

10:19:37 1 **THE TRIBUNAL RESUMED AS FOLLOWS ON THURSDAY, 15TH JULY 2004,**

2 **AT 10.30 A.M.:**

3

4 MR. QUINN: Good morning, sir.

10:43:42 5

6 CHAIRMAN: Good morning.

7

8 MR. QUINN: Mr. Lawlor please.

9

10:43:46 10 **CONTINUATION OF QUESTIONING OF MR. LIAM LAWLOR BY MR. QUINN:**

11

12 CHAIRMAN: Good morning.

13

14 Q 1 MR. QUINN: Thank you, Mr. Lawlor, for returning. Whilst I had concluded my

10:44:08 15 examination, there are two issues I wanted to address if you don't mind. And

16 the very first issue, I had neglected to put to you was, you will recall in

17 evidence that Mr. Gilmartin said as one of his allegations, that you had

18 suggested to him or said to him that he could have had the Quarryvale lands at

19 20,000 pounds an acre, if we had looked after yourself and George, that's

10:44:30 20 referring to Mr. Redmond, do you recall that evidence?

21 A I do, yes.

22 Q 2 And I have to put it, I want you to deal with that. Did that conversation take

23 place between yourself and Mr.-- I don't want you to comment on Mr. Gilmartin's

24 evidence, I just want you to say --

10:44:45 25 A I have no knowledge of acreage prices of any of that land, so I would never, so

26 the sum or the discussion never took place.

27 Q 3 Can I put it another way? Did you ever have a conversation with Mr. Gilmartin

28 where you indicated to him that had he looked after yourself and Mr. Redmond,

29 he could have had the corporation or the county council lands cheaper than he

10:45:05 30 had to pay or was prepared to pay?

- 10:45:07 1 A It never happened and it was an impossibility, Mr. Quinn.
- 2 Q 4 Okay. The other thing I neglected to deal with, Mr. Lawlor, was is in relation
- 3 to when we were going through the cheques, just to deal with the sum of the
- 4 cheques and just for the benefit of the Tribunal.
- 10:45:25 5 You accept or you recall I went through a cheque for the 28th June in the sum
- 6 of 3,500 pounds, a cheque of the 15th July for 3,500 pounds, a cheque of the
- 7 7th September for 7,750 pounds. A cheque on the 5th October for 3,500 pounds,
- 8 a cheque on the 14th October for 7,000 pounds, and a cheque on the 11th January
- 9 for 7,000 pounds, and I think you accepted you also got 3,500 pounds sterling
- 10 in London from Mr. Gilmartin?
- 11 A Yes.
- 12 Q 5 Can I just ask you that the total of the contributions that you received from
- 13 Arlington through Mr. Gilmartin in the period '88, '89?
- 14 A Would be my understanding, yes, that would be the total amount, yes.
- 10:46:03 15 Q 6 And then I think we also dealt with the cheque for the 33,000 pounds sterling.
- 16 A Yes.
- 17 Q 7 Did you receive any other monies from Arlington other than those sums?
- 18 A No recollection of ever receiving anything else from either Mr. Gilmartin or
- 19 Arlington.
- 10:46:16 20 Q 8 Now, I make the total of those sums to be a sum in excess of 70,000 pounds, is
- 21 it your evidence to the Tribunal that that sum in excess of 70,000 pounds
- 22 received by you from Arlington, was received by way of a political
- 23 contribution?
- 24 A That's correct, yes.
- 10:46:30 25 Q 9 And can I ask you, Mr. Lawlor, how much of that 70,000 pounds would you have
- 26 expended in political expenses?
- 27 A Well, the 70,000 would have gone into those accounts and everything running the
- 28 office and discharging weekly, monthly and election expenses would have come
- 29 out of those funds.
- 10:46:50 30 Q 10 There was no election I think in 1988?

- 10:46:54 1 A No but I mean, my constituency office was a permanent election because the
2 constituency I represented repeatedly changed because of the population
3 movement, so running a constituency office and the type of campaign operation
4 that was going on in that constituency, you were virtually, I think we also had
10:47:12 5 by-election, presidential elections. So that 70,000 pounds went into those
6 accounts and the discharging of the funds went into running my office.
- 7 Q 11 Did you, a portion of those funds was received by way of instalments, isn't
8 that right?
- 9 A Yes.
- 10:47:28 10 Q 12 Had you ever received or did you ever receive other political contributions by
11 way of instalments?
- 12 A I don't think so, no, I don't recall a specific time, other than if you have a
13 fund raiser, well they were all just contributions.
- 14 Q 13 And all of those funds were received from a benefactor outside the state, did
10:47:51 15 you have other benefactors outside the state who contributed to your political
16 campaigns and your political life?
- 17 A I recall a colleague or a friend from the US that might have sent me 1,000
18 dollars during a campaign or 1,000 pounds, I can't remember.
- 19 Q 14 But apart from that one other contribution, did you have any other
10:48:12 20 contributions from outside the state?
- 21 A Not that I can instantly recall and I don't believe there were possibly some
22 other personal friends might have said small contributions or put teams into
23 golf classics or that, but I don't recall any specific other overseas payment.
- 24 Q 15 And in relation to the monies, those monies, that's the 70-odd thousand pounds
10:48:36 25 that the period June '88 to April '89, how would that compare to other
26 contributions from one single benefactor in that period?
- 27 A Well, you had B42 which is the best recollection I can give you of where
28 contributions came from, and it would be ranking right up there as probably one
29 of the largest, yes.
- 10:48:58 30 Q 16 In a 12-month period, would it have been the largest in any 12-month period?

10:49:04 1 A It could have been, yeah. I can't be certain but it would have been a very
2 large contribution, yes, certainly.

3 Q 17 If I could have document number 7 93 please, Mr. Lawlor, this is a letter you
4 wrote to Rory O'Hanlon on the 25th May 2000. Rory O'Hanlon, I think, was the
10:49:20 5 chairman of the Fianna Fail parliamentary party at the time?

6 A Yes.

7 Q 18 And it's a letter in relation to an interview that you had in Fianna Fail
8 concerning matters and I just want to bring to your attention in the third last
9 paragraph and the last sentence there, you say that:

10:49:35 10

11 "One can take a generalised estimate over 26 period and let me state that I
12 have not done in my any in depth financial exercise in this matter but would
13 the be surprised to find that it would have cost anywhere between 200/250,000
14 pounds to fund elections and run my constituency office over those years."

10:49:55 15

16 In other words as I understand it, you were suggesting in 2000, that over the
17 26 years of your political life, you could have expended up to 250,000 pounds
18 on political contributions, is that right?

19 A Yeah, I'd say that's light actually, because that arose out of the evidence of
10:50:11 20 Mr. Dunlop here and as you know, the party set up an inquiry and one was trying
21 to put in a response or provide information to the party, so I think we did try
22 to do some sort of an exercise on totality of costings since entering public
23 life and I think it would come out at a much higher figure.

24 Q 19 In any event by May 2000, it was your belief that, and it would appear that
10:50:37 25 Arlington had contributed to approximately a third of your political --

26 A Of those figures, that's correct, yes.

27 Q 20 Of your years in politics. I should also ask you, did you ever get consultancy
28 payments from other parties in '88 or '89 and in particular, property
29 developers?

10:51:02 30 A Consultancy payments from who?

10:51:03 1 Q 21 From any party.
2 A I can't recall.
3 Q 22 Did you ever act in the capacity as a consultant?
4 A No. I was a registered consultant in various sectors but not in the what you
10:51:16 5 are questioning.
6 Q 23 Not in the property development or land development sector?
7 A No.
8 Q 24 But you had companies that carried on consultancy?
9 A Yeah I did, in the food sector, the engineering sector and so forth, yes.
10:51:29 10 Q 25 Thank you very much, Mr. Lawlor?
11 A Thank you.
12
13 CHAIRMAN: Mr. O'Neill?
14
10:51:33 15 **THE WITNESS WAS QUESTIONED AS FOLLOWS BY MR. O'NEILL**
16
17 Q 26 Thank you chairman, good morning Mr. Lawlor.
18 A Good morning, Mr. O'Neill.
19 Q 27 As you know I appear on behalf of Mr. Gilmartin.
10:51:41 20 A Sure.
21 Q 28 Can I just clarify one issue, is it my understanding that your view of your
22 involvement in the matters under discussion before the Tribunal, your dealings
23 with Mr. Gilmartin, Mr. Redmond and the various other personnel have been
24 mentioned, that in all of those dealings, that you have been entirely above
10:52:00 25 board and completely honest?
26 A Absolutely, yes.
27 Q 29 In every respect?
28 A Yes, in every respect.
29 Q 30 Now, can I -- I'll move from that, can I -- we have heard the evidence of
10:52:12 30 Mr. Redmond and indeed I'm sure you have seen the interim, one of the interim

10:52:15 1 reports of the Tribunal in which they describe payments being received by
2 Mr. Redmond for what was described as extra curricular activities and a very
3 large amounts, were you aware that Mr. Redmond was making himself available to
4 provide services either for payment or not payment?

10:52:33 5 A I had no knowledge, no.

6 Q 31 You had no knowledge of that at all?

7 A No.

8 Q 32 When did you first learn of that?

9 A Probably as facts emerged from the Tribunal.

10:52:41 10 Q 33 Now, can I --

11 A You see it's my understanding -- sorry -- in the interim report that this is
12 all based on probability, I think.

13 Q 34 We have heard Mr. Redmond's evidence yesterday or sorry the day before
14 yesterday?

10:52:56 15 A I was abroad, I didn't hear it.

16 Q 35 I'm sure you read the transcript?

17 A I didn't actually, I didn't have time to read it.

18 Q 36 Now, can I move on to the meeting in the Deadman's Inn and I know you say that
19 it took place in the Deadman's Inn and you say the next morning and I am going
10:53:11 20 to dwell on this issue, it's something that Mr. Quinn has already covered. But
21 you were present for the evidence of Mr. Sheeran to the effect that he was
22 asked by Mr. Gilmartin, did he know who owned lands off the Dublin Road?

23 A Correct.

24 Q 37 I'm referring to Quarryvale?

10:53:28 25 A Okay.

26 Q 38 And he then saw Mr. Fassnidge in the bank and asked Mr. Fassnidge and we have
27 heard that Mr. Fassnidge then contacted you?

28 A Correct.

29 Q 39 And can we take it from that, that therefore Mr. Fassnidge's contact with you
10:53:46 30 was to ask could you assist in identifying ownership of lands at Quarryvale?

- 10:53:53 1 A Well, my recollection of phone call is just would I meet this man.
2 Mr. Fassnidge didn't elaborate in the telephone call requesting me to meet as
3 to what the purpose was. Just look, I'd appreciate Liam if you could meet this
4 man, he is going back to England tomorrow, etc etc etc, as was Mr. Fassnidge's
10:54:15 5 want and I conceded and explained I was tight for time and I would oblige him
6 and I think it would have been a couple of minutes of a telephone call saying
7 okay, I'll meet you at Palmerstown, I am in the Dail, you are in
8 Blanchardstown, I'll be a half/three quarters of an hour getting out there.
- 9 Q 40 And you are telling the Tribunal that Mr. Fassnidge gave you no idea whatsoever
10 of the purpose of the meeting?
- 11 A No, I think he might have said this man wants to undertake some major
12 developments but he didn't specify Quarryvale, Arlington, land, Bachelors, none
13 of that, just would I meet this man. He was, you know, most interested in
14 doing some very big project and that's my recollection. I just conceded to the
10:54:56 15 request.
- 16 Q 41 Is that probable though Mr. Lawlor? You have heard the evidence of Mr. Sheeran
17 that he asked Mr. Fassnidge did he know who owned lands at Quarryvale. Why
18 then would Fassnidge ask you or tell you that Mr. Gilmartin was interested in
19 carrying out a development? How would he know?
- 10:55:18 20 A Well all I'm saying to you my recollection of Brendan Fassnidge's phone call to
21 me was to request to meet somebody who wanted to do something. What specific
22 requirements, because I would be of the opinion that Mr. Sheeran would have
23 explained to Mr. Fassnidge this is a friend of mine, he is from England, he is
24 going to do this, he is going to do that and Brendan Fassnidge put forward my
10:55:42 25 name as somebody he would try to arrange a meeting with.
26 I don't believe there was any content of my detail in the telephone call I got
27 from Brendan Fassnidge. Maybe he should be called as a witness, I don't know
28 why he is not.
- 29 Q 42 You would accept that all Mr. Fassnidge could have told you was that
10:55:59 30 Mr. Gilmartin was interested in buying land at Quarryvale or inquiring about

10:56:03 1 the ownership?

2 A I don't believe he did.

3 Q 43 He couldn't have told you about any plans that Mr. Gilmartin may have had for

4 carrying out the development?

10:56:09 5 A I have no idea what Mr. Fassnidge's knowledge of what Mr. Gilmartin wanted to

6 do at that time was.

7 Q 44 Now you said in your evidence yesterday that in fact Quarryvale, the

8 discussions in relation to Quarryvale were only of secondary importance?

9 A Correct, yes.

10:56:25 10 Q 45 Did you have a prior knowledge of Bachelors Walk and the development that was

11 proposed?

12 A Other than I know my city and I know Bachelors Walk but other than that, I knew

13 nothing, never heard of Arlington, never heard of Gilmartin, didn't know who

14 any of these people were.

10:56:37 15 Q 46 Mr. Flynn hadn't told you about that?

16 A No, not at that stage, I don't believe.

17 Q 47 Now, as a result of your meeting or meetings, as you describe them, you knew

18 that Mr. Gilmartin was interested in identifying the ownership of the lands at

19 Quarryvale?

10:56:55 20 A Yeah, what I would say to you Mr. O'Neill is that Mr. Gilmartin, I think,

21 mentioned Des Bruton, that he knew that, and possibly Brendan Fassnidge could

22 have told him that because they were very prominent farmers in the area --

23 Q 48 I don't want to -- I want you to answer did you realise --

24 A I am answering.

10:57:18 25 Q 49 As a result of your meeting what Mr. Gilmartin wanted?

26 A I am answering if you give me an opportunity. I'm saying to you that I'm not

27 of the opinion that the meeting in the Deadman's dealing with Quarryvale went

28 into great detail about land ownership at all. I would have said look, I'll

29 arrange for you, it's a roads related matter, the manager responsible, I'll

10:57:43 30 arrange a meeting for you. Me identifying whose bit of land, no, didn't

10:57:47 1 happen. No map, no nothing.

2 Q 50 Are you suggesting that the main thrust of the meeting insofar as it concerned

3 Quarryvale was to do with roads, is that what you are suggesting to the

4 Tribunal?

10:57:58 5 A Industrial development, job creation.

6 Q 51 And not about the ownership of lands?

7 A Yeah the land would have had, if you want to create industry on land, you have

8 to own the land but I wasn't in a position to be specific about land to

9 Mr. Gilmartin in the Deadman's Inn.

10:58:17 10 Q 52 And Mr. Gilmartin's query was, who owned the land and you couldn't answer that?

11 A Not specifically, no, I think it transpires there's eight or ten landowners out

12 there.

13 Q 53 You said if you wanted to know who owned the lands, you would arrange to meet

14 the manager?

10:58:32 15 A No he referred to an industrial development and that meant he had to get access

16 and roads. So the best I could do for him was to tell him that I would arrange

17 for him to meet with the manager responsible on the understanding that it would

18 pass on down through roads and services departments in the council. That's all

19 I could do for the man.

10:58:51 20 Q 54 Did you tell Mr. Gilmartin that if he wanted to acquire lands in that area that

21 you would arrange for him to meet the manager?

22 A I can't be certain that that was the specific -- my way of dealing with this

23 was look, senior management in the council are the people with the day to day

24 responsibility to respond to whatever your needs are. I will facilitate a

10:59:14 25 meeting and then you take it from there.

26 Q 55 And what was the purpose of the meeting?

27 A The purpose of the meeting --

28 Q 56 Of meeting with the manager, Mr. Redmond?

29 A The purpose of the meeting was to allow Mr. Gilmartin explain what he wished to

10:59:24 30 do in Quarryvale.

10:59:25 1 Q 57 And was it not in response -- was it not as a result of his request or his
2 desire to identify the ownership of lands?
3 A That would have may have been one of his priorities but it wasn't my priority.
4 Q 58 What was your priority?
10:59:41 5 A My priority was I was confronted with a gentleman who did a lot of talking
6 about Arlington because I think that project was much more advanced and he
7 explained what he was going to do for the inner city area etc.
8 Q 59 Can we leave aside Arlington for the moment?
9 A I am telling you what happened at the meeting, if you are asking me --
10:59:59 10 Q 60 I'm simply asking me what insofar as Quarryvale was concerned, what was
11 Mr. Gilmartin's objective as you understand it?
12 A To create jobs.
13 Q 61 It wasn't to acquire land?
14 A You can't create jobs without acquiring land.
11:00:12 15 Q 62 And his objective in meeting you was, to find out did you know who owned lands?
16 A I didn't know what the man's objective was in meeting me. I had no idea until
17 I sat in front of the man and heard him out.
18 Q 63 Did you tell him if he wanted to acquire lands in the area, you would arrange
19 for him to meet Mr. Redmond?
11:00:29 20 A Not at all, not at all.
21 Q 64 Are you sure of that?
22 A I would bring him into the council and he could meet the manager and discuss
23 his job creation project.
24 Q 65 Are you sure of that?
11:00:37 25 A I can't be positive of the detail other than Mr. Gilmartin was on his rant
26 about his job creation activities, not his land acquisition requirements and I
27 couldn't be of any great help in his land acquisition requirements but I could
28 be of assistance with the job creation.
29 Q 66 You could assist with the manager?
11:00:56 30 A No it turned out it wasn't the right manager at all for what his needs were.

- 11:01:00 1 Q 67 You are telling the Tribunal that you never told Mr. Gilmartin that if he
2 wanted to know, if he wanted to acquire further lands in the area, that you
3 would introduce him in the manager?
4 A But the manager would have nothing to do with him acquiring private land.
- 11:01:14 5 Q 68 Is the answer to that, no you never told him that?
6 A I can't be specific about what I told him, my understanding was there was a
7 multiplicity of landowners, I didn't know who they were so one manager couldn't
8 resolve or assist Mr. Gilmartin in totality of his needs.
- 9 Q 69 Can I just ask you to have a look at yesterday's transcript, transcript 508 on
11:01:32 10 page 7.
11 A I have it here.
- 12 Q 70 It seems to be slightly different to the transcript that I have been given this
13 morning. It's question 40, if we could have question 40, it may be in fact the
14 page number is different.
- 11:02:34 15
16 I think you can see in fact on, you can see the grey line going across on 10,
17 "you presumably were more interested in what was likely to happen in north
18 Clondalkin than you were in Bachelors Walk".
19 This is Mr. Quinn asking you questions and if you go down to line number 10,
11:03:34 20 you said "I would have said to him", this is to Mr. Gilmartin -- "Well look,
21 you know, if you want to acquire further lands in the area, I will arrange for
22 you to meet the manager".
23 A Sure, yeah.
- 24 Q 71 And you are saying now you didn't or you are not sure whether you said that,
11:03:54 25 that's your evidence today?
26 A My evidence is that I was facilitating this man to meet the senior manager.
- 27 Q 72 Sorry, can we just deal with what you have now told the Tribunal that you don't
28 know whether you told --
29 A You deal with the way I want to answer my questions.
- 11:04:08 30 Q 73 Would you listen to my question and answer it please. I ask you, you have told

11:04:14 1 the Tribunal less than five minutes ago that you cannot be certain whether or
2 not you told Mr. Gilmartin if he wanted to acquire further lands in the area,
3 that you would arrange for him to meet the manager and I'm just asking you why
4 if that is so, you told the Tribunal the opposite yesterday that you did say

11:04:30 5 that?

6 A I am not telling the opposite yesterday or today. I am telling you, I'm
7 confronted with your client, he wants to do an industrial development in my
8 constituency and I tell him I will arrange for him to meet the manager. If the
9 manager who turned out to have 12 acres under his responsibility out of 180
11:04:49 10 acres, then that manager wasn't going to be of any great help in acquiring
11 lands for Mr. Gilmartin. So this detail as you are putting it to me was
12 irrelevant to me.

13 Q 74 The purpose, let's be quite clear about this, Mr. Lawlor.

14 A It was irrelevant to me.

11:05:04 15 Q 75 Let's be quite clear Mr. Lawlor, the purpose of Mr. Gilmartin meeting you was
16 to discover who owned lands in the area?

17 A That's his assertion, Mr. Sheeran's assertion, and Mr. Fassnidge's assertion.
18 My assertion is, this man wanted to create jobs in my constituency and I was
19 there to be of assistance if I could. So the nitty gritty of land ownership or
11:05:29 20 industrial, drains, roads, something for the officials to deal with, bring him
21 in and put him in touch with the imagine am and get on what they want wanted to
22 do, my attitude towards it.

23 Q 76 You told the Tribunal yesterday you had no idea of the nature of the
24 development that Mr. Gilmartin was involved in it?

11:05:45 25 A No, I he was lying to us. He didn't unveil his retail scheme.

26 Q 77 Mr. Lawlor, answer the question please.

27 A I was aware that he wanted to do an industrial development and that turned out
28 to be a pack of lies.

29 Q 78 And what was the nature of that industrial development?

11:05:57 30 A What industrial development is, did you ever see an industrial estate.

11:06:05 1 Q 79 I am just asking you the nature of the industrial development?
2 A How long have you got, manufacturing, services, you know, production. So what
3 you want me to give you an overview of industrial policy now.
4 Q 80 I want you to give evidence to the Tribunal.
11:06:20 5 A Yeah sure.
6 Q 81 Just listen to the question please, Mr. Lawlor. I want you to tell the
7 Tribunal what development Mr. Gilmartin told you he was contemplating for the
8 lands?
9 A Nothing terribly specific, thousands of jobs.
11:06:34 10 Q 82 What development did he tell you he was contemplating?
11 A Thousands of jobs.
12 Q 83 That's not a development?
13 A What is it, how do you create thousands of jobs without development?
14 Q 84 What was he going to do that was going to create thousands of jobs? Did he not
11:06:50 15 tell you?
16 A You have to put it to Mr. Gilmartin.
17 Q 85 Did he tell you?
18 A No, he didn't tell me, he was going to create thousands of jobs.
19 Q 86 So you had no idea of the nature of his development?
11:06:59 20 A Well industrial development is very specific to me. Very specific.
21 Q 87 So he told you he was going to carry out the industrial development, are you
22 now telling the Tribunal?
23 A All I know is what the man wrote back in his letter to the manager. That's
24 what he outlined at the meetings.
11:07:14 25 Q 88 I'm simply asking you to tell the Tribunal what development --
26 A I haven't a clue.
27 Q 89 Would you please?
28 A The detail you are looking for, I haven't a clue, not a clue of the detail.
29 Q 90 He didn't tell you anything about his plans for development?
11:07:28 30 A Oh he did, yes.

- 11:07:30 1 Q 91 What did he tell you, apart from the creation of jobs, that doesn't give you
2 any detail in relation to development.
- 3 A Well, it's industrial, creation of jobs was associated with some industrial
4 investment. The man wasn't specific. It transpires he was covering up, he was
11:07:46 5 looking for a big retail shopping centre, but he wasn't telling me at the time.
- 6 Q 92 Can you just confine yourself to answering the questions I ask you and your own
7 knowledge rather than making speeches from the box?
- 8 A You see if you want to make speeches back to me then you are going to have a
9 problem because I don't recollect the detail, Chairman, so I can't be specific
11:08:05 10 about answers, I can't make it up for you and I can't be specific.
11
- 12 CHAIRMAN: All right. Mr. Lawlor, Mr. O'Neill is asking you what did you
13 understand at that first meeting, was the type of development other than being
14 told it would involve lots of jobs, were you told, did he give you, did he tell
11:08:22 15 you or indicate to you that it was going to be industrial or shopping or
16 tourism or whatever?
- 17 A No, he talked about job numbers more than specifics of the type of development
18 but the one thing I can say with absolute certainty, there was no discussion
19 about retail, that I would recall. It was industrial zoned lands so I assumed
11:08:46 20 Mr. Gilmartin's interest was related to what the lands were designated for and
21 I assumed if he wanted to know who these landowners were, that he was aware of
22 the zoning and he was going to do something that was compatible with the
23 Development Plan and he talked about access and roads and stuff like that. But
24 I can't be more specific than that, chairman.
- 11:09:06 25
- 26 Q 93 MR. O'NEILL: Can you joust confine your evidence to what he told you rather
27 than what you presumed his intentions may have been. Did he give you any
28 indication of the type of development he had in mind, yes or no?
- 29 A Yes he did.
- 11:09:19 30 Q 94 All right, can we go to yesterday's transcript, question 52. The question.

11:09:45 1
2 "Well did Mr. Gilmartin give you any indication about the type of development
3 he had in mind for the Bruton and indeed, the corporation lands?
4 Answer: No. I think in his evidence he was keeping his cards close to his
11:09:53 5 chest was his evidence, no, he didn't, no".
6
7 You say no three times. Are you changing that evidence now?
8 A I am picking up my recollection from Mr. Gilmartin writing back to the manager
9 having told the manager what his intentions were. Now whether that happened at
11:10:08 10 that meeting or the subsequent meeting, no idea, not a clue have I. The man
11 wanted to advance something or other and I facilitated him. The detail that
12 you are looking for, I don't recollect in the slightest.
13 Q 95 Would you accept that what you have told the Tribunal this morning contradicts
14 what you told the Tribunal yesterday?
11:10:28 15 A No, because I'm pointing out to you that my memory is recalled by Mr. Gilmartin
16 thanking the manager for the meeting and specifying, so whether he told me at
17 the Deadman's Inn or at the meeting with the manager a month or so later, 14 or
18 15 years ago I have no idea.
19 Q 96 Can we be clear on this, I have been questioning you about what Mr. Gilmartin
11:10:49 20 told you at the Deadman's Inn or the next morning, as you say there was a
21 further meeting and likewise, Mr. Quinn in examining you yesterday at this
22 point, was talking about the Deadman's Inn, is there any doubt in your mind
23 about that?
24 A About what?
11:11:02 25 Q 97 About the fact that what you are being asked less than five minutes ago by me
26 and what you have been asked yesterday by Mr. Quinn and shown at question 52 --
27 A I don't see any --
28 Q 98 Would you let me finish the question please. That they both relate to what
29 Mr. Gilmartin told you in the Deadman's Inn?
11:11:21 30 A My recollection of what --

11:11:23 1 Q 99 Yes or no. Will you answer the question please?

2 A Would you don't interrupt me when I'm about to. The situation as I have

3 explained to you I met this man at short notice --

4 Q 100 Can you answer the question please?

11:11:38 5 A I am answering it.

6

7 JUDGE FAHERTY: Let him answer it.

8 A MR. LAWLOR: I meet this man at short notice, he explains about this massive

9 investment, job creation, interested in land over the road, rebuilding half of

11:11:52 10 Dublin city and the best I can recall is, that I will arrange for you to meet

11 the manager who has responsibility for these matters in Dublin County Council.

12 Whether that was the Deadman's or the meeting with the manager, it was an

13 irrelevancy to me, I was anxious to help Mr. Gilmartin advance his ideas. What

14 his ideas were, Mr. O'Neill, I didn't have a detailed knowledge and didn't at

11:12:14 15 that time. And like, you know, Mr. Gilmartin says it's Tuesday, I say it's a

16 Friday, I can't recall the detail of that.

17

18 Q 101 MR. O'NEILL: Mr. Lawlor, in the space of 24 hours, you have given

19 contradictory answers.

11:12:29 20 A Maybe but the point is --

21 Q 102 Which is correct?

22 A I can't be specific, I can't tell you what your client told me, I can tell you

23 what I can recall, that the man wanted to do something in the way of job

24 creation and the quickest way I could respond to that was do what I did and say

11:12:46 25 I will put you in front of the official who I believe can advise you

26 accordingly and I'll see you tomorrow morning and I was gone. That was it.

27 That was my contact with Mr. Gilmartin at the Deadman's Inn.

28 Q 103 Is your evidence then the answer you gave today and the answer you gave

29 yesterday, both of those are incorrect?

11:13:03 30 A I'm just, I'm telling you what my recollections are.

11:13:06 1 Q 104 Your recollection yesterday was Mr. Gilmartin did not give you any indication
2 of the type of development, today you say he did?
3 A He did speak about job creation, what was the whole -- why was he even trying
4 to impress me? He was trying to impress me because he was going to create
11:13:23 5 jobs.
6 Q 105 Mr. Lawlor, let's be clear about this, I asked you this morning did
7 Mr. Gilmartin give you any indication of the type of development he had in mind
8 and your answer was yes?
9 A I can't be specific.
11:13:35 10 Q 106 Why did you answer yes?
11 A Well, the man sat in front of me and talked about wanting to invest in my
12 constituency, the specifics of what he said, I have got a clue.
13 Q 107 Why did you answer no yesterday?
14 A Because my recollection is, Mr. O'Neill, that Mr. Gilmartin came into the
11:13:52 15 manager explained what he wanted to do out in that part of my constituency and
16 the rest is history. The irrelevancy of all that, you said this, you said
17 that, he said I said, I have not got an idea of the detail of the discussion
18 other than my immediate reaction, put this man in front of the senior official
19 responsible for investment, roads and we might get something done.
11:14:16 20 Q 108 So both answers today and yesterday were wrong. We'll move from that. Can I
21 ask you in relation to your meeting with Mr. Redmond what then was the purpose
22 of the meeting? Was it to discuss roads, are you telling the Tribunal?
23 A Well it was my understanding that what Mr. Gilmartin wanted to do was to meet
24 somebody senior who could hear what he wanted to do and see if he could be of
11:14:37 25 assistance and give him advice.
26 Q 109 Assistance and advice in respect of what?
27 A Well if he wanted to do what was discussed at the meeting put in an industrial
28 estate.
29 Q 110 I thought there was no discussion and you cannot recollect any discussion of
11:14:50 30 the type of development so how did you know what form of infrastructure he

11:14:56 1 required?

2 A What are you talking about? What was discussed at what meeting? Are you

3 talking about the meeting with the manager?

4 Q 111 Let's be quite clear about this, I'm asking first the purpose of the meeting

11:15:06 5 with Mr. Redmond?

6 A To allow Mr. Gilmartin outline his ideas.

7 Q 112 And I have to put it to you that purpose is apparent from all of the evidence

8 given, apart from your evidence of course, that the purpose was to identify the

9 ownership of land off the Dublin Road in the Quarryvale area?

11:15:28 10 A It didn't transpire that was the purpose at all.

11 Q 113 And that wasn't, are you now telling the Tribunal today that despite what you

12 said yesterday --

13 A No, no, I am telling you --

14 Q 114 Would you let me finish the question please?

11:15:39 15 A I'm finish the previous question.

16 Q 115 Mr. Lawlor, would you let me finish the question please?

17 A Your client came into the manager, he asked for access from a motorway and he

18 said he want to industrially invest in Quarryvale. And that's in his letter

19 and that what I'm depending on now to tell you what happened at the meeting.

11:15:57 20 When I put these two men together I could have gone on the phone, I wasn't

21 interested in the detail.

22 Q 116 Mr. Lawlor, we will save a lot of time if you just listened to the question and

23 answered them instead of talking about other matters which I'm not at the

24 moment discussing with you.

11:16:12 25 I'm asking you what was the purpose of your meeting of setting up the meeting

26 with Mr. Redmond?

27 A To allow Mr. Gilmartin explain what he wished to do.

28 Q 117 And are you saying then despite what you said to the Tribunal yesterday?

29 A I'm just saying what was --

11:16:27 30 Q 118 Would you let me ask the question?

11:16:29 1
2 CHAIRMAN: Ask the question.
3
4 Q 119 MR. O'NEILL: Are you saying that what you said to the Tribunal yesterday, that
11:16:34 5 if Mr. Gilmartin was interested in acquiring lands, you would set up a meeting
6 with the manager but that was not the purpose of the meeting.
7 A I'm just saying to you and I repeat for the 44th time if you wish me to,
8 Mr. Gilmartin was in front of me wanting to do something in Quarryvale, land
9 acquisition I presume would have been part of one of his intentions, industrial
11:16:56 10 development is the other. The best I could do was to arrange for him to meet
11 the manager who I believed had responsibility for those areas and see if he
12 could hear out Mr. Gilmartin and be of some assistance to him. Now after that,
13 I had no detailed interest in the discussion, the content, who said what, did I
14 do this, did he do that, I can't be of assistance to you in that matter.
11:17:19 15 Q 120 What was the purpose of going to meet someone as high up as you describe, the
16 manager, the assistant manager obviously?
17 A He was the county manager in the eyes of the world.
18 Q 121 Why would you not go to some more junior officer?
19 A I don't start at the top and work down.
11:17:36 20 Q 122 So was it quite regular for you then to set up meetings with Mr. Redmond?
21 A Not terribly regular, no.
22 Q 123 Was it regular for you to receive inquiries in relation to possible
23 developments within your constituency?
24 A No, my main input in that would have been with the IDA, very regularly.
11:17:55 25 Mr. Carney of the IDA, I would have had him hounded for job creation on the
26 industrial front. He was a developer presenting himself to me at his request
27 and the best advice I thought I could give him to do what he did.
28 Q 124 Why would you go in the particular case if other potential developers were
29 directed towards the IDA, why in this case did you direct Mr. Gilmartin towards
11:18:19 30 Mr. Redmond?

- 11:18:19 1 A Because your client didn't know what he was trying to do and I was confronted
2 with it, any normal industrial developer, retail developer wouldn't need to go
3 a politician, he would know where to go. This man didn't know where to go or
4 what to do, I tried to be of assistance to him in the interests of getting some
11:18:37 5 investment in my constituency.
- 6 Q 125 Have you a clear recollection of the meeting with Mr. Redmond?
- 7 A No, not a very clear, it was over in about ten minutes, Mr. Redmond was rather
8 curt about the fact that this man as he outlined whatever he wanted to do was
9 an impossibility, he said what are you bringing this man in, you know well that
11:18:59 10 you can't get access off the motorway, deputy I thought you would have known,
11 it ended up very quickly anyway.
- 12 Q 126 So you have a recollection?
- 13 A All I have is a recollection of my secretary being instructed to arrange with
14 the manager's secretary to meet and a short meeting, didn't seem to make any
11:19:19 15 progress, end of matter.
- 16 Q 127 You see on, in one of your statements to the Tribunal you said you had no
17 recollection of the meeting?
- 18 A No, I think the date and I suggested in my statement that if the manager's
19 diary was available, it might help put a date on it. That's my recollection in
11:19:39 20 my statement, I can't be certain.
- 21 Q 128 Can we have page 869 please. This is part of a statement you made to the
22 Tribunal dated 12th January 2004?
- 23 A Yes, that's what I'm saying to you exactly, that's this year.
- 24 Q 129 "And in relation to dealing with any public official, I noted it has been
11:20:09 25 recorded somewhere that I supposedly arranged a meeting with Mr. Tom Gilmartin
26 and the then county manager responsible for administration and finance and the
27 then Dublin County Council Mr. George Redmond, I could have arrange add a
28 meeting, it would have been somewhat routine, I do not have any recollection of
29 arranging or attending such a meeting."
- 11:20:29 30 A Yes.

- 11:20:29 1 Q 130 What has changed in the meantime, Mr. Lawlor?
- 2 A Listening to all the detail here at the Tribunal, Mr. O'Neill. I suggested
- 3 that the Tribunal try and get Mr. Redmond's diary and it only very recently got
- 4 it, put a date on it.
- 11:20:46 5 Q 131 And I have to put it to you in fact that your recollection has now been
- 6 fabricated after you have heard evidence from other parties, that your evidence
- 7 is fabricated in relation to this meeting.
- 8 A I don't have to fabricate anything.
- 9 Q 132 Well, I'm putting to you that it is?
- 11:21:04 10 A I am putting it to you that it's not. And if you think you are going to spend
- 11 an hour or two here trying to ask me to remember these minute trivia, you are
- 12 going to be wasting your time and mine, because I don't have a detail other
- 13 than if I arrange or my secretary arranged a meeting with the manager, that was
- 14 done. I don't remember the detail of it.
- 11:21:24 15 Q 133 Do you think the matters the Tribunal are investigating are trivial?
- 16 A No, but I think having listened to the false allegations from your client and
- 17 the expense he has put on the Irish taxpayer, it will end up trivia, serious
- 18 trivia.
- 19
- 11:21:40 20 CHAIRMAN: All right.
- 21 A And You will be associated with the trivia.
- 22
- 23 CHAIRMAN: Let's get back to the questions.
- 24
- 11:21:51 25 Q 134 MR. O'NEILL: Can I bring you to the Arlington meeting, you say you were
- 26 invited by Mr. Dadley, either as a result of a phone call or a meeting.
- 27 A That's right.
- 28 Q 135 This is your evidence yesterday and that Mr. Gilmartin was not there?
- 29 A True.
- 11:22:04 30 Q 136 You are aware of the evidence given by Mr. Dadley and Mr. Mould. That first,

11:22:09 1 Mr. Gilmartin was there and secondly, that you gatecrashed, not their words but
2 you gatecrashed the meeting?
3 A That's not the -- my recollection is that O arranged to meet Ted Dadley, I
4 never met Tom Gilmartin in Arlington's offices ever.

11:22:23 5 Q 137 And you are very clear about that?
6 A Pretty clear.
7 Q 138 So, in other words Mr. Dadley and Mr. Mould are lying through their teeth, as
8 well as Mr. Gilmartin?
9 A Correct, yeah.

11:22:37 10 Q 139 Your evidence yesterday in relation to the payments ultimately made to you,
11 what you call political donations were that that issue was brought up initially
12 by Mr. Dadley?
13 A The only one I ever discussed it with.
14 Q 140 And as you told Mr. Quinn yesterday, your statements to the effect that
11:22:59 15 Mr. Gilmartin brought up the issue of making a political donation to you is
16 wrong.
17 A It was Dadley, absolute, Ted Dadley and I discussed this matter, Mr. Gilmartin
18 was never a party to it.
19 Q 141 Why did you say then Mr. Gilmartin was a party to it?

11:23:14 20 A That's in some statement, I was trying to recollect and put it altogether in
21 the form of writing and submit it to the Tribunal at a request to be of
22 assistance.
23 Q 142 And when did your recollection change?
24 A I have no idea. On reading it, I should have stated Dadley, not Gilmartin.

11:23:32 25 Q 143 Well perhaps we better turn to the two instances at least on which you have
26 referred to Mr. Gilmartin asking or suggesting he wanted to make a political
27 donation to you. If we could have page 734 please. You see at the top of the
28 page there, this is one of your statements to the Tribunal you said:
29

11:24:05 30 "At one of those meetings, Mr. Gilmartin proposed to me that he would support

11:24:12 1 my election campaign on behalf of Arlington Plc?

2 A What that should say is Mr. Gilmartin facilitated the payments on behalf of

3 Arlington.

4 Q 144 That's an entirely different twist.

11:24:21 5 A That's what I recall happened.

6 Q 145 What it should say is that I meet Mr. Dadley in Arlington premises in London

7 and Mr. Dadley suggested that he would like to make or that Arlington would

8 like a make a political donation?

9 A They were both parties to it, and I don't see there's any relevance to the

11:24:41 10 substance of it.

11 Q 146 That's matter for the Tribunal, I think.

12 A Exactly.

13 Q 147 You are telling the Tribunal that Mr. Gilmartin was not present at this

14 meeting?

11:24:46 15 A Definitely not.

16 Q 148 So first when you talk about a meeting --

17 A You see Mr. Gilmartin would have --

18 Q 149 Would you gist Len to --

19 A Mr. Gilmartin would have discussed this matter with me after I had discussed it

11:24:58 20 with Mr. Dadley, so both persons had an involvement so that's all I, I can't

21 put it further than that other than it was Mr. Dadley set it up, Mr. Gilmartin

22 executed it. So I discussed it with both parties.

23 Q 150 That's not what you say in the statement?

24 A Well that's what happened.

11:25:17 25 Q 151 Can I bring you back then to an earlier interview that you had with the Fianna

26 Fail party, page 695, if you could just highlight the paragraph starting "Liam

27 Lawlor" in the middle of the page?

28 A "Received 10 now, in two or three payments," yes.

29 Q 152 "Liam Lawlor stated I think that he is Pdraig Flynn asked him to see Thomas

11:25:49 30 Gilmartin initially, Gilmartin wanted to get the Bachelors Walk project off the

11:25:54 1 ground for Arlington. Mr. Gilmartin came to Liam Lawlor who himself had an
2 interest in developing a leisure project. Mr. Gilmartin asked Liam Lawlor for
3 some information on demographics and other matters. He told Liam Lawlor that
4 he also wanted to support his political campaign." That's wrong?

11:26:05 5 A It was Arlington, not Gilmartin.

6 Q 153 "Liam Lawlor recalls that he received approximately 10,000 pounds in two or
7 three payments." That's wrong.

8 A Yeah there was more than that.

9 Q 154 Significantly more?

11:26:17 10 A Whatever.

11 Q 155 Now, in your evidence yesterday, you have told the Tribunal that it was
12 Mr. Dadley who brought up the issue of making a political contribution to you?

13 A Well my recollection it was discussed between us, I could have, he could have,
14 you know, I can't be specific about the minutia of who brought up what, but it
11:26:47 15 was discussed and agreed, that's what I can recall.

16 Q 156 It must have come to you if Mr. Dadley raised it, it must have come to you as a
17 complete shock, here is somebody outside the jurisdiction knowing little about
18 Irish politics, as far as you were aware, offering to make you a political
19 donation, did it come as a shock to you?

11:27:08 20 A No, because I think the man had met the minister seven or eight months earlier,
21 so he was very familiar with Dublin.

22 Q 157 He wants to make a political donation to you, not to Fianna Fail, to you?

23 A That's what he did, yeah.

24 Q 158 And you didn't think that was strange?

11:27:21 25 A No, I didn't, no.

26 Q 159 Even though --

27 A The man volunteered it, so, I wasn't doing anything for him, couldn't do
28 anything for him, told him I couldn't do anything for him.

29 Q 160 And he spoke about a donation according to your evidence yesterday, political
11:27:38 30 donation of approximately 35,000 pounds phased over --

11:27:43 1 A Whatever, yeah.

2 Q 161 -- over a number of payments?

3 A That was what was included --

4 Q 162 That was a very large donation, was it not?

11:27:51 5 A Well it was a donation to me.

6 Q 163 Was it a large donation?

7 A Pretty large, yes.

8 Q 164 What was your salary at the time as a TD can you recollect?

9 A When I was managing director of HGI in 17 --

11:28:03 10 Q 165 Your salary as a TD?

11 A Haven't a clue.

12 Q 166 It certainly wasn't anything approaching 30,000 a year?

13 A It was about a third of what I was earning before I came a TD, I know that.

14 Q 167 I am not concerned about that?

11:28:18 15 A I don't know.

16 Q 168 Did the salary approach anything like 30,000?

17 A I have no idea. No idea.

18 Q 169 You have told Mr. Quinn this morning that you never received political

19 donations from people overseas, other than perhaps on one or two instance and

11:28:32 20 in those instances from friends?

21 A I think so. Yes.

22 Q 170 Mr. Dadley wasn't a friend of yours?

23 A No, but he became a very good friend of mine.

24 Q 171 But here you have to giving, suggesting that he would make a political donation

11:28:44 25 to you on the first or second occasion at most at which you meet?

26 A That date at that meeting in London, with just the two of us and then Mr. Mould

27 joined us and we went to lunch, that's exactly -- and then Mr. Gilmartin gave

28 effect to what was --

29 Q 172 That was the first or second meeting you had with Mr. Dadley?

11:29:01 30 A I could have met him in Dublin or spoke to him by phone before I went to

11:29:04 1 London. I can't be certain.

2 Q 173 And in circumstances where Arlington were proposing to carry out a development
3 in Bachelors Walk, not an area which you were a TD, not in your locality?

4 A Not at all.

11:29:20 5 Q 174 And in the not functional area of the county council.

6 A Three quarters of my contributors didn't develop anything anywhere.

7 Q 175 And do you continue then to say both Mr. Dadley and Mr. Mould are lying through
8 their teeth, when they say that you would help or smooth the passage in the
9 corridors of power?

11:29:43 10 A Well the only thing I can put it to you, they did not senior Garda officers lie
11 through their teeth, obviously it's there in evidence.

12 Q 176 So the answer is yes?

13 A The two police officers, they obviously were prepared -- I see it that they
14 were colluding with Mr. Gilmartin lying by coming in lying and Mr. Dadley
11:30:00 15 changed his statement when he was coming here to give evidence. Mr. Dadley
16 couldn't remember telephoning me to make the payment for 33,000.

17 Q 177 So the answer is answer is yes?

18 A So poor old Mr. Dadley's mind is badly blurred obviously.

19 Q 178 So the answer is yes.

11:30:13 20 A I don't know what -- what was the question?
21

22 CHAIRMAN: Whether Mr. Mould and Mr. Dadley were lying to the Tribunal.

23 A Well, the evidence is there, you will have to decide that, Chairman.

24 Q 179 MR. O'NEILL: And likewise when both Mr. Mould and Mr. Dadley say they did not
11:30:32 25 make any political contributions or donations to you, again they are lying?

26 A Or consultancy, so they dealt with the two headings, Mr. O'Neill, in that --

27 Q 180 When they gave evidence to the Tribunal, they said there was no political
28 donations made to you, Liam Lawlor?

29 A But that was a change from their statement to the Gardai.

11:30:50 30 Q 181 They are lying in that, you are saying they made political donations to you?

11:30:54 1 A It's for the Tribunal to decide the evidence people have given here, I am not
2 making -- I am not the chairman coming to conclusions about their evidence. Or
3 their written statements or their contradictions or otherwise.

4 Q 182 Can I ask you in relation to the payment of the 33,000 sterling, you dealt with
11:31:21 5 that at question 75 yesterday, I think I have the wrong reference -- page 75
6 please. Question 444. Do you see that question, the question is "The cheque
7 is 19th April?
8
9 Question 444: "Would it have been the end of March, beginning of April?
11:32:25 10 Answer: Sometime, it wouldn't have been too far, he rang -- this is
11 Mr. Dadley, I think -- and sorry, we are not going ahead Liam, we look, we will
12 make a contribution, we appreciate all the help and so forth and maybe if you
13 are in London look me up sometime and that's how that came about."
14 That's your evidence yesterday.

11:32:43 15 A That's a phone call from Dadley, yes.

16 Q 183 The payment seems to be connected to the help that you had given Arlington.
17 A Well you know help, you befriend somebody, you send your car to pick him up,
18 you meet him, have a meal with him, you discuss the business at the invitation
19 of others, a group of councillors, went to Bristol to see an Arlington business
11:33:06 20 park, so I became quite friendly with Ted Dadley, yes.
21 He sponsored various social activities I attended I think Navan with him, so
22 that came completely out of the blue to me, the man telephoned me and he did
23 what he did, and I am the only one, Mr. O'Neill, that was able to provide or
24 help the Tribunal with this matter because neither Mr. Mould nor Mr. Dadley has
11:33:31 25 any recollection of it and I never met any other executive from that company so
26 it had to be either one of them and it wasn't Mr. Mould, it was definitely
27 Mr. Dadley.

28 Q 184 Right. And that is your evidence, and you tie that payment in to a payment for
29 the help that you had given, that's hardly a political donation, is it?

11:33:47 30 A Well you know every political donation you get you will have befriended

11:33:53 1 somebody or become pally with them and they gave you a donation. I didn't ask
2 him for this, he didn't have to give it to me. For whatever help I'm supposed
3 to have given him is unidentifiable because there wasn't any specific help in
4 the context of the Tribunal's inquiries. Because I never even got to lodge a
11:34:11 5 planning application.

6 Q 185 So is it your interpretation that the payment of 33,000 pounds was a political
7 donation?

8 A I'm absolutely certain of it.

9 Q 186 Is it something that Mr. Dadley told you or is it simply your interpretation?

11:34:25 10 A I am certain of it myself.

11 Q 187 Did Mr. Dadley tell you this, I want to make a political contribution?

12 A I think you better put that to Mr. Dadley.

13 Q 188 I'm asking you who he told you?

14 A I can't recall the detail, I tried to recall in evidence yesterday that it was
11:34:38 15 a phone call, the absolute content of a phone call with Ted Dadley 14 or 15
16 years ago. I really, all I know is know is Ted Dadley rang me, said they
17 weren't proceeding, said they were going to do something and did it and that's
18 my recollection of the matter.

19 Q 189 It was a very large amount at that stage, wasn't it?

11:34:57 20 A Sure we can large amount of it for another hour, it's there, it's history, it's
21 been written about two years ago so large, small, medium, that's it.

22 Q 190 Had you --

23 A 40,000 Irish.

24 Q 191 Had you ever received such a large what you categorise as political
11:35:13 25 contribution from any person before?

26 A I can't be certain of that, I have given a B42 file to the Tribunal with the
27 best of recollection of ever contribution I ever got. So what's on that list
28 is my recollection.

29 Q 192 How were this, if you can't answer that question specifically, how would this
11:35:29 30 rank with those payments, would it be up at the top?

11:35:32 1 A No it wouldn't.

2 Q 193 You were receiving political contributions in individual payments of more than
3 40,000 pounds?

4 A I disclosed that information to the Tribunal and if they haven't circulated it
11:35:42 5 to you then it's not in the brief so it's nor for me to answer it, if the
6 Tribunal want to send out a list that's a matter for you to put the questions
7 to me. It's not in the brief, I'm answering what's in the brief here and I
8 don't believe that it's any of your business.

9 Q 194 So are you saying then that you cannot assist the Tribunal in your evidence
11:36:02 10 today apart from referring to this form in saying whether or not a single
11 payment of 40,000 pounds was at the top range or was at the higher range of the
12 political contributions that you received?

13 A I don't think you heard my answer. I have assisted the Tribunal in this
14 matter.

11:36:21 15 Q 195 I'm saying assist the Tribunal in your evidence today?

16 A I have assisted the Tribunal in this matter.

17 Q 196 In your evidence today?

18 A If the Tribunal legal team haven't chose to provide you with the assistance I
19 have given to question me about these matters, then I don't believe it's any of
11:36:37 20 your business, maybe it is, maybe the Chairman can tell me, maybe he wants to
21 circulate the list, by all means. I gave it to the Tribunal and they were free
22 to --
23

24 CHAIRMAN: Mr. Lawlor I mean you are not being asked for any specific
11:36:47 25 information, it's a general question which you should answer if you can answer
26 it.
27

28 Q 197 MR. QUINN: Perhaps to assist Mr. Lawlor, he could be given a copy of his B42
29 list, it doesn't have to be circulated but it might assist him in --

11:37:00 30 A I'll clear it up this way, Mr. Quinn, it would have been say one of four or

11:37:05 1 five, possibly no more than that, now there could be more than that but I mean
2 that's about the size of it.

3 Q 198 One of four or five out of approximately how many?
4 A Well I don't know, after eight general elections in 25 years I couldn't be --

11:37:19 5 Q 199 Hundreds are we talking about?
6 A Sorry?
7 Q 200 Are we talking about hundreds of donations?
8 A Well you know you put 40 teams in a golf classic, that's 40 donations, you
9 raise at lunches or dinners and then election time, you get contributions
11:37:36 10 direct from people so it's all there. Provided it to the Tribunal.

11 Q 201 I am simply trying to get some idea, you are as I understand it talking about
12 many hundreds of separate donations.
13 A Yes.
14 Q 202 And this particular cheque for 33,000 pounds sterling would be in the top four
11:37:54 15 or five?
16 A Absolutely, yeah, sure.
17 Q 203 And it's coming from an organisation based outside the state?
18 A Sure, yeah.
19 Q 204 And in circumstances where you have never received other than from a friend, a
11:38:10 20 donation of anything in any way approaching that letter?
21 A That was what's done, Mr. O'Neill. It's been trawled here several years so all
22 I can do is repeat for you that's exactly what it is, yeah.
23 Q 205 Why did you not disclose this very large donation early on when you were asked
24 about donations?
11:38:29 25 A To who?
26 Q 206 To the Tribunal.
27 A How do you know I didn't?
28 Q 207 Because it's apparent from the statements that you didn't.
29 A But sure I went trawling the banks and the bank provided me with a copy of the
11:38:40 30 cheque and as soon as I got it I gave it to the Tribunal.

11:38:42 1 Q 208 Have you forgotten about it Mr. Lawlor?
2 A No, I haven't forgotten about it.
3 Q 209 Why did you not disclose it?
4 A Would you let me answer the question, how do you know what I disclosed
11:38:54 5 Tribunal, you don't know and I tell you why you don't, I wrote to 272 people
6 and I was asked by this Tribunal to tell the Tribunal why I wrote to them and
7 when I came to the Arlington sheet that Mr. Quinn put up on here yesterday, I
8 had estimated excess of 30-odd,000 from Arlington. And I put in estimated so
9 that I was not in any way other than being as frank as I could with the
11:39:20 10 Tribunal based on my recollection. And I would put it further to you, Mr.
11 O'Neill, that my recollection of the 33,000 cheque was higher and it's only
12 when the copy of the cheque was given to me by my bank to give to the Tribunal
13 did I recall the exact amount and that's so I have provided Tribunal with the
14 information that you are suggesting I didn't.
11:39:40 15 Q 210 You suggested yesterday that when Mr. Gilmartin gave evidence that he was
16 repaid the payments he made own behalf of Arlington to you, that he was
17 overpaid. Do you want to withdraw that slur?
18 A I want --What?
19 Q 211 Do you want to withdraw that slur?
11:40:02 20 A I haven't enough time to try to with withdraw Mr. Gilmartin's slurs.
21 Q 212 You are not going to withdraw that?
22 A All I'm saying is I believe Mr. Gilmartin recovered whatever he was entitled to
23 and if there was some cheques that went and wasn't cashed, I didn't receive it,
24 I don't know whether it was covered or not, if I have done Mr. Gilmartin any
11:40:21 25 injustice I most definitely withdraw it. It was my opinion that there was a
26 cheque that Mr. Gilmartin issued to me that was never cashed and I have no, I
27 don't know the detail to be honest. But I was given a figure from some of my
28 people of 27 or 8 thousand instead of 35,000 and if Mr. Gilmartin discharged
29 35,000 pounds out of his account and I didn't get it, I apologise for
11:40:47 30 suggesting, but I don't know where it went.

11:40:50 1 Q 213 All right, we'll move on to. Can I come to Advance Proteins, you said that was
2 a non-trading company?
3 A It was a company formed by me with a view to setting up added value food
4 project.

11:41:03 5 Q 214 But it never traded --
6 A We were going to build a plant and add -- I don't want to waste the Tribunal's
7 time, we were going to build a processing plant, never did any of that. Never
8 did any of that, no.

9 Q 215 But it was used, you say, for -- as a source or an account, the bank account in
11:41:23 10 any event, for funding your expenses.
11 A Yes.

12 Q 216 And if we look at the schedule of the various accounts prepared I think by the
13 Tribunal, page 845, that was referred to by Mr. Quinn yesterday and if we can
14 highlight columns 15 and 16. I'm not sure if that's of any great assistance.

11:42:19 15
16 MR. QUINN: I will get Mr. Lawlor a hard copy of it.

17 A Thank you. Maybe I can answer anyway, Mr. O'Neill, if you just tell me what
18 you want.

19 Q 217 You see 15 and 16, I think are Arlington accounts even on the hard copy it's
11:42:37 20 quite difficult to make it out.
21
22 MR. QUINN: I think Advance Proteins accounts.
23

24 Q 218 MR. O'NEILL: Sorry, Advance Protein Accounts.

11:42:44 25 A Did you say 15 and 16? APL, yes.

26 Q 219 And if you run across to the lodgment position in 1987, 1988, there seemed to
27 be, between those two accounts, again the figures are somewhat difficult to
28 make out, but there seemed to be significant amounts going through the
29 accounts.

11:43:11 30 A Yeah, there could be, yeah.

- 11:43:13 1 Q 220 360,000, is it, and 318,000, something like that. And 200 and -- this was
2 1987, 212 and 52 or 62.
- 3 A Sure.
- 4 Q 221 That was money going into the account, what were the sources of that other
11:43:29 5 money, were they political donations as well?
- 6 A I have done a massive exercise over a number of months for the Tribunal in
7 identifying every lodgment I could. So to be putting the specific question
8 about any one of those entries, I don't have a clue.
- 9 Q 222 I'm not asking you about any particular one but generally speaking, those large
11:43:50 10 sums, what were they made up, were they made up of political contributions or
11 made up of consultancy services?
- 12 A There was a commercial link up with the Goodman organisation so it could have
13 been part of that.
- 14 Q 223 And was that a consultancy payment or was it a political contribution?
- 11:44:04 15 A No, it was a business investment. It has nothing to do with the Tribunal to
16 the best of my knowledge but notwithstanding that, we have gone back through
17 all of those accounts and provided to the Tribunal details of every itemised
18 lodgment, we were asked to identify everything over 1,000 pounds and to the
19 best of our abilities, we have done that for the Tribunal.
- 11:44:31 20 Q 224 And accounts that are paid in relation to Advance Proteins Limited?
- 21 A Sorry?
- 22 Q 225 Were accounts prepared, I'm not talk being bank accounts but were accounts
23 prepared by accountants of the trading, not the trading, but the income and
24 expenditure of Advance Protein?
- 11:44:48 25 A All accounts that have been back from the '70s have been provide to the
26 Tribunal by my accountant.
- 27 Q 226 Is that the answer, they have been prepared?
- 28 A They have been provided with all the information available to me both from my
29 accountants and from my own office, yes.
- 11:45:01 30 Q 227 And accounts were prepared in other words you are saying?

11:45:03 1 A Well the accountants, my accountants have provided accounts to me that were
2 provided to the Tribunal.

3 Q 228 Were annual accounts prepared for this company?

4 A I am not certain about the itemised years but every, the accountants accounts
11:45:18 5 have been provided to the Tribunal.

6 Q 229 In those accounts, were political expenses experiences concerned with your
7 position as a TD and county councillor, were they segregated in those accounts?
8 In other words, could you match the payments against expenditure?

9 A They would have --

11:45:43 10 Q 230 Would payments get receipts?

11 A I would have discussed them with the accountants, they would have been
12 itemised, which is more than your client has provided to the Tribunal from my
13 information.

14 Q 231 Thank you.

11:45:58 15 A It's all very sketchy.

16 Q 232 That's very helpful, thank you?

17 A Maybe you could rectify that for the Tribunal.

18 Q 233 Can you confine yourself to answering the questions, Mr. Lawlor. Ask you in
19 relation to the occasion in which you attended with the bank and met with
11:46:16 20 Mr. Sheeran and asked him for a cheque for 10,000 pounds, you have no
21 recollection of that?

22 A No. I had never any altercation with Mr. Sheeran.

23 Q 234 Mr. Sheeran has a recollection of it and you were here when he gave evidence.

24 A He changed his evidence about the attempted bribe too, didn't he. So,
11:46:32 25 Mr. Sheeran selective recall is --

26 Q 235 He is lying through his teeth as well, is that another person lying through his
27 teeth?

28 A You said it.

29 Q 236 I'm asking you the question?

11:46:42 30 A You say he changed his evidence in the letter?

11:46:46 1 Q 237 In relation to his evidence in respect of you.

2 A Mr. O'Neill I believe the chairman and the two judges can decide who is lying.

3 Q 238 Please listen to the question. Are you saying, you have been very, very quick

4 to call Mr. Gilmartin a person who is lying through his teeth and I am using

11:47:01 5 your phase?

6 A There's plenty of evidence for that already.

7 Q 239 That may be a matter for the Tribunal.

8

9 CHAIRMAN: Just answer the question.

11:47:07 10

11 Q 240 MR. O'NEILL: I'm trying to identify your view, I'm saying would you put

12 Mr. Sheeran in the same category, he is lying through his teeth as well?

13 A What he is doing is trying to stand up his good friend's position, if that

14 turns out to be a lie, as is Mr. McLoone based on what I can see has happened

11:47:24 15 here, those two gentlemen came in here and tried to stand up Mr. Gilmartin's

16 evidence in whatever way they could.

17 If that's going to turn out to be lies in the final report, it's a matter for

18 the Chairman and the two judges here.

19 Q 241 You say, you told the Tribunal, as I understand your evidence yesterday, that

11:47:42 20 you have no recollection of that particular incident, in other words going to

21 the bank.

22 A I -- as you look at the withdrawal, I don't know how it could have arisen.

23 Q 242 Are you saying it did not occur or you have simply no recollection of it?

24 A I have no recollection of ever going along to meet Mr. Sheeran to have any such

11:48:04 25 situation as outlined. I don't know whether by Mr. Gilmartin or by

26 Mr. Sheeran. I don't know which of them.

27 Q 243 You did you go on another occasion and get a cheque from Mr. Sheeran?

28 A With the prior approval of your client. Any time I ever went to see

29 Mr. Sheeran, it was having discussed the matter with your client. I never went

11:48:23 30 out --

- 11:48:24 1 Q 244 And this was to collect your monthly, so to speak, political contributions?
- 2 A Whatever the arrangements were, it was always agreed with your client so I
- 3 would not have gone along to meet Mr. Sheeran if I hadn't spoken with with your
- 4 client before doing so. That's my recollection and my interface with Bank of
- 11:48:42 5 Ireland, Main Street, Blanchardstown.
- 6 Q 245 And in relation to the payment at Heathrow airport, you asked Mr. Gilmartin to
- 7 come and meet you, that you want your payment?
- 8 A Whatever, I think he was as anxious to meet me as I was him, all the time, even
- 9 when he was making complaints to others, he was still wanting meetings with me
- 11:49:02 10 or whatever purpose, even to the extent he claimed that I brought him to meet
- 11 the Taoiseach, two days later he is complaining to managers.
- 12 Q 246 Did you find it a little anomalous that you would be asking for these so-called
- 13 voluntary payments. In other words, you are ringing up Mr. Gilmartin asking to
- 14 meet you at Heathrow because you want your monthly payment even though it's a
- 11:49:31 15 voluntary payment, no obligation at all on Arlington or anyone to make them?
- 16 A None whatever no. Was Mr. Gilmartin not a free man to decide he did or he
- 17 didn't want to? That's a matter you should put to your client really.
- 18 Q 247 Would you accept that the -- and I am not going to go through the various
- 19 cheques but the manner in which the cheques were made out, the identity of the
- 11:49:54 20 payees is somewhat unusual?
- 21 A Sure we dealt with that yesterday in evidence, I told Mr. Quinn exactly the
- 22 situation.
- 23 Q 248 Yes, is that the answer?
- 24 A Personal account is possibly up to its limit, so therefore the cheques were put
- 11:50:06 25 through those accounts and bills were paid out of them, that's exactly what
- 26 happened.
- 27 Q 249 Yes is the answer, is it?
- 28 A That's what happened.
- 29 Q 250 And what about the cheques payable to Mr. Gilson? That can hardly come in the
- 11:50:22 30 category of cheques that you didn't want to put into your personal account?

11:50:25 1 A Sure I gave evidence as to what I did with them, so if you want me to spend
2 another hour repeating what I said yesterday, I will endeavour to do so. You
3 might be able to get me to say something I didn't say.

4 Q 251 If you answer the questions we will move on much quicker?

11:50:41 5 A I think you should move on because what's than been trawled here yesterday but
6 however if you want to go through it, I will explain exactly what happened.

7 Q 252 I think if you stop making those comments we will move much quicker, you forged
8 Mr. Gilson's endorsement?

9 A All I'm saying is the cheques were dealt with as I have dealt with them.

11:51:02 10 Q 253 Did you forge Mr. Gilson's endorsement?

11 A I am telling you what I have done.

12 Q 254 Did you forge Mr. Gilson's endorsement, yes or no?

13 A I explained how the cheques were processed.

14 Q 255 Will you answer the question please Mr. Lawlor?

11:51:12 15 A No, I have no intention of, other than explaining to the Tribunal exactly the
16 way they were processed so if you, the Tribunal can decide whether they were
17 forgeries or not. It's not for me to decide that. I have explained, Chairman,
18 exactly how I have dealt with them.

19

11:51:27 20 CHAIRMAN: Mr. Lawlor, it can be asked in this way, do you concede that
21 Mr. Gilson's signature on the back is not Mr. Gilson's signature?

22 A Yeah and I think I told Mr. Quinn yesterday that the clerk in the bank could
23 have asked his name be put on the back and it was put on the back my by myself
24 and/or one of my staff, yes.

11:51:48 25 Q 256 MR. O'NEILL: You are trying to blame some poor clerk in the bank, some unnamed
26 clerk?

27 A No, I am not, I saying I could have, I take full responsibility for whatever
28 way those cheques were processed.

29 Q 257 You take responsibility for what is a forgery of Mr. Gilson's name?

11:52:01 30 A Call it what you like, that's what was done.

11:52:03 1 Q 258 Do you think that's honest conduct?
2 A It was not the slightest bit dishonest on anybody.
3 Q 259 It's not dishonest to forge someone's name?
4 A Well, you see, you had a political system of 20 years of pick me up invoices
11:52:16 5 and those ways of doing business which, in the wisdom of hindsight, weren't
6 correct and proper by any means.
7 Q 260 That's the way you conduct business?
8 A Well, it's a bit like yourself as Jackson Way's lawyer getting double paid for
9 the compensation claim in Carrickmines, is that in order? That the State is
11:52:32 10 paying you and the company is paying you a million dollars?
11 Q 261 So you are --
12 A Is that in order, that you are being paid twice?
13
14 CHAIRMAN: Mr. Lawlor, just answer -- there's no point into getting
11:52:42 15 into confrontation.
16 A The situation with this man --
17
18 CHAIRMAN: If you just answer the question.
19 A I have answered the question. I have said they were dealt with the way they
11:52:50 20 were dealt with and I can't advance it any further for you.
21 Q 262 MR. O'NEILL: They were forged, to summarise your evidence, Mr. Gilson's
22 signature was forged and that was the way business was done, and that's your
23 answer effectively, is it?
24 A What's done is done.
11:53:02 25 Q 263 And do you still say that the way in which you conducted yourself was totally
26 above board and honest in all respects?
27 A I have never asked for a penny of a corrupt payment from anybody.
28 Q 264 I asked you at the beginning of your evidence is that your impression?
29 A Yes and --
11:53:19 30 Q 265 And despite the fact that you can knowledge that you have forged or caused

11:53:24 1 Mr. Gilson's signature to be forged, you think that's completely honest on the
2 basis that that's what everybody was doing at the time?
3 A That's what you are saying, I am not agreeing with that.

4 Q 266 I'm simply asking you, I understood that was the basis?

11:53:37 5 A The basis of and I repeat for you -- was the way they were processed and I
6 can't advance it for you, so you can try, go around the bush ten times if you
7 wish. You won't get anywhere.

8
9 CHAIRMAN: Right, well we are going to rise for a few minutes for the
11:54:09 10 stenographer.

11
12 **THE TRIBUNAL THEN ADJOURNED FOR A SHORT BREAK**

13 **AND RESUMED AS FOLLOWS:**

14
12:07:07 15 MR. O'NEILL: Mr. Chairman, I have no further questions. Thank you,
16 Mr. Lawlor.

17
18 CHAIRMAN: Mr. Redmond, do you want to ask Mr. Lawlor some questions?
19

12:07:16 20 **THE WITNESS WAS QUESTIONED AS FOLLOWS BY MR. REDMOND.**

21
22 Q 267 MR. REDMOND: Mr. Lawlor, I would like to put my questions without the aid of
23 these so would you keep in close and --

24 A Do you want me to shout, I will, of course.

12:07:33 25 Q 268 Yes. Apropos your first meeting with Mr. Gilmartin in the Deadman's, when did
26 you move into Lucan?

27 A I think I bought my home in '73, it might have been a year, March '74.

28 Q 269 And your residence is in west Lucan.

29 A Yes, yeah.

12:08:03 30 Q 270 And how far would that be from say, Bruton's in a car?

12:08:12 1 A A mile, maybe a little more. Well it's from the roundabout at the M50 up to
2 the Newcastle Road and then just near Finnstown there, near the hotel, so
3 yeah --

4 Q 271 Surely that would be three or four?

12:08:24 5 A It could be, yeah, it could be. Yeah.

6 Q 272 Anyway, insofar as land ownership, you know, there'd only be one or two in the
7 area from that Mr. Gilmartin was interested in, that is from the Bruton farm up
8 to Fonthill Road, there might -- well with the new road, there were no access
9 points on the new road, is that right?

12:08:48 10 A Well you see I didn't appreciate the scale of Mr. Gilmartin's interest.

11 Q 273 No, no, I just want to establish that beyond notable families, you probably
12 didn't know who was behind in the hinter land?

13 A Oh other than -- I was of the opinion the local authority owned substantial
14 tracts.

12:09:11 15 Q 274 But you wouldn't have had details.

16 A Oh, no.

17 Q 275 You probably weren't the most appropriate man to seek out for land ownerships?

18 A Not at all, no, just Brendan Fassnidge --

19 Q 276 The other man what was there, Mr. Fassnidge?

12:09:23 20 A Brendan, yeah.

21 Q 277 Man and boy, he lived west of Palmerstown?

22 A Well his family had a news agent.

23 Q 278 Sorry, west of Palmerstown, he lived there, man and boy?

24 A Main Street, yes, and his family and so forth.

12:09:36 25 Q 279 And from small beginnings, he worked up a large motor dealership on the main
26 road?

27 A Correct.

28 Q 280 And these people, you know, the Bruton's and the other people, they may have
29 been his neighbours, man and boy?

12:09:53 30 A Correct.

12:09:54 1 Q 281 More than anybody else would have known ownership in the area, in fact if you
2 were to pick out anybody in that area, to say, he would know it?
3 A Yeah, he was a very prominent person in that locality as was his extended
4 family.

12:10:07 5 Q 282 And if anybody want to buy a Mercedes, he was the man?
6 A Yes.
7 Q 283 And he was the man, he would have known. And were you aware that he was
8 retained by Mr. Gilmartin, his own evidence, I mean you know under -- in
9 connection with the assembly of the land?

12:10:28 10 A I had no knowledge of that until now.
11 Q 284 You didn't know?
12 A Yeah.
13 Q 285 That's just the background. Now, to get to that first meeting that afternoon
14 meeting, Friday afternoon, there's no record of that.

12:10:43 15 A No, other than what's been stated to the Tribunal.
16 Q 286 And the people who have made statements on it are Mr. Sheeran and
17 Mr. Gilmartin?
18 A But not Mr. Fassnidge.
19 Q 287 Yes. Well, could, Your Worship, put up page number 3915, this I think, it may
12:11:17 20 have been Mr. Gallagher's cross-examination, could you look down there to
21 number 542 which I shall read out.
22 A Yes.
23 Q 288 "Was that the first time that you had met Mr. Lawlor?
24 Answer: That was the first time, I did not know anybody of the area at all."

12:11:42 25 A That's Mr. Gilmartin saying that, is it?
26 Q 289 Mr. Gilmartin is replying, yes. "Was it your to your attention that he was a
27 TD at the time?
28 Answer: He told me that he was. He did not seem concerned but as it happened,
29 I had not explained my plans for Quarryvale very well, very much. As I say, I
12:12:03 30 was keeping it quiet until I kind of assembled the site, but Liam Lawlor was

12:12:13 1 not interested in Quarryvale or my question as of if he knew who owned the
2 piece of land. He told me that Bachelors Walk was in his domain and that the
3 government had more or less seconded him to make sure that we got it off the
4 ground."

12:12:36 5
6 So, does that bring back to your recollection what Mr. Gilmartin said?
7 A Well the government comment is fiction.
8 Q 290 No, sorry, I'm not interested in the government, Quarryvale solely. I mean
9 what he is saying there is he didn't tell you anything about the shopping, he
10 was keeping his cards about land acquisition and assembly to his chest.
11 A Well to be fair to, Mr. O'Neill tried to elaborate and get as much detail for
12 the Tribunal as possible but --
13 Q 291 No but that's --
14 A Yeah, he wasn't in a position to elaborate in any great detail about his
15 intentions for Quarryvale other than he wanted to invest and create jobs.
16 That's all I recall him talking about.
17 Q 292 Fair enough, but there's no question about it, there was no discussion there
18 about land ownerships, he was keeping his cards close to his chest and what he
19 says was, you seemed to be cooler on Quarryvale than you were on Arlington.
12:13:39 20 A Well the only reason, Mr. Redmond --
21 Q 293 Yes or no, Mr. Lawlor?
22 A Well -- yes, it's but if I could briefly, because he was outlining in greater
23 detail to me the intentions at Bachelors Walk than he was at Quarryvale, the
24 discussion --
12:13:55 25 Q 294 Fair enough.
26 A The discussion was more dominated by Arlington than Quarryvale, yes, yes.
27 Q 295 There was nothing in relation to establishing land ownerships, he was keeping
28 it, what he was going to do and how much land he was going to use to his chest.
29 Do you recall, Mr. Lawlor, I haven't got the reference to it, but it was
12:14:14 30 brought up I think by the counsel for Mr. Ahern and Mr. Byrne and I think that

12:14:24 1 was the evidence which Mr. Gilmartin presented at the High Court in the Sherwin
2 case.

3 A I didn't, I have a recollection.

4 Q 296 If I it could be turned up, it would be convenient, but it's not exceptionally
12:14:37 5 relevant.

6

7 MS. DILLON: That's on the screen, the extract on screen is the Sherwin trial.

8

9 Q 297 MR. REDMOND: In that case, I'll speak out, he reiterated the fact that
12:14:47 10 insofar as Quarryvale is concerned, he was keeping it very much to himself.

11 A Yes.

12 Q 298 That's all right. Now, I think there's a fair acceptance, Mr. Lawlor, would
13 you agree, that the first meeting between myself and yourself and Mr. Gilmartin
14 took place on the 28th of June?

12:15:12 15 A That now appears to be the accurate recollection from your diaries that were
16 discovered, yes.

17 Q 299 The diary helps, the diary helps?

18 A Sure.

19 Q 300 But the diary, would you agree, would be of very little help were it not for
12:15:26 20 the two pieces of correspondence which were exchanged between Mr. Gilmartin,
21 his being number 1774, on the 6th of July and the other one, a reply dated the
22 28th of July '88, from the principal officer of the council's engineering
23 department which dealt with roads.

24 A Yes.

12:15:56 25 Q 301 Now, would it not be true to say, that without those letters and what's
26 contained in them, we considering arguing forever or Mr. Gilmartin could be
27 presenting any sort of case as to what happened on that day.

28 A Yes, that's correct, and -- yeah.

29 Q 302 And would you also accept that he himself is the one who described the meeting,
12:16:28 30 his letter unsolicited, do you accept that?

- 12:16:32 1 A Yes I, do.
- 2 Q 303 And there was no need for his letter and it makes it crystal clear that what he
3 was talking about was a service station something ancillary to it, but in the
4 main a service station with access off the road. That's clear.
- 12:16:50 5 A Correct, yes.
- 6 Q 304 Now, in normal circumstances, as I say, I think I said in my own evidence, that
7 that letter might be acknowledged by a simple post card, leave it and see what
8 happens next. But to copperfasten matters, would you agree that the council's
9 letter which was written by a principal officer spelled out again what the
10 meeting related to?
- 11 A Yes.
- 12 Q 305 And it's spelled out in case there was any doubt that it was you who brought
13 him in?
- 14 A Sure, yeah.
- 12:17:26 15 Q 306 That we met, that he told us, told me what he wanted to do and he was told not
16 my views incidentally, would you agree Mr. Lawlor, but what was the national
17 policy on that ring of road?
- 18 A It was roads policy, yes.
- 19 Q 307 So there's no ambiguity about that. Now, insofar as my --
- 12:17:51 20 A But it's not correct, Mr. Redmond, because in the brief, Mr. Gilmartin in April
21 appointed planning consultants --
- 22 Q 308 Now please.
- 23 A Mr. Gilmartin appointed planning consultants in April of that year, months
24 before to research the regional shopping centre but he wasn't telling you or me
25 or anybody else that I'm aware of at the time.
- 12:18:12 26 Q 309 There's absolutely nothing wrong with Mr. Gilmartin employing consultants.
- 27 A He is talking about what he wants to do in the letter but the appointment
28 letter wants to do something totally different to what's in this
29 correspondence.
- 12:18:30 30 Q 310 That's fair --

12:18:31 1 A Well, he's lying here again.

2 Q 311 I'm only dealing with these two letters, that there was a formal meeting, I met
3 him and when he left me, he knew where he stood insofar as -- but I make the
4 point about land, I make the point about land and I make the point about a map.

12:18:51 5 There's not the slightest reference in either of those two letters to shopping?

6 A Or land ownership.

7 Q 312 Or land ownership.

8 A Correct, yes.

9 Q 313 If he did get them, you know, if he get a map and he is gracious enough to
12:19:05 10 write back to me, maybe a paragraph to say I want to thank you very much for
11 the assistance you gave me by giving me a map, he seems to be that sort of a
12 man. The meeting as you say was very brisk.

13 A Yes.

14 Q 314 Ten minutes?

12:19:20 15 A Yes.

16 Q 315 No tea or coffee?

17 A No.

18 Q 316 That's it and that was the meeting. Now, leave that for a minute. His own
19 description of the meeting refers to the provision of a map, you are quite
12:19:51 20 certain, my the way, Mr. Lawlor, when I met him that we had never met before?

21 A Never, no.

22 Q 317 And at that stage, according to the last extract, in replying to Mr. Gallagher,
23 insofar as his plans were concerned, he was keeping them very much to his
24 chest?

12:20:13 25 A I had no knowledge of what his over all plans were.

26 Q 318 When you brought them in on that day in June, did you know anything about his
27 shopping?

28 A No.

29 Q 319 Did you know anything about the extent of it?

12:20:24 30 A No, no, no, I didn't. All he had said on the Friday --

- 12:20:29 1 Q 320 Have you any idea how I could possibly know about it?
- 2 A None because we never got into any discussion on that matter. He opened or I
- 3 would have just introduced him as I recall or just my recollection --
- 4 Q 321 I am thinking now from the time you met him in Arlington which was in May,
- 12:20:50 5 clearly in May up to the end of June, you had no information from him that he
- 6 was about a shopping centre?
- 7 A Not at that stage, no.
- 8 Q 322 And even people were close to him on Mr. McLoone's evidence, he said he didn't
- 9 even know he was looking for a shopping centre.
- 12:21:05 10 A Well, yeah. I'm not aware.
- 11 Q 323 I'm only saying on his evidence he said that he didn't know, isn't that so?
- 12 A Yes that's so, but I mean I would point out that his adviser, Mr. Forman, knew.
- 13 Q 324 I'm only asking the about the shopping, who knew about it?
- 14 A I knew nothing at the time.
- 12:21:27 15 Q 325 According to Mr. Gilmartin himself, he is keeping it close to his chest?
- 16 A And that's Chairman, I would agree with you, yes.
- 17 Q 326 Now, was that the one and only meeting you ever had with me with Mr. Gilmartin?
- 18 A Absolutely yes.
- 19 Q 327 Did you ever make any representations on his behalf in respect to me?
- 12:21:52 20 A No.
- 21 Q 328 In respect of any matter?
- 22 A No.
- 23 Q 329 Did you ever make any representations, either personally or in writing, to any
- 24 department of the council concerning any of these lands? In the period up to
- 12:22:12 25 my retirement?
- 26 A Well I would recall having discussed with Mr. Murray, Mr. McCarron,
- 27 Mr. Prendergast, Mr. Smith, when it came known what Mr. Gilmartin's intentions
- 28 were all those senior executives in the planning section on the margins of
- 29 routine meetings, there would have been some sort of exchanges about this vast
- 12:22:37 30 proposal that was being talked about so I would have had discussions in that

12:22:42 1 context.

2 Q 330 Would you agree, we had the evidence of Mr. McCarron and Mr. Murray that he
3 puts plans to them in November of '88, we know that he had retained Arup's, so
4 it was well known?

12:22:58 5 A At that stage --

6 Q 331 Whatever about Mr. McLoone not knowing about it, it was known, it was in the
7 public arena at that stage?

8 A Yes, there would have been exchanges on the margins at council meetings about
9 this major project that was being talked about, yes.

12:23:12 10 Q 332 Well now Mr. Gilmartin describes the meeting, it was a very short meeting, and
11 then he says towards the end of the meeting that I got up from the -- the
12 meeting was over apparently -- and I got up from the table, he said, apparently
13 to make a call, presumably it wasn't to take one because the phone was dealt
14 with and you sought 100,000 from him. That's what he says.

12:23:45 15 A Yeah, but that never happened.

16 Q 333 Is there any truth in it?

17 A No, there's none at all, no.

18 Q 334 And this assertion was made, was first made by him in his statement to the
19 Tribunal in May 2001, isn't that the case?

12:24:01 20 A Could be, yes.

21 Q 335 That's the case. You see he didn't, insofar as the 100,000 is concerned, he
22 didn't, he associated me with this by, your saying to him he would have to look
23 after George. Using my christian name.

24 A It never happened.

12:24:23 25 Q 336 Did that ever come up again?

26 A I knew nothing about that until I read it here in the documents.

27 Q 337 You didn't know anything about it.

28 A No.

29 Q 338 Well now we come to the original allegations, we call recognise that
12:24:39 30 Mr. Gilmartin is the core witness here and he has immunity of course, we don't

12:24:45 1 know when he got that for what circumstances?

2 A Or for how long.

3 Q 339 The question is the allegations. Now, according to the records, the first

4 allegations were made by him to Mr. Haughey, Mr. Sean Haughey?

12:25:03 5 A Yes.

6 Q 340 And Mr. Sean Haughey didn't record them on the day but he did record them in

7 his statement to the Tribunal. He did record them to his statement to the

8 Tribunal. And on the next day, when everything was fresh in his mind, the 23rd

9 February 1989, he brought him into Mr. Frank Feeley, they sat down, they had

12:25:28 10 three and a half hours in seclusion with Mr. Niall and Mr. Haughey listening

11 and witnesses, and it was at that stage that you accept that Mr. Gilmartin made

12 his allegations.

13 A Of? Oh yeah, whatever he was telling him.

14 Q 341 You have read --

12:25:49 15 A Yes I have.

16 Q 342 -- the statement and you have heard Mr. Feeley's evidence.

17 A Sure.

18 Q 343 Now the statements come under three headings, I'll be as brief as I can. Now

19 they all involve so you will have to be alert. The first tranche related to

12:26:11 20 Arlington because I know nothing and am not involved in Arlington, so far as I

21 know, I'll pass over that but very much in Arlington is the first one.

22

23 Now the next one, the next two are the sort of hearsay ones and they didn't,

24 they don't relate to this module but they splash around the mud and they are

12:26:38 25 the Mercedes car in Brady's and the McDonalds that doesn't exist.

26 A Yeah.

27 Q 344 You know that. And of course he dovetails me into the allegations. I think I

28 will deal with those and try and get rid of them. In due course, Mr. Feeley

29 reported the matter to the minister, it was reported to the department?

12:27:02 30 A Proper order, yes.

12:27:04 1 Q 345 You accept it was reported to the Department of Justice?
2 A Sure.
3 Q 346 It was handed over to very senior police officers?
4 A Correct, yes.

12:27:11 5 Q 347 And they and also to Mr. Prendergast who had the job of examining the planning
6 files to see if there was anything irregular and the evidence in that case was
7 there wasn't and in the case of the other two, the police, Chief Superintendent
8 Burns and Sreenan, they certainly were never able to produce any sort of a case
9 and of course they failed to get the cooperation of Mr. Gilmartin to make a
10 statement. Isn't that true?
11 A Yes, that's correct, yes.

12 Q 348 Now the most important one from your point of view is the next one. It relates
13 to Quarryvale could we have, now this is Mr. Feeley's handwritten number, page
14 number 169.

12:28:21 15
16 JUDGE FAHERTY: 2199 I think is the --
17
18 MR. QUINN: The typed version is 2199.
19

12:28:28 20 MR. REDMOND: Which ever, I don't mind really
21 A MR. LAWLOR: I have it here Mr. Redmond on the screen now.
22 Q 349 MR. REDMOND: I have a handwritten so I'll read that.
23 "TK", that's the K there is Mr. Gilmartin "Also said that LL -- that's your
24 good self -- had asked for 5 million to be paid into a bank account in the Isle
12:28:50 25 of Man in respect of his support for a development which TK proposed at
26 Irishtown, which development would represent a material contravention of the
27 county plan."
28
29 Now, there's no ambiguity about that, I mean Mr, insofar as Mr. Feeley is
12:29:11 30 concerned, an honest man, he just took it down as a describe scribe,

12:29:21 1 Mr. Gilmartin, is it not true, denied that vehemently, he said he didn't say
2 that?

3 A Correct, yes.

4 Q 350 He said that.

12:29:29 5 A Yeah, I gather -- in his cross-examination or in the giving of his evidence, he
6 said that he had never said that. That's my understanding of it.

7 Q 351 He said that. And independently of that statement, now remember I just go back
8 to the statements when they were made, these were made 12 years ago when, do
9 you agree, when things would have been fresh in his mind.

12:29:55 10 A He had a very fertile mind.

11 Q 352 Sorry, forget about the fertility of his mind, just get back to the time, do
12 you agree they were made when things would have been --

13 A Yes, he was with the city manager or the manager recorded him.

14 Q 353 That's all right. Do you recall him, I wouldn't say boasting but alleging that
15 he had a photographic memory?

16 A A fictional one, yes.

17 Q 354 No sorry?

18 A Fictional photographic memory.

19 Q 355 I am not interested in the fiction, I am only putting his claim?

12:30:26 20 A Yes, Mr. Gilmartin has claimed that.

21 Q 356 He has claimed a very good memory?

22 A That's claimed.

23 Q 357 He has a memory. So, now, if we were dependent on the statement to Mr. Feeley,
24 we might be in some queer street, but he made the similar statement to
25 Inspector Sreenan, can we have 1142 up please.

12:30:46 26 A Yes, he wanted 5 million in an offshore account and a 10 percent stake in the
27 Bachelors Walk deal.

28 Q 358 Wait a minute now, he wanted 5 million in an offshore account and 10 percent
29 stake in a Bachelors Walk or it might get off the ground.

12:31:21 30

12:31:21 1 Now, Mr. Lawlor, the important thing here is the 5 million. This case --

2 A Could you moved your microphone back please?

3 Q 359 Sorry, in this case, Mr. Lawlor you are still looking for the 5 million but

4 what he says in this case has nothing got to do with Quarryvale, it's nothing

12:31:44 5 got to do with Quarryvale, it's to do with Bachelors Walk?

6 A I see, yeah.

7 Q 360 Now these really allegations made when things are fresh in his mind, they are

8 made to two very responsible people, a chief superintendent soon to be

9 Assistant Commissioner an the city and county manager?

12:32:01 10 A Yes.

11 Q 361 Now you will note that there's no mention of your requesting him requesting

12 100,000?

13 A Yeah, I accept the point you are making, yes, I wasn't aware of that but yeah,

14 I accept it, yes.

12:32:21 15 Q 362 You see we have to deal with what are the allegations. Now in this case in

16 '89, we have --

17 A Two allegations of 5 million pounds demands.

18 Q 363 We have one allegation for 5 million for a specific thing in Quarryvale,

19 support for material contravention and in the other case, Arlington. Now what

12:32:50 20 happened, of course, and if you read the and it's interesting to read them,

21 that's the statements which he made to Superintendent Sreenan and the efforts

22 the superintendent, you know, made to try and get them over it, it's

23 astonishing to read them now --

24

12:33:10 25 CHAIRMAN: Sorry, Mr. Redmond --

26

27 MR. REDMOND: Yes, all right sir.

28

29 CHAIRMAN: You are supposed to be cross-examining Mr. Lawlor rather than

12:33:17 30 expressing a view. So you have to ask questions of Mr. Lawlor.

12:33:22 1

2 Q 364 MR. REDMOND: Yes, I will, sorry, apologies, your worship, apologies. But

3 what happened then was the police investigation continued but without any

4 evidence on the trivial, well the quasi trivial things I say, and the lack of

12:33:43 5 cooperation, nothing happened, isn't that so

6 A That's my understanding, yes.

7 Q 365 There were interviews and various things but I mean nothing went to the

8 Director of Public Prosecutions, nothing like that and what happened since '89,

9 those files lay in the Department of the Environment, the corporation, the

12:34:03 10 Department of Justice and with the police, and there was never the leakage of

11 the fact that you were alleged to have asked for 5 million?

12 A Well we had the good grace to withdraw it, Mr. Redmond.

13 Q 366 I'm just saying that insofar as the file -- we have papers here, we have his

14 allegations.

12:34:22 15 A Yes.

16 Q 367 We hadn't got a Tribunal but we had police officers, they could do nothing

17 without his cooperation and it stayed there, and it remained silent and secret?

18 A In the form of allegations.

19 Q 368 In the form of allegations.

12:34:37 20 A Yes.

21 Q 369 Now we come along to May 2001, and in new ball game is opened up. And the core

22 witness is Mr. Gilmartin, isn't that so?

23 A That's correct, yes.

24 Q 370 And the Tribunal must get a statement from him, that's their obligation.

12:34:59 25 A Sure.

26 Q 371 And now we have a completely new story?

27 A Sure wait till we get the notes of his statement.

28 Q 372 Sorry, is it not true that he is more or less, insofar as the 5 million is

29 concerned, he is taking you out of the jaws of hell and a 100,000 has more or

12:35:24 30 less put you in purgatory?

12:35:27 1 A Well he has denied that he made these claims to these two senior people and you
2 know A, he obviously made them and B, he now has withdrawn them because I don't
3 think either Assistant Commissioner Sreenan or Mr. Feeley would have recorded
4 those if Mr. Gilmartin hadn't said them.

12:35:45 5 Q 373 But the point is and we have to consider the Tribunal's position, the Tribunal
6 may at that stage not have had the statements of Mr. Feeley or Mr. The
7 Detective Sreenan, but the position is now we have an entirely new set of --

8 A Yes, I see what you are saying.

9 Q 374 You see the point.

12:36:08 10 A I do.

11 Q 375 This is the difficulty for the Tribunal and you are central to this?

12 A Hmm.

13 Q 376 Now he has you at the 5 million for two different things, now he has you with a
14 100,000 and of course he tags me in it as well. Now, which --

12:36:25 15 A He is not for real really.

16 Q 377 Which is true? Could I ask you, Mr. Lawlor, when you were being cross-examined
17 by Mr. Quinn yesterday, did he put the direct question to you "Did you ask for
18 5 million"?

19 A No but I presume Mr. Quinn was relying on Mr. Gilmartin's retraction that
12:36:46 20 therefore it no longer exists.

21 Q 378 The evidence is there.

22

23 CHAIRMAN: Sorry, Mr. Redmond, we can't sit and listen to what is in effect a
24 commentary on evidence that's been given. If you have questions for
12:36:58 25 Mr. Lawlor, then they put be put to him.

26

27 Q 379 MR. REDMOND: Mr. Lawlor the question I want you to answer now if it hasn't
28 been answered. If you ask him for 5 million?

29 A Never, no.

12:37:09 30 Q 380 For Arlington.

12:37:10 1 A Never asked the man for a penny, not to mind 5 million or 100,000 or
2 percentages, my discussions with Mr. Gilmartin was that his project could not
3 succeed and if the man had a given me 5 million pounds, I still couldn't have
4 got his project off the ground because there was a big ministerial directive
12:37:30 5 hanging over Westpark, that was always going to guarantee it never happened,
6 ever.
7 So you could get 50 million pounds and you couldn't guarantee that his scheme
8 would go forward. So I never had any such discussion with Mr. Gilmartin about
9 any such amount.

12:37:46 10 Q 381 The only point I was trying to establish that, you know, we have got a clear
11 change of mind and the question arises what is to be believed. I certainly
12 can't say.
13
14 CHAIRMAN: Mr. Redmond, I have indicated to you, you can't run a commentary on
12:38:00 15 the evidence. You are supposed to be asking Mr. Lawlor questions. You will be
16 given an opportunity to make submissions at the end of the module.

17 A MR. LAWLOR: I think, Mr. Redmond, to sum up on it the Chairman and the two
18 judges and everybody else are aware now what Mr. Gilmartin is alleging here is
19 untrue and it never happened.

12:38:23 20 Q 382 MR. REDMOND: Insofar as the -- I have very little else to ask you, except
21 that the first meeting and to establish clarity about what was alleged and what
22 was not alleged but I mean insofar as you were concerned, at that meeting which
23 you and I attended there was never any question of seeking money from
24 Mr. Gilmartin or giving him a map that I couldn't possibly give him.

12:38:49 25 A Mr. Redmond, there was no two Ms, there was no map and there was no money.
26 None whatsoever.

27 Q 383 I can't think of anything else your worship. Thank you very much and apologies
28 if I --
29

12:39:04 30 CHAIRMAN: You are all right. Mr. McGarry, do you want to ask a question?

12:39:06 1 All right, Mr. Lawlor, you will resume your, you will be cross-examined I think
2 by your own counsel next week.

3 A Yes.

4

12:39:18 5 CHAIRMAN: Thank you very much.

6 A Thank you.

7

8 **THE WITNESS THEN WITHDREW.**

9

12:39:21 10 MS. DILLON: Mr. Redmond please.

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CONTINUATION OF QUESTIONING OF MR. REDMOND BY MS. DILLON:

- 12:39:49 1
- 2
- 3 Q 384 MS. DILLON: Good afternoon, Mr. Redmond, there are a few matters that I want
- 4 to deal with with you. I want to deal with the aborted meeting and the second
- 12:40:11 5 manager's Minister's meeting on the 2nd February.
- 6 But before I deal with those, would you agree that as a general proposition,
- 7 that insofar as the documents that were exchanged between Mr. Gilmartin and the
- 8 corporation were concerned and Mr. Gilmartin and the council were concerned,
- 9 that certainly up to the end of January of 1988, the matter was proceeding
- 12:40:32 10 normally?
- 11 A Yes. Absolutely.
- 12 Q 385 Now, on the 2nd of February --
- 13 A Yes.
- 14 Q 386 -- there was a meeting involving the managers and the ministers, isn't that
- 12:40:47 15 correct?
- 16 A Yes.
- 17 Q 387 Now, the documentation surrounding that meeting, Mr. Redmond, indicates that it
- 18 was primarily about urban renewal, do you agree with that?
- 19 A Oh I --
- 12:41:01 20 Q 388 If I show you the entries in the diaries of the ministers first of all, if we
- 21 could have --
- 22 A Sorry I wouldn't dispute it, I was there on the periphery, I hadn't much
- 23 interest at all in urban renewal but I'm sure it was certainly mentioned.
- 24 Q 389 If we look at Mr. Ahern's diary for example --
- 12:41:21 25 A I'm accepting what you say.
- 26 Q 390 Yes, and that the correspondence that had emanated from Mr. Feeley following
- 27 the September 21st '88 meeting, dealt with the question of urban renewal and
- 28 tax designation in the city centre?
- 29 A Yes, but certainly the meeting did not confine itself to that.
- 12:41:39 30 Q 391 Yes. Now in your statement to CAB, when you first dealt with this matter, you

12:41:44 1 said I think in relation to this meeting that the purpose of the meeting was
2 primarily and principally to deal with Quarryvale?

3 A That's the way I saw it.

4 Q 392 Now I want to -- I want to just explore that with you for a moment. In the
12:42:04 5 diary entries of the ministers that are available, that is Mr. Burke's diary,
6 that's Mr. Ray Burke's diary I think, Mr. Albert Reynolds' diary and Mr. Bertie
7 Ahern's diary, the meeting is described as urban renewal, isn't that right?

8 A Well I haven't seen the diaries but I accept that.

9 Q 393 I'll show you, 4071 please?

12:42:27 10 A I have no objection to that Ms. Dillon, all I'm saying, remember how I'm there,
11 I'm brought down there just in case questions about plumbing or roads arise.

12 Q 394 About the infrastructure in the country?

13 A If they arose.

14 Q 395 And you were brought there because of your acknowledged expertise in the
12:42:43 15 plumbing of the county?

16 A Yeah but what wakened me up -- what wakened me up at the meeting was
17 Quarryvale.

18 Q 396 Well, we will come to deal with that, but we'll deal first of all with what the
19 contemporaneous records surrounding the meeting show. This is Mr. Ahern's
12:42:59 20 diary and you will see an entry on at 3.00 p.m. on the 2nd February 1989 and
21 you will see Taoiseach re: Urban renewal. Do you see the diary on screen, you
22 asked to see the record, Mr. Redmond, you see there now the meeting is
23 described Taoiseach re: Urban renewal?

24 A Right.

12:43:19 25 Q 397 There's a similar entry I think in Mr. Albert Reynolds's diary which is at
26 4073.

27 A He was there on that day, was he, Mr. Reynolds?

28 Q 398 Yes, Mr. Reynolds says he was at that meeting but denies he was at the first
29 meeting, although you recollect you have him at both meetings.

12:43:43 30 A Right.

- 12:43:44 1 Q 399 You see the entry there on the 2nd. If it could be highlighted please. And
2 again you say Minister for Industry and Commerce, urban renewal, you see that
3 entry? 3 o'clock.
- 4 A I presume that was the heading they were given when they were requested to
12:44:06 5 attend.
- 6 Q 400 And a minute was prepared for the Minister for Finance in advance of the
7 meeting which is at 2119. And this is a minute that was prepared in advance of
8 the meeting and this is, it's dated the 1st February and it reads as follows:
9
- 12:44:32 10 "The Taoiseach together with the previous minister, the Minister for the
11 Environment and other ministers met with the Dublin city and county manager and
12 certain other officials from Dublin Corporation on the 21st September last to
13 review urban renewal designated areas in Dublin. Dissatisfaction has been
14 expressed at the apparent lack of progress and the Taoiseach had intervened to
12:44:47 15 encourage intensification of the urban renewal effort in Dublin. Tomorrow's
16 meeting is, we gather, a follow up to the September meeting but no specific
17 agenda has been made available. The attached notes sets out the overall
18 incentives applying in the Dublin designated areas with general comments on the
19 more recent proposals advanced by the Minister for the Environment and the
12:45:03 20 attached documents deal with various types of tax designation that was
21 available in Dublin".
22
- 23 Now, would you agree that certainly insofar as the author of that note is
24 concerned, the purpose of the meeting on the 2nd of February was urban renewal
12:45:18 25 or a discussion about urban renewal?
- 26 A The stated purpose?
- 27 Q 401 Yes.
- 28 A But it also said that -- sorry I just want to -- no specific agenda has been
29 made available.
- 12:45:37 30 Q 402 Yes, it's clear from that document and it's clear from the diary entries

12:45:40 1 insofar as the other people who were to the meeting was concerned, it was a
2 meeting about urban renewal. Do you agree with that, that's what the record
3 shows, Mr. Redmond?

4 A All I can say is that Mr. Gilmartin's proposals were raised.

12:45:54 5 Q 403 We are going to come to that, but what I'm asking you about now, is do you
6 agree that the contemporaneous record show that whatever might have been
7 discussed at the meeting, the stated purpose of the meeting was urban renewal?

8 A Well I would only be making comment on it, that's what's there.

9 Q 404 Fine.

12:46:13 10 A I don't go against that.

11 Q 405 Because in your statement to CAB, that you made on the 25th March 1999, you
12 said that the meeting was obviously and principally to discuss Tom Gilmartin's
13 plans for Quarryvale?

14 A That was my reaction to it. I mean I can remember Mr. Morrissey discussing
12:46:37 15 urban renewal and progress but beyond that, I mean there was certainly a
16 discussion, no question, I don't deny that, but if you ask me what is the
17 central idea or the main purpose, my view was that, you know, this is an offer
18 of thousands of jobs and -- by the way, I want to emphasise it certainly wasn't
19 the focal point. It came towards the end of the meeting.

12:47:04 20 Q 406 Well that's not what you said in your statement?

21 A Well --

22 Q 407 Page 1049 please, this is your statement to the Criminal Assets Bureau,
23 Mr. Redmond, in relation to this issue and you made this statement on the 25th
24 March 1999 and if it can be highlighted from the centre of the page where it
12:47:22 25 begins "A second meeting";
26 "A second took place not long later and I think before the end of 1988." I
27 think you are would accept you are incorrect in relation to that?

28 A Oh of course I am, it was a long time afterwards.

29 Q 408 "The same people were present with the exception of Mr. McSharry and in
12:47:38 30 addition there was also present Mr. Flynn, Minister for State".

12:47:42 1 I think you accept, Mr. Prendergast for example, wasn't at that meeting, you
2 thought the same people had been at both?

3 A I think I have to make a point to the chairman and the members. The position
4 here, there were ten people there and I seem to be singled out as the only one
12:47:58 5 who offers any recollection on it. I mean that's the, that's my best
6 recollection, Ms. Dillon, and I'm -- by the way, I think I probably would have
7 more time to put it together in my statement. What did I say in my statement.

8 Q 409 I'm coming to deal with your statement in a moment. We'll deal with this
9 statement first. You go on to say:

12:48:19 10
11 "The meeting was obviously and principally to discuss T Gilmartin's plans for
12 Quarryvale. The managers immediately refer to the official town centre to the
13 30 acre disposal to Owen O'Callaghan's company. Mr. Flynn informed the meeting
14 that there was no need to worry at that score as Mr. Gilmartin had taken Mr. O'
12:48:37 15 Callaghan out. He explained this by saying, Gilmartin and O'Callaghan had
16 joined forces in their determination to pursue and proceed with the Quarryvale
17 objective and there would be no movement at all in relation to the 30 acres in
18 the official town centre. The disposal of the corporation land to T Gilmartin
19 was now discussed. The area of land in question was about 70 acres.

12:48:51 20
21 The managers pointed out there were many other land ownerships that would be
22 involved, the difficulty of zoning and the fact that an official town centre
23 existed and that there was also the question of access from national primary
24 roads. The minister said that the question of zoning would be a matter for the
12:49:07 25 elected members if they were impressed by Gilmartin's concept. As far as I
26 recall, the meeting ended on that note."

27
28 Now, was it your recollection of that meeting, Mr. Gilmartin, (sic) when you
29 made this statement to the Criminal Assets Bureau on the 25th March 1999 that
12:49:20 30 the only matter that was discussed at that meeting was Mr. Gilmartin's plans

12:49:23 1 for Quarryvale?

2 A Oh no, certainly not, there was more than -- insofar as the meeting was

3 concerned, there were other matters discussed but remember, I am answering

4 questions to police officers in relation to Quarryvale. They had no interest

12:49:42 5 in urban renewal in the city or what was happening on Bachelors Walk. I mean

6 it's obviously, it's not the same as a full statement.

7 Q 410 Well is it still your position that the meeting was principally and primarily

8 to discuss Mr. Tom Gilmartin's plans for Quarryvale?

9 A The position is when you read anything, you have to assume or you are at a

12:50:02 10 meeting and you say what, when you are leaving it, you say well now what came

11 out of that meeting. What do you think was the principal thing and my genuine

12 and my honest view at the time, was that here was a very major proposal for

13 land where public property owned by the corporation was involved, that was my

14 recollection. That's a fairly innocent recollection, I may be wrong. Somebody

12:50:33 15 else might say -- has anyone offered an alternative as to what exactly emerged

16 from the meeting?

17 I remember Mr. Morrissey, I think it was An Taoiseach was complaining that

18 there was no evidence on the streets of cranes and he had to be assured that

19 things were happening, it was the bureaucracy holding things up and there was a

12:50:55 20 lot of discussion about that, of course there was but that's not the sort of

21 thing I would tell to CAB. They wanted to know the papers had been involved in

22 Quarryvale and they wanted to know what did I know about it, and I told them to

23 the best of my ability and that's the truth, Your Worship.

24 Q 411 So you provided a second statement then, another statement you provided to the

12:51:15 25 Tribunal on the 4th March 2004, which you go into more detail in relation to

26 that meeting and in that statement you say that there was discussion about tax

27 designation and urban renewal, isn't that correct?

28 A Of course.

29 Q 412 And at the time that you made that statement, Mr. Redmond, I think it's true to

12:51:29 30 say you had received the brief from the Tribunal, isn't that right?

12:51:32 1 A I had what?

2 Q 413 You had received the brief in this module, by the time you prepared your
3 statement on the 4th March 2004?

4 A Oh I don't know, I don't know what date it was brought up to me, I couldn't
12:51:43 5 say.

6 Q 414 That's fine because I can get you the actual record, I think you had it by the
7 end of January of 2004?

8 A The question is did I look at it, that's the other question.

9 Q 415 All right. But in this statement that you provided to the Tribunal in relation
12:51:54 10 to this matter, you go into more detail but when, you are of the view that the
11 central purpose of the meeting of the 2nd February 1989 was to discuss
12 Mr. Gilmartin's plans for Quarryvale?

13 A Well, you have to see it from your point of view. Now, Mr. Feeley was the
14 assistant manager, he may have seen the meeting from one point of view, I saw
12:52:16 15 it from my point of view. I had duties in the county and I knew the county and
16 it was a very, very major thing from my point of view. There were other
17 managers, I don't know what their views on it are but there's no question about
18 it whether it was minor or major, it was raised, Miss Dillon.

19 Q 416 Right, and at the meeting you were told that Mr. Gilmartin had taken out Mr. O'
12:52:42 20 Callaghan?

21 A I remember the expression used, "he has taken him out."

22 Q 417 And who said that?

23 A Now there was no description of legal formalities or no detail, Ms. Dillon.

24 Q 418 Who do you recollect said that?

12:52:54 25 A Oh it was the Minister for the Environment.

26 Q 419 Now --

27 A Actually the others, the other ministers said very little about it. Beyond
28 they were all supportive and I mean I can understand why of the idea of
29 somebody coming in and creating a lot of jobs in an area that was very, very
12:53:15 30 depressed.

- 12:53:16 1 Q 420 And was the question of the disposal of the corporation's lands raised at that
2 meeting?
- 3 A I don't think -- I think what happened, my recollection was the manager, I mean
4 the city people were saying okay, it's a fairly good idea but there are some
12:53:35 5 almost diriment impediments on the way. That's all, and one of them would have
6 been the zoning, the other one would have been the fact that they had already
7 agreed to a disposal of 30 acres, and there was never any commitment at that
8 meeting to dispose of the land.
- 9 Q 421 But was the disposal of the corporation lands discussed?
- 12:53:58 10 A I -- I couldn't -- I couldn't say, maybe it wasn't. The only thing I can say
11 in the second, when it did come up, the statement by the minister saying that
12 he had taken out Gubay, that seemed to indicate that it cleared the way for
13 disposal of the corporation land.
- 14 Q 422 The question I have asked you is a specific question, Mr. Redmond, I'd like you
12:54:29 15 to concentrate on the question and try answer the question that you were asked
16 which is; Was the question of the disposal of the corporation lands to
17 Mr. Gilmartin discussed or raised at that meeting?
- 18 A I am sure -- as sure as I can be, I'm sure it was.
- 19 Q 423 Who raised it?
- 12:54:45 20 A Oh well you know -- I mean -- I can't -- it would have been, you know, it would
21 have come as a result of the discussion of the Minister's statement that you
22 know, he had been taken out, but I suppose the minister would have been -- I
23 can't -- you know there's no point, it's 13 or 14 years, asking me, there are
24 nine others there.
- 12:55:09 25 Q 424 Are you saying that it was Mr. Flynn?
- 26 A Well he certainly -- Mr. Flynn was the man who advocated the proposal more than
27 anyone else because he obviously knew the man, I don't know whether the other
28 people did and he was, he was enthusiastic that this was something good for
29 west Dublin. I mean there was nothing sinister about it as far as I was
12:55:40 30 concerned.

12:55:41 1 Q 425 In your recollection was the minister asking the managers to sell the
2 corporation land to Mr. Gilmartin?
3 A Well he wasn't asking him to sell it to anybody else, there was nobody else on
4 the horizon except Gilmartin. I think the point was made by Mr. Flynn, that if
12:55:57 5 the fact of the disposal of the 30 acres had been an impediment, it was now no
6 longer an impediment. If you could accept that view that he had taken
7 O'Callaghan out or whoever was there.
8 Q 426 Because you see, in your statement to the Tribunal, which is your considered
9 statement in relation to this matter, you describe the discussion of the sale
12:56:24 10 of the 69 acres to Mr. Gilmartin, as the main event of the meeting as you saw
11 it. Page 4112 please.
12 A That's, maybe, maybe, maybe, maybe I thought that.
13 Q 427 What you say?
14 A Sorry, perhaps I had no right to do that. Perhaps that wasn't my right. That
12:56:41 15 I have -- much the same as I thought 40,000 was too low a price for the land.
16 That was my own private thoughts on the matter. Again in this case, when you
17 go to a meeting and you hear -- I had never been at a meeting like that
18 before. The only one I knew there was Ray Burke, the only minister I knew
19 there was Ray Burke and it was, you know, in planning terms, I had a lot of
12:57:08 20 experience with planning and there never had been any significant sort of --
21 Q 428 Just concentrate on your statement, Mr. Redmond and we'll try and move through
22 the documents if we can, page 4112 what you told the Tribunal:
23
24 "The zoning difficulty was mentioned by the county manager and the reply from
12:57:23 25 the ministerial group was this would be a matter for the elected councillors in
26 due course". That's the zoning for Quarryvale. "The power for changes was
27 vested in the elected members. The discussion now centred on the corporation's
28 69 acres of land at Quarryvale and this indeed was the main event of the
29 meeting as I saw it."
12:57:39 30

12:57:39 1 Now, is that still your position, is that it was the sale of the 69 acres at
2 Quarryvale was the main event of that meeting as you saw it?
3 A I think so.
4 Q 429 Right. And then Mr. Feeley doesn't agree with you, you remember that,
12:57:53 5 Mr. Feeley in his evidence does not agree with you?
6 A I'm here and Mr. Feeley didn't record it as I did and.
7 Q 430 Let's talk about recording it, you record this recollection in March of this
8 year, isn't that right?
9 A Yes.
12:58:06 10 Q 431 This statement was made on the 4th March 2004, you made no contemporaneous
11 record isn't that right, Mr. Redmond, at the time?
12 A No, not in writing.
13 Q 432 4112 on the second paragraph, you then state "Mr. Flynn thought the way was now
14 open for the disposal of the land to Mr. Gilmartin as the first step on the
12:58:25 15 road to the provision of an estimated 7,000 jobs in this deprived area."
16
17 So you are clear in this area you thought it was Mr. Flynn who raised subject
18 of the selling of the 69 acres to Mr. Gilmartin.
19 A Yes.
12:58:37 20 Q 433 Right. And undoubtedly Mr. Flynn will say whatever Mr. Flynn has to say about
21 that, but are you seek to go suggest here, Mr. Redmond, just so that we are
22 clear about it, that pressure was being exerted by the ministerial group on the
23 managers to dispose of the lands to Mr. Gilmartin?
24 A No.
12:58:57 25 Q 434 You are not?
26 A That must certainly did not happen. The matter was a matter for the planning,
27 for the manager and the planning authorities. All they were -- all they said
28 in relation to the entire proposal and I'm sure many of them didn't know
29 Mr. Gilmartin, was at a time of great depression, here was somebody coming
12:59:19 30 along with a heaven sent opportunity to provide thousands of jobs. That was

12:59:24 1 all. And you see the earlier discussion had been about the problems in the
2 planning permission, it's lack of flexibility and which way could we move to
3 get things done and I, there was never any pressure, you know, get on and do it
4 and start -- there was nothing like that.

12:59:45 5 Q 435 So you didn't intend to convey that.

6 A All it says was well look this man, he is in earnest, not alone does he want to
7 provide the jobs, he has gone out and he has done something with Mr. O'
8 Callaghan to straighten his path.

9 Q 436 Now can I --

13:00:01 10 A But, certainly I wouldn't accuse Mr. Flynn of pushing this thing. It was just
11 something -- I mean they were a government, they had huge unemployment and here
12 was something coming up and they were behind it and incidentally, it wasn't
13 clear that, I didn't say anything of course, I was just a by stander, so far as
14 the managers were concerned, they accepted that too, but what they did say
15 then, there were obvious problems, there was the zoning, there was an existing
16 centre.

17 Q 437 If can have page 2154 please. This is an entry for --

18 A Of all the people there, I certainly wouldn't say, some of them said nothing
19 right through, very little actually. They would have said things about the
13:00:45 20 urban renewal but the other, they didn't say. Except isn't it a great thing
21 that somebody is coming along and going to provide jobs.

22
23 CHAIRMAN: All right. Miss Dillon, it's one o'clock now. So this is a new
24 point.

13:00:58 25
26 MS. DILLON: Yes, it is.

27
28 CHAIRMAN: So two o'clock.

29
13:01:02 30 MR. REDMOND: Is my questions clear? I just want to get that clear. Before

13:01:12 1 I go, Miss Dillon, because I'd like to refer to yesterday, I think question 99,
2 "I am certain there were". "I am certain there were not" was my reply. I
3 couldn't have replied. Would you take note of that please and just correcting
4 that.

13:01:33 5
6 CHAIRMAN: Thank you.

7 A Number 23.

8
9 CHAIRMAN: It's question 23. We can deal with it afterwards.

13:01:40 10 A Thank you, your worships.

11

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

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13:01:58 1

THE TRIBUNAL RESUMED AS FOLLOWS AT 2.00 P.M.:

2

3

MS. DILLON: Mr. Redmond please.

4

14:09:35 5

CONTINUATION OF QUESTIONING OF MR. REDMOND BY MS. DILLON:

6

7

MS. DILLON: You will recollect sir, before lunch, Mr. Redmond wanted the

8

transcript of day 507 amended, question 99, he had been asked:

9

14:09:51 10

"Do you think that any of those decisions might have had anything to do with

11

the vast sums of money that were being funnelled towards you during that the

12

period the recorded?

13

The recorded answer is: I am certain they were".

14

Mr. Redmond wants the transcript amended to read "I am certain they were not".

14:10:05 15

16

In fairness, I have to say I have listened to the audio tape and it's very

17

inconclusive, in fairness to the stenographers, it's not clear on the audio

18

tape.

19

14:10:16 20

CHAIRMAN: All right.

21

A MR. REDMOND: Thank you, your worships.

22

Q 438 Mr. Redmond, if we can move on to deal with at page 2154 there is recorded in

23

Mr. Gilmartin's notebook of 1989, an entry for you and you will see there on

24

the document "Mr. George Redmond, council offices O'Connell Street", do you

14:10:46 25

recollect whether or not you met Mr. Gilmartin on that occasion?

26

A No, your worships, I have no recollection, Ms. Dillon.

27

Q 439 I think you said that there were only two occasions on which you met

28

Mr. Gilmartin, isn't that correct?

29

A In my statement, I said yeah, there were two outstanding ones that I --

14:11:02 30

Q 440 They were the only one --

- 14:11:04 1 A That I had firm recollection of.
- 2 Q 441 You had said that you only met him on two occasions an the two occasions you
3 had outlined in your statement were one, the meeting that Mr. Lawlor brought
4 Mr. Gilmartin to meet with you and the second meeting was what has been
14:11:16 5 described in the Tribunal the aborted meeting, isn't that right?
- 6 A Yes, yes.
- 7 Q 442 And other than that, you say you had no meetings with Mr. Gilmartin, isn't that
8 is correct?
- 9 A I had no firm recollections of meeting with him.
- 14:11:26 10 Q 443 I see.
- 11 A I obviously did have meetings with him.
- 12 Q 444 Yes, because what I -- could I have page 2153 up beside 2154 please, this is
13 now Mr. William Murray's diary?
- 14 A Yes.
- 14:11:40 15 Q 445 Now, you see the first record there is Mr. Gilmartin's diary which records
16 Mr. George Redmond, council offices, O'Connell Street and then for the same
17 date in Mr. Willie Murray's diary in the afternoon, there is a reference "G
18 Redmond" and beneath that "Gilmartin shopping". Now if it can be highlighted?
- 19 A Is this the one on the right or the left?
- 14:12:12 20 Q 446 It's now being increased, do you see there?
- 21 A I do.
- 22 Q 447 And it says "G Redmond" and then beneath that "Gilmartin" and Mr. Murray told
23 the Tribunal the word that's written after Gilmartin is the word "shopping".
- 24 A Yes.
- 14:12:28 25 Q 448 Okay and he said in relation to that meeting, that you had sent for him for
26 you to be updated in relation to Mr. Gilmartin's plans.
- 27 A If that's what he says.
- 28 Q 449 Well do you dispute that?
- 29 A I couldn't dispute that.
- 14:12:42 30 Q 450 Now, why would you have been sending for Mr. Murray to update you in relation

14:12:46 1 to Mr. Gilmartin's plans on the 15th February 1989?

2 A I have no idea, I don't know that, not at this juncture.

3 Q 451 You don't know?

4 A I said just to be brought up to date, I suppose it was an interesting prospect

14:13:02 5 to hear what was happening. I mean I did know at that stage, Miss Dillon, that

6 Mr. Gilmartin's professional people were in touch with both the planning office

7 and the roads engineering, I knew that.

8 Q 452 You had no planning functions at this time, isn't that right?

9 A I had no planning functions.

14:13:23 10 Q 453 And Mr. Murray is a planner, is that right?

11 A Yes, but the planning would involve, of course, roads.

12 Q 454 And is that why you were meeting Mr. Murray, to discuss roads?

13 A I said to you I don't remember, obviously. I mean, just seeing have they plans

14 in, what are they all about.

14:13:42 15 Q 455 Yes, because if we could have 2160 and if we could have 2160 up beside the

16 existing Mr. Willie Murray's diary entry please. 2153 and 2160. Now, I want

17 to draw to your attention, Mr. Redmond, two entries in Mr. Murray's diary for

18 the 16th. We have already seen on the 15th an entry for you in Mr. Murray's

19 diary in connection with what Mr. Murray has told the Tribunal was 'Gilmartin

14:14:32 20 shopping' and on the following day, the 16th, you will see at 10 o'clock,

21 there's also an entry 'G Redmond' and then at 2.30, there's also an entry 'G

22 Redmond', do you see that?

23 A I do.

24 Q 456 So that would say that Mr. Willie Murray, who was attached to the planning

14:14:49 25 department of Dublin County Council, had three meetings with you in the space

26 of two days, isn't that right?

27 A Well they are recorded there, Miss Dillon.

28 Q 457 Isn't that right, yes. And Mr. Murray has told the Tribunal that if you sent

29 for him, he went to see you and that you did send for him.

14:15:05 30 A That's Mr. Murray's --

14:15:07 1 Q 458 And do you dispute that?

2 A Sorry?

3 Q 459 Do you dispute that?

4 A I wouldn't dispute that that was the normal procedure.

14:15:14 5 Q 460 That if you wanted Mr. Murray to attend at your office for any purpose, let's

6 say for any matter -- we are not specifically talking about Mr. Gilmartin

7 here -- Mr. Murray would go and such meetings, he has told the Tribunal, would

8 normally take place in your offices in O'Connell Street and would you agree

9 with that?

14:15:31 10 A First of all, I mean I would ask him to come over subject to availability.

11 Q 461 Of course.

12 A I would also disclose to him what the subject matter was and what I would

13 certainly say is I was out of planning in '79 and I can't remember ever being

14 down there, I didn't go near it, he would have come to me.

14:15:51 15 Q 462 Yes, and he came to you from where exactly, Mr. Redmond?

16 A I beg your pardon?

17 Q 463 He came to you, where were Mr. Murray's offices?

18 A Abbey Street.

19 Q 464 And you would send for him and he would come to your office to discuss whatever

14:16:02 20 it was?

21 A I wouldn't send for him, I would get him on the phone and speak to him, say,

22 whatever the subject matter was, would you come up Mr. Murray and we'll talk

23 about and he would come up.

24 Q 465 And that particular timeframe, certainly the 15th and 16th of February of 1989,

14:16:18 25 Mr. Murray's diary records that on three occasions in that two-day period, he

26 went to your office, is that right?

27 A That's quite so.

28 Q 466 Now you have been here, Mr. Redmond, and you recollect the evidence that has

29 been given about what has been described as the aborted meeting that

14:16:37 30 Mr. Gilmartin says he had a meeting set up and that you suddenly cancelled the

14:16:43 1 meeting. Now first of all, do you agree that there was a cancelled meeting?

2 A I agree there was a meeting. Whether it was later in the day -- I agree there

3 was a meeting but I --

4 Q 467 Did you try -- sorry.

14:16:58 5 A I cannot on oath say there was any cancellation, there may have been some

6 confusion about a meeting. All I can say with a certain amount of certainty

7 was, Miss Dillon, that whatever the morning, there was a meeting in the

8 afternoon.

9 Q 468 Do you dispute the evidence that a meeting had been arranged for the morning

14:17:19 10 that did not take place?

11 A No, I couldn't say that there was -- I mean there's confused evidence as to

12 whose doing it, was it Mr. Higgins or Mr. McCannon. All I can say is that a

13 meeting did take place, there may have been misunderstandings in the meeting, I

14 don't know, I can't be specific.

14:17:43 15 Q 469 Did you endeavour to avoid the meeting?

16 A Hmm?

17 Q 470 Did you endeavour to avoid the meeting?

18 A How do you mean avoid the meeting?

19 Q 471 Did you try to avoid the meeting with Mr. Gilmartin and his team?

14:17:57 20 A I don't remember the morning, Miss Dillon, I don't remember the -- I mean

21 there's nothing, we haven't a diary of course, I haven't got a diary anyway.

22 There were cogent reasons why I shouldn't be meeting Mr. Gilmartin in relation

23 to the subject matter.

24 Q 472 I'm sorry, I'm obviously not making myself clear, did you try to avoid the

14:18:20 25 meeting, Mr. Redmond?

26 A I couldn't be specific on that, Miss Dillon, it may have well have been, Miss

27 Dillon, that I had, that the meeting hadn't been logged in to me, I don't know

28 at this stage, 16 years afterwards. Insofar as meeting Mr. Gilmartin is

29 concerned, I had very strong feelings that there were cogent reasons why it

14:18:43 30 would be preferable --

- 14:18:46 1 Q 473 We'll come to deal with those in a moment. At the moment what we are trying to
2 establish, Mr. Redmond, is whether a meeting had been arranged for the morning
3 which was cancelled by you and if we could have page 1069, which is your
4 statement of the 20th January 2004 to the Tribunal. And there's two phrases in
14:19:02 5 this in relation to the issue now that we are dealing with, whether the meeting
6 in the morning was cancelled?
- 7 A I can't -- the meeting did not take place Miss Dillon, that we can all agree on
8 and meeting took place in the afternoon, whether or not I was freely available
9 to meet in the morning, I cannot say at this stage. All I can say with
14:19:23 10 certainty is that the meeting did take place.
- 11 Q 474 I want to draw to your attention that you what you said in your statement to
12 the Tribunal. In the centre of the page where the paragraphs begins "As far as
13 I was concerned, there were cogent reasons for endeavouring to avoid the
14 meeting."
- 14:19:39 15 A That's right.
- 16 Q 475 That suggests you tried to avoid the meeting.
- 17 A No, it doesn't suggest that at all. What it does suggest is something similar
18 to my reaction to the 40,000, my reaction at the February meeting about
19 Quarryvale, what I thought about it. That's the same thing. I wrote that by
14:20:02 20 the way, whether that all hit me instantly on that morning, that's -- I mean
21 that's in that thing, that was written some time this year I take it.
- 22 Q 476 You provided to the Tribunal on the 20th of January 2004.
- 23 A Yes.
- 24 Q 477 And if you can look at paragraph 5 there on the screen where you state "I
14:20:22 25 myself had no planning functions however, when I demurred about the meeting, I
26 per DoE was informed that Mr. Gilmartin wished to meet me."
27 What did you mean about demurred about the meeting, who did you demur to?
- 28 A It was my vague recollection that somebody from the DOE and of course now it's
29 a long time ago but it's always been in my mind that somebody conveyed word to
14:20:49 30 me, that his planning team was in Dublin and that there was a wish that they

14:20:54 1 were to be seen.

2 Q 478 But you didn't want to meet the team, isn't that what that sentence says, isn't

3 it, when I demurred about the meeting, I was informed Mr. Gilmartin wished to

4 meet me, isn't that right?

14:21:06 5 A The point about the meeting, is Miss Dillon, I don't know what you are trying

6 to make of it, the meeting didn't take place in the morning and it took

7 place -- if I was demurring, I would have said no to any meeting, I met them, I

8 had a full meeting with them in the afternoon.

9 Q 479 And could I have page 3518 please. Now do you remember Mr. Sean Haughey being

14:21:31 10 at that meeting? You will see the attendees recorded at this document which is

11 dated 6th March 1989, but we know, Mr. Redmond, that you were on holidays on

12 the March 1989?

13 A Was I.

14 Q 480 According to page 2212 please?

14:21:51 15 A That's fair, if I was on holidays.

16 Q 481 This is an extract from Mr. Feeley's document and you will see on the second

17 last paragraph it's dated 3rd March 1989, "told the minister GR, George Redmond

18 was commencing two weeks holidays abroad".

19 And you will recollect at the meeting that took place on the 6th March 1989,

14:22:10 20 between the Gardai and Mr. Feeley, they confirmed that you were at that stage,

21 on holidays

22 A That's right.

23 Q 482 Now if we go back to the document at 3518, while it's dated the 6th of March

24 1989, we know that is, if you were at the meeting, that the meeting does not

14:22:25 25 happen on the 6th March 1989, isn't that right?

26 A Well, I think the note of that meeting was written by the late Mr. Morgan

27 Sheehy, isn't that right?

28 Q 483 Yes.

29 A Mr. Higgins gave evidence --

14:22:40 30 Q 484 Yes, and --

14:22:42 1 A And he also gave evidence that he was a very accurate recorder of things but
2 that the date could be wrong.

3 Q 485 Yes and that it was --

4 A And I accept that.

14:22:52 5 Q 486 It was Mr. Higgins' evidence he believed the meeting in fact took place on the
6 22nd of February or the 21st of February 1989, but what I want to draw to your
7 attention, Mr. Redmond, are the attendees who are recorded there, first of all
8 at the meeting that took place in the afternoon, do you remember Mr. Sean
9 Haughey being present at that meeting?

14:23:13 10 A Yes, I think I do.

11 Q 487 Now was -- Mr. Feeley has told the Tribunal that it would take something
12 unusual to bring Mr. Sean Haughey to a meeting at which you were present?

13 A Absolutely.

14 Q 488 Right. Because Mr. Haughey's functions were in the city, isn't that right?

14:23:28 15 A Solely in the city.

16 Q 489 Solely in the city, but your functions were solely in the county.

17 A Exactly.

18 Q 490 Isn't that right? Now, can you explain to the Tribunal how it was that both
19 yourself and Mr. Haughey came to be at the same meeting with Mr. Gilmartin and
14:23:44 20 his team as it were, as recorded in this document?

21 A Well yes, yes, I think I can. As you say, my functions were purely and solely
22 county such as they were and Mr. Haughey's functions were city functions but
23 more importantly, Ms. Dillon, his functions were engineering functions, they
24 had no -- he had no function in relation to lands, none.

14:24:15 25 And that's the first thing. Mr. Feeley quite rightly said what the devil was
26 Sean Haughey doing over there and that was my reaction too. By the way, he
27 didn't stay for the meeting, I think there's evidence that he left. He did
28 leave. He did, he just was there --

29 Q 491 Are you explaining now Mr. Redmond why Mr. Haughey was at the meeting?

14:24:41 30 A I am going to.

14:24:42 1 Q 492 Do you think you could summarise it and briefly outlined why he was there?

2 A I'll do the best -- first of all, he had certainly no county functions, he had
3 nothing to do with the county, number two, he had nothing to do with the
4 corporation land but it was evident he was supportive of Gilmartin. Now, I
14:25:05 5 knew him all my life, we were at primary school together.

6

7 CHAIRMAN: Can you tell us?

8 A Sorry I'm doing the best I can. Sorry.

9

14:25:13 10 CHAIRMAN: The only --

11 A I thought it was political. When I saw him standing there, I knew he had
12 nothing to do with any of the corporation functions and incidentally I knew
13 from his history, he was never involved in politics but I said to myself well,
14 there was the meeting in February, there was support for this thing and here's
14:25:34 15 more support for it. That was my honest reaction and that's been my reaction
16 over the years. I couldn't understand why he was there. Mr. Feeley couldn't.
17 and I just put one and two together and said well maybe that's the reason.

18 Q 493 MS. DILLON: You are speculating, is that correct Mr. Redmond?

19 A Sorry?

14:25:54 20 Q 494 Are you speculating as to the reason why Mr. Haughey was at that meeting. Do
21 you know?

22 A Sorry, what other reason is there that he is at the meeting. I don't know, I
23 mean he didn't say, he just came over with Mr. Gilmartin. By the way, in
24 addition to this as you know, when Mr. McLoone was giving evidence and he was
14:26:14 25 asked, I was questioning him I think he was told to give support to -- I
26 thought it might have been Mr. Morrissey who had the function, he said no, it
27 was Mr. Haughey was telling him to support Mr. Gilmartin. That's -- I mean --
28 he was just there and that is my immediate -- but the meeting was taking place
29 at that stage.

14:26:34 30 Q 495 And do you remember Mr. Haughey having anything to do with the meeting taking

14:26:39 1 place in the afternoon?

2 A Accept that he came over and I was there, but I mean that's when the meeting

3 took place.

4 Q 496 Where did Mr. Haughey come from?

14:26:46 5 A Oh he must have come from the corporation offices over in --

6 Q 497 Where were they?

7 A Well I don't know whether he was in -- he may have been in the civic offices at

8 that stage.

9 Q 498 So he would have had to come from the civic offices to O'Connell Street, is

14:27:00 10 that right?

11 A Unless he was in town or something but he had, he certainly would have had no

12 business in the council offices.

13 Q 499 Do you have any recollection of Mr. Haughey having an argument or a discussion

14 with you in advance of that meeting?

14:27:14 15 A Well I can't -- but Mr. Gilmartin quotes something that I said to him and that,

16 you know, gets me back to the meeting of the 2nd of September in government

17 buildings.

18 Q 500 Yes. Well Mr. Forman who was also at that meeting --

19 A Mr. Forman is not recorded at that --

14:27:39 20 Q 501 Mr. Forman has given evidence to the Tribunal?

21 A He is not recorded, we have him coming back, I mean you are quite prepared to

22 accept that it's an accurate record of the meeting insofar as Mr. Haughey is

23 concerned, Mr. Forman's name is not on that list.

24 Q 502 Do you remember having any discussion with Mr. Haughey in which the phrase or

14:28:01 25 the words "ask your brother" were used?

26 A I don't remember asking that but Mr. Gilmartin uses it and if they were, I

27 don't know, if they were used, it probably -- again, it fortifies my feeling at

28 the time that there was something more to this than public administration.

29 Q 503 Yes, do you have any recollection of Mr. Sean Haughey approaching you in your

14:28:22 30 office and asking you what was your game and you replying ask your brother?

- 14:28:27 1 A No, indeed I don't, Miss Dillon.
- 2 Q 504 And Mr. Haughey then saying I am not my brother's keeper, do you have
3 recollection of that?
- 4 A Indeed I don't recall that. Sorry?
- 14:28:37 5 Q 505 Nothing?
- 6 A I don't recall it, I do recall and accept that he was there at the commencement
7 of the meeting and that the meeting proceeded and I have also given you my
8 honest view, Mr. Feeley couldn't say why he was there, I couldn't say, there
9 was no reason, he had no involvement at all. And you know you put one and two
10 together. By the way, as you say, and I do agree with you, that's pure
11 speculation on my part, Miss Dillon.
- 12 Q 506 But you would agree it would take something unusual or unique to bring
13 Mr. Haughey in 1989 to a meeting with you?
- 14 A Well he would have had to see it from his point of view, he'd have to have
14:29:18 15 cogent reasons why he was doing it. Insofar as the council officer was
16 concerned, the far better course would have been that that meeting did not take
17 place.
- 18 Q 507 I obviously didn't make the question clear, do you agree with Mr. Feeley's
19 evidence that it would take something unusual or unique to bring Mr. Sean
14:29:38 20 Haughey to a meeting with you in 1988?
- 21 A Yes, certainly.
- 22 Q 508 Can we have document 2199 please. That is typed version of the handwritten
23 memorandum that Mr. Feeley took in relation to a meeting that he had with
24 Mr. Gilmartin on the 24th February 1989, the document that's on screen?
- 14:29:59 25 A Yes, I know the document.
- 26 Q 509 This is the recording of certain information that was put down, some of which
27 relates to you and some of which relates to other people.
28 So can I ask you first of all, just in relation to the individuals that are
29 identified in this document and if we consider first of all Mr. Brady.
- 14:30:19 30 A Yeah.

- 14:30:20 1 Q 510 Is it the position that you knew Mr. Brady?
- 2 A He was a neighbour of mine, lived on the same avenue.
- 3 Q 511 Yes. And I think that you have previously given evidence I think, that you
- 4 purchased a motorcar from Mr. Brady?
- 14:30:34 5 A He was my local garage man, yes I bought a secondhand car from him.
- 6 Q 512 Is that the same Mr. Brady in whose house you met Mr. Michael Bailey?
- 7 A It's the same, yes.
- 8 Q 513 So you knew and had an association with Mr. Brady?
- 9 A Oh yes, he was my garage man.
- 14:30:51 10 Q 514 And insofar as another party who is mentioned in this document is a
- 11 Mr. Sharkey, is that right?
- 12 A Yes.
- 13 Q 515 Now, did you know a Mr. Sharkey?
- 14 A I did indeed, he was a friend of mine, was a friend of mine.
- 14:31:05 15 Q 516 And was he somebody whose name appears fairly regularly in your 1988 diary?
- 16 A Oh when in town he was a regular, if he was in town.
- 17 Q 517 Is he the same Mr. Sharkey with whom you did consultancy work after you had
- 18 left the council in 1989?
- 19 A He was the very same man.
- 14:31:23 20 Q 518 Now insofar as the reference to Green Property is concerned and John Corcoran
- 21 is concerned, is that the same Green Property and John Corcoran who had job
- 22 offered you in 1985?
- 23 A One and the same.
- 24 Q 519 Is that the same Mr. Corcoran we have seen in your diary entries in 1988?
- 14:31:38 25 A Yes, the same person, the very same, yeah.
- 26 Q 520 And Green Properties are the company that was involved in developing
- 27 Blanchardstown, is that correct?
- 28 A They hadn't started at that time, yes.
- 29 Q 521 But is that the company that had the town centre site for Blanchardstown?
- 14:31:52 30 A The very same company, Ms. Dillon.

14:31:54 1 Q 522 Now, insofar as Mr. Gilmartin made complaints about you in this document on the
2 24th of February, I'll deal with those complaints and ask you to comment on
3 them and the first paragraph is the third last paragraph.
4

14:32:17 5 "Tom Gilmartin said George Redmond was opposing his development at Irishtown
6 for the wrong reasons. Within one hour of a meeting of managers with
7 government ministers, we did not confirm whether there had been such a meeting.
8 Mr. George Redmond had told Mr. Sharkey that the minister had said
9 Mr. Gilmartin had bought out Mr. O' Callaghan.

14:32:34 10 Mr. Sharkey owns lands adjacent to Mr. O' Callaghan's, Mr. Gilmartin said
11 Mr. Redmond was a friend of Mr. Sharkey."

12 Okay?

13 A Yes.

14 Q 523 Now, it is correct that you were a friend of Mr. Sharkey's?

14:32:47 15 A Absolutely.

16 Q 524 Now, and I presume you would agree that the meeting that has probably been
17 referred to there, is a meeting that had taken place on the 2nd February
18 between the ministers and the managers?

19 A Yes.

14:32:59 20 Q 525 Did you tell Mr. Sharkey what you had been told about Mr. O' Callaghan's plans
21 after that meeting?

22 A No recollection of ever having done so.

23 Q 526 Now the next matter that's said about you is contained in the next paragraph:

14:33:11 25 "Tom Gilmartin said a recent announcement by John Corcoran that the
26 Blanchardstown centre was going ahead was to stymie Tom Gilmartin, he felt
27 George Redmond advised John Corcoran who he believed was going to employ George
28 Redmond when he retired shortly. He also felt George Redmond had informed
29 Paddy Morrissey to go back on an agreement concerning price for corporation
14:33:31 30 lands at Irishtown."

- 14:33:32 1
- 2 So, we'll take two things there. First of all, did you have discussions with
- 3 John Corcoran about the sale of the corporation lands?
- 4 A Just the one discussion some time in March or in February probably before I
- 14:33:46 5 went on holidays.
- 6 Q 527 Did you advise Mr. Corcoran in the course of that discussion that he should
- 7 tender or apply to Dublin Corporation for the lands?
- 8 A The position, Ms. Dillon, as far as I recall, I had a telephone, it was a
- 9 telephone call and he first of all asked me, there were rumours circulating in
- 14:34:09 10 commercial circles that we were going to get a new town centre, not so much a
- 11 shopping centre but a new town centre in the Quarryvale area and he asked me,
- 12 as I was the manager in the county council offices, what did I know about it
- 13 and I told him that as far as I was concerned, you know that the existing
- 14 centre was there and no moves had been taken to upset it.
- 14:34:37 15 And he was talking about industrial land and I said to him well, had we any --
- 16 but he was talking about the progress of the motorway in addition -- and the
- 17 other one, the Navan road, the roads thing came up and he asked me had the
- 18 county council any lands, he understood there was industrial lands. I said we
- 19 hadn't any land beyond that, the 12 acres which was just a jagged tooth edge
- 14:35:10 20 piece of land, not great, no utility and I told him that the corporation was in
- 21 the process of selling industrial land and he should get on to them.
- 22 Q 528 You advised him to get on to the corporation.
- 23 A I informed -- I told him to get on to them.
- 24 Q 529 You told him to get on to the corporation about the lands?
- 14:35:30 25 A Well if he wanted to talk about the lands, Miss Dillon, I mean it wasn't to
- 26 myself, he would have to talk to the corporation. I said the corporation in
- 27 general terms, I don't know where he was going to go but I mean, he knew the
- 28 ropes about property and he dealt -- he had a lot of dealings with the
- 29 corporation.
- 14:35:49 30 Q 530 Did your conversation with Mr. Corcoran take place in circumstances where Mr.

14:35:53 1 Corcoran was looking to buy industrial lands or did it take place in
2 circumstances where Mr. Corcoran was inquiring about Quarryvale and the plans
3 for Quarryvale?

4 A Well they were separate, he asked me about the over all position, which I told
14:36:08 5 him as far as I knew it, and he spoke about industrial lands and I said get on
6 to the corporation.

7 Q 531 Can I have page 1050 please?

8 A And I think his early correspondence all related to industrial land.

9 Q 532 This is your statement to the Criminal Assets Bureau on the 25th March 1999 in
14:36:27 10 relation to this issue at 1050 please. And from the centre of the page, this
11 is immediately after the words begin:

12
13 "At the time the Gilmartin proposals were being talked about in property
14 circles and John Corcoran of Green Properties, who were the owners of the
14:36:45 15 Blanchardstown town centre, asked me if there was any truth in the stories
16 which were circulated concerning Quarryvale. I told him that as far as I was
17 concerned, the official town centre was still such but that there had been a
18 development in that Dublin Corporation valuer had agreed a figure of 40,000
19 pounds per acre for the sale of 70 acres of land at Quarryvale.

14:37:04 20
21 Obviously taken aback, he asked me if there was anything he could do. I
22 suggested that as the lands were mostly industrial and if he was interested in
23 competing for the lands, he should make that known to the corporation. It
24 would appear that he so did."

14:37:17 25
26 Now, that statement suggests that Mr. Corcoran's concerns and his contact with
27 you arose in circumstances where he was concerned about a development at
28 Quarryvale, isn't that right?

29 A He wanted to know about Quarryvale.

14:37:34 30 Q 533 Yes, what you told the Criminal Assets Bureau was that your contact with John

14:37:41 1 Corcoran arose because of Mr. Corcoran's concerns about plans for the selling
2 of land at Quarryvale, isn't that right? That what's your, I'll read it to you
3 again?

4 A I'll read that again.

14:37:52 5 Q 534 If you could increases -- it says "At the time the Gilmartin proposals were
6 talked about --

7 A Sorry let me read please. I'll just get it now.
8

9 Well the first question, he asked me were there any truth in the rumours which
10 were circulating and I told him what I knew, that as far as I knew, the town
11 centre stood as it did but that Mr. Gilmartin had agreed terms for 70 acres.

12 Q 535 And that's the point, isn't it, you told him what the valuer had agreed, the
13 price?

14 A Oh -- I hadn't -- I wasn't very -- you know I told you in my statement how that
15 arose. It was some of the council staff told me that somebody in the valuer's
16 office told him that the corporation had agreed, that he had agreed to sell for
17 40,000 an acre.

18 Q 536 And therefore Mr. Corcoran at the end of his conversation with you was armed
19 with the knowledge of the price that had been agreed by the valuer with
14:39:10 20 Mr. Gilmartin and if he was going to tender or offer for the lands, he was in
21 an advantageous position because he knew the price he had to beat, is that
22 right?

23 A I don't think so, I mean that's but the putting a real slant on it. I just
24 told him what the figure I understood. I wasn't certain, I mean I was told
14:39:25 25 that. It was gossip as far as I was concerned, I told him that that was the
26 figure. And that would have to be made public before it could be accepted.

27 Q 537 There's no mention in that statement of making anything public, is there,
28 Mr. Redmond?

29 A Miss Dillon, at the time, I just told him that the corporation had agreed to
14:39:45 30 sell land. They had more land, by the way. They had Mr. McLoone told us they

- 14:39:52 1 had 300 acres, I told him that this man had brought land or was agreeing to buy
2 land at 40,000 an acre.
- 3 Q 538 Before Mr. Corcoran had his conversation with you, did Mr. Corcoran know what
4 the price of the land was?
- 14:40:05 5 A Well I mean he had his own values.
- 6 Q 539 Sorry, I am not making myself clear?
- 7 A He may not have, he may have, I don't know.
- 8 Q 540 After your conversation with Mr. Corcoran, did Mr. Corcoran know the price that
9 had been agreed with Mr. Gilmartin?
- 14:40:19 10 A He -- he -- he -- he -- he would have known what I understood the valuer to
11 have agreed. Nothing more. He wouldn't have known conditions or he wouldn't
12 have known terms. He wouldn't have known whether it was fee simple, whether
13 there was a piece left out. Just a general statement I got was that from my
14 own staff, that the corporation have agreed and it was public, I mean they were
14:40:46 15 telling me. There's no sin in that Miss Dillon. You asked me questions as if
16 I am sinning.
- 17 Q 541 Is it the position then that you were agreeing that after your conversation
18 with Mr. Corcoran, he was then in possession of a piece of information that he
19 had not had prior to speaking to you, namely the price that had been agreed
14:41:06 20 between the corporation and Mr. Gilmartin?
- 21 A Yes, but there's no big secret about that Miss Dillon.
- 22 Q 542 That's your position, you did give him the information?
- 23 A And incidentally if he acted on it as a guide price, he would never have got
24 the land at public tender.
- 14:41:21 25 Q 543 Talking of public tender, Mr. Redmond, you mentioned on the last occasion that
26 you were of the view the lands should have gone to tender, did the council put
27 their lands out to tender?
- 28 A Did the council what?
- 29 Q 544 Yes.
- 14:41:36 30 A No.

- 14:41:36 1 Q 545 When up entered into negotiation with Mr. Gilmartin?
- 2 A No, no.
- 3 Q 546 In 1988, did you put the council lands out to tender?
- 4 A No, no, the reason for that is fairly, you know the lands were being sold more
- 14:41:47 5 or less and you know one beside the other and I followed, as it was agreed, the
- 6 line which my, I would say my superiors were taking in relation to the
- 7 corporation lands and incidentally in the first instance Mr. Morrissey was
- 8 always clear that well, we'll see what happens on the price, there was never
- 9 any firm -- until the initial period there were never any determination that
- 14:42:15 10 they were going to sell it, they were going to see what we could get for it.
- 11 Q 547 It seems to be the position Mr. Redmond and if you dispute it, I can take you
- 12 through the documents, that following his conversation with you, Mr. Corcoran
- 13 did make an application to Dublin Corporation for the lands and do you agree
- 14 that's the position?
- 14:42:32 15 A Well I'm sure, if he was in earnest as to his need, I'm sure he did and I did
- 16 read the papers.
- 17 Q 548 And in so doing he was of course armed with the piece of information that you
- 18 had given him, as to the price that had been agreed?
- 19 A Oh, yes of course.
- 14:42:46 20 Q 549 If I can take you back to the document at 2199?
- 21 A Which I by the way it would have been in the corporation's interest if he has
- 22 to introduce competition and after offer a higher price.
- 23 Q 550 The third thing I want to draw to your attention is on the last paragraph, "Tom
- 24 Gilmartin said George Redmond had received payment in respect of a permission
- 14:43:14 25 for a McDonalds in Palmerstown." Is that correct?
- 26 A Is the statement correct or the statement that I got money. There's no -- of
- 27 course it's not. There's never -- Mr. Prendergast searched the records,
- 28 there's no record of any such thing.
- 29 Q 551 In the second matter that relates to you, in the next sentence, it says in the
- 14:43:36 30 Mr. B case, which is Mr. Brady, mentioned earlier, Mr. Gilmartin said "when

14:43:40 1 Liam Lawlor said he was holding back money in respect of the car, Mr. Brady
2 responded that he had already paid Mr. George Redmond." On the next page
3 please. "Tom Gilmartin also alleged that concessions were made in relation to
4 roads at Blanchardstown by George Redmond which the council would not normally
14:44:00 5 make."
6
7 Well, if we take the first matter first in relation to Mr. Gilmartin's
8 statement that Mr. Brady had paid you money.
9 A Pure cock and bull.
14:44:10 10 Q 552 In relation to the second statement?
11 A He made that on the basis of something he heard at the pumps and that he is not
12 even certain about it.
13 Q 553 And in relation to the second statement that concessions were made in relation
14 to roads at Blanchardstown by George Redmond, by the council would not normally
14:44:25 15 make, have you any comment on that?
16 A Absolutely no idea what it's about. I mean obviously a man had gone in that
17 day, you know, full of vitriolic hatred and he was lashing around in every
18 direction.
19 Q 554 And if I can take you then to the next paragraph which refers to you, it says
14:44:45 20 "The allegations against George Redmond were not substantiated in any way by
21 reference to source or otherwise except in the case of alleged passing of
22 information to Mr. Sharkey, in which case Tom Gilmartin mentioned the name of a
23 person phoned by Mr. Sharkey although city manager asked Tom Gilmartin for
24 source".
14:45:01 25
26 I can't really ask you to comment on that, but in relation to the next
27 paragraph, it's recorded, "Tom Gilmartin says he met George Redmond"
28 A Miss Dillon, can you go a little bit slower please I am a little bit --
29 Q 555 Of course, in relation to the third paragraph, Tom Gilmartin says "he met
14:45:18 30 George Redmond and told him he would "see him all right" if the permission went

14:45:22 1 through. George Redmond said there was no need for that. Tom Gilmartin said
2 he wanted to --

3 A Do you want me to deal with that?

4 Q 556 I'm going to read passage and then ask you a number of questions about it.

14:45:32 5
6 "Tom Gilmartin said he wanted to stress that George Redmond never demanded
7 money and never made any improper suggestion to him, he also said that Sean
8 Haughey, Paddy Morrissey, whom he had met were absolutely honest as were John
9 Prendergast and city manager whom he had not yet but he knew from all he had
10 heard. He had told this to the minister". The "he" there being Mr. Gilmartin.
11
12 Now in the first place, do you recollect having a conversation with Tom
13 Gilmartin in which Tom Gilmartin told you he would "see you all right" if the
14 permission went through?

14:46:05 15 A He was my recollection of him, he was a warm man, he was very garrulous and he
16 went on and on. My recollection, the words, I don't know, but I -- to be fair
17 to Mr. Gilmartin, at the time he said something to me, I saw it in terms of
18 something that might happen in my retirement.

19 Q 557 Sorry, what exactly did Mr. Gilmartin say to you Mr. Redmond?

14:46:35 20 A Sorry?

21 Q 558 What did he say to you?

22 A I mean exact words are used there, I don't -- but my own feeling about it, you
23 know, it went in one ear and out the other, but my own understanding was he was
24 thinking you know well that's -- I mean the thing always looked at if it was a
14:46:54 25 couple of years down the road and that might be if I, you know, something that
26 if I kept with him, you know, until I retired but other than that, I paid no
27 heed to it.

28 Q 559 Of course. Now, let's try and date that meeting, shall we, let's try date when
29 that meeting happened. You have told the Tribunal you remember two meetings
14:47:16 30 with Mr. Gilmartin, at the first meeting Mr. Lawlor is present.

14:47:19 1 A I --

2 Q 560 Did this happen at that meeting?

3 A Oh no, no, not at all, I mean when I made my statement, I dealt with the

4 outstanding meetings that I could recall, it's quite clear from first of all

14:47:33 5 the correspondence about the, about agreeing the sale of the land that we

6 didn't -- and my best recollection of it, Miss Dillon, was at a time when --

7 now he had told me about what his proposals were and it was in the course of

8 that but it was -- I mean it just passed over. Never came up again.

9 Q 561 Yes. Sorry, in relation to the second meeting that you have identified to the

14:48:00 10 Tribunal as having had with Mr. Gilmartin you identify two meetings Mr. Redmond

11 that you had with Mr. Gilmartin, that you could recollect.

12 The first was one where Mr. Lawlor brought you in, and the second has been the

13 meeting which has been described here as the aborted meeting, is that right?

14 A They were the outstanding meetings.

14:48:15 15 Q 562 Sorry in your statement you don't describe them outstanding, is that correct?

16 A Well, sorry Ms Dillon, I mean maybe I should have described them as

17 outstanding. When one is making a statement, you are making it to the best of

18 your ability. I mean these events we are talk speaking about happened over a

19 decade before and I mean you can't, you know, penalise and punish me because of

14:48:41 20 you know that I wasn't able to remember every time.

21 Q 563 We'll try date --

22 A When the brief appears and you start reading you say oh yes, I remember that, I

23 remember that. That's the way it is.

24 Q 564 Can we try and date this meeting now. It wasn't the first meeting where

14:48:56 25 Mr. Lawlor wrought you in?

26 A No. Of course not.

27 Q 565 And it wasn't the meeting that was the aborted meeting?

28 A No.

29 Q 566 Was there anybody else at the meeting except yourself and Mr. Gilmartin?

14:49:04 30 A I'm sure there wasn't.

- 14:49:07 1 Q 567 Where did the meeting take place?
- 2 A If there was a meeting, it would have been in my office.
- 3 Q 568 And would it have been recorded in your, if it had happened in 1988, would it
- 4 have been recorded in your diary?
- 14:49:19 5 A Well I don't, it's hard to say. If, for example, he was in the building and
- 6 just came in, you know, off the street, it wouldn't be recorded.
- 7 Q 569 Do you know whether it happened in 1988 or 1989?
- 8 A Would it be recorded, I can't say.
- 9 Q 570 Do you recollect whether this meeting took place in 1988 or in 1989?
- 14:49:43 10 A I'd say the likelihood is '88.
- 11 Q 571 And when in 1988 would it have taken place?
- 12 A It would take place in the latter part of '88. I think I mean again we are
- 13 down to what do I remember.
- 14 Q 572 Yes, page so 1069, this is your statement again to the Tribunal, this is your
- 14:50:06 15 detailed statement in relation to these matters. I just want to draw to your
- 16 attention you have said there, "The second and last meeting I had with
- 17 Mr. Gilmartin was I think sometime after the two meetings which the Dublin city
- 18 and county managers and certain assistant managers had".
- 19 And you go on to detail what, your recollection with is what has been described
- 14:50:29 20 here as the aborted meeting?
- 21 A I think that's the last time I saw him. And I think he confirmed that, I think
- 22 that was the last time we ever spoke.
- 23 Q 573 What I'm drawing to your attention is not the use of the word "last" but use of
- 24 the word "second".
- 14:50:41 25 A The what?
- 26 Q 574 The use of the word "second", the "second and last meeting I had with
- 27 Mr. Gilmartin."
- 28 A Yes.
- 29 Q 575 Where is in fact your position now is you had other meetings with
- 14:50:51 30 Mr. Gilmartin?

14:50:51 1 A Well if you want to say that I never met him before, you are entitled to do it,
2 all I can do is he himself --

3 Q 576 Could I go back to page?

4 A Sorry could I go back to the first -- it's Mr. Gilmartin himself who made the
14:51:08 5 confession to Mr. Feeley.

6 Q 577 2200, please. Now, I want to draw to your attention in relation to the same
7 matter 2200, the statement that "Tom Gilmartin said he wanted to stress is that
8 George Redmond never demanded money and never made any improper suggestion to
9 him."

14:51:22 10

11 Now, it is the position, is it not, Mr. Redmond, that it is your evidence to
12 this Tribunal that notwithstanding the many thousands of pounds you were paid
13 by Mr. Developers and builders over the years, that you never asked anybody for
14 money, isn't that your position?

14:51:37 15 A That is so.

16 Q 578 Right. And Mr. Redmond is here agreeing with that position, I beg your pardon,
17 Mr. Gilmartin is here agreeing with that position, he is stating here that you
18 never asked him for money, isn't that right, as this is recorded here?

19 A He said in the evidence, he says it five times. He says it at this meeting and
14:51:59 20 he also said it on the previous day to Mr. Sean Haughey.

21 Q 579 Yes. And Mr. Gilmartin, if I am correcting his evidence correctly, maintains
22 that position here in the Tribunal, isn't that right, that you never asked him
23 for money?

24 A That is so, that is the truth.

14:52:14 25 Q 580 And that is your position also, isn't it?

26 A Oh yes, we are both agreed on that.

27 Q 581 And it's also your position that you never asked anybody for money?

28 A That's right.

29 Q 582 But notwithstanding not asking, you were nonetheless given, isn't that right?

14:52:27 30 A That's right.

- 14:52:27 1 Q 583 Okay. Now, you therefore agree with what Mr. Gilmartin told Mr. Feeley insofar
2 as that matter is concerned?
- 3 A So far as, yes, I had no reason to disagree with him, he said -- he said that,
4 he said it here.
- 14:52:48 5 Q 584 And although he makes allegations against Mr. Lawlor for asking for money --
6 A I beg your pardon?
- 7 Q 585 He makes allegations against Mr. Lawlor, that Mr. Lawlor asked for money, isn't
8 that right?
- 9 A He did make allegations, of course.
- 14:53:02 10 Q 586 And they are contained in this document, isn't that right, those allegations
11 against Mr. Lawlor, that Mr. Lawlor asked for money, are contained in this
12 document?
- 13 A This is the Mr. Feeley document?
- 14 Q 587 Yes.
- 14:53:13 15 A They --
- 16 Q 588 You cross-examined Mr. Lawlor on that very document today?
- 17 A Yes, I'm just trying to answer, good heavens I am trying to answer. The
18 position in relation to this, the statement to Mr. Feeley as I said it had
19 three phases, it had the Bachelors Walk thing and the miscellaneous and the
20 only claim you make is the 5 million, there's no reference to the 100,000.
- 14:53:38 21 Q 589 He makes allegations that Councillor Hanrahan asked for money?
22 A He refers to that.
- 23 Q 590 And he makes allegations that Mr. Lawlor asked for money?
24 A Yes.
- 14:53:53 25 Q 591 He makes no allegations that you asked for money.
26 A No.
- 27 Q 592 And it is your evidence that in all of your public service life, you never
28 asked for money?
29 A Yes. That's certainly is the position.
- 14:54:04 30 Q 593 And I think finally, Mr. Redmond, I think you retired from the corporation, is

14:54:27 1 that right, and prior to your retirement from the corporation in April of 1989,
2 2301 please, in relation to the sale of the corporation, the county council
3 lands, we have already seen this document, isn't that right? And I think you
4 have agreed that the ACM who is referred to there is you?

14:54:51 5 A That's right.

6 Q 594 So on the 19th April 1989 your last act in connection with the county council
7 lands, was a decision not to dispose of them at that time?

8 A Yes.

9 Q 595 Isn't that right?

14:55:02 10 A Well sorry, you have to go beyond that. There was no -- the principle, no
11 recommendation had been made to me in relation to the sale of the lands, but
12 you are right, I mean at that time, the last formal -- it's not a formal
13 decision, it's quite true to say, that the corporation transaction hadn't been
14 agreed and I said well, we don't move until that's done. Yes, you are quite
15 right.

16 Q 596 So that your last act in connection with the county council lands before you
17 retired, was a decision that you were not prepared on behalf of the council to
18 agree to dispose of the council lands to Mr. Gilmartin?

19 A Not on the terms which had then been agreed.

14:55:47 20 Q 597 Sorry, I'll just read the document to you and if you want to expand on it in
21 any way you can, it records:
22 "Re: Gilmartin, ACM -- that's yourself you have agreed -- is not prepared to
23 dispose of this land now." And it's signed A Carthy.

24 A But that's sort of, it leaves it open to be brought back as to when and why and
14:56:09 25 in what circumstances. It didn't close the door. It didn't say, for example,
26 that you know negotiations -- it's just at that point in time and there were
27 reasons, you know the reasons Ms. Dillon that the corporation lands were still
28 considered --

29 Q 598 Could we have 2300 please. This is the document that pre-dates that and it's
14:56:34 30 just you have just mentioned that you didn't have any recommendation on it, you

14:56:38 1 will note that the document that goes to you, I think, and it's headed
2 "Disposal to Gilmartin" and it sets out the acreage of land involved being
3 11.99 and it says "valuer's report is to dispose of 12.04 acres for 481,600
4 pounds i.e. 40,000 pounds per acre". And then this is followed by 23011.

14:57:04 5 A But that's not addressed to me Ms Dillon. I don't know what -- that's an
6 internal memo.

7 Q 599 I just want to put the two documents together, it might help you, Mr. Redmond.
8 2300 and 2301.

9 A Well the first one is internal.

14:57:28 10 Q 600 And the second one?

11 A The second one is the one I have dealt with.

12 Q 601 And it's also internal, they are both recorded by the same person, one is dated
13 17th April 1989, and the other one is the 19th April 1989. Are you saying you
14 were kept in ignorance of the existence of the valuer's report in relation to
15 the lands?

14:57:45 15

16 A Sorry?

17 Q 602 Are you saying you were kept in ignorance of the valuer's recommendation to
18 dispose of the lands?

19 A Am I saying?

14:57:53 20 Q 603 That when you made your decision not to sell the lands, you were kept in
21 ignorance of the valuer's recommendation that the lands be sold?

22 A No. Certainly not.

23 Q 604 You had said earlier in relation to the first document at 2301, that there was
24 no recommendation to you?

14:58:10 25 A There was no recommendation, there was no report from the principal officer in
26 the formal way, but that wouldn't mean I didn't know the valuer had reported.
27 I didn't say that at all.

28 Q 605 So on the 19th April was your decision was not to sell the lands to
29 Mr. Gilmartin?

14:58:25 30 A The decision was -- it had been Mr. McLoone and Mr. Gilmartin had agreed that

14:58:36 1 the lands would be disposed of when the prices had been agreed. The mainland
2 was the corporation land and the price had not been agreed therefore the
3 council lands, it would be absurd to put up the council lands at 40,000 and any
4 other to come in at a higher price. I mean there's no rush as far as we were
14:58:57 5 concerned, Ms. Dillon, that land had been there for donkey's years.

6 Q 606 Sorry, I didn't make myself clear obviously your final decision as assistant
7 and county manager in connection with the disposal of the council land to Mr.
8 Gilmartin is that recorded on 19th April 1989, that you decided not to sell the
9 lands to Mr. Gilmartin?

14:59:16 10 A I would rather describe it as a direction, the question is that it wasn't, we
11 weren't going to dispose of it now.

12 Q 607 And the other point about it is that the person who made the decision was
13 yourself, isn't that right?

14 A Of course.

14:59:28 15 Q 608 ACM?

16 A Well, I mean if the principal officer, when having received that memorandum, if
17 he disagreed and he had reasons why we should proceed, it was a matter for him
18 to come down and to convince me that we should move otherwise.

19 Q 609 And in order for you to make that decision and for it to be recorded as it was,
14:59:47 20 somebody must have brought the issue of selling the lands to Gilmartin to you
21 in April 1989?

22 A That's right.

23 Q 610 Isn't that right?

24 A Yes.

14:59:55 25 Q 611 And faced with whatever information or documentation that came to you, whether
26 through a person or through a report, you decided not to sell, isn't that
27 right?

28 A At that point.

29 Q 612 At that point. And that is the first recorded --

15:00:08 30 A Sorry, not so much, that it was, it would have been premature to move on any

15:00:12 1 sale at that time.
2 Q 613 Yes, it records there you are not prepared to dispose of the lands now, but up
3 to the recording of that decision made by you on the 19th April 1989, there is
4 nothing in the documentation to suggest that a decision other than a decision
15:00:29 5 to negotiate with Mr. Gilmartin had been taken, isn't that right?

6 A Yes but that would be a matter for the principal officer to take the initiative
7 on it.

8 Q 614 Isn't that the position, there's nothing in the documentation to suggest a
9 decision in the council, other than a decision to negotiate with Mr. Gilmartin
15:00:44 10 up to the 19th April 1989?

11 A That's right, I put no opposition in his way.

12 Q 615 Thank you very much, Mr. Redmond. Would you answer any questions that anybody
13 else may have.
14

15:00:53 15 CHAIRMAN: I am going to give Mr. Redmond just a few minutes of a break. you
16 can have five minutes.
17

18 **THE TRIBUNAL THEN ADJOURNED FOR A SHORT BREAK AND RESUMED**

19 **AS FOLLOWS:**

15:01:21 20
21 A Your worships, just before cross-examination I have a few small points apropos
22 Miss Dillon's cross-examination.
23

24 JUDGE FAHERTY: You can sit down.

15:11:55 25
26 CHAIRMAN: You can sit down.

27 A Yeah, I had the references, they are gone, anyway, the first thing I'd like to
28 mention, Miss Dillon, was yesterday during cross-examination, at the time
29 became of the opinion that the figure of 40,000 an acre was too low, you asked
15:12:21 30 me why I didn't go to Mr. Morrissey and others about it and I just like to make

15:12:27 1 the point, your worship, that they had already made up their mind that it was
2 too low and I think it's at 2260 Mr. Morrissey and Mr. Haughey, they both got
3 Mr. Gilmartin in on the, I think it was the 15th March and the record is there
4 in black and white, and they told him the price was too low. So it wasn't
15:12:52 5 just my singular view of the thing that's the first thing.

6
7 The second thing I would also like refer to the question of maps, and Ms.
8 Dillon asked me many questions about the information available at the time and
9 she put a big emphasis on the county had the city information and the point I'd
15:13:15 10 like to make there, is to refer to the statement prepared on behalf of Ove Arup
11 by Mr. John Higgins and again -- oh I have the references, I beg your pardon --
12 the first one is 2260 and the next one is 3509. If you could put up the Ove
13 Arup one, 3509, yes.

14 The only person who really would have had that record or such a record, would
15:13:49 15 have been the valuer who acted on behalf of both authorities, I was controlling
16 the corporation's land and he acted in relation to two roles. And Mr. Higgins,
17 when he was looking for information about where the lands were and who owned
18 them from Mr. Gilmartin, Mr. Gilmartin didn't give him a map, what he did was,
19 he referred him to Mr. McLoone and Mr. Higgins' evidence is that he did go to
15:14:26 20 Mr. McLoone and that Mr. McLoone, not alone had he the information in relation
21 to the holdings but he also had numbers, that is folio numbers and various
22 things.

23
24 So I just want to make those two points, your worship, nothing more.

15:14:40 25
26 CHAIRMAN: Thank you very much, Mr. O'Neill?

27
28
29
30

THE WITNESS WAS QUESTIONED AS FOLLOWS BY MR. O'NEILL:

- 15:14:41 1
- 2
- 3 Q 616 Good afternoon, Mr. Redmond, as you know I appear for Mr. Tom Gilmartin?
- 4 A Mr. O'Neill, good afternoon.
- 15:14:52 5 Q 617 Can I ask you and don't want to get into any detail, I want to ask you a few
- 6 questions in relation to what has been described as extra curricular
- 7 activities?
- 8 A Yes.
- 9 Q 618 This was the advice you were giving to third parties. As I understand it and
- 15:15:05 10 correct me if I'm wrong, that advice was given to people interested in lands,
- 11 be they developers or builders or whatever?
- 12 A It was given in the main in a period when I was an officer of Dublin
- 13 Corporation and in legal terms I was free to roam around the rest of the 32
- 14 counties.
- 15:15:23 15 Q 619 I just want to --
- 16 A Yes, I'll get to it but insofar as, yes, generally, friends first of all, they
- 17 were people who were very close to me, that's the first thing, personal
- 18 friends. And mainly people interested in buying, selling land and ancillary
- 19 activities.
- 15:15:44 20 Q 620 And apart from your friends, there were others involved as well?
- 21 A No mostly friends.
- 22 Q 621 Mostly friends, did they become friends as a result of the advice?
- 23 A A bit of both.
- 24 Q 622 We have seen that you received significant sums of money over periods of time?
- 15:16:03 25 A I never denied that.
- 26 Q 623 I am not suggesting you have. But what numbers of people are you talking
- 27 about? Was it a handful of people who were giving you this money or was it
- 28 much more than that?
- 29 A No, no it was a small number.
- 15:16:20 30 Q 624 A small number?

15:16:22 1 A A relatively small number, yes.

2 Q 625 And was it known to others, apart from this small number of friends, that you
3 were available to give advice?

4 A No, I didn't make myself available like that. Take Mr. Gilmartin as a good
15:16:39 5 example. I never took to him. You know, so -- no, insofar as the people, they
6 are -- a lot of them were very very, best friends, personal friends.

7 Q 626 And you say you never asked them or indeed anyone else?

8 A No, no the position was.

9 Q 627 I haven't even asked the question yet, let's not answer it until I ask it, you
15:17:02 10 say that you never asked those people for money?

11 A Never.

12 Q 628 But obviously they paid you and you were glad to accept the money?

13 A The position was when things went well.

14 Q 629 You were offered money and you were glad to take it, is that right?

15:17:22 15 A Hmm?

16 Q 630 You were offered money by these people and you accepted it?

17 A That's already been said umpteen times.

18 Q 631 And it's something indeed I think which you have said with the benefit of
19 hindsight that perhaps you should not have done.

15:17:40 20 A Well when I look back on the last six years --

21 Q 632 You didn't for example tell your employers that you were doing this, did you?

22 A You didn't tell who?

23 Q 633 You didn't tell your employers, you didn't tell Mr. Feeley?

24 A Of course not.

15:17:58 25 Q 634 And why not? Because did you think there was something wrong with it?

26 A Hmm?

27 Q 635 Did you think there was something wrong, you said of course you didn't tell
28 Mr. Feeley, why didn't you tell Mr. Feeley? Did you feel that there was
29 something wrong with these payments?

15:18:13 30 A Why didn't I tell Mr. Feeley?

15:18:15 1 Q 636 Yes.

2 A I never considered telling Mr. Feeley.

3 Q 637 Your answer was "Of course not" which would suggest to me in fact considered it
4 and it was absolutely out of the question, is that an unfair inference?

15:18:30 5 A No, no, that's as fair, it would never have crossed by mind.

6 Q 638 It never crossed your mind to clear with --

7 A No.

8 Q 639 With Mr. Feeley or somebody else in the corporation or your superior?

9 A Certainly not.

15:18:45 10 Q 640 It never occurred to you that there may be something irregular or improper
11 about this practice?

12 A Insofar as I was concerned, I didn't in any of the cases think there was
13 anything irregular.

14 Q 641 Now, you have heard the evidence of Mr. Gilmartin in relation to his first
15:19:05 15 meeting with you. This is the meeting at which he says you produced a map and
16 it was handed to him. That was information in relation to land?

17 A Sorry?

18 Q 642 That was information, if he is correct, that was information in relation to
19 identifying land ownership?

15:19:21 20 A Yes.

21 Q 643 And that was the type of information for which in times gone past, you had been
22 paid money, isn't that right?

23 A No.

24 Q 644 That type of information?

15:19:29 25 A No, not that type of information.

26 Q 645 You were getting --

27 A I never, excuse me, I never in my life got a request for land showing
28 ownership.

29 Q 646 But the type of advice and assistance you were giving, which resulted in a
15:19:47 30 payment being made to you, was to do with land ownership, introducing vendors

15:19:52 1 to purchasers, etc.

2 A Yes, but it had nothing got to do with preparing a map for Mr. Gilmartin. I
3 am -- Mr. Gilmartin never sought a map from me.

4 Q 647 What I'm saying is that if, and I understand your evidence it didn't take place
15:20:09 5 but if it had taken place, the provision of this information in relation to
6 land ownership, that was the type of thing for which in the past you had
7 received payment?

8 A But it would be inconceivable that one could take place in the case of
9 Mr. Gilmartin. The first thing and I am a person of instinct, I never took to
15:20:30 10 him. It was the first thing. He was a man I keep at a distance.
11
12 We are all instinctive about these things but that didn't prevent him being
13 dealt with fairly by me, I approved the sale of the land, I approved the
14 negotiations with him. There was never -- Mr. Gilmartin isn't the sort of man
15:20:50 15 I would ever become associated with, not for any reason, he is a decent man and
16 I'm quite certain of that, but instincts is it nigh case was such I didn't take
17 to him.

18 Q 648 Now, this first meeting that took place, you accept now and I understand your
19 predicament that the diary that you had didn't clearly show that the meeting
15:21:12 20 that took place, the first meeting was pre-arranged?

21 A I have no predicament about the first meeting, Mr. O'Neill.

22 Q 649 It was pre-arranged.

23 A It was pre-arranged on the morning. I mean I think I tried to explain that the
24 entry, normally entries are made in my hand and somebody on the phone, in that
15:21:34 25 case obviously the message came in from the Lawlor side, whether it was himself
26 or his secretary, I was out, and she entered it in. Now, I would have, I may
27 have been, I explained to the Tribunal that you know I worked late and -- I
28 could have been out in the morning and I came in late, never looked at the
29 diary but around midday certainly, your client and Mr. Lawlor came in so to
15:22:00 30 that extent, it wasn't pre-arranged.

- 15:22:01 1 Q 650 Isn't it speculation on your part to say that the meeting was arranged in the
2 morning, the morning of the day in which the meeting took place?
- 3 A No, it is not, there's a good deal of certainty in that.
- 4 Q 651 How can you say that?
- 15:22:14 5 A Mr. Lawlor said it. He gave evidence that you know it was, you know in the
6 morning time. I think.
- 7 Q 652 No, Mr. Lawlor didn't give evidence as to when the meeting was arranged to my
8 recollection?
- 9 A Mr. O'Neill, you can twist and turn it whichever way you like. The meeting
15:22:30 10 took place on the 28th of June. There are letters --
- 11 Q 653 Mr. Redmond, if you just listen to the question, I'm not talking about when the
12 meeting took place, I am talking about when the meeting was arranged and you
13 have told the Tribunal or suggested to the Tribunal that your secretary took a
14 call on the morning of the 28th of June.
- 15:22:48 15 A Yes.
- 16 Q 654 And noted the, and made the entry in the diary and I'm asking you how can you
17 say that, that doesn't follow, what follows is the entry is in her writing,
18 your secretary's writing?
- 19 A Well I can say with complete certainty, absolute certainty as God is my judge
15:23:08 20 those two men came in to my office --
- 21 Q 655 Mr. Redmond will you listen to the question?
- 22 A Let me say what I'm going to say and that was the first I -- I -- insofar as a
23 pre-arranged meeting, I possibly never looked at my diary. They came in the
24 door.
- 15:23:25 25 Q 656 Mr. Redmond, we will move much quicker if you just listen to the questions that
26 I'm asking you. I'm asking, you have said, you have given evidence to the
27 Tribunal that the entry in your diary noting the meeting, is in the handwriting
28 of your secretary?
- 29 A There was no doubt about that.
- 15:23:41 30 Q 657 And you conclude from that, not unreasonably that your secretary took the

- 15:23:49 1 message and arranged the meeting?
- 2 A She -- yes, of course.
- 3 Q 658 And you are suggesting that she must have taken that message on the morning
- 4 that the meeting took place?
- 15:24:02 5 A Well that's an assumption, yes.
- 6 Q 659 I'm just wondering how do you come to that assumption?
- 7 A Hmm?
- 8 Q 660 How do you come to that assumption?
- 9 A Because when they came in on that morning and you don't dispute that, do you,
- 15:24:16 10 Mr. O'Neill?
- 11 Q 661 Can we just ask --
- 12 A When they came in that morning, I was surprised. I had no note of it.
- 13 Q 662 Is it not just as possible that the meeting was arranged the week before, for
- 14 example?
- 15:24:31 15 A No.
- 16 Q 663 By Mr. Lawlor's side so to speak, and the arrangement was made through your
- 17 secretary?
- 18 A No.
- 19 Q 664 Why not?
- 15:24:42 20 A Well why?
- 21 Q 665 You have given evidence, as I understand it, that you surmise from the diary
- 22 entry that the meeting on the 28th of June was organised that very day, that
- 23 very morning by your secretary?
- 24 A That's right.
- 15:25:00 25 Q 666 And I am asking how you can conclude that from the diary entry alone?
- 26 A Well first of all it's very simple, if it had been written in, say, for
- 27 example, a week before, I would have seen it as I went through my diary. The
- 28 position in my case was, they came in the door before I ever saw it so it must
- 29 have come in when I was at that morning say when I wasn't available. Had to be
- 15:25:25 30 that way. If it had been there for a week I would have said oh yeah, meeting

- 15:25:29 1 them, I know they are coming in, whoever they are. But in my case, they just
2 came in the door and I have absolutely not the slightest doubt about my
3 position, not the slightest.
- 4 Q 667 You are suggesting you had no idea that first, you had a meeting or secondly,
15:25:45 5 what the purpose of the meeting was?
- 6 A Certainly I never heard of Mr. Gilmartin in my life before that. I didn't know
7 where he was from, what he was about or anything else about him.
- 8 Q 668 And that your secretary didn't even have the courtesy to tell you Mr. Redmond,
9 you have a meeting with two gentlemen on the 28th June?
- 15:26:06 10 A She could have been, now look, Mr. O'Neill, she could have been on her tea
11 break when I came in, I don't know, the position is and I have said it on oath
12 and I have said it repeatedly and I am not given to telling lies, is that they
13 came in and that was the first I knew about them.
- 14 Q 669 Now, you have -- can we have page 1068 please. This is your statement made, I
15:26:42 15 don't have the date but obviously it's been made in the last 12 months and if
16 we can highlight the paragraph, the one opposite, sometime in 1988 enlarge that
17 please, this is dealing with the first meeting and if you down about six or
18 seven lines. "Mr. Lawlor went on to say that Mr. Gilmartin was interested in
19 constructing a service station area off the motorway on the western side and
15:27:15 20 wished to know whether or not the county council would be interested in
21 disposing of land it owned adjoining the motorway under construction."
22
23 Mr. Lawlor has told us, and you have been present for his evidence, that he
24 wasn't given details or if he was given details, he has no recollection of them
15:27:32 25 in relation to Mr. Gilmartin's plans. How then could Mr. Lawlor have given you
26 this information? In other words, did Mr. Lawlor tell you that Mr. Gilmartin
27 was interested in constructing a service area off the motorway?
- 28 A That's what the, I mean that's what they both said to me, they both told me
29 what they wanted to do on the morning.
- 15:28:01 30 Q 670 No, this is your statement saying that Mr. Lawlor told you that.

15:28:06 1 A Oh yeah but I mean, the other man was there too, also, the two of them were
2 talking to me.

3 Q 671 What this says, is this not clear in your -- do you think there's any doubt
4 about this, that you should read for Mr. Lawlor Mr. Gilmartin or you should
15:28:23 5 read for Mr. Lawlor, Mr. Lawlor and Mr. Gilmartin?

6 A We are talking about events which took place 14 years or whatever it is ago and
7 my recollection is the two of them came in, Mr. Lawlor described the man to me,
8 you know, who he was and what he was about and the two of them more or less,
9 mainly Mr. Gilmartin of course, told me what his plans were, as he says in his
15:29:00 10 letter and Mr. Lawlor made his contribution there, I can't be specific at this
11 stage but it's a general statement but that's what happened.

12 Q 672 It's a very specific this statement, is it not? It's a specific statement that
13 Mr. Lawlor told you that Mr. Gilmartin was interested in constructing a service
14 station. What's unspecific or non-specific about that?

15:29:18 15 A Ah yes but it's also specific that I didn't include Mr. Gilmartin's, I didn't
16 include Mr. Gilmartin's name, I do it now. Mr. Gilmartin and Mr.--
17 Mr. Gilmartin principally told me about his proposals and Mr. Lawlor was there
18 more or less in the background.

19 Q 673 And is this something that's just occurred to you now?

15:29:41 20 A Not at all.

21 Q 674 You have known that all the time?

22 A I have known -- I mean I have known that Mr. Gilmartin -- read his own letters.
23 I mean I don't know what you are trying to twist into this.

24 Q 675 So when?

15:29:50 25 A The position is, the two of them came in and the statement was made. I mean
26 fair enough.

27 Q 676 So your evidence now to the Tribunal is that this statement at the time you
28 made this statement you knew it was incorrect?

29 A You don't make statements like that, Mr. O'Neill, you say you are going to make
15:30:07 30 a statement and you know in your heart and soul, what would be the difference

- 15:30:14 1 saying Mr. Gilmartin told me about it?
- 2 Q 677 Mr. Redmond, you have been asked for your recollection in relation to this
- 3 meeting --
- 4 A My recollection.
- 15:30:25 5 Q 678 And your recollection now and at the time you made this statement according to
- 6 what you have told the Tribunal now, is that Mr. Gilmartin told you about his
- 7 plans for a service station and not Mr. Lawlor.
- 8 A Well Mr. Gilmartin so says in the letter he wrote to me. I have it still.
- 9 Q 679 Can we leave that letter for the moment, I'll come to that in a minute, what
- 15:30:49 10 I'm asking you is what took place at that meeting?
- 11 A What took place at that meeting --
- 12 Q 680 And specifically?
- 13 A Specifically --
- 14 Q 681 Who told you about the plans?
- 15:30:59 15 A Mr. Gilmartin told me of his plans or his on objective, not so much his plans,
- 16 he hadn't got plans at the time, could he provide a service station at that
- 17 area, that's what happened.
- 18 Q 682 Why did you not correct this statement then when you had an opportunity when
- 19 Ms. Dillon was examining you?
- 15:31:20 20 A I don't even remember seeing it.
- 21 Q 683 You were referred to it on a number of occasions?
- 22 A Well, I'm since making my statement, you asked me what happened and I am
- 23 telling you, his worship, and his colleagues.
- 24 Q 684 Now can I ask you to turn to the letter I think you have just taken out which
- 15:31:37 25 is 1774, that's the letter of the 6th of July, that you referred to on quite a
- 26 number of occasions.
- 27 A Yes.
- 28 Q 685 That letter doesn't suggest, as you indicated in your evidence, that you had
- 29 told Mr. Gilmartin your plans are going nowhere, you can't get on to the
- 15:31:59 30 motorway and service stations or service areas are a no-no?

- 15:32:08 1 A You are saying that letter doesn't say that?
- 2 Q 686 Doesn't. It's not the type of letter you would expect to be written to you by
3 someone who has been told that your plans are going nowhere?
- 4 A That's what he was told and as I said, you have to put the two letters up. It
15:32:24 5 was copperfastened in the next letter.
6 I mean he wrote about what he thought the meeting was, he was going to go his
7 way, he was still going to get UK engineers to give him a solution. That was
8 the point. He didn't take -- that's why the reply is so emphatic, the reply
9 says you are going nowhere.
- 15:32:45 10 Q 687 But your evidence has been that you told him at the meeting he was going
11 nowhere and I'm suggesting to you the letter of the 6th July, isn't the type of
12 letter one would expect to see written if you had been as emphatic as you say
13 you were?
- 14 A I was emphatic but I was dealing with your client and how does he take a
15:33:07 15 statement, is it that he will not take no for an answer, is he that sort of a
16 man? Will he take no for an answer? He wasn't put off by all the impediments
17 facing him in Quarryvale quarter, perhaps he saw me as why the hell should I
18 listen to him. In the UK they put these things about, I mean he was coming
19 over here teaching us to suck eggs.
- 15:33:32 20 Q 688 If you could answer the questions, we could move on. Perhaps the comments from
21 behind could be curtailed as well.
22
23 MR. LAWLOR: This is ridiculous.
24
- 15:33:44 25 CHAIRMAN: Mr. Lawlor, when you were being cross-examined, there were no
26 comments coming from people in the hearing room, so Mr. Redmond is entitled to
27 the same courtesy.
28
29
- 15:33:54 30 Q 689 MR. O'NEILL: Now, can I move on to October/November of 1988, Mr. Redmond.

15:34:10 1 Mr. Lawlor has given -- sorry, Mr. Gilmartin has given evidence that you met
2 you in late October, early November of 1988 and I understand you to accept that
3 to be possible, is that correct?
4 A That I met him sometime in October/November?
15:34:25 5 Q 690 That period, 1988?
6 A Yes, yes, that is most likely, Mr. O'Neill.
7 Q 691 And at that stage and perhaps as a result of that meeting or other
8 communications that you had with Mr. Gilmartin you were aware at that stage
9 that Mr. Gilmartin was now interested in constructing a shopping centre in
15:34:47 10 Quarryvale?
11 A I was yes, he told me.
12 Q 692 And you knew that was a significant, a large shopping centre he was talking
13 about?
14 A Out of town shopping centre.
15:34:55 15 Q 693 But a large one?
16 A Large.
17 Q 694 Large sized shopping centre?
18 A Yes, indeed.
19 Q 695 And you were aware, obviously, of the zoning of the lands and as in their
15:35:09 20 current zoning, that was not possible.
21 A I was certainly, Mr. O'Neill.
22 Q 696 And armed with that knowledge, you still direct the county council or Mr.
23 McLoone, I should say, to enter into negotiations with Mr. Gilmartin for the
24 sale or possible sale of the county council lands?
15:35:29 25 A To agree terms, yes, that is quite so. And the reason for that was, that was a
26 corporate decision. That was a decision was taken with respect to both parcels
27 of land in the City Hall by the city and county manager and that was my part in
28 it, to authorise negotiations for the council lands.
29 Q 697 And I think Ms. Dillon, I'll not going to go this again, Ms. Dillon has brought
15:36:00 30 out that in fact your communication with Mr. McLoone to open negotiations took

15:36:04 1 place before there was any application in relation to the corporation lands?

2 A Well I don't know what the -- if it was agreed at the manager's meeting that we

3 were going to negotiate, I would do the day I came, I go back, I don't know

4 how -- you know, how efficiently the other people would operate, that's my

15:36:27 5 position. But the decision was taken in respect of both parcels of land, Mr.

6 O'Neill.

7 Q 698 And you thought it a corporate decision properly made?

8 A Yes, that was my thinking.

9 Q 699 And we have heard evidence that negotiations took place and ultimately, subject

15:36:44 10 to approval by the elected members --

11 A Yes.

12 Q 700 -- a sale at 40,000 -- approximately 40,000?

13 A Subject to approval of both the manager and the elected members.

14 Q 701 The manager an the elected representatives, a sale at approximately 40,000 was

15:36:59 15 agreed?

16 A That's right.

17 Q 702 And your evidence as I understand it, is that you don't know when you learned

18 of that agreement?

19 A I can't be specific but I am not specific about when --

15:37:13 20 Q 703 And that you learnt it as a result of some idle chat so to speak?

21 A That was the corporation land, Mr.--

22 Q 704 When did you learn about the county council lands?

23 A Oh I don't know.

24 Q 705 And how did you learn about the county council lands?

15:37:26 25 A Well the position is the report went, Mr. McLoone's report would have gone to

26 the principal officer and it is then a matter for him to come down and tell me

27 or move it from then on but when, I don't know.

28 Q 706 And he would come down, bearing in mind that you had instigated the negotiation

29 of these lands, this would have been a matter which presumably the principal

15:37:59 30 officer would have reported back to you on fairly promptly having received

- 15:38:03 1 notification from Mr. McLoone?
- 2 A Well I don't know whether he would or not, the position is that from Mr.
- 3 McLoone's evidence is that both himself and the principal officer had discussed
- 4 the negotiations and Mr. McLoone, nowhere in writing does Mr. McLoone say that
- 15:38:21 5 the two, that there was agreement with your client that the two lands would go
- 6 the same price but he did say that he told Mr. Doherty verbally, so the
- 7 position was the major land and the important land was the corporation's and
- 8 one wouldn't go without the other.
- 9 Q 707 On the letter we have heard and we can put on on screen if needs be, on the
- 15:38:46 10 30th January 1989, Mr. McLoone wrote to Mr. Donnolly, the principal officer
- 11 informing him of the terms?
- 12 A Of the terms, yes.
- 13 Q 708 And is it reasonable to assume and I think that letter was received on the 2nd
- 14 February, is it reasonable to assume that very shortly thereafter you were
- 15:39:01 15 informed of those?
- 16 A I can't say. Normally they don't inform you. What happens -- remember now my
- 17 position is, I'm in one office and these people are in other buildings and each
- 18 week I have a decision-making day, an agenda day and they bring down their
- 19 agendas and in that case what would happen in it was a normal case, was that
- 15:39:26 20 Mr. Doherty would do a recommendation if he was happy about it and put it
- 21 before me. That never came down.
- 22 Q 709 And that wouldn't suggest to you that he never told you about the sale?
- 23 A That suggests there was no rush about it and obviously he knew, he was a very
- 24 able administrator and he knew that everything hinged on what the corporation
- 15:39:51 25 was going to do and he put probably the file in abeyance until Mr. McLoone
- 26 would keep in touch and see what the corporation agreed.
- 27 Q 710 Even though, perhaps we should have the letter of the 30th January on screen,
- 28 2087?
- 29 A That's the letter, that would have gone on file.
- 15:40:20 30 Q 711 It sets out at paragraphs 1 to 5 the terms of the sale, the property involved,

- 15:40:25 1 the title, the price, etc.?
- 2 A Yes.
- 3 Q 712 If we turn, if we go over the page to the second page of that letter, 2087, Mr.
- 4 McLoone says "In my opinion the above terms are fair and reasonable and I
- 15:40:40 5 recommend them for acceptance" and it identifies Mr. Maguire is acting as
- 6 solicitor?
- 7 A Yes.
- 8 Q 713 Nothing about the sale as you rightly say, nothing about the sale being
- 9 conditional upon a sale of the corporation lands?
- 15:40:52 10 A He didn't say that, in evidence he said it was fully agreed with Mr. Gilmartin
- 11 and Mr. Gilmartin by the way confirmed that and he also said, this is Mr.
- 12 McLoone, that he informed Mr. Doherty of, you know, that arrangement, which was
- 13 a fair enough arrangement, didn't need formality and the papers would have laid
- 14 with Mr. Doherty until he made his decision to move them. It wasn't an urgent
- 15:41:19 15 matter from the council's point of view.
- 16 Q 714 This was something in fact from the documentation directing that negotiations,
- 17 directing Mr. McLoone to enter into negotiations, somewhat stage managed
- 18 because you in fact had suggested that negotiations commence and then you had
- 19 Mr. Doherty I think draw up a memo to you and you suggesting the sale and then
- 15:41:47 20 you -- suggesting negotiations and then you authorised negotiations?
- 21 A Yes, but I think it's very extraordinary to call it a stage management, I came
- 22 back from the manager's meeting, when I speak, this is a meeting under the
- 23 aegis of the county manager and a decision has been made there to negotiate and
- 24 I tell Mr. Doherty, we have the okay for negotiations and he does the formal
- 15:42:15 25 presentation. Nothing sinister about it.
- 26 Q 715 Why could you not simply make an order? You had decided having spoken to
- 27 Mr. Gilmartin, having met Mr. Gilmartin that you were going to instruct Mr.
- 28 McLoone to enter into negotiations. Why did Mr. Doherty have to --
- 29 A Insofar as executive officers are concerned, going back to the first of the
- 15:42:34 30 management acts, the ones for the county is the 1940 County Management Act,

15:42:41 1 there's a procedure in relation to executive orders to how they be presented
2 and that had to be done, they had to be presented in a formal way, had to be
3 numbered and have to be available for the public. It's not a simple matter of
4 saying proceed.

15:42:54 5 Q 716 But you could make an order without having to get a recommendation from
6 Mr. Doherty, who knew less about the matter than he did?

7 A Oh no. The system was, it was his job to get to know about it. The rule is
8 the local authority service that I was worked on, the rule was for the manager
9 is that the matter had to be fully considered by his principal officer and he
10 made a recommendation and he stood over the recommendation, that it wasn't a
11 question of the manager. The principal officer at that stage for whatever
12 reason was fully entitled to demur. It's not a rubber stamp system.

13 Q 717 So what you are telling the Tribunal is you called Mr. Doherty in, said I have
14 been talking to Mr. Gilmartin, I want negotiations for the sale of the county
15 council's lands to commence and I want you to consider the matter?

15:43:40 15 A I wouldn't have said, speaking to Mr. Gilmartin, what I would have said was at
16 a management conference, a decision has been taken to negotiate to authorise
17 the valuer to negotiate for both the city and county lands in which
18 Mr. Gilmartin was interested insofar as the county is concerned, you get, you
19 prepare an order.

15:44:08 20 Q 718 And you go off and consider the matter, not prepare an order?

21 A Sorry?

22 Q 719 I thought you said the executive officer went off to consider the matter?

23 A Oh we can go on forever at this, Mr. O'Neill, of course he has to consider
24 this, he is paid a salary, a good salary and his job is to cross the Ts and dot
15:44:21 25 the Is.

26 Q 720 Which sale did you learn of first? The sale of the county council lands or the
27 sale of the corporation lands?

28 A I couldn't say. I can't be specific about that, I remember sometime in
15:44:44 29 February hearing of the corporation lands. I hadn't much interest in the
30

- 15:44:48 1 county lands. I mean you know when they came up, they had come up and that was
2 it. I mean remember from my point of view, this wasn't a pressing matter.
- 3 Q 721 Do you think it was the corporation lands you first heard about, the sale of
4 the corporation lands you first heard about?
- 15:45:05 5 A Well I -- I just heard about the agreement with the valuer, that was all.
- 6 Q 722 When I say the sale, I mean the agreement?
- 7 A I think that was what impressed me, the fact that they hadn't reached
8 agreement.
- 9 Q 723 And you were aware of the arrangement, were you, that the county council lands
10 were to be sold at the same price?
- 11 A I don't think I was aware of that at that time.
- 12 Q 724 So when you found out then about the corporation lands and this was anecdotal
13 you heard about the corporation lands being the subject of an agreement or
14 condition of an agreement for sale at 40,000 an acre?
- 15:45:45 15 A Yes.
- 16 Q 725 What then did you do to check the situation in relation to the county council
17 lands?
- 18 A Nothing.
- 19 Q 726 Nothing. You spoke to Mr. Corcoran, Mr. Corcoran says on the 2nd March 1989?
- 15:46:01 20 A I don't know whether he said the 2d, I think that's the date of his first
21 letter. I think what he said to the Tribunal, that he would have written very
22 soon after the time I spoke to him.
- 23 Q 727 And between or before you were -- at the time you spoke to Mr. Corcoran, had
24 you taken any steps to verify whether this passing comment you heard in
15:46:26 25 relation to the sale of the corporation lands was true or not?
- 26 A Absolutely not.
- 27 Q 728 You didn't?
- 28 A No.
- 29 Q 729 And yet you felt --
- 15:46:32 30 A I took it as truth, by the way.

- 15:46:35 1 Q 730 You had no idea of the terms of the sale?
- 2 A No.
- 3 Q 731 Yet you had formed the view that 40,000 pounds was much too low?
- 4 A Yes, I did.
- 15:46:50 5 Q 732 And in those circumstances --
- 6 A As a personal view and I'm not a qualified valuer.
- 7 Q 733 And you would be the person who would be in normal circumstances recommending
- 8 the sale at that level if it was an appropriate figure for consideration?
- 9 A If it had been approved, yeah.
- 15:47:09 10 Q 734 So at some stage, as far as you were aware, you were going to be asked to look
- 11 at this matter?
- 12 A Oh at some stage yes, there's no question. Well not necessarily, I would
- 13 have -- I mean I was within months of my retirement, I could have left it there
- 14 for my successor but I mean, it wasn't urgent in my agenda.
- 15:47:29 15 Q 735 And without making any checks as to the veracity of what you had heard in
- 16 relation to the corporation lands, you are telling me, you are telling the
- 17 Tribunal that you had a discussion with Mr. Corcoran in which you tell him that
- 18 the corporation has agreed to sell its land as 40,000?
- 19 A That's right, I told him that.
- 15:47:52 20 Q 736 And you were aware of course that Mr. Corcoran's interest was not in these
- 21 lands as such but in the significance of any development that may take place on
- 22 these lands vis-a-vis Blanchardstown?
- 23 A That is not the case. As far as I was concerned, he was looking for industrial
- 24 lands. I, in my own view, I never saw this, any development there being a
- 15:48:20 25 danger to Blanchardstown. Blanchardstown had quite a very significant hinter
- 26 land and could well standing and is standing on its own feet. Insofar as the
- 27 dangers it presented, it certainly presented them to Balgaddy but not to
- 28 Blanchardstown. I never, never saw it as a danger to Blanchardstown and I was
- 29 right too.
- 15:48:42 30 Q 737 Mr. Corcoran seems to have taken a different view though?

15:48:46 1 A That's a matter for Mr. Corcoran.

2 Q 738 And did he express that concern to you?

3 A No, he did not.

4 Q 739 Now after your contact with Mr. Corcoran, were you aware that Mr. Corcoran then
15:49:10 5 did contact the corporation and express an interest in the lands?

6 A Well I think the interest from Miss Dillon says that I was on holidays at the
7 time when all the rest was happening, when Mr.-- yes, I have seen, of course I
8 have seen the correspondence.

9 Q 740 I know in more recent times, you were on holidays I think for the first couple
15:49:27 10 of weeks in March or thereabouts?

11 A Yes.

12 Q 741 When you came back, presumably at some stage you learned --

13 A No.

14 Q 742 You didn't?

15:49:33 15 A The position unfortunately Mr. And it's a have sad story, your client had been
16 in on the 23rd and he made his allegations and it was from that --

17 Q 743 We'll come?

18 A Sorry, excuse me you are asking me what did I know about it, from that day
19 onwards I was put in a limbo, no one spoke to me, I knew nothing about -- I
15:50:03 20 didn't even know anything about his allegations until I read them in the brief.

21 The position insofar as what the corporation were doing, I was no way
22 consulted, no way. In fact I couldn't understand what was happening in
23 relation, not just to this issue but to other issues and people didn't speak to
24 me for the rest of my life. That was as a result of your client's incursion on
15:50:28 25 the 23rd of --

26 Q 744 We can come to the 23rd of February in a minute. What I want to ask you is
27 when did you first learn that Mr. Corcoran had expressed and interest in lands
28 to the corporation, the corporation lands?

29 A I think I would have, you know, newspapers reports years later but in my
15:50:54 30 official capacity, I was never, never told anything about all of that. The

- 15:50:57 1 putting it in, the advertisement, you know, the tenders that were received. I
2 never knew a thing, a single thing about any of that. And the reason is an
3 obvious one, I was literally just kept away from it.
- 4 Q 745 So you weren't given any information in relation to corporation business?
- 15:51:15 5 A Absolutely none.
- 6 Q 746 Coming back to county council business, Mr. McLoone had written to Mr. Doherty,
7 principal officer, on the 30th January 1989?
- 8 A Yes.
- 9 Q 747 When did that letter ever hit your desk?
- 15:51:31 10 A I don't know if it ever reached by desk, Mr. O'Neill. Presumably Mr. Doherty
11 knew what was going on in the corporation but --
- 12 Q 748 Are you suggesting now that Mr. Feeley or someone told Mr. Doherty there are
13 allegations made against Mr. Redmond, don't give him any information?
- 14 A No, I didn't say that at all, nothing about the allegations but what he may
15:51:56 15 have known was that the land was going out to public advertisement. All I'm
16 saying in answer to your question is, from the 23rd of February after that I
17 went on holidays, and from then until I retired, I was in a limbo, nobody told
18 me anything.
- 19 Q 749 Would it be normal for Mr. Doherty, a principal officer, to make a decision on
15:52:25 20 an offer, a recommendation by Mr. McLoone?
- 21 A He had executive powers up to a certain limit, 30 or 40,000 I think.
- 22 Q 750 I'm talking about a sale of 481,000.
- 23 A Ah no.
- 24 Q 751 So he did not have authority, he did not have authority to either to accept or
15:52:43 25 reject?
- 26 A Well it was a matter for him to, you know, whether he wanted to recommend it
27 and but he -- the order would have to be made by a manager.
- 28 Q 752 Have to be made by you?
- 29 A Not by me --
- 15:52:54 30 Q 753 Or Mr. Feeley.

15:52:56 1 A Made by -- I always had the entitlement to say to Mr. Feeley look, in certain
2 circumstances, I don't want to make that order and he would then make it
3 himself.

4 Q 754 And you are telling the Tribunal that as far as you can recollect, this offer
15:53:18 5 for the county council lands was never brought to your attention?
6 A It was never formally brought to my attention.
7 Q 755 Was it informally brought to your attention?
8 A I can only speak in formal terms.
9 Q 756 Was informally brought to your attention?
15:53:33 10 A You saw the memorandum which Ms Dillon put on the screen, a manager is not
11 prepared to, you know, approve this now. Obviously I was told about it,
12 whether they brought down the letter or not, and the decision was at that time
13 "Not now."
14 Q 757 So Mr. Doherty wasn't told by anyone not to give information in relation to the
15:53:59 15 county council, potential sale of the county council lands to you?
16 A The only thing I know when the valuer's report came in, it seems to have
17 remained in the development department, with Mr. Doherty until the end of 1989.
18 Long after I was retired or '90, I think it was '90, nothing happened, it was
19 just there. I was only there until June, nothing happened in my time and
15:54:25 20 nothing happened for the year after.
21 Q 758 Ms. Dillon -- we are just dealing with your period in office. Ms. Dillon has
22 referred you to the memo of the 19th of April 1989, 2301?
23 A Yes, we dealt with that.
24 Q 759 By that stage quite clearly you had be given details in relation to the offer
15:54:48 25 and the recommendation by Mr. McLoone, isn't that right?
26 A The position is I think there's, you are correct I suppose, but the position
27 was at that time, was there had been no decision made as to what the
28 corporation land --
29 Q 760 How did you know that?
15:55:05 30 A Hmm?

- 15:55:06 1 Q 761 I thought you were kept in the dark in relation to the corporation lands. How
2 did you know that?
- 3 A They would have notified me about the corporation land if it was sold, I would
4 have been told.
- 15:55:15 5 Q 762 I thought you said you were surprised when you came back from holidays you were
6 kept in the dark about it?
- 7 A Absolutely.
- 8 Q 763 How can you say a decision was made or was not made in relation to the
9 corporation lands?
- 15:55:26 10 A I am not saying me, I mean the other people had nothing to say about the
11 corporation lands.
- 12 Q 764 Who was kept in the dark, was it you or the other people?
- 13 A I don't know, I certainly -- all I can say is I certainly was kept in the dark,
14 I didn't know anything about it.
- 15:55:38 15 Q 765 Are you suggesting that --
- 16 A I'm only suggesting that --
- 17 Q 766 Let me ask the question first, are you suggesting by the 19th April, the date
18 of this memo, that you did not know what the position was in relation to the
19 corporation lands, is that what you are telling the Tribunal?
- 15:55:53 20 A Yes, I'll telling you that.
- 21 Q 767 And that you made a decision in relation to the county council lands entirely
22 ignorant of what was happening to the corporation lands?
- 23 A The position, as you can see the decision is at this point in time and this
24 point in time we are not going to dispose of it until we see black and white
15:56:14 25 evidence of what's happened to the corporation land.
- 26 Q 768 And at that stage, you knew, I have to put it to you, that the corporation had
27 decided to put the lands out to tender?
- 28 A I did not. And there's no evidence that he did. I didn't know that.
- 29 Q 769 They did put them out to tender, there is evidence they did?
- 15:56:29 30 A Sorry there's no evidence that I knew it.

- 15:56:31 1 Q 770 And you are suggesting --
- 2 A Excuse me Mr. O'Neill, I want to reaffirm that, I didn't know they were putting
- 3 the land out to tender.
- 4 Q 771 And you are suggesting to the Tribunal that you would make a decision in
- 15:56:44 5 relation to the county council lands entirely ignorant of what attitude the
- 6 corporation were taking in respect of the corporation lands, is that your
- 7 evidence?
- 8 A Yes but -- say that again?
- 9 Q 772 Are you suggesting to the Tribunal that you would make a decision in relation
- 15:56:57 10 to the county council lands, as we see the decision on the memo on the 19th
- 11 April, you would make that decision without knowing what the corporation was
- 12 doing in relation to the corporation's lands?
- 13 A I said I make no decision until we saw the final decision by the corporation.
- 14 Q 773 No, you have made a decision not to tell to sell the land now?
- 15:57:21 15 A Not to sell the land now, yes.
- 16 Q 774 And you made that decision entirely ignorant of what the corporation is doing,
- 17 is that what you are telling the Tribunal?
- 18 A The absence of information about what the corporation is doing, not in
- 19 ignorance, in the absence.
- 15:57:36 20 Q 775 Why didn't you request information then in relation to the --
- 21 A The position as far as I was concerned, Mr. O'Neill, there was no urgency about
- 22 this transaction. Take it back.
- 23 Q 776 You had an active decision not to proceed with the sale now?
- 24 A The decision was the right decision at the time. Are you happy about that? I
- 15:57:58 25 presume you are.
- 26 Q 777 It's a matter for the Tribunal, not for me, Mr. Redmond, I can assure you?
- 27 A You will get your fees.
- 28 Q 778 I beg your pardon?
- 29 A I said you will get your fees anyway.
- 15:58:07 30

15:58:07 1 CHAIRMAN: Mr. Redmond

2 Q 779 Thank you Mr. Redmond.

3

4 CHAIRMAN: Mr. Redmond, there's no need for comment like that.

15:58:12 5 Q 780 MR. O'NEILL: Can I have page 1069 please. I am not going to go through this

6 detail, Ms. Dillon has already referred you to this, halfway down the page, you

7 talk about cogent reasons for endeavouring to avoid, this is what's been called

8 the aborted meeting.

9 A Yes.

15:58:37 10 Q 781 And you give as those reasons number one to five. "The stated intention of

11 Mr. Gilmartin to promote and pursue a very major planning project".

12 A Sorry, where are you?

13 Q 782 I'm reading numbers one to five?

14 A Are you going to read them all? I'll read them out if you like. "It was the

15:58:59 15 stated intention of Mr. Gilmartin to promote and pursue a very major planning

16 project which was totally at variance with the County Development Plan. His

17 objective could only be achieved by major changed planning decisions by the

18 elected 78 members, in full plenary session after fulfillment of the specific

19 requirement of the planning acts.

15:59:19 20

21 2. It was my view that would be hell to pay in the council if the elected

22 members got to hear that the manager and his professional staff were having a

23 special meeting with the promoters of a major project totally at variance with

24 the existing county plan and which clearly had the support of one official

15:59:38 25 party".

26

27 3. I was aware that a major portion of the land which would have to be

28 included in any future planning application was not owned by Mr. Gilmartin and

29 indeed might never be acquired by him."

15:59:53 30 What land were you talking about there?

15:59:53 1 A In February he had acquired none of the land.

2 Q 783 What major portion of land were you talking about, were you talking about the
3 corporation lands then?

4 A The major lands.

15:59:59 5 Q 784 Were you talking about the corporation lands?

6 A It certainly would include the corporation lands and the county council.

7 Q 785 And the county council lands were relatively small?

8 A But if you add the two of them together you get 80 acres which was a moiety of
9 the site.

16:00:18 10 Q 786 Number 4 "In so far as the land was concerned, the bulk of that involved circa
11 79 acres was registered in the ownership of Dublin Corporation, whose members
12 had not been informed as to what was afoot concerning the land, nor was aware
13 at the time of any executive manager of Dublin Corporation to approve
14 negotiations for the disposal of the lands to Mr. Gilmartin."

16:00:42 15
16 These are reasons in February of 1989 for not proceeding with a meeting with
17 Mr. Gilmartin?

18 A Yes.

19 Q 787 And you seem to express at that time some knowledge was of what was happening
16:00:52 20 in the corporation?

21 A In February?

22 Q 788 In February of 1989.

23 A Yes, I knew in February 1989, that they had approved negotiations for the sale
24 of their land or at least exploratory negotiations.

16:01:06 25 Q 789 But you weren't aware whether the -- what you say is in fact that you were not
26 aware of any executive management of Dublin Corporation approving negotiation
27 to dispose of lands to Mr. Gilmartin.

28 A I think that should be to approve disposal rather than negotiations.

29 Q 790 You were aware there was approval to negotiate?

16:01:29 30 A Oh I was, yes, I was aware of that.

- 16:01:31 1 Q 791 And then in 5: "In view of the fact that a possible future planning
2 application might be involved, if any meeting was to take place, it should have
3 been the Assistant Manager to whom the planning functions of the council had
4 been delegated to. I myself had no planning functions". Then it goes on to
16:01:51 5 deal with the issue in relation to the meeting itself.
6 Now, what had changed in October/November, late October, early November 1988,
7 you gave approval to the commencement of negotiations with Mr. Gilmartin?
8 A I did, yes.
- 9 Q 792 What had changed between October/November and February of 1989, that there was
16:02:10 10 such a sea change on your part?
11 A I mean all I did, Mr. O'Neill, in November as you said was to approve
12 negotiations for what you have described yourself as not a very valuable piece
13 of land. That was all. That's a simple enough thing. Now the position about
14 that was in due course, if the negotiations were successful, etc etc, there
16:02:37 15 would have to be a report presented to the council, the manager would have to
16 make an order so the council city stage would be given a full description of
17 it.
- 18 Q 793 But in November of 1988, October November of 1988 --
19 A You are asking me what the change was between this meeting and the other.
- 16:02:57 20 Q 794 What the change was between November 1988 and February 1989?
21 A It was a simple decision, I made the decision and somebody, my counterpart in
22 the city, Mr. Morrissey, he made his decision.
- 23 Q 795 What decision are you talking about?
24 A The decision to negotiate for the land.
- 16:03:11 25 Q 796 Yes well in October, in November of 1988, you were happy to negotiate or allow
26 negotiations proceed for the sale of the county council lands?
27 A Just negotiate.
- 28 Q 797 And you were aware of the negotiations proceeding also for the corporation
29 lands?
16:03:26 30 A Yes, Mr. Morrissey labeled it exploratory negotiations, but otherwise I was

- 16:03:31 1 aware of that.
- 2 Q 798 They were bona fide negotiations on the part of the county council I presume?
- 3 A I didn't but coming back now to February in this meeting.
- 4 Q 799 What had changed between November 1988 and February 1989 that sees such a sea
- 16:03:46 5 change in your attitude?
- 6 A My attitude hadn't sea changed at all.
- 7 Q 800 Here you are now --
- 8 A Sorry excuse me now, let me -- I want to go forward and explain my attitude.
- 9 My attitude hadn't changed. The position is when the question of should we --
- 16:04:07 10 I use "we" in the sense of Dublin city and county, should we have negotiations
- 11 with Mr. Gilmartin, I was never happy about direct negotiations with
- 12 Mr. Gilmartin. I was always of the view that if the lands were to be -- they
- 13 were -- I thought they were --
- 14 Q 801 Can we just focus on the question please?
- 16:04:34 15 A Sorry, can I please answer. If these lands were going to be put on sale, that
- 16 they should be advertised. That was always my view. I saw no justification
- 17 for dealing with Mr. Gilmartin in isolation and there were very, very good long
- 18 reasons going back in history for public advertisement.
- 19 Q 802 Why did you not --
- 16:04:52 20 A Sorry, will you let me please, now you are getting -- please. That is my view.
- 21 The view of the managers generally that that wasn't necessary in this case,
- 22 they took the view look, the land is lying there for a long time, let's see
- 23 what negotiations can produce and that's what happened. So to say there was a
- 24 sea change in my mind, there was never a sea change in my mind. I was always
- 16:05:22 25 of the mind that these lands should be advertised.
- 26
- 27 Now getting back to this thing, nothing got to do with -- it at this stage
- 28 Mr. Gilmartin hasn't a sausage of ownership in that a area, do you accept that
- 29 as a lawyer?
- 16:05:34 30 Q 803 Mr. Redmond, unfortunately you can't ask me questions, I am the one who asks

16:05:41 1 you questions.

2 A Is that the position? Is that the position in Tribunals that I can't ask him a

3 question?

4

16:05:47 5 CHAIRMAN: Afraid so.

6 A Can I ask him a question which he might be, he is not required to answer I know

7 your worship, but can I put a question to him that he might answer.

8

9 CHAIRMAN: You can't put a question unless it's for purpose of clarifying.

16:06:02 10 A Fair enough.

11

12 CHAIRMAN: It might be a good point at this stage to rise until half ten

13 tomorrow.

14 A It's not over yet, is it?

16:06:08 15

16 CHAIRMAN: It is. It's only over till tomorrow. Half ten.

17 A Can you not work over time even to get rid of it?

18

19 CHAIRMAN: How long more?

16:06:21 20

21 MR. O'NEILL: I will be another ten minutes I would say.

22

23 CHAIRMAN: All right. And Mr.

24

16:06:26 25 MS. DILLON: Mr. Lawlor indicated 20 minutes approximately when I was speaking

26 to him earlier.

27

28 CHAIRMAN: All right, half ten.

29

16:06:34 30 **THE TRIBUNAL THEN ADJOURNED UNTIL THE FOLLOWING DAY, FRIDAY,**

16:07:00 1 **16TH JULY 2004 AT 10.30 A.M.**

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