

1 **THE TRIBUNAL RESUMED AS FOLLOWS ON TUESDAY, 7TH MARCH 2006**

2 **AT 10.30 A.M:**

3
4 MS. DALTON: Good morning, Chairman. Caroline Fox please.

5
6 **CAROLINE FOX, HAVING BEEN SWORN, WAS EXAMINED AS FOLLOWS**

7 **BY MS. DALTON:**

8
9 CHAIRMAN: Good morning, Ms. Fox.

10 A Good morning.

11
12 Q 1 MS. DALTON: Good morning, Ms. Fox. Ms. Fox, I believe you are the daughter of
13 Councillor Tony Fox.

14 A I am, yes.

15 Q 2 In 1992, I understand you were working as a dental nurse?

16 A That's right, yes.

17 Q 3 A series of documents are going to come up on the screen beside you just here.

18 A Yes.

19 Q 4 I am going to take you through them now. If I could have page 2866, please.

20 If you see the five transactions at the bottom of the page?

21 A Yes.

22 Q 5 We will be looking at those transactions today. I think you held a saving's
23 account with NIB, number 71401732 and that was a joint account with another
24 person, isn't that right?

25 A Yes, 34.

26 Q 6 There's one particular lodgment we want to look at there on the 16th November
27 1992, on this account, we are going to briefly look at that account itself.

28 A Yes.

29 Q 7 If I could have page 3657 please. That's your account, isn't it, Ms. Fox?

30 A Joint account, yes.

1
2 CHAIRMAN: Sorry. Ms. Fox, I wonder could you sit a bit closer to the
3 microphone, it's just that the noise isn't allowing you ...

4 A Okay, yes.

5 Q 8 That account commenced on the 2nd April 1991, isn't that right?

6 A Yes.

7 Q 9 And at 3658, please. This is a continuation of the same account and we just
8 see that there's no transactions on this page other than the interest accruing,
9 do you see that?

10 A Yes.

11 Q 10 On the following page, that's 3659, again there's no lodgments and you see the
12 interest accruing on the 29th of November 1991, on the 28th of February 1992,
13 isn't that right?

14 A Yes, yes.

15 Q 11 And again on the following page, that's 3660, again a continuation and there's
16 no transactions on this page other than the interest, isn't that right?

17 A Yes.

18 Q 12 Okay. If I could have page 2873 please, which is a continuation of the same
19 account. You see here the only lodgment to your account since it opened is
20 this lodgment on the 16th of November 1992?

21 A Yes.

22 Q 13 Can you tell the Tribunal what the source of monies were, what source of monies
23 were used to make this lodgment?

24 A Well, I contacted the bank, it's such a long time ago, to see if they had any
25 details on it and they didn't. In September 1992, my partner and I got married
26 abroad and when we came back we had a wedding party and we received a lot of
27 money gifts at the time which we lodged into our accounts. So I am not sure,
28 I couldn't, because of what that lodgment is, because the bank had no details
29 on it and being such a long time ago...

30 Q 14 I think that is the only lodgment to the account since it was opened, is that

1 right?

2 A Yes, that's right.

3 Q 15 Would that lodgment have been made by you?

4 A I don't know. I really couldn't remember, and there's nothing the banks have
5 that can tell me whether I made it or my partner made it, you know, so I don't
6 know.

7 Q 16 Did you receive any monies from your father, Mr. Fox, in relation to that
8 lodgment?

9 A No, there's one thing I am sure about, I got no monies off my father in any of
10 those lodgments.

11 Q 17 Okay. If we could just go back to page 2866 please, and just look at the
12 second lodgment there. I think you had an ICS Building Society account, is
13 that right?

14 A We did, yes.

15 Q 18 That was a joint account and that's account number 27180267, and I think you
16 will see that within six days, or nine days rather, of the previous lodgment
17 being made, there was another lodgment to this account in the sum of 1,250
18 pounds, that's a round figure sum. Can you tell the Tribunal what that
19 lodgement was?

20 A Again I contacted the ICS and they have no details of it. As I said, we did
21 receive a lot of money gifts at that time, we already had a house and
22 everything was furnished, so we often used to save up children's allowance as
23 well, let them accumulate and we didn't put savings away, we used to just --
24 because of my circumstances at the time, we did have different accounts where
25 we used to put money into, you know, but I couldn't answer you whether I put
26 the money in or he put it in or what. As I can say again, my father gave me no
27 money.

28 Q 19 Could I have page 2874 please. I think this is your joint ICS Building Society
29 account, isn't that right?

30 A Yes.

- 1 Q 20 Do you see there's a lodgment on the 29th of September 1991 in the sum of 990
2 pounds. That's the first lodgment at the top of the page.
- 3 A 1990?
- 4 Q 21 That's right. 25th of September 1990?
- 5 A Yes.
- 6 Q 22 And then following that, there was a lodgment on the 19th of December 1991 in
7 the sum of 700 pounds, is that right?
- 8 A Yes.
- 9 Q 23 And then on the 16th June 1992, there's a lodgment of 820 pounds.
- 10 A Yes.
- 11 Q 24 And on the 30th June 1992, there was a lodgment of 220 pounds to that account?
- 12 A Yes.
- 13 Q 25 And on the 6th of August 1992, there was a lodgment of 1,200 pounds to that
14 account?
- 15 A Yes.
- 16 Q 26 That's 2,240 pounds between June and August 1992?
- 17 A Yes.
- 18 Q 27 Now if you just come down to the lodgment I just asked you about, that's on the
19 24th November 1992, and below that on the 2nd of December 1992, you made
20 another lodgment of 900 pounds, is that right?
- 21 A Yes.
- 22 Q 28 Can you tell the Tribunal what the source of that money was?
- 23 A Well as I said, it was money from wedding gifts, it could have been, or
24 savings. Both of us were working at the time so I have no definite specific
25 details of what those lodgments were, you know.
- 26 Q 29 Well, again, I have to ask you about the 16th December 1992, that's another
27 lodgment in the sum of 1,240 pounds, the same applies to that, does it? Does
28 the same apply to that?
- 29 A Yes, as I said already, we did receive a lot of money gifts. We were only
30 after getting married, you know.

1 Q 30 You got married in September, is that the case?

2 A We got married abroad in September 1992. We came back and we had a wedding
3 party in November 1992.

4 Q 31 Well then, including the next lodgment which is on the 16th January 1993,
5 within six weeks you lodged 5,410 pounds to that account, isn't that right?

6 A Yes.

7 Q 32 So adding on to this, the amount that's lodged is 5,410 pounds within seven
8 weeks?

9 A That's right, yes.

10 Q 33 So all of the sources of those lodgments were wedding gifts?

11 A They were wedding gifts, savings and they could have been accumulation of
12 children's allowance at the time. They could have been my partner's money from
13 his wages. As I said to you already, I contacted the bank and they gave me no
14 details. They had nothing going back that length of time but that particular
15 time, that's when we were just after getting married.

16

17 CHAIRMAN: What was your partner's occupation at the time?

18 A He was a plant engineer.

19

20 CHAIRMAN: Sorry?

21 A He was an engineer, a plant engineer.

22

23 CHAIRMAN: Do you recall what he might have been earning then?

24 A I couldn't be specific now, I didn't even look up the details going back to
25 then, you know, but he would have been on good money then anyway. And
26 we had the house and we had everything else, you know. He was -- I really
27 don't want to have to go into personal details in front of the Tribunal but, I
28 mean, if you want me to talk to you on your own, that's fine.

29

30 CHAIRMAN: No, no, I'm just wondering was he normally paid by cheque, do you

1 know, in those days?

2 A He would have been paid by cheque, yes, but sometimes we used to take the money
3 out and put it away and put it into different accounts, because of personal
4 things at the time he was going through.

5

6 CHAIRMAN: What was your occupation?

7 A Dental nurse.

8

9 CHAIRMAN: At that time?

10 A Yes, still am.

11 Q 34 MS. DALTON: You said you got monetary wedding gifts, could any of those be from
12 your father?

13 A No, I wasn't actually speaking to my father for about two years before that and
14 a few years afterwards.

15 Q 35 Okay. Well just finally can I just ask you, were those lodgments have been
16 made in cash, do you know?

17 A I really don't know. But all I just want to say something. My father never
18 gave me any money and there's not in any of those lodgments or anything else, I
19 wasn't even communicating with him at the time so ... I am just upset over this
20 whole thing. I just wanted to come here today and just tell you this, okay.

21 Q 36 Okay. Thank you very much, Ms. Fox, thank you very much for attending.

22

23 CHAIRMAN: All right. Thank you very much.

24

25 **THE WITNESS THEN WITHDREW**

26

27 MS. DALTON: Margaret Fox, please.

28

29

30

MARGARET FOX, HAVING BEEN SWORN, WAS EXAMINED AS FOLLOWS BY

MS. DALTON:

CHAIRMAN: Good morning, Mrs. Fox.

Q 37 MS. DALTON: Good morning, Ms. Fox. I think you are the wife of Councillor Tony Fox

A That's right, yes.

Q 38 In 1992, I think you were working in Leo Fashions Limited, is that right?

A That's right.

Q 39 Insofar as your salary is concerned, if I could have page 3472 please. The Tribunal was provided with a schedule of your earnings, and I think you can see there in 1992, your gross annual pay was 6,559 euros?

A That's right.

Q 40 Calculation in euros?

A That's right, yes.

Q 41 If I could just have page 3470 please. This is also a document from Leo Fashions and it sets out your weekly gross salary in the left hand column. Going down to week 52. Would you accept that your weekly average gross pay is 113 pounds?

A Yes.

Q 42 Did you have any other sources of income at this time?

A Yes, I would have money from my family, my children. And my husband's wages too. They all got paid by cash.

Q 43 I think you held an account with Allied Irish Bank, account number 04414091, that's at page 2872, please.

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

Q 44 I think you will be aware that your husband has supplied the Tribunal with certain information in relation to lodgments to this account?

- 1 A Yes.
- 2 Q 45 Isn't that right?
- 3 A That's right.
- 4 Q 46 If you look at the lodgment at the top of the page, the 11th August 1992,
5 that's a lodgment in the sum of 1,200 pounds?
- 6 A Yes.
- 7 Q 47 That has been identified as a Credit Union loan, is that right?
- 8 A That's right.
- 9 Q 48 And I think the other significant amount in that period on the 2nd April 1993,
10 halfway down the page, you see that's 584 and that's been identified as an
11 Irish Life payment?
- 12 A Yes.
- 13 Q 49 Is that correct?
- 14 A Yes.
- 15 Q 50 Can I ask you, there's a payment there of 900 pounds on the 21st January 1993,
16 can you tell the Tribunal the source of that lodgment, please?
- 17 A Is that the 900?
- 18 Q 51 The 900, yes.
- 19 A Yes.
- 20 Q 52 Could you tell me the source of that?
- 21 A Well we did enquire to the bank and they had no records of that 900. But as
22 you see, I have been, between the 22nd of October to the, December 17th, I took
23 out 1300 from my account and along with that, I would have my wages and my
24 husband's wages and the money from my children and I would have Christmas
25 presents as well. So I am not -- the best of my recollection, I would have
26 some of that money that I hadn't, maybe hadn't spent, and I would put it back
27 in after Christmas there, you see it on the 21st of January.
- 28 Q 53 Yes. You would accept that's a round figure?
- 29 A Pardon?
- 30 Q 54 That's a round sum?

- 1 A Yes, yes.
- 2 Q 55 900 pounds.
- 3 A Yes.
- 4 Q 56 Would that have been a cash lodgment?
- 5 A Well, the bank had no records so ... and I would have cash, yes, because I got
- 6 paid by cash and my husband did, and the money from the children as well and
- 7 then I got gifts from my children in the States as well.
- 8 Q 57 Would Mr. Fox have ever lodged monies to this account?
- 9 A Would he? Well we shared and, like, I mean, he would, like, well let's put it
- 10 this way, like, it wouldn't be very often because, you know what I mean, we
- 11 shared our money and, like, I often put money into Tony's account.
- 12 Q 58 So he could have made this lodgment to your account?
- 13 A No, he didn't make that lodgment, no, that's my lodgment, that 900?
- 14 Q 59 Yes?
- 15 A No, it's nothing to do with Tony whatsoever.
- 16 Q 60 Could he have given you monies?
- 17 A He would give me my wages, yes.
- 18 Q 61 You would have lodged them to that account?
- 19 A Yes.
- 20 Q 62 If you could answer any other questions please, Ms. Fox.
- 21
- 22 CHAIRMAN: Thank you very much.
- 23
- 24 A Thank you, Judge, thank you.
- 25
- 26 MS. DALTON: Sorry, just one moment, sorry, thank you, that's okay.
- 27
- 28 A Oh right, thank you.
- 29
- 30 CHAIRMAN: Thank you.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

THE WITNESS THEN WITHDREW

MS. DALTON: The Tribunal had sought information in correspondence from this witness and the source was not provided to the Tribunal.

CHAIRMAN: From Mrs. Fox?

MS. DALTON: Yes. Thank you.

MR. QUINN: Mr. Michael Billane please.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

MR. MICHAEL BILLANE, HAVING BEEN SWORN, WAS EXAMINED AS FOLLOWS

BY MR. QUINN:

Q 63 Good morning, Mr. Billane.

A Good morning.

Q 64 Mr. Billane, the Tribunal had written to you in February, the 17th of this year, seeking a statement in relation to your involvement in the rezoning of lands in Ballycullen but, unfortunately, you don't seem to have, in the time available to you, been in a position to provide a statement.

A That's true.

Q 65 Are you now, presumably you are in a position to advise the Tribunal and assist the Tribunal in its inquiries in relation to your involvement in the rezoning of these lands?

A Well, the Tribunal also wrote to me saying that I countersigned the cheque with Deputy Pat Rabbitte.

Q 66 That was your colleague, Mr. Tipping.

A Pardon.

Q 67 That was your colleague, Mr. Tipping?

A I don't know, I didn't sign any cheque with Pat Rabbitte.

Q 68 I accept that.

A Yes.

Q 69 In 1992, Mr. Billane, you were a, I think, a member of Dublin County Council is that right?

A That's it.

Q 70 What ward did you represent?

A Tallaght/Rathcoole.

Q 71 And sometime in 1992, I think, you became a member of the Democratic Left, is that correct?

A That's possible, yes.

- 1 Q 72 I think Democratic Left was, came into existence some months prior to November,
2 October and November of 1992?
- 3 A That's true.
- 4 Q 73 Now, the Tribunal has been supplied with a document produced by Mr. Dunlop to
5 Mr. Jones who owned the lands in Beechill and Ballycullen, were you familiar
6 with the lands in Ballycullen?
- 7 A No.
- 8 Q 74 In August 1991, if I could have 1503, please, Mr. Dunlop had advised Mr. Cullen
9 of the names of a number of local councillors whom he suggested ought to be
10 contacted in relation to the rezoning of these lands, lobbied if you will, and
11 you were included in that list as a local councillor. Do you recall any
12 approaches to you in 1991 or the early part of 1992 by Mr. Jones or anybody on
13 his behalf in relation to the rezoning of the lands at Ballycullen?
- 14 A No.
- 15 Q 75 Now, in April 1992, Mr. Dunlop wrote to Mr. Jones, if I could have 1659,
16 please, and he advised Mr. Jones that he was arranging to see Mr. Rabbitte
17 after Easter. Now I think at this time Mr. Rabbitte would have been the leader
18 of your party, isn't that right, and he was also a colleague on Dublin County
19 Council?
- 20 A I don't know whether he was the leader of the party or not but ...
- 21 Q 76 But he was a colleague of yours?
- 22 A He was a colleague, yes.
- 23 Q 77 As was Mr. Tipping?
- 24 A Mr. Tipping, yes.
- 25 Q 78 Now do you recall Mr. Rabbitte ever speaking to you about the Ballycullen
26 lands?
- 27 A No, no.
- 28 Q 79 Subsequently, again in May 1992, there was a message left for Mr. Dunlop on
29 behalf of Mr. Rabbitte, if I could have 1676, this is the 14th May 1992,
30 advising Mr. Dunlop that he was not available but he would be talking to the

1 councillors over the weekend and he would get back to him. Are you saying that
2 Mr. Rabbitte never spoke to you as a fellow councillor concerning this or any
3 other lands?

4 A What year is that?

5 Q 80 1992?

6 A 1992. To be quite honest now, I mean --

7 Q 81 Can I put it in context for you. The first vote on, that you were involved in
8 in relation to these lands, would have been in October, the 29th October 1992?

9 A Mmm.

10 Q 82 This was a memo of a telephone conversation in May 1992.

11 A I was never phoned up at home by Deputy Rabbitte about --

12 Q 83 Did Deputy Rabbitte ever speak to you about the Ballycullen lands at any stage
13 prior to that vote in October 1992?

14 A No, no.

15 Q 84 No. Now, if we could have, please, 152, please. This is a motion signed by
16 Councillors Don Lydon and Tom Hand and it's dated the 28th September 1992; do
17 you see that motion? And it's a motion which effectively suggests that lands
18 at Ballycullen be zoned, or a portion of the lands be zoned for residential
19 purposes and that the balance be zoned for recreational purposes, do you see
20 that motion?

21 A I can see it, yes.

22 Q 85 Now that motion came on for debate in the council on the 29th October 1992 and
23 you are recorded, if I could have 161 please, as having voted in favour of that
24 motion, a motion which does not appear to have had the support of the manager.
25 Do you recall that vote?

26 A Do I recall the vote?

27 Q 86 Yes.

28 A To be quite honest, there was loads of votes going on over a period of months,
29 you know, so you wouldn't record an individual vote out of probably a couple of
30 dozen votes or even a couple of hundred votes.

1 Q 87 Can I ask you, what was the attitude of you and your colleagues to motions
2 brought forward during the course of the Development Plan review?

3 A Well to be quite frank, if the motion had merit, it would benefit the local
4 community, and you listened to the debate in the council chamber, that's where
5 you were supposed to be swayed and you would vote on those.

6 Q 88 Did you ever discuss the motions in advance with your colleagues?

7 A You would, yes.

8 Q 89 Did you ever recall discussing this motion in advance with your colleagues?

9 A To be quite honest, you wouldn't have much time, again you got in from Tallaght
10 into O'Connell Street, and a meeting would be starting at 3.30 or whatever,
11 between looking after constituents and replying to correspondence, etc, we
12 probably did discuss it but you wouldn't --

13 Q 90 Evidence has been given that it was unusual for your grouping within the
14 council to vote against the manager's wishes, would that be reasonable?

15 A No, we weren't -- I mean as I say, when a debate would take place in the
16 council chamber, there would be nearly 70 people in the council chamber and a
17 large proportion of those would contribute to the debate, and they'd all have
18 certain views regarding the benefit or whatever of a development to a local
19 area. And that's what would, you know, sway yourself. The manager's didn't
20 always get it right. I think, if memory serves me well, the managers of the
21 old county council were against the development of Citywest. And that's a
22 success story.

23 Q 91 Can I ask you, after the vote, did anybody contact you and thank you for your
24 support for the motion?

25 A No, no.

26 Q 92 Now if I could have 1911. On the 2nd November 1992, Mr. Chris Jones appears to
27 have written to Mr. Rabbitte thanking him for his support for the motion, did
28 you get a letter in similar fashion from Mr. Jones?

29 A No, no.

30 Q 93 Did you know Mr. Rabbitte had got a letter of gratitude for his support for

- 1 the motion?
- 2 A No.
- 3 Q 94 Are you saying that there was no debate?
- 4 A It just looks like good manners to me, you know to --
- 5 Q 95 The same facility wasn't afforded to you, Mr. Billane?
- 6 A Well if you say he was the leader, I mean he wouldn't, he was the leader of the
7 party, you know.
- 8 Q 96 Now, I think Mr. Rabbitte and Mr. Dunlop, who have both given evidence, that a
9 sum of money was given by Mr. Dunlop to Mr. Rabbitte in November 1992, which
10 was subsequently, or depending on which version of events one accepts, a
11 portion of which was subsequently returned. Do you, did you have any knowledge
12 in 1992 that Mr. Rabbitte had received monies from Mr. Dunlop?
- 13 A Vaguely, I think it was mentioned in the council room and that it was going to
14 be posted back so I just -- it was a brief conversation that I can vaguely
15 remember.
- 16 Q 97 Well, who was present at that conversation?
- 17 A Well obviously I'd say; if memory serves me correctly, obviously Deputy
18 Rabbitte, myself, possibly his constituency organiser, Noel Ward, and only
19 possibly, and more than likely, Don Tipping.
- 20 Q 98 Was there a discussion about the return of the money?
- 21 A No, there was no discussion.
- 22 Q 99 Was there a discussion about the receipt of the money?
- 23 A No, I think he just said, to my memory, he just said he got a contribution and
24 he was sending it back.
- 25 Q 100 Did he say how much the contribution was?
- 26 A I think he said 2,000 pounds, you know, I am not sure but I think he said.
- 27 Q 101 Did he say that the contribution was by cheque or cash?
- 28 A Didn't say, no.
- 29 Q 102 Did he say who had given him the contribution?
- 30 A He obviously did but I can't remember, you know, who he said. I mean ... well

- 1 maybe he did or didn't, I don't know, I mean, I just can't remember that.
- 2 Q 103 Did he say on whose behalf the contribution had been given?
- 3 A No, no.
- 4 Q 104 Well was there any contribution to the discussion on the receipt of the monies
- 5 at that meeting?
- 6 A No, there wasn't, no, he was just, I just remember him standing in the middle
- 7 of the room, I think it was, saying that it was a contribution and it was going
- 8 back.
- 9 Q 105 He had made the decision himself?
- 10 A Yes, he had made the decision, yes.
- 11 Q 106 He was merely advising the grouping of a decision that he had made in relation
- 12 to the contribution which he had received?
- 13 A I suppose if we spoke up, there would have been a discussion about it but no
- 14 one, as far as I remember, spoke up and just said anything.
- 15 Q 107 So really it was by way of information being conveyed to you?
- 16 A Yes.
- 17 Q 108 And when in relation to the election did that discussion take place?
- 18 A Now, I couldn't answer that if my life depended upon it. Can't remember.
- 19 Q 109 Can I ask you, was it an informal gathering of yourself and Mr. Tipping and Mr.
- 20 Rabbitte?
- 21 A Yes, yes.
- 22 Q 110 And possibly Mr. Rabbitte's advisors?
- 23 A Most of them would have been informal, yes.
- 24 Q 111 Did you have more formal gathers at the time?
- 25 A No, no, only constituency council meetings.
- 26 Q 112 Okay. Well how, in what circumstances would a constituency council meeting
- 27 take place in?
- 28 A In the local constituency in the Tallaght area, you know, probably once a month
- 29 or once every two months.
- 30 Q 113 Was Mr. Rabbitte a member of that constituency council?

- 1 A He was, yea.
- 2 Q 114 And were you a member of it?
- 3 A Yes.
- 4 Q 115 And was this issue of this contribution ever raised at that council meeting?
- 5 A It might have been, I mean, I wasn't at every constituency council meeting.
- 6 Q 116 I accept that, but just to be absolutely certain on your evidence, the
7 discussion concerning the money that you have just spoken about, wasn't at a
8 constituency council meeting, it was at a more informal meeting at which
9 yourself and Mr. Tipping?
- 10 A Yes.
- 11 Q 117 And you have no recollection of it being raised at a constituency council
12 meeting.
- 13 A No.
- 14 Q 118 2,000 pounds would have been a substantial contribution in the context of your
15 fund at that young party at that time, would that be fair to say?
- 16 A Yes.
- 17 Q 119 Did you know Mr. Jones?
- 18 A No.
- 19 Q 120 Did you know Mr.Dunlop?
- 20 A No.
- 21 Q 121 Have you ever seen Mr.Dunlop?
- 22 A The Six O'Clock News is the nearest I ever came to see Mr. Dunlop.
- 23 Q 122 You never saw him at council, hanging around Dublin County Council?
- 24 A No.
- 25 Q 123 Did you attend many of the rezoning meetings at Dublin County Council?
- 26 A Yes, the planning meetings, yes.
- 27 Q 124 And you never saw the presence of Mr. Dunlop?
- 28 A No.
- 29 Q 125 Did you ever see lobbyists hanging around the fringes of those council
30 meetings?

- 1 A I did, yes.
- 2 Q 126 But never Mr.Dunlop?
- 3 A No.
- 4 Q 127 Can you now tell the Tribunal why you believe you voted in favour of this
5 rezoning motion in October 1992?
- 6 A 1992? I suppose it's on the merit of the debate taking place on that
7 particular time, listening to all the arguments. That basically would be it.
- 8 Q 128 Now, in October 1993, when the matter came up again for review, you seem to
9 have voted against the proposal, if we could have document 170 please.
10 Councillor Muldoon, who is a local Fine Gael councillor, was very much opposed
11 to the rezoning of these lands from agriculture to either residential or
12 recreational development and she proposed a motion in 1993, and you will see
13 that you were one of 21 councillors who voted in favour of her motion which
14 would, if carried, had the effect of rezoning these lands back to agriculture?
- 15 A Voted in favour or against?
- 16 Q 129 No, you voted in favour of a motion which would have the effect of reversing
17 your earlier vote.
- 18 A Yes.
- 19 Q 130 Do you, can you tell the Tribunal how you came to vote in favour of this
20 motion?
- 21 A I can't remember, I don't know really. I mean, to be quite honest, there was
22 two, within our party, I can only speak for our party, Democratic Left at that
23 time, there was two criteria almost, one was on the merit of the proposal and
24 the other one was because Democratic Left came out of the Workers Party and we
25 did what we were told and if we were told to vote against it, we voted against
26 it.
- 27 Q 131 Which criteria do you think applied to either or both of these motions?
- 28 A Well obviously the last one you have up there, we were probably told to vote
29 that way.
- 30 Q 132 What way were you told to vote in relation to the first vote in October 1992?

- 1 A Well, I already said that more than likely on the merit of the argument that
2 you would hear.
- 3 Q 133 Why would the merit of the argument principle apply in 1992 and the direction
4 principle apply in 1993?
- 5 A Well, if you were a member of the Workers Party or the Democratic Left, you
6 would know and that's what we did, we did what we were told.
- 7 Q 134 Okay. In 1992, I think the Democratic Left was in existence, is that right?
- 8 A That's right.
- 9 Q 135 And you had a vote in October 1992, and what I want to establish with you, and
10 just --
- 11 A They are contradictory, you are saying.
- 12 Q 136 I just want to establish whether or not you were directed to vote as you did in
13 1992 and directed to vote as you did in 1993, if that's what you are saying. I
14 don't want to put words in your mouth, but is that what you are telling the
15 Tribunal?
- 16 A No.
- 17 Q 137 Are you saying that you voted freely on both occasions and, if you did, I am
18 asking you what criteria applied to that vote.
- 19 A Well, I mean, the first vote more than likely, it was the merit of what you
20 heard being debated in the Council Chamber.
- 21 Q 138 Why would the direction which you have referred to earlier have not applied to
22 that vote?
- 23 A The direction for which, this motion here?
- 24 Q 139 Yes, or the first motion. In other words, as I understand what you are saying,
25 Democratic Left at this time had a principle of directing people to vote
26 certain ways and you all voted in accordance with that direction, but you seem
27 to be --
- 28 A That wasn't always the case.
- 29 Q 140 You seem to be suggesting in relation to the 1992 vote that direction didn't
30 apply?

- 1 A No.
- 2 Q 141 But that it did apply in the 1993 situation?
- 3 A More than likely.
- 4 Q 142 Why would it apply in 1993 and not 1992?
- 5 A Well, I was only rank and file of the party, I wasn't the leader of the party.
- 6 Q 143 I accept that. Who would have given you the direction to vote in 1993 if you
7 did vote?
- 8 A The Whip.
- 9 Q 144 And who was the Whip in 1993?
- 10 A If memory serves me, I think it was Don Tipping.
- 11 Q 145 Was there a Whip in 1992?
- 12 A There always was a Whip in the party.
- 13 Q 146 Why wasn't the Whip applied in 1992 if it was applied in 1993?
- 14 A I don't follow what you are saying.
- 15 Q 147 You are saying or telling the Tribunal that the Whip applied on the 1993 vote,
16 but you are also telling the Tribunal that no Whip applied in relation to the
17 1992 vote?
- 18 A I didn't say that.
- 19 Q 148 Okay. Perhaps I should ask you then, did the Whip apply in relation to the
20 1992 vote?
- 21 A More than likely would have, yes, but you didn't always obey the Whip.
- 22 Q 149 Can I just ask you a more general question; did the Whip apply in relation to
23 the rezoning motions' as they came up, in other words, in respect of every
24 rezoning motion did the Whip apply and were you directed to vote in a
25 particular way?
- 26 A Well the situation is that you could have some councillors voting one way and
27 some councillors voting another way. And that's the way the political party
28 operated.
- 29 Q 150 That seems to contradict what you said a moment ago concerning the Whip.
- 30 A No, it doesn't, no. I mean, you could have some councillors voting in favour

1 of a motion and some councillors voting against the motion. It doesn't exactly
2 look like a Whip but it's called 'internal politics'. Now if I need to explain
3 that to you, I will be --

4
5 CHAIRMAN: When you said that you would be told which way to vote by
6 Mr. Tipping as the Whip, that was, that used happen quite a bit, is that right?

7 A That would happen, yes.

8
9 CHAIRMAN: And are you saying that even though you would be given this
10 direction, you wouldn't necessarily have to follow it, you were still free
11 to --

12 A Yes, yes.

13
14 CHAIRMAN: Change your mind if you -- would that mean you would get into
15 trouble with Mr. Tipping.

16 A You might, you might, but sure...

17
18 CHAIRMAN: Do you know where the direction originally comes from? Mr. Tipping
19 was the person who would tell you face to face how to vote or what way to vote,
20 but who was deciding, who was making that decision, was it just Mr. Tipping
21 himself or would there have been a meeting of the party beforehand or how was
22 it decided which way the members should vote?

23 A Well I think it was decided on, basically again on the merit of the proposal
24 for the local area, you know?

25
26 CHAIRMAN: Would that be something you would all discuss and, beforehand, even
27 informally?

28 A Some motions would be discussed informally, but not them all.

29
30 CHAIRMAN: Are you saying that on occasion you would arrive where the decision

1 would have been made, in effect, as to how you should vote by Mr. Tipping and
2 other councillors?

3 A No, the decision would be arrived at almost collectively and he would make sure
4 that you were there to vote.

5
6 CHAIRMAN: So there would be a discussion between you, amongst you?

7 A Yes. Yes.

8
9 CHAIRMAN: A decision would normally be made as to which way you would vote?

10 A Mmm.

11
12 CHAIRMAN: Mr. Tipping would relay that decision to each of you, is that
13 right?

14 A He would, yes.

15
16 CHAIRMAN: And are you saying that normally you would then follow his
17 direction?

18 A Normally, yes.

19
20 CHAIRMAN: But if you felt strongly enough, having heard the debate in the
21 chamber, you would be free to vote --

22 A Well yes, you are supposed to only vote according to what you hear in the
23 chamber. As far as I am aware, you know. That's the --

24
25 CHAIRMAN: And are you saying then that if you voted, if you like, against his
26 direction, that while you wouldn't get into trouble as such, you might make
27 some -- he might make some remark towards you, but it was something you could
28 live with.

29 A You could live with, yes.

30

1 Q 151 MR. QUINN: Mr. Billane, Mr. Rabbitte has given evidence that sometime in 1993
2 it came to his attention that all may not be well in relation to the
3 Ballycullen motion, in other words, that there may have been some activity
4 which wasn't always correct vis-a-vis that motion; did you ever recall having a
5 discussion with Mr. Rabbitte or indeed others within your party concerning how
6 you might vote in the 1993 vote?

7 A No, I never heard that being mentioned. Or had that discussion, no.

8 Q 152 Okay. So you voted against the way you had voted in 1992 and 1993, isn't that
9 right?

10 A Mmm.

11 Q 153 And you can't tell us why other than you think it was because you got a
12 direction to vote that way?

13 A More than likely, yes, that would be the way, yes.

14 Q 154 Now, you say you never met Mr. Chris Jones and you don't know him?

15 A No.

16 Q 155 You never heard of the Jones Group or the Ballycullen --

17 A Well I heard -- just what everyone else heard.

18 Q 156 Did you ever hear of Ballycullen Farms Limited?

19 A I think I did, yes.

20 Q 157 Did you ever meet or know of a Mr. Oliver Brooks or Mr. Frank Brooks?

21 A Yes. Frank Brooks.

22 Q 158 In their, in statements provided to the Tribunal, Mr. Jones has set out a
23 schedule of payments that he has made to politicians, or on behalf of
24 politicians to charitable organisations, and if I could have page 701 please,
25 he has on that schedule, just at the bottom of the schedule please, he has
26 headed 'political schedule', he sets out a number of payments to organisations
27 and you will see there, taking the second payment there, 4th of April 1995, M.
28 Billane -- AOSOG, and then the cheque number and 3,000 pounds and charitable
29 donation written beside it; Can I ask you, do you know anything about that?

30 A Well AOSOG is a youth organisation on the Northside, they look after youth and

- 1 more than likely that was for Ballyknocken up in Laurel Lodge, Laurel Lodge up
2 in Ballyknocken, a place for breakaway kids.
- 3 Q 159 And would you have sought contributions, charitable contributions for that
4 organisation?
- 5 A Oh we were doing fund-raising because it was the building needed refurbishment.
- 6 Q 160 Did you seek fund-raising from Mr. Frank Brooks of Ballycullen Farms Limited in
7 relation to that?
- 8 A I probably, more than likely did.
- 9 Q 161 2452 please, this is a letter written by Mr. Byrne, who seems to be Chairperson
10 of that organisation, to Mr. Frank Brooks, thanking him for his generous
11 contribution of 3,000 pounds in respect of a development at Laurel Lodge, is
12 that who you speak of?
- 13 A Yes.
- 14 Q 162 Do you recall asking Mr. Brooks for that contribution?
- 15 A I didn't ask him for that contribution, I asked him would he support Laurel
16 Lodge which is up in Ballyknocken.
- 17 Q 163 Can I ask you how you selected Mr. Brooks as someone you would ask for a
18 contribution?
- 19 A Well he was in the Tallaght area and we were talking to businesses and
20 individuals looking to raise funds for the --
- 21 Q 164 In February 1996, Ballycullen Farms Limited had a material contravention motion
22 before the council?
- 23 A Yes.
- 24 Q 165 Do you recall that?
- 25 A If you tell me, I can't recall it now.
- 26 Q 166 Did you become a member of South Dublin County Council?
- 27 A Yes.
- 28 Q 167 And you would have been a member of South Dublin County Council in 1996?
- 29 A Yes.
- 30 Q 168 And you would have voted in favour of that material contravention, is that

1 right? For the development of 600 houses on the lands?

2 A Yes.

3 Q 169 Was there any mention of that development or your support of that development
4 when you were talking to or speaking with Mr. Brooks seeking this, his support
5 for this charitable organisation?

6 A No.

7 Q 170 I think subsequently, that organisation was to receive further funds, isn't
8 that right, from Ballycullen Farms, if we could have 701 again please. On the
9 28th May 1997, a further payment of 1,000 pounds is identified as having been
10 paid to that organisation, you see that?

11 A Where is it?

12 Q 171 You see the second last one.

13 A Right, yes.

14 Q 172 Do you recall seeking that or receiving --

15 A No, it just in general says that Laurel Lodge needed to be refurbished and it
16 was actually, it was knocked down and rebuilt.

17 Q 173 And a further payment of 5,000 pounds on the 26th of March 1998 -- the 26th
18 March 1998, do you see that?

19 A Yes.

20 Q 174 These were two, three, fairly substantial payments to a charity of your choice
21 while you were a member of South Dublin Council, isn't that right?

22 A Yes.

23 Q 175 And you had asked Mr. Brooks for those payments?

24 A No I didn't ask for payments, I was lobbied -- I was looking for support for an
25 operation that looks after young fellas in the Northside and Southside and the
26 Tallaght area.

27 Q 176 Thank you, Mr. Billane.

28 A Thank you.

29

30 CHAIRMAN: Is there any party wishing to -- sorry, Mr. Billane, is there

1 anybody here who wishes to cross-examine Mr. Billane?

2

3 JUDGE FAHERTY: Just a couple of things. I think you answered Mr. Quinn that
4 you voted in support --

5 A I can't hear you, Madam.

6

7 JUDGE FAHERTY: I beg your pardon, sorry. You voted in support of the material
8 contravention, that would have been in February, I think, of 1996.

9 A Yes.

10

11 JUDGE FAHERTY: And this would have been on the lands that were zoned and
12 confirmed in October 1993, isn't that correct?

13 A Yes, more than -- yes.

14

15 JUDGE FAHERTY: So in terms of your own voting record on this, you had voted
16 in favour of the rezoning in October 1992?

17 A Mmm.

18

19 JUDGE FAHERTY: And then a year later, you had actually voted to reverse the
20 zoning and bring the lands back to agriculture.

21 A Mmm.

22

23 JUDGE FAHERTY: That's what the record shows and I think you accept this.

24 A That's what the record shows, yes.

25

26 JUDGE FAHERTY: And I think you said to Mr. Quinn that you don't recall any
27 debate or any discussion with Mr. Rabbitte about why you should vote against
28 the rezoning, reverse the rezoning in October 1993, is that correct?

29 A I don't -- could you say that again?

30

1 JUDGE FAHERTY: You have told us, Mr. Rabbitte has told us that he had a
2 discussion with county councillors, his old Democratic Left colleagues,
3 sometime prior to the vote in October 1993 because he had been speaking to Mr.
4 McDonald and he had been reading articles in the Irish Times about a number of,
5 I think he called it, I don't want to put words into his mouth, but I think he
6 was told or became of the opinion that the Ballycullen rezoning was iffy, those
7 were the words he used, if memory serves me correctly, and as a consequence he
8 said he had a discussion with his colleagues. Now, he didn't vote on the day
9 because he said he was elsewhere, in the Dail on a vote. But that it appears
10 that yourself and, I think, Mr. Tipping, voted to return the lands to
11 agriculture.

12 A Mmm.

13
14 JUDGE FAHERTY: And I am just wondering, that was October 1993 and we had
15 then -- we had then two years and about four months later, on agenda of the
16 County Council is a motion to actually increase the number of houses, the
17 houses had been restricted when it was confirmed, to 360 houses per acre, I
18 think, Mr. Quinn will correct me if I am wrong, but I think it was 360 houses
19 per acre in October 1993.

20
21 MR. QUINN: A total of 360.

22
23 JUDGE FAHERTY: I beg your pardon, a total of 360 houses. And you had voted,
24 in fact, against that because, at the confirmation, do you understand me?

25 A Mmm.

26
27 JUDGE FAHERTY: You had voted to put it all back to agriculture. So we have
28 two years and about four months later, what you had before the County Council,
29 in fact, is a motion to actually increase the density to 600 houses.

30 A Mmm.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

JUDGE FAHERTY: And I think Mr. Quinn has said that the record shows that you voted in favour of that.

A Yes.

JUDGE FAHERTY: And I am just wondering what prompted you, if you make that quantum leap, where you had gone on the record in October 1993 to put it back to agriculture and then decided to vote for the material contravention and, in fact, increase the density?

A Well 360 houses, I think I read somewhere, there would be about six houses to the acre. That's houses for millionaires, so if you increase the density, it's almost like more affordable housing. And it's better value for the land that's been rezoned where you can probably get 15 or 10 houses to the acre rather than six to the acre, because six to the acre gives a person, you know, a large site and, likewise, I would have voted for it because in 199 -- in those years in the mid-1990s, there was a fair bit of unemployment in the building industry and I represented an area that had a lot of unemployed building workers and that would be one of the criteria also.

JUDGE FAHERTY: I see. Could I ask you, your ward was Tallaght, was that right?

A Tallaght/Rathcoole.

JUDGE FAHERTY: And the Ballycullen lands were in?

A Pat Rabbitte's ward.

JUDGE FAHERTY: Would they have been fairly near your ward, in terms of geographic?

A Near enough, yes.

1 JUDGE FAHERTY: And do you ever remember getting any representations from
2 people back in either '92 or '93 about the lands, from residents' associations?

3 A About those lands, no, they probably wouldn't have written to me because I
4 wasn't in their area, I wasn't their local councillor, I was in a different
5 area.

6
7 JUDGE FAHERTY: Can you remember, I know you have talked about, you have said
8 it was probably a Whip in October 1993, was it? That directed you to, you told
9 Mr. Quinn that you were directed to vote against the lands.

10 A More than likely, yes.

11
12 JUDGE FAHERTY: Very good.

13
14 CHAIRMAN: Thank you very much, Mr. Billane.

15 A Thank you.

16
17 **THE WITNESS THEN WITHDREW.**

18
19 MR. QUINN: Mr. Oliver Brooks, please.

20

21

22

23

24

25

26

27

28

29

30

MR. OLIVER BROOKS, HAVING BEEN SWORN, WAS EXAMINED AS FOLLOWS

BY MR. QUINN:

CHAIRMAN: Good morning, Mr. Brooks.

A Good morning.

Q 177 MR. QUINN: Good morning. Thank you, Mr. Brooks. You have, through your solicitors, provided the Tribunal with a statement and what I propose to do is read that statement and to ask you one or two questions arising out of that, if that's okay.

A Okay.

Q 178 Your statement is to be found at pages 3213 and 3216 of the brief. It's headed statement of Thomas Oliver Brooks. "Personal background: In the 1960s, I attended agricultural college in Multyfarnham. On the completion of my studies I spent four years in Ireland working as a farm apprentice at locations found for me by the Farm Apprenticeship Board. I then spent two years in Canada working in farming and in 1970, commenced a job in Ireland with Cement Limited on their farm in Limerick.

In May 1972, I went to work for Chris Jones and his family. At the time the family owned Ballycullen Farm (190 acres dedicated to dairy farming). In 1974, Chris bought a farm at Dunshaughlin, (336 acres dedicated to beef farming) and in 1976 another at Kinnegad, (300 acres dedicated to dairy farming).

Initially I ran the Ballycullen farm and in about 1977 I moved to the Dunshaughlin farm, where I still work today. I was the overall manager for the three farms and about 15 or 20 people worked on the farms and other rented land held by the Jones family.

Having grown up in a family in Roscommon that was keenly interested in politics I have always had a strong interest and been very involved in politics in Ireland, particularly at local level. I have been chairman of several Fianna

1 Fail Cumanns and have been a County Councillor in County Meath since 1998.

2
3 In my capacity as farm manager for the three farms owned by the Jones family I
4 attended meetings in offices in Beechill, Clonskeagh Dublin where Chris Jones
5 Senior was based. The farm offices were located there and the bookkeeping and
6 administrative functions were dealt with there. I was not at the time aware
7 who the owners of the lands at Beechill were, although I presumed that the land
8 was owned by Chris Jones Senior.

9
10 I have no knowledge of what process was involved in relation to the zoning of
11 Beechill. I do though recall being aware of the issues around the time that it
12 arose.

13
14 I never received any payments or benefits from Beechill Properties Limited. I
15 do not recall ever doing any work or having any involvement with that company.

16
17 Ballycullen: I became the overall farm manager for the three farms owned by
18 the Jones family, including Ballycullen farm, as and from about 1976. In that
19 capacity, I was made a director of Ballycullen Farms Limited which was the
20 trading company for the farms. The other directors were Chris Jones Senior,
21 his brother the late Gerry Jones and Derry Hussey. I am not, in fact, aware
22 who the owners of that company were but I assume that Chris Jones Senior and
23 Gerry Jones were the owners.

24
25 When I began working for Chris Jones Senior in 1972, the question of rezoning
26 on the lands at Ballycullen was already a topic of discussion. As I recall, my
27 predecessor in the job had left as farm manager in 1971, as he thought the farm
28 had no long-term future as rezoning was imminent. As I recall, the focus of
29 board meetings of Ballycullen Farms Limited was in relation to the farming
30 enterprise and potential rezoning of the land was discussed in the context of

1 future viability of the farm.

2
3 I believe that a number of unsuccessful applications for rezoning of
4 Ballycullen farm were made in the 1970s and 1980s. By the late 1980s/early
5 1990s I felt that the time had come where it was likely that the land would be
6 rezoned, as by then adjacent land had been rezoned and built on.

7
8 As I recall, in about 1990 an application for planning permission was made to
9 build about 350 houses, a golf course and hotel on the farm land at
10 Ballycullen. I thought it was an excellent proposal for the locality and I
11 asked most, if not all, of the then local county councillors to support the
12 proposal. In Ballycullen Farms Limited we were anxious to get approval, as by
13 this time it had become almost impossible to farm the lands given the trespass,
14 vandalism and pollution issues. I believe that further applications were made
15 in the later years for a slightly different development, but I was less
16 involved in those. I did not deal with any of the residents in the area in
17 terms of lobbying them for support. Over the years I did though, principally
18 through my political connections, meet public representatives and most, if not
19 all, of the local county councillors and talked to those people about rezoning
20 in Ballycullen and encouraged them to support the idea.

21
22 I recall attending meetings with Murray O'Laoire Architects and seeing
23 documentation produced by them for planning purposes. I also attended meetings
24 with Frank Benson, Planning Advisor, to discuss the planning, and Vincent
25 Flynn, Agricultural Advisor, to discuss the viability of continuing farming at
26 Ballycullen. I am not aware of the dates of these meetings.

27
28 I have met with Frank Dunlop a number of times and I remember one such occasion
29 at the offices of Beechill where Chris Jones Senior also attended. The topic
30 under discussion was the zoning of lands at Ballycullen and, as I recall,

1 Mr. Dunlop was being retained by Mr. Jones as a planning consultant. I do not
2 know the date of that meeting. I do not recall speaking on the telephone to
3 Mr. Dunlop. Having seen Mr. Dunlop's telephone records as furnished to me by
4 the Tribunal, I must have spoken to him a number of times. I have no direct
5 knowledge of payments made to Mr. Dunlop in respect of the work done by him.
6 Mr. Dunlop lives in County Meath and I have met him socially in recent years.

7
8 Through my involvement with Fianna Fail, I met Mr. Liam Lawlor on many
9 occasions. I do not recall the location or dates of these meetings but, for
10 example, I met him at Ard Fheis, Fianna Fail functions and in the Dail. I
11 think that I met him once with Chris Jones Senior. I do not recall when that
12 meeting was or what we discussed, but I imagine that the meeting probably
13 related to rezoning at Ballycullen. I am not aware that Mr. Lawlor had any
14 business relationship with Ballycullen Farms Limited. I have no direct
15 knowledge of payments made to Mr. Lawlor.

16
17 I have never made any payments to any local authority official. I have no
18 knowledge of any such payments ever being made by Ballycullen Farms Limited.

19
20 Political donations: I am aware that Ballycullen Farms Limited and Chris Jones
21 Senior made contributions to politicians and/or county councillors generally
22 around election time and also for other fund-raising events. Requests for such
23 support at election time and to support fund-raising dinners, golf classics or
24 race nights were often made directly to me at local level, given my involvement
25 in politics. Sometimes I attended functions myself or supported raffles and
26 auctions and got reimbursed by Ballycullen Farms Limited. Other times I passed
27 on the request for support to the company and I believe that it paid the
28 contributions directly. As far as I recall, those donations were cross-party,
29 but more often to Fianna Fail.

30

1 I have myself been involved in fund-raising for Fianna Fail for many years and
2 have made political donations from time to time. In the papers given to me by
3 the Tribunal, I have seen and reviewed the list of political donations made by
4 Ballycullen Farms Limited and, to the best of my knowledge, that list of
5 payments is complete and it includes amounts reimbursed to me." Now, that was
6 the first of statements that you made, Mr. Brooks, to the Tribunal in relation
7 to your involvement with Ballycullen Farms Limited, isn't that right?

8 A That's right.

9 Q 179 And just in a general way, just to pick up on that, you advised the Tribunal
10 there of your background in agriculture and your initial involvement with
11 Ballycullen in the capacity as a farm manager, isn't that right?

12 A That's correct.

13 Q 180 And eventually, you became the farm manager for three farms?

14 A That's right, yes.

15 Q 181 Now, we are concerned here with the farm lands in Ballycullen and you were very
16 familiar with those?

17 A That's right.

18 Q 182 I think your brother, Frank Brooks, is the manager, or the local manager in
19 Ballycullen Farms, is that right?

20 A That's correct.

21 Q 183 And I think it is the case that you were a director of that company,
22 Ballycullen Farms Limited?

23 A That's right.

24 Q 184 And I think Mr. Chris Jones and his brother Gerard Jones, who is now deceased,
25 were also directors?

26 A That's correct.

27 Q 185 I think sometime around 1992, we will come to it in a moment, Mr. Frank Hussey
28 became a director, isn't that right?

29 A Derry Hussey.

30 Q 186 Derry Hussey.

- 1 A Yes, sir, that's correct.
- 2 Q 187 But you had been a director, I think, from the seventies, is that correct,
3 late 1970s or early 1980s?
- 4 A I am not quite sure of the dates, around that time.
- 5 Q 188 And would it be fair to say you would have a close working relationship with
6 Mr. Chris Jones?
- 7 A I would have, yes.
- 8 Q 189 Mr. Gerard Jones does not appear from the documentation to have been as
9 intimately involved with the day to day activities of the farm, would that be
10 fair to say?
- 11 A I would have met him occasionally only.
- 12 Q 190 You would meet him at board meetings?
- 13 A That's correct.
- 14 Q 191 But, otherwise, his day to day hands-on activity was more or less left to
15 yourself and Mr. Chris Jones?
- 16 A That's correct.
- 17 Q 192 Now, could you just tell the Tribunal what your involvement would have been on
18 a day to day level with the company, that is to say, Ballycullen Farms Limited?
19 Obviously Mr. Chris Jones headed up the company and he had offices in Beechill,
20 is that right?
- 21 A That's correct.
- 22 Q 193 And he had a financial administrative staff in there?
- 23 A That's correct, yes.
- 24 Q 194 And if machinery were to be purchased or if stock were to be sold, would you
25 have to go through the office in Beechill?
- 26 A Most of the time, yes.
- 27 Q 195 If you wanted, for example, to purchase a piece of machinery on behalf of the
28 company, did you have to get permission from Mr. Jones to do so or did you have
29 authority yourself to do so?
- 30 A I could do so myself.

- 1 Q 196 Were you a signatory on the Ballycullen Farms' account?
- 2 A No, no.
- 3 Q 197 Who was the signatory on that account?
- 4 A The other directors and Mr. Hussey and Mr. Jones.
- 5 Q 198 But you weren't a signatory, so you couldn't write a cheque?
- 6 A No, I couldn't, or sign a cheque.
- 7 Q 199 You would send a direction that a payment be made and the cheque would be drawn
- 8 in the office?
- 9 A That's correct.
- 10 Q 200 Would it be fair to say that although not a director until the 1990s, that
- 11 Mr. Hussey was as intimately involved in the day to day activities of the
- 12 company as you were?
- 13 A He would be, yes, at a different level.
- 14 Q 201 He was involved more on the financial side?
- 15 A That's correct.
- 16 Q 202 So would it be fair to say that yourself, Mr. Chris Jones, and Mr. Derry Hussey
- 17 effectively made up Ballycullen Farms Limited?
- 18 A That's correct.
- 19 Q 203 And that you were reasonably well knowledgeable of almost everything that went
- 20 on in relation to the company?
- 21 A That's correct, yes.
- 22 Q 204 The only difference being that Mr. Chris Jones and Mr. Derry Hussey could sign
- 23 cheques but you couldn't?
- 24 A No, I couldn't.
- 25 Q 205 But you did have sanction to incur a signature on behalf of the company?
- 26 A Absolutely, yes.
- 27 Q 206 And you could also create profits for the company by selling stocks, etc, you
- 28 didn't have to get permission to do so?
- 29 A No, sir, no.
- 30 Q 207 Now, you have said in your statement that the issue of rezoning of Ballycullen

- 1 was an issue that almost pre-dated your involvement with the company?
- 2 A That's correct.
- 3 Q 208 The issue was a live issue in the 1983 Development Plan and I don't want to go
4 into it, but there were attempts, I think, by Ballycullen Farms to have the
5 farm rezoned at that time, isn't that right?
- 6 A That's correct, yes.
- 7 Q 209 That was unsuccessful and by 1990 the lands, in fact, had an agricultural
8 zoning.
- 9 A Yes, by that time, yes, that's correct.
- 10 Q 210 But I think by about March or April 1990 the Council, of its own volition, had
11 suggested to the councillors that the lands might be zoned for industrial
12 purposes, isn't that right?
- 13 A I believe that's correct, sir.
- 14 Q 211 By August through to October, November of 1990, I think attempts were being
15 made to get some sort of development going on the lands, isn't that's correct?
- 16 A That's correct.
- 17 Q 212 And you were involved in that effort, isn't that correct?
- 18 A That's correct.
- 19 Q 213 And you had been involved in the effort, the rezoning effort in 1983, is that
20 right?
- 21 A I had, sir, yes.
- 22 Q 214 And throughout this period you would have been involved in politics,
23 particularly at local level?
- 24 A Yes, that's correct.
- 25 Q 215 Now, I think Murry O'Laoire Architects had been retained in 1990 in relation to
26 the application at that time, isn't that right?
- 27 A That's correct.
- 28 Q 216 And I think Mr. Frank Benson, who had some expertise as a planner, was also
29 retained?
- 30 A I believe he was a consultant.

1 Q 217 And you would have sat in and attended the meetings and you would have been
2 very familiar with the day to day progress of those attempts to develop
3 Ballycullen at that time?

4 A Yes, I would have, yes.

5 Q 218 It was an overriding objective to try and get this farm developed, isn't that
6 correct?

7 A That is correct.

8 Q 219 Reports had been commissioned and it had become obvious that because of the
9 increase of housing in the locality that farming was becoming more and more
10 difficult, isn't that right?

11 A Very difficult, yes.

12 Q 220 And the only solution was to have it rezoned, is that correct?

13 A Well it wasn't a viable farming proposition.

14 Q 221 When you discovered, that is when yourself and Mr. Hussey and Mr. Jones
15 discovered, in 1990 that it was proposed by the county manager to zone a
16 portion of the lands for industrial purposes, how did you greet that news?
17 Were you happy that that was the proposal of the manager?

18 A No, I wasn't very happy, no, because it was right beside houses at the time.
19 There was houses built next door to it and it didn't seem a logical place for
20 industrial development.

21 Q 222 So you were opposed to industrial development?

22 A Well it wouldn't be a very exciting term, 'industrial development', in that
23 particular area.

24 Q 223 Did you lobby against the manager's views?

25 A Well I believe Murray O'Laoire drew a draft plan for the area and we looked for
26 support from the local representative.

27 Q 224 And was that what precipitated the application for the housing application that
28 was brought in 1990?

29 A I believe it was, there was a golf course and a hotel and 350 houses, if I
30 recollect properly, and it seemed a very good proposal for that particular area

1 at the time.

2 Q 225 Unfortunately, the managers didn't agree and they refused permission?

3 A That's correct, that's what the record says.

4 Q 226 But it would be fair to say that Mr. Hussey, yourself and Mr. Jones were
5 pushing for that development at that time and presumably you were disappointed
6 that the planners had knocked it.

7 A Oh yes, yes, sir.

8 Q 227 If we could have document 1343, please. This, Mr. Brooks, is a note of a
9 meeting that you, Mr. Hussey and Mr. Jones, sorry, your brother, Frank, and
10 Mr. Hussey had with council officials in January 1991. I should say at this
11 stage, your brother was the manager in the lands at this time, isn't that
12 right?

13 A That's correct.

14 Q 228 Now, he wasn't a director of the company?

15 A No.

16 Q 229 Was he also intimately involved with what was going on in relation to the
17 attempts to have the lands developed?

18 A Well we would be working very closely together.

19 Q 230 Would it be fair to say there was nothing known to you that wasn't known to
20 either Mr. Frank Brooks or Mr. Derry Hussey or Chris Jones or vice versa in
21 relation to the development of the lands?

22 A Well we would have very close knowledge between us of what was happening, yes.

23 Q 231 You would be sharing knowledge?

24 A That's correct.

25 Q 232 So there was no reason that you would hear something that you wouldn't relay
26 back to Mr. Jones or Mr. Jones would hear something he wouldn't relay on to
27 you?

28 A Not necessarily, no.

29 Q 233 Now at this meeting with the planners, you three had been chosen to represent
30 Ballycullen Farms, isn't that right, and your planning application had just

1 been refused?

2 A I don't recollect the meeting, but if the record says so.

3 Q 234 Yes. Well how would a meeting like that have taken place, presumably there
4 would have to have been some input from you into setting up the meeting, is
5 that right?

6 A I am not sure if I set up that meeting.

7 Q 235 Yes. Who would have set it up?

8 A I do not remember.

9 Q 236 If I could have 1341. This is a memo of the 23rd of January 1991 and there's a
10 reference to Seamus B and Tom Kitt. Do you see that?

11 A Yeah. I do.

12 Q 237 Did you have a meeting with Mr. Brennan and Mr. Kitt in relation to the
13 development of the lands at this time? That is early 1991.

14 A I have no recollection of that.

15 Q 238 You have no recollection at that time?

16 A No.

17 Q 239 Now the planners, I think, as we can see from the earlier document, 1343, were
18 of the view that their proposed industrial zoning should stay on the lands,
19 isn't that right? And having left the meeting, I think you had suggested that
20 Ballycullen Farms should write to Mary Harney, do you see that, second last
21 sentence, this is Mr. Hussey's document, and Mr. Hussey is saying that he
22 agreed with Oliver, presumably you, that I should write to Mary Harney, do you
23 see that?

24 A I see that.

25 Q 240 Did you make that recommendation?

26 A I don't remember, but if it says so, it's likely I would have, yes, but I don't
27 remember.

28 Q 241 Why would you have suggested that Ballycullen Farms should write to
29 Miss Harney?

30 A She would be a councillor, I believe, in the area at the time.

1 Q 242 Yes. She wasn't the only councillor?

2 A No, no.

3 Q 243 So why her in particular?

4 A I have no idea, sir.

5 Q 244 In any event, the memo of that meeting concludes by saying that "I have the
6 firm impression that the planners think we have a PR problem and perhaps we
7 should address this." Do you see that?

8 A I see that.

9 Q 245 Do you recall the planners telling you you had a PR problem?

10 A No, sir.

11 Q 246 Do you recall yourselves discussing the fact that you might have a PR problem?

12 A No.

13 Q 247 Do you recall discussing the possibility of a PR problem?

14 A No, sir.

15 Q 248 Now if we could have 1368 please. This is a draft of a motion that's dated the
16 4th of February 1991, which suggests that lands outlined in red be zoned for
17 industrial A1 or, sorry, for residential development A1. Do you recall that
18 motion being typed or drafted or do you recall seeing that motion before?

19 A No, sir, I don't recall that.

20 Q 249 If we could have 1386 please. This is a note of the diary of Mr. Frank Dunlop
21 and it's for the 21st of February 1991 and it has an entry for Mr. Jones, 4
22 p.m. to 5 p.m. And this is the meeting, Mr. Dunlop says, attended by him and
23 Mr. Jones at which he appears to have been retained on behalf of Ballycullen
24 Farms?

25 A I have no knowledge of that.

26 Q 250 Okay.

27

28 CHAIRMAN: All right. Mr. Quinn, could I stop you there, we will take a short
29 break for ten minutes or so.

30

THE TRIBUNAL THEN ADJOURNED FOR A SHORT BREAK

AND RESUMED AS FOLLOWS:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

Q 251 Thank you, Mr. Brooks. Just before the break, we were dealing with a meeting on the 21st February 1992 between Mr. Chris Jones and Mr. Frank Dunlop. Now, I had earlier shown you a memo prepared by Mr. Hussey of a meeting that you attended with your brother and Mr. Hussey and representatives of Dublin County Council.

A Yes.

Q 252 You recall that meeting?

A No, sir, no, I don't.

Q 253 You don't recall being at the meeting?

A I don't remember that, no.

Q 254 If we could have 1343 please, 24th of January 1991, you don't recall being at the meeting and you don't recall what was discussed at the meeting?

A I don't remember.

Q 255 But you don't deny that you were at such a meeting?

A No, I couldn't do that, but I don't remember.

Q 256 You would have been at such a meeting presumably to represent Ballycullen Farms in which you were a director. In fact, you were the only director of Ballycullen Farms at the meeting. But you don't recall it?

A No, sir, I don't.

Q 257 You had agreed with me, and I think it's in your statement, that you had been involved, intimately involved, in the attempts to redevelop Ballycullen even by January 1991, isn't that right?

A I had some involvement, yes.

Q 258 Your involvement was effectively together, was to lobby councillors for what was effectively likely to be a material contravention motion, isn't that right?

A No, I'd make representation on behalf of Ballycullen.

1 Q 259 To councillors?

2 A Yes.

3 Q 260 And you were assigned that function at various planning meetings?

4 A No, no, that would not be correct, it was just something we agreed to do, yeah.

5 Q 261 And there was a meeting, I think, on the 12th November 1990 with Murray
6 O'Laoire representatives, which you appear to have attended at. If I could
7 have 1325 please. This is a manuscript note of a meeting, not prepared by you
8 now, Mr. Brooks, which appears to have been attended by you on the 12th of
9 November 1990 in relation to the planning application that we spoke about
10 earlier, isn't that right?

11 A That's correct.

12 Q 262 And if we look at the second page of that, at 1326, and forgive me, I am
13 reading somebody else's handwriting, but it seems to me to suggest "Brooks
14 Brothers to be responsible for briefing of councillors and then they should
15 emphasise one material contravention could arise from officials given their
16 disposition, do you see that? I am not terribly concerned about how you should
17 brief councillors, I am more concerned about the fact that that was a function
18 that was assigned to yourself and your brother, namely to brief councillors?

19 A That's quite possible. I don't recollect that assignment being made.

20 Q 263 Sorry?

21 A I don't recollect any assignment being made such as that.

22 Q 264 You don't recollect that assignment.

23

24 ** Sorry, sir, I just wonder if Mr. Quinn could identify the author of that
25 document, I missed that.

26

27 MR. QUINN: It is a document which has come into the possession of the
28 Tribunal from Mr. Jones. It's possibly signed by Mr. Benson at 1328, dated the
29 12th November 1990 and may, in fact, be in Mr. Benson's handwriting

30 A Yes.

- 1 Q 265 But you don't recall being assigned that function?
- 2 A No, no, sir, I remember having meetings, or a meeting with Mr. Benson, but I
3 don't recall that, no.
- 4 Q 266 Did you brief any councillors in relation to that planning application in 1990?
- 5 A Oh I would have, yes. I would have spoken to councillors in the area, yes.
- 6 Q 267 You would have spoken to them in the context of supporting the possible
7 material contravention motion which was likely to arise?
- 8 A Correct.
- 9 Q 268 You would have lobbied them for support, for their support?
- 10 A No, I made representation to them on behalf of Ballycullen, that was my
11 assertion at the time.
- 12 Q 269 But the representations would have been that they should support the motion?
- 13 A Yes, yes, but you would be outlining what you were doing, what the motion was.
- 14 Q 270 And you say that's not lobbying?
- 15 A Well I am not -- my, I recollect it as making representations, that's what I
16 was doing, that's what I would call it, yes.
- 17 Q 271 You don't say that's lobbying?
- 18 A Well if you -- that's interpretation. If you say so.
- 19 Q 272 You are a councillor yourself, Mr. Brooks?
- 20 A I am, sir.
- 21 Q 273 Did anybody ever ask you to support a motion?
- 22 A Of course they did, yes.
- 23 Q 274 Did you not regard that as somebody lobbying your support for a motion?
- 24 A Looking my for support, yes.
- 25 Q 275 They weren't lobbying for your support?
- 26 A If that's the assertion you use, that's fine.
- 27 Q 276 And you, I think, have told the Tribunal that you would have canvassed most of
28 the councillors for their support?
- 29 A That's correct.
- 30 Q 277 Most if not all the councillors?

- 1 A As many as I possibly could, yes.
- 2 Q 278 You had done this in 1990 in relation to this motion?
- 3 A Yes.
- 4 Q 279 And you were familiar with the system within the council and you knew where to
5 find councillors and you knew how to ask for their support?
- 6 A I did, yes.
- 7 Q 280 And you were assisted in this with your brother, Frank?
- 8 A Frank would have done most of his very locally, yes.
- 9 Q 281 Yes. And you were to continue that pattern, isn't that right, throughout?
- 10 A That's right, yes.
- 11 Q 282 Now, you saw in that earlier document prepared by Mr. Hussey arising out of the
12 meeting with the planners, that it had been suggested by you that you should
13 contact Mary Harney, there was a further contribution by you to the debate on
14 how you could proceed to develop these lands, isn't that right?
- 15 A Yes, but I don't remember that particular thing.
- 16 Q 283 And I put on screen 1341, if we could have it back on screen please again, a
17 reference to the planners that you met, as you see there, but also there's a
18 reference there to two politicians, Seamus B and Tom Kitt, presumably Seamus
19 Brennan and Tom Kitt, and you don't recall seeking their support?
- 20 A I didn't say I didn't recall seeking their support. I would have, maybe Tom
21 Kitt, maybe. But I don't recollect meeting them at, with any planners. I have
22 no recollection.
- 23 Q 284 I am not suggesting you met them in the company of planners, but did you meet
24 them before you went to meet the planners?
- 25 A I believe I may have met Mr. Kitt earlier, not at that particular time, but in
26 the '80s I believe I would ...
- 27 Q 285 In the 1980s but not in the early 1990s?
- 28 A No, I don't recall that, no.
- 29 Q 286 Do you recognise the writing on that document on screen, as a matter of
30 interest?

- 1 A No.
- 2 Q 287 You don't?
- 3 A No.
- 4 Q 288 Now, do you recall Mr. Dunlop being retained by Ballycullen Farms Limited?
- 5 A Being retained, no, but I -- until I was at a meeting that he was at.
- 6 Q 289 Okay. So you are saying he was already retained when you realised that the
7 company were going to retain Mr. Dunlop?
- 8 A I believe so, yes.
- 9 Q 290 When was that meeting?
- 10 A I don't recollect when the meeting was.
- 11 Q 291 And are you saying that there was no discussion between yourself and Mr. Hussey
12 and Mr. Jones about the retention of a PR consultant or, indeed, Mr. Dunlop?
- 13 A No, there wasn't, no, not that I remember anyhow, no, there wasn't.
- 14 Q 292 Were you surprised to find Mr. Dunlop at a meeting?
- 15 A A little bit, yes.
- 16 Q 293 Did you know Mr. Dunlop?
- 17 A I would have known of him, I wouldn't have known him personally, but I know of
18 him as a press secretary for Fianna Fail, yes.
- 19 Q 294 Did you know of him as a PR consultant?
- 20 A I did, yes, with Fianna Fail only.
- 21 Q 295 But only with Fianna Fail?
- 22 A That's right, yes.
- 23 Q 296 Did you know that he was operating in his own right in PR consultancy?
- 24 A Not until that time, I didn't know that he was before that. No, I didn't.
- 25 Q 297 What sort of a meeting did you meet Mr. Dunlop at first?
- 26 A I remember meeting him once, I believe, in Beechill now, it's a long time ago,
27 but I recollect meeting him there and I presume we did discuss the Ballycullen
28 lands. But I can't recall, it's too long ago.
- 29 Q 298 Who else was at the meeting?
- 30 A I believe Mr. Jones would have been at the meeting. Now who else, whether

1 Mr. Benson was or not, I am not quite sure.

2 Q 299 Was Mr. Hussey at the meeting?

3 A I would say so, but I don't recollect.

4 Q 300 So you are saying that Mr. Dunlop was retained by Mr. Jones without your
5 knowledge?

6 A Absolutely.

7 Q 301 Now, we do know from Mr. Dunlop's diary that Mr. Jones appears to have met with
8 Mr. Dunlop on the 21st of February 1992, the 12th of April 1992, sorry, 21st of
9 February 1991, 12th April 1991, the 7th of May 1991, the 12th of June 1991, the
10 20th of June 1991. And are you saying that throughout that period, you did not
11 know that Mr. Dunlop had been retained?

12 A I did not, no.

13 Q 302 On behalf of Ballycullen Farms?

14 A No, sir, not until that meeting, no, I did not.

15 Q 303 There was a meeting, a one o'clock meeting in Beechill on the 23rd July 1991,
16 if we could have document 1459 please. By this time, Mr. Dunlop had provided
17 an action on Ballycullen, a note regarding action on Ballycullen. Could that
18 be the meeting at which you met Mr. Dunlop?

19 A Possibly, it could be, yes. I don't recollect what date it was but it's quite
20 possible, yes.

21 Q 304 Do you recall Mr. Jones sending you a copy of a letter he may have sent
22 Mr. Dunlop on the 29th July 1991, if we could have 1462 please? A letter which
23 reads "Dear Frank, further to our recent meeting re: Ballycullen development
24 strategy, I have informed Oliver and Frank Brooks of our proposal regarding
25 local community information etc. They are most anxious to get involved at
26 whatever level is appropriate as soon as possible. They are awaiting a call
27 from you for discussion." Did you recall getting a copy of that letter?

28 A No, sir, I don't recall getting a copy of that.

29

30 MR DOHERTY: Can I just clarify sir, he doesn't appear to be --

- 1
- 2 MR. QUINN: You don't appear to have been intended to have received a copy of
- 3 the letter, but your phone number is given, as is your brother's, at the bottom
- 4 of the letter. Is that your phone number?
- 5 A That's correct, yes.
- 6 Q 305 Do you recall Mr. Dunlop contacting you sometime after the 29th July in
- 7 relation to the matter?
- 8 A No, sir.
- 9 Q 306 There was a further meeting on the 30th August with Mr. Jones. If we could
- 10 have 1498 please and Mr. Dunlop prepared a report which is at 1499. Do you
- 11 recall seeing that report prepared by Mr. Dunlop on how you might proceed in
- 12 relation to redevelopment?
- 13 A No, sir.
- 14 Q 307 You never saw that, either from Mr. Jones or Mr. Dunlop?
- 15 A I don't recall seeing that. I don't. It's just 457, Frank Dunlop &
- 16 Associates.
- 17 Q 308 And following on that, there's a series of pages, Mr. Brooks, they go to page
- 18 1506. If we could just have 1501. This is a report submitted to Mr. Chris
- 19 Jones at that meeting on the 30th of August 1991. Can you recall whether
- 20 Mr. Dunlop handed over to Mr. Jones at the meeting, that you recall, a document
- 21 setting out a strategy of how you might proceed?
- 22 A No, I haven't.
- 23 Q 309 You don't --
- 24 A I don't remember it, no.
- 25 Q 310 Do you recall Mr. Jones asking you to be available to assist Mr. Dunlop in
- 26 relation to the matter?
- 27 A No, I don't, no.
- 28 Q 311 In that proposal of the 30th of August, if I could have 1505, there is a
- 29 heading 'Proposed Action Schedule'. And from Monday, 16th September 1991, it
- 30 says "Full meeting of Mr. Jones, Architects, Town Planners, Oliver Brooks,

- 1 Frank Dunlop to finalise all elements of submission, including maps drawings
2 colour brochure and text." Do you see that?
- 3 A Yes.
- 4 Q 312 Do you recall getting any instructions to be involved in any such meeting?
- 5 A I don't remember, it's too long ago.
- 6 Q 313 On the 23rd of September 1991, it was suggested a full meeting of Mr. Jones
7 Architects, Town Planners, Oliver Brooks, Mr. Dunlop to review all elements of
8 submissions and to give imprimatur for submissions. Do you recall being
9 involved in that?
- 10 A If the record says, like, I believe I was involved in some, but I don't
11 remember that meeting, I can't, it's too long ago.
- 12 Q 314 You agree with me that Mr. Dunlop seems to be including you in the relevant
13 meetings, in other words, he was including you with the town planners, the
14 architects and Mr. Jones?
- 15 A Town planners, I don't know who the town -- would that be Mr. Benson?
- 16 Q 315 It could be Mr. Benson. If you look at the document on the screen, you see, it
17 talks about a full meeting of Mr. Jones, Architects, Town Planners, Oliver
18 Brooks. Both for the Monday, the week of the 16th September and the 23rd
19 September. Would you agree with me that, as far as Mr. Dunlop was concerned,
20 it would appear from that document that you were going to be intimately
21 involved in relation to the rezoning of these lands?
- 22 A Well I was involved but not intimately involved with Frank Dunlop, I wasn't.
- 23 Q 316 You weren't intimately involved with Mr. Dunlop?
- 24 A I would say not, no, but I just don't remember that time, it's so long ago.
- 25 Q 317 Yes. Now, there were further meetings. Did you know that Mr. Jones was
26 having all these meetings with Mr. Dunlop?
- 27 A No, I wouldn't have known about all the meetings of Mr. Dunlop.
- 28 Q 318 Would you have known what transpired at the meetings?
- 29 A No, I would not, not necessarily all.
- 30 Q 319 Why not?

- 1 A Well I had to do what I had to do and I done it. And I met with Mr. Jones
2 regularly because we lived in the same farm, but I wouldn't be at all the
3 meetings, definitely not.
- 4 Q 320 I am not suggesting that you were at all the meetings, but you had agreed with
5 me earlier this morning that you were kept up to date in relation to and you
6 would keep each other up to date in relation to what was happening?
- 7 A On our day to day working, but not on all those meetings, they'd be different
8 meetings.
- 9 Q 321 But you were a director of the company, is that right?
- 10 A That's correct.
- 11 Q 322 Is there any reason why you wouldn't be kept up to date as a director of the
12 company with what was happening in relation to the rezoning
- 13 A I was a farm manager for three farms in three different counties, I was very
14 busy. I would know most of the things but I wouldn't know everything.
- 15 Q 323 Well, Mr. Jones had advised Mr. Dunlop that you were prepared to be involved at
16 whatever level was appropriate, as we saw in that letter of the 29th July, if
17 we have 1462 please. Isn't that right?
- 18 A I was involved myself anyway regardless of Frank Dunlop.
- 19 Q 324 Just dealing with it now in stages, Mr. Brooks, you had been involved in
20 seeking the support, you take issue with the word 'lobbying', in seeking the
21 support of councillors in relation to the 1990 proposal, isn't that right?
- 22 A That is right.
- 23 Q 325 In July 1991, Mr. Jones has advised Mr. Dunlop and has given Mr. Dunlop your
24 telephone number, that you were available to get involved at whatever level was
25 appropriate as soon as possible in relation to the matter, isn't that right?
- 26 A That's right, that's what the record states there.
- 27 Q 326 Yes. And Mr. Dunlop had seen fit to include you in that document of August
28 1991 at 1505, as being involved with the Mr. Jones, the Architects and Town
29 Planners in relation to the strategy being devised, isn't that right?
- 30 A That is right, well that's what he has implied there.

- 1 Q 327 Are you trying to distance yourself from Mr. Dunlop?
- 2 A No, sir, I am not. Not at all.
- 3 Q 328 Isn't it obvious that by August 1991, both Mr. Jones and yourself are
- 4 intimately involved with Mr. Dunlop in relation to the strategy or a strategy
- 5 having these lands rezoned, isn't that right?
- 6 A I was never intimately involved, as you say, I was doing my work in making
- 7 representations to councillors as I knew fit to do and that's what I did do.
- 8 And Frank Dunlop, if he had contacted me, that was --
- 9 Q 329 Mr. Dunlop in that very same document at 1503 had identified the 26 locally
- 10 elected members and indeed others whose support should be sought, isn't that
- 11 right?
- 12 A I knew those myself, I didn't need Mr. Dunlop to tell me that.
- 13 Q 330 Did you tell Mr. Jones that you knew the local councillors and you had already
- 14 sought their support?
- 15 A I probably would have, yes.
- 16 Q 331 Were you critical of Mr. Dunlop's involvement in this --
- 17 A Not necessarily critical, no.
- 18 Q 332 What did Mr. Dunlop bring to the table that you hadn't already brought to the
- 19 table, Mr. Brooks?
- 20 A Very little, as far as I was concerned.
- 21 Q 333 Are you saying that there was no discussion about his involvement?
- 22 A Very little.
- 23 Q 334 The first you heard about it was after he had been retained?
- 24 A That's right.
- 25 Q 335 Even though you were a director of the company?
- 26 A That's right.
- 27 Q 336 Even though you had yourself sought the support of councillors?
- 28 A Correct.
- 29 Q 337 Even though you yourself had been held out to Mr. Dunlop as someone who was
- 30 anxious to get involved, isn't that right?

- 1 A Well I seen him as a role of a planning consultant and that's the role I saw
2 him as.
- 3 Q 338 I see. I didn't understand you to say that you understood that Mr. Dunlop had
4 any planning background or experience?
- 5 A Well I didn't say that, I said he was, I thought he was retained as a
6 consultant.
- 7 Q 339 No, no, you now say he was retained in the role of a planning consultant,
8 earlier I understood your evidence to be that you understood Mr. Dunlop to be a
9 PR consultant?
- 10 A No, sir, I didn't say that. I said I knew he was a press officer with Fianna
11 Fail but I never said he was retained as what you call, what you said. I never
12 said that, sir.
- 13 Q 340 You never said that you understood him to be a PR consultant, but only in the
14 context of Fianna Fail?
- 15 A No, sir.
- 16 Q 341 Well what planning background did you understand Mr. Dunlop to have?
- 17 A I didn't understand any background he had, only that's what I assumed he was
18 because that's the only person, I thought you would be implying when you were
19 looking for planning, that's what I believed and that's it.
- 20 Q 342 Sorry?
- 21 A That's what I believed anyway so ...
- 22 Q 343 Leaving aside what you believed, what planning experience did you understand
23 Mr. Dunlop to have in 1991?
- 24 A I didn't know of any planning experience he had.
- 25 Q 344 How could you arrive at the conclusion that he was retained as a planning
26 consultant?
- 27 A I just assumed it, sir.
- 28 Q 345 Even though he had no obvious planning background?
- 29 A Not that I knew of.
- 30 Q 346 Now there was a further meeting, I think, on the 16th September 1991 at 1543,

1 this appears to be in Mr. Dunlop's handwriting, although he doesn't appear to
2 have marked himself in as present, where it's suggest that there would be a
3 need to contact council re: lands, golf course etc; Do you recall a meeting in
4 September 1991 concerning these lands, attended by Chris Jones, Mr. O'Laoire,
5 Mr. Van Dyke and yourself, possibly Mr. Dunlop?

6 A No, sir.

7 Q 347 Are you saying that you only ever attend one meeting with Mr. Dunlop in
8 relation to these lands?

9 A That I remember, yes.

10 Q 348 Even though you were a director of Ballycullen Farms Limited?

11 A Correct.

12 Q 349 In all the years you only remember one?

13 A That's right.

14 Q 350 Now, on the 31st of October 1991, Mr. Dunlop has a telephone attendance at
15 1562, please, where you appear to have rang him. Do you see that, third,
16 10.10, Oliver Brooks, in brackets (Ballycullen). Why were you ringing
17 Mr. Dunlop in October 1991?

18 A I don't recollect that phone call at all.

19 Q 351 Do you say you never rang Mr. Dunlop?

20 A No, I don't ever remember ringing Mr. Dunlop, sir.

21 Q 352 Would you have any reason to ring Mr. Dunlop for a purpose other than in
22 connection with Ballycullen?

23 A No other reason, no, I wouldn't, I don't think I would have, no.

24 Q 353 Other than Ballycullen and the rezoning of Ballycullen.

25 A I don't believe I would have, no.

26 Q 354 So, is it fair to say, that apart from your recollection of one meeting with
27 Mr. Dunlop where you met him for the first time and became aware for the first
28 time that he was involved in Ballycullen Farms --

29 A That's right.

30 Q 355 -- you had no further meetings with Mr. Dunlop?

- 1 A That I can remember.
- 2 Q 356 That you can remember. And you have no recollection of ringing him or
3 contacting him or advising him of any contacts you had with any person?
- 4 A No, I don't remember, no.
- 5 Q 357 You have no recollection of anybody discussing Mr. Dunlop's involvement with
6 Ballycullen with you other than that one meeting?
- 7 A No.
- 8 Q 358 And what was discussed at that meeting that you attended with Mr. Dunlop?
- 9 A I don't remember. To be honest, I don't remember. I presume, I can only
10 presume we discussed the lands, but I cannot remember. It's too long ago.
- 11 Q 359 Well did you ever say to Mr. Hussey or Mr. Jones why is Mr. Dunlop being
12 retained?
- 13 A No, I never questioned that, I wouldn't have questioned their authority, no.
- 14 Q 360 Did you not say well, what planning background has Mr. Dunlop got?
- 15 A No, I didn't, no.
- 16 Q 361 What role did you think Mr. Dunlop was fulfilling?
- 17 A Planning consultant, he advised them on what to do, I believe, that's what I
18 believe they were doing.
- 19 Q 362 Advising them on what to do about what?
- 20 A Planning or rezoning, whatever.
- 21 Q 363 What advice do you think he was giving?
- 22 A If I remembered that I would be able to tell you, but I don't.
- 23 Q 364 Looking at it now, in retrospect, what advice do you think he could have given?
- 24 A I presume he would tell them how to go about getting the land rezoned.
- 25 Q 365 Did you not know about how to go about getting the land rezoned?
- 26 A I had my own valuations of what to do and that's what I did do.
- 27 Q 366 Yes. Seek the support of councillors?
- 28 A Absolutely, yes.
- 29 Q 367 So why was Mr. Dunlop retained then?
- 30 A As we said earlier, he was retained, I presume, as a planning consultant to

1 advise them.

2

3 JUDGE FAHERTY: Mr. Brooks, sorry, you had been a farm manager since 1971,
4 isn't that correct?

5 A That's correct.

6

7 JUDGE FAHERTY: And I think you have given evidence already about the history
8 of the 1980s, there was a number of attempts and I think Mr. Quinn hasn't gone
9 into it, but I think there was attempts to have the lands rezoned in the course
10 of the making of the 1983 plan, is that correct?

11 A That's, well I believe, around that time, yes.

12

13 JUDGE FAHERTY: And I think the system for and the procedure, I should say,
14 for getting the lands rezoned would have been something similar in 1983 that
15 would be in the review of the 19 -- of that plan in the 1990s, isn't that
16 correct? You had to get a motion before the council.

17 A Well you had to get support.

18

19 JUDGE FAHERTY: You had to get support. Indeed. So would it be fair to say
20 that certainly when the time came to review the 1983 plan, in the early 1990s,
21 that Ballycullen Farms would have known what was to be done?

22 A We'd have a very good idea, yes.

23

24 JUDGE FAHERTY: From the 1980s, they had been through the mill, if you like, in
25 the 1980s with the whole procedure.

26 A Would be, I wouldn't say that we'd know the whole procedure, but we would have
27 a good idea.

28

29 JUDGE FAHERTY: You would have a good idea of it?

30 A We would have an idea, yes.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

JUDGE FAHERTY: All right.

Q 368 MR. QUINN: There was a further meeting, I think, a further phone call, I think, on the 4th November 1991, if we could have 1563 please at 3.40; do you recall ringing Mr. Dunlop at 3.40 on the 4th November 1991?

A I do not, sir, no.

Q 369 But, again, you would agree that if you did ring him, it would have been in connection with the rezoning of Ballycullen?

A Yes, sir.

Q 370 What do you think you might have been saying to Mr. Dunlop in a telephone call in November 1991 concerning the rezoning of Ballycullen?

A Unless I discussed who I met, that's all I can recollect. I don't remember, I would be only guessing.

Q 371 There was a further meeting with Mr. Jones and Mr. Dunlop on the 11th November and the 18th November and the 25th November 1991 at 1568, 1569 and 1572, do you recall any of those meetings or being at any of those meetings or Mr. Jones discussing any of those meetings with you?

A No.

Q 372 You had been involved in the rezoning of the lands in the 1980s, the seeking of the support of the councillors in the 1990, in 1990?

A Yes.

Q 373 You had been put forward as being available to Mr. Dunlop for whatever activity might be deemed appropriate in 1991?

A If that's what the record says, yes.

Q 374 Leaving aside the record for the moment, Mr. Brooks, I just want you to see what your own recall is of these matters.

A I remember meeting Frank Dunlop on one occasion at a meeting. That's what I remember. And I have seen him, I think, once again in the council reception, I'd say.

- 1 Q 375 Did you attend the council reception?
- 2 A I did, yes.
- 3 Q 376 Did you attend there for the purpose of seeking the support of councillors?
- 4 A I did, yes.
- 5 Q 377 Were you a regular attender?
- 6 A Wouldn't say regular, no.
- 7 Q 378 Well, would you attend when the Ballycullen motions were for vote or would you
8 attend at other --
- 9 A I would attend other times, yes, if there was a meeting to advise the council
10 on a proposal, yes, I would, yes.
- 11 Q 379 Now in 1992, March 1992, there were two meetings, or at least one meeting,
12 sorry, the 5th of March 1992, at 1623, with Mr. Jones and by the 12th March
13 1992, Mr. Dunlop had put forward a kind of a preliminary view in relation to
14 the matter, if we could have 1628 please. Do you recall getting a copy of that
15 letter of the 12th March 1992, Mr. Brooks?
- 16 A No, sir.
- 17 Q 380 No. That's a letter to Mr. Chris Jones where Mr. Dunlop on behalf of Frank
18 Dunlop & Associates, referring to a meeting on the 5th March, attached an
19 overview vis-a-vis the timeframe within which you would have to operate, or
20 Jones Group would have to operate, a recommended schedule of contacts and a
21 draft text of information leaflets for distribution amongst councillors. You
22 don't recall getting a copy of that letter? It would appear that it was Mr.
23 Dunlop's intention at least that you would get a copy of the letter?
- 24 A I don't remember it.
- 25 Q 381 Is there any reason why Mr. Jones, for example, wouldn't have given you a copy
26 of the letter?
- 27 A No reason, but I don't remember, sir.
- 28 Q 382 Were you discussing the, your efforts to have the lands rezoned with Mr. Jones
29 and Mr. Hussey throughout this period?
- 30 A I would with Mr. Jones mainly.

1 Q 383 Mr. Jones, was Mr. Hussey not concerned about the rezoning of the lands?

2 A He would be, but I wouldn't be meeting him on an ongoing basis.

3 Q 384 You would have regular meetings with Mr. Jones?

4 A Well in our farm activities we met on a very regular basis. Ongoing, yes.

5 Q 385 Are you saying Mr. Jones never advised you throughout this period that he was
6 having meetings with Mr. Dunlop?

7 A No, he did not.

8 Q 386 And wasn't updating you on what Mr. Dunlop was doing?

9 A I don't recall any of those things. I'd update Mr. Jones on my own activities,
10 yes.

11 Q 387 Well he wasn't similarly telling you about your, about his activities?

12 A No.

13 Q 388 Do you find that surprising?

14 A No.

15 Q 389 Why not?

16 A Well I was a farm manager and I would be doing, I was very busy on the farms,
17 we'd meet on a regular basis, it would be very short, we'd just speak and
18 discuss things and then I was away about my business again, because I was very
19 busy at that time and I wouldn't have time to be going to Beechill to meetings.

20 Q 390 There was a further meeting with Mr. Jones on the 19th March 1992 at 1629 and
21 there's a telephone message from you on the 20th March at 1632. Again, this is
22 the third call you are noted as having made to Mr. Dunlop, isn't that right?

23 A When was that, sir?

24 Q 391 This is the 20th March 1992.

25 A I doubt very much if I made a phone call on the 20th March. I don't recall it
26 anyhow.

27

28 CHAIRMAN: Mr. Brooks, why do you doubt you made a call on that date? You
29 said you doubted that you made a call.

30 A That's around Patrick's --

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

CHAIRMAN: Sorry?

A That would be around St. Patrick's, just after Patrick's Day.

CHAIRMAN: It would be three days after Patrick's Day.

A That would be Patrick's weekend, I am not quite sure, that's a time I wouldn't --

CHAIRMAN: It would be a long weekend.

A Yeah, that's why I -- when it's near Patrick's Day, I doubt it.

CHAIRMAN: And is it that you wouldn't have been working that day?

A I was -- depends on what day it fell on.

CHAIRMAN: St. Patrick's Day would have been on the Tuesday.

MR. QUINN: This is Friday the 20th, Mr. Brooks.

A I believe I probably would be in Cheltenham on that day.

Q 392 There's a further phone call on the 30th March 1992 at 1636. Do you recall ringing him on the 30th March?

A No, sir, I don't.

Q 393 These are records, Mr. Brooks, just to be absolutely certain about it, 0these are records of phone calls that you made to Mr. Dunlop where Mr. Dunlop wasn't in attendance and wasn't in a position to take your call. In other words, there could have been several other calls which would have been taken by Mr. Dunlop, do you understand? These are only the occasions when Mr. Dunlop wasn't at his desk?

A I don't recollect, I don't recall, sir. I honestly don't.

Q 394 You don't recall any of these contacts with Mr. Dunlop, any of these meetings or any of these phone calls?

- 1 A I did recall a meeting with Mr. Dunlop.
- 2 Q 395 You told us about that one meeting.
- 3 A I believe I met him again in the chamber, not in the chamber, in the, I call
4 it the reception area, in Dublin County Council. In O'Connell Street, yes, I
5 do vaguely remember that, yes.
- 6 Q 396 Mr. Dunlop's recollection was that this call of the 30th of March had to do
7 with Fianna Fail councillors. Would you have rang Mr. Dunlop and advised him
8 of your contacts with councillors?
- 9 A I don't remember.
- 10 Q 397 You don't remember?
- 11 A I do not. Honestly, no.
- 12 Q 398 Could you have contacted him?
- 13 A I don't doubt that I could, but I don't remember it, definitely not.
- 14 Q 399 Now if we can have 1652 please. This is a fax from Mr. Jones to Mr. Frank
15 Dunlop asking Mr. Dunlop to provide the text of a submission that Mr. Lydon had
16 to make to the council. You knew Mr. Don Lydon?
- 17 A I did, yes.
- 18 Q 400 How long did you know Mr. Lydon?
- 19 A I know him a long time. I don't recall how long ago, I met him at Fianna Fail
20 functions years ago, yes.
- 21 Q 401 Was Mr. Lydon one of the councillors you would have contacted in 1990 to
22 support the planning application?
- 23 A That is correct, yes.
- 24 Q 402 Did you contact Mr. Lydon in 1992 or 1991 or 1992 to support your rezoning
25 proposals for the lands?
- 26 A Around that time I would have contacted him, but I don't remember the dates,
27 no.
- 28 Q 403 Could you have contacted him, do you think, in April 1992?
- 29 A Possible.
- 30 Q 404 Did you tell him that Mr. Jones would like to meet with him?

- 1 A I did, yes.
- 2 Q 405 Did you take him to see the lands?
- 3 A Well we met in Ballycullen, yes, he did look at the lands in Ballycullen.
- 4 Q 406 Was that at your invitation?
- 5 A I am not sure whether it was his idea or my idea, but he did come and look at
- 6 the lands anyhow. That's my recollection of it.
- 7 Q 407 And was it after he had come and seen the lands that you had told him that
- 8 Mr. Jones wanted to see him?
- 9 A I am not quite sure.
- 10 Q 408 Do you recall discussing Mr. Lydon with Mr. Jones?
- 11 A Not really, no. No.
- 12 Q 409 But Mr. Jones must have discussed Mr. Lydon with you because you recall asking
- 13 Mr. Lydon to meet with Mr. Jones.
- 14 A That's correct. That is correct, yes.
- 15 Q 410 And when Mr. Jones asked you to know if Mr. Lydon would come and see him, did
- 16 he tell you why he wanted to see him?
- 17 A No, sir but I believe it was in connection with the development.
- 18 Q 411 Did Mr. Lydon tell you he would be supportive of a rezoning?
- 19 A At what stage he told me, I am not quite sure. I believe after looking at the
- 20 lands.
- 21 Q 412 So this would have been in or around this time, isn't that right, had he seen
- 22 the lands before he met Mr. Jones?
- 23 A I believe so.
- 24 Q 413 Yes. So can we take it then that by April 1992, Mr. Lydon had seen the lands
- 25 and he told you he would be supportive of the motion, or a motion, to rezone?
- 26 A Well, sir, the dates I can't remember, no, but I know I did meet Mr. Jones,
- 27 yes.
- 28 Q 414 Had he told you before he met Mr. Jones he would be supportive of the rezoning?
- 29 A I couldn't honestly say what he had said to me at that time.
- 30 Q 415 Did you know that Mr. Jones had given a cheque of 2,000 pounds to Mr. Lydon in

- 1 April 1992?
- 2 A No.
- 3 Q 416 Why do you think Mr. Jones gave Mr. Lydon a cheque for 2,000 pounds in April
4 1992?
- 5 A You would have to ask, I wouldn't know, you would have to ask Mr. Jones.
- 6 Q 417 There was no election in April 1992, isn't that right?
- 7 A I am not -- there was three elections at that time, but I don't recall exactly
8 what dates they were, yes.
- 9 Q 418 You do know that Mr. Jones appears to have had the text of the motion by the
10 time he met Mr. Lydon in April 1992?
- 11 A No.
- 12 Q 419 On the 15th April 1992, Mr. Dunlop, if we could have 1659, wrote to Mr. Jones
13 at the bottom of paragraph 3, you, he says "I attach the text of the motion",
14 do you see that? Did you know, you must have known, Mr. Brooks, from your
15 knowledge of the way the council worked, and the system worked, that it would
16 be necessary to have a motion signed proposing the rezoning of these lands,
17 isn't that right.
- 18 A Yes, sir.
- 19 Q 420 Did you ever ask anybody to sign such a motion?
- 20 A No, sir.
- 21 Q 421 Who did you believe was going to sign such a motion?
- 22 A I wasn't involved in anybody signing motions. I was looking for the support
23 of, and I believe once you got the support, somebody would do that, yes.
- 24 Q 422 But --
- 25 A I wasn't involved in asking anybody to sign motions.
- 26 Q 423 Who had responsibility for getting a motion signed?
- 27 A I presume Mr. Jones himself.
- 28 Q 424 Sorry?
- 29 A Mr. Jones himself, I believe.
- 30 Q 425 Did Mr. Jones have regular contact with councillors?

1 A Not that I'm aware of, no.

2 Q 426 Well if he didn't have regular contact with councillors, how did you come to
3 the conclusion that he would organise the signing of the motion?

4 A It's a long time ago, sir, I can't recollect.

5

6 CHAIRMAN: Mr. Brooks, you must have known who was -- you must have known of
7 the arrangements about getting a motion signed. You were, you had taken on
8 yourself, onto yourself, the task of making representations to councillors.

9 A That's right.

10

11 CHAIRMAN: And that was, as you have said yourself, that was for the purposes
12 of ensuring their support or getting their support to a motion. So you must
13 have known something about who was arranging the motion and when of the motion
14 was going to be set down?

15 A A lot of things happened around that time, sir. And just to recollect, that
16 memory is not, you know, I just don't recollect it, but I know that Mr. Lydon
17 would be supporting the motion, I do know that.

18

19 CHAIRMAN: But you must have known, a crucial stage in all of this was getting
20 a motion put down so that the work that you had done to persuade, hopefully to
21 persuade councillors to support the motion, that that work would be realised.
22 So there must have been discussion at least between yourself and other people,
23 or information passing as to when this motion was going to come up and what the
24 wording of the motion would be and who was going to put it down and who was
25 going to sign it. Is it your evidence to the Tribunal that you had no part or
26 parcel or that you had no part at all in the preparation of the motion or in
27 discussions in relation to its preparation

28 A I wouldn't say I had no discussions, but I definitely didn't, wasn't part of
29 asking anybody to sign the motion. I thought the most important aspect of it
30 was get the number of councillors to support it and that was the role I was

1 active in mostly.

2

3 CHAIRMAN: But there must have been discussion between yourself and Mr. Jones
4 at least as to what the motion was going to contain?

5 A Well, sir, I am not going to say if there was or there wasn't because I don't
6 recollect that discussion at that time.

7

8 CHAIRMAN: I mean, wouldn't the acreage have been something that would be
9 information that you would have had to supply, and other details. Mr. Jones
10 would have presumably had to reply on your expertise to provide that sort of
11 information?

12 A Well I'd have had the plan from Murray O'Laoire or whoever was the architect at
13 the time and I would show it to the relevant councillors and ask them for the
14 support for that type of submission. That would be where I would be involved
15 mostly.

16

17 CHAIRMAN: But in relation to the motion, I would have thought that that must
18 have been a very busy time for anybody concerned, including yourself, in the
19 plans to rezone this land, it would have been a culmination, in effect, of all
20 your efforts.

21 A Well my recollection, sir, is that I was, my recollection is that I believe we
22 had the numbers of people to support the thing. That is the role.

23

24 CHAIRMAN: So you would have had an interest in what the motion was going to
25 say?

26 A Absolutely, yes, but I just can't recall the precise actions at the time, other
27 than the numbers of councillors to support the proposal.

28

29 CHAIRMAN: All right.

30

- 1 MR. QUINN: When exactly did you realise that you had the numbers, Mr. Brooks?
- 2 A I don't remember that.
- 3 Q 427 You don't remember that?
- 4 A How could I, sir, that's 14 years ago.
- 5 Q 428 The motion itself, I think, was signed in September 1992 and was voted on on
6 the 29th October 1992. When in relation to September and October 1992 did you
7 realise you had the numbers?
- 8 A Sir, I wouldn't, I realised sometime beforehand but I don't remember what, when
9 or where.
- 10 Q 429 Did any of the councillors that you, whose support you sought tell you
11 Mr. Dunlop had also sought their support?
- 12 A No.
- 13 Q 430 Did you know Mr. Dunlop was seeking the support of councillors?
- 14 A No, not really.
- 15 Q 431 When you say not really?
- 16 A I did know he was talking to councillors.
- 17 Q 432 Okay. Well why were you not liaising with him to find out what councillors he
18 was speaking to so that you wouldn't double up on the work.
- 19 A Well, sir, as I said earlier, I had to do what I had to do and that's what I
20 did do.
- 21 Q 433 Wouldn't it have been a benefit to you to share your experience with
22 councillors with Mr. Dunlop, after all, you both had the same objective?
- 23 A We may have or may not have, I don't know.
- 24 Q 434 And is there any reason why you wouldn't have discussed the matter with
25 Mr. Dunlop?
- 26 A I don't think I had any need to, sir.
- 27 Q 435 Well he was seeking the support of councillors, isn't that right, and you were
28 seeking the support of councillors, and you were both seeking the support of at
29 least some of the same councillors for the same proposal, isn't that right?
- 30 A That's possible, yes.

1 Q 436 And is there any good reason why you wouldn't have been on to Mr. Dunlop and
2 sharing information with him in relation to the matter?

3 A I just wasn't, that's all.

4 Q 437 But is there any reason why you weren't?

5 A I didn't believe it was necessary, sir, that's all.

6 Q 438 Now there were further meetings I think between Mr. Jones and Mr. Dunlop on the
7 22nd of April, that's at 1662, 29th May, 1684, 15th June at 1692, 21st July at
8 1701, 17th August at 1718, and 31st August at 1729. Are you saying that you
9 didn't attend any of those meetings?

10 A I did not say that, sir, I don't remember.

11 Q 439 Sorry?

12 A I don't remember attending any meetings with Mr. Dunlop, only the one meeting,
13 that I can recollect.

14 Q 440 Is there any reason why Mr. Jones or Mr. Hussey wouldn't have you present at
15 any of those meetings with Mr. Dunlop?

16 A I don't believe so but they would conduct their own business. They would be in
17 the office. I wouldn't, I'd be probably maybe down the west or I could be
18 anywhere.

19 Q 441 We know that for example in 1991, you had attended the meeting with the
20 planners, isn't that right?

21 A You said that.

22 Q 442 Yeah. That meeting, that memo prepared by Mr. Hussey seems to suggest you
23 attended that meeting?

24 A What I am saying, sir, if I attended meetings, I only remember that particular
25 meeting with Mr. Dunlop. I remember attending with Frank Benson and Murray
26 O'Laoire and whatever other meetings, I don't recollect. I don't remember
27 them.

28 Q 443 Now on the 4th September 1992, Mr. Hand advised Mr. Dunlop of the upcoming
29 special meetings in relation, if we could have 1742 please, in relation to the
30 Development Plan. You knew by September 1992 that the Ballycullen was likely

- 1 to be discussed, in other words, that Ballycullen area was going to come up for
2 discussion, isn't that right?
- 3 A Well, I assume I did, yes.
- 4 Q 444 And you knew that for it to be discussed, there would have to have been a
5 motion, isn't that right?
- 6 A I can't recollect that.
- 7 Q 445 When did you discover for the first time that this motion had been signed by
8 Mr. Lydon?
- 9 A I have no idea, sir.
- 10 Q 446 Did you ever approach Mr. Hand in relation to the --
- 11 A No, sir, I think I only met that gentleman once.
- 12 Q 447 You never sought his support?
- 13 A No, sir.
- 14 Q 448 Do you know if Mr. Hussey sought his support?
- 15 A No, only what I read in the --
- 16 Q 449 Sorry?
- 17 A Only what I have read on some manuscript.
- 18 Q 450 Was Mr. Hand's support ever discussed between yourself, Mr. Jones and
19 Mr. Hussey?
- 20 A No, sir.
- 21 Q 451 Was Mr. Lydon's support ever discussed between the three of you?
- 22 A Not that I can recollect. I would have discussed it with Mr. Jones all right,
23 yes.
- 24 Q 452 On the 25th September 1992, you appear to have rang Mr. Dunlop at 1778. Do you
25 have any recollection of why you might have been seeking Mr. Dunlop on that
26 date?
- 27 A I don't even remember ringing him.
- 28 Q 453 That's three days before the motion was signed?
- 29 A I don't remember.
- 30

1 MR. DOHERTY: Sorry, sir, this document, McCann Fitzgerald solicitors wrote to
2 the Tribunal in relation to this document and documents like these asking --
3 sorry, if Mr. Quinn could just clarify, is this one of the documents which
4 records a call which did not, was not successful in reaching Mr. Dunlop?

5
6 CHAIRMAN: This is a record taken by his secretary, of calls that were made to
7 Mr. Dunlop when either he wasn't there or was there but was otherwise engaged.
8 In other words calls that didn't reach him at the time.

9
10 MR. DOHERTY: Thank you.

11
12 Q 454 MR. QUINN: You appear to have made a similar call on the 1st October 1992 at
13 1806, do you have any recollection of that call, Mr. Brooks?

14 A None whatsoever.

15 Q 455 On the 19th of October 1992, there was a meeting, if we could have 1840, 11
16 o'clock meeting with Mr. Jones. That's a meeting which you appear to have
17 attended, Mr. Brooks, do you recall that meeting?

18 A No, sir.

19 Q 456 You don't recall that meeting?

20 A No.

21 Q 457 This would have been three days after the Beechill motion, did you know that
22 there was a motion in relation to Beechill?

23 A There was talk of it, yes, but I wasn't involved.

24 Q 458 This would have been 10 days before the vote on the Ballycullen lands, you
25 don't recall that. If we could have 1841, please. This is a message which
26 appears to have been left by you for Mr. Dunlop at 2.35 on that date. You give
27 a telephone number and you say you missed out on something at meeting earlier
28 on, want a quick word. That suggests you were at the earlier meeting, doesn't
29 it?

30 A That's an expression I would never use. "I want a quick word," sir.

- 1 Q 459 Sorry?
- 2 A That's an expression I would never use, "I want a quick word." I don't
3 believe I ever used that expression.
- 4 Q 460 So you don't believe that this, that you phoned Mr. Dunlop on the 19th of
5 October 1992 following on an earlier meeting that day?
- 6 A What I'm saying is I don't remember phoning him.
- 7 Q 461 Sorry?
- 8 A I don't remember doing that.
- 9 Q 462 Mr. Dunlop in his evidence says that you were at this meeting?
- 10 A Well that's, if he says that, I am not going to contradict him, but I don't
11 remember being at the meeting.
- 12 Q 463 You don't remember being at a meeting 10 days before the vote, after the
13 motions had been signed, attend by Mr. Dunlop, concerning the upcoming
14 rezoning?
- 15 A No, I do not remember it, no.
- 16 Q 464 Is there any reason why you wouldn't be at such a meeting, having regard to all
17 your efforts to date to have the lands rezoned?
- 18 A I don't know, but I don't remember that meeting, sir, that's all I'm saying.
- 19 Q 465 Maybe not this particular meeting, but do you not remember a meeting coming up
20 to the vote, attended by Mr. Dunlop and others?
- 21 A That's possible, I do not remember those meetings. They are a long time ago.
22 They are 14 years ago.
- 23 Q 466 Were you at the meeting or at the vote on the 29th?
- 24 A If you could refresh me what, which vote was that, sir.
- 25 Q 467 Sorry? The 29th October 1992. When the lands were rezoned.
- 26 A That was the successful motion?
- 27 Q 468 Yes.
- 28 A I was, yes, I recall being there in the --
- 29 Q 469 Environs?
- 30 A In the actual, I was in the secretary's office or the reception area at that

1 time. I was, yes.

2 Q 470 Do you recall seeing Mr. Dunlop there?

3 A He was, yes.

4 Q 471 Did you know why he was there?

5 A Well I think there was several motions on that particular day and he was
6 probably there because he was working for Mr. Jones, I presume, yes, as well as
7 others I imagine.

8 Q 472 Just to go back for a little bit, you knew Mr. Lawlor, isn't that right?

9 A I did, yes.

10 Q 473 And you knew Mr. Lawlor was helping Mr. Jones in relation to the rezoning,
11 isn't that right?

12 A I believe I met him once in the confines of it, yes. Now, I don't know when
13 that was, but I do remember.

14 Q 474 In 1988, if we could have 1174 please. This is a note made by Kieran O'Malley
15 who was a planning consultant employed by Ballycullen Farms in the 1980s. Do
16 you recall Mr. O' Malley being employed?

17 A Yeah, I seen him, I had forgotten about Mr. O' Malley until I seen it in some
18 of the correspondence there that were read recently and I recollect Mr.
19 O'Malley being employed. But not for -- I can't remember him only very little
20 now.

21 Q 475 The little bit you can remember, Mr. Brooks, does it extend to remembering
22 Mr. Lawlor being in contact with the council concerning a drainage problem on
23 the lands?

24 A No, sir.

25 Q 476 Sorry?

26 A No, sir.

27 Q 477 Did you know that Mr. Lawlor, through a company Comex Limited, had received
28 payment from Mr. Jones or from Ballycullen Farms Limited?

29 A Never heard of such company.

30 Q 478 You never heard of that company?

- 1 A No.
- 2 Q 479 When was the first time you heard of that company?
- 3 A I think I read it in some document or some evidence that was given here when I
4 saw that.
- 5 Q 480 Can we take it then it wasn't until the public hearings commenced that you
6 first heard of a company called Comex?
- 7 A That's right.
- 8 Q 481 When did you first hear that Mr. Lawlor might have received money from either
9 Ballycullen Farms or Mr. Jones?
- 10 A In the same context.
- 11 Q 482 In the same context. You know that now that that money was paid on the 29th
12 July 1991, sorry on the 30th July on foot of an invoice of the 29th July. 1463
13 please.
- 14 A No.
- 15
- 16 CHAIRMAN:
- 17 A Other than that document, no, sir.
- 18 Q 483 Sorry?
- 19 A Other than what that document says, no, sir.
- 20 Q 484 You have none?
- 21 A None whatsoever.
- 22 Q 485 Could I have 1466. This is the stub of the cheque for which the 7,500 was
23 paid. It says Comex Trading B/C Development, which presumably means
24 Ballycullen development; Do you recognise the handwriting there?
- 25 A No, sir.
- 26 Q 486 So, you had no idea that Mr. Lawlor had been paid?
- 27 A No, sir.
- 28 Q 487 Now, if we could have 1762 please. This is a meeting of the 17th September
29 1992 and it's not suggested you were present at this meeting, but it would
30 appear that Mr. Lawlor may have been present at that meeting. Did you know

1 that Mr. Jones was meeting with Mr. Lawlor in September 1992?

2 A No, sir, I wouldn't recollect that, no.

3 Q 488 If we could have 1764 please. This is a fax which appears to have been sent by
4 Mr. Lawlor on the 17th September 1992 which refers to that meeting. And which
5 gives certain advices to Mr. Jones; did you know that that fax had been sent?

6 A No.

7 Q 489 No.

8 A I have no knowledge of that.

9 Q 490 You have no knowledge of this. Mr. Jones never told you, Mr. Lawlor never told
10 you and you never knew?

11 A Well I don't remember that letter at all.

12 Q 491 You don't remember this document?

13 A No, I don't.

14 Q 492 And if we could have 1798, this is a further update from Mr. Lawlor of the 30th
15 September 1992 to Mr. Jones where he sets out a written report and he says that
16 he is in constant contact with Frank, which presumably is Mr. Dunlop. Again,
17 you have no knowledge of this?

18 A No.

19 Q 493 I suppose at this stage, Mr. Brooks, I had better ask you to tell the Tribunal
20 what it is you do remember of the contact with Mr. Lawlor and Mr. Jones?

21 A I remember meeting Mr. Lawlor, I am not quite sure if it was outside the office
22 or in the office, what was discussed, I don't recollect either, other than I
23 assume it would be something got to do with the lands, but I do not remember
24 any more of that meeting. Any other times I met Mr. Lawlor would be either at
25 the Ard Fheis, I did meet him sometime before that when he was involved with
26 Bailieborough because we were milk suppliers to Bailieborough and those were my
27 recollections of Mr. Lawlor.

28 Q 494 Was Mr. Lawlor coming or going to a meeting when you met him outside the
29 offices?

30 A Coming, I think.

- 1 Q 495 Was he coming to the same meeting as you were?
- 2 A I presume he was, yes.
- 3 Q 496 Therefore he must have attended the same meeting as you did?
- 4 A He must have, yes.
- 5 Q 497 Is it fair to say that that meeting concerned the rezoning of Ballycullen?
- 6 A Well fair to say it, but I don't remember the content of the meeting.
- 7 Q 498 Would it be fair to say then your recollection is not just of a casual meeting
- 8 outside the offices of Beechill but, in fact, attending a meeting with
- 9 Mr. Lawlor and Mr. Jones at which the rezoning of Ballycullen were discussed?
- 10 A That is possible, yes.
- 11 Q 499 Who else might have been at that meeting?
- 12 A I presume Mr. Hussey, but I don't know. I just barely remember that meeting.
- 13 Q 500 You had Mr. Lawlor, Mr. Hussey and Mr. Jones and yourself and Mr. Brooks, three
- 14 directors of the company, or at least two directors perhaps at this time, at a
- 15 meeting with Mr. Lawlor discussing the rezoning of Ballycullen.
- 16 A I didn't say that, I remember the meeting. We can only presume. Because I do
- 17 not remember the context of the meeting. How could I 14 years ago? I could
- 18 not.
- 19 Q 501 Mr. Lawlor, I think, lost his seat in the election in 1991, isn't that right?
- 20 A If you say so, I don't -- I wouldn't recall that now, but I remember him losing
- 21 his seat at some stage, yes.
- 22 Q 502 When do you think this meeting might have taken place, Mr. Brooks?
- 23 A No idea, sir.
- 24 Q 503 Well was it in or around the time of the vote, the October 1992 vote?
- 25 A I don't know. I have said I don't remember the date, the time or date or year.
- 26 Q 504 Was it before or after Mr. Dunlop was retained?
- 27 A I don't remember. I can't, it's too long ago.
- 28
- 29 CHAIRMAN: Mr. Quinn, it's one o'clock so we will sit again at two o'clock.
- 30

THE TRIBUNAL THEN ADJOURNED FOR LUNCH:

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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

MR. QUINN: Mr. Brooks, please.

CONTINUATION OF EXAMINATION OF MR. OLIVER BROOKS BY MR. QUINN:

Q 505 Good afternoon, Mr. Brooks?

A Good afternoon.

Q 506 Mr. Brooks, before lunch I was asking you about a meeting that you recalled taking place between Mr. Hussey, Mr. Jones, yourself and Mr. Lawlor, you couldn't recall when the meeting took place?

A No.

Q 507 Was it before or after the vote in 1992?

A No, I don't remember, sir.

Q 508 At all, at all?

A No, and I don't remember, I didn't say that, I said I believed that they would have attended a meeting. I didn't say they did. I believe they may have but, as I said, I remember meeting Mr. Lawlor, I believe, in the carpark. After that, I don't recollect the meeting, sir.

Q 509 Now, we know that the motion was successful in 1992, isn't that right?

A Yes.

Q 510 I think you advised the Tribunal that you knew in advance, although you can't say how long in advance, that the motion would be successful, that you had the numbers?

A Yes.

Q 511 And did you tell Mr. Jones that you had the numbers?

A I would have expressed that belief, yes.

Q 512 Did you tell Mr. Dunlop that you had the numbers?

- 1 A I don't recall telling Mr. Dunlop, but I would have told Mr. Jones certainly.
- 2 Q 513 Mr. Dunlop's evidence was that you reported to him on matters, how matters were
3 getting on in the Fianna Fail --
- 4 A I reported to Mr. Jones, sir.
- 5 Q 514 Not to Mr. Dunlop?
- 6 A Not that I can remember, sir.
- 7 Q 515 You can't recall why you were ringing Mr. Dunlop on those occasions that I --
- 8 A There was always a possibility I may have on occasion, but I don't recollect
9 that, sir.
- 10 Q 516 Mr. Dunlop has said that he would have been in regular contact with you?
- 11 A That is not true.
- 12 Q 517 That is not true.
- 13 A No.
- 14 Q 518 Was there any particular politician amongst the local politicians that you were
15 more friendly with than others?
- 16 A Well the Fianna Fail local, the Fianna Fail councillors, I would have been
17 very friendly with them, yes.
- 18 Q 519 Now, Mr. Jones has produced a schedule to the Tribunal which sets out an amount
19 of donation, political donations. Can I have page 701 please of the brief.
20 The Tribunal has been led to believe that both yourself, your brother,
21 Mr. Jones senior and junior, and possibly Mr. Hussey were involved in compiling
22 this schedule; Do you recall giving Mr. Jones assistance?
- 23 A I did, sir, that's correct, sir.
- 24 Q 520 And presumably your assistance would have been by way of advising Mr. Jones and
25 his solicitors or, indeed, your own solicitors of the contributions that you
26 had made on behalf of either Mr. Jones or Ballycullen Farms?
- 27 A Mr. Jones had a list.
- 28 Q 521 Yes?
- 29 A And we worked from that list, sir.
- 30 Q 522 Okay. Let's deal with Mr. Jones' list. When you say he had a list, what sort

- 1 of list did he have?
- 2 A Of people that he made donations to.
- 3 Q 523 How did he compile that list?
- 4 A I don't recollect, but we sat down and went through the list with him.
- 5 Q 524 So he produced a draft of a list?
- 6 A He did, sir, yes.
- 7 Q 525 And were there politicians included on that list?
- 8 A Was there, sorry?
- 9 Q 526 Were there politicians included in the list?
- 10 A Yes, there was, yes.
- 11 Q 527 And were there amounts payable to those politicians included on the list?
- 12 A That's correct, sir, yes.
- 13 Q 528 And what contribution or advice did you give him in relation to signing off on
- 14 the list?
- 15 A Well my memory of any donations that I gave on behalf of Ballycullen, I done my
- 16 very best, it wasn't hard to recollect that, sir, but we done our very best to
- 17 do so.
- 18 Q 529 What donations did you make to politicians on behalf of Ballycullen?
- 19 A They're on the schedule, I believe, sir. There's umpteen. Unless they are
- 20 called out to me, it's very hard to recollect them.
- 21 Q 530 If we could have page 702 please. At the bottom of page 702, if we could have
- 22 just the bottom of that, there are a series of politicians named there and
- 23 there are entries for what are described as local election donations, do you
- 24 see that?
- 25 A I see that, sir, yes.
- 26 Q 531 Did you make a donation to any of the people on that list?
- 27 A I did, sir, yes, on behalf of Ballycullen, yes.
- 28 Q 532 Who on that list did you give a donation to?
- 29 A Well there was people I know for definite I did. Others I wouldn't be sure of,
- 30 sir.

- 1 Q 533 Let's look at the list, Mr. Brooks.
- 2 A Yes.
- 3 Q 534 Who on that list, as you see it there, you say you paid?
- 4 A Mr. Cyril Gallagher, I delivered a cheque to him.
- 5 Q 535 Mr. Cyril Gallagher. Was that a cheque for 1,000 pounds?
- 6 A I believe so, I didn't look at it now, it was in a white envelope.
- 7 Q 536 Was that a Ballycullen cheque?
- 8 A I believe so, sir, yes.
- 9 Q 537 Were you acting in the capacity as courier?
- 10 A Yes, sir.
- 11 Q 538 Who asked you to give the cheque to Mr. Gallagher?
- 12 A I believe it to be Mr. Jones.
- 13 Q 539 Who asked Mr. Jones to give money to Mr. Gallagher?
- 14 A I am not quite sure, sir.
- 15 Q 540 Why didn't Mr. Jones not give the money himself directly to Mr. Gallagher?
- 16 A Well it probably happens I was going in that direction or I agreed to do it for
17 convenience sake for Mr. Jones, sir.
- 18 Q 541 Did you discuss the payment to Mr. Gallagher with Mr. Jones?
- 19 A Not that I can remember.
- 20 Q 542 When in relation to the Development Plan vote in 1992 did you give the money?
- 21 A I don't know, sir.
- 22 Q 543 Was the money given by way of cheque or by way of cash?
- 23 A By way of cheque, I believe.
- 24 Q 544 A Ballycullen cheque?
- 25 A Yes, sir.
- 26 Q 545 Or a Chris Jones' cheque?
- 27 A I would believe Ballycullen, I couldn't be certain, but I believe it would be
28 Ballycullen.
- 29 Q 546 A Ballycullen cheque?
- 30 A I believe so.

- 1 Q 547 Was it signed by anybody other than Mr. Jones?
- 2 A I didn't see the cheque, so I don't know.
- 3 Q 548 You told us earlier that both Mr. Hussey and Mr. Jones had signing authority on
4 cheques?
- 5 A They had, sir, yes.
- 6 Q 549 You didn't.
- 7 A No, sir.
- 8 Q 550 Did they both sign cheques or could they sign individually?
- 9 A I am not sure of that, sir.
- 10 Q 551 Okay. In any event, you knew that you had in your possession a cheque made
11 payable to Mr. Gallagher on either Ballycullen or Mr. Jones' personal account?
- 12 A That's correct.
- 13 Q 552 You believe it was Ballycullen?
- 14 A That would be my assumption.
- 15 Q 553 And you delivered it to Mr. Gallagher?
- 16 A I did, to his house, sir.
- 17 Q 554 Was Mr. Gallagher expecting the cheque?
- 18 A I think he was quite surprised maybe, I am not sure. It's a long time ago, but
19 I delivered it to him anyhow.
- 20 Q 555 You recall delivering it?
- 21 A I do.
- 22 Q 556 And you recall delivering it to his house?
- 23 A Yes, sir.
- 24 Q 557 Mr. Gallagher, I think, lives on the north side of the city, is that correct?
- 25 A That's correct, sir.
- 26 Q 558 And what discussion took place between yourself and Mr. Gallagher?
- 27 A Sir, I don't remember that. I couldn't. Sure that's too long ago.
- 28 Q 559 Well let's go through the list again. Who else do you remember delivering
29 cheques to?
- 30 A Who else. Ned Ryan, sir.

- 1 Q 560 Ned Ryan. Yes. Will you tell the Tribunal the circumstances under which you
2 came to pay money to Mr. Ryan?
- 3 A Well I don't know the circumstances. I knew Ned Ryan for a long, long time
4 through his activities in the agricultural sector, sir. And I believe there
5 was an election coming up. Now, I am not rightly sure whether I went to his
6 house or whether I met him somewhere, but I remember giving him a cheque all
7 right.
- 8 Q 561 Was that a Ballycullen cheque or your own cheque?
- 9 A Sir, I am sure it was a Ballycullen cheque. I believe it was, yes.
- 10 Q 562 Was that a cheque given to you by Mr. Jones to give to Mr. Ryan?
- 11 A Yes, I believe I may have looked for that on behalf of Ned Ryan because I would
12 be very friendly with the man. I would know him for years and I knew he was
13 contesting elections, so it would be only right that we would support him in
14 his efforts to get elected.
- 15 Q 563 But you weren't supporting him, Ballycullen Farms were supporting him?
- 16 A Well if there was a feel-good factor by the fact that I was able to produce the
17 cheque, bring it to him or whatever, and that was the ...
- 18 Q 564 That cheque to Mr. Ryan was completely different to the cheque to
19 Mr. Gallagher?
- 20 A No difference.
- 21 Q 565 Well as I understood your evidence you were merely delivering a cheque from
22 Mr. Jones to Mr. Gallagher, whereas in this case, Mr. Ryan had sought from you
23 some support?
- 24 A I didn't say that, sir, and I don't remember whether I decided to support him
25 or whether he looked for support. I am not, I don't recollect which way it
26 was, but we did give him a cheque for that all right.
- 27 Q 566 Did you discuss giving the cheque to Mr. Ryan, with Mr. Jones?
- 28 A Probably did, sir.
- 29 Q 567 Or would you have discussed it with Mr. Hussey?
- 30 A No, it would be Mr. Jones.

- 1 Q 568 Did you ever discuss making payments with Mr. Hussey?
- 2 A Rarely, I don't think so.
- 3 Q 569 That is payments to politicians?
- 4 A No.
- 5 Q 570 You would only have discussed it with Mr. Jones?
- 6 A That's all.
- 7 Q 571 Now both of those payments would have been made in 1992, isn't that right?
- 8 A Well, if the schedule says that, I don't remember exactly.
- 9 Q 572 You were involved in preparing the schedule, isn't that right?
- 10 A I was, sir, yes.
- 11 Q 573 I'm only relying on what's in the schedule, you contributed to creating that
- 12 schedule?
- 13 A I did, sir, yes. But, as I said, I had to rely on the dates that was, the
- 14 records kept by Mr. Jones, because I would have no records or times or dates of
- 15 those happenings.
- 16 Q 574 Well when in 1992, do you think, that those payments were made?
- 17 A I don't know, sir.
- 18 Q 575 How close together were the payments to Mr. Ryan and Mr. Gallagher, can you
- 19 recall?
- 20 A I can't recall. No.
- 21 Q 576 How did you settle on a sum of 1,000 pounds to Mr. Ryan?
- 22 A I can't recall. Look, I don't know where this is getting to, but that's 14
- 23 years ago. I remember what I remember, delivering the cheque. Other than
- 24 that, I am only working on memory or trying to do my very best, I cannot recall
- 25 those. If that was the case, sir, I would have a mind like a computer, sir.
- 26 Q 577 Having another look at the list, can you recognise any other cheques you may
- 27 have delivered or persons you may have contributed to?
- 28 A Well, I remember there's names there that are familiar. I would know a person
- 29 called Sheila Terry and I do remember getting a letter from her for a
- 30 subscription for her, but I don't recollect or remember giving her that cheque,

1 but the fact that she wrote to me, I assume we probably did, yes.

2 Q 578 That's a sum of 500 pounds, is that right?

3 A I am not -- well --

4 Q 579 That's what's entered?

5 A If that's what it says, sir, yes.

6 Q 580 Why would Ms. Terry get 500 pounds and Mr. Ryan and Mr. Gallagher get 1,000
7 pounds?

8 A If it was a golf classic, I presume it was or something of that nature, that
9 would be the price of the -- I presume, I am only assuming that.

10 Q 581 So we have Mr. Gallagher, Mr. Ryan, Ms. Terry. Who else did you give money to?

11 A Now, I said, I didn't say I gave money to Sheila Terry, I said she wrote to me,
12 to make it clear that I don't -- if the schedule says I did, I did, but I don't
13 remember giving it to her, but I have to accept what I see on the schedule. On
14 what you say.

15 Q 582 I didn't create that list, Mr. Brooks, that's not my list. This is a list you
16 helped create.

17 A Or the best recollection we had to make sure that we covered all areas. That's
18 what we were asked to do by the Tribunal, I believe.

19 Q 583 Well are there any other names from that list that you contributed to?

20 A There's another one there, Marion McGennis, dinner. That's very vague in my
21 memory too, but I would have met Marian McGennis, not very often, but I would
22 have met her at that particular time and I believe she did make a request to me
23 for support for a luncheon. But, then again, I don't remember very clearly
24 either.

25 Q 584 For example, Ms. Hennessy, Marie Hennessy there, who is noted as having
26 received 500 pounds for a local election, she has advised the Tribunal she
27 wasn't even a councillor at that time.

28 A Yeah. I don't know how that came to be, sir. I don't know --

29 Q 585 Could the date be wrong?

30 A The date could be wrong, sir.

1 Q 586 So it could have been 500 pounds but not in 1992?

2 A That is possible, sir, yes.

3 Q 587 Anybody else on the list that you may have contributed to?

4 A I am not so sure about Liam Creavan either, I don't recall giving him a cheque
5 either, but I would have been friendly with Liam Creavan.

6 Q 588 Yes. Mr. Creavan is noted as having received 1,000 pounds.

7 A Yes.

8 Q 589 Do you think you might have given him that money?

9 A That is possible, but I don't remember it now exactly, I don't, but it is
10 possible.

11 Q 590 Is Mr. Creavan's name on the list because you had a vague recollection of
12 perhaps giving him a thousand pounds?

13 A No, sir, I didn't say that. I said it's possible.

14 Q 591 Somebody else suggested the money?

15 A The list was there and it's quite likely if he was running for election that I
16 would have supported him.

17 Q 592 Was Mr. Creavan's name, Ms. McGennis' name and Ms. Terry's name on the list
18 when you saw it first?

19 A From recollection it must be on the list, I am not quite sure.

20 Q 593 Anybody else?

21 A Offhand, I don't recollect, no, not that I can recollect, no.

22
23 CHAIRMAN: Mr. Brooks, when you prepared this list, was it from a list that
24 Mr. Jones already had had written up?

25 A That's right, sir. I believe that's correct, sir.

26
27 CHAIRMAN: Or was it from extracts of, was it details extracted by Mr. Jones
28 from some journal or cheque stubs or -- you say that you prepared this list
29 with Mr. Jones. I am just wondering where the information, when you were
30 preparing this list for the Tribunal, where did you get the information?

1 A Well Mr. Jones, I wouldn't have had any records, sir, if the -- we went through
2 the list. That's all, my recollection of going through a list of names which
3 were people that we would have known at the time and that would have been
4 running for elections at the time.

5
6 CHAIRMAN: But did, all this information would have been very difficult to
7 remember.

8 A It would, yes.

9
10 CHAIRMAN: Unless you saw it written somewhere.

11 A Unless you saw, that's correct.

12
13 CHAIRMAN: So, can you remember, had Mr. Jones got a list himself which you
14 simply copied into this document or was he taking information from a variety of
15 different notes or diaries or whatever?

16 A I am not quite sure. I went through the list, that's my recollection of it,
17 that we went through a list of names and there was some people on that list and
18 I remember definitely.

19
20 CHAIRMAN: I am just wondering when you say you went through a list, what was
21 this list and who had the list?

22 A I'd say Mr. Jones had the list.

23
24 CHAIRMAN: And do you remember it as a list of names?

25 A No, just going, I remember looking through it and discussing it with him and --

26
27 CHAIRMAN: But what, when you say you looked through it, was it a list of
28 names like this?

29 A Yes. Similar to that. A list of names similar to that, yes.

30

1 CHAIRMAN: And are there names there that are not here? On the list that you
2 copied this information from?

3 A I believe most of them are there. I believe they are. Yes. Now I don't want
4 to be evasive, sir, but I am doing the -- it's the best I can recollect at the
5 time.

6
7 CHAIRMAN: When was that list prepared?

8 A About --

9
10 MR. QUINN: 2003, I understand.

11
12 CHAIRMAN: Two or three years ago.

13 A That's right.

14
15 CHAIRMAN: And you can't remember where this information --

16 A Ah, no, the information was on a list, the names were on a list, I remember
17 that and we went through that list in that formality.

18
19 CHAIRMAN: Have we got that list?

20
21 MR. DOHERTY: Just to clarify, sir, that list is enscheduled to the first of
22 three statements from Christopher Jones Senior. And he makes it clear in that
23 statement that he prepared the list with the assistance of Christopher Jones
24 Junior and Christopher Jones Junior, as I understand it, presented a list to
25 Mr. Brooks and to Frank Brooks and they sought to assist with any additional
26 information that they had to add to the list.

27
28 CHAIRMAN: Well I was just wondering where this information that formed this
29 list came from, it was hardly in Mr. Jones' head?

30

1 MR. DOHERTY: It wasn't in Mr. Jones' head. As I understand it, sir, this
2 list for the most part is compiled from the records of Ballycullen Farms
3 Limited and the Tribunal will see that in the third column which looks like the
4 middle column, there are four digit numbers and those numbers refer to cheques
5 which issued out of Ballycullen Farms Limited. There would be entries in that
6 list where there is no four digit cheque number and, as I understand it, some
7 of those would be names that were put in by reference to Mr. Oliver Brooks'
8 memory and Frances Brooks' memory. But what came first was a list compiled by
9 reference to the accounts and records of Ballycullen Farms Limited.

10
11 MR. QUINN: I wonder could I have 3539, this is a statement by Mr. Jones
12 Senior, Mr. Brooks. And if we just, if I could just read to you what he says
13 about the list he says "My son asked Mr. Oliver Brooks and Mr. Frank Brooks in
14 2003 when the list was prepared and, in fact, currently and in the past
15 respectively managed my farms and assisted in lobbying local councillors for
16 support for a rezoning proposal whether they thought I had paid any other
17 donations not already on the list." Then it goes on to say "The remaining
18 unvouched donation set out in the list in 2003, that is to Mr. J O'Halloran, S
19 Brock, NJ Cosgrave, L Creavan, T Fox, C Gallagher, M McGennis, C O'Connor, N
20 Ryan, S Terry, M Hennessy, C Quinn, E Walsh and M Wallace, were identified
21 based on that discussion by my son with Oliver and Frank Brooks." Do you
22 understand what he is saying there, Mr. Brooks?

23 A I do, sir.

24 Q 594 He seems to be suggesting that the document that I have, the names which I had
25 on the screen a moment ago at 702 were all added to the list, added to a list
26 by, after a discussion between you, Mr. Jones Junior and your brother, Frank.

27 A I am not disputing that, sir.

28 Q 595 Okay.

29
30 MR. DOHERTY: Just to be fair to that witness, sir, as I understand it,

1 Christopher Jones Junior, who will be giving evidence later in the week, will
2 be informing the Tribunal, and I think this has been done through his
3 solicitors today, that some of those names, although described as unvouched
4 donations in the sense that there's no documents in relation to the names, it
5 is the case now, as I understand it, that some documents have been located in
6 relation to some of those names. So that the term unvouched donations in
7 relation to all of those names no longer applies, as I understand the position.
8 But I think that the clarification that can be provided in relation to it would
9 be through Chris Jones Junior.

10

11 Q 596 MR. QUINN: You have no recollection of any other contributions being made by
12 you on behalf of Ballycullen Farms, other than the ones you have outlined?

13 A I have, looking at this list I have, yes.

14 Q 597 Could we have 702 again, please.

15 A There was the one to, the list I seen a minute ago, there's one to Mary Wallace
16 reference there, that would be in, as a donation for her election. She would
17 not be, she would be from a different electoral area. And one to John
18 O'Halloran, I recollect that one because it was for a donation for MS or some
19 walk or some charity he was running to support the MS Society.

20 Q 598 701 please?

21 A I recollect that one.

22 Q 599 There's a reference on the 31st December 1992, J O'Halloran, charity walk,
23 3,000 pounds, charitable donation.

24

25 MR. DOHERTY: I think that's incorrect, sir. I think that the MS Society
26 reference is three or four lines below. MS Society of Ireland.

27

28 MR. QUINN: There's a further entry on the 27th June 1997, MS Society, Mr.
29 O'Halloran. 500 pounds?

30 A Yes, sir.

1
2 MR. DOHERTY: If Mr. Quinn could just ask the witness which of those entries
3 is he referring to when he says he recalls a donation.

4
5 Q 600 MR. QUINN: There appears to be two donations there, Mr. Brooks, do you
6 understand? Which of them do you recall making?

7 A 500, sir.

8 Q 601 Yes. I think the second donation, that is the donation in 1997 for 500 pounds,
9 isn't that right? That the donation to which you refer?

10 A Well I just remember one, I don't know which one it is, sir, now, but I
11 remember -- because it was for MS, that's how I remember it.

12 Q 602 You had earlier or it had been earlier thought that a sum of 3,000 pounds had
13 been given, but you are saying that was in fact 500 pounds?

14 A I never thought that, sir.

15 Q 603 You never thought that?

16 A I don't remember, all I remember is the 500 pounds because it was for the
17 particular reason that it was.

18 Q 604 When do you believe that was given?

19 A I don't recollect, but I just remember it, that's all.

20 Q 605 Do you believe it was in relation to the MS Society?

21 A I do, sir.

22 Q 606 Okay. So was that for the charity walk or for the Society?

23 A I think it was for a charity walk as far as my memory serves me. It was for a
24 charity walk.

25 Q 607 You see the reference in that schedule to the charity walk shows a payment of
26 3,000 pounds, whereas the reference in 1997 to the MS Society is for 500
27 pounds?

28 A I remember, as far as I remember, it was 500 pounds for a charity walk for MS.
29 For MS particularly. Because I would have an association. I do a lot of
30 fund-raising for MS and I would be supporting it.

- 1 Q 608 Yes. But you can't say whether the donation was given in 1992 or 1997?
- 2 A No, sir.
- 3 Q 609 Now, on the 14th April 1992, there was a board meeting of Ballycullen Farms
4 Limited, if we could have 1654 please. As a director of Ballycullen Farms
5 Limited, you attended most of the board meetings, isn't that correct?
- 6 A That's correct, yes, sir.
- 7 Q 610 You had no shareholding in Ballycullen Farms?
- 8 A None whatsoever.
- 9 Q 611 But you were a director?
- 10 A That's right.
- 11 Q 612 And in 1992, by April 1992, the directors were yourself and Mr. Chris and
12 Gerard Jones, is that right?
- 13 A Yes, sir.
- 14 Q 613 And I think at that meeting, if we could have 1655 please, it was proposed that
15 Mr. Hussey would be appointed a director, is that right, and you seconded that
16 proposal and from thereon in Mr. Hussey was also a director?
- 17 A I do remember, I do recall that particular meeting, sir.
- 18 Q 614 Now, in February of 1993, if we could have 1979 please, we had the next board
19 meeting at Ballycullen Farms and you again were in attendance, isn't that
20 right, together with the other three directors.
- 21 A Well the schedule says so, sir, and I am not going to contradict that. Pardon,
22 I wouldn't -- what I'd like to clear up, sir, if you don't mind, when I'd be
23 requested to attend a meeting by Mr. Chris Jones, I attended over all the
24 years, for 30 years, 34 years, practically most of the board meetings he had in
25 Ballycullen, for Ballycullen Farm, or CIS Limited but for me to detail or
26 remember a particular meeting I find it very, very difficult. But I do
27 remember that particular meeting because Derry Hussey came in as a director
28 instead of me. On occasion like that I would remember it specifically. But
29 the other meetings, too long, too many, too far away.
- 30 Q 615 Yourself and Mr. Jones were quite close I take it?

1 A Yes, sir, we were.

2 Q 616 You work very well together?

3 A We did, yes.

4 Q 617 You would know what Mr. Jones was doing, he wouldn't keep any secrets from you
5 in relation to the company?

6 A If I can get the drift of your question, I worked with Chris Jones very closely
7 on farming-related aspects of it and general knowledge, what was happening in
8 our own particular area or in the area. Not in the capacity as he is a
9 director of other companies or other involvements.

10 Q 618 I accept that. You were also closely involved in rezoning, in attempting to
11 rezone and develop the land, isn't that right? You have given us evidence of
12 that yourself, Mr. Brooks, all morning?

13 A I had a particular role to play and that's what I did do.

14 Q 619 So not alone were you involved in the farming, but you were also involved in
15 the rezoning and in the development of these lands, isn't that right?

16 A The farming would take up 97 or 98 percent of my time because I had three
17 farms, three different counties. I purchased up to a thousand cattle per year
18 all over the country from Roscommon, Kerry, Mayo, all over the country. And
19 most of my time was taking up buying and selling those stock for the company.

20 Q 620 By 1992, Mr. Brooks, I think there was no stock on the Ballycullen lands, isn't
21 that right?

22 A I forget what year it went into tillage because we could no longer keep cattle
23 on the farm.

24
25 MR. DOHERTY: I don't think that's a correct representation of the record as I
26 understand it. I can't put my hands on the relevant documents but, as I
27 understand it, the evidence was or there are documents before the Tribunal to
28 suggest that the Friesian herd was removed from Ballycullen farm in 1992, so I
29 don't think it's correct to say that by 1992 it was --

30

- 1 Q 621 MR. QUINN: Okay by the end of 1992, 3570, this is the, an extract from the
2 accounts of Ballycullen Farms Limited, 6789
- 3 A Yes.
- 4 Q 622 And you see there under the heading 'livestock', for the year end 1992, there's
5 a nil entry for livestock, isn't that right?
- 6 A Yes.
- 7 Q 623 Whereas, in fact, the previous year there was over 62,000 pounds worth of
8 livestock on the land?
- 9 A There was, sir, yes.
- 10 Q 624 So sometime in 1992, the livestock left the lands, isn't that right?
- 11 A I believe so, sir, yes.
- 12 Q 625 Now at this meeting on the 9th of February 1993, the accounts for the year end
13 1991 came up for review, isn't that right, if we could go back to 1979 please.
14 Do you recall this meeting and the discussion which ensued in relation to the
15 approval for the accounts for 1991?
- 16 A No, sir.
- 17 Q 626 You have no recollection of that at all?
- 18 A Well I just, no. I presume with the schedule there that there was that
19 meeting, but my memory of that is --
- 20 Q 627 Do you have any recollection, and leaving aside the documentation for the
21 moment, do you have any recollection of Mr. Gerard Jones having reservations
22 about expenditure being included in the 1991 accounts?
- 23 A At some stage I did, yes.
- 24 Q 628 What was his reservation in relation to those?
- 25 A I think it was in the stock values maybe.
- 26 Q 629 Did it also extend to the expenditure being incurred in relation to the
27 rezoning project?
- 28 A That would have come up, yes.
- 29 Q 630 Tell the Tribunal now what you recall Mr. Gerry Jones saying about the
30 expenditure in relation to rezoning.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

MR. DOHERTY: I wonder would it be appropriate, sir, if Mr. Brooks was given an opportunity to read the document and then to respond to the question.

CHAIRMAN: He can say first of all what he recalls, if anything, and then he can certainly refresh his memory if he wants to read the document.

MR. DOHERTY: May it please you, sir.

CHAIRMAN: Mr. Brooks, first of all if you say what you recall about such discussions, these are in relation to concerns Mr. Gerard Jones had about figures going into the accounts and then if you want to, you can refer to the documentation.

A No, I don't remember what -- I just remember vaguely that there was discussions about expenditure, the nature of that, sir, I do not remember, I couldn't.

Q 631 Can you recall the nature of the concern that Mr. Gerry Jones had? Without the detail, but what sort of concerns were there?

A Well I would be only making a guess, sir, that it would be in connection with the expenditure involved and that we weren't making any progress for the money we were spending. I presume that would be his --

Q 632 That there was no value?

A Yes, were we making progress, I suppose, that would be his concern. Now this is just a thought I had, I would have, sir. But I know he did make reference to stock values. That he believed at some stage the value of the stock compared to what we were valuing them at.

MR. DOHERTY: Sir, I think that we are completely at odds in that Mr. Brooks is giving evidence in relation to what he recalls relating to the stocking of the land. Whereas we are reading a document that relates to something else and I think that once he reads it --

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

CHAIRMAN: Perhaps if the document was opened to him.

Q 633 MR. QUINN: Before I open the document, I just want to ask you, Mr. Brooks, just in relation to Mr. Gerard Jones, do you recall him querying the amounts of monies being expended on the rezoning of the lands?

A There was some reference to that, sir, but I don't remember exactly.

Q 634 Do you recall him querying the personalities to whom monies were being expended?

A No, sir.

Q 635 He never queried the personalities?

A I didn't say that, I don't recollect, I don't remember that, sir.

Q 636 Isn't that something you would recollect, you should or would recollect?

A No, I remember him disagreeing about the stock value, sir, because --

Q 637 I am not interested in the stock value.

A Well I'm telling you what I remember about the meeting, sir.

Q 638 I want to concentrate for the moment on the rezoning expenditure and the difficulty with that, if you don't mind.

A I said no, sir. I don't remember. I remember there was discussion, but what the discussion was, I don't exactly remember. I do not.

Q 639 If we could have 1979, please. Do you recollect some disagreement in relation to a letter of comfort being signed, Mr. Brooks? I will open the document to you in a moment, Mr. Brooks, but for the moment if you could just answer my question.

A A letter of comfort means nothing to me. Sir.

MR. DOHERTY: Sorry, sir, to interrupt. I hesitate to interrupt and I know I have interrupted already. It seems to me this is a very unfair way of going about it. If Mr. Quinn genuinely wants to ascertain the facts, matters and circumstances relating to this meeting by reference to this document, the fair

1 way to do it is to give the witness an opportunity to look at it and then to
2 ask questions.

3
4 CHAIRMAN: The reason for Mr. Quinn's question is to ascertain what this
5 witness recalls about items on the agenda at this particular meeting. He
6 didn't draw up this document. It's not his document. So it's quite
7 appropriate to ask him does he remember anything about a letter of comfort. He
8 says in relation to that issue that he doesn't, so Mr. Quinn will now put that
9 extract to him; but this isn't his document so we would like to know what he
10 recalls without necessarily referring to the document and then the document
11 will be referred to, to refresh his memory and he may then be able to give more
12 detail.

13
14 MR. QUINN: Mr. Brooks, you have said you had no recollection of a discussion
15 concerning a letter of comfort

16 A The word letter of comfort doesn't mean anything to me.

17 Q 640 Do you have ever have any recollection about some dispute about a letter which
18 might have come from the bank concerning The Jones Group backing for an
19 overdraft of Ballycullen Farms Limited?

20 A No.

21 Q 641 Did you ever have a recollection of any dispute concerning the signing off on
22 the accounts? For 1991?

23 A Other than the stock values, no, sir.

24 Q 642 No, if we look at that document on the screen, this is a minute of a board
25 meeting which you attended in your capacity as a director of Ballycullen Farms
26 Limited, which concerns itself with the year-end accounts for 1991 and under
27 the heading "Letter of Representation," it records the following: "Gerard
28 Jones stated that there were a number of points in the letter with which he was
29 not satisfied. There was no mention of part of the lands having been zoned
30 residential. The letter did not state Gerard Jones's disagreement to the

1 amount of monies expended on zoning Ballycullen and the personalities to whom
2 the monies were paid. Chris Jones pointed out that none of these points were
3 relevant to the letter of representation." Does that assist you in any way,
4 Mr. Brooks, in recalling a discussion concerning the personalities and amounts
5 expended by Ballycullen Limited on rezoning in 1991 and 1992?

6 A None whatsoever.

7 Q 643 I see. Did you have any concerns about the amounts or the personalities
8 involved on the rezoning of Ballycullen Farms, as a director of Ballycullen
9 Farms Limited?

10 A No, because my main interest was the farming section of it. As far as accounts
11 were concerned, that was my main objective.

12 Q 644 You were a director of the company, isn't that right?

13 A Well I was a director. Meaning a director only.

14 Q 645 If not you, who else would have a concern about the expenditure incurred on
15 behalf of the company?

16 A I would imagine Mr. Hussey would have, Chris Jones and Gerard Jones, they would
17 be the main people involved.

18 Q 646 Why do you think Mr. Hussey would have any more than you should have?

19 A Well I was the farm manager, he was the financial man, I believe, that was his
20 job specifically.

21 Q 647 And you have no recollection of Mr. Gerard Jones raising concerns on the
22 personalities to whom monies were being paid, in relation to the rezoning on
23 the lands?

24 A No, no but I remember there was some debate definitely. I didn't deny that.
25 There was concern on expenditure, but for me to remember what actually was or
26 who it was, I do not know, sir.

27 Q 648 Well the accounts weren't approved at that meeting, isn't that right, and the
28 matter came up again for discussion on the 3rd March 1993; if I could have
29 1992. This is another board meeting attended by you, Mr. Brooks, isn't that
30 right, in your capacity as director of the company?

- 1 A That's right, yes.
- 2 Q 649 And isn't it the case that you seconded a proposal that the accounts be
3 approved and you signed those accounts for 1991?
- 4 A If that's what the record shows, that's correct.
- 5 Q 650 You would hardly have done that without satisfying yourself that everything had
6 been done properly in relation to the company vis-a-vis its expenditure and
7 rezoning etc.?
- 8 A That's correct.
- 9 Q 651 What concerns could Mr. Gerard Jones have in relation to the personalities
10 associated with the rezoning of these lands?
- 11 A I don't know. I have no recollection of what personalities he was talking
12 about, sir.
- 13 Q 652 Well what personalities could he have been talk being?
- 14 A Unless he was talking about Mr. Dunlop, I don't know, was he there at the time
15 or not.
- 16 Q 653 He would have been there from February 1991. Was he talking about Mr. Dunlop?
- 17 A I state to you that I remember a discussion, but I don't remember any of the
18 personalities, who he was referring to. That's my answer to that because I do
19 not remember and there's no point trying to make out I do because I don't.
- 20 Q 654 Now, I think there was an exchange of correspondence between Mr. Hussey and
21 Mr. Jones, Mr. Gerard Jones, in relation to his concerns. Do you know anything
22 about that exchange of correspondence?
- 23 A No, sir.
- 24 Q 655 Just as a matter of interest, Mr. Brooks, this brief was delivered to your
25 solicitors in January of this year and the documentation which I am putting to
26 you was contained in that brief. Have you read this brief?
- 27 A I got a lot of documentation, I browsed through it quickly. And I did --
- 28 Q 656 I mean I don't want the impression to go abroad, Mr. Brooks that I am, for the
29 first time, putting documentation to you which hasn't already been supplied to
30 you in advance of the hearing, is that right?

- 1 A You say so.
- 2 Q 657 You prepared yourself to give evidence as best you can to the Tribunal?
- 3 A That is correct, sir.
- 4 Q 658 And you have been supplied with all of this documentation, in fact you have
5 been supplied personally with the documentation on the 19th January this year?
- 6 A I am not surprised.
- 7 Q 659 So what is your surprise at this documentation coming up on screen?
- 8 A I am not surprised, there was a lot of meetings and to-ing and fro-ing, sir.
- 9 Q 660 And did you not try and recollect the dispute which was to have occurred in
10 1992 and 1993, concerning the accounts for that period?
- 11 A I have done that to you, sir, my recollection was a dispute concerning the
12 valuations of the live stock.
- 13 Q 661 Do you dispute those minutes of those meetings?
- 14 A No, sir, I don't dispute, I am not disputing them.
- 15 Q 662 You were present at the meetings?
- 16 A I was, sir.
- 17 Q 663 And it concerns the expenditure of the company?
- 18 A Yes, sir.
- 19 Q 664 And you signed the accounts of the company, the audited accounts of the
20 company, isn't that right?
- 21 A At that time, 14 years ago, sir.
- 22 Q 665 And they would have concerned the expenditure of the company.
- 23 A Yes, sir.
- 24 Q 666 And you would have been anxious, I take it, to ensure that your signature
25 wasn't being applied to something that was incorrect?
- 26 A Absolutely.
- 27 Q 667 And you satisfied yourself that everything was above board and in order?
- 28 A Well I assume I would have.
- 29 Q 668 How much money in 1991 did Ballycullen Farms Limited spend on the rezoning of
30 these lands?

1 A I don't know, sir.

2 Q 669 How much money in 1991, did Ballycullen Farms pay Mr. Dunlop?

3 A I don't know, sir.

4 Q 670 Why do you not know how much you spent in 1991 on Mr. Dunlop?

5 A Because nobody ever told me, and I --

6 Q 671 Wasn't that something, as director of a company, and somebody who was signing
7 off on the accounts of the company, you ought to have informed yourself on?

8 A Sir, what are you insinuating.

9 Q 672 I am not insinuating anything, I am asking you sir as a director of
10 Ballycullen Farms Limited now to tell the Tribunal what the contract was
11 between Ballycullen Farms and Mr. Dunlop and how much Mr. Dunlop was paid on
12 foot of that contract for the years 1991, when you signed the accounts, 1992,
13 1993, 1994 and 1995.

14 A I want to tell you, sir, I have no memory of any figure whatsoever. That is a
15 fact. What I done at that time is what I done. And I do not recollect any of
16 those figures. None.

17 Q 673 Did you have the figures at the time, Mr. Brooks?

18 A At what time, sir.

19 Q 674 In 1991, 1992 and 1993.

20 A I do not remember that, sir.

21 Q 675 You don't remember whether you knew how much Mr. Dunlop was being paid by
22 Ballycullen Farms Limited?

23 A Are you hearing me correctly sir. I do not remember any of those accounts.
24 None of them. If I did, I would say so.

25 Q 676 Can you tell the Tribunal.

26

27 CHAIRMAN: Mr. Brooks, you were a director of the company

28 A Just, I wasn't a paid -- just a director. By name.

29

30 CHAIRMAN: Yes and that carried certain legal responsibility in relation to

1 the accounts and so on.

2 A Yes.

3
4 CHAIRMAN: So Mr. Quinn, and I think ourselves as well, find it difficult to
5 appreciate the fact that you have absolutely no recollection of any account
6 entries relating to payments to Mr. Dunlop

7 A That is correct, sir.

8
9 CHAIRMAN: Because it must have featured, I mean if you were even vaguely
10 taking your responsibilities as a director seriously, you would have noted
11 these amounts and they would be, while you mightn't remember precisely the
12 amounts, it would surely stick in your memory that sums were paid to Mr. Dunlop
13 and others relating to the rezoning.

14 A No, sir.

15
16 CHAIRMAN: You have no recollection?

17 A No, sir but I am not denying I was at the meeting. My big main concern was, to
18 be honest, was the farming end of the whole development.

19
20 CHAIRMAN: I appreciate that but surely you would have been given copies of
21 the accounts?

22 A They would be at the meeting, there would be copies, and normally I would go
23 along with the other directors, I would yes because I wouldn't be au fait with
24 the figures other than the Ballycullen Farm end of it, I wouldn't be au fait
25 with it.

26
27 CHAIRMAN: But you had an interest, I mean you were obviously heavily engaged
28 in the farming?

29 A That's correct.

30

1 CHAIRMAN: But you also had a significant involvement in the making
2 representations to councillors

3 A I had, sir, that's correct.

4
5 CHAIRMAN: So next to farming, that was probably your main activity related to
6 your employment around this time.

7 A That's correct.

8
9 CHAIRMAN: So I think it's for that reason that we find it strange that your
10 memory is so poor in relation to that aspect of your work which is, as you say,
11 took up some considerable time.

12 A Yes.

13
14 CHAIRMAN: That's the reason why Mr. Quinn is questioning you so closely in
15 relation to the accounts

16 A Well I don't remember any figures and that is being, that's the honest answer I
17 give. I don't remember those figures and I couldn't. It's too long ago.

18
19
20 MR. QUINN: If we could have document 2051. This is a minute of a board
21 meeting of the 25th August, Mr. Brooks. Again you are in attendance as a
22 director of the company, is that right? At this meeting, Mr. Hussey proposed
23 and you seconded that the 1992 accounts be approved, and then Mr. Jones and
24 Mr. Hussey signed the letter of representation. Do you recall approving the
25 1992 accounts?

26 A No, sir.

27 Q 677 You don't dispute that the note is correct?

28 A I don't dispute it at all, no, sir, but I don't recall that meeting. It's too
29 long. I couldn't. If I was to recall -- I just can't.

30 Q 678 You don't recall Mr. Gerard Jones' queries in relation to the expenditure on

1 rezoning?

2 A I didn't say, I said I remember him querying but what they actually were, I
3 don't know, I can't remember. I know he did query certain aspects of it. I do
4 know that.

5 Q 679 Whose responsibility within the company was it to satisfy that query?

6 A I imagine it was Mr. Hussey.

7 Q 680 Now, we know that the 1993 Development Plan showed the lands zoned partially
8 for housing and partially for recreational facilities, isn't that right?

9 A That's correct, sir.

10 Q 681 Then in 1994 there was an action area plan, is that correct?

11 A Well, if it was 1994, if that's what the record shows or --

12 Q 682 When do you have any vivid recollection of anything concerning these lands and
13 their rezoning, Mr. Brooks?

14 A Well, it was an ongoing, as I said earlier on, it was ongoing from the 70s
15 onwards but I think sometime in the 1990s, there was a huge sewer pipe laid
16 through the lands in Ballycullen, and a lot of development was taking place in
17 the area and you could only assume that with the main pipe going through the
18 land, main sewer, there was a huge pipe actually, you could nearly walk through
19 the pipe, there was also a water pipe going through the land, that it was only
20 a matter of time until it would happen, that was the assumption would have to
21 come to.

22 Q 683 If I could have 2158 please. This is a board meeting, Mr. Brooks, attended
23 by you, as a director of the company, on the 26th January 1994, and this would
24 have been immediately after the lands having been rezoned, isn't that right?

25 A Yes.

26 Q 684 And you were there as a director and the issue of the rezoning came up, is that
27 right?

28 A Yes.

29 Q 685 And you would have been updated on what had happened, isn't that right?

30 A Well the record states that.

- 1 Q 686 But it's a fact, not because the record says it, but because it is a fact,
2 isn't that right, it happened?
- 3 A Well, sir, the record states that, you are asking me to remember it. I don't,
4 I can't, I remember being at a lot of meetings but a particular meeting like
5 that, I would not remember.
- 6 Q 687 You were at almost every board meeting of Ballycullen Farms Limited?
- 7 A Correct.
- 8 Q 688 And every issue concerning the company that would have been raised at those
9 meetings would have been raised in your presence, is that right?
- 10 A Yes.
- 11 Q 689 And insofar as anything was raised concerning cattle or farming, you would have
12 been involved?
- 13 A I would have been involved.
- 14 Q 690 And anything raised concerning the development or rezoning was something,
15 because of your position as a politician, and as a councillor, and involvement
16 with Fianna Fail, and your activities on behalf of the company would also be
17 known by you, is that right?
- 18 A That's right.
- 19 Q 691 And you would have had an interest in it?
- 20 A I would, sir.
- 21 Q 692 And by January 1994, the 1993 plan had been confirmed and there was an action
22 area plan undertaken in 1994, isn't that right?
- 23 A Well that's -- I believe so, yes.
- 24 Q 693 If we could have 2205, this is a minute of a meeting of the 12th May 1994.
25 Would it be fair to say that as one went through 1994, it became apparent that
26 an increase in the zoning on the lands was a desirable objective from the point
27 of view of the company?
- 28 A It would be yes.
- 29 Q 694 Because it would have increased the value of the company, isn't that right?
- 30 A Of course it would.

1 Q 695 If we look at 2354, this is an extract from a meeting again attended by you on
2 the 23rd November 1995, we see the importance of an increase in the density,
3 isn't that right; the company was advised at that meeting that an increase in
4 density from 360 houses to 600 houses would have increased the value of the
5 site from 5.4 million to 7.5 million...

6 A That's correct.

7 Q 696 At that meeting the directors, including you, were advised of that at the time,
8 isn't that right?

9 A Well.

10 Q 697 And would it be fair to say that the objective of the directors of the company,
11 on behalf of the company after 1993, was to try and increase the density on
12 that portion of the lands that had been limited to 360 houses, is that right?

13 A Well I would have to say that, I assume it would be correct, yes, sir.

14 Q 698 And that portion of the lands which had been zoned objective F, the objective
15 was to try and increase that zoning to residential as well.

16 A I got that, sir ...

17 Q 699 And is it fair to say that there were a number of meetings between the
18 directors of the company and planners in 1994 and 1995 in relation to the
19 action plan which was going on at that time?

20 A I would say so, yes.

21 Q 700 And as part of that objective of the company, was it the case that the council
22 had close by an area of land of approximately 8.75 acres which, on which there
23 was planning for approximately 80 local authority houses?

24 A They had land adjacent to it, alright, a portion of land which ran alongside
25 the farm, yeah, they had, that's right.

26 Q 701 And there was planning permission for local authority houses on that?

27 A I only became aware of that later on. I didn't realise there was at that time,
28 yeah.

29 Q 702 And the discussions between the directors of Ballycullen and the council at
30 that time centred on the company, Ballycullen Farms, acquiring that land and

1 rededicating it back to the council for open spaces, isn't that right?

2 A I believe that was a proposal or a suggestion that came from the council. My
3 recollection of it was that that was a proposal that they made to Ballycullen.
4 If my memory serves me correct now.

5 Q 703 We are delighted that you can remember that, Mr. Brooks. When you say the
6 council, are you saying the council as in councillors or the council as in
7 officials?

8 A No the manager, I believe.

9 Q 704 So your recollection is that the manager asked Ballycullen Farms Limited if
10 they would be prepared to acquire these lands on which there was planning for
11 80 local authority houses and rededicate it back to the council for open
12 spaces?

13 A In that context, we did have one meeting with the manager of the council at the
14 time, a Mr. Fitzgerald was his name.

15 Q 705 Were you in attendance at that meeting?

16 A I was, yes, sir.

17 Q 706 Have you any recollection of that meeting, Mr. Brooks?

18 A I have, those items were spoke of, of that land being exchanged for whatever, I
19 am not going to make the -- I am not exactly sure -- but I remember the
20 meeting quite as well. I remember going to that meeting.

21 Q 707 If you remember it quite well, Mr. Brooks, will you tell the Tribunal what was
22 said at that meeting and by whom?

23 A No, sir, I don't remember it well what people said at the meeting. That is not
24 possible.

25 Q 708 Okay.

26 A But I know the discussion.

27 Q 709 Tell the Tribunal what your recollection of the outcome of the meeting was?

28 A I recollect that the manager at the time wanted to acquire that land for open
29 space for the community and the process of doing it was that Ballycullen Farms
30 would acquire it for a figure and that the lands would be made available for

1 open space or public or whatever was required for the people in that area.

2 That's my recollection of it.

3 Q 710 Was that a meeting that was referred to in that meeting of the 12th May 1994,
4 if we could have 2205. There was reference there at that board meeting to
5 ongoing discussions with the council with a view to concluding the purchase of
6 the nine acres -- and when they say the nine acres I presume we're all
7 referring to this land on which there was planning permission, isn't that
8 right? Mr. Brooks?

9 A Can you repeat the question, please, because I am getting bogged down here?

10 Q 711 There were ongoing discussions with the council in relation to the acquisition
11 of the nine acres?

12 A I would say there was. I would say that is correct.

13 Q 712 And wasn't the position of Ballycullen Farms Limited that they were looking
14 for, as a consideration of acquiring and rededicating those lands, the support
15 of the officials for an increase in the density of Ballycullen Farms as a quid
16 pro quo?

17 A That's correct, sir, yes.

18 Q 713 And that was Mr. Gerard Jones' view of the meeting of the 12th May, if we could
19 have 2210. He, having attended that board meeting, believed that amongst
20 matters discussed between Mr. Chris Jones and an official of the council, was
21 the latter, that is the official of the council's agreement to a quid pro quo
22 circa nine acres on which it was proposed to build council houses. The
23 official said there would be strong opposition to this by the local residents
24 and suggested the Ballycullen Farms buy the land for 700,000 pounds and he also
25 stated that the density of the 60 acres would be increased from 6 sites per
26 acre to 8 or 9 sites per acre?

27 A I believe so, sir.

28 Q 714 And that was a proposal very acceptable to Ballycullen Farms Limited?

29 A Of course.

30 Q 715 Because it would have detracted from the value of your 360 acres were there to

- 1 be local authority housing close by?
- 2 A That's correct.
- 3 Q 716 And that was noted at the meeting of the 12th May I referred to earlier?
- 4 A That's what the record says.
- 5 Q 717 Of course it would be hugely important from the point of view of the value of
- 6 the land and the company because we saw earlier that the difference between 360
- 7 houses and 600 houses being constructed would have been over 2 million pounds?
- 8 A That's right.
- 9 Q 718 And it did come to a pass that a planning application was submitted firstly for
- 10 360 houses in January 1995 but ultimately -- sorry, in August 1995 for 600
- 11 houses, is that right?
- 12 A Well the records states, I believe so.
- 13 Q 719 And that planning application was the subject of a material contravention
- 14 motion in February 1996?
- 15 A That's right.
- 16 Q 720 Can I ask you, did you engage in any of your former activities of canvassing
- 17 the support of councillors for that material contravention in February 1996?
- 18 A I would have, sir, yes.
- 19 Q 721 Would that have involved visiting the various councillors on South Dublin
- 20 County Council in the run up to that vote?
- 21 A I met them in the foyer or the council office because I would have known most
- 22 of them from earlier on, I would have known most of them.
- 23 Q 722 Was your brother also involved in that --
- 24 A That's right.
- 25 Q 723 And he also is lobbied for support?
- 26 A That's right.
- 27 Q 724 And that motion was successful, isn't that right?
- 28 A That is correct, sir, yes.
- 29 Q 725 And it was successful in that it was also supported by the planners, isn't that
- 30 right?

1 A That's right, sir.

2 Q 726 Was that of assistance to you in lobbying for support, the fact that it was
3 being supported by planners?

4 A It would have made life easier, yes, sir, it would.

5 Q 727 Because the councillors were effectively supporting the official planners'
6 views?

7 A That's correct, yes.

8 Q 728 And you were a director of the company, I think, up until 1996, in July 1996,
9 if we could have 2475 please. You continued to be a director in the company,
10 isn't that right?

11 A That's right, sir.

12 Q 729 And I think eventually the company began to sell off its lands and the lands
13 were ultimately developed?

14 A Yes.

15 Q 730 When did you cease to be a director of the company?

16 A I am not quite sure, sir, now but sometime in that period anyway.

17 Q 731 Yes. Are you a director of any of the companies associated with Mr. Chris
18 Jones or Mr. Derry Hussey at this time?

19 A No, I am not, no.

20 Q 732 Did you get any financial reward from the development of these lands?

21 A No, sir.

22 Q 733 Thank you very much, Mr. Brooks.

23 A Thank you.

24

25 CHAIRMAN: Is there any party that would like to? Would you like to?

26

27 MS. KILROY: Obligated, chairman.

28

29 **THE WITNESS WAS CROSS-EXAMINED AS FOLLOWS BY MS. KILROY:**

30

1 Q 734 Mr. Brooks, just a number of questions on behalf of my client, Mr. Hussey. I
2 think earlier, before lunch and immediately after lunch in discussion with
3 Mr. Quinn, I think you had said you met with Mr. Lawlor when you were going to
4 a meeting in Beechill?

5 A I said I was in Beechill in the carpark and I remember meeting Mr. Lawlor.

6 Q 735 And I think in answer to another question from Mr. Quinn, you said that you
7 thought Mr. Lawlor and you might have attend a meeting at which Mr. Hussey
8 might be present?

9 A I said but but I am not sure of that. I don't really recall that meeting but
10 there was a possibility that's what I would be doing there.

11 Q 736 Would you say it's possible or probable that Mr. Hussey was present,
12 Mr. Brooks?

13 A Probable.

14 Q 737 Probable. I just want to put to you what Mr. Hussey's own evidence will be
15 which is that he never met Mr. Lawlor?

16 A If he says that, that's fine.

17 Q 738 Okay. Just a second query on behalf of Mr. Jones, Mr. Brooks, when you were
18 talking about the preparation of the list attached to Mr. Jones Senior's
19 schedule, I just want to clarify, were those discussions, were they with
20 Mr. Jones Junior or Mr. Jones Senior?

21 A Mr. Jones Junior.

22 Q 739 I think you made a comment in response to a question from Mr. Quinn, you said
23 you thought Mr. Hussey was involved in that schedule, I don't think he was at
24 any meeting?

25 A I don't think I said that.

26 Q 740 His evidence will be that he didn't attend that meeting.

27 A That's fine, I accept that.

28 Q 741 Thank you, chairman.

29

30 MR. DOHERTY: Chairman, with the Tribunal's permission, I will --

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

CHAIRMAN: Certainly.

THE WITNESS WAS CROSS-EXAMINED AS FOLLOWS BY MR. DOHERTY:

Q 742 Mr. Brooks, I just want to give the Tribunal a picture of your involvement with local politics by the time we arrive at the earlier 1990s. I think that you grew up in Roscommon in Tomaconnell and your family was very strongly involved in Fianna Fail politics, is that correct?

A That's correct, sir.

Q 743 And I think your father, Joseph Brooks, was very active in local Fianna Fail politics and in fact, he still is to this day, is that correct?

A That's correct, sir, yes.

Q 744 He is 90 years of age?

A That's correct.

Q 745 And growing up, you were involved in various fund-raising activities and in the local cumanns?

A That's correct, all my life, yes.

Q 746 I think that you spent two years in Canada working in farming?

A That's right, yes.

Q 747 And that was in around 1970, is that right?

A '69-'70, yes.

Q 748 And I think that since you have, since you returned from Canada in the early 1970s, you have been extremely involved in Fianna Fail politics, for example, you haven't missed a single Ard Fheis since the early 1970s when you returned from Canada, is that right?

A That would be correct, yes.

Q 749 Now, you went to work for Christopher Jones in 1972, is that right?

A That is right, yes.

Q 750 And initially you took up residence on the farm in Ballycullen?

- 1 A Correct.
- 2 Q 751 And I think that almost immediately after taking up residence in Ballycullen,
3 you joined the local Fianna Fail cumann, is that right?
- 4 A Yes, Firhouse cumann at that time.
- 5 Q 752 And you were involved in campaigning and fund raising over the years?
- 6 A I would, yeah.
- 7 Q 753 I think you have over the years developed an understanding of the work that is
8 done by county councillors in terms of the hours that they put in and in terms
9 of their work for the community, isn't that right?
- 10 A I would have, yes.
- 11 Q 754 Now, you commenced working with Christopher Jones in 1972, I think you became
12 overall farm manager in 1976?
- 13 A That's right, yes.
- 14 Q 755 And can you describe to the Tribunal the sort of relationship that you built up
15 with Christopher Jones Senior?
- 16 A Well you see in about 1974, '76, that the Jones Group became a public company
17 so that left me with full responsibility for the three farms on a full day to
18 day management in all aspects of the farming, the buying and selling, in the
19 development of the farm because the farm, the out farms were not in great shape
20 at the time and it was a very prestigious job to be managing three farms in
21 three different counties. There was a lot of hard work but very rewarding at
22 the same time. You had a guaranteed job, there was a pensionable job as well
23 with a house and all supplied so it was a good job. And it was a big
24 responsibility but we worked very closely together in all aspects of farming.
- 25 Q 756 And I think that the relationship you had with him was more than just that of
26 employer and employee, that there was a great deal of trust and respect between
27 you, is that right?
- 28 A Well he was very good employer. He was a very good man for local, if you were
29 involved in local activities like for schools and churches and charities, you
30 could always rely on Chris Jones to support them as well as every aspect of

1 life was good around that time to be working with people of his calibre, yes,
2 absolutely.

3 Q 757 Your experience of him was that he was very much prepared to involve himself in
4 making charitable donations as well as political subscriptions?

5 A Well he would, apart from that, there were a lot of people working in the
6 companies and in the summertime we would have a lot of young people employed
7 and he was always concerned about their welfare and always prepared to give
8 them a start as an apprentice in his companies. That was the type of man he
9 was, yes.

10 Q 758 And I think that he permitted you to carry on farming the business on your
11 account over the years?

12 A Absolutely, yes.

13 Q 759 Now, I think since almost the beginning of your involvement with the Jones
14 family, you gave support on behalf of Chris Jones to, financial support to
15 local politicians by way of fund-raising, dinners, golf classics and race
16 nights and so on?

17 A That's forever ongoing. That seems to be ongoing.

18 Q 760 That wasn't just a feature of the late 1980s or early 1990s.

19 A Not at all. That -- it beats church gate collections, I can tell you that.

20 Q 761 Again, people would approach you, I think, in order to obtain a donation to
21 charity from Mr. Jones?

22 A Absolutely, yes.

23 Q 762 And sometimes you would pass on that request and other times, you would respond
24 yourself and then reclaim the money from Mr. Jones, is that right?

25 A Well as the occasion arose, yes.

26 Q 763 And I think that on very many occasions over the years, since almost the
27 beginning of your involvement with the Jones family, yourself would attend
28 functions and support auctions and the like, by your attendance?

29 A Always very much part of our lives, yes.

30 Q 764 And that support that you would give often times, you would reclaim the

1 subscription or the financial support that you had given from Mr. Jones?

2 A Yes, you would of course, yes.

3 Q 765 There was never any difficulty in relation to that?

4 A Absolutely not.

5 Q 766 Now I think that you had considerable firsthand experience of the increasing
6 difficulties being encountered when trying to farm the Ballycullen lands, is
7 that right?

8 A Well in those years as the development encroached on the farm, you had a lot of
9 trespass and I suppose it was very hard to blame young people when they would
10 see open fields to have their bit of fun and play but the fact was that gates
11 were being left open and fences being destroyed. The farm was divided by two
12 roads, one called the Ballycullen Road and the other one is the Old Ailtree
13 Road which we would have to bring the livestock up and down the road and the
14 time came we could no longer do that. I remember a car kidded after the cows
15 crossed the road and we wound up with a heavy bill, we were taken to court over
16 that. Lots of things and then we went from live stock into tillage, we had the
17 burden then of straw being set on fire and various different activities. It
18 became totally impossible.

19 Q 767 I think we have heard today that you went from livestock into tillage in 1992,
20 is that right?

21 A That's correct.

22 Q 768 And in relation to livestock, pollution issues were a particular concern?

23 A That would be a concern, the farm I can recall was old and the buildings were
24 old and you wouldn't be allowed develop it any further as a going concern for
25 agricultural purposes.

26 Q 769 I think that as far back as 1973, development around the Ballycullen lands
27 could be seen, isn't that right?

28 A Ah there was, there was Tymon Heights and all those estates by McInerny
29 Properties and Manor Park Homes were building at the time.

30 Q 770 What was becoming a rural area was becoming more of a suburban area, is that

- 1 right?
- 2 A That's correct, yes.
- 3 Q 771 Now I think that you were particularly frustrated in relation to planning
4 difficulties by 1990, is that right?
- 5 A Well I would have, because I was seeing what was happening all around, we were
6 frustrated with the fact that farming was so difficult and we were having so
7 many problems, that it was frustrating, yeah, I have to say that.
- 8 Q 772 There was a planning application in 1990 which I think you felt was
9 particularly worthy of support, is that right?
- 10 A Ah yes, an application was for I think 350 houses and a golf course and a
11 hotel, it would have been a beautiful development for that particular area
12 right under the Dublin mountains right in front of the houses in the Knocklyon
13 district, would have been a lovely development, yes.
- 14 Q 773 You feel with hindsight if that planning application had gone through, it would
15 have been a great of benefit to the area?
- 16 A It would have been fantastic, yes.
- 17 Q 774 I think that your interest in local political issues very much informed your
18 view of that proposal?
- 19 A That would be correct, yes.
- 20 Q 775 Now by the early 1990s, very many of the relevant county councillors would have
21 known you by name or to see, is that right?
- 22 A That's right, yes.
- 23 Q 776 And I think that there were 74 county councillors who voted in October or who
24 were available to vote in October 1992?
- 25 A That's right.
- 26 Q 777 And how many of them do you think you would have made representations to?
- 27 A Probably 75 percent of them, yes.
- 28 Q 778 And was this cross party lines or were you more focused on Fianna Fail county
29 councillors?
- 30 A Well I would be focusing on Fianna Fail but I would have cross party lines, you

1 would get the opportunity to meet them with other councillors.

2 Q 779 Did you show the lands to any county councillors that you can recall?

3 A Well, a lot of them said they would have a look at it themselves. Most of them
4 said we will come up some day and have a look at it themselves but they were
5 all invited to have a look and they would be all shown the plans that we had
6 for it at the time, yes.

7 Q 780 And what sort of things were you saying to them when you were making
8 representations?

9 A Well I would be advising them of the type of development, how sincere we were
10 about the development and that we'd appreciate it if they would have a look at
11 it and if they felt they could support it well and good, and if they had a
12 problem with it, come back to us and let us know. That was the type of thing.

13 Q 781 Were you telling them this development could be good for the area?

14 A That particular development, I felt I had no problem with talking to people
15 about that particular development because I thought it was very good myself if
16 I do say so.

17 Q 782 Now, I think that you worked extremely hard to achieve rezoning in 1992.

18 A Well we would have, yes, we would have spent a lot of time, I was very busy
19 farming but I had to try and make time and then until, you get your farming
20 work done early in the morning to get away for an hour to two to meet people to
21 try convince them of the quality of the development you were about to support,
22 that would be part of our activity, yes.

23 Q 783 What did you think of Mr. Dunlop's efforts in relation to the issue? What did
24 you think of his involvement?

25 A Well as I said earlier on, as a planning consultant, I as a person that went to
26 meet other councillors to seek their support, I was quite happy that I could
27 do, deliver that particular project and that was my own impression. Mr. Dunlop
28 had, was a man of a different impression as far as I was concerned.

29 Q 784 Did you introduce him to any county councillor?

30 A No.

- 1 Q 785 Did you make any payment to any county councillor at the same time as
2 discussing rezoning issues with him?
- 3 A Absolutely not.
- 4 Q 786 Did you make any payment in cash to any county councillor?
- 5 A No, no, absolutely not.
- 6 Q 787 I think it is the case that records by and large were kept by Ballycullen Farms
7 Limited in relation to payments that you made.
- 8 A That's right, they were all kept by Ballycullen Farms.
- 9 Q 788 And I think that whilst you weren't a signatory or a permitted signatory to
10 Ballycullen Farms Limited cheques, on occasion you would write your own cheque
11 and reclaim by way of documentary voucher the payment that you had made to
12 politicians, isn't that right?
- 13 A Well that was done for convenience because Ballycullen, or Beechill properties,
14 you know where Beechill is, near midtown there, and I was living in
15 Dunshaughlin, so it was half a day's work by the time you got to that office
16 and got away from there, so it was for convenient purposes more than anything
17 else that that happened.
- 18 Q 789 I think that there was no attempt to cover up or conceal the payments made to
19 the county councillors that were made in which you were involved.
- 20 A There was never any need sure.
- 21 Q 790 Rather records were kept in relation to those payments?
- 22 A Absolutely.
- 23 Q 791 And I think that in 1992, although you would regularly have contact over the
24 years with various local politicians, it increased in 1992, is that right?
- 25 A I would have, yes. I would have.
- 26 Q 792 And I think that you enjoyed the interaction with some of the individuals?
- 27 A Yes, I was involved with local politics all my life so it wasn't any big
28 hassle. I knew how to approach people and talk to people and it was a good
29 feel factor.
- 30 Q 793 You were very happy to get involved in this issue because you believed in the

1 issue and you also enjoyed the contact with the various individuals involved?

2 A I did, that aspect of it was very good. Yes.

3 Q 794 Now, if you just allow me a moment, Mr. Brooks, and the Tribunal, I am just
4 going to look over some of the questions that Mr. Quinn asked to see if there's
5 anything that can reasonably be clarified. In relation to your involvement on
6 the board of Ballycullen Farms Limited, I think it's fair to say that various
7 board members brought different disciplines to bear?

8 A That's correct.

9 Q 795 And your sphere of competence was in relation to farming issues on the ground,
10 is that right?

11 A In the main, that was my position.

12 Q 796 You didn't hold any shares in this company?

13 A No, no.

14 Q 797 You have no financial qualifications?

15 A None.

16 Q 798 And you didn't hold yourself out to anyone as being an expert in finances?

17 A Definitely not, no, sir.

18 Q 799 And I think that whilst various directors would be in communication with third
19 parties by letter, you weren't one to write letters, isn't that right?

20 A Definitely not, no.

21 Q 800 In fact I think you were involved in farming activities in the main and you
22 didn't even have a secretary, isn't that right?

23 A No, no, that's correct.

24 Q 801 And when it came to preparation of accounts and looking at accounts, your
25 involvement would be limited in the sense that you weren't a signatory --

26 A That's correct.

27 Q 802 -- to the cheques that would be issued by the company.

28 A I never had any signatures, no.

29 Q 803 So apart from making claims from the company in respect of recorded political
30 subscriptions, it wouldn't arise that you would have to account for

- 1 disbursements, for instance, in relation to consultants and so forth?
- 2 A Absolutely not, no.
- 3 Q 804 I think that your function in relation to making representations and in
4 relation to the rezoning effort was different from other members of Ballycullen
5 Farms Limited?
- 6 A That's correct, yes.
- 7 Q 805 And is it fair to say that you were not on an equal footing with Mr. Jones on
8 the Board of Directors in the sense that he was your employer?
- 9 A That's correct.
- 10 Q 806 Albeit an employer that you had a great deal of respect for?
- 11 A I had, yes, because he was a good employer, yes.
- 12 Q 807 And equally, you weren't an equal footing with Mr. Hussey in that you wouldn't
13 have had his expertise in relation to --
- 14 A He dealt with more financial matters.
- 15 Q 808 Financial matters.
- 16 A Yes.
- 17 Q 809 I don't think that the tasks and functions that you carried out involved
18 generating paperwork in terms of circulating people with memoranda or, as I
19 have said, letters, correspondence.
- 20 A Never.
- 21 Q 810 And I think you have given evidence to the Tribunal -- I dealt with that. Had
22 you any planning expertise of any kind?
- 23 A No, I hadn't, no.
- 24 Q 811 Did you interact with the architects and the technical people?
- 25 A Very well. Very little, very little.
- 26 Q 812 You don't recall making any phone calls to Mr. Dunlop, isn't that right?
- 27 A I don't recall any, no, sir.
- 28 Q 813 But as we see in the records, do not appear to be in respect of phone calls,
29 they appear to be in respect of -- they don't appear to be in respect of
30 conversations, they appear to be the secretary's record of names of people that

1 weren't actually talking to Mr. Dunlop, isn't that right?

2 A Well my answer to that would have to be it is quite possible that calls, that I
3 could have made a call, but I don't recollect, in my memory, I don't recollect
4 actually making a particular call. No, I don't recollect that.

5 Q 814 Did you have a rapport with Mr. Dunlop?

6 A No, sir, I didn't, no.

7 Q 815 Can you just give the Tribunal an idea, time-wise, of your involvement in 1992.
8 Presumably you had to divide up your time between managing three farms and --

9 A It would be hard to do that but, nevertheless, it would be a small portion of
10 time and you could probably spend three or four hours a week, maybe, at that
11 particular time, but you would have to make it up by getting the farm work done
12 earlier in the day to make up a bit of time for that activity, yes.

13 Q 816 Now, if I could ask the technical personnel to put up the list at 702. This is
14 the schedule to the statement from November 2003, prepared by Christopher Jones
15 Senior. Together with Christopher Jones Junior.

16
17 Now I think that in relation to the dates that appear beside the names of
18 individuals with whom you were involved in passing on subscriptions from
19 Christopher Jones Senior, I don't think that you were involved in putting in
20 the dates or am I incorrect?

21 A No, I wouldn't be involved, I wouldn't have any dates, no, sir, I wouldn't.

22 Q 817 And, as I understand it, this list was prepared by reference to documents,
23 including checking account documents from Ballycullen Farms Limited?

24 A I believe so, yes.

25 Q 818 And once that had happened, you attempted, insofar as you could, to recall any
26 additional names?

27 A To the best we could, yes, sir.

28 Q 819 I think that the first time that you were asked to think about issues other
29 than the donations on this list by the Tribunal was in January of this year?

30 A I think it was the end of January, sir, yes.

1 Q 820 And I think that the first time that you had any cause to look over these
2 issues in relation to the payments to these individuals was in November of
3 2003.

4 A That's right, yes.

5 Q 821 Now I just want to deal with the payment on the previous page, so that's, I
6 think it's 701, to John O'Halloran, and I think in response to Mr. Quinn's
7 questioning, you said you couldn't remember whether the contribution of 500
8 pounds in respect of multiple sclerosis was in 1992 or 1997?

9 A No, I am not sure. No.

10 Q 822 I think that in your discussions with Christopher Jones Junior, or perhaps your
11 own lawyers, you may have indicated that you do remember the contribution to
12 Mr. O'Halloran in the context of the contribution to Mr. O' Hanrahan. Is that
13 right?

14 A That's right, yes.

15 Q 823 Can you just explain to the Tribunal why you would link those together in your
16 mind.

17

18 CHAIRMAN: I don't think Mr. Brooks understood your question.

19

20 MS. DILLON: I beg your pardon, Mr. Brooks. I think that it's your
21 recollection that you gave the donation to Mr. O'Halloran at the same time as
22 you gave the donation to Finbar Hanrahan, is that right? Because they live
23 close together, isn't that right?

24 A That is right, yes.

25 Q 824 And you believe you posted the envelopes through the door to both of those
26 individuals?

27 A That's from my recollection, sir, yes.

28 Q 825 Then if we look at the entry for Mr. Hanrahan, which is on the following page,
29 going back to 701, I think -- sorry, it's the last page, internal, 703, we see
30 that that payment for Mr. Hanrahan is in May of 1997, it appears. From that,

- 1 can we deduce that it is probable that the payment to Mr. O'Halloran that you
2 recall in respect of multiple sclerosis was the 1997 payment?
- 3 A That's quite possible, sir, yes.
- 4 Q 826 I don't think that, in fact, you said to Mr. Quinn that you recall making a
5 payment to Mr. Hanrahan, but that is the case, isn't it?
- 6 A That's the case, yes.
- 7 Q 827 I think that one of the reasons that you remember the payment to Mr. Cyril
8 Gallagher is that you dropped in to where he lives on the way to the airport?
- 9 A That's correct. That is correct, yes.
- 10 Q 828 And again in relation to Mr. Ryan, I think that you know him very well?
- 11 A Ah, yes.
- 12 Q 829 I think some point was being made in relation to the extent to which you have
13 been put on notice of various documents that were put to you today, but I think
14 that the fact is, isn't it, that you were furnished with some 3,000 plus
15 documents, 3,700, not so long ago?
- 16 A That's right, yes.
- 17 Q 830 Finally, Mr. Brooks, not to tapdance around the issues which the Tribunal will
18 have to consider, did you make any payment to any politician in relation to
19 rezoning the Ballycullen lands which was conditional on their voting in a
20 particular manner?
- 21 A Absolutely not.
- 22 Q 831 Did you make any attempt to conceal or hide the transparency of the political
23 contributions or subscriptions that you made?
- 24 A No.
- 25 Q 832 I think it's fair to say that you were happy to show your appreciation for the
26 work that county councillors were doing, isn't that right?
- 27 A That's right, yes.
- 28 Q 833 And you never mentioned payment or subscription or donation of any kind in the
29 context of making representations?
- 30 A No, absolutely not.

1 Q 834 Thank you.

2

3 CHAIRMAN: Mr. Brooks, were you aware in the late 1980s or early 1990s of any
4 rumours around the council or amongst your political colleagues of the bribing
5 of councillors or improper payments being made to councillors in relation to
6 the planning process?

7 A Not at that time --

8

9 CHAIRMAN: Sorry?

10 A Not at that time I heard nothing, no. I wouldn't have, not at that time
11 anyhow.

12

13 CHAIRMAN: Well when would you think you first heard about the rumours? I am
14 not suggesting that you heard detailed stories or were aware of it, but when
15 would you have started to hear rumours?

16 A Well when they came into the news, I remember reading paper articles and
17 various different things in later times but, what year, I couldn't recollect.

18

19 CHAIRMAN: Well there were articles being written in the early 1990s, 1993,
20 about that type of thing going on in the council.

21 A Well I would have to say I felt all the councillors I met very accommodating.
22 The majority of them were accommodating.

23

24 CHAIRMAN: That's a different point. I am just wondering, did you hear
25 rumours?

26 A No, I did not, no.

27

28 CHAIRMAN: You have heard, well I don't know whether you have heard, but there
29 has been evidence given to Tribunal by some politicians that they did hear of
30 rumours and stories going around.

1 A I heard that being said, sir, yes.

2

3 CHAIRMAN: Are you saying you didn't hear?

4 A Not at that time, I didn't hear, no, definitely not.

5

6 CHAIRMAN: When you say not at that time, when you started to hear them, was
7 that when the Tribunal was set up?

8 A Yes, that's when I --

9

10 CHAIRMAN: All right.

11

12 JUDGE FAHERTY: Just a couple of matters, Mr. Brooks, you answered Mr. Quinn
13 earlier, you said that you were talking about, I think, the October 1992 motion
14 and which was passed successfully.

15 A That's right.

16

17 JUDGE FAHERTY: To rezone the lands. And you answered Mr. Quinn that you
18 usually said you knew you had the numbers in advance, that would be successful.

19 A Well you wouldn't know for sure, but your own, you would have an idea that you
20 were fairly, being supported fairly well. Yes.

21

22 JUDGE FAHERTY: That's what I want to ask you about. You would have told this
23 to Mr. Jones. Now, as I understand from evidence, at this point, at this time
24 you don't recall having any interaction with Mr. Dunlop?

25 A Very little.

26

27 JUDGE FAHERTY: So do I take it from that that if you knew what the numbers
28 were going to be like in advance, it would be from your own efforts, meeting
29 with county councillors?

30 A Absolutely.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

JUDGE FAHERTY: And now assuming obviously if you knew in advance, that you had a good idea, we know there was about 74 or 78 county councillors, isn't that --

A That's right, yes.

JUDGE FAHERTY: So you would have to, assuming everybody would turn up at the meeting --

A That's right.

JUDGE FAHERTY: -- that might not happen, as we know, but you'd have to have, be fairly confident about a fairly substantial majority, is that correct?

A That's right, that's correct.

JUDGE FAHERTY: And did you get that indication individually from each councillor or did it come through somebody in the party?

A Mostly individually. Yes.

JUDGE FAHERTY: I see. All right. And can I ask you, Mr. Brooks, you said you recall giving a cheque to Mr. Gallagher, the late Mr. Gallagher.

A That's right, yes.

JUDGE FAHERTY: In 1992.

A I believe so now.

JUDGE FAHERTY: Obviously the records record the year ending 1992. Do you recall when in 1992 you would have done that?

A No, I don't, to be --

JUDGE FAHERTY: You said he was surprised to receive it, Mr. Brooks, what did

1 you mean?

2 A Well I remember I called to him early in the morning going to the airport.

3 Maybe that was it.

4

5 JUDGE FAHERTY: Did you know you were delivering a cheque to him, a donation?

6 A Ah I did, yes.

7

8 JUDGE FAHERTY: You did and did Mr. Gallagher, he was a county councillor,

9 isn't that right?

10 A That's right, yes, he was an elderly...

11

12 JUDGE FAHERTY: He wasn't a candidate for the Dail or the Seanad?

13 A That, I cannot answer you that one.

14

15 JUDGE FAHERTY: This happened sometime in 1992.

16 A I believe so, yeah.

17

18 JUDGE FAHERTY: And we know that the local elections took place in June of

19 1991.

20 A I think so, yes.

21

22 JUDGE FAHERTY: And I think now -- I mean, I stand corrected on this -- but

23 the next county council elections would have been 1995.

24 A That could be.

25

26 JUDGE FAHERTY: Can I ask you, on the document, 702 please. Do you know why

27 or are you surprised that donations similar to the ones that were given in 1992

28 weren't given in 1991 in the run-up to the local elections in June of 1991?

29 A It would be a matter of how often, if you met somebody. You mightn't have met

30 them before that and if you met them a lot, you would be more supportive, when

1 you meet people you get to know them. A lot of people you wouldn't. A lot of
2 those I have never met before.

3
4 JUDGE FAHERTY: It would just appear that -- if you look at the bottom of 702
5 and if you go from S Brock down to GV Wright, if you look at your screen,
6 Mr. Brooks, that's just the list, I think, of names for the year ending -- and
7 that's all I'm concerned with at the moment -- 1992. Now on my tot, and I
8 stand corrected, its nearly 10,000 pounds. And they are designated as local
9 election contributions, donations, do you see that? But there was no election
10 in, no local election in 1992

11 A That's correct.

12
13 JUDGE FAHERTY: If you just look up at the top of the page, Mr. Brooks, if you
14 look at where it starts with Fianna Fail, do you see that? Just further up.
15 It's the, you will see the 27th April 1990.

16 A Yes.

17
18 JUDGE FAHERTY: You can forget about that for the moment, but if you go down
19 to the 11th April 1991, do you see that, it's the third -- no, go up on the
20 left-hand side, Mr. Brooks. Keep going up.

21 A I see that.

22
23 JUDGE FAHERTY: The date, the 11th April 1991, and if you go down about six
24 lines, it ends at the 21st June 1991. Do you see that time span there?

25 A Yes.

26
27 JUDGE FAHERTY: They would appear to be, I don't know, donations,
28 contributions to Fianna Fail.

29 A Yes.

30

1 JUDGE FAHERTY: And they would seem to total about 3,500 pounds if you include
2 one to Mr. Kitt which is further down, given on the 24th May 1991 and labelled,
3 I think, golf, Fianna Fail golf outing.

4 A Yes.

5
6 JUDGE FAHERTY: And that would have been, appeared to be the time of the local
7 elections.

8 A That would, yes.

9
10 JUDGE FAHERTY: Are you surprised now, in hindsight, that a greater sum was
11 given towards the local elections in the year when there was no local
12 elections? Than in the year where it actually, there were actually local
13 elections?

14 A Well actually, I said the timing would be that you have met those people and
15 you would know that they were candidates for election, candidates or they would
16 be representing -- some of them would have been running for the Senate as well,
17 you know.

18
19 JUDGE FAHERTY: That may well be, but these are all designated as local
20 election donations, Mr. Brooks.

21 A I am not quite sure if they were all 200 euro donations. You would have church
22 gate collections as well, you know, and fund raisers.

23
24 JUDGE FAHERTY: Absolutely. That's my point, Mr. Brooks, that the total, if
25 you like, to any political party, and I don't see any general Fine Gael
26 donations in the time period and I am only talking about, from about the 11th
27 April 1991 to the 25th June or the 26th June. Because that was within the
28 timeframe, just before and after the elections. I think the election was the
29 18th June.

30 A That's right, yes.

1

2 JUDGE FAHERTY: But there would have seemed to have been maybe three times as
3 much money given towards local election contributions some 18 months later, or
4 certainly a year later.

5 A Well on the same --

6

7 JUDGE FAHERTY: Or sometime in -- I may be wrong in that, but it's certainly
8 1992, is that correct?

9 A You would have interaction with the local politicians at that particular time
10 and I suppose that was the reason. Because they all had gone through hard
11 times. Some of them went through two or three elections.

12

13 JUDGE FAHERTY: Wouldn't you have met such people in 1991 in the lead-up to
14 the elections?

15 A I presume some of those got contributions as well. I believe they would have.
16 I was living out in Dunshaughlin at that particular time.

17

18 MR. DOHERTY: I think in relation to this list, Mr. Brooks, I don't believe
19 that you were involved in the designation of the payments as local election
20 donations, I don't think you came up with that.

21

22 JUDGE FAHERTY: I appreciate that, I am just asking him for his views because,
23 Mr. Brooks, obviously you would have been meeting politicians for years, isn't
24 that correct and you would know the times when politicians would be in most
25 urgent need of funds.

26 A You would, yes.

27

28 JUDGE FAHERTY: From your own observations at the Cumann and Ard Fheis.

29

30 MR. DOHERTY: It is the case, Mr. Brooks, that you were bumping up against

1 local representatives more in 1992 than you were in 1991.

2 A Yes, very much so. Very much so.

3

4 CHAIRMAN: Thank you very much.

5

6 MR. QUINN: Could I just ask one question. Sorry, Mr. Brooks, just one
7 question for you arising out of my friend's interjection there. Could we have
8 document 1388. That is a board meeting which you attended as a director on the
9 5th March 1991 and it was a board meeting following on the meeting you had with
10 the planners after the refusal of the planning permission of December 1990.
11 1389 please. There's a discussion on your meeting with the planners and you
12 say -- you see the first paragraph there, Mr. Brooks, it says "Oliver Brooks,
13 Frank Brooks and Derry Hussey have met with Dublin County Council planners and
14 whilst the meeting was amicable, no concrete directions emerged from it." And
15 then it goes on to say "In these circumstances a sustained lobby amongst the
16 public representatives had been mounted. It was necessary to deal with the
17 very high level of misinformation amongst the councillors." Do you see that?

18 A I do see that.

19 Q 835 In March 1991, that's in advance of the June 1991 election, you were involved
20 in a sustained lobby amongst councillors, isn't that right?

21 A Well a lobby or, I would have met with councillors, yes.

22 Q 836 Thank you very much.

23 A Thank you.

24

25 CHAIRMAN: All right. Thank you very much.

26

27 **THE WITNESS THEN WITHDREW.**

28

29 MS. DILLON: Mr. Frank Brooks please.

30

MR. FRANK BROOKS, HAVING BEEN SWORN, WAS EXAMINED AS FOLLOWS

BY MS. DILLON:

CHAIRMAN: Good afternoon, Mr. Brooks.

Q 837 MS. DILLON: Good afternoon, Mr. Brooks. You are, I believe, a brother of the witness who has just given evidence, Mr. Oliver Brooks, is that right?

A That's right, yes.

Q 838 I believe that from 1979 until 2001, you were the manager of Ballycullen Farm?

A That's right, yes.

Q 839 I think your brother was the overall manager, as he has described to the Tribunal today, of three farms but you, in fact, were the person running the farm on the ground in Ballycullen, is that correct?

A That's correct.

Q 840 Now I believe that you also, in similar fashion to your brother, have been involved in politics and a member of Fianna Fail for a very long time, is that correct?

A It's a way of life with us.

Q 841 Have you heard, were you here today for your brother's evidence?

A I was, yes.

Q 842 Do you agree with your brother's evidence in relation to the matters that he outlined to the Tribunal?

A In as far as what I know, I would have known everything he was asked, do you understand what I mean, so I couldn't agree with everything he says because there's things in that that I knew nothing about but anything I knew about, I didn't see him saying anything wrong.

Q 843 Right. Well let's start with an example, I think your brother told the Tribunal that he was lobbying councillors in relation to the rezoning in 1992.

A Well again --

- 1 Q 844 The rezoning of the Ballycullen lands.
- 2 A Okay, canvassing, we would have been, yes, we would have been canvassing and I
3 would have as well.
- 4 Q 845 Were you also involved with your brother in canvassing councillors in 1992?
- 5 A I was, yes.
- 6 Q 846 And had you previously been involved in the efforts to rezone the lands in
7 1983?
- 8 A In 1983, I wouldn't have had as much involvement. I was only coming on the
9 scene, we will say, at that stage. I wouldn't have maybe as much involvement
10 as he had. I might have a little bit on the periphery, that's all, but not as
11 much.
- 12 Q 847 But you are you aware of --
- 13 A I was, yeah.
- 14 Q 848 Attempts to rezone the land prior to 1991 and 1992 and you had some small
15 involvement in the earlier attempts to rezone?
- 16 A That's right.
- 17 Q 849 Now in 1990, did you attend meetings with professional people who had been
18 retained by Mr. Christopher Jones or Ballycullen Farms in dealing with the
19 rezoning or planning status of the Ballycullen lands?
- 20 A As far as I remember, the only meeting I did, as you say, the only meeting I
21 was at is one meeting I can recall and I only recalled it actually when it was
22 brought up a couple of weeks ago, was the one where Frank Dunlop was actually
23 at. Now what year was that, did you did you say 1992?
- 24 Q 850 I am not talking about Mr. Dunlop yet. We will come to Mr. Dunlop.
- 25 A No, I was not involved. I wouldn't have been that much involved.
- 26 Q 851 All right. Well can we look then at 1288 please and this is a record of a
27 meeting on the 17th July -- August actually, 1990.
- 28 A Right.
- 29 Q 852 I just want to look first of all at the attendances at the meeting, you see it
30 says 'participants' in the top corner?

1 A I see that.

2 Q 853 It says Oliver Brooks and then beneath that Frank Brooks, Sean O'Laoire and Jan
3 Van Dyke and FL Benson, do you accept first of all you were at that meeting?

4 A Yeah, I will accept it. Looking at the names now, if I didn't say that before,
5 I didn't recollect it until I seen it.

6 Q 854 Now that you have seen it, do you recollect you were at that meeting?

7 A I would recollect not being meeting the people, I remember meeting Sean
8 O'Laoire once, that's the only thing I remember from the meeting. I just
9 remember meeting that chap once. I must have been at that meeting so.

10 Q 855 This meeting takes place on the 16th August 1990, Mr. Brooks, and in April of
11 1990, a portion of the Ballycullen lands had been rezoned industrial by the
12 planners, isn't that right? Do you remember that?

13 A Well, I do remember it, yes.

14 Q 856 And then this meeting take place and a professional team and a number of
15 matters are discussed at the meeting and including a function that was assigned
16 to you, a job that you got, 1291 please. And you will see there at the top of
17 that page, it says 'action by' and as you go down to the centre of the page, it
18 says 'Frank Brooks', do you see that?

19 A My eyesight doesn't allow me see it.

20 Q 857 Can we just increase it so Mr. Brooks is happy that it refers to him. If you
21 see, now do you see there it says in one column, Frank Brooks and what's
22 happening in that record apparently taken by Mr. Benson is jobs are being
23 assigned to various people at the meeting and what is recorded against your
24 name is as follows, "it was agreed that discreet inquiries would be made re:
25 The possibility of securing the cooperation of Woodthorn House, owner Garrett
26 de Bruin, estate manager I think Shane Bisgood in the provision of a full 18
27 hole golf course rather than the 9 hole par three. This would be an important
28 selling point with the county council and in relation to the viability of the
29 proposed hotel."

30 Now, at that time or by that time, Mr. Brooks, a planning application had been

- 1 lodged for a hotel.
- 2 A That's right.
- 3 Q 858 Now what you were being assigned as a task in relation to this operation at
4 this particular meeting was to see could you make arrangements with the
5 adjoining landowner in relation to the provision of an 18 hole golf course as
6 opposed to a 9 hole golf course? Do you see that?
- 7 A I can read that there.
- 8 Q 859 Right. Did that happen?
- 9 A I can't remember this actually coming up this item here but I remember, just
10 remember back a time a discussion somewhere about actually trying to get an 18
11 hole golf course on the lands as it would be better idea than just a 9 hole.
12 It would be a better proposal, but I can't remember this being said at this
13 meeting.
- 14 Q 860 Do you accept that the record is an accurate record?
- 15 A No, I wouldn't accept that. I accept is the at some stage I heard this talk
16 going on about trying to get a bigger golf course. I can't actually
17 definitively say to you yes, that happened at this meeting. I couldn't say
18 that. I would be lying to you if I said that.
- 19 Q 861 Do you accept you were at the meeting?
- 20 A Well I do, I accept -- I do, I accept I was at that meeting because I
21 remember -- the reason being I remember meeting that O'Laoire chap once and I
22 assume it was at that meeting.
- 23 Q 862 Going back took the first page 1288, you see at the top there there's a word
24 'participants'?
- 25 A Yes.
- 26 Q 863 Can you increase that please. Increase that further. Just where it says
27 'participants'. Now it says 'participants', that means the people who were at
28 the meeting?
- 29 A Yes.
- 30 Q 864 Oliver Brooks, Frank Brooks, Sean O'Laoire, Jan Van Dyke and Mr. Benson?

- 1 A Yes.
- 2 Q 865 Do you accept that that records on the 16th August 1990, you were at that
3 meeting?
- 4 A It it says it here, I must have been.
- 5 Q 866 And the whole meeting is about the planning of the Ballycullen lands?
- 6 A That's what it says here.
- 7 Q 867 Do you accept that the document records although you don't recollect, that the
8 function that was assigned to you at that meeting was to see could you deal
9 with the next or adjoining landowner in relation to providing an 18 hole golf
10 course as opposed to 9 hole golf course?
- 11 A It says that here but I cannot remember that. Honestly now. I cannot remember
12 that being --
- 13 Q 868 Were you aware that on the 10th December 1990, sorry, were you aware that at
14 another meeting on the 12th November 1990, at page 1325, and again, at the top
15 of this, I just want to draw to your attention the participants in the meeting,
16 Mr. Brooks.
- 17 A Right.
- 18 Q 869 And at the top, it's Mr. Jan Van Dyke, Brian Meehan, planning consultant, FL
19 Benson, planning consultant, I think Chris Jones, client, Frank Brooks,
20 Ballycullen Farms Limited and Oliver Brooks, Ballycullen Farms Limited. Do you
21 accept that that record means you were at the meeting of the 12th November
22 1990?
- 23 A It says it, sure I must have been, yes.
- 24 Q 870 Is that right?
- 25 A Well it must be right.
- 26 Q 871 Can you remember anything about the meeting and what you were asked to do?
- 27 A No, I cannot, it's too far back. It's too far back.
- 28 Q 872 Well the document records on the following page, 1326, at paragraph 2, increase
29 the top of that please as follows: "Brooks brothers to be responsible for
30 briefing of councillors, should emphasise that one, material contravention

1 could have come from officials from their disposition to recommend a rezoning
2 of some 60 percent of the subject lands for industrial use." Now you have
3 already agreed with me, I think, that by this stage, the planners had already
4 proposed the rezoning of some portions of the lands for industrial, isn't that
5 right?

6 A That's right.

7 Q 873 Now, this document is recording that the function of the Brooks brothers is to
8 be responsible for the briefing of councillors, do you agree that that's a
9 function that was assigned to you at the meeting?

10 A No, no. I can never recall a function like that. This might be a man's notes
11 and he assumed that. I can never remember us being ever briefed at any meeting
12 to go and do a particular thing.

13 Q 874 Can I ask you this, I asked you earlier on did you agree with your brother's
14 evidence in relation to meeting councillors and I said lobbying and you said I
15 think briefing councillors, you used a different word to lobbying, do you
16 remember that?

17 A Well I did say that, yes.

18 Q 875 And I think you accepted that in 1992, it was part of your job in relation to
19 the rezoning to speak with councillors and seek their support in relation to
20 the rezoning of the lands, isn't that right?

21 A That's right.

22 Q 876 If you are happy that was part of your job in 1992, what is your problem with
23 accepting that in 1990 you would have had a similar function?

24 A Well I have no problem in accepting it, only I'm telling you the truth. You
25 see there's a difference. I don't know -- like, I didn't write this. Some guy
26 that I can't even remember who wrote it. So how am I going to agree with
27 something someone wrote. This is nothing to do with me. This is notes
28 belonging to some other person.

29

30 CHAIRMAN: Does it correspond, Mr. Brooks, with your recollection?

1 A It corresponds all right, sorry, your honour.

2
3 CHAIRMAN: Does it correspond and forget for the moment who wrote it but does
4 it correspond roughly with what you recall to have been your function or one of
5 your functions or jobs at the time?

6 A Well my function at the time was and it wasn't a given function, we were
7 involved in politics and we had no problem showing our plans to councillors and
8 asking them would they support it and try and convince them of the merits of
9 the proposal and that's the only way we seen our job. We were never given a
10 job by anyone to do.

11
12 CHAIRMAN: To that extent, your recollection is that you did engage in the
13 briefing of councillors, there's nothing wrong with that.

14 A And I accept that, your honour.

15
16 CHAIRMAN: So even though you don't remember being actually involved or
17 directed at any such meeting to engage in this briefing of councillors but it
18 does --

19 A No, it gives that impression and maybe it's right but I can't remember it.

20
21 CHAIRMAN: But you do agree that in approximate terms, that's the sort of
22 thing you did do at the time and again I am not suggesting there was anything
23 wrong with it.

24 A As that paragraph there says, you know, I can't disagree with it. It's just I
25 didn't write it.

26
27 Q 877 MS. DILLON: In what circumstances, Mr. Brooks, did you come to make any
28 financial contribution to any of the councillors in Dublin County Council in
29 1991 or 1992?

30 A If I did contribute to councillors in 1991, I haven't got the list here in

1 front of me but if I did, what would happen, you would meet a councillor, they
2 would be running something and ask you to support something. Like a number of
3 times it might be written down for election purposes. They could be running a
4 charity thing. A number of them and you support them. They would be looking
5 for support. At that time I had no problem in supporting them because in the
6 sense that councillors weren't paid at that time and they were always running
7 cap in hand to people looking for support in, when I say cap in hand, for
8 charitable things and everything like that and you might support them in that
9 manner.

10 Q 878 And can you just outline to the Tribunal the arrangements you had for making
11 political donations or payments to councillors?

12 A Well the arrangement I had is I worked for Chris Jones and the way I would, if
13 someone asked me for support, I might, if it was substantial I might talk about
14 it to Chris Jones. If I had the money on me, I might pay it there and then but
15 very seldom I hadn't the money on me so I would go and ask Chris Jones for it.
16 Sometimes I would have the money. I would pay it there and then and I would
17 get reimbursed off Chris Jones. That was as simple as that.

18 Q 879 Just take it that there were two types of payment then. The ones that were
19 substantial that you required --

20 A Not really substantial but a bit more than what I had in my pocket.

21 Q 880 For those ones, you would go to Mr. Jones?

22 A I would have no choice because I wouldn't have it in my pocket.

23 Q 881 Would you ask Mr. Jones for a cheque?

24 A I would, yes.

25 Q 882 And would Mr. Jones invariably give you the cheque?

26 A Well most of the time he would, yes. I would say all the time he would. He
27 was very good to support everything. Charity things, everything like that. He
28 was not -- he was not -- anything you would ask him, he was very forthcoming to
29 support charities and local election people. People like that. You know, we
30 would have been the same because we would have been political people that

1 believed in supporting political people in the sense that they needed the
2 support to carry on what they were doing.

3 Q 883 Insofar as the first type of payment is concerned, you would go to Mr. Jones
4 and Mr. Jones would give you a cheque and would you then transmit the cheques
5 to the councillors?

6 A That's it.

7 Q 884 In relation to the second type of payment you would make, if you had sufficient
8 funds on your person as required, you would make the payment directly to the
9 councillor?

10 A That's right.

11 Q 885 Would that payment be in cash?

12 A No, not unless it was you were at a race meeting and it was 20 or 30 pounds to
13 get in the door, something like that, you know the way you would run a race
14 night. Something simple like that, you might pay in cash but if it went up to
15 100 pounds, you wouldn't. I'm saying if you were only being a supporter on the
16 night of a race night or that.

17 Q 886 But in relation to the second type of payment, would you pay that from your own
18 cheque account?

19 A Sorry, the second payment, which is that now?

20 Q 887 You said if you had enough money on your person, that you would pay the
21 councillor there and then.

22 A That would vary, sometimes, yes.

23 Q 888 And I asked you was that payment in cash and you say no, not unless it was 30
24 or 40 pounds?

25 A If you were at a race night, you were standing there, you weren't going to take
26 out a cheque book if you were paying 20 pounds to get in the door to a race
27 night or things like that, that a councillor would be running, you wouldn't.

28 Q 889 What I'm trying to establish is that when you made payments on behalf of
29 Mr. Jones, how you went about getting reimbursements. So, in some cases you
30 have told the Tribunal where it was substantial you would go and get the money

- 1 by way of cheque from Mr. Jones?
- 2 A That's right.
- 3 Q 890 And it was his invariable practice to give you the cheques.
- 4 A That's right.
- 5 Q 891 Now you have come to the second type of payment which is where you didn't get a
6 cheque from Mr. Jones, but you made the payment yourself first?
- 7 A That's right.
- 8 Q 892 When you made a payment to a councillor yourself first, was that a cash payment
9 or did you pay him by way of a cheque from your own account?
- 10 A I would pay by cheque from my own account and get reimbursed off Mr. Jones, the
11 ones I was on about, the 20 and 30 pounds, you were talking to me about general
12 payments to councillors overall. That's what I'm talking about. Me myself
13 would contribute to councillors, you know, on a small scale.
- 14 Q 893 We are talking now about the payments that you would have made to councillors
15 which you would have got reimbursed from Mr. Jones?
- 16 A Fair enough.
- 17 Q 894 There are two types of payments; Ones where it's too big for you to handle on
18 your own and you go to Mr. Jones and he gives you a cheque, is that correct?
- 19 A Well, yes.
- 20 Q 895 And the second type of payment is where you make a payment out of your own
21 account and you are reimbursed by Mr. Jones.
- 22 A Yes, that would have happened a couple of times, probably, yes.
- 23 Q 896 Did you ever make a payment in cash to any councillor, say, a sum in excess of
24 200 pounds?
- 25 A Not at all.
- 26 Q 897 Never?
- 27 A Never.
- 28 Q 898 Did you always, what vouching documentation did you give to Mr. Jones when you
29 made a payment?
- 30 A I just write out a slip and I'd say contributed so much to such and such a

- 1 person or something like that and I just give it to them, you know, give it to
2 Mr. Jones or to the accountant and I would be reimbursed.
- 3 Q 899 You just write it out on a piece of paper, is that right?
- 4 A That's right, yes.
- 5 Q 900 And it would be reimbursed by Mr. Jones to you, is that correct?
- 6 A By Ballycullen Farms Limited.
- 7 Q 901 If we look, for example, at an illustration of this at 1942, this happens
8 around November of 1992?
- 9 A Yes.
- 10 Q 902 Is that your handwriting?
- 11 A That's my handwriting.
- 12 Q 903 And is that signature Frank Brooks?
- 13 A That's Frank Brooks, yes.
- 14 Q 904 And the Colm McGrath who is referred to there, is that Councillor Colm McGrath?
- 15 A That's Councillor Colm McGrath.
- 16 Q 905 And the sum beneath it is 500 pounds?
- 17 A That's correct.
- 18 Q 906 Do you say that in November of 1992, you paid Mr. Colm McGrath 500 pounds and
19 were reimbursed from Mr. Jones or Ballycullen Farms?
- 20 A I couldn't guarantee I'd be reimbursed on that. I probably was. I suppose you
21 have the records there, but I don't have them here in front of me but, like, I
22 am sure that on some occasions -- as I said, I contributed myself to people.
23 On some occasions I mightn't have been reimbursed, but I assume I had been
24 reimbursed on this one. I have no doubt otherwise. I assume I had been
25 reimbursed.
- 26 Q 907 If you look at where it says paid, 1716?
- 27 A Sorry, I didn't see that.
- 28 Q 908 I think the 1716 there refers to a cheque from Ballycullen Farms?
- 29 A That's right.
- 30 Q 909 So that would suggest that you were reimbursed on the 19th November 1992?

- 1 A That's right.
- 2 Q 910 So that at some stage prior to the 19th November 1992 you paid Colm McGrath 500
3 pounds.
- 4 A That's right.
- 5 Q 911 What I am asking you now is whether that payment of 500 pounds to Mr. McGrath
6 was a payment made by way of cash or whether it was a payment made by way of
7 cheque that you made in November 1992 and, if you did make it by cheque, what
8 account did you draw it on?
- 9 A Okay. I would have drawn it out of -- I had only, 1992, I had only -- I'm just
10 trying to make out the year. Sorry.
- 11 Q 912 1992.
- 12 A I would say it's my own personal current account.
- 13 Q 913 Yes. So are you saying --
- 14 A I would imagine, I can't imagine it coming from anywhere else, do you know what
15 I mean. If it was a cheque, and I assume it was a cheque, because I can never
16 remember handling monies of that sort ever.
- 17 Q 914 You would have paid him a cheque out of your own personal bank account and been
18 reimbursed then by Mr. Jones, is that correct?
- 19 A That's correct.
- 20 Q 915 And in relation to page 1942 please, which is the same date, can you confirm,
21 this is a note again in your own handwriting, paid 500 pounds various subs,
22 Frank Brooks.
- 23 A Yes.
- 24 Q 916 And it also appears to be repaid to you on the 19th November 1992, 1717, and
25 that's by cheque. Do you accept you were repaid the sum of 500 pounds by
26 cheque number 1717?
- 27 A That's what that says, yes.
- 28 Q 917 Who or what was that money used for, Mr. Brooks?
- 29 A What I was telling you earlier on, where I do small support for different
30 things, you know what I mean, different types of events that would be going on.

1 We supported a lot of local charities and local everything. Especially, I
2 remember around that time of the year we were always being inundated with local
3 people and local, not just -- when I say local people, there could be
4 councillors as well involved, for little charity things and that. So after
5 13, 14 years it would be very hard for me to say what that 500 pounds is, but
6 having a good guess at it I would say it's a number of smaller items I
7 supported.

8 Q 918 Are you saying then that wouldn't have been paid by a single cheque for 500
9 pounds, it would have been paid by an accumulation of smaller amounts of money?

10 A Exactly.

11 Q 919 I see. Can I ask you to look at 1948 which is again November 1992. And
12 there's two figures there, repaid M Egan, 200 pounds and that's your signature
13 and S Brennan support, is that Seamus Brennan, the Minister?

14 A I would assume so, yes.

15 Q 920 Would you have paid him by way of a cheque for 200 pounds drawn on your
16 account?

17 A I would say so.

18 Q 921 And that withdrawal again would have happened in November 1992?

19 A Oh yes.

20 Q 922 And if you could look at the name at the top of the list, M Egan, who or what
21 was that in connection with?

22 A He was an employee of mine, I think. On the farm. Do you know what I mean?
23 Like it would be an amalgamation, the only fellow I know by the name M Egan is
24 a young lad that worked for me back around that time.

25 Q 923 I think again on the 10th December 1992, 1962 --

26

27 MR. DOHERTY: Sorry, sir, I wonder could we go back to that last document
28 because I think there has just been a -- the document before that. I wonder if
29 Ms. Dillon could ask about that word before the 200 pounds.

30 A M Egan is it?

1

2

CHAIRMAN: Repaid, or repairs.

3

4 Q 924 MS. DILLON: It's repaid. Is it possible that that relates to a payment in
5 advance or a sub to Mr. Egan or Miss Egan who might have been your employee on
6 the farm?

7 A Sorry, say that again?

8 Q 925 Is it possible, in view of the fact that M Egan, you say, was your employee,
9 that this was an advance payment?

10 A No, if you see there, I would say that word is repairs, he was someone that
11 came in and just done a once-off job, he used to do jobs for me, a person
12 called Mr. Egan. Now I am trying to think back to that time. That's the only
13 thing I can put that name together with, anyone by the name of Egan and that.
14 And I am trying to put the two together because I can't remember that. I am
15 just trying to put the two together. The only person I knew by the name of
16 Egan is a girl that used to do a bit of work for me.

17 Q 926 And again at 1962, there are expenses and it looks like development, 300
18 pounds, Frank Brooks?

19 A Yes.

20 Q 927 It's paid again by cheque. Would these have been similar expenses that you
21 were paying out, Mr. Brooks?

22 A They would be, yes.

23 Q 928 Can I show you the list then of, at page 702, I think the list is, and can we
24 just concentrate for the moment at the bottom of portion of that list.

25 A Yes.

26 Q 929 If we just go down. Sorry, just go down through the names at the bottom of
27 that list and I'll ask you whether or not you might have had occasion to meet
28 any of the people who are named on that list in 1992. Mr. Seamus Brock?

29 A Mr. Seamus Brock, I knew him but I don't know if I ever actually met him, to be
30 honest with you. I seen him at a number of Fianna Fail Comhairle meetings. He

1 was co-opted onto the council.

2 Q 930 Can you remember when you made any payments to Mr. Brock?

3 A Absolutely not.

4 Q 931 Mr. Larry Butler?

5 A Absolutely not.

6 Q 932 Mr. Michael Joseph Cosgrave?

7 A Absolutely not.

8 Q 933 Mr. Liam Creavan?

9 A No.

10 Q 934 Mr. Tony Fox?

11 A No.

12 Q 935 Mr. Cyril Gallagher?

13 A No.

14 Q 936 Mr. Tom Hand?

15 A No.

16 Q 937 Mr. Michael Keating?

17 A No.

18 Q 938 Miss Marian McGennis?

19 A No.

20 Q 939 Mr. Charlie O'Connor?

21 A I may have contributed to Charlie because he was a local councillor and in,
22 when it would come to election times and other items, Charlie would always look
23 for support in the sense that we would have been seen as people, you know, that
24 would support.

25 Q 940 Mr. Ned Ryan?

26 A No.

27 Q 941 Ms. Sheila Terry?

28 A No.

29 Q 942 Ms. Marie Hennessy?

30 A No.

- 1 Q 943 Mr. GV Wright?
- 2 A No.
- 3 Q 944 Mr. -- And I think then Mr. Colm McGrath.
- 4 A Yes, well, Colm McGrath. Yes.
- 5 Q 945 Now -- other than the people that you have identified which are Mr. Colm
6 McGrath, Mr. Charlie O'Connor, I think, and Mr. Seamus Brennan, did you make
7 any payments to any councillors in 1992?
- 8 A Well we went through this list and as far as we were aware, and we went through
9 it thoroughly, and we started at a situation where we really went through it
10 very, that is, we divulged everything we were aware of and knew on that list.
11 What I'm saying is we are not hiding anything. We are throwing it all out
12 there and I don't believe that there's any more there to go on that list.
- 13 Q 946 Sorry. Did you understand what I asked you? Apart from -- I am asking you,
14 apart from Mr. Colm McGrath where there's a document referring to the fact that
15 you paid him 500 pounds and Mr. Charlie O'Connor, is there anybody else on that
16 list that you made a payment to in 1992?
- 17 A No.
- 18 Q 947 Did you make a payment to Ms. Quinn?
- 19 A Sorry, yes. Sorry about that. I missed that one. Yes. I did actually make a
20 payment, I think it was 200 pounds. Ms. Quinn was running some function out in
21 Rathcoole for the kids and I remember coming and asking, she was going around
22 asking other people to support it and I could be right, it could be 200 pounds,
23 something to do with children in Rathcoole. Don't ask me what.
- 24 Q 948 Did you make a payment to Mr. John Hannon?
- 25 A Yes.
- 26 Q 949 I asked you a minute ago, Mr. Brooks, to list the people that you had made
27 payments?
- 28 A You were going a bit too fast for me.
- 29
- 30 MR. DOHERTY: Sorry, Mr. John Hannon is on the next page.

1 A Just give me a minute. You are harassing me and -- I will tell you more if you
2 take your time.

3
4 CHAIRMAN: I'll tell you, Mr. Brooks, we will rise now and we will sit again
5 at 10.30 in the morning.

6
7 A Thank you, Your Honour.

8
9 **THE TRIBUNAL THEN ADJOURNED UNTIL THE FOLLOWING DAY,**

10 **WEDNESDAY, 8TH MARCH 2006 AT 10.30 A.M.:**

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30