

1 THE TRIBUNAL RESUMED AS FOLLOWS ON FRIDAY, 25TH JULY 2003
2 AT 10 AM:

3
4 CHAIRMAN: Morning.

5
6 MR. QUINN: Mr. Gilbride, please.

7
8 SEAN GILBRIDE, HAVING BEEN SWORN, WAS EXAMINED AS FOLLOWS
9 BY MR. QUINN:

10
11 Q.1 MR. QUINN: Good morning, Mr. Gilbride.

12
13 CHAIRMAN: Morning, Mr. Gilbride.

14 Q.2 Now, Mr. Gilbride, I propose to read some correspondence between yourself and
15 the Tribunal together with your statement to the Tribunal, and then I propose
16 to ask you some questions arising out of that, is that okay?

17
18 Mr. Gilbride, on the 19th of February 2001 the Tribunal wrote to you, if I
19 could page 184 please, asking you a number of matters. And I am going to
20 concentrate in relation to matters which concern this module of the Tribunal.

21
22 You were advised: "The Tribunal was investigating the following information
23 which had come to its attention and in respect of which it is the intention of
24 the Sole Member to hear sworn testimony at a public hearing of the Tribunal:-
25 (a) That between 1990 and '94 you received money directly or indirectly on a
26 number of occasions from Frank Dunlop in connection with:-
27 (ii) Your support for the proposed rezoning of lands in the Carrickmines
28 Valley (owned by Paisley Park Investments Limited)."

29
30 There were other matters you were asked to comment in relation to that.

1
2 I think you responded by letter of the 9th of March 2001, if I could have page
3 number 360 please? And whilst there are a number of matters raised there, I
4 have deleted matters which don't concern this module of the Tribunal, but you
5 reply as follows: "In reply to your letter of the 19th of February. I wish to
6 make the following points: (a) Frank Dunlop gave me a donation of 2,000 before
7 the local elections in '91. It did not have anything to do with my support
8 for --" And you name a particular developer there. "Or any other rezoning.
9 As regards to the other rezonings, I supported them all as I also supported
10 other rezonings not mentioned here. My reason for supporting the other
11 rezonings are" and this refers to Paisley Park rezoning "local members
12 supported it", you go on to deal with other matters in the letter in response
13 to the queries which had been raised, and conclude by saying: "Political
14 donations made by Frank Dunlop were made for my local election campaign in '91
15 and was paid in cash. Mr. Dunlop asked me to sign a receipt for which I did.
16 I never sought or received any payment directly or indirectly in any planning
17 or rezoning context.
18 Yours faithfully."

19
20 Then in a letter of the 26 of June 2001 again dealing with your meetings with
21 Mr. Dunlop, if I could have page 358, you deal with other matters but you say
22 the following:

23 "Dear Mr. Gilvarry,
24 I met with Frank Dunlop a couple of times in his office and also at Dublin
25 County Council offices in O'Connell Street."

26
27 And you were asked in relation to the receipt that you had signed and had
28 referred to in the earlier correspondence on the 17th of September 2001, if we
29 could have page 350 please.

30 "Dear Ms. Gilvarry,

1 in reply to your letter 17 of July, Frank Dunlop has the copy of the receipt,
2 it was a single sheet of paper."

3
4 Then you were written to, I think, specifically in connection with this
5 particular module of the Tribunal, on the 2nd of October 2002, and you say in
6 statement on 22 of November 2002, if we could have page 26 please?

7
8 And you say -- "Narrative statement of Sean Gilbride.

9 I was a Fianna Fail councillor for the period 1985 to 1999, I did not propose
10 or second any motion related to the above lands. On the occasions I was
11 present in the chamber I would vote in favour of the motion of the Fianna Fail
12 councillor from that particular area in favour of the motion.

13
14 I had no dealings with officials of the County Council. I strenuously deny
15 receiving one thousand from Frank Dunlop as set out in tab 10, Paisley Park
16 second page. I have already disclosed the only payment I received from him was
17 prior to the local election of June '91, this was an amount of two thousand
18 towards my election expenses.

19
20 I have never acquired, held or disposed of any lands either personally or in a
21 corporate capacity in the area known as Carrickmines lands. I had absolutely
22 no involvement at any time save voting as above set out in matter related to
23 development of Carrickmines lands.

24
25 I had no dealings with Mr. Dunlop or any other intermediary agency save as
26 outlined above.

27
28 I had no dealings with public representative save as set out above. I had no
29 dealings with any public official save the receipt of normal course of recorded
30 minutes of the meeting and also maps and motions related thereto.

1 Sean Gilbride."

2

3 Is it your evidence to the Tribunal, that in your period as a councillor from
4 1985 to 1999 you received in all, one donation from Mr. Dunlop and that was
5 prior to the local elections in 1991?

6 A. That's correct.

7 Q.3 And that was in the sum of 2,000 pounds?

8 A. That was the sum of 2,000 pounds.

9 Q.4 Is that one sum of 2,000 or a combined sum totalling 2,000?

10 A. It was one sum of 2,000.

11 Q.5 Okay. Now, Mr. Gilbride, just by way of background I wonder would you tell the
12 Tribunal what your background in politics is, please?

13 A. Well, I was elected to Dublin County Council in 1985.

14 Q.6 Yes. I think by profession you are a teacher?

15 A. I am a teacher, that's correct.

16 Q.7 And you were elected first in?

17 A. '85.

18 Q.8 As a Fianna Fail councillor?

19 A. Fianna Fail councillor for Balbriggan electoral area and re-elected in 1991.

20 Q.9 Again as a Fianna Fail councillor?

21 A. Fianna Fail councillor, that's right.

22 Q.10 And when the Council was divided you went to Fingal?

23 A. Fingal, stayed with it, yes.

24 Q.11 Did you go forward for election in 1999?

25 A. No, I did not.

26 Q.12 Now, I think you were, you did fight other elections?

27 A. I fought two general elections.

28 Q.13 As a Dail candidate?

29 A. '87 and '89.

30 Q.14 1987 and '89 you also went for Seanad?

1 A. '97.

2 Q.15 Again as a Fianna Fail candidate?

3 A. Fianna Fail, yes.

4 Q.16 Now, you would be familiar as a County Councillor with the review of the 1983
5 Development Plan which came in sometime in 1987?

6 A. That's right.

7 Q.17 I think there were over 70 councillors at that time?

8 A. 78.

9 Q.18 78 councillors and you were one of those 78 representing a ward in north County
10 Dublin; is that right?

11 A. Yes, that's right.

12 Q.19 Now, do you recall the motion in 1991 which lead to the publication of a Draft
13 Development Plan for maps 26 and 27?

14 A. Which referred to --

15 Q.20 Yes, I think in the review of the Development Plan by 1991 there was pressure
16 on the councillors from the County Manager to bring the review process to a
17 head; isn't that right?

18 A. Yes.

19 Q.21 And publish a draft plan?

20 A. That's right.

21 Q.22 Do you recall that?

22 A. Yes.

23 Q.23 And there had at that stage been a number of special meetings?

24 A. A lot of special meetings.

25 Q.24 And a number of review meetings; isn't that right?

26 A. Yes.

27 Q.25 And at those various meetings the councillors, including yourself, would have
28 been, had advice from the manager and his technical team in relation to how you
29 might approach the draft plan; isn't that right?

30 A. Yes, it would be written advice on each motion, on the notes, also verbal

1 advice in the chamber as well.

2 Q.26 Now in May 1991, I think the review commenced I think in north County Dublin
3 initially and the maps, the lower numbers --

4 A. The lower --

5 Q.27 Related to north Dublin and higher numbers related to South Dublin?

6 A. Yes.

7 Q.28 By May of 1991 I think there was a review of maps 26 and 27 which would have
8 related to the Carrickmines area, do you recall that?

9 A. I don't specifically recall, but I know we did start off in north County
10 Dublin.

11 Q.29 Yes. Now, do you recall Mr. Dunlop being involved with councillors in a
12 general way in 1990 and '91?

13 A. Yes, before the local election in '91, yes he was.

14 Q.30 Can I ask you when you, and the circumstances under which you first came to
15 meet with Mr. Dunlop?

16 A. I had seen Mr. Dunlop in and out of the chamber, won't say in the chamber, in
17 the offices and I would have known him as a press officer from Fianna Fail,
18 vaguely.

19 Q.31 In and out of which offices?

20 A. The Council offices in O'Connell Street.

21 Q.32 Yes.

22 A. Yes --

23 Q.33 When you say the Council offices are O'Connell Street, are you talking about
24 the offices of the officials of Dublin County Council?

25 A. No, the --

26 Q.34 These are the offices attached to the chamber of the Council?

27 A. The entrance there, at the entrance to the council and also sometimes sitting
28 in the gallery.

29 Q.35 Yes. When did you first notice Mr. Dunlop?

30 A. I would say it was 1991 that I noticed him.

1 Q.36 When in '91?

2 A. I would say, I can't be that sure, but --

3 Q.37 Well, I think the elections were in June of 1991; isn't that right?

4 A. They were, sometime earlier that year.

5 Q.38 Would it have been May or April do you think?

6 A. Yeah, it would have been, yeah, a few months.

7 Q.39 A few months before the election?

8 A. It would be, yeah, easily a few months.

9 Q.40 You had known Mr. Dunlop by this time; is that right?

10 A. Yes, I had, yeah.

11 Q.41 Were you on first name terms with Mr. Dunlop?

12 A. Yeah.

13 Q.42 How did you first come to meet with Mr. Dunlop?

14 A. As far as I remember I am -- the best of my memory, I would have seen him in
15 and out, he might have had, talked to me, but specifically I would have met him
16 at the time of, when he was employed for Quarryvale.

17 Q.43 Okay. And was it in that context that you had first met him in your capacity
18 as a councillor and seen him in Dublin County Council?

19 A. No, it would have been before that.

20 Q.44 Yes.

21 A. Yes.

22 Q.45 And did you have a close association with Mr. Dunlop then in relation to that
23 development?

24 A. The development at Carrickmines?

25 Q.46 Yeah.

26 A. No, I didn't. Not in Carrickmines, no.

27 Q.47 You did know, however, that Mr. Dunlop had a number of clients on whose behalf
28 he was lobbying?

29 A. Yeah. I did, yeah.

30 Q.48 Did you understand Mr. Dunlop to be a professional lobbyist?

1 A. Yes, I did.

2 Q.49 And presumably Mr. Dunlop had sought your support on behalf of a number of his
3 clients?

4 A. Well -- I wouldn't say he had sought my support because I mean --

5 Q.50 Did he ever lobby you on behalf of clients?

6 A. I don't think Mr. Dunlop would ever have to lobby me on behalf of clients.

7 Q.51 But we have agreed that Mr. Dunlop's business at that time was that of a
8 lobbyist?

9 A. He was a lobbyist, yes.

10 Q.52 Are you saying he singled you out as someone he didn't lobby?

11 A. I wouldn't say that. I don't ever remember Mr. Dunlop specifically asking me
12 to vote for any particular motion.

13 Q.53 But wouldn't it be highly unusual for somebody like Mr. Dunlop, holding himself
14 out as a lobbyist, not to approach the one person or one of the few people he
15 would have certainly known before he came to the chamber?

16 A. I remember him actually lobbying me on behalf of City West now, I do remember
17 that.

18 Q.54 Okay. So he lobbied you on behalf of at least one other development?

19 A. Yeah, on City West specifically.

20 Q.55 Did he lobby you on behalf of Quarryvale?

21 A. He didn't need to.

22 Q.56 Okay. Did he lobby you on behalf of any other or ask your support of any other
23 development? I don't want to you name the development.

24 A. Yes.

25 Q.57 Did he, and I want -- I am going to name this development, did he lobby you on
26 behalf of Carrickmines?

27 A. I don't remember specifically asking me about Carrickmines.

28 Q.58 Are you saying that he might have lobbied you?

29 A. Yeah, he might have. Yes, he might have.

30 Q.59 It would be highly unusual that he wouldn't have if that was his job?

1 A. Well, it would be, but people didn't have to lobby me to vote for motions.

2 Q.60 Why not?

3 A. If the locals were in favour I would vote for it.

4 Q.61 Can we take it then that your support for a particular motion depended on
5 whether the locals were in favour, when you say the locals I presume you are
6 referring the to the local Fianna Fail councillors?

7 A. Yes.

8 Q.62 I think the local Fianna Fail councillor in relation to Carrickmines was Larry
9 Butter; isn't that right?

10 A. Not in 1991 -- it would be in '91 we are talking about.

11 Q.63 Or '92?

12 A. In '92 Larry Butler would be -- I would say, Tony Fox.

13 Q.64 Yeah, but was Mr. Butler the local councillor Fianna Fail councillor?

14 A. In 1992, yes, he was.

15 Q.65 And I don't think he was in favour of Paisley Park, was he?

16 A. Well, there were other ones in favour of it.

17 Q.66 Now, in any event, you say Mr. Dunlop in 1991 paid you 2,000 pounds?

18 A. That's right.

19 Q.67 Now, can you tell the Tribunal the circumstances under which he came to give
20 you that money?

21 A. To the best of my recollection I had a phone call from him and he said he
22 wanted to meet me.

23 Q.68 He rang you?

24 A. He rang me, yes. He said he wanted to meet him. It was the time of the local
25 elections.

26 Q.69 I think the elections were in June of '91?

27 A. Yeah, that's right. And he came out to my house and I would say it must have
28 been after 9 o'clock because I would have been out canvassing, I met him in my
29 house, he gave me the 2,000 pounds, said that's for your local elections, a
30 particular contribution. He asked me to sign a receipt which was one of his

1 own pieces of headed note paper and I signed that. I remember that
2 specifically.

3 Q.70 Now, can I ask you, had you asked Mr. Dunlop for a contribution to your
4 election?

5 A. No, I did not. I never asked anybody.

6 Q.71 You never asked anybody?

7 A. I never asked anyone.

8 Q.72 Did you ever get contributions as large as 2,000 pounds?

9 A. No, I hadn't.

10 Q.73 Without telling, without identifying the donor, can you give an indication to
11 the Tribunal of what the next largest donation, political donation you would
12 have received in 1991?

13 A. Well, my own family.

14 Q.74 Apart from your own family now -- I don't want you to say who gave it to you, I
15 want you to say what the next largest sum was?

16 A. I would say 100 or 200 pounds.

17 Q.75 So this was a substantial money?

18 A. It was, yes.

19 Q.76 Was it by cheque?

20 A. No, cash.

21 Q.77 Were you surprised?

22 A. It's hard to recollect. I wouldn't say I was surprised, no.

23 Q.78 Why not?

24 A. I wasn't -- I don't know.

25 Q.79 Mr. Dunlop wasn't a constituent of yours, was he?

26 A. No, he was not, no.

27 Q.80 Mr. Dunlop was somebody that you would, if you were re-elected you were likely
28 to meet on a regular basis, lobbying on behalf of developers; isn't that right?

29 A. Yeah, presumably, yes.

30 Q.81 The review of the Development Plan was on going?

1 A. It was on going, yes.

2 Q.82 Now, in relation to the receipt, did you keep a copy of the receipt?

3 A. No, it was a single sheet of paper, Mr. Dunlop's headed note paper.

4 Q.83 Okay. What did you write on it?

5 A. I wrote John Gilbride, I always sign my name John Gilbride.

6 Q.84 Was it already filled out?

7 A. It was.

8 Q.85 It was?

9 A. It was, yeah.

10 Q.86 What was on it?

11 A. Now -- I'm trying to remember. Well, received the sum of 2,000 pounds from

12 Frank Dunlop, signed John Gilbride.

13 Q.87 Did you get the impression Mr. Dunlop was making visits to several councillors

14 at this time making similar donations?

15 A. I didn't ask him.

16 Q.88 Was it -- had Mr. Dunlop visited you in your home prior to this?

17 A. No, he hadn't, no.

18 Q.89 But you had met Mr. Dunlop; isn't that right?

19 A. Hmm, I had, yes.

20 Q.90 I think you had met him on the 27 and 28 of May '91; isn't that right?

21 A. Specifically I wouldn't be sure, but I know I did meet him sometime in May, May

22 or June with -- he invited me over to the Gresham Hotel and he introduced me

23 to --

24 Q.91 Another developer, wouldn't want you to name the developer, but am I correct?

25 A. Yes, that's right.

26 Q.92 If we could have 323 please? And I think he also met you on the 27th of May in

27 the company of a Tommy B; isn't that right? Tommy Boland, he identified the

28 person in evidence. Have you seen Mr. Dunlop's evidence? Have you read

29 Mr. Dunlop's evidence?

30 A. Well, I have read some it, not it all, no.

1 Q.93 Now you were re-elected; isn't that right?

2 A. That's right, yeah. I increased my vote slightly.

3 Q.94 Yes. Well, after your re-election did you write and thank Mr. Dunlop for his
4 contribution towards your re-election?

5 A. No, I didn't.

6 Q.95 Of the funds expended by you in your election, what percentage of those funds
7 was represented by the 2,000 pounds that Mr. Dunlop gave you?

8 A. Without mentioning names, I gave 500 pounds of that 2,000, I gave 500 to one
9 local organisation, I gave 250 to another local club and I gave 250 to another
10 local club.

11 Q.96 So of the 2,000 you say you gave away one thousand?

12 A. Yes, that's right.

13 Q.97 Did you tell the people to whom you gave this money that the original --

14 A. No, I did not.

15 Q.98 The original source of the money was Mr. Frank Dunlop?

16 A. No, I didn't.

17 Q.99 Now in 1992 I think the -- Mr. Dunlop was promoting the Paisley Park
18 development in Carrickmines?

19 A. Yes, yeah.

20 Q.100I think the Paisley Park development itself was the subject of some comment in
21 the media; isn't that right?

22 A. Yes, it was, yeah.

23 Q.101And you would have known that this development was coming up; isn't that right?

24 A. Yeah.

25 Q.102Now, did Mr. Dunlop approach you and lobby you in relation to that development?

26 A. I can't specifically remember Mr. Dunlop lobbying me for that development, he
27 may have.

28 Q.103Did he lobby you in relation to any development in 1992?

29 A. I -- my recollection, I would have met Mr. Dunlop, if he lobbied me, I don't
30 remember, he may have. I am trying to be as honest as I can about it.

1 Q.104You would have met him regularly in 1992, would you not?

2 A. Yes, I would, yes.

3 Q.105He was, we have evidence has been lead here at the Tribunal that he would have
4 been a regular attender at Council meetings?

5 A. Oh, yes, he was. Yeah.

6 Q.106So almost every review meeting of the Development Plan that was held in 1992
7 and 1993 Mr. Dunlop was in attendance?

8 A. Yes, he would be.

9 Q.107And if he were lobbying on behalf of clients, isn't it more probable than not
10 that he would lobby you?

11 A. Probably is more probable, yes, I would agree with you.

12 Q.108In your statement you say that you met Mr. Dunlop in his office?

13 A. That's right, yes.

14 Q.109I think on the 11th of May of 1992, Mr. Dunlop has a note of meeting you in the
15 county council that's -- if I could have page 324 please? Do you recall
16 meeting Mr. Dunlop on the 11th of May 1992?

17 A. I don't, I don't.

18 Q.110If the entry is in his diary it would appear you met him by prior appointment;
19 isn't that right?

20 A. It may be, yes.

21 Q.111Can you recall what that was in connection with?

22 A. Most of my dealings with Mr. Dunlop were regarding Quarryvale.

23 Q.112So are you saying that the meeting on the 11th of May 1992 was in relation to
24 that other development?

25 A. I would say so, yes.

26

27 JUDGE FAHERTY: Mr. Gilbride, can I ask you, you said a little while ago he
28 didn't need to lobby you on Quarryvale, why then would you have had a series of
29 meetings with him about Quarryvale?

30 A. As I said, most of my dealings with Mr. Dunlop would have been in regard to

1 Quarryvale, I was interested in Quarryvale through Mr. Gilmartin.

2

3 JUDGE FAHERTY: But he would have known you presumably to be on side.

4 A. Yes, he would, yes.

5

6 JUDGE FAHERTY: I am just wondering why he would need to have had a number of
7 meetings with you on that issue?

8 A. I wouldn't say they were meetings specifically, you know. He might have
9 arranged to meet me, but most of my dealings with Mr. Dunlop, as I said to you,
10 would have been regarding Quarryvale.

11 Q.113MR. QUINN: I am going to read for you, or to you, Mr. Gilbride, what
12 Mr. Dunlop says in relation to meetings with you in 1991 and I want you to
13 comment, if you would please, on what he has to say. If I could have please
14 page 337?

15

16 This is Mr. Dunlop's evidence to the Tribunal earlier this year, Mr. Gilbride,
17 you may or may not have read this evidence.

18

19 I am going to start at question 60, I am going to read it very quickly, if I
20 may:

21 "All right. Can you recall any specific discussions with him about the Paisley
22 Park lands?

23 Answer: Well, I would like to be as helpful as I can but many discussions took
24 place. Again, I want to put Councillor Gilbride in the same context with me,
25 he would necessarily vote or indicate he was going to support a particular
26 motion or particular development because it was simply I was recommending it.

27 I have absolutely no doubt in my mind that there would have been discussions in
28 relation to the Carrickmines Valley and Paisley Park in particular which would
29 have lead to a statement to me by Councillor Gilbride that would be a matter to
30 be discussed at a party meeting prior to the Council meeting which would look

1 at these matters. In other words, it would be a discussion that would take
2 place in the Council at the Fianna Fail party meeting prior to the meeting as
3 to whether or not a whip would be applied."

4
5 Do you recall having a conversation like that with Mr. Dunlop in 1991?

6 A. No, I can't.

7 Q.114 So you are saying he is incorrect?

8 A. No, I am not saying it is incorrect. I can't recall.

9 Q.115 You can't recall?

10 A. No, I can't.

11 Q.116 Is that the type of conversation you might have had with Mr. Dunlop?

12 A. Not really, no.

13 Q.117 Well, was there a discussion prior to the Council meetings in, by Fianna Fail?

14 A. Sometimes there was, sometimes there wasn't.

15 Q.118 Where did those discussions take place?

16 A. In Conway's, upstairs.

17 Q.119 Do you recall any such discussion prior to meetings which dealt with Paisley
18 Park?

19 A. Not specifically, no.

20 Q.120 Had such discussions taken place, would they have taken place for the purpose
21 of identifying whether or not a whip would apply in relation to the vote?

22 A. No whip ever applied in relation to any vote.

23 Q.121 Yes. Are you saying that you exercised your discretion in relation to the
24 rezoning motions based on what fellow Fianna Fail councillors --

25 A. Yes.

26 Q.122 -- did in the area?

27 A. Yeah.

28 Q.123 That was the extent to which you exercised your independent judgement in
29 relation to it?

30 A. That's right.

1 Q.124Now, he goes on to say:

2 "Does it follow that you can not recall any specific discussion with
3 Councillors Gilbride in relation to Paisley Park?

4 Answer: Yes.

5 Question: I understood you to say Council Gilbride was one of the individuals
6 whom you discussed money in relation to voting.

7 Answer: Correct.

8 Question: When did that discussion take place?

9 Answer: Again without reference to meetings with Councillor Gilbride in my
10 diary or elsewhere, many meetings took place, some of them recorded or some not
11 with Councillor Gilbride in relation to the Development Plan and matters
12 appearing on the agenda either direct or indirect interest in.

13 Question: The only two meetings that I have been able to locate in your diary
14 with Councillor Gilbride were held on the 27th of May 1991 and 28th of May '91,
15 both of those meetings were after --

16 Answer: After the meeting, yes.

17 Question: Perhaps we can have page 1280 on the screen, you can see at the
18 bottom of the page you had a meeting with Sean Gilbride and somebody described
19 a Tommy B.

20 Answer: That is Tommy Boland."

21

22 Do you recall that meeting? You do --

23 A. I don't recall it specifically, no, I don't.

24 Q.125He goes on to say: "Can you remember that meeting where it was held or what
25 was discussed.

26 Answer: I can't. I certainly can't tell where the meeting was held. I refer
27 to the context of what was happening in relation to the Development Plan.

28 There were serious issues arising and which would either be about to be voted
29 on or had already been voted on, other than Carrickmines.

30 Question: All right. There is also a meeting with Councillor Gilbride at 5 pm

1 on Tuesday, 28 of May.

2 Answer: Hmm

3 Question: In the Gresham Hotel.

4 Answer. Yes.

5 Question: Can you assist the Tribunal by recalling what was discussed at that
6 meeting in relation to Carrickmines -- what, if any, was discussed in relation
7 to Carrickmines?

8 Answer: I doubt very much that was a meeting about Carrickmines. I can't tell
9 you whether it was or not, but I doubt very much given the date the meeting
10 took place and given the date of a subsequent meeting of the county council at
11 which a serious issue was resolved."

12

13 I take it that issue relates to a development you referred to earlier; is that
14 correct?

15 A. Yes. That is it, yeah.

16 Q.126Did you ever ask Mr. Dunlop for money --

17 A. No, I never --

18 Q.127-- for your support?

19 A. I never asked Mr. Dunlop or anyone else money for support.

20 Q.128Mr. Dunlop says that you did.

21 A. I am telling you I never asked Mr. Dunlop or anyone else for money for my
22 support for any vote in Dublin County Council or Fingal County Council.

23 Q.129Can you put forward any reason to the Tribunal as to why Mr. Dunlop would
24 suggest that you did?

25 A. I can't, no.

26 Q.130Does it surprise that you Mr. Dunlop was making the case that you did ask him
27 for money?

28 A. Yes, it does surprise me and surprise me a lot. I dealt with many, many people
29 in Dublin County Council, many developers, I never asked them. If I was
30 offered money I would refuse it, I would not vote for it.

1 Q.131Were you after offered money?

2 A. No.

3 Q.132Did you ever hear of anybody else being offered money for their support?

4 A. No, I didn't.

5 Q.133Did you ever hear of allegations of corruption amongst councillors?

6 A. Well, I remember at one stage there was a Garda investigation.

7 Q.134Yes.

8 A. I had a phone call from I think it was an Inspector Mullins for something like
9 that.

10 Q.135That phone call presumably was to assist in the Garda inquiry?

11 A. Yes, it was. That's right.

12 Q.136So you did hear of corruption?

13 A. In that context, yes.

14 Q.137So you knew there were allegations of corruption?

15 A. There were rumours, rumours around --

16 Q.138Sorry?

17 A. I said there were rumours around when the guards investigated.

18 Q.139So there were strong rumours in the public generally in the early 90s; isn't
19 that right?

20 A. Yes.

21 Q.140Did you ever believe that Mr. Dunlop was engaged in that type of corruption?

22 A. I don't know.

23 Q.141No. Did you ever believe that Mr. Dunlop was engaged in that type of
24 corruption?

25 A. No, I didn't, no.

26 Q.142Who did you believe was engaged in the corruption at that time?

27 A. I don't know. It's no good me saying that I do know. I carried on with my
28 work and I worked hard, I didn't pass that much heed of anything else that was
29 happening.

30 Q.143You must have given some thought to it?

1 A. I didn't give any thought --

2 Q.144But you were a County Councillor?

3 A. Yes, I was, yeah.

4 Q.145It was a serious allegation against councillors.

5 A. Yes.

6 Q.146And by implication against you.

7 A. I was quite happy as far as I was concerned in my own mind.

8 Q.147But this was a serious slur on county councillors in Dublin, 78 in all, and you
9 were one of them; isn't that right?

10 A. I was, yes.

11 Q.148So it is obviously something of serious concern to you at this time?

12 A. It wasn't a serious concern because I was quite clear that as far as I am
13 concerned myself that this didn't apply to me.

14 Q.149Did you ever ask any of your colleagues?

15 A. No, I didn't.

16 Q.150Did you ever discuss the allegations of corruption with your colleagues?

17 A. There might have been a passing comment on it, that would be all.

18 Q.151Did any of your colleagues discuss it with you?

19 A. No.

20 Q.152Did you ever discuss at special meetings the Fianna Fail party held in advance
21 of the special meetings the council?

22 A. No.

23 Q.153Are you saying this was of something that was of no great import or importance
24 to any of the councillors at this stage?

25 A. As far as I am concerned it wasn't to me.

26 Q.154But it was discussed publicly in the media; isn't that right?

27 A. Well, the media is the media.

28

29 CHAIRMAN: Mr. Gilbride, when do you recall being contacted by the guards in
30 relation to their investigation, approximately?

1 A. I would say it was after the local elections in 1991. I am not absolutely
2 sure.

3

4 CHAIRMAN: And did you not discuss with your colleagues, I mean it would have
5 been -- I

6 A. I might have said to one of my colleagues I mean that I had a phone call, I
7 think it was Inspector Mullins as far as I remember.

8

9 CHAIRMAN: And did you hear of other colleagues being contacted?

10 A. No.

11

12 CHAIRMAN: So, do you think you were the only?

13 A. No, I don't think I was the only one, no.

14

15 CHAIRMAN: But surely it must have been a huge topic of conversation between
16 you and your colleagues that there were allegations of corruption and that
17 the -- and that the guards were involved?

18 A. There wasn't that much talk about that as far as I remember, it was -- it's a
19 long time ago.

20

21 CHAIRMAN: I can appreciate that. But I assume you wouldn't have often, if
22 ever, been contacted by the guards.

23 A. No, no, I wouldn't. One of the reasons I would remember it is --

24

25 CHAIRMAN: Yes, it would be something that would stand out.

26 A. It did stand out in my mind, yes.

27

28 CHAIRMAN: But yet you say that in spite of that it wasn't a topic of
29 conversation between you and your colleagues?

30 A. Not really. I don't -- I don't ever remember, let's say, as Mr. Quinn said,

1 you know, that it was discussed at Fianna Fail party meetings or anything like
2 that. I probably did mention to some of my colleagues that I had a phone call
3 from the guards, all right, but that would have been it.

4

5 CHAIRMAN: But surely, you would have said to your colleagues I have been
6 contacted by the guards and has anyone else been contacted? You can't recall
7 any conversation like that?

8 A. I wouldn't say that I -- to be honest I probably did mention maybe to some of
9 my colleagues that I had a phone call, I can't remember specifically talking to
10 anyone about it, but more than likely I did.

11

12 CHAIRMAN: And were you concerned about the fact that this talk of corruption
13 was at such a stage that the guards were involved?

14 A. I wasn't particularly happy about it, but as far as I was concerned my
15 conscious was clear so I wasn't worried.

16

17 CHAIRMAN: Were you not devastated by the suggestion that you or your
18 colleagues might be involved in corruption to a point where the guards were
19 involved?

20 A. I wasn't devastated, there was a lot of articles and comments between the media
21 and -- I didn't believe everything I read.

22

23 CHAIRMAN: Yeah. Councillor McGrath told us yesterday that he wasn't aware of
24 rumours or talk of corruption.

25 A. I haven't read --

26

27 CHAIRMAN: Well, he was your colleague,

28 A. Oh, yes, he was, yeah.

29

30 CHAIRMAN: And I presume you and he and the other councillors would have been

1 in regular contact around this time?

2 A. Yeah.

3

4 CHAIRMAN: And does it surprise you that Councillor McGrath knew nothing about
5 talk of corruption or the involvement of the guards?

6 A. Well, I mean, I can't account for Councillor McGrath's memory.

7

8 CHAIRMAN: I know. But does it surprise you that Councillor McGrath knew
9 nothing about this talk of corruption or the involvement of the guards?

10 A. Well, I can't answer that. I can't account for Councillor McGrath's memory. I
11 do remember specifically myself being phoned by Inspector Mullins.

12

13 CHAIRMAN: Yes, but I am not asking you to account for Councillor McGrath's
14 memory, but does it surprise you that Councillor McGrath would say that he knew
15 nothing of rumours of corruption or the involvement of the guards?

16 A. Not being facetious, nothing surprises me. I remember it. As I said, I can't
17 account for anyone else's memory.

18

19 CHAIRMAN: But would it surprise you that anyone else would, anyone involved in
20 the Council at that time would say that they knew nothing about rumours about
21 the involvement of the guards?

22 A. I don't know, did Inspector Mullins ring Councillor McGrath?

23

24 CHAIRMAN: No, I am not suggesting he did. But he contacted you.

25 A. He did, yes.

26

27 CHAIRMAN: So, what I am suggesting is it must have been a talking point
28 between you and your colleagues at the time, it wasn't something that happened
29 on a regular basis that the guards would contact --

30 A. No, it wasn't, no.

1

2 CHAIRMAN: So, was it a talking point at least for a period of time?

3 A. I remember being phoned, I don't know what time of year it was, you know, if it
4 was particular month when we would be meeting regularly, but I didn't pass any
5 great heed for myself. I probably did mention to some colleagues that I had a
6 phone call and asked, but that would be about it, but I mean -- I can't say
7 that I am surprised or not that Councillor McGrath hasn't remembered it. I
8 remember it.

9

10 CHAIRMAN: He didn't say he didn't remember it. He said he wasn't aware of it.
11 Did you say it surprised you that Councillor McGrath would not have known at
12 the time of rumours or talk of corruption or mention that the guards were
13 involved? Does it surprise you that he wasn't aware of that at the time

14 A. Judge, I think you want me to say yes that I am surprised but --

15

16 CHAIRMAN: No, I don't want you to say -- I want you to be -- I want you to be
17 truthful about it.

18 A. I am being as truthful as I can be. I mean, I am talking about for myself --

19

20 CHAIRMAN: Is it your evidence then that you are not surprised?

21 A. No, I haven't said that either, you know. I can't account for anyone else. I
22 can account for myself. I am being as honest as I can, I remember getting a
23 phone call, I didn't -- more than likely I did mention I had a phone call,
24 but -- I can't express any opinion in any on any other councillor.

25 Q.155MR. QUINN: Mr. Gilbride, when you received that phone call I think you said
26 you received it after the election in 1991; is that right?

27 A. I think so, now I wouldn't be absolutely sure.

28 Q.156And did you tell the person who was asking you the questions that apart from
29 one or 200 pounds, the only other payment you had received was a unsolicited
30 2,000 pounds cash payment from the lobbyist Frank Dunlop?

1 A. Again, as far as I remember, and I am trying to the best of my recollection to
2 remember, he asked me had I received any corrupt payments and I said no.

3 Q.157Did you tell him about the 2,000 pounds?

4 A. No, I wouldn't say so, no.

5

6 JUDGE KEYS: Mr. Gilbride, could I just ask you one question? When that phone
7 call came through to you, were you taken back by a phone call from the gardai
8 or a member of the gardai investigating whether, in fact, you had received or
9 anybody else you might know had received corrupt payments?

10 A. I don't think I was taken aback.

11

12 JUDGE KEYS: You weren't taken aback?

13 A. I don't think I was.

14

15 JUDGE KEYS: Why not?

16 A. I think I had heard that the guards were investigating.

17

18 JUDGE KEYS: Well, when you got that phone call, being a member of the Fianna
19 Fail party, and as I understand it when any motions came on before the Council
20 the Fianna Fail councillors would meet together and discuss things; isn't that
21 correct?

22 A. Sometimes.

23

24 JUDGE KEYS: Well, I thought most of the time, if not at all motions.

25 A. Not most of the time, no.

26

27 JUDGE KEYS: I see. Well, did you not as a Fianna Fail councillor go back to
28 your fellow councillors and say, listen, I received a phone call, a strange
29 phone call, asking me had I received any corrupt payments? I would have
30 thought that would be the natural thing to do, being a member of the party and

1 being loyal to the party and so forth, that you go back and say have any of you
2 received these phone calls and what it is about. After all, did you not
3 interpret the phone call to the effect that you might be under suspicion?

4 A. No, my understand -- it was my understanding that everyone was being phoned.

5

6 JUDGE KEYS: Well, did you ask the guard who phoned you, well, have you phoned
7 everybody else, or did you just assume?

8 A. To the best of my recollection he said that he was phoning everyone.

9

10 JUDGE KEYS: And are you telling the Tribunal that you never went back to your
11 fellow Fianna Fail councillors, members, and said listen I received a phone
12 call, what about everybody else, what's this all about?

13 A. No.

14

15 JUDGE KEYS: You never did that?

16 A. Not at a meeting of Fianna Fail councillors, no, I didn't.

17

18 JUDGE KEYS: I am not saying a meeting. Either at one of the meetings or
19 individually, did you not talk to them?

20 A. Yes, I think already I have said I did mention to a few people.

21

22 JUDGE KEYS: Would you have mentioned to all of the Fianna Fail councillors?

23 A. No, I would not.

24

25 JUDGE KEYS: Why would you chose some other than others?

26 A. Well, people I might have been friendly with I would say I got a phone call,
27 did you get a phone call?

28

29 JUDGE KEYS: The reason I express surprise is simply here is something that
30 could be an innuendo that there is corruption going on in the Galway -- or the

1 Dublin County Council, corrupt payments being made to councillors, and that you
2 having received a phone call, would not be alarmed in the first instance that
3 (a) you did receive a phone call, but, secondly, you would not have gone back
4 to all your other fellow Fianna Fail councillors and said what is this all
5 about, this is terrible, we are now all under suspicious, no?

6 A. No.

7

8 JUDGE KEYS: I see. Thank you.

9 Q.158MR. QUINN: Now, Mr. Gilbride, I am going to put to you specifically what
10 Mr. Dunlop says in relation to dealings with you concerning Paisley Park and
11 Carrickmines. I am not sure if you have read this portion of his transcript
12 but I am just to read these one or two pages to you, if I may. Page 341
13 please.

14

15 Mr. Dunlop has identified an entry in his diary for a meeting with you at his
16 offices on the 11th of June 1992, which is the eve of a crucial vote in
17 relation to Carrickmines. It's a vote on a motion signed by Councillor Hand
18 and Councillor Lydon. And at question 130:

19 "Question: Umm.

20 Answer: On the 11, Thursday 11th of June 1992 Sean Gilbride came to my office,
21 hence the word "here" in my diary, and on that occasion I paid him 1,000 pounds
22 in cash.

23 Question: Was that paid in your office?

24 Answer: Yes.

25 Question: Would you outline the background and circumstances in which that was
26 paid?

27 Answer: The background and circumstances, Mr. Gallagher, as were outlined by
28 me earlier in relation to monies being asked for in relation to 24 of May 1991
29 and being refused and subsequently to the development display, plan display,
30 first display and a recommendation by representation, I should say by Paisley

1 Park and subsequently a motion being put forward on the agenda that I then
2 renewed my lobbying, by lobbying with councillors in relation to that
3 particular motion and in relation to that particular motion monies were --
4 money was discussed and money was paid.

5 Question: Well now, do you say that the money was discussed with Sean Gilbride
6 in relation to the motion that was on the agenda of the special meeting of the
7 12th of June 1992?

8 Answer: Yes, I do.

9 Question: Where did that discussion take place?

10 Answer: Well, the discussion in relation to the transfer of the money took
11 place in my office at 6 o'clock on the Thursday the 11th of June 1992. Prior
12 to that I would have lobbied Councillor Gilbride as I would have done with
13 others in relation to his support for the motion. He would have guaranteed his
14 support -- sorry, he would have promised his support for the motion, he would
15 have asked for -- I would have agreed the payment of 1,000 pounds on this
16 particular day, at this time I paid that money over.

17 Question: Do you say you agreed to pay him 1,000 pounds prior to the 11th June
18 92?

19 Answer: Yes, I do.

20 Question: Can you remember how long before that date or what circumstances or
21 in what --

22 Answer: Well, the circumstances would have been in the discussion on foot of
23 my lobbying Councillor Gilbride in relation to the actual proposal and motion.
24 It would have been important to him that a motion was, had been signed and
25 submitted at per requirements of the Development Plan. In the context of the
26 question about when the discussion took place with Mr. Gilbride prior to the
27 payment, it would most certainly in my view have been between the submission of
28 the motion on the 4th of May '92 and the actual payment of the motion, sorry
29 payment of the monies on the 11th of June '92.

30 Question: Are you telling the Tribunal that the meeting held in your office on

1 the 11th of June '92 was arranged in order that you would pay the money over to
2 Mr. Gilbride?

3 Answer: Yes.

4 Question: Are you saying that Mr. Gilbride came by arrangement with you in
5 order to collect that money?

6 Answer: Yes.

7 Question. Now, would you characterise for the Tribunal what that payment was?

8 Answer: The payment to Councillor Gilbride was for his support of the motion
9 put forward at the Council meeting as transpired on the day. It was an
10 inducement.

11 Question: Do you say it was paid by you and accepted by him as an inducement?

12 Answer: Correct.

13 Question: Can you be any more specific in relation to what was said in the
14 context of agreeing to pay an inducement, to receive inducement or in the
15 context of handing over monies.

16 Answer: Well, in the context of handing over monies I handed him a thousand
17 pounds as per agreed, in the context of offering it and him accepting it as an
18 inducement, that was part of the discussion that we had leading up to that
19 point. In other words, his support would be available for this motion in
20 Dublin County Council during the course of the Development Plan on receipt of
21 the stated amount.

22 Question: Can you recall what was said in yours office on the date in question
23 when the money was handed over?

24 Answer: In detail, no.

25 Question. In general terms can you remember what was said?

26 Answer: A discussion would have taken place about the possibility of success
27 or what would happen in relation to support for the motion. I told him, I
28 would have told him that I had done extensive lobbying with others and I was
29 hopeful with his support and others that the motion would be success.

30 Question: That was said at the time the money was actually handed over.

1 Answer: I said to him that what we agreed; there is the grand and he said
2 thank you very much.

3 Question: Was the money, was it in cash. I understand from your answer --

4 Answer: Yes."

5

6 Now, if we stop there for a moment, if we can just have on screen please, page
7 324 -- sorry 325. You see there at page 325 an extract from Mr. Dunlop's diary
8 for the 11th of June 1992, and you see at the bottom left hand corner, "6.00
9 Sean Gilbride here". That's a reference, according to Mr. Dunlop, to a meeting
10 in his offices for 6 pm on the evening of the 11th of June 1992. Do you recall
11 being in Mr. Dunlop's office on the 11th of June 1992?

12 A. I don't, no. But what I would recall and recall clearly, any time I met
13 Mr. Dunlop in his office it would be regarding Quarryvale

14 Q.159Yes. Now, Mr. Dunlop says that he met you on the 11th of June at 6 pm by prior
15 appointment in his office and then he met you there, in order to give you the
16 monies which he had agreed with you would be paid to you for your support for
17 this motion?

18 A. That's not true.

19 Q.160Mr. Dunlop is quite specific in what he says, would you agree with me in that
20 regard?

21 A. He can be specific, I am telling you that it is not true.

22 Q.161His diary is quite specific.

23 A. As far as the meeting was concerned I am not denying that, but as I said to
24 you, any time I met Mr. Dunlop it was specifically dealing with Quarryvale.

25

26 CHAIRMAN: Mr. Gilbride, why would you go to Mr. Dunlop's office at all?

27 A. Sorry.

28

29 CHAIRMAN: Why would you go to Mr. Dunlop's office at all?

30 A. I don't know how many other references he has -- any time. I went a few times,

1 I don't remember that specific date our discussions would be about Quarryvale,
2 how Quarryvale was going.

3

4 CHAIRMAN: But why would you go to his office about Quarryvale or about any
5 other development? Why would you, a councillor, go to the office of a lobbyist
6 which -- the office was quite a distance from your home and your normal place
7 of business, why go to his office at all?

8 A. As I said, Judge, if I had gone to his office, and I remember being in his
9 office, I don't remember being that particular time or anything like that, but
10 I do, it would be specifically discussions in relation to Quarryvale, full
11 stop.

12

13 CHAIRMAN: Yes, but why would you go to the office? Would it be because
14 Mr. Dunlop would ring you and say would you come to my office, I want to talk
15 to you about Quarryvale?

16 A. Yes, that could happen, yes.

17

18 CHAIRMAN: Would you not say to him, if you want to talk to me about Quarryvale
19 you can see me before the Council meetings or whatever? Why would you take the
20 trouble to go to the office of a lobbyist to talk about a development which you
21 say you were in general support of in any event? Why would you go to the
22 trouble of going to his office?

23 A. Probably the Council -- I usually would be busy, and after the Council meeting
24 was over I might have arranged to meet him.

25

26 CHAIRMAN: But what's the purpose of going to the trouble of sitting down
27 across a desk with a lobbyist to discuss Quarryvale or any other development
28 other than for the purposes of being persuaded to vote for it or to take a
29 certain course in relation to it?

30 A. It would be very general discussion about Quarryvale; how it was going, things

1 like that.

2

3 CHAIRMAN: But you would have known that he was, that his only interest in you
4 was in your vote and your support for a particular development.

5 A. Yes.

6

7 CHAIRMAN: I mean, you weren't a personal friend of his, you weren't in the
8 ordinary way, you weren't given to dropping into his office for a chat. By all
9 accounts, these were appointments made between you for you to go to his office,
10 and it just puzzles me why you would go to that trouble and go that distance to
11 talk to somebody other than for the purposes of being persuaded in some shape
12 or form to take a certain course in relation to a particular project.

13 A. That wouldn't be my understanding, no.

14

15 CHAIRMAN: Well, can you give the Tribunal an explanation as to why you would
16 go to his office? I am sure in the ordinary way if you were telephoned by
17 someone and asked would you come into my office or come into my home some
18 distance away, it is not something you would have done in the ordinary way,
19 course of your day.

20 A. It wouldn't have been a great distance away from Mount Street from the Council,
21 that I wouldn't have a particular problem. Maybe Mr. Dunlop hadn't been at the
22 Council, I can't remember that specifically. But I do know any time I was at
23 Mr. Dunlop's office, a few times, it would be specifically in relation to
24 Quarryvale, not Carrickmines.

25

26 CHAIRMAN: Well, would this be a meeting that you would request or he would
27 request?

28 A. I don't remember.

29

30 CHAIRMAN: You don't remember whether these meetings were called at his

1 suggestion or at your own suggestion?

2 A. I doubt if it was -- I doubt if I would have rang up and said that I was coming
3 over, so it must have been at his request.

4
5 CHAIRMAN: Yes. So as a matter of probability it would be any of these
6 meetings would take place because he would ask you to --

7 A. Yes.

8
9 CHAIRMAN: Okay. And what was the purpose of the meeting?

10 A. This particular meeting?

11
12 CHAIRMAN: Well, of any of the meetings that you can remember?

13 A. I think I already answered that. Any of my discussions with Mr. Dunlop in his
14 office would have been in relation to Quarryvale.

15
16 CHAIRMAN: And what was the discussion? Was it, was he looking for support or
17 were you looking for clarification of detail of the development or --

18 A. I would -- just general chat, how Quarryvale was going, and that was it.

19
20 CHAIRMAN: But was he looking for support for Quarryvale?

21 A. I don't think he was looking for support from me.

22
23 CHAIRMAN: He wasn't looking for support?

24 A. Not for Quarryvale, he wouldn't have any doubt that I was interested in
25 Quarryvale through Thomas Gilmartin.

26
27 CHAIRMAN: Would he have known of your support?

28 A. Oh, yes. He would, yes.

29
30 CHAIRMAN: Can you still not offer an explanation as to why you would both go

1 to the trouble of having a meeting at six, or any other time, in Mr. Dunlop's
2 office, given that Mr. Dunlop knew of your support, and can you explain what
3 was the purpose of the meeting?

4 A. I think I have explained as well as I can.

5

6 CHAIRMAN: Well, you have said the reason for the meeting, or at least the
7 subject matter --

8 A. Yes.

9

10 CHAIRMAN: -- was Quarryvale.

11 A. Yes.

12

13 CHAIRMAN: And the Tribunal would like to know if the purpose of the meeting --
14 well, obviously the purpose was to discuss that particular development, but was
15 it because he was looking for your support or were you looking for some
16 clarification relating to the development?

17 A. It might have been a bit of both, it's a long time ago, I can't say it was,
18 specifically what it was about.

19

20 CHAIRMAN: Well, do you think he was looking for your support?

21 A. For Quarryvale?

22

23 CHAIRMAN: Yes.

24 A. I wouldn't think so, no. He would understand that I was in favour of
25 Quarryvale. We already had voted on it at this stage, first time around.

26

27 CHAIRMAN: But a lobbyist in the ordinary course of his work, and forget
28 altogether now about money, but a lobbyist would be seeking support from
29 particular councillors in relation to his client's development.

30 A. Yes.

1

2 CHAIRMAN: So, with that in mind would you think he was looking for your
3 support?

4 A. For Carrickmines you mean?

5

6 CHAIRMAN: Well, for Carrickmines or Quarryvale or whatever? When he would
7 bring you into his office was it for the purposes of persuading you, in a
8 perfectly legitimate way, to support a particular development?

9 A. It may have been, it may have been.

10

11 CHAIRMAN: But did you think it was? I mean, if somebody asked you --

12 A. Sorry, I don't think -- and I think I made it clear. No one would have asked
13 me, no lobbyist would have to ask me to vote for anything. If the local
14 councillors were in favour of it, I would always vote for it.

15

16 CHAIRMAN: And what would Mr --

17 A. I was clear on that.

18

19 CHAIRMAN: What would Mr. Dunlop be talking to you about then if he wasn't
20 looking for your support?

21 A. I don't want to keep repeating myself, the only discussions I had with
22 Mr. Dunlop in his office would be regarding Quarryvale. I can't remember
23 discussing anything else with him.

24

25 CHAIRMAN: Yes. I accept what you say, that you were discussing Quarryvale.
26 But do you think he was looking for your support for Quarryvale?

27 A. He wasn't looking for my support for Quarryvale, he would have understood I had
28 already voted for it.

29

30 CHAIRMAN: So, it was just to discuss with you Quarryvale without looking for

1 your support?

2 A. Yeah.

3

4 CHAIRMAN: All right.

5

6 JUDGE FAHERTY: Do you accept, Mr. Gilbride, that Mr. Dunlop at this point, and
7 we were in the middle of the review of the Development Plan, appeared even on
8 his own testimony to be a very busy man?

9 A. Yes.

10

11 JUDGE FAHERTY: With a number of clients and a number of large projects he had
12 to deliver on, isn't that right, including Quarryvale and Carrickmines?

13 A. That's right.

14

15 JUDGE FAHERTY: And perhaps others. Did it not surprise you that he would be
16 giving so much of his time to general discussions with you when he would have
17 known that you were already committed to the Quarryvale project?

18 A. No.

19

20 JUDGE FAHERTY: But he was a very busy man; isn't that correct?

21 A. Well, I presume he was.

22 Q.162MR. QUINN: Mr. Gilbride, you live in Swords is that --

23 A. No, in Skerries.

24 Q.163Skerries East. Correct me if I am wrong, I think the normal Council meetings
25 are held on Monday; is that right?

26 A. That's right.

27 Q.164At this time you had additional meetings in relation to review of the
28 Development Plan?

29 A. Yes.

30 Q.165The previous special meeting was on the 5th of June; isn't that right? So, if

1 the previous special meeting was on the 5th of June and if the previous
2 ordinary meeting was on the Monday then can you, would you agree with me that
3 it is unlikely that you were coming from a meeting on Thursday the 11th?

4 A. We would also have area meetings.

5 Q.166Yes.

6 A. Yes.

7 Q.167It's unlikely, I suggest to you, that you would have had to travel from your
8 place of work or from your home to Mr. Dunlop's office for that appointment at
9 six o'clock?

10 A. No, it would be after some meeting.

11 Q.168You say it was after some meeting?

12 A. Yes, it was. I am presuming it was.

13 Q.169And it was by prior appointment. In other words, it wasn't a chance meeting?

14 A. Well, I mean if -- I presume it wasn't a chance meeting.

15 Q.170And it must have been an important meeting because Mr. Dunlop had stayed back
16 until 6 o'clock to meet with you; isn't that right?

17 A. I don't know how important it was.

18 Q.171And he had entered it in his diary. And you agreed with me earlier, and I
19 think it is the case, when the first review of the Development Plan took place,
20 it took place in a series of maps starting in north County Dublin and winding
21 their way around?

22 A. Yes, that's right.

23 Q.172When after the public display, I think the Council reversed the process and
24 started in south County Dublin and found their way across; isn't that right?
25 And in June of '92 the discussions and special meetings were concentrated on
26 the Development Plan insofar as it related to Carrickmines area; isn't that
27 right?

28 A. If you say so, yes.

29 Q.173We know from Mr. Dunlop's evidence that Mr. Dunlop was hugely involved in
30 relation to Paisley Park at that time; isn't that right?

1 A. Yes.

2 Q.174The Quarryvale review was going to come sometime later, isn't that right, when
3 the Council got around to dealing with?

4 A. Later on in the year, yes.

5 Q.175That's right. So the upper most thing in Mr. Dunlop's mind in June of 1992
6 would have been Paisley Park, not Quarryvale?

7 A. Well, as far as I am concerned, and I am sure if there is, any discussions with
8 Mr. Dunlop in his office would always be Quarryvale.

9 Q.176No. Would you agree with me, Mr. Gilbride, it was Paisley Park that was
10 commanding the attention of the councillors in June of 1992?

11 A. That would have been the motion at that particular time.

12 Q.177And Mr. Dunlop was hugely involved in Paisley Park in 1992; isn't that right?

13 A. If he says he was, he was, yes.

14 Q.178And the meeting, the vital meeting in relation to Paisley Park in 1992 was in
15 fact on the 12th of June; isn't that right?

16 A. If it says so, yes.

17 Q.179So you were meeting with Mr. Dunlop in his office on the eve of the most
18 important motion for one of his most important clients?

19 A. Yes.

20 Q.180And you say that you were discussing Quarryvale which was something to be
21 discussed and dealt with later in the year?

22 A. That's right.

23 Q.181At a time when Mr. Dunlop knew of your support for Quarryvale?

24 A. Yes.

25 Q.182Now, is that probable, Mr. Gilbride?

26 A. It is more than probable, it is fact.

27 Q.183Well, what did you discuss in relation to Quarryvale?

28 A. Lots of things. He would be asking me at the time Mr. Gilmartin was in
29 Ireland, he would ask me had I any contact with Mr. Gilmartin, things like
30 that.

1 Q.184But couldn't he establish that from a source other than you, I suggest?

2 A. Well, I don't know.

3 Q.185It would be, I suggest to you, in excess of 15 or 16 miles from Skerries to
4 Mount Street?

5 A. Sorry, it would be more. It would be over 20 miles.

6 Q.18620 miles?

7 A. Yes.

8 Q.187How would you get from Skerries to Mount Street, would you have driven?

9 A. Yes. Now, I haven't looked up dates but I am presuming that I would be in a
10 local meeting and have gone on to Mr. Dunlop after a local meeting.

11 Q.188Who arranged the 6 appointment?

12 A. I don't know.

13 Q.189Was it arranged at 6 to suit you or Mr. Dunlop?

14 A. Well, presumably if I was at a Council meeting the meeting would not be over
15 until 6.

16 Q.190Were you teaching at this time, Mr. Gilbride?

17 A. In June --

18 Q.191Of '92?

19 A. Yes. But I would have been on holidays, I wouldn't be in school all day.

20 Q.192Hardly on the 11th of June?

21 A. Well, I wouldn't have been in school all day, the exams would have been on;
22 Leaving Certificate and Junior Certificate exams.

23 Q.193Did Mr. Dunlop mention Paisley Park to you at that meeting?

24 A. I can't remember.

25 Q.194Can you recall anything of that meeting?

26 A. No, I can't.

27 Q.195Now, if Mr. Dunlop, if the most important Council meeting in relation to
28 Paisley Park was due on, on the following day, isn't it improbable that
29 Mr. Dunlop wouldn't have made some reference to the meeting?

30 A. Probably he -- I can't recollect him making anything, but if you say that he,

1 probably -- maybe he did.

2 Q.196And if he did make reference to the meeting he would have made reference to the
3 meeting in the context of what your support would be for the proposal?

4 A. As I said to you earlier, Mr. Quinn, I supported all motions where the local
5 councillors supported them.

6 Q.197We will come to that in a moment. But he would have asked you what you were
7 likely to done the following day in relation to the motion?

8 A. I don't know.

9 Q.198Sorry.

10 A. I can't recollect that happening.

11 Q.199Well, did he ever ask you for your support for a motion?

12 A. Yes.

13 Q.200And what format would that lobbying take?

14 A. Well, the one we referred to earlier in the meeting in the Gresham Hotel.

15 Q.201Yes. Did he ever remind you that he had given you 2,000 pounds in cash for
16 your 1991 local elections when he was lobbying you for your support for
17 motions?

18 A. No, he didn't.

19 Q.202Never referred to at all?

20 A. No.

21 Q.203Now Mr. Dunlop is quite specific at this meeting that he gave you an agreed sum
22 of 1,000 pounds, are you saying that's an entire fabrication?

23 A. As far as I am concerned, yes.

24 Q.204Can you offer any explanation to the Tribunal as to why Mr. Dunlop would say
25 this?

26 A. I can't give any reason for why Mr. Dunlop should say anything.

27 Q.205Did you ever have a falling out with Mr. Dunlop?

28 A. No, I didn't, no.

29 Q.206Did you ever do anything to him that would cause him to have any animus towards
30 you?

1 A. No.

2

3 JUDGE FAHERTY: Mr. Gilbride, you would have been at the meeting, you were as we
4 know from the minutes on the 12th of June; isn't that right?

5 A. That's right, yeah.

6

7 JUDGE FAHERTY: It just occurs to me, if you were contacted by Mr. Dunlop or
8 indeed some contact was made to meet on the 11th of June, you would have known
9 that Mr. Dunlop would have been in the Council chambers on the 12th of June,
10 isn't that right, it was his form to turn up?

11 A. Yes, it was, yes.

12

13 JUDGE FAHERTY: And it just strikes me that in that context, why would you have
14 had a meeting with him in the knowledge that whatever you would have had to say
15 about Quarryvale could have been said perhaps on the 12th of June, in the
16 course of the day or after the special meeting?

17 A. I can't recollect that. I can't recollect the meeting either, but if he says
18 it took place I am not denying it did take place.

19 Q.207MR. QUINN: Now, you did, as the Judge said, you did attend the meeting on the
20 next day; isn't that right?

21 A. On the 12th, yes.

22 Q.208Did you ever have discussions with Mr. Dunlop over the phone in relation to any
23 issue?

24 A. Not that I can recollect, no.

25 Q.209You never discussed Quarryvale over the phone with Mr. Dunlop?

26 A. I may have, yes.

27 Q.210And how would it be necessary, why would it be necessary to have a face-to-face
28 meeting by prior appointment if you could discuss matters over the phone with
29 Mr. Dunlop or clarify any problems or difficulties he had?

30 A. I mean -- I can't remember specifically that or any, some meetings I can

1 remember, I can't remember that specific one, most of the time I meet
2 Mr. Dunlop in his office or, or in the Council.

3 Q.211 Presumably the arrangements for the meeting were made over the phone?

4 A. They may have been, yes.

5 Q.212 Did he give you any indication what it was he wanted to see you about?

6 A. No.

7 Q.213 Would you just turn up if he asked you to turn up without telling you what the
8 agenda for the meeting was?

9 A. Yes.

10 Q.214 So, was that the nature of the relationship that you had by 1992 with

11 Mr. Dunlop; if he phoned you and asked you to come to his office, you would
12 attend?

13 A. Yes, if I was in Dublin. If I was in Dublin, yes.

14 Q.215 But apart from being in Dublin, you would attend at his office on request
15 without being told why he wanted to see you?

16 A. I said to you earlier most of my meetings with Mr. Dunlop were about
17 Quarryvale.

18 Q.216 But you say you may not have known this meeting was to be in connection with
19 Quarryvale when it was being set up.

20 A. My recollection -- I just don't have any recollection of it.

21 Q.217 Do you have any recollection, Mr. Gilbride, of the Paisley Park Investment
22 proposals and the motion of Mr. Lydon and Mr. Hand which was discussed at the
23 meeting on the 12th?

24 A. No great recollection of them, no.

25 Q.218 Do you have any recollection at all of it?

26 A. Not really.

27 Q.219 Well, do you know you voted in favour of it?

28 A. Yes. I do.

29 Q.220 Do you know why you voted in favour of it?

30 A. Because I said to you earlier because the local councillors were in favour.

1 Q.221What local councillors do you say were in favour?

2 A. Councillor Lydon.

3 Q.222Yes. Who else?

4 A. Well. I -- he was the name on the motion.

5 Q.223Yes.

6 A. And as far as I remember most of the other local councillors were in favour of
7 it.

8 Q.224If I tell you that Mr. Butler was a local councillor, he voted against it.

9 4433 please. Do you know Larry Butler?

10 A. Yes, I do. yes.

11 Q.225He is a Fianna Fail councillor, a local councillor?

12 A. That's right.

13 Q.226He voted against it, does that surprise you?

14 A. No.

15 Q.227Do you know Betty Coffey, she is a local councillor? She voted against it.

16 She is a Fianna Fail councillor.

17 A. Yes.

18 Q.228Mr. Madigan, a local Fianna Fail councillor, he voted against it?

19 A. Yes.

20 Q.229So apart from Councillor Lydon what other Fianna Fail local councillor do you
21 say you relied upon for your support?

22 A. Tony Fox.

23 Q.230Yes. So because -- did they lobby you for your support?

24 A. They didn't, no.

25 Q.231Why not?

26 A. Because they knew I would have been, Councillor Lydon and Fox I would have
27 known them over five or six years, more, if they were in favour I would have
28 been happy.

29

30 JUDGE FAHERTY: Mr. Gilbride, the vote among the Fianna Fail local councillors

1 seemed to be, on what Mr. Quinn says, split three:two, i.e. three Fianna Fail
2 councillors against the rezoning and two for it. Isn't that --

3 A. In that particular way.

4

5 JUDGE FAHERTY: Maybe, I don't know want to -

6 A. There would be a lot more than five --

7 Q.232MR. QUINN: Perhaps if we go through --

8

9 JUDGE FAHERTY: Perhaps, I don't want to -- that may not be the total number of
10 councillors in fairness.

11 Q.233MR. QUINN: You see on the screen, Mr. Gilbride, those that voted in favour and
12 against the proposal. Now, if we start with the ones that voted against it.

13 Just go through those and identify the Fianna Fail councillors from this area

14 now. You see Councillor Butler is there. Any councillor up to Councillor

15 Butler's name from the area?

16 A. No, that the that I remember, no.

17 Q.234What about Councillor Cass?

18 A. No, she would be Tallaght I think, or out south county, she wouldn't have been

19 Fianna Fail.

20 Q.235Councillor Coffey?

21 A. Yes.

22 Q.236She is from the area?

23 A. Yes.

24 Q.237Councillor --

25 A. Dun Laoghaire/Rathdown.

26 Q.238Councillor Madigan?

27 A. That's right, yeah.

28 Q.239Do you see any other local Fianna Fail councillors?

29 A. No.

30 Q.240Do you recall the meeting the pre-special meeting held --

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JUDGE FAHERTY: Sorry, Mr. Quinn, are they the total local councillors, the Fianna Fail? I am not talking about the other parties for the minute.

Q.241MR. QUINN: Councillor Hanrahan is a Fianna Fail councillor?

A. Yes.

Q.242For what area?

A. Lucan -- sorry, Finbar is it?

JUDGE FAHERTY: Is he a local councillor?

MR. QUINN: He is a Lucan councillor, not a local Council local councillor.

JUDGE FAHERTY: You will probably be in a best position, Mr. Gilbride, to assist you if you look at the list. I know it is difficult when you see them all grouped together. This is not in anyway a trick question or anything like that, I just want to know how many of all the Fianna Fail councillors that were at the meeting, how many were local councillors?

A. Well now, starting at the bottom of the other page, Councillor Brock would be local to that area.

Q.243MR. QUINN: What ward was Councillor Brock attached to?

A. I don't know, they were -- all as far as I was concerned they were all south county, but he would have been local enough.

Q.244Councillor Creaven?

A. No, he wouldn't.

Q.245Councillor Farrell?

A. No, Councillor Farrell was Tallaght. So Councillor Brock, Councillor Fox.

Q.246What is Councillor Fox's ward? I think it is Rathfarnham, would I be correct?

A. You could be, yes.

1 Q.247That's not Carrickmines?

2 A. Well, you have Brock, Fox -- I am just going on general area Lydon, Matthews.

3 Q.248What was Councillor Matthews --

4 A. In that general area as well. Yes, Ormonde.

5 Q.249What was Councillor Ormonde's ward?

6 A. Rathfarnham as well.

7 Q.250Do you recall the meeting in Conway's before?

8 A. I don't, no.

9 Q.251Do you recall any controversy in the newspapers about the development of
10 Carrickmines generally and Paisley Park in particular?

11 A. There was a lot of controversy about different things, I don't know recall any
12 of them specifically.

13 Q.252When do you say that Councillor Lydon and Fox convinced you that you ought to
14 vote in favour of this motion?

15 A. I wouldn't think that I needed any convincing.

16 Q.253Sorry.

17 A. I wouldn't think I needed any convincing.

18 Q.254You needed any?

19 A. I wouldn't think I did need any convincing.

20 Q.255Why not?

21 A. I generally voted, if a local councillor had signed a motion I would generally
22 vote with it.

23 Q.256But wasn't Councillor Coffey, Councillor Butler and Councillor Madigan all
24 Fianna Fail councillors, and they were in support of it; isn't that right?

25 A. Yes, that's right.

26 Q.257Were you at the meeting the pre-special meeting of the council?

27 A. Special meeting of the Council?

28 Q.258Yeah -- no, the Conway meeting, the Fianna Fail meeting in Conway's?

29 A. I -- I can't remember specifically if there was a special meeting, there wasn't
30 always special meetings before we have Council meetings.

1 Q.259 Do you recall getting a hand-out or printout in relation to it -- could we have
2 page number one in the Gilbride brief please? What did you know about the
3 motion in the lands of Carrickmines?

4 A. Now my recollection, and I could be wrong about this, but I think that in 1987
5 when we started discussing the Development Plan, that that was one of the only
6 areas that the planners actually intended to zone and made it clear at the time
7 that it would be the only area in the whole county. Now I could be wrong about
8 this but I think I am right.

9 Q.260 I think there had been a presentation in October and November of 1990, isn't
10 that right, by the planners to the Council? Do you recall those meetings in
11 1990?

12 A. Not specifically, I don't, no.

13 Q.261 Do you recall, on screen there is a document which Senator Lydon discovered to
14 the Tribunal document headed "Paisley Park Investments Limited" which says
15 "Paisley Park Investment Limited is a consortium of UK and Irish investors",
16 did you know it was a consortium?

17 A. I didn't, no.

18 Q.262 "The directors of the company, which is registered in the Isle of Man, are Rod
19 Parker and Martin Bullock." Did you know that it was an Isle of Man company?

20 A. I didn't, no.

21 Q.263 "The project manager for the proposed development viz a high quality business
22 park is James Burgess, who has extensive experience in property management in
23 both the UK and Ireland." Did you know that the proposed development was a
24 high quality business park?

25 A. Yes, I do. I remember talk about a business park, that would be all.

26 Q.264 Where do you remember hearing that talk?

27 A. I'd say at some of the meetings.

28 Q.265 At what meetings?

29 A. The Council meetings.

30 Q.266 Do you recall the people behind the, or the property manager being referred to

1 a Mr. Burgess?

2 A. No.

3 Q.267Did you know Mr. Burgess?

4 A. No.

5 Q.268Did you know that the person, the proposed property manager had extensive Irish
6 and UK experience in property management?

7 A. No.

8 Q.269Did you know, the statement goes on "Contrary to recent newspaper stories this
9 company is not in liquidation", had you seen a recent newspaper story which
10 signified Paisley Park was in liquidation?

11 A. No.

12 Q.270Did you know it was in liquidation?

13 A. No.

14 Q.271Did you know, it goes on to say "It has under gone an internal business
15 reorganisation only", did you know that?

16 A. No.

17 Q.272"The ownership of the company has not changed", did you know that?

18 A. No.

19 Q.273Did you know who owned the company?

20 A. No.

21 Q.274Were you concerned to know who owned the company?

22 A. No, I wasn't.

23 Q.275Did you know where the lands were?

24 A. Vaguely.

25 Q.276Did you know what the access to the lands were?

26 A. No.

27 Q.277Did you know what the zoning in the area generally was?

28 A. Area generally, as far as I remember was F.

29 Q.278In fact, I think it might have been B for agriculture?

30 A. Was it?

1 Q.279Did you ever visit the lands?

2 A. No.

3 Q.280Do you know Carrickmines?

4 A. Not really.

5 Q.281So, can we take it that you lent your support to this motion for the rezoning
6 of these lands in Carrickmines being lands that you didn't know, you didn't
7 know where they were situated, you didn't know what their zoning was, you
8 didn't know who owned them, who was going to develop them, what the general
9 zoning was in the region, what the access to the lands were, nothing?

10 A. No, I wouldn't have known that. I would have listened at the Council meeting
11 but I wouldn't have visited them or anything like that, no.

12 Q.282And you did all of this because the motion carried the name of a Fianna Fail
13 councillor?

14 A. Yes.

15 Q.283So, can the Tribunal take it that in every rezoning motion that you voted on in
16 the review of the Development Plan, that you would have voted in favour of the
17 motion provided it carried a Fianna Fail signature, irrespective of where the
18 lands were or irrespective of the type of rezoning sought?

19 A. Yes.

20 Q.284Did you know that, for example, this rezoning was not supported by the
21 planners?

22 A. The planners usually would give a written statement which would be met and also
23 comments during the meeting by the planners which wouldn't necessarily be the
24 same as the written statement.

25 Q.285Yes. Well, do you recall the written statement that accompanied this motion?

26 A. I don't recall it, no.

27 Q.286Can the Tribunal take it that it would have made no difference to you what the
28 planners said, provided the motion was signed by a Fianna Fail councillor it
29 was going to receive your support?

30 A. Yes, that's right.

1 Q.287You would have totally disregarded what the planners had to say?

2 A. The planners were there to make recommendations, we were there to do the voting
3 and make the plan.

4 Q.288That's not the point I am making. What they had to say was irrelevant to you,
5 once the motion called had a Fianna Fail signature you were going to support it
6 in any event?

7 A. Mostly, yes.

8

9 CHAIRMAN: Mr. Quinn, we might break for ten minutes.

10

11 THE TRIBUNAL THEN ADJOURNED FOR A SHORT BREAK AND RESUMED AGAIN

12 AS FOLLOWS:

13

14

15 Q.289MR. QUINN: Thank you. Mr. Gilbride, before we broke we were dealing with your
16 support for this motion on the 12th of June '92; isn't that right?

17 A. That's right.

18 Q.290And I think you have told the Tribunal that you supported it simply because the
19 motion had been signed by Senator Lydon; isn't that right?

20 A. That's right.

21 Q.291And Senator Lydon hadn't asked you for your support?

22 A. He wouldn't need to ask me. I mean, I might have said to him, Don, is this all
23 right.

24 Q.292Sorry?

25 A. I may have said to him is this all right and if he had done it was, that would
26 be it.

27 Q.293It is unlikely he would have said it wasn't if he had proposed it; isn't that
28 right?

29 A. Yeah.

30 Q.294So it's unlikely you asked him?

1 A. Probably didn't ask him.

2 Q.295And you say that you can't recall if he sought your support?

3 A. I don't think he would need -- if he had signed it I would be quite happy to
4 support it.

5 Q.296If Councillor Butler signed it would you support it?

6 A. Yes.

7 Q.297Even if Senator Lydon was opposing it would you have supported it?

8 A. I think on my time on Dublin County Council I voted, as far as I remember,
9 twice against motions.

10 Q.298Twice against motions?

11 A. They were in my own area.

12 Q.299Sorry?

13 A. They were in my own area.

14 Q.300So, when you say twice against motions, twice against any motions irrespective
15 of who proposed them or twice against motions signed by Fianna Fail members?

16 A. Twice against, let's say, motions. Any motions, I think.

17 Q.301Now, the Tribunal at a later stage will be dealing in more detail with your
18 finances, Mr. Gilbride?

19 A. Yes.

20 Q.302But I just want to ask you about three lodgements which were made within a
21 reasonably short period, a matter of months of this payment?

22 A. Yes.

23 Q.303The first was a lodgement of 600 pound, if I could have page 272 please of the
24 Gilbride brief?

25 A. That's right.

26 Q.304Sum of 600 pounds on the 14th of July 1992, you have been asked about these
27 lodgements; isn't that right?

28 A. Yes, I have, yes.

29 Q.305We have blacked out all but the essentials of this lodgement, Mr. Gilbride, you
30 have been advised that, of the fact that you are going to be asked about this

1 lodgement; isn't that right?

2 A. Yes.

3 Q.306And it is a lodgement for 600 pounds on the 14th of July 1992, you were asked
4 in correspondence the source of that lodgement; isn't that right?

5 A. That's right.

6 Q.307And you as we see from the bank statement, you wrote the words "County
7 Council"; isn't that right?

8 A. That's right.

9 Q.308Can I ask you what does that refer to?

10 A. That would be an expenses cheque for July. Well, it would be June, paid in
11 July.

12 Q.309So, is it your evidence to the Tribunal that for June 1992 your expenses for
13 Dublin County Council were six hundred pounds and that's the cheque?

14 A. I would say it would have been more than six hundred pounds because I looked up
15 the statement I got from the county council, they didn't have records going
16 back to '92.

17 Q.310That's exactly the point, you had sought those records; isn't that right?

18 A. That's right.

19 Q.311They have no records prior to April of '93; isn't that right?

20 A. Yes, that's right.

21 Q.312So, what records did you rely upon when you responded to that query in, I think
22 it was September 2001?

23 A. What I relied on was either in July '93 and I think it was seven hundred odd
24 pounds.

25 Q.313Sorry?

26 A. In July '93 there was always a lot of meetings in June, and the expenses cheque
27 would usually be larger, June cheque would usually be larger than any other
28 months, so I would say it was probably more than six hundred pounds.

29 Q.314It was more than six hundred --

30 A. I presume --

1 Q.315What primary documentation did you have available to you in February 2001 or
2 September 2001 when you replied to the Tribunal and advised that this was a six
3 hundred pound County Council expenses cheque?

4 A. I would look back over my lodgement in the bank.

5 Q.316Yes. And we can see you were being asked about the lodgement; isn't that
6 right?

7 A. Yes, and other lodgements I would have made and the time of the month.

8 Q.317Yes. That's 14th of July?

9 A. Yes.

10 Q.318And I think there was a further lodgement on the 21st of July?

11 A. Yes.

12 Q.319A sum of 500 pounds you have written in, if we could have page 273, "County
13 Council conference".

14 A. That's right. I usually went to the conference in June.

15 Q.320And again are you saying that the Council paid you a cheque for 500 pounds and
16 you lodged that cheque to that account?

17 A. No. Again, it wouldn't, it mightn't be exactly 500 pounds but it was over it.

18 Q.321Sorry?

19 A. It mightn't be exactly 500 pounds, it probably was over. I looked at other
20 ones, conferences I went to, there was one a year or two later for 538 or
21 something like that, you know.

22 Q.322But are you saying you didn't review the original documentation and you are
23 guessing that it must have been that conference?

24 A. How do you mean review the original documentation?

25 Q.323When you came to the respond to the queries of the Tribunal in relation to
26 these specific lodgements --

27 A. Yes.

28 Q.324-- are you saying you had sight of the actual cheque or a copy of the cheque
29 from the Council, or a copy of the invoice and statement you received from the
30 Council?

1 A. No.

2 Q.325Or, are you merely surmising that that that's what it must have been?

3 A. I am certain that's what it must have been.

4 Q.326Yes. You say the monies you would have received from the Council would have
5 been in excess of the 600 and 500?

6 A. There was always some odd pounds or pence in it as well, yes.

7 Q.327Are you saying you would not have lodged the odd pence or pounds?

8 A. No.

9 Q.328And similarly I think there was a sum of 500 pounds lodged to credit card
10 account in August of 1992?

11 A. That's right.

12 Q.329Are you saying, what do you say was the source of that money?

13 A. Now, this is the first time actually I never looked at my fee statement, I was
14 never asked to comment on it, but I do remember that one. I think if you look
15 there was a cheque paid to Joe Walsh for 250.

16 Q.330Sorry, this is a lodgement of 500?

17 A. But previous to that on the statement, from the visa statement you will see a
18 cheque for 250 pounds paid to Joe Walsh.

19 Q.331Yes.

20 A. I know that that was for holidays. That would have been money that we would
21 have been saving for holidays and -- the lodgement would have come from home.

22 Q.332That's what I am saying the source of the monies for the lodgement was?

23 A. Money we would have been saving for our holidays.

24 Q.333At home?

25 A. At home, yes.

26 Q.334You knew that you had, were acting in a quasi judicial role when you came to
27 exercising your vote on rezoning; isn't that right?

28 A. Yes.

29 Q.335You were advised by the Council staff and planners at the commencement of the
30 review process, and you knew that you had an onerous responsibility from the

1 point of view of the public when it came to voting on these motions?

2 A. Mm-hmm.

3 Q.336And yet you say that you disregarded that responsibility and just voted in
4 favour of any motion that carried a Fianna Fail councillor's name.

5 A. I didn't disregard anything. The officials were there to advise it was our
6 duty to vote on these motions and to carry out the zonings as we saw fit.

7 Q.337When did you make up your mind that you would support the Paisley Park motion?

8 A. I wouldn't say that -- I couldn't say specifically at any stage, but I mean, as
9 I said to you earlier, any of the --

10 Q.338Sorry.

11 A. I couldn't say specifically what time.

12 Q.339Well, had you made up your mind when you spoke to Senator Lydon about it?

13 A. Yes.

14 Q.340When did you speak to Senator Lydon about it?

15 A. I don't remember any specific details or anything like that.

16 Q.341Was it on the day of the meeting?

17 A. No, I wouldn't think so.

18 Q.342Had you decided to vote in favour of the motion when you met with Mr. Dunlop?

19 A. Long before that.

20 Q.343Long before that?

21 A. I would say so, yes.

22 Q.344How long before that?

23 A. I don't know.

24 Q.345Why are you able to say it was long before the 11th of June?

25 A. I mean, once the motion was, went down and we would have got what do you call
26 it from the Council --

27 Q.346You would have been circularised?

28 A. Yes, but by the Council.

29 Q.347Would it be sometime after the 4th of May, because the motion was signed on the
30 4th of May, so sometime after that?

1 A. Sometime after that, yes.

2 Q.348Once you got the motion effectively?

3 A. Yeah, once I got the motion.

4 Q.349Now, can I just come back for a moment to the Garda inquiry that you referred
5 to earlier? Am I correct in thinking that you, apart from a telephone
6 conversation from a particular Garda, of inspector rank --

7 A. As far as I remember he was an inspector.

8 Q.350Yes, of senior, reasonably senior rank?

9 A. Yes.

10 Q.351Apart from that telephone inquiry, you had no further involvement in that
11 inquiry; is that right?

12 A. No.

13 Q.352And the telephone conversation that you had with the Garda, presumably he
14 identified himself to you over the phone?

15 A. He did, yeah.

16 Q.353Did he tell you why he was ringing you?

17 A. He did, yes.

18 Q.354What did he say?

19 A. He said, as far as I remember, that he had been asked to investigate alleged
20 corruption in Dublin County Council and asked me had I received any illegal
21 payments.

22 Q.355What type of corruption was he investigating, did he tell you?

23 A. I can't remember.

24 Q.356But he could have been investigating planning corruption, official
25 corruption --

26 A. No, it wasn't official corruption.

27 Q.357So it was corruption involving councillors?

28 A. That's right, yes.

29 Q.358And who, what type of corruption involving councillors did he tell you that he
30 was investigating?

1 A. It's hard to remember, Mr. Quinn, but I presume it was planning but -- I mean,
2 I'm not sure.

3 Q.359He must have given you some background to the phone call?

4 A. It wasn't a long conversation, I can tell you that.

5 Q.360How long would you say?

6 A. I would say about two or three minutes.

7 Q.361Two or three minutes?

8 A. At the most.

9 Q.362So, having introduced himself and having advised you that he was investigating
10 planning corruption and presumably having confirmed that you were, in fact, the
11 Sean Gilbride councillor?

12 A. Yes.

13 Q.363Isn't that right?

14 A. Yes.

15 Q.364What did he then ask you?

16 A. I'm trying to think, he asked me had I ever received any illegal payments I
17 presume.

18 Q.365Any?

19 A. Any illegal payments.

20 Q.366Yes. Did he identify for you what he meant by illegal payments?

21 A. No, I don't think so.

22 Q.367Well, did you ask him what did he mean by illegal payments?

23 A. I don't think so.

24 Q.368You see, the impression you are conveying, Councillor Gilbride, Mr. Gilbride,
25 is that you received a phone call from a Garda who advised you that he was
26 investigating corruption?

27 A. Yeah.

28 Q.369Who merely asked you one question and one question only?

29 A. Yeah.

30 Q.370Namely, did you receive an illegal payment?

1 A. Yeah.

2 Q.371To which you replied no?

3 A. That's right.

4 Q.372And he concluded the call at that?

5 A. I think that was about it.

6 Q.373He didn't ask you to attend for interview?

7 A. No.

8 Q.374Didn't ask you about any payments you received, legal or illegal?

9 A. No.

10 Q.375Didn't identify for you what he meant by illegal payments?

11 A. No.

12 Q.376What did you understand him to mean by illegal payments?

13 A. Had I got illegal payments to vote for some motion or something like that.

14 Q.377Sorry?

15 A. Had I got a bribe to vote for some zoning or something like that, that's

16 whatever I would have understood.

17 Q.378In other words, had a developer or landowner or lobbyist paid you specifically

18 in relation to your support?

19 A. Yes.

20 Q.379For a particular --

21 A. Yeah, I would have understood that, yes.

22

23 JUDGE FAHERTY: Sorry, Mr. Gilbride, did the inspector use such words? I mean,

24 you have --

25 A. No, no.

26

27 JUDGE FAHERTY: I noted you said, did you receive an illegal payment?

28 A. Yes.

29

30 JUDGE FAHERTY: You understood that query as to whether or not you had voted

1 after receiving inducements in relation to zoning matters?

2 A. Yes.

3

4 JUDGE FAHERTY: I am just wondering what language or words exactly were used,
5 if you can recall, by the inspector?

6 A. I can't recall. It was a short conversation.

7

8 JUDGE FAHERTY: But you are saying there seems to be a conversation without any
9 specific context, save the words illegal payment?

10 A. He might have said to me, did you receive money to vote for anything, I am
11 investigating this and I said no.

12

13 JUDGE FAHERTY: I see.

14 Q.380MR. QUINN: And were you surprised that you were singled out for the phone
15 call?

16 A. No. I think he told me that he was investigating all councillors, as far as I
17 remember.

18 Q.381So, you understood that he was going through all 78 councillors asking them
19 exactly the same question?

20 A. Yes, that's right, yes.

21 Q.382So each, as far as you were concerned, every councillor had received a phone
22 call from this --

23 A. Had received a phone call or was going to receiver a call.

24 Q.383Or was going to receive a call?

25 A. Yes.

26 Q.384Now, at that meeting on the 12th of June the manager's report was read to the
27 meeting in relation to this motion; isn't that right?

28 A. Yes, it always was.

29 Q.385Page 443 please? And the recommendation as appears from that report was that
30 the motion would not be passed, do you recall the manager reading that motion?

1 A. I don't recall, but it would have been read, affidavits always read, the
2 manager's report was always read first.

3 Q.386 Well, was it not read in conjunction with the motion?

4 A. Yeah, before --

5 Q.387 Before the vote?

6 A. The motion was moved, manager's report would be read and then discussion would
7 take place.

8 Q.388 Now, if I just read to you what the manager had to say in relation to the
9 motion, this is a motion that you have decided to support, isn't that right,
10 and you have decided to support it, even though you haven't had this read to
11 you or you don't know what the manager is saying; is that right?

12 A. (Witness nods).

13 Q.389 "These lands are located southwest of the motorway shown on the draft plan.
14 Only access from a narrow cul-de-sac leading to the Carrickmines golf course.
15 To provide access to industrial development would require a junction on
16 motorway and such a junction would not be warranted in the circumstances. Even
17 if direct access was to be provide onto the Glenamuck Road it would be
18 unacceptable in view of the substandard nature of the Glenamuck Road and amount
19 of the traffic generated by the proposed development. The western portion of
20 the site is unsuitable for industrial development due to the steep contours and
21 the exposed nature of that part of the site.

22

23 In view of the isolated location of the lands, difficulty of access and having
24 regard to decisions already taken by the Council in relation to adjoining land
25 the site is not an appropriate location for industrial development. It is
26 recommended that the motion be not passed."

27

28 Did you recall hearing that at the meeting?

29 A. I don't recall hearing it, but I mean I have no doubt it was read out.

30 Q.390 Was that the first time that the manager's report in relation to the motion was

1 read, had it been circulated beforehand?

2 A. I don't think they were usually circulated beforehand, now I couldn't be sure
3 of that.

4 Q.391 Generally read at the meeting. So, would it be fair to say you came to this
5 meeting without knowing what the manager's view or planner's view was in
6 relation to the motion, but with your mind made up that you were going to
7 support it?

8 A. To the history of the Development Plan that particular one, I can't remember
9 very, very many that the manager reported favourably on.

10 Q.392 Just, I am just trying to review your evidence, Mr. Gilbride, as I understand
11 it, correct me if I am wrong.

12 A. Yes.

13 Q.393 You, once you had received the pack which included the motion from the Council?

14 A. Yes.

15 Q.394 You made up your mind you were going to support this motion?

16 A. Yes, I would say, yes.

17 Q.395 You did that in the absence of any view from the planners?

18 A. As I said to you with regard to planners, I can't remember any one where the
19 planners said they were in favour of it, in written words.

20

21 Now, it mightn't refer to this one, but once the discussion started verbally
22 the planners might say, well, we agree with this, but that would never be
23 written into the minutes.

24 Q.396 Are you saying you have a recollection of the planners saying they supported
25 this?

26 A. No, I don't.

27 Q.397 Sorry?

28 A. No, I am not saying that, no.

29 Q.398 But your evidence seems to be having made up your mind based on who signed the
30 motion that you were going to support it?

1 A. Yeah.

2 Q.399That you arrived at the meeting?

3 A. Yeah.

4 Q.400And then you heard what the planners had to say?

5 A. Yeah.

6 Q.401And you still --

7 A. Yeah.

8 Q.402And it had no effect at all?

9 A. No.

10 Q.403Wasn't even considered by you?

11 A. It might be considered by me, but I wouldn't -- my vote wouldn't be depending
12 on what the planners would say, I can tell you that. I didn't pass too much
13 heed because they were so negative on everything.

14 Q.404Sorry?

15 A. The planners were so negative on everything.

16 Q.405So you discounted everything the planners said?

17 A. Most of the time, yes.

18

19 JUDGE KEYS: Mr. Gilbride, I think on that, just before the break you did give
20 evidence when asked about what you knew about the Carrickmines land, as such
21 you said you knew nothing about them, their location, access and so forth, and
22 you also said that, I understand in your evidence, that you normally ignored
23 the manager's report --

24 A. Yes.

25

26 JUDGE KEYS: -- in planning matters as such. Yet you concede that you had a
27 quasi judicial role to perform; isn't that correct?

28 A. Yes.

29

30 JUDGE KEYS: Do you think by adopting that approach you are fulfilling your

1 obligations in those circumstances?

2 A. Yes, I was.

3

4 JUDGE KEYS: You ignore the advices of experts, you knew nothing about the
5 physical features of the lands which were the proposal was to be rezoned, you
6 were performing a quasi judicial role, ignoring all of those, you say you still
7 fulfilled your obligation?

8 A. Yes.

9

10 JUDGE KEYS: I see. Thank you.

11 Q.406MR. QUINN: Now, Mr. Gilbride, I want to ask you, when did you last speak with
12 Mr. Dunlop?

13 A. I will try to get it right.

14 Q.407Sorry?

15 A. I said I am going to -- on the last, the last time I spoke to Mr. Dunlop.

16 Q.408Yes?

17 A. Was sometime in the -- I think it was in the autumn of '98 or '99, I would say
18 it was '98. I got a phone call from I think Colm Kenna of the Irish
19 Independent. I was in my car and he asked me to stop driving my car and I said
20 why. He said, "I have something to put to you." And I continued driving. He
21 said, "Did you receive 50 thousand pounds from Frank Dunlop?" And I said,
22 "No." And I phoned Frank Dunlop the same day and I said that this Mr. Kenna, I
23 think it was Mr. Kenna from Irish Independent put this to me, I said how could
24 he have got this. Mr. Dunlop said, "Hold on a minute." He looked it up and he
25 said, "All I have you down here for is 2,000 pounds, political contribution."
26 And that was, as far as I remember, the autumn of '98 or '99, I think it was
27 '98.

28 Q.409The Tribunal was established at that time.

29 A. It was, that's right.

30 Q.410Did you ask the journalist what the source of his information was?

1 A. I didn't, no.

2 Q.411Why did you ring Mr. Dunlop?

3 A. Because he said that I had got the money from Mr. Dunlop.

4 Q.412Yes. And why did you ring Mr. Dunlop?

5 A. To inform him that this reporter had rang me saying that I have got 50 thousand
6 pounds from him.

7 Q.413You were asked by the Tribunal I think on the 5th of February of this year a
8 series of questions in relation to conversations that you might have had with
9 people; isn't that right?

10 A. That's right.

11 Q.414You haven't responded to that letter?

12 A. It said, as far as I remember in that letter, if I didn't answer it I would be
13 questioned about it.

14 Q.415Yes.

15 A. I was waiting to be questioned.

16 Q.416Okay. Perhaps if I go through the letter then with you?

17 A. Yes.

18 Q.417It's a letter page 22 of the brief.

19

20 You have been directed by the Tribunal to furnish the following information as
21 a matter of urgency to the Tribunal.

22 "Did you at any time since the 4th of November '97 have any meeting,
23 communication or discussion (and whether directly or indirectly and by whether
24 by telephone, fax, through agents, third parties, advisors, or otherwise) with
25 Frank Dunlop concerning this Tribunal and/or matters which were likely to be
26 inquired into by the Tribunal."

27

28 Are you saying the only such meeting was that telephone conversation initiated
29 by you following on a request from a journalist or inquiry from journalist; is
30 that correct?

1 A. Yes.

2 Q.418 To give answer, if yes, please "furnish full and detailed particulars of each
3 such meeting, communication and/or discussion setting out in respect of each
4 such meeting, communication or discussion the following:-

5 a. When each such meeting took place."

6

7 You say it was 1998.

8 A. The autumn of '98.

9 Q.419 In the autumn of '98. Where did you meet Mr. Dunlop?

10 A. I think when I got back to work I rang him then.

11 Q.420 Sorry?

12 A. I was in my car at the time, I was coming from a meeting. When I got back to
13 work, lunchtime sometime like that, I think I rang him.

14 Q.421 Where did you ring him in his office?

15 A. Yes.

16 Q.422 And you say that when you rang him and you put to him what was said he replied
17 to you by saying --

18 A. "Hold on a minute, I will look that up." He came back and he said, "All I have
19 you down for is 2,000 pounds, political contribution."

20 Q.423 So you are saying Mr. Dunlop had to look up some records?

21 A. That's right, yes. And he had records available to him.

22 Q.424 He had to look up his records to know whether or not he had given you 50
23 thousand pounds?

24 A. Well, I know he hadn't given me 50,000.

25 Q.425 Sorry?

26 A. I was well aware.

27 Q.426 But your evidence is that he had to look up his records to know whether or not
28 he had given you 50,000?

29 A. Yeah. He said, "hold on a minute."

30 Q.427 And you had to wait while he looked up records to know if it was 50,000 pounds

1 or not that he have given you?

2 A. I didn't have to wait, I knew that I hadn't got 50,000 pounds from Mr. Dunlop.

3 Q.428Why did he ask you to hold on then?

4 A. Don't ask me.

5 Q.429Did you not say to him that the only monies --

6 A. I had said that to him.

7 Q.430That the only money you got was 2,000?

8 A. I had said that.

9 Q.431You actually said that?

10 A. I said that, yes.

11 Q.432Did you ask him to confirm it?

12 A. Well, maybe that was why he looked it up, because I said, "how could this man
13 say you gave me 50,000 pounds?"

14 Q.433Did it occur to ask Mr. Dunlop to oblige you by forwarding to you a copy of
15 whatever he had?

16 A. No, it didn't.

17 Q.434Why not?

18 A. I didn't need them.

19 Q.435Sorry?

20 A. I didn't need them. I knew what I had to get.

21 Q.436But you had to check with Mr. Dunlop?

22 A. No. I was informing Mr. Dunlop this man said I had got 50,000 from him.

23 Q.437Mr. Dunlop felt it necessary to confirm to you --

24 A. Yes, he did, yeah.

25 Q.438That he hadn't paid 50,000?

26 A. Yes.

27 Q.439Why didn't you ask him for a copy of the receipt or whatever records he had?

28 A. It didn't occur to me to ask him for it, I was happy in my own mind what I had
29 got.

30 Q.440Sorry?

1 A. I was quite happy in my own mind.

2 Q.441Did you think this journalist was maligning Mr. Dunlop by alleging he paid
3 a councillor 50,000 pounds?

4 A. I thought he was maligning me.

5 Q.442But also maligning Mr. Dunlop, would he not?

6 A. Could have been. But as far as I was concerned he was maligning me.

7 Q.443Why were you checking with Mr. Dunlop, you weren't advising him there was a
8 journalist maligning him?

9 A. I was informing him, yeah.

10 Q.444Sorry?

11 A. I was informing him this journalist put it to me I received 50,000 pounds from
12 Mr. Dunlop, yes.

13 Q.445What did you do about the matter once you had confronted Mr. Dunlop, you knew
14 there was a record in existence that would confirm the story was incorrect?

15 A. I did nothing.

16 Q.446Did it occur to you to seek a copy of the receipt that you could forward to the
17 journalist to confirm that the only monies you had received from Mr. Dunlop
18 were 2,000 pounds?

19 A. No.

20 Q.447Did you ring the journalist back and say Mr. Dunlop agreed with your
21 recollection that it was 2,000 pounds?

22 A. No.

23 Q.448Why not?

24 A. I had told the journalist that I had not received 50,000 pounds from
25 Mr. Dunlop, full stop.

26 Q.449Had the journalist published a story saying that you had received 50,000 pounds
27 --

28 A. He hadn't.

29 Q.450No, but had he published that story wouldn't it have been useful to you in any
30 libel proceedings you would take to have to hand Mr. Dunlop's records that you

1 had only received 2,000 pounds, his contemporaneous record of the monies given
2 to you?

3 A. Yes.

4 Q.451Why didn't you ask Mr. Dunlop for a copy of that record?

5 A. The story wasn't published.

6 Q.452But you didn't know that the story wasn't going to be published?

7 A. I didn't know, but it didn't happen.

8 Q.453I know it didn't happen, but you were not to know it wasn't likely to happen
9 when you spoke with Mr. Dunlop on that occasion?

10 A. If it had happened we would have to deal with it then, but I can't deal with
11 something that may or may not arise.

12

13 JUDGE FAHERTY: Mr. Gilbride, you knew at this point also that the Tribunal had
14 been established; isn't that correct?

15 A. That's right, yeah.

16

17 JUDGE FAHERTY: Would you not have thought it would be prudent on your part to
18 have had, when you had the opportunity there and then to ask Mr. Dunlop for the
19 receipt, because it was quite conceivable that you would have been written to
20 by the Tribunal, isn't that correct, as a councillor?

21 A. That's right, yeah.

22

23 JUDGE FAHERTY: You know the guards had called you a few years previously as a
24 County Councillor in their investigation and you would have put two and two
25 together that down the line the Tribunal would be writing to you, I am just
26 wondering why you didn't take the opportunity, you have given evidence already
27 that you proffered a receipt already filled out, you put your name to that back
28 in 1991.

29 A. That's right.

30

1 JUDGE FAHERTY: And that you could have had a copy of the receipt then from him.

2 A. If I had 20/20 hindsight I would have done all that, I didn't have 250/20
3 hindsight.

4 Q.454MR. QUINN: Can I ask you, Mr. Gilbride, what records you have to show you
5 received 2,000 from Mr. Dunlop?

6 A. I didn't have any records.

7 Q.455You had no records at all?

8 A. No.

9 Q.456What did you do with 2,000 in cash or thousand in cash that you had retained?

10 A. I would have spent a part of it on expenses for the local elections.

11 Q.457Did you declare it to your party treasurer?

12 A. No.

13 Q.458Why not?

14 A. It wasn't --

15 Q.459Sorry?

16 A. It was a political donation to me, it wasn't to the party.

17 Q.460But would your party not be anxious to know that Mr. Dunlop was a source of
18 fundraising?

19 A. No.

20 Q.461Why not?

21 A. I don't know.

22 Q.462Are you -- if I could just take you through the remainder of that letter if I
23 may.

24

25 "b. Where each such meeting, communication and/or discussion took place.

26 c. In whose presence each such meeting --"

27

28 Was there anybody present in either your conversation with the journalist or
29 Mr. Dunlop?

30 A. No.

1 Q.463Was there anybody present at the hand over of the money to you by Mr. Dunlop?

2 A. In '91?

3 Q.464Yes.

4 A. No.

5 Q.465So, other than yourself and Mr. Dunlop no one else knew of the payment to you
6 in '91 by Mr. Dunlop?

7 A. No.

8 Q.466And other than the receipt which you say was signed and which Mr. Dunlop denies
9 was signed, there is no other record of the payment to you by Mr. Dunlop?

10 A. No.

11 Q.467Mr. Dunlop could have maintained he had given you 4,000 pounds or 5,000 pounds;
12 isn't that right?

13 A. Yes.

14 Q.468Did you not think it unwise not to have some records that Mr. Dunlop had given
15 you money?

16 A. Not at the time, no.

17 Q.469Why not?

18 A. It was a political donation, that was it.

19 Q.470But could you not have acknowledged in writing the fact that, a thank you note
20 to the fact that you received 2,000 pound?

21 A. I thanked him at the time and signed the receipt.

22 Q.471Yes. Did you ask him how he had settled on a figure of 2,000 pounds for you?

23 A. I didn't, no.

24

25 CHAIRMAN: Mr. Gilbride, were you interviewed in the Fianna Fail Inquiry?

26 A. Yes, I was.

27

28 CHAIRMAN: And do you remember what information you gave to the Inquiry?

29 A. What I am giving here.

30

1 CHAIRMAN: That you received 2,000?

2 A. Yes, that's right. And if I may say so, that a day after, a couple of days
3 after I went to the Tribunal in 1998 I got the -- a summons from Fianna Fail
4 headquarters. I hadn't told anyone at the time that I was in with
5 Mr. Gallagher, I think, and Mr. Hanratty, but two days afterwards, I think
6 about two days, I had a summons from Fianna Fail, and I often wondered how they
7 knew that I was in at the Tribunal and what I had said.

8
9 CHAIRMAN: But the Inquiry involved I think all the councillors.

10 A. Oh, yes. It did, yeah. Sorry, no, no. There was an Inquiry, that was later
11 on after, when I went into the Tribunal in 1998 I think it was the 28th of
12 October, as far as I remember a couple of days after that in 1998 I had a
13 summons from the Chairman of the Fianna Fail Parliamentary Party to go in and
14 see him.

15
16 CHAIRMAN: Yeah, presumably you would have told friends --

17 A. No, I didn't.

18
19 CHAIRMAN: -- and family that you were going in.

20 A. No.

21
22 CHAIRMAN: You didn't tell anyone?

23 A. No. And he was aware of what I had said to the Tribunal, or to Mr. Hanratty
24 and Mr. Gallagher. I am not making any allegations but he was aware of that.

25 Q.472MR. QUINN: You met with the officials of Fianna Fail on the 17th of December
26 of 1998; isn't that right?

27 A. Yeah. It could have been around that time, it wasn't that long afterwards.

28 Q.473Had you told Mr. Gallagher and Mr. Hanratty that you had received 2,000 pounds
29 from Mr. Dunlop at that meeting that earlier meeting?

30 A. I don't think I had.

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CHAIRMAN: Sure, then how could they -- you are suggesting that a link between telling the counsel of the Tribunal that you had been paid 2,000 and the fact that Fianna Fail were asking you about this payment some days later --

A. It wasn't that payment.

CHAIRMAN: I see. But did you disclose that payment to the Fianna Fail Inquiry?

A. Yes. The later Inquiry, yes, I did.

CHAIRMAN: No. To the Inquiry some days after your interview by the Tribunal?

A. I can't recollect that.

Q.474MR. QUINN: Just in relation to that Fianna Fail meeting, I wonder if we could have the McGrath brief, page 19. This relates to the Inquiry, Fianna Fail Inquiry and I am referring to paragraph 1.05, it says: "Following evidence by Mr. Frank Dunlop to the Flood Tribunal on Wednesday 14th of April, the Taoiseach, Mr. Bertie Ahern TD, instructed the Fianna Fail party Chairman, Dr. Ruairi O'Hanlon TD, to convene without delay --"

CHAIRMAN: Sorry, Mr. Quinn, can we wait until we have it up on screen?

Q.475MR. QUINN: McGrath page 19. Paragraph 1.05. Do you see the second paragraph there? "Following evidence by Mr. Frank Dunlop to the Flood Tribunal on Wednesday 14th April, the Taoiseach, Bertie Ahern TD, instructed the Fianna Fail party Chairman, Dr. Rory O'Hanlon TD, to convene without delay Fianna Fail Standards in Public Life Committee. The Taoiseach's statement of the 14th of April is contained at appendix four."

Do you see that? Isn't that the Inquiry that you attended?

A. Yes. In Fianna Fail headquarters, yes.

Q.476And you had been interviewed months earlier; isn't that right?

1 A. That's right.

2 Q.477Not two days earlier. When you came to attend at the meeting on the 17th of
3 October '98 you, in fact, had been to the Tribunal some months earlier, isn't
4 that right, not some days?

5 A. 17th of December, yes. I had, yeah.

6 Q.478Yes. At the first meeting with the Tribunal you hadn't told the Tribunal legal
7 team that you had received 2,000 pounds in cash from Mr. Dunlop?

8 A. No.

9

10 CHAIRMAN: Can you say, Mr. Gilbride, why you hadn't told --

11 A. Sorry --

12

13 CHAIRMAN: Can you say why you didn't tell the Tribunal legal team that you had
14 received this payment of 2,000?

15 A. It was a political donation for local elections, that was it.

16

17 CHAIRMAN: And can you remember if you had been asked about donations or monies
18 paid by Mr. Dunlop?

19 A. I can't remember offhand, no.

20 Q.479MR. QUINN: Now, just to return, if I may, to that letter from that meeting
21 with Mr. Dunlop. Mr. Dunlop says that he had conversations with you in
22 relation to the establishment of the Tribunal concerning your involvement in
23 Quarryvale, what do you say about that?

24 A. My only recollection is that particular conversation I mentioned to you in the
25 autumn of 1998, that is my only recollection.

26 Q.480Well, could you have had conversations with Mr. Dunlop after the establishment
27 of the Tribunal which centred on the allegations against Mr. Burke, etcetera?

28 A. I saw that in a statement from Mr. Dunlop that I had -- didn't believe, I think
29 he said.

30 Q.481Sorry?

1 A. I saw a statement from Mr. Dunlop in which he --

2 Q.482I better read to you what Mr. Dunlop said, if I may.

3 A. I would be pleased if you would.

4 Q.483You have seen it I am sure?

5 A. I have seen it, yeah.

6 Q.484He says: "Sean Gilbride attempted to contact me during my evidence to the
7 Tribunal in April 2000." Is that correct?

8 A. No. It was the time he gave evidence I happened to be out, I was going to the
9 bank or something.

10 Q.485Sorry?

11 A. The day he gave that particular evidence I had heard on the radio that he had
12 collapsed at the Tribunal, I rang his house to ask how he was.

13 Q.486You did attempt to contact him during the time he gave evidence to the
14 Tribunal?

15 A. Yes.

16 Q.487You have told us why, but he is correct when he says that?

17 A. Yes. He is, yeah. Oh, yes.

18 Q.488At least yourself and Mr. Dunlop agree on one thing?

19 A. We agree on that, yes.

20 Q.489"He and I spoke prior to and after the extension of the Terms of Reference of
21 the Tribunal," that would have been about '98?

22 A. It was the autumn of '98 is my recollection of our --

23 Q.490"The contact prior to autumn of 1998 related mainly to the allegations being
24 made against Mr. Ray Burke." Did you discuss the Tribunal with Mr. Dunlop
25 after its establishment in relation to Mr. Burke?

26 A. I have absolutely no recollection of that.

27 Q.491But could it have happened?

28 A. I don't think so.

29 Q.492Why not? Why do you not believe it could have happened?

30 A. (Witness shrugs).

1 Q.493Were you concerned after the establishment of the Tribunal about the payment to
2 you by Mr. Dunlop?

3 A. No.

4 Q.494It might have been misconstrued?

5 A. I can't help if people misconstrue --

6 Q.495The person that told the journalist Mr. Dunlop gave you 50,000 pounds might
7 equally have told the Tribunal he had given you 50,000 pound and that could
8 have caused problems for you; isn't that right?

9 A. I am telling the Tribunal volunteer any information I had to them.

10 Q.496You didn't volunteer the 2,000 donation --

11 A. That was a political donation.

12 Q.497-- in '98 when you first met the Tribunal legal team?

13 A. That's right.

14 Q.498Did you ever ask Mr. Dunlop for a copy of the receipt?

15 A. I didn't, no.

16 Q.499Can I ask you why you didn't volunteer to the Tribunal Mr. Dunlop gave you
17 2,000 pounds in '91 when you first met the Tribunal?

18 A. In 1998 I met Mr. Gallagher and Mr. Hanratty and I had a very stressful two and
19 a half hours with them and I did the best I could.

20 Q.500You did everything except tell them that Mr. Dunlop had given you 2,000 pounds
21 in cash in 1991; isn't that right?

22 A. If I didn't tell them, I didn't tell them.

23 Q.501After --

24 A. Sorry, on that particular one, I don't know, should we be talking about that,
25 Mr. Flood or Justice Flood was not at that meeting.

26 Q.502Okay.

27 A. I think we have to be fair to everyone.

28 Q.503"After the extension of the Terms of Reference and in the knowledge that
29 Quarryvale would be a module at some future date, Sean Gilbride repeatedly
30 expressed concern as to what Tom Gilmartin might say."

1 A. I am delighted you raised that, I am looking forward to Mr. Gilmartin's
2 evidence.

3 Q.504Mr. Gilmartin is not here.

4 A. I wouldn't --

5 Q.505We'll leave that over to another occasion.

6 A. Yes.

7 Q.506"In one conversation by telephone with Sean Gilbride I recall him asking me to
8 remind him how much I had given him at the time of the Quarryvale vote in '91,
9 and I told him." Do you recall that?

10 A. No, my conversation is the one I told you about in the autumn of '98.

11 Q.507"He said he hadn't remembered it to be as much as that but that he must have
12 spread it a bit."

13 A. That is not true.

14 Q.508Did you say that to Mr. Dunlop?

15 A. I did not.

16 Q.509What do you think Mr. Dunlop means by the expression "must have spread it a
17 bit"?

18 A. I don't know what he means. Ask Mr. Dunlop.

19 Q.510"Notwithstanding the above we agreed anything received by him would be
20 categorised by both of us as political donations." Did you agree with
21 Mr. Dunlop any monies would be categorised as political donations?

22 A. No.

23 Q.511There is no doubt but that you classify 2,000 pounds in '91 as a political
24 donation?

25 A. That's right, yes.

26 Q.512There is no doubt Mr. Dunlop does not believe it to have been a legitimate
27 political donation?

28 A. Mr. Dunlop -- Mr. Dunlop says that, I know myself what it was.

29 Q.513Mr. Dunlop has given evidence that to effect?

30 A. Yes.

1 Q.514"I have not met or spoken with Sean Gilbride prior to my appearance at the
2 Tribunal in April 2000." Is that correct?

3 A. That's right.

4 Q.515Now, Mr. Gilbride, for completeness I should say another at portion of that
5 statement he also refers to his discussions with you. He said: "I had
6 discussions with Sean Gilbride with regards to payment, these are detailed in
7 list four." I am just saying list four to you.

8

9 You have seen that other portion of his statement where he relates to Mr. Burke
10 and Quarryvale and that, do you take issue with what he has to say there?

11 A. I do take issue because I wouldn't have any great discussions with Mr. Dunlop
12 about Mr. Burke. And the statement about Tommy Gilmartin, I would take issue
13 with that, very much so.

14 Q.516Thank you very much, Mr. Gilbride.

15

16 CHAIRMAN: Mr. Gilbride, I just want to go over again your evidence in relation
17 to the 2,000 pounds which you say you received from Mr. Dunlop in 1991. You
18 said, your evidence was, and I'll briefly, very briefly summarising it, that
19 you received a phone call from Frank Dunlop, he said he wanted to meet you, he
20 then came to your house, you think sometime after 9 o'clock.

21 A. Yes, exactly.

22

23 CHAIRMAN: And he then gave you the 2,000 pounds in cash. You signed a
24 receipt.

25 A. That's right.

26

27 CHAIRMAN: You said you never asked him for any contribution and you said also
28 that the 2,000 pounds was the largest donation you had ever received other
29 donations being in the region of a hundred or 200 pounds.

30 A. Apart from my family, yes.

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CHAIRMAN: Apart from your family. And so you would have been -- the other smaller donations of a hundred or 200 pounds, would they be from constituents generally or --

A. Yes, constituents, yes.

CHAIRMAN: Or supporters --

A. Supporters, yes.

CHAIRMAN: And you said also, which surprised me, that you were not surprised on receiving 2,000 pounds from Mr. Dunlop in this way.

A. Maybe I was surprised at the amount of it, but I am --

CHAIRMAN: But this was a sum which, on your own evidence, was ten or 20 times what you had ever received before, outside your family.

A. Yes, that's right.

CHAIRMAN: So, in relative terms it would have been a huge sum of money.

A. It was, yes, at the time.

CHAIRMAN: And it would have, I would suggest to you, it must have surprised you and even pleasantly shocked you, that he would give you this money.

A. Yeah.

CHAIRMAN: And can you remember what conversation you had with him when he presented you with the money, what was said between you?

A. I can't remember offhand, no. Sorry about that. But it wouldn't have been a long conversation, he wasn't in the house with me for long, because I had come in from canvassing as far as I can remember.

1 CHAIRMAN: But would you have expressed amazement.

2 A. I would have expressed thanks, yes.

3

4 CHAIRMAN: Well, more than thanks. Would you have expressed amazement or
5 surprise at his generosity?

6 A. No, I didn't. I am trying to be as honest as I can, but --

7

8 CHAIRMAN: You knew then that he was, he wasn't a constituent?

9 A. Yes, I did know that.

10

11 CHAIRMAN: You knew he wasn't a supporter in the sense you would be seeking
12 support from people at the ballot box and so on, he wouldn't have fitted into
13 that category.

14 A. No.

15

16 CHAIRMAN: You would have known that his only interest in the work that you did
17 and in the work of the Council was in relation to projects, development
18 projects he was supporting on behalf of clients.

19 A. Yes, that's right.

20

21 CHAIRMAN: And you didn't see any conflict at all between the money he was
22 giving you, this huge sum of money and the fact that you were around that time
23 supporting projects or a project being promoted by him?

24 A. No. I didn't see a conflict, no.

25

26 CHAIRMAN: And that the review of the Development Plan had been embarked on at
27 that stage.

28 A. Yes, for four years previous to that.

29

30 CHAIRMAN: You didn't see any connection between the two?

1 A. No. I wouldn't say I didn't see a connection, I wouldn't say that.

2

3 CHAIRMAN: What connection would you say there was?

4 A. I mean -- I met Mr. Dunlop at an interview, particularly over the Quarryvale
5 that -- I don't know whether he made the contribution for local elections
6 hopefully, probably that I would be supporting Quarryvale in the future as
7 well.

8

9 CHAIRMAN: So, you would accept then as I understand your evidence, that at
10 least there was some element in this payment of, if you like, a reward for
11 support to be given to Quarryvale or some other part --

12 A. Yes, I would, yes.

13

14 CHAIRMAN: I mean, there was certainly, there was certainly a connection
15 between the two.

16 A. Well, it wasn't a gift for nothing.

17

18 CHAIRMAN: Yes, that's the point. I mean, it wasn't something for nothing. He
19 expected to get something in return.

20 A. But there was never any commitment on my part.

21

22 CHAIRMAN: I am not asking you that. But you would, as I understand your
23 evidence, it would be, or it is to the effect that in you taking the money from
24 him and in him giving you the money, you knew in your mind that he expected
25 that you would be in general terms, supportive of his project?

26 A. As I said earlier, I was supportive of the majority of projects.

27

28 CHAIRMAN: No, no. But I am just talking about --

29 A. Regardless was whether Mr. Dunlop was involved or not.

30

1 CHAIRMAN: Yeah, but I am just talking about, as far as you were concerned the
2 motive, you say, in taking the money, was you saw it as a legitimate political
3 contribution?

4 A. I did, yes.

5

6 CHAIRMAN: But would you accept that in your own mind at the time you would
7 have been conscious of the fact that in Mr. Dunlop's mind he possibly had a
8 different motive? I am not talking about your mind --

9 A. He may have had a different motive, yes.

10

11 CHAIRMAN: But would you accept that at the time that this was in your mind, the
12 fact that he had a different motive?

13 A. Yeah.

14

15 CHAIRMAN: And did you not raise that with him and say something to him to the
16 effect that I will take this money as a contribution to my campaign, but I want
17 to make it clear that this in no way buys any favours from me?

18 A. No, and it didn't.

19

20 CHAIRMAN: Even though you knew that in his mind -- yes, but you knew at that
21 time that he was thinking along those lines.

22 A. I can't read his mind, I can read my own.

23

24 CHAIRMAN: But I am just asking you to confirm, because this is as I understand
25 your evidence, that while you felt you were taking it as a political
26 contribution, quite legitimately, you were aware and conscious of the fact that
27 Mr. Dunlop's motive was somewhat different.

28 A. It may have been, yes.

29

30 CHAIRMAN: And I am just wondering why, given your knowledge at the time or

1 your belief as to what his motive was, why you didn't make it quite clear the
2 basis on which you were taking the money.

3 A. The basis on which I was taking the money, I can't remember if I said or not,
4 would have been that there was a political donation and there was no favours.

5

6 CHAIRMAN: But you didn't say that to him?

7 A. I can't recollect saying it, but I mean I am quite clear in my own mind what it
8 was.

9

10 CHAIRMAN: And would you see now, I know it is easy to think about these things
11 in hindsight, would you see now anything wrong or inappropriate in taking
12 money, that type of money, from a representative of a developer in the
13 circumstances in which it was paid at the time, looking back at it?

14 A. Looking back at it, at the time, it was the time of the local elections, we had
15 expenses and that's the way I looked at it at the time.

16

17 CHAIRMAN: No, but looking back at it now in hindsight, would you not see the
18 disquiet that knowledge of that payment might have?

19 A. If I had 20/20 behind sight, yes.

20

21 CHAIRMAN: Because you would have been fully aware that his, that he had only
22 one interest in you and the work you were doing; isn't that right?

23 A. Looking back, yes, I would agree with you. Yes.

24

25 CHAIRMAN: But you didn't see it like that at the time?

26 A. I did not I'm afraid.

27

28 JUDGE FAHERTY: Just on that, Councillor Gilbride, you would agree that in June
29 of 1991 there was two significant events essentially in your life as a
30 councillor; one was obviously looking for re-election, which obviously is

1 significant, but in June of 1991, and I may be out by a month or so, but I
2 understand the Draft Development Plan was published.

3 A. Yeah.

4

5 JUDGE FAHERTY: Because there was a May 1991 vote; isn't that right?

6 A. No, the Draft Development Plan, we started in 1987.

7

8 JUDGE FAHERTY: I know that absolutely working groups and all of that, I am
9 saying there was a vote in May, 21st of May I think it was 1991, where there
10 was a decision taken by the County Council to adopt the 1983 Development Plan
11 with amendments. That was the one that was going to go forward, there was a
12 vote taken on it. Do you remember that?

13 A. Not off the top of my head, no.

14

15 JUDGE FAHERTY: I think that's been established, just to put it in context, in
16 June of 1991, I may be out by a few weeks, that plan was published, it was the
17 first publication as I understand?

18 A. Out for three months.

19

20 JUDGE FAHERTY: Out for preliminary observation and all that, that was a
21 significant thing, that was, if you like, parallel to the elections.

22 A. Yes.

23

24 JUDGE FAHERTY: Now, I have heard your answers to the Chairman, my question is
25 on a similar theme: You have said earlier to us that if in the course of the
26 Development Plan a developer came up to you and proffered money and you would
27 be, have knowledge that the developer was pursuing a rezoning motion, you would
28 have handed back the money to the developer, isn't that --

29 A. I wouldn't have taken it.

30

1 JUDGE FAHERTY: You wouldn't have taken it, indeed. Because obviously the
2 developer would be handing you money.

3 A. He would be asking me for a specific vote.

4
5 JUDGE FAHERTY: I want to explore further with you your answers to the
6 Chairman, just in that context. You knew in June of 1991 or perhaps indeed
7 prior to that, that Mr. Dunlop was an agent for developers effectively; isn't
8 that right?

9 A. Yes.

10
11 JUDGE FAHERTY: That's what he was there for, that was his business, he was a
12 lobbyist. My question is, when he proffered you the money in June of 1991
13 didn't your antenna go up that this is a guy who is standing there for all
14 intents and purposes an agent for any number of developers. I know the
15 election was on also, but you were also about to embark on the Development Plan
16 published, and you were about to embark on any number of votings for any number
17 of motions in the months and years ahead. I am just wondering whether or not
18 that thought, given the timing or coincidence of the two event, it's ever
19 crossed your mind?

20 A. The timing as far as I was concerned was the local elections, and anything else
21 didn't cross my mind I'm afraid.

22
23 JUDGE FAHERTY: I see. Another question, I think somebody at an earlier -- who
24 gave evidence earlier, I can't for the life of me remember which of the
25 councillors it was, we have heard from, but it appeared to be the norm that if
26 a motion was to be signed that it would be signed normally by a councillor who
27 wouldn't be from the exact area, somebody gave evidence that sometimes it might
28 be embarrassing or there might be some conflict, do you -- did you have
29 experience of that?

30 A. No. Anything I had to sign in my own area --

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JUDGE FAHERTY: I have forgotten now which of the councillors --

A. I wouldn't have any great recollection of that, no.

JUDGE FAHERTY: My question is this: As I understand Senator Lydon signed the motion on the 4th of May, and whether he was from that particular area, he wasn't, if you like, a really local County Councillor, now, I will stand corrected, but that's my understanding, I can't remember his exact ward, it wasn't Carrickmines Great.

A. Yeah, and he was a senator.

JUDGE FAHERTY: But we'll leave that aside, you get my drift, that he wasn't in the ward as I understand it. And as I understand from Mr. Quinn, again I will stand corrected if I misunderstood, three of the people who voted against this motion, Mr. Butler I think, Ms. Coffey and maybe Mr. Madigan I think were from again the ward as I understand it, and your evidence to us earlier, now I don't know there may well be people that voted for it from the ward also and I am sure that will be clarified in due course. But given that your evidence earlier to us was that, that you will always follow the local councillor. They are the local, local councillors. I was just wondering how you then could vote for the motion given that three of the people who were on the ground literally weren't in favour of this motion.

A. Senator Lydon would, then TD, covered a wider area, usually signed motions outside their electoral area. That would be my recollection of that, Senator Lydon represented the wider area.

JUDGE FAHERTY: That was my point, Mr. Gilbride, did you ever wonder or inquire what the feeling on the group was in the real local area?

A. Well --

1 JUDGE FAHERTY: Why didn't you go to Ms. Coffey or Mr. Butler or Mr. Madigan
2 and say why are you not supporting this motion for development in this area?

3 A. In that case, and it would be applying in my own area, if they hadn't wanted me
4 to vote for it they would have canvassed me and I can't recollect them asking
5 me not to vote for it.

6

7 JUDGE FAHERTY: Thank you.

8 Q.517MR. QUINN: Just one last point, you did say in answer to the Chairman in
9 relation to the 2,000 pounds which you received that it wasn't a gift for
10 nothing; isn't that right?

11 A. Yes, that's right, yeah.

12 Q.518And what did you mean by that?

13 A. It was a political donation towards the local elections, so I would be
14 re-elected.

15 Q.519What did you mean by a gift for nothing?

16 A. That the Chairman had said that I think it was for nothing, Mr. Dunlop would be
17 hoping that I would be re-elected.

18 Q.520Because you would be useful to him as a councillor in his business as a
19 lobbyist is it?

20 A. Yeah, presumably.

21 Q.521He could rely on your support in the future?

22 A. No. As I said to you earlier, if you look at my record I voted in favour of
23 most things.

24 Q.522Thank you.

25

26 CHAIRMAN: Right. Thank you very much Mr. Gilbride.

27

28 MR. QUINN: Those are the available witnesses for today, so half ten on
29 Tuesday.

30

1 CHAIRMAN: All right. Half ten on Tuesday.

2

3 Thank you very much you are free to go.

4

5 THE WITNESS THEN WITHDREW

6

7 THE TRIBUNAL THEN ADJOURNED TO TUESDAY, 29TH JULY, 2003

8 AT 10.30 AM.

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