- 22 A. I have, I have no recollection of making it because I would normally sign it.
23 I normally sign lodgement slips and withdrawal slips.
- 24 Q. 354 Is there anybody else who is making lodgements on your behalf to this account?
- 12:55:41 25 A. Sure any of the House Committee could lodge money into that account but they
26 couldn't withdraw money from it.
- 27 Q. 355 Yes.
- 28 A. Anyone I suppose could put money into the account. But I would normally sign,
29 sign the document.
- 12:56:19 30 Q. 356 I suggest to you, Mr. Collins, that no more than about 50 per cent of the

- 12:56:25 1 lodgements are actually signed by you in this account, would that accord with
2 your recollection?
- 3 A. 50 ... I'd imagine so anyway I normally sign.
- 4 Q. 357 Uh-huh.
- 12:56:54 5 A. Put money into the account, you know.
- 6 Q. 358 Was there any reason why you didn't have two account holders here given that
7 presumably there were going to be times when you wouldn't be available, out of
8 the country and what have you, and that some other member of the group that
9 called itself the committee was not a member, a signature to this account?
- 12:57:16 10 A. There is no valid reason, it's just that's the way it happened.
- 11 Q. 359 Yes. In 1993 we see -- go back to the building accounts trust lodgements, the
12 Davy's cheque and the accompanying cheque of 5,000 or lodged on the 26th of
13 January of 1993, isn't that so? They appear to be the next.
- 14 A. That's right, yeah.
- 12:57:50 15 Q. 360 They are the only amounts in this particular election which are diverted from
16 election funds, isn't that right?
- 17 A. That's right, yeah.
- 18 Q. 361 When those funds were put into that particular account, it is the case that it
19 was already significantly in credit, isn't that so?
- 12:58:19 20 A. That's right.
- 21 Q. 362 If we look to page 26335, 26332, please. A little over half way down the
22 column of figures there for the 26th of January 1993, you will see that there
23 is 10,000 pounds, that's the 10,000 pounds lodgement we were discussing a
24 little earlier?
- 12:58:45 25 A. Yeah.
- 26 Q. 363 And there is already 42,133.92 pounds in that account?
- 27 A. That's right.
- 28 Q. 364 There is obviously no immediate requirement for that lodgement to be made from
29 the election account to that account, isn't that so?
- 12:59:06 30 A. What do you mean?

- 12:59:08 1 Q. 365 There was no call made on that account for funds?
- 2 A. That's right, yeah.
- 3 Q. 366 Well what was the decision making process then that prompted you and whoever it
- 4 was that you discussed this with, to lodge these two cheques into this account
- 12:59:43 5 given that there wouldn't appear to have been an immediate requirement for
- 6 funds?
- 7 A. I cannot recollect at the time the decision or how it was made but the money
- 8 was just put in.
- 9 Q. 367 The decision to put this money in, Mr. Collins, in this instance, was it in any
- 13:00:14 10 way recorded in any form of an accounting exercise conducted by you or by any
- 11 member of this committee which comprised the late Mr. Brennan, the late
- 12 Mr. Reilly, the late Mr. Keane, Mr. Burke and yourself?
- 13 A. There was no recording on it, no.
- 14 Q. 368 And how could you account to yourselves, I mean, you were on this basis, at
- 13:00:45 15 least, a member of two committees at this point in time, you were the person in
- 16 whose name the account -- election account was being operated and you also --
- 17 A. Uh-huh.
- 18 Q. 369 -- were the person who was operating the B/T account?
- 19 A. Correct, yeah.
- 13:01:06 20 Q. 370 And how could you account for your receipts of funds without having recorded
- 21 this anywhere in any document?
- 22 A. I can't comment on that.
- 23 Q. 371 I mean, Mr. Collins, you had your own accounts as well, isn't that right?
- 24 A. That's right.
- 13:01:35 25 Q. 372 And you had your own accounts in the same institutions as we have here, isn't
- 26 that right?
- 27 A. That's right, yeah.
- 28 Q. 373 And as a trustee or nominee for others, would you not believe that it was
- 29 essential that you had distinguished your own lodgements to accounts which you
- 13:01:42 30 were beneficially entitled to from accounts which you were holding for others

13:01:47 1 in the event that somebody asked you to account for them? Is there any reason
2 for not keeping accounts, Mr. Collins, in relation to funds in which you are a
3 nominee or a trustee? It's not your money, according to you?

4 A. That's right.

13:02:19 5 Q. 374 With no beneficial interest in it.

6 A. Correct.

7 Q. 375 Despite the fact that the account says otherwise.

8 A. Uh-huh.

9 Q. 376 What records had you available to you which could satisfy your other committee
10 members that this was a, an account in which you had lodged all the money that
11 was given to you?

12 A. I would imagine I would have got a half yearly statement or a yearly statement
13 from them, from the building society.

14 Q. 377 If you did have such a document, what would you have done with it?

13:03:00 15 A. I would have left it in St. Luke's.

16 Q. 378 Right.

17

18 CHAIRMAN: Mr. O'Neill, it's one o'clock. So we will adjourn until two
19 o'clock.

13:03:12 20

21 MR. O'NEILL: Yes.

22

23 **THE TRIBUNAL THEN ADJOURNED FOR LUNCH.**

24

25

26

27

28

29

30

THE TRIBUNAL RESUMED AS FOLLOWS AT 2:00 P.M.:

13:03:15 1
2
3 MR. O'NEILL: Mr. Collins, please.
4

14:03:00 5 CHAIRMAN: Good afternoon Mr. Collins.
6

7 Q. 379 MR. O'NEILL: Mr. Collins, before the lunch break we were talking about the
8 generation of statements in relation to the B/T account by Irish Permanent
9 Building Society and you were indicating that you believed that twice annually
10 you collected these statements from the society and you gave them to Fianna
11 Fail, is that correct?
12 A. I honestly don't recollect.

13 Q. 380 But isn't that what you said this morning, that you collected the bank or
14 building society's statements on an annual or bi-annual basis and you brought
15 them to Fianna Fail to the constituency?
16 A. Yeah.

17 Q. 381 Yes.
18 A. If I said that I --
19

14:03:58 20 MR. CUSH: Sorry, to interrupt. It is my recollection, it is only a
21 recollection. That the witness -- what the witness actually said before lunch
22 is that I would have. I don't think he gave evidence quite of the tenure that
23 Mr. O'Neill is suggesting. That's just from recollection.
24

14:04:13 25 CHAIRMAN: He said I'd have.
26

27 Q. 382 MR. O'NEILL: I can print off the exact exchange if you wish.
28 A. I honestly can't recollect whether I brought them in so to St. Luke's or not.
29 If I said I brought them in to St. Luke's I might have been wrong but I
14:04:32 30 honestly don't remember bringing them in, you know, I may have, I don't know.

14:04:39 1 Q. 383 But Mr. Collins, you would be conscious of the fact that record of these, this
2 account and its transactions would be something that should be given to the
3 committee that you have described, isn't that right?
4 A. I would imagine I'd have shown them to the committee, yes.

14:04:57 5 Q. 384 And is there any reason why you are talking about a committee's account that
6 you would merely show them the document and then not leave it with them?
7 A. I'd have no reason, I honestly don't know, you know.

8 Q. 385 You see -- just for accuracy I will just go through the question and answer
9 series which we had before lunch and it reads as follows:
10
11 "Q: What records had you available to you which could satisfy your other
12 committee members that this was an account in which you had lodged all the
13 money that was given to you?" Was the question.
14 "A: I would imagine I would have got a half yearly statement or a yearly
15 statement from them, from the building society.
16 Q: If you did have such a document what would you have done with it?
17 A: I would have left it in St. Luke's." Right.
18
19 A. Yeah, I'd ...

14:06:01 20 Q. 386 Did you intend to convey in that, Mr. Collins, that in the context of being
21 able to satisfy your fellow committee member that you had properly dealt with
22 funds that were not your own, that you took up bank statements or building
23 society statements on either a half yearly or a yearly basis and you brought it
24 in to the committee, isn't that what you intended to do?
25 A. That's what I intended to do.

26 Q. 387 Wouldn't that accord exactly with what one would expect you to do in relation
27 to other people's money?
28 A. That's true, yeah.

29 Q. 388 And this is an account which was opened in 1989, 19 years has gone past since
14:06:41 30 it was opened, isn't that right?

- 14:06:44 1 A. Correct, yeah.
- 2 Q. 389 So there should be a minimum of 19 of these annual statements available or
3 possibly 38 if you collected them bi-annually, isn't that right?
- 4 A. If they are there, yes.
- 14:06:56 5 Q. 390 If they are there.
- 6 A. Yeah.
- 7 Q. 391 And do you know any reason why they shouldn't be there because the Tribunal
8 hasn't been provided with a single document that shows either an entity called
9 "the building trust" or "building trust" or anything similar in any
10 documentation from Fianna Fail to this date. There isn't a single piece of
11 paper which contains the word "building trust" or any account in relation to
12 it, save what was generated in the year 2008, when it was suggested that the
13 building society would change the name of the account, that was two months
14 after the Tribunal had happened upon it, isn't that so?
- 14:07:12 15 A. That's so.
- 16 Q. 392 Now, you were asked some time ago, Mr. Collins, to discover all of the bank
17 accounts which you had in relation to your affairs, isn't that right?
- 18 A. That's right, yes.
- 19 Q. 393 And you remember swearing an affidavit of discovery?
- 14:07:40 20 A. That's right, yeah.
- 21 Q. 394 In that affidavit of discovery you didn't discover this account, the B/T
22 account, isn't that the so?
- 23 A. That's so. What I did at the time, I employed a chartered account to go to the
24 building society, to my banks, and get all documentation that they so wished to
25 give them and present it to the Tribunal.
- 14:08:02 26 Q. 395 Yes. And your chartered accountant was informed by the building society that
27 they didn't have records going back that far, isn't that right?
- 28 A. I forget what the answers were.
- 29 Q. 396 There was a letter to that effect --
- 14:08:36 30 A. Yeah.

- 14:08:36 1 Q. 397 -- which was provided to the Tribunal. In fact, it was erroneous. It's at
2 page 26239.
3
4 It reads "to Colette Butler & Co. chartered accountant registered auditor re
14:08:51 5 Mr. Timothy Collins.
6
7 I refer to the letter dated 4th of August 2006. Unfortunately, we are not in
8 the a position to provide copies of statements from 1st of January 1989 to 31st
9 of December 1994, as our records do not trace back that far.
10:09:06 10 I hope this clarifies matters."
11
12 Signed Margaret Byrne branch manager in Drumcondra. In fact that was an error
13 on their part. And we see from the documents that have been produced that
14 there was a capacity to generate such documentation.
14:09:22 15
16 But in any event, you discovered this letter as part of your response to the
17 Tribunal in relation to your discovery obligation, isn't that right?
18 A. That's right, yeah.
19 Q. 398 This document would relate solely to those records which were within your power
14:09:37 20 or procurement which existed within the branch, isn't that so?
21 A. That's right, yeah.
22 Q. 399 But the original documents that you would have taken up and you would have
23 brought to St. Luke's to your committee, would not be affected by this
24 particular letter because this letter is confined to the building society's own
14:09:57 25 record, isn't that right?
26 A. That's right, yeah.
27 Q. 400 You would have in relation to the self same accounts your own statements, isn't
28 that right?
29 A. My own personal statements.
14:10:11 30 Q. 401 Your own personal statements. By that I mean the statements which were sent

- 14:10:14 1 out by the society in relation to the accounts that you had in that society,
2 including the B/T account, isn't that right?
- 3 A. That's right, yeah.
- 4 Q. 402 Now, in relation to your own accounts. Is it the position that your practice
14:10:33 5 was to dispose of these records shortly after they were received?
- 6 A. My own personal accounts?
- 7 Q. 403 Yes. Or not, I don't know. I'm asking you that?
- 8 A. I never hung on to accounts very long.
- 9 Q. 404 Yes.
- 14:10:49 10 A. Yeah.
- 11 Q. 405 But in relation to the accounts of the B/T account and indeed any other account
12 you had in the nature of a joint account with anybody else, you wouldn't
13 destroy those documents, would you?
- 14 A. No.
- 14:11:04 15 Q. 406 No. You swore an affidavit on the 24th of October 2006, which is at page
16 26243.
- 17 A. Uh-huh.
- 18 Q. 407 In which you set out your knowledge on oath of the documents including the
19 Permanent TSB documents. And at paragraph two of that I read as follows:
- 14:11:27 20
- 21 "I've had in my possessions statements from Permanent TSB in respect of
22 accounts with that financial institution covering the period 1st of January
23 1989 to 31st of December 1994. These documents however are no longer in my
24 possession and were last in my possession or power on a date which I do not
14:11:44 25 recall exactly but which I believe to be sometime in 1995.
- 26
- 27 3. My statements from Permanent TSB for the subject period were destroyed in
28 my normal course of destroying and discarding all statements received from
29 financial institutions shortly after their receipt".
- 14:12:02 30 And you swore that on oath, isn't that so?

- 14:12:15 1 A. That's right, yeah.
- 2 Q. 408 I take it you'd accept now that that is incorrect, Mr. Collins, in light of the
3 evidence that you've given that you did not destroy the BT accounts but rather
4 you gave them to Fianna Fail or you may have given them to Fianna Fail but
14:12:22 5 certainly you didn't destroy them?
- 6 A. That would be true, yeah.
- 7 Q. 409 Yeah. And in your affidavit you could have gone on to say that "Fianna Fail
8 may well have these accounts because I have not dealt with this account for
9 some years", isn't that so?
- 14:12:40 10 A. That's, yeah, I would have said that, yeah. That was what year was that?
- 11 Q. 410 This was 2006, at a time when the Tribunal was unaware of the existence of the
12 B/T account which only came to its attention once it traced the Davy's cheque
13 to an account in Irish Permanent Building Society in November 2007, and thereby
14 found out that there was an account called the B/T account. That's the
14:13:04 15 sequence which led to this current inquiry of you in relation to the B/T
16 account, isn't that so?
- 17 A. That's so, yes.
- 18 Q. 411 Well what is the reason for your not disclosing at this time in 2006, the fact
19 that there was an account which you had opened in 1989 which was still current
14:13:24 20 as of 2006 which had in it something over 47,000 on deposit. Had you forgotten
21 about that account?
- 22 A. No, I hadn't forgotten about it but it was always the building trust account
23 and I thought it didn't relate to me. Although I was a signatory on the
24 account.
- 14:13:46 25 Q. 412 It was an account into which you caused monies to be lodged --
- 26 A. That's correct.
- 27 Q. 413 -- over a long period of years, isn't that right?
- 28 A. That's true.
- 29 Q. 414 And the Tribunal's Order Of Discovery, at page 26234 of the 14th of June 2006,
14:14:00 30 "required you to make discovery of all documents and records in your

14:14:05 1 possession, power or control relating to all accounts held in any financial
2 institution whether within or outside the State in your own name, whether
3 individually or jointly or for your benefit and into which you had made
4 lodgements of money".

14:14:19 5
6 So it was an account I suggest to you that was clearly covered by the order and
7 is one which you swore an affidavit in response to, which failed to discover
8 this order, this account, isn't that right?

9 A. That's right, yeah.

14:14:38 10 Q. 415 I am trying to understand, Mr. Collins, why it is that you know of an account
11 which has a substantial amount of cash in it, it has been effectively a dormant
12 account from 1995 onward, isn't that right?

13 A. That's true, yeah.

14 Q. 416 The money that was in there stayed there earning interest and nothing was done
15 with it for a period of almost 13 years or so, isn't that right?

16 A. That's correct, yeah.

17 Q. 417 But you were aware of the account, you say.

18 A. Yeah, the account was always there for the purpose that it was set up, you
19 know.

14:15:13 20 Q. 418 And the only records in relation to that account which were coming from the
21 building society were those which came initially, sorry -- which were retained
22 initially within the branch and I suggest from 1994 onwards, were sent to an
23 address of yours at 136 Biscayne, Malahide, isn't that so?

24 A. Yes, I haven't had a statement from them in a long time, I don't know how long
14:15:37 25 it is since I've had a statement relating to that account.

26 Q. 419 Was it since you moved from 136 Biscayne, Malahide?

27 A. It was long before. As far as I can remember it was before that. I cannot say
28 when.

29 Q. 420 You see, there is no other address on this account until it was changed?

14:15:56 30 A. Uh-huh.

- 14:15:57 1 Q. 421 In January of this year at the request of yourself to include two other
2 persons.
- 3 A. That's true, yeah.
- 4 Q. 422 You didn't go to the society to collect monthly or annual accounts from them,
14:16:12 5 isn't that so?
- 6 A. That's so, yeah.
- 7 Q. 423 And I'm putting to you that the society itself did not issue accounts to any
8 Fianna Fail organisation or any individual in Fianna Fail?
- 9 A. I don't know, they may have sent some across to St. Luke's, I don't know, you
14:16:32 10 know.
- 11 Q. 424 Well I am suggesting to you, Mr. Collins, that that didn't happen, no accounts
12 left the Irish Permanent Building Society to Fianna Fail or to anybody other
13 than the named account holder who was at all times you, Tim Collins.
- 14 A. Uh-huh.
- 14:16:50 15 Q. 425 Isn't that so?
- 16 A. That's so, yeah.
- 17 Q. 426 Yes. And therefore, the state of that account could never be the subject of
18 any analysis, discussion or any other matter with any of the Fianna Fail
19 operatives from 1995 until 2008 because the documents in relation to that
14:17:14 20 account could not have been in their possession, isn't that so?
- 21 A. Yes, everybody connected with St. Luke's knew about the building trust account.
- 22 Q. 427 Right. So you say, Mr. Collins, but could I suggest to you --
- 23 A. Yeah.
- 24 Q. 428 -- that none of the managers who operated the bank accounts in the Irish
14:17:40 25 Permanent Building Society had any knowledge of this account being anything
26 other than your personal account. In particular, no knowledge that it was a
27 Fianna Fail account or connected in any way with any organisation, group,
28 committee or anything else. And had that been made known to them, it would
29 have been necessary to alter the nature of the account because as it presently
14:18:02 30 stands in the event of your having died, these monies would have been treated

- 14:18:09 1 by the society as being the assets of your successors, your family and not the
2 assets of any grouping, beneficial, trustee or otherwise, do you understand me?
- 3 A. I understand that.
- 4 Q. 429 Yes.
- 14:18:22 5 A. And I understand exactly what you're saying. But everybody connected with St.
6 Luke's knew that that account was there, the building trust account, and it was
7 for the benefit of St. Luke's.
- 8 Q. 430 If they did, Mr. Collins, isn't there any reason why they would not have gone
9 over to the bank or building society which is merely a number of yards across
10 the road from the office and informed those in the Irish Permanent that that
11 was the position because as I say, the evidence of the managers will be that
12 they were he be entirely unaware of that?
- 13 A. I don't know.
- 14 Q. 431 You don't know. When did you last discuss this account, that is the B/T
15 account, with any trustee of the building trust as you call it?
- 14:19:03 16 A. Oh, it's many years ago, I'd say I've been out of circulation around there now
17 for about 13 years.
- 18 Q. 432 Right. We're talking about 1995.
- 19 A. Yeah, okay I go in now and then to St. Luke's because I wasn't in the best of
14:19:41 20 health but that's possibly around 13 years. I honestly don't know.
- 21 Q. 433 Are we right in thinking that the only surviving fellow trustee is Mr. Joe
22 Burke?
- 23 A. That's correct, yeah.
- 24 Q. 434 So do you remember when you last talked to Mr. Joe Burke about the B/T account
14:19:59 25 and it being a building trust account, as you say?
- 26 A. No but Joe Burke always knew it was a building trust account. I haven't spoken
27 to Joe Burke in a long while.
- 28 Q. 435 The expenditure from this account, Mr. Collins, has been detailed by Price
29 Waterhouse Coopers in the report that was provided to the Tribunal and appears
14:20:29 30 at page 2661. If we could turn that, please. If we just run down through the

14:20:41 1 headings of expense here, Mr. Collins. They are, firstly, election costs
2 (inaudible) in 1989.
3 In August 1989, post election function for Cumann members 2,700.
4 In March 1990, printing 1,000 pounds.

14:21:01 5 In August 1990, St. Luke's opening function for FF organisation Cumann members
6 4,000 pounds.
7 In July 1992, withdrawal of 2999.
8 In August 1992, summer function Fianna Fail Cumann/local organisation 3,000
9 pounds.

14:21:25 10 The 30th of March 1993, Patrick O'Sullivan solicitor re staff loan 30,000
11 pounds.
12 26th of August 1994, building renovation works subsequently cancelled see
13 lodgement 26th of the 10th '94, 20,000 pounds.
14

14:21:43 15 Total expenditure there is 61,029 pounds and some pence. What knowledge have
16 you of these particular withdrawals and the purpose for which they were used,
17 Mr. Collins? Firstly, do you agree that this is the expenditure from the B/T
18 account?

19 A. Yes, I do, yes, yeah.

14:22:10 20 Q. 436 And was that expenditure through you? Did you withdraw money on each occasion
21 on the indebtedness of the account?

22 A. Yes, I would have withdrawn that money, yes.

23 Q. 437 So you are the sole signatory in relation to these amounts, is that right?

24 A. I would have, yes.

14:22:31 25 Q. 438 In regards to the expenditure, which is identified here, do you know what
26 documentation, if any, exists to back or substantiate any one of these
27 lodgements or sorry withdrawals? With if we start with the elections costs for
28 example. Is there some receipt for election costs?

29 A. Yeah, I can't. You would have to go to St. Luke's for that, I don't know.

14:23:01 30 Q. 439 You would have to go where?

14:23:02 1 A. To St. Luke's for, that I don't know.

2 Q. 440 Yes. You may take it that the Tribunal has not been provided with any

3 documentation in respect of these particular withdrawals, save the cheque to

4 Patrick O'Sullivan solicitor for a staff loan.

14:23:16 5 A. Yeah.

6 Q. 441 And there is a no documentation evidencing payments to Fianna Fail members or

7 Cumanns for annually events occurring in the end of July in the years set out

8 here.

9 A. Yeah well the end of July there was always a function, it's the end of the --

14:23:46 10 Q. 442 Yes.

11 A. -- the end of the political year and there's always a function in Lukes.

12 Q. 443 The first of those we see in 1989.

13 A. Yeah.

14 Q. 444 That was the same year as the account was opened two months or so beforehand,

14:23:52 15 isn't that right?

16 A. Uh-huh.

17 Q. 445 In June.

18 A. Correct, yes.

19 Q. 446 Is there any reason why money should be coming out of a fund which has been set

14:24:01 20 aside as a contingency fund to pay for something like a party which effectively

21 this was?

22 A. That's what it was for.

23 Q. 447 Sorry.

24 A. That's what the money was taken out for.

14:24:16 25 Q. 448 But that's not what the money was put in for. The money was put in apparently

26 for a long-term project where it would be a contingency against the future

27 indebtedness which might arise at some stage and would have to be met by this

28 contingency funds, isn't that so?

29 A. Yeah, but that was a decision to do at the time, to take the money out if it

14:24:38 30 was its the function.

- 14:24:39 1 Q. 449 Well if it was. If it was, why was it taken out of this account?
- 2 A. Why not.
- 3 Q. 450 Because you've told us that it is an account which is intended to be a sinking
- 4 fund or a contingency fund, and we see that 19 years later it's still in
- 14:24:56 5 existence and it hasn't been paying for parties since then. So why did it pay
- 6 for this party two months after it was set up?
- 7 A. I can't explain why but that's, if that's what happened, that's happened.
- 8 Q. 451 And there is no documentation to support that?
- 9 A. I doubt it at this 1989, 20 years ago, I don't know.
- 14:25:20 10 Q. 452 In 1989 there had been a General Election, isn't that right?
- 11 A. That's right.
- 12 Q. 453 A large amount of money was gathered as a result of that.
- 13 A. Uh-huh.
- 14 Q. 454 In a General Election account in the name of Mr. Bertie Ahern and Mr. Joe
- 14:25:33 15 Burke, isn't that right?
- 16 A. That's right.
- 17 Q. 455 Yeah. Would you not expect that if there was to be a payment in respect of
- 18 election costs or a post election function that it would be met out of the
- 19 election account?
- 14:25:50 20 A. Well obviously it wasn't if it came out of there, you know.
- 21 Q. 456 The election account we'll see at page 26810, was in credit to the extent of
- 22 24,000.33 pounds in 1989 at the time of this function. Now, is there any
- 23 reason why election expenses should be met from a contingency fund, if that's
- 24 what it was, when the election account was in credit to that extent,
- 14:26:27 25 Mr. Collins?
- 26 A. I can't comment on that.
- 27 Q. 457 Well it would defeat the whole purpose of the contingency account if day-to-day
- 28 or incidental expenses were going to be met out of this fund, isn't that right?
- 29 A. That's what happened.
- 14:26:42 30 Q. 458 Well how do you know that that's what happened?

- 14:26:43 1 A. Because I took it out.
- 2 Q. 459 You took it out?
- 3 A. Yeah.
- 4 Q. 460 And what did you do with it?
- 14:26:50 5 A. It was used for the, as far as I can ascertain --
- 6 Q. 461 Well how if you ascertained this, Mr. Collins?
- 7 A. I'll just trying to think back 20 years, it's very difficult.
- 8 Q. 462 In the expenditure of 1990, we see that it is set out at in August 1990 St.
- 9 Luke's opening function for Fianna Fail organisation/cumann members, 4,000
- 14:27:21 10 pounds in the fund goes on that, isn't that right?
- 11 A. That's right, yeah.
- 12 Q. 463 We looked earlier at the CODR account, an account into which monies were
- 13 expended on St. Luke's, isn't that so?
- 14 A. That's right.
- 14:27:37 15 Q. 464 We'll see that at page 26672, that account was in credit to the sum of 27,617
- 16 pounds in August of 1990. So there is no reason to be taking money out of the
- 17 B/T account to meet expenses for St. Luke's or for Cumann members if that
- 18 account is the account of the Cumann and if it is in credit to that amount,
- 19 isn't that right?
- 14:28:09 20 A. Well the money came out that have account at the time, if I can think back as
- 21 far as that was that. That was the opening of St. Luke's and everybody that
- 22 helped us, the builders and all, official people, there was a function at that
- 23 time for those people and it came out of that account.
- 24 Q. 465 Well it's those people were being paid Mr. Collins, out of the CODR account,
- 14:28:32 25 according to the information provided by Price Waterhouse Coopers, 30,000
- 26 pounds and 5,000 pounds came out of the CODR account to meet the capital or
- 27 upkeep costs of a capital nature.
- 28 A. Of the work that was done.
- 29 Q. 466 Yes.
- 14:28:50 30 A. Yeah, well this was the opening of St. Luke's when all the neighbours were

14:28:54 1 there, builders were there, everybody connected with the opening of the house
2 was there. And that's my recollection of it.

3 Q. 467 The actual day-to-day or weekly expenditure on St. Luke's is being met by an
4 account called the "constituency No. 1 account" isn't that right?

14:29:22 5 A. I don't know.

6 Q. 468 You don't know?
7 A. I don't know that.

8 Q. 469 Right. But this is the building of which you were a trustee.
9 A. That's right.

14:29:22 10 Q. 470 This is the building which in the event that it requires to be funded for
11 refurbishment it has to be done through your and your fellow trustees.
12 A. This is also the building that I haven't been involved in for 13 years.

13 Q. 471 We're talking now about a period when you were involved.
14 A. Yeah.

14:29:37 15 Q. 472 Up to 1995.
16 A. All I can tell you on that money that came out then was for opening St. Lukes.
17 Q. 473 Yes.
18 A. A function for the opening of St. Luke's.

19 Q. 474 These are --
14:29:48 20 A. That's my recollection on that.

21 Q. 475 These are three functions which happen at the end of the political year every
22 year. They are paid for three years only out of the 19 years which this
23 account has been in existence for, isn't that right?
24 A. That's right, yeah.

14:30:04 25 Q. 476 And they've been paid in circumstances where election accounts in at least one
26 of those years had more than sufficient funds to meet those expenses, isn't
27 that right?
28 A. That's right.

29 Q. 477 Could those monies have been expended for some other purpose, do you remember
14:30:25 30 leaving with for example 4,000 pounds in cash on the 3rd of August 1990? Who

14:30:36 1 did you give it to?

2 A. I can't recollect who I gave it to in 1990, 19 years ago.

3 Q. 478 Do you know ... this a is a specific account, Mr. Collins, very limited

4 transactions have taken place on it over the past 19 plus years of its

14:30:55 5 existence. You must know what you did with the money you took out of this

6 account?

7 A. I certainly know what some of it, taken it out for certainly. I just said that

8 the 4,000 came out for the opening of St. Luke's.

9

14:31:20 10 CHAIRMAN: Mr. Collins, do you recall actually physically taking this money

11 out, these three smaller sums of 3 to 4,000?

12 A. Mr. Chairman, I honestly don't recall physically taking it out insofar as I ...

13

14 CHAIRMAN: And you don't have a record?

14:31:37 15 A. No, I have no record of it.

16

17 CHAIRMAN: So who told you is that this is what you took the money out for?

18 A. That's what it was taken out for at the time.

19

14:31:46 20 CHAIRMAN: No. If you have no recollection ...

21 A. Yeah.

22

23 CHAIRMAN: Of taking the money out?

24 A. That's what it was used for, Mr. Chairman.

14:31:54 25

26 CHAIRMAN: Do you remember in your own memory that this is what it was used

27 for?

28 A. I do, Mr. Chairman, yeah. I cannot elaborate on it, but that's, it was the

29 end, it was the opening of St. Luke's after it was done up.

14:32:10 30

14:32:10 1 CHAIRMAN: And can you remember who you would have given the money to?

2 A. I honestly, I can't remember Mr. Chairman.

3

4 CHAIRMAN: Or how the bills would have been paid in relation to?

14:32:20 5 A. No, that ...

6

7 CHAIRMAN: Somebody else?

8 A. Somebody else done it, I didn't do it, Mr. Chairman.

9

14:32:27 10 Q. 479 MR. O'NEILL: If we can revert back, please, to page 2661. The expenditure as

11 calculated by Price Waterhouse Coopers. The next items of expense then are

12 Patrick O'Sullivan solicitor re staff loan and beneath that then building

13 renovations works subsequently cancelled by, sorry. 0Subsequently cancelled

14 see lodgement 20,000 pounds. Do you see those two expenditures?

14:33:04 15 A. I do, of course, yeah.

16 Q. 480 Now, are we in agreement, Mr. Collins, on one issue. And that is that not one

17 penny of the money that ever went in to the B/T account was spent on the upkeep

18 of St. Luke's?

19 A. No, it was a sinking fund for the rainy day, as I said earlier on.

14:33:27 20 Q. 481 And when we get to the actual expenditure then, we have dealt so far with three

21 social political events which were funded out of this account.

22 A. That's right.

23 Q. 482 For which no records are available.

24 A. Yes.

14:33:42 25 Q. 483 And the next item then is the 30,000 pounds which is re staff loan.

26 A. That's correct, yes.

27 Q. 484 That is the circumstance in which 30,000 pounds was given to Ms. Celia Larkin,

28 is that right?

29 A. Yes, that was her aunts had a problem, they were being put out of their home at

14:34:05 30 the time.

- 14:34:06 1 Q. 485 And --
- 2 A. And it was raised at the committee and ...
- 3 Q. 486 And the effect of that being that Ms. Larkin became the owner of a property
- 4 which was rent controlled to that point in time by relatives of hers residing
- 14:34:23 5 in it. She became the legal owner of the property, is that right?
- 6 A. So I believe, yes.
- 7 Q. 487 In what circumstances do you believe that the monies, that were monies you say
- 8 for a contingency fund were appropriately paid to Ms. Larkin?
- 9 A. Well it was a problem that was brought to the committee about Celia Larkin's
- 14:35:00 10 aunts were quite elderly and the house they were living in was going to be sold
- 11 and they had this problem and they couldn't get a loan and it was brought to
- 12 the committee to see could we furnish a loan and we furnished a loan for that
- 13 purpose on the condition that it would be paid back with interest when
- 14 required.
- 14:35:18 15 Q. 488 You've referred to the building B/T account as being the building trust
- 16 account.
- 17 A. Yeah.
- 18 Q. 489 And we know that there was a declaration of trust made in relation to the
- 19 property St. Luke's.
- 14:35:30 20 A. Uh-huh.
- 21 Q. 490 The St. Luke's declaration of trust, if we see that at page 26309, describes
- 22 the objects of the trust as being as follows.
- 23
- 24 "It is hereby declared by the trustees that they hold the trust property under
- 14:35:47 25 the following trusts for the use and benefit of the Fianna Fail Republican
- 26 Party in the Drumcondra electoral constituency as presently geographically
- 27 defined and at all times with discretion to apply the trust property for the
- 28 ultimate benefit of the Fianna Fail Republican Party." You see that?
- 29 A. I do, yeah.
- 14:36:10 30 Q. 491 Yeah. Do you believe that the trust account you are talking about, the

- 14:36:14 1 building trust account, was held on a similar trust basis. By that I mean on
2 the basis of it being a trust for the Fianna Fail Republican Party in the
3 Drumcondra electoral area and with a discretion to apply it to the ultimate
4 benefit of the Fianna Fail Republican Party?
- 14:36:34 5 A. I accept what the document states. But this was a problem, this was a
6 humanitarian problem by a lady that has worked for years for Fianna Fail in the
7 area and her family had a problem and we saw no, nothing wrong with doing this.
- 8 Q. 492 If the ... sorry I didn't mean to cut across you.
- 9 A. We didn't see anything wrong with doing this. It was a problem. We tried to
10 resolve it we tried to help the situation. We did help the situation. The
11 money was there and why not on the condition that the money would come back on
12 the demise of the ladies or if so required by the building trust. And
13 that's -- by the way, it's as simple as that, you know.
- 14 Q. 493 Uh-huh.
- 14:37:24 15 A. And why not do it.
- 16 Q. 494 Well amongst other things, if you are dealing with trust property you'd have to
17 have the power under the trust to make a loan not for the benefit of the Fianna
18 Fail Party either in the Drumcondra area or ultimately the Fianna Fail
19 Republican Party but for the benefit of a person who happened to be an employee
14:37:43 20 or favoured by the Fianna Fail party?
- 21 A. Yes.
- 22 Q. 495 That is not a power which necessarily would stem if your trustee role is to
23 hold property and to deal with it for the benefit of the political party?
- 24 A. Yeah, well look --
- 14:38:02 25 Q. 496 I think you'd accept that.
- 26 A. That was the decision that was made by the committee at the time.
- 27 Q. 497 Yes.
- 28 A. A humanitarian decision was made to do this, we did it and that was it.
- 29 Q. 498 One of that committee was the solicitor, Mr. Gerry Brennan, isn't that right?
- 14:38:17 30 A. That's very true, yes.

- 14:38:19 1 Q. 499 Who you would expect would know exactly what the powers of the trustees were
2 under the trust and that he would act within the trust if these were the trust
3 conditions with regard to the account and of course there may well be a
4 different trust in relation to the bank account than there is in relation to
14:38:39 5 the property. But we've not been provided with any of that documentation?
6 A. Well I can only tell you what happened at the time and that's what happened.
7 Q. 500 Well what happened at the time was that you went to the building society, you
8 applied for a cheque to be drawn in the name of Patrick O'Sullivan solicitor.
9 The society complied with your request and gave you the document, isn't that
14:39:04 10 right?
11 A. That's right, yes.
12 Q. 501 Do you remember completing any document with Ms. Larkin or with anybody else
13 recording the fact that the 30,000 pound cheque which you were handing over was
14 on the basis of it being returned by her on whatever terms there were agreed
14:39:22 15 between you, is there any document whatsoever of any nature, recording the fact
16 of this being a loan?
17 A. I haven't seen a document but I have to work on the assumption that Gerry
18 Brennan being a solicitor would have done something to that effect.
19 Q. 502 But you are one of the trustees apparently.
14:39:41 20 A. That's correct, yes.
21 Q. 503 Did you sign any document as a trustee?
22 A. No.
23 Q. 504 Authorising the payment of this money to Ms. Larkin?
24 A. No, I just went and I got the cheque and I left it for Gerry Brennan.
14:39:53 25
26 JUDGE KEYS: Mr. Collins, did you give Gerry Brennan any instructions when you
27 gave him the cheque in relation to the monies you were handing over? As to
28 secure repayment or recorded document to that effect?
29 A. No, the understanding was --
14:40:15 30

14:40:15 1 JUDGE KEYS: Forget about an understanding.

2 A. Yes.

3

4 JUDGE KEYS: What actually did you say to the solicitor when you handed over

14:40:16 5 the cheque for 30,000?

6 A. The cheque was to be repaid with interest if so required by the committee or on

7 the demise of the old ladies.

8

9 JUDGE KEYS: And where did you hand the cheque over to and where did this

14:40:30 10 occur?

11 A. I would have either left it in St. Luke's for him or given to it to him, I'm

12 not all together sure.

13

14 JUDGE KEYS: Did you leave any instructions with the cheque if you left it in

14:40:40 15 St. Luke's?

16 A. The cheque -- If it was left in St. Luke's it would be left for the attention

17 of Gerry Brennan.

18

19 JUDGE KEYS: Mr. Collins, you don't hand over 30,000 pounds of money which you

14:40:49 20 say is not yours to somebody without some written instructions of some

21 description or some definite instructions as to the security to be obtained for

22 its return or at least the terms of the loan itself if it was a loan.

23 A. Well, Judge, Gerry Brendan handled it. He handled the business --

24

14:41:10 25 JUDGE KEYS: You can't just pass it over like that. Mr. Gerry Brennan is

26 deceased, Mr. Collins. You are involved in this. You go to the account and

27 you take out 30,000. Now, it's not just sufficient for you to say I handed it

28 had to somebody else and I left up to them to decide. You were a trustee, it

29 was your responsibility to ensure that whatever was done would be done

14:41:30 30 correctly.

14:41:32 1 A. That's what happened, Judge.
2
3 JUDGE KEYS: Unless, unless it's your money.
4 A. Certainly --
14:41:37 5
6 JUDGE KEYS: Or it's not Fianna Fail money.
7 A. It's certainly not my money.
8
9 JUDGE KEYS: So you handed over 30,000 without ensuring, giving positive
14:41:49 10 instructions with the positive instructions -- positive instructions, positive
11 instructions to the solicitor as to what to be done with it. And Gerry Brennan
12 being a trustee of course himself.
13 A. That's right.
14
15 JUDGE KEYS: And are you telling me that there is no record?
14:42:04 16 A. I am not saying there is no record. I haven't seen a record.
17
18 JUDGE KEYS: Did you go and try, did you go and look for a record, did you
19 make any inquiries as to whether a record is available.
14:42:18 20 A. I haven't done so, no.
21
22 JUDGE KEYS: Why not?
23 A. Because --
24
14:42:23 25 JUDGE KEYS: Why not?
26 A. Because we worked on the trust. We decided that when it would be required it
27 would come back.
28
29 JUDGE KEYS: How do we know that if there's no documentation. We are relying
14:42:37 30 entirely on what you are saying, isn't that correct?

14:42:39 1 A. That's correct.
2
3 JUDGE KEYS: We have to rely on your evidence as being truthful and up front,
4 isn't that correct?
14:42:44 5 A. I beg your pardon.
6
7 JUDGE KEYS: We have to rely on your evidence as being an accurate account of
8 what you are saying, isn't that correct?
9 A. That's correct.
14:42:51 10
11 JUDGE KEYS: You are the only person I think maybe along with some of the
12 other surviving trustees as Mr. Burke, is that right?
13 A. That's right, yeah.
14
14:43:00 15 JUDGE KEYS: So in the absence of any documentation whatever happened can only
16 be accounted by both of yourself and Mr. Burke.
17 A. That's correct.
18
19 JUDGE KEYS: And there is no documentation whatsoever?
14:43:13 20 A. I don't know whether there is or not.
21
22 JUDGE KEYS: And you made no efforts to try and find out, is that correct?
23 A. It was always understood --
24
14:43:21 25 JUDGE KEYS: Did you make any efforts to try and find out? It's a simple
26 question.
27 A. I haven't made, no.
28
29 JUDGE KEYS: I see.
14:43:27 30

- 14:43:28 1 Q. 505 MR. O'NEILL: From your point of view, Mr. Collins, you have never actually
2 seen a document in which Ms. Larkin acknowledges the receipt of this 30,000, is
3 that correct?
- 4 A. That's correct, yeah.
- 14:43:41 5 Q. 506 You have never seen the title deeds of the property which she subsequently went
6 on to buy with this money to see whether or not the interests of your trust are
7 protected in the title of that property, isn't that correct?
- 8 A. That's quite true, yes.
- 9 Q. 507 And until this matter came to the knowledge of the Tribunal, no interest
10 payment and no communications passed either on an annual basis or otherwise
11 between Ms. Larkin and the trustees on this issue from 1993 until 2008, isn't
12 that so?
- 13 A. That's so, yes.
- 14 Q. 508 Right. In fact, there is nothing to suggest in any document form that there was
14:44:27 15 any such arrangement, isn't that so?
- 16 A. There may --
- 17 Q. 509 Talking about the documentation.
- 18 A. There may be, I don't know.
- 19 Q. 510 But you have never seen those documents if they do exist?
- 14:44:38 20 A. No.
- 21 Q. 511 Now, when that request for this money was made, which you considered with your
22 fellow trustees, were you aware of the fact that Mr. Brennan was going to be
23 the solicitor who would act on behalf of the purchasers from the property on
24 behalf of its owners Ms. Larkin?
- 14:45:08 25 A. I wasn't aware of what specific role he had.
- 26 Q. 512 You don't know what he did to represent or protect the interests of the trust
27 as opposed to the interest of his other client, Ms. Larkin?
- 28 A. That's quite true, yes.
- 29 Q. 513 Right. And in relation to this request, it was being made of you at a time
14:45:17 30 when obviously you knew of the relationship between Mr. Ahern and Ms. Larkin.

14:45:22 1 When did you discuss with Mr. Ahern the fact that the monies which you say were
2 put aside for a contingency fund so as to ensure that once he retired for
3 politics there wouldn't be a liability. When did you discuss with him that
4 part of that fund was now going to be or had been given to Ms. Larkin?

14:45:46 5 A. I didn't discuss this with Mr. Ahern until after the event, it came up in
6 conversation.

7 Q. 514 All right. Can you remember what that discussion was?

8 A. Not fully, I don't know exactly what we discussed but ...

9 Q. 515 Did it ever get discussed between you?

14:46:06 10 A. Yes, afterwards.

11 Q. 516 Right.

12 A. How long afterwards, I don't know.

13 Q. 517 And is there any reason why you wouldn't have discussed it in advance? It
14 seems from what you say to be perfectly appropriate thing to do on a human
15 basis and one which you could only be complemented for by Mr. Ahern presumably
16 if you spoke to him about it. Why did you not tell him in advance of your
17 making your decision to do so, that this was your intention to do so?

18 A. I have no idea. I cannot answer that.

19 Q. 518 Uh-huh. The last item of expenditure which we see on this document at page
14:46:49 20 2661, 26661 is the building renovation subsequently cancelled expenditure.
21 That happened on the 26th of August of 1994, when we know that 20,000 pounds in
22 cash was taken out of the B/T account, isn't that the so?

23 A. That's so, yes.

24 Q. 519 Yes. Now, is there any reason to have taken that amount of money out of that
14:47:19 25 account in advance of carrying out any building works and in advance of
26 receiving the detailed estimate or costing for the works from the builders?

27 A. Well the problem at the time is that the side wall of Luke's was sinking and it
28 was the indention at the time, the committee discussed it to try and get some
29 work done over the period, the holiday period and bring people in and try and
14:47:53 30 get this thing sorted out. The wall had cracked, the building had sunk on the

- 14:48:00 1 gable and there was a lot of dampness in the place. And I took the money out
2 and Joe Burke being the builder, I left the money for Joe to see could he have
3 it sorted out. And he got professional advice on it over the period of time to
4 say that the job was too great and too big, that that wouldn't be able to sort
14:48:24 5 it out.
- 6 Q. 520 And is there any reason to have put him in funds in advance of him doing any of
7 the work?
- 8 A. Well there was. He wanted cash to be able to pay people if he wanted to be
9 able to get a job done in a hurry, that's my belief.
- 14:48:40 10 Q. 521 And within some short time apparently it became apparent that this work wasn't
11 going to be carried out, isn't that right?
- 12 A. It was carried out some years later at four times the cost because it was a
13 manager problem.
- 14 Q. 522 Uh-huh.
- 14:48:52 15 A. Major problem.
- 16 Q. 523 Now, the 20,000 pounds that was taken out, you gave it to Mr. Burke did you?
- 17 A. I left it in St. Luke's for Mr. Burke.
- 18 Q. 524 Well where in St. Luke's, did you leave it in a safe, did you give it to
19 Mr. Ahern?
- 14:49:07 20 A. My recollection that I brought it to St. Luke's and left it in the office. And
21 whoever was there, I can't recall who was said there, said make sure Joe Burke
22 gets that.
- 23 Q. 525 We're talking about 20,000 pounds in cash?
- 24 A. That's right, yeah.
- 14:49:20 25 Q. 526 Presumably in an envelope, Mr. Collins?
- 26 A. That's right, yeah.
- 27 Q. 527 And you can't remember who and precisely how you parted with possession of
28 that?
- 29 A. I left it in St. Luke's for to be picked up by Joe Burke.
- 14:49:33 30 Q. 528 Uh-huh. Do you know if he did pick it up?

- 14:49:39 1 A. I'd imagine he did pick it up, yes.
- 2 Q. 529 And when did you next see it?
- 3 A. I actually never saw that 20,000 because the work was never carried out.
- 4 Q. 530 Oh, I see. Well when we get to the 26th of October of 1994, you made a
- 14:50:01 5 lodgement to the B/T account, isn't that so?
- 6 A. When was that?
- 7 Q. 531 On the 26th of October 1994?
- 8 A. Could I see the lodgement docket please?
- 9 Q. 532 Yes it's at page 27189. Can you see that document?
- 14:50:31 10 A. Yeah.
- 11 Q. 533 Yes.
- 12 A. I have no recollection of lodging that myself to that account.
- 13 Q. 534 Yes.
- 14 A. Because I would normally sign it.
- 14:50:51 15 Q. 535 The lodgement slip generally provides that if the lodgement is being made by
- 16 somebody other than the account holder it's not necessary for the account
- 17 holder to sign it, though you did on some occasions and not on others, is that
- 18 fair?
- 19 A. I signed most of the lodgement slips.
- 14:51:10 20 Q. 536 Where they were signed, they were signed by you?
- 21 A. Where they were signed, they were signed by me, yeah.
- 22 Q. 537 Where they were not signed they were left blank?
- 23 A. That's right but I would normally, I would normally sign lodgement slips or
- 24 withdrawal slips.
- 14:51:27 25 Q. 538 Yes. Well this is the account now the B/T account?
- 26 A. Uh-huh.
- 27 Q. 539 It has been depleted by the withdrawal in August of 2000 -- of 20,000 pounds
- 28 and it is now being the recipient of a further 20,000 pounds. What do you know
- 29 of that 20,000 pounds as regards its origin, firstly?
- 14:51:53 30 A. I'm assuming, that's the 20,000 pounds that was never used for the work on the

- 14:51:59 1 house.
- 2 Q. 540 You're assuming that?
- 3 A. Yeah.
- 4 Q. 541 All right?
- 14:52:02 5 A. Well I think that's what it is that.
- 6 Q. 542 On what basis do you make that assumption Mr. Collins?
- 7 A. I am making the assumption that letter on at one of the meetings that we were
- 8 told that the work wasn't carried out and it couldn't be carried out because
- 9 the job is too great.
- 14:52:20 10 Q. 543 Yes. If that is so and if there was no expenditure whatsoever, one should
- 11 certainly be re-lodging 20,000 pounds to the account, isn't that right?
- 12 A. That's right, yeah.
- 13 Q. 544 And if the money has been on deposit or elsewhere, it should be being relodged
- 14 with the interest that's on that account, isn't that right?
- 14:52:39 15 A. Well I suppose so. I'm not sure whether it was on deposit or not.
- 16 Q. 545 Well were you not concerned as a trustee of this fund to find out what had
- 17 become of the money, where it was at the time and what was going to happen to
- 18 it?
- 19 A. Well, no, because the exercise was to carry out the work over the period, the
- 14:53:00 20 holiday period of a months but that didn't happen.
- 21 Q. 546 The lodgement docket here shows that it is 20,000 pounds in cash and you may
- 22 note from that particular document there that it has a computer trace on the
- 23 bottom of that. And the building society indicates to the Tribunal that the
- 24 figures "54" which are just visible as one moves from left to right at that
- 14:53:34 25 point. You see that?
- 26 A. I do, yes.
- 27 Q. 547 That that represents the transaction which was conducted through the particular
- 28 teller machine on which that transaction was conducted on the 26th of October
- 29 of 1994, do you see that?
- 14:53:59 30 A. I see that, yeah.

14:54:01 1 Q. 548 Now, on the same day and in the same branch and using the same machine, another
2 transaction took place which we'll see at page 2718. 27188, please. If you
3 turn that, please.
4

14:54:37 5 This is the exchange of Sterling taking place in the branch at Drumcondra
6 through account number 135, which is the foreign currency exchange account
7 operated within the branch. And this is an internal document within the branch
8 recording the transaction. And the Tribunal is told that this evidences the
9 fact that 20,000 pounds Sterling was exchanged in the Drumcondra branch of the
14:55:10 10 IPBS on the 26th of October 1994. That it resulted in a payment being made out
11 of 20,000 pounds Irish. There being parity between Sterling and the Irish
12 currency at this particular time. And that this transaction was the 55th
13 transaction conducted through teller machine No. 1 on the day in question.
14

14:55:44 15 The Tribunal is told that what this means is that the teller processing these
16 two transactions processed one of the transactions immediately following upon
17 the other. And that it was at that time unusual that transactions of a value
18 of 20,000 pounds in any currency would be conducted in the branch at that time.
19

14:56:25 20 Now, if we can assimilate that information possibly in a practical way,
21 Mr. Collins. It means that on the 26th of October 1994, at the branch in
22 Drumcondra, two transactions took place, one was the exchange of 20,000 pounds
23 in Sterling for 20,000 pounds Irish. And the other was the lodgement of 20,000
24 pounds Irish to the account known as the B/T account?

14:57:01 25 A. Uh-huh.

26 Q. 549 And that those transactions were processed one after the other. The first of
27 the transactions being the lodgement of the monies 20,000 pounds to the B/T
28 account. And the second being the entry into the computer system of the bank
29 of the fact that 20,000 pounds Sterling had been purchased.

14:57:27 30

- 14:57:28 1 CHAIRMAN: 20,000. Sorry.
- 2
- 3 Q. 550 MR. O'NEILL: Now, do you know, Mr. Collins, whether or not the lodgement that
- 4 was made to the B/T account on this day was the proceeds of a 20,000 pounds
- 14:57:51 5 Sterling exchange which had taken place at the same time, either immediately
- 6 before or immediately afterwards?
- 7 A. I don't, no.
- 8 Q. 551 No. And is that because you don't remember being in the branch at all and
- 9 making this particular lodgement?
- 14:58:03 10 A. I don't remember making the lodgement and as I said earlier on, I would
- 11 normally sign, sign document, lodgement dockets or withdrawal dockets.
- 12 Q. 552 So your evidence is that you don't know whether there is any possible
- 13 connection between these two events, isn't that so?
- 14 A. That's so.
- 14:58:25 15 Q. 553 I see. Have you any recollection of being told by Mr. Burke what did he with
- 16 the 20,000 pounds having taken it from St. Luke's, if that's what he did or
- 17 having received it in St. Luke's at a minimum between and the 24th and 26th of
- 18 October I should say when this money is lodged?
- 19 A. No, I haven't.
- 14:59:07 20 Q. 554 The B/T account which is being operated at the time was being operated
- 21 effectively by you, isn't that right?
- 22 A. That's true, yes.
- 23 Q. 555 And in 1995 you say that because of possible illness, I'm not sure, but you had
- 24 no further dealings with this account from then on, isn't that so?
- 14:59:32 25 A. That's as far as I can remember. That's as far as I can remember.
- 26 Q. 556 Well as far as you can remember, you had nothing to do with the account and as
- 27 and from 1995, is that what you're saying?
- 28 A. That's my belief.
- 29 Q. 557 Yes. Well have you any reason to believe otherwise, the documents don't show
- 14:59:52 30 that any transaction took place on the account after --

- 14:59:56 1 A. Oh, I haven't ... from '95 until the present day.
- 2 Q. 558 Yes.
- 3 A. I haven't been active at all in the organisation because of ill health, you
- 4 know.
- 15:00:09 5 Q. 559 You but you haven't been active about this account?
- 6 A. Yes.
- 7 Q. 560 And nobody has been active with this account since 1995 onwards, isn't that
- 8 right?
- 9 A. That's my belief, yes.
- 15:00:23 10 Q. 561 Is it purely coincidental that in November 2007, when this account is
- 11 discovered to the Tribunal that steps are taken to bring this account into the
- 12 fold of Fianna Fail accounts by appointing two persons who are office holders,
- 13 as persons who could sign on this account?
- 14 A. Well the situation was, and was very shortly, that I was in hospital. When we
- 15:00:54 15 got the -- when I was approached by the Tribunal in late November, I was going
- 16 away and I got ill while I was away. I came back over the Christmas period. I
- 17 went in to hospital. And people were trying to access this account, people in
- 18 St. Luke's, everybody was trying to get the information for the Tribunal and
- 19 they wouldn't give the information because I was a signatory on it.
- 15:01:22 20
- 21 And to resolve the situation Mr. Ahern came to see me and he said look, Tim, he
- 22 says the people in the Tribunal are looking for information. We have to get a
- 23 mandate signed so we can get people involved in this to get the information out
- 24 to the Tribunal. And I said whatever has to be done, do it I said because I am
- 15:01:43 25 in no condition to get out of hospital to do it. And I signed the mandate.
- 26 Q. 562 But, Mr. Collins, you had equally been ill in 1995, the same considerations had
- 27 applied; you had decided not to operate this account any further --
- 28 A. That's, yeah.
- 29 Q. 563 -- because you were ill.
- 15:02:01 30 A. Yeah.

15:02:02 1 Q. 564 Now, why did you not put steps in hand to appoint some Fianna Fail office
2 holder to operate this account in circumstances which are, I suggest to you,
3 exactly the same as those which be fell you in 2007, 2008?

4 A. I didn't think about it.

15:02:23 5 Q. 565 But at that stage --

6 A. Yeah.

7 Q. 566 -- there was 47,000 pounds worth of other people's money in an account in your
8 name, you were the sole signatory on it, you knew you were the only person who
9 could operate that account and yet you do nothing to pass the reigns on to the
10 persons who you say were the legitimate owners of that account, isn't that so?

11 A. That's right, the building trust, yeah.

12 Q. 567 Why is that?

13 A. I have no logical explanation for it, it was there to be kept in the event of
14 anything happening to Bertie Ahern and to payoff any debt that was on the
15 building. And that was from day one to today, that was my thinking and still
16 is my thinking.

17

18 JUDGE FAHERTY: Mr. Collins, can I just ask you?

19 A. Certainly.

15:03:11 20

21 JUDGE FAHERTY: You said a moment ago that around the Christmas time you were
22 told I think by somebody from St. Luke's that people in St. Luke's were trying
23 to access the account and they couldn't.

24 A. That's right.

15:03:23 25

26 JUDGE FAHERTY: Because you were the signatory to the account, is that
27 correct?

28 A. That's correct.

29

15:03:28 30 JUDGE FAHERTY: You then decided to, because of illness or whatever or health

15:03:40 1 problems, back in 1995. Had anything happened to you, Mr. Collins, and indeed
2 had anyone in St. Luke's tried to access the account, it would suggest that
3 they would have been met with the same problem, isn't that correct?

4 A. There is no doubt build that. I understand what you are saying. But everybody
15:03:52 5 that connected with St. Luke's, connected with anything to do, knew the
6 building trust account was there.

7
8 JUDGE FAHERTY: Yes. No, my point is this. In 2007, St. Luke's couldn't
9 access the account. Equally it would apply in 1995. And what Mr. O'Neill is
10 asking you --

11 A. Judge, I understand perfect what you are saying.

12
13 JUDGE FAHERTY: Why did you not take steps back in 1995?

14 A. I just didn't do it, you know.

15:04:24 15
16 Q. 568 MR. O'NEILL: Mr. Collins, in 1995 you ceased to have any effective involvement
17 with this particular account, though of course you remained the trustee of the
18 building St. Luke's, isn't that so?

19 A. That's so, yeah.

15:04:38 20 Q. 569 Yes. And we are told that in the year 2000, a mortgage is taken out secured
21 upon St. Luke's. And you as a trustee would have been one of the persons who
22 signed that mortgage, isn't that so?

23 A. That's so, yes.

24 Q. 570 And that mortgage had the effect, I believe, of borrowing 75,000 pounds from
15:04:58 25 AIB bank secured upon the premises, isn't that right?

26 A. Correct, yes.

27 Q. 571 That loan was taken out at a time when there was 47,000 in cash in the account?

28 A. Yeah.

29 Q. 572 Isn't that so?

15:05:13 30 A. That's so.

- 15:05:13 1 Q. 573 And at a time when Ms. Larkin owed the trustees 30,000 pounds plus seven years
2 interest on that amount to that date, isn't that right?
- 3 A. That's true, yes.
- 4 Q. 574 The combination of those two amounts would have obviated the necessity of the
15:05:31 5 trust putting itself into debt it to the extent of 75,000 pounds, isn't that
6 right?
- 7 A. That's true.
- 8 Q. 575 The contingency of the building requiring to -- be money spent on it for
9 repairs, if that is that was one of the contingencies envisaged, had now
15:05:49 10 occurred and it had been quantified, isn't that right?
- 11 A. That's right.
- 12 Q. 576 Was that 75,000 pounds used for the purpose of choring up the building as
13 you've described earlier?
- 14 A. No, say it again.
- 15:06:03 15 Q. 577 Sorry. 75,000 pounds which was the subject of the mortgage was that the money
16 that was used to shore up the building?
- 17 A. That was for the repairs on the building.
- 18 Q. 578 Yes. And why is it that that was not taken from the B/T account and why is it
19 that Ms. Larkin was not called upon in 2000 to repay the monies to the building
15:06:30 20 trust, so as to allow it to meet these expenses in relation to St. Luke's?
- 21 A. Because we all, the sinking fund that we wanted to have for St. Luke's for the
22 building trust, we always wanted that it remain there until such time as that
23 if there was a mortgage on the building we would pay it off. Mr. Ahern, if he
24 decided to leave politics or anything like that.
- 15:06:54 25
- 26 I understand what you are saying that we should have paid it off with the money
27 that was there but we always wanted to have that sinking fund there and that's
28 why we kept it there. When the work had to be done, the let the people go out
29 and fundraise to pay for that.
- 15:07:09 30 Q. 579 Was any consideration given by your committee at any time to apply the funds

15:07:15 1 which were on deposit for the purpose of improving or restoring or maintaining
2 St. Luke's?

3 A. No, the basis of it it was always, in my mind, there was five people on it at
4 the time, was to deep there as a sinking fund for the rainy day.

15:07:32 5 Q. 580 Well, allowing for the fact, Mr. Collins, that you were happy to operate the
6 B/T account for the past 19 years, as the B and T account and allowing for the
7 fact that you say that everybody was aware of the fact that that was its true
8 purpose. What reason was there to change at all in 2008, why didn't you simply
9 leave it there?

15:07:56 10 A. I didn't change it.

11 Q. 581 Right. You tried to change it?

12 A. No, sorry, I filled in a mandate that was brought out to me for to sign by
13 members of the officer board or whoever they were in St. Luke's.

14 Q. 582 Yes.

15:08:13 15 A. Yes.

16 Q. 583 But the officer board had no function, no role in this particular account. You
17 agreed with me that you were the sole signatory on it, isn't that right?

18 A. That's right. But it was agreed to be -- that access on the account, they
19 needed people on it for to access, to get the information from the society.

15:08:31 20 Q. 584 Well let's look at the mandate which is at 26410.
21
22 It says "To whom it may concern. This is to state that I, Tim Collins which
23 with to request a mandate form for account number given B/T account in brackets
24 in order to 1, add two other signatories and 2, to re-name the account Building
15:08:54 25 Trust/House Committee account".

26 A. Uh-huh.

27 Q. 585 Signed Tim Collins.

28 A. That's correct, yeah.

29 Q. 586 But you had been happy for the past 14 years before that to operate without
15:09:07 30 such a document, isn't that right?

- 15:09:10 1 A. That's right.
- 2 Q. 587 Now, in your discovery process, Mr. Collins, in relation to accounts in Irish
3 Permanent Building Society, another account that you did not make reference to
4 in swearing your affidavit was an account with which you were a joint account
15:09:32 5 holder with Mr. Des Richardson, isn't that right?
- 6 A. That's true, yes.
- 7 Q. 588 And can you offer any explanation to the Tribunal as to why it is that you
8 didn't discover this account or any documents in relation to it which might
9 have come from Mr. Richardson perhaps if you didn't have your own documents?
- 15:09:53 10 A. Well, as I explained earlier on at the time, I got an accountant to do it, to
11 do the search. I think that was in 2006.
- 12 Q. 589 Uh-huh.
- 13 A. And I left everything up to her for to go and do all of this work for me. And
14 Des Richardson and I opened an account I think it was in '91 or '92. It was a
15:10:19 15 facility that we needed because I was involved with a company that was
16 practically bankrupt and I needed a cash facility for to tied us over until we
17 got some money in that we were owed. And Des and I opened that account at the
18 time that's my recollection of it.
- 19 Q. 590 Whilst the accountant couldn't produce documents from the building society for
15:10:43 20 you. From what you say, it seems likely that there would have been records and
21 accounts in relation to that particular account because it was being operated
22 for business purposes?
- 23 A. At the business account, correct, yeah.
- 24 Q. 591 And secondly, it was being operated jointly, isn't that correct?
- 15:10:58 25 A. That's right a business account, yeah.
- 26 Q. 592 So there should have been documents available to you?
- 27 A. From where?
- 28 Q. 593 From the banks which sent you the documents presumably on a monthly basis
29 advising you as to what the status of that account was and from your own
15:11:12 30 records because you were operating a business called Pilgrim Associates Limited

- 15:11:17 1 at the time in respect of which that company was being paid and you were
2 receiving funds from it, isn't that right?
- 3 A. That's nearly 20 years ago.
- 4 Q. 594 But you had those documents at some point in time. In a discovery order you
15:11:36 5 were obliged to discover not only the documents which you currently have but
6 also the documents which you had had in your possession. You would have to
7 reveal the fact that you had had an account with Mr. Richardson in this
8 instance and you could then explain if there were certain documents missing
9 what had become of them or if had the documents, you would discover them but
10 you simply cannot fail to disclose the existence of such an account.
- 11 A. I understand what you are saying. I accept what you are saying but I had
12 forgotten completely about that facility.
- 13 Q. 595 Right. Shall we look at that facility firstly at page 26944 is the application
14 form for the opening of an account. The first applicant is Mr. Tim Collins.
15:12:26 15 The second applicant is Mr. Des Richardson. Both of you give the business
16 address of 25 Merrion Square Dublin, isn't that right?
- 17 A. That's right, yeah.
- 18 Q. 596 If we look now at document 26943, which is the computer generated document
19 within the IPBS in which the documentation information is recorded. And it
20 shows the opening date of the account as being the 23rd of July of 1991, you
15:12:46 21 see that?
- 22 A. That's right, yeah.
- 23 Q. 597 Right. And the title account title is Mr. Tim Collins and Mr. Des Richardson.
- 24 A. That's right.
- 15:13:04 25 Q. 598 That being in the sequence that is shown on the application form first and
26 second signatories, isn't that right?
- 27 A. That's right, yeah.
- 28 Q. 599 Is that an account which you more than Mr. Richardson operated in the years in
29 which it was in existence which essentially ran from 1992 to 1993?
- 15:13:30 30 A. I would imagine so. And if you look at the cheque documents in it, I've signed

- 15:13:36 1 most every one of them.
- 2 Q. 600 Yes.
- 3 A. And we had a small. Let me explain to you, Your Honour. I think I explained
- 4 this to you earlier on. We had a small architectural practice and we weren't
- 15:13:51 5 too successful with it. And I used to leave the cheque book in the office. If
- 6 any of the architects needed drawing material or their wages or anything like
- 7 that, I would sign my signature on it and they'd did fill in the -- they'd fill
- 8 in Des Richardson and they'd fill in Tim Collins. They'd fill in D or T or
- 9 whatever came to their mind. That's exactly what that was for, you know, until
- 15:14:28 10 we got monies in that we were owed.
- 11 Q. 601 Okay. We look now to the first advance transaction which was conducted on this
- 12 account at page 26958, there was a withdrawal of funds on the account, do you
- 13 see that?
- 14 A. I do, yeah.
- 15:14:35 15 Q. 602 It's an account where the money was being withdrawn for Sheedy Hickey & Co. in
- 16 the sum of 401.70 pounds, isn't that correct?
- 17 A. That's correct, yeah.
- 18 Q. 603 The account is called D/T?
- 19 A. That is written on it.
- 15:14:50 20 Q. 604 Yeah. Can you explain what that means, Mr. Collins?
- 21 A. Well I may not have filled that in. I signed it. The D/T obviously means Des
- 22 Richardson and Tim Collins.
- 23 Q. 605 So you take the first letter of the Christian name of each of the beneficial
- 24 owners of the account and you apply that with the hyphen between the two to
- 15:15:16 25 identify the account?
- 26 A. Yeah.
- 27 Q. 606 It's Des and Tim, is that right?
- 28 A. Des Richardson and Tim Collins. You might go down a few more of them and see
- 29 where Tim Collins is on it, Des Richardson is on it. How many?
- 15:15:31 30 Q. 607 There are 151 slips.

15:15:33 1 A. Yeah.

2 Q. 608 Which are provided by the society to the Tribunal in respect of its records of
3 withdrawals?

4 A. Uh-huh.

15:15:42 5 Q. 609 And on 46 of these the account is shown as D/T. And the signatures of the on
6 these transactions are your own, isn't that right?

7 A. That's correct.

8 Q. 610 You were aware that this account is referred to as the D/T account?

9 A. How many transactions did you say?

15:16:02 10 Q. 611 There are 151 slips, being withdrawal slips.

11 A. With my signature on them.

12 Q. 612 No, your signature is on more of them but --

13 A. Yeah.

14 Q. 613 But the ones that show D/T as being the operative?

15:16:15 15 A. Yeah.

16 Q. 614 Name of the account?

17 A. And how many showing Tim Collins and Des Richardson?

18 Q. 615 Virtually all of them are yours?

19 A. No but how many times has Mr. Richardson's name appeared on it and my name
15:16:29 20 appeared on it and Tim Collins' has appeared on if and just Des Richardson on
21 his own appeared on it.

22 Q. 616 Well I will read through a list of them rather than necessarily putting up
23 every document.

24 A. Yeah.

15:16:40 25 Q. 617 And we'll see. The first item is on the 3rd of January 1992, the account is
26 called D/T. It is a signature of yours that effects with the withdrawal.
27 That's the one document we see on screen?

28 A. Yeah.

29 Q. 618 The next item is the 7th of the 1st '92, account name Tim Collins. It's a
15:17:02 30 lodgement by Tim Collins. The next is the 10th of January '92, Tim Collins

15:17:08 1 it's a withdrawal signed by Tim Collins. There are then a series of five
2 withdrawals, the account is not named but it's signed Tim Collins in each
3 instance.

4 A. Uh-huh.

15:17:21 5 Q. 619 Then on 31st of January, D/T withdrawal.

6 A. Uh-huh.

7 Q. 620 No signature it may be a squiggle of a D on that?

8 A. Uh-huh.

9 Q. 621 The next, 31st January 1992, D/T withdrawal, unclear as to signature it could
15:17:38 10 be D Richardson.

11 A. Uh-huh.

12 Q. 622 The next is D/T withdrawal again query whether it's D Richardson, it's somewhat
13 undecipherable. We can look tat if you wish, 26968. It might be of
14 assistance. But could I say that in this 150 and if you wish me to go through
15:17:59 15 everyone I will.

16 A. No, it's okay.

17 Q. 623 The vast majority of the transactions on this account are conducted by you,
18 firstly. And of the transactions 46 of them refer to the account as D/T
19 starting with the very first transaction which shows the account to be D/T.

15:18:20 20

21 Now, some person decided that this account could be called D/T rather than
22 writing out Tim Collins Des Richardson, isn't that right?

23 A. Yeah well as I explained, we had a small office, the cheque book would be
24 there, the people would require materials for drafting purposes and they'd fill
15:18:40 25 in the documentation. I didn't always fill in the documentation. I just
26 signed the cheques for them.

27 Q. 624 I appreciate that while you didn't fill in this documentation --

28 A. Yeah.

29 Q. 625 -- it was documentation which you signed and where the account was identified
15:18:52 30 as D/T account and that was not something which you corrected on any occasion,

15:18:56 1 isn't that right?

2 A. Well I also didn't correct just Tim Collins on its own or Des Richardson on its
3 own either, you know.

4 Q. 626 Whoever it was decided to operate this account as the D/T account. Could I
15:19:10 5 suggest to you that it is either you or your staff or Mr. Richardson. And that
6 it would not have been a decision taken by the bank or the building society I
7 should say, to treat the account of two named individuals under an initial. It
8 was a decision by the account holder or somebody authorised by them, isn't that
9 so?

15:19:34 10 A. Not necessarily.

11 Q. 627 Not necessarily. Well, I mean, you know that this account was operated as the
12 D/T account?

13 A. I know that yes.

14 Q. 628 And you offer an explanation --

15 A. The account it was opened up for Tim Collins and Des Richardson. That's what I
16 know. And there's five different occasions in it where there are different
17 names on it.

18 Q. 629 Yes.

19

15:19:52 20 CHAIRMAN: Mr. Collins, in your experience, because clearly you would have
21 signed for a lot of these withdrawals and indeed other withdrawals presumably
22 in personal accounts?

23 A. Yeah.

24

15:20:06 25 CHAIRMAN: Was it your experience that you, the customer, would have to fill
26 up the docket? Do you see there?

27 A. I understand Chairman, yeah.

28

29 CHAIRMAN: The account number?

15:20:18 30 A. Yeah.

- 15:20:18 1 CHAIRMAN: The amount, the identity of the account, these would be?
- 2 A. Normally, Mr. Chairman, I would sign, other people would have had the docket
- 3 filled, I would be in the office, I would be in for an hour. Noleen, the girl
- 4 would say 'look I need a signature on this, I'd need a signature on that' I'd
- 15:20:37 5 sign it, they wanted to get stuff, pay the staff, pay our landlord and I would
- 6 just sign it.
- 7
- 8 CHAIRMAN: So if it wasn't you you it would be one of your staff?
- 9 A. Exactly, Chairman, exactly.
- 15:20:49 10
- 11 Q. 630 MR. O'NEILL: And could one of those staff also be the person who was operating
- 12 the B/T account in the circumstances where your signature doesn't appear as
- 13 being the person making the lodgement?
- 14 A. I don't get you. What exactly do you mean?
- 15:21:03 15 Q. 631 You've told the Tribunal that there are a series of lodgements to the B/T
- 16 account which were not made by you?
- 17 A. Yeah.
- 18 Q. 632 Because your signature was not on them. Could those lodgements to the B/T
- 19 account have been made by the same member of staff who made the lodgements to
- 15:21:18 20 the D/T account?
- 21 A. In the staff in Pilgrim you mean?
- 22 Q. 633 Yes.
- 23 A. No, not that I, I certainly don't think so.
- 24 Q. 634 I have to ask you, Mr. Collins, whether or not the B/T account is in fact the
- 15:21:34 25 first name of the two account holders Bertie Ahern and Tim Collins?
- 26 A. The B/T account as I stated earlier on, many hours ago here, is the building
- 27 trust account.
- 28 Q. 635 Thank you, Mr. Collins.
- 29
- 15:21:53 30 CHAIRMAN: Are there parties here who wish to cross-examine? Do you wish to

15:21:58 1 ask?
2
3 MR. CUSH: No, Sir, I have no questions, thank you.
4
15:22:01 5 CHAIRMAN: All right.
6
7 JUDGE KEYS: Mr. Collins, just one question.
8 A. Yes, Sir.
9
15:22:15 10 JUDGE KEYS: Over your period in time in business did you ever involve
11 yourselves in Sterling transactions?
12 A. I did, yes.
13
14 JUDGE KEYS: What period?
15:22:24 15 A. '91.
16
17 JUDGE KEYS: To when?
18 A. I opened the Sterling account in '91.
19
15:22:32 20 JUDGE KEYS: And when -- I don't particularly want to pry too much into --
21 when would you have ceased dealing in Sterling transactions?
22 A. Well I opened the Sterling account. The interest rates, Judge, was about 2 per
23 cent better.
24
15:22:48 25 JUDGE KEYS: Approximately when did you cease involving yourself in Sterling
26 transactions?
27 A. I would have imagined, I'm not 100 per cent, I would imagine a year later or a
28 year and a half later.
29
15:23:02 30 JUDGE KEYS: And did you ever exchange large sums of Sterling?

15:23:05 1 A. Exchange large sums of Sterling?
2
3 JUDGE KEYS: Yes. For Punts?
4 A. No.
15:23:10 5
6 JUDGE KEYS: Never?
7 A. Never, no.
8
9 JUDGE KEYS: No further questions. Thank you.
15:23:14 10
11 CHAIRMAN: Could I just ask you, Mr. Collins?
12 A. Certainly, Chairman.
13
14 CHAIRMAN: You were, in relation to the B/T account you were in effect a
15:23:22 15 treasurer?
16 A. Yeah.
17
18 CHAIRMAN: For want a better word?
19 A. Chairman, I was the minder of the account, exactly.
15:23:28 20
21 CHAIRMAN: So you say that you didn't personally keep records --
22 A. No.
23
24 CHAIRMAN: Of transactions?
15:23:33 25 A. I didn't, no.
26
27 CHAIRMAN: So and presumably the transactions that were conducted on the
28 account, there were only a handful?
29 A. That's true, yeah.
15:23:43 30

15:23:44 1 CHAIRMAN: But a lot of them were quite significant.

2 A. Well they were two particular ones were very significant, yeah.

3

4 CHAIRMAN: Well even the 3 and the 4,000 sums were significant enough.

15:23:56 5 A. Yeah.

6

7 CHAIRMAN: But were you not aware or were you not concerned to ensure that

8 somebody was keeping a record, if it wasn't you, given that this wasn't a

9 frequently used account, in the ordinary way?

15:24:19 10 A. I understand what you're saying.

11

12 CHAIRMAN: People might have a difficulty

13 A. I know I understand perfectly. It was always in the back of my mind. There

14 was two people, three people had died. And there was a few trustees left and

15:24:33 15 if anything ever happened, the balance of the trustees would not be held

16 accountable for any debt on that building and that was my thinking.

17

18 CHAIRMAN: Yeah but I'm just concerned about keeping an account. Not

19 necessarily --

15:24:47 20 A. Yeah.

21

22 CHAIRMAN: Because of the possibility that you might be run over.

23 A. Yeah, I understand.

24

15:25:01 25 CHAIRMAN: By a bus. But even in the ordinary way if you were a treasurer in

26 a football club or a tennis club or something like that you would keep an

27 account.

28 A. Chairman, there wasn't a lot, as you see, there wasn't a lot of activity in it.

29

15:25:07 30 CHAIRMAN: So it wouldn't have been difficult.

15:25:09 1 A. You are quite correct.
2
3 CHAIRMAN: It wouldn't have taken much.
4 A. I didn't do it, Chairman.
15:25:14 5
6 CHAIRMAN: All right.
7
8 JUDGE FAHERTY: Just one matter, Mr. Collins.
9 A. Yes, Your Honour.
15:25:18 10
11 JUDGE FAHERTY: Who brought the matter you said to Mr. O'Neill that the
12 problem being the issue regarding Ms. Larkin's aunts. This problem you said
13 was brought to the committee.
14 A. Yes.
15:25:33 15
16 JUDGE FAHERTY: Who brought the problem to the committee?
17 A. I don't want to give names and be told I'm wrong later, do you understand. My
18 ...
19
15:25:41 20 JUDGE FAHERTY: Well the committee comprises --
21 A. Five people.
22
23 JUDGE FAHERTY: That's what I want to ask you.
24 A. I suspect, I suspect and I'm not sure. At the time it was either Gerry Brennan
15:25:52 25 or Joe Burke brought it to the attention of the committee. Either of them.
26
27 JUDGE FAHERTY: And did Mr, did you know that the late Mr. Brennan was acting
28 for Ms. Larkin in the purchase?
29 A. I didn't know in what capacity he was acting. I did not know in what capacity
15:26:11 30 he was acting.

15:26:11 1 JUDGE FAHERTY: Well surely you'd have had to have some inkling if this was
2 being asked, he was a trustee wasn't he?

3 A. Correct, yeah. He was a member of the House Committee.

15:26:22 5 JUDGE FAHERTY: I beg your pardon. Yes, that's what I'm talking about. A
6 member of the House Committee.

7 A. He was, yes.

9 JUDGE FAHERTY: And to your recollection, did the House Committee recommend
15:26:30 10 obtaining the services of a solicitor to advise the House Committee as to how
11 best they could serve, protect the interest of the committee?

12 A. I cannot recollect. But I had to assume if it was a professional person
13 involved that that would happen.

15:26:47 15 JUDGE FAHERTY: But did the committee instruct anybody to act for?

16 A. I honestly can't remember back that far.

18 JUDGE FAHERTY: Very well. Thank you, Mr. Collins.

19 A. Thank you.

15:26:56 20

21 CHAIRMAN: Thank you

22 A. Chairman, thank you for your courtesy.

23

24 **THE WITNESS THEN WITHDREW.**

15:27:01 25

26 CHAIRMAN: Sorry.

27

28 MR. MURPHY: Chairman, Mr. Dillane, please.

29

15:27:21 30

15:27:22 1

2

MR. DOMINIC DILLANE, HAVING BEEN SWORN, WAS QUESTIONED

3

BY MR. MURPHY AS FOLLOWS:

4

15:27:46 5

CHAIRMAN: Good afternoon, Mr. Dillane.

6

A. Good afternoon, Chairman.

7

Q. 636 MR. MURPHY: Good afternoon, Mr. Dillane.

8

A. Good afternoon.

9

Q. 637 I would like to begin by reading into the record a statement which you have

15:27:57 10

given to the Tribunal today. The statement is reads as follows. Sorry.

11

27266, please.

12

13

"To whom it may concern I am currently joint treasurer of Dublin Central

14

Comhairle Dail Ceantar. I joined Fianna Fail in 1999, a few months prior to

15:28:21 15

the Local Elections and became a delegate to the Comhairle Dail Ceantar in

16

2000.

17

18

I became treasurer to the CDC in 2001 and have held that position since. On

19

becoming treasurer I became a member of the House Committee also. The House

15:28:35 20

Committee meets a few times a year, usually around the fundraising events to

21

help and support these events. The annual fundraising events are the dinner at

22

Clontarf Castle Hotel and the golf classic.

23

24

My first recollection of the sinking fund account was at the Comhairle AGM in

15:28:51 25

2001. It was reported that there had been no transactions on the sinking fund

26

account in the past year. Shortly after becoming treasurer, the Taoiseach had

27

advised me that money, 30,000 pounds, had been loaned from the building trust

28

account to help elderly relatives of a staff member at St. Luke's house. The

29

trustees had granted the loan on the basis that the money with interest would

15:29:12 30

be returned on the death of the ladies concerned or if the trustees required

15:29:17 1 the loan to be repaid.
2
3 He advised that there was a approximately 35,000 in the account and that there
4 had been no activity on the account since the mid '90's. There would have been
15:29:27 5 a number of discussions regarding refurbishments and a possible extension to
6 St. Luke's House at House Committee meetings over the years and I would have
7 talked about the building trust account. It was my strong view that the
8 sinking fund should not be used except in exceptional circumstances. I would
9 also have reported on any transactions on the account of the Comhairle AGM.
15:29:47 10
11 During the December/January period of '07/'08, the trustees had sought to get
12 records of the accounts from Irish Life And Permanent at Drumcondra but this
13 had proven difficult. In early January both surviving trustees were
14 hospitalised and the House Committee at a meeting on the 6th of January decided
15:30:16 15 to change the mandate to include myself and JJ Murphy to facilitate access of
16 information on the account for any further inquiries. It was also decided to
17 change the name of the account to reflect the fact that our names were being
18 included as members of the House Committee.
19
15:30:20 20 Also in recent weeks I was advised by Sandra at St. Luke's that Ms. Celia
21 Larkin had left a cheque in St. Luke's to repay the loan on the building trust
22 account. Sandra later lodged the cheque in the AIB signed by you Mr. Dillane."
23 Isn't that right?
24 A. That's.
15:30:35 25 Q. 638 That's your statement.
26 A. That's right.
27 Q. 639 Thank you.
28 A. Just apologies that I didn't get it in sooner because I was just working all
29 day yesterday and it was late last night when I got a chance to do it.
15:30:46 30 Q. 640 That's fine. Thank you. Now, according to your statement, Mr. Dillane, you

- 15:30:49 1 became a member of Fianna Fail in 1999, isn't that right?
- 2 A. That's right, yeah. I suppose I was always interested in current affairs. I
- 3 had been, when I was studying in England I had been involved a bit in the
- 4 Labour Party and when I came back I was living in the Dublin, in Marlborough
- 15:31:07 5 Street, which is in the area. The Taoiseach had called actually to our
- 6 apartments a couple of times because on his walkabout in the constituency and I
- 7 suppose I was very, you know, very impressed with that, with the fact that, you
- 8 know, even as Taoiseach he was still going around meeting the people living in
- 9 the constituency to find out the issues and so on.
- 15:31:31 10
- 11 And I, one time he called I met him (inaudible) and there was a few more people
- 12 with him and I kind of got involved by talking to them. I suppose I was also,
- 13 I am a statistician and that was a thing that I was interested in. My PhD had
- 14 been on repeated measures data and the whole idea of opinion polls and casting
- 15:31:55 15 because they are repeated over time and so on. It's just something as well,
- 16 that I thought that I could offer to Fianna Fail.
- 17 Q. 641 All right. You came back from England when?
- 18 A. In '92.
- 19 Q. 642 '92.
- 15:32:06 20 A. Yeah. I was studying in UCD, it was about '94 when I began living in
- 21 Marlborough Street.
- 22 Q. 643 All right. And you joined the party in 1999?
- 23 A. That's right, yeah.
- 24 Q. 644 Did you join a Cumann?
- 15:32:18 25 A. I did, yeah.
- 26 Q. 645 What Cumann was that?
- 27 A. The Father John Murphy Cumann.
- 28 Q. 646 And does that represent the area in which you were living or?
- 29 A. Yeah, it would be, yeah.
- 15:32:27 30 Q. 647 All right. And you say in your statement that you became a delegate to the CDC

15:32:35 1 in the year 2000?

2 A. That's right, yeah.

3 Q. 648 How does that happen, do you get elected from the Cumman to go as a delegate or

4 are you nominated or what?

15:32:43 5 A. You are nominated from the Cumann.

6 Q. 649 You are nominated from the Cumann?

7 A. Well I suppose it's elected. I mean the reality is that a lot of the Cumann,

8 particularly in the likes of Dublin Central in a city constituency, you might

9 have a very small number of members. So I mean the number of active members

15:33:01 10 might be only four or five, there would be three members going to Comhairle.

11 That would be quite different to rural areas where Cumann might encompass a lot

12 more members.

13 Q. 650 In your Cumann how many were there, how many at that time?

14 A. I would say active members, about six or seven.

15:33:18 15 Q. 651 All right. And how often would you have met?

16 A. I mean, we had very little formal meetings really. Like the way Dublin Central

17 works. The Cumanns basically are over an area.

18 Q. 652 Yeah.

19 A. Our Cumann was kind of over two wards. And basically we would go out knocking

15:33:37 20 on doors maybe once a week, Thursday evening or a Saturday morning just picking

21 up issues. And then we would probably afterwards meet and just sit down

22 together and put 'em together and pass them into the office in Drumcondra.

23 Q. 653 Yes.

24 A. That's really, you know, what a lot of the Cumanns in Dublin Central were.

15:33:56 25 That was the basis of the activity.

26 Q. 654 All right. So you became a member of the CDC in 2000, is that right?

27 A. That's correct, yeah.

28 Q. 655 You go on to say in your statement to say that you became joint treasurer in

29 2001, that's an elected position?

15:34:12 30 A. It is an elected position, yeah.

- 15:34:13 1 Q. 656 So was it about a year that you were on the CDC before becoming treasurer?
- 2 A. That's right, yeah. It was at the AGM in 2001. So that would be have been the
- 3 first AGM since I had joined.
- 4 Q. 657 Since you joined the CDC?
- 15:34:27 5 A. Since I joined the CDC.
- 6 Q. 658 All right. And just how many meetings would you have attended of the CDC
- 7 before you actually became a treasurer at the AGM in 2001, would you think?
- 8 A. Now, I would say just on recollection, like, currently we would have monthly
- 9 meetings. At that time I'd say the meetings were less frequent, they were
- 15:34:50 10 probably every two months. So I'd have been at maybe four or five maybe. You
- 11 know something in that nature.
- 12 Q. 659 All right. Before the AGM in 2001 when you were elected joint treasurer, is
- 13 that right?
- 14 A. Correct. Yeah.
- 15:35:03 15 Q. 660 And who was the other joint treasurer who was elected with you?
- 16 A. At that time I think it was Liam Cooper.
- 17 Q. 661 You think it was Liam Cooper?
- 18 A. Yeah.
- 19 Q. 662 All right. And do you know who you were taking over from?
- 15:35:18 20 A. I'm not certain, so I'd have to check that.
- 21 Q. 663 All right.
- 22 A. I think Liam had been one of the treasurers I'm not certain of the other.
- 23 Q. 664 All right. Now, you say that I think by virtue of becoming treasurer that you
- 24 became a member of the House Committee for St. Luke's, do I follow you
- 15:35:36 25 correctly on that?
- 26 A. That's right, yeah. I mean the House Committee kind of now comprises the main
- 27 officers of the officer board, right.
- 28 Q. 665 And I beg your pardon?
- 29 A. The House Committee now comprises of the main officers of the officer board so
- 15:35:50 30 the Chairman the secretary, the joint treasurers, the constituency delegate.

15:35:56 1 Q. 666 Yes.

2 A. And then there is the trustees Joe Burke and Maria Kennedy who is kind of helps

3 a lot around the house.

4 Q. 667 Yes. I think you say that it's an automatic thing that once you become

15:36:21 5 treasurer of the CDC --

6 A. Yeah well.

7 Q. 668 -- in Dublin Central you go on to this House Committee?

8 A. That's the way it's operating now.

9 Q. 669 Now. Do you know since when?

15:36:31 10 A. I'm not certain, you know.

11 Q. 670 Roughly.

12 A. No, I mean, it's just well when I came on that's the way, I would have presumed

13 that Liam and those were on it prior to that but I'm not sure of the House

14 Committee before that I wouldn't really have known, you know.

15:36:47 15 Q. 671 All right. And when you came on to that House Committee did you become

16 treasurer of the House Committee?

17 A. Yeah, I mean, we were the treasurers for the Comhairle, we were responsible for

18 the house.

19 Q. 672 All right. So you and you think Mr. Cooper at that time in 2001 --

15:37:00 20 A. Yeah.

21 Q. 673 -- both going to the House Committee, though he may already have been on?

22 A. It he was on it, yeah.

23 Q. 674 You then become the joint treasurers for the House Committee, is that right?

24 A. Yeah.

15:37:09 25 Q. 675 All right. And could we have just 26299, please. This is a letter which we

26 have received, the Tribunal has received from Mr. Ahern's solicitors on the

27 18th of February 2008. And the at the top of page two, Mr. Guidera solicitor

28 says. The end of the first line there:

29

15:37:38 30 "My client instructs me that the current member of the house/finance committee

15:37:43 1 are:
2 Des Garvan, Chairman of the CDC.
3 Therese Killeen, Secretary of the CDC
4 You, Mr. Dillane, joint treasurer of the CDC and Dublin Central Election Agent,
15:37:56 5 JJ Murphy joint treasurer of the CDC
6 Joe Burke, Chairman of Cumann O'Donovan Rossa Annual Dinner Committee,
7 Maria Kennedy, Cumann Thomas McDonagh,
8 Chris Wall, Constituency Delegate for the Fianna Fail National Executive and
9 Director Of Elections.
15:38:13 10 That's apparently the current position?
11 A. Yeah, that's what I had said there like the chair the secretary two treasurers
12 the constituency delegate and then you have Joe Burke who is a trustee and
13 Maria Kennedy as I said kind of who helps out a lot, voluntary worker.
14 Q. 676 All right. Now, was the house, is it the house or the finance committee or
15:38:39 15 both?
16 A. Well it's both, I mean, I would know it as a House Committee really but we
17 would be responsible for the finances.
18 Q. 677 And this is the membership of the House Committee in 2008?
19 A. Uh-huh.
15:38:54 20 Q. 678 Was it the same membership when you were, when you went on to the committee for
21 the first time 2001, do you know?
22 A. Apart from I would say the second treasurer.
23 Q. 679 All right.
24 A. Now, we all kind of came on though at that time because we were all elected at
15:39:11 25 the AGM at that point. Though as I said Liam Cooper would have been there.
26 Q. 680 Yes.
27 A. Okay.
28 Q. 681 All right. But for example Mr. Garvan the Chairman, Ms. Killeen, the
29 secretary?
15:39:23 30 A. They all came on at that point.

- 15:39:25 1 Q. 682 They all came on at that point?
- 2 A. Yeah, Chris Wall may have been, I'm not sure.
- 3 Q. 683 They came on to the House Committee at that time?
- 4 A. That's what I'm saying. Chris Wall may have been on previously.
- 15:39:36 5 Q. 684 Prior to that AGM would the Chairman and the secretary and the joint, two joint
6 treasurers do you think have been members of the House Committee or do you
7 know?
- 8 A. I don't know for certain but the previous chair of the Comhairle was Chris Wall
9 So I presume he was.
- 15:39:59 10 Q. 685 Yes.
- 11 A. But I'm not certain.
- 12 Q. 686 All right. We know apparently that back in the first half of the '90's that
13 Mr. Collins was talking about there were no members of the CDC on the House
14 Committee. Were you aware of that?
- 15:40:10 15 A. I wasn't. I mean, it seemed to be the trustees who were the people there at
16 that stage.
- 17 Q. 687 So it seems that at some period, at some moment the make up of the House
18 Committee changed so as to bring onto the House Committee members the CDC, is
19 that it that?
- 15:40:27 20 A. Seems to be it yeah.
- 21 Q. 688 But you can't help me as to when?
- 22 A. I can't. I would imagine that was kind of the middle late '90's. I mean if
23 you look at the thing this morning the first golf classic that was '97. I
24 would imagine at that stage that the two were one. I would say anything
15:40:46 25 previous to that was organised by the Cumann, by the O'Donovan Rossa Cumann in
26 terms of the house the CODR.
- 27 Q. 689 Yes. Is that something that you could perhaps confirm overnight?
- 28 A. I can, yeah.
- 29 Q. 690 Thank you. Now, Mr. Dillane, recently you became a co-signatory on the B/T
15:41:21 30 account, isn't that right?

- 15:41:22 1 A. That's right, yeah.
- 2 Q. 691 And if we could have 26379, please. This is the document that was opened
3 earlier. You became a co-signatory with Mr. Murphy, isn't that right?
- 4 A. That's correct, yeah.
- 15:41:41 5 Q. 692 Why was this?
- 6 A. Well over the Christmas period the Taoiseach had said to me that the Tribunal
7 were looking for information from Irish Life and Permanent and that, you know,
8 we'd need to get it and so on and that Tim was away so. So in early January I
9 think Tim became hospitalised and also the other trustee. Yeah, I understood
10 actually that the two trustees were on. They both could access that
11 information. But I mean it came out that stage that they couldn't. So we had
12 a meeting --
- 13 Q. 693 Sorry. One second, the other trustee is that Mr. Burke that you are referring
14 to?
- 15:42:21 15 A. Yeah.
- 16 Q. 694 Okay. Thank you.
- 17 A. So we had a meeting then of the House Committee on the 6th of January and I
18 was, it was decided at that to facilitate any further inquiries and it would be
19 better to have myself and JJ on it, so that we were active, we could access the
20 thing.
- 15:42:37 21 Q. 695 So was the reason essentially to avoid a situation where Mr. Burke and
22 Mr. Collins might be hospitalised or out of the country or whatever on another
23 occasion and you might need access to the account?
- 24 A. Yeah but also in the immediate -- because both of them were, you know, in
15:42:57 25 hospital and there was no, we didn't really know how long they would be there.
26 But, I mean, it also made sense really.
- 27 Q. 696 What made sense?
- 28 A. That we would go on the account. That our names would be included for the
29 future.
- 15:43:10 30 Q. 697 Why?

15:43:11 1 A. Well, I mean, if we were going to do anything. Like, I mean if we were going
2 to use the account. We had, as I said, we had discussions with the officer
3 board a couple of times and the House Committee in relation to a possible
4 extension to St. Luke's. I mean, one of the reasons I suppose was that if the
15:43:34 5 Taoiseach, when the Taoiseach would require. Like St. Luke's is quite small
6 and there is a lot of office material that would have to be stored there and
7 filed and so on. So it's certainly on the agenda that there is a need to do
8 some sort of extension to store that type of material. But I mean the main
9 motivation that day, to be perfectly honest with you was just to be able to get
15:43:56 10 the stuff for the Tribunal. That was the immediacy about it.

11 Q. 698 Yes. But all you had to do was to get Mr. Collins' signature, isn't that
12 right?

13 A. It is, yeah, but like if there were. That was just to get the copy of the
14 accounts. But if there were further queries. Again, he was in hospital, you
15:44:16 15 know, just. It was difficult to do the transactions. I mean, every time you
16 would have to get something you would have to go to the hospital or whatever.
17 So it just made sense to do it, to make things easier, more convenient.

18 Q. 699 All right. Why was it done not earlier in time, Mr. Gillane?

19 A. Sorry, Dillane.

15:44:37 20 Q. 700 I beg your pardon. It was Mr. Ahern referred to you as Mr. Gillane. Sorry
21 Mr. Dillane. Why wasn't it done earlier.

22 A. Well we never actually needed to do any transactions on it. I mean, as I said,
23 I was aware, I knew from very early, when I became treasurer and prior to that.
24 I knew the time of the AGM that the account was there. But I knew it was just
15:45:08 25 there. My own view was that that account shouldn't really be touched until it
26 was really necessary to do so.

27 Q. 701 Yes.

28 A. Like at the moment, let's be honest about it because the Taoiseach is in the
29 constituency for Fianna Fail because he is so popular for Fianna Fail it's
15:45:22 30 relatively easy to fundraise. If Mr. Ahern was gone out of politics, you know,

15:45:27 1 it would become a lot more difficult and if we had a large mortgage on the
2 house, which we have at the moment and he was gone out of it. Well it would be
3 a big burden to the local constituency organisation to pay it. So that's why I
4 was kind of keen to keep, not to touch that money really.

15:45:47 5 Q. 702 No. It should be kept?
6 A. Yeah.
7 Q. 703 All right. But that wasn't really what I was asking you, Mr. Dillane. I was
8 simply asking you, why was it not earlier that you -- Mr. Burke became
9 co-signatures?

15:45:59 10 A. No, I appreciate that -- no, no. What I was what I was saying there, like I
11 never had a reason then to actually -- Because we weren't doing any
12 transactions on it. It had never really arisen the need to do it, you know.

13 Q. 704 Now, at the same time Mr. Dillane, as we can see from the document that's on
14 screen, Mr. Collins was interested in renaming the account Building Trust/House
15 Committee account, instead of it being the B/T account it should become the
16 being/house Committee account, isn't that right?
17 A. Yeah, it is but I mean that wasn't Mr. Collins' decision.

18 Q. 705 Oh, was it not, all right.
19 A. No. I mean, that was discussed at the officer board meeting on the 6th of
15:46:39 20 January.
21 Q. 706 All right.
22 A. It was actually I was kind of the view that we should change it.

23 Q. 707 All right.
24 A. We should incorporate House Committee into it so that, I mean, I would feel
15:46:49 25 that in the future it should always be the joint treasurers of the Comhairle
26 who would be on the House Committee should be signatures as well as maybe with
27 a trustee if they are surviving.

28 Q. 708 Sorry I didn't quite catch. Would you mind repeating that please?
29 A. Sorry. I was saying it was always -- when -- like, I was probably the one at
15:47:08 30 the meeting who suggested changing it to that name.

- 15:47:10 1 Q. 709 Yes.
- 2 A. On the basis that there should be a link made with the -- I mean, the account
- 3 should reflect that the House Committee were responsible for it and that the
- 4 two treasurers, say, of the Comhairle would be on the House Committee would be
- 15:47:23 5 the signatories along with the trustee.
- 6 Q. 710 Yes.
- 7 A. Or if there was a trustee surviving.
- 8 Q. 711 Well from the time you went on to Finance Committee did you not think that the
- 9 two treasurers should be the signatories on the B/T account?
- 15:47:39 10 A. I mean to be honest about it, I just hadn't thought about it. It only arose
- 11 when there was a need to look at the account. I always knew it was there.
- 12 Like, to be honest, that account never really registered.
- 13
- 14 JUDGE FAHERTY: Sorry, Mr. Dillane, could you just explain how you did always
- 15:47:53 15 know it was there?
- 16 A. Sorry. Sorry. In that statement there. The first time I heard about that
- 17 account and like I have a pretty good memory, was at the first AGM I was at
- 18 because I was coming in as treasurer. So I was obviously interested in terms
- 19 of hearing about what accounts were there so. So I was focused on the report.
- 15:48:15 20 The other thing was the sinking fund concept. Because I was living in an
- 21 apartment, I'd heard about sinking funds and so on. So I knew from that point
- 22 that the sinking fund, that it was there. Now, I might have heard about it
- 23 beforehand but that certainly, I have a good recollection of that.
- 24
- 15:48:32 25 JUDGE KEYS: Just on that, Mr. Dillane. When you discovered about the sinking
- 26 fund. Did you make any inquiries as to obtaining documentation relating to it
- 27 A, to find out how much was in it and secondly whose name it was in?
- 28 A. I didn't to be honest. I had met the Taoiseach shortly after I became
- 29 treasurer. He had told me about the loan, that was owed to the account. And
- 15:48:56 30 he had mentioned that there was about 35,000 I think he said.

15:49:00 1
2 JUDGE KEYS: Well when you heard that did it not dawn on you that you'd make
3 inquiries into the subject matter of the loan, see what documentation was
4 available and what security was obtained for its return?

15:49:12 5 A. Yeah, look at, I didn't. I took the Taoiseach's word. I had no reason to
6 disbelieve him.
7

8 JUDGE KEYS: Yes but you are the treasurer.

9 A. I appreciate that. I mean, I was happy with his, with the information he had
15:49:25 10 given me. I had no reason to disbelieve him.
11

12 JUDGE KEYS: It's not a question of disbelieving. It was a question to
13 ensure, as treasurer, that the documentation was in place and that the security
14 of getting or obtaining repayment of the loan would also be ensured as well.

15:49:47 15 A. Yeah, I mean, look it, maybe I should have been more vigilant, I saw that there
16 was no problem. In fairness, the loan has within repaid so ...
17

18 JUDGE KEYS: That's not the point. I am just saying as treasurer at the time
19 it hadn't been repaid.

15:49:57 20 A. I appreciate that.
21

22 JUDGE KEYS: From the terms that you were told about it, it seemed to be, it
23 would only be called in, as I understand it, if required. But you never as
24 treasurer made any inquiries as to whether there was any documentation or
15:50:11 25 signatories to the terms of the loan and whether in fact there was some
26 security for recovering it should that situation arise.

27 A. No, I hadn't. I mean, as I said, I just. I probably as treasurer I should
28 have done that. I just took it that I didn't have any reason to disbelieve the
29 Taoiseach, I was quite happy with it.
15:50:33 30

15:50:34 1 JUDGE KEYS: Well have you any made any efforts to find out if there is any
2 documentation in relation to it at all?
3 A. Well obviously since this has happened we've been trying to see what
4 documentation is around St. Luke's. And we actually found the share
15:50:44 5 certificates for the account there yesterday and they have been passed on to
6 the ...
7
8 JUDGE KEYS: Have you come across any documentation relating to the loan
9 A. Not to the loan, no.
15:50:52 10
11 JUDGE KEYS: Or its terms.
12 A. No, I mean I haven't got any documentation in terms of the loan. My
13 understanding there again, was that I mean it would have been the Gerry Brennan
14 was the one that was dealing ...
15:51:05 15
16 JUDGE KEYS: Are there any minutes recording the event?
17 A. Not that I'm aware of.
18
19 JUDGE KEYS: I see. Thank you.
15:51:11 20
21 JUDGE FAHERTY: Just before Mr. Murphy, sorry. Just before Mr. Murphy
22 continues. I just want to take you back. You said that you'd first heard of
23 the building trust at the AGM in 2001 and you said I think your words were you
24 focused on that report particularly.
15:51:29 25 A. Well...
26
27 JUDGE FAHERTY: And I just want to know who made the report and was that
28 report oral or was it in writing?
29 A. It was oral.
15:51:36 30

15:51:36 1 JUDGE FAHERTY: I see.
2
3 CHAIRMAN: Just while we're interrupting, we will all interrupt. The share
4 certificates. Did you say that you found share certificates
15:51:47 5 A. Yeah for the Irish Permanent.
6
7 CHAIRMAN: Is this when the Irish Permanent?
8 A. Yeah, became a public company.
9
10 CHAIRMAN: And where were those?
11 A. They were in St. Luke's. They found them yesterday or I think the evening
12 before in a drawer some place and it was 330 shares and we, I understood that
13 they had been sent to the Tribunal.
14
15 CHAIRMAN: And whose name are they in?
16 A. They were in Tim Collins' name. I mean, it was BT. His address was on it.
17
18 CHAIRMAN: But what address is that, is that his?
19 A. It was the Malahide address.
15:52:25 20
21 CHAIRMAN: All right.
22
23 Q. 712 MR. MURPHY: Just following, Mr. Dillane, just to complete one of the things
24 Judge Keys was asking you about. Is there a single piece of paper evidencing
15:52:37 25 the loan of 30,000 pounds from the account to Ms. Larkin?
26 A. I haven't seen it, no.
27 Q. 713 And just in asking you there about the change of name. I didn't quite follow
28 the reason that you were offering as to why you thought that the name should be
29 changed earlier this year from B/T account to Building Trust/House Committee
15:53:02 30 Account?

- 15:53:03 1 A. Yeah sorry. Just to say. As I say, that came up at the that meeting. My
2 logic with that was as it was an account of the House Committee, that that name
3 should be reflected on the account. So it was decided then to change. So I
4 was saying make sure the House Committee would be on it so that in the future
15:53:24 5 the norm would be as well that the treasurers, whoever they may be, would be
6 the signatories on the account and to put the Building Trust rather than just
7 the BT with it.
- 8 Q. 714 Yes. But why as treasurer since 2001 did you not, you were familiar with the
9 B/T account, why didn't you make that change earlier?
- 15:53:44 10 A. Well as I said, I mean, there were no transactions on the account. I have
11 given this account very little thought of really except that I knew it was
12 there, it was a sinking fund, right. It wasn't until the Tribunal started
13 looking for information on it that that occurred to me really.
- 14 Q. 715 Yes. And it seems from what you say that it wasn't clear to you that B/T
15:54:06 15 account referred to a St. Luke's account or a House Committee account?
- 16 A. Oh, yeah. I mean, I knew it was a sinking fund account. I knew it was part of
17 Fianna Fail. I mean, we had discussed it at House Committees. As I said, it
18 had come up a couple of times.
- 19 Q. 716 Mr. Dillane --
- 15:54:37 20 A. I would have. Just on, like, I mean, I was aware of all of the different
21 accounts under the Comhairle so it was just one of them.
22
- 23 JUDGE FAHERTY: Just who gave. You said that you got an oral report in 2001.
- 24 A. Yeah.
- 15:54:38 25
- 26 JUDGE FAHERTY: From whom did you get that report?
- 27 A. It was the Chair of the Comhairle at the time, Chris Wall.
28
29
- 15:54:54 30 Q. 717 MR. MURPHY: Mr. Dillane, I understood Mr. Collins earlier today to say that

15:54:58 1 he was the person in charge of the B/T account.

2 A. I don't know whether he was the signatory on it, yeah.

3 Q. 718 Yes.

4 A. But I mean the account was under Fianna Fail so it was the officers, it was

15:55:11 5 under the House Committee.

6 Q. 719 I'm not just at the moment just interested in whether it was a St. Luke's hat

7 or a --

8 A. Fianna Fail hat.

9 Q. 720 -- or a Fianna Fail hat. But it was Mr. Collins, he was the person dealing

15:55:28 10 with -- was in charge of that account.

11 A. I mean, just on that, I would have -- my understanding was that it was the

12 trustees who were in charge of the account. I would have thought that it was

13 the two of them had signatures on it, I didn't realise it was just Tim.

14 Q. 721 All right. Sorry, what I'm really coming to is Mr. Ahern in his evidence

15:55:45 15 referred to the fact that Mr. Collins was in charge of the B/T account up to

16 1995.

17 A. Uh-huh.

18 Q. 722 And on the first of his two days recently with us he said that you were the

19 person, you took over in 1997. You are probably aware of him saying that?

15:55:59 20 A. Yeah, but I think he corrected that.

21 Q. 723 Absolutely. I think you got in touch with him that night, is that right?

22 A. That's right.

23 Q. 724 And you became a member in 1999.

24 A. Yeah.

15:56:08 25 Q. 725 So that therefore it was Mr. Collins until '95 and then I think we understood

26 from '99 it was you. But in fact from your evidence now it's 2001?

27 A. 2001, yeah.

28 Q. 726 But is it correct to say that as I understood what Mr. Ahern was saying,

29 namely, that Mr. Collins and it would be now handed to somebody else who handed

15:56:28 30 over to you this account?

- 15:56:29 1 A. That's it, yeah.
- 2 Q. 727 Is that right?
- 3 A. That would be correct, yeah.
- 4 Q. 728 All right. And who was the person in between?
- 15:56:35 5 A. You see I'm not certain but I would imagine it was -- I don't know though I'm
- 6 not sure.
- 7 Q. 729 Mr. Ahern hadn't identified on the second day of his evidence recently who that
- 8 other person was.
- 9 A. Yeah, I would presume it was whoever was on the House Committee as treasurer.
- 15:56:50 10 Q. 730 All right. Again, perhaps that's something that you could clarify for us?
- 11 A. Yeah, no problem.
- 12 Q. 731 All right. Mr. Dillane, can you just -- can you identify for us just at this
- 13 moment what are the Dublin Central constituency accounts that exist at the
- 14 moment, could you just --
- 15:57:18 15 A. Yeah.
- 16 Q. 732 Give me a list of them please?
- 17 A. Yeah, no problem. I mean, just to explain -- the Comhairle, there would be a
- 18 number of accounts associated with the Comhairle, right, the CDC. There would
- 19 be Cumanns then which may or may not have accounts.
- 15:57:31 20 Q. 733 Uh-huh.
- 21 A. Any of many of them wouldn't. Right. There may be some. I mean, the way the
- 22 Cumann I would say would work in terms of whether they had accounts or not.
- 23 It's usually if you had say a Councillor or TD in the constituency who would
- 24 have quite or sorry in the Cumann, you would have quite a lot of people in the
- 15:57:48 25 Cumann then. You would probably have an account then. There would be money
- 26 going through it. In the smaller Cumman, like, I have to say, the one I was,
- 27 there wouldn't have been any money. We didn't even have a bank account. So at
- 28 the moment just to explain that, at the moment on the Comhairle side. Right.
- 29 Q. 734 Yes.
- 15:58:03 30 A. We have the current account, right, which is just the day-to-day of the

15:58:07 1 Comhairle. That would be quite small amounts of money. It would registration
2 of the Comhairle, it might be sponsoring a dog race for Fianna Fail or Mass
3 cards very small type of expenditure, okay.

4 Q. 735 Can you give me, is there a title for it is it the CDC current account?

15:58:27 5 A. It is I think, yeah. It's the Fianna Fail CDC current account I think.

6 Q. 736 That's the first one?

7 A. That's the first one. I will just go through them. And then there's also a
8 deposit account for the Comhairle which is with ACC Bank, which has more
9 sizeable sum in it and it has been there for a long time also. There haven't
10 been that many transactions on that. Since I came in I'd say there's been
11 about one or two. There was one last summer, which related to a celebration
12 that we had for the Taoiseach for 30 years in politics and the Comhairle
13 decided to present him with a sculpture, a John Behan sculpture. That was for
14 about 14,000.

15:59:08 15 That I think is the only kind of transaction on that account since I have been
16 treasurer. On the house side then there's the Fianna Fail Constituency Office
17 account, okay. Which is the day-to-day running of the account. Right.

19 Q. 737 Yes.

15:59:21 20 A. And then you have the B/T account, okay.

21 Q. 738 Yes.

22 A. Now, there is also and this arose just after the 2002 General Election based on
23 guidelines that were issued by the standards in Public Office Commission.

24 Q. 739 Yes.

15:59:37 25 A. That any donations would go into a single account. So there is a deposit
26 account into which all donations go. And basically then it goes from that
27 account out to the different accounts as needed okay. So some of that would go
28 into the house the day-to-day of the house, some go to the Comhairle depending
29 on the needs. So those are the accounts that would be under my, if you like,
15:59:59 30 remit.

- 16:00:01 1 Q. 740 Sorry. That account since 2002, what is the name that have account please?
- 2 A. Oh, I think it's the Fianna Fail deposit account or Dublin Central Fianna Fail.
- 3 I'd have to check the exact name.
- 4 Q. 741 All right. And since --
- 16:00:14 5 A. But, I mean, just to clarify on, is that, right. Each year we have to supply
- 6 to the Standards and Public Office Commission a copy of any account based on
- 7 any Cumann which takes in more than 126 Euro, okay.
- 8 Q. 742 Yes.
- 9 A. So any Cumann account or Comhairle. So the account for the Comhairle that we
- 16:00:31 10 would forward the details of in the Standards in Public Office, that account.
- 11 I think it's called Dublin Central Fianna Fail account, I'm not sure of the
- 12 title but I'm check it.
- 13 Q. 743 And that came in because of legislation in 2002, is that right?
- 14 A. Yeah but prior to that, right, all donation has to go into one account. Okay
- 16:00:50 15 and what was happening they were going into the house account, which was
- 16 day-to-day returning of the house. Just to explain.
- 17 Q. 744 Yes.
- 18 A. At the General Election in 2002 because there were new guidelines for all
- 19 candidates and the recommendation from the Tribunal or sorry from the standards
- 16:01:06 20 in Public Office Commission was, that there would be just one account where
- 21 donations would go into and no other transactions were going in and out of it.
- 22 And then, whatever funding was in that account would be, would come out of that
- 23 and then go in to the other accounts. So that's how that account was opened.
- 24 Q. 745 Yes. And come out of that account and go into what other accounts for example?
- 16:01:31 25 A. Well I mean the other accounts. The house account, which would be the
- 26 day-to-day running of the house.
- 27 Q. 746 Yes.
- 28 A. The Comhairle current account which would just pay for, you know, the smaller
- 29 items. But that would require quite little funding. Most of it would go to
- 16:01:46 30 the day-to-day running of the house.

- 16:01:48 1 Q. 747 All right. And what was the position before that change in 2002?
- 2 A. All the money went into the house account, the Dublin Central Fianna Fail
- 3 Constituency Office account. So the only change, like, that was the position
- 4 since '95. The only change after in 2002, was that rather than it going on to
- 16:02:21 5 the house account it would go into this single donations account and then the
- 6 money could go either into the house -- sorry, the constituency office account
- 7 or into the Comhairle current account.
- 8 Q. 748 And that what you referred I think as the Fianna Fail Dublin Central
- 9 constituency office account. That was the successor of the Bertie Ahern and
- 16:02:45 10 Joseph Burke constituency office No. 1 account, is that correct?
- 11 A. Yeah, the name was changed I think on it.
- 12 Q. 749 Yes. Was that the main account, was that the main Dublin Central account prior
- 13 to 2002?
- 14 A. Yeah, well it was the main account in terms of the house. That paid for the
- 16:03:05 15 day-to-day running --
- 16 Q. 750 For St. Luke's?
- 17 A. -- for St. Luke's. But the current account, as I say, the Comhairle current
- 18 account would always have been there.
- 19 Q. 751 All right.
- 16:03:14 20 A. That is quite -- the current account goes back to 1980 because we have been
- 21 trying to get that information. We have been trying to get that information
- 22 for the Tribunal because I was in contact with AIB in Drumcondra for that. I
- 23 thought that had come in and gone to ye but maybe it hasn't.
- 24 Q. 752 Yes. I think that change in the title of what was the Bertie Ahern and Joseph
- 16:03:37 25 Burke constituency office No. 1 account, did that take place in 1998 or did you
- 26 say 1995?
- 27 A. No, I'm not clear on when the change happened. What I said happened in 1995
- 28 was that all donations to Fianna Fail in Dublin Central went through that
- 29 account.
- 16:03:51 30 Q. 753 I see.

16:03:52 1 A. Okay.

2 Q. 754 All right.

3 A. The actual change on the name of the account, I'm not certain when it occurred.

4 Q. 755 All right. Do you know why it occurred?

16:03:59 5 A. I don't.

6 Q. 756 No.

7 A. To be honest. I mean I wasn't around at the time so ...

8 Q. 757 All right. That was before your time?

9 A. Yeah.

16:04:18 10 Q. 758 And since becoming treasurer and joining the Finance Committee in 2001, you

11 would have had responsibility for the accounts that you just listed, is that

12 right?

13 A. That's right, yeah.

14

16:04:36 15 CHAIRMAN: You are not going to finish with Mr. Dillane.

16

17 MR. MURPHY: This would be a convenient moment.

18

19 CHAIRMAN: All right. So we will sit again at half ten tomorrow.

16:05:45 20

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

22 **FRIDAY, 14TH MARCH 2008, At 10:30 A.M:**

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