

09:49:35 1 **THE TRIBUNAL RESUMED AS FOLLOWS ON TUESDAY,**

2 **19TH FEBRUARY 2008, AT 10:30 A.M:**

3
4 MR. QUINN: Mr. Pat Rabbitte, please. Mr. Pat Rabbitte please.

10:39:28 5
6 **MR. PAT RABBITTE, HAVING BEEN SWORN, WAS QUESTIONED BY**

7 **MR. QUINN AS FOLLOWS:**

8
9 MR. QUINN: Good morning, Mr. Rabbitte.

10:40:01 10
11 CHAIRMAN: Good morning, Mr. Rabbitte.

12 A. Morning, Chairman. Morning, Judges.

13
14 Q. 1 MR. QUINN: Mr. Rabbitte, in 1990 you were a member of Dublin County Council,
10:40:10 15 isn't that correct? You had been a member I think from 1985.

16 A. That's right.

17 Q. 2 And you continued to be a member right up to 1994 I think.

18 A. That's correct.

19 Q. 3 And you had been a member of The Workers Party then Democratic Left, isn't that
10:40:25 20 right?

21 A. That's right.

22 Q. 4 There was a change over during that period.

23 A. That's right.

24 Q. 5 During the review of the Development Plan and I think you represented was it
10:40:31 25 the Clondalkin ward?

26 A. No, I represented two different areas in the Tallaght region. 1985, I think I
27 represented Tallaght/Rathcoole and in the subsequent 1991 elections I was
28 elected for Tallaght/Oldbawn.

29 Q. 6 Tallaght old bawn. In any event, I think it would be fair to say that you took
10:40:54 30 an interest in the development of the three western towns during the review of

- 10:40:59 1 the Development Plan, isn't that right?
- 2 A. Yes, I did, Sir.
- 3 Q. 7 And I think if we could have brief page 859, please. I think on the 8th of
- 4 February 1990, the administrative officer advised the members of the Council
- 10:41:17 5 that there would be a consideration of draft Written Statement relating to the
- 6 scheduled towns of Lucan and Clondalkin and maps 16, 17 and 18 which was to
- 7 take place on the 16th of February 1990, isn't that correct?
- 8 A. That's correct.
- 9 Q. 8 And I think you were present on that meeting on the 16th of February 1990.
- 10:41:32 10 A. I was.
- 11 Q. 9 And I think we will see at 860, that you contributed to a discussion on maps 16
- 12 and 17 and the maps were noted and it was agreed to defer consideration of maps
- 13 No. 18 to the next meeting of the Council, is that correct?
- 14 A. That's right.
- 10:41:51 15 Q. 10 And I think the next meeting of the Council which dealt with the maps was a
- 16 meeting which occurred on the 8th of March 1990. If we could have 867 please.
- 17 Now, by the 8th of March 1990, just to put it in context, Mr. Rabbitte, you are
- 18 probably aware of this from your knowledge at the time and if not certainly
- 19 from the evidence that has been given in recent times that the position was
- 10:42:14 20 that the Myles Wright report, the 1972 and the 1983 Development Plan all had
- 21 sited the third western town at Ronanstown and Neilstown in West Dublin, isn't
- 22 that right?
- 23 A. That's right, yes. The Myles Wright plan was for three western towns and one
- 24 of them was to be Ronanstown, sometimes called Neilstown.
- 10:42:38 25 Q. 11 A we know that by late 1988, Mr. O'Callaghan had acquired the Merrygrove
- 26 interest in the Neilstown lands which were the property of Dublin Corporation
- 27 on foot of a contract, isn't that right? And that was subject to conditions
- 28 one of which was that an application had been made for planning permission for
- 29 the construction of a shopping centre at that site, which would have been the
- 10:43:00 30 correct zoning at the site at that time, isn't that right?

- 10:43:03 1 A. Yes, that's right.
- 2 Q. 12 And we know that there had been an extension granted by the corporation on foot
3 of the contract to Merrygrove Limited for lodging a planning application for
4 that shopping centre and that planning application I can I think it had come
10:43:15 5 in, in late December 1989. So there was a planning application I think pending
6 for a shopping centre at Neilstown?
- 7 A. That sounds right.
- 8 Q. 13 And in the meantime I think, you may also be aware that Dublin Corporation also
9 had a site at Quarryvale and that these lands had been sold to Mr. Tom
10:43:32 10 Gilmartin, who had made no secret of the fact that he was acquiring lands in
11 that area for the purpose of constructing a shopping centre at that site also,
12 isn't that right?
- 13 A. Yeah, I don't know when exactly that purchase was made but I recall and it got
14 some considerable publicity --
- 10:43:55 15 Q. 14 Yes.
- 16 A. -- at the time.
- 17 Q. 15 I am going to come to that in a moment. I think you were critical of that sale
18 after the transfer of the zoning in May '91.
- 19 A. Yes.
- 10:44:04 20 Q. 16 From Neilstown to Quarryvale.
- 21 A. Yes.
- 22 Q. 17 The corporation appeared to have approved that sale in or around July 1989 to
23 Mr. Gilmartin.
- 24 A. Which I think is the genesis of all of our problems.
- 10:44:15 25 Q. 18 And therefore, by March 1990, you had the unusual situation of the corporation
26 having lands both at Neilstown/Balgaddy and also at Irishtown, both sold one
27 sale subject to the planning application for the shopping centre which was,
28 which had been received and the other which sale having been completed to Mr.
29 Gilmartin, isn't that correct?
- 10:44:40 30 A. I think that's right.

10:44:40 1 Q. 19 And I think the planner came to present his report on map No. 18 at that
2 special meeting of the Council on the 8th of March 1990. And if I could have
3 868 please. It would appear from the report of that planning meeting that you
4 contributed to that discussion on the day. And I know that in your statements
10:45:01 5 to the Tribunal you are somewhat critical of the fact that the minutes of the
6 meetings don't include records of what was actually said by the individual
7 councillors, isn't that right?

8 A. Well it's as much a criticism, Mr. Quinn, as I was pointing out that unlike the
9 Dail, it is the case that nothing that is said is recorded anywhere.

10:45:25 10 Q. 20 Yes.

11 A. And it would have made all of our lives an awful lot easier and speedier if it
12 had been, if there had been a verbatim record. There isn't a verbatim record
13 it's merely, did you contribute or did you contribute or how did you vote.

14 Q. 21 Yes and it appeared that other contributors, included Councillors Lawlor, Cass,
10:45:46 15 Lynch, Gannon, McGrath, Flood, isn't that correct?

16 A. Correct.

17 Q. 22 And then the manager's report as we see it there, he deals with the background
18 to the three towns, if I could have 869 please. And he talks about the concept
19 of developing a new town for around 90 to 100,000 people, isn't that correct?

10:46:04 20 A. Yes, that's right.

21 Q. 23 And this would be a town centre which he said would provide for a comparable
22 durable goods shopping, major recreation and leisure outlets, office equipment
23 civic uses such as Garda Station, employment exchange, Council offices that
24 would be conveniently located for the hub of transportation network in the
10:46:24 25 area, isn't that right?

26 A. That's right.

27 Q. 24 The report deals with that. And it would appear in the case of Tallaght and
28 Blanchardstown, that they were identified areas within both of those areas
29 where the centre could be located but in the case of Neilstown or Ronanstown,
10:46:38 30 you were effectively providing for a new site to take, to cater for the

- 10:46:45 1 villages of Lucan and Clondalkin, isn't that right?
- 2 A. That was the idea, yeah.
- 3 Q. 25 I see. And I think if we look at 870. The, it would appear that the public
- 4 sector had installed basic services and assembled the land bank to facilitate
- 10:47:04 5 the orderly development in the area, isn't that correct?
- 6 A. That's right.
- 7 Q. 26 And the private sector's contribution was to the provision of infrastructure
- 8 and to proceed with the development of its own lands.
- 9 A. Correct.
- 10:47:13 10 Q. 27 Now one of the major disadvantages and a number of negative factors were
- 11 outlined there. But one of the major disadvantages of this proposed site was
- 12 the facts that it was being serviced by the Fonthill Road, which required to be
- 13 upgraded, isn't that right?
- 14 A. That's right.
- 10:47:28 15 Q. 28 And the fact that the negative factors were outlined as we see there by the
- 16 manager. I think that he went on at 871 to deal with the positive factors in
- 17 favour of the area.
- 18
- 19 He said that "The area had been subject the of considerable invest in sewage
- 10:47:46 20 and water services and public investment will also be made in distributor roads
- 21 to open up various housing estates in the area. He said that the Fonthill Road
- 22 was now seen as a road of greatest significance in the development of
- 23 Ronanstown and there had been continuing pressure for its construction".
- 24
- 10:48:01 25 And I think arrangements had been made to provide accommodation for travelling
- 26 families, I think who had been in the vicinity.
- 27 A. All of that was in the report.
- 28 Q. 29 Yes. So he, if we go to 872, please. He put forward two options effectively
- 29 which might be considered by the councillors at that meeting, isn't that
- 10:48:21 30 correct?

10:48:22 1 A. Uh-huh.

2 Q. 30 One was that they would abandon the new town policy, either to allow a green
3 belt area or indeed to rezone it to industrial and the other was to modify the
4 existing plan. If they were to abandon the new town policy, I think his view
10:48:39 5 was that there might be substantial compensation implications in relation to
6 the refusal permissions in both the zoned and services lands, isn't that right?

7 A. I think that's right.

8 Q. 31 I think in relation to rezoning if we look at 8732 industrial, he was of the
9 view that the -- there was theoretically sufficient already zoned industrial
10:48:59 10 land in the area to include what I might term the Quarryvale lands, isn't that
11 correct?

12 A. That was the managers argument, yeah.

13 Q. 32 And he says that "Both of the above options are considered not to be practical.
14 It is considered that it might be fruitless at this stage to investigate the
10:49:13 15 planning implications for Lucan and Clondalkin and the immediate surrounding
16 area further".
17
18 And then he went on to deal with the prospect of modifying the existing plan
19 either by allowing the town to go ahead where it was originally sited.
10:49:28 20 Alternatively to relocate it as a major town centre elsewhere or else to split
21 it between Lucan and Clondalkin, isn't that correct, and put forward proposals
22 in relation to each of those three possibilities, isn't that correct?

23 A. That's right.

24 Q. 33 Now at 874, I just want for a moment to look at the relocation proposal at
10:49:49 25 three there.
26
27 "Almost by definition a relocation of the town centre makes it more difficult
28 for it to function as a central place in the new urban area. No particular
29 advantage is seen in relocating south of the railway line. A possible location
10:49:59 30 north of Quarryvale would not fulfil the social community role of a town centre

10:50:03 1 for Ronanstown."
2
3 So would it be fair to say that the manager had anticipated Mr. Gilmartin's
4 proposals for his Quarryvale site and had anticipated the prospect of a
10:50:14 5 relocation of the town centre from Neilstown to perhaps Quarryvale or north of
6 Quarryvale but again had come down in favour of leaving it effectively where it
7 was, isn't that fair to say?
8 A. That's right. Now I'm not sure how many of us as councillors would have known
9 what was in the manager's mind there, that there was a push on for an
10:50:37 10 alternative, an alternative site that's March of 1990. I just can't recall.
11 We certainly wouldn't know too much about the national issues that were going
12 on.
13 Q. 34 Yes. He went on in his report to say "A larger sub-regional type centre there,
14 whilst it would provide a higher order of services in the shorter term would
10:50:56 15 raise a series of major issues, such as the impact on traffic flows on the
16 motorway and nearby roads and it's effect on shopping both existing and
17 proposing the town centres of Tallaght and Blanchardstown and in the city
18 centre itself. It could not in any case, have been located at the north corner
19 of the area be taken as a reasonable location for the town centre to serve
10:51:16 20 Ronanstown".
21
22 And I think the manager made a series of recommendations which included
23 continuing pressure for the construction of the Fonthill Road, pressure for tax
24 incentives for the town centre area, continuing positive marketing of the local
10:51:30 25 authorities lands for private housing, implementation of a landscaping
26 programme etc. Isn't that right?
27 A. That's correct.
28 Q. 35 Now, I think that there was further discussion following that and you
29 contributed to that further discussion but I think it culminated in a motion
10:51:47 30 being passed unanimously at 876. A motion I think which you supported or

10:51:57 1 proposed that the manager's report of the 8th of March 1990, on the development
2 of Lucan/Clondalkin be rejected and that new maps be prepared for the separate
3 development of greater Lucan area and the greater Clondalkin area.

4 A. Yeah, that was a motion, Mr. Quinn, canvassed by the Council. You didn't
10:52:17 5 mention earlier Councillor Eithne Fitzgerald arising out of the debate.

6
7 And, I think what she had in mind and I would say a good number of the people
8 who supported it was to force the planners to go back to the drawing board to
9 provide information to us that, you know, wasn't forthcoming in the debate
10:52:38 10 because various other scenarios as you said were being canvassed. And I think
11 Councillor Fitzgerald felt that this was the best way to oblige the planners
12 and management to come back with a thorough review of whether that was the best
13 way forward. Some people had argued, from memory, that whereas it was
14 manifestly the case that in the case of Tallaght and Blanchardstown that there
10:53:09 15 was a Tallaght and there was a Blanchardstown and that town centre made sense
16 there. Some people argued that it might have been better to plan for the
17 development of Lucan and the development of Clondalkin separately.

18
19 But as you pointed out a few minutes ago there were options in the manager's
10:53:31 20 proposal that he put, one of them for example one that I was interested in
21 exploring myself, was whether we could retain the town centre for Clondalkin
22 which was by far the larger conurbation of some 55,000 people.

23
24 So I think Councillor Fitzgerald, I'm sure she'll tell you herself what she had
10:53:53 25 on her mind but I recall her, I recall very clearly talking to her at the time.
26 We wanted to see what would the manager come back with if so required.

27 Q. 36 If I could have 875 again please. It would appear from the records that that
28 motion just at the very bottom you see the reference it says:
29 "The following motion in the names of Councillors Fitzgerald, Rabbitte, Cass,
10:54:14 30 Lawlor, McGrath, Hand, Laing, Owen, McGennis, Flood, Maher, McMahon and Ridge."

- 10:54:22 1 There's quite a few including yourself, quite a few councillors.
- 2 A. It was, it came out of the debate.
- 3 Q. 37 Right.
- 4 A. It was the synthesis of the debate. It came out of the debate that it was
- 10:54:39 5 desirable to require the manager and his planners to review the arguments that
- 6 came up in the debate and to come back to the next meeting and the best
- 7 mechanism of doing that was to not adopt his report that day.
- 8 Q. 38 Yes. Did you -- had you met or did you ever meet Mr. Thomas Gilmartin?
- 9 A. Never, Sir.
- 10:54:55 10 Q. 39 Did you know that Mr. Gilmartin had an interest in the Neilstown lands at this
- 11 stage?
- 12 A. I don't think I did. I think the first I knew about that was when it became
- 13 apparent that Dublin City Council or Dublin Corporation as it was then when it
- 14 became public that it had been in, it had the ownership of the lands.
- 10:55:21 15 Q. 40 Yes.
- 16 A. And it had sold them.
- 17 Q. 41 That hadn't been matter of discussion at the County Council meetings?
- 18 A. Not at the County Council, no. Although that issue became quite a big issue as
- 19 the County Council led to the creation of three separation councils.
- 10:55:38 20 Q. 42 Yes.
- 21 A. Because what happened and it is an important point I think. What happened is
- 22 that under the legislation vesting the new, creating the new, the three new
- 23 local authorities all property and assets in the respective administrative
- 24 areas was vested in that local authority. And the Dublin Corporation proceeded
- 10:55:59 25 with dispatch to sell off as much of the land that it owned in the county as
- 26 possible because if it did it before the vesting date, the proceeds reverted to
- 27 the City Council. And they sold a good deal of land at pretty bargain basement
- 28 prices at the time and created a lot of the problems that were there
- 29 subsequently.
- 10:56:20 30 Q. 43 I see. Well the manager and the planning officer did come back to the Council

10:56:27 1 on the 7th of September 1990. If I could have 877 please. With his revised
2 proposal. And if we could have 879 please. He reviews more or less the
3 history of the matter once again, isn't that correct --

4 A. Yes.

10:56:42 5 Q. 44 -- in his report.

6 A. Yes.

7 Q. 45 And he says that "On foot of the motion passed by the council on 8th of March
8 1990, a radical departure from this concept must now be considered for
9 Lucan/Clondalkin".

10:56:52 10

11 And he again deals with the matters. If we could go to 880 and 881, I think we
12 see a new drawing at 881, DP90/97, which was prepared in response to the motion
13 passioned on the 8th of March 1990, isn't that correct?

14 A. Yeah.

10:57:08 15 Q. 46 And he advices now that "The town centre would be abandoned as such, and
16 replaced by a district centre. The overall area would be divided into three
17 districts served by three separate districts, Lucan village, Clondalkin
18 village, and the reduced centre on the former town centre site at Neilstown".
19 Isn't that correct?

10:57:30 20 A. That's right.

21 Q. 47 But it was never a suggestion even at this stage in September 1990, that the
22 zoning on the town centre would be moved up to the Quarryvale site, isn't that
23 right?

24 A. That's right.

10:57:41 25 Q. 48 He says that "The overall effect would be to abandon the original concept of
26 one major town in favour of three areas, each served by lower order centres.
27 Two additional areas of residential zoning more than compensate for land
28 proposed for rezoning to industrial".
29 He goes on to say that "The residential lands between the railway and the canal
10:57:59 30 would improve the viability of the rail link to Clondalkin and to some extent

- 10:58:04 1 compensate for the loss of town centre in terms of passenger traffic generated.
2 The new industrial area could create breakdown between the Lucan area and the
3 Neilstown/Rowlagh area".
4
- 10:58:14 5 And I think the managers recommendation was that if matters had to progress as
6 outlined, then the preferred option would be to proceed as he had recommended,
7 isn't that correct?
- 8 A. That's right.
- 9 Q. 49 And again there was a discussion and again I think you contributed to that
10 discussion and that debate, isn't that correct?
- 11 A. I did.
- 12 Q. 50 And I think again it was agreed to defer a consideration or a vote on the
13 recommendation or the of the manager to the next meeting of the Council, which
14 I think took place on the 14th of December 1990. And at 888 we see that it was
10:58:50 15 agreed that maps 16, 17 and 18 as presented to the Council in February 1990 be
16 adopted. So you effectively reversed your decision of February of 1990, and
17 reverted to the proposals of the manager presented to that meeting, isn't that
18 right?
- 19 A. Yeah, as I explained, Mr. Quinn, different people would have different reasons
10:59:13 20 for supporting the Councillor Fitzgerald motion. Speaking for myself, I was
21 happy that the manager did, although it took six months, as he was required to
22 do, and started to examine it de novo and when it came back we submitted three
23 motions according to my memory to revert to the original plan. One was in my
24 name, one was in Councillor Brian Fleming's name and one was in Michael
10:59:48 25 Gannon's name. Michael Gannon was the senior councillors for the area so his
26 motion stood and Brian Fleming and I seconded it and that reverted the position
27 to the plan outlined at an earlier meeting I think it was in February.
- 28 Q. 51 Yes.
- 29 A. By the manager.
- 11:00:06 30 Q. 52 Now can I ask you, Mr. Rabbitte, did you get a greater insight into what was

- 11:00:11 1 happening at that meeting in September 1990?
- 2 A. Yeah, yeah. And in between.
- 3 Q. 53 And in between?
- 4 A. And in between. I mean, we would have had private discussions with planners
- 11:00:21 5 and manager as well in between. And all the rest about what was feasible, what
- 6 was not feasible. At that time you see there was skepticism because there was,
- 7 there was no development really between Lucan and Clondalkin at that time.
- 8 Q. 54 And I think in September 1990, planning permission came through for the town
- 9 centre, the Merrygrove town centre in Neilstown, isn't that right?
- 11:00:50 10 A. I don't exactly remember when but I entirely accept your word for it. Yeah.
- 11 Q. 55 Now, I think towards the latter part of 1990, the manager advised the members
- 12 that there would be a series of wrap up motions so that the plan could go, the
- 13 Draft Plan could go on display, isn't that correct? And I think a cut off date
- 14 was finally agreed for early February 1991, isn't that correct?
- 11:01:11 15 A. Yeah.
- 16 Q. 56 For the receipt of motions. And I think by February 1991, by the cut off date
- 17 one motion had been received a motion from Councillor McGrath, which
- 18 effectively suggested or proposed that the town centre zoning would move from
- 19 Neilstown to Quarryvale, isn't that correct?
- 11:01:28 20 A. Yes, yeah.
- 21 Q. 57 And you would have been familiar, I presume, at that stage with that proposal
- 22 and that motion on the part of Councillor McGrath?
- 23 A. Oh, we would have got our motions automatically as members of the Council.
- 24 Q. 58 Again by that stage, that is to say by late 1990 or early 1991, were you aware
- 11:01:49 25 of Mr. Gilmartin and Mr. Gilmartin's interest in the Quarryvale lands?
- 26 A. Well I can't really say that I was aware of Mr. Gilmartin or any significance
- 27 attaching to Owen that I was aware that there was beginning to be a push for an
- 28 alternative location for the town centre and for an abrogation of the terms of
- 29 the motion that Michael Gannon and Brian Fleming and myself proposed on the
- 11:02:16 30 14th of September.

- 11:02:17 1 Q. 59 Yes. And that motion came before the Council on the 16th of May 1991. If I
2 could have 16705, please. And you were present but you don't appear to have
3 voted on that motion. Can you recall why you might not have voted on that
4 motion on that date?
- 11:02:33 5 A. I'd say -- I'd say I don't know, Mr. Quinn. I would say it was more that I was
6 marked in attendance rather than present. If you look at the overall record,
7 and I don't know how many people eventually voted that day, not much more than
8 half the councillors. I think it was simply a question of being very difficult
9 to be in two places at one time.
- 11:03:00 10 Q. 60 Did you know on the, by the 16th of May '91, that there had been considerable
11 controversy in relation to Councillor McGrath's proposals, a controversy coming
12 from Green Property who were concerned about the size and scale of the proposed
13 development at Quarryvale?
- 14 A. I did, I did. I mean, it was coming from much wider than Green Property. I
11:03:21 15 mean, there were community organisations and political parties and all the rest
16 would be candidates and Local Elections and all that kind of thing.
17
18 I mean, where you see in the minutes there that at the request of Councillor
19 Laing the meeting adjourned for five minutes. That is euphemism a usually for
11:03:55 20 chaos. So it was probably a very controversial meeting that may or may not
21 have contributed to why I wasn't present to vote or why others weren't present
22 to vote. I know it was an especially difficult, an important day in the Dail
23 where I attended and I know that it was a remarkable day around Leinster House,
24 around which I was very much involved because the previous night a Tribunal of
11:04:32 25 Inquiry had been established against the head, so to speak, to inquire into
26 alleged malpractices of the beef industry, and that had been resisted by the
27 government right up and during the debate. But apparently under pressure that
28 would have caused the government to sunder, the Minister for Agriculture said
29 that as he closed his speech he was handed a piece of paper which said the
11:05:03 30 opposite of everything that he had said during his contribution to the debate.

- 11:05:07 1 So a Tribunal of Inquiry was agreed that night and those of us who were
2 involved in that were completely preoccupied the following day with the fall
3 out from that, which was the 16th of.
- 4 Q. 61 May 1991.
- 11:05:21 5 A. Yes.
- 6 Q. 62 We see the proposal at 931 and I think you are referring to the second last
7 paragraph of the note of that meeting where it records that at "5:25 p.m. it
8 was proposed by the Chairman; seconded by Councillor McGrath and agreed that
9 Standing Orders be suspended in order to permit the meeting to continue after
11:05:41 10 5:30 p.m. to enable consideration of this item to be completed therein, 39
11 members present in the chamber". Is that the ...?
- 12 A. Yes Sir.
- 13 Q. 63 And I think that the Council had reconvened and had voted on the proposal. In
14 fact both the proposed amendment to Councillor McGrath's motion and the amended
11:06:01 15 motion and the matter, if we look at 932 had been, the meeting had concluded by
16 6 pm, isn't that correct?
- 17 A. Yes, that seems to be right.
- 18 Q. 64 Now, you have no recollection -- you think you may not whilst you may have been
19 marked in you may not have been present on that date?
- 11:06:20 20 A. I would probably have been there.
- 21 Q. 65 Had you voted on that occasion presumably you would have voted against the
22 proposal?
- 23 A. Well I had voted in line with my vote at the previous meeting.
- 24 Q. 66 Yes.
- 11:06:31 25 A. Which was the Councillor Gannon motion.
- 26 Q. 67 Now, Mr. Gilmartin in evidence in evidence has alleged that Mr. O'Callaghan was
27 some how instrumental in delaying the consideration of the Development Plan to
28 his disadvantage.
- 29 Mr. Gilmartin had borrowed money in February 1990, with a view to repaying it
11:06:51 30 by August 1990. As it happened he wasn't in a position to make the repayment

11:06:55 1 and other contingencies hadn't come through and by the end of 1990
2 Mr. Gilmartin found himself in a situation where he had to complete with Mr.
3 O'Callaghan and the bank, he had to reach a compromise. But he has alleged
4 that there was a delay in the consideration of the Development Plan and in
11:07:13 5 particular the Development Plan insofar as it concerned Neilstown and
6 Quarryvale.

7
8 Are you aware as a member of the Council at that time, of any such delay or any
9 such interference?

11:07:23 10 A. Well I mean, I'm broadly aware of what you have said now. I don't think that
11 at the time that I would I would have paid, I would have, firstly, known about
12 or secondly, paid too much attention to developer rivals arguing the toss. I
13 mean, it is true and subsequently it landed in my lap. It is true that the
14 Development Plan was late and in fact that was a huge internal debate that we
11:08:00 15 had at the end of '93 when the, when it looked, you know, at least possible if
16 not probable that the scrum would be collapsed in '93 and if the plan wasn't
17 made by the end of '93, there would have been very serious repercussions.

18
19 But as regards deliberate jockeying to delay the plan in the manner that you
11:08:26 20 suggest, I don't know about that. I mean, I suppose you could argue that the
21 emergence of a motion at that time when it looked like we had put it to bed.
22 The manager had come with his report, we had, we had a debate. There were very
23 different contributions to that debate but we all said right, let's call a halt
24 to this and let's require the manager to go back to the drawing board, come
11:08:54 25 back to us again. It took him six months to do that. He came back and we said
26 right, which have looked at it now and we propose that motion that you referred
27 to earlier of Councillor Gannon, Brian Fleming and myself. And we would have
28 thought that that was kind of that one out of the way.

29
11:09:12 30 A motion emerged then, now, whether Mr. Gilmartin requires that as obstruction

11:09:19 1 or whatever, a member of the Council was entitled to bring whatever motion that
2 he or she wanted.

3 Q. 68 But and had the manager not introduced a policy allowing wrap up motions then
4 it's possible and it would be fair to say that the matters would have proceeded
11:09:36 5 so far as the 1991 Draft Plan was concerned on the basis of the map produced at
6 the meeting in February 1990 by the manager, which would have confirmed or
7 proposed that the town centre zoning remain at Neilstown?

8 A. Yeah, that, that seems ... that seems a fair point. I mean, I don't know what
9 would have been in the mind of the man. Had we changed manners? Who was
11:10:03 10 manager at that time?

11 Q. 69 I think maybe Mr. O'Sullivan might have been the manager a at this stage or the
12 deputy manager.

13 A. Mr. Prendergast maybe?

14 Q. 70 I can check that. We will see who was in attendance at that meeting on the
11:10:20 15 16th of May. But just to move on slightly. I think you were critical
16 immediately following that meeting of the actual sale by the corporation of
17 their lands. If we could have 14118 please. This is an extract from the Irish
18 Times of the 10th of June 1991. And I think it's an article headed "inquiry
19 call over 5.1 million rezoned land sale".

11:10:47 20

21 I think you were critical of the fact that the corporation had zoned lands
22 which had now been rezoned and which obviously had become far more valuable as
23 a result of the decision -- not rezoned but had been proposed for rezoning as a
24 consequence have been much more valuable, isn't that right?

11:11:04 25 A. Yeah, I mean, I felt that it was sold at a bargain basement price. I suppose
26 the corporation would say that times were bad at the time but even at that if
27 you read that piece I can't find a copy of my letter to the public accounts
28 committee where I may have elaborated on that or not, I can't recall. But it
29 would appear that even the price secured for it, you know, was more than what
11:11:40 30 the corporation had been prepared to sell it for and the essential point I was

- 11:11:46 1 making was two fold I suppose. One was, that here was the protection of a
2 public asset, or the question of a the protection of a public asset that seemed
3 to be sold at a bargain basement price at this clear out preparatory to
4 reorganization by the City Council. And you know, as the controversy gathered
11:12:14 5 momentum and all the rest, it seemed to me that if the corporation hadn't done
6 that, that we wouldn't have been in this position in the first place. That
7 they invited by bringing in the private sector in disposing of that land, they
8 invited the kind of rivalry that is the subject matter being inquired into.
- 9 Q. 71 Now, at some stage and perhaps prior to the May 1991 vote, you must have become
11:12:39 10 aware that Mr. O'Callaghan who had the Neilstown interest had joined forces
11 with Mr. Gilmartin who had the Quarryvale site and also obviously the bank were
12 in the background and that they were promoting the Quarryvale site over the
13 Neilstown site?
- 14 A. I more knew that the Quarryvale site was being promoted than what was the
11:12:59 15 arrangements between the two developers.
- 16 Q. 72 Yes. And did you --
- 17 A. I had never met any of them, either of them. I mean, I had never met either of
18 them at that stage. I met Mr. O'Callaghan but I think it was subsequently.
- 19 Q. 73 Okay. But I think I'm being to deal with the possible contacts after this
11:13:16 20 stage. But by May 1991 you had not met either Mr. O'Callaghan or Mr.
21 Gilmartin?
- 22 A. I'm sure that when I met Mr. O'Callaghan on the Stadium it was after that.
- 23 Q. 74 Okay. And what about Mr. Dunlop? We know that Mr. Dunlop appears to have
24 become involved in relation to the promotion of the Quarryvale site sometime
11:13:41 25 prior to this vote in May 1991. Had you, I know you had met Mr. Dunlop but had
26 you met Mr. Dunlop in connection with the site at that stage?
- 27 A. I'm sure I would have met him in the environs of Dublin County Council. I
28 don't ever recall having a sit down face-to-face meeting with him but he would
29 have canvassed --
- 11:14:06 30 Q. 75 Yes.

11:14:07 1 A. -- my view. And my party's view once he came on the scene.

2 Q. 76 I see.

3 A. As a lobbyist.

4 Q. 77 His first engagement appears to have been in relation to that first vote in May

11:14:20 5 1991. There are two entries in his diary for meetings with you they may not

6 relate to Quarryvale. One is for the 10th of September 1990, which would have

7 been well prior to a date which when he says that he was retained. That's at

8 4357 and the second, again a date prior to when he says he was retained for the

9 3rd of January 1991 at 4539.

11:14:43 10

11 But in any event you don't believe you met him or prior to May 1991, or met Mr.

12 O'Callaghan or Mr. Gilmartin, is that right?

13 A. Well I know I never met Mr. Gilmartin, I never met him to this day. I am

14 pretty certain that the encounters I had with Mr. Dunlop at this stage were in

11:15:11 15 the environs of Dublin County Council and I, as you know from a previous visit

16 here, Mr. Quinn, I am a bit sceptical about possible fragilities in Mr.

17 Dunlop's diaries.

18 Q. 78 Yes. This is relating to the 11th of November 1992?

19 A. Okay.

11:15:35 20 Q. 79 We have other discovered documentation, Mr. Rabbitte. I am just going to put

21 it to you but before I do, you will agree with me that it wouldn't be unusual

22 for a developer and his lobbyist to try and make contact --

23 A. Not at all, not at all.

24 Q. 80 -- with councillors and for example if we could have 6981. There is a document

11:15:54 25 discovered by Mr. O'Callaghan dated the 24th of March 1992, which lists a

26 number of councillors with whom I think it would be fair to say he had hoped to

27 make contact with in or around that time. That's at 6981, 24th of March and on

28 the 25th of March 1992 at 6962, it would appear that Mr. Dunlop has you marked

29 in to his diary for a 4 p.m. meeting. Now I'm not saying that -- nor does --

11:16:22 30 that that is in connection with Quarryvale. In fact I think it was suggested

11:16:26 1 at one stage that it might have been in relation to the Ballycullen motion?

2 A. Well, I never met Mr. Dunlop about Ballycullen. I met him or encountered him

3 several times about Quarryvale. I never met him about Ballycullen and I noted

4 that as the proceedings dragged on that even Mr. Jones couldn't say that I met

11:16:48 5 him about Ballycullen.

6

7 You're right, there would be nothing unusual about a developer and his lobbyist

8 seeking to meet councillors and so on, although I recall, and I can't put my

9 finger on it for you, but I'm sure your people will be able to find it, Mr.

11:17:08 10 Dunlop telling you that he didn't think that my party colleagues would be

11 minded to support him and that he didn't think his clients would be minded to

12 meet me.

13 Q. 81 Yes.

14 A. So that's strange that he should have said that and then have recordings in his

11:17:26 15 diary that he was meeting me. In any event, did he meet me.

16 Q. 82 Well can I?

17 A. Many times around the County Council ...

18 Q. 83 Can I perhaps just put other diary hits to you if I may.

19 A. Sure.

11:17:36 20 Q. 84 Mr. Rabbitte, Mr. Dunlop at one stage provided the Tribunal with what was

21 effectively a redacted diary where he outlined the people?

22 A. What does that mean, Mr. Quinn?

23 Q. 85 -- in connection Quarryvale?

24 A. What does a redacted diary mean?

11:17:51 25 Q. 86 Well if we look at 7221 for example this is his diary for its week commencing

26 the 11th of May 1992. And what Mr. Dunlop has done is he has redacted out of

27 his diary. And we see the diary for the week at 7200. If we could have the

28 two side by side. What he has effectively done is he has effectively indicated

29 to the Tribunal is that he has deleted from his diary parties who are

11:18:19 30 irrelevant to the Quarryvale Module.

11:18:21 1
2 JUDGE FAHERTY: Mr. Quinn, just in terms of the language. I understand I
3 think from some of the diaries what Mr. Dunlop does at this juncture when he is
4 applying the first diaries to the Tribunal, that he puts the equivalent of
11:18:34 5 post-it notes over diary entries.
6
7 MR. QUINN: Yes. Rather than to interfere with the original diaries.
8
9 JUDGE FAHERTY: Yes I just ...
11:18:43 10
11 CHAIRMAN: He was asked. Mr. Rabbitte, is entitled to know I think the basis
12 on which what we call redacted diaries were furnished to the Tribunal. He was
13 originally asked to furnish those entries in his diary which related to
14 Quarryvale. And so he produced and that was the way it was expected that he
11:19:03 15 would do so, photocopies of his diary and excluded by I think sticking post-its
16 over excluded from the diary were matters which in his view were not related
17 to. So the original redacted diary copies that the Tribunal received only,
18 presumably, if Mr. Dunlop was correct, only contained material which, which he
19 attributed to Quarryvale. Now, subsequently the Tribunal asked for his full
11:19:39 20 diaries and so we now have the full diaries obviously. So that's what we mean
21 by the redacted copies.
22 A. Thank you, Chairman.
23
24 Q. 87 MR. QUINN: And just to clarify the diary on screen. You will see that it
11:19:52 25 refers to a 3:30 meeting with you. Whereas the Tribunal was subsequently
26 provided with Mr. Dunlop's telephone attendances. If I could have 7249. On
27 the 14th of May 1992, an hour prior to that scheduled meeting Mr. Dunlop's
28 telephone attendance records the fact that Linda your secretary had rang and
29 said that you were not available today but that you would be talking to
11:20:19 30 councillors over the weekend and would get back to him.

11:20:21 1
2 So if we take those three documents together it would appear that Mr. Dunlop
3 was hoping to have a meeting with you on that date in connection Quarryvale.
4 You weren't able to make the meeting. You were going to talk to your
11:20:35 5 councillors and get back to him. Do you have any recollection of any such
6 contact with Mr. Dunlop at that stage?
7 A. I don't, Mr. Quinn, but it's possible. It's possible.
8 Q. 88 It may very well be the case that you didn't because on the 17th of June 1992
9 at 7457, Mr. Dunlop has produced what is effectively a contact report, namely
11:20:56 10 people who had been contacted by that date that's the 17th of June '92. And at
11 7458, you are recorded as not having been contacted. There is an "X" you will
12 see it to the right of the document, do you see that about half ways down that
13 document?
14 A. You are very kind to bring that to my attention, Mr. Quinn, I didn't know that.
11:21:19 15 Q. 89 There is a further entry in Mr. Dunlop's diary for a possible 2:30 meeting on
16 the 25th of June 1992. If I could have 7625, I think at this stage you were a
17 member of the Democratic Left, am I correct in that?
18 A. Yes.
19 Q. 90 I don't have the precise dates. There appeared to have been a meeting
11:21:36 20 with Democratic Left at Dublin County Council at 12 noon on the 23rd of June
21 1992. Do you see Tuesday the 23rd "D Left at DCC" it's just?
22 A. Yes, I do.
23 Q. 91 And if you go to the bottom left you will see 2:30 "P Rabbitte meeting". And
24 if we look at Mr. Dunlop's and I refer to it as his redacted diary at 7626, he
11:22:01 25 includes both of those meetings as having a possible Quarryvale connection, do
26 you see?
27 A. Yes. I think that's possible, Mr. Quinn, I just can't recall it. Each of us
28 had a small office there, I mean each of the parties, where we could meet. And
29 where we would have people lining up to meet us, you know, of all kinds and so
11:22:27 30 on and I suppose it's quite possible that Mr. Dunlop met us there. I just

- 11:22:32 1 don't recall it. It's quite possible and, you know, we would have told him our
2 position and I think he has referred to our position many times.
- 3 Q. 92 And there is a, you dealt with it on a previous occasion, an entry for the 11th
4 of August '92 at 7856 re, I think your evidence on a previous occasion was that
11:22:53 5 you would have been on holidays in early August, is that correct?
- 6 A. Whatever else is true, Mr. Quinn, I wasn't having any contact with Frank Dunlop
7 in the middle of August.
- 8 Q. 93 There is an entry however for the 28th of August '92 at 7915. This is a
9 Friday. Mr. Dunlop appears to have met Mr. O'Callaghan at 11:03 on that
11:23:19 10 morning and then appears to have 12:00 meeting with "Pat R" which I presume is
11 you Mr. Rabbitte. And if we look at 7916, he includes both as part of the
12 Quarryvale project. Do you think that this might be the meeting to which you
13 were referring to earlier when you met with Mr. Dunlop and Mr. O'Callaghan?
- 14 A. Does it say that that's a meeting between the three of us?
- 11:23:54 15 Q. 94 Well what Mr. Dunlop has said in relation to that is that he can't for definite
16 say that it was a tripartite meeting with you, himself and Mr. O'Callaghan.
- 17 A. I certainly met him and Mr. O'Callaghan, yes. I met him and Mr. O'Callaghan.
18 I'm not sure whether it was in the office we had in O'Connell Street or whether
19 it was in Leinster House. But I met the two of them. But to be honest,
11:24:21 20 Mr. Quinn, whether it was at the end of August or not, I genuinely can't
21 remember.
- 22 Q. 95 Yes.
- 23 A. They came to, they came to see me with plans and graphics and pieces of board
24 and all the rest about a Stadium that would have a sliding roof and a place for
11:24:46 25 tap dancing and everything else.
- 26 Q. 96 This was their proposal I think for the Neilstown site, isn't that right?
- 27 A. Yeah.
- 28 Q. 97 And this would have been an alternative use for Neilstown?
- 29 A. That's, that was the idea, yes.
- 11:25:04 30 Q. 98 Now, I think that you have given evidence on a previous occasion, Mr. Dunlop

11:25:11 1 has given in evidence relation to your meeting in November '92 and I don't
2 propose to go into that at this moment. But Mr. Dunlop did produce
3 documentation where he put forward a series of potential scenarios that might
4 arise. If I could have 14654. The first of those scenarios was what he
11:25:35 5 described as a best possible or a best position where 48 councillors might vote
6 for the proposal and 27 might vote against. This is the upcoming vote now in
7 December '92, the 17th of December '92. But if we look at the likely voting
8 pattern which would give him that result and we look at 14656, it would appear
9 that Mr. Dunlop would have had you and your other colleagues voting for the
11:26:01 10 proposal Quarryvale, do you understand?
11 A. Well do I understand?
12 Q. 99 Well can I just move to the next?
13 A. I mean it's a fact that we're in that column.
14 Q. 100 Yes.
11:26:16 15 A. What his reasoning was to put us in there I don't understand.
16 Q. 101 Maybe I put the other two and then just ask you a question arising out of it.
17 The position B is at 14658, which is would have 37 although it's recorded there
18 as 39. 37 councillors voting for, 30 against, with 11 abstentions and if we
19 look at 14660. Again, he has you recorded as voting in favour of the proposal?
11:26:46 20 A. Well as ...
21 Q. 102 That's a likely outcome he suggests that's the position B. And then the worst
22 position which is at 14661, which would have the proposal or the motion
23 defeated has you voting against a proposal at 14663?
24 A. Well I didn't appreciate that I was so pivotal, Mr. Quinn, sadly these votes
11:27:15 25 generally speaking weren't close. But Mr. Dunlop had, as he has said himself,
26 never any reason to believe that I or any of my colleagues were going to vote
27 for Quarryvale. We consistently opposed it and why he would have us in there,
28 I have no idea.
29 Q. 103 Well if I could, for example, move forward to manuscript documents created at
11:27:39 30 the time by Mr. Dunlop at 14664. He groups councillors under different

- 11:27:45 1 headings "support definite", "support luke warm", "definitely against" and
2 "abstaining". And under the heading "support lukewarm" he has entered your
3 name and other members of your party at that stage, do you see that?
- 4 A. I do, yeah.
- 11:27:59 5 Q. 104 If that could be highlighted. It's the second column under the heading
6 support --
- 7 A. I don't. I mean, I can't help you, Mr. Quinn, about what was in Mr. Dunlop's
8 mind or whether he was trying to impress his paymaster or whatever but at no
9 stage, there is some things that are ambiguous or doubtful or whatever. But at
11:28:26 10 no stage did I or any of my colleagues indicate that we were even contemplating
11 supporting Quarryvale.
- 12 Q. 105 If we look at for example 14665. He puts forward another scenario on the basis
13 that if the Dail were sitting. Now, this obviously would have to have been
14 created prior to the 5th of November 1992, when the election was called because
11:28:46 15 I think the Dail didn't sit again until early 1993. But do you see he enters a
16 note about two-thirds of the way down and he says "three TDs supporting us
17 could be missing ..." And he lists you as one of the three TDs, in other words
18 you would be abstaining on the date?
- 19 A. Did any of those three TDs support him?
- 11:29:10 20 Q. 106 No.
- 21 A. I mean, it seems to me he was that he was working over time to impress over
22 time to whoever he was reporting to at the strategic ingenuity of his plan.
23 None of the three TDs there, Sean Barrett, Eamon Gilmore or myself none of us
24 supported him.
- 11:29:30 25 Q. 107 You would agree with me that these documents appear to suggest that he was
26 labouring under the misapprehension at some stage --
- 27 A. No.
- 28 Q. 108 That --
- 29 A. No.
- 11:29:36 30 Q. 109 That your support --

- 11:29:38 1 A. No, no. In fairness to Mr. Dunlop, Mr. Quinn, he never laboured under any
2 misapprehension. I recall him even saying to me in the foyer of Dublin County
3 Council at one stage at a critical stage, I can't remember what it was, I
4 suppose you guys are not for turning. I remember it very clearly. So, no, he
11:30:00 5 never laboured under any misapprehension on that and I can't account for his
6 doodlings.
- 7 Q. 110 On the 7th of December 1992, I think the vote did take place and you voted
8 against the what would have been the Quarryvale or the O'Callaghan Gilmartin
9 interest, isn't that right?
- 11:30:18 10 A. Yeah.
- 11 Q. 111 That was coincidentally the same date that you wrote to Mr. Dunlop returning
12 the cheque for the monies he had given you, isn't that correct?
- 13 A. I didn't know that until I read it in the private transcripts. It's a pure
14 coincidence as you know I had talked to him twice prior to that.
- 11:30:48 15 Q. 112 Yes. You say you had two previous discussions with him prior to that date?
- 16 A. Uh-huh.
- 17 Q. 113 The letter refers to a telephone discussion at the weekend which would have
18 been the weekend of the 11th of December.
- 19 A. Yeah, that's right. I phoned him twice, Mr. Quinn, I phoned him after the
11:30:58 20 election to say that we would be returning the donation that he had given me as
21 soon as we got around to reconciling our affairs and doing our sums and meeting
22 and all of the rest.
- 23
24 The trouble was that when it came to writing the cheque, given that he said
11:31:20 25 that it was a donation from a small number of clients, I didn't know who to
26 make out the cheque, so I had to ring him to ask him that. And that was the
27 phone call referred to there of the weekend previous to the 17th. So the 17th
28 was a pure coincidence, nothing to do with anything.
- 29 Q. 114 There is a record of a missed call to his office at 8684 on the 7th of December
11:31:49 30 '92, if we look at 8685, "Pat Rabbitte will call again in 30 minutes". I think

- 11:31:56 1 the election had been the 25th of November, isn't that right?
- 2 A. That's right, yeah.
- 3 Q. 115 In any event you say that it was, it's pure coincidence that you would have
- 4 written returning the cheque to Mr. Dunlop on the morning of the vote on the
- 11:32:09 5 Quarryvale proposal?
- 6 A. That's right.
- 7 Q. 116 Now, I think you had been in that election, that's the 1992 election. I think
- 8 you had received some support from Green Properties in relation to that
- 9 election, isn't that correct?
- 11:32:25 10 A. Well, they offered me the use of a mobile phone and --
- 11 Q. 117 If I could have 3460. You say that you recall some contacts with Mr. Keating,
- 12 isn't that correct, who rang you in advance of that election?
- 13 A. Yeah, he was another, he was another person at the environs of Dublin County
- 14 Council throughout, through out this issue.
- 11:32:53 15 Q. 118 And I think had you signed the pledge rejecting the Quarryvale proposals in
- 16 favour of the completion of the Blanchardstown town centre?
- 17 A. I believe I had or certainly or certainly I'd greed to my name being used, as
- 18 it was used, including by my own colleagues coming up to the 1991 elections,
- 19 especially in the areas effected.
- 11:33:22 20 Q. 119 Did Mr. Keating when he contacted you in advance of that election in 1992
- 21 mention the Quarryvale proposal or the upcoming Quarryvale vote?
- 22 A. I think Mr. Keating took the same attitude as Mr. Dunlop, which means they knew
- 23 well where we stood on it. We had consistently supported it from the '89
- 24 election, certainly in the '91 election and when I was in the chamber I always
- 11:33:53 25 voted that way.
- 26 Q. 120 But did Mr. Keating mention the Quarryvale upcoming Quarryvale vote at any
- 27 stage to you?
- 28 A. I don't believe so, Mr. Quinn, but to be honest, it's impossible 16 years later
- 29 or it's impossible to ...
- 11:34:08 30 Q. 121 Isn't it almost probable that he would have?

- 11:34:10 1 A. I think it is almost probable but it wasn't a matter in my mind in the sense
2 that we were going to do what we consistently had done in the years preceding
3 that.
- 4 Q. 122 Now, I think in when it came to 1993 in October 1993, the review of the
11:34:30 5 amendments and the display the '93 display came before the Council, isn't that
6 correct?
- 7 A. When was that, Mr. Quinn?
- 8 Q. 123 That was the 19th of November 1993, at 1187. However, map 16, 17 and 18 are at
9 1190. What I want to ask you, Mr. Rabbitte, is a series of motions which
11:34:54 10 appear to have been withdrawn in advance of that meeting in October '93. If I
11 could have 1196, please?
- 12 A. October '93.
- 13 Q. 124 Yes.
- 14 A. Oh, yes sorry, yes.
- 11:35:17 15 Q. 125 Do you see a series of motions there:
16
17 "The following motions in the name of Councillors Tipping, Breathnach,
18 O'Callaghan, Gilmore, Billane was not moved." That would have effectively
19 brought the zoning on the Quarryvale site back to the draft 1991 zoning. There
11:35:36 20 were three motions which appear not to have been moved. Do you recall meeting
21 Mr. Dunlop and/or Mr. O'Callaghan in relation to those motions in October 1993?
- 22 A. I don't. The only time I ever met Mr. O'Callaghan as I said to you, Mr. Quinn,
23 was on the Stadium issue and pretty much consistently bumped into Mr. Dunlop.
24 He was at the Council during this time.
- 11:36:09 25 Q. 126 But the Stadium issue in fairness, Mr. Rabbitte, was completely tied in to the
26 Quarryvale rezoning?
- 27 A. Oh, absolutely, yeah.
- 28 Q. 127 If we could have 10277. On the 18th of October '93, Mr. Dunlop has an entry in
29 his diary "3:30 OOC and FD to PR". Do you see that?
- 11:36:30 30 A. What date is this?

- 11:36:31 1 Q. 128 This is the 18th of October 1993, it's Mondays the 18th. Now, the motions to
2 which I have just referred were before the Council but were not moved on the
3 day following the 19th of October '93. And if for example, if we look at
4 10131. This is a letter from Mr. O'Callaghan to the bank and it would appear
11:36:57 5 that Mr. Gilmartin had been suggesting that these motions should have gone
6 ahead and Mr. O'Callaghan is advising the bank in relation to those motions.
7
8 And he advises the bank that "The real situation was as follows that the
9 Democratic Left withdrew their motions on Friday last when they discovered
11:37:17 10 their mistake". Effectively if the motion has gone ahead what would have
11 happened is that Quarryvale would have been rezoned with a cap of 500 square
12 feet as opposed to 240,000 square feet.
13 A. Uh-huh.
14 Q. 129 Because what would have happened is that the McGrath proposals of May 1991,
11:37:33 15 would have been confirmed effectively.
16 A. Well I mean firstly, I wasn't a signatory to the motion and may not have been
17 involved at all, Mr. Quinn. I can't recall it. And I haven't seen it in the
18 papers that I --
19 Q. 130 Have you any recollection of withdrawing motions --
11:37:54 20 A. No.
21 Q. 131 -- said "Pat Rabbitte, Chairman of Dublin County Council a member of the
22 Democratic Left himself, withdrew the motions on Monday last when he discovered
23 how wrong it was from their point of view".
24 A. This is the first time -- this is the first time I've seen this letter and I'm
11:38:09 25 interested that my party colleagues motion was being used in the negotiations
26 with the bank.
27 Q. 132 No, no. It's not use in the negotiations with the bank he is merely apprising
28 the bank of what happened and why Mr. Gilmartin's proposal that the motion
29 should be supported wasn't a runner effectively.
11:38:27 30 A. Yeah. I don't, I don't know, Mr. Quinn, why my colleagues would have withdrawn

11:38:34 1 the motion. It may well be that there was an error in the motion as you said.
2 I mean, the Quarryvale issue at that stage had taken on a particular direction
3 and I don't think that there was one councillor out of 78 that changed his
4 position.

11:38:54 5
6 JUDGE FAHERTY: Mr. Rabbitte, do you understand the context in which Mr. Quinn
7 is putting the question? In December 1992 Quarryvale -- the vote on Quarryvale
8 had zoned it district/town centre capped at 250,000 square feet.

9 A. Yes.

11:39:09 10
11 JUDGE FAHERTY: That was the motion that carried forward or that was the vote
12 and that was the status quo that carried forward into 1993.

13 A. Okay.

14
11:39:17 15 JUDGE FAHERTY: We are not at this juncture as I understand it in the run up
16 to the final confirmation votes.

17 A. Yes.

18
19 JUDGE FAHERTY: And as I understand it, what Mr. Quinn is saying that there is
11:39:27 20 a motion before the Council for the 18th of October 1993, purported to be, I
21 think a motion certainly in the names of some of the Democratic Left
22 councillors, which purported to reverse the then status quo which was the vote
23 of the 17th of December 1992 back to what went out on display, as I understand
24 it, after the 16th of May. And what went out on display after the 16th of May
11:39:57 25 was that Quarryvale had full D, town centre status with the capacity for a town
26 centre at 500,000 square feet

27 A. Right.

28
29 JUDGE FAHERTY: So is that correct Mr. Quinn, that's as I understand?

11:40:11 30 A. No, thank you, Judge, I didn't appreciate that. And clearly, if that was the

11:40:16 1 motion that my colleagues put in, they were mistaken and it was an error and
2 they were right to withdraw it because that wouldn't have been their intention.

3 Q. 133 MR. QUINN: Thank you, Mr. Rabbitte.

11:40:30 5 CHAIRMAN: Thank you, Mr. Rabbitte.

6

7 **THE WITNESS THEN WITHDREW.**

8

9 CHAIRMAN: That concludes your evidence. Thank you very much. We will just
11:40:37 10 take. Instead of breaking Mr. McGrath's evidence we will take a ten minute
11 break now and then start Mr. McGrath.

12

13 MS. DILLON: Yes.

14

11:41:10 15 **THE TRIBUNAL THEN ADJOURNED FOR A SHORT BREAK**

16 **AND RESUMED AS FOLLOWS:**

17

18 MS. DILLON: Mr. Colm McGrath, please.

19

20

21

22

23

24

25

26

27

28

29

30

MR. COLM McGRATH, HAVING BEEN SWORN, WAS QUESTIONED BY

MS. DILLON AS FOLLOWS:

- 11:58:44 1
- 2
- 3
- 4 CHAIRMAN: Good morning, Mr. McGrath.
- 11:59:17 5 A. Yes, Chairman, Judge, thank you.
- 6
- 7 Q. 134 MS. DILLON: Good morning, Mr. McGrath.
- 8 A. Good morning.
- 9 Q. 135 I think you have previously given evidence to the Tribunal, isn't that correct?
- 11:59:24 10 A. I have, yes.
- 11 Q. 136 And I think that between 1985 and January 1994, you were a member of the Dublin
- 12 County Council and a member of Fianna Fail at that stage, isn't that the
- 13 position?
- 14 A. Yes.
- 11:59:35 15 Q. 137 And I think when Dublin County Council split into the three councils you then
- 16 became a member of South Dublin County Council from 1994 onwards?
- 17 A. Yes.
- 18 Q. 138 And you would in your capacity as a member of South Dublin County Council have
- 19 dealt with the 1997 review of the 1993 Development Plan, insofar as it related
- 11:59:52 20 to South Dublin County Council.
- 21 A. Yes.
- 22 Q. 139 Now, I think that the Tribunal in common with writing to all of the councillors
- 23 sent you a questionnaire which you duly filled in in March of 1998 and returned
- 24 to the Tribunal, isn't that right?
- 12:00:07 25 A. Yes.
- 26 Q. 140 And in that questionnaire you were asked a series of questions but you were
- 27 asked in addition whether you are aware of any act or omission that might
- 28 amount to corruption, isn't that right, and you said no to that query, isn't
- 29 that the position?
- 12:00:21 30 A. That's right, yes.

12:00:22 1 Q. 141 And I think thereafter in October 1998, Mr. McGrath, at 2891. The Tribunal
2 wrote to you and this really was the first letter about Quarryvale that you
3 received. And you were asked to come in to attend for interview at the
4 Tribunal and in the second paragraph the subject matter of the interview was
12:00:45 5 identified for you wherein it is stated "at the interview you will be asked
6 about information you may have in relation to the Quarryvale site and the
7 rezoning and development thereof, including any requests for support that you
8 may have received or sought in relation to the project and related matters
9 which may arise" then you were told that the matter would be recorded by a
12:01:04 10 stenographer and then you were asked in the next paragraph "if it was possible
11 for you to do so prior to the 9th of October, it would appreciated if you could
12 forward a written narrative account of your knowledge of and involvement in the
13 matters referred to" isn't is that right?

14 A. I'm sure.

12:01:18 15 Q. 142 And what you were being asked about there was your knowledge about Quarryvale,
16 isn't that right?

17 A. Uh-huh.

18 Q. 143 I think you did indeed on the 7th of October 1998 at 2895, send in a narrative
19 statement to Ms. Cummins, then solicitor to the Tribunal, in relation to your
12:01:35 20 knowledge and information of Quarryvale and in that statement you stated "As an
21 elected member of Dublin County Council for the Clondalkin area, one of my most
22 serious concerns was the failure of the designated town centres lands at
23 Neilstown/Balgaddy to get off the ground despite the fact that it was zoned
24 since 1972.

12:01:53 25
26 It was generally perceived that the location was wrong as no multiples anchor
27 tenants would commit themselves to the site. An alternative site in a more
28 strategic location was identified at Quarryvale. Several multiple potential
29 anchor tenants immediately expressed strong interest in the alternative site
12:02:09 30 and a proposal for its development was prepared outlining the employment

12:02:12 1 creation potential in a disadvantaged area.
2
3 The promoters Mr. Tom Gilmartin and Mr. Owen O'Callaghan sought the support of
4 the planners and elected members in having the town centre designation
12:02:23 5 relocated to Quarryvale. To achieve this, the lands would require a change in
6 zoning and having satisfied myself that the developers were determined to
7 advance the project without delay, I submitted the appropriate motion to the
8 development plan review which was eventually passed as amended by a substantial
9 majority. My support for the project was unconditional".
12:02:41 10
11 And that was your first narrative statement to the Tribunal in relation to
12 Quarryvale, isn't that right?
13 A. Uh-huh.
14 Q. 144 Now, I think that you did attend for interview on the 12th of October 1998
12:02:50 15 accompanied by your solicitor at 25859. And there are a number of matters I
16 just want to draw to your attention and responses that you gave at that
17 interview, Mr. McGrath. And if we look first at 25886, and at question 85 you
18 were asked the following question.
19
12:03:10 20 "Q: You mentioned Quarryvale, what was your involvement in relation to that
21 proposal?
22 A: I proposed the motion to rezone the land.
23 Q: who asked you to do that?
24 A: Nobody specifically asked me. It was the culmination of an examination of
12:03:24 25 the area and a new site was being assembled".
26
27 Now, does that continue to be your position, Mr. McGrath, that nobody asked you
28 to propose a motion in relation to the Quarryvale site?
29 A. Yes, it is, yes.
12:03:35 30 Q. 145 And the second matter I want to draw to your attention is question 87 "had you

12:03:41 1 not discussed the proposal with Owen O'Callaghan?
2 A: No, not in the initial stages.
3 Q: At what stage did you discuss it with Mr. O'Callaghan?
4 A: It would have been near to 18 months from its inception and then you
12:03:54 5 identify the early 1980s as being the inception."
6 A. Well that must be a misprint.
7 Q. 146 All right. What did you mean to say there then?
8 A. Well I wouldn't say I said it wrong. I would say that it was the stenographer
9 got it wrong.
12:04:15 10 Q. 147 What did you mean to have recorded there?
11 A. I'm sure that it should be the late 1980's.
12 Q. 148 All right. And at 25887. At question 93 you were asked:
13
14 "Q: Subsequent to that, did you ever meet Mr. Gilmartin privately?" And the
12:04:25 15 "subsequent" that's being talked about here, Mr. McGrath, you will remember is
16 the display that Mr. Gilmartin gave in the Burlington or the Westbury Hotel and
17 you will see your answer there at question 91 in relation to that. And you
18 were asked at question 93 "did you ever meet Mr. Gilmartin privately?" And you
19 answered "I did yes.
12:04:44 20 Q: When and where was that?
21 A: He had an office on Stephen's Green on the first or second floor I think
22 was it Arlington or something was the name on the door.
23 Q: What happened at that meeting, how many times did you see him there?
24 A: Two or three times maybe".
12:04:58 25
26 Now, did you there intend to suggest to the Tribunal that the extent of your
27 meetings with Mr. Gilmartin was two or three, Mr. McGrath?
28 A. No, no. I met him there two or three times.
29 Q. 149 Yes.
12:05:07 30 A. I met him in other locations on other occasions.

12:05:10 1 Q. 150 Yes. On the following page at 25888. At question 97 you are asked "When Mr.
2 O'Callaghan took over did you have meetings with him?
3 A: I did, yes.
4 Q: Where did you meet him?
12:05:23 5 A: I met him at the Council and I met him in town I think.
6 Q: Can you say approximately how many times you met Mr. O'Callaghan?
7 A: In the context of the Quarryvale?
8 Q: Yes.
9 A: Approximately half a dozen times."
12:05:36 10
11 Did you intend to suggest there to the Tribunal that the extent of your
12 meetings with Mr. O'Callaghan was six times?
13 A. Approximately, it would have been -- in hindsight it probably was more, yeah,
14 but.
12:05:49 15 Q. 151 You appear to have suggested in the earlier answer in relation to Mr. Gilmartin
16 and now this response in relation to Mr. O'Callaghan that you had a limited
17 number of meetings with both of these people?
18 A. No.
19 Q. 152 Is that correct?
12:06:02 20 A. No, I had many meetings with both of them.
21 Q. 153 You had many meetings with both of them?
22 A. More with Mr. O'Callaghan than Mr. Gilmartin.
23 Q. 154 At question 101 you were asked "Did you meet Mr. Dunlop in that connection as
24 well?
12:06:12 25 A: not correctly at that connection. Yes I have met Mr. Dunlop a couple of
26 times too. Sometimes he would be with Mr. O'Callaghan."
27
28 Now, there did you intends to suggest to the Tribunal that the extent of your
29 involvement with Mr. Dunlop with Mr. O'Callaghan was limited to a very small
12:06:29 30 number of meetings?

- 12:06:30 1 A. Well with Mr.-- I never met Mr. Dunlop on his own specifically in relation to
2 Quarryvale. Any time I met him in relation to Quarryvale was usually with Mr.
3 O'Callaghan.
- 4 Q. 155 And therefore if your earlier answer is correct, Mr. McGrath, that you had many
12:06:44 5 meetings with Mr. O'Callaghan, does it follow from that that you had many
6 meetings with Mr. O'Callaghan at which Mr. Dunlop was present?
7 A. It would follow, yes.
- 8 Q. 156 Yes. How was it then that you seemed to be suggesting to the Tribunal in your
9 initial contact with it, that the number of meetings that you had with Mr.
12:06:58 10 Dunlop was very limited?
11 A. Where did I say that?
- 12 Q. 157 You say in question 101 "Did you meet Mr. Dunlop in that connection as well?
13 A: Not directly in that connection. Yes I have met Mr. Dunlop a couple of
14 times too. Sometimes he would be with Owen O'Callaghan."
- 12:07:18 15 A. I was probably answering the question in the time frame about what the previous
16 questions were referring to.
- 17 Q. 158 What time frame was that, Mr. McGrath?
18 A. The inception stages, I didn't meet Mr. Dunlop at all.
- 19 Q. 159 No, the inception stages were well passed when you were having this
12:07:33 20 conversation. The inception stages related to your answer in relation to Mr.
21 Gilmartin.
- 22 A. Yes. Well whatever I said there is what I said, so what do you want me to say.
- 23 Q. 160 What I'm asking --
24 A. That was my recollection at the time.
- 12:07:47 25 Q. 161 At the time was it your recollection then that you had only had a limited
26 number of meetings with Mr. O'Callaghan and indeed with Mr. --
27 A. No, I didn't have a limited -- I had a limited number of meetings with Mr.
28 Dunlop but I had many meetings with Mr. O'Callaghan that I recall.
- 29 Q. 162 Yes. But in this answer that you gave when you were asked by the Tribunal in
12:08:07 30 relation to Mr. O'Callaghan, you were asked how many times you had met him and

- 12:08:11 1 you said half a dozen times?
- 2 A. Yeah.
- 3 Q. 163 Is that right?
- 4 A. That's what I say at the time, yeah.
- 12:08:26 5 Q. 164 And was that your recollection when you first came to give your up information
6 to the Tribunal in October 1998, that your meetings with Mr. O'Callaghan were
7 limited to half a dozen times?
- 8 A. That was my recollection at the time, yes. It probably was more though. In
9 fact, I'm sure it was more but that was what I recalled at the time.
- 12:08:36 10 Q. 165 I think at question 25 -- at page 25893 at question 119. And what's being
11 discussed here is canvassing in relation to Quarryvale.
12 "Q: There was a personal canvassing as well was there?
13 A: In the course of attending our meetings in the chamber we would have bumped
14 into people were both sides.
- 12:08:54 15 Q: Was Frank Dunlop not orchestrating a lobbying campaign at the time for Mr.
16 O'Callaghan and was almost permanently present in the Council offices when
17 there was any voting going on?
18 A: He was there quite a lot so was Pat Keating from Green Property
19 representing Green Property. There were PR consultants on both sides regularly
12:09:13 20 present during the course of the debate."
21
22 Do you suggest anywhere that you yourself attended meetings in Mr. Dunlop's
23 office with Mr. Owen O'Callaghan in relation to Quarryvale?
- 24 A. Oh, I did, yes.
- 12:09:24 25 Q. 166 Yes. But did you in your answers that you are giving here about your contact
26 with Mr. Dunlop, do you disclose to the Tribunal that you had attended meetings
27 in Mr. Dunlop's office with Mr. O'Callaghan in support of the Quarryvale
28 proposal?
- 29 A. I'm sure I did somewhere.
- 12:09:39 30 Q. 167 Yes. You did later, Mr. McGrath, there is no doubt about that. But at this

- 12:09:44 1 point in time when you have your first meeting with the Tribunal I am asking
2 you, do you tell the Tribunal at that stage that you had meetings with Mr.
3 Dunlop, strategy meetings with Mr. Dunlop and Mr. O'Callaghan in Mr. Dunlop's
4 office in support of the Quarryvale proposal?
- 12:10:02 5 A. Well was I asked that question?
- 6 Q. 168 I think the origin of the question is at 25892. Question 118 "there was a
7 fairly intensive lobbying of councillors at that time on behalf Mr. O'Callaghan
8 is that right" do you see that?
- 9 A. I do, yeah.
- 12:10:24 10 Q. 169 You would have known that Mr. Dunlop was Mr. O'Callaghan's lobbyist, isn't that
11 right?
- 12 A. Oh, absolutely yes.
- 13 Q. 170 And in your answer you say "there was a lot of correspondence between both. We
14 were receiving correspondence almost weekly from the Blanchardstown centre,
12:10:37 15 Green Property they were and O'Callaghan".
- 16 A. Yes.
- 17 Q. 171 Right. And then the following question is put to you which we have just been
18 discussing at 25893. When the question is put to you "There was personal
19 canvassing as well" and you then suggest that in the course of your attending
12:10:53 20 meetings in the chamber you would have bumped into people from both sides?
- 21 A. Uh-huh.
- 22 Q. 172 And it is then put to you by name by counsel to the Tribunal would you not have
23 known in effect that Mr. Dunlop was orchestrating a lobbying campaign for Mr.
24 O'Callaghan and then you say he was there quite a lot as was Pat Keating, do
12:11:10 25 you understand? That's what the record shows, Mr. McGrath?
- 26 A. Absolutely. I have no problem with that what so everybody. But are you asking
27 me -- I don't really know where you are going with this. Am I to factor these
28 meetings with Frank Dunlop in to my answer, how many times did I meet him?
- 29 Q. 173 No. What I am asking you -- that?
- 12:11:27 30 A. Frank Dunlop would come to many, many meetings.

12:11:29 1 Q. 174 We have moved on now from the answer you gave in relation to the number of
2 times you met Mr. Gilmartin. We have moved on from the number of times you say
3 you met Mr. O'Callaghan.
4 A. Okay.

12:11:38 5 Q. 175 And we have moved on from the number of times you say you met Mr. Dunlop.
6 A. Okay.
7 Q. 176 We are now dealing with your answers in relation to your knowledge of Mr. Frank
8 Dunlop qua lobbyist for Mr. Owen O'Callaghan, do you understand?
9 A. Yes. Well I would have been aware of his involvement I'd say pretty much
12:11:55 10 immediately after his appointment.
11 Q. 177 Yes. But in this exchange with counsel to the Tribunal it is not, Mr. McGrath,
12 until Counsel for the Tribunal identifies for you that Mr. Dunlop is a lobbyist
13 that you raise Mr. Dunlop in that context, do you understand?
14 A. Well, I mean, I was there to answer questions, Ms. Dillon, so ... so I answered
12:12:18 15 them to the best of my ability at the time.
16 Q. 178 Yes. And in the next series of questions then, Mr. McGrath, at question 121
17 you were asked Were you ever offered any money by Con Gilmartin and that should
18 be Tom Gilmartin and you answer no.
19 Q: Did you ever ask him for any money?
12:12:36 20 A: No, I did not.
21 Q: Were you ever offered or paid any money by Mr. O'Callaghan?
22 A: In the context of Quarryvale?
23 Q: In any context.
24 A: I have had political contributions from him."
12:12:50 25
26 You then go on to say that "They were always at the time of elections" isn't
27 that right?
28 A. Yes.

29 Q. 179 Now, at that particular meeting you did not want to disclose the amount of
12:12:56 30 those contributions and you subsequently wrote in, isn't that right?

12:12:59 1 A. Yes, that's right.

2 Q. 180 Yet you were of the view at that stage that those contributions were
3 confidential isn't that right? You wanted?

4 A. They were private.

12:13:08 5 Q. 181 Yes. But you did subsequently disclose them.

6 A. I did.

7 Q. 182 And in the intervening period had you discussed that with Mr. O'Callaghan?

8 A. Yes.

9 Q. 183 All right. Now, I think that you were also asked whether you had received any
12:13:25 10 money from Mr. Dunlop, isn't that right?

11 A. Yes.

12 Q. 184 I think at 25902 at question 173. You were asked "Did you ever receive any
13 payments indirectly through Mr. Dunlop?

14 A: No.

12:13:45 15 Q: For any purpose?

16 A: No. I think he may have supported one of my golf outings, maybe even
17 twice, once anyway.

18 Q: The political donations you received were directly from Mr. O'Callaghan
19 himself?

12:13:58 20 A: They were, yes.

21 Q: Was it a Mr. O'Callaghan company or Mr. O'Callaghan himself personally?

22 A: himself, personally".

23

24 Now did you there at that interview with the Tribunal disclose the fact that
12:14:10 25 you had received political contributions from Mr. Dunlop?

26 A. I wasn't asked if I received political contributions from Mr. Dunlop. I was
27 asked if I received payments from Mr. Dunlop. I never received payments from
28 Mr. Dunlop. There is a very clear distinction between payment and a political
29 contribution.

12:14:27 30 Q. 185 You say it was due to the looseness of the language.

- 12:14:30 1 A. I have raised this before, Chairman, you might recall. I have made this
2 distinction before. Any time I am asked if I received a payment from somebody
3 the answer will always be no.
- 4 Q. 186 So the position then is you would have been known when you were asked the
12:14:42 5 question, that Mr. Dunlop had made political contributions to you but because
6 the word political contribution was not used in the question put by counsel,
7 you answered in the negative, isn't that the position?
- 8 A. I did yes. I also received that I received political contributions from him.
- 9 Q. 187 No, I think that what you in fact say and what's recorded as I have just
12:15:00 10 outlined it to you, is that you said he may have contributed to a golf classic
11 possibly two, isn't that what you said?
- 12 A. Well that's the mechanism for making political contributions.
- 13 Q. 188 I see. Now you are aware of course that there was a payment by Mr. Dunlop made
14 on your behalf to a firm of solicitors of 10,700 Pounds, isn't that right?
- 12:15:17 15 A. Yes.
- 16 Q. 189 Do you disclose at this point in time, Mr. McGrath, the fact that such a
17 payment was made?
- 18 A. Do I disclose.
- 19 Q. 190 Yes.
- 12:15:25 20 A. Do I confirm in other words.
- 21 Q. 191 No. Do you tell for the first time do you disclose to the Tribunal when you
22 meet with counsel to the Tribunal on the 12th of October 1998, the fact that a
23 sum of 10,700 pounds had been paid to William Fry Solicitors by Mr. Frank
24 Dunlop on your behalf?
- 12:15:42 25 A. No, I don't think I did at the time, no, no.
- 26 Q. 192 That was never in your mind a political donation, isn't that right,
27 Mr. McGrath?
- 28 A. Well I don't know how else you would describe it.
- 29 Q. 193 Well you described it in your evidence as Carrickmines I as a loan which
12:15:57 30 remains unresolved to this day. And if it's a loan, Mr. McGrath, I suggest to

- 12:16:00 1 you it's not a political contribution?
- 2 A. I don't think I described it as a loan.
- 3 Q. 194 Well I think that in fact that you did but I will have the evidence checked and
- 4 if it's --
- 12:16:08 5 A. I can vaguely recall the circumstances surrounding that which I would have
- 6 given in writing to you. If it was something that was to be sorted out a later
- 7 date.
- 8 Q. 195 At the moment we are dealing with the sequence of your disclosure, Mr. McGrath.
- 9 And what I'm trying to ask you to address your mind to is the answer that you
- 10 gave in relation to Mr. Dunlop, in which you tell the Tribunal at 25902 at
- 11 question 174, that you thought he may have supported one of your golf outings,
- 12 maybe even twice or once anyway. Isn't that the answer that you gave?
- 13 A. I'm sure, yes, whatever, yes, I don't see it on the screen but however.
- 14 Q. 196 You created the distinction, Mr. McGrath, and you say because you were asked
- 12:16:48 15 about payments you weren't giving information in relation to political
- 16 donations, is that right?
- 17 A. Well I never denied that I received political donations from Frank Dunlop but
- 18 if I'm asked if I received payments I always make a distinction that I did not.
- 19 Q. 197 Yes because your answer in fact you do provide information at question 174 when
- 12:17:07 20 you say "he may have supported one of my golf outings, maybe even twice, once
- 21 anyway". So you do provide an answer to the question put to you about payments
- 22 and an answer that incorporates the fact that you did receive a support by way
- 23 of one or possibly two golf outings?
- 24 A. Yes.
- 12:17:24 25 Q. 198 Right. So what you are disclosing there to the Tribunal is the fact that Mr.
- 26 Dunlop may have supported one or two golf outings, isn't that right?
- 27 A. Yes.
- 28 Q. 199 You don't disclose anything there about a payment made by Mr. Dunlop of 10,700
- 29 pounds on your behalf, isn't that right?
- 12:17:39 30 A. No, I didn't, no.

- 12:17:41 1 Q. 200 All right. Now, I think in the course of that meeting you also discussed
2 indirect support and you identified to the Tribunal that you may have been in
3 receipt of funds by way of income to your business from the subcontractor's in
4 other words Ascon and Sisks who developed Quarryvale, isn't that right?
- 12:18:03 5 A. Yes.
- 6 Q. 201 And I will come back to deal with that. I think that you agreed with
7 Mr. Hanratty at the meeting through your solicitor, that you would go away and
8 consider the question of the political donations from Mr. O'Callaghan and you
9 would return and provide the information, isn't that right?
- 12:18:17 10 A. Well not so much that I would go away and consider. I had no difficulty in
11 disclosing at the meeting but out of respect to Mr. O'Callaghan, given that the
12 donations were made in confidence and in private, that I at least should pay
13 him the courtesy of discussing with him first before I disclosed.
14
- 12:18:35 15 And that was agreed between myself and Mr. Hanratty. So I was to go away and
16 talk to Mr. O'Callaghan and then provide the information to, which I duly did.
- 17 Q. 202 And that can be seen at 2896, Mr. McGrath. And what you disclose here through
18 Ms. O'Brien, your solicitor, is that you received two political contributions
19 from Mr. O'Callaghan. The first was received in October 1991, in the sum of
12:19:02 20 10,000 pounds by way of personal cheque. The second contribution was received
21 in November 1993, in the sum of 20,000 pounds by way of personal cheque.
22
23 "Our client is unsure as to which Dublin hotels in which the contributions were
24 made".
- 12:19:16 25
26 And that is your disclosure to the Tribunal of the amounts received by you by
27 way of political donation from Mr. O'Callaghan, isn't that right?
- 28 A. Yes.
- 29 Q. 203 Right. I think subsequently the Tribunal wrote again in December 1999 at 2897.
12:19:34 30 And seeking a more detailed narrative statement and this was a letter in fact

12:19:38 1 that was sent to a number of people. And you were asked questions about
2 whether you had attended public meetings, private meetings, and whether you
3 were lobbied or whether you were requested or did solicit support. And you
4 replied to that I think in February of 2000, isn't that right, Mr. McGrath at
12:19:56 5 2899?
6 A. All right.
7 Q. 204 And you outline there your recollection of the changes in the Development Plan
8 and at 2900. At paragraph B you say the following "I attended several private
9 meetings with the promoters of the Quarryvale project. They were informal
10 briefings and discussion on how best to advance the project. Attendances
11 varied but usually included Mr. Gilmartin in the early stages and later on Mr.
12 O'Callaghan and various advisors".
13
14 what you are saying there is that you attended several private meetings with
12:20:33 15 the promoters, isn't that right?
16 A. Yes.
17 Q. 205 And you say at paragraph D that "your support was at all times unconditional"
18 isn't that right?
19 A. Yes.
12:20:40 20 Q. 206 And you say at paragraph E that "you would have canvassed many of your
21 colleagues, as many of your colleagues as possible in effect for support for
22 Quarryvale".
23 A. Uh-huh.
24 Q. 207 And that you also sought the support of An Taoiseach and the Minister for the
12:20:52 25 Environment. And at paragraph F, which was answering the question in relation
26 to whether you had received any payments donations or benefits including any
27 form of gift, assistance, service facility, entertainment or any other benefit
28 of a non-monetary nature from any parties who were involved in the development
29 of the Quarryvale Shopping Centre or persons or companies acting on their
12:21:13 30 behalf you replied "I received two personal donations from Mr. O'Callaghan the

- 12:21:18 1 details of which I have outlined to you already and which I regard as strictly
2 private and confidential. I provided printing services to Frank Dunlop &
3 Associates in relation to the notifications of public meetings. Mr. Dunlop
4 entered teams in my golf classics."
- 12:21:33 5 A. Uh-huh.
- 6 Q. 208 And that was the information that you provided when you provided this letter
7 isn't that right?
8
9 Now, I think that the Tribunal received a letter from you in reply to earlier
10 correspondence on the 16th of August 2000, 2904. In the last paragraph there
11 Ms. O'Brien states "Our client has asked us to bring one further matter to the
12 attention of the Sole Member of the Tribunal. In the latter part of the 1992
13 proceedings were issued by Durapack Limited against our client Colm McGrath
14 trading as Clondalkin Distributers. This related to an unpaid debt of 7,500
15 pounds. This debt and the costs of the action were subsequently discharged by
16 Mr. Frank Dunlop and the proceedings were struck out."
- 17 A. Uh-huh.
- 18 Q. 209 Do you accept that this is the first time that you disclosed to the Tribunal
19 the matters in relation to the discharge of that debt by Mr. Dunlop?
- 12:22:31 20 A. Yes, well at that time it was, yeah, yeah. It fell between two stools really
21 that.
- 22 Q. 210 What stools were they, Mr. McGrath?
- 23 A. Well it was hard to decide how to deal with that at the time, it wasn't, was it
24 a political contribution was it an infamous dig out, what was it, you know. So
12:22:48 25 that's probably why I didn't refer to it in the initial stages. But I
26 disclosed it there anyway.
- 27 Q. 211 Yes. Did you have any conversations leading up to issuing that letter through
28 your solicitors to the Tribunal with Mr. O'Callaghan?
- 29 A. No.
- 12:23:04 30 Q. 212 Did you have any communication with Mr. Dunlop leading up to the 16th of August

12:23:09 1 2000, in relation to the debt or the unpaid debtor the 10,700 pounds or the
2 7,500?

3 A. Only the phone call on the day of the court case.

4 Q. 213 That is the, this is the court case at the time that the money was paid?

12:23:23 5 A. Yes, yeah.

6 Q. 214 What was in August of 2000, Mr. McGrath, that caused you to come to a view that
7 this is at matter that should be disclosed to the Tribunal?

8 A. Oh, probably on the advice of my solicitor I'd say.

9 Q. 215 I don't want to get into what you discussed --

12:23:42 10 A. It may be something that I hadn't actually mentioned to them because it may
11 have slipped my mind at that point and I probably said there is one matter
12 which maybe we should address, you know. So I explained the details to them
13 and they said they probably advised me oh, yes you should disclose that to the
14 Tribunal so I did.

12:23:59 15 Q. 216 Just in relation to your earlier suggestion, Mr. McGrath, that you had not
16 given evidence where you describe the money we're discussing the 10,700 pounds
17 as a loan. Could I have day 401, please, page 126. Question 72. Day 401 page
18 126 question 722. Carrickmines. I will read it to you and hopefully it will
19 come up on the screen. Question 722 "All right, thank you". Then the Chairman
12:24:58 20 intervenes. "Chairman, just I just want to ask you this 10,700 pounds which
21 was, is it to be treated as a loan that was going back a number of years?
22 A: Yeah.
23 CHAIRMAN: Then that's been repaid by you to Mr. Dunlop?
24 A: Not as yet.
12:25:15 25 CHAIRMAN: So is it a loan?
26 A: I will be having further discussions about that with the person who loaned
27 the money when the Tribunal is over because I understand I am precluded from
28 doing so under the terms of the Tribunal".
29
12:25:28 30 So I think it's clear from that exchange, Mr. McGrath, that in Carrickmines I

12:25:32 1 you did describe the 10,700 pounds as a loan.

2 A. Well ... okay.

3 Q. 217 And you accept that the first time that you disclosed this at page 2904 to the

4 Tribunal was on the 16th of August 2000?

12:25:49 5 A. Yeah.

6 Q. 218 Were you aware of any correspondence in July or August 2000 or September 2000,

7 passing between Mr. Owen O'Callaghan and Mr. Dunlop about this same 10,700

8 pounds?

9 A. No.

12:26:04 10 Q. 219 I think that you then provided at the request of the Tribunal through your

11 solicitor at 2907, your detailed statement in relation to the 10,700 pounds.

12 And it's stated:

13

14 "In relation to the discharge of a debt in 1992 by Mr. Frank Dunlop to the best

12:26:24 15 of my recollection, the court date clashed with the meeting of the Council at

16 which the Quarryvale development was on the agenda. Mr. Dunlop undertook to

17 discharge the debt to the plaintiff's solicitors on my behalf and the case was

18 not proceeded with.

19

12:26:37 20 In the brief conversation that took place on the day and in answer to my

21 questions, Mr. Dunlop said that the matter would be sorted out later and my

22 attendance at the meeting was of overriding importance."

23

24 That's your statement on the matter, isn't that right?

12:26:51 25 A. That's my recollection of it, yes.

26 Q. 220 Would you agree, that where somebody decided a debt of 10,700 pounds it is

27 clearly conferring a benefit on you, isn't that right?

28 A. Well it depends now given that we have now decided that at one point I regarded

29 it as a loan and now as time passed on it wasn't sorted out at later date. So

12:27:19 30 I wasn't invoiced for it. So now we have to regard it as a donation.

- 12:27:19 1 Q. 221 When you say "we" do you mean you, Mr. McGrath?
- 2 A. Yes.
- 3 Q. 222 So it might be better it is your evidence to the Tribunal if you were to put
4 that to the Tribunal in the first person if you wouldn't mind. So is it your
12:27:26 5 position now, Mr. McGrath, that originally you had considered this matter to be
6 a loan which you would have to repay to Mr. Dunlop but having considered it
7 over the years you have now decided it's a political contribution?
- 8 A. Yes. Not from Mr. Dunlop.
- 9 Q. 223 You consider it a political contribution from who?
- 12:27:44 10 A. Mr. O'Callaghan.
- 11 Q. 224 Is that because you have become aware of the fact that Mr. Dunlop was
12 reimbursed by the monies?
- 13 A. Yes.
- 14 Q. 225 And when did you become aware of that?
- 12:27:53 15 A. Well I suspected that from the very start.
- 16 Q. 226 Well we'll come to deal with the mechanics of that particular transaction
17 shortly, Mr. McGrath.
18
- 19 Now, I think the Tribunal wrote again in November 2000 to you at 2908. And
12:28:15 20 asked you again about the receipt of monies from Mr. Dunlop among other
21 matters. And you replied at 2911, and in this letter in the third paragraph in
22 the second paragraph you say:
23
- 24 "I did not receive any money from Frank Dunlop either directly or indirectly in
12:28:33 25 connection with the matters listed at A1 through to A4" and what you were
26 saying there was you didn't receive any money in connection with any
27 development, isn't that right?
- 28 A. Yes.
- 29 Q. 227 In the next paragraph you say "I did receive a number of unconditional
12:28:46 30 political donations from Frank Dunlop in response to fundraising requests to

12:28:49 1 defray election expenses and the costs of running my full-time constituency
2 office. These ranged in amounts from 500 pounds to 2,000 pounds in the form of
3 cash and cheques. Cheques were lodged to my bank accounts details of which
4 have been supplied to the Tribunal. Cash was expended on day-to-day elections
12:29:06 5 and constituency expenses".
6

7 Is this the first time that you have disclosed that other than fundraisers by
8 way of one if not two golf classics, that Mr. Dunlop had made a number of
9 unconditional political donations which were by way of cheque and cash?

12:29:22 10 A. I'm sure. Is it, you tell me, is that the first time I disclose it.

11 Q. 228 It appears to be the first time, Mr. McGrath, that you have moved from your
12 position, which was that Mr. Dunlop might have supported one or possibly two
13 golf classics as you outlined in your private interview, to a position where on
14 the 14th of December 2000, you are informing the Tribunal that Mr. Dunlop
12:29:44 15 would, made to you a number of unconditional political donations which ranged
16 in amounts from 500 pounds to 2,000 pounds some which cheque and some which
17 cash?

18 A. Yeah. Some of those would relate to the golf classics.

19 Q. 229 Leaving aside to the two golf classics, Mr. McGrath, may the Tribunal take it
12:30:05 20 then that this is the first time that you are disclosing that you would have
21 received cash, political contributions from Mr. Dunlop?

22 A. No, because they do refer to the -- they are the same amounts of money that I
23 referred to when I referred to the support for golf classics.

24 Q. 230 I see. Are you suggesting then that you on one occasion, having previously
12:30:23 25 told the Tribunal that you had two pieces of support if I can call it that from
26 at maximum from Mr. Dunlop and you are now talking about cheques and cash, are
27 you seeking here to inform the Tribunal that you would have received one cheque
28 from Mr. Dunlop and you would have received one donation by way of cash from
29 Mr. Dunlop?

12:30:41 30 A. Yeah, I think that's ... well I tell you what. Just to roll it back to where

12:30:46 1 the first interview was. You would have to appreciate that I had no notice of
2 the questions that I was going to be asked at that interview. And I was asked
3 a barrage of questions.
4

12:30:56 5 So I was answering you to the best of my recollection about what
6 contributions -- I got many contributions from many different people over the
7 years. So I may not have been entirely accurate in my answer about what I got
8 from Mr. Dunlop. But there didn't seem to be any great emphasis being placed
9 by the questioner on the exact dates, amounts and how many. So I think it's a
12:31:17 10 little unfair now to be putting it to me that I'm changing my position. I'm
11 not changing my position. I quite openly told the Tribunal from the very
12 outset that I had received several contributions over the years from Mr.
13 Dunlop. And I have given you the answer perhaps in different ways sometimes
14 but that is the answer there. In fact I recall there is another document where
12:31:38 15 I actually made it a little bit more clearer exactly what he gave me.

16 Q. 231 Yes I will be coming that document.

17 A. So it's all the same money and all the same instances. When he gave me cash
18 sometimes to buy teams in golf classics. So I was referring to the same money
19 all of the time.

12:31:56 20 Q. 232 Right so when you told the Tribunal at 25902 --

21 A. Uh-huh.

22 Q. 233 -- at question 174 "I think he may have supported one of my golf outings, maybe
23 even twice, once anyway". That that in effect is the same answer as 2911 where
24 you say "I did receive a number of unconditional political donations from Frank
12:32:23 25 Dunlop in response to fundraising requests to defray elections expenses and the
26 costs of running my full-time constituency office. These range in the amounts
27 from 500 pounds to 2,000 pounds in the form of cash and cheques".

28 A. Yes.

29 Q. 234 Right. And are you saying that from that the Tribunal should have appreciated
12:32:40 30 that this is the same information?

- 12:32:41 1 A. Yes, it's the same information, yeah.
- 2 Q. 235 I see.
- 3 A. He would enter teams in my golf classics. I would write to him inviting him to
- 4 participate and he would invariably turn up and take a team or two teams, as he
- 12:32:57 5 did in one case.
- 6 Q. 236 And is it the position then Mr. McGrath that other than taking teams in your
- 7 golf classics you never received any political donations from Mr. Dunlop?
- 8 A. No -- yes that is the position, yeah.
- 9 Q. 237 And you have previously described to the Tribunal I think Mr. Dunlop turning up
- 12:33:13 10 at your office in Clondalkin and leaving 2,000 pounds wrapped in a copy of the
- 11 Irish Times, if I recollect your evidence correctly?
- 12 A. That's correct.
- 13 Q. 238 Was that a donation paid to you in support of a golf classic?
- 14 A. That was in direct response to a request from me to support a fundraising
- 12:33:28 15 event, yes.
- 16 Q. 239 And other than your golf classics. Is it your position to the Tribunal that
- 17 any money that you. Sorry -- other than the money that you received for the
- 18 golf classics you did not receive any political donations from Mr. Dunlop?
- 19 A. One of those donations may have been a donation that fell between a fundraising
- 12:33:48 20 event having been finished and an election pending.
- 21 Q. 240 Yes.
- 22 A. So it may in the -- some of those donations may not have actually found
- 23 themselves into the overall. May not have been a team in a golf classic it may
- 24 have been a straight contribution just at election time.
- 12:34:06 25 Q. 241 Insofar as that occurred then, Mr. McGrath --
- 26 A. Uh-huh.
- 27 Q. 242 -- from your election account that you had opened from I think November 1985.
- 28 The Tribunal will find there then, within that account all of the donations
- 29 that Mr. Dunlop made in support of your golf classics?
- 12:34:20 30 A. No, you won't find.

- 12:34:21 1 Q. 243 Why is that then, Mr. McGrath?
- 2 A. Because you wouldn't always lodge cash to the bank.
- 3 Q. 244 How many times did Mr. Dunlop pay you cash?
- 4 A. I would say three or four times.
- 12:34:31 5 Q. 245 And what was the amounts that he paid you?
- 6 A. As I say in my letter there ranging from 500 to 2,000.
- 7 Q. 246 How many 2,000 pounds donations did you get from Mr. Dunlop?
- 8 A. One.
- 9 Q. 247 Was that the one wrapped in the Irish Times left in your office?
- 12:34:45 10 A. Yes, yes.
- 11 Q. 248 And the other payments by cash -- when you say from 500 to 2,000. Are you
- 12 saying that they were either 500 or 2,000 or it could have ranged from amounts
- 13 between 500 to 2,000?
- 14 A. I recall 500 on two occasions and I recall 1,000 on one occasion.
- 12:35:02 15 Q. 249 And then there is 2,000 on the other occasion about which you have already
- 16 given evidence?
- 17 A. Yes.
- 18 Q. 250 Now, you say cheques were lodged to your bank account?
- 19 A. Yes.
- 12:35:10 20 Q. 251 How many cheques did you receive from Mr. Dunlop?
- 21 A. I don't recall receiving any cheques in that context. The only cheque I recall
- 22 receiving is in relation to printing services that I provided for him which I
- 23 understand that he is disputing but however.
- 24 Q. 252 That is an invoice that you produced in the name of Tower Secretarial, is that
- 12:35:28 25 correct?
- 26 A. Yes.
- 27 Q. 253 Is that when you say that the cheques were lodged to my bank account in the
- 28 plural. By that do you mean the Tribunal to understand that there was one
- 29 cheque on one occasion?
- 12:35:38 30 A. I think -- I'm not quite sure to be honest with you. He may have given me one

12:35:43 1 of those contributions by way of a cheque from Frank Dunlop & Associates but
2 yes he would have because I do recall his participation in a golf classic once
3 he didn't call, it arrived by post with the appropriate form filled out and a
4 cheque attached. So that's at least one instance where he did send a cheque
12:36:07 5 for a golf classic.

6 Q. 254 And was that in 1998?

7 A. Oh, I couldn't tell you.

8 Q. 255 Mr. McGrath. At 2914, Mr. McGrath, in June 2001 following a request for
9 further information from the Tribunal, you were asked for further information
12:36:23 10 in relation to meetings and the people had been identified for you and you say
11 at paragraph 1:

12
13 "Frank Dunlop: Several meetings to discuss progress of Quarryvale development
14 throughout the period specified and the period is from the 1st of January '89
12:36:37 15 to 31st of December '96.

16
17 2. Owen O'Callaghan: Dozens of meetings to discuss progress of Quarryvale
18 development throughout the period specified.

19
12:36:49 20 Tom Gilmartin No. 7: Dozens of meetings throughout the period."

21 A. Uh-huh.

22 Q. 256 Now, I am going to suggest to you that that is radically different information
23 to the information that you initially provided to the Tribunal in your private
24 interview and subsequently in the correspondence where you indicated that you
12:37:06 25 had met on either a few or several occasions, do you agree?

26 A. Well, I'd have to look back at the context of the questioning I suppose, yeah.

27 Q. 257 What context is that?

28 A. What day was the private meeting.

29 Q. 258 October 1998. I believe it to be the 12th. Yes. 25859.

12:37:31 30 A. No the meeting. The private meeting that I had with the Tribunal at which I

12:37:35 1 originally gave those answers.

2 Q. 259 That is the 12th of October 1998?

3 A. 1998. But the question you asked me is covering a period up to 1990.

4 Q. 260 No the meeting at which you gave the information when you were asked about the

12:37:48 5 number of meetings you had with Mr. Gilmartin, Mr. Dunlop and Mr. O'Callaghan.

6 That meeting took place on the 12th of October 1998?

7 A. Okay.

8 Q. 261 You had asked me when the meeting took place and I am providing you with the

9 answer and the extract from the front of the transcript is on the screen beside

12:38:04 10 you. And I am asking you, how is it that the information you provided about

11 the level of your contact with Mr. Gilmartin, Mr. O'Callaghan had changed by

12 the 28th of June 2001, when at page 2914 you referred dozens of meetings taking

13 place at which you were present or involved?

14 A. Well can I see the answers I gave at the original meeting then?

12:38:32 15 Q. 262 Yes. We've seen them already but it's not a difficulty.

16 A. Okay.

17 Q. 263 25886. Sorry. 25887 I beg your pardon. In this at question 93 you were asked

18 "subsequent to the public display, did you ever meet Mr. Gilmartin privately?"

19 You said "yes" you did. And then you were asked "How many times did you meet

12:39:03 20 him there?" And you answer "two or three times maybe". And then Mr.

21 O'Callaghan at 25888, at question 99 you were asked "Can you say approximately

22 how many times you met Mr. O'Callaghan?" And you asked "In the context of the

23 Quarryvale? Yes. Approximately half a dozen times."

24 A. Yes. So where is the inconsistency?

12:39:24 25 Q. 264 You suggest meeting O'Callaghan six times when you were asked initially. And

26 at 2914 you say you met him dozens of times.

27 A. You are for getting about my qualification in both cases.

28 Q. 265 Yes. Which is?

29 A. Well for a start you asked me how many times did I meet Mr. Gilmartin privately

12:39:42 30 and I said two or three times.

- 12:39:43 1 Q. 266 Yes.
- 2 A. In my subsequent evidence I said I had dozens of meetings with him but they
- 3 weren't private. That's the distinction. And in the case of Mr. O'Callaghan,
- 4 you asked me how many times did I meet him in the context of Quarryvale
- 12:39:55 5 specifically and I gave you the answer about half a dozen times. But I
- 6 subsequently meet him dozens of times since then not necessarily in relation to
- 7 Quarryvale. So I am not being inconsistent.
- 8 Q. 267 Fine! Why don't we deal first of all with the other matters you dealt with Mr.
- 9 O'Callaghan when you met him for matters other than Quarryvale. Just identify
- 12:40:14 10 with what those issues were for the Tribunal?
- 11 A. I don't think that is the business of this Tribunal.
- 12
- 13 CHAIRMAN: Sorry, Mr. McGrath. Just before you leave this letter on screen.
- 14 You say there Owen O'Callaghan dozens of meetings to discuss progress of
- 12:40:26 15 Quarryvale development throughout the period specified.
- 16 A. Yes.
- 17
- 18 CHAIRMAN: And the period specified I think is January '89 to December '96.
- 19 So it would have ...
- 12:40:38 20 A. I see. Yes, Chairman. You will appreciate that I was being asked at the time.
- 21 The emphasis seemed to be on how many private meetings did I have with these
- 22 people and I answered the question in the context of private meetings, which
- 23 would have been exactly as I answered it, about half a dozen private meetings
- 24 with Owen O'Callaghan and two or three private meetings with Mr. Gilmartin. As
- 12:41:00 25 the years went on I had dozens of meetings with both gentlemen in an open
- 26 context in various offices or whatever, you know. I don't see where you are
- 27 making a distinction there, to be quite honest.
- 28
- 29 CHAIRMAN: When you say "private"?
- 12:41:15 30 A. I have no reason not to tell you what meetings I had with them. I am offering

12:41:19 1 up the information without hesitation. So I don't understand where counsel is
2 coming from on this, you know.
3
4 CHAIRMAN: When you say "private meetings" are you talking about?
12:41:29 5 A. One-on-one.
6
7 CHAIRMAN: One-to-one meetings?
8 A. Yes.
9
12:41:32 10 CHAIRMAN: And non-private would be?
11 A. Other people in attendance.
12
13 CHAIRMAN: But they don't involve members of the public?
14 A. Oh, no.
12:41:42 15
16 CHAIRMAN: You are talking about his advisors and so on?
17 A. Yeah, there would have been various people at the meetings, Mr. Dunlop,
18 Mr. Lawlor, various advisors. Mr. Kelly ... Does that clarify it a bit more.
19 Q. 268 MS. DILLON: No actually at all it doesn't, Mr. McGrath, because I am going to
12:42:05 20 suggest to you when you came to meet with counsel to the Tribunal at the very
21 beginning you did not make the open disclosure that you should have made. You
22 should have made full disclose of the level of your involvement in Quarryvale
23 you didn't so, isn't that right?
24 A. No, that's not right.
12:42:20 25 Q. 269 Do you want to consider the transcript and identify in the transcript where it
26 is that you tell the Tribunal that you had dozens of meetings with Mr.
27 O'Callaghan. You had dozens of meetings with Mr. Gilmartin. You had dozens of
28 meetings with other people including Mr. Lawlor and Mr. Kelly at which
29 Quarryvale was discussed?
12:42:39 30 A. Yes. I didn't hide that fact at the original meeting. You asked me how many

12:42:44 1 private meetings did I have and I answered you.

2 Q. 270 How many private meetings, one-on-one did you have with Mr. Tom Gilmartin?

3 A. Two or three.

4 Q. 271 Right. How many private meetings one-on-one did you have with Mr. Owen

12:42:53 5 O'Callaghan?

6 A. Approximately half a dozen.

7 Q. 272 Where would you have met Mr. O'Callaghan when you were meeting him privately?

8 A. In fairness before you move on now are you accepting that evidence or not?

9 Q. 273 It's not for me to accept anything Mr. McGrath.

12:43:06 10 A. I want to make the point that's the same evidence as I gave at the original ...

11

12 CHAIRMAN: Mr. McGrath --

13 A. I'm not going to change my evidence. I am also not going to accept your

14 suggestion that I have moved my position. I have not.

12:43:17 15

16 CHAIRMAN: Well it's -- Ms. Dillon has to ask you questions. It's a matter

17 for us ultimately to decide.

18 A. Well that's fair enough.

19

12:43:26 20 CHAIRMAN: Whether you were reasonably frank at the time of the private

21 interview. And you are perfectly entitled to explain why it if there appears

22 to be a difference or a shift in the information why you believe different

23 information was given at the time.

24

12:43:41 25 But clearly, the clear impression that would flow from the private interview in

26 1998 was that you had, that your involvement with Mr. O'Callaghan and Mr.

27 Dunlop in relation to Quarryvale was relatively minimum. That's the real issue

28 that we have to decide. Irrespective of the words that were used and whether

29 you meant private. I would have thought if you believed you were being asked

12:44:11 30 about private meetings that what you might have said well is private in the

12:44:15 1 sense of one-to-one I had six but I had many more meetings where others were in
2 the room at the same time. That information wasn't given so that the Tribunal
3 at the end of the private interview stage would have believed your involvement
4 with Quarryvale to have been fairly peripheral or fairly minimal insofar as Mr.
12:44:38 5 O'Callaghan and Mr. Dunlop was concerned. That's the context in which we're
6 looking at these things

7 A. Well, Chairman, with respect I think my involvement with Quarryvale situation
8 was pretty much known to be extensive, you know. I mean, I never tried to
9 conceal that. I was specifically asked how many private meetings I had with
12:44:58 10 these people and I gave an honest answer. Subsequently I did have dozens of
11 meetings with those people and I gave that answer too. So I can't see where I
12 can help you any further on that, that is my evidence and it's the truth so ...
13

14 Q. 274 MS. DILLON: I think that you were also asked about the financial
15 contributions that you had received from Mr. O'Callaghan, isn't that right?

16 A. Yes, I was asked. At the private meeting you mean?

17 Q. 275 No, subsequently. Initially your position, your starting position was that you
18 had received financial contributions by way of political contribution from Mr.
19 O'Callaghan. You didn't want to disclose the amounts you wished to discuss it
12:45:37 20 with him. You subsequently wrote in and provided the amounts and then you were
21 asked to provide further information about what you had done with the money,
22 isn't that right?

23 A. Yes, I'm sure I was.

24 Q. 276 And at 2934.

12:45:49 25 A. Okay.

26 Q. 277 In relation to that issue at paragraph 1 you state "during the period 1981 to
27 '95/'96, I was a sole trader. My personal business and political finances were
28 inextricably linked. In relation to the 20,000 pounds received from Mr.
29 O'Callaghan the following circumstances pertained. My involvement in the
12:46:10 30 Quarryvale development impacted seriously on my business affairs. When Mr.

- 12:46:14 1 O'Callaghan became aware of my predicament he offered to help out and
2 thankfully he did. Political income and expenditure is perpetual and relates
3 to all local authority and Dail elections of the period and the time in
4 between".
- 12:46:25 5
6 What I would like you to explain, Mr. McGrath, is that last sentence; about
7 political income and expenses is perpetual and relates to all local authority
8 and Dail elections at the time in between" what does that mean?
- 9 A. Well, it means what it says.
- 12:46:41 10 Q. 278 I am asking you to explain it to the Tribunal when you say that all political
11 income is perpetual. What do you mean by that?
- 12 A. Well I had a full-time constituency office, so that needed to be supported on a
13 continuous basis. By and large I supported it myself but any help that was
14 forthcoming was always welcome. At that time I think you might recall there
15 were, there was quite a number of local and Dail elections within a small time
16 frame, so that candidates of which I was a candidate in all of those elections
17 you found yourself just bouncing from one election to another and the attendant
18 costs had to be discharged, it's as simple as that.
- 19 Q. 279 And when you say in the next sentence?
- 12:47:28 20 A. In other words sorry to cut across you.
- 21 Q. 280 No, no.
- 22 A. What I meant by "perpetual" it seemed to be a never ending cycle of fundraising
23 and expenditure fundraising and expenditure.
- 24 Q. 281 And you state the 20,000 pounds was used to pay creditors the balance was
12:47:46 25 miscellaneous, expenditure, copies requested from the Irish Permanent building
26 society. When you say creditors there, Mr. McGrath, what creditors were you
27 talking about?
- 28 A. My business creditors.
- 29 Q. 282 Is that Essential Services Limited?
- 12:47:58 30 A. No.

- 12:47:59 1 Q. 283 What particular business?
- 2 A. I was a sole trader at the time, Colm McGrath trading as --
- 3 Q. 284 Clondalkin Contributors, isn't that right?
- 4 A. Yes.
- 12:48:06 5 Q. 285 Were they expenses therefore, that you used Mr. O'Callaghan's to defray were
- 6 they business expenses of your business?
- 7 A. Yes, they were.
- 8 Q. 286 And you state when the balance was miscellaneous expenditure and copies
- 9 requested from the Irish Permanent building society. What information were you
- 10 seeking from the Irish Permanent?
- 11 A. I just, I couldn't recall what the balance of the monies were expended on but
- 12 they weren't able to help me unfortunately.
- 13 Q. 287 Yes. Did you lodge any portion of the 20,000 pounds to the bank account,
- 14 Mr. McGrath?
- 12:48:37 15 A. Which bank account?
- 16 Q. 288 Any bank account.
- 17 A. Yes to my, to my building society bank account I think.
- 18 Q. 289 Was that your election campaign fund account?
- 19 A. No.
- 12:48:51 20 Q. 290 You had in fact I believe opened an election at 2953. You had opened an
- 21 election campaign fund account, isn't that right, with Allied Irish Bank?
- 22 A. Yes.
- 23 Q. 291 And you had opened that I think that was opened in, unless I'm mistaken, in May
- 24 of 1985, at 26042. Isn't that right?
- 12:49:17 25 A. Okay yes it is, yes.
- 26 Q. 292 Yes. Now, I think that you didn't lodge any portion of the sum of 20,000
- 27 pounds to that account, isn't that right?
- 28 A. No.
- 29 Q. 293 And I think that that account was still in operation or being used by you,
- 12:49:45 30 isn't that right?

- 12:49:46 1 A. That's right, yeah.
- 2 Q. 294 And that was an account that you maintained and you kept open throughout your
3 political career, isn't that right?
- 4 A. Yes.
- 12:49:53 5 Q. 295 What was the purpose of it, Mr. McGrath?
- 6 A. For election income and expenditure around election time.
- 7 Q. 296 Was it for the receipt of political donations?
- 8 A. Yes, around election time.
- 9 Q. 297 But if you received political donations other than at election time,
12:50:08 10 Mr. McGrath?
- 11 A. Yeah, they might be dealt with separately, yeah.
- 12 Q. 298 So that the 20,000 pounds that you got from Mr. O'Callaghan, that you didn't
13 lodge it to this account and it went to defray your business expenses, were you
14 not treating that as a political donation?
- 12:50:26 15 A. I was treating it as a political donation, yes.
- 16 Q. 299 May the Tribunal take it from that then that you weren't accustomed to lodge
17 all of your political donations to your election campaigns to --
- 18 A. You may.
- 19 Q. 300 -- notwithstanding that it was --
- 12:50:34 20 A. You may yes take it from that.
- 21 Q. 301 Insofar as there was a second donation from Mr. O'Callaghan of 10,000 pounds in
22 late September, in October of 1991, did you lodge that sum or any portion of it
23 to your election campaign fund account?
- 24 A. No, I lodged that to another account, I can't recall.
- 12:50:52 25 Q. 302 Do you think that that might have been lodged by you to your Irish Permanent
26 account at 2951?
- 27 A. Yes, probably was, yes. Any large sums would have been lodged to, because they
28 would have been an interest accrual whereas to a current account they wouldn't.
- 29 Q. 303 You see there on this account which is your Irish Permanent I think account at
12:51:17 30 page 2951 a lodgement of 500 pounds in October of 1991. It's the third

12:51:22 1 lodgement, isn't that right?

2 A. 5,000 you mean.

3 Q. 304 5,000 I beg your pardon.

4 A. Yes, yes.

12:51:29 5 Q. 305 Isn't that right?

6 A. Yes.

7 Q. 306 And you were asked for the source of that lodgement?

8 A. Yes.

9 Q. 307 And you identified Mr. O'Callaghan on the document as being the source of the

12:51:36 10 lodgement, isn't that right?

11 A. Yes.

12 Q. 308 Yes. By that do you mean to suggest that in fact that this is a portion of the

13 10,000 pounds that you received from Mr. O'Callaghan?

14 A. Yes well I accepted that I received the 10,000 Mr. O'Callaghan because that's

12:51:55 15 what he said he gave me, you know.

16 Q. 309 Yes.

17 A. But I've, I have no no record of -- I have only got a record of 5,000 of it.

18 Q. 310 Yes. I'll come back to deal with that more detail this afternoon, Mr. McGrath.

19 But it would appear from the underlying documents that is a single cheque

12:52:13 20 lodgement of 5,000 pounds. You see it says there cheque lodgement?

21 A. Yes.

22 Q. 311 And it's not --

23 A. That's what's causing the confusion you see.

24 Q. 312 Yes. And it's clear from both your handwriting on the lodgement docket and the

12:52:27 25 entry made by the building society that what is lodged is a single cheque for

26 5,000 pounds?

27 A. Yes.

28 Q. 313 And not a cheque for 10,000 pounds, a portion of which is taken in cash, do you

29 understand?

12:52:39 30 A. I'm sorry, I didn't understand the last piece of that.

- 12:52:42 1 Q. 314 The documentation underlying this transaction does not suggest that you got a
2 cheque for 10,000 pounds which you cashed and a portion of that being 5,000
3 pounds?
4 A. No I beg your pardon I understand where you're coming from. That's what caused
12:52:57 5 the confusion.
6 Q. 315 I will come back to deal with that. But it's your belief that that 5,000
7 pounds lodgement a record in the your building society bank account at 2951,
8 represents the monies you received from Mr. O'Callaghan around that time?
9 A. It's my best recollection. It's the only -- there is no other logical
12:53:13 10 explanation that I can recall for it.
11 Q. 316 You. If that is the case, Mr. McGrath, again you've elected not to put this
12 into your election account, isn't that right?
13 A. Yes.
14 Q. 317 But you have put it into a personal building society Savings Account, isn't
12:53:27 15 that right?
16 A. Yes, yeah.
17 Q. 318 And it is to this account also that you lodged the 20,000 pounds, isn't that
18 right?
19 A. Yes.
12:53:33 20 Q. 319 All right. So that on neither occasion in which you receive these funds from
21 Mr. O'Callaghan. On neither occasion are they lodged to your open and then
22 current political account, isn't that right?
23 A. No, they're not but as I said to you in my earlier, in the earlier. My
24 personal finances were inextricably linked to my business finances. It was one
12:53:59 25 pot, Ms. Dillon.
26 Q. 320 If that is so, Mr. McGrath, why open an election campaign fund account at all?
27 A. For management purposes.
28 Q. 321 Management of what?
29 A. In around election time and going out because there is a lot of creditors to be
12:54:11 30 paid.

- 12:54:11 1 Q. 322 It's not then for the management of your political donations is that right?
- 2 A. It is. Political donations go in there as well.
- 3 Q. 323 But not all political donations if your evidence is correct?
- 4 A. No, as much as is required to meet invoices.
- 12:54:23 5 Q. 324 That is invoices generated by your political activity, is that right?
- 6 A. Yes.
- 7 Q. 325 So may the Tribunal take it then that the criteria you use in funding your
- 8 political or election campaign fund is what expenses you are going to have to
- 9 pay out?
- 12:54:38 10 A. Generally speaking yes. The monies in the, the larger sums which go into the
- 11 account. They get withdrawn on a regular basis or what I might say recycled on
- 12 a regular basis. They in turn become donations.
- 13 Q. 326 And the funds that you admit or accept that you got from Mr. Dunlop, though
- 14 there are disagreements between you as to the funds, did you lodge those to the
- 12:55:07 15 political fund election account? 2954.
- 16 A. If they were, if they became. If they were part of a golf classic they would
- 17 have been lodged as part of the proceeds from the golf classic, yes.
- 18 Q. 327 Yes.
- 19 A. Into the, I would say, yes, most definitely into the political election
- 12:55:30 20 campaign fund.
- 21 Q. 328 Yes.
- 22 A. If they were cash amounts, they may have been just put in the drawer of the
- 23 office and then as I say recycled locally.
- 24 Q. 329 And when you received cash from by way of political donation whether it was
- 12:55:46 25 from Mr. Dunlop or whether it was from anybody else, Mr. McGrath, may the
- 26 Tribunal take it that you were your habit to keep that cash in the drawer in
- 27 your office and to use it as and when you needed it?
- 28 A. By and large, yes. Unless the amount was of that nature.
- 29 Q. 330 Of what nature?
- 12:56:03 30 A. Oh, sorry you are talking about just cash now.

- 12:56:06 1 Q. 331 Just cash now?
- 2 A. By and large cash was just put into the cash box.
- 3 Q. 332 Insofar as you had received cash from any source, albeit connected to your
- 4 political activity that is money that you use on an ongoing basis. It's not
- 12:56:16 5 money that in general you would have lodged to any account be it called
- 6 election campaign fund or otherwise, is that right?
- 7 A. If it was around the time of immediate weeks preceding election it may go into
- 8 the account, along with the various other cheques that would be received in the
- 9 context of a golf classic and fundraiser.
- 12:56:35 10 Q. 333 In general may the Tribunal take it then that what funds your election campaign
- 11 fund account would have been the cheques generated by the golf classics?
- 12 A. Generally speaking, yes.
- 13 Q. 334 And that apart from that then the balance of the funds that are either given to
- 14 you by way of offering or which are received by you as political donations are
- 12:56:53 15 dealt with otherwise than in the election campaign fund?
- 16 A. Yes.
- 17 Q. 335 Right. So that really when one looks at the election campaign fund you are
- 18 looking at the proceeds of golf classics or fundraisers?
- 19 A. Yes.
- 12:57:05 20 Q. 336 And then non-golf classic money or non-fundraising money is dealt with
- 21 otherwise by you?
- 22 A. Yes.
- 23 Q. 337 And insofar as there were two substantial amounts received from Mr. O'Callaghan
- 24 they go to the building society, isn't that the position?
- 12:57:19 25 A. Yes.
- 26 Q. 338 Insofar as you can recollect it, although you accept that there was a
- 27 difficulty with the 5,000 pounds lodgement in November?
- 28 A. That's causing confusion with me.
- 29 Q. 339 Yes. But other than that, if you had received cash then the third strand of
- 12:57:33 30 this is that cash is kept by you at your office or wherever else and it's used

- 12:57:38 1 by you on an ongoing basis?
- 2 A. Yes.
- 3 Q. 340 So there are three streams of financial activity occurring in connection with
- 4 political fundraising or election donations?
- 12:57:48 5 A. Yes.
- 6 Q. 341 You have the golf classic and fund rationing money which goes into the election
- 7 campaign fund account?
- 8 A. Yes.
- 9 Q. 342 And that is used to fund your expenses at election time?
- 12:57:55 10 A. Yes.
- 11 Q. 343 You have substantial donations such as Mr. O'Callaghan's donations which are
- 12 used by you to fund your business?
- 13 A. Uh-huh.
- 14 Q. 344 Or to defray expenses in relation to your business but which are political
- 12:58:08 15 donations?
- 16 A. Yes, well, yes, that's a good way. That's one reason for using them, yes.
- 17 Q. 345 All right. A and these two particular amounts that are of political donations
- 18 that are given to you by Mr. O'Callaghan are by cheque, isn't that right?
- 19 A. Yes.
- 12:58:24 20 Q. 346 And these are then lodged to the building society account?
- 21 A. Yes.
- 22 Q. 347 Right. The third stream then is the money that you receive by way of cash
- 23 which you keep and in general do not lodge to any account be it will the
- 24 building society or the election campaign fund, is that right?
- 12:58:38 25 A. That's right yes.
- 26 Q. 348 That is used by you to pay expenses political or whatever as and when they
- 27 arise?
- 28 A. Yes.
- 29 Q. 349 From the fund that you have?
- 12:58:47 30 A. That's right.

- 12:58:47 1 Q. 350 Insofar as that last fund is concerned, Mr. McGrath, did you keep a record of
2 the cash donations you received over the years?
3 A. No.
- 4 Q. 351 Did you keep a record of the cheque donations you received over the years which
12:59:03 5 are not put in to the election campaign fund account?
6 A. Yes, I did.
- 7 Q. 352 Yes.
8 A. Well they're there aren't they.
- 9 Q. 353 No, no, no you must listen to the question. I'm not talking about the election
12:59:16 10 campaign fund. I am talking about what you did with Mr. O'Callaghan's two
11 cheques?
12 A. That's what I'm answering.
- 13 Q. 354 Yes. Did you keep a list of those payments or donations you received by
14 cheque, which you did not put into the election campaign fund?
12:59:31 15 A. No, I didn't keep a list, no.
- 16 Q. 355 Okay. So that insofar as those two strands are concerned, the receipt of cash
17 and the receipt of funds, the election funds or political fundraising funds
18 that are generated to you by way of cheque, there is no record in relation to
19 those?
12:59:44 20 A. No.
- 21 Q. 356 But a record does exist in relation to the election campaign fund account in
22 relation to the monies that you have received that are lodged to that account?
23 A. Yes.
- 24 Q. 357 So you would have kept then for the sake is of argument, Mr. McGrath, in
12:59:59 25 relation to the election campaign fund account, you would be able to identify
26 who are the parties who have supported your golf classics over the years?
27 A. Now?
- 28 Q. 358 I am not saying now but you would have known at the time you would have kept a
29 record?
13:00:12 30 A. I would have known at the time, yeah.

- 13:00:14 1 Q. 359 And the Tribunal has heard from other politicians that they generally tried to
2 keep lists of people who had contributed for the purposes of going back again
3 in the future?
4 A. Yes yes.
- 13:00:23 5 Q. 360 To the next golf classic and that's seems to be fairly standard and would you
6 have engaged in the same activity?
7 A. Yes something similar, yes.
- 8 Q. 361 So you would have kept for your own purposes, lists of the people who supported
9 your fundraisers and whose funds were lodged to your account at Allied Irish
13:00:40 10 Bank 1137366, isn't that right?
11 A. Uh-huh.
- 12 Q. 362 So that you would then be able to call up that list or if you needed the
13 information for preparing another golf classic subsequently?
14 A. Yes.
- 13:00:52 15 Q. 363 And would the golf classic be something that took place on an annual basis?
16 A. Yes.
- 17 Q. 364 And would it be supported in general by the same people? Would you have gone
18 to the same people?
19 A. By and large, sometimes the same people didn't, then sometimes they did.
- 13:01:07 20 Q. 365 General do people support golf classics by way of cheque?
21 A. It works at about 60/40.
- 22 Q. 366 So 60 per cent are cheques and 40 are cash?
23 A. Uh-huh.
- 24 Q. 367 Can I ask you in relation to the 60 that are paid by way of cheque; are all of
13:01:22 25 those lodged to the election campaign fund?
26 A. Yes.
- 27 Q. 368 And insofar as you received cash for a fundraiser or for the golf classic.
28 Does that cash go into the drawer in the office to be treated the same way as
29 the first cash that you talked about?
13:01:34 30 A. No. Some of the cash received for a golf classic is used on the day to pay the

13:01:39 1 bill in the golf club.

2 Q. 369 So it never come news this account?

3 A. Sometimes not, no.

4 Q. 370 Because you have outgoing expenses in relation to the prizes and matters such

13:01:47 5 as that sort?

6 A. Yes, exactly.

7 Q. 371 And you would fund that from the money you received for the golf classic by

8 cash but you lodge in general, the cheques?

9 A. Yes.

13:01:55 10 Q. 372 So may the Tribunal take it then that insofar as this account exists for

11 election campaign funds what d in fact is recording is the receipt of funds

12 that are received by you as a result of golf classics which are normally paid

13 by cheque?

14 A. Yes by and large they would be, yes.

13:02:10 15 Q. 373 Okay. Thank you. It's one o'clock, Sir. I know Mr. McGrath has a difficulty?

16 A. No, that's okay. I resolved that.

17

18 CHAIRMAN: Okay. So we will sit at two o'clock.

19

13:02:21 20 MS. DILLON: May it please you, Sir.

21

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

23

24

25

26

27

28

29

30

THE TRIBUNAL RESUMED AS FOLLOWS AT 2:00 P.M.:

13:02:48 1
2
3 MS. DILLON: Good afternoon, Sir.
4
14:11:06 5 Mr. McGrath, please.
6
7 A. Good afternoon.
8
9 CHAIRMAN: Good afternoon, Mr. McGrath.
14:11:21 10
11 Q. 374 MS. DILLON: Good afternoon, Mr. McGrath.
12 A. Good afternoon.
13 Q. 375 You came to know Mr. Tom Gilmartin, isn't that right?
14 A. Yes.
14:11:38 15 Q. 376 Yes. Would you outline to the Tribunal the circumstances in which you first
16 met Mr. Gilmartin you were introduced to him?
17 A. I think I was introduced to him somewhere in Dublin city, probably in the
18 environs of Dublin County Council. Exact details of my first meeting would be
19 very hazy. I may have received a phone call first, I'm not sure.
14:12:05 20 Q. 377 Do you think that you received the phone call directly from Mr. Gilmartin
21 himself?
22 A. No, I don't think so. I think it may have been John Gilbride who introduced me
23 to him.
24 Q. 378 Mr. Gilmartin's recollection is that Mr. Gilbride brought you to meet with, to
14:12:22 25 meet with Mr. Gilmartin in Buswells Hotel?
26 A. That's possible, yeah, that's possible.
27 Q. 379 And he thinks that it was you then subsequently introduced both Mr. Gilbride
28 and Mr -- yourself and Mr. Gilbride were introduced by Mr. Gilmartin to Mr.
29 O'Callaghan later on?
14:12:43 30 A. More than likely, yes.

- 14:12:43 1 Q. 380 Can you just in terms of dates, Mr. McGrath. Can you remember when it was
2 approximately that you first met Mr. Gilmartin?
3 A. No, I honestly couldn't tell you but around the time that the whole process
4 started I presume, yeah.
- 14:13:01 5 Q. 381 So when you say the whole process are you talking about the acquisition of the
6 Quarryvale lands?
7 A. Yes I think so, yeah.
- 8 Q. 382 And Mr. Gilmartin would have commenced the acquisition of the Quarryvale lands
9 as far back as 1988. Now, do you think it was that far back?
10 A. No, not that far back. He was well into it I think at that stage before I met
11 him.
- 12 Q. 383 Right. Can you remember whether the Development Plan review had commenced
13 whether there were meetings in Dublin County Council about the Development
14 Plan?
15 A. I honestly can't remember, no.
- 16 Q. 384 Mr. Gilbride thought it was certainly mid 1990 by the time he met him. Do you
17 think you'd met him earlier than that?
18 A. I wouldn't have met him before John Gilbride, no.
- 19 Q. 385 Do you remember that Mr. Gilmartin had a display in a local hotel about
14:13:59 20 Quarryvale?
21 A. Yes, I do, yeah.
- 22 Q. 386 That was the 6th of June 1990.
23 A. Okay, yeah.
- 24 Q. 387 Would you have met Mr. Gilmartin before that?
14:14:11 25 A. I think I would have, yes, yeah.
- 26 Q. 388 It would follow from that, that if you had met him before June of 1990 that
27 equally Mr. Gilbride had met him before June of 1990, isn't that right?
28 A. Yeah, I think in the months, maybe weeks before that, like.
- 29 Q. 389 If at 4284, Mr. McGrath, this is a letter of the 19th of June 1990, inviting
14:14:36 30 everyone to a display on the 5th of July 1990 about Westpark?

- 14:14:41 1 A. Yes.
- 2 Q. 390 Right. And I think then on the 23rd of July at 4314, there is a letter from
3 you to the then Taoiseach, Charles Haughey, asking on behalf of Mr. Gilmartin
4 for Mr. Haughey to meet with Mr. Gilmartin, isn't that right?
- 14:15:01 5 A. Yes, yeah.
- 6 Q. 391 And you are the author of that letter, isn't that right?
- 7 A. Uh-huh.
- 8 Q. 392 And in the first paragraph of that letter you state "the promoter of the above
9 project Mr. Tom Gilmartin has asked me to request an urgent meeting with you to
10 discuss various problems hither to unforeseen, which are posing a serious
11 threat to the realisation of this unique development.
12
13 I fully appreciate the pressures on your time and would appeal to you in the
14 context of the magnitude of this project to allocate 15 minutes of your time to
14:15:31 15 Mr. Gilmartin".
16
17 Now, I think ultimately the then Taoiseach refused to meet you, isn't that
18 right, or to meet Mr. Gilmartin due to his heavy schedule? 4316 please. And
19 that is a letter dated the 25th, I think of July 1990, isn't that right?
- 14:15:48 20 A. Yes, yeah.
- 21 Q. 393 Now, but just to go back to the letter that you wrote at 4314. Can you just
22 outline to the Tribunal, the problems that Mr. Gilmartin was having in July
23 1990 on foot of which he asked you to write this letter?
- 24 A. Well they are well documented in the folders. He was having difficulty largely
14:16:17 25 with Dublin Corporation in the acquisition of lands as far as I recall and he
26 had, he claimed that he had arrived to go to meetings which -- prearranged
27 meetings in Dublin County Council which when he arrived with his team of
28 consultants, the meeting wasn't on or whatever, you know. Various problems
29 like that.
- 14:16:37 30 Q. 394 The two problems you have identified, Mr. McGrath, one of which was identified

- 14:16:42 1 last week also by Mr. Gilbride, were problems that were concluded and were no
2 longer problems for Mr. Gilmartin by June and July of 1990.
- 3 A. I see.
- 4 Q. 395 The incident with the meetings, Mr. McGrath, happened in early 1989. And was
14:16:58 5 concluded but by Mr. Gilmartin making complaints to Mr. Frank Feeley then the
6 most senior local authority official in the county of Dublin at the time. And
7 he made complaints to Mr. Feeley and Mr. Sean Haughey about the conduct
8 particularly of Mr. George Redmond?
- 9 A. Yes.
- 14:17:14 10 Q. 396 And that was the subject matter of an internal investigation.
- 11 A. So you are saying in a wouldn't have been these problems no.
- 12 Q. 397 Well I am saying to you that that problem had been dealt with. He had last
13 complained about the same matters and had complained about I think the conduct
14 of Mr. Liam Lawlor letter to Mr. Pdraig Flynn who was then the Minister for
14:17:31 15 the Environment in 1989, and he became part of a Garda investigation that was
16 initiated in early to mid 1989 in relation to those allegations.
17
- 18 And insofar as the land acquisition matter was concerned by June of 1990, Mr.
19 Gilmartin's difficulties with the acquisition of the corporation lands were
14:17:50 20 over and he had been given the tender to buy the lands. He had won the tender
21 as it were.
- 22 A. Okay.
- 23 Q. 398 All right. Now, if you accept for the moment that what I'm telling you is
24 correct, Mr. McGrath.
- 14:18:02 25 A. Of course.
- 26 Q. 399 If we go back to your letter of the 23rd of July 1990, can you think what were
27 the other problems that Mr. Gilmartin had that caused you to write this letter?
- 28 A. Okay well I can only speculate as to what they might have been because I didn't
29 allude to them in the letter because we can't be sure that he divulged the
14:18:20 30 problems to me in total. But I would guess then if they were further down the

14:18:25 1 track, so to speak, they were probably to do with maybe tax designation or
2 something like that. That he felt or was given to believe may be forthcoming
3 and now all of a sudden wasn't forthcoming or something like that. That's one
4 guess.

14:18:40 5
6 Other than that, no, I can't really see, I can't really think of what else they
7 may have been. See a I say, the fact that I didn't actually list out any of
8 the problems that he was having. It may be that I was just more anxious to try
9 and get a meeting with the Taoiseach and by couching it in those terms I
10 thought it might jog the Taoiseach into responding more positively, you know.

11 Q. 400 Did Mr. Gilmartin ever complain to you that he felt his attempts to change the
12 zoning on the Quarryvale lands were being hampered or frustrated?

13 A. No, he didn't, not initially. I am aware of his later frustrations but not at
14 that time. We were all of the one mind about what we wanted to achieve on the
15 site.

14:19:21 16 Q. 401 And from the beginning when you met him you were positive about the site and
17 you were in favour of attempting to change the zoning from Neilstown to
18 Quarryvale?

19 A. Absolutely, yes.

14:19:31 20 Q. 402 And it was your view as you have recorded in the statements that you felt
21 nothing had happened in Neilstown for a very long time.

22 A. That's right.

23 Q. 403 And that this looked like a development that would in fact happen.

24 A. Yes.

14:19:42 25 Q. 404 Right. And it would be fair to say and I think that from the beginning you
26 have indicated that you were always in favour of the development in Quarryvale.

27 A. Yes, absolutely, yes.

28 Q. 405 And Mr. Gilmartin in his evidence to the Tribunal has said that from the very
29 beginning you were completely in favour of the development at Quarryvale
14:19:58 30 particularly from a job's point of view.

- 14:20:00 1 A. Yes.
- 2 Q. 406 And would you agree with Mr. Gilmartin in that?
- 3 A. Oh, yes absolutely.
- 4 Q. 407 Now, would it be fair to say that you were one of the main promoters of the
- 14:20:10 5 Quarryvale development?
- 6 A. Yes.
- 7 Q. 408 And you were also one of the --
- 8 A. Politically.
- 9 Q. 409 Yes, I mean politically.
- 14:20:17 10 A. Yes.
- 11 Q. 410 And you were also one ever the local councillors.
- 12 A. Yes, I was.
- 13 Q. 411 Now, if the problems that Mr. Gilmartin was having in July of 1990, were not
- 14 the acquisition of the lands and were not complaints about Mr. George Redmond
- 14:20:30 15 blocking meetings with his team with local authority officials, Mr. McGrath, do
- 16 you remember Mr. Gilmartin ever complaining about demands of money being made
- 17 of him?
- 18 A. No, not to me, he never did, no.
- 19 Q. 412 Did Mr. Gilmartin ever complain about Mr. Lawlor seeking money?
- 14:20:49 20 A. No.
- 21 Q. 413 Right. Did he ever make any complaints about Mr. Finbarr Hanrahan?
- 22 A. No.
- 23 Q. 414 Did he ever make any complaints about the fact that his development was being
- 24 blocked by Mr. Owen O'Callaghan?
- 14:21:00 25 A. No, not in those -- not in those terms he didn't.
- 26 Q. 415 Yes.
- 27 A. But it became very convoluted at one point the whole, you know, the cross over
- 28 between the two sites. So there was rivalry but I wouldn't, no, the answer is
- 29 no, no, not that I'm aware of.
- 14:21:20 30 Q. 416 So while you accept that Mr. Gilmartin must have complained to you or

- 14:21:24 1 identified probably some problems in July of 1990, your position is that you
2 don't know what they were?
- 3 A. I don't know what they were but I don't think that they would have been the
4 ones that you are kind of referring to there because it's not the type of thing
14:21:36 5 that I would write to the Taoiseach expecting him to intervene. They were
6 inter-businessman problems which they would need to really sort out themselves.
- 7 Q. 417 What the are the sort of things that you would have written to Mr. Haughey
8 about in July of 1990?
- 9 A. Well I would have thought tax designation was one of them but I recall writing
14:21:54 10 to the Department, the Minister for the Environment about tax designation, I
11 think, anyway.
- 12 Q. 418 You did in March the following year March of 1991, I think immediately after
13 the motion in February '91 you wrote I think, 4839.
14
- 14:22:14 15 You wrote initially I think to Mr. Albert Reynolds and I think you also wrote
16 to the Minister for the Environment at that time. Yes, at 5559.
- 17 A. Yes. Yeah, that's probably a cross over in my recollection now about what I
18 wrote to different ministers about.
- 19 Q. 419 Yes.
14:22:51 20 A. So that's why it's difficult to say why I specifically wrote to the Taoiseach
21 at the time. It may have been just to garner political support which, you
22 know, in a party like Fianna Fail if it's seen to be coming from the top, can
23 percolate down to the locally elected members who as you know from your other,
24 from the copious other evidence that we were divided somewhat on it, you know,
14:23:12 25 because of the Blanchardstown.
- 26 Q. 420 Well you would have known I think and it's clear from the correspondence with
27 Mr. Albert Reynolds and the Department of Finance and Mr. Pdraig Flynn in the
28 Department of the Environment that you knew that the first port of call in
29 relation to an application for tax designation would have been either the
14:23:28 30 Department of Environment or the Department of Finance, isn't that right?

14:23:34 1
2 It would follow from that then, that you would be unlikely to be approaching
3 the Taoiseach in 1990 in relation to tax designation, without first having
4 approached either the Minister for Finance or the Minister for the Environment,
14:23:44 5 would that be fair?
6 A. Yeah, that's fair.
7 Q. 421 And therefore it would follow from that then that whatever you had in mind or
8 whatever you had discussed with Mr. Gilmartin in July of 1990, wasn't tax
9 designation?
14:23:54 10 A. Okay I will accept that.
11 Q. 422 And it would mean then that there were some other problem that was troubling
12 Mr. Gilmartin which you were on his behalf you were taking up the coming as it
13 were with the Taoiseach, is that fair?
14 A. Yes, obviously something else. Whether he divulged the intimacy of it to me I
14:24:12 15 can't recall but ...
16 Q. 423 And it would appear from what you have written in the letter at 4314,
17 Mr. McGrath. That you knew enough to describe Mr. Gilmartin's problems as
18 being various problems, in the plural?
19 A. Yes.
14:24:32 20 Q. 424 Yes. Right. You were looking for an urgent meeting to discuss various
21 problems unforeseen to that point, which are posing a serious threat to the
22 realisation of this unique development.
23
24 Now, it would appear only for a clear reading of that, that either you were
14:24:47 25 told that he had a number of problems or he asked you to write the letter in
26 this format, isn't that right?
27 A. Yes, I would go along with that. But it still doesn't help me really to answer
28 the question what exactly were the specific problems I was referring to. Maybe
29 by process of elimination if we are ruling out tax designation, what else did
14:25:09 30 we rule out there a second ago.

- 14:25:11 1 Q. 425 The problems you had initially identified, Mr. McGrath, being the acquisition
2 of the Dublin Corporation lands.
- 3 A. Oh, yes.
- 4 Q. 426 Were over at that stage.
- 14:25:18 5 A. Okay. Well then as I said, Ms. Dillon, I can only think that we were having
6 political problems in that there was growing opposition coming from across the
7 Liffey in relation to the Blanchardstown centre because it's hard to try to
8 pitch where we are in the time frame but would Green Property at this stage
9 have made their threat to stop the Blanchardstown development.
- 14:25:42 10 Q. 427 That doesn't appear to have happened until the Local Elections the following
11 year.
- 12 A. Okay.
- 13 Q. 428 Which was May/June of 1991, Mr. McGrath?
- 14 A. Okay. Well then I can't imagine what else problems there might have been. If
14:25:52 15 there were problems relating colleagues of mine, in other words, problems which
16 problems or perceived problems relating to colleagues my mine, I don't think
17 that I would have written to the Taoiseach seeking to have his intervention in
18 relation to those. So that doesn't leave an awful lot. I don't know what's
19 left. What's left that he might have had problems about. I mean, we can
14:26:15 20 always ask him; what does he say they were?
- 21 Q. 429 The matters about which Mr. Gilmartin says that he was complaining regularly
22 was interference with his development, improper as he describes it, demands for
23 money from councillors for support for his development, demands for a share in
24 the development from elected representatives and an attempt by -- to prevent
14:26:41 25 his development by Mr. Owen O'Callaghan effectively or the in general and very
26 broad brush sense the matters about which Mr. Gilmartin was complaining as
27 matters that were current in 1990?
- 28 A. Okay. Well --
- 29 Q. 430 In general.
- 14:26:56 30 A. Okay well that's what he said. That's not my recollection. I don't recall

14:27:00 1 that being the genesis of that letter.

2 Q. 431 So you don't remember Mr. Gilmartin making complaints to you about elected
3 representatives or politicians?

4 A. Well Mr. Gilmartin went through a phase of bemoaning everything that was going
14:27:26 5 on in relation to the thing and he did say a lot of things which, I mean, I
6 took with a pinch of salt as with other witnesses who have come in here and
7 said some ridiculous things. Yeah, he was, he did reach a point where he felt
8 that he was being edged out of his project.

9 Q. 432 Yes.

14:27:30 10 A. So like he did, you know, impart all of that to me. But like I wasn't really
11 all that concerned, Ms. Dillon, about his personal involvement as such, only I
12 was only interested in advancing the project. I mean, the machinations between
13 O'Callaghan and Gilmartin became farcical as far as I was concerned at one
14 stage. And most of us at ground level in the Council we didn't really know
14:27:57 15 what was going on up there between banks and Barkhill and all of these
16 different companies and, you know. So like we were a little bit -- it was a
17 little bit above our heads to be honest with you.

18 Q. 433 But you would have known of the existence of Barkhill?

19 A. Yes, well I did eventually.

14:28:12 20 Q. 434 And you you have you would have known that Mr. Gilmartin borrowed monies from
21 the bank.

22 A. Yes. I would have known that.

23 Q. 435 And you would have know that Mr. Gilmartin's bankers was Allied Irish Bank?

24 A. Yes.

14:28:20 25 Q. 436 And would you have known in a general way that Mr. Gilmartin had made a
26 substantial borrowing in February of 1990 from Allied Irish Bank?

27 A. Well I probably did, I wouldn't know the specific amounts or anything.

28 Q. 437 Leaving aside --

29 A. He was involved in site assembly. I mean, obviously he would have had to have
14:28:38 30 borrowings to do that.

- 14:28:39 1 Q. 438 Would you have known in any way, initially at any event it was intended that
2 that loan would have been repaid by August of 1990?
- 3 A. I wasn't aware of that.
- 4 Q. 439 So it's unlikely then to have been a financial problem of Mr. Gilmartin's to
14:28:52 5 which you were directing your mind when you wrote this letter?
- 6 A. No, I wouldn't have written to the Taoiseach in relation to a financial
7 problem.
- 8 Q. 440 If you had wanted for example, the Taoiseach to step in with Mr. Gilmartin or
9 intercede with the bank this is not the letter that you would have written, is
14:29:07 10 that fair?
- 11 A. No. Absolutely not.
- 12 Q. 441 So it's not a financial aspect.
- 13 A. No.
- 14 Q. 442 And it's not any disagreement Mr. Gilmartin might have had either then or
14:29:14 15 subsequently with Mr. O'Callaghan that would have caused you to write a letter
16 such as this?
- 17 A. No.
- 18 Q. 443 In his evidence Mr. Gilmartin said that it was your suggestion to write the
19 letter, Mr. McGrath?
- 14:29:39 20 A. Okay.
- 21 Q. 444 And he says you did so because he complained that his development was being
22 thwarted, deliberately thwarted at the time being deliberately prevented at
23 that time?
- 24 A. Well I have no specific recollection of that being the motive for writing the
14:29:57 25 letter. He may have said to me that he was having problems. I knew something
26 about his problems but I didn't know the intimate details of them. Perhaps I
27 suggested well he had mentioned other ministers and senior politicians he had
28 spoken to and he felt that he was getting nowhere. So I may have suggested why
29 don't we try and get you in to see the Taoiseach.
- 14:30:15 30 Q. 445 Did Mr. Gilmartin indicate to you that by that stage he himself had already met

- 14:30:19 1 the Taoiseach?
- 2 A. No, he didn't no.
- 3 Q. 446 Did you know that in February 1989, that he -- Mr. Gilmartin says that he had a
- 4 meeting in Dail Eireann at which he met with the then Taoiseach, Mr. Charles
- 14:30:32 5 Haughey?
- 6 A. I have read that subsequently. I wasn't aware of that, no, I didn't know about
- 7 that.
- 8 Q. 447 Is it likely, Mr. McGrath, that the matter that you would have written to the
- 9 Taoiseach about of the problems, are likely to have been political problems
- 14:30:44 10 that were being encountered by Mr. Gilmartin?
- 11 A. It's likely, yes.
- 12 Q. 448 Yes. And that one of the matters that Mr. Gilmartin might have been concerned
- 13 about or complaining about in 1990, was the fact that his development was not
- 14 proceeding through Dublin County Council Development Plan as fast as he would
- 14:31:01 15 wish or that he expected to go faster?
- 16 A. Yes, that could have been a concern to him but he didn't share that concern
- 17 with me because I was the leading proponent of it on the Council and I was
- 18 chaperoning it all of the way. Insofar as I could, I was getting it through
- 19 the Council as fast as was humanly possible. So I don't think that that's a
- 14:31:23 20 genuine concern. If he felt that, well then that was his perception but I
- 21 don't think it could have gone through the system any faster than it did.
- 22 Q. 449 Did Mr. Gilmartin ever discuss with you that he had paid 50,000 pounds to
- 23 Mr. Pdraig Flynn for Fianna Fail the previous June or July?
- 24 A. No.
- 14:31:38 25 Q. 450 In 1989?
- 26 A. No, he never did.
- 27 Q. 451 When did you first hear about that, Mr. McGrath?
- 28 A. At the same time as the general public heard about it.
- 29 Q. 452 In the course of newspaper articles?
- 14:31:58 30 A. Yes.

- 14:31:58 1 Q. 453 In the past as it were?
- 2 A. Yes.
- 3 Q. 454 But long after the event itself had happened.
- 4 A. Yes, yeah, yeah.
- 14:31:58 5 Q. 455 And other than that, you can't assist as to what were the various problems that
- 6 Mr. Gilmartin was having in July of 1990 that caused you to write to the then
- 7 Taoiseach, other than the fact that there had to have been problems of some
- 8 sort to cause you to write --
- 9 A. -- either real or perceived and whilst I can't tell you exactly what he said
- 14:32:17 10 they were at the time, he obviously said enough for me to be prompted to write
- 11 the letter and say well look let's get you in to see the Taoiseach. He
- 12 obviously wasn't happy with dealings he'd had with people at a lower level than
- 13 the Taoiseach obviously, so he wanted to go to the top.
- 14 Q. 456 From the very beginning, Mr. McGrath, you were an advocate of the development
- 14:32:40 15 of Mr. Gilmartin's, isn't that right?
- 16 A. I was, yes.
- 17 Q. 457 And it was a big development, isn't that right?
- 18 A. Yes.
- 19 Q. 458 But you, you were in favour of the development from the very start.
- 14:32:49 20 A. I was, yes.
- 21 Q. 459 Would you, you would have appreciated probably more so than Mr. Gilmartin, that
- 22 what Mr. Gilmartin had to achieve was to change the zoning on the lands?
- 23 A. Uh-huh.
- 24 Q. 460 Did you explain to Mr. Gilmartin what was involved in getting the zoning
- 14:33:03 25 changed on the lands?
- 26 A. I would have, yes, yeah.
- 27 Q. 461 And did you complain to Mr. Gilmartin about that one could go either by way a
- 28 of a Section 4 or a material contravention or through the Development Plan?
- 29 A. I probably did, yeah, yeah.
- 14:33:19 30 Q. 462 And at that the time or around the time that you first met Mr. Gilmartin the

- 14:33:23 1 Development Plan the 1983 Development Plan review was then current, isn't that
2 right?
- 3 A. Yeah.
- 4 Q. 463 The process had been initiated in Dublin County Council?
- 14:33:30 5 A. Yes.
- 6 Q. 464 And there had been documentation circulated and meetings had taken place?
- 7 A. Yes.
- 8 Q. 465 You would have known far so more so I suggest than Mr. Gilmartin, that what
9 would happen is a motion would have to be brought the status of the lands would
10 have to be changed, there would have to be a public display, public
11 consultation process, back to the Council members?
- 12 A. Yes.
- 13 Q. 466 Possibly more motions, second display, confirming matters, isn't that right?
- 14 A. Yes exactly, yeah.
- 14:33:58 15 Q. 467 And when you explained or discussed that with Mr. Gilmartin, did you explain to
16 him the likely length of time that would be involved in the process?
- 17 A. Well now that I know what I didn't know before. Now, that I know that he was
18 under a time frame with the banks it's more than likely that we did discuss
19 that because yeah the time would have been of the essence for him.
- 14:34:21 20 Q. 468 And did you --
- 21 A. Yes, the answer is yes, yeah. Because we were facing into a very, very long
22 process and the only way it could be maybe shortened. No, there was no way to
23 shorten the process really because you could never anticipate the level of
24 input from the public. You could never anticipate the level of motions that
14:34:38 25 would come in from the elected members.
- 26
- 27 So you could never anticipate the amount of meetings that were going to have to
28 take place to finalise the plan. So it was a piece of string, yeah. A piece
29 of string.
- 14:34:51 30 Q. 469 So in the Development Plan review, were you here this morning when Mr. Rabbitte

- 14:34:55 1 was giving evidence?
- 2 A. I was, yes.
- 3 Q. 470 And you remember the particular sequence I think that, you probably do
- 4 remember, the particular sequence of the meetings that had taken place in early
- 14:35:09 5 1990, when in the 16th of February 1990 at 859 please. And at, you are present
- 6 at this meeting, Mr. McGrath. And at 860, map 16 and 17 were noted, do you see
- 7 that at the very bottom on the third paragraph subject to a further proposal,
- 8 in the very last paragraph the fourth paragraph and the Quarryvale and
- 9 Neilstown lands were on maps 16 and 17, isn't that right?
- 14:35:48 10 A. Yes, yeah, yeah.
- 11 Q. 471 And I think the second matter that happened was in on the 8th of March 1990 at
- 12 867. You were also present at that meeting and indeed contributed to the
- 13 discussion and at 875 there was a report from the manager, which in effect
- 14 recommended no great change from 1983, although it put forward certain options
- 14:36:16 15 but the members at the bottom of 875 rejected the manager's report and passed a
- 16 motion at 876 that the manager's report be rejected and new maps be prepared
- 17 for the separate development of the greater Lucan area and the greater
- 18 Clondalkin area?
- 19 A. Uh-huh.
- 14:36:40 20 Q. 472 Now, in that the members are rejecting what the manager has recommended, isn't
- 21 that right?
- 22 A. That's right yeah.
- 23 Q. 473 And the manager is being directed to prepare new maps. In other words maps
- 24 that are different to the 1990 draft display maps the manager had prepared,
- 14:36:56 25 isn't that right?
- 26 A. That's right.
- 27 Q. 474 And the only area that's being discussed here are the greater Lucan area and
- 28 the greater Clondalkin area and that would have included Quarryvale, isn't that
- 29 right?
- 14:37:02 30 A. It would have, yes.

- 14:37:03 1 Q. 475 Right. So why can you recollect why it was in March of 1990, that the decision
2 was made to reject the manager's report?
3 A. Because the members didn't agree with it.
4 Q. 476 Right.
14:37:16 5 A. We didn't agree with him sticking with the old strategy.
6 Q. 477 So what the members wanted was something different?
7 A. Yes.
8 Q. 478 For the Lucan/Clondalkin area?
9 A. Yes. My recollection is that we wanted Lucan and Clondalkin to be developed
14:37:31 10 separately as two separate entities.
11 Q. 479 And would you have been in favour of that, Mr. McGrath, because you were in
12 favour of Mr. Gilmartin's development at Quarryvale?
13 A. Well, they are not necessarily directly related. But those proposals related
14 to the overall Lucan/Clondalkin area not just the shopping centre, not just
14:37:49 15 Quarryvale.
16 Q. 480 The maps are the maps for the entire area, I take your point.
17 A. So there may have been a culmination of reasons why we rejected them and asked
18 for them separately but one of them would have been Quarryvale, yes.
19 Q. 481 And you as the proponent for Quarryvale would have been arguing I assume for a
14:38:06 20 change in the status of the Quarryvale lands, so that they would accommodate a
21 centre of the type being proposed by Mr. Gilmartin?
22 A. Precisely.
23 Q. 482 Now, Mr. Gilmartin's centre was a very large centre, isn't that right?
24 A. That's right, yes.
14:38:18 25 Q. 483 And therefore what he was proposing to put on the Quarryvale lands was a
26 effectively a town centre?
27 A. Yes.
28 Q. 484 And did you understand from the beginning that that's what you were talking
29 about with Mr. Gilmartin?
14:38:28 30 A. Yes, I understood yes that he was proposing a very large development. However

- 14:38:32 1 that didn't disturb me because I mean that can be dealt with on a phased basis.
- 2 Q. 485 Or it can be dealt with at the planning stage?
- 3 A. At the planning stage as well, yes.
- 4 Q. 486 And one could argue that that is a matter of detail that can be worked out once
- 14:38:45 5 the zoning is in place?
- 6 A. Yes, I think the primary, what we set out to achieve primarily was we wanted to
- 7 prove if we could get designation on that site, whatever about the details of
- 8 size, we were going to be able to hopefully prove that we would attract a major
- 9 anchor tenant almost immediately which would distinguish it from the Neilstown
- 14:39:10 10 site clearly which had sat there for 18 years and nobody had expressed an
- 11 interest in it.
- 12 Q. 487 And part of the problem with the Neilstown site and it's been well documented
- 13 was that the Fonthill Road hadn't been completed and access into the Neilstown
- 14 site was a difficulty?
- 14:39:26 15 A. It was a difficulty but not an insurmountable one, it was only matter of
- 16 putting the road in.
- 17 Q. 488 If there were funds there to put in the road?
- 18 A. Well the developer may have put the road in.
- 19 Q. 489 Right. But when you came to consider the Quarryvale site you immediately
- 14:39:40 20 appreciated that what Mr. Gilmartin was talking about all know he may not have
- 21 called it that was a town centre?
- 22 A. Yes, in a far superior location.
- 23 Q. 490 Right. And one of the main assets that Mr. Gilmartin's site was had was its
- 24 access?
- 14:39:54 25 A. Its location.
- 26 Q. 491 And the infrastructure of the roads was already in the Western parkway was in,
- 27 isn't that right?
- 28 A. Yes.
- 29 Q. 492 So access in and out of that site wasn't going to be a problem, isn't that
- 14:40:04 30 right?

14:40:04 1 A. Uh-huh.

2 Q. 493 Now you would have appreciated I think immediately on your consideration of the

3 maps what had to be achieved here was to switch the zoning, isn't that right?

4 To take it out of the Neilstown/Balgaddy lands and transfer it to the

14:40:17 5 Quarryvale site?

6 A. Well we never, we never actually did that. I mean, we transferred the zoning

7 we didn't take it away from Neilstown.

8 Q. 494 I think in 1990 --

9 A. We kept both our options open.

14:40:30 10 Q. 495 But you would have appreciated I think that there was only going to be one

11 major town centre?

12 A. There was going to be one winner.

13 Q. 496 And the horse that you were backing was Quarryvale?

14 A. Yes, yeah.

14:40:40 15 Q. 497 And therefore what you would have been aiming towards was seeking to ensure

16 that the town centre designation was on Quarryvale even if that meant

17 Lucan/Clondalkin losing it?

18 A. Yes, I was prepared to -- I was happily. I was happy to let one, there be one

19 winner. We eventually obviously didn't go that road.

14:41:01 20 Q. 498 Right.

21 A. We left a designation on the Neilstown/Balgaddy site.

22 Q. 499 Uh-huh.

23 A. For other future developments but we event will he left I think a town centre

24 zoning on it. But I didn't see the sense in that at the time to be honest with

14:41:15 25 you, I think it was just to appease people who were concerned about taking the

26 status away from Neilstown.

27 Q. 500 This is in December '92.

28 A. It didn't matter to me. I knew that there would be only one winner. So

29 whichever one won out in the town centre shopping centre thing would more or

14:41:31 30 less negate the other site.

- 14:41:32 1 Q. 501 Yes, that's what I was leading into. The thing that was ultimately going to
2 determine success or failure was the retail element, isn't that right?
- 3 A. It was, yeah.
- 4 Q. 502 And therefore you would have appreciated the importance of the retail element.
14:41:43 5 Once the shops went in and rates started to flow that was going to bring the
6 centre with it, isn't that right?
- 7 A. That's right.
- 8 Q. 503 And no matter what designation was left on Neilstown/Balgaddy even if as
9 transpired to be the case, the D zone was left on Balgaddy if Quarryvale was
10 built first even with the C zoning it was going to be the town centre?
- 11 A. It was, yeah. Well Neilstown would eventually come on stream but probably 15,
12 20 years later.
- 13 Q. 504 As you say there was going to be one winner and the one that you were backing
14 was Quarryvale and the matter that appealed to you first if I understand you
14:42:14 15 correctly, was its location and its accessibility?
- 16 A. Yes.
- 17 Q. 505 All right. Now, in March of 1990 when the manager was directed to change or to
18 produce new maps for the development Lucan/Clondalkin. What he was being told
19 to do was to do something other than he had already done, isn't that right?
- 14:42:31 20 A. Uh-huh.
- 21 Q. 506 And what he had already done was to recommend that you adhere in general to the
22 1983 plan?
- 23 A. Yes.
- 24 Q. 507 And that was not something you would have been supporting because that
14:42:40 25 supported the Neilstown position, isn't that right?
- 26 A. Yes.
- 27 Q. 508 So would it be fair to say then that in March of 1990, you would have been
28 supportive of any attempt to compel the manager to change what he had already
29 done?
- 14:42:53 30 A. That would follow I suppose, yes.

14:42:55 1 Q. 509 And in September of 1990, the manager came back with new maps and the maps I
2 can show you the maps at 884. And on these maps, which a variation of DP 9097
3 the manager had divided the area into three locations A, B and C you can see
4 that on the map?

14:43:23 5 A. Yes.

6 Q. 510 And as a result of what he had been directed in March of 1990, while he was
7 still advocating adhering to the '83 plan, he had said that if people wanted to
8 change then there could be lower town centres in three areas and at 881. What
9 he says is as follows in the third paragraph "Drawing No. DP 9097 which was
10 prepared in response to the motion passed in March '89, shows a development of
11 the industrial option presented in outline form at the March 1990 meeting.

12
13 It shows the Lucan area separated from Neilstown/Rowlagh area by a belt of
14 industrial zoning replacing the residential zoning of the '83 plan, to the west
15 of this area between the Griffeen Valley and Adamstown Road land zoned for
16 agriculture in the '83 plan, are suggested for residential zoning."

17
18 He then goes on in the next paragraph "the town centre would be abandoned as
19 such and replaced by a district centre. The overall area would divide into
20 three district, served by three separate distinction centres Lucan village,
21 Clondalkin village and a reduced centre at the former town centre site the at
22 Neilstown. The overall effect would be abandon the original concept of one
23 major town in favour of three areas, each served by lower order centres."

24
25 And that in effect was what the manager was suggesting as represent in the map,
26 do you understand?

27 A. Yes.

28 Q. 511 Now at page 882. And again you are recorded as contributing to the decision.
29 And it was agreed at that meeting to defer a decision to the following meeting.
30 And at the following meeting, I think the decision was made on the 14th of

- 14:45:00 1 September, to revert back to the maps as originally noted for February 1990.
- 2 That was the manager's original plan?
- 3 A. Okay.
- 4 Q. 512 Now, I just want to ask you about that in the context of the letter that you
- 14:45:13 5 wrote to Mr. Haughey. Is it possible, Mr. McGrath, that the matter that might
- 6 have been troubling Mr. Gilmartin and about which you sought to write to
- 7 Mr. Haughey in July of 1990, was the fact that initially there had been no
- 8 attempt to make any change in relation to the plan but no the manager had been
- 9 directed in March by the Council to produce new plans for the area and those
- 14:45:40 10 plans had not yet been produced?
- 11 A. Uh-huh.
- 12 Q. 513 Is that a possibility or a matter that was?
- 13 A. I don't think so, Ms. Dillon, because we're still only talking about draft
- 14 proposals.
- 14:45:53 15 Q. 514 Yes.
- 16 A. You know. So these weren't written in stone and they were obviously going to
- 17 be presented to the members for them to study and adjudicate on and then make
- 18 the change that is they felt were necessary, so I don't know if that would have
- 19 been strong enough reason to be writing to the Taoiseach.
- 14:46:05 20 Q. 515 For somebody who wanted to achieve a change in the zoning of the Quarryvale
- 21 lands --
- 22 A. Yes.
- 23 Q. 516 -- a manager and a Council both recommending that the 1983 plan be adhered to,
- 24 that was not really an option for Mr. Gilmartin's point of view, isn't that
- 14:46:19 25 right?
- 26 A. Well you see I think this will, it boils down to maybe Mr. Gilmartin's distrust
- 27 of what might happen or not happen. You know, I think that's what was
- 28 bothering him, you know. If the district centre was to be developed at three
- 29 different locations he probably felt, as I did, which we've just talked about,
- 14:46:41 30 there was only going to be one winner really. And if he didn't sort of believe

14:46:46 1 that that was the right way to go forward.

2 Q. 517 But in March of 1990, the manager had been directed to prepare new maps. In

3 other words move away from the 1983 position.

4 A. Yes.

14:46:57 5 Q. 518 By July of 1990 no such maps had emanated out of the Council, isn't that right?

6 A. Well, okay.

7 Q. 519 And nothing could happen in relation to those lands or those areas until the

8 manager did as he was directed by the Council, isn't that right?

9 A. Yes.

14:47:11 10 Q. 520 In other words you were going to discuss what the manager came back with?

11 A. Yes.

12 Q. 521 Yes.

13 A. We were.

14 Q. 522 And the manager comes back in September with his proposal and his new map which

14:47:21 15 is then rejected by the Council members, isn't that right?

16 A. Yes.

17 Q. 523 Now, did you consider when you were looking at what the manager proposed,

18 Mr. McGrath, did you consider that it might have some advantage for Mr.

19 Gilmartin and his development to go with what the manager was suggesting

14:47:35 20 because you would get some element of development on the Quarryvale site or get

21 it --

22 A. I'm sure we did consider that, yes.

23 Q. 524 You didn't ultimately recommend that, isn't that right?

24 A. No because district centre was too restrictive.

14:47:50 25 Q. 525 Right. Why was that?

26 A. Well I mean we know in hindsight now, like Mr. Gilmartin's proposal I think was

27 for in the region of a million square feet.

28 Q. 526 Well I think Mr. Gilmartin would dispute that. I think Mr. Gilmartin says it

29 was 700,000 square feet gross and there were other buildings and matters such

14:48:07 30 as that sort. But assume for the moment it is a million square feet.

- 14:48:11 1 A. Yeah, well I do recall that figure somewhere particularly in one of his own
2 brochures.
- 3 Q. 527 Yes.
- 4 A. So like obviously then a district centre zoning couldn't accommodate that size
14:48:21 5 of a development, not even half that size.
- 6 Q. 528 So would it be fair to say then that from your viewpoint as an advocate of
7 Quarryvale that you would be against the manager's proposal to have the three
8 district centres as the manager suggested in September 1990?
- 9 A. I wasn't against a district centre in Clondalkin. No, I wasn't against that
14:48:43 10 per se. I didn't support it because it wasn't going to be big enough to
11 accommodate what was envisaged for Quarryvale.
- 12 Q. 529 And at that stage did you make any suggestion or submission to either the
13 Council or to the manager to have an amendment or a change made that would
14 accommodate a development of the size of Quarryvale?
- 14:49:00 15 A. Well ultimately I did with the motion that I put in, yes.
- 16 Q. 530 Yes. This is the motion in February of 1991, is that right?
- 17 A. Yeah I'm sure it is. Well I'll take your word for the dates.
- 18 Q. 531 I think that the motion was lodged, Mr. McGrath, on the 15th or its date
19 stamped in any event the 15th of February 1991. And on the 15th of January
14:49:27 20 1991 at 4555, you wrote to Mr. Gilmartin and you said to him:
21
22 "Further to your comprehensive presentation in the Berkley Court Hotel re the
23 proposed Westpark development for North Clondalkin, I am pleased to inform you
24 the context of the review of the Dublin County Development Plan it is my
14:49:47 25 intention to table an appropriate motion at the February review meeting which
26 will effect the rezoning of the site as required for the development.
27
28 I am confident this motion will enjoy unanimous cross party support,
29 particularly in view of your successful negotiations with the developer of the
14:50:02 30 former town centre site at Fox Deane, which is not now being proceeded with. I

- 14:50:06 1 will keep you informed of progress in this matter and in the meantime if I can
2 be of any or further assistance don't hesitate to contact me".
3
4 You wrote that letter, isn't that right?
- 14:50:20 5 A. I did yeah.
- 6 Q. 532 And may the Tribunal take it that Mr. Gilmartin's successful negotiations with
7 the developer of the former town centre refers to Mr. Owen O'Callaghan?
- 8 A. Yes.
- 9 Q. 533 It would follow from that then that by January 1991, you knew that Mr.
14:50:30 10 O'Callaghan's proposed development or the Merrygrove development at
11 Lucan/Clondalkin wasn't being proceeded with.
- 12 A. Yes, I must have known at that stage, yeah.
- 13 Q. 534 Yes. This would have meant that you must have been in communication and
14 contact with Mr. Gilmartin also, isn't that right?
- 14:50:45 15 A. Yes.
- 16 Q. 535 Right. And I think on the 18th of January '91, at 4558 all the Council members
17 were written to and in the fourth paragraph were told that if you wanted
18 motions in relation to the west Tallaght area they had to be in by Friday 8th
19 of January '91. And at 777, at paragraph 11. Ms. Collins of -- formerly of
14:51:13 20 Dublin County Council, at paragraph 11 says:
21
22 "The deadline of the 8th of February '91, was later extended to the 15th of
23 February 1991." And I take it you would accept what Ms. Collins says in that
24 regard?
- 14:51:26 25 A. Yes, I would, yeah.
- 26 Q. 536 It would follow from that then that you knew certainly according to your letter
27 to Mr. Gilmartin that by the 15th of January 1991, that a motion would have to
28 be brought for the February sessions of the development review plan meetings at
29 Dublin County Council?
- 14:51:43 30 A. Uh-huh.

- 14:51:43 1 Q. 537 And you were telling him that there was cross party support and you thought it
2 would have been successful but you would have known I assume of the dead lines,
3 isn't that right?
4 A. I'm sure I would have been I would have been informed.
- 14:51:54 5 Q. 538 You would have received the letter and you would have received the letter in
6 relation to the extensions, isn't that right?
7 A. I would have I'm sure, yes. Excuse me.
- 8 Q. 539 Yes. Could I have 20392, please. Now, the top part of this motion,
9 Mr. McGrath. In fact it's probably better if you look at 4657. This is the
14:52:26 10 motion you originally drafted, isn't that right?
11 A. Yes.
- 12 Q. 540 Did you draft that motion?
13 A. Yes.
- 14 Q. 541 Did Mr. Lawlor assist you in drafting that motion?
14:52:35 15 A. No, not that I recall.
- 16 Q. 542 You were --
17 A. We would have discussed it I'm sure.
- 18 Q. 543 Was Mr. Lawlor also part and parcel of the pro Quarryvale rezoning team if I
19 can call it that?
14:52:51 20 A. Yes.
- 21 Q. 544 And you would have known of the fact that he was a promoter or an advocate the
22 same as yourself?
23 A. Uh-huh.
- 24 Q. 545 Now, this motion at page 4657 proposes the rezoning of 180 acres at Western
14:53:11 25 parkway to D and E, isn't that right?
26 A. Yes.
- 27 Q. 546 D is major town centre, isn't that right?
28 A. Yes.
- 29 Q. 547 And E is industrial. And I think on the map attached to it at 916, on this map
14:53:26 30 the areas that are shaded brown are the areas proposed for E, isn't that right?

- 14:53:31 1 A. Yes.
- 2 Q. 548 And the major central area is the area proposed to be zoned D town centre,
3 isn't that right?
- 4 A. Yes.
- 14:53:38 5 Q. 549 And you signed that map, isn't that right?
- 6 A. Yes.
- 7 Q. 550 Now, would you just tell the Tribunal why it was that you waited until the 15th
8 of February 1991, before you prepared and lodged that motion?
- 9 A. I don't know. I couldn't tell you why, no, because that was the timing of it.
- 14:53:57 10 Q. 551 What was -- were you've said.
- 11 A. It was close to the deadline, was it?
- 12 Q. 552 It was the deadline. The deadline was the 15th of February 1991.
- 13 A. I was probably waiting on a map mainly I'd say that's about it.
- 14 Q. 553 Did you contact Mr. Gilmartin looking for a map at any stage?
- 14:54:12 15 A. No.
- 16 Q. 554 You would have no difficulty I suggest getting a map from Mr. Gilmartin who had
17 retained architects and engineers in relation to this development, isn't this
18 right?
- 19 A. No but I'd have access to the maps myself.
- 14:54:26 20 Q. 555 Yes. And you had you said, from the very beginning and certainly that would
21 have been throughout all of 1990 and now into 1991, then the major supporter of
22 this development, isn't that right?
- 23 A. Yes, yes.
- 24 Q. 556 Why was it then, Mr. McGrath, that you didn't take steps to ensure that there
14:54:43 25 was a motion lodged with Dublin County Council before the date, before this
26 date on the 15th of February?
- 27 A. I don't know just pressure of business one would assume. It was lodged in
28 time, wasn't it?
- 29 Q. 557 It was accepted that it was lodged on the 15th and you will see on a copy of
14:55:05 30 your at 4657 that it's date stamped the 15th of February 1991.

- 14:55:19 1 A. Yes.
- 2 Q. 558 Yes.
- 3 A. Well we may have been discussing the actual you know where, how much
- 4 industrial, how much, we may not have finalised in our minds exactly how much
- 14:55:25 5 we would go for, you know.
- 6 Q. 559 When you are saying "we" who were you discussing it with, Mr. McGrath?
- 7 A. I presume probably Liam Lawlor, Mr. Gilmartin whoever else was involved with
- 8 me.
- 9 Q. 560 Would you by this stage have been discussing it with Mr. O'Callaghan?
- 14:55:39 10 A. I may have, yes. It's hard to recollect now but ...
- 11 Q. 561 Well it's certainly clear from your letter of the 15th of January 1991, that
- 12 one month before this you knew of the facts that as you state in the letter
- 13 "Mr. Gilmartin had successfully negotiated with the developer of the
- 14 Lucan/Clondalkin town centre site". Isn't that right?
- 14:55:58 15 A. Yes, yes.
- 16 Q. 562 So you would have known at the very least of the existence of Mr. O'Callaghan,
- 17 isn't that right?
- 18 A. Yes, I would have known.
- 19 Q. 563 And isn't it likely then that you would have been discussing this motion with
- 14:56:10 20 Mr. O'Callaghan in January February?
- 21 A. Yes I, may have yes.
- 22 Q. 564 And that you may have met with Mr. O'Callaghan and discussed the whole
- 23 situation in relation to the Quarryvale lands versus the Neilstown lands?
- 24 A. Uh-huh.
- 14:56:22 25 Q. 565 I assume and correct me if I'm wrong, Mr. McGrath, that because of your
- 26 interest in this development you would have taken immediate steps to meet Mr.
- 27 O'Callaghan?
- 28 A. Are we talking prior to the motion being lodged or after?
- 29 Q. 566 Well at any stage once you became aware of Mr. O'Callaghan's involvement in the
- 14:56:41 30 matter because of the strategic importance of the Neilstown site, it had the

- 14:56:45 1 zoning?
- 2 A. Yes well that's fair enough. I'm sure it was mutual he would have been anxious
- 3 to a speak to me as well.
- 4 Q. 567 Mr. O'Callaghan says in his statements to the Tribunal that you were introduced
- 14:56:56 5 to him by Mr. Tom Gilmartin. Would you agree with that?
- 6 A. Well I can't disagree with it. I don't recall being introduced by Mr.
- 7 Gilmartin to Mr. O'Callaghan but however that's quite likely.
- 8 Q. 568 He says I think that Mr. Gilbride was also likely likewise introduced to him by
- 9 Mr. Gilmartin?
- 14:57:13 10 A. At the same time was it?
- 11 Q. 569 I can't say at the same time.
- 12 A. Yeah I have no reason not to believe that. I'm sure it's quite a ...
- 13 Q. 570 And would you have known or been aware of the involvement of Allied Irish Bank
- 14 with Mr. Tom Gilmartin by January/February of 1991?
- 14:57:27 15 A. I doubt it, I doubt it. It wouldn't have been of interest to me.
- 16 Q. 571 Well certainly according to your letter in January '91, you were informing Mr.
- 17 Gilmartin of the fact that you were going to bring an appropriate motion at the
- 18 February review meeting and you have already told you that you would have
- 19 explained prior to that to Mr. Gilmartin about dates and about how the system
- 14:57:46 20 operated, is that right?
- 21 A. Yes.
- 22 Q. 572 So Mr. Gilmartin would have known of the importance of getting the motion in,
- 23 isn't that right?
- 24 A. Yes.
- 14:57:53 25 Q. 573 Because you had already explained all of that to him, isn't that right?
- 26 A. Yeah, yeah, yeah.
- 27 Q. 574 And you are then going to put down this motion as only a Councillor can for him
- 28 before the Council, isn't that right?
- 29 A. Uh-huh.
- 14:58:03 30 Q. 575 Were you aware of the fact that in December of 1990, draft Heads Of Agreements

- 14:58:09 1 had been entered into between Mr. Gilmartin and Mr. O'Callaghan and their
2 various companies?
- 3 A. No, I wouldn't have been aware of it.
- 4 Q. 576 Were you aware of the fact that on the 13th of February of 1991, Mr. Gilmartin
14:58:22 5 had been faxed another draft Heads Of Agreements, 4638 please. You will see
6 that this heads of agreement are dated the 14th of December 1990. But at the
7 top you will see the fax date is the 13th of February 1991. And according to
8 Mr. Gilmartin these heads of agreement were faxed to him in London and at 4644.
9 On the 15th of February, a slightly amended heads of agreement were signed by
14:59:00 10 Mr. Gilmartin he says at 4644. You will see Mr. Gilmartin's signature at the
11 bottom.
- 12 A. Okay.
- 13 Q. 577 Were you aware in any way, Mr. McGrath, of the fact that these communications
14 were going on between effectively the bank, Mr. O'Callaghan and Mr. Gilmartin
14:59:15 15 in February of 1991?
- 16 A. No I wasn't, no.
- 17 Q. 578 Mr. Gilmartin has told the Tribunal that you telephoned him and told him that
18 you were being prevented from putting in a motion until he, Mr. Gilmartin, had
19 signed the heads of agreement. Did any such phone call take place?
- 14:59:35 20 A. No, never.
- 21 Q. 579 Do you say then that it is coincidence, Mr. McGrath, between the date of your
22 motion going in on the 15th of February 1991, and the financial matters that
23 were being dealt with between Mr. Gilmartin, Mr. O'Callaghan and Allied Irish
24 Bank at the same time?
- 15:00:03 25 A. Sorry say that question again.
- 26 Q. 580 Do you say that to your knowledge there is no connection between you lodging
27 the motion on the 15th of February 1991 and the heads of agreement signed by
28 Mr. Gilmartin on the 15th of February 1991?
- 29 A. Yes, absolutely no connection whatsoever.
- 15:00:11 30 Q. 581 You, if I understand your evidence correctly and correct me if I'm wrong,

15:00:16 1 cannot tell the Tribunal why it was that you waited until the very last day
2 before lodging the motion?
3 A. Pressure of business is the answer I gave you and that is the fact I would say.
4 Q. 582 No I think so you suggested in fairness to yourself initially that you mightn't
15:00:31 5 have had a map I think?
6 A. Yes, I may have been waiting for a map. When you request a map from the
7 mapping department you don't get it on the spot.
8 Q. 583 The fact in fact that you used was a Taggart's map and Taggarts were retained
9 at 916, by Mr. Gilmartin. And I suggest to you you would have had no
15:00:48 10 difficulty getting a map from Mr. Gilmartin or Taggarts because Mr. Gilmartin
11 wanted the motion brought?
12 A. Okay I wasn't sure where I -- where I got the map.
13 Q. 584 If you just look at the bottom -- the legend at that bottom of that shows you
14 that it was a Taggarts map?
15:01:00 15 A. There you go. I wasn't sure where I got the map.
16 Q. 585 And it would follow --
17
18 CHAIRMAN: Sorry, Ms. Dillon. Can I just confirm. Is the heads of the
19 agreement were signed on the 16th of February?
15:01:13 20
21 MS. DILLON: 15th. 15th according to Mr. Gilmartin's evidence.
22
23 CHAIRMAN: I am just looking at the document that was last up the bank
24 document.
15:01:22 25
26 MS. DILLON: No the fax date at the top at 4644.
27
28 CHAIRMAN: That's the 15th, but if you go down to the bottom.
29
15:01:35 30 MS. DILLON: I think it looks like the 16th but in fact it's the 15th, I

15:01:38 1 understand. Now I can come back to that. Mr. Gilmartin's evidence was that he
2 signed it on the 15th.

3

4

CHAIRMAN: All right.

15:01:46 5

6 Q. 586 MS. DILLON: I will clarify that. In any event, Mr. McGrath, it is Mr.
7 Gilmartin's evidence that you telephoned him and you told him that you were
8 being prevented from putting in a motion because he hadn't signed the heads of
9 agreement with the bank?

15:02:03 10 A. No, that's not true because there was nothing going to stop me from putting in
11 that motion.

12 Q. 587 He says Mr. Gilmartin says "he asked me what the so and so was going on. What
13 he was going to do because neither the bank or O'Callaghan would allow him to
14 put the motion in and I asked him what the fuck they had to do with pardon my
15 language, I apologise, what they had to do with a public body and he says well
16 that's the way it is. If you have to sign over and come to an agreement with
17 O'Callaghan or the bank or else we can't put the motion in".

18

19 That's what Mr. Gilmartin says happened in the course of a telephone
15:02:41 20 conversation between you and Mr. Gilmartin. Do you agree with that?

21 A. Absolutely not.

22 Q. 588 Other than pressure of business, Mr. McGrath, can you think of any reason as to
23 why for a development that you were so anxious to promote, you would have
24 waited until the last possible moment to lodge the motion?

15:03:00 25 A. No, I only repeat my earlier answer. Now, that we know the source of the map I
26 would must have been waiting on the map to come over from Taggarts that's all.

27 Q. 589 And in all of your meetings and discussions with Mr. Gilmartin would you not
28 have obtained a map from him at an earlier stage in view of the fact that you
29 knew from the very beginning that a motion was going to have to be lodged and
15:03:20 30 that would have required a map?

15:03:21 1 A. I could have used one of my own maps it probably was more authentic to put it
2 in with the maps used by the architects for the scheme. Also -- The day I
3 lodged it obviously may have been a day I was in the Council. Several days may
4 have passed between the time I typed the motion and when I lodged it.

15:03:38 5 Q. 590 And I think that subsequently, Mr. McGrath, a motion was also prepared in
6 relation to the other lands, that is the town centre lands at 4654. Isn't that
7 right?

8
9 And this is a motion that "Dublin County Council resolves that the area
10 outlined in black, lying north of the Grand Canal designated previously for
11 town centre be now considered for zoning E, for industrial and related uses".

12 A. Yeah, there is no signature.

13 Q. 591 No that map appears to have been prepared at 4653?

14 A. Well that's not my motion anyway because I don't -- I wouldn't type in block
15 caps.

15:04:17 16 Q. 592 Yes this appears to have been prepared by Mr. Lawlor and sent by him to Mr.
17 O'Callaghan and it was ultimately rejected. Sorry -- if I could just show you
18 then having been prepared by at 4654. It was prepared by Mr. Lawlor and then
19 subsequently at 4657. Sorry. At 4658 I beg your pardon. You see the same
15:04:51 20 motion in relation to the Lucan/Clondalkin town centre lands signed by you,
21 isn't that right?

22 A. Yes.

23 Q. 593 Now and you will see from the fax at the top of the page that that's dated the
24 18th of February 1991.

15:05:06 25 A. Yes, okay.

26 Q. 594 And that motion never came to be considered by the Council, Mr. McGrath,
27 because it was not lodged by the 15th of February 1991?

28 A. Okay.

29 Q. 595 It would seem to follow from that that Mr. Lawlor prepared the motion in
15:05:19 30 relation to the town centre lands and that you subsequently signed them, is

- 15:05:24 1 that right?
- 2 A. The previous motion we discussed?
- 3 Q. 596 No, this motion is the motion that you are looking at here.
- 4 A. Yes.
- 15:05:30 5 Q. 597 Related to the Lucan --
- 6 A. No, I didn't prepare that one I know by the typeface.
- 7 Q. 598 But you did sign it.
- 8 A. Yes.
- 9 Q. 599 And this motion was a motion I suggest to you that one would have put in in
- 15:05:42 10 tandem with the other motion in relation to the Quarryvale lands, isn't that
- 11 right?
- 12 A. Yes, we would have although we could have put that motion from the floor at any
- 13 stage.
- 14 Q. 600 Yes. But in terms of lodging the motions, the written motions to be lodged.
- 15:05:56 15 The first motion that you would lodge is the one in relation to the Quarryvale
- 16 lands seeking to change the zoning to D?
- 17 A. Yeah.
- 18 Q. 601 And then you would bring another motion that you would lodge in effect dealing
- 19 with the lands, the zoning of which you have now abandoned, isn't that right?
- 15:06:09 20 A. Yes.
- 21 Q. 602 So that what one would have expected to get, had everything been in order and
- 22 ready is that interest, would have been two motions lodged, one in relation to
- 23 the Quarryvale lands and one in relation to the Lucan/Clondalkin town centre
- 24 lands, isn't that right?
- 15:06:22 25 A. Yes, that would be logical, yes.
- 26 Q. 603 Okay. In fact what happens here is that only one motion is lodged and that the
- 27 is the motion, your motion seeking to change the Quarryvale lands, isn't that
- 28 right and that's lodged effectively at the last minute on the 15th of February
- 29 1991?
- 15:06:37 30 A. Uh-huh.

- 15:06:37 1 Q. 604 Isn't that right? The other motion is never lodged because it's out of time?
- 2 A. Well it may have been lodged but it was out of time.
- 3 Q. 605 It wasn't, it was in fact I think there is correspondence subsequently
- 4 indicating that the Council wouldn't accept it because it was out of time?
- 15:06:53 5 A. Okay, okay.
- 6 Q. 606 Right. And it would appear that that second motion was prepared by Mr. Lawlor?
- 7 A. Yes, I would say -- I can't say who it was but I was happy to sign it. I
- 8 agreed with the sentiments of the motion.
- 9 Q. 607 And it it would make sense that there would be a second motion dealing with the
- 15:07:10 10 Lucan/Clondalkin town centre lands, isn't that right?
- 11 A. Well there was, I had a motion, my motion.
- 12 Q. 608 Yes but that's dealing with the Quarryvale lands your motion.
- 13 A. Yes.
- 14 Q. 609 Isn't that right?
- 15:07:19 15 A. Yes.
- 16 Q. 610 It's not dealing with the Lucan/Clondalkin town centre lands. 4657. Isn't
- 17 that right?
- 18 A. The Lucan/Clondalkin town centre lands.
- 19 Q. 611 The lands designated in the 1983 Development Plan?
- 15:07:39 20 A. Oh, the original.
- 21 Q. 612 Were known as the Lucan --
- 22 A. -- always been a problem with those lands, it's called so many things. You are
- 23 talking about Neilstown/Balgaddy.
- 24 Q. 613 Yes. The motion that you drafted and that you lodged dealt with the Quarryvale
- 15:07:53 25 lands?
- 26 A. Yes, that was a stand alone motion, yes.
- 27 Q. 614 The effect of that is if successful would have been to take the town centre
- 28 zoning from the Lucan/Clondalkin town centre lands and put it on the Quarryvale
- 29 lands?
- 15:08:04 30 A. Well, if we're go going to be so pernickety about what we would have done the

15:08:12 1 answer is no it wouldn't. It would have put the town centre zoning on the new
2 location at Quarryvale. It didn't automatically remove it from
3 Neilstown/Balgaddy. It wouldn't have made sense to have two. Although
4 ultimately we did wind up with two. So made sense of that.

15:08:27 5 Q. 615 I think that the managers' report ultimately in May of 1991, when this came to
6 be considered effectively told the council the effect of what they were doing
7 in considering your motion, if it was successfully passed was to move the town
8 centre zoning?

9 A. Yes and I think we moved to that earlier on. There was only going to be one
10 winner. I understood that. Maybe this was a political or an appeasement
11 motion, so that we weren't seen to be denuding that site of any zoning we were
12 trying to attach some kind of zoning to it so it could develop but not as a
13 town centre.

14 Q. 616 It is however a fact, Mr. McGrath, that for whatever reason you did not take
15 any step by way documented step until the 15th of February in relation to the
16 rezoning of Mr. ...?

17 A. Of Quarryvale.

18 Q. 617 Yes of the Quarryvale lands, isn't that right?

19 A. Yes.

15:09:25 20 Q. 618 Not withstanding having written some four weeks earlier to Mr. Gilmartin and
21 telling him that you were going to take the steps to ensure that it was on the
22 agenda for February?

23 A. Well are you like attaching a motive to that like I mean. Spell it out I'll
24 answer it if I can.

15:09:35 25 Q. 619 I am putting to you what I am obliged to put to you, which is the motive
26 ascribed to by Mr. Gilmartin, which is that you telephoned him and told him
27 that you were being prevented from putting in a motion bring the bank and Mr.
28 O'Callaghan?

29 A. Yes.

15:09:47 30 Q. 620 And that is the evidence Mr. Gilmartin has given to the Tribunal as to the

- 15:09:50 1 reason why this motion was not put in to the last moment. Right?
- 2 A. Okay well I've answered that I think already. I reject that totally.
- 3 Q. 621 But other than that, you cannot offer any reason other than rejecting what Mr.
- 4 Gilmartin says, you don't offer any reason, Mr. McGrath, as to why it was this
- 15:10:10 5 motion, your motion in relation to Quarryvale was not lodged until the last
- 6 day?
- 7 A. No, other than what I've already said, I may have typed the motion up to a week
- 8 in advance of the deadline. It was in my briefcase, I brought it in and I just
- 9 was waiting to accompany it attach it to the map. So if Taggarts were the
- 15:10:28 10 source of the map, perhaps if Mr. Gilmartin is back we can ask him why did it
- 11 take so long to send over the map.
- 12 Q. 622 Are you now saying, let's be very careful about this. Now have a recollection,
- 13 Mr. McGrath, that the reason why you waited until the 15th of February 1991 to
- 14 lodge this motion is because you were waiting on a map from Taggarts?
- 15:10:46 15 A. Well the map had to go in with the motion.
- 16 Q. 623 That's a given.
- 17 A. So I'm trying to recollect when did I receive the map. Something that I had
- 18 never considered before. But for the life of me I can't remember. Was it on
- 19 the day, was it the day before, was it sent to my office, I don't know. It
- 15:11:02 20 would be a good explanation wouldn't it, if it turned out that the map only
- 21 arrived over to Dublin County Council on the last day for lodging of motions
- 22 whereas I had the motion in my briefcase typed, from a week or ten days
- 23 previously.
- 24 Q. 624 How do you know that?
- 15:11:17 25 A. Well I am just speculating that I might have. We don't know do we. I am
- 26 trying to give you as honest an answer as I can.
- 27 Q. 625 Are you trying to provide information having considered the documents that are
- 28 on screen and that you've seen today, Mr. McGrath?
- 29 A. Well look if we want to go back to the sequence of events then. I wrote to Mr.
- 15:11:36 30 Gilmartin and I indicated to him in writing and I signed it that I intended to

15:11:40 1 put in a motion.

2 Q. 626 And -- And a that letter --

3 A. And a month later I did put in a motion.

4 Q. 627 Yes.

15:11:44 5 A. So what we are trying to speculate about is what happened in the intervening
6 time. Now I would have probably would have put 30 or 40 motions into that
7 Development Plan review, maybe even more. So the preparation of those motions
8 would have taken a considerable length of time.

9 Q. 628 Uh-huh.

15:11:59 10 A. Of research, getting maps out and writing motions researching them and
11 preparing for them. So you know it is quite conceivable that it did take that
12 length of time to get my act together and those motions in. I would say like I
13 arrived in Dublin County Council with that motion in my case. How long before
14 that I had typed it I'm not quite sure. But I can assure you that there was no
15:12:23 15 interference with me in lodging that motion. It was always my intention to
16 lodge it, that was the whole thrust of what I wanted to achieve on that site
17 and whatever was going on between Mr. O'Callaghan and Mr. Gilmartin was really
18 of no concern to me and I wasn't aware of the intimate details of it anyway.

19 Q. 629 At 4555. In the letter that you write to Mr. Gilmartin on the 15th of January
15:12:43 20 1991, you don't indicate that you are without a map, isn't that right? You
21 don't ask Mr. Gilmartin for a copy of the map?

22 A. No, I don't say I have one either though do I.

23 Q. 630 No and I am suggesting to you and I think it would be logical reasonable to
24 suggest to you, that if you were preparing to put a motion for the biggest
15:13:02 25 development in your area of your constituency and you didn't have a map and you
26 are writing to the developer, you would tell the developer or ask the developer
27 for a copy of the map doesn't that follow?

28 A. Absolutely, well they probably offered to supply the map to me.

29 Q. 631 But you are not looking for anything there, isn't that right? You are simply
15:13:19 30 telling him what you are going to do.

- 15:13:21 1 A. Yes.
- 2 Q. 632 And I am just suggesting to you that if you were without a map on the 15th of
- 3 January 1991, one of the first things you would have told Mr. Gilmartin is look
- 4 can you get me a map as soon as possible because I can't put in the motion
- 15:13:39 5 without a map?
- 6 A. Yes and I probably did tell him that.
- 7 Q. 633 You probably what?
- 8 A. I probably did tell him that.
- 9 Q. 634 Yes but you certainly would have told him prior to the 15th of January '91?
- 15:13:43 10 A. Yes.
- 11 Q. 635 Because if by then you are still looking for the map you'd have asked him in
- 12 the letter, isn't that right?
- 13 A. Yes. Do we know what day of the week the 15th of January is, as a matter of
- 14 interest? Can we Google that?
- 15:13:55 15 Q. 636 I can't Google anything, Mr. McGrath. But Mr. Quinn might be able to tell us.
- 16
- 17 CHAIRMAN: But with can find out.
- 18
- 19 Q. 637 MS. DILLON: Yes. It's a Tuesday apparently.
- 15:14:08 20 A. A Tuesday. Okay.
- 21 Q. 638 Did you have any conversation Mr. Sean Gilbride about the motion?
- 22 A. I may have, I can't recall.
- 23 Q. 639 Who else do you think are the people that it is likely that you discussed this
- 24 motion with?
- 15:14:27 25 A. Liam Lawlor, God rest his soul. Owen O'Callaghan I'm sure maybe, I don't know.
- 26 Mr. Gilmartin. They are the main people I would say. Probably also my
- 27 immediate colleagues in the constituency who were supportive of what we were
- 28 trying to achieve.
- 29 Q. 640 And these would have been, you would have known I think at this time that there
- 15:14:53 30 was a Local Election coming up in June of '91?

- 15:14:57 1 A. Yes.
- 2 Q. 641 Now, I think, Mr. McGrath, after that motion was lodged and indeed coming up
3 towards the Local Election of 1991 a propaganda war started, isn't that right?
- 4 A. That's right.
- 15:15:09 5 Q. 642 There was Green Property on one side in favour of Blanchardstown and then there
6 was the Quarryvale on the other side, isn't that right?
- 7 A. Uh-huh.
- 8 Q. 643 By this stage did is you know of the involvement of Mr. Dunlop?
- 9 A. Yes, I think I would have at this stage, yeah.
- 15:15:22 10 Q. 644 And can you remember when it was that you would you became aware that Mr.
11 Dunlop was involved?
- 12 A. Not precisely, no. Not precisely. But certainly in the run up to the Local
13 Elections he was heavily involved.
- 14 Q. 645 Well did you have any discussion with Mr. Dunlop about the preparation of the
15 motion for example?
- 15:15:40 16 A. I may have I may have, yes.
- 17 Q. 646 Do you think that Mr. Dunlop was involved as early as February of 1991?
- 18 A. I can't say for sure. Mr. Dunlop was around the Council all of the time and he
19 would have been canvassing lobbying us on a variety of different proposals,
15:15:58 20 yeah. So I can't say for sure when he, you know, made it clear to me that he
21 was representing the Quarryvale project.
- 22 Q. 647 Was Mr. Dunlop representing the Quarryvale project or was he representing
23 Mr. Owen O'Callaghan?
- 24 A. Well, the subtleties of the differences are lost on me there. Like ...
- 15:16:20 25 Q. 648 Mr. Dunlop has told the Tribunal that from the very beginning Mr. Gilmartin
26 would not tolerate his involvement in the Quarryvale project and --
- 27 A. Well I subsequently heard about that, yes, yeah.
- 28 Q. 649 Did you attend meetings with Mr. Gilmartin, Mr. O'Callaghan and Mr. Dunlop?
- 29 A. Well now you put it that way, I would have said yes to that question had you
15:16:43 30 not reminded me about the animosity between Gilmartin and Dunlop because it

- 15:16:47 1 would have been logical for them all to be there at those meetings. Now, that
2 I think about it maybe I didn't. Maybe Mr. Gilmartin wasn't at meetings that
3 Mr. Dunlop was at. Yeah, that would be probably be right, yeah.
- 4 Q. 650 Insofar as your contact with Mr. Dunlop is concerned at 25958. It would seem,
15:17:08 5 Mr. McGrath, from an analysis of Mr. Dunlop's telephone records and diary hits
6 that in 1991, you had four meetings with Mr. Dunlop. Would you agree with
7 that?
- 8 A. I am already on record here the previous times, saying that I am seriously
9 sceptical about a lot of Mr. Dunlop's diary entries and his telephone
15:17:29 10 attendance. So I would not accept any of them as being Gospel. However I'm
11 happy to say that broadly speaking I met Mr. Dunlop on many occasions and I had
12 telephone communication with him both to and fro on many many occasions as
13 well, yes. When you could get him that is.
- 14 Q. 651 Would it be fair to say or you would you agree that the intensity of the level
15:17:54 15 of contact between yourself and Mr. Dunlop increases significantly in 1992 and
16 then tapers off throughout 1993 towards the end of '93?
- 17 A. I have no reason to doubt that if it coincides with the whole Quarryvale going
18 through the system.
- 19 Q. 652 It coincides with the Development Plan going through the system, Mr. McGrath?
- 15:18:12 20 A. Yes, sorry, yes I beg your pardon. There were many other reasons he would have
21 been in contact with me, yeah.
- 22 Q. 653 But in general would it be fair to say that your contact with Mr. Dunlop would
23 have related to matters to do with the Development Plan?
- 24 A. Yes.
- 15:18:32 25 Q. 654 And the biggest development that you had to deal with as a councillor was
26 Quarryvale?
- 27 A. Yes.
- 28 Q. 655 Is that fair? And I think Mr. Dunlop has also told the Tribunal that with one
29 possible exception it was the biggest development that he had to deal with?
- 15:18:37 30 A. Yes.

- 15:18:38 1 Q. 656 And it would also be fair to say that you were the best known public proponent
2 of Quarryvale, isn't that right?
- 3 A. Yes, I would accept that, yes.
- 4 Q. 657 As a Councillor. And it would follow from that then that your interests and
15:18:51 5 that of Mr. Dunlop's interests coincided?
- 6 A. Yeah, I accept that.
- 7 Q. 658 And you were both representing Quarryvale in your various jobs and you were
8 representing the Quarryvale development, regardless of whether you were dealing
9 with Mr. Gilmartin or Mr. O'Callaghan, is that fair?
- 15:19:06 10 A. And I'm glad you said that before I did.
- 11 Q. 659 Is that a fair?
- 12 A. Yes, I was advancing the development of the lands more so than the individuals
13 involved, who were liable to change at any moment.
- 14 Q. 660 It is however a fact that the first step that was taken in relation to
15:19:23 15 advancing the development of the Quarryvale lands does not happen until the
16 15th of February 1991, at which stage Mr. O'Callaghan is involved, isn't that
17 right?
- 18 A. Is that the motion date.
- 19 Q. 661 Yes.
- 15:19:35 20 A. Well they would have happened irrespective of Mr. O'Callaghan's involvement or
21 not, you know.
- 22 Q. 662 But it is nonetheless a fact, Mr. McGrath, isn't that right?
- 23 A. It depends on what, are you attaching motive to that.
- 24 Q. 663 No, I am simply stating it as a fact. That the first step on the road to
15:19:52 25 getting the Quarryvale lands rezoned happens on the 15th of February 1991, with
26 your motion being lodged with Dublin County Council?
- 27 A. Okay well my answer would be that the first step on the road to the development
28 of the Quarryvale lands would have happened on that date, irrespective of who
29 was involved.
- 15:20:06 30 Q. 664 Now, Mr. Dunlop has identified for the Tribunal a number of people whom he says

- 15:20:12 1 formed part of a small cohesive strategic team. A team that he says was
2 involved in meetings in his office which had as their object, the moving
3 forward of the development of the Quarryvale lands and he identifies the people
4 whom he says were involved in such meetings as being himself, Mr. O'Callaghan,
15:20:32 5 Mr. Liam Lawlor, Mr. Ambrose Kelly, Ms. Marian McGennis, Mr. Sean Gilbride,
6 Mr. Jack Larkin, Tom Hand, Mr. John O'Halloran and Ms. Therese Ridge, not
7 necessarily altogether at the same time you understand, but on and off. Would
8 you agree with that?
- 9 A. I have no reason to disagree with it. You didn't mention me.
- 15:20:56 10 Q. 665 I meant yourself as well, Mr. McGrath. I meant you, absolutely, sorry.
- 11 A. Well there is a couple of names there that I wouldn't have said were part of
12 the, you know, central strategic team but I mean however if that's what he says
13 fair enough.
- 14 Q. 666 Who would you say were part of the central strategic team?
- 15:21:15 15 A. Well there was no official team. There was some obvious people. Obviously as
16 the sponsor of the motion I was the biggest advocate of the thing. The
17 developers themselves and their PR consultants are natural parts of the team.
18 The architects, a natural part of the team. The other proponents, the other
19 names you mention are political names so ...
- 15:21:39 20 Q. 667 Well you yourself were a political name and you would say that you were part of
21 the strategic team, isn't that right?
- 22 A. Well we became part of a -- I accept we became by default part of an
23 advancement team. Once the propaganda war broke out it was us versus them.
24 And we did tend to meet quite regularly just to see what way we were going to
15:21:58 25 deal with the next move forward.
- 26 Q. 668 And Mr. Liam Lawlor was he part of that team?
- 27 A. He was, yes.
- 28 Q. 669 And Mr. Gilbride?
- 29 A. Yes he was there very often.
- 15:22:05 30 Q. 670 Did you ever meet Mr. Jack Larkin at any such meeting?

- 15:22:09 1 A. No, that's why I hesitated there with your list of names. I don't recall
2 Mr. Larkin being there.
- 3 Q. 671 And Ms. Marian McGennis?
- 4 A. No, I have no recollection of her being at any of those meetings.
- 15:22:20 5 Q. 672 Mr. Tom Hand?
- 6 A. No.
- 7 Q. 673 Did you ever discuss the Quarryvale rezoning with Mr. Hand?
- 8 A. Yes, I did.
- 9 Q. 674 And did you seek his support in relation to it?
- 15:22:28 10 A. I would have, yes.
- 11 Q. 675 Would you have sought the support of your other colleagues in relation to the
12 rezoning of the Quarryvale lands?
- 13 A. I would, yes.
- 14 Q. 676 Right. Now, as part and parcel of the various positions that were taken by
15 Green Property on one hand and the Quarryvale development on the other hand, an
16 amending motion was lodged with Dublin County Council, isn't that right?
- 17 A. Yes.
- 18 Q. 677 Now, it would appear that prior to that amending motion being lodged that a
19 meeting took place in Dublin County Council which is referred to in a letter
15:23:01 20 from Green Property at 5335. And this is a letter to you, Mr. McGrath, isn't
21 that right?
- 22 A. I think every councillor got it I'd say.
- 23 Q. 678 And it's fair to say that there was a lot of correspondence from Green Property
24 and a lot of counter propaganda and correspondence from the Quarryvale site,
15:23:24 25 isn't that right?
- 26 A. Yes.
- 27 Q. 679 And in the actual 1991 local elections it became a big issue within that area,
28 is that right?
- 29 A. Yes, it did.
- 15:23:32 30 Q. 680 In any event according to this document as recounted by Mr. Corcoran, he says

15:23:37 1 in the second paragraph "the true effect of motion 38 was to rezone the
2 Quarryvale site was explained to me at a meeting I had with the senior official
3 of Dublin County Council on the 10th of May '91.
4

15:23:48 5 During this meeting it became clear that Blanchardstown town centre could not
6 compete for business with the infinitely better located Quarryvale site. Later
7 that day I met with Councillor Marian McGennis to discuss the events and tell
8 her of my extreme concern for the future of Blanchardstown. She telephoned
9 Chairman Tommy Boland from my office and arranged a meeting for Monday the 13th
10 of May. Pat McCormack, my agent, Garreth May, my planning consultant and
11 myself met with the Chairman, Councillor Tommy Boland, Liam Lawlor TD and
12 Marian McGennis and Councillor Ned Ryan at the Chairman's office.
13

14 We explained with the assistance of plans and maps etc. which were prepared
15 over the weekend, why the proposed rezoning at Quarryvale would force us to
16 stop building Blanchardstown town centre. Our concerns were accepted by all
17 present and it was agreed that motion 38 would be amended or replaced as
18 required to secure the Blanchardstown scheme. Liam Lawlor offered to discuss
19 the matter with Councillor Colm McGrath and subsequently to draw up an
20 amendment or replacement motion to motion No. 38 which would secure the future
21 of Blanchardstown be agreed with me before the Council meeting on the 16th of
22 May".
23

24 Were you at that meeting?

15:24:51 25 A. No.

26 Q. 681 All right. Did Mr. Lawlor have any discussion with you about an amending
27 motion?

28 A. I'm sure he did yeah.

29 Q. 682 In fact I think that Mr. Lawlor in a statement at 2525 describes that meeting
15:25:09 30 in the third paragraph at a crucial meeting which took place on the 13th of May

15:25:12 1 '91, in the office of the County Council, chaired by the then Chairman, the
2 late Tom Boland. The purpose of the meeting was to discuss the motion and was
3 agreed in order to protect Blanchardstown's viability, a limit should be placed
4 on the site at the Quarryvale Shopping Centre."

15:25:26 5
6 Now, do you agree with that on the size, on the sizes of the Quarryvale
7 Shopping Centre. Do you agree that was the ultimate outcome of the motion that
8 was proposed?

9 A. I didn't agree with what was being done but I agree that that's what was
10 agreed.

15:25:41 11 Q. 683 And I think that Mr. Al Smith has told the Tribunal that he was presented with
12 a motion that was given to him by the late Mr. Liam Lawlor which he redrafted
13 in order to make sense of it effectively, if I can para phrase him and that his
14 draft ultimately was the draft that was presented to the Council as the
15 amendment to motion No. 38. Now were you aware of that?

16 A. That's quite likely. That often happened, yes. In the course of the cut and
17 thrust of meetings, yes.

18 Q. 684 No no I think it's more specific than that. At 3588 please. You will see just
19 half way down the page "shortly before be the deadline for the submission of
15:26:25 20 motions relating to the zoning of the Quarryvale site, I received a fax message
21 from Councillor Lawlor enclosing a draft motion and asking for my comments.
22 The message was a surprise prior to that I had no contact or discussion with
23 Mr. Lawlor on the matter outside the council chamber. The draft motion was
24 garbled and incoherent and did not reflect what I understood to be under
15:26:43 25 discussion.

26
27 Following a telephone conversation with Mr. Gareth May, a planning consultant
28 retained by Green Property Company, in order to clarify my understanding of
29 what was being discussed, I drafted a motion which reflected what in my
15:26:54 30 understanding, had been under discussion.

15:26:56 1 The motion which was subsequently lodged was substantially the same as my
2 draft".
3
4 Now, that is what Mr. Smith says his contribution to the matter was.

15:27:06 5 A. Okay.
6 Q. 685 And what he appears to be the telling the Tribunal was that he got a motion in
7 from Mr. Lawlor. That he couldn't make a great deal of sense with it. He
8 spoke to Green property and he drafted a motion which was subsequently lodged?
9 A. Okay I accept that.

15:27:25 10 Q. 686 Now at 35080 -- 5080. This is the amending motion that was drafted to your
11 original motion. Would you agree, Mr. McGrath, that effectively what this was
12 a capping motion?
13 A. It was, yes.

14 Q. 687 And while there are no figures in that motion what was being suggested here by
15 this motion was that the commercial development to be permitted in Quarryvale
16 would be, wouldn't accede that which would have been permitted in the old
17 Lucan/Clondalkin town centre site, is that right?
18 A. Yes, that's right.

19 Q. 688 Now, you didn't agree with that, is that right?
15:28:39 20 A. I signed it.
21 Q. 689 I accept that you signed it but you have already told the Tribunal five minutes
22 ago that you didn't agree with it I think, isn't that right?
23 A. I didn't agree with it with a capping down to 250,000 square feet but that
24 motion there didn't reduce it to 250,000 square feet.

15:28:56 25 Q. 690 That appears to be the motion position. There is no figures in that. It was
26 going to be a matter I think for negotiation or discussion subsequently what
27 the amount would be, isn't that right?
28 A. Yes well once I saw the D zoning being retained in the motion, it was clear to
29 me that meant a size of approximately anything between 5 and 700,000 square
15:29:18 30 feet which I was happy with.

- 15:29:20 1 Q. 691 I think the actual planning permission for the Lucan/Clondalkin town centre had
2 provided for a phased introduction with 250,000 square feet and then 250,000
3 square feet of approximately 500,000 square feet?
- 4 A. I recall. I had no difficulty with that motion.
- 15:29:34 5 Q. 692 Now, can I ask you, did you draft that motion?
- 6 A. I don't recall if I did or not, no. It's not -- I was using an imperial 66.
7 That doesn't look like an imperial 66 to me.
- 8 Q. 693 Can you outline the Tribunal the circumstances in which you signed it?
- 9 A. Not specifically. When was it lodged?
- 15:29:56 10 Q. 694 It's not dated other than it's dated the 16th of May '91, at the top?
- 11 A. And is that close to a Development Plan meeting.
- 12 Q. 695 That's the day of the motion?
- 13 A. Well then I signed it on the day of the meeting I presume.
- 14 Q. 696 The signature beneath yours is that of Mr. Finbarr Hanrahan, did you obtain
15 that signature?
- 16 A. I would have -- no I can't recall maybe I did. It's not necessary to have a
17 second signature on a motion. It's only necessary to have a seconder on the
18 floor when it's proposed. It usually -- it's not unusual to ask different
19 councillors to sign something.
- 15:30:33 20 Q. 697 And did you discuss with Mr. Hand the signing of this motion?
- 21 A. I beg your pardon there is a better answer to that now, that I think of it. If
22 I recall rightly Finbarr Hanrahan had a serious difficulty with Quarryvale and
23 he was much more sympathetic towards the Blanchardstown situation. So the
24 appearance of his signature on that motion would have been a clear indication
15:30:53 25 to a lot of our colleagues that some resolution had been reached.
- 26 Q. 698 And does that assist you in recollecting whether you were the person with
27 obtained Mr. Finbarr Hanrahan's signature on that motion?
- 28 A. It does -- probably not. Probably not.
- 29 Q. 699 And did you discuss this motion with Mr. Tom Hand?
- 15:31:13 30 A. No, I would say what happened there was I'd say, I'd say Mr. Lawlor brought

- 15:31:17 1 that motion to the meeting arising out of the meeting with the Green Property
2 company. And whilst maybe that's not -- maybe Mr. Corcoran wasn't happy.
3 That's the motion we agreed to sign anyway. So I'd say Liam brought it to
4 Finbarr and Mr. Tom Hand to be signed.
- 15:31:38 5 Q. 700 Mr. Dunlop has told the Tribunal that at a meeting in his offices --
6 A. Or Mr. Dunlop may have done it now that I think of it.
- 7 Q. 701 -- at a meeting in his offices, that you announced triumphantly to himself and
8 Mr. Owen O'Callaghan that you had got Mr. Hand's agreement to sign this motion
9 and you asked that Mr. Dunlop would go and see Mr. Hand about the signing of
10 that motion. Do you agree with that?
11 A. No, I don't recall that, no, no.
- 12 Q. 702 Is it likely that you might have discussed it with Mr. Hand and got Mr. Hand to
13 agree to signing the motion and gone back and told Mr. Dunlop and Mr.
14 O'Callaghan that?
15 A. Well if the motion only arrived to the Council on the day of the meeting, that
16 means it had to be presented to the meeting on the day. And then Mr. Hand's
17 signature could only have been attached to it on the day of the meeting. So
18 that would indicate that I couldn't have announced triumphantly anywhere else
19 that I had got Mr. Hand's signature on it.
- 15:32:28 20 Q. 703 No you misunderstand me, Mr. McGrath. I don't say that you had told them that
21 you had got Mr. Hand's signature. What you told them that you had obtained was
22 Mr. Hand's agreement to sign the motion but that Mr. Dunlop would have to go
23 and see Mr. Hand?
24 A. No, that's completely untrue. My recollection of Tom Hand's attitude to
15:32:51 25 Quarryvale from any time that I spoke to him was positive. He was always
26 supportive of Quarryvale as far as I recall.
- 27 Q. 704 And were you aware ever, Mr. McGrath, while we're on the subject of Mr. Hand,
28 of a statement or a matter mentioned by Mr. Dunlop about the fact that Mr. Hand
29 had sought 250,000 pounds for his support for Quarryvale?
15:33:12 30 A. I heard about it, yes.

- 15:33:13 1 Q. 705 And approximately can you think, Mr. McGrath, when did you hear about it?
2 Would it have been before this Tribunal was established?
- 3 A. No, I don't think so, no, way after I'd say.
- 4 Q. 706 Both Ms. Olivia Mitchell and Ms. Therese Ridge have a recollection of being at
15:33:32 5 a lunch or a dinner with Mr. Dunlop, at which this was discussed long before
6 the Tribunal was established and they advised him to go and see Mr. John
7 Bruton, you will recollect maybe from reading it in the paper and that a
8 meeting took place I think in ... in 1993 at the Red Cow inn at which Mr. --
- 9 A. I've heard all of this.
- 15:33:56 10 Q. 707 It would seem from that, that if that was correct that there certainly was
11 discussion in 1992 and in 1993 about a demand for 250,000 pounds by Mr. Hand
12 and that was being discussed by Mr. Dunlop?
- 13 A. Okay. I wasn't aware of it.
- 14 Q. 708 Do you think that it's possible that you may have heard about it at the time.
15:34:14 15 It may have been something that you heard about but that you can't
16 differentiate now between when it exactly it was that you heard it?
- 17 A. That's possible too but no. I think I would have recollected something like
18 that, yeah.
- 19 Q. 709 Yes.
- 15:34:30 20 A. No, the answer is no, no.
- 21 Q. 710 Had you ever heard any rumours about Mr. Hand?
- 22 A. No.
- 23 Q. 711 Did you find Mr. Hand an easy person to deal with?
- 24 A. Yes, I did.
- 15:34:42 25 Q. 712 In terms of being a colleague on Dublin County Council?
- 26 A. Yeah, he was a very senior colleague. I would have been a junior councillor if
27 you want to put it that way. No, I'd always have great time for Mr. Tom Hand
28 he was always a very pleasant, amiable individual. I had no reason to doubt
29 any of his motives.
- 15:35:00 30 Q. 713 And was he a senior figure in Fine Gael?

- 15:35:03 1 A. He was, yeah.
- 2 Q. 714 And in any event, you say, you say that you did not tell Mr. Dunlop and Mr.
- 3 O'Callaghan that you had obtained Mr. Hand's agreement for a signature, is that
- 4 right?
- 15:35:15 5 A. I have no recollection of telling him. The fact that Mr. Hand's signature is
- 6 on the motion means that at some point either I or Liam Lawlor or Frank Dunlop
- 7 approached him and asked him would he sign it. And he obviously signed it so.
- 8 Q. 715 Mr. Dunlop accepts that he went to Mr. Hand and asked him to sign the motion.
- 9 A. So it was Mr. Dunlop then.
- 15:35:36 10 Q. 716 Yes. And he says that he did so after you told him that you had got Mr. Hand's
- 11 agreement?
- 12 A. Well, I mean, it's quite likely that I canvassed Mr. Hand in relation to. I
- 13 may have approached him and being aware of the motion which is a sort of a
- 14 compromise, I may have said to him look we seem to have reached a resolution
- 15:35:54 15 with the Green Property people so maybe you might see your way to supporting us
- 16 now. I didn't approach him to sign a motion but I was canvassing his vote for
- 17 the actual motion.
- 18 Q. 717 And would it be fair to say also, Mr. McGrath, that you canvassed everybody's
- 19 vote in relation to Quarryvale?
- 15:36:11 20 A. Well almost everybody I'd say.
- 21 Q. 718 Okay. And again can I ask you the Tribunal take it that this is a matter that
- 22 would have been discussed by the Fianna Fail party at the Fianna Fail meeting
- 23 in advance of the actual meeting at which this matter was debated and voted
- 24 upon?
- 15:36:26 25 A. Yes, it would have been discussed.
- 26 Q. 719 And as one of the persons -- as the original signatories to the first part of
- 27 the motion No. 38 and as a signatory to the amendment, is it fair to surmise
- 28 now that you would have spoken to that motion in the Fianna Fail party rooms
- 29 and that you would have exerted your colleagues to give their support to
- 15:36:44 30 Quarryvale?

- 15:36:44 1 A. Yes, that's fair enough. If that motion arrived prior to the party meeting.
- 2 Q. 720 Well I would suggest that it's likely you above anybody else would have known
- 3 of any motion to amend the Quarryvale motion, isn't that right?
- 4 A. Yes, I would have, I wasn't party to the meeting that took place. I had no
- 15:37:01 5 interest in being at that meeting for other reasons but I would have been a red
- 6 flag to a bull at that meeting you see so.
- 7 Q. 721 Which meeting are you talking about, Mr. McGrath, are you talking about the
- 8 Fianna Fail party meeting or the Green Property meeting?
- 9 A. The Green Property meeting with the north, north of the Liffey councillors,
- 15:37:29 10 yeah.
- 11 Q. 722 Yes. The meeting on the 13th of May attended by Ms. McGennis and Mr. Lawlor
- 12 and Mr. John Corcoran.
- 13 A. Yes.
- 14 Q. 723 And Mr. Boland?
- 15:37:29 15 A. Yes, yeah, that one, yeah. So this was the culmination of that meeting.
- 16 Q. 724 Yes.
- 17 A. Well it was -- obviously whoever typed the motion it was their interpretation
- 18 of the culmination of the meeting.
- 19 Q. 725 Yes but the meeting --
- 15:37:43 20 A. I was happy with it.
- 21 Q. 726 The meeting I had been asking you about was the meeting of your Fianna Fail
- 22 colleagues that would have taken place on the same date as this matter would be
- 23 debated and discussed in the Council?
- 24 A. Yes I understand what you asked me. My reply to you was I'm not sure if we had
- 15:38:00 25 the text, if that motion was in my hand prior -- you see the meetings of the
- 26 Fianna Fail group prior to the meeting of the Council one to two hours prior do
- 27 you understand previously. So that motion may not have been with us at that
- 28 time although maybe it was I can't remember.
- 29 Q. 727 Even if I suggest to you, Mr. McGrath, even if you didn't have the physical
- 15:38:19 30 text of the motion in your hand you above anybody else would have known --

- 15:38:23 1 A. Yes.
- 2 Q. 728 -- the fact that there was an amendment coming, isn't that right?
- 3 A. Councillor Boland I think was in the Chair at the time. He would have
- 4 appraised the Fianna Fail group meeting of what had gone on at the meeting with
- 15:38:35 5 Mr. Corcoran, yes.
- 6 Q. 729 And therefore when you are discussing this with your Fianna Fail colleagues you
- 7 would have known as would your Fianna Fail colleagues of the fact that there
- 8 was a motion and the amendment to the motion proposed that the retail element
- 9 or the commercial element of Quarryvale would have been the same as would have
- 15:38:50 10 been permitted on the old Lucan/Clondalkin town centre?
- 11 A. Yes and in the interests of getting the motion through the chamber passed I was
- 12 happy with that.
- 13 Q. 730 And you would have recommended it follows from that that your Fianna Fail
- 14 colleagues would support you in voting for the amendment as well as voting for
- 15:39:05 15 the substantive motion?
- 16 A. Yes.
- 17 Q. 731 Now I think at that meeting the manager produced a report, isn't that right?
- 18 A. Yes, as he would, yeah.
- 19 Q. 732 And in at 16752, there were a number of matters that were dealt with in
- 15:39:26 20 relation to discussing the manager's report and then there was a discussion
- 21 about the Quarryvale motion at 16753. And there is a summary there in the
- 22 second paragraph of the manager's report. And the report outlined a number of
- 23 difficulties with rezoning the Quarryvale lands to D major town centre but
- 24 indicated that the lands could accommodate the industrial development proposed
- 15:39:55 25 in the motion. The report stated that the Dublin Planning Officer was of the
- 26 view that the town centre designation should remain at Neilstown but if the
- 27 Council passed this motion then the only logical conclusion would be to rezone
- 28 the original site at Neilstown to industrial. The report also stated that in
- 29 the event that Council decided to rezone the Quarryvale site then the most
- 15:40:15 30 appropriate designation would be C town or district centre as this would be

- 15:40:19 1 give a more balanced spread of centres".
- 2
- 3 Now, in fact the manager, what the manager was suggesting there in relation to
- 4 the Neilstown site was what Mr. Lawlor and yourself had attempted to do in
- 15:40:31 5 February, propose an E zoning for the Neilstown lands, isn't that right?
- 6 A. Yes.
- 7 Q. 733 And also what the manager is saying here is that if you pass Mr. Colm McGrath's
- 8 Quarryvale motion what you are doing is you are moving the town centre zoning
- 9 the D zoning from Neilstown to Quarryvale, isn't that right?
- 15:40:48 10 A. Yes.
- 11 Q. 734 And the manager is also suggesting that what would be a more appropriate zoning
- 12 for Quarryvale was a C zoning?
- 13 A. Yeah.
- 14 Q. 735 Which is a district centre zoning, isn't that right?
- 15:40:58 15 A. That's right, yes.
- 16 Q. 736 Now, I think Mr. McGrath, that the amendment was put to the floor, isn't that
- 17 right? And the amendment was passed?
- 18 A. Uh-huh.
- 19 Q. 737 And thereafter the substantive motion was passed, isn't is that right, and you
- 15:41:14 20 voted in favour of the amendment and a substantive motion?
- 21 A. Yeah.
- 22 Q. 738 Now your substantive motion proposed that the Quarryvale lands would be rezoned
- 23 D and E, isn't that right?
- 24 A. That's right yes.
- 15:41:25 25 Q. 739 Major town centre and E, industrial?
- 26 A. Yes.
- 27 Q. 740 You didn't take up the manager's suggestion that the more appropriate zoning
- 28 for Quarryvale would be C. Can you just explain that?
- 29 A. I didn't take it up.
- 15:41:38 30 Q. 741 The Manager had suggested that if there was a decision to rezone the Quarryvale

15:41:43 1 site the most appropriate designation would be a C zoning?

2 A. Well I did take it up.

3 Q. 742 You took it up in December '92?

4 A. With the amendment.

15:41:57 5 Q. 743 No. The amend -- no you misunderstand me, Mr. McGrath. Your motion that you
6 drafted and proposed on the 15th of February, proposed that the Quarryvale
7 lands would be zoned D?

8 A. Yes.

9 Q. 744 Major town centre.

15:42:05 10 A. Uh-huh.

11 Q. 745 And E, industrial.

12 A. Yes.

13 Q. 746 The manager in his report to the meeting said that if it was proposed to rezone
14 the Quarryvale site, the most appropriate designation would be a C zoning,
15:42:17 15 isn't that right, not a D zoning?

16 A. Yeah, he is offering that up, yes yeah.

17 Q. 747 You don't accept that because you don't amend or change your motion and the
18 motion that is put to the floor is to rezone the Quarryvale lands D and E,
19 subject to the amendment.

15:42:32 20 A. Yes but it would have been very foolish of me to amend or withdraw my motion.

21 Q. 748 Why was that?

22 A. One would always keep a motion alive to its death or withdrawal because one
23 of -- the amendment motion may not have been passed.

24 Q. 749 No what I am just curious about, Mr. McGrath, is why it is that you insisted on
15:42:53 25 staying with the D zoning, the major town centre zoning that you didn't accept
26 what the manager was recommending. He was saying if you are going to rezone
27 Quarryvale a more appropriate zoning would be C. Right, which would be a
28 district centre zoning?

29 A. Well with respect, Ms. Collins, (sic) I did accept the managers on the day
15:43:14 30 because we put forward the amended motion.

- 15:43:17 1 Q. 750 The amended motion --
- 2 A. Which by attaching it to the substantive motion amended the substantive motion
- 3 back to district centre.
- 4 Q. 751 No it didn't. The maps that went on display following the decision in May
- 15:43:28 5 1991, showed Quarryvale with a D zoning?
- 6 A. When did they go on display?
- 7 Q. 752 They went on display in September 1991 until December 91.
- 8 A. After this meeting?
- 9 Q. 753 Yes. You may be confusing this with what happened in December '92, when the
- 15:43:43 10 zoning was changed to C and E on the Quarryvale lands.
- 11 A. I am, yeah. So what's the date of this meeting is when?
- 12 Q. 754 Is the 16th of May 1991.
- 13 A. Okay.
- 14 Q. 755 Yes.
- 15:43:55 15 A. Yeah. Well then the answer why I didn't is because I was still of the opinion
- 16 that we should go with a D zoning on that site.
- 17 Q. 756 And that the effect of that was to move the town centre zoning?
- 18 A. Yes.
- 19 Q. 757 From Neilstown Lucan/Clondalkin?
- 15:44:08 20 A. Yes.
- 21 Q. 758 To Quarryvale?
- 22 A. Yes.
- 23 Q. 759 All right. Now, I think in the course of the Local Elections there was a lot
- 24 of publicity and arguments in the newspapers about the change in the Quarryvale
- 15:44:23 25 lands, isn't that right and it became a political matter particularly local,
- 26 isn't that the position?
- 27 A. It did, yes.
- 28 Q. 760 Now, did you receive any political donations in the course of that election
- 29 from Mr. Dunlop?
- 15:44:39 30 A. In the 1991 was it?

- 15:44:40 1 Q. 761 Yes.
- 2 A. I would have I'm sure, yes.
- 3 Q. 762 Mr. Dunlop says that he says that it was for your support for Quarryvale that
4 you requested it and you he paid you a sum of 2,000 pounds in cash. If we
15:44:53 5 start for the matters that mightn't be so contentious. Would you agree that
6 it's likely that in May or June of 1991, Mr. Dunlop would have paid you 2,000
7 pounds in cash by way of a political contribution?
- 8 A. Well again I have no difficulty with the amount, I have no difficulty with the
9 fact that he may have or may not have. I have difficulty with the word "pay".
15:45:14 10 He never paid me anything. He made political donations to me.
- 11 Q. 763 I had said in deference to your earlier comment, Mr. McGrath, that could we
12 agree that Mr. Dunlop may have made you a political contribution of 2,000
13 pounds in cash in the May June Local Elections of '91.
- 14 A. I think he did, yes. Didn't I give evidence to that effect previously.
- 15:45:36 15 Q. 764 Yes, I think you did.
- 16 A. Yeah.
- 17 Q. 765 And it was in relation to the money left in the newspaper?
- 18 A. Yes, yeah.
- 19 Q. 766 But I think that in fact you had also given evidence of the fact that there was
15:45:47 20 a similar donation in 1992 I think, isn't that right?
- 21 A. I don't recall now to be honest with you.
- 22 Q. 767 In any event in, so far as this is concerned, do you agree or not dispute I
23 suppose Mr. Dunlop's evidence, that he made a contribution to you in May or
24 June of 1991 in the sum of 2,000 pounds in cash?
- 15:46:12 25 A. I think that's true, yes.
- 26 Q. 768 Yes. And can you just outline the circumstances in which that contribution was
27 made?
- 28 A. Is this the one in the Irish Times?
- 29 Q. 769 You will have to give your evidence, Mr. McGrath. This is the June, May/June
15:46:38 30 1991?

- 15:46:38 1 A. Well I can't. I can't recall specifically saying when he gave it to me. I
2 gave -- you have the evidence there somewhere.
- 3 Q. 770 That was in 1992.
- 4 A. Was it?
- 15:46:38 5 Q. 771 In the course of the Carrickmines I Module you gave evidence of the receipt of
6 2,000 pounds?
- 7 A. In 1992.
- 8 Q. 772 Yeah between the 12th and the end of June of 1992?
- 9 A. Okay well then the answer is no he didn't. He didn't give me 2,000 pounds in
15:46:54 10 June or May or June of 1991. He may have given me some different figure but he
11 certainly didn't give me that.
- 12 Q. 773 Are you saying, if maybe if we take it in stages. Are you saying that you did
13 not get anything for the Local Elections in 1991 from Mr. Dunlop?
- 14 A. No, I think I answered that earlier. I said I would have most likely got a
15:47:17 15 contribution from Mr. Dunlop for the Local Elections in 1991, yeah.
- 16 Q. 774 Is it likely that that contribution was in cash?
- 17 A. It's likely or else it was in the form of a cheque made out to my golf classic.
- 18 Q. 775 In which case if there is such a cheque we will find the cheque in Mr. Dunlop's
19 bank accounts and we will find the receipt of it lodged to your accounts, isn't
15:47:39 20 that right?
- 21 A. If we can identify it, yeah, you will.
- 22 Q. 776 And that you will have known from the documentation that when Mr. Dunlop wrote
23 a cheque for a golf classic as indeed he did later for you, it's all recorded
24 in Mr. Dunlop's cheque payments book, isn't that?
- 15:47:55 25 A. Yes, okay that's if it's a cheque.
- 26 Q. 777 That's what I'm saying to you?
- 27 A. It may have been cash.
- 28 Q. 778 In this particular instance there is no evidence of a cheque being paid to you
29 May or June of 1991?
- 15:48:05 30 A. Okay it must have been cash then.

- 15:48:07 1 Q. 779 All right. If it was payable in cash you would have no record of how much you
2 were paid, isn't that right?
- 3 A. No.
- 4 Q. 780 And you are therefore relying upon your memory as to how much you got?
- 15:48:15 5 A. Yes but the denominations. Whenever I got a donation from Mr. Dunlop the
6 denominations were usually 500 or 1,000 or 2000.
- 7 Q. 781 They are round figure sums?
- 8 A. Yes.
- 9 Q. 782 You are not getting 610 pounds?
- 15:48:29 10 A. No always round figures.
- 11 Q. 783 All right?
- 12 A. The 500 related to the price of a team in a golf classic.
- 13 Q. 784 If it was?
- 14 A. If it was -- yeah.
- 15:48:38 15 Q. 785 Or alternatively it's 1,000 pounds and it doesn't relate to a team in a golf
16 classic and it's a donation for the Local Elections?
- 17 A. No, 1,000 pounds relates to two teams.
- 18 Q. 786 Two teams for the golf classic?
- 19 A. Which I distinctly recall he did take once. I had to get eight players to
15:48:54 20 play on the teams. He didn't provide players.
- 21 Q. 787 You did not say as I understand it, that that in fact is attributable -- you
22 can't identify what teams are attributable to the lodgements to your bank
23 account, isn't that right?
- 24 A. Only that they would have been Frank Dunlop & Associates on the board on the
15:49:11 25 you know on the sponsorship board.
- 26 Q. 788 And you don't have any correspondence, isn't that right, from Mr. Dunlop
27 enclosing a cheque or a donation?
- 28 A. I do distinctly recall him sending me a cheque once in relation to a golf
29 classic. I have no record of it now all of that's in the bin but he did
15:49:29 30 support a golf classic by way of cheque once.

- 15:49:32 1 Q. 789 I am going to show you that cheque, Mr. McGrath and I think it's 1997. 13537
2 please. This is it a letter from you to Mr. Dunlop seeking support for your
3 golf classic. And at 13538, there is a cheque. All right? Now, I think that
4 in that same year in 1999, that you also received at 13545, a cheque from Riga
15:50:22 5 Limited for the golf classic also?
6 A. Yeah, that would make sense.
7 Q. 790 All right. Now, when you talk about having received a cheque and there being a
8 letter in relation to a cheque is that the letter the cheque that you are
9 talking about?
15:50:33 10 A. It more than likely is, yeah.
11 Q. 791 Thank would mean then that we could eliminate the cheque from any of our
12 discussions about what monies you might have received in 1991, isn't that
13 right, because that's a donation to your golf classic in 1999, one by Mr.
14 Dunlop and one by Riga Limited, isn't that right?
15:50:51 15 A. Can we just go back to that previous cheque please.
16 Q. 792 Yes.
17 A. The Dunlop one.
18 Q. 793 Yes, I am going to get it for you.
19
15:50:58 20 JUDGE FAHERTY: 13157.
21
22 MS. DILLON: 13158 is the cheque I think.
23
24 JUDGE FAHERTY: Sorry.
15:51:08 25
26 Q. 794 MS. DILLON: Yes.
27 A. You see that's curious now. Well I distinctly remember. You see that's FJ and
28 S Dunlop. That's a private cheque.
29 Q. 795 Yes.
15:51:17 30 A. Whereas the cheque. Okay. There is no question that I received that in

- 15:51:21 1 relation to that golf classic but I distinctly remember a cheque from Frank
2 Dunlop & Associates in relation to a golf classic as well.
- 3 Q. 796 The other cheque that you received from Mr. Dunlop appears to be the cheque for
4 1,000 pounds made out to Tara Tower Secretarial which was a cheque drawn on
15:51:38 5 Frank Dunlop & Associates?
- 6 A. Yeah but I still do recall a cheque in relation to a golf classic from Frank as
7 I said earlier on I do recall that. However, I may be wrong but I'm you know
8 I'm quite clear that he did send me a support for a golf classic by way of a
9 Frank Dunlop & Associates cheque because it was accompanied by Frank Dunlop &
10 Associates notepaper and I wish you well note however. I don't know where you
11 are going with this. I am not denying any of this. I am just saying to you
12 yes he did. Any time I asked him for support he was forthcoming.
- 13 Q. 797 You bring me on to my next question then. May the Tribunal take it that Mr.
14 Dunlop's donations to you where those as a result of a request for support from
15:52:18 15 you?
- 16 A. Yes.
- 17 Q. 798 And that you would have by this stage in May or June of 1991, you were firmly
18 entrenched as it were with Mr. Dunlop on the Quarryvale team and you were both
19 working to the same result, isn't that right?
- 15:52:32 20 A. That's fair comment.
- 21 Q. 799 And I am suggesting to you that it's likely that you would have approached Mr.
22 Dunlop and asked him for support for the Local Election?
- 23 A. Yes.
- 24 Q. 800 And in the absence of there being evidence of a cheque either received by you
15:52:46 25 in your bank accounts or from Mr. Dunlop from his cheque payments book, it's
26 likely that whatever you got from Mr. Dunlop in 1991 was cash?
- 27 A. It's quite likely, yes, yeah.
- 28 Q. 801 And that would have necessitated I suggest to you Mr. McGrath a face-to-face
29 meeting between yourself and Mr. Dunlop?
- 15:53:00 30 A. Yes.

- 15:53:01 1 Q. 802 And is it likely that Mr. Dunlop would have gone out to see you in Clondalkin?
- 2 A. Yes, he did, yes, yeah.
- 3 Q. 803 And isn't it also likely that this would have been as a result of contact made
- 4 by you to Mr. Dunlop?
- 15:53:15 5 A. Or the other way around.
- 6 Q. 804 Yes.
- 7 A. He was very proactive in relation to supporting councillors.
- 8 Q. 805 Yes but I had understood you to say that you would have approached him. You
- 9 would have asked him for support.
- 15:53:25 10 A. He would have got the begging letter.
- 11 Q. 806 Yes.
- 12 A. Along with many others obviously.
- 13 Q. 807 Right. And would he have contacted you and made an arrangement to meet with
- 14 you?
- 15:53:33 15 A. He would, yes.
- 16 Q. 808 Right. And he would have gone out to you in Clondalkin, is that correct?
- 17 A. Yes.
- 18 Q. 809 And he would have given you the money?
- 19 A. Yes.
- 15:53:39 20 Q. 810 Would he have asked for a receipt?
- 21 A. No, he never asked for a receipt.
- 22 Q. 811 What discussion would you have had with Mr. Dunlop when this payment was when
- 23 this political donation was being handed over?
- 24 A. Domestic discussion.
- 15:53:54 25 Q. 812 About what Mr -- when you say domestic are you talking about the election?
- 26 A. How are you, how's the family, how's your business going. Isn't it a nice day.
- 27 Q. 813 Uh-huh. How did you know that Mr. Dunlop was proactive in supporting
- 28 councillors?
- 29 A. Well he always supported me.
- 15:54:12 30 Q. 814 But other than that were you aware of any support that he gave to anybody else?

- 15:54:15 1 A. Not specifically but you know you can draw assumptions.
- 2 Q. 815 And did you assume that he was making similar donations to other councillors?
- 3 A. Well I would say that every councillor contesting Local Elections would have
- 4 had to have a "war chest" so similarly they would be out seeking support and
- 15:54:33 5 I'm sure if he was aware of that he would have supported them.
- 6 Q. 816 And if Mr. Dunlop's donation to you was made in cash as you suspect, then it's
- 7 likely you would have expended that when you put it into the drawer with the
- 8 other cash and you would have expended it in the course of the election?
- 9 A. And other ways, yes.
- 15:54:51 10 Q. 817 And when you say "other ways" what do you mean, Mr. McGrath?
- 11 A. What I referred to earlier on, a lot of donation that is I received in turn
- 12 became donations.
- 13 Q. 818 Now, in May of 1991, (sic) when Quarryvale was being discussed and around the
- 14 time of the election and you were fundraising, Minister Michael Smith as he
- 15:55:11 15 then was, gave two speeches in which he described planning in Dublin as being a
- 16 debased currency?
- 17 A. I recall that, yes.
- 18 Q. 819 And at 25438.
- 19
- 15:55:21 20 JUDGE FAHERTY: I think that was '93, Ms. Dillon, you said May '91
- 21
- 22 MS. DILLON: Sorry I beg your pardon. I am absolutely right I'll come back to
- 23 that, Mr. McGrath, sorry. I will come back and deal with that later.
- 24 Q. 820 On the 6th of June 1991, Mr. Dunlop, (sic) if I can show you -- sorry I beg
- 15:55:40 25 your pardon, Mr. McGrath. 14203 please. There is an entry in Mr. Dunlop's
- 26 diary and I know that you have given your evidence in relation to Mr. Dunlop's
- 27 diaries and you dispute material in Mr. Dunlop's diary but the entry at the
- 28 bottom of that page that's heavily overwritten has been the subject of
- 29 analysis. And if you look at 25067. This is what was written beneath it and
- 15:56:13 30 the reference appears to be TG, which would be Tom Gilmartin. OOC Owen

15:56:18 1 O'Callaghan, C Mac which is Colm McGrath, Mr. Dunlop says and SG Sean Gilbride.
2 In Buswells Hotel. Now, if we go back to the page at 14203. Mr. Dunlop cannot
3 provide any explanation as to why it was that he over wrote the material that
4 was contained there. But he does say that the names and initials that were
15:56:50 5 previously there would have indicated that a meeting would have been arranged
6 between Mr. Gilmartin, Mr. O'Callaghan, yourself and Mr. Gilbride. Did you
7 everybody have such a meeting?
8 A. I have no recollection of it.
9 Q. 821 If you had had such a meeting, Mr. McGrath, you would recollect it?
15:57:08 10 A. More than likely. Is that 9 p.m. or 9 a.m.
11 Q. 822 That's nine o'clock in the evening?
12 A. Very unusual yeah, yeah.
13 Q. 823 Now can I ask you whether you ever attended any meeting at which Mr. Gilmartin
14 and Mr. O'Callaghan were present?
15:57:25 15 A. Yes.
16 Q. 824 How many meetings would you have had with them together?
17 A. Three or four I'd say.
18 Q. 825 Right. And what was the relationship like?
19 A. Between the two.
15:57:33 20 Q. 826 Yeah, between Mr. O'Callaghan and Mr. Gilmartin?
21 A. Well they were two people getting into bed together businesswise.
22 Q. 827 Right.
23 A. Seemed quite cordial, I didn't pick up any tension, obviously there was maybe
24 underlying tensions that I wasn't aware of.
15:57:49 25 Q. 828 And this, these meetings would have taken place after January of 1991, is that
26 right?
27 A. Whatever yes I'm sure. I don't have the time table in front of me but.
28 Q. 829 And after the vote on the 16th of May 1991, was Mr. Gilmartin happy with what
29 had been achieved?
15:58:07 30 A. Yes, as far as I'm aware, he was, yeah.

- 15:58:10 1 Q. 830 And well did you discuss it with him Mr. McGrath?
- 2 A. Yes.
- 3 Q. 831 And would you have explained to him the effect of the amendment to the motion?
- 4 A. Yes, I'm sure I would, yeah.
- 15:58:19 5 Q. 832 And that in effect what he was now getting on his site was a town centre but
- 6 with a retail or commercial element of it capped at approximately 500,000
- 7 square feet?
- 8 A. Yes, yeah.
- 9 Q. 833 Did Mr. Gilmartin seem to be satisfied with that? Was he happy with that?
- 15:58:34 10 A. Well he wasn't entirely happy but he accepted that it meant that we were going
- 11 to achieve a zoning on the site which could eventually be upgraded. That's the
- 12 way I would have explained it to him.
- 13 Q. 834 And would you have told Mr. Gilmartin from the very beginning from May of '91,
- 14 when the capping was first introduced that it would be upgraded in the future?
- 15:58:58 15 A. Yes, I would have told him that, yeah.
- 16 Q. 835 And that you would have expressed confidence from the very beginning about the
- 17 prospect of getting any cap ultimately removed?
- 18 A. Yes, I would have been confident.
- 19 Q. 836 Would you also have explained to Mr. Gilmartin about the fact that in January
- 15:59:12 20 of 1994, the councils were going to split into three and these lands were going
- 21 to fall into the area of South Dublin County Council?
- 22 A. If I was aware of it at the time, yes, it would have been, yeah.
- 23 Q. 837 Sorry. So would it be fair to say then after the May 1991, meeting in so far
- 24 as the planning was concerned, Mr. Gilmartin while he wasn't ecstatic was
- 15:59:34 25 reasonably happy that progress was being made?
- 26 A. Yes, he had to be, yes.
- 27 Q. 838 Yes. And that he was also being reassured by you that any cap that was imposed
- 28 would ultimately be lifted?
- 29 A. Well I was in no position to assure him of that but I had probably expressed
- 15:59:50 30 the hope that we could lift it.

- 15:59:51 1 Q. 839 Or the expectation that?
- 2 A. Expectation.
- 3 Q. 840 Expectation that it would be lifted?
- 4 A. A confident expectation I suppose, yeah.
- 15:59:58 5 Q. 841 And I think that in the first public display at page 944, you will see that the
6 blue area of the Quarryvale lands are zoned D?
- 7 A. Yes.
- 8 Q. 842 Right. And the two purple areas beside them are zoned E, industrial, isn't
9 that right? And the Neilstown/Balgaddy lands are zoned E, for industrial and
16:00:22 10 related uses. So in effect what had happened was the D zoning had gone from
11 Neilstown to the middle lands in Quarryvale?
- 12 A. Yes.
- 13 Q. 843 Isn't that right? And that was the way the matter went in the first public
14 display isn't that right?
- 16:00:36 15 A. Yes.
- 16 Q. 844 At this time or immediately before the first public display the results of the
17 election had become known isn't that right? And there had been casualties,
18 political casualties attributable to the Quarryvale development isn't that
19 right?
- 16:00:49 20 A. Well I wouldn't say entirely but.
- 21 Q. 845 You would say entirely?
- 22 A. I wouldn't say entirely.
- 23 Q. 846 But --
- 24 A. The public are very fickle in their voting patterns so it would be very very
16:01:01 25 difficult to pinpoint the loss of any seat down to, you know, a Councillor's
26 stance on one particular issue, albeit a fairly major one, you know.
- 27 Q. 847 And Mr. O'Callaghan didn't make any political contributions to you for that
28 election in June May June '91 isn't that right?
- 29 A. No, I don't think so no.
- 16:01:21 30 Q. 848 But did he in October make political contribution to you?

16:01:24 1 A. I'm sure if it's there on the record I'm sure he did, yeah.

2 Q. 849 6084. This is an extract I think from Mr. O'Callaghan's cheque book in

3 relation to a payment of a cheque to you which is debited to Mr. O'Callaghan's

4 account at 6082.

16:01:51 5 A. Uh-huh.

6 Q. 850 On the 18th of October '91?

7 A. Yes.

8 Q. 851 You see that debit?

9 A. Yes.

16:02:01 10 Q. 852 That would mean that by the 18th of October Mr. O'Callaghan's cheque had been

11 cashed isn't that right or lodged to another bank account?

12 A. Yes.

13 Q. 853 And at 6209. On the 5th of November 1991 there is a lodgement to your Irish

14 Permanent bank account, isn't that right?

16:02:26 15 A. Yes.

16 Q. 854 In the sum of 5,000 Pounds?

17 A. Yes.

18 Q. 855 Which is described as a cheque lodgement, isn't that right?

19 A. Yes.

16:02:33 20 Q. 856 And at 6210, Mr. McGrath. You see there the underlying lodgement docket?

21 A. Yes.

22 Q. 857 And you will see, first of all, that it's a total cheque 5,000?

23 A. Uh-huh.

24 Q. 858 Of a total lodgement. And at the bottom beneath that it says 5,000 cheque

16:02:57 25 lodgement?

26 A. Yeah.

27 Q. 859 And then if you go back through that line, if you go across it says cash zero,

28 do you see the zero?

29 A. Yes that's what we referred to earlier on. That's what's always caused me some

16:03:10 30 confusion you know.

- 16:03:11 1 Q. 860 Well I can't say that I am going to assist you very greatly Mr. McGrath. The
2 cheque is debited from Mr. O'Callaghan's account on the 18th of October?
3 A. Yeah.
- 4 Q. 861 That means that the cheque has been negotiated by you by the 18th of October?
16:03:24 5 A. Yes.
- 6 Q. 862 I am going to suggest to you, therefore, that it's unlikely that it can form
7 the proceeds of a cheque for 5,000 Pounds which is lodged on the 5th of
8 November '91.
9 A. Yeah, I won't disagree with you there, yeah.
- 16:03:37 10 Q. 863 And that, therefore, there is a number of possibilities here?
11 A. Uh-huh.
- 12 Q. 864 This is a new 5,000 Pounds which is nothing to do with Mr. O'Callaghan?
13 A. Okay.
- 14 Q. 865 Or it is -- Mr. O'Callaghan has given you 5,000 Pounds and all Mr. O'Callaghan
16:03:54 15 gave you was 5,000 Pounds. That's not what Mr. O'Callaghan says. I am just
16 putting these forward to you.
17 A. That's okay.
- 18 Q. 866 Because you are the person who has identified this 5,000 Pounds as being
19 attributable to Mr. O'Callaghan, isn't that right?
16:04:09 20 A. Well, like, to the best of my recollection, I assume that's what it was, you
21 know. I had no other source for it so ...
- 22 Q. 867 Well if Mr. O'Callaghan pays you a donation of 10,000 Pounds which is drawn on
23 his bank account at 6084 on the 11th of October '91?
24 A. Yes. Well now, you see, I wasn't aware of that information.
- 16:04:34 25 Q. 868 All right.
26 A. Had I have been made aware that his cheque was the 11th of October I would have
27 myself queried, you know, that doesn't seem to make sense. How many days is
28 there, ten days between it more.
- 29 Q. 869 Yes. That is dated the 11th of October. The lodgement to your bank account is
16:04:53 30 the 5th of November '91?

16:04:55 1 A. Well then that doesn't make sense.

2 Q. 870 And the cheque is debited to --

3 A. Also where is the lodgement to my bank account. That's the curious thing.

4 Q. 871 6210. I was coming to that.

16:05:07 5 A. Oh.

6 Q. 872 I was about to ask you Mr. McGrath if you accept that this 5,000 Pounds cannot

7 on those facts represent Mr. O'Callaghan's cheque, then I want to ask you what

8 did you do with Mr. O'Callaghan's 10,000 Pounds?

9 A. Okay well I'm sure I would have lodged it. Do you have something to show me

16:05:23 10 that I did lodge it?

11 Q. 873 No.

12 A. Oh, well then I don't know where it is.

13 Q. 874 The information that's available to the Tribunal, you have all of the

14 information Mr. McGrath?

16:05:33 15 A. Yeah and I asked the banks for explanations for those but they weren't able to

16 assist me, as far as I recall.

17 Q. 875 Where did you come by the information that that 5,000 Pounds was Mr.

18 O'Callaghan's?

19 A. I could find no other logical explanation for it but I do recall, you know,

16:05:52 20 around that time receiving a large contribution from Mr. O'Callaghan.

21 Q. 876 Okay?

22 A. So.

23 Q. 877 When did you and why did you seek the donation from Mr. O'Callaghan?

24 A. When did I?

16:05:59 25 Q. 878 Yes.

26 A. Oh, I can't recall, it must have been around that time I'm sure or in the run

27 up to that, Mr. O'Callaghan would very often ask me how are things going.

28 Q. 879 Yes. You had earlier told the Tribunal that you only ever sought election

29 donations at election time. The election in this case was June of 1991, May of

16:06:18 30 1991?

- 16:06:19 1 A. Uh-huh.
- 2 Q. 880 And the cheque for Mr. O'Callaghan at 6084 is the 11th of October '91, isn't
- 3 that right?
- 4 A. Yeah, but I have also said quite clearly that political fundraising is
- 16:06:30 5 perpetual.
- 6 Q. 881 Yes. Now, I just want you to try and concentrate now Mr. McGrath on when it
- 7 was and in what circumstances Mr. O'Callaghan would have made you this
- 8 donation?
- 9 A. I can't specifically recall. The date doesn't really help me and I don't have
- 16:06:45 10 diaries for that. I don't know. It may have been as a result of a simple
- 11 conversation.
- 12 Q. 882 To this point in time in your political career, Mr. McGrath, was that the
- 13 biggest political donation you had received?
- 14 A. No because Mr. O'Callaghan gave me a larger one previous to that.
- 16:07:04 15 Q. 883 No subsequently. My question was to this point in time, which is October of
- 16 '91?
- 17 A. Yes.
- 18 Q. 884 Was this the largest political donation that you'd received?
- 19 A. Yes.
- 16:07:11 20 Q. 885 And it certainly is much more significant than the sums you identify in
- 21 connection with Mr. Dunlop, isn't that right?
- 22 A. Yes.
- 23 Q. 886 All right. So at this time, this would have been a significant cash injection
- 24 isn't that right? A significant injection of money?
- 16:07:24 25 A. Yes.
- 26 Q. 887 Right. Your initial reaction on being asked about this was that you had lodged
- 27 it to your building society account, isn't that right?
- 28 A. That's what I assume, yes.
- 29 Q. 888 Yes. But you would accept I think, Mr. McGrath, that you were wrong in that
- 16:07:38 30 assumption?

- 16:07:38 1 A. Well it would appear so now, yeah.
- 2 Q. 889 That would mean that if you did lodge a cheque for 5,000 Pounds on the 5th of
- 3 November '91, which it appears you did, it's a cheque from a different source?
- 4 A. A different source, yeah.
- 16:07:49 5 Q. 890 Or alternatively, it's a separate cheque from Mr. O'Callaghan?
- 6 A. It could be, it could be.
- 7 Q. 891 Now, I don't want --
- 8 A. I'd have to see it now.
- 9 Q. 892 I haven't got it.
- 16:08:03 10 A. Okay.
- 11 Q. 893 I don't want to put words in your mouth, Mr. McGrath. I am simply trying to
- 12 tease this out with you. If we assume for the moment that the information from
- 13 Mr. O'Callaghan is correct and he gave you a cheque for 10,000 Pounds in or
- 14 around the 11th of October '91.
- 16:08:17 15 A. Yes, okay.
- 16 Q. 894 And if we accept that that cheque does not account for the lodgement of 5,000
- 17 Pounds to your Irish Permanent Building Society account on the 5th of November?
- 18 A. I accept that yeah yeah.
- 19 Q. 895 It follows that there is another source which could be Mr. O'Callaghan for the
- 16:08:32 20 5,000 Pounds lodged to your building society account, isn't that right?
- 21 A. Yeah or it could be anything else, it could be another source as you say.
- 22 Q. 896 All right. Now in relation to another source. Can you think of any other
- 23 source that would have provided you with 5,000 Pounds in November of 1991?
- 24 A. No, there is no individual. So it may have been the sale of a car or
- 16:08:49 25 something.
- 26 Q. 897 I think you have previously identified the proceeds in the sum of 32950 as
- 27 being the proceeds of a sale of a car. I will find that document for you. You
- 28 have already identified a lodgement that relates to the sale of the car, isn't
- 29 that right?
- 16:09:01 30 A. Yeah I've sold more than one car.

- 16:09:04 1 Q. 898 All right. But in any event, your initial appreciation or your initial
2 instinct in relation to that lodgement of 5,000 Pounds was that Mr. O'Callaghan
3 was the source of it?
- 4 A. That was my initial reaction.
- 16:09:17 5 Q. 899 Yes?
- 6 A. But now this seems to be negated by this evidence here. Now this 5,000, you
7 see well you see I think I would recall if somebody gave me 5,000 Pounds I
8 would recall who it was you know and I can't recall who that was so I'm not. I
9 am maybe not being helpful but for the life of me I don't know who or how that
16:09:36 10 5,000 Pounds came into my account but I will try and trace back and see can I
11 find out but ...
- 12 Q. 900 The Irish Permanent unfortunately have no further documentation other than the
13 documentation that we have identified. And you in your statement to the
14 Tribunal in September 2001 at 6211. In relation to item two you say "the 5,000
16:10:08 15 Pounds received from Mr. O'Callaghan in November 1991" and there you are
16 referring to and identifying the lodgement to your building society account?
- 17 A. Yes.
- 18 Q. 901 So you are clearly identifying that lodgement as being Mr. O'Callaghan and at
19 2951 you see when you, when the Tribunal identified the 5,000 Pounds cheque
16:10:27 20 lodgement for you and you were asked for the source you identified Owen
21 O'Callaghan as the source?
- 22 A. Yes.
- 23 Q. 902 Is it possible Mr. McGrath that you got a second donation from Mr. O'Callaghan
24 in November of 1991 in the sum of 5,000 Pounds?
- 16:10:39 25 A. Well it is possible, of course it's possible. But would that not show up in
26 his stubs?
- 27 Q. 903 There is no suggestion to that effect from Mr. O'Callaghan. I am going to make
28 that clear to you. I am simply trying to work out here what might have been
29 what might have happened in relation to these?
- 16:10:55 30 A. Okay.

16:10:55 1 Q. 904 Due to the fact that you have identified Mr. O'Callaghan as being the source of
2 this lodgement. And it would appear on the information that's been provided to
3 the source of the Tribunal that cannot be so if we are only talking about the
4 10,000 Pounds?

16:11:07 5 A. Okay. I accept that. So now we have two ... two curious amounts

6 Q. 905 Yes the two unresolved matters are the following Mr. McGrath. You have 5,000
7 Pounds lodgement on the 5th of November '91 to your building society account
8 which is a cheque lodgement?

9 A. Yes.

16:11:20 10 Q. 906 The source of which you do not now know?

11 A. No.

12 Q. 907 And you have a donation of 10,000 Pounds from Mr. O'Callaghan by cash on the
13 11th of October 1991 which?

14 A. A cheque.

16:11:32 15 Q. 908 A cheque. Which you do not appear to have lodged anywhere?

16 A. Exactly, so that's very very curious.

17
18 CHAIRMAN: All right. It's five past four. So we will sit tomorrow at half
19 past ten and hopefully we'll finish Mr. McGrath.

16:11:45 20

21 MS. DILLON: Yes.

22

23 CHAIRMAN: During the morning.

24

16:11:47 25 MS. DILLON: Yes.

26

27 CHAIRMAN: Okay.

28 A. I have a small problem in the morning. I didn't realise that I will be back.

29

16:11:53 30 MS. DILLON: If I get a moment to discuss that with Mr. McGrath. We have two

16:11:56 1 other witnesses at half ten in the morning, in any event.

2

3 CHAIRMAN: Okay. Well you can make some arrangement at some time that it is
4 more suitable to Mr. McGrath.

16:12:05 5

6 MS. DILLON: Yes.

7

8 CHAIRMAN: All right.

9 A. Thank you very much.

16:12:08 10

11

12

13 **THE TRIBUNAL THEN ADJOURNED UNTIL THE FOLLOWING DAY,**

14 **WEDNESDAY, 20TH FEBRUARY 2008, AT 10:30 A.M.**

16:12:25 15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30