

**THE TRIBUNAL RESUMED AS FOLLOWS ON**

**FRIDAY, 23RD JULY 2004 AT 10.30 AM:**

CHAIRMAN: Morning.

MS. DILLON: Good morning sir. Mr. Flynn please.

MR. LAWLOR: Chairman, is it possible to get some indication of the running order please?

CHAIRMAN: Well if -- well Ms. Dillon I understand will be about another hour.

MS. DILLON: An hour to an hour and a half, yes. Finished certainly before lunch.

CHAIRMAN: Then cross examination. Mr. O'Neill I think will be about half an hour?

MR. O'NEILL: I think that's a reasonable estimate, maybe slightly longer but certainly not longer than an hour anyway.

CHAIRMAN: Then Mr. Redmond and yourself. Mr. Madden will be last.

MR. LAWLOR: Yes, it's intended to finish today anyway?

CHAIRMAN: We are hoping to finish, can you indicate how long you might be?

MR. LAWLOR: About half to three quarters of an hour, maybe an hour at most.

CHAIRMAN: How long Mr. Redmond?

10:41:11 1

2 MR. REDMOND: Very very short.

3

4 CHAIRMAN: Then hopefully we'll finish.

10:41:15 5

6 MR. LAWLOR: Thank you, Chairman.

7

8 **MR. PADRAIG FLYNN CONTINUED TO BE QUESTIONED**

9 **BY MS. DILLON AS FOLLOWS:**

10:41:15 10

11 Q. 1 MS. DILLON: Thank you sir, good morning Mr. Flynn. If we can resume where we  
12 finished yesterday, which was in or around the events of early 1989 and there  
13 are a number of documents in which your name is referred to, that I want to put  
14 to you for your response.

10:41:33 15

16 These documents came into being in or around that time. If we can have  
17 document 2234. This is a memorandum of a meeting between Mr. Owen O'Callaghan  
18 and Mr. Paddy Morrissey and Mr. Sean Haughey, I draw your attention  
19 specifically to what Mr. O'Callaghan is recorded as having said about you in  
20 that memorandum at paragraph 3 where he says:

21

22 "Following discussion with Minister for the Environment he, that's  
23 Mr. O'Callaghan, approached Tom Gilmartin who had satisfied him that he was in  
24 earnest about proceeding to planning stage with Irishtown lands".

10:42:07 25

26

Do you see that on the document?

27

Can I ask you first of all, did you have discussions with Mr. Owen O'Callaghan  
28 about Mr. Tom Gilmartin?

29

A. Dia dhuit, Good morning Mr. Chairman. No.

10:42:21 30

Q. 2 I would also point out to you that when Mr. O'Callaghan was interviewed by the

10:42:26 1 Gardai in Cork on 5th April 1989 at page 2809, according to the Garda record of  
2 that conversation in the second paragraph, and on the third line of the second  
3 paragraph it says:

10:42:42 5 "According to Mr. O'Callaghan, government Ministers were anxious that  
6 Mr. Gilmartin's project went ahead and states that Mr. Padraig Flynn TD  
7 Minister to the Environment asked him to step aside and let Gilmartin's project  
8 go ahead."

10:42:55 10 Did you ask Mr. O'Callaghan to step aside and let Mr. Tom Gilmartin's project  
11 go ahead?

12 A. No.

13 Q. 3 And Mr. O'Callaghan in his evidence to the Tribunal on day 505, at question 107  
14 denied that in fact he had made either of those comments to either of those  
10:43:13 15 parties, when interviewed separately by them?

16 A. He is correct.

17 Q. 4 That's Mr. O'Callaghan's position.

18 Now, I think that in fact you, did you meet Mr. O'Callaghan in 1989?

19 A. Yes.

10:43:35 20 Q. 5 And what did you meet Mr. O'Callaghan in connection with?

21 A. I was invited by his company or by himself to do the topping out of a project  
22 in Limerick. I think it was the Arthur's Quay project or the Arthur's project.

23 Q. 6 Was that your first contact with Mr. O'Callaghan?

24 A. I can't be specific about that, but I know that I met him, I think once before  
10:44:03 25 that, or after it. I met him socially I think.

26 Q. 7 And when you --

27 A. But I had no meetings with him.

28 Q. 8 Yes. Prior to March of 1989, had you had any meetings or discussions with  
29 Mr. O'Callaghan about Mr. Tom Gilmartin or the Quarryvale site?

10:44:18 30 A. No. And the date that I met him, if my memory serves me correctly was the

10:44:23 1 16th, the day before St. Patrick's day, if that's accurate, I think it is.

2 Q. 9 3864, this is an extract from your personal diary Mr. Flynn?

3 A. Yes.

4 Q. 10 And it records Owen O'Callaghan, Limerick, 4 pm?

10:44:41 5 A. Yes, that's correct.

6 Q. 11 And that's the topping out of the Arthur's Quay project, is that correct?

7 A. That is correct.

8 Q. 12 And in the, I am assuming that on that occasion on the 16th March you met

9 Mr. O'Callaghan?

10:44:52 10 A. Yes.

11 Q. 13 Now, on that occasion did you have any discussion with him or he with you,

12 about the Quarryvale development or about the Neilstown site?

13 A. No.

14 Q. 14 Do you have a clear recollection of meeting Mr. O'Callaghan on that occasion?

10:45:05 15 A. Yes.

16 Q. 15 Were you aware, you must have been aware if Mr. Redmond's note of the meeting

17 of the 2nd of February 1989 is correct, that you informed the meeting that

18 Mr. Gilmartin had come to an arrangement with Mr. O'Callaghan about the

19 Quarryvale site and about the Neilstown site, you would have known that there

10:45:30 20 were some business dealings between Mr. O'Callaghan and Mr. Gilmartin?

21 A. Mr. Gilmartin would have told me.

22 Q. 16 And Mr. Gilmartin told you. And isn't it likely then, that because you knew

23 that Mr. O'Callaghan was involved with Mr. Gilmartin that you had some

24 discussion with him on that occasion about the project?

10:45:46 25 A. No.

26 Q. 17 Now, did you become aware in 1989 that Mr. Gilmartin had not made a statement

27 to the Gardai?

28 A. No. That he had not made a statement, following the investigation.

29 Q. 18 Yes.

10:46:05 30 A. No, he didn't discuss with me any discussions he was having with the Gardai.

- 10:46:10 1 Q. 19 Did you become aware at any stage that Mr. Gilmartin was refusing to make a  
2 statement to the Gardai?  
3 A. No.  
4 Q. 20 When did you become aware of that?  
10:46:20 5 A. I can't recall that.  
6 Q. 21 You had a meeting on the 14th April 1989 with Mr. Paddy Morrissey, is that  
7 correct?  
8 A. If the documentation says so, then I have no reason to doubt it.  
9 Q. 22 At 2296, I want to draw item number one to your attention "Minister expressed  
10:46:45 10 his satisfaction at Corporation's proposal to publicly advertise lands at  
11 Irishtown".  
12 A. Yes.  
13 Q. 23 So obviously, this document is recording you making some comment about the  
14 lands and these were the lands Mr. Gilmartin is interested in?  
10:46:58 15 A. That statement is what, that's what it would suggest.  
16 Q. 24 Isn't that right?  
17 A. That's what it suggests.  
18 Q. 25 So, you knew Mr. Gilmartin was interested in buying local authority lands?  
19 A. I knew that he was interested in acquiring property, yes.  
10:47:11 20 Q. 26 Sorry. You knew that Mr. Gilmartin was interested in acquiring local authority  
21 lands?  
22 A. Yes.  
23 Q. 27 Point number 2: "The minister", that's yourself, "asked if there were any  
24 further developments in relation to allegations made by Mr. T G" that's Tom  
10:47:27 25 Gilmartin "regarding official of local authority. I said so far as I was  
26 aware, there were none."  
27 So were certainly asking the officials of the local authority what progress or  
28 developments were being made in relation to Mr. Gilmartin's allegations?  
29 A. I was asking Mr. Paddy Morrissey if there was anything extra that he knew  
10:47:47 30 concerning the investigation.

- 10:47:48 1 Q. 28 Yes, but you appear never to have asked Mr. Gilmartin the same question?
- 2 A. No.
- 3 Q. 29 Why was that?
- 4 A. The matter never arose. Our meetings were very short duration and we only
- 10:47:59 5 spoke about his development. And particularly Bachelor's Walk, and if
- 6 Quarryvale or his acquisition of other grounds came up, it was purely by the
- 7 way.
- 8 Q. 30 But Mr. Gilmartin's allegations were you said yesterday so serious that you
- 9 went immediately to the then Taoiseach and had them included in a Garda inquiry
- 10:48:19 10 that you had initiated on the 2nd of February?
- 11 A. That's correct.
- 12 Q. 31 You are now on the 14th April 1989, meeting with other people who may have
- 13 information. You are meeting with Mr. Paddy Morrissey, isn't that correct?
- 14 A. Yes.
- 10:48:30 15 Q. 32 In relation to - and you are asking them are there any developments in relation
- 16 to Mr. Gilmartin's allegations?
- 17 A. Yes. That have been a casual conversation. Is there anything new about the
- 18 inquiries being conducted by the Gardai, that's all.
- 19 Q. 33 Yes. But you never asked Mr. Gilmartin?
- 10:48:43 20 A. No.
- 21 Q. 34 And are you saying you don't recollect ever asking him or you are making a
- 22 positive statement to the effect that you never asked them?
- 23 A. I am saying I can't recollect ever asking him.
- 24 Q. 35 Mr. Morrissey responds, if we go back to the document 2296:
- 10:48:57 25
- 26 "I said so far as I was aware, there were none. The police had interviewed
- 27 City Manager and assistant City Manager enquiring etcetera. He was aware of
- 28 this already".
- 29 So you knew that the Gardai had interviewed Mr. Feeley and Mr. Haughey?
- 10:49:12 30 A. Oh, yes.

10:49:13 1 Q. 36 Right. So you were keeping tabs on the official side?  
2 A. No not --  
3 Q. 37 Of the investigation?  
4 A. No, not keeping tabs, that would have been just a casual comment, anything  
10:49:21 5 fresh on the inquiries.  
6 Q. 38 No, no. If you look at the statement, first of all, do you agree that you knew  
7 that the Gardai had interviewed Mr. Feeley and Mr. Haughey?  
8 A. Yes.  
9 Q. 39 Right. So, it follows from that, that you were getting some information about  
10:49:36 10 the progress of the Garda inquiry?  
11 A. As it turned out I was getting none.  
12 Q. 40 Sorry, you were getting some information about the progress of the Garda  
13 inquiry as of this date?  
14 A. As of Mr. Morrissey's comment.  
10:49:47 15 Q. 41 But your information was limited to the local authority side, is that correct?  
16 A. Yes.  
17 Q. 42 And then if we go back to the document "He said he felt that the official  
18 concerned was aware of inquiries".  
19  
10:50:04 20 Now the official concerned there I think is Mr. George Redmond, and you are  
21 telling Mr. Morrissey something, you are reported there has having told  
22 Mr. Morrissey that it was your view that Mr. Redmond knew of the inquiries.  
23  
24 "I assured him categorically", that's Mr. Morrissey assuring you, "that if that  
10:50:28 25 were the case his awareness had not come about from any of the one of the four  
26 persons, City Manager and 3 other assistant city managers who knew of it.  
27 Minister immediately accepted this and indicated that he felt he knew the  
28 source. He was not prepared to go further".  
29  
10:50:43 30 So, now you have one other piece of information Mr. Morrissey doesn't have.

- 10:50:46 1 You know, or you believe that Mr. Redmond is aware of the investigation?
- 2 A. That's what I said, yes.
- 3 Q. 43 Now can you indicate how it was you came to hold that view on the 14th April
- 4 1989?
- 10:50:56 5 A. No, I can't.
- 6 Q. 44 Well wouldn't it follow that you had to have been speaking to somebody about
- 7 Mr. Redmond, about Mr. Gilmartin's allegations?
- 8 A. Not necessarily so, but I can't recall how I might have said that, that I felt
- 9 I knew there was a source.
- 10:51:10 10 Q. 45 But it would follow if you said it, and you were correct in saying it, you had
- 11 come into possession of a piece of information that allowed to you form a view
- 12 that Mr. Redmond knew of the investigation?
- 13 A. Well if I had I can't recall what it is now.
- 14 Q. 46 But, do you accept that it follows, if that was your view on the 14th April
- 10:51:28 15 1989, somebody had been discussing the Garda inquiry or the progress of the
- 16 Garda inquiry or Mr. Gilmartin's allegations with you?
- 17 A. That is an interpretation that you could put on it, but I can't recall it.
- 18 Q. 47 What interpretation do you put on what's stated there, Mr. Flynn?
- 19 A. Well I can't recall that, saying what is recorded there.
- 10:51:45 20 Q. 48 Do you dispute that it's an accurate note?
- 21 A. I can't say yes or no to that either.
- 22 Q. 49 Did you keep any note of this meeting?
- 23 A. No.
- 24 Q. 50 And certainly what's recorded there, is that the information is coming from
- 10:51:58 25 you, isn't that right?
- 26 A. That's right.
- 27 Q. 51 And then goes on to refer to another contribution that you made "Minister said
- 28 the officer concerned". This is Mr. Redmond was, "at the centre of a web".
- 29 Now do you accept first of all the use of the quotation marks is attributing
- 10:52:20 30 what's contained with in the quotation marks to you?



- 10:52:23 1 A. Yes.
- 2 Q. 52 If this is an accurate note you are now telling Mr. Morrissey on the 14th April  
3 1989, that George Redmond was at the centre of a web?
- 4 A. That is what that says, yes.
- 10:52:33 5 Q. 53 Right. Now, if you made that statement on the 14th April 1989, would you  
6 outline to the Tribunal the information that came to you to allow you to make  
7 that statement?
- 8 A. That's right.
- 9 Q. 54 I beg your pardon?
- 10:52:44 10 A. What do you want to ask about it.
- 11 Q. 55 How did you come to - what information did you have that allowed you to make  
12 the statement, "The officer concerned was at the centre of a web"?
- 13 A. I think if you read it in conjunction with the next sentence it might become  
14 more clear.
- 10:53:01 15 Q. 56 The officer concerned you have already agreed refers to Mr. George Redmond.  
16 The quotation is attributed to you?
- 17 A. That's right.
- 18 Q. 57 It follows therefore, that if this note is accurate what you said was George  
19 Redmond was at the centre of a web?
- 10:53:14 20 A. Yes.
- 21 Q. 58 Now, if you said that on the 14th April 1989 would you outline to the Tribunal  
22 the information you had that allowed you to come to that conclusion?
- 23 A. What I am saying to you is, if you take it in conjunction with the next  
24 sentence about the other case that I had reported and was having investigated.
- 10:53:31 25 Q. 59 Yes, but you have already told us yesterday that that case, you were not aware  
26 in the course of that case of any allegations against Mr. Redmond, isn't that  
27 right, that was your evidence yesterday?
- 28 A. They said they were other planning officials and that is where the reference  
29 there is, that's what I meant by that, Mr. Chairman.
- 10:53:47 30 Q. 60 Lovely. If you just concentrate on the sentence we are talking about, Mr.

- 10:53:52 1 Flynn, and your evidence yesterday was that you did not know of any other  
2 allegations in the Loughran inquiry in relation to Mr. George Redmond, isn't  
3 that right?
- 4 A. That's correct.
- 10:54:02 5 Q. 61 Now therefore, the first time Mr. Redmond's name is mentioned to you in  
6 connection with allegation of impropriety or wrongdoing were Mr. Gilmartin's  
7 allegations, isn't that right?
- 8 A. That's right.
- 9 Q. 62 You are now on the 14th April dealing with the local authority officials and  
10:54:14 10 one of the matters you are discussing is Mr. Redmond. You are recorded as  
11 having made a statement to, them that the officer concerned, whom you have  
12 agreed is Mr. George Redmond, was at the centre of a web. I am asking you to  
13 outline to the Tribunal the information you had available to you on the 14th  
14 April 1989, that allowed you make that statement?
- 10:54:32 15 A. I am saying to you, Mr. Chairman, that I cannot recall this conversation.
- 16 Q. 63 Were you being provided with updates from the Gardai?
- 17 A. No.
- 18 Q. 64 Were you being updated by the Minister for Justice?
- 19 A. No.
- 10:54:46 20 Q. 65 Was any information coming to you from the local authority?
- 21 A. No.
- 22 Q. 66 Was the only other person you were talking to you, who was involved in this  
23 inquiry Mr. Tom Gilmartin?
- 24 A. I was having meetings on occasions with Mr. Gilmartin.
- 10:55:05 25 Q. 67 With Mr. Gilmartin, yes.
- 26 A. Yes.
- 27 Q. 68 So is Mr. Gilmartin the only other person who was involved in the allegations  
28 that were made that you were meeting around this time?
- 29 A. Yes.
- 10:55:17 30 Q. 69 Well is it that the, this information did it come to you from Mr. Gilmartin?

- 10:55:22 1 A. No, not that I can recall.
- 2 Q. 70 Well it must have come to you from somewhere Mr. Flynn?
- 3 A. That may be so. But I cannot recall it.
- 4 Q. 71 You were then recorded as saying:
- 10:55:35 5
- 6 "There were two other planning officials of the local authority concerned and a
- 7 member of the Planning Appeals Board. He expressed concerned that the member
- 8 of the local authority concerned was alerted to the inquiries".
- 9 That again is a reference to Mr. Redmond, isn't that right?
- 10:55:48 10 A. The planning officials.
- 11 Q. 72 No, he expressed concern that the officer (of the local authority) concerned
- 12 was alerted to the inquiries". That's a reference to Mr. Redmond?
- 13 A. That's Mr. Morrissey's note, I don't know why he is saying it, but if he is
- 14 saying it that's it.
- 10:56:08 15 Q. 73 So you expressed concern that Mr. Redmond had been alerted?
- 16 A. That's what that would seem to suggest.
- 17 Q. 74 Well what -- is there anything else that it might suggest?
- 18 A. I can't really say.
- 19 Q. 75 The only interpretation on it, is that you expressed concern on that occasion
- 10:56:24 20 that Mr. Redmond had been alerted to the Garda inquiries?
- 21 A. That's what that seems to suggest but I say, I can't recall the conversation
- 22 and I can't recall expressing, making these expressions that are recorded
- 23 there.
- 24 Q. 76 In relation, if we continue with the note, "in relation to the officer of the
- 10:56:43 25 planning board, he was in a difficulty, I, that's Mr. Morrissey suggested he,
- 26 that's you Minister, should notify police. I asked but he declined to name the
- 27 officers of the local authority against whom there were suspicions or
- 28 allegations". Do you dispute that record?
- 29 A. I'm not in a position to dispute it, no.
- 10:57:01 30 Q. 77 It follows if it's an accurate note, that at some time prior to the 4th April

10:57:08 1 1989 you were privy to information in relation to Mr. George Redmond from some  
2 source. Is that right?

3 A. I certainly have no recollection of being privy to anything other than what  
4 Mr. Gilmartin had spoken to me about insofar as Mr. Redmond was concerned.

10:57:27 5 Q. 78 But I am, if you just listen to the question Mr. Flynn. If the note is  
6 accurate and you don't dispute it, it follows that at some day prior to the  
7 14th April 1989, somebody told you something about Mr. George Redmond?

8 A. Somebody may have yes, but I can't recollect what that might have been.

9 Q. 79 Did you have any meetings with any member of the Gardai in relation to this  
10 matter?

10:57:49 10  
11 A. In relation to this matter, no.

12 Q. 80 Did you have meetings with the Gardai in relation to the other planning inquiry  
13 that you had --

14 A. Yes.

10:57:57 15 Q. 81 When did you have those meetings?

16 A. I met Chief Superintendent Sreenan, I think, in I met him on one occasion in  
17 Leinster House.

18 Q. 82 This is when you initiated the Garda inquiry is that correct, the 2nd of  
19 February?

10:58:13 20 A. I think the 2nd February, yes, I think that's correct.

21 Q. 83 After that meeting which was the Loughran inquiry, isn't that right?

22 A. Yes.

23 Q. 84 And didn't relate to Mr. Gilmartin's, after that meeting did you have any  
24 meeting with any member of the Gardai?

10:58:27 25 A. No, not that I can recall.

26 Q. 85 So, is it a mystery then Mr. Flynn if this note is accurate, as to how you came  
27 to be in possession of that information?

28 A. That's your word.

29 Q. 86 Well can you provide any explanation Mr. Flynn, if the note is accurate and you  
10:58:47 30 don't dispute it, as to how you came to be in possession of this information

- 10:58:51 1 about Mr. Redmond by the 14th April 1989?
- 2 A. I have told you I cannot recall, Mr. Chairman, how this might have come about.
- 3 I would have no reason to say that if I knew anything different. I had
- 4 initiated these inquiries and I wanted to help out in every way I could. But
- 10:59:13 5 the Gardai made it quite clear to me that, not to say anything about anything,
- 6 and they didn't come back to me for statements, so I understood that their
- 7 inquiries were going ahead in the normal way.
- 8 Q. 87 You had a meeting with Mr. Redmond on the, sorry beg your pardon, you had a
- 9 meeting with Mr. Gilmartin on the 19th April 1989, page 194. You have
- 10:59:43 10 confirmed that in your statement to the Tribunal.
- 11
- 12 If you look at your statement and you say "I met him on the 22nd February 1989,
- 13 19th April 1989 and 23rd May 1989". Do you see that?
- 14 A. Yes.
- 11:00:01 15 Q. 88 Can you outline to the Tribunal what you recollect of the meeting of the 19th
- 16 April 1989?
- 17 A. Is this the meeting that Mr. Deadly attended?
- 18 Q. 89 That is correct.
- 19 A. I think we would have discussed the progress insofar as the development on
- 11:00:24 20 Bachelor's Walk was concerned, how it was getting along.
- 21 Q. 90 Do you have a recollection Mr. Flynn, of discussing the Arlington development
- 22 at Bachelor's Walk on the 19th April 1989, with Mr. Dadley and Mr. Gilmartin?
- 23 A. Well I have no clear recollection but that was the subject matter of any of the
- 24 meetings I had with Mr. Gilmartin and Mr. Dadley when he accompanied him, and
- 11:00:50 25 as I understand it from the Dail records, that on the 19th April, Mr. Dadley
- 26 was there and Mr. Dadley was the only one that was cleared in on that day into
- 27 Leinster House. So --
- 28 Q. 91 Are you saying Mr. Gilmartin wasn't with Mr. Dadley?
- 29 A. No, I am not stating that positively, because I know that it was included, I
- 11:01:14 30 think in my own diary, but I do have to say to you, Mr. Chairman, that in a way

11:01:25 1 Tom Gilmartin and Dadley or Arlington are one and the same thing, so I think I  
2 said that in fact to Mr. Hanratty I think, when I met him the first meeting I  
3 had with him in 1998 and I said because, just because you see an entrance in my  
4 diary, doesn't necessarily mean that that person came in and he agreed me with  
11:01:56 5 me that happened in his own case as well.  
6

7 All I am saying to you is certainly it is written in my diary that Mr. Tom  
8 Gilmartin came, but in effect on that day in Leinster House, the Leinster House  
9 diary clearing anybody coming into the house only has Mr. Dadley, so if it was  
11:02:14 10 Mr. Dadley we would have discussed the Arlington project, if it was a situation  
11 that Mr. Gilmartin accompanied him, then we would have discussed the very same  
12 thing.

13 Q. 92 If we look first of all at your ministerial diary at 2304 for the 19th April.  
14 And I would like you to confirm there is no entry for 19th April in your  
11:02:44 15 ministerial diary for either Mr. Dadley or for Mr. Gilmartin?

16 A. That's correct, yes this now is the ministerial diary.

17 Q. 93 That is correct. So it's not recorded in your ministerial diary?

18 A. That's right there is no record there at all of that meeting having taken place  
19 at all.

11:03:09 20 Q. 94 So if we look at your personal diary for the 19th April which is at, which is  
21 at 3852, what's recorded there is Tom Gilmartin?

22 A. That's right.

23 Q. 95 And I am going to hand you an unredacted copy so you can satisfy yourself that  
24 Mr. Dadley's name does not appear in any of the portions that are blanked out?

11:03:53 25 A. Yes, that's so.

26 Q. 96 So what your ministerial diary records is nothing, what your personal diary  
27 records is Mr. Gilmartin, but it does have an entry for the 20th, do you see  
28 that on the screen?

29 A. Yes.

11:04:08 30 Q. 97 And it says "London, Lord Keith".

11:04:12 1 A. Yes.

2 Q. 98 Now did you have a meeting with Lord Keith in London on the 20th?

3 A. I can't be sure.

4 Q. 99 Pardon.

11:04:22 5 A. I can't be sure.

6 Q. 100 Did you know that Lord Keith was the Chairman of Arlington?

7 A. Yes I did.

8 Q. 101 Do you think that it is likely that that entry about Lord Keith had something

9 to do with your meeting with Mr. Dadley that's recorded in the Leinster House

11:04:37 10 records?

11 A. No, no.

12 Q. 102 No?

13 A. No, no.

14 Q. 103 Right. Can you explain how you can be so definite in your view in relation do

11:04:44 15 that?

16 A. No, because if there was, if I met Lord Keith it would be purely a courtesy

17 call. I mean, I had no discussions of any depth with Lord Keith. He had

18 visited Dublin on one occasion previously to meet the Taoiseach, and it was the

19 same thing, courtesy.

11:05:01 20 Q. 104 You knew I think 1167 please, I just want to draw your attention to the

21 directors and the Chairman of Arlington Securities PLC is Lord Keith. You can

22 see that, Castleacre I think it is there, if we go back to your diary entry at

23 3852, which records lord Keith in London on the 20th, and if you meet

24 Mr. Dadley on the 19th of April. Which according to the Leinster House record

11:05:44 25 for the 19th of April at 4457, you see there where it says Mr. Dadley signed in

26 P Flynn?

27 A. That's right.

28 Q. 105 And you can confirm of course that P Flynn in question is yourself and

29 Mr. Dadley is Mr. Dadley of Arlington?

11:06:05 30 A. Correct.

- 11:06:05 1 Q. 106 There's no reference in that entry to Mr. Gilmartin, isn't that correct?
- 2 A. That's correct yes.
- 3 Q. 107 Now, do you still say your meeting with Mr. Dadley on the 19th had nothing to  
4 do with the Arlington Lord Keith entry in your personal diary for the 20th?
- 11:06:18 5 A. No, no. If an arrangement had been made to meet Lord Keith, it certainly  
6 wouldn't have been made off the top of one's head. There would have been a  
7 prearranged meeting with a Chairman of a major company. So I mean, I don't  
8 know why you are saying this, but Mr. Dadley came to Leinster House that day,  
9 and the reason one can be absolutely sure of that, Mr. Chairman, is because  
11:06:43 10 it's stroked out.  
11  
12 When people came they were stroked out. If there was somebody else with him  
13 the normal thing would be Mr. Dadley plus one or Mr. Dadley with whoever, Mr.  
14 Forman, Mr. Price, Mr. Boland, Mr. Whoever it was. They would be listed in and  
11:07:04 15 stroked out, that's the way it operated in Leinster House to my knowledge. So  
16 Mr. Dadley was certainly there on that day and if you were to ask me in a bare  
17 fashion, I would say that he had to be alone, otherwise some other names would  
18 be with him if they were with him.
- 19 Q. 108 Do you think it's likely in view of the entry in your diary for the 20th April  
11:07:24 20 1989 about Lord Keith that Mr. Dadley might have been briefing you in advance  
21 of your meeting the following day with Lord Keith?
- 22 A. No.
- 23 Q. 109 Why do you say that?
- 24 A. Because Mr. Dadley, any occasion he came to speak to me, he came to speak about  
11:07:39 25 what was going on insofar as Arlington's interests were concerned with  
26 Bachelor's Walk. And if it's a thing that I met Lord Keith, it would have been  
27 purely courtesy to say hello, that's all. Maybe Lord Keith had expressed a  
28 wish to speak to me or something, but I have no recollection of meeting Lord  
29 Keith, it may very well have happened but if I did meet him it would have been  
11:08:03 30 a courtesy call.



- 11:08:03 1 Q. 110 And do you recollect that you met, or do you remember on occasion meeting  
2 Mr. Dadley on his own?  
3 A. Yes.  
4 Q. 111 And do you remember meeting him with Mr. Boland?  
11:08:13 5 A. Yes.  
6 Q. 112 And do you remember meeting him with Mr. Gilmartin?  
7 A. Yes.  
8 Q. 113 But you cannot say whether or not on the 23rd of May 1989 whether Mr. Dadley  
9 was alone other than it's your belief he been accompanied --  
11:08:29 10  
11 JUDGE FAHERTY: That's the 19th April is it -- I think  
12 Q. 114 Sorry I beg your pardon, 19th April, other than it's your belief that had  
13 Mr. Dadley been accompanied on that day, the Leinster House record would  
14 reflect that?  
11:08:42 15 A. That would be the normal practice, yes.  
16 Q. 115 If you met Mr. Gilmartin on the 19th of April as your personal diary suggests  
17 you did, can you recollect what the substance of that meeting was about?  
18 A. The substance of the meeting would have been to discuss progress insofar as the  
19 project on Bachelor's Walk was concerned.  
11:09:07 20 Q. 116 Right. Now, you were aware from the 22nd of February that Mr. Gilmartin had  
21 made very serious allegations of corruption against Mr. Lawlor, Mr. Redmond and  
22 Mr. Hanrahan, isn't that right?  
23 A. I was aware following a meeting with Mr. Feeley and Mr. Haughey of the  
24 substance of those allegations.  
11:09:31 25 Q. 117 And you agreed yesterday, that as a result of whatever Mr. Gilmartin said to  
26 you on the 22nd it was of so serious a nature you went straight to the  
27 Taoiseach in order the appropriate steps would be taken, isn't that right?  
28 A. It was serious enough in my mind to have further conversation with the  
29 Taoiseach and ask him to include the question of investigation with the other  
11:09:54 30 matters under investigation in the planning area.

- 11:09:57 1 Q. 118 And one of the allegations was against a member of your own party?  
2 A. According to what Mr. Gilmartin had told Mr. Feeley.  
3  
4 CHAIRMAN: Two members.
- 11:10:09 5 Q. 119 Two of them. Yes, two members but -- yes, but certainly against Mr. Lawlor.  
6 That's correct, against two of them. Certainly against Mr. Lawlor, isn't that  
7 correct, Mr. Flynn?  
8 A. According to Mr. Gilmartin, yes.
- 11:10:32 9 Q. 120 Yes. So did you discuss any of those matters with Mr. Gilmartin when you met  
10 him on the 19th April?  
11 A. As I say, I cannot be sure that Mr. Gilmartin attended that meeting, I  
12 certainly did not discuss that with Mr. Dadley and I certainly -- Mr. Dadley  
13 was present on the 19th of that I am sure, and I would not have discussed it  
14 with him, that is for sure.
- 11:10:54 15 Q. 121 3852 please. This is the entry in your personal diary for Mr. Gilmartin, I  
16 think indeed in your statement to the Tribunal you accepted that you met  
17 Mr. Gilmartin on that occasion?  
18 A. I was relying on my diary for that statement. Following on receipt of all the  
19 other documentation, it may or may not be accurate.
- 11:11:22 20 Q. 122 Assuming for the moment that in your statement you were accurate, when you  
21 believed you had a meeting with him on the 19th April and assuming for the  
22 moment that your diary entry is accurate, when it records or makes an  
23 arrangement for a meeting with Mr. Gilmartin, are you telling the Tribunal that  
24 if such a meeting took place you do not recollect ever discussing with  
11:11:41 25 Mr. Gilmartin the substance of the serious allegations that Mr. Gilmartin had  
26 made?  
27 A. If you are referring to the question that Mr. Gilmartin says about a  
28 contribution, I can state categorically here to you Mr. Chairman, as I stated  
29 yesterday, I never in my total political career of some 34 years, ever asked  
11:12:08 30 for a personal political donation.

- 11:12:10 1 Q. 123 That was not what I was asking. What I was asking you was if the meeting took  
2 place on the 19th April, in the light of the serious allegations that  
3 Mr. Gilmartin had made against people, including members of your own party, are  
4 you telling the Tribunal that you did not discuss those allegations with  
11:12:25 5 Mr. Gilmartin?  
6 A. If that's what you are asking the answer is; I did not discuss that with  
7 Mr. Dadley or Mr. Gilmartin at that meeting.  
8 Q. 124 Are you now saying that Mr. Dadley was at the meeting with Mr. Gilmartin?  
9 A. No. I am saying if --  
11:12:41 10 Q. 125 Yes. So if --  
11 A. But I want to make it quite clear to you, Mr. Chairman, please, that the fact  
12 that it's in my diary, personal diary, is not for sure that Mr. Gilmartin  
13 attended, I explained that to Mr. Hanratty in 1998. He agreed that was the  
14 situation with himself very often as well, you write something into your diary  
11:13:06 15 and somebody doesn't turn up, you don't go back and stroke it out, maybe you do  
16 sometimes. But for sure, but for sure Mr. Dadley was at the meeting because  
17 Mr. Dadley is the only one that was cleared through Leinster House on that day  
18 for that meeting. So the likelihood is, the likelihood is that Mr. Dadley  
19 attended that meeting on his own as he had attended meetings with me on his own  
11:13:33 20 on other occasions.  
21 Q. 126 And Mr. Gilmartin has given positive evidence to the Tribunal that he  
22 recalls meeting you on the 19th of April 1989 and do you dispute that, that  
23 he did meet you on the 19th April 1989?  
24 A. I can't respond to what his recollection is.  
11:13:50 25 Q. 127 Right. The position therefore is if I understand you correctly Mr. Flynn,  
26 please correct me if I am wrong, today you think that it is likely that you did  
27 not meet Mr. Gilmartin on the 19th of April, but that if you did meet him on  
28 the 19th April you have no recollection of what you discussed with  
29 Mr. Gilmartin?  
11:14:14 30 A. That's correct.

- 11:14:14 1 Q. 128 Other than the fact that you definitely did not discuss any of the allegations  
2 that Mr. Gilmartin had made previously?  
3 A. That's right.
- 4 Q. 129 Why would you have been so reluctant to discuss those allegations with  
11:14:29 5 Mr. Gilmartin?  
6 A. Because as I told Mr. Gilmartin on more than one occasion, leave that matter to  
7 the Gardai. They are conducting the investigation. Leave it to them.
- 8 Q. 130 Sorry, if you told Mr. Gilmartin on more than one occasion, leave that matter  
9 to the Gardai, you must have been discussing the allegations that Mr. Gilmartin  
11:14:51 10 had made Mr. Flynn.  
11  
12 JUDGE FAHERTY: In fairness Ms Dillon, in fairness to Mr. Flynn, it should be  
13 pointed out that on day 460 when Mr. Gilmartin gave his evidence, he does in  
14 fact say that that's what Minister Flynn at the time said to him, when he  
11:15:08 15 discussed it, was to leave it to the Gardai.  
16 Q. 131 To leave it to the Gardai.  
17  
18 JUDGE FAHERTY: That's my recollection of Mr. Gilmartin's evidence.
- 19 Q. 132 I will get that. Day 460. But it follows, does it not Mr. Flynn, if you are  
11:15:23 20 advising Mr. Gilmartin to leave that matter to the Gardai, the matter you are  
21 advising him to leave to the Gardai are the allegations he made?  
22 A. At whatever time he would have mentioned anything to me concerning that would  
23 have been my immediate response. And he never pursued it I have to say in  
24 fairness to him.
- 11:15:39 25 Q. 133 It follows from that that you did have conversations with Mr. Gilmartin about  
26 the allegation.  
27 A. No, I did not have conversations with Mr. Gilmartin concerning the Garda  
28 inquiry. What I said was, he may have, in fact I think he did, on some  
29 occasion, at some meeting, mention the matter and I said leave that to the  
11:15:58 30 Gardai Tom, and that have that would have been the way it would have been said,

11:16:02 1 and he accepted that.

2 Q. 134 Did you ever suggest to Mr. Gilmartin that his difficulties might be solved if

3 he made a substantial donation to the Fianna Fail?

4 A. No.

11:16:13 5 Q. 135 At that time were you the treasurer of Fianna Fail Mr. Flynn?

6 A. Yes.

7 Q. 136 The national treasurer, is that right?

8 A. Yes.

9 Q. 137 And at this time in April, and can you recollect what the state of the --

11:16:34 10 without going into detail, what the financial state of the Fianna Fail party

11 was like?

12 A. I think, Mr. Chairman, like it has always been, in need of funds.

13 Q. 138 Were you involved in fundraising Mr. Flynn?

14 A. Yes, but not -- let's be clear about it. Yes, insofar as I attended functions,

11:17:10 15 fundraising functions and I would have been involved for 40 years in the Fianna

16 Fail national collection, and I would have been involved on occasions in draws

17 that they were seeking funds -- a range of issues like that, yes.

18 Q. 139 What's the purpose of a fund raising function?

19 A. To seek funds.

11:17:35 20 Q. 140 How do you seek funds?

21 A. You ask.

22 Q. 141 What do you ask for?

23 A. You ask for contributions to the party.

24 Q. 142 Money, Mr. Flynn?

11:17:50 25 A. Of course.

26 Q. 143 So the purpose of a fundraising function is to raise funds, is to raise money

27 for the party. You are involved in fundraising functions, the purpose of which

28 is to raise money for the party, is that right?

29 A. The hope is that funds will be generated following the fundraising function,

11:18:05 30 yes. Whether it's a golf classic or a draw or party or whatever.

11:18:09 1 Q. 144 In the course of those activities on behalf of the Fianna Fail party, is it  
2 your stated position, and your evidence to the Tribunal, that you never ever  
3 asked anybody for a donation?  
4 A. No, it's not.

11:18:24 5 Q. 145 Did you ever ask anybody for a donation?  
6 A. Yes.  
7 Q. 146 To the party?  
8 A. Yes.  
9 Q. 147 Did you ask anybody from Arlington for a donation to the party, ever?  
11:18:33 10 A. I believe I did.  
11 Q. 148 And was that in November of 1989 at the Fianna Fail fundraiser at the Reform  
12 Club in London?  
13 A. The 23rd of November.  
14 Q. 149 Did you ask?  
11:18:45 15 A. Yes.  
16 Q. 150 For money there?  
17 A. I asked for a contribution.  
18 Q. 151 To the party?  
19 A. That's what the purpose of the fundraising function was about.  
11:18:52 20 Q. 152 And did you ask more than Arlington's representative for a donation on that  
21 occasion?  
22 A. I can't recall.  
23 Q. 153 Is it likely that you did?  
24 A. Depends on who was at the table.  
11:19:06 25 Q. 154 I shall get you the list of attendees. At 3340. This is the 23rd November  
26 1989, and you will see there that the first -- there is a number of names we'll  
27 go briefly through them, Mr. Walsh of a building, company, Mr. Carlon,  
28 Mr. Declan Kelly of Guildway Homes, Mr. McGettigan, Mr. Kelly of Reading  
29 Estates, Mr. O'Donovan of O'Donovan Construction, Mr. Kilkenny of Moyvale  
11:19:48 30 Properties, Mr. Gormley of Princeton Developments, Mr. McGinley of McGinley

11:19:50 1 Construction, Mr. Porter of Mahon and Phillips, Dr. Waldron, Mr. Brian  
2 Gallagher, Mr. Patrick Doherty, Mr. Thomas Madden, Mr. Patsy Byrne, Mr. Pat  
3 Fahey, Mr. Pat Loughrey, Mr. Ruddy, Mr. Crohan O'Shea, Mr. Gregg Coughlan,  
4 Mr. John Dowling, Mr. Davis, Mr. Stephenson, Mr. Michael Ward, Mr. Colin  
11:20:12 5 Hennessey and Mr. Byrom and Mr. Dadley of Arlington.  
6  
7 Can you recollect asking anybody other than Mr. Dadley for a political  
8 contribution on that occasion?  
9 A. No.  
11:20:22 10 Q. 155 If we look at the second page of attendees at page 3341? You will see there  
11 Mr. Whelan, Mr. Schrieber, Mr. Henley, Mr. Gallagher, Mr. John Murphy, Mr. Dave  
12 O'Keefe, Mr. Griffin, Mr. Patrick Kelly, Mr. Paddy Nolan, Mr. Stephenson,  
13 Mr. Bonner-Morgan, Mr. Kennedy, Mr. Robert Gubay, Mr. O'Regan, Mr. O'Donovan,  
14 Mr. Brosnan, Mr. Kane, Mr. Lawlor -- Mr. Denis Lawlor, Mr. Hobart, Mr.  
11:20:57 15 Stephenson, Mr. Bestly and Mr. Lawless. Do you remember asking any of those  
16 for a donation?  
17 A. No.  
18 Q. 156 Is the only person you recollect asking for a donation on that occasion,  
19 Mr. Dadley?  
11:21:06 20 A. Correct.  
21 Q. 157 And are you saying you did not ask any of the other people for a donation to  
22 Fianna Fail on that occasion or you don't recollect?  
23 A. I don't recollect.  
24 Q. 158 Is your recollection of asking Mr. Dadley aided by Mr. Dadley's evidence that  
11:21:20 25 he remembers you asking him for a donation for what he described as the boys?  
26 A. That's what he said.  
27 Q. 159 Has that aided your recollection that evidence?  
28 A. I suppose it has, like every other part of the documentation.  
29 Q. 160 And correct me if I am wrong, but the whole purpose of this activity on the  
11:21:37 30 23rd of November 1989 is to raise funds for the party, that's why you were

- 11:21:42 1 there?
- 2 A. Yes.
- 3 Q. 161 And you were there because you were national treasurer and Mr. Kavanagh who is
- 4 recorded as being there, Ms. Mulhern, Mr. Flemming, Mr. Flemming was an
- 11:21:53 5 official of the Fianna Fail party but they were also fundraisers, isn't that
- 6 right?
- 7 A. Yes, together with Mr. Ahern.
- 8 Q. 162 Together with Mr. Bertie Ahern, Mr. McCarthy and Ms. Flynn, I think. Isn't that
- 9 right?
- 11:22:02 10 A. That's right.
- 11 Q. 163 They were all fundraisers, those four and Mr. Flemming was the accountant,
- 12 isn't that right, at that time?
- 13 A. Mr. Kavanagh was the fundraiser for the party and Ms. Flynn was the accountant
- 14 and the other people were invited guests to go along to the fundraiser.
- 11:22:22 15 Q. 164 So, if we go back then to your position in relation to whether or not a request
- 16 was ever made for you, sorry whether you ever made a request of Mr. Gilmartin,
- 17 you accept that you have in the past asked for money on behalf of the party, is
- 18 that right?
- 19 A. Not from Mr. Gilmartin.
- 11:22:41 20 Q. 165 Leaving aside Mr. Gilmartin for the moment now, you have certainly asked
- 21 Mr. Dadley for money for the party?
- 22 A. Yeah, that I understand is what happened.
- 23 Q. 166 And are you saying that your request of Mr. Dadley was a singular occasion, in
- 24 other words, it's the only occasion in your political career of which you asked
- 11:22:58 25 for a political donation to Fianna Fail?
- 26 A. Yes, to my recollection, yes.
- 27 Q. 167 So that, just so we are absolutely clear on this, I think you said you were 33
- 28 or 35 years in public life?
- 29 A. Yes.
- 11:23:11 30 Q. 168 Which was it 33 or 35?



- 11:23:14 1 A. From 1967 to 1999.
- 2 Q. 169 And in that period of time the only occasion upon which you asked for a  
3 political donation to Fianna Fail was on the 23rd of November 1989, in the  
4 Reform Club in London?
- 11:23:30 5 A. This was the only one occasion that I ever attended a meeting such as this.
- 6 Q. 170 I am obviously not making myself clear Mr. Flynn?
- 7 A. You are.
- 8 Q. 171 Are you telling the Tribunal, that the only occasion upon which you asked for a  
9 political donation to the Fianna Fail party was the 23rd of November 1989 in  
10 the Reform Club?
- 11 A. Yes.
- 12 Q. 172 And that --
- 13 A. Not the only occasion I ever asked for a political donation to the party.  
14 Every time I stood at a national collection, I was asking for political  
11:24:04 15 donations to the party. Every time I asked people to play in a golf classic I  
16 was asking for a donation to the party, let's be clear now.  
17  
18 This is the only such occasion to my recollection that I attended a function  
19 such as this, which was a lunch, now I attended other lunches or other  
11:24:29 20 functions here in the city, but not like that. This was table sitting about  
21 and for the specific purpose. There were other occasions when there were, yes  
22 there were other lunches too here in the city that I attended, and the purpose  
23 was the same, but I am saying that I did not ask specifically -- I did ask  
24 specifically at this particular luncheon, but I don't recall asking at any  
11:25:03 25 other lunches.
- 26 Q. 173 If we try and clarify that. If it's possible. Insofar as you made an approach  
27 to Mr. Dadley, it was a person to person approach, in other words Mr. Flynn is  
28 speaking with Mr. Dadley, is that correct?
- 29 A. Correct.
- 11:25:18 30 Q. 174 It's a face-to-face meeting between the two of you?

- 11:25:23 1 A. Yes.
- 2 Q. 175 In all of the rest of your political career have you ever asked for a donation  
3 of anybody else other than at church collections or matters such as that on a  
4 face-to-face basis?
- 11:25:40 5 A. That is correct.
- 6 Q. 176 Sorry, is that your position that apart from that incident with Mr. Dadley you  
7 have never asked anybody on a face-to-face basis for a political donation,  
8 either for yourself or the party?
- 9 A. That is correct.
- 11:25:52 10 Q. 177 Right. And therefore you dispute, I assume Mr. Gilmartin's account that you  
11 asked him for a substantial donation on the 19th of April 1989?
- 12 A. I did not do so.
- 13 Q. 178 You did not do so. Albeit Mr. Gilmartin says that you asked him for a  
14 substantial donation to the party?
- 11:26:11 15 A. I did not do so.
- 16 Q. 179 And in terms of substantial Mr. Flynn, would a donation of 50,000 pounds to  
17 Fianna Fail in 1989, have been regarded as a significant donation to Fianna  
18 Fail?
- 19 A. Yes.
- 11:26:29 20 Q. 180 And insofar as it's a donation or, to an individual, it would have been even  
21 more significant, isn't that right?
- 22 A. It would have been, as you say.
- 23 Q. 181 Yes. Because whatever about given 50,000 pounds to Fianna Fail, 50,000 pounds  
24 to an individual was a vast amount of money?
- 11:26:51 25 A. Not vast, but a substantial, I would say.
- 26 Q. 182 Substantial?
- 27 A. Yes.
- 28 Q. 183 Right. Something I should draw to your attention, Mr. Flynn, I think this is  
29 the evidence of Mr. Paul Kavanagh, on day 501 and at question 54 he is asked,  
11:27:32 30 sorry go back to question 53 -- sorry page is 36, it's question 53.

11:28:08 1  
2 At question 53: So the second leg of that inquiry then I assume would mean you  
3 would have inquired from Mr. Flynn whether he had received 50,000 pounds on  
4 behalf of Fianna Fail?

11:28:17 5 Answer: Well I didn't.  
6 Question 54: Why didn't you?  
7 Answer: I didn't inquire of Mr. Flynn because I made the judgement at the time  
8 that it wasn't credible to me and also for another good reason. We had had a  
9 meeting with Mr. Flynn after the election and during that meeting we discussed  
11:28:32 10 the financial situation, but also he asked about one or two situations if we  
11 had received donations from him and in one case where we hadn't, he offered to  
12 invite this person out for golf and see if he could follow up.  
13 So here we have a senior Minister, Treasurer of the party, a person who wanted  
14 to help out in fundraising".

11:28:50 15  
16 Now what I want to draw to your attention there is Mr. Kavanagh's evidence,  
17 that at a meeting that took place after the election in 1989 you offered to, if  
18 he is correct, to invite a person whom apparently from whom you expected a  
19 contribution, but hadn't made a contribution, out for golf to see if it could  
11:29:08 20 be followed up.  
21  
22 First of all do you dispute what is being said by Mr. Kavanagh?  
23 A. I never had a golf outing with any individual for that purpose, ever.  
24 Q. 184 That's not what Mr. Kavanagh suggested. Mr. Kavanagh suggests that you offered  
11:29:23 25 to invite the person out for golf, the person who had not made a contribution  
26 and see if it could be followed up. What I am asking, is Mr. Kavanagh accurate  
27 in his recollection of that meeting and what you said?  
28 A. No.  
29 Q. 185 No. You dispute Mr. Kavanagh's account of that?  
11:29:36 30 A. I sure do.

11:29:37 1 Q. 186 Would you --  
2 A. Did Mr. Kavanagh say who it was.  
3  
4 CHAIRMAN: No.

11:29:45 5 Q. 187 No. Would you outline to -- sorry there is one further document I should draw  
6 to your attention, which is document at 2364, these are the minutes of a  
7 meeting that's held on the 25th May 1989, between Mr. Gilmartin and his  
8 planning team. And there are two matters I want to draw to your attention, in  
9 the two last paragraphs:

11:30:17 10  
11 "It was noted that the Minister could issue concern directives with regard to  
12 retail impact on other centres. It was generally agreed as being beneficial to  
13 the Westpark proposal if the Minister were to withdraw the current Detective on  
14 the grounds that it was against the spirit of the EEC Directives regarding a  
11:30:34 15 free market and that by reference to precedence set in the UK the Westpark  
16 proposal would not have a detrimental material effect on the city centre"  
17  
18 Now, Mr. Lawlor suggested to Mr. Gilmartin in evidence at day 473 question 209  
19 that following that meeting Mr. Gilmartin went down and tried to bribe you with  
11:30:53 20 50,000 pounds.  
21 Do you have any recollection of Mr. Gilmartin ever raising or discussing with  
22 you retail development or changing of the legislation or the statutory  
23 instrument in relation to retail development?  
24 A. No.

11:31:15 25 Q. 188 Can you outline to the Tribunal what you say occurred and as best you recollect  
26 it in relation to the 50,000 pounds cheque, in other words the day you got it,  
27 when you got it, where you got it, please?  
28 A. As I indicated in my narrative, to the best of my recollection the 23rd of May  
29 '89, in Leinster House. Mr. Gilmartin came to see me and he had a cheque with  
11:31:51 30 him and he gave it to me and I looked at it and first I thought it was five

11:31:58 1 thousand and I told him there was no need for that and then I looked again and  
2 saw it was for 50 and I explained to him there was absolutely no need for that.  
3 And I asked him -- I specifically asked him, is this for the party and he said  
4 no it's for you, for your political campaigns, and I said well you know I said  
11:32:20 5 that I have done nothing for you and I can't do anything for you and there can  
6 be no strings attached to any political contribution you make. He agreed  
7 wholeheartedly, he said he understood all that. But he thanked me and that was  
8 it.

9 Q. 189 He thanked you, you didn't thank him?

11:32:40 10  
11 CHAIRMAN: Please Ladies and gentlemen.

12 A. I presume I thanked him too.

13 Q. 190 Right. If we take it in stages then first of all, what time of the day was  
14 this meeting?

11:32:50 15 A. In the afternoon I think.

16 Q. 191 Approximately, what time?

17 A. I can't say precisely.

18 Q. 192 Who arranged the meeting?

19 A. Any meetings I had with Mr. Gilmartin, he would have sought to meet.

11:33:12 20 Q. 193 So you are saying Mr. Gilmartin arranged the meeting?

21 A. Yes, through my private secretary I presume.

22 Q. 194 And what did he say when he came into your office?

23 A. Well as I spoke to you before, Mr. Chairman, all of the meetings that I had  
24 were very short duration and he would have greeted me, we would have greeted  
11:33:35 25 each other.

26 And a general election was in the offing and he knew that, I think it might  
27 have been a brief comment or two about that, it was about to happen. I knew  
28 for sure it was going to happen because I was a Minister for the Environment  
29 and -- he indicated that he was going to make a political contribution to me  
11:33:58 30 for my political, for the campaign that was coming up, that was it. It was

- 11:34:04 1 short.
- 2 Q. 195 What did he say to you?
- 3 A. I can't remember precisely what he said.
- 4 Q. 196 Did anyone else ever give you 50,000 pounds, in your life?
- 11:34:14 5 A. No.
- 6 Q. 197 So this was a unique occasion in your life?
- 7 A. Yes, it was the only time.
- 8 Q. 198 You were being handed the equivalent of a year's salary, is that right?
- 9 A. The size of the matter was a matter for him.
- 11:34:26 10 Q. 199 The amount that you were getting, from Mr. Gilmartin is the equivalent of a  
11 year's salary at that time, is that correct?
- 12 A. Give or take, yes.
- 13 Q. 200 So what did he say to you?
- 14 A. I told you what he said, he said he was making a contribution to me for the  
11:34:43 15 campaign.
- 16 Q. 201 Did you say to him "That's far too much money" for one person?
- 17 A. I don't think I said it like that. I said there was absolutely no need for him  
18 to make a contribution of that size and he said no he wanted to do it. I asked  
19 him specifically was it for the party and he said no.
- 11:35:07 20 Q. 202 And was the cheque made out?
- 21 A. Yes.
- 22 Q. 203 Filled in completely?
- 23 A. Yes.
- 24 Q. 204 And did you see that it was made out to cash?
- 11:35:20 25 A. Obviously if I looked at it I did.
- 26 Q. 205 And did it occur to you at all, to ask Mr. Gilmartin look I prefer a cheque  
27 made out to Padraig Flynn rather than a cheque made out to cash for 50,000  
28 pounds?
- 29 A. No, it was a matter for him.
- 11:35:35 30 Q. 206 You knew that Mr. Gilmartin had made allegations of corruption and the wrongful

- 11:35:42 1 receipt of monies against fellow politicians including politicians in your own  
2 party?
- 3 A. I knew that he had made allegations and that they were being investigated by  
4 the Gardai.
- 11:35:51 5 Q. 207 Yes. And these allegations included an allegation against Mr. Liam Lawlor who  
6 was at that time a sitting TD and member of your party, isn't that right?
- 7 A. According to the document that Mr. Feeley produced for me.
- 8 Q. 208 And one of the allegations that Mr. Feeley recorded was that Mr. Gilmartin said  
9 Mr. Lawlor had asked for 5 million pounds?
- 11:36:15 10 A. That's what the document said, I believe.
- 11 Q. 209 And also that Mr. Lawlor had been in receipt of 3 and a half thousand per month  
12 over a period, isn't that right?
- 13 A. I think that's in the document too.
- 14 Q. 210 Yes. So you knew that one of the allegations or the allegations that  
11:36:30 15 Mr. Gilmartin was making, included allegations of wrongful demands of money and  
16 wrongful receipt of money, isn't that right?
- 17 A. I knew the allegations that Mr. Gilmartin had made to Mr. Feeley.
- 18 Q. 211 And you were in discussions with Mr. Gilmartin at that time, you say mainly in  
19 connection with Arlington, but also I think in connection with Quarryvale?
- 11:36:55 20 A. I said it and I still believe to be true, Mr. Chairman, that the biggest amount  
21 of conversation that I had with Mr. Gilmartin was concerning Bachelor's Walk.  
22 And his relationship with Arlington and that particular project, that was the  
23 one that was upper most in his mind at that time.  
24 And certainly he had mentioned the acquisition of land for another project that  
11:37:20 25 he was contemplating, but that was not gone into in any great depth.
- 26 Q. 212 And certainly when you advised Mr. Gilmartin to leave all that to the Gardai it  
27 follows that you must have been discussing with Mr. Gilmartin and I think you  
28 have agreed that that is so the complaints with Mr. Gilmartin?
- 29 A. No, I have not agreed that, Mr. Chairman, I have made it quite clear that any  
11:37:43 30 time that Mr. Gilmartin raised that matter I said leave it to the Gardai Tom.

11:37:50 1 We did not discuss any of the elements that the Gardai were undertaking in  
2 their investigation.

3 Q. 213 And at this time --

4 A. I think Mr. Gilmartin in his evidence agrees that.

11:38:04 5 Q. 214 And at this time Mr. Flynn, this man walks into your office, he produces a  
6 cheque made out to cash for 50,000 pounds, and he says -- this is a political  
7 donation for you?

8 A. Correct.

9 Q. 215 Did you have any concern in accepting a cheque made out to cash for 50,000  
11:38:26 10 pounds?

11 A. No.

12 Q. 216 Did you record the receipt of that money with any member of your political  
13 party?

14 A. No.

11:38:37 15 Q. 217 Did you record the receipt of that money in any book or document or record  
16 other than the bank statement relating to the lodgement of those monies?

17 A. No.

18 Q. 218 Did you disclose other than to a member of your family the receipt of that  
19 money from Mr. Gilmartin?

11:38:55 20 A. No.

21 Q. 219 Was the only person who saw the cheque other than yourself, your wife,  
22 Mrs. Dorothy Flynn?

23 A. I presume somebody in the bank.

24 Q. 220 Did you for example show the cheque to your personal secretary or any member of  
11:39:19 25 your staff and say look this is, Mr. Gilmartin is after giving me 50,000  
26 pounds?

27 A. No.

28 Q. 221 Apart from Mrs. Flynn, did you in fact disclose to Mrs. Flynn that the source  
29 of that cheque was Mr. Tom Gilmartin?

11:39:35 30 A. No.



- 11:39:41 1 Q. 222 Is it the position then, that following taking the cheque from Mr. Gilmartin  
2 the only people who knew of that payment was Mr. Gilmartin, who had given it to  
3 you, and yourself who had taken it?  
4 A. Unless Mr. Gilmartin had told somebody.
- 11:39:51 5 Q. 223 Unless Mr. Gilmartin had told somebody. Yes. And if Mr. Gilmartin around that  
6 time or later indeed told anybody that he had made a 50,000 pounds donation to  
7 Fianna Fail, you would dispute that there was a donation to Fianna Fail, is  
8 that correct?  
9 A. Correct.
- 11:40:05 10 Q. 224 It was a personal donation to yourself?  
11 A. Correct.
- 12 Q. 225 And 3754 please. Did you express any concern to Mr. Gilmartin over the fact  
13 that the cheque was made out to cash?  
14 A. No.
- 11:40:17 15 Q. 226 Right. Did you have any reluctance or concern in view of the fact that  
16 Mr. Gilmartin was coming to you about Arlington or about Quarryvale, about  
17 accepting such a vast sum of money from him?  
18 A. Mr. Gilmartin was not coming, asking me to do anything for him, insofar as  
19 Bachelor's Walk or Quarryvale or anything else was concerned.
- 11:40:39 20 Q. 227 Did you have any concern --  
21 A. And I said that to him and he agreed.
- 22 Q. 228 Did you have any concern about the fact that Mr. Gilmartin was a person who was  
23 coming to you about two developments that he had, Arlington and Quarryvale,  
24 about accepting such a vast sum from him?  
11:40:53 25 A. No.
- 26 Q. 229 No.  
27 A. Because I had done nothing for him, he had asked me to do nothing for him, and  
28 I made it quite clear that it could not benefit him in anyway, he agreed and  
29 understood the reality of that.
- 11:41:05 30 Q. 230 Did you write the words cash on that cheque Mr. Flynn?

11:41:09 1 A. No. No.

2 Q. 231 Who wrote the word cash on it?

3 A. I do not know.

4 Q. 232 Mr. Gilmartin says he didn't write it?

11:41:17 5 A. If Mr. Gilmartin says that, that's what Mr. Gilmartin says but I didn't write

6 it.

7 Q. 233 When you got the cheque were the words cash written in?

8 A. I told you that the cheque was totally written when he left it to me.

9

11:41:31 10 CHAIRMAN: Sorry -- sorry one thing, Mr. Flynn, you say that Mr. Gilmartin

11 wasn't looking for anything from you? But wasn't the whole purpose of all his

12 contact with you was with you in your capacity as a Minister of the government,

13 for the purposes of promoting or organising the, his particular project or one

14 of them in any event, that was the whole purpose, I mean he wasn't a friend of

11:42:06 15 yours, he wasn't an associate of yours, he wasn't even a resident in the

16 country. He was a businessman contacting you. Solely in your capacity as a

17 Minister, isn't that right?

18 A. I would say so, yes.

19

11:42:22 20 CHAIRMAN: And did you not see anything odd or peculiar or wrong or something

21 that might be perceived as being wrong in taking 50,000 pounds or any sum of

22 money from somebody in that capacity?

23 A. No, no. Mr. Gilmartin came to see me to tell me about projects that he was

24 involved in and obviously he felt that that was important for him.

11:42:48 25

26 CHAIRMAN: But he was dealing with you solely in your capacity as the Minister

27 for the Environment, and if the Minister for the Environment had been someone

28 else you might never have seen him.

29 A. Quite so.

11:43:01 30

11:43:01 1 CHAIRMAN: So that was the only, the only relationship you had with him?  
2 A. That's all.  
3  
4 CHAIRMAN: You as a Minister of the government and he as a potential  
11:43:14 5 developer. There was no other relationship between you?  
6 A. None whatsoever.  
7  
8 CHAIRMAN: There was no political relationship between you?  
9 A. None whatsoever.  
11:43:25 10  
11 CHAIRMAN: There was no friendship other than that what arose in the course of  
12 these meetings between you.  
13 A. That's correct.  
14  
11:43:32 15 CHAIRMAN: There was no family connection between you.  
16 A. None whatsoever.  
17  
18 CHAIRMAN: And you still didn't see anything wrong in taking the money, even  
19 as a political donation?  
11:43:39 20 A. No.  
21  
22 CHAIRMAN: What would your view now be if you were in the same circumstances  
23 now and somebody?  
24 A. With the benefit of hindsight and the benefit of knowing what has gone on in  
11:43:51 25 this Tribunal I suppose --  
26  
27 CHAIRMAN: No, but forget about the Tribunal, but if you were, if you were  
28 back or if you were in that position now and somebody came to you in exactly  
29 the same circumstances sand there was no question of a Tribunal, would you have  
11:44:07 30 a different view or would you do the same?

- 11:44:10 1 A. I think I would do the same, yes.  
2  
3 CHAIRMAN: And you wouldn't -- and you would have no concern about it being  
4 made out to cash or anything of that nature?
- 11:44:19 5 A. No.  
6
- 7 Q. 234 MS. DILLON: Mr. Flynn, on the 26th June, the 27th June 1989 Mr. Kieran O'Malley  
8 faxed to Mr. Gilmartin a proposed change in a statutory instrument and the  
9 statutory instrument that was being proposed would be changed was the one  
11:44:51 10 relating to retail. If we look at 1240 please? This is the statutory  
11 instrument that was signed by your colleague Mr. Raphael P Burke on 10th August  
12 1982, and you can see that signature at 1241. And this deals with retail  
13 shopping development and factors that should be taken into account, isn't that  
14 right?
- 11:45:20 15 A. That's correct yes.
- 16 Q. 235 Now, Mr. O'Malley who was Mr. Gilmartin's advisor faxed to him in June of 1989  
17 certain proposed changes, 3276 please. And to draw your attention to item  
18 number five on that document:  
19
- 11:45:44 20 "The need to recognise that Development Plans may be out of date and/or cannot  
21 be easily adapted to meet rapidly changing conditions so that Development  
22 Planing shall not be regarded as overriding other consideration. Especially  
23 where the plan does not address adequately or at all new types of development  
24 particularly need to encourage employment and to provide optimum conditions for  
11:46:03 25 economic development or growth".  
26
- 27 Did Mr. Gilmartin ever come to you or bring to you or give to you his proposed  
28 changes in that piece of legislation?
- 29 A. No.
- 11:46:13 30 Q. 236 Did Mr. Gilmartin ever discuss with you in the course of any of his meetings

11:46:17 1 with you, the fact that he had been advised that he needed to get certain  
2 legislation changed?  
3 A. No.  
4 Q. 237 You accept this bit, "Any amendment to that legislation" would have been within  
11:46:32 5 your remit as Minister for the Environment?  
6 A. Yes.  
7 Q. 238 And that the original legislation had been brought in by statutory instrument  
8 by the Minister for the Environment, is that correct?  
9 A. Correct.  
11:46:41 10 Q. 239 Right. And you say it's your position that he never came to you with any of  
11 these drafts, with this draft?  
12 A. No.  
13 Q. 240 Or anything similar to it?  
14 A. Not at all.  
11:46:49 15 Q. 241 Did he ever discuss with you, the fact that he had been advised that this was  
16 an impediment to him getting retail development on the site at Quarryvale?  
17 A. No.  
18 Q. 242 This piece of legislation?  
19 A. No.  
11:47:01 20 Q. 243 Are you saying he doesn't discuss it or you don't recollect him discussing it?  
21 A. Oh no, he did not discuss it.  
22 Q. 244 It's not a question of lack of recollection?  
23 A. It is certainly not. You see this -- sorry. Mr. Chairman, the initial  
24 sentence there on the top of that planning and development. The "Minister in  
11:47:26 25 recognition of the broader economic implications of 1992".  
26  
27 CHAIRMAN: Mm-hmm?  
28 Q. 245 MS. DILLON: Yes, I draw to your attention just so you are clear about it,  
29 Mr. Flynn, if you look at 3275 please? This is the date on which it was faxed  
11:47:51 30 to Mr. Gilmartin, you will see that the date of that is the 27th June 1989 and

11:47:56 1 Mr. Kieran O'Malley has given evidence to the Tribunal that on that date he  
2 faxed that document to Mr. Gilmartin?  
3 A. If he says he did, yes. What document.  
4 Q. 246 The document that you have just been looking at, the draft changes?  
11:48:12 5 A. Oh sorry.  
6 Q. 247 The draft statutory instrument you have just been looking at Mr. Flynn?  
7 A. Mr. O'Malley faxed that to him.  
8 Q. 248 To Mr. Gilmartin on the 27th June 1989.  
9  
11:48:26 10 JUDGE FAHERTY: Mr. Flynn's point is in relation to the date 1992  
11 Q. 249 Yes, but I am just drawing to his attention the evidence of Mr --  
12  
13 JUDGE FAHERTY: Yes absolutely.  
14 A. I am not aware of that, thank you judge.  
11:48:38 15 Q. 250 MS. DILLON: If we look at 3274? And this is on the 26th of June 1989 it's a  
16 record from Mr. Kieran O'Malley and it says:  
17  
18 "Mr. Gilmartin rang. He'll be over in Dublin on Wednesday, Dail on  
19 Wednesday/Thursday. Dublin office and a telephone number is given. He's  
11:49:02 20 hoping you will be able to fax him your draft of the circular tomorrow. You/He  
21 discussed saying what the development proposes. Suggesting the omission of the  
22 Ministerial Directive and the insertion of a new one. Etcetera etcetera. This  
23 would go in the brochure he's presenting. Also if you have the time he'd like  
24 to talk to you tomorrow. He's meeting a number of Ministers and would like to  
11:49:24 25 have a complete package to present to them. He's obviously been asked to  
26 present this."  
27  
28 On the following day 27th June at 3275, the document which is the proposed  
29 changes in the legislation is faxed to Mr. Gilmartin by Mr. O'Malley. You see  
11:49:41 30 that?

- 11:49:41 1 A. Yes.
- 2 Q. 251 Now, did Mr. Gilmartin ever discuss anything such as that with you Mr. Flynn?
- 3 A. No.
- 4 Q. 252 You did meet him I think in July of 1989?
- 11:49:57 5 A. If the documentation so suggests.
- 6 Q. 253 3324 please. This is the Leinster House record for the 20th July 1989 and in  
7 line with your earlier evidence, that a line through indicates that that the  
8 meeting took place, do you accept rather than the document suggesting that a  
9 meeting took place, that in fact a meeting took place with Mr. Gilmartin?
- 11:50:23 10 A. If that is in the Dail records, then that did take place.
- 11 Q. 254 Yes. Just to be accurate, clear about it, if they have the full page, if we go  
12 back to the preceding page 3323? You will see that that entry relates to July  
13 20th 1989, you will see that is the same date on which Chief Superintendent  
14 Sreenan and one other person was meeting the Minister for Justice. I think  
11:50:55 15 that was your colleague Mr. Raphael Burke is that right, at that time?
- 16 A. Yes.
- 17 Q. 255 Is that correct?
- 18 A. Yes.
- 19 Q. 256 Yes. Mr. Burke then would have been the ultimate person in charge of the  
11:51:04 20 investigation or inquiry into Mr. Gilmartin's allegations?
- 21 A. The Gardai would be.
- 22 Q. 257 And --
- 23 A. It was an operation.
- 24 Q. 258 Of course, but he was the Minister for Justice at that time and to whom all  
11:51:15 25 reports would be sent in relation to the matter. They would forward to the  
26 Minister for justice, as you have seen in the documentation, Mr. Flynn?
- 27 A. Yes.
- 28 Q. 259 Yes. Now that would suggest in line with your evidence earlier this morning  
29 that on the 20th July 1989, you had a meeting with Mr. Gilmartin, 3324. Now,  
11:51:38 30 would you outline to the Tribunal what that meeting was about?

- 11:51:43 1 A. I have no recollection of what the specific matters raised at that meeting, but  
2 it would have been the same as I told you, at any of the other meetings I was  
3 having with Mr. Gilmartin.
- 4 Q. 260 Mr. Gilmartin would have had in his possession at that stage the proposed draft  
11:51:57 5 changes to the legislation if the fax that Mr. Kieran O'Malley has produced is  
6 accurate?
- 7 A. I am not aware of that.
- 8 Q. 261 Right. Do you recollect Mr. Gilmartin ever raising or discussing with you at  
9 any meeting, any proposed changes in legislation to assist his development of  
11:52:12 10 Quarryvale?
- 11 A. Mr. Gilmartin never raised any matters of that nature with me.
- 12 Q. 262 How do you know that, if you can't recollect what you actually did discuss?
- 13 A. Because I know what you are saying, in specifics, and I know that those  
14 specifics were not raised with me by Mr. Gilmartin.
- 11:52:28 15 Q. 263 But what did you actually discuss with Mr. Gilmartin then on that date?
- 16 A. Mr. Gilmartin would have been bringing me up to date as to how things were  
17 going with whatever the two projects that he was involved in.  
18  
19 But my principle preoccupation was constantly about Bachelor's Walk and any  
11:52:46 20 conversation I would have raised with him would be about that, because that was  
21 the project that I thought was a possibility, particularly with Arlington's  
22 involvement and I would have been very annoyed I think, that's not too strong a  
23 word, that progress was so slow. But I'm not saying it was Mr. Gilmartin's  
24 fault.
- 11:53:10 25 Q. 264 Can I have page 194 please and 195 together?
- 26 This is your statement to the Tribunal dated 26th October 1998. I want to draw  
27 your attention to the following in the light of the evidence you have just  
28 given.  
29  
11:53:39 30 You say at the bottom of the first page "Following the general election on the



- 11:53:42 1 15th June 1989, I was reappointed to the Department of the Environment.  
2 At that time I believe that Mr. Gilmartin was concentrating on a development at  
3 Quarryvale which was to be very substantial development of commercial, retail  
4 and other developments".
- 11:53:56 5  
6 Now, according to your statement your belief was post the election in 1989,  
7 Mr. Gilmartin was concentrating on Quarryvale.
- 8 A. Yes, but I was concentrating on Bachelor's Walk.
- 9 Q. 265 Yes but --
- 11:54:07 10 A. Whatever Mr. Gilmartin wanted to do insofar as Quarryvale was concerned,  
11 certainly good luck to him, but the one that was a possibility, the one that  
12 could have happened, the one that had designation, the one that had, was upper  
13 most in my mind was to press on with Mr. Gilmartin and his colleagues in  
14 Arlington to do what they said they were going to do on Bachelor's Walk and it  
15 would have made a magnificent contribution to this city.
- 11:54:32 16 Q. 266 If Mr. Gilmartin is concentrating on Quarryvale and you are concentrating on  
17 Arlington, are you having two conversations at cross purposes any time you  
18 meet?
- 19 A. Any time I would have met I would have been pressing the question about  
11:54:48 20 Bachelor's Walk and he would have been giving me an update in fairness to him  
21 about how things were progressing in so far as Quarryvale was concerned, but  
22 not giving me details as to what was happening, in detail.
- 23 Q. 267 If you are connect in your statement of the 26th October 1998 after the  
24 election in 1989, Mr. Gilmartin was concentrating on Quarryvale.
- 11:55:09 25 A. Yes.
- 26 Q. 268 And therefore it follows from that that if Mr. Gilmartin sought to meet with  
27 you after the election in 1989, he was meeting with you insofar as he was  
28 concerned in connection with Quarryvale?
- 29 A. He was meeting with me to brief me and bring me up to speed as to how things  
11:55:24 30 were going insofar as his projects were concerned, as I say I am repeating

11:55:29 1 myself Mr. Chairman, he had the ongoing project in Bachelor's Walk and  
2 Arlington and he was -- let's be clear about this, he was very concerned and  
3 very anxious that Arlington would get on with their business. He want that had  
4 project, big time on Bachelor's Walk and so did I. And so did the government.  
11:55:51 5 We wanted it very much. Now if he was concentrating on trying to accumulate  
6 some properties for another project, and he was, I was aware of that yes, but  
7 anyway it's only repeating what I was already said, Mr. Chairman.

8 Q. 269 What we are concentrating on now is your statement to the Tribunal. You are  
9 the person who told the Tribunal that at that time i.e. June of 1989  
11:56:13 10 Mr. Gilmartin was concentrating not on Arlington but on Quarryvale?

11 A. No, no, that's not what it says.

12 Q. 270 I'm sorry.

13 A. With all due respect it says Mr. Gilmartin was concentrating on a development  
14 at Quarryvale, that's right. That's quite right.

11:56:28 15 Q. 271 Yes.

16 A. And it was to be a substantial, he expressed that it was to be a substantial  
17 commercial, retail and other development, that is quite right.

18 Q. 272 Certainly as of the 26th October 1998, it appears to have been your belief that  
19 in June of 1989 and thereafter, Mr. Gilmartin was concentrating on his  
11:56:48 20 development at Quarryvale?

21 A. Yes, if you want to put it like that, yes he was concentrating on doing his  
22 business, but he was also concentrating on his Bachelor's Walk project.

23 Q. 273 That's not what your statement says?

24 A. Ah well listen, I can put it in now if you want me to.

11:57:03 25 Q. 274 So the position then is, certainly if your statement is accurate, that from  
26 June of 1989, Mr. Gilmartin's concerns to you were Quarryvale, notwithstanding  
27 that you as Minister, might have been more concerned with Arlington, is that  
28 the position?

29 A. Not using the word concern. He was briefing me on how things were going,  
11:57:27 30 insofar as his project in Quarryvale were concerned. He was also briefing me

11:57:33 1 on the up-to-date position of Bachelor's Walk, which was an ongoing situation  
2 of acquisition and it was hopefully getting there.

3 Q. 275 In all of these conversations that you had with Mr. Gilmartin, did  
4 Mr. Gilmartin ever suggest to you that he was having any difficulties in  
11:57:54 5 dealing with people in connection with Quarryvale, that he was being obstructed  
6 in anyway?

7 A. No, I don't recall it like that. My recollection would be that he found it  
8 difficult to conclude things. The inevitability of gradualness seemed to  
9 continually affect what his plans were.

11:58:13 10 Q. 276 Did he ever complain to you that he was being obstructed?

11 A. I wouldn't say complaining about being obstructed but he definitely complained  
12 about the delays. Delays in concluding, not just with the local authority, but  
13 with other people who from whom he was acquiring property as well.

14 Q. 277 Did you ever take any note of any of your conversations or meeting with  
11:58:37 15 Mr. Gilmartin?

16 A. No.

17 Q. 278 Did you ever have a civil servant present who took a note?

18 A. There was civil servants present when we met.

19 Q. 279 In September of 1989?

11:58:50 20 A. Yes they were.

21 Q. 280 It was a separate matter and you know it Mr. Flynn, we'll stay with the  
22 question, we are talking about your meetings with Mr. Gilmartin?

23 A. I did not keep personal notes.

24 Q. 281 I didn't ask you that, I asked did you ever have a civil servant present?

11:59:03 25 A. You asked me both things. I am stating now the second. The second, was no  
26 civil servants to my recollection attended these meetings.

27 Q. 282 Why not?

28 A. Well because they would have taken place in Leinster House during business  
29 days, my private secretary would have been in the House as well, but you can  
11:59:25 30 take it from me Mr. Rice, Mr. Chairman was a very busy man during sitting days

11:59:30 1 in Leinster House and he would have been totally occupied and --  
2  
3 JUDGE FAHERTY: Well just on that Mr. Flynn, on your evidence as I understand  
4 it, if we leave out the 19th April because you are not sure if Mr. Gilmartin  
11:59:45 5 was present, and we'll park that for a moment, but as I understand it you met  
6 him on the 23rd May. Now as I understand it again, I am sure Ms. Dillon will  
7 correct me, prior to that, the last face-to-face meeting you had with  
8 Mr. Gilmartin was on the evening of the 22nd of February, he told you something  
9 about his complaints.

12:00:09 10 A. Yes.  
11  
12 JUDGE FAHERTY: We know that you consider it had serious enough to alert, to  
13 alert the Taoiseach and obviously Mr. Gilmartin's complaints were aligned then  
14 with the other inquiry, so as I understand it, also that on the 23rd that  
12:00:27 15 meeting according to your diary or the Leinster House had been arranged,  
16 Mr. Gilmartin was scheduled in and he came in to meet you.

17 A. More than likely.  
18  
19 JUDGE FAHERTY: You didn't know presumably what he was going to -

12:00:44 20 A. Correct.  
21  
22 JUDGE FAHERTY: And you had a situation that the last time you met him was on  
23 the 22nd of February, when he complained.

24 A. Correct, yes.  
12:00:46 25  
26 JUDGE FAHERTY: We have heard, I am not sure if you can recall this, but from  
27 other witnesses that at that time, Mr. Gilmartin was angry and he was upset at  
28 what he perceived and said was happening to him?

29 A. Yes.  
12:00:57 30

12:00:57 1 JUDGE FAHERTY: On the 22nd of February.

2 A. Yes.

3

4 JUDGE FAHERTY: Do you recall him being so on the 22nd of February with

12:01:05 5 yourself?

6 A. Being angry?

7

8 JUDGE FAHERTY: Upset at what you he saw, what he perceived and he believed was

9 happening, regarding the demands that were being made of him?

12:01:14 10 A. Yes I think he was upset, yes.

11

12 JUDGE FAHERTY: Yes. And you had taken a step in the meantime, you had gone to

13 the Taoiseach and you had alerted and we know that it was added to the Gardai

14 inquiry. Just in the context of what Ms. Dillon is asking you, on the 23rd

12:01:30 15 there is a meeting scheduled between yourself and Mr. Gilmartin, you don't know

16 what Mr. Gilmartin is going to do or say, just in that context as the Minister

17 knowing there is an investigation ongoing, in the knowledge that he made

18 complaints to you and to Mr. Feeley, because you would have had that note, from

19 the 3rd of March.

12:01:50 20

21 Did you not think it would be prudent to have either a civil servant or indeed

22 Mr. Rice, your private secretary, in to take a note? Because in view of what

23 last transpired when you met Mr. Gilmartin?

24 A. No, because, sorry judge, as I say, the meetings I had with him, I had a number

12:02:09 25 of meetings with him.

26

27 JUDGE FAHERTY: Mr. Flynn, we don't need to go through all that, I appreciate

28 that and the evidence you have given, but obviously the dynamic between

29 yourself and Mr. Gilmartin had changed as of the 22nd of February?

12:02:22 30 A. No. Our meetings were very friendly, very short.

12:02:25 1  
2 JUDGE FAHERTY: I don't mean that in any personal way. What I am saying is,  
3 Mr. Gilmartin was making allegations to you, at least if you say he didn't say  
4 all of them on the 22nd, certainly by the 3rd of March when you got Mr. Feeley,  
12:02:38 5 who was a city and County Manager's note, of Mr. Gilmartin making very serious  
6 allegations.

7 I am just asking you in the context of what Ms. Dillon said, why you didn't  
8 arrange to have somebody with you on, if you say the next time you met  
9 Mr. Gilmartin was the 23rd of May?

12:02:55 10 A. Casual meetings between me and people who came to see me would not in the  
11 circumstances have a civil servant present. If it was a matter of discussing  
12 legislation or something like that, then it might be requested, but in Leinster  
13 House an awful lot of people came to see me, and civil servants were not  
14 present at those meetings and he --

12:03:17 15  
16 JUDGE FAHERTY: So you don't, are you saying then that you didn't when you  
17 looked at your diary for that week you didn't differentiate in any manner  
18 notwithstanding what had transpired from the 22nd of February. Is that what  
19 you are saying?

12:03:41 20

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

22 **AND RESUMED AGAIN AS FOLLOWS:**

23

24 Q. 283 MS. DILLON: Good afternoon Mr. Flynn. Did you ever discuss, or sorry did  
12:16:49 25 Mr. Gilmartin ever discuss with you, whether his development at Quarryvale  
26 could have the same type of designation as the Customs House docks development?

27 A. No.

28 Q. 284 You met with Mr. Gilmartin according to your ministerial diary on the 25th  
29 October 1989, 2562. Can you outline to the Tribunal what the nature of that?  
12:17:17 30 meeting was, what that meeting was about?

- 12:17:19 1 A. No, I can't recollect.
- 2 Q. 285 And I think again, in November of 1989, according to your personal diary at  
3 3859 you have another entry for Mr. Gilmartin, can you recollect what that  
4 meeting was about?
- 12:17:36 5 A. No, not specifically, Mr. Chairman.
- 6 Q. 286 Did Mr. Gilmartin ever suggest to you that it would assist him in his  
7 development in Quarryvale if he could in some way short circuit the planning  
8 process?
- 9 A. No, Mr. Chairman.
- 12:17:53 10 Q. 287 But you cannot recollect what you did discuss with Mr. Gilmartin, is that  
11 right?
- 12 A. No, I have no specific recollection.
- 13 Q. 288 No specific -- I think you also met Mr. Gilmartin on the 21st of November 1989  
14 at 2579 please. You see there is a reference there to Mr. Gilmartin on the  
12:18:18 15 21st of November 1989, do you see that?
- 16 A. Yes.
- 17 Q. 289 You accept that's an entry in relation to Mr. Gilmartin?
- 18 A. I don't recollect -- I don't know is that related to what is underneath it.
- 19 Q. 290 The reference underneath is a reference to a government meeting, is that  
12:18:39 20 correct, is that right, GM 11?
- 21 A. Government meetings did take place at 11 o'clock, yes on a Wednesday, not  
22 always but more than -- it was a regular occurrence yes.
- 23 Q. 291 That would suggest you were meet building Gilmartin in advance of a government  
24 meeting?
- 12:18:53 25 A. I can't recollect that.
- 26 Q. 292 So you have, any of these meetings that you had with Mr. Gilmartin, you don't  
27 recollect the substance of any of the meetings?
- 28 A. Not specifically, no. Other than as I told you, it would be general briefly  
29 from him, short, the meetings in fact were sometimes only a few minutes.
- 12:19:13 30 Q. 293 Did you have a meeting with Mr. Dadley and Mr. Barry Boland at which you asked

- 12:19:22 1 was anybody representing themselves as acting for the government in connection  
2 with Arlington?
- 3 A. No, but I did meet Mr. Dadley and Mr. Boland.
- 4 Q. 294 Mr. Boland has told the Tribunal that he recollects towards the end of 1989  
12:19:35 5 that he went to a meeting with you and with Mr. Dadley and that what he says is  
6 on day 499 at page 51, he says:  
7  
8 "What happened was that the Minister had said to me after some preliminary  
9 chitchat of the meeting, I remember the wording very clearly. 'Was I aware of  
12:19:58 10 anybody purporting to represent the Irish government to the Arlington  
11 Securities'? And I said I wasn't aware." And after that then he says you  
12 asked him to step outside the door and you had a private discussion with  
13 Mr. Dadley?
- 14 A. Yes, I read that in the transcript, or in the documentation.
- 12:20:15 15 Q. 295 Do you dispute what Mr. Boland says?
- 16 A. No, I just can't recollect that, but if Mr. Boland can recollect that I asked  
17 him to step outside and then that's okay.
- 18 Q. 296 You will see he says -- the Minister repeated the question quite forcefully. I  
19 repeated my answer, and at that stage he suggested I would excuse myself from  
12:20:38 20 the meeting. I spent maybe 15 minutes outside the meeting, the meeting then  
21 ensued about the content was low level.  
22  
23 That's Mr. Boland's recollection.
- 24 A. Okay.
- 12:20:49 25 Q. 297 Now, if Mr. Boland is correct in his recollection it would suggest at this  
26 meeting that took place you were aware of somebody as representing themselves  
27 or purporting to represent themselves, as representing the Irish government to  
28 Arlington?
- 29 A. I have no knowledge of anybody representing the government other than  
12:21:04 30 government Ministers.



- 12:21:04 1 Q. 298 Yes. I am obviously not making myself clear. If Mr. Boland is correct in his  
2 recollection, it follows that at that meeting, you knew or had heard of, that  
3 somebody was representing themselves as representing the government to  
4 Arlington?
- 12:21:22 5 A. I can't recall any matter of that nature.
- 6 Q. 299 Does it follow if Mr. Boland is correct, Mr. Flynn, and if he is accurate in  
7 what he says, that at that meeting, you were aware of somebody purporting to  
8 represent the Irish government to Arlington?
- 9 A. I cannot recall that matter having been discussed.
- 12:21:53 10 Q. 300 In February of 1990, Mr. Flynn, you received a letter from Mr. Owen O'Callaghan  
11 of O'Callaghan Properties, at 4947 please. Mr. O'Callaghan says, this is a  
12 letter he wrote at the request of Mr. Gilmartin. Do you recollect this letter?
- 13 A. From the documentation.
- 14 Q. 301 It says "Dear Minister, how are you keeping?  
15 As you are aware Tom Gilmartin and I had an agreement whereby I would not  
16 proceed with my proposal for my site in Clondalkin to enable Tom to proceed  
17 with the development of his land at Palmerstown. This agreement expired on  
18 31st October last.  
19  
20 However, I am prepared to reinstate this agreement and withdraw the present  
21 planning application made to Dublin County couple provided Tom completes his  
22 side of the agreement this week. This he has confirmed he will do.  
23  
24 Looking forward to meeting you in the near future. Yours sincerely, Owen  
12:22:58 25 O'Callaghan".  
26  
27 Can you offer any assistance as to why a letter like that, dealing with  
28 Mr. Gilmartin's, what are in essence private contractual arrangements between  
29 Mr. O'Callaghan and Mr. Gilmartin would have been sent to you?
- 12:23:09 30 A. I don't know whether it was sent, because I can't remember receiving it, but I

12:23:13 1 would suggest that if Mr. O'Callaghan was writing to me as the Minister he  
2 might do me the courtesy of signing his name.

3 Q. 302 This is a copy that has been provided of the letter, the original is not  
4 available to the Tribunal?

12:23:26 5 A. Oh I see. Well I asked the question, Mr. Chairman, was this copy received from  
6 documentation received in the department.

7 Q. 303 No, it wasn't. No such copy has been received from the department?

8 A. Oh I see, as far as I am concerned that letter was not received.

9 Q. 304 Now, I think in your statement to the Tribunal you record that you also met  
12:23:52 10 Mr. Gilmartin on the 10th April 1990 at page 195.

11  
12 You say "To the best of my recollection the next meeting with Mr. Gilmartin was  
13 the 8th November 1989. I met with him again on the 26th of January 1990".  
14

12:24:11 15 But we have seen there were other meetings in November and October, Mr. Flynn,  
16 that are not referred to the statement but are recorded in your diaries?

17 A. Yes, Mr. Chairman, that's what I said, when I made this statement, I was making  
18 it in Brussels in October '98, I did not have available to me all the necessary  
19 information to establish precisely what dates I met Mr. Gilmartin or anybody  
12:24:33 20 else, to the best of my recollection, I think was the preface I had to that  
21 statement, so if these dates are there, and if they are in my diary more than  
22 likely I met him. Just as I said to Mr. Hanratty, I mean, it may or may not  
23 have happened, but I am quite prepared to accept that I met Mr. Gilmartin on a  
24 number of occasions.

12:24:53 25 Q. 305 I want to draw to your attention you state in the your statement you met him  
26 again on the 26th of January 1990 and on the 10th April 1990, but I think the  
27 position in relation to your personal diary for 1990 while did you have it  
28 while making that statement, it's no longer available?

29 A. Yes, I'm sorry about that will, Chairman, it's been mislaid for some reason I  
12:25:12 30 don't know where it is.

- 12:25:13 1 Q. 306 But you did have the benefit of that diary when you were making this statement  
2 in 1998?
- 3 A. Yes.
- 4 Q. 307 And up able to cross-reference those meetings to your personal diary?
- 12:25:21 5 A. It was from those that I found it possible to even put them into my statement  
6 at all, but as you rightly say, there were other meetings that aren't recorded  
7 here, but if they are in the Leinster House diary and he is stroked out then  
8 that is a very strong, it's a positive indication as far as I am concerned,  
9 that I did meet him on the specified date.
- 12:25:42 10 Q. 308 And can you outline to the Tribunal why you would have been meeting with  
11 Mr. Gilmartin in January of 1990 and April of 1990?
- 12 A. It would have been at his request.
- 13 Q. 309 For what purpose?
- 14 A. To brief me on what was going on with the projects that he had in hand.
- 12:26:01 15 Q. 310 And is it your recollection that at that stage the Arlington project was still  
16 a project, or was still in being or was it mainly at this stage the Quarryvale  
17 project?
- 18 A. Well things had gone very much astray insofar as Arlington's involvement was  
19 concerned. He was very upset about that, and I recollect quite clearly that he  
12:26:29 20 was more than upset. It had been a great disappointment to him and he very  
21 much wanted to see that project brought to fruition.
- 22 Q. 311 Certainly I think by early 1990 Arlington were pulling out of Dublin, isn't  
23 that the position?
- 24 A. Well as I understand it from -- well yes, as I understand it from the  
12:26:49 25 documentation, Mr. Chairman, I think it was the 19th February in 1990, that  
26 Arlington severed their connections with Mr. Gilmartin.
- 27 Q. 312 And insofar as you were meeting with Mr. Gilmartin in April of 1990, you  
28 couldn't have had anything to do with Arlington?
- 29 A. I would think that Bachelor's Walk project was caput at that stage.
- 12:27:10 30 Q. 313 Yes.

- 12:27:10 1 A. And that he was concentrating on his other project.
- 2 Q. 314 So, what did he want to see you about in connection with Quarryvale on the 10th
- 3 April 1990?
- 4 A. I cannot recall, but it would obviously have to be how things were going in so
- 12:27:25 5 far as his other project was concerned. He was finding it, I think he used to
- 6 complain about delays, it was delays that were causing him the greatest
- 7 concern.
- 8 Q. 315 Did Mr. Gilmartin ever ask you to do anything in connection with any
- 9 legislative change or making any order in connection with Quarryvale?
- 12:27:47 10 A. No.
- 11 Q. 316 At any meeting that took place between yourself and Mr. Gilmartin was ever any,
- 12 was there ever any note of any description taken?
- 13 A. No. Except as I say of the meeting in September of '89, when he and others
- 14 were at the meeting with Mr. Brennan and myself, concerning the bus central
- 12:28:17 15 station which was a key element of the Bachelor's Walk development.
- 16 Q. 317 And at page 3729, Mr. Gilmartin has said in connection with the document --
- 17 could I have 3577 and 3729 on screen together please?
- 18
- 19 It might be difficult to read one of the documents, I will give you a hard copy
- 12:28:52 20 of that document, Mr. Flynn, so we can concentrate on the letter. This
- 21 document which is entitled Westpark development identifies issues and remedies
- 22 requested, it was prepared by Mr. O'Malley, a professional adviser of
- 23 Mr. Gilmartin's. And under the heading "issue" are identified various pieces
- 24 of legislation and then the remedy, that is requested in connection with those
- 12:29:17 25 pieces of legislation, if they can just be left on screen exactly as it is,
- 26 thank you.
- 27
- 28 Mr. Gilmartin was asked about that, and in reply he says at paragraph 4 of the
- 29 letter dated the 2nd February 2004:
- 12:29:31 30 "During a meeting with Dublin Corporation and involving the then Minister for

12:29:34 1 the Environment, Padraig Flynn, several possible remedies were suggested to  
2 Mr. Gilmartin as a means of overcoming the obstacles to obtaining planning  
3 permission that he was encountering in relation to the Westpark development.  
4 As Mr. Gilmartin did not fully understand the possible remedies that were being  
12:29:49 5 put forward by Dublin Corporation and by the Minister for the Environment he  
6 engaged a planning consultant to review the legislation and to detail possible  
7 remedies. Eventually our client did not follow any of the suggested remedies  
8 but instead opted to wait and see if some of the obstacles would disappear once  
9 the new Dublin area plan was published".

12:30:07 10  
11 Now, Mr. Gilmartin in evidence I think, if I can summarise it, said this was  
12 prepared by Kieran O'Malley, so that it could be identified for him what his  
13 advisors were saying he should get done, effectively if it could be done, if I  
14 can summarise it like that.

12:30:24 15  
16 Now, in relation to any of those matters did Mr. Gilmartin at any stage ever  
17 request you to implement any change by way of statutory instrument or  
18 otherwise, such as those were within your power to do?

19 A. I'm reading them down, Mr. Chairman, because of course I never saw this  
12:30:49 20 document, until I saw it in discovery. The answer is no. But just on that  
21 letter there, that you raised, the question of paragraph four from Goodbody's,  
22 during a meeting -- sorry during a meeting of Dublin Corporation -- I cannot  
23 recall any meeting that I had with Dublin Corporation at that time.

24 Q. 318 Did you ever recollect attending a meeting with Mr. Gilmartin and members or  
12:31:24 25 officials of Dublin Corporation?

26 A. No, no.

27 Q. 319 Do you ever remember discussing with Mr. Gilmartin at any stage obstacles that  
28 Mr. Gilmartin felt were being placed in his way, in connection with Quarryvale  
29 or Westpark?

12:31:35 30 A. No and I have never, this document that you have here on the screen, that I

12:31:42 1 see, all of these items the six items none of these items were ever discussed  
2 with me. This is a new, this is a document I have never seen until the  
3 Tribunal.

4 Q. 320 According to most of the people that Mr. Gilmartin met in 1989 who have given  
12:31:58 5 evidence to the Tribunal, there seems to be, if I can summarise it, people such  
6 as Mr. McLoone, Mr. Sheeran, certainly the Gardai, Mr. Feeley, Mr. Haughey, to  
7 all of them, when Mr. Gilmartin made complaints, he was complaining constantly  
8 apparently, if that evidence is correct, throughout 1989, of obstacles or  
9 difficulties that he felt were being placed in his way about Westpark and is it  
12:32:24 10 your evidence, that notwithstanding whatever complaints he may have made to  
11 anybody else, he never complained to you of any of those matters?

12 A. I would like to be clear about that, Mr. Chairman. I met Mr. Gilmartin on a  
13 considerable number of occasions, and I have to say to you that they were all  
14 very pleasant meetings. Now he may have had -- he may have had some complaints  
12:32:50 15 about delays and things like that, but he never went into great detail, and he  
16 was never, let's put it like this -- he was never an angry Mr. Gilmartin at the  
17 meetings that I had with him. They were friendly, positive, and he was  
18 endeavouring to do what he wanted to do. Now, I have only the good memories of  
19 my meetings with Mr. Tom Gilmartin.

12:33:19 20 Q. 321 But insofar as complaints of being obstructed or hindered or being impeded in  
21 his development are concerned you have no recollection throughout any of these  
22 meetings, the series of which we have just gone through, of Mr. Gilmartin makes  
23 those complaints to you other than you accept he would have made complaint to  
24 you on the 22nd of February?

12:33:37 25 A. Those meetings you have referred to here the answer is no, he did make as I  
26 told you, the original complaints to me that were referred on.

27 Q. 322 Can I move you forward Mr. Flynn, please, to a slightly later period in time,  
28 to September of 1998 and I want to deal now with the telephone records that  
29 passed between yourself and Mr. Gilmartin at that time?

12:33:58 30 A. Yes.

- 12:33:59 1 Q. 323 And I think in sequence the precipitating factor correct me if I am wrong was a  
2 story by Mr. Jodie Corcoran in the Sunday Independent on the 20th of September  
3 1998, 3149?  
4 A. That's correct.
- 12:34:12 5 Q. 324 Is that correct?  
6 A. That's correct.  
7 Q. 325 Now following that, did you make contact with Mr. Ray McSharry and ask him to  
8 obtain Mr. Gilmartin's telephone number for you?  
9 A. I did.
- 12:34:21 10 Q. 326 Did Mr. Gilmartin obtain, sorry Mr. McSharry get you that telephone number?  
11 A. He did.  
12 Q. 327 Mr. McSharry dates that request as being made around the 29 of August 1998?  
13 A. Whatever, I did ask him and he did give me the number.  
14 Q. 328 Was it after seeing this story in the newspaper on the 20th September 1998 that  
12:34:41 15 you contacted, that you needed Mr. Gilmartin's telephone number to contact him?  
16 A. Correct.  
17 Q. 329 When you saw that headline, even though you are not identified by name in that,  
18 Mr. Gilmartin's name is mentioned, did you identify yourself as being that  
19 person?  
12:34:56 20 A. I figured I was.  
21 Q. 330 Now how did you work that out from the story?  
22 A. Exactly what the headline says. I figured that story was being written about  
23 something that I should ring Tom Gilmartin about.  
24 Q. 331 The first heading is "Tribunal seeks permission to examine builder's bank  
12:35:19 25 accounts for evidence of planning corruption".  
26 A. No, that's not the reference that would have attracted me to ring  
27 Mr. Gilmartin, it would be the question about the donation.  
28 Q. 332 The 50,000 pounds donation. And in the actual story itself, the first  
29 paragraph says:  
12:35:37 30 "Another former Fianna Fail Minister never previously mentioned in connection

- 12:35:41 1 with planning corruption has come to the attention of the Flood Tribunal  
2 arising out of an alleged contribution of 50,000 pound to Fianna Fail in the  
3 1980s".
- 4 A. Well whatever, whatever way I looked at the article in that Sunday newspaper I  
12:35:56 5 was, I would have said to myself I am going to ring Tom Gilmartin.
- 6 Q. 333 Now, Mr. Gilmartin is mentioned in the article but you are not, but the article  
7 does detail that the 50,000 pounds was a donation to Fianna Fail?
- 8 A. And that's the reason I rang Mr. Gilmartin.
- 9 Q. 334 You provided to the Tribunal telephone records at 4077, which record a series  
12:36:22 10 of conversation, which record the time of a series of telephone conversations  
11 between yourself and -- I am giving you, it's quite difficult to read  
12 Mr. Flynn, I will give you the hard copy then we'll look at the sequence.
- 13 A. Yes.
- 14 Q. 335 The first telephone -- can you confirm first of all that the telephone number  
12:36:45 15 ending in 037 is Mr. Gilmartin's number?
- 16 A. 37?
- 17 Q. 336 Yes. Is that correct?
- 18 A. Yes.
- 19 Q. 337 And then if we go through you made records of nearly all of your telephone  
12:37:04 20 conversations with Mr. Gilmartin, but there is some conversations that are  
21 recorded Mr. Flynn, to that number in which there are no notes?
- 22 A. That's correct.
- 23 Q. 338 That's --
- 24 A. Sorry -- the ones that I didn't take contemporaneous notes would have been the  
12:37:22 25 ones where he was not at home or I was speaking to somebody else in the house  
26 other than he.
- 27 Q. 339 The first recorded conversation is 20th September 1998 and that is the same  
28 date as the newspaper article?
- 29 A. Correct.
- 12:37:35 30 Q. 340 So it is the article that precipitates the phone call?



- 12:37:38 1 A. Three of them.
- 2 Q. 341 And you make two phone calls that -- you don't get to speak to Mr. Gilmartin
- 3 but then you do get to speak to Mr. Gilmartin and you are speaking to him for
- 4 two hours and 3 minutes?
- 12:37:50 5 A. Correct.
- 6 Q. 342 You make notes as you are speaking to him?
- 7 A. Yes.
- 8 Q. 343 You provided those notes to the Tribunal and I am going to use the typed
- 9 versions, Mr. Flynn, if that's all right with you at 3756. Now, if you look at
- 12:38:07 10 the bottom part of the page "I got out -- Lawlor up to dirty tricks time of
- 11 Arlington. They all had info. Some senior Fianna Fail men involved. A fellow
- 12 of repute involved and some officials". Are you order recording what
- 13 Mr. Gilmartin is saying?
- 14 A. Yes.
- 12:38:25 15 Q. 344 On the following page. "Sherwin said no money went into party funds. I
- 16 complained once to Sean Haughey and he gave to fraud squad. I gave a donation
- 17 to Fianna Fail party. I never had complaints against planners, I was held to
- 18 ransom all the way". You are recording there what he is saying?
- 19 A. Writing down what he was saying.
- 12:38:42 20 Q. 345 What he was saying to you was he gave a donation to the Fianna Fail party in
- 21 this conversation?
- 22 A. As it is there, yes.
- 23 Q. 346 Yes.
- 24 A. Yes.
- 12:38:50 25 Q. 347 Isn't that what he said?
- 26 A. That's what he said there.
- 27 Q. 348 He is also -- I am going to go through them all Mr. Flynn, but he is also
- 28 complaining?
- 29 A. All of them including the blanked out pieces.
- 12:39:02 30

12:39:02 1 MR. MADDEN: Sorry chairman in relation to this just so there is no discrepancy  
2 as regards context on this, which is very important, this is a redacted version  
3 of telephone conversation records made by my client at that time, but it's very  
4 important to point out that the conversation that is being recorded and as is  
12:39:22 5 attributed to Mr. Gilmartin, records what he told the Tribunal, not what is  
6 being told to my client over the phone on that particular day. That's very  
7 important.

8  
9 MS. DILLON: If that is the position then that is obviously very important.  
10 And I am working only off the redacted copies. So if my friend has no  
11 objection in the light of that, I would like to leave this issue and deal with  
12 it in re-examination of Mr. Flynn, but anybody else is free to ask any  
13 questions in relation to the telephone records, I want to clarify that by  
14 looking at the originals, if Mr. Madden is correct and I accept what he is  
12:39:56 15 saying then that changes the basis of things.

16  
17 CHAIRMAN: All right.

18  
19 Q. 349 MS. DILLON: If I can go back -- I will leave the telephone records for the  
12:40:03 20 moment, but there is one matter that I want to draw to your attention, it  
21 doesn't relate to the telephone records. I think that the Sunday Independent  
22 faxed you a series of questions, Mr. Flynn?

23 A. Yes.

24 Q. 350 And there is a very poor copy of those available at 3647 and 3648 but they are  
12:40:22 25 replicated in a newspaper article at 3161. Now, I am going to hand you a copy  
26 of the fax and can you confirm that the, just so you can be satisfied what's  
27 recorded in the newspaper is in accordance with what you wrote in your own  
28 handwriting on the fax even though it is a poor copy fax?

29 A. Yes it is.

12:40:47 30 Q. 351 The first question you were asked, this I think comes you received the fax

12:40:52 1 prior to the publication of the story that names you as being the politician  
2 who got 50,000 pounds?  
3 A. I received --  
4 Q. 352 Is that correct?  
12:40:58 5 A. I received it after the publication of the 20th of September and I replied to  
6 Mr. Jodie Corcoran, if this is the reply I sent to him on the 25th.  
7 Q. 353 And that's in advance of you being named in the newspapers, I think on the 27th  
8 or the 26th?  
9 A. Quite so.  
12:41:22 10 Q. 354 Right. The first question that you were faxed "was had the Flood Tribunal  
11 which has been investigating certain planning matters in Ireland been in touch  
12 with you, your answer was in common I believe with all TDs Senators and  
13 Ministers, present and former. I received a general letter from the Tribunal  
14 at the outset asking if I had any information or documentation relevant to the  
12:41:44 15 Tribunal. I responded saying no, I have had no subsequent or invitation for  
16 correspondence from the Tribunal.  
17  
18 2. Are you aware certain allegations have been made to the Tribunal in which  
19 your name figures. No, only rumours and speculation as reported in the  
12:41:57 20 newspapers. I understood Tribunal investigations to have confidential.  
21  
22 3. Have you ever had any dealings with Mr. Thomas Gilmartin in relation to  
23 fund. See answer 4 and the answer to 4 is no.  
24  
12:42:15 25 Sorry if we can have 3161 please?  
26  
27 Now, if that could be increased. Now, the question that you were asked at  
28 number 3. Have you ever had any dealings with Mr. Thomas Gilmartin in relation  
29 to funds? The answer you gave was no. Is that right?  
12:42:36 30 A. The answer I gave was as at 4.

- 12:42:39 1 Q. 355 Yes and the answer at 4 is no, isn't that right?
- 2 A. That's right.
- 3 Q. 356 And you have the, your own handwriting with that answer written down in your  
4 own handwriting on the document in front of you, isn't that right?
- 12:42:49 5 A. That's right.
- 6 Q. 357 Now were you correct?
- 7 A. Yes I was, because the answer to 4 is, had I received a contribution for Fianna  
8 Fail and the answer is no.
- 9 Q. 358 No, we are looking now Mr. Flynn at question number 3?
- 12:43:06 10 A. I know what you are saying yes.
- 11 Q. 359 Yes and the question you are being asked is relatively simple and quite  
12 straightforward. Have you ever had any dealings with Mr. Thomas Gilmartin in  
13 relation to funds. Your answer to that is no?
- 14 A. No it's not. I'm sorry you are not reading it correctly. Now please, the  
12:43:24 15 answer is, see answer 4.
- 16 Q. 360 All right we'll deal with that. Question four says were you the recipient of a  
17 cheque for 50,000 pound intended as a contribution to Fianna Fail from  
18 Mr. Gilmartin answer, no?
- 19 A. Correct.
- 12:43:37 20 Q. 361 So, are you saying that what you intended to convey by giving that answer, was  
21 that you had received a cheque for 50,000 pounds from Mr. Tom Gilmartin but it  
22 was not for Fianna Fail it was for yourself?
- 23 A. I don't say that at all.
- 24 Q. 362 No, you don't Mr. Flynn, you make no disclosure of the true position, I suggest  
12:43:56 25 to you in those answers?
- 26 A. I make a full and honest disclosure of the question asked.
- 27 Q. 363 Did you disclose in answering those that you had had financial dealings with  
28 Mr. Gilmartin in May or June of 1989, that enriched you by 50,000 pound?
- 29 A. I answered that I had not received any cheque from Mr. Gilmartin for Fianna  
12:44:16 30 Fail, and that's the answer I gave in 4 and that's it.

- 12:44:22 1 Q. 364 Did you disclose --
- 2
- 3 CHAIRMAN: But, Mr. Flynn, it's a different question. Question three is have
- 4 you ever had any dealings with Mr. Gilmartin in relation to funds, it says
- 12:44:32 5 nothing about Fianna Fail.
- 6 A. That's right.
- 7
- 8 JUDGE FAHERTY: Suppose question 4 had never been asked by the independent
- 9 Mr. Flynn, it was simply question 3?
- 12:44:42 10 A. I can't respond to what I would have said then. But it was very obvious to me
- 11 that the purpose of the fax was to answer question 4. And once I answered
- 12 question 4, I said "no" then it was quite easy to answer all the others.
- 13 Q. 365 MS. DILLON: Do you think it was possible for anybody with a modicum of
- 14 intelligence reading your responses to have understood from that, that you had
- 12:45:06 15 received 50,000 from Mr. Gilmartin in May or June of 1989?
- 16
- 17 MR. MADDEN: Sorry Chairman, in relation to the questions posed by Counsel for
- 18 the Tribunal, if they could be posed in a form of an interrogatory rather than
- 19 them being containing lots of personal comment in relation to what other people
- 12:45:26 20 might or might not think, I would ask that be directed please.
- 21
- 22 Q. 366 MS. DILLON: Fine. I accept that. Did you disclose in any of the responses
- 23 that you provided, on the, prior to the 27th of October, September, 1989 that
- 24 you had received 50,000 pounds from Mr. Tom Gilmartin in May or June of 1989?
- 12:45:48 25 A. No, I wasn't asked that question, if I had been I would have answer it had.
- 26 Q. 367 Right, did you disclose in your answer that is you had received any money from
- 27 Mr. Tom Gilmartin?
- 28 A. No, I wasn't asked that question.
- 29 Q. 368 Did you disclose that you had had dealings with Mr. Gilmartin in connection
- 12:46:05 30 with money?

- 12:46:05 1 A. I never had any dealings with Mr. Gilmartin, I had meetings with Mr. Gilmartin.
- 2 Q. 369 I see. Is your quibble with question 3, the difference between the word
- 3 dealings and meeting?
- 4 A. No, the answer to question 3 is exactly as there, see answer 4 which says
- 12:46:21 5 specifically that I did not receive anything from Mr. Gilmartin for Fianna
- 6 Fail.
- 7 Q. 370 And if we look at question number 5: Are you aware that the payee of that
- 8 cheque was left blank? The answer you say again is "see number 4" by that you
- 9 don't mean "no", if I understand you correctly?
- 12:46:42 10 A. Of course it is, there is no such cheque to Fianna Fail.
- 11 Q. 371 And in relation to number 6 was that at your request, there was no such cheque
- 12 to Fianna Fail, so your answer again is no.
- 13 And at 7: Did you pass the cheque on to Fianna Fail as it was intended, if not
- 14 what did you do with it, again there is no cheque to Fianna Fail, so your
- 12:47:00 15 answer is no. And next were will any favours asked for or given in return for
- 16 that contribution and the answer again is "no", isn't that right Mr. Flynn?
- 17 A. Yes, quite right. There were no favours asked or given in return for any
- 18 contribution.
- 19 Q. 372 And looking at that, those answers that you provided, do they confirm at all in
- 12:47:21 20 anyway, the story that had so concerned you the previous, the answers you have
- 21 given do they confirm in anyway the story that had so perturbed you that you
- 22 had contacted Mr. Gilmartin?
- 23 A. I didn't say it had disturbed me. I was concerned to ring Tom Gilmartin.
- 24 Q. 373 But you were concerned about --
- 12:47:41 25 A. To find out was my understanding of what had gone between us, the correct one.
- 26 And he confirm it had.
- 27 Q. 374 I will come back to that?
- 28 A. He gave in his reply, it's in the contemporaneous notes, an explanation as to
- 29 why matters were being changed.
- 12:48:03 30 Q. 375 I will come back to deal with those in the late of the submission by Mr. Madden

12:48:06 1 in re-examination.  
2  
3 You received a document from the Tribunal at which you were asked a number of  
4 questions in common with all politicians, is that correct?

12:48:15 5 A. Yes.  
6 Q. 376 Right. And in your answers in the early stages of the Tribunal, one of the  
7 questions you were asked at page 188 please:  
8  
9 "Are you aware of any payment or offer of payment or other benefit to any  
12:48:32 10 public representative, member of An Bord Pleanala, local government official or  
11 official of An Bord Pleanala in connection with the zoning, planning by-law or  
12 tax designation status of any property, or in connection with provision of  
13 services, including roads, sewers, water mains, wayleaves of any property",  
14 isn't that right?

12:48:47 15 A. That's right.  
16 Q. 377 And you answered no, is that correct?  
17 A. Correct.  
18 Q. 378 Is that answer correct?  
19 A. Yes.

12:48:52 20 Q. 379 Were you not aware from the allegation that is ultimately resulted in a  
21 conviction arising out of the Loughran inquiry, that in fact there were  
22 allegations of payments one of which resulted in a conviction?  
23 A. I can't remember any details concerning that conviction or otherwise.  
24 Q. 380 Were you aware of a Garda inquiry involving Mr. Gilmartin's allegations?

12:49:12 25 A. I was aware that there was an investigation going on, yes.  
26 Q. 381 Were you aware of the Garda inquiry initiated by yourself on 2nd of February  
27 1989, in connection with allegations made by other people?  
28 A. I was aware that there was an investigation, yes.  
29 Q. 382 Did you disclose any of that information to the Tribunal when you were  
12:49:29 30 answering that document?

- 12:49:31 1 A. No I wasn't --
- 2 Q. 383 If I can take you back to your meeting on the 23rd of May, I think it is, at
- 3 3313 please, this is the meeting on the 23rd of May, the reference to
- 4 Mr. Gilmartin, this is the meeting at which you say you received the cheque
- 12:49:55 5 from Mr. Gilmartin, and I want to draw to your attention the name of the person
- 6 who visited you on the same day, after Mr. Gilmartin and that I think is
- 7 Mr. Joe Ainsworth, who was at that time a senior Garda official, isn't that
- 8 right?
- 9 A. Correct.
- 12:50:11 10 Q. 384 And I think he is from county Mayo, is that correct?
- 11 A. He was born in Castlebar, my home town.
- 12 Q. 385 Now, he was I think at that stage either Assistant Commissioner or very senior
- 13 Garda officer?
- 14 A. Yes.
- 12:50:24 15 Q. 386 And you had a number of meeting with Mr. Ainsworth in 1989, you met him on a
- 16 number of occasions?
- 17 A. Did I.
- 18 Q. 387 There are other references in your diary but not in the brief so I won't refer
- 19 to him, but at least you are meeting him on that occasion, is that correct?
- 12:50:39 20 A. Yes.
- 21 Q. 388 The line is through?
- 22 A. Yes.
- 23 Q. 389 Did you ever ask Mr. Ainsworth anything about the Garda inquiries into
- 24 Mr. Gilmartin's allegations?
- 12:50:49 25 A. No.
- 26 Q. 390 Was Mr. Ainsworth a friend of yours?
- 27 A. Yes he is.
- 28 Q. 391 And did you meet him frequently?
- 29 A. Over the years I was quite friendly with him and his brother and his family.
- 12:51:02 30 Q. 392 And he --



12:51:05 1 A. Good friendships, yes. Friendly with the Ainsworth family and I still am.

2 Q. 393 Did you ever discuss Mr. Gilmartin's allegations with Mr. Ainsworth?

3 A. Not at that time, no.

4 Q. 394 Did you discuss them with him at any time?

12:51:21 5 A. No, not to my recollection, no.

6 Q. 395 Why not?

7 A. Certainly not.

8 Q. 396 Why not?

9 A. I had no reason to discuss them, he didn't come to see me from any recollection

12:51:30 10 I have to talk about any investigations, he wasn't in charge of that

11 investigation.

12 Q. 397 And I just want to --

13 A. It was Chief Superintendent Sreenan.

14 Q. 398 I beg your pardon?

12:51:39 15 A. He wasn't in charge of that investigation, as far as I know, that wasn't his

16 brief at Garda headquarters.

17 Q. 399 Sorry it was the nicety of Mr. Ainsworth's specific function within the Gardai

18 that prevented you discussed Mr. Gilmartin's allegation?

19 A. No, no, it wasn't, not at all.

12:51:57 20

21 MR. MADDEN: Sorry Chairman, again that's a comment, it's not a question.

22

23 Q. 400 MS. DILLON: That's not a comment.

24 A. Well may I, Mr. Chairman, if Mr. Ainsworth came to see me it, could have been

12:52:07 25 about anything, all I know is it wasn't about anything that was connected with

26 the investigation being undertaken by the Garda operational squad, certainly

27 not.

28 Q. 401 In relation to Mr. Gilmartin's 50,000 pounds, I think it is fair to say

29 Mr. Flynn, that you entered into a settlement with the Revenue Commissioners in

12:52:30 30 connection with --

12:52:31 1  
2 MR. LAWLOR: Chairman, is it appropriate that man's name is brought up here in  
3 public sessions, I thought we had a ruling that people shouldn't be named --  
4

12:52:39 5 CHAIRMAN: But Mr. Lawlor there is no allegation against Mr. Ainsworth.  
6  
7 MR. LAWLOR: But the mere fact, the implication --  
8

9 CHAIRMAN: There is no implication. He was asked did he discuss with a senior  
12:52:50 10 Garda officer, so there is no allegation.  
11  
12 MR. LAWLOR: You make the rules up as go along.  
13  
14 CHAIRMAN: It's not making the rules up as we go along.

12:53:00 15

16 Q. 402 MS. DILLON: Mr. Flynn, in relation to the 50,000 pounds donation, you entered  
17 into a settlement with the Revenue Commissioners in relation to that, the  
18 details of which I am not going into, but what I want to ask you about, was the  
19 fact that you decided in making your approach to the revenue initially, in 1998  
12:53:24 20 in connection with this donation, that 25,000 pounds of it, you were regarding  
21 as a political donation and 25,000 pound of it as a gift, isn't that the  
22 position?  
23 A. No, I think that was the advice given to me by my financial advisor.

24 Q. 403 This is KPMG, they advised you to take that approach?

12:53:46 25 A. Correct.

26 Q. 404 I think that was rejected by the Revenue Commissioners, is that correct?  
27 A. I don't know what negotiation went on.

28 Q. 405 That ultimately it was all treated as --  
29 A. Anyway the end result was, that I paid taxation on the total 50,000.

12:54:01 30 Q. 406 Yes.

- 12:54:02 1 A. I think about half it went to the Revenue Commissioners, something like that.
- 2 Q. 407 And I think you made those settlements in 1999 but, is it your position that in  
3 relation to the initial approach that was made to the Revenue Commissioners  
4 that 50 per cent of it was a gift and 50 per cent of it was a political  
12:54:23 5 donation that you, that strategy was advised to you by KPMG?
- 6 A. Correct.
- 7 Q. 408 Correct. But it was always your own personal view that it was a political  
8 donation?
- 9 A. Entirely, and in fact I wasn't pleased with the arrangement. It was a  
12:54:41 10 political gift, it was not a political gift, it was a political donation or  
11 contribution to me and under the Finance Act, I think Section 54, they are not  
12 taxable, but however, I paid the full tax on it anyway and gave half of it to  
13 the Revenue Commissioners.
- 14 Q. 409 And one final matter?
- 12:55:00 15 A. But I am saying that, I am not saying that I will not revisit that.
- 16 Q. 410 And that occurred in 1998?
- 17 A. Yes.
- 18 Q. 411 The final matter I want to draw no to your attention, is your diary for 28th of  
19 February please at 2203 and Mr. Quinn draws to my attention the date is 28th of  
12:55:24 20 February and this is the date, I think on which Mr. Feeley and Mr. Haughey come  
21 to see you?
- 22 A. Yes.
- 23 Q. 412 And I want to draw to your attention the entry at 6.30 in relation to  
24 Mr. Dadley. Do you think it's likely that you would have discussed what you  
12:55:43 25 had been told by Mr. Feeley and Mr. Haughey with Mr. Dadley?
- 26 A. Is Mr. Dadley recorded in Leinster House as having attended that day, sorry I  
27 am just asking Mr. Chairman?
- 28 Q. 413 I think the answer to that is, no?
- 29 A. Oh well in that case Mr. Dadley didn't attend.
- 12:56:05 30 Q. 414 Yes, I think Fianna Fail raised certain queries with you Mr. Flynn but you took

12:56:10 1 the view that because you had been in contact with the Tribunal you were  
2 injunctioned effectively, from replying or dealing with Fianna Fail  
3 correspondence, is that the position?  
4 A. They wrote to me and I wrote back and said, I am after saying in fairness, that  
12:56:24 5 my meeting with the Tribunal counsel, Mr. Hanratty and Mr. O'Neill,  
6 Mr. Chairman, in October 1998, they advised me, in fact they went further than  
7 that, that I should not disclose any matters concerning the Tribunal and that  
8 the whole thing was confidential and should be kept as such. And until this  
9 day or sorry until yesterday, I have never broken my peace on that, despite  
12:56:54 10 provocation, and a lot of asking from a lot of people on this side over here,  
11 and I made it quite clear it was wrong for anybody to breach the confidence and  
12 the confidentiality of the Tribunal and I have suffered somewhat for that.  
13  
14 But I am happy to be here now six years later and I didn't break my word to the  
12:57:19 15 Tribunal on that occasion, and they so advised and instructed me.  
16 Q. 415 At 359, this is the final matter, Mr. Flynn. We have already dealt with this  
17 but I want to take you back to this document, which is in relation to the  
18 account into which one of the accounts with the English address, the UK  
19 external deposit accounts and this is the form F in relation to it.  
12:57:45 20  
21 And when interest is not being returned, Mr. Flynn, it follows that if no  
22 interest is being declared in relation to a bank account, the existence of the  
23 capital sum is unknown also, isn't that right?  
24 A. I don't know. I don't know.  
12:58:04 25 Q. 416 Yes, but if there is no return being made, if a person has a bank account,  
26 we'll call it bank account A and there is no interest being deducted and  
27 forwarded say to the Revenue Commissioners in respect of a bank account, it  
28 follows that not alone is the holder of the bank account holding onto the  
29 interest, but the existence of the money in the account is also unknown, isn't  
12:58:27 30 that right?

12:58:27 1 A. Well I don't know but all I can say to you is that all of these accounts have  
2 all been returned to the Revenue Commissioners, that's all I know about that.

3 Q. 417 If you just --

4 A. Sorry, I know what you are saying. But I am just saying to you that whatever  
12:58:44 5 point is being made, all I want to say to you is that the Revenue  
6 Commissioners, I am tax compliant, if that's the word to use, and I have a tax  
7 clearance certificate and all the matters related to the documents shown here  
8 and my bank accounts and whatever, have been with the Revenue Commissioners and  
9 that's it.

12:59:03 10 Q. 418 But do you understand the point Mr. Flynn, is that not alone --

11 A. I said, I don't know to you.

12

13 MR. MADDEN: I wonder what relevance of this particular line of questioning is  
14 in relation to the terms of reference of this Tribunal?

12:59:16 15

16 CHAIRMAN: Part of the enquiring as to how Mr. Flynn sought to treat the  
17 50,000 pounds.

18

19 Q. 419 MS. DILLON: The non-disclosure or the use of the UK external deposit address,  
12:59:33 20 and the fact that interest was not being deducted, if interest was not being  
21 deducted means that the existence of the capital sum is also unknown, isn't  
22 that correct?

23

24 MR. MADDEN: Sorry that is not a question Chairman that is comment.

12:59:48 25

26 MS. DILLON: That is not a comment it's a question.

27

28 CHAIRMAN: She is just asking Mr. Flynn does he agree with that. I think it  
29 follows--

12:59:56 30 Q. 420 It follows as a matter of logic.

13:00:02 1  
2 MR. MADDEN: All I can say to that, Mr. Chairman, is this particular account  
3 that you are referring to, as was disclosed yesterday that Dirt was paid on  
4 that. On that account and it was not regarded by the bank as a non-resident  
13:00:16 5 account. So what I am saying to you is that, that account and any money that  
6 was in it, Dirt was paid on it. That's contrary to a lot of the comment that  
7 was made by some people.

8  
9 JUDGE FAHERTY: I understood Ms. Dillon, DIRT was paid on for a period of time.

13:00:35 10  
11 MS. DILLON: Up to a particular period and during the period in question, was  
12 not. And that was Mr. Chamber's evidence. Thank you Mr. Flynn. If you would  
13 answer any questions that my colleagues would have.

14  
13:00:48 15 CHAIRMAN: We'll adjourn until two o'clock. It's now one o'clock.

16  
17 **THE TRIBUNAL THEN ADJOURNED FOR LUNCH**

18  
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29  
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13:00:58 1

**THE TRIBUNAL RESUMED AS FOLLOWS AFTER LUNCH:**

2

3

CHAIRMAN: Now Mr. O'Neill?

4

14:07:48 5

**THE WITNESS IS QUESTIONED AS FOLLOWS BY MR. O'NEILL:**

6

7

Q. 421 MR. O'NEILL: Thank you, Mr. Chairman. Good afternoon Mr. Flynn. My name is

8

Hugh O'Neill. I appear on behalf of Mr. Gilmartin. I'd like to ask you first

9

of all, in relation to the investigations, the Gardai investigations taking

14:08:05 10

place in the early months of 1989, and if we can have document 2296 on the

11

screen please? Your evidence as I understand it is, that before you ever met

12

Mr. Feeley and Mr. Sean Haughey, Mr. Redmond had outlined some at least of the

13

complaints he had against Mr. Redmond, is that correct?

14

A. No.

14:08:35 15

16

JUDGE FAHERTY: Mr. Gilmartin, I think you mean had outlined.

17

Q. 422 MR. O'NEILL: Sorry Mr. Gilmartin had outlined. Excuse me, Mr. Gilmartin had

18

outlined to you, some at least of the complaints he had against Mr. Redmond?

19

A. Correct.

14:08:46 20

21

Q. 423 You are not sure I think whether he outlined the complaint he had against

Mr. Lawlor at the time?

22

A. That's right.

23

Q. 424 And as soon as you -- those complaints were outlined to you, you went to

24

Mr. Haughey, Mr. Charles Haughey, the then Taoiseach and identified those

14:09:02 25

complaints to him?

26

A. No.

27

Q. 425 I beg your pardon?

28

A. No. When Mr. Gilmartin brought certain things to my attention, I went to

29

Mr. Haughey then. You said after they were brought to me by Mr. Feeley.

14:09:19 30

Q. 426 Excuse me, if I did, say that, excuse me. What I meant to ask you was that,

- 14:09:26 1 when Mr. Gilmartin outlined his complaints against Mr. Redmond to you, you went  
2 to see Mr. Charles Haughey and this took place before you had met Mr. Feeley  
3 and Mr. Sean Haughey?
- 4 A. That is correct.
- 14:09:42 5 Q. 427 And having then met Mr -- subsequently met Mr. Feeley and Mr. Sean Haughey, you  
6 then if not before that, but think then, were aware of the complaints made  
7 against Mr. Lawlor and indeed against Mr. Hanrahan?
- 8 A. Yes.
- 9 Q. 428 And can we take it that you considered those complaints against Mr. Lawlor and  
10 Mr. Hanrahan to be very serious, if true?
- 11 A. I considered them to be serious, complaints.
- 12 Q. 429 And can we take it that you, if you hadn't relayed those complaint to  
13 Mr. Haughey when you first met him, Mr. Charles Haughey that you subsequently  
14 relayed those complaints to him?
- 14:10:28 15 A. No, I can't recall doing that on the second occasion, on another occasion.
- 16 Q. 430 Are you suggesting that perhaps you didn't ever tell Mr. Charles Haughey about  
17 the complaints made, the serious complaints made against Mr. Lawlor and  
18 Mr. Hanrahan?
- 19 A. I may have had, but I cannot recall doing it.
- 14:10:52 20 Q. 431 Do you think it's plausible that you did not tell Mr. Haughey?
- 21 A. If I could recall it, I would state it, but I cannot recall in detail setting  
22 out for Mr. Haughey what Mr. Feeley had conveyed to me in his note.
- 23 Q. 432 Now, you have on the screen the document prepared by Mr. Morrissey, the  
24 assistant County Manager. Of a meeting, dated the 14th April 1989 and  
14:11:26 25 Ms. Dillon has walked you through this, and I am not going to hopefully dwell  
26 on this as she touched on it.
- 27 I just want to understand what your state of knowledge was as of this date, the  
28 14th April 1989 in relation to the progress of the investigations being  
29 conducted by the Gardai?
- 14:11:45 30 A. I had not been made aware by the Gardai as to what investigations or how they



- 14:11:52 1 were conducting them.
- 2 Q. 433 You are aware, I am sure you have seen the evidence given by Mr. Troy, that he
- 3 was kept aware on a courtesy basis, by Superintendent Burns of the progress, in
- 4 a general sense, of the progress of the investigations?
- 14:12:08 5 A. Well the Gardai did not do similar for me.
- 6 Q. 434 And this meeting that took place on the 14th April, what was the purpose of
- 7 that meeting?
- 8 A. With Mr. Morrissey.
- 9 Q. 435 With Mr. Morrissey.
- 14:12:21 10 A. I cannot recall, except that Mr. Morrissey would have had many meetings with me
- 11 over the years, concerning local government matters.
- 12 Q. 436 It was an organised meeting undoubtedly?
- 13 A. I cannot say.
- 14 Q. 437 You think he may have just dropped into your office?
- 14:12:38 15 A. No. But, not unless it's documented as such, but I did meet Mr. Morrissey on a
- 16 number of occasions, and I understand from his evidence, Mr. Chairman, that he
- 17 did say that there was lots of meetings, but that on no occasion was the
- 18 question of Quarryvale discussed with me specifically, if my memory served me
- 19 right from the disclosures.
- 14:13:04 20 Q. 438 If we accept that this minute of the meeting which we knew between you and
- 21 Mr. Morrissey is accurate, isn't it clear what is being dealt with is two
- 22 issues firstly the issue of the sale of the Corporation lands and secondly the
- 23 progress if any, in relation to the investigations of Mr. Gilmartin's
- 24 complaints?
- 14:13:29 25 A. That is what that note suggests, but it might very well be the part of a much
- 26 larger agenda that Mr. Morrissey might have been addressing to me, on
- 27 Corporation matters or local government matters.
- 28 Q. 439 At paragraph numbered one, you express your satisfaction at the Corporation's
- 29 proposal to publicly advertise lands at Irishtown. These are the lands that
- 14:13:57 30 Mr. Gilmartin was seeking to purchase, isn't that right?

- 14:13:59 1 A. Yes this is Mr. Morrissey's note.
- 2 Q. 440 It is.
- 3 A. Yes.
- 4 Q. 441 And I understand you not to claim that's an inaccurate note of the meeting that  
14:14:07 5 took place between you and Mr. Morrissey?
- 6 A. I'm not challenging what Mr. Morrissey wrote, I just do not have any particular  
7 recollection of this or other matters that might have been on our agenda for  
8 that particular meeting.
- 9 Q. 442 Well you accept that the reference to lands at Irishtown, advertising lands at  
14:14:26 10 Irishtown are the lands that Mr. Gilmartin had an interest in purchasing?
- 11 A. Yes, I understand Mr. Gilmartin had an interest in those lands.
- 12 Q. 443 And this note expresses you or identifies you as expressing your satisfaction  
13 with the Corporation's proposal to advertise those lands for sale?
- 14 A. That would obviously have been as a response to what Mr. Morrissey might have  
14:14:46 15 said, we're advertising lands out in Irishtown, I would say good.
- 16 Q. 444 This was in the context of Mr. Gilmartin's complaints, that Mr. Redmond and  
17 Mr. Lawlor had been interfering with what he thought was a valid agreement he  
18 had?
- 19 A. That is not indicated.
- 14:15:02 20 Q. 445 Negotiated with Mr. McLoone?
- 21 A. That is not indicated there.
- 22 Q. 446 But isn't that the background, isn't that the context of the advertising of the  
23 lands?
- 24 A. Well context is a matter of conjecture.
- 14:15:13 25 Q. 447 Are you suggesting you did not know at that stage, that Mr. Gilmartin was  
26 complaining about, was complaining that Mr. Redmond and Mr. Lawlor were  
27 interfering in the sale of the lands?
- 28 A. I'm not aware of the detail of that, because as I told Mr. Gilmartin on more  
29 than one occasion, leave that to the Gardai, any complaints that he had.
- 14:15:33 30 Q. 448 When you first met Mr. Gilmartin, sorry when you met Mr. Gilmartin in February

14:15:40 1 of 1989, on the occasion on which he made complaints to you in relation to  
2 Mr. Redmond and perhaps Mr. Lawlor, did you not think having regard to the  
3 serious nature of those complaints, that it would be appropriate to take a note  
4 of those complaints?

14:15:56 5 A. I did not take notes of meetings, conversations that I had with Mr. Gilmartin  
6 except his conversations by telephone to me in 1998.

7 Q. 449 And did you not think it might be appropriate, having regard to what you  
8 considered to be the serious nature of the allegation, to take a note of those  
9 allegations?

14:16:15 10 A. I would not take note of allegations when the allegations were being made to  
11 the Gardai and they were pursuing an investigation. Matters of that kind are  
12 properly left to the Garda authorities.

13 Q. 450 But the Gardai were not involved in the allegations that Mr. Gilmartin was  
14 making at this stage?

14:16:30 15 A. No but they were subsequently.

16 Q. 451 And you were going to bring these allegations to the Taoiseach of the day?

17 A. I brought them because we already, I had already initiated an investigation  
18 into another matter in regards to planning, and if they were investigating that  
19 I suggested well you might as well include this as well and then some days  
20 later, the total list as prepared by Mr. Feeley was made known to me.

21 After that -- after that the Gardai did not appraise me of ongoing  
22 investigations or whatever.

23 Q. 452 Now, Ms. Dillon has asked you in relation to passages in the second paragraph  
24 of that meeting, or note of the meeting, and in particular in relation to,  
25 first you being aware that the police had interviewed the City Manager and  
26 assistant City Managers and you have no, your evidence I understand is to the  
27 Tribunal, you have no idea how you became aware of that?

28 A. Well if the, I suggest to you that if the Gardai had been keeping me up to  
29 speed as to what was being investigated and how it was being investigated, then  
14:17:45 30 that particular paragraph wouldn't have arisen, would it?

- 14:17:48 1 Q. 453 Well, if you look at the line, fourth line in paragraph numbered two. The  
2 third line. "The police had interviewed the City Manager and assistant City  
3 Managers enquiring etcetera. He", that's you "was aware of this already". And  
4 are you telling the Tribunal you don't know how you were aware of that?
- 14:18:08 5 A. Yes.
- 6 Q. 454 And you then continue "He says" that's you "he felt that the official concerned  
7 was aware of enquiries."  
8 I understand your evidence to the Tribunal again to be you don't know how you  
9 were so aware?
- 14:18:23 10 A. No, I don't.
- 11 Q. 455 Can we just go through the list of people who were aware of the allegations at  
12 that time? First we had the Gardai, you are not suggesting that the Gardai  
13 were the source of the information, the tip off to Mr. Redmond?  
14 A. I don't know.
- 14:18:39 15 Q. 456 Are you suggesting perhaps they might have been?  
16 A. No, I'm not suggesting anything, you are.
- 17 Q. 457 I'm asking you -- what you have told Mr. Morrissey, according to this note is  
18 that you felt the official, the official is Mr. Redmond, the official concerned  
19 was aware of the inquiries, I am just asking you, perhaps to wrack your brain  
14:19:00 20 to discover or remember how in fact you became aware of that?  
21 A. If I had been able to answer that I would have answered to Ms. Dillon.
- 22 Q. 458 And how you felt you knew the source of Mr. Redmond's tip off?  
23 A. If I had been able to answer that I would have answered, Mr. Chairman, that  
24 earlier on today as well.
- 14:19:18 25 Q. 459 Can I put it this way, one thing you do, one line of office or official that  
26 you rule out are the Corporation officials, isn't that right?  
27 A. No -- Mr. Morrissey is ruling out any Corporation officials.
- 28 Q. 460 Well Mr. Morrissey assured you categorically that if this were the case, in  
29 other words, Mr. Redmond was aware of inquiries his awareness it had not come  
14:19:49 30 about from any one of the four persons?

- 14:19:51 1 A. That was Mr. Morrissey said, yeah.
- 2 Q. 461 The Minister immediately accepted this and indicated that he knew the source.
- 3 Doesn't that suggest very clearly that you considered the source to be someone
- 4 other than the Corporation or County Council officials?
- 14:20:05 5 A. If I say that as recorded there, that I felt I knew the source, if I was able
- 6 to establish that for Counsel for the Tribunal earlier today, I would have
- 7 certainly done so. There is no benefit to me not to cooperate fully in my
- 8 reflection on that matter and I have not done so in any of the responses I have
- 9 made to this Tribunal. I am here as a witness.
- 14:20:29 10 Q. 462 You are conscious --
- 11 A. Excuse me. Excuse me.
- 12 I am here as a witness to this Tribunal, to answer what I can remember to the
- 13 best of my reflection and that is precisely what I have been doing since I have
- 14 come here.
- 14:20:43 15 Q. 463 You were conscious of the need to keep and indeed your own evidence says so, to
- 16 keep matters under wraps in terms of not alerting the people against whom
- 17 complaints were being made, isn't that right?
- 18 A. That was the advice given to me by the Gardai when I had a meeting with them.
- 19 Q. 464 And you were conscious of that, you were conscious of that advice?
- 14:21:04 20 A. I would always be conscious of good advice given by the Gardai when --
- 21 Q. 465 Indeed as far as you were concerned it was good advice?
- 22 A. Excuse me, when they were conducting an investigation.
- 23 Q. 466 As far as you were concerned it was good advice?
- 24 A. It was very good advice, not to discuss the matter with anybody seeing as they
- 14:21:21 25 were themselves conducting the investigation. I did not discuss it with
- 26 Mr. Gilmartin, I did not discuss it subsequently with the Secretary General of
- 27 the department, Mr. Troy or anybody else.
- 28 Q. 467 And you would be aware that if one other person, in this case Mr. Redmond,
- 29 against whom complaints were made, if he became aware of those inquiries that
- 14:21:47 30 would interfere or hinder the investigation?

- 14:21:49 1 A. That would -- that was the intent of the advice given to me by the Gardai.
- 2 Q. 468 And was it your view therefore, by the 14th April that the investigation had  
3 been hindered?
- 4 A. No.
- 14:22:07 5 Q. 469 Even though Mr. Redmond as far as you were concerned, was aware of the  
6 inquiries?
- 7 A. No.
- 8 Q. 470 Now, having regard to the advice given to you by the Gardai not to disclose  
9 this information, to third parties, isn't it reasonable to assume that if on  
14:22:35 10 the 14th April of 1989 you thought the person who had tipped off Mr. Redmond  
11 was a member of the Garda Siochana, that that's something that would stick in  
12 your mind?
- 13 A. I wasn't aware, I can't recollect who it was that I felt knew other than the  
14 Gardai. If I did I would have stated that this morning.
- 14:22:55 15 Q. 471 The only two other categories of people who knew about these complaints were  
16 the two secretaries general of your department and of the Department of Justice  
17 and of course various Fianna Fail Ministers, isn't that right?
- 18 A. I'm not aware of that. Certainly the Gardai knew. Certainly Mr. Troy knew and  
19 certainly Mr. Matthews, secretary of the Department of Justice. Who else might  
14:23:23 20 have known, Gardai or whoever, I do not know. But I certainly did not discuss  
21 it with anybody.
- 22 Q. 472 And --
- 23 A. On their advice.
- 24 Q. 473 You will have seen the brief and you will have hear the evidence of  
14:23:41 25 Mr. Redmond, that he was tipped off?
- 26 A. I wasn't aware of that.
- 27 Q. 474 Were you not aware of that?
- 28 A. No.
- 29 Q. 475 And he was tipped off by a Councillor Dunne, do you know Councillor Dunne, did  
14:23:53 30 you know of Councillor Dunne?

- 14:23:54 1 A. No.
- 2 Q. 476 A Fianna Fail councillor, since dead unfortunately?
- 3 A. Can't say I knew a Councillor Dunne. Sorry that I didn't read all the
- 4 transcripts to know what Mr. Redmond might have said but -- I didn't know
- 14:24:10 5 Councillor Dunne.
- 6
- 7 MR. REDMOND: Your Worship? I think it's important to point out there were two
- 8 inquiries, I was informed about the Loughran inquiry, solely. Nothing else. I
- 9 never knew anything about the, the Gilmartin allegations. And Mr. O'Neill
- 14:24:35 10 knows that.
- 11
- 12 CHAIRMAN: Very well.
- 13
- 14 Q. 477 MR. O'NEILL: Mr. Flynn, would you think it's a coincidence that Mr. Redmond
- 14:24:45 15 gets tipped off about inquiries being made been him from a member of the Fianna
- 16 Fail party?
- 17 A. Well if Mr. Redmond has stated that, and I am not aware that he has, then you
- 18 should properly put that to Mr. Redmond I suggest.
- 19 Q. 478 Were you aware that a Mr. Lawlor or Mr. Hanrahan were tipped off in relation to
- 14:25:12 20 the inquiry?
- 21 A. No, I am not aware.
- 22 Q. 479 Can I turn to another issue, that is the -- the issue in relation to the
- 23 political donation that you sought on behalf of Fianna Fail?
- 24 A. I did not -- excuse me. Repeat that.
- 14:25:31 25 Q. 480 From Mr. Dadley?
- 26 A. Thank you.
- 27 Q. 481 This was a request that you made in the Rotary Club in November of 1989. Who
- 28 invited Mr. Dadley to that meeting, to that lunch?
- 29 A. I have no idea.
- 14:25:52 30 Q. 482 Do you think it was likely to be you?

- 14:25:54 1 A. No it was not me. I was not responsible for the invitee guest list, to any  
2 function like that.
- 3 Q. 483 Mr. Dadley says that he was invited, he doesn't identify by which of the two of  
4 you, by you and Mr. Ahern, I presume he was only invited by one of the two?
- 14:26:18 5 A. From my recollection of the evidence of Mr. Dadley, for whose evidence I was  
6 here present, he did not say that I had invited him to that lunch.
- 7 Q. 484 His evidence was that he was invited by you and Mr. Ahern, he didn't identify  
8 which. I am sure the Tribunal would accept that it doesn't mean that you both  
9 in harmony invited him?
- 14:26:45 10 A. I didn't invite him.
- 11 Q. 485 You heard his evidence to the effect that he was hoodwinked into that lunch, he  
12 thought he was attending a lunch promoting investment in Ireland, rather than a  
13 Fianna Fail fundraiser?
- 14 A. Well whatever he felt, perhaps he should have asked the person that invited him  
15 to clarify that for him.
- 14:27:09 16 Q. 486 You certainly never clarified it for him, did you?
- 17 A. He didn't ask me. If he did I would have had.
- 18 Q. 487 And you say that this occasion on which you asked Mr. Dadley for a political  
19 contribution to Fianna Fail, is the only occasion in your 30 odd years as a  
20 public representative that you have asked someone for a political donation  
14:27:28 21 other than inviting people to golf classics and the like, is that right?
- 22 A. And other occasions of the.
- 23 Q. 488 And other occasions similar to golf classics?
- 24 A. Yes, of course.
- 14:27:42 25 Q. 489 So, what you are saying is fortuitously the Tribunal have stumbled on the one  
26 occasion during your 30 plus years, when you actually did ask someone for a  
27 political contribution on behalf of the party?
- 28 A. The Tribunal haven't stumbled on anything. The Tribunal have recorded that  
29 such a lunch took place and I was there. And I have confirmed that it was for  
14:28:05 30 the purpose of seeking contributions for the Fianna Fail Party. They have



- 14:28:11 1 stumbled on nothing, they got it straight up as direct evidence.
- 2 Q. 490 Do you say that's the only occasion in your 30 plus years that you have ever
- 3 asked someone for political --
- 4 A. That is what I said this morning. That's the only occasion that I can
- 14:28:26 5 recollect that I ever asked for a contribution, outside of the places and times
- 6 that I told you about, the Fianna Fail party --
- 7 Q. 491 And to understand, make sure there is no misunderstanding in relation to that,
- 8 that events, you would invite people to events such as golf classics?
- 9 A. I would not.
- 14:28:49 10 Q. 492 You would participate in invitations?
- 11 A. Sorry I did not say that. I did not make out the invitation list for the lunch
- 12 in London, there were many other lunches as well in the city here, I did not
- 13 send out the invitations, but on occasions I was requested to attend and I did.
- 14
- 14:29:11 15 I may have sent out over a period in years, in fact I am quite sure I did put
- 16 my name to some invitations hoping that people would attend golf classics or
- 17 subscribe to funding draws or whatever, that is my recollection on that.
- 18 Q. 493 And on those particular occasions you are talking about, were those invitations
- 19 be sent to people from a list drawn up by you or partly drawn up by you?
- 14:29:42 20 A. No, the lists were invariably drawn up, as I understand it, by headquarters in
- 21 the city.
- 22 Q. 494 So, was it your evidence then that you have never in your career as a public
- 23 representative, either sent out or suggested that they be sent out, to a person
- 24 to whom you were acquainted, an invitation to a fundraising activity?
- 14:30:10 25 A. I have never selected a list of people to whom letters requesting subscriptions
- 26 were being addressed. I would have been aware that such letters were being
- 27 composed and sent out, but I did not draw up the lists.
- 28 Q. 495 Have you ever added names to lists, or to a list that is then going to be drawn
- 29 up?
- 14:30:34 30 A. I can't recollect did I, I doubt it.

- 14:30:36 1 Q. 496 So you are suggesting to the Tribunal then, that at no stage in your political  
2 career have you ever suggested to the Fianna Fail organisation that perhaps the  
3 organisation would consider, under your name or somebody else's name, inviting  
4 an acquaintance of yours to a fund, to a Fianna Fail fundraising activity?
- 14:30:58 5 A. I can't recollect any acquaintances of mine as you put it, being added to any  
6 list, but I do and do state positively, that guest lists were prepared by  
7 headquarters, and they may very well, I don't know, unless somebody can show  
8 some documentary evidence, they may very well have had my name and others  
9 attached thereto, on behalf of the party requesting them to come to a lunch or  
10 to some function, but I never drew up the lists either of acquaintances or  
11 anybody else.
- 12 Q. 497 And at no stage as I understand your evidence, did you ever suggest that a name  
13 be added to a list?
- 14 A. I didn't say that.
- 14:31:52 15 Q. 498 Well are you saying then that you have on occasion suggested that names should  
16 be added to lists?
- 17 A. No I am not saying that either. I am saying I cannot recollect, and if I had  
18 to recollect that I would have to be able to state the name or names to support  
19 it. And I cannot do that.
- 14:32:10 20 Q. 499 Do you think it's likely that over your long political career that you have  
21 identified to Fianna Fail headquarters or whatever the appropriate section of  
22 the Fianna Fail party involved with fundraising, that the name of an individual  
23 or organisation might be written to in the context of fundraising?
- 24 A. I can't answer that, it may have happened but I cannot recollect it because  
14:32:42 25 again if I were to say that I could recollect it, I would feel obliged to be  
26 able to say that certain names had been added to lists and I cannot recollect  
27 that.
- 28 I have no information leading me to recollect it and I have trawled the  
29 documentation of this Tribunal and I don't see any documentation to support  
14:33:05 30 what you are suggesting or implying.

- 14:33:06 1 Q. 500 I am not suggesting or implying anything Mr. Flynn, I am simply asking you  
2 questions.
- 3 A. Thank you.
- 4 Q. 501 Now, can I turn to the meeting of the 19th April? You will be aware of the  
14:33:24 5 evidence of Mr. Gilmartin and Mr. Dadley, both of whom say that Mr. Gilmartin  
6 attended the meeting on the 19th April with you. Are you suggesting that  
7 evidence is wrong?
- 8 A. I made it quite clear today to Counsel for the Tribunal, that the only one I am  
9 sure attended was Mr. Dadley, because he was cleared through Leinster House.  
14:33:54 10 Now, I am not saying that Mr. Gilmartin was not there, but as far as the  
11 evidence is concerned documented before this Tribunal, the only person cleared  
12 in for that meeting on that day was Mr. Dadley.
- 13 Q. 502 And you have no specific recollection of that meeting, is that your evidence?
- 14 A. Well Mr. Dadley -- my recollection is that Mr. Dadley came to see me, yes.
- 14:34:27 15 Q. 503 You have no recollection of the, of what was discussed at the meeting, is that  
16 your evidence?
- 17 A. I said previously, that the subject matter for those meetings and I presume  
18 that one as well, was the continuing situation as to the projects that  
19 Mr. Gilmartin and Mr. Dadley, and insofar as Mr. Dadley's intentions would be  
14:34:48 20 concerned, it would be only concerning Bachelor's Walk.
- 21 Q. 504 Is the answer to the question then yes?
- 22 A. As far as my recollection goes, yes.
- 23 Q. 505 And Mr. Gilmartin has given clear evidence of that meeting, that he expanded on  
24 the complaints, that he had already outlined to you and outlined to Mr. Feeley.  
14:35:19 25 Are you saying that didn't happen?
- 26 A. Are you suggesting to me Mr. O'Neill, that Mr. Gilmartin whom I cannot  
27 positively say was present at that meeting, was discussing those matters in  
28 front of Mr. Dadley is that what you are saying?
- 29 Q. 506 Yes I am, that's what Mr. Gilmartin says?
- 14:35:38 30 A. Well did Mr. Gilmartin say that.

- 14:35:38 1 Q. 507 Yes.
- 2 A. I cannot comment on it because as far as I am concerned Mr. Dadley was at that
- 3 meeting alone, but I cannot be absolutely positive and say that Mr. Gilmartin
- 4 was not -- only because his name is written in my personal diary, but as I have
- 14:36:00 5 explained previously that may or may not indicate that Mr. Gilmartin was there.
- 6
- 7 The only sure thing that one can say about that matter is Mr. Dadley was at the
- 8 meeting because he was cleared through Leinster House. And in the normal
- 9 circumstances, I don't know whether you were present or not Mr. O'Neill, when
- 14:36:23 10 somebody comes to Leinster House, if there are two people, either the name of
- 11 the other person is included or it would be Mr. Dadley plus one, Mr. Dadley
- 12 plus two or whatever. But it would be one or other, and only if stroked out
- 13 would it be indicated that they actually turned up. Now that's, I have stated
- 14 that and I don't want to detain you, Mr. Chairman, but that is my understanding
- 14:36:54 15 of the way matters were dealt with at Leinster House.
- 16 Q. 508 You will have seen also I'm afraid I don't have the page at the tip of my
- 17 tongue, the letter from the officer in charge of the visitor's book in Leinster
- 18 House, saying that while that is the practice it is not sacrosanct. Maybe you
- 19 did see that, maybe you didn't?
- 14:37:20 20 A. But if that is the case I am not going to challenge that. But one thing is
- 21 sure, one thing is sure, that when you got past the gate of Leinster House, and
- 22 you are stroked out that's not the end of the process, Mr. Chairman. When you
- 23 go into the hall, the entrance hall, before you can go either towards the
- 24 Senate, the library, I hope they haven't changed, or down towards the offices
- 14:37:53 25 of Ministers and TDs and down towards the chamber itself, you have to be
- 26 further cleared by security and staff in the hall. And that is not a matter of
- 27 just walking through, I can promise you.
- 28 Q. 509 Now, can I come back to the meeting in any event, the 19th April, you have
- 29 indicated that you were present when Mr. Dadley was giving evidence and you
- 14:38:23 30 will have heard him saying that you think, he thinks it's likely, his

- 14:38:29 1 recollection is it's likely that at that meeting Mr. Gilmartin did recite  
2 complaints to him?
- 3 A. Well I want to tell you my clear recollection of Mr. Dadley's evidence to this  
4 Tribunal was that he had a clear recollection of nothing.
- 14:38:45 5 Q. 510 It was never suggested to him that his recollection in relation to the, to his  
6 evidence, that Mr. Gilmartin was likely to have recounted his complaint, that  
7 was never challenged?
- 8 A. Under cross-examination Mr. O'Neill, Mr. Dadley said he could neither remember  
9 times, dates or conversations or whatever that took place at any meeting.
- 14:39:08 10 Q. 511 I think the record will correct that. That's not quite accurate but I am not  
11 going to dwell on that I will leave it for the Tribunal?
- 12 A. That is in summary of what Mr. Dadley's contribution here was.
- 13 Q. 512 Now, can I turn to the bizarre telephone calls in 1998? You contacted as I  
14 understand your evidence and indeed the evidence of Mr. McSharry, you contacted  
14:39:38 15 Mr. McSharry in late 1988 looking for the -- middle or late 1988, looking for  
16 the telephone number of Mr. Gilmartin?
- 17 A. No, I did not.
- 18 Q. 513 Who contacted Mr. McSharry?
- 19 A. I did not contact Mr. McSharry in 1988.
- 14:39:56 20 Q. 514 Sorry 1998?
- 21 A. Yes I did in 1998.
- 22 Q. 515 Yes, I think you knew what I was talking about?
- 23 A. Yes, I did of course but you are a very precise man, Mr. O'Neill.
- 24 Q. 516 Not precise enough obviously, for you.
- 14:40:09 25
- 26 JUDGE KEYS: Let's get on with it.
- 27 Q. 517 Now in 1998 Mr. McSharry contacted you seeking Mr. Gilmartin's telephone  
28 number?
- 29 A. Correct.
- 14:40:18 30 Q. 518 And am I correct in my understanding that you, at that stage were aware of an

- 14:40:29 1 impending article or articles that were going to appear in the newspapers,  
2 possibly linking you to a payment from Mr. Gilmartin?
- 3 A. The article had been written.
- 4 Q. 519 Had it been published?
- 14:40:41 5 A. Yes.
- 6 Q. 520 Mr. McSharry's evidence was that he managed to get that number and contacted  
7 you within 24 hours of your request, and gave you Mr. Gilmartin's telephone  
8 number?
- 9 A. Whatever yes. He did contact me with the number.
- 14:40:57 10 Q. 521 And he contacted you, according to his evidence on a Sunday and had read that  
11 very day in the newspaper the allegations being made against Mr, allegations  
12 being made by Mr. Gilmartin in relation to a payment of 50,000 pounds?
- 13 A. There was reference, yes.
- 14 Q. 522 Did you have any discussion with Mr. McSharry --
- 14:41:23 15 A. I never at any time --
- 16 Q. 523 I haven't asked the question yet.
- 17 A. Sorry, I was going to respond for your benefit. Please yourself.
- 18 Q. 524 Did you have any discussion with Mr. McSharry in relation to the newspaper  
19 article or the reason why you wanted Mr. Redmond, or Mr. Gilmartin's telephone  
20 number?
- 14:41:46 21 A. No.
- 22 Q. 525 Can I ask you why you prepared a note of the various telephone conversations  
23 that you had with Mr. Gilmartin in 1998?
- 24 A. I wanted to be sure that I could remember what he was saying.
- 14:42:07 25 Q. 526 It wasn't your practice to make notes of conversations was it?
- 26 A. Oh I would think that over my life, that I do sometimes make notes of some  
27 conversations. In fact Mr. Chairman, when Mr. Gilmartin was here giving  
28 evidence, in my time here, I took detailed contemporaneous notes of the  
29 Tribunal proceedings, I still have them.
- 14:42:39 30 Q. 527 But during the period in respect of which the Tribunal is concerned, you do not

14:42:45 1 appear to have, apart from these telephone conversations, taken one note at  
2 all, apart from diary entries, but no notes of conversations or meetings?  
3 A. I have no --  
4 Q. 528 Is that fair?  
14:42:56 5 A. I did not take any notes of conversations that I had in short duration meetings  
6 with Mr. Gilmartin, there was no need to. And any meetings that took place  
7 with Mr. Brennan, notes were being taken by civil servants and any, certainly  
8 no need to take contemporaneous notes of those meetings.  
9 Q. 529 Here you are taking notes, not only of telephone conversations that you had  
14:43:27 10 with Mr. Gilmartin, but also telephone conversations when you ring and he is  
11 not there, 14, 15 seconds?  
12 A. Yes, I took contemporaneous notes of the conversations that I had with that  
13 particular number whether Mr. Gilmartin was in or not. And if he wasn't in I  
14 took a note that he wasn't and I think it was Mrs -- I don't know it may have  
14:43:49 15 been, I think it was Mrs. Gilmartin that answered on one occasion.  
16 Q. 530 I just want to know why you were breaking your mould in now taking notes?  
17 A. I wasn't breaking my mould, I have taken notes during my career on some  
18 meetings and not on others, for no specific reason.  
19 Q. 531 And would your decision as to whether or not --  
14:44:10 20 A. But I am glad I kept contemporaneous notes of these conversations.  
21 Q. 532 And would your decision whether or not to take a note depend upon the serious  
22 nature, the seriousness of the conversation which you had?  
23 A. Not necessarily so.  
24 Q. 533 What would your criteria be for taking notes?  
14:44:27 25 A. When it occurred to me I should take them.  
26 Q. 534 Can I put to you that if something serious is being told to you that is  
27 possibly a reason why you you should take a note?  
28 A. I cannot say.  
29 Q. 535 In any event, you decided before you ever had any conversation with  
14:44:50 30 Mr. Gilmartin to take notes of the telephone conversation or conversations that

- 14:44:58 1 you were going to have with him, isn't that right?
- 2 A. I decided to take contemporaneous notes of my conversation with Mr. Gilmartin,  
3 there was nothing sinister in it.
- 4 Q. 536 But it wasn't a usual practice for you, as the Tribunal will be aware.
- 14:45:12 5 A. I have taken a few notes of conversations I have had with people in my time,  
6 but they are not the subject of any discussions in this Tribunal I will tell  
7 you.
- 8 Q. 537 Now, Mr. Gilmartin was examined in relation to these telephone conversations by  
9 Mr. Gallagher on behalf of the Tribunal, and he said that your initial request  
10 to him during these conversations, was to tell the Tribunal that the cheque or  
11 the money had been returned, you heard that evidence being given?
- 12 A. I beg your pardon?
- 13 Q. 538 Mr. Gilmartin's evidence to the Tribunal was that during the course of these  
14 telephone conversations, your initial request was that he tell the Tribunal  
15 that you had returned the money to him?
- 14:46:07 16 A. I did not say that to Mr. Gilmartin.
- 17 Q. 539 Did you hear Mr. Gilmartin give that evidence?
- 18 A. If I was here during it, I can't recall it, but I did not say that to  
19 Mr. Gilmartin.
- 14:46:19 20 Q. 540 Can we take it that you have read the transcript at least insofar as it  
21 concerns Mr. Gilmartin's evidence affecting you?
- 22 A. You can take it that I heard the evidence because I was here, if I heard it  
23 clearly or not is another matter, but Mr. Gilmartin to my recollection was only  
24 examined on the redacted telephone conversations, unless I missed something or  
14:46:45 25 missed some day where he was examined on the totality of the conversations, I  
26 don't believe he was.
- 27 Q. 541 He was, no he was only shown the redacted version of the telephone  
28 conversations?
- 29 A. I see. Pity.
- 14:46:59 30 Q. 542 But he was also asked to give his own evidence as to what took place during



14:47:09 1 those telephone conversations and he said that your initial request was "tell  
2 the Tribunal that I repaid you the money".

3 A. I did -- I never asked Mr. Gilmartin to tell a lie to anybody about anything,  
4 ever.

14:47:24 5 Q. 543 And it was never put to Mr. Gilmartin that no did you not say that to him.

6  
7 MR. MADDEN: Sorry, Chairman if I might interrupt, the reason I did not put it  
8 was is I have reserved my position in relation to the redacted notes and I  
9 still have done so.

14:47:40 10  
11 CHAIRMAN: I think it's not fair to Mr. Flynn that that be put to him

12  
13 MS. DILLON: In fact I think it was put to Mr. Gilmartin, and if we look at day  
14 476 page 30, at the request of Mr. Madden this specific matter is being put to  
15 Mr. Gilmartin unless I am misreading the transcript, if --

16  
17 CHAIRMAN: All right but I mean --

18  
19 MR. O'NEILL: I accept the position if Mr. Madden, I had overlooked the fact  
20 that he had reserved his position.

14:48:12 21 It appears do you have a copy of the redacted notes in front of you. No I will  
22 put them on the screen.

23  
24 Q. 544 MR O'NEILL: Can we have page 3757 please? And this, as I understand it,

14:48:47 25 obviously working off redacted notes, this is what you record as having  
26 occurred during the first conversation that you had with Mr. Gilmartin, and you  
27 will see the third unredacted line "I gave a donation to Fianna Fail party"?

28 A. Yes.

29 Q. 545 That's what Mr. Gilmartin told you?

14:49:13 30 A. That's what Mr. Gilmartin told me, he was told to say.

14:49:22 1 Q. 546 Well unless -- and I don't know what occurs or what, had a is contained under  
2 the blanked out portion of the document?

3 A. Well if I was at liberty Mr. Chairman, to tell Mr. O'Neill what is under the  
4 blanked portion, then he wouldn't be asking that question?

14:49:45 5  
6 CHAIRMAN: Well you are not at liberty to deal with it, if it is redacted, but  
7 Ms. Dillon, in relation to the redacted one -- I don't want Mr. Flynn to find  
8 himself in a position where he can't deal with questions being asked to him in  
9 relation to the non-redacted parts because he has, as a necessity has to refer  
10 to the others.

11  
12 MS. DILLON: I suppose the question is who told him to say that?

13  
14 CHAIRMAN: Sorry?

14:50:17 15  
16 MS. DILLON: The question that follows I think, the response that Mr. Flynn  
17 gave is that in relation to the statement I gave a donation to the Fianna Fail  
18 party, Mr. Flynn told the Tribunal a few minutes ago he was told to say that.

19  
14:50:28 20 CHAIRMAN: That Mr. Gilmartin--

21  
22 MS. DILLON: He was told to say that he had given a donation to, that as I  
23 understood, that Mr. Gilmartin -- what Mr. Flynn is saying is that  
24 Mr. Gilmartin said to him in the course of this telephone conversation, that he  
14:50:44 25 Mr. Gilmartin was told to say he had given a donation to the Fianna Fail party  
26 as opposed to Mr. Flynn.

27  
28 CHAIRMAN: That's right.

29  
14:50:50 30 MS. DILLON: Then if I understand Mr. Flynn's evidence correctly, the question

14:50:55 1 that flows from that then is who told or who does Mr. Flynn understand told  
2 Mr. Gilmartin to make that statement. I have an unredacted copy of the  
3 document, it's entirely a matter for the Tribunal.  
4

14:51:08 5 CHAIRMAN: All right.  
6

7 MR. O'NEILL: Obviously I am at a disadvantage Mr. Chairman if I -- if these  
8 notes are not even what Mr. Flynn would consider to be accurate notes in their  
9 redacted form of the conversation, of the relevant portion.

14:51:23 10 CHAIRMAN: If you want to ask him who told -- as I understand you want to ask  
11 Mr. Flynn who told him to say that. Sorry who told Mr. Gilmartin to say that  
12 he had given a donation to Fianna Fail, is that the --  
13  
14

14:51:42 15 Q. 547 MR. O'NEILL: That was Ms. Dillon's question, it wasn't actually my question.  
16 I just want to, perhaps before I go into that, yes I will deal with that in a  
17 moment in a slightly more circular way. Can I go to the line, the two lines  
18 before that. "Sherwin said no pounds went into party funds." Is that also  
19 something that Mr. Gilmartin was told to, told he should say?

14:52:07 20 A. No, but if you were to see the totality of these conversations -- they cover an  
21 enormous range of issues, some of them quite serious and I am not at liberty,  
22 because the Chairman doesn't want me to, and his colleagues, to say what these  
23 things are. But the conversation that lasted two hours and the subsequent half  
24 a dozen conversations that lasted between them another couple of hours,  
14:52:44 25 Mr. Gilmartin recounted an enormous amount of detail about a lot of things and  
26 a lot of people and they weren't necessarily strung together. Sorry,  
27 Mr. Chairman but I don't want to  
28

29 MR. MADDEN: Sorry Chairman if I might make a suggestion in relation to this.  
14:53:02 30 There is a difficulty for all parties concerned in relation to the redacted

14:53:05 1 notes. It might be of benefit if we had five minutes, so we can perhaps,  
2 between counsel discuss what the position should be in relation to it. It  
3 might shorten things.

14:53:17 5 CHAIRMAN: I think you have a copy of the unredacted notes.

6  
7 MS. DILLON: I have an unredacted copy.

8  
9 CHAIRMAN: It may be possible to disclose something of the undisclosed  
10 information without reference to names to - I don't know because I don't have a  
11 copy of the unredacted but we'll rise for a few minutes to see.

12

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

14 **AND RESUMED AGAIN AS FOLLOWS:**

14:53:48 15  
16 MS. DILLON: In relation to that matter, Mr. Flynn is himself the author of  
17 these notes and I suggest in fairness to Mr. Flynn, he should be permitted to  
18 have with him in the witness box, an unredacted copy together with such  
19 extracts as Mr. Flynn is referred to in the course of his cross-examination,  
15:06:25 20 for the purpose, if necessary, of context in relation to any question that  
21 might arise. But that Mr. Flynn should not refer to any party or matter in  
22 any, particularly any party, that's contained in the unredacted --

23

24 CHAIRMAN: But will Mr. Flynn know which is redacted and --

15:06:48 25

26 MS. DILLON: But Mr. Flynn can see from the screen and document he has in front  
27 of him which is redacted and unredacted.

28

29 CHAIRMAN: Do you understand that Mr. Flynn if you want to make reference to  
15:06:59 30 something redacted on one copy then you shouldn't refer to any names or other

15:07:03 1 details of that, identifying them.

2 A. I should not --

3

4 MR. O'NEILL: Can I make one observation in relation to that. It make it is

15:07:16 5 very difficult for me in relation to, to ask questions in relation to this

6 document, if all I can see is a redacted version of the document. I am not

7 suggesting that contrary to the ruling, that I get a copy of the unredacted --

8

9 CHAIRMAN: Well the purpose of this is to allow Mr. Flynn, if, in order to

15:07:34 10 give an explanation based on something in the unredacted version, sorry in the

11 redacted version, he has to refer to something which is to be, which is to

12 remain confidential for the time being, then he should be allowed to refer to

13 it, albeit on terms that he shouldn't identify any of the parties concerned.

14

15:07:56 15 It's not necessary for anyone else to see the redacted portion at this stage.

16 If that doesn't work or if we can't get some clarification then we'll have to

17 go back to the drawing board into relation to it.

18

19 MR. O'NEILL: Well as I reiterate my position, it puts me in an impossible

15:08:17 20 position that I am asking questions effectively on the blind, in relation to a

21 document and cannot, while Mr. Flynn can give a response in relation to matters

22 contained and blanked out on my copy, I cannot take the matter further than

23 that.

24

15:08:34 25 In the circumstances I don't propose questioning Mr. Flynn on this document, on

26 that basis. Mr. Gilmartin has given his evidence in relation to the contents

27 of that telephone conversation. I don't understand that to have been the

28 subject of cross-examination. I understand Mr. Madden's reservation of his

29 position in relation to the notes but not in relation to Mr. Gilmartin's

15:09:00 30 evidence.

- 15:09:00 1  
2 There is just one point I did wish to refer to in these notes and I will come  
3 to it in a minute, but first I want to ask Mr. Flynn, in relation to the  
4 document that you received from Sunday Independent, that's 3647, Ms. Dillon has  
15:09:26 5 gone through this and in fact you have acknowledged that to be your writing,  
6 and that document was faxed by you or on your behalf to Mr. Gilmartin, isn't  
7 that right?
- 8 A. Correct.
- 9 Q. 548 Now, I have already indicated that Mr. Gilmartin gave evidence to you, that  
15:09:50 10 initially during these telephone conversations in 1998, you wanted  
11 Mr. Gilmartin to tell the Tribunal, to lie to the Tribunal, that you would  
12 repay the money to him?
- 13 A. That is not true.
- 14 Q. 549 And isn't it fair to draw an inference from this Sunday Independent document,  
15:10:11 15 that you did not wish it to be disclosed to the Sunday Independent, that you  
16 personally had received any sum of money from Mr. Gilmartin?
- 17 A. That is not true.
- 18 Q. 550 Would you accept that it would have been easier to answer, perhaps we can, if  
19 we go back to the newspaper article itself, where the answers and questions are  
15:10:35 20 clearer, 3161? If we can just enlarge the questions, numbers two, three and  
21 four please?
- 22  
23 Now question number two you give an answer and qualify it. No.  
24 Question 3. You answer that by reference to a question that you haven't even  
15:11:07 25 answered at that stage. See answer four.
- 26  
27 Would it not have been easier for you to simply say in answer to question  
28 three, yes?
- 29 A. I didn't see it like that.
- 15:11:20 30 Q. 551 Why not, did you have any difficulty making that response?

- 15:11:30 1 A. None whatsoever. The only one that was of importance to me was question number  
2 four.
- 3 Q. 552 Why did you send this document to, not the newspaper but the Sunday Independent  
4 document we had on the screen a minute ago, why did you send that to  
15:11:42 5 Mr. Gilmartin?
- 6 A. Because I had discussed with Mr. Gilmartin in our conversations as to what the  
7 position was and he had confirmed to me that my understanding was exactly as I  
8 responded and I told him what I was going to say and he said fine, and I said I  
9 will send you on what we have discussed, and what we are agreed upon, from the  
15:12:13 10 conversations.
- 11 Q. 553 You were concerned in case Mr. Gilmartin would say this document isn't  
12 accurate?
- 13 A. I wanted him to know, no. On the contrary, I wanted him to know precisely what  
14 I was saying, so that there was no misunderstanding and there was no  
15:12:30 15 misunderstanding and that is very obvious, from the redacted telephone  
16 conversations, absolutely no misunderstanding at all.  
17 As to what the actual position was concerning the contribution and what he had  
18 given it for as well.
- 19 Q. 554 Why if you were so satisfied in your own mind that Mr. Gilmartin had made a  
15:12:56 20 personal contribution to you of 50,000 pounds, did you feel the need to have  
21 these telephone conversations and to send this document to Mr. Gilmartin?
- 22 A. I wanted to confirm it with Mr. Gilmartin that my understanding was a shared  
23 one, and he willingly confirmed that and in the redacted thing that you can't  
24 see, it's quite clear as to why he had to go a different road.
- 15:13:25 25 Q. 555 And --
- 26 A. But I told him and we agreed, what our understanding was, our clear  
27 understanding and it was a shared understanding, and he explained why other  
28 things were being said and why they were being said but that's --
- 29 Q. 556 And it took, you say, seven conversations, one of which lasted two hours to  
15:13:48 30 reach that conclusion, is that right?

15:13:49 1 A. The first conversation that lasted two hours, Mr. Gilmartin spoke at length  
2 about so many things of his life time. So many things that were concerning  
3 him. There was very little interjection by me at all. It was as if and I  
4 don't want to malign a good man Mr. Gilmartin one iota, he was delighted to be  
15:14:23 5 able to tell the whole story to somebody he regarded as a friend, and he did.  
6 And he did.  
7 Q. 557 And during the course of that two hour --  
8 A. And I listened to him.  
9 Q. 558 During the course of that two hour conversation, are you saying that between  
15:14:41 10 yourselves, Mr. Gilmartin and you had agreed that the contribution of 50,000  
11 pounds made to you was a personal contribution a political contribution?  
12 A. He confirmed that on more than one occasion. Not just that conversation but in  
13 other conversations as well, and it's in the un-excised version if one could  
14 see it.  
15:15:05 15 Q. 559 Now why did you need to have further conversations with Mr. Gilmartin if you  
16 achieved your objective after the first conversation?  
17 A. Keep in touch with me.  
18 Q. 560 Who was to keep in touch with who?  
19 A. He was quite anxious to keep in touch with me.  
15:15:21 20 Q. 561 But in fact the conversations were all coming from you, the phone calls were  
21 made --  
22 A. Not entirely, most of them yes.  
23 Q. 562 Are there other conversations then that you had with Mr. Gilmartin that are not  
24 the subject of notes?  
15:15:35 25 A. No, I have contemporaneous notes of I think it's seven, there were more than  
26 seven conversations but some of them were very short duration and --  
27 Q. 563 Did you make notes of them --  
28 A. He was always, not just always, he was constantly happy to talk to me on the  
29 telephone about all related matters, there was never -- it was -- there was not  
15:16:01 30 one of them a strained telephone conversation. And we talked about personal



- 15:16:05 1 things as well of course, let's be clear about that.
- 2 Q. 564 Are you suggesting that these conversations, the redacted notes of which we
- 3 have here, were some, one or more of those was instigated by Mr. Gilmartin?
- 4 A. He had rung me certainly on one occasion.
- 15:16:23 5 Q. 565 Are you saying one or more of these conversations identified in these notes
- 6 were instigated by Mr. Gilmartin?
- 7 A. No I'm not.
- 8 Q. 566 These are all notes of, redacted notes of conversations, telephone
- 9 conversations instigated by you?
- 15:16:38 10 A. Well if I had -- sorry Mr. Chairman, if I had my own notes rather than the ones
- 11 provided for me here, I would be able to answer that more clearly, but
- 12 certainly I instigated most, if not all of these conversations that are here,
- 13 and Mr. Gilmartin was very happy to take the telephone calls, he never refused
- 14 or rejected to take a telephone call, even when he wasn't in. The message was
- 15:17:07 15 call back.
- 16 Q. 567 So the first telephone conversation takes place I think on a Sunday, I don't
- 17 think it's -- can we have 3756?
- 18 A. The 20th.
- 19 Q. 568 I don't see a date on that, but it would appear to be probably a Sunday?
- 15:17:31 20 A. From memory probably the 20th of September.
- 21 Q. 569 And as a result of his request to keep in touch, you then subsequently ring
- 22 him, is that your evidence?
- 23 A. Yeah well, I rang him, yes.
- 24 Q. 570 Yes. And then the second conversation takes place on Saturday the 26th
- 15:17:47 25 September 3763, can I have 3763 please?
- 26 A. Correct.
- 27 Q. 571 And the, if you have -- we the third conversation 3766 took place the next day
- 28 27th September?
- 29 A. Right.
- 15:18:07 30 Q. 572 The fourth conversation took place on Tuesday 29th September?

- 15:18:12 1 A. Yes.
- 2 Q. 573 The fifth conversation, the date seems to be redacted from my copy 3769, but
- 3 the sixth conversation is 1st October 1998, 3770.
- 4 And the seventh conversation on 3rd of October 1998. Did you keep in touch
- 15:18:50 5 with him after that?
- 6 A. No, I haven't seen or spoken to Mr. Gilmartin, I hadn't spoken to him or seen
- 7 him since 1990 I think and these conversations -- and I haven't been speaking
- 8 to him since, except I spoke to him here.
- 9 Q. 574 What happened, did something happen in the conversation of the 3rd of October
- 15:19:14 10 that you decided no longer to keep in touch with him?
- 11 A. Yes. He asked me not to.
- 12 Q. 575 Don't ring me any more?
- 13 A. I will tell you some more.
- 14 Q. 576 That's what he said, don't ring me any more?
- 15:19:29 15 A. No he didn't. Not quite like that Mr. O'Neill. He told me he was afraid. I
- 16 can -- never forget. I'm afraid Mr. Flynn.
- 17
- 18 CHAIRMAN: Sorry please Ladies and gentlemen, you are not supposed to laugh.
- 19 Q. 577 MR. O'NEILL: Mr. Flynn do you know where Harpenden is?
- 15:19:52 20 A. Pardon.
- 21 Q. 578 Do you know where Harpenden is?
- 22 A. No, I believe it's somewhere outside of London.
- 23 Q. 579 If you look at page 3769, this is a conversation that takes place sometime
- 24 between the 29th September and 1st October 1998, and there is a reference
- 15:20:15 25 Harpenden, 1.30 Sunday train from Kings Cross/Old Cock and Ring?
- 26 A. That's right.
- 27 Q. 580 What was the relevance, what was the significance of that reference in this
- 28 telephone conversation?
- 29 A. Mr. Gilmartin gave me those references.
- 15:20:30 30 Q. 581 Weren't you proposing to go over to visit him?

- 15:20:35 1 A. No he was anxious to speak to me, the way he put it, I think was I'd love to  
2 meet you and talk things over with you. I said well I said I can't go just  
3 like that, I have a very busy schedule but I said perhaps we could meet  
4 sometime and he gave me then these indicators as to how one would get to where  
15:20:55 5 he lived and I took them down as such.
- 6 Q. 582 Was the total fabrication then from Mr --
- 7 A. But we didn't meet.
- 8 Q. 583 It was a total fabrication for Mr. Gilmartin then to say that you were anxious  
9 to come over and visit him in Luton, he told you the Tribunal were there, that  
15:21:12 10 if you had to come over which he advised against a better place was Harpenden?
- 11 A. No, no. He misunderstood or it's misunderstood he was happy, he would like to  
12 have met me and was quite agreeable to give me the information to go and I  
13 would have been happy to go and meet him, yes. But then he rang me to tell me  
14 please don't come he said I'm afraid. He told me what he was afraid of.
- 15:21:38 15 Q. 584 I thought you indicated you were too busy?
- 16 A. I said I was too busy to go that day but I said I would be happy to go and see  
17 him, if we couldn't meet in Ireland, I would go if that would suit him, he said  
18 he would very much look forward to it.
- 19 Q. 585 Can I move to a different topic, a final topic, this is in relation to internal  
15:21:59 20 Fianna Fail inquiries, you would have had heard the evidence or read in the  
21 transcripts or indeed in the brief that in 1990, Mr. Gilmartin told Mr. Sean  
22 Sherwin that he had made a political donation to Fianna Fail, the Fianna Fail  
23 party of 50,000 pound and he had given you a cheque for that amount. You have  
24 read that in the brief and you have, either heard or seen the evidence?
- 15:22:28 25 A. Yes.
- 26 Q. 586 At any stage up until 1998, did anyone in Fianna Fail approach you and ask you  
27 is there any truth in what Mr. Gilmartin says that he gave you 50,000 pound for  
28 Fianna Fail and that it hasn't arrived in the Fianna Fail coffers?
- 29 A. No.
- 15:22:51 30 Q. 587 Mr. Sherwin didn't say that to you, Mr. Kavanagh didn't say that to you,

- 15:22:59 1 Mr. Reynolds did not say that, or ask you?
- 2 A. When I said no, it meant everybody.
- 3 Q. 588 You have been a member of the Fianna Fail party for member years?
- 4 A. Over 40 years.
- 15:23:10 5 Q. 589 If an allegation was made to you against a fellow member of Fianna Fail, that  
6 that person had in effect misapplied money intended for Fianna Fail, would you  
7 take the matter any further?
- 8 A. I probably would.
- 9 Q. 590 Would you ask or cause to be asked of the person who was alleged to have  
10 received this money, is there any truth in this allegation?
- 11 A. I probably would.
- 12 Q. 591 Thank you Mr. Flynn.
- 13
- 14 CHAIRMAN: All right. Mr. Redmond?
- 15:23:47 15
- 16 **THE WITNESS IS QUESTIONED AS FOLLOWS BY MR. REDMOND:**
- 17
- 18 Q. 592 MR. REDMOND: Yes. Good afternoon Mr. Flynn.
- 19 A. Hello George.
- 15:23:59 20 Q. 593 I will just have to try without them. I hope you will be patient with me  
21 Mr. Flynn?
- 22 A. George, I will raise my voice if I have to.
- 23 Q. 594 Well if I recall your evidence, you first met Mr. Gilmartin in '87 and  
24 continued to know him in '88, and at that time your conversations were related  
15:24:22 25 almost exclusively to Arlington and Bachelor's Walk?
- 26 A. That is my understanding.
- 27 Q. 595 Yes. Bachelor's -- and when, can you recall when did he first give you an  
28 indication that you know, without revealing the detail of it, that he had  
29 another project in the back of his mind or --
- 15:24:46 30 A. Counsel for the Tribunal Mr. Redmond, asked me that. And I replied that I

15:24:55 1 thought perhaps it was later than it obviously was. But it would have been --  
2 I would have thought that it was actually in '89, but he may very well from  
3 what I have heard here, and is documented that obviously late '88 I think,  
4 sometime --

15:25:14 5 Q. 596 We'll say '88/89. Well even then when he did reveal, did he reveal the  
6 location or, you know, did he contact or was it just, was he still talking  
7 about another, amorphous project?

8 A. He was talking about another project that he was interested in and that it  
9 involved acquiring considerable land, it was land acquisition of a considerable  
15:25:39 10 nature involved, a lot of landowners involved, but he didn't as I explained to  
11 Mr. Chairman, yesterday I think it was, he never, he didn't go into details as  
12 to who he was dealing with, but since the documentation came on stream of  
13 course, I now know the names of some of the landowners with whom he was  
14 negotiating and hoping to buy their properties.

15:26:01 15 Q. 597 Well did he indicate the extent of the development at that stage?

16 A. At some stage he certainly did because when I, at his request, he invited me to  
17 go to the launch he had in the Berkley Court in July, and I didn't go on that  
18 day but I went the previous day, and it was for a considerable huge development  
19 that he had in mind.

15:26:28 20 Q. 598 Well that was a long time later?

21 A. Yes it was.

22 Q. 599 Even -- no I am trying to, you know, confine my inquiries at the moment to  
23 around spring of '89?

24 A. Yes.

15:26:41 25 Q. 600 And you say at that stage he was keeping his cards close to his chest and --

26 A. Yes he was.

27 Q. 601 And that was the evidence of the chief valuer Mr. McLoone.

28 A. Yes that's true.

29 Q. 602 You probably read that. The evidence, you will agree that Mr. Gilmartin's own  
15:27:04 30 evidence was that he had developed a very good unusual relationship with the

15:27:08 1 chief valuer?

2 A. With Mr. McLoone.

3 Q. 603 With Mr. McLoone.

4 A. Yes he seemed, from the documentary evidence, to have got on well with

15:27:17 5 Mr. McLoone. I think it was in fact Mr. McLoone that may have shown him lands

6 out in Irishtown, wasn't that the evidence I think.

7 Q. 604 They had a good relationship, but at the same time Mr. McLoone says he kept it

8 to himself what he was doing?

9 A. Yes that's right.

15:27:31 10 Q. 605 Now, the first complaint he made to you, he invoked my name, isn't that right,

11 sometime in February?

12 A. Not quite Mr. Redmond. He had complained to me before that, not in any great

13 depth, about delays that he was having.

14 Q. 606 Yes.

15:28:04 15 A. In promoting his projects, not just Quarryvale now, we are talking now about

16 Bachelor's Walk.

17 Q. 607 Bachelor's Walk.

18 A. That was hard to conclude arrangements and this that and the other.

19 Q. 608 But I mean, a date in the February, he went in to your office?

15:28:18 20 A. Yes he did.

21 Q. 609 And he said George Redmond is interfering or whatever he was doing?

22 A. He complained about you, Mr. Redmond.

23 Q. 610 He complained about me, that's true. And his evidence is that he was very

24 concerned about what he considered to be my unjust interference.

15:28:35 25 A. They are your words.

26 Q. 611 Now at the time, at the time -- I will run through some of the things he

27 complained about in his evidence. At this stage he had agreed terms with the

28 chief valuer for the sale of the Corporation lands, they were the most

29 important things really, 69 acres of prime service land, you will accept that

15:29:00 30 from me?

- 15:29:01 1 A. Yes.
- 2 Q. 612 Would you accept, you knew the local government system fairly well, there were  
3 two Dublin authorities under Mr. Feeley's control, isn't that right?
- 4 A. That is so.
- 15:29:15 5 Q. 613 And in the 1980s you may or may not have been aware that my delegations related  
6 solely to Dublin County?
- 7 A. I am aware of that now.
- 8 Q. 614 You are aware of that now. So that when Mr. Gilmartin was complaining, as he  
9 did in his evidence here, he was referring to a council whose in effect, I was  
15:29:42 10 a council officer in relation to Corporation matters?
- 11 A. Correct.
- 12 Q. 615 But they were two separate sovereign authorities?
- 13 A. They were at that time.
- 14 Q. 616 At that time, yes. Now, one of the first complaints he had was that I was  
15:30:02 15 alleging that the terms agreed between himself and Mr. McLoone were a cosy  
16 deal, did he make that complaint to you?
- 17 A. No.
- 18 Q. 617 Did he complain to you that I was alleging that the price agreed between the  
19 two of them and they did negotiate themselves, there were no other valuers  
15:30:24 20 involved at 40,000, was too low?
- 21 A. No.
- 22 Q. 618 He didn't. Did he complain to you that Mr. McLoone had told him that on  
23 retirement I was going to work for Green Properties?
- 24 A. No.
- 15:30:40 25 Q. 619 Did he complain to you that I was alleging that the Corporation should not be  
26 dealing with him exclusively in disposing of the land?
- 27 A. No.
- 28 Q. 620 Did he complain to you that I was urging public advertisement?
- 29 A. No.
- 15:31:08 30 Q. 621 Well what exactly --

- 15:31:09 1 A. Careful now careful now.
- 2 Q. 622 Was he specific?
- 3 A. He was complaining that you were frustrating the conclusion of his negotiations
- 4 for the purchase of lands.
- 15:31:21 5 Q. 623 But do you accept from me that I have listed all the things that he complained
- 6 about?
- 7 A. Yes.
- 8 Q. 624 They are the things he complained about?
- 9 A. That's what he complained about. As to - he didn't go into specific details.
- 15:31:36 10 Q. 625 But he certainly had named me as, I was the nigger in the wood pile?
- 11 A. Yes he certainly --
- 12 Q. 626 Now as a preamble, I will read what he said to - just as a preamble to, you
- 13 know, alleging that I was difficult, did he say to you, as he said to
- 14 Mr. Feeley, I am asking you, did he say to you, he wanted to stress that
- 15:32:10 15 Redmond never demanded and never made any improper, never demanded money and
- 16 never made any improper suggestions to him. Did he say that?
- 17 A. He didn't go into any detail like that Mr. Redmond.
- 18 Q. 627 Did he allege that any monies were requested by me from him?
- 19 A. He never said that to me. The only time I ever saw any connection of that
- 15:32:36 20 matter was in the subsequent documentation.
- 21 Q. 628 So that when you went to the Taoiseach, the only complaint was that, of
- 22 interference?
- 23 A. Correct.
- 24 Q. 629 Interference and it was holding up something that might provide thousands of
- 15:32:53 25 jobs?
- 26 A. Correct.
- 27 Q. 630 And did you see it as a sort of a criminal thing that I was doing or something
- 28 that wasn't in the country's best interest?
- 29 A. I made no judgement on that but I certainly was trying to prevent anything that
- 15:33:09 30 would have prevented the creation of employment and investment considering the



- 15:33:15 1 economic situation and status of the country at that time. I was determined  
2 Mr. Redmond, that any projects or promoters of projects or investors would be  
3 given every possible encouragement to continue with their involvement.
- 4 Q. 631 That's fair enough?
- 15:33:36 5 A. That was what the subcommittee of the government was concerning themselves with  
6 and that's the reason why Mr. Gilmartin was seeking to promote his projects and  
7 why I was encouraging him to do so.
- 8 Q. 632 Yes. But insofar as his allegations were concerned, I don't know how familiar  
9 you would have been with the Corruption Act the 1889, 1906 and 1916 Acts. Did  
15:34:07 10 you see at the time as his complaints coming within the ambit of those, you  
11 know, the general legislation?
- 12 A. I was not familiar and did not become familiar with the terms of the  
13 legislation that you have referred to, until I received the documentation of  
14 discovery from this Tribunal. I had no need to be familiar with that  
15:34:31 15 legislation, Mr. Redmond.
- 16 Q. 633 Well that was the meeting anyway, Mr. Gilmartin came in and complained. He  
17 didn't, at that meeting he doesn't seem to have complained about Messrs Lawlor  
18 and Hanrahan?
- 19 A. As I indicated yesterday Mr. Chairman, to the counsel for the Tribunal, I have  
15:34:52 20 no recollection of that.
- 21 Q. 634 Yes.
- 22 A. I can't recall it.
- 23 Q. 635 Now, at that meeting obviously he was concerned and agitated and you know, he  
24 had, at that stage Mr. Flynn you would have been aware of --
- 15:35:12 25 A. It has been suggested.
- 26 Q. 636 Of his proposals?
- 27 A. It has been suggested Mr. Redmond that Mr. Gilmartin was sometimes agitated or  
28 angry, I have to say to you, as I have given here in sworn evidence, the  
29 meetings all of the meetings that I had with Mr. Gilmartin they were friendly,  
15:35:32 30 and positive.

15:35:34 1 Q. 637 Well now did he --

2 A. He was sometimes disappointed yes, but not with me.

3 Q. 638 At that meeting in February, did he tell you that he had entered into a

4 contract with Mr. O'Callaghan to acquire the Balgaddy site, the 30 acres and

15:36:02 5 the consideration was for 6.5 million?

6 A. He did not give me those details at any time. But certainly at some meeting he

7 indicated that he was in negotiation with Mr. O'Callaghan and that it was

8 helping to promote his project, you are quite right there.

9 Q. 639 He didn't tell you. But you may have read in the, in the transcripts that he

15:36:24 10 described the -- he described the Balgaddy site as being useless?

11 A. I read that in the transcript yes.

12 Q. 640 Fair enough you read that?

13 A. Oh, yes.

14 Q. 641 But Mr. O'Callaghan's evidence is that he was now offering or he had now

15:36:43 15 contracted at 200,000 an acre, do you understand that?

16 A. I understand what you are saying but he never talked in those specifics to me.

17 Q. 642 I am only putting you in the picture as to his state of mind?

18 A. Yes, sorry.

19 Q. 643 Here is a man coming in to you in February of '89 and only a few days before,

15:37:08 20 out of the blue and really you wonder why, he had contracted to hand-out 6.5

21 million for land. Now can you understand the man having done that being

22 agitated in relation to any one he considered who might upset his other plans?

23 He put 6.5 million on the board and the reason I am putting -- about the

24 complaints. He saw me as holding up Quarryvale, and couldn't that fear be

15:38:00 25 driven by the fact that he had entered into such a huge contractual obligation?

26

27 MS. DILLON: I don't see how it's possible for Mr. Flynn to answer that

28 question. That's a matter for Mr. Gilmartin, the question that Mr. Gilmartin

29 only could answer.

15:38:12 30

15:38:12 1 CHAIRMAN: I don't think that's an appropriate question for this witness  
2 Mr. Redmond.  
3  
4 MR. REDMOND: Are you disallowing the question, Your Worship?  
15:38:22 5  
6 CHAIRMAN: I am.  
7 Q. 644 MR. REDMOND: Anyway, he didn't mention it to you? He never mentioned it,  
8 that's the position?  
9 A. No he didn't -- sorry Mr. Redmond.  
15:38:33 10 Q. 645 That's all right?  
11 A. He didn't give me the details that you are talking about.  
12 Q. 646 The next movement insofar as you were concerned, is Mr. Feeley going down and  
13 informing you of the, of the allegations which Mr. Gilmartin made, and I'll  
14 restrict myself in the main to the ones he made against myself.  
15:39:02 15  
16 As I said, as a preamble, he said that I never sought anything from him, and I  
17 never suggested anything improper. That's the first thing he said. And  
18 insofar as the allegations go, again they relate to interference, much as I  
19 said, supporting Green he said, supporting Green. Did he ever complain to you  
15:39:37 20 that I intimidated Mr. Morrissey into not going ahead with the 40,000  
21 agreement? Did he --  
22 A. Did who? Did Mr. Gilmartin?  
23 Q. 647 Yeah.  
24 A. No, Mr. Gilmartin didn't go into details with me in that matter. I understood,  
15:39:54 25 what I would have understood was, that Mr. Gilmartin would have been  
26 approached, it was none of my business, but that he would have been approached  
27 by the Garda investigation and the complaints that he was making would have  
28 been investigated.  
29 Q. 648 Yes, but the complaints he makes against me in, are ones of interference, there  
15:40:18 30 is no complaint of bribery and corruption. He says himself that I never sought

15:40:24 1 anything from him or never made any improper suggestions to him of any kind.  
2 Did he in any of the conversations he had with you say to you, that he had met  
3 me and told me that he would, and I quote Mr. Feeley's words "He would see me  
4 all right if permission went through". Did he ever say that to you?

15:40:53 5 A. He didn't say that to me, no.

6 Q. 649 And did he ever say to you that the response he got again using the inverted  
7 commas which Mr. Feeley inserted "No need for that". Do you ever recall him  
8 saying that?

9 A. No, he didn't have these conversations with me.

15:41:11 10 Q. 650 No. I just, you know, having made complaint to Mr. Feeley, I am just wondering  
11 did he say anything like that to you?

12 A. No, Mr. Redmond.

13 Q. 651 No. That's fair enough. Now the discussion with Mr. Morrissey, could we have  
14 that, Ms. Dillon, Mr. Morrissey minute on the screen? The first thing --

15:41:34 15

16 JUDGE FAHERTY: I think it's 2296 is it?

17 Q. 652 If we look at Mr. Morrissey's minute, that he informed you that the Corporation  
18 had decided to invite tenders by public advertisement for the sale of the 69  
19 acres, isn't that right?

15:41:51 20 A. Mr. Morrissey would appear to have indicated that to me.

21 Q. 653 Well, and you are absolutely satisfied that that was the appropriate procedure  
22 that should have been adopted?

23 A. Well it was a matter for the Corporation as you know. And they were --

24 Q. 654 Yes.

15:42:07 25 A. They were doing what would be expected of them, yes.

26 Q. 655 Right. Now insofar as legislation requiring advertisement, was there any, as  
27 far as you know?

28 A. Was there an advertisement.

29 Q. 656 No, was there any requirement in local government law requiring advertising in  
15:42:28 30 the circumstances like this?

15:42:29 1 A. I would only be speculating now, but I think in a local authority is seeking to  
2 dispose of property, the normal thing would be for them to advertise, that  
3 would be the normal practice.

4 Q. 657 Yes. And in this case, while the local authority did carry out negotiations  
15:42:53 5 with Mr. Gilmartin exclusively, once there was any suggestion of any  
6 irregularities or skullduggery, there was no question, would you agree, that  
7 the local authorities would have to advertise?

8 A. That I would expect of them.

9 Q. 658 Yes. You would expect, you would expect that. Thanks all right.

15:43:18 10 Now at the time when Mr. Morrissey went down to you, there were two Garda  
11 inquiries that you -- they may have merged, but there were two different  
12 complaints, isn't that right?

13 A. There may have been three.

14 Q. 659 Oh I am not aware of the third one. I think --

15:43:39 15 A. And I don't think the Chairman or his learned colleagues are aware either. But  
16 anyway there was certainly two. The one mentioned by counsel for the Tribunal  
17 yesterday and the one that we are referring to here.

18 Q. 660 The Loughran one?

19 A. Correct.

15:43:54 20 Q. 661 And then Mr. Gilmartin's?

21 A. Correct.

22 Q. 662 And they both got into the hands of Superintendents Burns and Sreenan at that  
23 stage?

24 A. At that stage.

15:44:02 25 Q. 663 And would I be correct in saying that you would have probably known more about  
26 the Loughran complaints, they were very specific?

27 A. Only because Mr. Loughran, Mr. Haughey had approached me.

28 Q. 664 I see. So you could, to that extent you would have known?

29 A. The details of it I would not have known because they were passed on for  
15:44:32 30 investigation.

- 15:44:32 1 Q. 665 Yes. Well now, Ms. Dillon has more or less assumed and, that I am the person  
2 mentioned in the minute. My name is not mentioned incidentally. For one thing  
3 you say "The Minister concerned -- the Minister said the officer concerned was  
4 at the centre of a web".
- 15:44:57 5 Now, Mr. Flynn, in the light of the information which Mr. Gilmartin has given  
6 you, does that refer to me?
- 7 A. If the officer concerned was you, then I take it that the rest applies as well.
- 8 Q. 666 I beg your pardon, Your Worship?
- 9 A. If the officer referred to here is you, it would appear that it is, regarding  
15:45:36 10 an official of the local authority. I think we were talking about you  
11 Mr. Redmond.
- 12 Q. 667 Yes, but you are saying the officer concerned was at the centre of a web, on  
13 the basis of the complaint you have, how can you make that point, on the basis  
14 of what, you know Mr. Gilmartin has told you?
- 15:45:55 15 A. Well as I explained earlier, that I am not so sure that that is the language I  
16 used, but the question was that you must understand that this is subsequent to  
17 the list, to the list of complaints that had been written up by Mr. Feeley and  
18 there were a lot of complaints in that document, Mr. Redmond, not just specific  
19 to Quarryvale. There were other complaints as well.
- 15:46:33 20 Q. 668 There were. There were --
- 21 A. And other people were involved, and I think that might have been -- it might  
22 have been the context for that particular reference, if it was said in that  
23 way.
- 24 Q. 669 Yes of the well again, your statement although I don't quite see it's relevance  
15:46:54 25 here, that you had information that I had been tipped off, you have no  
26 recollection was that the position?
- 27 A. No, I explained earlier today, that I cannot recall whomsoever might have  
28 indicated that to me.
- 29 Q. 670 Yes. Well I have made the statement as you are aware that somebody told me and  
15:47:15 30 my name had come out arising out of the first one?

- 15:47:18 1 A. You did and you named a certain individual.
- 2 Q. 671 Yes?
- 3 A. I am not familiar with that.
- 4 Q. 672 Just one more point Mr. Gilmartin, or Mr. Flynn, and that is we have had on
- 15:47:31 5 display the memorandum prepared by Mr. Kieran O'Malley, setting out all the
- 6 statutory instruments which would need to be modified in some way and your
- 7 evidence was that nothing happened on foot of any of those?
- 8 A. That's right.
- 9 Q. 673 That was never --
- 15:47:51 10 A. Is that Mr. O'Malley's document.
- 11 Q. 674 Yes. He left out what I would have considered, what I would have considered
- 12 the most important power you had, and that was under section 21 of the Local
- 13 Government Planning and Development Act, the power to direct local authorities?
- 14 A. That's right.
- 15:48:08 15 Q. 675 To change their plan?
- 16 A. That's right.
- 17 Q. 676 Which would be, you know, if you wanted to do this, that would be the quickest
- 18 and sharpest way to do it. I take it you never used that power, or you
- 19 certainly didn't use the power -- but there is no evidence that you ever
- 15:48:26 20 considered using that power?
- 21 A. I did not consider using that power that was reserved to the Minister.
- 22 Q. 677 Yes. But you knew it was there?
- 23 A. Well I was fairly familiar with the law insofar as local government was
- 24 concerned. But I never saw that document you know that Mr. Redmond.
- 15:48:47 25 Q. 678 Which document?
- 26 A. That document that you are talking about.
- 27 Q. 679 This one here?
- 28 A. Yes, it was never sent to me you know.
- 29 Q. 680 You never took any action on it?
- 15:48:56 30 A. No, Mr. Redmond I never took any action.

15:48:59 1 Q. 681 When I say action you never brought a paper to government?  
2 A. It was never sent to me. I never received that document. The only time I ever  
3 saw it was here in discovery. If that document had been sent it would have  
4 been sent to the department and it would have been discovered here, that  
15:49:19 5 document certainly never appeared before me.  
6 Q. 682 But to get back to the February and the complaints from Mr. Gilmartin, they  
7 were complaints of interference, they were complaints of interference and  
8 Mr. Feeley and Mr. Morrissey had dealt with those, and they were the only ones  
9 he made, he didn't complain of anyone demanding money from him, or asking him,  
15:49:52 10 suggesting that he should do anything improper, or means of overcoming things?  
11 A. Not to me.  
12 Q. 683 Not to you. I don't think I have anything else, Your Worship.  
13 I'm getting too old for this anyway.  
14  
15:50:10 15 CHAIRMAN: Thank you Mr. Redmond. We have a difficulty in that we have to  
16 rise at 4 o'clock today. It's about ten it four, I take it Mr. Lawlor you will  
17 be longer than five or ten minutes.  
18  
19 MR. LAWLOR: I will be a couple ever hours at least.  
15:50:21 20  
21 CHAIRMAN: And Mr. Madden, you will be a while I presume.  
22  
23 MR. MADDEN: I won't Chairman, I will be very very brief.  
24  
15:50:30 25 CHAIRMAN: I presume you want to reserve your position until after Mr. Lawlor  
26  
27 MR. MADDEN: Yes, I do yeah.  
28  
29 CHAIRMAN: So is there --  
15:50:37 30



15:50:37 1  
2 MR. MCGARRY: Chairman, I have a couple of questions  
3  
4 CHAIRMAN: Sorry, all right we'll let you go ahead. Just before --  
15:50:45 5  
6 MS. DILLON: I understand next Thursday is free and that Mr. Flynn's  
7 cross-examination by Mr. Lawlor can take place and conclude next Thursday  
8  
9 CHAIRMAN: And Mr. Madden?  
15:50:57 10  
11 MS. DILLON: Yes, Mr. Madden will in terms of time --  
12  
13 JUDGE FAHERTY: It's doable on Thursday.  
14  
15:51:05 15 MS. DILLON: In terms of time, yes it's eminently doable on Thursday.  
16  
17 MR. LAWLOR: Chairman, I am scheduled to be in Prague all week but I will make  
18 arrangements hopefully to get back for Thursday if that's what -- that's being  
19 suggested now but not fixed, is that right? So my office will be in touch with  
15:51:23 20 the Tribunal.  
21  
22 MS. DILLON: I suggest sir, that it won't be a question of by arrangement, it  
23 will probably be in ease of all the parties who are here, if we were in a  
24 position to fix the hearing, the conclusion of Mr. Flynn's evidence for next  
15:51:35 25 Thursday and there is no ambiguity about it.  
26  
27 CHAIRMAN: Well Mr. Lawlor you will have plenty of time between now and  
28 Thursday to make arrangements to be here on Thursday.  
29  
15:51:45 30 MR. LAWLOR: I will just have to go, and go back again that's what I have to

15:51:48 1 do. And I don't take Ms. Dillon's attitude lightly, that she is telling me, if  
2 I put it to you now that I cannot be here, I cannot be here and it will have to  
3 hang over. That's if now, I am not going to be dictated to.

15:52:00 5 CHAIRMAN: We are fixing Thursday Mr. Lawlor for --

6  
7 MR. LAWLOR: But if it doesn't suit me, you will fix it when it suits me as  
8 well as yourself, Chairman.

15:52:11 10 CHAIRMAN: Sorry

11  
12 MR. LAWLOR: If it doesn't suit me, you will fix it when it suits me as well as  
13 yourself, Chairman.

15:52:16 15 CHAIRMAN: That's incorrect I am fixing it on Thursday.

16  
17 MR. LAWLOR: I will endeavour to do my damndest to facilitate you but I won't  
18 be dictated to by counsel for the Tribunal, that it's fixed and I don't have a  
19 choice in these matters. I do have a right and a choice.

15:52:28 20  
21 CHAIRMAN: Mr. McGarry do you want to --

22  
23 MR. MCGARRY: Mr. Chairman sorry, I wonder if just three or four minutes if I  
24 might be excused, just a few minutes if you don't mind.

15:52:40 25  
26 CHAIRMAN: Certainly we'll rise for a few minutes.

27  
28 **THE TRIBUNAL THEN ADJOURNED FOR A SHORT BREAK**

29 **AND RESUMED AGAIN AS FOLLOWS:**

15:52:56 30

15:52:56 1

2

**THE WITNESS IS QUESTIONED AS FOLLOWS BY MR. MCGARRY:**

3

4 Q. 684 MR. MCGARRY: Mr. Flynn I should say I appear on behalf of Mrs. Mary O'Rourke.

15:58:16 5

6

I want to take you back to your evidence to the Tribunal yesterday when you were asked by Counsel for the Tribunal about the evidence of Mrs. O'Rourke, and

7

you said that you had no recollection of crossing the corridor and sympathising

8

with her concerning the death of her mother, and you said that if you had

9

sympathised with Minister O'Rourke, it would have been in the immediate

15:58:36 10

aftermath of the bereavement not three or four months later, what I have to put

11

to you Mr. Flynn is at no stage did Senator O'Rourke suggest you that you

12

sympathised with her at that time, but that what she said in her evidence to

13

the Tribunal, was that you came across the corridor and said to her there is a

14

man, Mr. Gilmartin who is from your mother's home County. Because her mother

15:59:00 15

was from County Sligo and as her mother had died previously and you made the

16

comment, kind comment were the words she used, that that is how it was etched

17

in her mind. I put that to you.

18

19 I know you say you don't recollect the meeting Mr. Flynn, is that still the

15:59:15 20

position?

21

A. There is no offence meant to my former colleague, Mrs. O'Rourke. About that

22

matter and I sincerely hope that she takes no offence from it and please convey

23

that to her on my behalf.

24

Q. 685 Mr. Flynn, other witnesses to the Tribunal have said that they don't have a

15:59:33 25

recollection of that meeting having taken place, that's specific meeting but

26

that when the evidence of Mrs. O'Rourke was put to them, certain of them

27

accepted that by virtue of the informal or short or casual nature of the

28

gathering, I think is the word she described that it could well have happened

29

because those sorts of meetings I think were commonplace. What do you have to

16:00:01 30

say to that, do you accept that?

16:00:03 1 A. All I can say is that meetings with the Taoiseach and a considerable number of  
2 his ministerial colleagues was not commonplace meeting other individuals,  
3 certainly not, and meetings between Mr. Haughey and his colleagues on these  
4 matters took place on the cabinet, in the cabinet room or the sub cabinet room,  
16:00:31 5 they did not take place in the parliamentary party room or in the ministerial  
6 corridor.

7 Q. 686 In any event you don't have a recollection of the meeting of this type?

8 A. No to my recollection this meeting did not take place.

9 Q. 687 Thank you.

16:00:47 10  
11 CHAIRMAN: All right. Just can I mention Thursday again. In ease of people  
12 who might have to travel and we'll say not before 12 o'clock on Thursday.  
13 Right?

16:00:57 15 MS. DILLON: May it please you sir.

16  
17 CHAIRMAN: The Tribunal will sit on Monday in relation to costs and Tuesday in  
18 relation to resumption of Carrickmines 2.

19  
16:01:07 20 **THE TRIBUNAL THEN ADJOURNED UNTIL MONDAY 26TH JULY**  
21 **2004 AT 10.30 AM.**

22

23

24

25

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30