

1 THE TRIBUNAL RESUMED AS FOLLOWS ON TUESDAY, 29TH JULY 2003
2 AT 10.30 AM:

3
4
5 CHAIRMAN: Good morning, Mr. Quinn.

6
7 MR. QUINN: Mr. Larry Butler, please.

8
9 MR. ROCHFORD: Chairman, my name is John Rochford, I am solicitor for Larry
10 Butler.

11
12 CHAIRMAN: All right. Have you been granted representation?

13
14 MR. ROCHFORD: No.

15
16 CHAIRMAN: Then I presume you wish to apply for limited representation.

17
18 MR. ROCHFORD: I do, please.

19
20 CHAIRMAN: I'll grant that. Thank you.

21
22 LARRY BUTLER, HAVING BEEN SWORN, WAS EXAMINED AS FOLLOWS

23 BY MR. QUINN:

24
25 CHAIRMAN: Good morning, Mr. Butler.

26 A Good morning.

27 Q 1 MR. QUINN: Good morning, Mr. Butler. Mr. Butler, my name is Pat Quinn and I
28 am going to ask you some questions on behalf of the Tribunal in relation to
29 matters concerning what has been referred to at this point --

30 A Could you speak up a little bit, I am a little hard on the hearing?

1 Q 2 -- Carrick 1. I'll try and ensure that the sound is raised a little. Can you
2 hear me now?

3 A I can hear you now, yeah.

4 Q 3 In the first instance, Mr. Butler, I am going to deal with the matter by
5 reading for the record, some correspondence between yourself and the Tribunal
6 in relation to Carrickmines 1 and then arising out of that correspondence, I am
7 going to ask you some questions, is that ok?

8 A Sure, yeah.

9 Q 4 You were written to, I think, on the 6th July 2001, if we could have the Butler
10 brief, page 42, please.

11

12 Asking you about some Christmas gifts you received from Mr. Brian O'Halloran.
13 Do you recall that letter?

14 A I do.

15 Q 5 I'll read it for the moment and I'll read your solicitor's reply.

16

17 "Dear Mr. Rochford,

18 I am directed by the Sole Member to write to you concerning the above. The
19 Sole Member has directed me to inform you he has received information that in
20 or around December 1997 your client was furnished with what was described as a
21 small Christmas gift from Mr. O'Brien O'Halloran, the then owner of the above
22 lands. The Sole Member would be obliged if your client could provide the
23 following information:-

24 1. Whether or not your client had received such a gift.

25 2. Whether or not your client had previously received Christmas gifts from Mr.
26 O'Halloran.

27 3. Whether or not your client received any further gifts from Mr. O'Halloran.

28 4. The nature of the gift(s) concerned, if any.

29 5. Whether or not your client acknowledged the said gift(s), if any.

30

1 The Sole Member would be obliged if you would revert at your earliest possible
2 convenience, in any event, not later than Friday, 1st July 2001."

3
4 Then there's a reply at brief 41 of the 23rd July 2001 from your solicitor,
5 Mr. Rochford, as follows:

6 "Dear Madam,

7 I refer to your letter of the 6th July in connection with Mr. Brian O'Halloran
8 small Christmas gift.

9
10 My client received a gift of two bottles of wine, he thinks around Christmas
11 1997. He had never previously received a gift from Mr. O'Halloran. He
12 received cash gifts of a total of 350 pounds, comprising one cheque for a
13 hundred pounds, which went to the Fianna Fail funds in Dun Laoghaire Rathdown
14 and the other a cheque for 250 pounds in connection with a function held by my
15 client at Kitty O'Sheas to raise money to fund a newsletter which my client
16 distributed.

17
18 The nature of the gifts received by my client were two bottles of wine which my
19 client could have recycled, i.e. he would have put them in as a spot prizes,
20 raffle prizes at some other Fianna Fail functions.

21
22 My client did not give a formal acknowledgement of these gifts."

23
24 Just in relation to the payments you referred to there, you don't actually say
25 what years they apply to. Can you recall when you received the sum or the sum
26 for 100 pounds, or when you received the cheque for 250 pounds?

27 A I can't recall, but we have supplied all that information by way of accounts.

28 Q 6 Yes. To the Tribunal.

29 A To the Tribunal, yes.

30 Q 7 Now, you were then again written to I think subsequently on the -- in August of

2002 and in October of 2002, and unless your solicitor requires me to do so, I would propose to read your response to the questions rather than the questions.

A Yes. Yes.

Q 8 If we could have page number 53 please.

On the 5th November 2002, you reply as follows, yourself from your own home.

"Dear Ms. Gilvarry,

I refer to your letter of the 21st October 2002 and I refer to the specific questions at the end of the page two thereof and reply as follows:

Group meetings held by Fianna Fail Councillors:

A. Open discussions were held on the Draft Development Plan. Discussions mainly centred around lack of zoned plans as a previous plan was out of date for ten years. The councillors over the lifetime of the 1985 Council had dealt with land rezoning by way of Section 4 or material contravention. I believe this was a total disregard for the future of Dublin County Council. I believe this was lack of leadership and direction by the manager. Also in the 1991 plan the manager showed no direction or leadership in this regard. In general I would be guided by my colleagues in their own areas. They were more aware of the needs of their community. I decided not to concern myself with zonings outside my own areas as a newly elected councillor. It was new to me.

B. Carrickmines Residents Association were alarmed at the proposal by the manager to rezone all of the lands at Cherrywood and Carrickmines, and a broad group of residents in the local area were generally opposed to industrial zoning or high density housing. They were also opposed to having an M50 interchange at Carrickmines. This proposal was overturned by the members of the county council in 1998. My support for O'Halloran and Mooney was

1 conditional in line with the Residents Association view of low density housing.
2 I did not support the Monarch or Paisley Park developments, they did not take
3 on board the residents' concerns at the time. Also it was a wish of the
4 residents association at the time that the Corcoran and Grimes land should be
5 zoned industrial in the 1991 Draft Development Plan of Dublin County Council,
6 not the 1998 plan.

7
8 C. I received many representations from individuals, residents associations,
9 community groups and several written submissions from planning consultants,
10 none of which I retained, having cleared out my files on a regular basis. I
11 met Frank Dunlop re Paisley Park on a number of occasions as I was going in and
12 out of Dublin County Council. Brian O'Halloran asked for my support for the
13 proposal on a number of occasions.

14
15 D. I was approached on a number of occasions by Mr. Brian O'Halloran, never by
16 Austin Darragh, and Gerald Kilcoyne may have mentioned the proposal to me. I
17 have no recollection of being lobbied by any lobbyist or no other intermediary
18 or agent in respect of these lands.

19
20 E. I was never approached by any councillor or elected public representative,
21 public official or other intermediary or agent."

22
23 And then I think you supplied a further letter on the 11th November 2002. It
24 was forwarded to the Tribunal by your solicitor of a letter of the same date.
25 Page 57.

26
27 This is in response to queries which had been addressed to you in respect of
28 another motion which you had promoted, I think, in 1998 in respect of Mr. Kevin
29 Smith's lands, which were lands which adjoined the O'Halloran lands; isn't that
30 right?

1 A That's right.

2 Q 9 And you referred the letter to your solicitor of the 4th November 2002 and, "I
3 say I have furnished a copy of that letter to my accountant and he is at the
4 moment working in preparing statements regarding a breakdown of all the sources
5 of lodgments furnished on the 6/8/02.

6

7 You say: "I refer to the motion received on the 24th November 1997. Mr. Kevin
8 Smyth, solicitor, local constituent telephoned me and asked me would I support
9 an application in respect of his land. My recollection is that I indicated to
10 him that his application was premature and that the council management would
11 not be behind it as the Luas extension had not been determined at that stage.
12 In the event I moved the motion formally, there was not sufficient support from
13 the members. The motion failed.

14

15 With regard to my dealings with the six people mentioned in your letter, I
16 detail them as follows:-

17 1. John Caldwell: I do not know him and to the best of my knowledge I never
18 met him.

19 2. James Kennedy: I do not know him and to the best of my knowledge I never
20 met him.

21 3. Frank Dunlop: I know him well as a member of Fianna Fail as a lobbyist, I
22 would have met him at Fianna Fail functions over the years. He lobbied me in
23 the council offices on behalf of Jackson Way. To the best of my knowledge I
24 never met Frank Dunlop except at the Fianna Fail social functions and in the
25 Dublin County Council offices. He never lobbied me at any Fianna Fail
26 function. He would have been in the entrance hall to the county council
27 offices, meeting councillors on their way in and out of the council meetings,
28 and that's where he lobbied me, I think, twice. I told him I was not going to
29 support Jackson Way, I was looking after the Carrickmines Residents
30 Associations' interests.

1 4. Mr. John O'Halloran."

2
3 Now, the letter to you referred to John O'Halloran but in the end it referred
4 to Brian O'Halloran. In any event, you answered it in relation to Mr.
5 O'Halloran. You say:

6 "Mr. O'Halloran is a Labour Councillor. I did not know him well. I did not
7 have much contact with him. I would never have met him except at council
8 meetings.

9
10 5. Dr. Darragh: I never knew or met him to best of my knowledge or
11 recollection.

12
13 6. Gerard Kilcoyne. I know him quite well. He is a local constituent and
14 lobbied me for the O'Halloran Kilcoyne Darragh application.

15
16 I hope this information is what you require."

17
18 Now, I think you were also circulated at an early stage with a questionnaire
19 from the Tribunal, if I could have page 68 please.

20
21 And there were two questions in particular on that questionnaire which related
22 to councillor corruption and I just open those, if I may. If I could have
23 pages 75 and 76 please. At page 75, at question 22 you were asked:

24 "Are you aware of any payment or offer of payment or other benefit to any
25 public representative, member of An Bord Pleanala, local government official or
26 official of An Bord Pleanala in connection with the zoning, planning, by-law or
27 tax designation status of any property or in connection with the provision of
28 services, including roads, sewage, water mains, way leaves etc. to any
29 property." And your response to that was: "No." Isn't that right?

30 A That's right.

1 Q 10 And then at question 24, you were asked: "Are you aware of any act or omission
2 by any public representative, member of An Bord Pleanala, local government
3 official or official of An Bord Pleanala which could involve corruption or
4 attempts to influence by threats, deception or otherwise to compromise the
5 disinterested performance of public duties." And your response to that was:
6 No." Isn't that right? And you signed that on the 24th March 1998.

7 A That's right.

8 Q 11 If I could, Mr. Butler, by way of background ask you to tell the Tribunal your
9 background and how you became involved in politics and when you became first
10 elected to local government?

11 A Yeah. Mainly, I was involved with the residents association in Cornelscourt
12 and the Foxrock area and when the local elections came around, because there
13 was difficulties, you know, with kind of ad hoc planning in the area, they
14 approached me.

15 Q 12 When was this?

16 A This would have been around 1990. And I said if I was running, I would run for
17 Fianna Fail, because I was a member of Fianna Fail. And they said fine, no
18 problem, we need somebody to kind of, you know, see after the area and I said
19 fine, that's fine. So eventually I ran in the 1991 election.

20 Q 13 Did you have to fight a convention within Fianna Fail to get the nomination for
21 the party?

22 A I did, yeah. I did. I fought the convention and I was nominated to run and --

23 Q 14 Was this the first time you had ever been actively involved in politics
24 yourself?

25 A Oh no, it wasn't, no. I would have been always Fianna Fail kind of since I was
26 a young fella.

27 Q 15 Yes.

28 A And --

29 Q 16 I think you are a builder yourself?

30 A Yes. I spent a lot of time in the UK and I came back in 1969 and I am a small

1 building contractor, used to do extensions, that sort of thing around the area.

2 Q 17 I think you got the Fianna Fail nomination, was it for the Killcullen ward?

3 A Glencullen ward.

4 Q 18 If I could have map number 4169, was there an outgoing Fianna Fail councillor
5 for that ward in 1991?

6 A Yes, there would be. There would have been two outgoing, one was Jimmy Murphy,
7 Lord have mercy on him now, he has passed on, and the other was Edward
8 McDonald. They were outgoing.

9 Q 19 And were both candidates with you in the 1991 local government?

10 A No, only Councillor Murphy was a candidate.

11 Q 20 Yes. Now, so there were only two Fianna Fail council candidates in the 1991
12 local elections; is that right?

13 A No, they added another candidate; John Brennan.

14 Q 21 Yes. And if we look at the -- just ask you to look at the screen there, I
15 think that Mr. Murphy failed to get elected; isn't that right?

16 A That's right.

17 Q 22 And Mr. Brennan wasn't elected?

18 A Wasn't elected.

19 Q 23 So you were the Fianna Fail candidate?

20 A I was, yes.

21 Q 24 Now, the lands that we are talking about in Carrickmines, both the O'Halloran
22 Kilcoyne Darragh lands and the Jackson Way/Paisley Park lands, they are both in
23 the Glencullen ward?

24 A Yes.

25 Q 25 You would have been the only Fianna Fail councillor for that ward?

26 A That's right.

27 Q 26 You would have in essence been the local Fianna Fail councillor?

28 A Yes.

29 Q 27 Now, I know there were adjoining wards that had Fianna Fail representation as
30 well; isn't that right?

1 A Yes. Well, in that particular elections, if I recall right, we didn't do as
2 well maybe as we should have done but it meant that we didn't have, we had one
3 representative in the Ballybrack ward.

4 Q 28 Who was the representative in the Ballybrack ward?

5 A Richard Conroy would have been the representative.

6 Q 29 In Dun Laoghaire/Rathdown?

7 A Betty Coffey, and in Blackrock, Councillor Madigan.

8 Q 30 That's Paddy Madigan?

9 A So we had one in all the wards and should have done better, but we didn't.

10 Q 31 You had Mr. Lydon I think in Stillorgan?

11 A When you are going into Stillorgan, I am talking about Dun Laoghaire.

12 Q 32 Would it be fair to say that the local councillors for the Carrickmines area
13 would have been primarily yourself, been the Fianna Fail councillor for the
14 ward in which lands were situated, and Mr. Madigan and Betty Coffey in Dun
15 Laoghaire and Blackrock and you would have been seen as the local councillors?

16 A Yes.

17 Q 33 Now, I think it's important to make the point, Mr. Dunlop is not making any
18 allegation that he paid you in relation to anything involving either the
19 O'Halloran lands for the Jackson Way Properties Limited Paisley Park
20 Investments Ltd lands?

21 A That's correct.

22 Q 34 You did, however, become involved to some extent in relation to motions
23 concerning lands in your ward and lands the subject of this module; isn't that
24 right?

25 A That's right. Well, this was in 1991 now we are talking about.

26 Q 35 Yes. Before we get to that, can I just ask you, did you know Mr. Dunlop in
27 1991?

28 A Oh yes. I mean, I would have known Frank Dunlop for years. I mean, a member
29 of the Fianna Fail party and met him at functions, as I say, and --

30 Q 36 These are at Fianna Fail functions over the years?

1 A Yes, yes.

2 Q 37 So, would you have been on first name terms with him?

3 A Oh yes, I would have known he was Frank Dunlop, yes.

4 Q 38 Now, I think you were about to say how you became involved in the motions in
5 1991, I think it's also true to say you knew Mr. Kilcoyne; is that right?

6 A That's correct.

7 Q 39 How well did you know Mr. Kilcoyne?

8 A I would know of Mr. Kilcoyne pretty well insofar as I would have canvassed his
9 house on a number of occasions during elections. I would have met him in the
10 local shop, picking up his paper and so forth but other than that now, that's
11 as much as I would know Mr. Kilcoyne. We wouldn't be buxom buddies or
12 anything.

13 Q 40 Yes. Well, I think you were approached by Mr. Kilcoyne, were you not?

14 A Oh I was, yes.

15 Q 41 Do you recall that approach?

16 A I do, yeah. He asked me to support a development of the Darragh Kilcoyne and
17 O'Halloran lands and I said that I wouldn't be able to support his proposal
18 because it wouldn't be in keeping with the local Residents Association in the
19 area.

20 Q 42 Are you saying you told him why you couldn't support his proposal?

21 A I told him I was supporting the residents in the area.

22 Q 43 Yes. My understanding of the evidence of Mr. O'Halloran, was you gave no
23 reason for your unwillingness to support them?

24 A Maybe I didn't come out exactly but, I mean, I was quite up front about the
25 fact that the Residents Association were outraged with the proposal that the
26 manager had proposed at the time.

27 Q 44 But I understood your evidence just now to be you did give a reason for your
28 failure to assist?

29 A I mean, I can't recall exactly. I mean, you are talking about substantial
30 amount of time now.

1 Q 45 I accept that completely, Mr. Butler. I am just wondering would you be fairer
2 to yourself if you said you couldn't recall what you said to him at the time?

3 A Perhaps that might be a more fitting, yes.

4 Q 46 If we could have page 90, please. Mr. O'Halloran has a note of the meeting
5 which he had with you at that meeting on the 17th April 1992. Can I ask you,
6 do you recall the circumstances leading up to the meeting with Mr. O'Halloran?

7 A The main reason for his meeting, as far as I was concerned, was that he wanted
8 information and help, if possible, and as the meeting progressed, I explained
9 to him how he should go about doing his business in terms of contacting all the
10 councillors and by way of, you know, ensuring that he canvassed each and every
11 councillor.

12 Q 47 As I understand it, your backers or the groups that had effectively asked you
13 to run for election were very much opposed to development in the region at the
14 time; is that right?

15 A Not necessarily. They were opposed to a certain type of development. They had
16 no problem with one or two houses to the acre, lower development, and the main
17 reason for that was that there was insufficient --

18 Q 48 Sorry, I apologise, I am cutting across you.

19 A There was insufficient infrastructure there at that time so they were quite
20 sensible in their approach, and I explained that to Mr. O'Halloran.

21 Q 49 When Mr. O'Halloran, either Mr. O'Halloran or Mr. Kilcoyne must have telephoned
22 you and asked to meet with you; is that right?

23 A That's right.

24 Q 50 And then you had this meeting on the Saturday, the 17th April; is that right?

25 A Yes.

26 Q 51 Before that meeting, had Mr. Dunlop contacted you in relation to the matter?

27 A Dates now I am not too sure about. You'd have to clarify that. Mr. Dunlop
28 didn't contact me, to the best of my knowledge, about Mr. O'Halloran's land --

29 Q 52 At all?

30 A At all. To the best of my knowledge now.

1 Q 53 Ok. Did Mr. Dunlop contact you in relation to the Paisley Park lands?

2 A Yes.

3 Q 54 When did Mr. Dunlop contact you in relation to the Paisley Park lands, can you
4 recall?

5 A He would have contacted me on a regular basis. I went in and out of Dublin
6 County Council, I couldn't miss him, he was there on a daily basis.

7 Q 55 There were a number of special meetings, are you saying each time you attended
8 a special meeting Mr. Dunlop canvassed or lobbied you?

9 A He would be there on the way in and out.

10 Q 56 That doesn't mean he was lobbying you in relation to Paisley Park?

11 A He would have asked me. I made it quite clear to Mr. Dunlop I wasn't
12 supporting it.

13 Q 57 Can I ask you when was the first time he asked you to support the Paisley Park
14 development?

15 A Well, we would have done the Cherrywood Development, I think we started that
16 first.

17 Q 58 On the 27th May, I think.

18 A I think so, I can't be sure, Mr. Quinn, of the actual dates but I mean whenever
19 it was, he had contacted me as I was going in and out of the council which
20 would have been on a regular basis and he would have asked me for support. I
21 told him I couldn't support the development.

22 Q 59 Well, did he ask you on more than one occasion for your support for Paisley
23 Park?

24 A I don't recall if he asked me more than once, but he certainly asked me once.

25 Q 60 Ok, when he asked, what exactly did he say to you?

26 A Well, he explained that it was a very good development and he would see, you
27 know, great future for the whole development in the area. And there was
28 350,000 people unemployed at the time, he made kind of an important, you
29 know -- he was kind of selling, if you like, the actual project.

30 Q 61 Well, did he tell you who was behind the project?

1 A No.

2 Q 62 Did you enquire of him who was behind the project?

3 A You see, we heard all sorts of stories. I mean, we heard Jim Kennedy was
4 behind the project. We heard it was Liam Lawlor, or there was all sorts of
5 stories going around out there. And I asked him in 1997 --

6 Q 63 Well, we'll get to 1997 later but I'm talking about 1992 now.

7 A 1992, they were the sort of people that would be mentioned.

8 Q 64 I accept that, but we do know that Mr. Kennedy was involved; isn't that right?

9 A Well yes, that's what we understood, and Mr. Lawlor was mentioned.

10 Q 65 When you say was mentioned, are you saying was mentioned by other councillors?

11 A Well, that was the kind of general --

12 Q 66 Perception?

13 A -- around the place, yeah.

14 Q 67 That both Mr. Lawlor and Mr. Kennedy were the two people behind Paisley Park?

15 A That seems to have been the --

16 Q 68 Did you ask Mr. Dunlop if Mr. Lawlor had an interest in Paisley Park when he
17 lobbied you in 1992?

18 A No, not at that stage.

19 Q 69 Mr. Lawlor had been a county councillor, I think, and had not been reelected in
20 the 1991 election; isn't that right? Did you know there was anybody else
21 involved in the Paisley Park?

22 A No.

23 Q 70 So, as far as you were concerned, Mr. Dunlop was lobbying you on behalf of
24 Mr. Kennedy and Mr. Lawlor; is that right?

25 A That's what I thought.

26 Q 71 Did Mr. Lawlor contact you and ask you for your support for Paisley Park?

27 A No.

28 Q 72 Did you ever mention it to Mr. Lawlor did he have an interest in Paisley Park?

29 A No, I wouldn't, I never met Mr. Lawlor when he went out of the council, you
30 see. You wouldn't meet him. I didn't meet Mr. Lawlor for maybe 12 months

1 after that.

2 Q 73 Well, you wouldn't have met him --

3 A He never asked me anyhow.

4 Q 74 You wouldn't have met him before 1991 because you weren't in the council; is
5 that right?

6 A No.

7 Q 75 And after 1991 he wasn't in the council, but you were there?

8 A That's right.

9 Q 76 But as far as you were concerned in 1992, Mr. Dunlop was lobbying you on behalf
10 of Mr. Lawlor, Mr. Kennedy in relation to this land; isn't that right?

11 A Well, that's what I thought.

12 Q 77 Did you know that there had been some discussion in the paper about Paisley
13 Park and the fact that it was an Isle of Man company?

14 A Well, yeah, there was certainly paper, you know, articles.

15 Q 78 Articles.

16 A Articles about that. But other than that, you don't know whether it's
17 speculation or what really.

18 Q 79 Presumably it would be of value to know who was behind this project that was
19 being promoted, isn't that right, even if you were voting against it?

20 A Absolutely. These were the names that were being mentioned so --

21 Q 80 But you would be anxious presumably to brief your association with as much
22 facts as possible in relation to the matter; is that right?

23 A Well, they had quite a lot of the facts themselves anyway, so, they seemed to
24 be -- to have been well informed in that regard.

25 Q 81 Yes, yes. Did you know that there was a rumour that Paisley Park had been
26 liquidated?

27 A No.

28 Q 82 Did Mr. Dunlop give you any material in relation to the Paisley Park?

29 A I am sure he did. As he did everybody. I think he sent out material but as I
30 say --

1 Q 83 Can you recall what he gave you or what was sent to you?

2 A As far as I know, it would be just maps and, you know, a bit of kind of
3 information regarding the lands and so forth. I can't recall anything more
4 than that.

5 Q 84 Now, at the same time you say Mr. Kilcoyne made an appointment to meet with
6 you, and you met with him on the 17th April and you say he met with you for the
7 purpose of advising you -- sorry, of seeking your advice on how he might
8 proceed with his lands. You presumably being the local representative knew
9 Messrs. O'Halloran Kilcoyne Darragh had some lands close to Paisley Park lands;
10 is that right?

11 A That's right.

12 Q 85 Just in relation to the Paisley Park lands, I wonder if I could have Carrick
13 brief 4691 please. I am just putting up a document which was given to Tribunal
14 by Mr. Lydon who co-signed the motion. A document I think he said came from
15 Mr. Dunlop and I am wondering if you ever saw this document before -- sorry,
16 4691 of the Carrick 1 brief.

17
18 It's a document which is headed "Paisley Park Investments Limited".

19
20 I can give you a hard copy of the document while we are putting up the --
21 sorry, it's on the screen now. Do you ever recall seeing that before,
22 Mr. Butler, that document?

23 A No.

24 Q 86 It says: "Paisley Park Investments Limited is a consortium of US and Irish
25 investors. The directors of the company, which is registered in the Isle of
26 Man, are Rod Parker and Martin Bullock. The project manager for the proposed
27 development viz a high quality business park is James Burgess who has extensive
28 experience in property management in both the UK and Ireland.

29
30 Contrary to a recent newspaper story this company is not in liquidation, it has

1 undergone an internal business reorganisation only. The ownership of the
2 company has not changed."

3

4 Do you recall seeing that?

5 A I don't recall seeing that.

6 Q 87 And certainly you -- Mr. Dunlop, you believe, did not give you a copy of that?

7 A Well, I certainly don't recall it.

8 Q 88 Yes. Can I just ask you, you saw the motion that was signed by Mr. Lydon?

9 A No.

10 Q 89 You never saw the motion that was signed and voted on?

11 A No.

12 Q 90 On the 12th?

13 A No, never seen the motion.

14 Q 91 Would it not be customary for councillors to get a copy of the motion?

15 A You could get a copy of the motion if you wanted but I didn't, as it happened.

16 Q 92 Are you saying you didn't get a copy of the motion of course?

17 A You would get your copy, the motion would come out to you at the meeting.

18 Q 93 Yes.

19 A You know, and that's -- that would be the procedure.

20 Q 94 If we could have document number 190 -- sorry, document 1523 of the Carrick 1
21 brief. This is a motion headed "Paisley Park Investments Limited".

22 It says: "Dublin County Council hereby resolves that the lands at Carrickmines
23 outlined in red on the attached map, 108 acres, which have been signed for
24 identification purposes by the proposer and seconder of this motion be zoned E
25 in the Development Plan to provide a high quality job creation base for south
26 County Dublin."

27

28 You see that document which is on the screen now, that's signed Don Lydon and
29 Tom Hand? Do you say you never saw that document before?

30 A Oh no. I would have seen the document when it came out as part of the agenda

1 --

2 Q 95 Yes.

3 A -- at that time.

4 Q 96 Yes. Are you saying that the wording of the document would have appeared in
5 the agenda but the actual document itself --

6 A Exactly, correct. The actual document I didn't see.

7 Q 97 There was an accompanying map which is at 191, but you are familiar in any
8 event with the Paisley Park lands?

9 A I would be, yes.

10 Q 98 Can I just ask you, at this time, that's 1992, was it customary for the Fianna
11 Fail grouping in the council to have pre-special meetings from time to time?

12 A Yes. We would discuss the agenda of what was happening on that particular day.

13 Q 99 Yes. And do you recall a meeting at which Mr. Lydon spoke in support of this
14 motion which he was promoting?

15 A No, I don't recall that.

16 Q 100 You don't recall Mr. Lydon speaking?

17 A No.

18 Q 101 Did Mr. Lydon ever approach you and canvass your support for the motion?

19 A No. I think Mr. Lydon knew my situation regarding how I was going to react
20 because I was supporting the Carrickmines people, and perhaps that's why I was
21 saying Mr. Lydon didn't approach me for support.

22 Q 102 You say he never mentioned this land?

23 A I knew the motion was there.

24 Q 103 I accept that, but did Mr. Lydon ever talk to you about the motion?

25 A No, no, he didn't, because there was little point anyhow. And, as I say, I
26 would have been supporting the Carrickmines situation.

27 Q 104 I accept you would have been supporting the Carrickmines situation but are you
28 sure that Mr. Lydon didn't at some stage say to you --

29 A Well, I certainly don't recall.

30 Q 105 You don't recall that.

1 A No.

2 Q 106And you certainly don't recall Mr. Lydon, Senator Lydon addressing the meeting
3 in advance of the special meeting?

4 A Well, you see, to be fair, you may not always be in in time for certain things
5 to be said at meetings, you could be late. We are now going back to 1991. If
6 you were late for a meeting coming in, you are not really up to speed on what
7 was said at the meeting so -- I was often late, I am afraid.

8 Q 107This of course was something that was of primary concern to you because it was
9 the one development that fell within your ward; isn't that right?

10 A That's correct.

11 Q 108It wasn't, as it were, a piece of land in Swords or Lucan?

12 A No. And I was pretty much, you know, tuned in to exactly what was happening
13 and I also decided that I would have spoken, myself, at the meeting saying that
14 I was --

15 Q 109This is at which meeting now?

16 A It would be at the Fianna Fail meeting asking for support, you know?

17 Q 110So there have --

18 A From my point of view.

19 Q 111Is it fair to say you now have a recollection of this matter being debated at a
20 Fianna Fail meeting?

21 A Certainly from my point, I didn't hear Mr. Lydon's debate. I could have been
22 late coming in but I certainly brought it up myself.

23 Q 112Yes. If I could have page 35, please, of the brief. Mr. Lydon, although he
24 wasn't certain on the point, this is 35 of the Butler brief, he might have
25 mentioned it to you. He says in the course of his evidence, I'll just put it
26 to you, question 161 on day 388, the question is: "Why did you not refer him
27 to some --" this is a discussion as to why he might not have referred
28 Mr. Dunlop to somebody in the Glencullen ward for the purposes of signing the
29 motion, and he said: "I probably asked the lads in the area at the time, I
30 don't know. I may have asked, I think it was Butler or Murphy or somebody was

1 up there at that time at that stage, I may have said to Mr. Jim Murphy, I may
2 have said it to Larry Butler, I don't know. And probably brought it into the
3 group meeting and said look, I am proposing this motion for Frank Dunlop, what
4 do you think, lads? You don't --"

5 A It's quite possible, he has, you know, I just don't recall exactly. I am not
6 clear exactly, and I have to say that.

7 Q 113Yes. Well, first of all, Mr. Murphy wasn't the councillor at the time?

8 A No.

9 Q 114So, any reference to Mr. Murphy we can discount.

10 A Absolutely.

11 Q 115So, if he did speak to anybody in the ward about it --

12 A It would have been me and I don't recall it.

13 Q 116You don't recall it?

14 A As I said to you, Mr. Quinn, I think Mr. Lydon was well aware of how I was, and
15 what I was doing in terms of my support.

16 Q 117Were you surprised that Mr. Lydon was supporting this motion, having regard to
17 the fact that you, the councillor for the ward, was supporting it as indeed
18 were the two other Fianna Fail adjoining councillors?

19 A Well, I mean my -- I am not surprised. I mean county councillors are county
20 councillors. They can put down motions in any ward.

21 Q 118You were, after all, the same party; isn't that right?

22 A Oh, absolutely and --

23 Q 119And presumably you were anxious to keep your seat in your ward?

24 A Sure.

25 Q 120And one way of ensuring keeping your seat in this ward was ensuring this type
26 of development didn't go through; is that right?

27 A Well, certainly what the Residents Association in the area, they were
28 categorically clear that whatever development happened there, all the
29 infrastructural development should be in place and --

30 Q 121I can understand that.

1 A And that was their, they weren't particularly anti-development but they were
2 certainly anti-proposal, which the County Manager had proposed at the time for
3 to continue with, if you like, industrial development right the way down the
4 Carrickmines Valley. That was our main proposal and then, I mean, like
5 everybody else, we all need housing and so forth but again they were looking
6 for low density housing to be within keeping of what was there.

7 Q 122I accept all of that, Mr. Butler, but I'm more interested in the nature of the
8 relationship between you as a Fianna Fail councillor for the actual ward and
9 your colleague, Mr. Lydon, who was the Fianna Fail councillor for an adjoining
10 ward; isn't that right?

11 A Sure.

12 Q 123And you were opposed to this development, rezoning. I am just wondering why it
13 was that you hadn't approached your colleague Mr. Lydon and asked him perhaps
14 not to sign the motion and not to propose the motion. I mean, after all, you
15 were both in the same party, adjoining wards, I mean what was so important
16 about this motion from Mr. Lydon's point of view that he insisted on going
17 ahead with it?

18 A Surely that was up to Mr. Lydon. I couldn't -- it is a democratic party. I
19 couldn't force Mr. Lydon not to propose a motion.

20 Q 124But you don't even have a recollection of discussing the motion?

21 A I think the reason why there was no discussion, Councillor Lydon knew exactly
22 how I was going to react. If he did, I would be telling him that I would be
23 voting against it and I would be promoting that to my own colleagues as well.

24 Q 125Did you ever say to him, look, I would support this motion, Mr. Lydon, provided
25 it was for low density housing, is there any prospect you might amend your
26 motion?

27 A No, I didn't ask him to --

28 Q 126Why not?

29 A Well, no particular reason but I just didn't ask him.

30 Q 127Did you ever say to him, look, who are the people who are pushing this motion?

1 What's so important about it? Why is it being pushed in this fashion, could it
2 not be left over until the infrastructural development is in place?

3 A No, I didn't.

4 Q 128Would that not be a normal way to approach your opposition in this motion in
5 the first instance? Namely, to go to your colleague, councillor in the
6 adjoining ward and see if you could persuade him not to proceed with the
7 motion?

8 A Yes, I agree that it's a reasonable supposition that you would do that, but --

9 Q 129You didn't do it?

10 A I didn't do it.

11 Q 130Do you know why you didn't do it?

12 A I have explained to you the reason I didn't do it was because I felt that
13 Councillor Lydon, as an independent councillor, he does have a right to make
14 his own mind up about whatever, you know, motion he wants to put down. It's
15 within any councillor's right to do that, and I respect that.

16 Q 131But you weren't in on your own on your opposition to this motion, you were
17 being supported by Councillors Coffey and Madigan?

18 A That's right.

19 Q 132Did it ever occur to form an alliance with Councillors Coffey and Madigan and
20 go all three of you at the same time to Councillor Lydon and ask him not to
21 proceed with the motion?

22 A No.

23 Q 133After all, the three of you were most directly concerned or your constituency
24 were more directly concerned with the consequences of this motion; isn't that
25 right?

26 A Yes.

27

28 JUDGE FAHERTY: Mr. Butler, can I just ask you to clarify something? I think
29 earlier there was a document up on the screen, it was Mr. O'Halloran's note of
30 a meeting of the 17th April, 1992.

1
2 And I think you agree you met Mr. O'Halloran and Mr. Kilcoyne and I recall
3 Mr. Kilcoyne giving evidence when he was here in March, and he said that at
4 that meeting you had agreed that you told them you couldn't sign the motion for
5 them.

6 A That's right. I wouldn't be supporting the motion. I said that.

7
8 JUDGE FAHERTY: But he also said, and I think it's in that motion that you had
9 agreed to talk to Senator Lydon or perhaps Mr. Fox, and this is now prior to
10 the motion -- I don't know whether or not you have answered that, I haven't
11 heard whether or not you actually did go to these gentlemen and talked to them.

12 A No. What I said to Mr. Kilcoyne and Mr. O'Halloran at the meeting was that
13 they should go to all councillors.

14
15 MR. QUINN: Page 90.

16
17 JUDGE FAHERTY: Mmm.

18 A Should canvass all the councillors. That's what I said.

19
20 JUDGE FAHERTY: Both these gentlemen, certainly from the note and my
21 recollection of Mr. Kilcoyne's evidence, they specifically mention that you
22 mentioned Senator Lydon or Mr. Tony Fox.

23 A Well, I think, maybe there might be a little bit of misunderstanding there in
24 so far as Mr. Kilcoyne and Mr. O'Halloran in fairness didn't know many
25 councillors, and they asked me who the councillors were in the party and I was
26 naming out councillors, but I suggested to them they should go to all the
27 councillors. I mean, in Dublin County Council at that time we are talking
28 about 78 members and I mean unless you were canvassing all the councillors
29 there, I wouldn't see, you know, they had any chance at all. I suggested that
30 they would do that.

1

2 Q 134MR. QUINN: Did Mr. Dunlop ever ask you to sign the Paisley Park motion?

3 A Yes.

4 Q 135Now, I am talking about 1992 as proposed to the Jackson Way motion in 1997?

5 A Not in 1992, no. In 1997, yes, he asked me all right.

6 Q 136Mr. Lydon in his evidence thought that Mr. Dunlop might have asked you to sign
7 and you might have refused to sign.

8 A In 1992?

9 Q 137That's correct.

10 A No, I have no recollection of that.

11 Q 138If I could have page number 36 please.

12 A No, he didn't ask me.

13 Q 139I'll just put up Mr. Lydon's evidence.

14 A Again, he would have been aware of my position.

15 Q 140Yes.

16 A So.

17 Q 141Mr. Lydon is being asked questions in relation to signing the motion by
18 Mr. Gallagher and I am just reading one or two of these if I may to you.

19 A Sure.

20 Q 142If I could start with perhaps page or question number 165: "And you have had
21 time to consider the evidence Mr. Dunlop has given in relation to it?

22 "Answer: Yes.

23 Question: Now, in the light of all I asked you, why are you telling the
24 Tribunal that you may have spoken to somebody or you may have spoken to
25 somebody else?

26 Answer: Because it's 14 years ago, I haven't the slightest idea, that's why.

27 Question: What I'm asking you is a very specific question: Why, when you were
28 asked to sign a motion in relation to lands outside your area, you did not say
29 to Frank Dunlop, Frank, I am not interested, go and get somebody in the
30 Glencullen area to sign it?

1 Answer: I can't answer that. I just said I'd it. I mean people sign motions
2 for everybody. There's no trouble signing a motion. If a land is fit for
3 development, there's no trouble signing it. Maybe he had already asked Larry
4 Butler, it's only an assumption, I don't know, maybe Larry Butler refused. As
5 I told you yesterday there was a man called John Varian who started this
6 Carrickmines Preservation Society and it was facilitated by a Mr. Michael Smith
7 who'd gotten thousand pounds from Ben Dunne."

8
9 He gives the impression Mr. Dunlop may have asked you to sign the motion in
10 1992?

11 A He certainly didn't ask me. I can be categoric about that. To the best of my
12 knowledge he didn't ask me.

13 Q 143 Can I ask you in a general way, was there any trouble about signing motions as
14 Mr. Lydon suggests, would you have signed a motion willy-nilly for any
15 development or would you have given consideration to a motion?

16 A I would have, you have to give consideration to a motion. I know you are only
17 putting it up for debate but nevertheless, if you are signing a motion, you
18 should have, you know, you should be of some regard, you would have to give it
19 some consideration.

20 Q 144 Now, if I could come back then to Mr. O'Halloran's motion. You had a meeting,
21 I think, on the 8th April 1992 with Mr. Dunlop, it appears in Mr. Dunlop's
22 diary. That's likely to have been a meeting in Dublin County Council; is that
23 right?

24 A In 1992?

25 Q 145 If I could have document number 89 please.

26
27 On the 8th April 1992, Mr. Dunlop has an entry in his diary, Larry Butler.

28 A Where was that supposed to have taken place?

29 Q 146 If you bear with me now, I'll give you a reference to Mr. Dunlop's evidence.

30 If I could have page number 89 please.

1

2 Do you recall meeting Mr. Dunlop at a location other -- I am talking about
3 1992 -- other than the county council offices?

4 A I don't recollect any. The only particular meeting that I remember very
5 distinctly having with Mr. Dunlop was in the Tara Towers.

6 Q 147Yes. I will come to that, that's in 1997. We'll come to that at a later
7 stage.

8 A Mainly, there would be no reason to have a meeting with Mr. Dunlop anywhere
9 other than Dublin County Council. I was there all the time.

10 Q 148So, you have no recollection of a meeting on the 8th April?

11 A Not particularly, no.

12 Q 149If you did have a meeting with Mr. Dunlop on the 8th April 1992, can you recall
13 what such a meeting might have been in relation to?

14 A I can't really because Mr. Dunlop was very much aware of my views on the
15 Carrickmines situation. And why he'd want to meet me to confirm further, I
16 don't know. You would have to ask him that.

17 Q 150You would have known presumably that Councillor Lydon would have signed the
18 motion as a result of some approach by Mr. Dunlop and/or Mr. Kennedy or
19 Mr. Lawlor?

20 A Well, presumably. I mean obviously somebody would have to have contact with
21 Mr. Lydon to sign the motion.

22 Q 151But it would either have to have been Mr. Dunlop, Mr. Kennedy or Mr. Lawlor?

23 A Presumably.

24 Q 152You would have known that at the time?

25 A I wouldn't necessarily know who contacted Mr. Lydon.

26 Q 153You would have known it was somebody who had an interest in the property?

27 A Obviously, yes.

28 Q 154Now, to get back to the O'Halloran meeting, you said that that was a meeting
29 for the purpose of advising Mr. O'Halloran, Mr. Kilcoyne and how they might get
30 a motion before the council; is that right?

1 A Yes.

2 Q 155 You would have been supplied with a copy of the attendance of that meeting
3 taken by Mr. O'Halloran, it's at pages 90 and 91, and Judge Faherty just
4 referred to it. I will just take you through that attendance, if I may.

5
6 Mr. O'Halloran describes the purpose of the meeting as follows:

7 "For J.G.K and B.O'H to discuss with Larry Butler the forthcoming rezoning
8 meetings in Dublin County Council insofar as these lands would be affected to
9 obtain his general views and specifically to seek his advice on who might put
10 down a motion with Dublin County Council to support our rezoning application."

11

12 Would you disagree with any of that?

13 A I am not quite clear now what you are --

14 Q 156 Would you accept that was the purpose of the meeting?

15 A Oh yes. Well, I mean, it's -- what I was trying to explain to him, in fairness
16 to Mr. Kilcoyne and Mr. -- they were very new people on -- you know, in the
17 situation, as I was myself. But what I tried to explain to him, it was vitally
18 important, like times they would get their motions in by and all that sort of
19 thing. That's the sort of information they were --

20 Q 157 Did you know they had retained the services of Dr. Brian Meehan, Town Planner,
21 at this time?

22 A No.

23 Q 158 But you would have received, I would have thought, as a member of the council,
24 the usual package of submissions that had been received by the council in
25 relation to the Draft Development Plan?

26 A Sure.

27 Q 159 You would have received as part of that package submissions received by the
28 council on behalf of Messrs. O'Halloran Kilcoyne Darragh put forward by
29 Dr. Meehan?

30 A I probably would. And, as I say, it's quite a while ago, I have no

1 recollection was of what was in that.

2 Q 160 Did they tell you they had retained the services of a lobbyist?

3 A No, not to my knowledge, at that time. Why would they be asking me for
4 information if they had all the information they needed from Mr. Dunlop?

5 Q 161 Yes.

6 A I understood it was an information meeting and they again, they were very well
7 aware of my position regarding how I was going to go.

8 Q 162 It is a fact, and I think we can take it, that they had retained Dr. Meehan who
9 was a very reputable town planner, they had retained the services of Mr. Dunlop
10 who was a lobbyist and Mr. O'Halloran himself was an architect; isn't that
11 right?

12 A That's right.

13 Q 163 They would have been reasonably familiar, one would have expected, with the
14 process of having motions put forward, etc, for debate; isn't that right?

15 A You would have thought so, that seemed to be the thrust of what they wanted.

16 Q 164 This document, or the note of the meeting seems to be based on the premise that
17 they had come to you already with the knowledge that they required a motion to
18 have the matter debated; isn't that right?

19 A Yes.

20 Q 165 And they were merely coming to you to see who might sign the motion; isn't that
21 right?

22 A Not specifically, I think they were trying to convince me that I should support
23 it.

24 Q 166 Support it or sign it?

25 A Support it, and sign it. If it was possible. But I told him I wasn't signing
26 the motion.

27 Q 167 Well, did they tell you what motion that they were proposing?

28 A No, they didn't. They asked me to sign and I said I wouldn't.

29 Q 168 Any motion?

30 A Any motion.

1 Q 169 I thought you said whilst you were against large scale development, that you
2 were in favour of low scale residential development, one or two houses to the
3 acre?

4 A Yes, well, when a motion came in then at that time --

5 Q 170 -- leave the motion for the moment, am I correct in --

6 A Well, I have to explain myself. I mean --

7 Q 171 As I understand your evidence, and I'll give you an opportunity to explain
8 yourself in a moment, you were very much opposed or the Carrickmines Residents
9 Association were very much opposed to high scale development; for example,
10 industrial development or large scale housing?

11 A Yes.

12 Q 172 And you voted against that, but you had no objection and they had no objection
13 to development of residential development one or two houses to the acre?

14 A Correct yes.

15 Q 173 You discounted the prospect of supporting any motion, and I am just wondering
16 why you would not have suggested you would have supported a motion which would
17 have allowed a development of one or two houses to the acre?

18 A I did eventually.

19 Q 174 But at the time, the meeting of the 17th April?

20 A I don't think they were looking for one or two houses at the time, that was the
21 problem.

22 Q 175 Mr. O'Halloran gave the impression in evidence that any rezoning other than
23 agricultural would be a start on a process?

24 A I think that was somewhat down the line when he realised that there was, it was
25 a very difficult situation.

26 Q 176 You say when they approached you in early April or mid April 1992, they were
27 looking for large scale development?

28 A Oh yes, they were certainly looking for maximum development which would have
29 been, I suppose, eight to ten houses to the acre would have been the sort of
30 development.

1 Q 177 And did they say that to you when they came to you, that was the type of
2 development they were looking for?

3 A I don't think we got down to specifics but they were looking for a similar
4 development of what Monarch Properties and the various developers there at the
5 time were looking for --

6 Q 178 Now, in fairness to you, Mr. Butler, I am going to read the rest of the note so
7 to give you an opportunity to comment on it?

8 A Sure.

9 Q 179 It says: "Points of meetings.

10 Larry Butler told Brian O'Halloran and Mr. Kilcoyne he was not in a position to
11 put down the motion on our behalf. However, he undertook to talk to either
12 Senator Don Lydon or Tony Fox, one of these two would be asked by him to
13 perform that task very soon. Very soon he would tell us who and would
14 introduce us to the person in question without delay.

15

16 Larry Butler was reminded by Brian O'Halloran that all such motions must be
17 formally received by the Dublin County Council nine days prior to the date of a
18 meeting of the council when the property to which the motion referred comes
19 before the council for rezoning consideration. Therefore, no time can be lost
20 in advancing this further.

21

22 Larry Butler suggested that Brian O'Halloran and J.G. Kilcoyne should try get
23 Fine Gael to also sign a motion. He pointed out we not need only a proposer
24 but also a seconder and he would recommend Liam Cosgrave. Brian O'Halloran to
25 check with Jim Kennedy if the procedure does requires a proposer and a
26 seconder.

27

28 Larry Butler stated Sean Galvin's golf course proposal is looked on extremely
29 favourably by everybody in the area and in particular by the local residents
30 committee. Larry Butler felt the council would favour tourist driven

1 activities with high employment potential in the area and for that reason he
2 felt that Jim Kennedy's lands might be developed to include a hotel etc.."

3
4 Now, just to go back, it appears from that note that it was Mr. O'Halloran who
5 was reminding you that motions had to be received nine days prior to the date
6 of the meeting; is that right?

7 A He was, yes.

8 Q 180So --

9 A I mean, he was still asking me, you know, for information, you know, about when
10 it had to be in and all this sort of thing. So, I mean, while I accept that
11 the discussion was hotel, golf, that sort of thing, that was the general
12 discussion.

13 Q 181I'll come to that in a moment. Just in relation to the motion, Mr. O'Halloran
14 was wise enough at that stage or had sufficient knowledge to know that motions
15 had to be in nine days prior to the date of a meeting; isn't that right?

16 A That appears to be, yes.

17 Q 182He knew that the motion had to be put down if the matter were to be debated?

18 A I still think he was trying to convince me to sign the motion but it wasn't
19 happening.

20 Q 183Are you saying he approached you on the 17th April 1992, you had this
21 discussion with himself and Mr. Kilcoyne and there was no mention made by him
22 or Mr. Kilcoyne of the fact that Mr. Dunlop had been retained by them to lobby
23 on their behalf in relation to these lands?

24 A No, he didn't mention it to me.

25 Q 184Now, he does say that, and I think Judge Faherty referred to this, you
26 undertook to speak to Senator Lydon and Mr. Fox in relation to the matter?

27 A I explained that I think to justice there a minute ago that I explained to him
28 that he should go to all the councillors, but he wanted to know who the names
29 of the councillors were and I mentioned Lydon, Fox, and various other
30 councillors in the Fianna Fail party that he should go to them all, not just

1 to --

2 Q 185But his note is slightly more specific than that. His note is to the effect
3 that you undertook to talk to either Fox or Lydon.

4 A No, no, not to my recollection. That was the way I put it to him, was he
5 should go to all the councillors and I mentioned Fox, Lydon and various other
6 councillors in Fianna Fail.

7 Q 186So, you are specifically saying you did not tell him that you would go to
8 Senator Lydon or Mr. Fox?

9 A No, I didn't tell him that, no.

10 Q 187This is a contemporaneous note of the meeting; isn't that right?

11 A Well, I presume. I didn't take any notes so I presume that's what he is -- if
12 he is saying that, I have no recollection of that.

13 Q 188Might he have got the impression you would speak to Senator Lydon and Mr. Fox
14 about his motion?

15 A Well, I don't see why because I had already advised him he should speak to all
16 the councillors.

17 Q 189But you were definitely not going to sign this motion; isn't that right?

18 A No.

19 Q 190He would have been left with a very negative impression of your support?

20 A Yes, he would have been, yes. I mean, maybe not negative but he certainly
21 would have got the reasons why I wasn't supporting it.

22 Q 191Did you advise him that he should get somebody in Fine Gael to sign a motion?

23 A No, I didn't. No.

24 Q 192Did you advise him or recommend to him Mr. Cosgrave was somebody who might sign
25 the motion?

26 A No.

27 Q 193So you disagree with quite a lot that's contained --

28 A I would disagree. What I said to him was he should go to all the councillors.
29 I think that's where there may be a breakdown in --

30 Q 194Well, there are specific councillors mentioned, I think at this time there were

1 in excess of 70 councillors.

2 A I certainly wouldn't have mentioned anyone in Fine Gael. That would have been
3 up to himself to go to Fine Gael and find out who was going to sign the motion.

4 I wouldn't be presumptuous enough to suggest anybody in Fine Gael.

5 Q 195Did you suggest he get somebody in Fine Gael?

6 A No, I did not. But certainly would be sensible for him to get cross party
7 support obviously.

8 Q 196That would be a very obvious thing; isn't that right?

9 A You would imagine so, yes.

10 Q 197This is a fairly experienced and meticulous notetaker; Mr. O'Halloran. He has
11 a specific recollection, as appears from this note, of you telling him that he
12 should get Fine Gael to sign the motion and that you recommended that Liam
13 Cosgrave might second, they should get Liam Cosgrave to second the motion?

14 A Why would I say that if I wasn't voting for --

15 Q 198That's the point?

16 A That's the point I am making too. I didn't.

17 Q 199You did support the motion to the extent that you salvaged it by proposing an
18 amendment?

19 A Sure.

20 Q 200I'll come to that. You also suggested, I think, or offered the view that
21 Mr. Kennedy's lands might be developed for the purpose of a hotel, etc; isn't
22 that right?

23 A Yes. Obviously it has potential. Everything has potential when you are trying
24 to put a plan together. And we were talking about golf in the area. Residents
25 Associations would have approved of a golf course, hotel development.

26 Q 201That was in relation to Mr. Galvin's lands; isn't that right?

27 A That's right, yes.

28 Q 202But the lands the subject of Senator Lydon's motion, you felt that they might
29 be developed further for a hotel; is that right?

30 A Well, I suggested that the different uses could be made of the land in line and

1 in view of the Carrickmines Residents Association.

2 Q 203But I understood --

3 A What their various views were.

4 Q 204But I understand the views of the Carrickmines Residents Association was no
5 development should take place until the infrastructure is in place; is that
6 right?

7 A That would be the case always, you can't develop anywhere without
8 infrastructure.

9 Q 205You say they were in favour of rezoning.

10 A Zoning is only part of the thing. You know yourself that rezoning is putting a
11 plan together for five years or six years, whatever the case might be, and if
12 infrastructure is not there, well it just can't be developed, even though it's
13 zoned.

14 Q 206They had no objection to any rezoning and certainly no objection to rezoning
15 because there wasn't any infrastructure in place?

16 A I think infrastructure is part of it. They certainly wanted it developed, you
17 know, certainly -- they were realistic to know that something would happen
18 there eventually and they were looking for kind of a high class development of
19 whatever went in there.

20 Q 207Did you tell Mr. Dunlop when he lobbied you in relation to the Paisley Park
21 lands that the residents might be in favour of a hotel development on those
22 lands?

23 A Yes, possibly, yeah. I would have said more or less the same to Mr. Dunlop as
24 to Mr. O'Halloran, insofar as that if they were looking for acceptance of the
25 general public in the area, you know, hotel, golf and that sort of thing,
26 leisure based industry would have been certainly the --

27 Q 208What zoning, can you recall, would that have been at the time if E was
28 industrial and A was residential? Are you saying there was a special --

29 A I think there was a special for leisure based industry, hotel I think.

30 Q 209Now, the manager I think subsequently produced his own map which were his own

1 proposals for this area?

2 A That's right.

3 Q 210DP 92/44.

4 A Mmm.

5 Q 211If I could have 3651 of the Carrickmines brief and that was voted on on the
6 27th May?

7 A That's right.

8 Q 212And I think that that recommended, and I'm only concerned now with the
9 O'Halloran end of the scale, recommended that residential zoning be appropriate
10 for this area; is that right?

11 A Yes.

12 Q 213And you voted against that proposal; isn't that right?

13 A Voted. Yes, I voted against because --

14 Q 214Do you recognise the map now as we see it on the screen, we are talking about
15 the area to the left of the map, B to A?

16 A BA?

17 Q 215That's agricultural to residential; isn't that right?

18 A That's right.

19 Q 216And you voted against that proposal at that time?

20 A I voted against that proposal because the density possibly, the proposed
21 proposal -- we are now talking about proposal signed by who?

22 Q 217It was a proposal put forward, I think the map was put forward by the manager
23 and then on the 27th May 1992, if I could have Carrickmines, page 1557. I
24 think Councillor Lydon and Councillor McGrath proposed that the manager's
25 proposal be adopted. Do you recall that?

26 A Yes.

27 Q 218And that would have been, had it been adopted, would have zoned --

28 A Yeah, properly high density.

29 Q 219I wonder is it high density?

30 A Well certainly would have been probably four to the acre or --

1 Q 220 Yes. That's why you voted against it, is it?

2 A Well, it wasn't in line with the Carrickmines thing.

3 Q 221 If I could have 3651 again, please, I think the map is B-A and there was a
4 small P just under the A. As I understand the evidence from the engineers and
5 the planners, that is residential on piped sewage, would that be?

6 A Residential on piped sewerage.

7 Q 222 See the P underneath the A?

8 A Yeah, yeah.

9 Q 223 Is that correct?

10 A I think so.

11 Q 224 Whereas the --

12 A It's not very clear on this but I'm sure --

13 Q 225 On the Monarch lands were A1 which was residential on an action plan, isn't
14 that right? But there was no limitation on the number of houses to the acre,
15 and you say that's why you voted against the proposal on the 27th May.

16 A Yeah.

17 Q 226 However, on the 5th June, I think, Mr. O'Connor's motion came on for debate;
18 isn't that right?

19 A Yes.

20 Q 227 You were familiar with Mr. O'Connor's motion I am sure. If I could have 3166,
21 this is a motion which relates solely to the O'Halloran lands; isn't that
22 right?

23 A That's correct.

24 Q 228 And this is that they be zoned A1, which is residential on an action area plan;
25 isn't that right?

26 A Mmm.

27 Q 229 And you recall receiving that motion at some stage prior to the debate on the
28 5th June; isn't that right?

29 A Yes.

30 Q 230 Were you surprised to find that they were successful in having somebody sign

1 the motion?

2 A I was, yes.

3 Q 231The motion doesn't appear to have been seconded by anyone; isn't that right?

4 A That's right.

5 Q 232Did you know in April that Mr. Lydon was going to sign a motion for industrial
6 development for the Paisley Park lands?

7 A No.

8 Q 233Had you spoken with Mr. O'Halloran and/or Mr. Kilcoyne between the 17th April
9 and the 5th June in relation to the lands?

10 A No, I am not aware of any meeting.

11 Q 234They didn't come back to you at any stage?

12 A No.

13 Q 235When that meeting took place on the 5th June, I think Mr. O'Connor proposed a
14 motion; is that right?

15 A That's right.

16 Q 236And there was a debate on the motion?

17 A That's correct.

18 Q 237An the manager reminded the meeting of the vote we have just seen there on the
19 27th May which had rejected his proposals, namely proposals that these lands
20 would be zoned for residential purposes.

21 A That's right.

22 Q 238Now, I think then yourself and Councillor Coffey proposed an amendment; isn't
23 that right?

24 A That's right.

25 Q 239That the density be at one house per acre; isn't that correct?

26 A That's correct.

27 Q 240I wonder could you tell the Tribunal how you came to become involved at this
28 stage with Councillor Coffey?

29 A We felt -- myself and Councillor Coffey had spoken and said if this goes
30 through, it would be totally against what the residents association would be

1 supporting and we felt that we would try and save the day by putting in a
2 motion of one house to the acre.

3 Q 241Are you saying that as a result of the debate --

4 A Absolutely.

5 Q 242-- that you were led to believe that it was likely to be successful?

6 A Yes, I was, yes. We were worried about it all right.

7 Q 243You were worried about it. But in the end it was withdrawn, there was no
8 support for it?

9 A In the end, yes, but you see when you go up on the floor with 78 councillors,
10 you don't know what way the debate is going to go so you have to get your
11 motion or amendment in quickly so as it happened, like, we didn't have too much
12 to worry about but we couldn't take the chance.

13 Q 244Was the motion considered in Fianna Fail meeting in congress?

14 A No, I think it was more or less done off the cuff --

15 Q 245The amendment --

16 A -- during the course of the meeting.

17 Q 246I accept that the amendment was done off the cuff but was Mr. O'Connor's motion
18 not the subject of some discussion in Conway's before the special meeting?

19 A Not that I am aware of it.

20 Q 247Can you give an explanation why this particular motion would have been the
21 subject of some discussion?

22 A I don't know.

23 Q 248It was a motion you were concerned about?

24 A Absolutely.

25 Q 249And it was a motion that you could have proposed the amendment to in Conway's;
26 is that right?

27 A Oh yes, but as I explained to you earlier, I may not have been at the earlier
28 part of the meeting or I may not have been at the meeting.

29 Q 250This was a separate meeting. This was a meeting prior to -- it was held on the
30 5th June 1992. The Paisley Park motion wasn't, I think, until the 12th June

1 1992?

2 A Yes.

3 Q 251Are you saying you were late for both meetings?

4 A I can't be sure. We are talking about, what, 12, 13 years ago, I didn't take
5 any minutes or anything at the meeting, I have to say to you, of what time I
6 arrived or what time I went.

7 Q 252Did you contact Councillor O'Connor after you received the motion and said
8 look, if you change your motion to A1, sorry, density of one house per acre as
9 opposed to A1, I'll support it?

10 A No.

11 Q 253Did you discuss it with Councillor Coffey in advance of the meeting?

12 A No, we put in the motion at the meeting to amend that because we were afraid it
13 might have got, you know support.

14 Q 254You see, Mr. O'Halloran and Mr. Kilcoyne got the impression you were salvaging
15 the motion by proposing the amendment rather than trying to ensure its defeat?

16 A I wasn't salvaging the motion. What I was doing was trying to get things
17 on-line as far as the Carrickmines people were concerned and they had no
18 objections to one house to the acre.

19 Q 255Had you got the views of the association in advance of the meeting on the 5th
20 June on the motion?

21 A I knew their views way in advance. Not -- I knew their views kind of nine or
22 ten months prior.

23 Q 256Well, can I ask you the circumstances under which yourself and Councillor
24 Coffey decided that you would propose an amendment to the motion?

25 A The circumstances?

26 Q 257Yes.

27 A Well the circumstances were that we thought it might gain support.

28 Q 258Well, had you decided --

29 A In view of the previous motion of the manager's motion. And we thought it
30 might gain support and we said we would kind of put an amendment to that.

1 Q 259 Had you decided, going to the meeting, that you would propose an amendment?

2 A Oh no, we -- you don't know what happens from one ten minutes to another.

3 Q 260 Had you a strategy going to the meeting is what I am asking? Yourself and
4 Councillor Coffey?

5 A We didn't think that, you know, that there would be too much support for it but
6 on the other hand, we couldn't take a chance.

7 Q 261 Isn't that all the more reason you would have devised a strategy in advance and
8 agreed --

9 A Oh, we didn't. You want an honest answer, I give you an honest answer.

10 Q 262 I accept that. How did you and Councillor Coffey liaise on the day? Was there
11 a break in the debate that gave you an opportunity to discuss the matter?

12 A Well, you can call for a break of five minutes.

13 Q 263 Who called for the break on this occasion, yourself or Councillor Coffey?

14 A I don't know if there was any break we called for, we could have written out
15 the motion there and then and passed it up to the chairman.

16 Q 264 Do you recall meeting Mr. Kilcoyne at that council meeting?

17 A No, not necessarily, no.

18 Q 265 Mr. Kilcoyne had an impression he met yourself and Councillor O'Connor and
19 Councillor Butler on the morning of the vote.

20 A Well, I mean, depends what you mean a meeting now.

21 Q 266 Did you see them in the lobby?

22 A I probably seen them in the lobby but that would be it.

23 Q 267 Did you speak to them?

24 A Pardon?

25 Q 268 Did you speak with them?

26 A I might say good morning or good afternoon or whenever the meeting was.

27 Q 269 Did you have any discussion with them?

28 A I had no discussion that I am aware of with them on that morning or afternoon.

29 Q 270 Yeah. After all, these were people that had asked you to sign the motion in
30 the first instance; isn't that right?

1 A That's right. But I think they were under no illusion that I wasn't going to
2 do it.

3 Q 271Yeah. So you believe that there may have been a break called by someone?

4 A It's possible. I can't recall now, again, but I think it's important to bear
5 in mind that the motion could have been just passed up to the chairman either.

6 Q 272Yes. Well the motion, somebody would have had to draft the amendment; isn't
7 that right?

8 A Mmm.

9 Q 273And somebody would either have to get your support for it or Councillor
10 Coffey's support for it?

11 A Once you have a proposer and seconder.

12 Q 274The two of you would have had to discuss the amendment?

13 A What we said when we heard the proposal of Councillor O'Connor, that this could
14 get out of hand here and what we will do is put an amendment to it.

15 Q 275Can I just put to you what Mr. Kilcoyne said in 371 in relation to the matter.

16 A Mmm.

17 Q 276If I could have page 30 and 31 please of the of the Butler brief, I'll just
18 read to you Mr. Kilcoyne's evidence, if I just may.

19 A Ok.

20 Q 277Mr. Kilcoyne has now dealt with having met you and having asked you to sign the
21 motion. And he is talking about the meeting of the 17th. At question 347, he
22 says, "Question: You knew this when you went to Mr. Butler on the 17th April.
23 Answer: Yes, I did" -- that he knew that you had aligned yourself, he is
24 saying, with the Carrickmines Residents Association -- He says "I surmised
25 then.

26 Question: Wasn't he the last person you should have approached of all of the
27 councillors to support your rezoning motion?

28 Answer: You might look upon it like that but maybe on reflection I came to
29 those conclusions but certainly he was always approachable and he was always
30 showing a willingness to --

1 Question: On this occasion, whilst he didn't sign your motion, he offered to
2 lobby other people in support of your motion?

3 Answer: He did, yes.

4 Question: He gave you the valuable advice that you should consider getting
5 cross party support for your motion.

6 Answer: He was doing everything except doing it himself.

7 Question: Yes, the motion was ultimately signed by Mr. O'Connor, isn't that
8 right?

9 Answer: Yes.

10 Question: Can I ask you, do you recall Mr. O'Connor signing the motion?

11 Answer: No, but I recall Mr. O'Connor appearing on the scene and volunteering
12 to act for us.

13 Question: When did that happen.

14 Answer: That was the meeting of the council on that particular morning, I
15 think it was the day of the motion.

16 Question: This was in June I am now talking about, 1992.

17 Answer: I have a recollection of meeting him in the presence of, I would
18 differ from Mr. O'Halloran on this one. I remember vaguely meeting him in the
19 presence of Councillor Coffey and Councillor Butler and he was sort of
20 introduced to us as the man who was going to support us in the motion.

21 Question: This is on the morning of the motion.

22 Answer: Yes, I was surprised to find out that he didn't come from the local
23 area, that he came from Tallaght and in those days Dublin council consisted of
24 something like 72 members and it hadn't been subdivided as it subsequently
25 was".

26

27 And the motion is put to Mr. O' Connor, that gives Mr. Kilcoyne -- he was under
28 the impression you were doing everything possible save sign his motion for him.
29 You were fully supportive of it, you hadn't signed it, you were going to
30 canvass other people.

1 A If I was supportive of the motion, why wouldn't I sign it?

2 Q 278 Maybe you didn't want to be seen to have signed the motion.

3 A No, that wasn't the question. I was going to vote against it, I was going to
4 speak against it so I was not prepared to sign the motion. It was as simple as
5 that.

6

7 CHAIRMAN: We might break for just a few minutes.

8

9 THE TRIBUNAL THEN ADJOURNED FOR A SHORT BREAK

10 AND RESUMED AS FOLLOWS.

11

12 Q 279 MR. QUINN: Thank you. Mr. Butler, just before the break we were dealing with
13 the motion of the 5th June; isn't that right?

14 A That's right.

15 Q 280 And I think your evidence to the Tribunal was that you were afraid that this
16 motion might be carried and that yourself and Councillor Coffey proposed an
17 amendment which might be the lesser of two evils; isn't that right?

18 A That's right.

19 Q 281 Now I just want to put to you what Councillor O'Connor, who was the signatory
20 to the motion, said in evidence in relation to this motion. I wonder could I
21 have -- I think this is page 36 of evidence given on day 386 by Councillor
22 O'Connor, and he has -- sorry, page 36 please. In the lead up to the evidence
23 which I am now going to put to you, this is Councillor O'Connor's evidence and
24 I am going to ask you some questions arising out of that.

25 A Right.

26 Q 282 The lead up he is being asked how he came to promote a motion in the context of
27 the earlier manager's proposals being defeated which we referred to earlier of
28 the 27th May.

29

30 He says as follows: "I don't think there was anybody else" -- He is being

1 asked, sorry, to give you lead in to the question you see on the screen. He
2 says, this is on the earlier page, he says:

3 "Can I ask you how did you come to settle on proposed residential zoning as
4 opposed to industrial zoning.

5 He says: I don't have a view on that. I am again repeating what I was asked
6 to facilitate a colleague in ensuring that it was discussed and me signing it
7 was merely part of that.

8 Question: I think when the motion was being debated you would have known that
9 the manager's proposals which had recommended residential zoning had been
10 rejected; is that right?

11 Answer: Yes.

12 Question: Nonetheless you went ahead with your motion; is that right?

13 Answer: Yes.

14 Question: Who else supported it? Who else did you speak to in relation to the
15 motion in advance of it being debated?

16 Answer: Well, I don't recall specifically but I presume there were discussions
17 with the local councillors. In fact, at the point it was withdrawn it was on
18 the basis it was obvious the motion wasn't going anywhere and I had no problem
19 in that regard because I was again merely facilitating the discussion and I was
20 not leading it and I was not driving it.

21 Question: Who was leading and driving the discussions, can I ask you, other
22 than Councillor Hand?

23 Answer: I don't think there was anybody else. I think if you look at the way
24 it developed, it probably would be unfair to use the phrase fell apart but it
25 didn't, as a proposal, go any further.

26 Question: Was there anybody in favour other than Councillor Hand and yourself.

27 Answer: There didn't seem to be much push about it and on the point I withdrew
28 it on the basis the motion was going nowhere.

29
30 Question: I think it wasn't in fact put forward until the proposed amendment

1 was put forward, do you recall that, isn't that right?

2 Answer: Yes.

3 Question: What was the circumstances?

4 Answer: I think as the discussion went on, you know, I mean my experience of
5 that period that often happened in that regard where a motion was put up, there
6 was discussion, opposition, it was a question of seeing how that opposition
7 developed. As I recall in that particular case that file was going nowhere, it
8 was a question of withdrawing it. I did that.

9 Question: Were you privy to the discussions which led to the proposal that the
10 motion be amended to replace the A1 residential zoning with wording at the
11 density of one house per acre?

12 Answer. No, I don't think it was.

13 Question: Yet it was your motion; isn't that right?

14 Answer: Yes, but I am again repeating, I am sorry for doing this, I was merely
15 asked by a colleague, not of my party, would I facilitate a discussion by
16 signing a motion. I did that. To some extent, I had no real part, I certainly
17 didn't lead or drive it.

18 Question: Were you surprised at Councillor Hand who I think was a member of
19 the Fine Gael party, you were Fianna Fail.

20 Answer: Mmm.

21 Question: He had not approached a member of the Fine Gael party to propose the
22 motion.

23 Answer: Except I am repeating again I am trying to remember back 12 years, a
24 lot of political stuff has happened in my life since, so you are trying to
25 focus on these times. As I recall, it was not a surprise to me in the sense
26 that I understood I had been elected as a Councillor for Tallaght/Rathcoole,
27 but I was a member of the whole of the county council and there was a process
28 by which councillors from outside areas would and did sign motions and I saw my
29 role simply in that regard.

30

1 I was asked would I facilitate a discussion and I said yes.

2 Question: Do you recall having a discussion before or after the amendment and
3 before it was withdrawn with Councillor Coffey and Mr. O'Halloran?

4 Answer: No.

5 Question: Mr. Dunlop in evidence says, and quoting to Mr. O'Connor what
6 Mr. Dunlop says, I do recollect that Mr. O'Halloran and Mr. Kilcoyne were in
7 the vicinity of the council and I do recollect there was significant
8 discussions between Mr. O'Halloran and Councillors Coffey and O'Connor in
9 relation to what was happening in the chamber in the meeting.

10 Answer: I think it was a question of me coming out of the meeting and being
11 aware that I wasn't and I am sorry for stressing this again I was a member for
12 Tallaght/Rathcoole, I saw the lead in this regard being done by the local
13 councillors and as I understood it, they indicated to me this motion was going
14 nowhere.

15 Question: What local?

16 Answer: Because I had signed it, it required me to say it was withdrawn and
17 that was my only involvement.

18 Question: What local councillors did you see promoting the motion?

19 Answer: Bearing in mind what happened to the motion, I am not so sure anybody
20 really drove it. The only councillors I understood were involved in any
21 discussion at the time, and certainly this was a matter of record as well,
22 Councillors Coffey and Butler because, as I understood, it was their area."
23

24 It was their area, and he goes on to deal with Mr. Councillor Hand: "Yes, I
25 presumed we were including him.
26

27 Question: So you had no discussions. Did you meet Mr. O'Halloran and
28 Mr. Kilcoyne at this time?

29 Answer: On an ongoing basis I don't think it was a question of me going into a
30 room with them sitting down with them. I would regard myself as a big player

1 in this regard and I was merely signing the motion but I was not driving it.

2 Question: I accept that.

3 Answer: I'm sorry for putting it that way but that is as I recall it."

4

5 I don't want to read the entire transcript to you, Mr. Butler, but it would
6 appear that Mr. O'Connor was under the impression he had merely facilitated
7 Councillor Hand by signing the motion, he wasn't promoting the motion and it
8 was being driven by the local councillors, and you identified yourself and
9 Councillor Coffey as the local councillors, is he incorrect in that?

10 A Well, when you say driven, I mean all we were doing was the motion was put,
11 then we put our amendment so that was the only driving that was in it. There
12 was little or no driving in it.

13 Q 283Your evidence, and the impression you are conveying to the Tribunal, is that
14 you were given to put an amendment to this motion because so great was this,
15 the support for it at the time, you were afraid it might be carried?

16 A No. What I said was we didn't know when we put the amendment in, we were
17 afraid it would gain momentum and, if you like, that was the reason for it.

18 Q 284But if the person who had signed the motion wasn't promoting it to any great
19 extent, where was the pressure coming from that it might be carried?

20 A That I am not aware of. I can't answer you that question, sorry.

21 Q 285You see the impression being conveyed by Councillor O'Connor is the motion was
22 never going anywhere and the amendment was put in to salvage the motion, not to
23 try and ensure that it --

24 A We didn't know that. That's speculation really.

25 Q 286Speculation by the person who had signed the motion.

26 A Yes, it is really.

27 Q 287And who wasn't driving it as he said himself.

28 A I can't speak for him.

29 Q 288And he gives the impression certainly in evidence that yourself and Councillor
30 Coffey were driving the motion?

1 A With the only -- we put an amendment to that motion.

2 Q 289 It was a commitment so that it would be carried, in other words that there
3 would be some rezoning on the property?

4 A Well no, what happened then as you were very well aware, there was no pressure
5 once that motion was amended for to go any further, it was withdrawn. End of
6 story. Which we were very happy with.

7 Q 290 I will just take that in sequence as I understand your evidence and correct me
8 if I am wrong. There was a motion that these lands be rezoned residential, A1,
9 that's residential on an action area plan; is that right?

10 A Yeah, Mr. O'Halloran's land.

11 Q 291 That's the motion we are speaking about, the motion of the 5th June, Mr.
12 O'Halloran's motion signed by Councillor O'Connor?

13 A That's right.

14 Q 292 That motion went in, it was being debated upon, you were opposed to it because
15 you were afraid, you say, that the motion might be carried?

16 A That's right.

17 Q 293 And in order to ensure the lesser of two evils, you and Councillor Coffey
18 devised a strategy on your feet, so to speak, during the course of the debate
19 on the motion, that you would amend the motion to lessen the impact of the
20 proposed rezoning?

21 A That's correct.

22 Q 294 And it just, the motion was withdrawn.

23 A That's right.

24 Q 295 Because there was no support for it?

25 A That's right.

26 Q 296 Well, if there was enormous support for a motion to have residential
27 development on an action area plan, surely there would be even more support for
28 a proposal that it would be residential development on one house to the acre?

29 A Well, I mean, my view there was, as I say, quite clear, that once there was
30 no -- we found once our amendment went in, there was no support there and we

1 were very glad of that and it resolved its own. We can go on and labour the
2 point but I mean it's -- I think it's irrelevant.

3 Q 297Now, I do think that the motion was withdrawn and you became involved again in
4 1997; isn't that right?

5 A That's right.

6 Q 298In the interim, I think, that you had received some electoral support from Mr.
7 O'Halloran and Mr. Kilcoyne; isn't that right?

8 A Yes, yes.

9 Q 299I think you have given details to the Tribunal of contributions that they --

10 A That's right.

11 Q 300If we could have document number 93 please. In May of 1993, I think Mr.

12 O'Halloran attended a fund-raising function for you and I think gave you 250
13 pounds on his own behalf and on behalf of Mr. Darragh and himself?

14 A That's right.

15 Q 301This is someone whose motion you were seeking to ensure would be defeated the
16 previous June; isn't that right?

17 A That's right.

18 Q 302And I think you thanked him on the 14th June for that support, document number
19 94?

20 A Yes.

21 Q 303And you said: "I would like to take this opportunity to thank you for
22 attending my function in Kitty O'Shea's and express my gratitude to you for
23 your generosity and continued support. I have no doubt that your bestowal will
24 help to consolidate my constituency office. If you have any queries in the
25 future please do not hesitate to contact me."

26

27 This is someone you are thanking and addressing as Dear Brian, a man whose
28 motion you had strenuously opposed the previous June; isn't that right?

29 A That's right.

30 Q 304And then I think he writes to you again in March of 1996, if we could have

document number 95, and he says:

"Dear Larry,

Your brunch on St. Patrick's Day, Killiney, was a great success. I enjoyed being there and meeting so many people even though I arrived much later than I had intended. Apart from complimenting you on the day, the purpose of this note is to tell you that I sent Betty Coffey a cheque today and hope that that will make some contribution to the financial success of the event, because after all, apart from the enjoyment it gave everybody present, also it is important to achieve other objectives." I think he is referring there to a cheque to Fianna Fail of 1,000 pounds. Document number 97.

A Yes.

Q 305 You see that. You knew that he had made that contribution and then I think you thanked him for the contribution in a letter of the 19th April 1996, document number 96 please. You thanked him for his support, isn't that right? And in October of the same year I think you wrote to him again advising him that you had, you were selected to run for the --

A The 1997 election.

Q 306 If we could have document number 99, please.

This is a letter of the 31st October 1996:

"Dear Brian,

I have been selected by Fianna Fail to contest the next general election in the Dun Laoghaire/Rathdown area. This constituency is regarded by the party as the most likely to increase our representation in Dail Eireann."

You go on to deal with your running mate and you advise of an upcoming event on the 27th of November of that year.

A That's right.

Q 307 If I could turn to 1997. In 1997, there were a series of motions being put forward for this ward, the Dun Laoghaire/Rathdown council area; is that

1 correct?

2 A Yes.

3 Q 308 And you were still the only Fianna Fail representative for this area; isn't
4 that right?

5 A That's correct.

6 Q 309 In his evidence to the Tribunal, Mr. Dunlop has said that he met with you in
7 the Tara Towers Hotel in 1997, I think it's the 30th September 1997. Do you
8 recall that meeting?

9 A I do.

10 Q 310 This is the first of a series of meetings, if I could have document number 351
11 please of the brief. This is a meeting which appears in Mr. Dunlop's diary; is
12 that right?

13 A Yes, correct.

14 Q 311 There had been other meetings with you and Mr. Dunlop which appeared in his
15 diary for 1996, would you accept that?

16 A Yes. I mean I am not disputing it, if he has something in the diary, I am sure
17 we probably met. I don't have any recollection of when or how the meeting took
18 place because I mean as I said to you, often a meeting took place saying hello
19 Frank and how are you, and that was a meeting.

20 Q 312 That sort of meeting wouldn't appear in Mr. Dunlop's diary. We take it if your
21 name appears in his diary it's by prior appointment and there's is a subject
22 meeting to the proposed meeting?

23 A The only one I have by prior appointment is the Tara Towers and I recall
24 that --

25 Q 313 We'll deal with that in a moment. In a general way I want to get the other
26 diary meetings out of the way. If we could have document number 82 please.
27 This is a meeting of the 29th February 1996. It's a Thursday.

28

29 You see that meeting in his diary?

30 A Do we have a venue for that?

1 Q 314Just see. It would appear to be the Brasserie, Monkstown, Larry Butler. Do
2 you recall that meeting?

3 A No.

4 Q 315There's one, a meeting in 1996, 24th May 1996, document number 83 please.
5 11 o'clock meeting. There's a meeting on the 8th November of 1996. Document
6 page 84 please.

7 A Venue for?

8 Q 316This is the 8th May 1996 and then there's the meeting in the Tara Towers Hotel
9 on the 30th September 1997, document number 85 please.

10

11 I just want to put to you what Mr. Dunlop says about the meeting in the Tara
12 Towers Hotel and give you an opportunity to say what you say transpired.

13

14 CHAIRMAN: Mr. Quinn, just before you reach that, perhaps Mr. Butler might
15 confirm whether or not he recalls the meetings which you have just mentioned
16 and which are in Mr. Dunlop's diary, the three or four. There was the one in
17 Monkstown which Mr. Butler said he didn't recall and then you mentioned I think
18 three. Do you recall any of those?

19 A No. I don't. No.

20

21 CHAIRMAN: All right.

22

23 Q 317MR. QUINN: Now, if I could have page 14 of the brief please.

24

25 Mr. Dunlop makes reference to two meetings in particular, one in the Tara
26 Towers and one in the Marine Hotel, I just read to you --

27 A The Marine Hotel?

28 Q 318I will read to you what Mr. Dunlop says and then I will give you an opportunity
29 to see what you say to him. At the bottom of question 66 on day 347,
30 Mr. Dunlop is asked to write down the names of whom he says Mr. Cosgrave said

1 would support -- the bottom six that page, Mr. Gallagher, you see as follows.

2
3 "Mr. Gallagher: You mentioned Councillor Larry Butler as somebody else you
4 would speak to and whose support you anticipated would be forthcoming; is that
5 correct?

6 Answer: Yes.

7 Question: Did you ask Councillor Butler to canvass for the proposal and if so
8 what response did he give you?

9 Answer: I recall having a meeting with Councillor Larry Butler in -- the name
10 of hotel escapes me, Mr. Gallagher, but it's on the Merrion Road on the way out
11 to Dun Laoghaire, at which I discussed the matter with him and he said -- yes,
12 I did ask him and he said he would talk to his colleagues.

13 Question: And did he talk to his colleagues and did he tell you he had talked
14 to his colleagues?

15 Answer: No, no. He told me that he would.

16 Question: Did he subsequently tell you that he had?

17 Answer: I recall having a subsequent conversation with Councillor Butler in
18 which he indicated to me that what he had thought the level of support was.
19 He -- I am trying to report what Councillor Butler said to me but in talking to
20 me he spoke about another person so I don't want to be appearing that I'm
21 giving evidence about that person, I am just saying what Larry Butler said to
22 me was that Betty was being a little bit difficult, and was trying to run with
23 the hare and hunt with the hounds and she was very anxious about it because it
24 was known that she had a personal family relationship with Brian O'Halloran
25 and, therefore, any support that she would be giving to it or attempting to
26 give would have to be done in circumstances that would appear to be very very
27 objective; in other words she was probably subjecting Brian O'Halloran to a
28 little more interrogation and examination in relation to the proposal than we
29 might normally have done.

30

1 But you asked me about Larry Butler. I recall a conversation in that context
2 with Larry Butler and I did meet Larry Butler on a number occasions. It's the
3 Doyle hotel on the Merrion Road, as for the name of it.

4 Question: The Tara Towers?

5 Answer: The Tara Towers, yes. I also recall meeting Larry Butler in the
6 environs of Dun Laoghaire/Rathdown Council. And now that I recall it,
7 Mr. Gallagher, this just struck me, I met Tony Fox in relation to this matter
8 in the Marine Hotel in Dun Laoghaire on a number of occasions.

9 Question: I'm excluding the evidence that you have given in connection with
10 Councillors Cosgrave and Fox and persons whom you say you had personally paid
11 but does it follow that you have no knowledge or reason to believe that money
12 was paid by any other councillor --" Sorry, I am moving on to a different
13 matter.

14 A That's all right.

15 Q 319 Now, there Mr. Dunlop is outlining to the Tribunal --

16 A I think you have corrected something there that Mr. Dunlop said that he met me
17 in the Royal Marine, that would have been incorrect. I think you said a
18 council there in the end.

19 Q 320 No. He said: "I also recall meeting Larry Butler in the environs of Dun
20 Laoghaire/Rathdown Council and now that I recall it, Mr. Gallagher, this just
21 struck me --" Sorry, it's Tony Fox he met.

22 A I was just going to correct that because he certainly -- to my knowledge I
23 never met him in the Royal Marine. That I can recall.

24 Q 321 Yes. That's my reference, I was referring to Tony Fox, not you, but he did
25 meet you in the environs of Dun Laoghaire/Rathdown County Council?

26 A We take it from the Tara Towers first, all right.

27 Q 322 Yes.

28 A I remember Mr. Dunlop rang me on the morning of the meeting to know would I
29 meet him and I said it will be a rush meeting, Frank, I said I am going into
30 town and I have a further meeting. So he suggested we meet in the Tara Towers.

1 Mainly the meeting was centred around the Paisley Park or whatever you call
2 it --

3 Q 323 It's now called Jackson Way.

4 A Jackson Way now, has moved on again to Jackson Way. So, I said to him well
5 first of all, I said, Mr. Dunlop, who owns the land? And he said to me I don't
6 know. He said, I'm dealing with an agent in Birmingham. I said, well -- he
7 said, he then asked me to know would I support it and I said no. He goes on
8 then to ask me to a sign a motion and I refuse.

9 Q 324 Can I just take that in stages, if I may.

10 A Then the meeting went on to talk about Mrs -- Councillors Coffey and that is my
11 recollection. Now his words, said that Councillor Coffey certainly was very
12 worried about who owns the land and she's, you know, not happy about it, so of
13 course he used the words hunting with the hare and hunting with the hounds.
14 Now, he said I used them words, I didn't. So I want to put that on record.

15 Q 325 Ok.

16 A We then went on -- we never discussed Brian O'Halloran's land.

17 Q 326 Ok.

18 A Good, bad or indifferent. He was mainly, his main thrust of the meeting was
19 the Jackson Way development. And what a development it would be and so forth
20 and I said look, Frank, I said, we are only wasting time, so the meeting
21 concluded pretty sharply.

22 Q 327 How long do you think the meeting lasted?

23 A I don't know, 15, 20 minutes.

24 Q 328 This was the second time now that Mr. Dunlop had sought to lobby you in respect
25 of the same lands; is that right?

26 A That's right.

27 Q 329 He sought to lobby you back in 1992 on at least one occasion?

28 A Yes.

29 Q 330 And now for the second time by prior appointment he had arranged to meet with
30 you in the Tara Towers and he sought to lobby you again?

1 A Yes.

2 Q 331And the first question to him this time around was who owns the lands?

3 A Because again there was all sorts of rumours going round; it was Liam Lawlor,
4 it was Mr. Redmond. There was all sorts of rumours going around.

5 Q 332As I understood your evidence earlier this morning, those were rumours that
6 were circulating in 1992?

7 A Yes.

8 Q 333And they would have been circulating when you met with him in 1992, yet in 1992
9 you didn't ask him who owned the lands.

10 A No. Well, we took it for granted that the people who owned the land at that
11 time was mentioned.

12 Q 334That's Mr. Kennedy and Mr. Lawlor?

13 A Yes.

14 Q 335What had changed between 1992 and 1997 which gave you to understand that maybe
15 Mr. Kennedy or Mr. Lawlor owned the land?

16 A Well, the company for one thing changed; isn't that right?

17 Q 336That's Paisley Park had changed to Jackson Way.

18 A Yes.

19 Q 337Well, is it the case that you were satisfied in 1992 that Mr. Dunlop, sorry,
20 that Mr. Lawlor and --

21 A It didn't concern me that much who owned the land, quite frankly.

22 Q 338But it was your first question to him in 1997.

23 A It was because questions were being asked at that time and I asked him for it,
24 so he told me that it was an agent in Birmingham who he was dealing with and
25 that's as much as he knew.

26 Q 339Did you specifically ask him did he know if Mr. Lawlor was involved with the
27 lands?

28 A No.

29 Q 340Did you tell him what your concern was about the ownership of the lands?

30 A No. As I say, it didn't concern me that much who owned the land. I am just

1 saying to you I asked a question and that was the answer that I got.

2 Q 341But it was your first question to him; is that right?

3 A No. We were talking for a few minutes, it wasn't the first question. He was
4 asking me how the draft development planning was going to Dun Laoghaire and I
5 said it's difficult. Kind of, you know, if you like talking around the subject
6 rather than approaching it and then he said to me to know -- I asked him then
7 who owned the land, obviously, and because it came in the discussion that
8 Councillor Coffey was kind of concerned as well and then he used the words
9 running with the hare and hunting with the hounds.

10 Q 342What was Councillor Caffrey's concern?

11 A Well, councillor Coffey's concern was she was concerned about owned the land to
12 me.

13 Q 343Had you discussed with Councillor Coffey the prospect of these lands being
14 rezoned?

15 A Oh no. I mean, I was never going to vote for them anyhow. As far as I know
16 Councillor Coffey certainly wasn't going to vote for them.

17 Q 344But you had discussed with Councillor Coffey the prospect of a vote being taken
18 on these lands?

19 A Yes.

20 Q 345But there was no motion in place at this time?

21 A No.

22 Q 346Would you anticipate there would be a motion, yourself and Councillor Coffey in
23 your discussions anticipate there might be a motion in relation to the lands?

24 A Well, knowing Mr. Dunlop, he was obviously going to try and get somebody to
25 sign a motion if possible, I'm sure, and we didn't pre-empt it to be honest
26 with you.

27 Q 347You must have had some discussion at a stage prior to which there was no
28 motion, that is yourself and Councillor Coffey in relation to the prospect of a
29 motion and your approach to such a motion?

30 A Well, my discussion really came with Councillor Coffey after my meeting with

1 Mr. Dunlop in -- I was then concerned that there would be a motion.

2 Q 348 I understood from your evidence that you had relayed to Mr. Dunlop Councillor
3 Coffey's concerns in relation to ownership?

4 A Yes.

5 Q 349 Therefore, you must have had a discussion with Councillor Coffey in relation to
6 the lands prior to the --

7 A Yes, we would have discussed it generally.

8 Q 350 And your discussions must have centred around the question of ownership of the
9 lands; is that right?

10 A Yes, yes, it would be.

11 Q 351 And what were Councillor Coffey's concerns in relation to the ownership of the
12 lands?

13 A Well, she was concerned obviously if Mr. Lawlor was involved, then --

14 Q 352 What concerns would she have had if Mr. Lawlor was involved?

15 A The fact that he was a politician I suppose and --

16 Q 353 Did you have similar concerns?

17 A Not really, no, I didn't. I personally didn't. That's my opinion.

18 Q 354 Well, were you --

19 A Because as far as I am concerned, ownership of the land is immaterial. If you
20 are doing the Draft Development Plan, you take into consideration where the
21 land is, what the viability of the development is and how and when you are
22 going to have services. They are the only things should matter. It shouldn't
23 matter who owns the land.

24 Q 355 But you questioned to Mr. Dunlop when you met him and when he asked to support
25 the motion or a possible motion --

26 A Oh I did, yes, but -- I am trying to see what your -- asking you the question,
27 why does that matter? It's a question -- I am giving you the reason why I asked
28 him.

29 Q 356 But it was foremost to your mind, I suggest to you.

30 A Well, obviously because of the rumours that were going around, we had to --

1 Q 357Did you see to --

2 A We wanted to him to confirm or deny, that was all it was about.

3 Q 358Did you ask him to deny that Mr. Lawlor had no involvement with the lands?

4 A No, I didn't ask him to deny it, that's what he told me.

5 Q 359He told you who he was taking instructions from. Did you say to him is

6 Mr. Lawlor involved with the lands?

7 A Yeah, we did. I asked him that, yes.

8 Q 360What did he say to you?

9 A He said he didn't. That's what he said.

10 Q 361Sorry?

11 A He didn't.

12 Q 362He said he wasn't involved?

13 A He wasn't involved.

14 Q 363Did you ask him had he been involved with the lands ever?

15 A No.

16 Q 364Did you say to him that there was a rumour in 1992 that Mr. Lawlor was involved
17 in the lands?

18 A Everybody knew it was a rumour but --

19 Q 365Did Mr. Dunlop express surprise that you had asked him was Mr. Lawlor involved
20 with the lands?

21 A No.

22 Q 366Well, you say that you had a discussion with Councillor Coffey subsequently in
23 relation to the lands.

24 A Yeah.

25 Q 367And is that in relation to your conversation with Mr. Dunlop?

26 A Yes, basically, yes.

27 Q 368Did that centre about allaying any fears Councillor Coffey had that Mr. Lawlor
28 was involved with the lands?

29 A Well, I said what I said to you there now; that I asked Mr. Dunlop to know who
30 owned the land and the answer I got was he was working through an agent in

1 Birmingham.

2 Q 369 Well, you knew that the lands in 1992 were owned by an Isle of Man company;
3 isn't that right?

4 A Mmm.

5 Q 370 So, the fact that the company which owned the lands was registered outside the
6 State didn't necessarily mean that somebody within the State had an involvement
7 with the lands?

8 A No.

9 Q 371 Now, did you indicate to Mr. Dunlop at that meeting that you would be
10 supportive of any proposals in relation to the lands?

11 A No, I didn't. I told him I'd be voting against it. Against his, you know, the
12 proposal that he was putting in.

13 Q 372 Can I just put to you another portion of Mr. Dunlop's evidence at -- if I could
14 have page number 17 please.

15

16 Sorry, if I could start at page number 16, this is Mr. Dunlop's evidence on day
17 237 and I will just read it to you if I may. 347, question 85.

18

19 Unfortunately I have to pick up this evidence at different portions of the
20 transcript, otherwise I would be here all day reading transcripts.

21 A That's fine.

22 Q 373 "It also follows, I take it, that the extent of your knowledge is that you were
23 told by Councillors Cosgrave, Fox and Butler, that they had spoken to and were
24 in a position to report to you on the proposed voting intentions or the voting
25 intentions of the councillors that you have identified on the list.

26 Answer: Yes, I see.

27 Question: If I may I will just go through the diaries as quickly as I can.

28 Your diaries for the period leading up to the vote in Dun Laoghaire/Rathdown

29 County Council on the 16th December 1997, I will put the extracts on the screen

30 for you and hopefully we get through those very quickly. Your diaries in

1 relation to Councillor Larry Butler, may I have page 3516 for the 30th
2 September 1997, that indicates that you met Councillor Butler on that occasion.

3 Answer: Yes, that is correct.

4 Question: At 11 o'clock on Tuesday, 30th September the entry in the diary is
5 that I met Larry Butler and the location is identified. The location, in fact,
6 which has been obliterated I suggest inadvertently was Tara Towers.

7 Answer: Correct.

8 Question: Was that the meeting that you referred to.

9 Answer: Yes, earlier.

10 Question: Earlier. So, the Tribunal can take it that the reference in the
11 brief at page 3516 for 11 o'clock is a reference to Tara Towers/L Butler.

12 Answer: Correct.

13 Question: I have the page number 3523 for the 18th October 1997, I am not sure
14 if this is a reference to Councillor Butler, will you clarify that?

15 Answer: No, that is a location outside Dublin.

16 Question: It's an address of a house?

17 Answer: A hotel.

18 Question: All right. So that is applicable. May I have 3523, the 24th
19 November 1997 -- sorry, 3532.

20 Answer: What date, Mr. Gallagher?

21 Question: For the 24th/11th, the bottom of the page, the last entry for that
22 date is shown 6.30, Larry Butler, DL or DR, Town Hall.

23 Answer: No, the 24th, Monday the 24th November, 1997, 6.30, Dun Laoghaire Town
24 Hall, that's DL.

25 Question: I see. Can you recall whether you discussed the Jackson
26 Way/O'Halloran lands motion with him or the --

27 Answer: Yes, I believe I did and that was the purpose of the meeting. For
28 clarification, Mr. Gallagher, I do believe the meeting with Larry Butler in the
29 Tara Towers, doesn't matter now the date, the one that we have just referred
30 to, I believe I did discuss on that occasion with Larry Butler the possibility

1 of him signing a motion and he refused.

2 Question: Did he give you a reason why he was refusing to sign it?

3 Answer: Yes. He said he wasn't comfortable about it and he would prefer not
4 to and he would prefer if I got somebody else to do it.

5 Question: Did he tell you he would support it on that occasion?

6 Answer: Not specifically. He said he would give me -- he would be very
7 supportive which does not necessarily follow he would support the actual
8 motion, he would be very supportive and he would do everything in his power to
9 help and ensure it was rezoned but he did not sign the motion and I am sorry, I
10 should have said that to you earlier when I was talking about Larry Butler you
11 it's a bit difficult.

12 Question: Look at page 844, you see the vote for the motion in question, you
13 said that you had spoken to Betty Coffey in relation to the matter also."

14

15 Now, there Mr. Dunlop gives the impression to the Tribunal in evidence that he
16 had asked you to sign the motion which you agreed that you had refused, that
17 you were uncomfortable with it but that you had indicated to him that you would
18 support it. That you would do everything in your power to help and ensure that
19 it was rezoned.

20 A Isn't that funny now I should do everything in my power to help and I am going
21 to vote against it. How do you decide from that yourself? I can't.

22 Q 374 Well, perhaps you were prepared to support the motion behind the scenes?

23 A No, if I was -- I had to get up and speak about this motion.

24 Q 375 Well, perhaps you were prepared to gauge the level of support or the voting
25 intentions, the proposed voting intentions of other councillors within your
26 party for the motion?

27 A Well, I can tell you I was speaking against the motion. I wasn't supporting
28 the motion. And, in fact, the motion was beaten. So I mean, as far as I was
29 concerned, Mr. Dunlop was under no illusions whatsoever but I would be
30 vigorously behacking the motion.

1 Q 376What reason did you give to Mr. Dunlop for your refusal to sign and support the
2 motion?

3 A Well, the main reason was the type of development that was being proposed
4 wasn't in keeping. Also --

5 Q 377Well, what type of development was being proposed at this time?

6 A Well, as far as I know it was industrial again, wasn't it?

7 Q 378There were in fact four motions -- sorry, two motions, one for industrial and
8 one for residential; is that right?

9 A Mmm.

10 Q 379You supported the residential motion as opposed to the industrial motion. I
11 admit that it was the industrial motion that was voted on?

12 A Well, it was the industrial motion I voted against. I can't recall the other
13 one but as far as I know, you know, it was industry we were against it from the
14 very --

15 Q 380You were very much opposed to an industrial zoning of these lands?

16 A Well, mainly because the Residents Association didn't want industry there in
17 the Valley and subsequently, like, we kind of went for a science and technology
18 park at the other end, with Dun Laoghaire/Rathdown County Council at that time.

19 Q 381I wonder could I have pages 154 and 156 on the screen. We are talking about
20 the, if I might call it the pure Jackson Way motion which was debated at the
21 end of 1998?

22 A That's right.

23 Q 382And it was a motion signed by Councillor Coffey and Councillor Fox, and at page
24 154 there you see there the Jackson Way motion, did Mr. Dunlop have a copy of
25 the draft of the motion with him at your meeting in September?

26 A This is --

27 Q 383The Tara Towers meeting where he asked you to sign the motion?

28 A He asked me to sign the motion so I said no, so he didn't produce any paper.

29 Q 384He must have told you what type of motion he was asking you to sign?

30 A No, he didn't. He knew I wasn't supporting it early on in the meeting and the

1 meeting kind of didn't last very long.

2 Q 385What you weren't supporting was an industrial zoning, but you would have been
3 prepared to support a residential zoning and in fact there were two motions
4 signed by Councillors Cosgrave and Fox, one for industrial and one for
5 residential; isn't that right?

6 A That's it.

7 Q 386But you would have signed the residential motion but not the industrial motion?

8 A I wasn't supporting any motion on the southern side of the motorway on that
9 occasion.

10 Q 387A moment ago you told me you weren't supporting the motion because it was
11 industrial?

12 A Industrial, yes. And as well as that, if you look at the line of the motorway
13 there, any movements in rezoning in 1997 were mainly on the northern side.

14 Q 388Did you know that Mr. O'Halloran had a motion circulating and signed at that
15 time or about to be signed?

16 A I knew, yeah, Mr. O'Halloran would have a motion in.

17 Q 389Who advised you of that?

18 A Well, as far as I know, Mr. Kilcoyne or Mr. O'Halloran said that they would be
19 putting in a motion.

20 Q 390Did they have a meeting at which they said that?

21 A I am not sure whether I just met Mr. Kilcoyne off the cuff or Mr. O'Halloran.

22 I am not sure.

23 Q 391Did they ask you to sign their motion?

24 A Oh, they did, yeah.

25 Q 392They asked you to sign the 1997 motion?

26 A Yeah.

27 Q 393What did you say?

28 A I told them I wouldn't.

29 Q 394Did you give a reason as to why you wouldn't sign the motion?

30 A I told them I wouldn't sign the motion and that was it.

1 Q 395Did you not give them any explanation as to why you wouldn't sign it, after all
2 this is the second time?

3 A I would be straight with people, if I had to get up and speak either for a
4 motion or against a motion, I have to have conviction and therefore if I didn't
5 have conviction about it, I wasn't signing it.

6 Q 396Did they ask you what type of zoning they were asking you to support?

7 A Mr. O'Halloran, who is a well known architect, had some very good plans for the
8 type of business park he was talking about, as far as I know. And --

9 Q 397Wasn't there a motion seeking --

10 A Which would be supplementary to the science and technology park which is
11 presently there.

12 Q 398Once again, I suggest to you that there were, in fact, four motions signed for
13 Mr. O'Halloran's lands, page 145 please, which were votes for residential and
14 industrial zoning; isn't that right?

15 A Yes.

16 Q 399Did you know that they were proposing both residential and industrial zoning?

17 A I'll be honest with you, I didn't have -- not only did I not know, Mr.
18 O'Halloran never made me aware that there was some of the Jackson Way land
19 which was tagged on, apparently the manager advised him to go and talk to
20 landowners in the area and get as much land as possible. I wasn't aware of
21 that.

22 Q 400Who told you that the manager advised him to go him to go and get --

23 A That was what I believed happened in a letter, I think you'll find there was a
24 correspondence in that regard from Dun Laoghaire Rathdown County Council. He
25 said that Mr. O'Halloran said that he was advised -- this was afterwards and
26 when I knew about it, I wasn't aware actually that I was voting on Jackson Way,
27 believe it or not, extension. It was only when the whole thing was over that I
28 realised that he had voted for part of Jackson Way.

29 Q 401You are saying you voted on a motion in respect of lands and you weren't sure
30 of the extent of the lands?

1 A Correct.

2 Q 402The ownership of the lands?

3 A Correct.

4 Q 403But you had --

5 A Apart from the ownership, I wasn't -- I wasn't aware of the extent of the land.

6 Q 404But you would have got a map accompanying the motion; isn't that right?

7 A I would have, yeah, but again it wasn't drawn to my attention that there were
8 two different lands.

9 Q 405So, you are saying nobody brought it to your attention that the O'Halloran
10 motion included a portion of the Jackson Way lands?

11 A No, nobody brought --

12 Q 406You didn't know when you voted on the motion?

13 A I didn't.

14 Q 407Would it have made a difference had you known?

15 A Well, it might but on the other hand it shouldn't really.

16 Q 408I thought a moment ago you said that ownership didn't make a difference?

17 A It doesn't really, but I'm just saying to you I didn't know that I was
18 voting --

19 Q 409When did you suddenly discover you had zoned part of the Jackson Way lands?

20 A Probably about three months afterwards.

21 Q 410How did that come to your attention?

22 A It came to my attention where there was an objection by Jackson Way against Dun
23 Laoghaire/Rathdown County Council and by way of objection to the motorway line.

24 Q 411That would have been what, early 1998?

25 A Whenever, yeah.

26 Q 412March, 1998?

27 A I haven't the dates now.

28 Q 413You had certainly known by June of 1998?

29 A Yeah.

30 Q 414Why didn't you vote against the confirmation of the amendment on the 16th June

1 1998 if you were --

2 A Well, what the manager was saying then was that if we were going for a business
3 park, he had no problem with it insofar as it was ideal industrial development.

4 Q 415 Well, I will tell you exactly what the manager said on the 16th June 1998
5 because it's in the minutes, if I could have page 190 please.

6 A I think that was on --

7 Q 416 This is on the proposed changes to the map which would give effect to what was
8 voted on in December 1997. "It is considered that these lands would be in the
9 medium to long-term suitable to be zoned for industrial purposes. Until the
10 Southeastern Motorway is in place, and adequate access to the land can be
11 provided, it would be premature to zone the land. In addition, the lands are
12 outside the area of the proposed Sandyford high level water supply catchment
13 and could not presently be serviced. Even if these restrictions did not apply
14 the lands subject to promotion do not have direct access to the existing road
15 system which would in any event be inadequate to cater for the development of
16 these lands at present. The only access is agricultural access to Golf Lane.
17 The Southeastern Motorway scheme makes provision for an agricultural access
18 under the proposed motorway which would not be suitable access to the
19 residential or industrial lands. The medium to long-term access to these lands
20 when available for development should be from the Glenamuck Road via the
21 roundabout to the north of the interchange suitably redesigned and enlarged.

22
23 It is considered that this proposed zoning is premature until: A, the SEM is
24 in place, B, adequate access can be provided to the lands from upgraded local
25 road network and C, a public water supply can be provided.

26 In addition, this zoning is considered premature until an action area plan for
27 the Cherrywood area is completed.

28
29 Recommendation: That the amendment be rejected."

30 A Yes, but he also -- Willie Murray, who was manager there at that time, said it

1 would be quite suitable for industrial land in conjunction with a science and
2 technology park, it would be complementary. It was proposed originally that
3 would be, would have been residential but on an amendment, believe it or not,
4 by Eithne Fitzgerald, it was agreed unanimously that the thing would go
5 through.

6 Q 417 In fairness to you, I am going to read the rest of what's here because I think
7 --

8 A This is the way I understood it.

9 Q 418 I appreciate that and this may be of some support to what your belief was at
10 the time. It says "In response to a specific question from Councillor Coffey
11 in relation to the acceptability of uses associated with new technology and
12 various land use zones, Mr. W Murray, county planning officer, replied that
13 proposals for some uses which are not specifically referred to in the Draft
14 Development Plan are assessed having regard to section 3.2.6 of the written
15 statement which states: Other uses not mentioned throughout the use table will
16 be considered in relation to the general policies of the plan and to zoning
17 objectives for the area in question. In general uses such as telemarketing,
18 data processing, software development and information technology would be
19 regarded as acceptable and industrial town centres and district centre zones."
20 Is that what you are referring to?

21 A Yeah.

22 Q 419 Is that clarification in some way changes the manager's recommendation that the
23 amendment be rejected?

24 A Yeah, yeah.

25 Q 420 I suggest to you it doesn't say that, the manager's recommendation?

26 A It was agreed, the thing was agreed unanimously.

27 Q 421 What was agreed unanimously was a motion proposed by Councillor Fitzgerald and
28 Councillor Smith that no industrial development be permitted on the lands until
29 a whole series of things came about.

30 A Yeah, but that's why. I'm sorry to take a different point of view than

1 yourself --

2 Q 422I have no point of view.

3 A The point I'm making is that we are only providing a Draft Development Plan for
4 five or six years down the road. If the planners decide that there's not
5 sufficient infrastructure in the area, well then there is no planning
6 permission given. It's as simple as that.

7 Q 423You were providing not a draft plan at this stage, you were providing for the
8 actual plan which was the 1998 Dun Laoghaire Rathdown council plan; is that
9 right?

10 A Yes.

11 Q 424You accept that. That wasn't a draft plan?

12 A I am saying we were providing a plan for the next six years or five years down
13 the road and it's entirely at the behest of the planners and I can't suppress
14 that enough, if there's not sufficient industry or development potential and
15 water and so forth, I mean we are now told in the present plan and I don't want
16 to deviate from what we are saying but we are now told in the present plan we
17 are 78 hectares of short of what we need for zoned land in Dun Laoghaire
18 Rathdown county council and the manager has put a warning out on the plan and
19 told the members that. Now, what's changed between now and then you have to
20 ask yourself very carefully.

21 Q 425It's slightly after one o'clock.

22

23 CHAIRMAN: We'll rise until about two o'clock.

24

25 THE TRIBUNAL THEN ADJOURNED FOR LUNCH.

26

27

28

29

30

1 THE TRIBUNAL RESUMED AS FOLLOWS AFTER LUNCH:

2
3 CONTINUATION OF EXAMINATION OF MR. LARRY BUTLER

4 BY MR. QUINN:

5
6 MR. QUINN: Before lunch we were dealing with the 1997 position and the
7 motions which were put forward both in relation to the Jackson Way Properties
8 Limited and in relation to Messrs. O'Halloran Kilcoyne Darragh. And I think
9 you have indicated to the Tribunal that in relation to the Jackson Way motions
10 which were ultimately signed by Mr. Fox and Mr. Cosgrave, that you refused to
11 sign those motions; isn't that right?

12 A. Yes.

13 Q.426At a meeting with Mr. Dunlop at Tara Towers Hotel on 30th September 1997?

14 A. That's correct.

15 Q.427Not alone did you refuse to sign the motions but you conveyed to Mr. Dunlop
16 your apprehension about who might be behind the company and you also indicated
17 to him that you wouldn't support the motions; isn't that right?

18 A. That's correct.

19 Q.428And would it be fair to say that you left him in no doubt but that irrespective
20 whether it was a residential rezoning or industrial rezoning, you were not
21 going to support either?

22 A. That's correct, yeah.

23 Q.429You say you were also approached by Mr. Kilcoyne in relation to the O'Halloran
24 motions, these were the motions which were put forward at the meeting in
25 September '97?

26 A. Yes.

27 Q.430You were asked to sign those motions?

28 A. That's right.

29 Q.431You were asked by Mr. Kilcoyne?

30 A. Yes.

1 Q.432Did he have a copy of the motions when he asked you to sign them?

2 A. No. It was in conversation he asked me to sign. Would I sign.

3 Q.433Would you sign?

4 A. Yeah.

5 Q.434Again you said that you wouldn't?

6 A. No.

7 Q.435Again you left him in no doubt that you wouldn't sign or support those motions?

8 A. That's correct.

9 Q.436Did you tell him why you wouldn't support the motions?

10 A. Are we going back to '97 now?

11 Q.437Yes, 1997.

12 A. '97, what we did in '97 -- now let me retrace my steps. Yeah, '97 as far as I
13 am aware, he didn't ask me to sign the motion in '97, it was '92.

14 Q.438I am sorry, I completely misunderstood your evidence.

15 A. In '92. No, I wasn't asked to sign any motion in '97.

16 Q.439Did Mr. Dunlop approach you in '97 and advise you that there was an O'Halloran
17 motion and he was seeking your support for that motion?

18 A. No. Mr. Dunlop only spoke about the Jackson Way development.

19 Q.440That was in the meeting in September '97?

20 A. Correct, yeah.

21 Q.441But you did have a meeting with Mr. Dunlop on the 24th November 1997? If we
22 could have the Carrickmines brief 3532. It's in his diary a meeting at 6.30,
23 meeting, Dun Laoghaire Town Hall?

24 A. To the best of my recollection, I was going late into the meeting and I said
25 hello Frank, how are you, and that is as far, as I can recollect, the extent of
26 my meeting with Mr. Dunlop.

27 Q.442That was a casual meeting where you acknowledge his meeting?

28 A. Correct.

29 Q.443What I am referring to is an entry in his diary --

30 A. I don't have any recollection at all of any meeting in the Town Hall. Where

1 would I have it? Has he said where it was?

2 Q.444If I could have the Larry Butler brief page 17, please. I will put exactly to
3 you what Mr. Dunlop says in relation to it. I am suggesting to you that you
4 discussed the Jackson Way O'Halloran lands motion at that meeting, according to
5 Mr. Dunlop.

6 A. Didn't happen.

7 Q.445At question 4: "All right. So that isn't applicable. May I have 3523, the
8 24/11/1997. Sorry 3532.

9 Answer: What date, Mr. Gallagher?

10 Question: For the 24th November, the bottom of the page the last entry for
11 that date is shown 6.30 Larry Butler or DL Town Hall.

12 Answer: No, the 24th, Monday 24th November 1997, 6.30 Dun Laoghaire Town Hall,
13 that's DL Dun Laoghaire Town Hall.

14 Question: I see. Can you recall whether you discussed the Jackson Way
15 O'Halloran Kilcoyne Darragh motions with him or the --

16 Answer: Yes, I believe I did and that was the purpose of the meeting. For
17 clarification, Mr. Gallagher, I do believe that at the meeting with Larry
18 Butler at the Tara Towers, it doesn't matter now, I do believe that I did
19 discuss on that occasion with Larry Butler the possibility of him signing a
20 motion and he refused."

21

22 A. The reality is very simple, he already got my decision at the Tara Towers, why
23 was he coming back to me again? I'll be honest with you mI don't remember --
24 except seeing him in the hallway going in and saying good evening Frank.

25 Q.446Could I have document 3532, the reason I am putting this meeting to you --

26 A. I understand.

27 Q.447-- is first of all Mr. Dunlop has given evidence of it.

28 A. Yes.

29 Q.448Secondly, he has a note in his diary of a meeting with you. Now, he wouldn't
30 enter a note in his diary of a meeting with you if he saluted you on the steps

1 of the Town Hall?

2 A. Where did we have the meeting? That's what I want to know. He is suggesting
3 we met me in Dun Laoghaire Town Hall, I have no recollection with the exception
4 of seeing him there, we didn't have any discussion so if he is calling that a
5 meeting, I don't understand.

6 Q.449 Why do you recall that specific meeting with Mr. Dunlop?

7 A. Why do I recall?

8 Q.450 Recall that particular one, that particular one where you saluted him?

9 A. Well -- I only remember seeing him there. I don't remember any meeting, that's
10 the point I am making.

11 Q.451 You don't remember any meeting?

12 A. No.

13 Q.452 Other than seeing --

14 A. And I mean I'd have to ask the question why would I have a meeting with him
15 when Mr. Dunlop already knew exactly the position?

16 Q.453 Could we have the entry again please, 3532 of the Carrickmines brief, or page
17 88 of the Butler brief. What I am suggesting to you, what I am putting to you
18 is that Mr. Dunlop has an entry in his diary --

19 A. I understand that.

20 Q.454 It would appear to be a contemporaneous entry. It says, "Larry Butler/DL Town
21 Hall." Mr. Dunlop has given evidence in relation to the entry.

22 A. I certainly can't recall any conversation about O'Halloran's land or anybody
23 else's land on that occasion. Meeting would have been hello, how are you.

24 Q.455 This is the 24th November, it's the cut off date, the day the 25th is the cut
25 off deadline for lodging of motions in relation to Dun Laoghaire/Rathdown?

26 A. Mmm.

27 Q.456 It's highly improbable that Mr. Dunlop would have entered a note in his diary
28 if he just saluted you at the Town Hall?

29 A. I can't help you there, I am sorry.

30 Q.457 Are you absolutely adamant that in relation to your meeting on the 30th

1 September that you left Mr. Dunlop under no apprehension that you would not be
2 supporting that motion?

3 A. None whatsoever.

4 Q.458Mr. Fox, when he came to give evidence, had the impression that you had
5 indicated to Mr. Dunlop that you would be supportive but that you wouldn't sign
6 the motion?

7 A. Well, if I was, why would I be voting against it?

8 Q.459If we could have page number 39. This is Mr. Fox's evidence now I am putting
9 to you.

10 A. Mmm.

11 Q.460He is being asked about the other councillors, "Who was the other councillor?

12 Answer: Councillor Betty Coffey.

13 Question: You asked him why he hadn't approached Councillor Coffey or
14 Councillor Butler?

15 Answer: Yeah.

16 Question: What did he say?

17 Answer: In relation to Betty Coffey he didn't think she would, you know, sign
18 it in that sense or whatever.

19 Question: Sorry, I'd like you to tell the Tribunal, Mr. Fox, what he told you
20 when you asked him that question.

21 Answer: When I asked he said about Councillor Betty Coffey, he said she would
22 be jumping around in the sense -- and then a derogatory remark and I just
23 wouldn't say it, you know.

24 Question: What about Larry Butler?

25 Answer: He said Larry was sort of, sort of maybe a supporter, but that it was
26 too close in relation to the location end of it.

27 Question: I don't understand that.

28 Answer: That he, in relation to it, he might be in favour for it in relation
29 -- favourably towards it, but he didn't want to sign it.

30 Question: Did he tell you that he had approached Councillor Butler and that he

1 had refused to sign it because he was too close to it but that he was in favour
2 of it.

3 Answer: Yes.

4 Question: Did Mr. Dunlop say that to you?

5 Answer: He did, yeah.

6 Question: In relation to Councillor Coffey, you gave the impression he hadn't
7 approached Councillor Coffey at all in relation to the matter and excluded
8 himself in approaching her.

9 Answer: Yeah, with some derogatory remarks.

10 Question: He excluded her but he hadn't approached her?

11 Answer: I don't think so.

12 Question: Sorry.

13 Answer: I am not 100 percent sure, I don't think he did.

14 Question: You don't think he did approach her?

15 Answer: No.

16 Question: Was the motion signed by anybody when you saw it?

17 Answer: It was, yeah.

18 Question: Who had signed it?

19 Answer: Councillor Liam Cosgrave.

20 Question: If we could have document 2247 please. He had two motions, both
21 signed by Councillor Liam Cosgrave when you met with him; isn't that right?

22 Answer: That's right.

23 Question: You met with him in the Davenport Hotel?

24 Answer: Met him in the Davenport Hotel.

25 Question: He asked you to sign the motions and the maps.

26 Answer: Countersign them, yeah.

27 Question: You asked him why he hadn't asked Councillor Coffey or Butler to do
28 that.

29 Answer: Yes.

30 Question: He had advised you that he had asked Councillor Butler, and although

1 Councillor Butler was supportive, he wouldn't sign the motion and you can't
2 recall whether or not he had asked Councillor Coffey to sign it?

3 Answer: Yeah.

4 Question: He gave you the impression that he thought she wouldn't.

5 Answer: Yeah, that's right."

6

7 A. But surely it's a contradiction there if Mr. Dunlop said that he already spoke
8 to me and I wasn't supporting it, why would he tell Mr. Fox that I -- I might
9 be supportive?

10 Q.461 Yes. He gave the impression to Mr. Fox that whilst you weren't prepared to
11 sign the motion, that you would be --

12 A. I rest my case there. Somebody is --

13 Q.462 Maybe you were prepared to vote in favour of the motion or canvass in favour of
14 the motion but not sign the motion?

15 A. If I was, why didn't I? I didn't. Isn't that the final --

16 Q.463 You are saying you didn't canvass or seek support from your colleagues in
17 relation to the motion?

18 A. No.

19 Q.464 And you say that you knew nothing about the O'Halloran motion until you came to
20 vote on it --

21 A. I didn't know, I am being very genuine with you, I didn't know that there was
22 any extra land attached to the O'Halloran land at all. I mean, that's a fact.
23 And nobody told me and that was it.

24 Q.465 When Mr. Dunlop asked you to sign the motions for the Jackson Way property, you
25 say that you refused to sign them because your supporters weren't in favour of
26 that scale of development, industrial development; isn't that right?

27 A. That's right.

28 Q.466 Were they in favour of residential development?

29 A. They were, but at a certain level as far as I know. And -- but had decided
30 that in 1997 we're now talking about, isn't that right?

1 Q.467That's right?

2 A. In 1997 the actual development which we were planned that we were doing was
3 mainly development on the northern side of the motorway. And this --

4 Q.468Sorry.

5 A. Just let me, I'll just finish.

6 Q.469Please.

7 A. I certainly wasn't in favour of any -- at that particular point in the
8 Cherrywood Development. Now, obviously that will all change with
9 infrastructure and so forth coming onstream. I certainly wasn't in favour at
10 that particular time of any further development there really because --

11 Q.470Residential, industrial or otherwise?

12 A. With the exception of whatever was going to happen, there was going to be
13 subject to be, the road was going to be subject to infrastructural development
14 and water. Now, we had no problem in bringing in reasonable zonings on the
15 basis that they would be there when the development was going to take place.
16 Now we can see kind of, you know, five or six years on, most of the
17 infrastructure was there. Most of it.

18 Q.471In relation to what Mr. Fox had to say and his impression of Mr. Dunlop, if he
19 is to be believed, namely that you weren't prepared to sign the motion but that
20 you were prepared to support the motion it might be suggested that you were
21 running with the hare and chasing with the hunt, if I could use that
22 expression?

23 A. I don't use that phrase, that's Mr. Dunlop's phrase.

24 Q.472In 1992 you were very much opposed to any development in the area; isn't that
25 right?

26 A. Well, no. I think we outlined in our letter to you, to the Tribunal here, that
27 there was a certain amount of development -- the Carrickmines people decided
28 there had to be some development and the Corcoran and Grimes land would be most
29 suitable.

30 Q.473But the Corcoran and Grimes land had been zoned industrial from the '83 plan.

1 It was zoned back and forth but was eventually left as industrial in the 1993
2 plan; isn't that right?

3 A. In --

4 Q.474In --

5 A. Yeah.

6 Q.475It retained 1993 zoning in the 1993 plan although the interim Draft Development
7 Plan was for different zoning?

8 A. It's not fair to say they weren't in favour, they were in favour of that.

9 Q.476That was a situation where there was already a non-agricultural zoning on the
10 lands; isn't that right?

11 A. If they weren't in favour of development, they would have asked me to down zone
12 our -- not support any zoning there, but that wasn't the case. They were
13 prepared to accept certain amount of development in certain areas and that it
14 would be managed properly. I think that was the main thrust of their --

15 Q.477But you yourself had no difficulty in signing a motion in '97 for residential
16 zoning in this area; isn't that right?

17 A. In regard to?

18 Q.478Lands close to the Jackson Way lands and O'Halloran lands?

19 A. In '97 things would have changed substantially.

20 Q.479What had changed in '97 from '92?

21 A. First of all, we had decided, you know, the motorway, we had decided the
22 infrastructure.

23 Q.480The motorway hadn't been confirmed in '97; isn't that right?

24 A. Not confirmed, but I mean the MC O'Sullivan report which was there which we had
25 got and they seemed to be suggesting the route of the motorway.

26 Q.481Not alone that, but the lands at that side of the motorway weren't going to be
27 served by the Sandyford high level water scheme; isn't that right?

28 A. Land that you are talking about now that had proposals, Smyth's land, was it?

29 Q.482Yes?

30 A. We qualified that very well in our earlier remarks by saying that we didn't

1 think it was going anywhere.

2 Q.483Well --

3 A. We put it up for debate and there was no support for it.

4 Q.484On the 24th November 1997, if I could have page 104 please, you signed or
5 countersigned a motion which proposed the rezoning of 11 acres of land from
6 agricultural to A1 residential.

7 A. Mmm.

8 Q.485These are lands which adjoin the O'Halloran lands; isn't that right?

9 A. Didn't we qualify that to you by saying --

10 Q.486I'll come to the qualification in a moment. Let's establish what happened.

11 A. Absolutely, I did, yeah.

12 Q.487You had refused, you say, to sign Mr. Dunlop's motion for the Jackson Way
13 lands, but now you have signed a motion for these lands for residential
14 development; isn't that right?

15 A. Yeah.

16 Q.488And you promoting these lands for residential development; isn't that right?

17 A. Yeah.

18 Q.489By signing the motion?

19 A. Yeah, true.

20 Q.490You were speaking in favour of and asking your colleagues to support rezoning
21 of these lands?

22 A. Well, to honest with you we didn't -- there wasn't very much arm twisting, I
23 can tell you, because we found out after about five minutes of the motion that
24 there was little or no support for it.

25 Q.491When you signed the motion, you weren't to know what the support would be?

26 A. I told Mr. Smyth that I didn't think -- that I thought it premature, I would
27 put it up for debate and that's exactly what happened.

28 Q.492Didn't you do more than put it up for debate? Didn't you actually amend the
29 motion in the course of the debate to industrial zoning?

30 A. I am not sure.

1 Q.493If we could have document 105 and 106, and I will read to you the debate on
2 this proposal. It reads as follows, "The following report and recommendation
3 of the manager which had been circulated was noted. Summary: Request rezoning
4 of 11 acres of lands west of Glenamuck Road from B to A. From the Glenamuck
5 Road via the roundabout to the --"

6

7 Sorry, I just take it at page 106, the description of the lands were the
8 Glenamuck Road via the roundabout to the south of the interchange suitably
9 redesigned and enlarged.

10

11 "The lands are also affected by an objective to provide for park and ride for
12 the LUAS system.

13 It is considered that this proposed zoning is premature until:

14 A. The SEM is in place.

15 B. Adequate access can be provided to the lands from the upgraded local road
16 network.

17 C. The public water supply with be provided.

18 D. The Issue of park and ride can be resolved.

19

20 Following discussion, it was proposed by Councillor Lydon that the motion be
21 amended by deleting from the last line of the motion be zoned A1 and
22 substituting the word be zoned E industrial.

23

24 The following amended motion was seconded by Councillor L Butler and was then
25 put:

26 "That Dun Laoghaire/Rathdown County COuncil resolves that the lands known as
27 Priorsland, Carrickmines, comprising circa 11 acres and currently zoned B which
28 was outlined on the map in black attached herewith which has been signed for
29 identification purposes, only be zoned E industrial. On a show of hands An
30 Cathaoirleach, Councillor D Marren, declared the amended motion defeated."

1 A. Yeah.

2 Q.494You were more than putting up a motion for debate, you were actively pursuing a
3 rezoning of these lands; isn't that right?

4 A. I suppose yes. The answer to that is yes.

5 Q.495You were doing it at a time when it was premature; isn't that right?

6 A. Well, I mean it's premature, of course, yeah.

7 Q.496And at a time when you were telling the Tribunal you were not supporting a
8 similar rezoning for the Paisley Park lands?

9 A. Well, I didn't. That's a fact.

10 Q.497You didn't attend a meeting in relation to the Paisley Park lands?

11 A. No, I had a family engagement which I had to leave.

12 Q.498But you did support a similar proposal in relation -- well, not a similar --
13 yes, a similar proposal insofar as the industrial rezoning is concerned in
14 relation to the Jackson Way north of the motorway and all of the O'Halloran
15 Kilcoyne Darragh lands?

16 A. Yes.

17 Q.499That was at a time when it was premature?

18 A. Yes, but it was on the basis that all the infrastructure would be in place
19 before anything took place.

20 Q.500That didn't happen until I think 1998 when it came to confirm the amendment?

21 A. Oh, yeah. Well I mean it was --

22 Q.501 -- The case when you voted in favour of the motion --

23 A. On the basis of infrastructure being in place and as well as that we have to
24 qualify by saying, which I said in my earlier remarks, that zoning is providing
25 a plan for the county, it's not making a decision, it's up to the planners to
26 give planning permission if everything is in place that is required.

27 Q.502But the planners were telling you as a councillor in December 1997, 16th
28 December 1997?

29 A. That's correct.

30 Q.503That the proposed rezoning was premature; isn't that right?

1 A. They are now telling us that we're 85 hectares short.

2 Q.504They are telling you --

3 A. In the current plan.

4 Q.505They were telling you why it was premature, namely the SEM wasn't in place,
5 there wasn't adequate access and there was no water supply?

6 A. Of course, yeah.

7 Q.506Are you saying they were wrong in that?

8 A. Maybe I was wrong.

9 Q.507No, where they wrong in saying all of those things to you in December '97?

10 A. Well in the previous plan they gave us no instructions at all, in '92.

11 Q.508Weren't there 14 working papers produced in 1992?

12 A. Yeah, but when you see the leadership given to us there was little or nothing.

13 Personally speaking I was a new councillor there and I was really in learning

14 curve insofar as -- in 1997 we could see where the motorway line was shaping

15 up, we could see where the development was happening down in at Cherrywood, the

16 LUAS was coming on stream, all these things --

17 Q.509But the manager was telling you that the motion was premature in December '97;
18 isn't that right?

19 A. I know, but sure he is telling us now we need more land. That's a matter of
20 opinion, isn't it?

21 Q.510In early 1998 you were proceeding with a motion which you believed to be
22 premature?

23 A. That's right.

24 Q.511Why were you proceeding with the rezoning of lands which you knew to be
25 premature in 1992? What was so important with the Priorslands in '98 --

26 A. Well, if you don't have --

27 Q.512-- if you knew it was premature?

28 A. I will answer the question. The question is very simple, if you don't have
29 zoned land you will not get infrastructural development within an area. That
30 is a fact.

1 Q.513Are you saying that Mr. Dunlop never approached you in relation to the
2 O'Halloran lands?

3 A. No, not to my knowledge.

4 Q.514And you are saying that Mr. O'Halloran -- neither Mr. O'Halloran nor
5 Mr. Kilcoyne approached you?

6 A. Mr. O'Halloran approached me, I already said that.

7 Q.515Mr. Kilcoyne approached you.

8 A. Yes.

9 Q.516We clarified that because you related that back to 1992 but I am talking about
10 1997.

11 A. No, I had no proposal, I wasn't asked by Mr. Dunlop to propose anything for
12 Mr. O'Halloran.

13 Q.517Were you asked by Mr. Dunlop in relation to the flood attenuation difficulties
14 that Mr. O'Halloran was experiencing?

15 A. Oh yeah. He mentioned that there was certain amount of land needed for to be
16 secured for flood attenuation.

17 Q.518For the flood plain. When did Mr. Dunlop tell you about that?

18 A. Again, I don't have dates.

19 Q.519In what context did that arise? Where did he meet you and how did that arise?

20 A. I just can't recall that now. But at some stage it was mentioned in --

21 Q.520In 1997?

22 A. I think so.

23 Q.521It was before the vote in December 1997?

24 A. Again, I have to -- I don't recall.

25 Q.522And if Mr. Dunlop raised the issue with you in relation to Mr. O'Halloran, you
26 must have known at that stage that Mr. Dunlop was acting for Mr. O'Halloran?

27 A. I did. I knew that in the event Mr. Dunlop was acting for Mr. O'Halloran. What
28 I am saying is he never asked me.

29 Q.523When did you first discover that Mr. Dunlop was acting for Mr. O'Halloran?

30 A. I'd say it was early in probably 1996, I couldn't be sure.

1 Q.524You knew he was acting for Mr. O'Halloran in '97?

2 A. Yeah.

3 Q.525And he had spoken to you about the Jackson Way lands; isn't that right?

4 A. Yeah, he spoke to me about the Jackson Way lands in considerable detail. We
5 had a meeting about it.

6 Q.526He was acting for Jackson Way?

7 A. Yeah.

8 Q.527You knew he was acting for the adjoining landowner?

9 A. Yes.

10 Q.528You are saying he never canvassed or lobbied for your support?

11 A. No, definitely.

12 Q.529Even though they included some of the Jackson Way lands?

13 A. No, he didn't.

14 Q.530What did he ask you to do in relation to the flood reservation lands?

15 A. He didn't ask me to do anything. He just mention that had there was flood
16 attenuation. He didn't ask me to do anything.

17 Q.531In what context did he raise it with you?

18 A. He just said there would have to be provision made in the planning for flood
19 attenuation, that's what the manager was proposing, that's what he said to me.

20 Q.532Had he met you by prior appointment to make that case to you?

21 A. No.

22 Q.533Did he discuss anything else with you at the same time?

23 A. No, that's the only thing I remember now.

24 Q.534In your statement to the Tribunal, Mr. Butler, on the 11th November 2002, you
25 said, this is in relation to Mr. Dunlop, "I knew him well as a member of Fianna
26 Fail and he was a lobbyist. I would meet him at Fianna Fail functions over the
27 years. He lobbied me in the council office on behalf of Jackson Way. To the
28 best of my knowledge I never met Frank Dunlop except at Fianna Fail social
29 functions and at the County Council offices." That's incorrect now, isn't that
30 right?

1 A. It's incorrect insofar as when I was writing the letter I didn't recall the
2 meeting of the, what do you call it, the hotel.

3 Q.535 You were being asked about Mr. Dunlop's contacts with you in relation to
4 Jackson Way; isn't that right?

5 A. Yeah. Well, most of the contact with Mr. Dunlop, as I said to you, was in 1992
6 regarding the Development Plan at that time because I met him going in and out
7 of Dublin County Council.

8 Q.536 I accept that, but this was a meeting in relation to Jackson Way and you knew
9 the Tribunal was about to enquire into Jackson Way?

10 A. Oh yeah.

11 Q.537 This was a meeting with Mr. Dunlop which had taken place five years prior to
12 November 2002?

13 A. Right.

14 Q.538 It was a specific meeting where you were asked for your support in respect of a
15 motion or Jackson Way?

16 A. That's correct.

17 Q.539 You were asked to sign and support a motion?

18 A. Correct.

19 Q.540 Yet in November 2002, you say that in providing information to the Tribunal,
20 you had forgotten about that meeting?

21 A. That's right.

22 Q.541 What caused you to remember the meeting?

23 A. Well, I think -- I mean you are talking about a number of years, I mean it's
24 very difficult to recall everything when you are asked about it. And when Mr.
25 Dunlop in his evidence mentioned the Tara Towers, it clicked with me we did
26 have a meeting.

27 Q.542 Wasn't it a very important meeting; a meeting where you were asked to sign a
28 very important central motion?

29 A. I accept that. I am not going to labour the point, I accept that.

30 Q.543 Although the 1,000 pounds wasn't given to you, Mr. Butler, that's the thousand

1 pounds to Fianna Fail that Mr. O'Halloran paid that we made reference to
2 earlier.

3 A. Yes.

4 Q.544You didn't make reference to that in any statement either to the Tribunal?

5 A. He didn't give it to me.

6 Q.545I accept that. Because of that is that the reason why you didn't tell the
7 Tribunal he made that payment?

8 A. That's right.

9 Q.546You appreciate and you will accept, I think, Mr. Butler, that a rezoning of
10 land would increase the value the land?

11 A. Oh yes.

12 Q.547And your support for the rezoning of the O'Halloran lands would, and the
13 Jackson Way lands, would increase the value of those lands?

14 A. Yes, I think any rezoning will have that affect.

15 Q.548You agreed with me that that was a premature rezoning; isn't that right?

16 A. Yeah.

17 Q.549And that rezoning took place at a time when the Council had yet to acquire
18 adjoining lands for the South Eastern Motorway?

19 A. Let me explain this to you, this has come up a number of times at the Tribunal,
20 I want to clarify it. It made no difference whatsoever, the zoning of the
21 lands in Carrickmines because the line of the motorway was there, hadn't
22 acquired it but the line was there and it was being acquired at agricultural
23 prices, that is vitally important to put into the record. We're getting a lot
24 of stuff out there in the media saying we the councillors put an extra cost to
25 the land. We didn't.

26 Q.550The date of the compensation postdated the notice to treat; isn't that right.

27 A. Yes.

28 Q.551That postdated the rezoning proposals; isn't that right?

29 A. I am not clear. I haven't got the dates, I will take your word for it.

30 Q.552The adjoining lands were rezoned, as I understand it, first of all in December

1 '97 and it was confirmed in June '98. The date of service for the notice to
2 treat postdated both of those dates; isn't that right?

3 A. Yes.

4 Q.553If the --

5 A. We were told by, we were told by the county manager that once the line of the
6 motorway was there, once we decided to zone either left or right the motorway,
7 it wasn't going into interfere with the motorway.

8 Q.554Wasn't going to interfere with the take for the motorway?

9 A. Yes.

10 Q.555But that didn't mean it wouldn't interfere with the cost to the council of the
11 land of the motorway?

12 A. Well, I don't think it did personally.

13 Q.556Thank you, Mr. Butler.

14 A. Thank you very much.

15

16 CHAIRMAN: Mr. O Tuathail, do you wish to --

17

18 MR. O TUATHAIL: I wasn't here the entire morning but my solicitor assures me
19 and for the time I was here myself, there are no questions to Councillor
20 Butler.

21

22 CHAIRMAN: Mr. Dulley, do you want to ask anything?

23

24 MR. DULLEY: No, I have no questions.

25

26 CHAIRMAN: Mr. Rochford, do you want to ask any questions?

27

28 MR. ROCHFORD: No, thank you, Chairman.

29

30 CHAIRMAN: I want to ask you one thing going back to '91 and subsequent

1 years, were you aware of any talk or rumours of corruption among councillors or
2 in the planning process?

3 A. Well I suppose we had to be aware of what was being said on the papers but I
4 certainly in my time in Dublin County Council, which I wasn't long in there
5 because we broke up into three areas, I certainly didn't see anybody or anybody
6 offer me any inducement or certainly even talk of inducement, to be honest with
7 you, Judge.

8
9 CHAIRMAN: but were you aware of reports in the media or talk of corruption,
10 I know what you have just told us is that you didn't have any personal
11 experience or eyewitness account of corruption but were you aware of talk or --

12 A. Absolutely, the media was kind of, you know, probably on a daily or weekly
13 basis anyhow that there was corruption in Dublin County Council planning.

14
15 CHAIRMAN: Would you surprised that some councillors have told the
16 Tribunal --

17 A. Would I be surprised with?

18
19 CHAIRMAN: Would you be surprised that some councillors from that time have
20 told the Tribunal that they weren't really aware of any talk or report of
21 corruption?

22 A. I suppose as personal experience they wouldn't maybe have been aware of it.

23
24 CHAIRMAN: To be aware of the talk of it?

25 A. They wouldn't be aware of it themselves, that's the point I am making as far as
26 I was concerned. I had been a new councillor, nobody came near me.

27
28 CHAIRMAN: The question I was asking you, some councillors have told the
29 Tribunal that they weren't aware of even talk, not personal experience, but
30 talk of corruption or media reports of corruption; would it be surprise you

1 that some councillors would express that view?

2 A. Well, I mean unless they don't read the papers, that's all I can say. I don't
3 know, I couldn't --

4

5 JUDGE FAHERTY: Just one thing, Mr. Butler, I just want you to clarify for
6 me again. Did you speak to Mr. Kilcoyne?

7 A. Yes.

8

9 JUDGE FAHERTY: Did you speak with him prior to the motion of the 16th
10 December 1997?

11 A. 16th --

12

13 JUDGE FAHERTY: There was some mix-up about '92 and '97, I want to clarify
14 it.

15 A. Not that I am aware of, not about the motion because I wasn't putting a motion
16 on.

17

18 JUDGE FAHERTY: I had a note myself of Mr. Kilcoyne's evidence, I may be
19 wrong and I am not going to pin you on this because it's only my handwritten
20 note. Mr. Butler that he said he wasn't involved with Mr. Dunlop directly or
21 the county councillors, he was leaving it to Mr. O'Halloran as I understand it,
22 but except a chat with yourself and Mr. Butler.

23 A. I mean I wasn't putting a motion so I certainly weren't involved, I mean my
24 situation would be assessing the thing, listening to debate and that's the way
25 I assessed it.

26

27 JUDGE FAHERTY: Can you recall any discussion with Mr. Kilcoyne in 1997?

28 A. No.

29

30 JUDGE FAHERTY: Because you have already said, I think, that it surprised to

1 find that some months later, once the motion was passed on the 16th December,
2 that the Jackson Way lands --

3 A. That's right.

4
5 JUDGE FAHERTY: There were two thirds of the lands zoned.

6 A. That will tell you I didn't discuss obviously very much with anyone because I
7 didn't even know about the additional land that was there on the take.

8
9 JUDGE FAHERTY: But if you had spoken to Mr. Kilcoyne, would you accept that
10 it would be unlikely that he wouldn't have appraised you --

11 A. Mr. Kilcoyne certainly never made me aware of any extra land, I am not aware of
12 speaking to Mr. Kilcoyne before the actual meeting.

13
14 JUDGE FAHERTY: I see. One other thing, you said earlier before lunch that
15 for you to sign a motion it would have to be your conviction that it was worth
16 supporting and that the infrastructure or services could or would be in place;
17 is that correct?

18 A. Yeah.

19
20 JUDGE FAHERTY: In your letter to the Tribunal on 11th November last year,
21 and I think you referred to it this afternoon, you say you signed the motion or
22 countersigned the Smyth land motion, the Priors land.

23 A. Yes.

24
25 JUDGE FAHERTY: You said earlier in response to Mr. Quinn that when you were
26 doing the amendment to the O'Halloran motion of the 5th June 1992, that your
27 reason for doing that is that things changed in the council chamber from moment
28 to moment and you didn't know whether or not the residential zoning, the high
29 density could be passed. Your explanation for the amendment, as I understand
30 it, you wanted to defray that or dilute that possibility.

1 A. That's right.

2

3 JUDGE FAHERTY: In your letter on the 11th November last, you admit you knew
4 the services etc weren't in place; isn't that correct?

5 A. Well services have come in place over the last number of years now.

6

7 JUDGE FAHERTY: I understand that, but back in --

8 A. Things obviously have changed. We're now doing another Draft Development Plan
9 down there.

10

11 JUDGE FAHERTY: My basic question was if you weren't convinced of the
12 efficacy of the motion, why would you sign it in the first instance?

13 A. First of all, Mr. Smyth is neighbour there and he is a constituent, he asked me
14 to know would I put it up for discussion. I said it is premature, don't think
15 it will get through, that's exactly what happened. I wrote in my letter the
16 exact account actually of Mr. Smyth's phone calls.

17

18 JUDGE FAHERTY: But you said earlier that you done that on the basis that
19 you knew Mr. Smyth.

20 A. Yes, he is a constituent, I know Mr. Smyth. He only lives up the road to me.
21 It's a small area, we all know each other.

22

23 JUDGE FAHERTY: I accept that. I understood you to say that as far as you
24 are concerned, ownership of land wouldn't be an issue.

25 A. I didn't quite get that.

26

27 JUDGE FAHERTY: I understood to you say that ownership of land wouldn't be
28 an issue.

29 A. It's not an issue. I mean, Mr. Smyth is sitting right on a piece of land
30 there, 11 acres, where the LUAS is going to run through. We have to consider

1 what is going to happen to that, we have to consider all these things in
2 relation to the Draft Development Plan. That's exactly what we were doing.

3
4 JUDGE KEYS: When you voted in favour of the O'Halloran Kilcoyne Darragh
5 motion on 16th December 1997, were you not voting contrary to the policy of the
6 Residents Association at that time?

7 A. In '97?

8
9 JUDGE KEYS: Yes.

10 A. No, the Residents Association had more or less disbanded after the '92
11 situation and -- but I mean we were still acting more or less on the principles
12 if you like.

13
14 JUDGE KEYS: My understanding is the Residents Association were very
15 anti-industrial zoning.

16 A. Yeah.

17
18 JUDGE KEYS: That was their views at that time and I think during the course
19 of your evidence, you seem to suggest that if there was going to be rezoning,
20 it would only be on a residential basis and on the basis of let's say one or
21 two houses per acre or four per acre at the most.

22 A. Sure.

23
24 JUDGE KEYS: Surely their view between 1992 and 1997 had not radically
25 changed to the extent they were now going to a hundred percent turn around and
26 be in favour of industrial zoning?

27 A. Well, again we had to view the industrial zoning in view of the science and
28 technology park which was already there and we had to put something
29 complementary in. That was the main reason for the industrial zoning. I think
30 probably in hindsight it will seem to be quite a good proposal.

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JUDGE KEYS: But that seems to be again contrary to what the policy of the residential association was at the time. You placed the reason for your voting either for or against rezoning was on their policy only and was on that ticket you went up for election.

A. We're talking about; 97, it's different. We're talking about '97 when we had a policy there which the Residents Association had there that they wanted. I supported that. That was a political decision and I had to do that. In '97 things had changed very, very substantially down there.

JUDGE KEYS: In what way to justify a turn around to industrial zoning?

A. Well, first of all, it was on the northern side of the motorway.

JUDGE KEYS: Yes?

A. It was not going to affect the Carrickmines Valley as such and that was one of the main reasons why the industrial side was on that side, because it ties in with the science and technology park. Whether we like it or not, there is a fair amount of planning has gone in there into tuning in that particular area.

JUDGE KEYS: I thought at that stage that the line of the motorway had not been fixed, that wasn't fixed until November 1998, the following year; isn't that correct?

A. That's right. But there was -- the MC O'Sullivan report was around for quite a while and they had more or less decided that that was the line of the motorway, MC O'Sullivan and the manager, and we only supported that. That was the basic situation.

JUDGE KEYS: I see. Thank you

MR. QUINN: Thank you, Mr. Butler

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CHAIRMAN: Thank you, Mr. Butler, for your attendance.

THE WITNESS THEN WITHDREW.

MR. QUINN: John O'Halloran please.

MR. DULLEY: Could I indicate, Mr. Chairman, I appear for Mr. O'Halloran instructed by Cullen and Company.

JOHN O'HALLORAN, HAVING BEEN SWORN, WAS DIRECTLY EXAMINED

AS FOLLOWS BY MR. QUINN:

Q.557MR. QUINN: Good afternoon, Mr. O'Halloran.

A. Good afternoon.

Q.558I don't know if you were here this morning to hear Mr. Butler's evidence?

A. I was here.

Q.559You will know the format then. I propose to read some of the correspondence which you have had with the Tribunal and then I propose to ask you a number of questions arising out of that.

A. Okay.

Q.560I am going to put some correspondence on the monitor but I have excluded correspondence which relates to matters which have nothing to do with this module.

A. Okay.

Q.561You wrote to the Tribunal on the 26th January 2000 and you conclude that letter, if I could have page 287, as follows, "I already received 2,500 pounds from Frank Dunlop as contribution towards my election expenses during the by-election in Dublin West in April 1996."

1 Then on the 20th April 2000 you concluded a letter, page 285, by saying "I also
2 received a donation of 2,500 pounds from Frank Dunlop in 1996 when I was
3 candidate in the Dublin West by-election which took place in April of that
4 year."

5
6 Then on the 22nd November 2000 you were written to and asked for your
7 information concerning Paisley Park or Jackson Way. If I could have document
8 number 159 please. That's a letter to you of the 22nd November 2000 and I
9 don't propose to read the entire correspondence from the Tribunal, only your
10 response. Do you see that letter? You recall receiving that letter I am sure.

11
12 You reply to it by letter of the 20th September 2000 and if I could have
13 document 208 please. You said, this is from your solicitors "Our client John
14 O'Halloran PC Tribunal of Inquiry into Certain Planning Matters and Payments.
15 Dear Ms. Howard, I refer to your letter dated 22nd November 2000 and note the
16 contents thereof." Then I read the relevant extract.

17
18 A. I did not receive any payment from Frank Dunlop in the course of the review
19 1993 Dublin country Development Plan 1989/1993 approximately in connection with
20 the proposed rezoning of land in the Carrickmines Valley.

21
22 B. I have already indicated in my previous statement to the Tribunal that I
23 did receive 2,500 pounds from Frank Dunlop as a political contribution in the
24 course of my campaign as an independent candidate in the Dail by election in
25 1996. I personally solicited these funds from Mr. Dunlop as a political
26 donation. I can not now recall the precise date on which I made this request
27 of Mr. Dunlop other than to say that it was after the date of the proposed
28 by-election had been announced and before the election date itself. I recall
29 that payment was in the form of a cheque which I subsequently lodged into my
30 bank account and Trustee Savings Bank in Clondalkin. I believe the Tribunal is

1 already in possession of my bank account details and transactions during this
2 period. I further confirm that I did not distinguish this political
3 contribution from my personal funds nor have I accounted separately the
4 expenditure of the money received from Mr. Dunlop for expenses incurred by me
5 in the course of running my campaign.

6
7 I was not in a position to furnish the Tribunal with any documentary evidence
8 other than information already available to the Tribunal from my disclosed bank
9 accounts as to how these monies were spent. I further confirm I did not issue
10 an act lodgment/receipt to Mr. Dunlop in respect of such a payment. I wish to
11 reiterate that money received from Mr. Dunlop was not a payment in connection
12 with any rezoning proposal or planning matter as is implied in the text of your
13 letter dated 22nd November 2000."

14
15 That was dated the 18th December 2000, that statement but it wasn't signed and
16 it was signed subsequently; isn't that right? I will give you the date if you
17 wish.

18 A. Wasn't signed by me?

19 Q.562At that time.

20 A. Probably.

21 Q.563But you did sign it subsequently; isn't that right?

22 A. Yeah.

23 Q.564Then if I can go forward to the 25th November 2002, which is two years after
24 that letter. Your solicitors wrote as follows to the Tribunal. "Our client:
25 John O'Halloran. Carrickmines 1 witness statements." You had received the
26 witness statements at that stage in relation to this module; isn't that right?

27
28 CHAIRMAN: Have we a reference for that?

29
30 MR. QUINN: Page 293.

1 "Dear Madam, Our client, John O'Halloran, wishes to bring to the attention of
2 Tribunal a unintentional inaccuracy in his letter of reply dated 20th December
3 2000 to the Tribunal's letter 22nd November 2000. In the course of our
4 client's reply, he stated that the sole payment which he could recall having
5 received from Mr. Dunlop was the sum of 2,500 pounds paid by cheque as a
6 political donation to our client to defray electoral expenses in the course of
7 his campaign as candidate in the County Dublin by-election in 1996.

8
9 Our client has now brought it to our attention that he has a recollection of
10 receiving a political donation from Mr. Dunlop in the sum approximately 500
11 pounds whilst an elected member of Dublin County Council. It is our client's
12 further recollection that he received this donation at some time between June
13 1991 and December 1993 at or in the environs of Council headquarters in Upper
14 O'Connell Street. He believes that the donation was made by Mr. Dunlop
15 following a conversation initiated by Mr. Dunlop and was unsolicited by our
16 client. Our client cannot recall whether the donation was made in the course
17 of his conversation with Mr. Dunlop or subsequently. Our client wishes to make
18 clear that he accepted this donation as a straightforward political
19 contribution without express or implied agreement or understanding that its
20 acceptance was in return for agreeing to support any land rezoning proposals in
21 the Dublin Draft Development Plan either concerning lands in Carrickmines or
22 otherwise.

23
24 It's a matter of considerable embarrassment to our client that he did not
25 recall this recall this political contribution at an earlier stage. However,
26 it is in the context of our client's absolute cooperation with the work of this
27 Tribunal to date that our client has specifically instructed us to bring this
28 recollection of his payment to Tribunal's attention so as to enable the
29 Tribunal to include this connection in its opening statement. We're further
30 instructed to apologise to the Tribunal on our client's behalf for this

1 unintentional accuracy in our client's original response.

2
3 Should the Tribunal require any further information, our client will be
4 delighted to assist its members to the best of his ability."

5
6 In the course of his evidence to the Tribunal, Mr. Dunlop made evidence to
7 people that he had spoken concerning the workings of the Tribunal and he has
8 supplied a statement and I propose to read the statement and read what he says
9 in relation to you and contacts with you and then I will read the letter to you
10 and your response in relation to the matter. If I could have page 295.

11 "Narrative statement re: List number 1. List of politicians with whom I had
12 various discussions/conversations about the Tribunal subsequent to its
13 establishment.

14
15 Preamble.

16 After the Tribunal was established given the intensive continuing media
17 coverage of events leading up to its establishment there was constant and
18 almost unending speculation about what would happen. It was generally accepted
19 that the Tribunal would be short, would get nowhere and everything would be
20 forgotten about. Much amusement existed as the Tribunal progressed,
21 particularly in the circumstances of Mr. Gogarty's evidence. Conversations
22 with those on the list, therefore, were of a general nature but were dismissive
23 of the extent of the power of the Tribunal. This changed dramatically after
24 the extension of the remit of the Terms of Reference of the Tribunal. The
25 debate began to focus much more clearly on money; how, much, when and for what.
26 Those who had nothing to hide evidenced complete indifference to the whole
27 matter and those who had received monies for purposes other than legitimate
28 political events such as local elections, Senate elections and general
29 elections began to weave a web of intrigue as to the reasons and motions for
30 such monies. I participated in this intrigue in the knowledge and agreement

1 that everybody would categorise all payments as legitimate fortified me in
2 approach in 2000."

3
4 If I could go to page 297, he says the following under the heading, John
5 O'Halloran: "John O'Halloran rang me in my office to say that he would be
6 telling the Tribunal about the 2,500 pounds by-election donation in 1996 and
7 was that okay with me. I told him he had no option but to do so because the
8 cheque would be traced. Otherwise he said he was telling the Tribunal nothing
9 and I agreed. This conversation followed queries from the Tribunal to John
10 O'Halloran and preceded any appearance in April 2000. I have not met or spoken
11 with John O'Halloran since 1999."

12
13 On the 5th February, if we could have page 4 of the brief, you were written to
14 by the Tribunal and you were asked a series of questions about meetings or
15 communications which you might have had with various people since the 4th
16 November 1997 and, again, unless your counsel wish me to read it, I don't
17 propose to open the letter in detail, but I will open your reply which is dated
18 7th February 2003 and at page two. It's from your solicitors, it's headed:
19 Carrickmines 1 Inquiry. Our client: John O'Halloran.

20 Dear Ms. Howard,

21 We acknowledge receipt of your letter of 5th February 2003. We confirm we're
22 have now taken our client's instructions and would reply to the items referred
23 to in your letter as follows.

24
25 1. Our client cannot be specific regarding the exact date but he states that
26 he did receive one telephone call and possibly a second telephone from Mr.
27 Dunlop in the early days following the establishment of the Tribunal of inquiry
28 into Certain Planning Matters and Payments."

29
30 Now, the balance of the letter has to be read in conjunction with the questions

1 raised in the letter of the 5th February.

2
3 Question 2 A was, "If the answer to question one is yes please furnish full and
4 detailed particulars of every such meeting, communication and/or discussion
5 setting out in respect of each such meeting, communication and/or discussion
6 the following.

7 2A. When each such meeting, communication and/or discussion took place." And
8 the answer is not known.

9
10 "B. Where each such meeting, communication and/or discussion taking place."
11 The answer is: "Communication was by telephone on one and possibly a second
12 occasion."

13
14 "C. In whose presence each meeting, communication and/or discussion took
15 place."

16 Answer: "Communication was by telephone."

17
18 "D. The reason why each meeting, communication and/or discussion took place."

19 Answer: "Mr. O'Halloran received a telephone call from Mr. Dunlop and Mr.
20 Dunlop asked him to confirm his memory of donations made to clubs and
21 associations in the north Clondalkin/Quarryvale area. Mr. Dunlop also
22 mentioned to Mr. O'Halloran the political donation made by Mr. Dunlop to Mr.
23 O'Halloran in the context of the by-election which had already been discovered
24 to the Tribunal. Mr. O'Halloran formed the impression that the telephone call
25 was made by Mr. Dunlop to refresh his memory and confirm facts prior to Mr.
26 Dunlop stating these facts to the Tribunal.

27
28 "E. Who arranged, initiated such meeting communication and/or discussion?"

29 Response: "Communication was initiated by Mr. Dunlop."

30

1 "F. What your client discussed with Mr. Dunlop at each such meeting,
2 communication and/or discussion relating to the Tribunal."

3 Answer: "See previous reply."
4

5 "G. Any other information your client considers relevant."

6 Answer: "None."
7

8 Then the remaining questions asked of you by the Tribunal at paragraph 3, "What
9 if anything was said and by whom at each such meeting, communication and/or
10 discussion in relation to A, Any contribution/donations/payments/gifts made to
11 your client (and whether directly or indirectly) by or on behalf of Frank
12 Dunlop or any company or legal entity with which he was or is associated."

13 Answer: "See previous reply."
14

15 "B. The evidence to be given to the Tribunal by your client and/or Frank
16 Dunlop and/or any other witness or potential witness."

17 Answer: "No such discussion took place."
18

19 "C. The approach that should be would be adopted by your client and/or Frank
20 Dunlop and/or any other persons in relation to the Tribunal."

21 Answer. "No such discussion took place."
22

23 "D. The manner in which payment/contribution/donation/gift made to you or for
24 your client's benefit by Frank Dunlop (or any company or legal entity with
25 which he was or is associated) would be described or designated by your client
26 and/or Mr. Dunlop in any evidence he outlined would give to the Tribunal."

27 Answer. "No such discussion took place."
28

29 "4. Did your client ever communicate with or have discussions with Frank
30 Dunlop concerning the Tribunal or its likely duration and/or the likely work of

1 the Tribunal."

2 Answer: "No such discussions took place."

3

4 Your letter concludes, "Should you require any clarification on any of the
5 above matters, please do not hesitate to contact us. Yours sincerely, Mary
6 Cullen, solicitor."

7

8 If I could just start perhaps by asking you some background in relation to you
9 and how you became involved in politics generally. I think you are a baker by
10 trade?

11 A. Baker by trade.

12 Q.565I think you did live in the west Dublin area; is that right?

13 A. I beg your pardon?

14 Q.566You did live or still live --

15 A. I still live in west Dublin area, Clondalkin.

16 Q.567When did you first become involved in politics?

17 A. Well, I am a lifetime member of unions and so I always have an affinity towards
18 the Labour Party. I was invited to join sometime in the '60s.

19 Q.568You are a member of the Bakers' Union?

20 A. Yes.

21 Q.569Were you the full-time secretary of the union?

22 A. No, no I was full-time organising secretary for 12 months.

23 Q.570That was when?

24 A. '93, '94. I can't -- it was for a 12-month contract so it was '93 into '94.
25 There or thereabouts.

26 Q.571At some stage in the '90s, I think probably in the early '90s, were you
27 selected by the Labour Party to run as a councillor for the area?

28 A. In '91, asked to stand as candidate in the Lucan ward.

29 Q.572Were there any other candidates in that ward?

30 A. There were two other candidates, Eamon Tuffy, and Michael Brennan.

1 Q.573Was there an outgoing labour councillor in that ward?

2 A. There was, Mick Gannon would have been the labour candidate in Lucan.

3 Q.574Did he go forward for re-election?

4 A. No. He had retired at this stage.

5 Q.575So there were three labour candidates in 1991?

6 A. Yes.

7 Q.576You were elected I think?

8 A. I was elected.

9 Q.577Were any of the other labour candidates elected?

10 A. No, just myself.

11 Q.578You then found yourself in July, June or July of 1991 as the labour candidate

12 for that ward, the Lucan ward, is it?

13 A. Yes.

14 Q.579Now, did you know Mr. Dunlop at this time?

15 A. No, no, no.

16 Q.580Prior to 1991, had you ever met Mr. Dunlop?

17 A. No.

18 Q.581So sometime after your election in 1991, you obviously met Mr. Dunlop?

19 A. I did, yeah.

20 Q.582Can you recall how long after your election?

21 A. I'd say it was a number of months afterwards there was a public meeting in

22 Palmerston, in a school in Palmerston to discuss --

23 Q.583Another development?

24 A. No, no, no. It was to discuss the Quarryvale proposal.

25 Q.584That's what I was referring to as another development.

26 A. I beg your pardon, I apologise.

27 Q.585This was a matter -- a development which was taking place or proposals in

28 relation to a development which was central to your area; isn't that right?

29 A. It was.

30 Q.586You say you met Mr. Dunlop at that meeting?

1 A. Yes.

2 Q.587And over the succeeding months and years, did you get to know Mr. Dunlop quite
3 well?

4 A. No, I wouldn't say I got to know him quite well. I would have seen him several
5 times, as Mr. Butler was saying earlier, he was around the Council office quite
6 a lot but --

7 Q.588Did you see him regularly around the Council office?

8 A. Oh I would, yeah. He was there quite a lot.

9 Q.589He wasn't a constituent of yours?

10 A. No.

11 Q.590What did you understand him to be doing around the Council office?

12 A. I assumed that he was trying to gather support for the other development as you
13 refer to it.

14 Q.591Did you understand him to have other clients other than the other development?

15 A. No, no.

16 Q.592As far as you were concerned he only had one client?

17 A. Yeah.

18 Q.593And did you work with him in relation to that other development?

19 A. Well at the beginning, you see, I'd got a view about this development because
20 living and working in Clondalkin, I mean I knew as well as everybody else we
21 needed some development in the area.

22 Q.594I don't want to go into too much detail at that stage.

23 A. No, I would never say I worked with him.

24 Q.595You would have occasion to meet him on and off; is that correct?

25 A. On occasion, yes.

26 Q.596In that time, '91 and '91 -- I think when you were elected in '91 shortly after
27 that the Draft Development Plan was on public display --

28 A. It was.

29 Q.597It was one of the most central issues facing the special meetings to the new
30 council?

1 A. It was, yeah.

2 Q.598It was quite a controversial issue?

3 A. Yeah.

4 Q.599And the other development had, from time to time, occasion to have an interest
5 in the special meetings; isn't that right?

6 A. Sorry, I don't follow --

7 Q.600I am not making myself very clear. The other development --

8 A. Yes.

9 Q.601- that was the subject of one or two of the special meetings of the new
10 council?

11 A. There would have been for the making of the draft plan.

12 Q.602Are you saying you didn't understand Mr. Dunlop to have any other clients?

13 A. Absolutely, yeah.

14 Q.603So that he -- as far as you were concerned, even though you saw him hanging
15 around the Council chamber for the various special meetings, you understood him
16 to be hanging around in relation to one client and one client only.

17 A. Yeah, yes.

18 Q.604I think in 1992 the special meetings commenced the review of the '91
19 Development Plan by starting in the southeast of County Dublin and working
20 their way around; isn't that right?

21 A. I have to say, I'll take your word for that. I wouldn't claim to remember the
22 sequence of maps or whatever.

23 Q.605Yes?

24 A. So I mean I am accepting what you are saying.

25 Q.606Did Mr. Dunlop ever approach you in relation to any other development other
26 than the one have you referred to earlier?

27 A. No.

28 Q.607Never lobbied you in relation to --

29 A. No.

30 Q.608You did have a number of meetings with Mr. Dunlop between '92 and '97, are you

1 saying all of those meetings related solely to the other development?

2 A. Any time I met with Frank Dunlop and, I mean, Larry Butler was taking issue
3 about meeting him or meeting with him. The only development I would ever have
4 mentioned or discussed with him would have been Quarryvale.

5 Q.609Did you meet with him by prior appointment in relation to Quarryvale?

6 A. On a couple of occasions perhaps.

7 Q.610Yes.

8 A. But I mean, can I just say my support for Quarryvale, I was convinced of that
9 by the developer, not by Frank Dunlop. So I mean I wouldn't have discussed it
10 in any great detail with Frank Dunlop I have to say.

11 Q.611Perhaps if I was to put up a series of entries in Mr. Dunlop's diaries of
12 meetings which would appear to have taken place with you and they would have
13 taken place with you in the context where you would have been convinced you
14 ought to support the Quarryvale project. He would have known that?

15 A. Yes.

16 Q.612If we start with the 5th May 1992, if could I have the Carrickmines brief page
17 1492 please. At this time in May 1992, on the 4th May 1992, that was the
18 deadline for the receipt of motions in relation to maps 26 and 27 which is the
19 Carrickmines area, and a motion had been signed by Councillor Lydon and Hand,
20 do you see that entry in Mr. Dunlop's diary there; John O'Halloran?

21 A. I do, yes.

22 Q.613Can you recall what that meeting was about?

23 A. Absolutely not.

24 Q.614There was a meeting on the 16th September 1992 -- 1625 please. Can you recall
25 what that meeting was about?

26 A. No.

27 Q.615A meeting on the 15th October 1992, 3197, can you recall what that meeting was
28 about?

29 A. No.

30 Q.616Meeting on the 4th November 1992, 1630. Do you recall what that meeting was

1 about?

2 A. I don't remember meeting him so I mean --

3 Q.617Okay. 9th December 1992, 1636. That's five meetings in all noted in Mr.

4 Dunlop's diary in 1992 and you have no recollection of meeting him or what

5 those meetings were about?

6 A. No.

7 Q.618If we could have the 19th April 1993, 1708 please. Do you see that meeting, 6

8 o'clock, John O'Halloran?

9 A. I do, yes.

10 Q.619Silver Gran, does that mean anything to you?

11 A. The Silver Gran is a pub in Palmerston.

12 Q.620Did you ever meet Mr. Dunlop in a pub in Palmerston in 1993?

13 A. No.

14 Q.621The 3rd June 1993, 1712 please, John O'H, Royal Dub, could that be the Royal

15 Dublin?

16 A. Royal Dublin. I could have met him in there because again that would have been

17 part of his --

18 Q.622It was close to the County Council chamber?

19 A. Yeah.

20 Q.623Could you have met him there by prior appointment at 12.30 on the 3rd June

21 1993?

22 A. If I did, I don't recall it.

23 Q.6241725 please, for the 31st August 1993. 10.30 John O'H. Do you recall that

24 meeting?

25 A. No.

26 Q.6253rd September 93, 1725, do you see the 3rd September at the bottom, 2.30, JO'H?

27 9th September '93, 1726 please. Do you see September 9th, John O'H and again

28 on Friday September 10th, John O'H. Do you see that?

29 A. I see it here, yeah.

30 Q.62620th September 1993, 1728, do you see that?

1 A. I do, yeah.

2 Q.6276th April 1994, 1856. John O'Halloran 10.30, 14th March '96, 2001. Called

3 John O'Halloran, do you see that?

4 A. I do, yeah.

5 Q.628Do you recall receiving a phone call from Mr. Dunlop in March 1996?

6 A. Not particularly, I mean --

7 Q.629Okay. 19th March 1996, 3389, j O'Halloran, do you see that?

8 A. I do, yeah.

9 Q.630And the 20th January 1997, 3442.

10

11 CHAIRMAN: What does Mr. O'Halloran say about the 19th March?

12

13 MR. QUINN: What do you say about that meeting on the 19th March 1996?

14 A. I can't recall any particular meetings with Mr. Dunlop. I mean, what I can say

15 is I didn't have schedule meetings at that number with Frank Dunlop.

16

17 MR. QUINN: Can I have 3422 please, 20th January 1997, John O'Halloran. Does

18 it surprise you that there are so many entries in Mr. Dunlop's diary that refer

19 to you between the period '92 and '97?

20 A. It certainly does, yeah.

21 Q.631Do you have any explanation as to why he would have littered his diary with

22 meetings and phone calls during that period?

23 A. No.

24 Q.632You say the only one ever issue you ever discussed with Mr. Dunlop was

25 Quarryvale?

26 A. Correct.

27 Q.633He never lobbied for your support for any other --

28 A. No.

29 Q.634Do you accept that Mr. Dunlop was retained for lobbying purposes for other

30 developers?

1 A. I accept now in light of what has come through the Tribunal. I wasn't aware of
2 it at the time.

3 Q.635 You are saying it is coming as total surprise to you to discover that Mr.
4 Dunlop throughout this period was a lobbyist?

5 A. No, no, no. I knew he was working on behalf of the other development.

6 Q.636 As lobbyist on behalf of any other development?

7 A. No, it came as a surprise to me.

8 Q.637 Why would it come a surprise to you? After all he had at least one client, why
9 would it surprise to you that he had more than one client?

10 A. Came as a surprise in the sense he had alleged he spoke to me and whatever
11 about Carrickmines. It came as a surprise because I wasn't aware of it.

12 Q.638 You may not have been aware of it, surely it must have occurred to you if he
13 had one client, he must have a second client?

14 A. I didn't give it any thought.

15 Q.639 Why not?

16 A. Because it didn't concern me.

17 Q.640 You were forever seeing him, you say, at council meetings?

18 A. And as I said earlier I assumed --

19 Q.641 Even if he lobbying on behalf of Quarryvale, it certainly wouldn't require him
20 to be at every council meeting.

21 A. I am not suggesting it required him but when I saw him there, I assumed that's
22 why he was there.

23 Q.642 What I want to know is why it wouldn't have occurred to you that he had more
24 than one client.

25 A. Because I didn't know he was working for anybody else. I mean Quarryvale, I
26 mean it is now recognised the biggest proposal on the development.

27 Q.643 Here is a lobbyist working for the biggest proposal on the development and you
28 are saying he has only one client?

29 A. I wasn't. As far as I was aware, he was only working for one client. I didn't
30 know he had any other clients.

1 Q.644You now know he had other clients?

2 A. I do now because of things that have come out.

3 Q.645Does it not surprise you that somebody who had other clients and several
4 clients, they didn't once ask you for your support for any of those clients? I
5 am not suggesting anything untoward about on this but that he didn't lobby you
6 or canvass you for your support in relation to those other clients?

7 A. I suppose it does.

8 Q.646Why do you think he might single you out and not ask for your support for any
9 of the other clients?

10 A. Again, I can't answer that.

11 Q.647You do know that Mr. Dunlop has made certain allegations against you?

12 A. Yes.

13 Q.648What I propose to do is I propose to read extracts from the transcript of what
14 Mr. Dunlop has had to say.

15 A. Yeah.

16 Q.649I will do that so I won't misrepresent what Mr. Dunlop has said and just to put
17 it on the record; is that okay?

18 A. Okay, yeah.

19 Q.650If I could page 198 please. I am dealing with day 344 of Mr. Dunlop's
20 evidence. He is being examined by Mr. Gallagher and at question 398 the
21 following exchange takes place "Thank you. Now I asked you about your dealings
22 with John O'Halloran in the context of the Paisley Park lands. Perhaps you
23 will continue.

24 Answer: Yes. I think I had begun to tell you in the context of the Paisley
25 Park lands that I would have lobbied Councillor O'Halloran, along with many
26 others. I said he was a enthusiastic supporter of various developments that I
27 was associated with, particularly one which is not relevant to this particular
28 module. In the event of discussions with Councillor John O'Halloran, at no
29 stage prior to the actual vote or prior to the submission or prior to the vote
30 on the 24th May 1991 or prior to the vote on the 12th June 1992 did Councillor

O'Halloran or I ever discuss money. He did not ask me for money prior to, or during the course of my lobbying him in relation to both of those issues.

Question: Sorry, would you just in relation to --

Answer: In relation to the meeting of the Council on the 24th May 1991 which he would have been lobbied about in relation to the Carrickmines Valley in general and in relation to the motion we're discussing in relation to Paisley Park which came before the Council on 1992, what I have said and what I am saying is that neither Councillor O'Halloran or I discussed money. He did not ask. The subject was not raised. In the event of the meeting of the 24th May 1991 and the meeting of the 12th June 1992, to the best of my recollection, Councillor O'Halloran was not present for either vote.

Question: Perhaps then we'll just have a look at those two meetings. Just to check and see whether that is, whether that is correct. The meeting of the 12th June is on page 441 and it appears that he was not in attendance on that meeting on 12th June 1992. That's unless my eyesight is failing. Perhaps we can now look at the meeting held on the 24th May 1991; Isn't that correct?

Answer: Correct.

Question: That's page 262 we have on the screen now, the minutes of the special meeting of the County Council held on the 24th May 1991 and again it appears that Mr. O'Halloran was not present at either of those meetings. Thank you. Sorry I interrupted you I just wanted to check that.

answer: Subsequently during the course of the Development Plan, Councillor John O'Halloran approached me in Dublin County Council and complained, is the word I have used that, he was getting nothing and others were coining it. Now what I have said to you and what I say again here today is that while I do not recall the circumstances in each case and apart from the certifiable traceable point in 1996 of 2,500 pounds, Mr. O'Halloran received monies from me in small amounts and not more than 5,000 pounds in all during the course of the Development Plan. In this conversation that I had with Councillor O'Halloran, he alluded to his ongoing support for the development which have I referred to

1 earlier but is not relevant to this module. And that he would have supported
2 other motions and proposals that I had brought forward had he been in receipt
3 of monies and in the particular instance of Paisley Park he referred to Paisley
4 Park as one that he would have supported and it is in that context that I have
5 given Mr. O'Halloran's name in my statement.

6 Question: Do I understand you to say that in a conversation with Councillor
7 O'Halloran concerning a particular proposal with which we're not concerned at
8 the moment, he told you that he would have supported the Paisley Park proposal
9 if he paid monies -- if he had been paid monies by you for his support?

10 Answer: Correct.

11 Question: What was your response to that?

12 Answer: I told him he didn't ask me.

13 Question: Can you recall where that conversation took place?

14 Answer: In the lobby of Dublin County Council.

15 Question: Can you recall the approximate date of that conversation?

16 Answer: I hesitate to say that it was during the course of the Development
17 Plan, but I do believe that it was in the context of the development that I
18 have referred to earlier, a vote on which was imminent, so I am, I am happy and
19 satisfied that the conversation took place towards the end of 1992.

20 Question: In other words, it was after the vote of the 12th June 1992 that we
21 have referred to?

22 Answer: Yes, yes.

23 Question: Did you make any other, did you make any payment to Mr. O'Halloran
24 at that time or any subsequent time relating to the Paisley Park lands,
25 specifically referable to the Paisley Park lands?

26 Answer: Specifically referable to the Paisley Park lands, the first payment
27 that I made to him took account of the fact that he said he would have
28 supported it had I paid him.

29 Question: Remind me again how much that payment was?

30 Answer: Well, what I -- what I had said to you, Mr. Gallagher, that apart from

1 the traceable and identifiable sum of 2,500 pounds I gave Mr. O'Halloran not
2 more than 5,000 pounds during the course of the Development Plan. That means
3 that if we start at the period which I have referred to, which is late 1992,
4 the Development Plan confirmation did not take place until December 1993, so in
5 the course of the latter part of 1992 and 1993, I made various payments to
6 Councillor O'Halloran in respect of his support for various developments.

7 Question: And that support included support in respect of Paisley Park, isn't
8 that correct?

9 Answer: At his -- as I have told you, he told me that were it not for the fact
10 that -- sorry, I beg your pardon. Had I paid him he would have supported
11 Paisley Park. That is the only allusion to Paisley Park that was ever made by
12 John O'Halloran in the context of money. I did lobby him in the context of the
13 May 1991 meeting and in the context of the June 1992 meeting and as I have
14 pointed out to you, not only did he not vote but he is not registered as being
15 present at either meeting.

16 Question 310: In response to your lobbying, did he indicate to you before
17 those meetings how he intended to vote?

18 Answer: No, he did not. Councillor O'Halloran was, I think I have already
19 said to you, a supporter of rezoning and made some very strong public comments
20 both in the chamber of Dublin County Council and in newspaper articles when
21 questioned about it, that he was strongly in favour of rezoning and if my
22 recollection is correct in relation to one of those remarks he referred to
23 people who opposed zoning as industrial terrorists --"

24
25 CHAIRMAN: Environmental.

26
27 MR. QUINN: Sorry, environmental terrorists. You see there Mr. O'Halloran
28 and I am sure you already knew the case being made against you by Mr. Dunlop --

29 A. Can I just say I wasn't a councillor in May 1991.

30 Q.651 That's a very fair point and it was put to Mr. Dunlop by your counsel. You

1 weren't a councillor in May 1991?

2 A. No.

3 Q.652 So he couldn't have solicited any support from you?

4 A. No.

5 Q.653 But you were a councillor in June of 1992; isn't that right?

6 A. Well not the 12th June I wasn't.

7 Q.654 You weren't at the meeting of 12th June?

8 A. No, I wasn't a councillor. The election was towards the end of June so I
9 wasn't --

10 Q.655 8th June 1991, but by 1992 --

11 A. I beg your pardon, sorry.

12 Q.656 You did have a meeting with Mr. Dunlop on 5th May 1992; isn't that right? I
13 referred to it earlier.

14 A. He said, yeah.

15 Q.657 And Mr. Dunlop says that he believes that that was probably a meeting that he
16 with you by appointment in relation to lobbying you vis-a-vis Paisley Park?

17 A. No, I refute that because quite simply because I wasn't aware he was involved
18 with Paisley Park. I never discussed Paisley Park with him. The only
19 development I ever discussed with him or he discussed with me was Quarryvale.

20 Q.658 Can I just deal with the payments to you by Mr. Dunlop. Mr. Dunlop made a
21 series of payments to you and you referred to them in your payment; isn't that
22 right? First of all, you, since January of 2000, you have identified payments
23 to you of 2,500 pounds which he gave new 1996?

24 A. That's correct, yes.

25 Q.659 Can you tell the Tribunal the circumstances under which you received those
26 monies from Mr. Dunlop?

27 A. I stood as a candidate in the Dublin West by-election that came about because
28 of the death of Brian Lenihan Senior.

29 Q.660 How did Mr. Dunlop come to give you 2,500 pounds?

30 A. I contacted him to solicit support.

1 Q.661Why did you contact Mr. Dunlop for support?

2 A. I had gotten a --

3 Q.662Did you know each other quite well at this stage?

4 A. No, no.

5 Q.663Why did you ask Mr. Dunlop for support?

6 A. I can't give a specific reason as to why him as opposed to other people.

7 Q.664He wasn't a constituent?

8 A. No, no.

9 Q.665He wasn't a Labour Party supporter?

10 A. No.

11 Q.666He wasn't a member --

12 A. I wasn't in the Labour Party at the time.

13

14 MR. DULLEY: I hate to interrupt, Mr. Quinn, and I apologise, but as
15 Mr. O'Halloran's counsel, I am mystified as to what possible relevance this
16 could have in respect of a vote in 1991 and 1992 as regards the Carrickmines
17 module. Why is Mr. O'Halloran being questioned about a donation in 1996?

18

19 MR. QUINN: As my friend appreciates, Mr. O'Halloran in his statements to the
20 Tribunal to date has initially told the Tribunal that he only received one
21 donation from Mr. Dunlop, he has clarified that by admitting to a donation in
22 the relevant period and I would have thought that all payments by Mr. Dunlop to
23 Mr. O'Halloran were relevant; when they were received and the circumstances
24 under which they were received.

25

26 CHAIRMAN: Well, I think we're relevant because we're dealing with a period
27 between 1991 and 1997 and 1998 relating to Paisley Park

28

29 MR. DULLEY: I accept that.

30

1 CHAIRMAN: Paisley Park lands.

2
3 MR. DULLEY: But the point I would make to the Tribunal in response is that
4 it is accepted that Mr. O'Halloran stopped being a member of Dublin County
5 Council on the Council when it was resolved and then became a member of South
6 Dublin County Council, the only time he would have been in a position to
7 influence matters concerning Carrickmines was before the dissolution of Dublin
8 County Council which happened in January 1994; therefore I fail to see the
9 relevance of questioning Mr. O'Halloran in connection with this module as
10 regards a political donation that he received in 1996.

11
12 CHAIRMAN: The Tribunal is entitled and has to give in its Terms of Reference
13 to investigate payments that are paid even after, in your particular case after
14 Mr. O'Halloran's -- Mr. O'Halloran has left the particular council in question
15 because they are entitled to know the basis behind the payment and the reason
16 for the payment.

17
18 MR. DULLEY: I wonder if Mr. Quinn, if that is the case, would simply put to
19 Mr. O'Halloran whether the payment received in 1996 is connected to the
20 Carrickmines rezoning.

21
22 CHAIRMAN: He is entitled to ask the reason for the payment and he is
23 entitled to question the witness as to why he received the payment. All the
24 other -- all the councillors are being questioned in a similar way. The fact
25 that Mr. O'Halloran gives a particular answer is not necessarily the end of it.

26
27 MR. DULLEY: Very well, Mr. Chairman. Thank you.

28
29 MR. QUINN: Mr. O'Halloran, if I could return to your relationship with Mr.
30 Dunlop. In 1996, you selected him as somebody that you solicited a donation

1 from; isn't that right?

2 A. Yes.

3 Q.667 That you were contesting the by-election which had been created by the death of
4 the late Brian Lenihan; isn't that right?

5

6 CHAIRMAN: Was that as Labour candidate?

7 A. No, it would have been as a independent candidate.

8

9 MR. QUINN: What I am asking you is why did you select Mr. Dunlop for this
10 donation?

11 A. I can't answer obviously to your satisfaction other than I could be glib and
12 say why not? It's just that I needed funds if I was to be a candidate and --

13 Q.668 Did you --

14 A. -- I had met with him during the course of the Development Plan relating to
15 Quarryvale.

16 Q.669 Did you ask him to see if he could get anybody else to support you?

17 A. No.

18 Q.670 Financially. In his evidence to the Tribunal and I will just read to you what
19 Mr. Dunlop has said in relation to that request, if I could have page 204
20 please, it starts at question 324 on day -- I'll give the date in a moment. It
21 says, "Did you accept, as Mr. O'Halloran says, that he personally solicited
22 these funds from you and he personally solicited them as political donations?
23 Answer: He personally solicited those funds from me during the course of the
24 by-election of 1996 in his constituency.

25 Question: Did he solicit them as a political donation?

26 Answer: Yes, he did.

27 Question: Do you accept that this was a legitimate political donation that you
28 made to him at that time?

29 Answer: In his soliciting the money for the by-election in 1996, he pointed
30 out to me that he been extremely helpful in relation to a number of

developments, one in particular, and he would be grateful if I organised that the proposer of that particular development would assist him also. I subsequently organised that and I could believe, though I would have no concrete evidence to that effect, that such assistance was given.

Question: Does that relate to Paisley Park or another matter?

Answer: No, it does not. It has no reference to this module."

Do you recall your conversation with Mr. Dunlop when you asked him for his support in 1996?

A. I do, yes.

Q.671Where did that conversation take place?

A. Initially on the telephone and then I called his office to collect the cheque.

Q.672What did you explain to him?

A. I explained I was going to be candidate.

Q.673Did you tell him you had been of assistance in relation to other developments that he was associated with?

A. No.

Q.674Did you suggest the amount of money that he might give you?

A. No.

Q.675Were you surprised at the amount he did give you?

A. I was actually, yeah, I thought it was very generous.

Q.676Did you ring anybody else at that time for money?

A. A couple of people I let it be known that I was going to be candidate and I would welcome their support.

Q.677Without going into detail, compared to the two and a half thousand pounds that Mr. Dunlop gave you, what was the next near he's contribution that you received?

A. 500 pounds I think.

Q.678So this was five times greater than any other contribution?

A. Yeah.

Q.679Mr. Dunlop says of that conversation that you said to him that you had been

1 extremely helpful in relation to a number of developments in reminding him that
2 he might support you.

3 A. That's not true. I mean it couldn't have been because I wasn't aware he was
4 involved in any other development.

5 Q.680What did you say to him that prompted him to give you five times more than the
6 next near he's contribution in 1996?

7 A. Just as I have said to you. I told him I hoped to be a candidate.

8 Q.681If I go back to 1992, you revised letter -- in your revised letter to the
9 Tribunal in November last, you had a recall of receiving 500 pounds from Mr.
10 Dunlop; isn't that right?

11 A. Yes.

12 Q.682Can I ask you the circumstances under which that money was paid to you by Mr.
13 Dunlop?

14

15 CHAIRMAN: Mr. Quinn, before you leave the 2,500 you said you asked Mr.
16 Dunlop for a contribution and you then made arrangements to pick up a get from
17 him.

18 A. Yeah.

19

20 CHAIRMAN: Did you know then how much he was giving you?

21 A. Before I collected it?

22

23 CHAIRMAN: Yes.

24 A. No.

25

26 CHAIRMAN: Did you have a conversation with him or did you just pick it up
27 from his secretary?

28 A. No, he handed it to me himself.

29

30 CHAIRMAN: All right. Did you discuss the amount before you left the office?

1 A. I did refer to the amount, yeah, I thought it was very generous.

2

3 CHAIRMAN: Can you tell the Tribunal your belief at the time was this his
4 personal money or was he giving you money on behalf of a developer or a
5 landowner or a client?

6 A. I thought it was his own cheque. I thought it was his own money.

7

8 CHAIRMAN: His own personal money?

9 A. Yeah.

10

11 CHAIRMAN: Would that not have struck you as being strange that someone whom
12 you only knew in his capacity as acting for one particular client, you
13 believed, but as we now know a number of other clients, did it not strike you
14 as strange that he was giving you his personal money and not money which he had
15 collected or would be reimbursed by a client for?

16 A. No. It's something he was being generous with.

17

18 CHAIRMAN: You believed it was his own personal money?

19 A. I did, yeah.

20

21 CHAIRMAN: Thank you.

22

23 MR. QUINN: If we could have document number 4739 please, this is the cheque
24 made payable to you by Mr. Dunlop; isn't that right?

25 A. That's the cheque I think we're talking about. It's -- yeah.

26 Q.683 It's made payable to you from Dunlop & Associates Limited; isn't that right?

27 A. That's correct, yes.

28 Q.684 Did you know that Dunlop & Associates was the company Mr. Dunlop was using for
29 his lobbying activities?

30 A. On behalf of Quarryvale, certainly, yes.

1 Q.685But you understood this to be a Mr. Dunlop contribution to you; isn't that
2 right?

3 A. Yeah.

4 Q.686That was the only monies you could recall receiving from Mr. Dunlop when you
5 came to give your first -- when you first entered into correspondence with the
6 Tribunal in 2000; is that right?

7 A. Yes.

8 Q.687When you received the brief in the Carrickmines in the witness' statements
9 brief, you had a recollection of receiving 500 pounds from Mr. Dunlop?

10 A. Yes.

11 Q.688Can I ask you, first of all, was that a once off sum of 500 pounds or was it a
12 series of sums totalling 500?

13 A. No, once off.

14 Q.689Was that a sum that you solicited from Mr. Dunlop or a sum he offered to you?

15 A. It was a sum he offered to me.

16 Q.690Was it paid in cash or by cheque?

17 A. It was paid in cash.

18 Q.691Would you tell the Tribunal the circumstances under which he came to give that
19 money?

20 A. It followed on from a conversation he initiated about legal monies and
21 fundraising and whatever.

22 Q.692Where did he initiate that conversation?

23 A. It it would have been in and around the Dublin County Council, O'Connell
24 Street.

25 Q.693The Council office in O'Connell Street?

26 A. Yeah. He asked me if had I any sort of fundraiser or whatever, I said no, I
27 didn't get involved in golfing outings or functions or whatever.

28 Q.694Yes?

29 A. So it was -- the conversation was in those general terms.

30 Q.695You met up with Mr. Dunlop at the Council chambers and your conversation

1 developed into a conversation about fundraising and about how you were
2 fundraising yourself; is that right?

3 A. No, I wasn't fundraising myself at all. This is how the conversation came
4 about. He asked if I was undertaking any fundraising activities and I said no.

5 Q.696When did that conversation take place. You had been elected in 1991?

6 A. I really apologise, I couldn't be specific.

7 Q.697Was it '91, '92 or '93, can you recall it?

8 A. It would have been certainly it wasn't 1991 any way because I wouldn't have
9 been elected. So it would have been '92, probably '93.

10 Q.698It was '92 and probably '93?

11 A. Probably.

12 Q.699You wouldn't have known him very well initially but by '92 and '93, you would
13 have known him much better because of your meetings with him?

14 A. I would have known him and seen his presence in the council. He spent more
15 time there than some of the councillors so I was very much aware of some of his
16 presence there.

17 Q.700Did he produce the 500 pounds at that meeting where you had the discussion or
18 did he produce that subsequently?

19 A. Subsequently.

20 Q.701There were two meetings effectively?

21 A. I wouldn't regard the first as meeting per se other than I met with him and
22 this conversation developed.

23 Q.702Did he leave you under the impression after the first meeting that the next
24 time you met he would have money for you?

25 A. No.

26 Q.703You had a general meeting about fundraising and nothing much --

27 A. Sorry, the case I am putting is I didn't meet with him about fundraising.

28 Q.704I accept that, but fundraising was raised by you?

29 A. It was raised by him in terms of asking me did I organise any fundraising
30 because at the time people would have golf classics and functions, whatever, he

1 asked did I engage in any of that. I said no.

2 Q.705How long after that meeting did you meet with him again?

3 A. Some days probably.

4 Q.706What happened at the second meeting?

5 A. He just said I have a contribution to give you for your political contribution
6 and he handed me, again, I won't use anything to describe it -- because
7 otherwise I don't know how it was wrapped, but subsequently I discovered it was
8 500 pounds.

9 Q.707Did you count it in his presence?

10 A. No, no.

11 Q.708Was it large denominations?

12 A. Again, I can't remember. I can't remember.

13 Q.709Did you thank him for it?

14 A. Oh I did, yeah.

15 Q.710Now, after the election in 1991, that's the local election 1991, between 1991
16 and the general by-election in 1996, had you fought any elections?

17 A. No.

18 Q.711So you wouldn't have had necessity for any fundraising between '91 and '96?

19 A. Well people do have ongoing fundraising, we meet expenses or whatever.

20 Q.712Did you not get expenses from Dublin County Council?

21 A. You did, yeah, but there are other expenses and then the event of an election
22 occurring --

23 Q.713There was no election, isn't that right, between 1991 --

24 A. There was in '96.

25 Q.714There was no election imminent between when you had the discussion about
26 fundraising?

27 A. No.

28 Q.715There was certainly no election in the offing when he gave you the money?

29 A. No.

30 Q.716There is also a cheque, I think, for 250 pounds which is dated 8th December

1 1992 from Dunlop & Associates. Page 4737 please. Do you see that?

2 A. Yes.

3 Q.717Do you recall getting that cheque from Mr. Dunlop?

4 A. No, no recollection of it at all.

5 Q.718You have seen that cheque?

6 A. I have, yeah.

7 Q.719You don't believe that that's a cheque made payable to you by Mr. Dunlop?

8 A. Sorry?

9 Q.720You don't believe that that's a cheque made --

10 A. I do, certainly. I have no recollection of receiving it.

11 Q.721Could you have received it, and forgotten about it?

12 A. Absolutely, yeah.

13 Q.722You had forgotten about the 500 pounds cash?

14 A. Yes.

15 Q.723You accept that you might have received this and forgotten about it?

16 A. Yes.

17 Q.724Could there have been other small amounts received by you that you would have

18 forgotten about in this period?

19 A. 2340.

20 Q.725As Mr. Dunlop alleges?

21 A. Most unlikely.

22 Q.726Unlikely, is it?

23 A. Yeah.

24 Q.727You had already forgotten about the 500 pounds in cash and you had forgotten --

25 A. The 500 pounds in cash, when I remembered, that I knew I was facing a dilemma.

26 I knew if I disclosed it, I would be subject to tough questioning but because I

27 remembered it, I advised my counsel immediately.

28 Q.728Can I ask you what caused you to remember the 500 pounds?

29 A. Again, I can't be certain.

30 Q.729It's not the type of thing you would forget about, is it?

1 A. Well, I mean it depends on who you are. I mean Dublin County Council wasn't
2 the only thing going on in my life at the time. It was a part of what was
3 happening. When I did remember it, I immediately informed my counsel and
4 subsequently the letter went to the Tribunal apologising on my behalf.

5 Q.730But you just didn't forget about the 500 pounds, you forgot about two
6 conversations you had with Mr. Dunlop?

7 A. Sorry?

8 Q.731You forgot about two conversations you had with Mr. Dunlop at that time. The
9 first was the conversation which led to the payment, you had a conversation
10 with Mr. Dunlop which led to the payment to you of 500 pounds?

11 A. Yes.

12 Q.732You had forgotten about that conversation as well; hadn't you?

13 A. I had.

14 Q.733What was it that revived your memory of the payment?

15 A. The answer I gave you a few moments ago, I honestly can't say.

16 Q.734You had completely forgotten about this payment of the 8th December?

17 A. Yes.

18 Q.735What I am suggesting to you is could there be other payments that you have
19 forgotten about?

20 A. I am saying emphatically no, other than there was another cheque for 500.

21 Q.736That was in 1999; is that right?

22 A. Yeah.

23 Q.737If we could have document 4741 please. What was the circumstance under which
24 Mr. Dunlop gave you 500 pounds in 1999?

25 A. When -- I am assuming that was to do with the local elections in that year.

26 Q.738Were you a candidate?

27 A. No, I declared my candidacy and then withdrew.

28 Q.739Did you return your 500 pounds to Mr. Dunlop?

29 A. No.

30

1 CHAIRMAN: Mr. O'Halloran, the 500 pounds that you got in cash in '92 or 1993,
2 you can't remember, when you were given that, which was a substantial sum of
3 money, did you -- were you the view that this was Mr. Dunlop's personal money
4 or that he was giving it to you on behalf of a client or was going to be
5 reimbursed by a client?

6 A. I had no opinion about it.

7
8 CHAIRMAN: You must have thought about it at the time. You would have only
9 known him at that time for -- at that stage for possibly a few months or maybe
10 a year.

11 A. It would be a year and a half, two and a half years. Depending on the --

12
13 CHAIRMAN: Did you think at the time or even in the period that followed was
14 this is his personal money or was he giving it to you on behalf of a client?

15 A. No, well, I didn't realise he had any other clients.

16
17 CHAIRMAN: Sorry?

18 A. I didn't realise he had any other clients.

19
20 CHAIRMAN: on behalf of any client

21 A. No no. Just assumed it was his own money.

22
23 CHAIRMAN: So because the picture we have that has been painted by you of Mr.
24 Dunlop is that he was some sort of Santa Claus going around with sums of money,
25 giving them to you from his own pocket and not on behalf of clients, I mean is
26 that your view that he was giving you this sum of 500, the other sum of 250
27 pounds and the larger sum of 2,500 pounds at a later stage, that all of this
28 was being given to you out of his own pocket and not on behalf of any client?

29 A. Well, three of the sums were made payable by cheque.

30

1 CHAIRMAN: Irrespective whether they were paid by cheque or cash, did you
2 think that he was giving -- that this was his personal money?

3 A. I did.

4

5 CHAIRMAN: You did?

6 A. Mmm.

7

8 CHAIRMAN: So he was simply giving it to you out of the goodness of his
9 heart, was that your opinion?

10 A. It was my opinion that it was his money that he was giving to me as a donation.

11

12 CHAIRMAN: Even though he wouldn't have been seen by you or indeed by anyone
13 else as a supporter of the Labour Party?

14 A. I wasn't a member of the Labour Party.

15

16 CHAIRMAN: Or as an independent. I mean he wasn't a particular supporter of
17 yours?

18 A. No, no.

19

20 CHAIRMAN: and you were aware of that

21 A. Yes certainly.

22

23 CHAIRMAN: So, why do you think he was giving you the money? People don't
24 give you money like that, substantial sums of money unless, I have to suggest
25 to you, unless they are supporting you politically for personal reasons because
26 they have the same political outlook as you have or else they want something in
27 return or they expect something in return. Do you think the payments would fit
28 into any of those categories?

29 A. Other than he was supporting me, he was supporting my candidacy in the local
30 elections and the by-election.

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CHAIRMAN: But he wasn't a political supporter in the sense of that word, he wasn't -- he wouldn't have shared the same political outlook --

A. I never discussed politics with him.

CHAIRMAN: So, in that sense it wasn't a political support, it was support of you personally.

A. Yeah.

CHAIRMAN: In your campaigns.

A. Yes.

CHAIRMAN: And you think that was just purely out of the goodness of his heart and it wasn't for any other reason?

A. I didn't question the motive.

CHAIRMAN: What do you think or what did you think at the time, when you were being given these sums of money you must have said to yourself why is he giving me that money? That's the sort of question anyone would ask if somebody simply walked up and gave them a sum of money, you'd say why he is giving me the money. Did you ever ask questions of yourself like that?

A. No.

JUDGE FAHERTY: You weren't a Dail candidate, were you, Mr. O'Halloran, in 1992?

A. No.

JUDGE FAHERTY: So, as I understand it, you were elected to the local council in '91?

A. Yes.

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JUDGE FAHERTY: But did you go for the Dail in 1996?

A. The by-election.

JUDGE FAHERTY: The by-election, yeah. It would appear now on your own recollection about the 500 cash and the cheque of 8th December 1992, that was two sums of money you appeared to receive from Mr. Dunlop at that time and there was no election in the offing, as I understand it?

A. No.

JUDGE FAHERTY: Did ever occur to you, this was a very busy period for councillors, you were in the middle of the Development Plan, at this point you knew at the very least that Mr. Dunlop was involved on behalf of one substantial development. Did it ever worry you that the proffering of money from somebody who is lobbying for the major developer might compromise you in any way in the exercise of your decision-making?

A. No.

JUDGE FAHERTY: It never occurred to you?

A. No.

JUDGE FAHERTY: Even in the absence of any election that you were going for at that time?

A. Well, I explained earlier, people have ongoing fundraising, not just at election times.

JUDGE FAHERTY: Fair enough.

A. The 250 I have no recollection of it at all unfortunately, I think I explained and tried to explain the circumstances surrounding it.

1 JUDGE FAHERTY: Very well. Thank you.

2

3 MR. QUINN: But in the year 2000 when you were in contact with the Tribunal,
4 you made no reference to this 500, the 250 or the other 500 pounds in cash;
5 isn't that right?

6 A. I had forgotten about it.

7 Q.740 You had forgotten about all three. But the last payment of 500 in 1999 was
8 only the year previously, you had hardly forgotten about that, had you?

9 A. I had, unfortunately.

10 Q.741 Perhaps you might also have forgotten about the other payments totalling 500
11 pounds Mr Dunlop said he gave you in '92/'93?

12 A. He suggests he gave me the money in return for supporting.

13 Q.742 In small amounts he says, in sum totalling not more than 5,000 pounds?

14 A. I am saying no.

15 Q.743 Maybe you are just -- you have forgotten about the payments?

16 A. I am saying I didn't, in as much as I can.

17

18 JUDGE KEYS: Mr. O'Halloran, did you ever keep a record of any monies you
19 received during your political life in the council?

20 A. No.

21

22 JUDGE KEYS: No, not --

23 A. I didn't think I was obliged to.

24

25 JUDGE KEYS: It's not a question of being obliged, but even so you that
26 would, you have a list for the purpose of either when you go back up for
27 election again you have a list of the people who gave you the money or even
28 keep a record so you could write to them and say thank you very much. Wouldn't
29 that be a very good pertinent reason to keep a record?

30 A. But I didn't keep a record.

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JUDGE KEYS: I see. Thank you.

MR. QUINN: You never acknowledged in writing the receipt of any of these monies, isn't that right?

A. No.

Q.744Did you -- when Mr. Dunlop spoke with you in that telephone -- those two telephone conversations that you refer to in your correspondence with the Tribunal, did you remind him of those additional payments which you had received?

A. No.

Q.745Why not?

A. This is the conversation --

Q.746Concerning the Tribunal?

A. He telephoned me to ask me sums I would have made available to clubs, groups, whatever in the area and asked if I could remind him about clubs that approached him and whatever they might be.

Q.747But you say in your letter of the 7th February 2003, if we could have page two please, that Mr. Dunlop also mentioned to Mr. O'Halloran the political donation made by Mr. Dunlop to Mr. O'Halloran in the context of the Dail by-election?

A. Yes.

Q.748Which had been discovered to the Tribunal; isn't that right?

A. Yes.

Q.749He singled out that payment but you don't seem to have reminded him of the other three payments; isn't that right?

A. He told me about the 2,500.

Q.750Did you remember to say to him, look, don't forget the 500 in cash you gave me in 1992 -- '93 or the 250 pound cheque you gave me in December '92?

A. No.

Q.751Did you remind him of the 500 pounds he had just given you?

1 A. No.

2 Q.752 In relation to that telephone call and the payment of the 500 pounds, did the
3 telephone call take place before or after that 500 pound donation?

4 A. Sorry, could you say that again?

5 Q.753 The 500 pound donation which you got in 1999, and the telephone conversation
6 which you had with Mr. Dunlop in relation to payments, can I ask you which came
7 first? The telephone call or the 500 pound payment?

8 A. I don't know. I am accepting the dates or the date, whichever the case may be,
9 that Mr. Dunlop says I spoke to him on the telephone, so I can't --

10 Q.754 We know the date of the payment because it's on the cheque.

11 A. Yeah, but you are asking the date of the telephone --

12 Q.755 Had you received that 500 pounds at the date of the telephone call is what I am
13 asking you?

14 A. 1996 was the 2,500.

15 Q.756 No, the 500, we're at cross purposes. If I could have 4751 please, this is 500
16 pounds you received in May 1999.

17 A. Yes, that's the point I am making. The telephone call with Mr. Dunlop referred
18 to the 2,500 contribution.

19 Q.757 That's correct.

20 A. You are asking me if that was before or after the other 500, I can't tell you
21 that. I am assuming it's beforehand.

22 Q.758 You assume that the phone call was before the other 500?

23 A. Yes.

24 Q.759 So you would have received 2,500 pounds in 1996 and then after the Tribunal was
25 established in 1997, you would have had a telephone call from Mr. Dunlop,
26 possibly two telephone calls from Mr. Dunlop, and then subsequently in May 1999
27 you would have received the 500 pounds, had you solicited the 500 pounds from
28 in 1999?

29 A. I can't remember if I solicited it or not because I have no recollection of the
30 donation.

1 Q.760At all?

2 A. No.

3 Q.761Even though it is only three or four years?

4 A. Absolutely and if I had remembered it, obviously I would have disclosed it
5 because I would have remembered by cheque or whatever. I have no recollection
6 of it.

7 Q.762It's dated May 1999, isn't that right? And your first letter to the Tribunal
8 was January 2000 and there is no reference to it in that letter to the Tribunal
9 in January 2000?

10 A. Again, I apologise.

11 Q.763You seem to have forgotten about it between May 1999 and January 2000?

12 A. Yes.

13 Q.764It's just coming up to four o'clock.

14

15 CHAIRMAN: Half ten tomorrow.

16

17 THE TRIBUNAL THEN ADJOURNED UNTIL WEDNESDAY,

18 30TH JULY 2003 AT 10.30 A.M.

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