

10:00:52 1 **THE TRIBUNAL RESUMED AS FOLLOWS ON WEDNESDAY,**
2 **20TH FEBRUARY 2008, AT 10:30 A.M:**

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CHAIRMAN: Ms. Dillon.

10:37:34 5

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MS. DILLON: Good morning, Sir.

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The first witness this morning is Mr. Lynch. And I think Mr. Lynch is

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represented by Mr. Vincent T Griffin solicitor and Mr. Shane Murphy, senior

10:37:42 10

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counsel. I understand that there is an application for limited representation.

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MR. MURPHY: I appear on behalf of Mr. Lynch. Shane Murphy, Senior Counsel,

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is my name and I appear with Mr. Vincent T Griffin solicitor, under

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instruction.

10:37:54 15

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I wonder in the circumstances could I ask the Tribunal for a grant of limited

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representation.

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CHAIRMAN: Certainly. Granted.

10:38:01 20

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MR. MURPHY: May it please you, Chairman.

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MS. DILLON: Mr. John Lynch, please.

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10:38:08 25

MR. JOHN LYNCH, HAVING BEEN SWORN, WAS QUESTIONED BY

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MS. DILLON AS FOLLOWS:

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CHAIRMAN: Good morning, Mr. Lynch.

29

A. Good morning.

10:38:45 30

- 10:38:45 1 Q. 1 MS. DILLON: Good morning, Mr. Lynch.
- 2 A. Good morning, Ms. Dillon.
- 3 Q. 2 I think that in 1992, you were Director General of FAS, is that right?
- 4 A. That's true.
- 10:38:54 5 Q. 3 Would you just outline briefly to the Tribunal what your functions would have
6 involved in that capacity?
- 7 A. Well basically, I ran the entire organisation which consisted of, at that stage
8 about 2,500 people. We looked after primarily employment services, which is
9 people coming in, looking for jobs and also training centres. There was a
10:39:21 10 third element, a third and fourth element which was youth employment and also
11 too, community employment. So that was my function, to manage the
12 organisation.
- 13 Q. 4 And within that organisation did you have a Mr. Gus O'Connell working within
14 that organisation?
- 10:39:39 15 A. Yes, I did.
- 16 Q. 5 And in 1992 what was Mr. O'Connell's position within FAS?
- 17 A. To my memory, Mr. Gus O'Connell looked after parts of employment services and
18 specifically, youth employment.
- 19 Q. 6 And were there other people on the same line as Mr. O'Connell and by that I
10:39:57 20 mean working within the same area?
- 21 A. There would have been people in those areas, yeah.
- 22 Q. 7 And in general would it be fair to say that within FAS people worked within
23 teams?
- 24 A. No.
- 10:40:09 25 Q. 8 Was that not the position?
- 26 A. That's not the case, no. There were groups of people who, if you take
27 employment services there is, all over the country they have these employment
28 centres of which there would be a chief and there would be a number of people
29 reporting to the person who is in charge of it.
- 10:40:28 30 Q. 9 Was Mr. O'Connell employed at head office or at a centre within Dublin?

- 10:40:33 1 A. At head office.
- 2 Q. 10 And within the centre at head office, approximately how many people worked
3 there at that time?
- 4 A. About 370, 400 people.
- 10:40:42 5 Q. 11 And Mr. O'Connell's particular expertise at that time in 1992 was youth work,
6 is that right?
- 7 A. Youth employment.
- 8 Q. 12 And how many people approximately worked within that section within the 350
9 people who worked in FAS?
- 10:40:56 10 A. I have absolutely no idea.
- 11 Q. 13 Would there have been more than one person?
- 12 A. I think there would have been, yeah.
- 13 Q. 14 Would there have been as it was one of the decisions that you mentioned, would
14 it have been a separate division of its own within FAS?
- 10:41:09 15 A. No, you have to understand that what happened was FAS came in to being on the
16 basis of three organisations, one was ANCO, that looked after training centres.
17 Two was the youth employment agency, which was a separate organisation. And
18 the third one was in a the national Manpower which was employment centres. So
19 it was one section that was integrated into FAS.
- 10:41:35 20 Q. 15 And within the section that was integrated into FAS, is that the section that
21 Mr. O'Connell was working at?
- 22 A. To my knowledge, now I can't recollect.
- 23 Q. 16 Yes, at that stage would yourself having have been based at head office?
- 24 A. Yes.
- 10:41:51 25 Q. 17 Would you have been the person with overall responsibility for the organisation
26 and in particular for those working at head office?
- 27 A. Yes.
- 28 Q. 18 And in general in terms of sending people on fact-finding missions or travel
29 abroad, was that a decision that was made at your level or was it normally made
10:42:07 30 at a level of line management beneath you?

- 10:42:09 1 A. It could have been made at both levels.
- 2 Q. 19 So if you just outline then to the Tribunal, in general what happens when it is
3 proposed that there will be travel abroad involving people who are employed
4 which FAS?
- 10:42:21 5 A. Well it depends what they were going over for, you know. I can't say
6 categorically that we had a system. Basically it would be people if they were
7 going, say, employment services. Well they would go maybe to Brussels or maybe
8 to other countries to have a look at what employment services were like. If
9 they were going over for training centres, well then it would be separate. And
10:42:45 10 there would be separate people, separate, depends upon the expertise that you'd
11 want and what the objective was.
- 12 Q. 20 Insofar as people might be sent for instance to conferences, these are matters
13 that are normally arranged in advance, isn't that right?
- 14 A. Yes.
- 10:43:04 15 Q. 21 And one would know normally material is circulated well in advance of anybody
16 attending a conference, isn't that right?
- 17 A. Yes.
- 18 Q. 22 And similarly in relation to meetings in Brussels and that sort. They are
19 diaried forwarded sometimes for weeks and months in advance, isn't that right?
- 10:43:16 20 A. Sometimes.
- 21 Q. 23 Styles, yes. In general when travel abroad is concerned, is there normal that
22 there will be advance arrangements made?
- 23 A. Well in general, yes there would be advance arrangements made.
- 24 Q. 24 And in the normal course of events, Mr. Lynch, would it be the position that
10:43:32 25 you would normally expect that people would know weeks and sometimes months in
26 advance that they were going to be travelling abroad at a particular time?
- 27 A. No.
- 28 Q. 25 So in general, do you say then that when conferences are arranged that's not
29 normally known weeks and months in advance?
- 10:43:47 30 A. Well conferences could be arranged months in advance or even weeks in advance.

- 10:43:53 1 Visits, not really, you have just got to clear it with whoever you are
2 visiting. So I can't be categoric and say that it's weeks or months in advance
3 it depends on the circumstances.
- 4 Q. 26 And the Tribunal wrote to you in relation to a matter that Mr. Dunlop had told
10:44:08 5 the Tribunal about at private interview and in effect what Mr. Dunlop had said
6 is that he had understood that the absence of Mr. Gus O'Connell from a
7 particular meeting was due to Mr. O'Connell being sent on junket and the
8 Tribunal wrote to you and asked you for your information in relation to that,
9 isn't that right?
- 10:44:26 10 A. Yes.
- 11 Q. 27 Before I take you through your statement, Mr. Lynch, and before we look at
12 Mr. O'Connell's statement can I show you page 20698. Now, this is a summary of
13 the attendance record of Mr. Gus O'Connell at all meetings since he was elected
14 in connection with Quarryvale. Right. And I just want to draw to your
10:44:50 15 attention that Mr. O'Connell is recorded as being present at every meeting with
16 the exception of the meeting of the 17th of December 1992?
- 17 A. Okay.
- 18 Q. 28 Right. That would show that at all of the meetings in connection with
19 Quarryvale that Mr. O'Connell was present with that singular exception, isn't
10:45:07 20 that right? And it is also the case and I believe that you noted that
21 Mr. O'Connell was elected as the first time as a member of Dublin County
22 Council in the June 1991 elections, isn't that right?
- 23 A. Well I read that in the ... in Gus O'Connell's deposition, yeah.
- 24 Q. 29 But certainly you knew Mr. O'Connell was a County Councillor, isn't that right?
- 10:45:26 25 A. Yes, I did, yes.
- 26 Q. 30 Now, I think that you provided a statement to the Tribunal following on a
27 request from the Tribunal in relation to the information that it had provided
28 you with at 22407.
- 29 A. Yes.
- 10:45:50 30 Q. 31 And in this statement to the Tribunal you say as follows.

10:45:55 1
2 "I refer to your letter of the 12th of April 2007, with enclosed single page
3 extract of an interview of Frank Dunlop by members of the legal team to the
4 Tribunal.

10:46:02 5
6 Subject to the constraints occasioned by the strict confidentiality referred to
7 in your letter, the truncated nature of the extract furnished and the obvious
8 difficulty dealing with an allegation made seven years ago involving matters 7,
9 8 or 9 years before that, I set out hereunder my response.

10:46:19 10
11 1. The description of my relationship with Mr. O'Callaghan is very friendly is
12 not accurate. I certainly knew him having served on the board of An Bord Gais
13 together. I have a small circle of family and close friends and a large circle
14 of acquaintances in every sector of Irish life build up over 40 years and Mr.
10:46:33 15 O'Callaghan belongs to the latter category."

16
17 Now, if I can just pause there for a moment and ask you a few questions about
18 your relationship with Mr. O'Callaghan. May the Tribunal understand from that,
19 Mr. Lynch, that by December of 1992, you had met with and knew Mr. O'Callaghan?

10:46:49 20 A. Yes, I met Mr. O'Callaghan firstly on a board in Bord Gais, I was Chief
21 Executive of Bord Gais, Mr. O'Callaghan was a director.

22 Q. 32 But in terms of timing that I'm trying to establish when you knew Mr.
23 O'Callaghan first. Does it follow from that, that you would have known Mr.
24 O'Callaghan and had dealt with him on a professional level in An Bord Gais
10:47:13 25 prior to 1992?

26 A. Well I was in Bord Gais I think from 1986 to '91 or -- sorry '85 to '90. So I
27 would have known him.

28 Q. 33 It follows from that then that you would have known Mr. O'Callaghan through
29 your period when you were in charge of An Bord Gais, isn't that right?

10:47:32 30 A. That's true.

10:47:32 1 Q. 34 So you would have met with him --

2 A. Yes.

3 Q. 35 -- and it follows from that, that you would have known Mr. O'Callaghan prior to

4 1992, isn't that right?

10:47:46 5 A. Yes.

6 Q. 36 All right. Other than your involvement with Mr. O'Callaghan in An Bord Gais,

7 did you know Mr. O'Callaghan in any other capacity?

8 A. No.

9 Q. 37 Now, in the paragraph 2 you say "I became Chairman of FAS in 1989, and became

10:47:55 10 Director General in 1991.

11

12 3. I have never in more than 30 years involvement in senior executive

13 positions sent anybody on a junket. I have of course gone to conferences,

14 courses, fact-finding visits and been involved in delegations and been

10:48:10 15 accompanied by or sent executives from various organisations I served to such

16 events.

17

18 4. I can recall arranging to send Gus O'Connell to London for a course or

19 seminar or a research project dealing with some aspect of employment services

10:48:24 20 early in my stint at DG."

21

22 DG is director general, isn't that right?

23 A. Yes.

24 Q. 38 "I cannot remember the year. The reason I recall this otherwise unremarkable

10:48:33 25 occurrence is that prior to his departure, I learnt there was a planning vote

26 of some importance scheduled to clash with his absence and I knew he was a

27 local councillor and accordingly might have an interested. I then spoke with

28 him and told him he did not have to go to the UK if he needed or wanted to

29 stay. He decided to go."

10:48:53 30

10:48:53 1 Now, have you seen the statement of Mr. O'Connell, isn't that right?

2 A. Yes.

3 Q. 39 And Mr. O'Connell also refers to his discussion and conversation with you,
4 isn't that right?

10:49:01 5 A. Yes.

6 Q. 40 And Mr. O'Connell dates the conversation and the meeting in question as being
7 the December 1992 meeting, isn't that right? And would you accept from that,
8 Mr. Lynch, that the time that this conversation took place with Mr. O'Connell
9 and the meeting of Dublin County Council, which Mr. O'Connell missed as a
10:49:17 10 result of attending at the event in London, was the meeting of the 17th of
11 December 1992?

12 A. Well I am accepting that what Gus O'Connell said it was and I am not going to
13 contradict because I don't remember the dates.

14 Q. 41 Yes and that is why I showed you the extract of Mr. O'Connell's attendance at
10:49:34 15 all of the Quarryvale related meetings, so that you would know that the only
16 meeting that Mr. O'Connell failed to attend was the one of the 17th of December
17 1992. And that is taken from the records of Dublin County Council. And if you
18 accept that, Mr. Lynch, it will follow that the only meeting you could have
19 been discussing with Mr. O'Connell was the meeting of the 17th of December
10:49:55 20 1992, isn't that right?

21 A. I accept that, yeah.

22 Q. 42 Right. Now, Mr. O'Connell has also provided a statement to the Tribunal. And
23 I am going to take you to some points in that in a moment. But I think that
24 you must now -- I think you should. Sorry I beg your pardon. You must accept
10:50:14 25 that the event happened in 1992, isn't that right? Your discussion with
26 Mr. O'Connell?

27 A. I accept that that it happened. Well I cannot remember but you know given what
28 I've been presented with, yes.

29 Q. 43 It follows that it was 1992, that you had your conversation with Mr. O'Connell?

10:50:30 30 A. Yes.

10:50:31 1 Q. 44 And that it was about a meeting in December of 1992, isn't that right? So it
2 follows from that that in 1992, Mr. Lynch, when you had your conversation with
3 Mr. O'Connell about Mr. O'Connell attending this event, one of the matters you
4 did know was that there was a planning vote of some importance scheduled, isn't
10:50:51 5 that right?
6 A. Yes.
7 Q. 45 Right. And it follows from that, that you must have known prior to your
8 meeting with Mr. O'Connell that one of the matters that might conflict with
9 what you wanted Mr. O'Connell to do, was the planning vote in Dublin County
10:51:05 10 Council, isn't that right?
11 A. Well we discussed it. Now, how I found out about it or how I came to have that
12 knowledge, I don't know whether Gus told me or whether I read it or whatever it
13 was.
14 Q. 46 Well if you look at what you state in your statement at 22407 on this issue,
10:51:20 15 Mr. Lynch. At the very bottom of that you state "the reason I recall this
16 otherwise unremarkable occurrence is that prior to his departure I learnt that
17 there was a planning vote of some importance scheduled to clash with his
18 absence".
19 A. Yes, I didn't deny that, no. That's exactly, I knew that there was a vote.
10:51:39 20 That's why I asked him make up your own mind Gus, go or don't go.
21 Q. 47 Yes. So it is then the case that however you knew it, you knew it from some
22 source, whether it was Mr. O'Connell or some other source that there was a
23 planning vote in Dublin County Council which was a matter of importance, isn't
24 that right?
10:51:57 25 A. Yes, yeah.
26 Q. 48 And did you know that that was the Quarryvale vote?
27 A. Yes, I did.
28 Q. 49 Yes. And is the only person you could have found that out from Mr. O'Connell?
29 A. No, I am sure that I could have read it I'm sure that I could have, somebody
10:52:13 30 could have said it to me. But I know, you know, I have a very hazy

10:52:16 1 recollection of all of these events. The only thing that stood out is the
2 first time ever that I was confronted with a case where somebody was going away
3 and they were also a local councillor and there was a vote coming up. That's
4 how I remember it.

10:52:30 5 Q. 50 Did you know at that time Mr. Frank Dunlop?

6 A. Yes, I did.

7 Q. 51 And did you have contact with Mr. Frank Dunlop?

8 A. What do you mean by contact?

9 Q. 52 Did you have telephone conversations and meetings with Mr. Dunlop?

10:52:41 10 A. Mr. Dunlop acted for FAS in a public relations capacity. I don't know whether
11 it was still then or not. So I would have had conversations with Frank Dunlop.

12 Q. 53 Do you have any recollection of Mr. Dunlop discussing Quarryvale with you?

13 A. No I don't.

14 Q. 54 Now, Mr. O'Connell in his statement to the Tribunal -- Mr. O'Connell in his
10:53:01 15 statement to the Tribunal at 20652. And he deals with the circumstances in
16 which his discussion with you took place in relation to this matter. And he
17 says at the third paragraph in that:

18

19 "Sometime in the middle of December 1992, it may have been Thursday the 10th, I
10:53:25 20 was requested by the then FAS Director General, Dr. John Lynch, to be part of a
21 small specialist group that was to do a brief study visit to the UK to examine
22 how privatisation of the training and employment services was working out. I
23 believe that the schedule and itinerary were more or less fixed before I was
24 invited to be part of the delegation."

10:53:46 25

26 Do you agree there with Mr. O'Connell's recollection, Mr. Lynch?

27 A. Yes, he was asked to go to be a part of a group, yes.

28 Q. 55 And do you agree that the itinerary and schedule for were more or less fixed
29 before Mr. O'Connell was asked to join the group?

10:54:03 30 A. Yes, to the best of my knowledge, I can remember.

- 10:54:06 1 Q. 56 Would it follow from that that other people had been asked to go on the visit
2 prior to Mr. O'Connell being asked?
3 A. Yes.
4 Q. 57 And do you know who were the other people who went with Mr. O'Connell on the
10:54:16 5 mission or on the visit to London?
6 A. Up to this morning I didn't.
7 Q. 58 Yes and from this morning do you?
8 A. I know one.
9 Q. 59 You know one. Who was that person?
10:54:25 10 A. Patricia Curtin.
11 Q. 60 Right. And what was her function within FAS at that time can you remember,
12 Mr. Lynch?
13 A. I can't remember, she was a senior executive.
14 Q. 61 Would she have been on the same level as Mr. O'Connell?
10:54:40 15 A. She would have been slightly higher.
16 Q. 62 She would have been a more senior person to Mr. O'Connell?
17 A. Slightly higher.
18 Q. 63 Did she work in the same area as Mr. O'Connell?
19 A. She would have been familiar with the area but I can't remember whether she
10:54:52 20 worked in the same area. He could have been reporting in to her.
21 Q. 64 But obviously if she had been selected first to go on the visit to London it
22 must have been considered by whoever made the selection process, that she was a
23 suitable person to go on that particular delegation, isn't that right?
24 A. Yes.
10:55:09 25 Q. 65 Can you remember how many people were on the delegation?
26 A. No, I can't.
27 Q. 66 But you do agree with Mr. O'Connell that the schedule and itinerary had been
28 fixed prior to him being requested to join the delegation?
29 A. I can't remember that. I am taking Gus' word for it.
10:55:25 30 Q. 67 Now in the next paragraph of Mr. O'Connell's statement, Mr. O'Connell says:

10:55:29 1
2 "Dr. Lynch and I discussed the fact that I was very much involved in the review
3 of the county Dublin Development Plan and that the vote on Quarryvale was
4 coming up shortly, in fact on the 17th of December."

10:55:42 5
6 Do you agree with Mr. O'Connell that he told you at that meeting that he was
7 involved in Dublin Development Plan and that the Quarryvale vote specifically
8 was coming up on the 17th of December?

9 A. No, I don't.

10:55:54 10 Q. 68 You don't agree request him or you don't recollect it?

11 A. I don't agree with the way that you put it that he told me. As far as I'm
12 concerned from what I can remember, is that Gus was asked to go. Now, and
13 later on it came up that Quarryvale was coming up and he and I had a discussion
14 on it. I don't know if he told me, I can't remember whether he told me or not,
10:56:16 15 nor I can't remember where somebody told me. But I know we did have a
16 discussion.

17 Q. 69 Do you think that Mr. O'Connell is correct when he thinks that this first
18 conversation took place around Thursday the 10th of December 1992?

19 A. Well as I said Ms. Dillon, I don't remember. You know, you've got to put
10:56:33 20 yourself in my position. You are going back to 1992. I can't remember all of
21 the details that happened in '92. I am not either contradicting Gus, he could
22 be correct.

23 Q. 70 And in the fourth paragraph if I can just return to it. Where Mr. O'Connell
24 says "Dr. Lynch said he appreciated it probably created for a dilemma for me
10:56:54 25 and he said the visit needed to be made now rather than later. We agreed that
26 I would go off and consider the pros and cons".

27 A. Yes.

28 Q. 71 Do you agree that you would have said that the visit had to be made now rather
29 than later?

10:57:06 30 A. Again, I can't remember a detail like that. What I do know is that I did ask

10:57:13 1 Gus Connell that if it was causing him a problem it was his decision, he could
2 go off and make the decision.

3 Q. 72 And on the following page at 20653. In the third paragraph Mr. O'Connell says
4 this is where he returns to discuss the matter where you:

10:57:30 5
6 "I again met with the Director General and said I was prepared to be part of
7 the team if he so wished. He thanked me and again pointed out how important
8 the visit was and how important that I be part of it given my background. I
9 had been part of an advisory group to Geoffrey Holland when he was in charge of
10:57:46 10 the UK Manpower services 1978 through to '81, and my role in relation to FAS
11 position for youth, including being national co-ordinator of Youthreach. I
12 sent my apologies to the council and set about preparing for the visit to
13 London to find out how the training and employment services operated".
14

10:58:02 15 Do you agree with Mr. O'Connell there where he says that he came back to you
16 and told you that he was prepared to be part of the team if you so wished?

17 A. Well you know I asked him and invited him to be part of the team. The decision
18 to go was Gus'. Now, it wasn't my so wish. If Gus wanted to go, that was
19 fine. If he didn't want to go, I had no problem with it.

10:58:23 20 Q. 73 And did you point out to him how important the visit was?

21 A. Well, you know, at that stage we were in the process of trying to do ... again
22 project yourself to 1992. We had the highest amount of unemployment ever.
23 There was close to 2/300,000 people unemployed. I think the unemployment was
24 close to 20 per cent.

10:58:45 25
26 We had a very, very difficult position and it was important the government were
27 chasing to say that we needed a strategy on unemployment and employment. There
28 were major changes going on in the UK. It was important that we found them
29 out, what they were, and to see what impact we could do and rewrite a new
10:59:03 30 strategy. This was part and parcel of it.

- 10:59:06 1 Q. 74 Yes. And do you agree with Mr. O'Connell that his recollection apparently will
2 be that you said to him how important it was that he would be part of the
3 delegation in view of his background?
- 4 A. Yeah, well he had expertise that was important because at that stage the
10:59:20 5 British Government was looking at both employment services and also training
6 centres. Subsequently they scrapped the training centres, it was important
7 that we get an awful lot -- that we had a handle on it Gus had a particular
8 expertise and which was useful and therefore it was okay that he should go.
- 9 Q. 75 Can I ask you from your recollection of this particular delegation. When do
10:59:44 10 you believe that the delegation was arranged initially?
- 11 A. I have absolutely no idea.
- 12 Q. 76 You don't dispute that it had already been put in place from the time you had
13 your first conversation with Mr. O'Connell?
- 14 A. It's possible.
- 10:59:54 15 Q. 77 I had understood you to say earlier that you didn't disagree with Mr. O'Connell
16 where Mr. O'Connell says in his the third part of his statement at 20652:
17
18 "That the schedule and itinerary were more or less fixed before he was invited
19 to be part of the delegation."
- 11:00:08 20 A. Yes, yes. They would have had to make arrangements with the UK employment
21 services. So they would have been organised beforehand.
- 22 Q. 78 And it follows from your evidence about Ms. Patricia Curtin being part of the
23 delegation, that that had been put in place before Mr. O'Connell was invited to
24 join the delegation, isn't that right?
- 11:00:27 25 A. I would think so.
- 26 Q. 79 It would follow from that that Mr. O'Connell is correct in his recollection
27 that the itinerary and the delegation had been arranged and put in place prior
28 to the request being made to him to go, isn't that right?
- 29 A. I'm not disagreeing with that.
- 11:00:41 30 Q. 80 Now, insofar as -- insofar as you knew Mr. Dunlop. You knew Mr. Dunlop because

11:00:51 1 Mr. Dunlop had been retained by FAS to provide on a retainer basis, public
2 relations services to FAS, isn't that right?

3 A. That's true.

4 Q. 81 That was something that had been in existence prior to you becoming Director
11:01:05 5 General of FAS, isn't that right?

6 A. That was something that would have been in position, yeah.

7 Q. 82 When you took up your position?

8 A. Don't forget I was Chairman prior to that.

9 Q. 83 Yes. And it is also something that continued after you became Director
11:01:25 10 General, isn't that right?

11 A. I cannot be definite on that how long it lasted.

12 Q. 84 It certainly, I think Mr. Dunlop told the Tribunal that he had had an ongoing
13 relationship with FAS in the provision of public relations advice and services,
14 isn't that right?

11:01:34 15 A. That is true.

16 Q. 85 And it would appear to have been current certainly in 1991/1992 and certainly
17 early into 1993?

18 A. Well I'm not disagreeing with that but I cannot remember. I can't say for
19 definite.

11:01:47 20 Q. 86 In the course of that retainer of Mr. Dunlop, did you have monthly meetings
21 with him or weekly meetings with him?

22 A. No, no. I neither had monthly nor weekly meetings with him.

23 Q. 87 Was it the case that you met with Mr. Dunlop as and when something arose that
24 required Mr. Dunlop's input or advice?

11:02:03 25 A. I would meet Mr. Dunlop if there was a very significant problem as and when I
26 needed to meet him. He dealt with a separate operation which is the PR
27 Department in FAS.

28 Q. 88 So that your contact with Mr. Dunlop would be, have to arise in circumstances
29 where there was something other than run of the mill matters to be dealt with
11:02:22 30 on behalf of FAS, would that be fair to say?

11:02:25 1 A. That's fair to say.

2 Q. 89 I mean, you were the chief executive or the head of the organisation and you
3 would only step in in circumstances where there was a serious matter that
4 required your input, would that be fair?

11:02:35 5 A. That's true.

6 Q. 90 And for matters such as public relations or organising photo shoots or issuing
7 press releases or matters such as that sort that concerned FAS or the opening
8 say for example of a particular school or training course, was something that
9 would be dealt with at as routine by the Public Relations Department of FAS, is
11:02:52 10 that fair?

11 A. That's fair.

12 Q. 91 So that your contact then with Mr. Dunlop or Mr. Dunlop's office would relate
13 to something that you needed to discuss with Mr. Dunlop yourself, is that
14 right?

11:03:01 15 A. Or Mr. Dunlop wanted to discuss with me.

16 Q. 92 Exactly. You anticipate me.

17 A. My apologies.

18 Q. 93 I was going to say that you would have been returning a call to Mr. Dunlop or
19 Mr. Dunlop had sought to contact you?

11:03:11 20 A. My apologies.

21 Q. 94 So it would be something other than could be dealt with or resolved by Mr.
22 Dunlop contacting the PR department of FAS, is that fair?

23 A. That's fair enough.

24 Q. 95 If we just look then at the contact that's recorded in Mr. Dunlop's diary and
11:03:26 25 telephone attendances in relation to you. And there are a number of contacts
26 in 1992. And I think in fairness to yourself, Mr. Lynch, I will take you
27 through all of the 1992 entries just for completeness.
28

29 And if I could have page 6060. Sorry. 6600. Now, in January of 1992 at 4:10
11:03:54 30 on that day this document, Mr. Lynch, is a document provided to the Tribunal by

11:03:58 1 Mr. Dunlop of people who telephoned in to his office on a particular day.
2
3 And there at 4:10 there is a reference "John Lynch wants you to ring him". And
4 that was on the 15th of January '92. And again, on the 27th of January '92 at
11:04:14 5 6664. At 5:30, there is a record in Mr. Dunlop's office "John Lynch." And on
6 the 6th of February '92 at 6698, at 11:45 there is an entry "John Lynch FAS
7 601324". That clearly is a contact from you, isn't that right?
8 A. Well the document says so. I don't know whether it was a contact from me or
9 not.
11:04:44 10 Q. 96 Well what these are, are a record of telephone calls made in to Mr. Dunlop's
11 office which Mr. Dunlop says he didn't reply to because he couldn't and a list
12 was made for him and he would subsequently return the call.
13
14 At 6937 on the 19th of March '92 at 3:15 there is an entry "John Lynch FAS can
11:05:05 15 you return his call". And on the 23rd of March at 6964 at 4:55 there is an
16 entry "John Lynch, FAS". And on the 5th of June 7387 at 7388. There is an
17 entry at 4:15 "John Lynch FAS". And then there is no contact then until
18 September of '92 at 8050. At 4:45 there is an entry "Dr. John Lynch at FAS".
19 And that is yourself, is that correct? Are you?
11:05:49 20 A. John Lynch, yeah.
21 Q. 97 And then on the 2nd of December 1992 at 86 -- there is no contact then recorded
22 between the 17th of September '92, until the 2nd of December '92 at 8654. And
23 on the 2nd of December at 8654 at 8655 at 4:12 the entry records "OOC please
24 call John Lynch FAS 601324".
11:06:21 25
26 Now, first of all that phone number is the same number that we've seen earlier
27 for FAS, isn't that right?
28 A. That's true.
29 Q. 98 And that would have been your number, I suggest, Mr. Lynch, is that right?
11:06:31 30 A. That's true.

- 11:06:31 1 Q. 99 Now, on the 2nd of December of 1992, did you telephone Mr. Dunlop's office
2 leaving a message for Mr. O'Callaghan to call you?
- 3 A. I have absolutely no idea. There is no -- I got a mountain of calls every day
4 and I don't know whether I made those phone calls or not. I don't know whether
11:06:50 5 my secretary made them or not. You have to appreciate if somebody phones me I
6 will reply. But it depends, I don't reply, I ask my secretary whoever was
7 phoning, get them. So I don't know if she was looking to Owen O'Callaghan and
8 it came to Frank Dunlop, I don't know, I can't remember.
- 9 Q. 100 If you assume for the moment that it's an accurate record of a telephone
11:07:12 10 message that was left in Mr. Frank Dunlop's office on the 2nd of December 1992,
11 Mr. Lynch, it would mean that for some reason there was contact on the 2nd of
12 December between you or your office and Mr. O'Callaghan or Mr. O'Callaghan's
13 office, isn't that right?
- 14 A. Well if I assume that the phone call was made, it doesn't mean to say it was
11:07:33 15 made by me. What I'd like to say is you have to understand the operations of
16 which I work. You know, I don't personally make the phone calls, somebody put
17 for me, I could reply, I don't reply but I ask the secretary to reply. If I
18 was looking for Owen O'Callaghan I'd say get me Owen O'Callaghan. It's
19 possible that she phoned his office and somebody else said it's possible this
11:07:57 20 is where you get him. I can't really say, Ms. Dillon, whether I made those
21 phone calls or not.
- 22 Q. 101 If I can just show you 7387 it might help you, Mr. Lynch, in relation to the
23 secretarial issue. And you see there on Friday 5th June '92 At 9:30 "John
24 Lynch's secretary Maura". So there's been a telephone call to Mr. Dunlop's
11:08:14 25 office and he has been asked to contact your secretary Maura. And was Maura
26 your secretary?
- 27 A. She was, she was one of my secretaries, yeah.
- 28 Q. 102 So you would take it, I would assume that you would accept on the 5th of June
29 1992, the only person who could have left that message to ring John Lynch's
11:08:31 30 secretary was Maura, your then secretary, is that right?

- 11:08:33 1 A. Could have been, yeah.
- 2 Q. 103 And I would suggest to you then if you go back to the entry on the 2nd of
3 December 1992 at 8655, that had Maura, your secretary contacted the office and
4 asked for her to be contacted by Mr. O'Callaghan the message would record that?
- 11:08:54 5 A. I don't accept that.
- 6 Q. 104 You don't accept that?
- 7 A. Maura was a temporary secretary. I had another secretary and I can tell you
8 categorically I am on oath, I don't make the phone calls.
- 9 Q. 105 All right. Well leaving aside who made the actual phone call, Mr. Lynch. Can
11:09:10 10 we just look for a moment at anything that you might have wanted to discuss
11 with Mr. O'Callaghan or any contact that might have been made with Mr.
12 O'Callaghan by you in December of 1992?
- 13 A. Well as I said in my affidavit, which I got before the phone calls started to
14 come up on this screen, I -- Owen O'Callaghan was in touch with me because he
11:09:32 15 wanted to put in an employment centre in the development of Quarryvale. This
16 was of most interest to me insofar as it means people in Tallaght would be
17 trained, the State wouldn't have to pay them money on training them. So,
18 therefore, you know, I had been or Owen O'Callaghan had been in touch with me
19 and I would have been in touch with him because I was trying to get this
11:09:58 20 training centre.
- 21 Q. 106 Yes. At this particular moment in time, Mr. Lynch, in the planning history of
22 Quarryvale, no planning application had been made because the only exercise
23 that was then in being at the time was to change the zoning from the Neilstown
24 lands to Quarryvale for a town centre. In other words, anything that would be
11:10:17 25 built on Quarryvale or developed in Quarryvale depended entirely on the outcome
26 of the zoning decision, do you understand?
- 27 A. I understand what you are saying.
- 28 Q. 107 Yes.
- 29 A. But it would have no relevance to me at that time or even today.
- 11:10:31 30 Q. 108 Yes. And the Tribunal does not find in any any of the documentation with which

11:10:37 1 it has been supplied from all of the parties involved in this, anything to
2 suggest contact or communication in relation to putting FAS or dealing with FAS
3 in relation to the site prior to the end of 1992?
4 A. Well, you know, I can't comment on that.

11:10:55 5 Q. 109 All right.
6 A. Because I just don't know.
7 Q. 110 All right. Well can I ask you then, Mr. Lynch, that if -- is it possible that
8 the reason that there might have been contact or communication between Mr.
9 O'Callaghan and yourself in December 1992, might have related to Mr. O'Connell?

11:11:11 10 A. Categorically, no.
11 Q. 111 Did you know for example that according to both Mr. O'Callaghan and Mr. Dunlop
12 that they both were of the view that Mr. O'Connell was a strongly
13 anti-Quarryvale councillor?
14 A. I wouldn't have known that at the time. Can I just say, Ms. Dillon. An awful
11:11:27 15 lot of this is perfect hindsight. In 1992, I was going on with my business. I
16 knew nothing about planning. I knew nothing about Quarryvale or the importance
17 of Quarryvale and all of that to people. And in 1992 I knew Owen O'Callaghan
18 and I knew Frank Dunlop. I didn't see anything wrong with contacting them.

19 Q. 112 No, that's not -- that's not the question I had been putting to you. Was I was
11:11:53 20 trying to establish from you, Mr. Lynch, the subject matter of whatever contact
21 occurred in early December 1992, through Mr. Dunlop's office between yourself
22 and Mr. O'Callaghan?
23 A. I cannot remember 16 years ago.

24 Q. 113 All right. And what I had put to you was whether or not you had been aware of
11:12:10 25 the fact that Mr. O'Connell's stance in relation to Quarryvale was a strongly
26 anti-Quarryvale stance and that that was known both to Mr. O'Callaghan and to
27 Mr. Dunlop?
28 A. And it certainly wasn't known to me.

29 Q. 114 At 8782, on the 15th of December '92, Mr. Lynch. You also telephoned Mr.
11:12:36 30 Dunlop's office and on the 16th of December, the following day at 8794 at 10:33

11:12:44 1 you are recorded as telephoning Mr. Dunlop's office and the next contact then
2 is the end of January of 1993.
3 And just taking those three telephone contacts in December in sequence and
4 telling you as you know now from the documentation that you have seen, that the
11:13:04 5 Quarryvale decision was the 17th of December, isn't that right? You know that
6 isn't that right?
7 A. Well Gus O'Connell is going away on the 17th of December.
8 Q. 115 Yes and as you've said in your statement you knew that there was a vote coming
9 up and that Mr. O'Connell had a view in relation to the matter and you knew
11:13:20 10 that it was an important vote. Can you looking back on it now and looking at
11 the dates of the 15th and 16th of December 1992, do you think that your
12 telephone contacts with Mr. Dunlop's office had anything to do with whether or
13 not Mr. O'Connell was going to be present or absent on the 17th of December?
14 A. Absolutely not!
11:13:42 15 Q. 116 If Mr. O'Connell is correct in his recollection or sequence of events, he -- he
16 says or will tell the Tribunal that the first approach that you made it him to
17 go on the trip to England was the 10th of December 1992, isn't that right?
18 A. That's what Gus says.
19 Q. 117 Yeah. And on the 2nd of December 1992, you are recorded as contacting Mr.
11:14:05 20 Dunlop's office seeking to speak with Mr. O'Callaghan that's what the record
21 shows, isn't that right?
22 A. Which I have already explained I don't entirely accept. I have not -- there is
23 no guarantee that I phoned Owen O'Callaghan. Now even if I did I knew the man.
24 But there is no guarantee. I could have had a request from somebody, phone
11:14:23 25 Owen O'Callaghan.
26 Q. 118 It's also the case, Mr. Lynch, that on the 15th and 16th of December you
27 contact Mr. Dunlop's office, isn't that right?
28 A. So Mr. Dunlop's log says.
29 Q. 119 Yes. And on the 17th of December, Mr. O'Connell takes what he describes in his
11:14:40 30 statement as the "star light flight" to London, isn't that right?

- 11:14:43 1 A. Yes.
- 2 Q. 120 He takes the early morning flight to London, isn't that the position?
- 3 A. That's what it states.
- 4 Q. 121 And I think you would have to agree that the expedition or the delegation left
- 11:14:54 5 Ireland on the 17th of December 1992, isn't that right?
- 6 A. That's what it says.
- 7 Q. 122 Your conversation with Mr. O'Connell if Mr. O'Connell is correct, when
- 8 Mr. O'Connell returned to you and said yes, he would go on the trip or the
- 9 delegation must have happened after the 10th of December 1992 and before the
- 11:15:13 10 17th of December 1992, doesn't that follow?
- 11 A. It follows.
- 12 Q. 123 Yes. And in fact, I'd suggest to you that it must have happened a day or two
- 13 before the 17th because arrangements would have to be made in terms of flights
- 14 and matters such of that sort for Mr. O'Connell, isn't that right?
- 11:15:29 15 A. Okay.
- 16 Q. 124 It's likely therefore that by the 16th of December you would have known
- 17 Mr. O'Connell's response, isn't that right?
- 18 A. Yes, I would.
- 19 Q. 125 And possibly prior to that?
- 11:15:39 20 A. Possibly.
- 21 Q. 126 Is it likely then taking that sequence of events into account that you might
- 22 have been contacting Mr. Dunlop's office to confirm to them or tell Mr. Dunlop
- 23 that Mr. O'Connell was scheduled or had accepted the invitation to go on the
- 24 delegation to London on the 17th?
- 11:15:55 25 A. I refute that absolutely.
- 26 Q. 127 Thank you very much, Mr. Lynch.
- 27 Would you answer any questions anybody else.
- 28
- 29 CHAIRMAN: Do you have any questions?
- 11:16:02 30

11:16:02 1 MR. MURPHY: I have no questions.

2

3 MR. KEATING: I have just one matter in that my client's statement has not
4 been put.

11:16:08 5

6 MS. DILLON: Sorry. I accept that sorry.

7

8 MR. KEATING: But I can do that now, Chairman.

9

11:16:14 10 MS. DILLON: I should have put it.

11

12 CHAIRMAN: Let Ms. Dillon put it and then you can ...

13

14 MR. KEATING: I have no questions.

11:16:20 15

16 MR. MURPHY: Sorry to interrupt, Chairman. Just for the record, if that is
17 the case subject to correction, I may have inadvertently left out paragraphs
18 five and six of my client's statement and if for the record, that might also
19 be put to him. I am very grateful. Thank you.

11:16:35 20

21 Q. 128 MS. DILLON: In the first instance, Mr. Lynch, if I can put to you the contents
22 of Mr. O'Callaghan's statement which at 20263. And in this Mr. O'Callaghan in
23 this does not really refer to you at all, Mr. Lynch, in his statement. And you
24 will have seen this documentation. He doesn't refer to you in it at all but he
11:16:59 25 does say the following:

26

27 "Gus O'Connell was a councillor who represented Palmerstown, County Dublin. I
28 was aware that he was very concerned that the additional traffic generated by
29 the scheme would cause severe congestion in the Palmerstown area. On the basis
11:17:12 30 of his apprehension that the Quarryvale proposal would cause such traffic

11:17:15 1 difficulties, he strenuously objected to the proposal.

2

3 I recall that Gus Connell was not present for one of the key Quarryvale votes.

4 I am not certain as to whether this was the May '91 vote or the December '92

11:17:27 5 vote."

6

7 Now in fact by way of comment, Mr. Lynch, Mr. O'Connell was not elected in time

8 for the May 1991 vote, he was elected for the first time in June '91.

9

11:17:37 10 "My inclination is that it was the latter vote. Gus Connell was at that time,

11 an employee of the State agency, FAS. My understanding is that he was part of

12 a FAS group who were on a course or trip to some place in mainland Europe at

13 the time that the vote was taken. I heard this in the Council Chamber on the

14 night of the vote as there was some surprise that he wasn't present given his

11:17:55 15 opposition to the Quarryvale proposal on traffic grounds. I had no involvement

16 whatsoever in "sending" Gus Connell on this FAS trip".

17

18 That's Mr. O'Callaghan's position in relation to the matter. And he agrees or

19 I can't say that he agrees with you. But he states that he had no involvement

11:18:13 20 in sending Mr. O'Connell on the trip. And the final part of your own

21 statement, Mr. Lynch, at 22407. And at 22408, at paragraph five. I think you

22 had already dealt with this in your evidence in any event:

23

24 "I refute absolutely the implication in the interview extract, that I arranged

11:18:36 25 for Gus Connell to be unavailable for rezoning vote" and that's been your

26 evidence here today, Mr. Lynch, isn't that right?

27 A. That's true.

28 Q. 129 "6. As to contacts with Mr. O'Callaghan in relation to Quarryvale, I recall

29 being contacted by him to see what assistance FAS could provide in relation to

11:18:50 30 the availability of workers with a variety of skills on the unemployment

11:18:54 1 register in the area and is opening a facility in the centre to provide
2 training for disadvantaged people in retail skills. I believe I would have and
3 in all probability did give him the contact names for personnel in FAS to
4 liaise with for such assistance. I believe I attended the opening of such a
11:19:09 5 facility but cannot remember the date".
6

7 And I think you had already given evidence this morning that you had had
8 contact you believed with Mr. O'Callaghan in relation to FAS personnel working
9 in Quarryvale, isn't that right?

11:19:19 10 A. That's true.

11 Q. 130 Thank you very much, Mr. Lynch.

12

13 CHAIRMAN: Do you want to ask any question as soon as

14

11:19:25 15 MR. MURPHY: No.

16

17 CHAIRMAN: Do you want to ask any questions

18

19 MR. KEATING: No thank you very much, Mr. Chairman.

11:19:31 20

21 CHAIRMAN: Thank you very much.

22 A. Thank you.

23

24 **THE WITNESS THEN WITHDREW.**

11:19:36 25

26 MR. QUINN: Mr. Gus O'Connell, please.

27

28

29

30

11:19:45 1 **MR. GUS O'CONNELL, HAVING BEEN SWORN, WAS QUESTIONED BY**

2 **MR. QUINN AS FOLLOWS:**

3

4 CHAIRMAN: Good morning, Mr. O'Connell.

11:20:08 5 A. Good morning.

6

7 Q. 131 MR. QUINN: Good morning, Mr. O'Connell.

8 Mr. O'Connell, I think in December of 1999, the Tribunal wrote to you seeking a

9 statement of your involvement in relation to the rezoning of Quarryvale, isn't

11:20:22 10 that correct?

11 A. That's correct, yes.

12 Q. 132 And you were elected to Dublin County Council in the June 1991 Local Elections,

13 is that correct?

14 A. That's correct, yes.

11:20:29 15 Q. 133 And I think you after the break up of the Council in 1993, you continued to be

16 a member of South Dublin County Council, is that correct?

17 A. That is correct, yes.

18 Q. 134 Now in that letter of the 20th of December, you were asked to provide a

19 statement and you were asked in your statement to deal specifically with a

11:20:50 20 number of matters. And I think on the 18th of February 2000 at 22844, you

21 responded to the letter from the Tribunal and if I take it up on the second

22 paragraph or the third paragraph it says.

23

24 "Secondly, I did not at any time attend any meetings with any of the developers

11:21:05 25 or the agents of Quarryvale. It is a matter of public record that both as a

26 private citizen and elected member of Dublin County Council and of South Dublin

27 County Council, I opposed the development of a shopping centre at Quarryvale.

28

29 I objected to the development on the basis that it was not a suitable site for

11:21:21 30 a town centre of the new town centre of Lucan/Clondalkin and being located at

11:21:24 1 the junction of the M50 and N4, it would seriously undermine and distort
2 shopping in the greater Dublin and mid-east area. In short, I felt that it was
3 a developer led and was not in the interests of the immediate or wider
4 community.

11:21:37 5
6 I attended meetings called by community groups in Palmerstown, Clondalkin and
7 Lucan in the run-up to the finalising of the Dublin County Development Plan in
8 December 1993. On each occasion I engaged with Frank Dunlop, Owen O'Callaghan
9 and others in debating the issues surrounding the proposed development. I put
11:21:53 10 forward a number of motions in the council during the review of the Development
11 Plan seeking to revert to the original town centre site at Balgaddy/Ronanstown.
12

13 I was out of the country representing my employers on business when the vote
14 was taken to confirm the zoning. It had been put on public display by the
11:22:10 15 former Dublin councillors in 1991 and the new council elected in June 1991
16 could have reversed the zoning.
17

18 As an elected councillor with some members of Palmerstown community Council, I
19 met with Owen O'Callaghan and Frank Dunlop in 1994 to seek the preservation of
11:22:26 20 a period house on the site. This house had been vandalized and we sought to
21 have it preserved and restored. Despite promises the developer applied to
22 South Dublin County Council for permission to demolish it, we which he got.
23

24 I later met with Owen O'Callaghan at his request to discuss the lifting of the
11:22:44 25 cap from the site imposed by the councillors in 1993 as a compromise and in an
26 effort to ensure that it would not become a hyper centre, during the review of
27 the 1993 County Development Plan. In the event and having considered the
28 situation I put forward the motion to retain the cap on the development and
29 spoke in the chamber urging my fellow councillors not to lift the cap. However
11:23:04 30 I lost the vote. I felt that the earlier commitment should be honoured,

11:23:06 1 especially as the centre was not yet open or operational but the manager
2 pointed out that no guarantee had ever been given in writing to any other
3 centres e.g. Blanchardstown shopping centre.
4

11:23:16 5 I still consider it to have been bad planning to zone Quarryvale for major
6 shopping. The arguments put forward by the proponents of the scheme were that
7 the Clondalkin area was depressed, the original site at Balgaddy was landlocked
8 and the Fonthill Road to serve it would never be built and developers were
9 adamant that only Quarryvale was on.

11:23:34 10
11 Today the Fonthill Road is open and it is clear that Quarryvale is not a town
12 centre for the area. I do not have any evidence of payments or indeed any
13 undue pressure being applied by developers in relation to Quarryvale. However
14 I do believe that developers have had an undue influence in both planning and
11:23:51 15 zoning process."

16
17 And then you are advised if you could be of any further assistance to the
18 Tribunal.
19

11:23:58 20 Later on the 12th of April last year at 20648, you were supplied with an
21 extract from a private interview conducted with the Tribunal legal team of Mr.
22 Dunlop, during which Mr. Dunlop had alleged that you had been sent on junket so
23 that you would be absent for the crucial vote in December 1992, isn't that
24 correct?

11:24:16 25 A. That is correct, yes.

26 Q. 135 And I think you were asked for a statement in relation to that allegation. And
27 at 20652 on the 26th of April 2007, you respond as follows.
28

29 You said "I refer to the recent letter from the Tribunal re the above and in
11:24:31 30 particular the transcript of the allegations made by Mr. Frank Dunlop that I

11:24:35 1 have been sent on a junket to coincide with the vote in relation to the
2 Quarryvale zoning.
3
4 I worked for FAS during the period in question and was based in head office in
11:24:42 5 Baggot Street. The following to the best of my recollection is an account of
6 the events of the pertinent period to which you refer.
7
8 Some time in the middle of December 1992, it may have been on Thursday the
9 10th, I was requested by the then FAS Director General Dr. John Lynch, to be a
11:24:58 10 part of a small specialist group that was to do a brief study visit to the UK
11 to examine how privatisation of the training and employment services was
12 working out. I believe the schedule and itinerary was more or less fixed
13 before I was invited to be part of the delegation.
14
11:25:14 15 Dr. Lynch and I discussed the fact that I was very much involved in the review
16 of the county development plan and that the vote on Quarryvale was coming up
17 shortly, in fact on the 17th of December. Dr. Lynch said that he appreciated
18 it probably created a dilemma for me and he said that the visit needed to be
19 made now rather than later. We agreed that I would go off and consider the
11:25:32 20 pros and cons.
21
22 In considering the options I was very conscious of the fact that I was a
23 part-time public representative. We were having quite a lot of meetings in
24 Dublin County Council and FAS was very flexible with me. As long as my work
11:25:45 25 did not suffer, I was able to work with flexible hours to make up for time off
26 for Council business. I was facilitated very well in my work as a public
27 representative. Nevertheless I operated on the principle that my first loyalty
28 was to my employer. Hence it was not possible for me to attend all the
29 meetings I should or could or would have liked to attend in a given year.
11:26:06 30 Besides, my job with FAS involved quite a lot of travel both within Ireland and

11:26:10 1 across the EU. This often meant that my travel plans were outside my control.
2 For example, I was an alternative representative at the time Department of
3 Labour for on the youth for Europe committee. That often meant attending
4 meetings in Brussels and elsewhere at very short notice.

11:26:26 5
6 In considering the council work and the impending debate and vote on Quarryvale
7 I had put a lot of work into it and had a number of motions down for debate.
8 However, all of these were co-sponsored with Councillor Joe Higgins and I knew
9 that they would be moved and debated even if I was not present. In addition a
11:26:43 10 number of other councillors had similar motions down.

11
12 I again met with the Director General and said I was prepared to be part of the
13 team if he so wished. He thanked me and again pointed out how important the
14 visit was and how important that I be part of it given my background. I had
11:26:58 15 been part of an advisory group to Geoffrey Holland when he was in charge of the
16 UK Manpower services in 1978 to 1981 and my role in relation to FAS provision
17 for youth, including being national co-ordinator of Youthreach. I sent my
18 apologies to the council and set about preparing for the visit to London to
19 find out how the training and employment services operated.

11:27:19 20
21 The delegation set out from Dublin Airport on the star light fly to London on
22 the 17th of December 1992. We did our business over the 17th and 18th and on
23 return, drew up a report which was passed onto the Director General, Dr. John
24 Lynch. This to the best of my knowledge helped inform the FAS strategy for the
11:27:37 25 1993 and beyond. Later over the next 18 months or so I was asked by the
26 Director General, Dr. John Lynch to lead two further similar delegations to the
27 UK to do a comparison with the Irish FAS training and employment system and
28 make appropriate recommendations which I did.

29
11:27:54 30 I kept in touch with the proceedings in the council during the afternoon of the

11:27:58 1 17th. If the vote was tight I had explored the feasibility of flying back to
2 Dublin for the vote not due to be taken until after 7 p.m. Again this was not
3 unusual as I returned on a number of occasions from various parts of the
4 country at my own expense for crucial council business. As it transpired, our
11:28:17 5 schedule ran a bit late and there was an alert on the London underground making
6 it impossible for me to catch the appropriate flight. The vote was taken
7 around 8 p.m. resulting in 39 for, and 28 against. The zoning with two
8 abstentions. My vote against would not have changed the result."
9

11:28:35 10 And again you undertake to provide any elaborations as are required, isn't that
11 right?

12 A. That is correct, yes

13 Q. 136 Now, if I could just start, Mr. O'Connell, by asking you to tell the Tribunal
14 what positions you held within FAS in the lead up to 1992?

11:28:59 15 A. At that time I was manager for youth training and co-ordinator for Youthreach
16 within FAS, Youthreach is a joint programme between education and labour. I
17 had come in from the youth employment agency when three organisations were
18 amalgamated and I had been recruited by that agency as an expert in the area of
19 youth development.

11:29:34 20 Q. 137 And did you, were you in charge of a decision within FAS then the Youthreach
21 section within FAS?

22 A. I was more of a sole operator than in charge of a division.

23 Q. 138 In other words did you have a staff?

24 A. I didn't have a staff. I had head office working to me.

11:29:52 25 Q. 139 Did you have staff throughout the country working to you?

26 A. There was a staff throughout the country within the structure of FAS that were
27 carrying out local duties and while they weren't directly reporting to me
28 because they were reporting to their line manager, I co-ordinated their work
29 and ensured that they were meeting targets and so on.

11:30:13 30 Q. 140 And who were you reporting to?

- 11:30:15 1 A. I was reporting at the time I forget who the manager was, I think it might have
2 been Peter Finnegan.
- 3 Q. 141 And he would have been the manager of which area within the head office?
- 4 A. He would have been manager of employment services.
- 11:30:29 5 Q. 142 And he would have quite a number of people under him presumably?
- 6 A. He would have had probably about three more. The section we were in was called
7 the development section and we were as it were the power house, the initiators
8 of innovation and the monitors of implementation.
- 9 Q. 143 And how many people would you have been within that section?
- 11:30:54 10 A. At the time there probably would have been about four of us I think.
- 11 Q. 144 Yes.
- 12 A. There would be somebody else in charge of community employment and somebody
13 else in charge of other adult ...
- 14 Q. 145 And your immediate supervisor then, who was he reporting to?
- 11:31:10 15 A. He would have been reporting to the director of development.
- 16 Q. 146 And the director of development would have been reporting to?
- 17 A. The ... the ADG, assistant director general.
- 18 Q. 147 And then the assistant director general would lead back to Dr. Lynch?
- 19 A. That's right, yes.
- 11:31:29 20 Q. 148 So there were at least three or four layers between you and Dr. Lynch, isn't
21 that right?
- 22 A. There were but they weren't layers in a conventional sense. The organisation
23 while it did have that hierarchy was, had also a very flat working arrangement.
24 And I could find myself working to the director general on some things, the
11:31:53 25 assistant director general or other things and the director of development in
26 other areas.
- 27 Q. 149 Now, I think you had been successful in being returned as a local councillor or
28 county councillor in June of 1991, and would it be fair to say that the
29 Quarryvale issue and the whole rezoning of Quarryvale and the transfer of the
11:32:15 30 town centre from Neilstown to Quarryvale was a huge issue during the course of

- 11:32:19 1 that election?
- 2 A. It was a huge issue. It was a distraction as well because it wasn't the only
3 issue that should have been and indeed was part of the campaign. But yes it
4 was a very big issue.
- 11:32:30 5 Q. 150 And a number of is the sitting councillor lost their seats in that election,
6 isn't that right?
- 7 A. That is true.
- 8 Q. 151 And I think Green Properties had mounted a fairly strong campaign against a
9 number of councillors because of their support for the Quarryvale proposals?
- 11:32:46 10 A. That would be true I think, yes.
- 11 Q. 152 Yes.
- 12 A. Or at least that was part of the backdrop against which the election was
13 fought.
- 14 Q. 153 And you were returned I think as an independent councillor, isn't that right?
- 11:32:56 15 A. Independent community, yes.
- 16 Q. 154 Independent community councillor.
- 17 A. Yes.
- 18 Q. 155 And I think we see that a number there were a number and you have referred to
19 them in your statement, a number of meetings of residents associations around
20 the west Dublin region in the period during which the plan was on public
21 display, isn't that right?
- 22 A. That is correct, yes.
- 23 Q. 156 For example I think there was a meeting of the Palmerstown residents
24 association on the 19th of September 1991.
- 11:33:23 25 A. That would be the Palmerstown Community Council really.
- 26 Q. 157 And we know from an attendance on Mr. O'Callaghan and Mr. Gilmartin within
27 Allied Irish Bank dated the 20th of September 1991. If I could have 5990,
28 please. That it would appear that you were one of five -- one of six
29 councillors who attended that meeting on the 19th of September.
- 11:33:49 30 A. That is correct. I was also a member of the community council. In fact, I may

11:33:53 1 have been chairperson of the Community Council at the same time and therefore
2 would have been one of the organisers of this meeting as well.

3 Q. 158 Yes. And whilst that memorandum of attendance on those that attended suggested
4 that there was only one representative or one councillor who was against
11:34:10 5 Quarryvale namely Councillor Higgins, I think your evidence is that you were
6 against it and you were always against the transfer, is that correct?

7 A. That is correct. You have got to make a distinction between persons a public
8 representative's personal views on the one hands and what you had asked to
9 represent on the other. And I would have been very careful during the course
11:34:35 10 of these consultation meetings to listen, to both sides of the argument, to put
11 my side but while I can see that Mr. O'Callaghan would go away if he was of a
12 certain mind and say that there was only one person vehemently opposed who was
13 Joe Higgins, certainly that wouldn't have been the case if he had have
14 scrutinised what my --

11:35:00 15 Q. 159 Contribution was on the night?

16 A. Yes exactly, yes.

17

18 MR. KEATING: Sorry Chairman, sorry to interrupt Mr. Quinn. I apologise
19 Mr. Quinn to interrupt at this stage. But this arose with Finbarr Hanrahan as
11:35:12 20 well, Chairman, you might remember. I just want to point one thing out in
21 relation to this memo.
22

23 That it doesn't say on the face of the memo that Mr. O'Callaghan himself
24 relayed this to the bank. It's just a note of a meeting at which Mr.
11:35:26 25 O'Callaghan as well as others attended.
26

27 CHAIRMAN: That seems to be the case.

28

29 MR. QUINN: Yes.

11:35:30 30

11:35:30 1 MR. KEATING: Again, I'm sorry to my friend.
2
3 CHAIRMAN: No, that's all right.
4

11:35:34 5 Q. 160 MR. QUINN: But it is the case. Did you see any representatives of Allied
6 Irish Bank on the at the meeting on the night do you recall?
7 A. I don't recall seeing anybody like that there, yes.
8 Q. 161 Do you recall seeing Mr. O'Callaghan at the meeting?
9 A. I believe he was, yes.

11:35:48 10 Q. 162 Did you you ever meet or know Mr. Tom Gilmartin?
11 A. No, I have never met him or ...
12 Q. 163 Did anyone at that meeting represent themselves as Mr. Thomas Gilmartin who had
13 an interest in the development of Quarryvale?
14 A. Not in my recollection and I think I would remember it.

11:36:02 15 Q. 164 Yes. Now, I think it's fair to say that you would have had contact with Mr.
16 Dunlop and Mr. O'Callaghan from time to time, isn't that correct?
17 A. That is correct.
18 Q. 165 And we see in Mr. Dunlop's notes of telephone attendances, various notes of
19 phone calls from you to him at different stages, isn't that correct?
20 A. That is, I have seen those, yes.

21 Q. 166 And we see at 6072 for example, there is one for the 10th of October '91.
22 There is a further one on the 18th of October at 6136. Would it be fair to say
23 that you would have known Mr. Dunlop as a lobbyist on behalf of developers
24 during the review of the Development Plan?
25 A. Yes, I would. I think we should remind ourselves if you like that, the term
26 "lobbyist" at that time wasn't -- it hadn't the connotations that it has now I
27 would suggest. And I would have seen him as somebody in the employ of Mr.
28 O'Callaghan who was promoting a certain line and I would have therefore and
29 still would meet with anybody who has a view because as a public representative
30 I should be listening to those views, whether or not I agree or disagree.

- 11:37:27 1 Q. 167 Mr. O'Callaghan wasn't the only developer that had retained the services of Mr.
2 Dunlop during this period. Were you aware, Mr. Dunlop's involvement on behalf
3 of other developers?
- 4 A. I would have been aware, for example, of other zonings that came up and that
11:37:44 5 Mr. Dunlop was certainly promoting those as well.
- 6 Q. 168 And presumably Mr. Dunlop sought your support for the Quarryvale development at
7 at some stage?
- 8 A. He more tried to show me the, where I was wrong and he tried to show me what
9 the value of supporting it was. And when I said in my letter, for example,
11:38:09 10 that I didn't feel I had been put under any pressure. I didn't feel, in
11 fairness, that I was put under any pressure at any time.
- 12 Q. 169 But whatever about the meeting on the 19th of September '91. Would it be fair
13 to say as matters progress it became more and more apparent that you were
14 opposed to the Quarryvale proposal, on the transfer in particular of the town
11:38:32 15 centre to Quarryvale from Neilstown?
- 16 A. Yes, I had been opposed to it even in the lead up to the elections. I had been
17 opposed to it right through. But you have always to temper your opposition to
18 factual and concrete reasons as to why something isn't supportable. And you
19 have to accept as a public representative, at least I would, that from time to
11:38:59 20 time that you may have to accept that you were wrong.
- 21 Q. 170 You will have seen in the brief the telephone attendances on you. It's not my
22 intention to go through them in detail. Would it be fair to say that there
23 would be a fair representation of contacts between you and Mr. Dunlop
24 throughout this period either in relation to the Quarryvale issue or other
11:39:18 25 issues?
- 26 A. There was. And I have reflected on the number of times, I was quite surprised
27 that I had been in such contact fairly often. I think some of it was to do
28 with two issues. One was to do with Daleview House which you made reference
29 to, in 1994 we tried to get into community ownership. That was a house on the
11:39:40 30 corner of the site of Quarryvale. It had been vandalized a number of times.

11:39:46 1 There was an attempt at arson on it another time. So some of my contacts would
2 have been around that. And some would have been around the proposal to bring
3 over a football team from England and set up a Stadium in Clondalkin.

4 Q. 171 But at this stage, by the 17th of June '92, in a document entitled "contact
11:40:10 5 report" at 7457. It would appear at 7458 that Mr. Dunlop was recording that a
6 contact between Mr. O'Callaghan and himself with you in relation to the
7 Quarryvale development, isn't that right?

8 A. If that is was in front of me at the moment. I, in preparing for today I
9 hadn't seen it in that context.

11:40:35 10 Q. 172 Okay.

11 A. Yeah.

12 Q. 173 In any event, I think we know that both Mr. Dunlop and Mr. O'Callaghan were
13 making an effort at this stage to try and meet as many of the councillors as
14 they possibly could, isn't that right?

11:40:50 15 A. That would be true, yes.

16 Q. 174 Did others try to persuade you on the issue? And the reason I ask you that
17 before you answer is on the 13th of August 1992, at 7865. There is reference
18 to reference to a telephone attendance on a named individual, who was meeting
19 with you later that evening and he was looking for material which might
11:41:17 20 strengthen his case for the project.

21
22 I don't know if you've seen that on the documentation. We are not going to
23 name the individual concerned. But were others contacting you and seeking your
24 support for the Quarryvale proposals other than Mr. O'Callaghan and Mr. Dunlop?

11:41:32 25 A. Yes, the context of this is that I did say that you've got to listen to all
26 sides. And in a community context, not everybody in Palmerstown would have
27 shared a view that Quarryvale was a bad idea. And certainly not everybody in
28 Clondalkin. And the individual that we are referring to here was one of my
29 best workers in the run of up to the election in previous years and he held a
11:41:57 30 very strong view that North Clondalkin was a very deprived area and he had

- 11:42:03 1 reason to understand that. And that the only chance of lifting it was in fact
2 Quarryvale. He held that very sincere view.
- 3 Q. 175 Yes.
- 4 A. And we had quite a lot of debates on it and eventually well, while we are still
11:42:21 5 in contact he is not one of my best workers since.
- 6 Q. 176 Yes. Mr. Dunlop in evidence said that numerous -- he had numerous meetings
7 with yourself and Mr. O'Callaghan and he referred to them as somewhat
8 "fractious meetings" where you had outlined detailed objections to the
9 Quarryvale proposals, would that be fair to say?
- 11:42:40 10 A. Well I think that would be a fair reflection on the public meetings that we
11 both attended or all of us attended at the time and private meetings are
12 meetings where certainly things got discussed and I never saw any reason for me
13 to change my mind.
- 14 Q. 177 Yes. There is further contact with Mr. Dunlop's office on the 16th and 22nd of
11:43:08 15 September 1992 and on the 23rd of September 1992 at 8063. There is a note in
16 Mr. Dunlop's diary for 6 p.m. meeting "Gus Connell plus two". Can you recall
17 meeting Mr. Dunlop in his offices or elsewhere in or around late September '92?
- 18 A. I thought that that might relate to Daleview House where I had accompanied two
19 other members of the community Council to meet in relation to the vandalism
11:43:42 20 that was going on. Now, that may well be the context of that meeting.
- 21 Q. 178 Yes.
- 22 A. Otherwise I don't have any context for it.
- 23 Q. 179 Yes. And you made at least five -- or four attempts on the 30th of September
24 to make contact with Mr. Dunlop at 8123 at 11:25; 8124, 3:20 and 4:15; and
11:44:04 25 again at 5:25 at 8125. Presumably, could that have related to Daleview and
26 some concerns you had in relation to the ...
- 27 A. It may have related to that. It may also have related to another incident that
28 happened where some travellers got on to the site and were causing quite a lot
29 of difficulties for some residents on the other side of the road. And I had
11:44:37 30 sought to have them removed. And that may not well be the occasion. But if I

- 11:44:37 1 was on the phone so often on a given day, it had to be something --
- 2 Q. 180 That was causing immediate concern?
- 3 A. -- immediate concern, it would not have been something to do with the other
- 4 thing, which would have been the rezoning.
- 11:44:51 5 Q. 181 Barkhill, which owned the Quarryvale site had no offices in Dublin. So would
- 6 it be fair to say that as far as you were concerned when you wanted to contact
- 7 Barkhill or the developers you contacted Mr. Dunlop?
- 8 A. I would have seen him as the person who was in fact I think on one occasion Mr.
- 9 O'Callaghan had said that this was the man who was acting for him.
- 11:45:14 10 Q. 182 He was his representative?
- 11 A. That's right, yeah.
- 12 Q. 183 And did you know of any involvement of Mr. Gilmartin in the project at this
- 13 stage?
- 14 A. Not at that stage. It was at a much later stage that other stories began to
- 11:45:27 15 emerge. But at this point I didn't have any indicator. I had previously going
- 16 back to the, probably middle to late '80s, I would have known or heard that Mr.
- 17 Gilmartin was interested in buying upland in the area. As a community activist
- 18 I --
- 19 Q. 184 You weren't councillor at that time.
- 11:45:55 20 A. But I was very much a community activist.
- 21 Q. 185 Now in the lead up to late 1992 and the Quarryvale issue. I think you came to
- 22 co-sign three motions with Councillor Higgins, isn't that correct?
- 23 A. That's correct, yes.
- 24 Q. 186 We see the first of those at 1139. Which is a motion. I am not saying it's
- 11:46:14 25 the first in time because unfortunately none of the motions appear to be dated.
- 26 But this is a motion which seeks to provide that the town centre would be at
- 27 Ronanstown, isn't that right?
- 28 A. That's correct, yes.
- 29 Q. 187 Then you sought at 1133 a second motion where you sought to zone Quarryvale for
- 11:46:36 30 industrial purposes, isn't that correct?

- 11:46:37 1 A. That's correct, yes.
- 2 Q. 188 And then at 1146 we see a more detailed motion where you sought to amend
3 various sections of the written statement, isn't that correct?
- 4 A. That's correct, yes.
- 11:46:49 5 Q. 189 Now, can I ask you when did you sign those motions?
- 6 A. I can't remember precisely when I signed them. But we tended to go down to the
7 wire. We tended to, to usually end up maybe on a Sunday evening having to meet
8 if the deadline was Monday. And as you can see there, they are written in
9 longhand. Because at that time we would have been examining every option,
11:47:16 10 every mechanism to achieve what we were trying to achieve.
- 11 Q. 190 In order to assist you. If I could have 16746, this is a letter to the members
12 of the council from Mr. Smith enclosing the Manager's Report. And it advises
13 in the last paragraph "that members wishing to submit motions in relation to
14 the items should arrange to have them with the Council by the 7th of December
11:47:40 15 '92".
- 16 A. That is my recollection as well I think that it was probably up to about the
17 Sunday evening I remember being still doing some drafting.
- 18 Q. 191 So would it be fair to say that by the 7th of December 1992, you had lodged
19 these motions?
- 11:47:59 20 A. Absolutely, yes.
- 21 Q. 192 And then you would have seen, I presume, the motion put forward to support the
22 Quarryvale proposals in the name of Councillors O'Halloran, McGrath, Ridge and
23 Tyndall?
- 24 A. Yes, when a book of motion or the agenda was circulated we would then know what
11:48:21 25 was in front of us.
- 26 Q. 193 So it would be fair to say that whilst there were other opponents of the
27 proposals for Quarryvale yourself and Councillor Higgins were certainly up
28 there as people or as councillors who very much supported the status quo and
29 leaving the town centre at Neilstown?
- 11:48:40 30 A. Absolutely, yes.

- 11:48:41 1 Q. 194 And you were exercised to the extent that you brought motions to support that
2 position?
- 3 A. That is correct. We, I was in the situation of being one of two independent
4 councillors in the chamber at the time, it was a very large chamber of 78
11:48:58 5 people. Joe Higgins was the only socialist member of his party there. And in
6 order to make sure that we got our business done, we obviously worked very
7 closely together but we also were of a very like mind and we would have worked
8 very closely with members of the Labour Party.
- 9 Q. 195 And it would have been no secret to Mr. Dunlop or indeed to Mr. O'Callaghan
11:49:23 10 that you were very much opposed to the proposals?
- 11 A. It would have been. I suppose in fairness, I should point out that I would
12 always have accepted that Councillor Higgins had a much more ideologically
13 based opposition than I would have had. I would have seen that seen that
14 developers have a role and that not all developers are bad are or corrupt. And
11:49:58 15 therefore, I would've, in that sense we would have slightly differed.
- 16 Q. 196 And you would have seen typed position papers produced by Mr. Dunlop in the run
17 up which consistently show you as being opposed to the proposals, isn't that
18 correct?
- 19 A. That is correct, yes.
- 11:50:09 20 Q. 197 For example he does a likely voting pattern at 14655 where at 14656 he shows
21 you as opposed he does a seconds likely position another likely outcome. Again
22 you are recorded as being opposed and he does a worst case scenario and you are
23 recorded as being opposed to the proposal, isn't that right?
- 24 A. That is right, yes.
- 11:50:31 25 Q. 198 And he also puts forward a manuscript document at 14665 where he tries to
26 anticipate what the support level would be like and again you are recorded as
27 being against the proposal, isn't that correct?
- 28 A. That's correct, yes.
- 29 Q. 199 You will have seen that. However, there is a second manuscript document
11:50:53 30 produced by Mr. Dunlop at 14664. Where he divides the councillors into

11:51:00 1 "support definite; support lukewarm; definitely against and abstaining". Do
2 you see that document?
3 A. Yes.
4 Q. 200 And heading the abstaining document is you, isn't that correct?
11:51:11 5 A. Yes.
6 Q. 201 So at some stage it would appear that Mr. Dunlop records the fact that you are
7 likely to be abstaining as opposed to voting against the proposal?
8 A. That is true for some reason this is the first time I have seen this.
9 Q. 202 Yes.
11:51:26 10 A. This wasn't in the information I received.
11 Q. 203 I understand. Well apologies.
12 A. But I am very surprised.
13 Q. 204 Right.
14 A. I have in fact been on record as not abstaining on any vote. I believe as a
11:51:43 15 public representative I am either for or against and I do not believe in
16 abstentions.
17 Q. 205 Now, you have told the Tribunal in your statement that on the, you thought the
18 10th of December 1992, you had a meeting with Dr. Lynch, isn't that correct?
19 A. That is correct, yes.
11:52:06 20 Q. 206 And that of course would have come about after you had signed these motions
21 with Councillor Higgins, isn't that correct, assuming that the motions were
22 signed and lodged by the 7th of December?
23 A. That is correct, yes.
24 Q. 207 Although I should tell you that it would appear that the other motion may have
11:52:23 25 been dated the 9th of December, it may have been date the within the Council
26 the 9th of December but be that as it may, you thought that you would have met
27 the deadline of the 7th of December, is that right?
28 A. I am pretty certain that I would have met the deadline but you will appreciate
29 that there was quite a lot of secretarial type of work involved. So I don't
11:52:44 30 know how the Council itself would have recorded what was submitted.

- 11:52:49 1 Q. 208 So on the same week that your motions were lodged, you were, you had a meeting
2 with Dr. Lynch, isn't that right?
- 3 A. That is correct, yes.
- 4 Q. 209 And I think you've told the Tribunal that Dr. Lynch requested you to be a part
11:53:05 5 of a small specialist group that was to do a brief study visit to the UK, isn't
6 that right?
- 7 A. That's correct, yes.
- 8 Q. 210 Can you tell the Tribunal what you knew of that study visit before you met with
9 Dr. Lynch?
- 11:53:19 10 A. I didn't know anything about it. When I was asked to see him, as I, he then
11 put to me that he was asking a small group to go to the UK to take a look at
12 the privatisation and how it had worked out because going forward it was one of
13 the options that might well be considered in Ireland.
- 14 Q. 211 Yes. But somebody within the organisation must have made arrangements for this
11:53:50 15 study group to visit the UK?
- 16 A. I subsequently found out that the Irish Embassy in London had been involved and
17 the training attache there had actually helped to organise it.
- 18 Q. 212 And how long prior or how long prior to the 10th of December '92 had that
19 arrangement taken place?
- 11:54:14 20 A. I don't know, I didn't ever find that out. I had no reason to find it out at
21 the time.
- 22 Q. 213 But you did find out that the Irish attache had been involved in arranging it,
23 is that right?
- 24 A. Yes because we did meet her when we got over and she had done the organising
11:54:30 25 with the training factory, which was a group that were visiting in London.
- 26 Q. 214 Did you know that this meeting was going to occur at some future date?
- 27 A. Not before meeting with Dr. Lynch.
- 28 Q. 215 It hadn't been discussed internally within the organisation that such a visit
29 would be useful to the organisation or that preparations or procedures be put
11:54:52 30 in place to organise such a visit?

- 11:54:54 1 A. It may very well have been discussed but I wasn't privy to those discussions.
- 2 Q. 216 But if you were so crucial to such a visit would you not think that you ought
- 3 to have been present at any such meetings where a discussion would have taken
- 4 place concerning this type of visit?
- 11:55:10 5 A. It wouldn't be unusual because later on when I organised some return visits as
- 6 a follow-up and I led those other delegations. On those occasions I did a
- 7 certain amount of preparation before eventually agreeing who would be on the
- 8 team.
- 9 Q. 217 You would select your own team, is that correct?
- 11:55:30 10 A. Yes.
- 11 Q. 218 But on this occasion you were being added to an existing team?
- 12 A. As I saw it at the time, my recollection is there was a team being put together
- 13 and I was being asked to be a part of that. I didn't see myself as being
- 14 added, if you know what I mean.
- 11:55:45 15 Q. 219 Yes. But all of the arrangements and the decision to send people, all that had
- 16 taken place without any reference to you, isn't that correct?
- 17 A. That is correct but that wouldn't be unusual.
- 18 Q. 220 And Dr. Lynch, you say said that he understood that it would create a dilemma
- 19 for you, isn't that right?
- 11:56:06 20 A. Yeah, they are my words. That discussion we had he did acknowledge that as a
- 21 public representative and with a vote coming up that there could be a dilemma
- 22 for me, yes.
- 23 Q. 221 Did you discuss with him the possibility perhaps of postponing the visit or
- 24 re-scheduling the visit?
- 11:56:27 25 A. My recollection is that I did. I did say could we do it after Christmas?
- 26 Q. 222 Yes. What was his reaction to that?
- 27 A. That no it needed to be done now. And that was fairly late in December
- 28 already.
- 29 Q. 223 And you were getting a week's notice for a visit, isn't that right?
- 11:56:45 30 A. That's correct, yes.

- 11:56:45 1 Q. 224 And he was insistent that it be done now and that you be part of it, is that
2 right?
- 3 A. Yes, it was going ahead with or without me was my understanding.
- 4 Q. 225 He say it is could have gone ahead without you. That the decision to go was
11:56:59 5 yours?
- 6 A. Well it was probably more of a shared decision than ... but I acknowledge my,
7 as it were, key role in making that decision because the way we operated in FAS
8 and the way I operated. I was expected to be a self starter. I was expected
9 to see my way in relation to a lot of work that needed to be done and therefore
11:57:24 10 when I was asked if I would be part of this was a very good reason why I
11 shouldn't. But as I pointed out in my own submission, I had been very
12 generously treated by FAS and now this was the first time ever I had been asked
13 to make a choice and I felt that I should, therefore, go and that my loyalty
14 was to FAS.
- 11:57:53 15 Q. 226 Yes. Dr. Lynch's evidence is to the effect that he told you that you didn't
16 have to go to the UK, that you didn't have to be a part of the team, isn't that
17 right?
- 18 A. My recollection --
- 19 Q. 227 You have heard his evidence this morning in that regard?
- 11:58:06 20 A. Yes.
- 21 Q. 228 The decision to go was yours?
- 22 A. Yes and my recollection is that he did say to me that he would understand if I
23 couldn't go. And that but that he would like me to be part of it but he would
24 understand if I couldn't be.
- 11:58:20 25 Q. 229 Could you have been part of it without going? In other words could you have
26 joined the team on the 18th as opposed to have been there from the 17th onward?
- 27 A. I considered that and because there was such a brief visit and because of the
28 nature of where we were visiting that wouldn't have made sense. I was either
29 in or out.
- 11:58:39 30 Q. 230 Did you discuss that possibility with Dr. Lynch?

- 11:58:43 1 A. No, we didn't.
- 2 Q. 231 Postponing the meeting but not you going on the second day of the meeting?
- 3 A. No we didn't really explore that. I considered it privately but I would have
- 4 expected in a deputation like that, that it needed to be together from day one.
- 11:59:02 5 Q. 232 Did you tell Mr. Higgins, Councillor Higgins that you wouldn't be at the
- 6 meeting on the 17th of December to support the motions that you had signed?
- 7 A. Yes, I did, yes.
- 8 Q. 233 How soon after your, the 10th of December did you convey that information to
- 9 him?
- 11:59:22 10 A. I don't know when because the way that it would have worked until the tickets
- 11 on that were available and until everything was, you know, finalised there was
- 12 still a possibility that it mightn't have gone ahead. That would be a normal
- 13 situation. So normally I operate on the basis that when it's final, it's
- 14 final. So I'm not sure when exactly I told him.
- 11:59:47 15 Q. 234 When you discussed the matter with Dr. Lynch did you know at that very first
- 16 meeting that this meeting was going to take place and coincide and clash with
- 17 the council meeting on the 17th of December?
- 18 A. My recollection is that I did, yes.
- 19 Q. 235 And it was that clash that concerned you, isn't that right?
- 12:00:10 20 A. Exactly, yes.
- 21 Q. 236 So that having, you left Dr. Lynch, he left you to consider the matter. You
- 22 considered the pros and cons you have said in your statement and you came back
- 23 to him and on balance you decided that you would go, isn't that right?
- 24 A. That is correct. And part of the pros and cons I would have considered was
- 12:00:22 25 what was the likely outcome going to be of the vote on the day anyway.
- 26 Q. 237 And I think you said that you contributed to a report on the meeting, isn't
- 27 that right?
- 28 A. That is right, yes.
- 29 Q. 238 How many people went on that trip?
- 12:00:34 30 A. I think there was three of us.

- 12:00:36 1 Q. 239 And you visited your colleagues in the UK, is that correct?
- 2 A. Yes, we visited a number of, we visited the headquarters of the company that
- 3 had taken over a number of the skill centres and turned them into training
- 4 factories and we visited a number of their training centres.
- 12:00:56 5 Q. 240 That's a type of visit that would have taken some time to set up, isn't that
- 6 right?
- 7 A. It would but at other points when I organised them myself, you can usually set
- 8 them up fairly fast.
- 9 Q. 241 And presumably if you can do that, you can put them back a week or two as well
- 12:01:15 10 I presume or a month?
- 11 A. Well, again, in my experience you might try to organise a meeting now and
- 12 everything clicks into place and on another occasion you may find that there
- 13 are difficulties in it.
- 14 Q. 242 But certainly you thought that you could postpone it when you spoke with
- 12:01:34 15 Dr. Lynch, but he was adamant that it take place before Christmas?
- 16 A. That's correct, yes.
- 17 Q. 243 And I can it was for 1993 strategy that the visit was useful, is that correct?
- 18 A. Yes.
- 19 Q. 244 So at some stage, therefore, after the 10th of December you told Councillor
- 12:01:51 20 Higgins that you wouldn't be present on the date of the vote, isn't that right?
- 21 A. That's right.
- 22 Q. 245 And you would have discussed your non-availability, isn't that right?
- 23 A. That is correct, yes.
- 24 Q. 246 And I think you have told the Tribunal that you made arrangements to keep in
- 12:02:03 25 touch with the vote and proceedings in the afternoon on the evening of the
- 26 17th, is that correct?
- 27 A. That's correct.
- 28 Q. 247 Did you make arrangements to come back at short notice?
- 29 A. Even before I made my final decision about going I had looked up the schedule
- 12:02:22 30 of flights and so on and it was my intention that if things were tight that I

- 12:02:29 1 could fly back on the, on an evening flight having finished the business in
2 London and been there for the vote and then gone back out the following
3 morning.
- 4 Q. 248 And how would you know if I think if things were tight?
- 12:02:45 5 A. Well usually on a run up to a vote like that you in speaking with colleagues,
6 in looking at what's available and so on you begin to see which way it's likely
7 to go and if everybody turns up on the day how the vote may go.
- 8 Q. 249 I think there were about five votes in the difference in relation to the
9 proposed amendments to the major vote, isn't that right, major motion?
- 12:03:13 10 A. Yes.
- 11 Q. 250 If we could have 1121. I think there were 39 votes in favour, 28 votes
12 against. So if we half that, five or six votes. Six votes would have made the
13 difference, isn't that right?
- 14 A. That's correct, yes.
- 12:03:28 15 Q. 251 Would you say six votes out of 39 was a tight vote or would you say that was a
16 big margin, a victory?
- 17 A. It's certainly not a big margin. But when you put it like that it is
18 reasonably tight. But when you look at the actual gap between the two, it's
19 not as tight.
- 12:03:50 20 Q. 252 Were you in contact with councillors during the course of the day?
- 21 A. No, I was in contact with another colleague who was keeping an eye on it for
22 me.
- 23 Q. 253 Yes. In any event, I think the proposals were successful, the matter, the
24 zoning went through on the day, isn't that right?
- 12:04:09 25 A. That is correct, yes.
- 26 Q. 254 And then there was a subsequent I think motion to amend a written statement of
27 June in June, isn't that correct?
- 28 A. Yes.
- 29 Q. 255 And I think you were present at that meeting on the, I think it went on over
12:04:22 30 the 2nd, 3rd and 4th of June '93, isn't that right?

12:04:25 1 A. That's correct, yes.

2 Q. 256 And you again were you anxious to ensure that that proposed amendment would be
3 defeated?

4 A. Yes.

12:04:34 5 Q. 257 And did you speak against the proposal at that time?

6 A. I'm not sure now if I spoke against -- I'm pretty certain that I did but I'm
7 not sure at this point.

8 Q. 258 In any event, I think if the proposal was amended or altered and it went
9 through unanimously, is that correct?

12:04:50 10 A. It is. And on the unanimous front -- very often what that reflects is that it
11 probably wasn't a vote taken. In other words, nobody demurred.

12 Q. 259 Yes.

13 A. Yes.

14 Q. 260 And then I think the matter came back before the council in October 1993, isn't
15 that correct? 19th of October 1993.

16 A. Yes.

17 Q. 261 And I think at that stage you had a series of motions which, if successful
18 would have altered the matters the zoning that had taken place the previous
19 year, isn't that right?

12:05:22 20 A. That's correct, yes.

21 Q. 262 If we could have 1195. The first of those motions was a motion that
22 effectively the Quarryvale would revert to E, which would be industrial zoning,
23 isn't that correct?

24 A. That's correct.

12:05:34 25 Q. 263 You didn't move that motion on the day, isn't that right?

26 A. That's correct, yes.

27 Q. 264 Can I ask you why you didn't move the motion?

28 A. I have reflected on why I didn't and I haven't got an immediate answer for it.
29 But if you look at the context on the day. Very often a motion wasn't moved
12:05:54 30 because there was no point in moving it. The drift or the tendency was going

12:06:01 1 in the other direction.

2 Q. 265 And I think there was a second motion ruled out of order and then there was a

3 third motion which again you didn't move, isn't that right?

4 A. That's correct yes.

12:06:09 5 Q. 266 And I think that the rezonings were confirmed again without a vote, isn't that

6 correct?

7 A. That's correct, yes.

8 Q. 267 Now, I think --

9

12:06:16 10 CHAIRMAN: Sorry, Mr. Quinn. It's gone.

11

12 MR. QUINN: I am five minutes.

13

14 CHAIRMAN: If you are almost finished

12:06:22 15

16 Q. 268 MR. QUINN: I think in 1997 and 1998, the matter came back before the Council.

17 At this stage you were a member of South Dublin County Council, isn't that

18 right?

19 A. That is correct but I -- in the meantime the plan itself came before the us in

12:06:37 20 December of '93.

21 Q. 269 Yes.

22 A. And I voted against the plan in '93.

23 Q. 270 Yes. You voted against the adoption of the Dublin County Development Plan

24 itself?

12:06:48 25 A. Yes.

26 Q. 271 Yes.

27 A. Because ...

28 Q. 272 Why did you vote against it?

29 A. Because it contained the Quarryvale --

12:06:55 30 Q. 273 Rezoning?

- 12:06:56 1 A. -- rezoning. And also another rezoning which was in Laraghcon.
- 2 Q. 274 Yes. Apart from Quarryvale and Laraghcon were there any other rezonings that
- 3 you were as involved with during the period '91 to '93?
- 4 A. They were really the heaviest ones but I had interested myself on all.
- 12:07:15 5 Q. 275 I appreciate that as a councillor you would but ...
- 6 A. Yeah.
- 7 Q. 276 And apart from your general interest in all of the other motions that you would
- 8 have voted on?
- 9 A. Yeah.
- 12:07:25 10 Q. 277 Had you taken any other proposal as seriously as you had the Laraghcon or the
- 11 Quarryvale proposal?
- 12 A. I had, I took a series of ones in what was known as the Airlie Stud land and
- 13 the Haydens land, all in south Lucan. All of that is now within Adamstown. I
- 14 had taken very serious interest in those, did a lot of work and in fact
- 12:07:53 15 succeeded in not having that land rezoned.
- 16 Q. 278 Yes but taking the Quarryvale proposals, would it be fair to say that that was
- 17 by far the most serious and the biggest of the ones that you got involved with
- 18 and objected to.
- 19 A. That was the biggest and the most serious but the one that was the most
- 12:08:11 20 devastating in the way was the Laraghcon because of it's proximity to
- 21 Quarryvale.
- 22 Q. 279 Leaving Laraghcon aside for the moment you would agree that Quarryvale was the
- 23 biggest and most serious from your point of view?
- 24 A. Yes.
- 12:08:25 25 Q. 280 And the one that you had taken the most interest with?
- 26 A. Yes.
- 27 Q. 281 And yet it was the one occasion that you absented yourself from the Council on
- 28 business, isn't that right, having taken such an interest on?
- 29 A. It it was the one occasion on which I was not there for the vote, yes.
- 12:08:39 30 Q. 282 Had you not gone to the UK in December 1992, do you think that the FAS position

12:08:45 1 would have changed in relation to youth employment?

2 A. I don't know.

3 Q. 283 Had you been sick for example on the 17th and 18th of December 1992, would the

4 FAS position have altered or changed in any way do you think?

12:09:06 5 A. I don't know. But I would, I would have been very conscientious about my work

6 in FAS. I would have influenced a lot of change in FAS and I think growing out

7 of that particular event, a significant change came about as well.

8 Q. 284 But would it have come about in any event?

9 A. It possibly could.

12:09:29 10 Q. 285 Did you lead that delegation in December '92?

11 A. No but I led the two subsequent ones that were a follow-up on that.

12 Q. 286 And I think finally just, you did propose a motion to impose or to retain the

13 cap on the Quarryvale lands in September 1998, isn't that right?

14 A. That's correct.

12:09:48 15 Q. 287 And you were one of four councillors I think who supported that proposal at

16 that stage unsuccessfully?

17 A. Correct, yes.

18 Q. 288 Thank you very much.

19

12:10:00 20 CHAIRMAN: Do you want to ask any questions your

21

22 MR. MURPHY: No.

23

24 MR. KEATING: No questions.

12:10:02 25

26 JUDGE FAHERTY: Mr. O'Connell I just have one question for you. Could we have

27 Mr. O'Connell's statement on screen, please. It's 22844, please.

28

29 I think in the course of that statement, I am not sure exactly where it is,

12:10:19 30 Mr. O'Connell, but you said in evidence in any event that you referred to

12:10:23 1 developers having undue influence on planning and the zoning process, you said
2 that earlier this morning.

3 A. Yes.

12:10:30 5 JUDGE FAHERTY: And I just wanted to ask you what did you mean by that?

6 A. That there was a culture of developers which I would have been aware of even
7 before I became a public representative, where land was bought on a speculative
8 basis and then planning or zoning followed the ownership of that. And that
9 would have been one of the reasons why I would have said that. The second
10 reason I would have said it was that in the kind of lobbying that went on, on
11 councillors -- the views and the concerns of the community or the ordinary
12 person in the street, so to speak, seemed to be of less consequence than the
13 urgency to have land that could be then developed whatever the consequences
14 were going to be.

12:11:37 15
16 JUDGE FAHERTY: All right. Thank you very much.

17
18 CHAIRMAN: Now, thank you very much. Thank you Mr. O'Connell

19 A. Thank you very much.

12:11:44 20

21 **THE WITNESS THEN WITHDREW.**

22
23 MS. DILLON: I understand that Councillor McGrath is here. So after the
24 break, Sir, we can resume Mr. McGrath's evidence.

12:11:52 25

26 CHAIRMAN: Okay.

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

29 **AND RESUMED AS FOLLOWS:**

12:11:57 30

12:11:57 1 MS. DILLON: Colm McGrath, please.

2

3

MR. COLM McGRATH, PREVIOUSLY SWORN, CONTINUED TO BE QUESTIONED

4

BY MS. DILLON AS FOLLOWS:

12:28:59 5

6

CHAIRMAN: Good afternoon, Mr. McGrath. Thank you for coming back.

7

A. Not at all.

8

9

Q. 289 MS. DILLON: Good afternoon, Mr. McGrath.

12:29:14 10

11

Q. 290 I think that yesterday you had agreed in general that you were part of a group

12

of people who had as their object, for various reasons the rezoning of the

13

Quarryvale lands, isn't that right?

14

A. Yes.

12:29:27 15

16

Q. 291 And it would be fair to say that from the time that you became involved

initially with Mr. Gilmartin and thereafter with Mr. O'Callaghan and Mr.

17

Dunlop, that you remained committed to the project?

18

A. Yes.

19

Q. 292 Would it follow from that that you would have spoken at public meetings in

12:29:42 20

21

A. Yes, it would.

22

Q. 293 And that you would have spoken I think you indicated to the Tribunal yesterday,

23

that you did speak and seek support from your colleagues on Dublin County

24

Council?

12:29:53 25

26

Q. 294 And insofar as you were asked, say, to put your name to documentation for

27

circulation in the local newspapers advocating the rezoning of Quarryvale, you

28

would have done so?

29

A. Yes.

12:30:06 30

30

Q. 295 And that you would have been involved in the entire of the public relations

- 12:30:12 1 aspect of it, insofar as there was newspaper article in the newspaper coverage
2 of local meetings and there was free sheet circulating which supported
3 Quarryvale or supported Blanchardstown, you were involved in all of that?
4 A. Yes, I suppose so, yes, involved.
- 12:30:28 5 Q. 296 But insofar as you were involved it was on a pro Quarryvale basis?
6 A. Yes, I was kind of swept along on the wave.
7 Q. 297 Yes. I mean, I don't want to go through quite a lot of documentation on quite
8 an individual basis if you are in agreement with the general premise ...
9 A. Yes, I agree generally with that, of course.
- 12:30:45 10 Q. 298 Of necessity you would have had quite a significant amount of contact then with
11 people who were closely involved with the actual development, namely Mr.
12 O'Callaghan, Mr. Dunlop and probably Mr. Ambrose Kelly, is that right?
13 A. Yes.
14 Q. 299 In addition to that, you would have been involved with Mr. Liam Lawlor, is that
12:31:03 15 right?
16 A. Yes.
17 Q. 300 Now, insofar as Mr. Liam Lawlor was a political colleague of yours, would you
18 describe your relationship with him to have been at that time, a cordial
19 relationship?
12:31:11 20 A. Yes, with some internal rivalry.
21 Q. 301 If you just expand on that a little bit for the Tribunal, Mr. McGrath? When
22 you mean internal rivalry, is that internal within Fianna Fail or was it within
23 the constituency?
24 A. Yes. Within Fianna Fail in the constituency.
- 12:31:26 25 Q. 302 And how would you have been a rival of Mr. Lawlor's?
26 A. Well, I may have been perceived as someone who was sort of coming up and may
27 eventually pose a threat to the seat.
28 Q. 303 So would it be fair to say then that Mr. Lawlor would have been keeping an eye
29 on you and protecting his own position?
12:31:45 30 A. That's a good way of putting it, yeah.

- 12:31:48 1 Q. 304 And you equally would have had an eye on Mr. Lawlor's position?
- 2 A. Yes, yes.
- 3 Q. 305 Mr. Dunlop has described Mr. Lawlor as being a type of a master strategist in
- 4 terms of planning and you would you agree with that?
- 12:32:05 5 A. Yes, he was very clever in that department.
- 6 Q. 306 Right. Mr. Dunlop has told the Tribunal that Mr. Lawlor had an expertise
- 7 particularly in spotting loop holes in relation to the written statement and
- 8 taking steps that could give you an advantage later, while not appearing to you
- 9 give you an advantage now if you know what I mean?
- 12:32:21 10 A. Well I wouldn't disagree with it but the written statement was open to
- 11 interpretation.
- 12 Q. 307 Yes.
- 13 A. And Mr. Lawlor had an uncanny way of interpreting it.
- 14 Q. 308 Yes.
- 12:32:30 15 A. Which the planners really couldn't argue against.
- 16 Q. 309 Yes. In May of 1992, Mr. McGrath, through your company Tower Secretarial
- 17 services at 7153, you issued an invoice to Mr. Dunlop or Frank Dunlop &
- 18 Associates in the sum of 1,000 pounds, isn't that right?
- 19 A. Yes, that's right.
- 12:32:57 20 Q. 310 Now, you will have seen from the statements with which you have been circulated
- 21 and the evidence of Mr. Dunlop that he says that this was really a subterfuge
- 22 to provide you with payment of 1,000 pounds?
- 23 A. Well that's not true.
- 24 Q. 311 And he says that did you not in fact provide any services, secretarial services
- 12:33:17 25 such as mail shots, faxes or telephone calls or matters such as that sort for
- 26 the period 1991 in relation to Quarryvale?
- 27 A. Yes but that's not true, I did.
- 28 Q. 312 Right. And what arrangement did you make or who did you make the arrangement
- 29 with, Mr. McGrath, in relation to providing those services?
- 12:33:33 30 A. I made no arrangement with anybody because the truth of the matter is that I

- 12:33:37 1 was just doing that as a normal course of events but it came up in discussion
2 with Mr. Dunlop when he visited my office. And it was at his suggestion that I
3 give him an invoice for it.
- 4 Q. 313 Did he indicate to you that if he gave him an invoice that he would pay you and
12:33:53 5 seek recoument of that money from Mr. O'Callaghan?
6 A. No that wasn't discussed he just said give me the invoice.
- 7 Q. 314 And you have provided an invoice and this is an invoice after the services have
8 been provided, is that right?
9 A. Yes.
- 12:34:05 10 Q. 315 That invoice is dated April of 1992. And I think that on the 1st of May 1992
11 at 7155, there is a cheque in the sum of 1,000 pounds drawn on Frank Dunlop &
12 Associates which was made payable to Tower Secretarial Services, isn't, is that
13 right?
14 A. Yes, that's quite correct.
- 12:34:26 15 Q. 316 And I think subsequently and you may not have known this, Mr. McGrath, at 7152.
16 In an invoice provided on the 30th of April 1992 to Mr.-- to Riga Limited
17 Mr. O'Callaghan's company, under the heading secretarial services there is a
18 sum of 1,422.67 pounds and the words "C McGrath" written beside it. Do you see
19 that? That invoice in fact issues through Mr. Dunlop to Riga prior to him
12:34:58 20 writing the cheque to you, on I think the 1st of May 1992. But you disagree
21 with Mr. Dunlop and you say that in fact you had already provided these
22 services and it was Mr. Dunlop who requested you to provide an invoice?
23 A. Yes, it was at his suggestion that I give him an invoice for it.
- 24 Q. 317 And also in May of 1992, Mr. McGrath, circumstances arose whereby a debt was
12:35:23 25 discharged for you in the sum of 10,700 pounds, isn't, is that right?
26 A. Yes. We discussed that yesterday I think.
- 27 Q. 318 Briefly, what I would like you now is just to outline in detail the
28 circumstances in which you came to contact Mr. Dunlop or Mr. O'Callaghan in
29 relation to that?
12:35:39 30 A. I am not quite sure if I did contact them. I think, I think I got a phone call

12:35:44 1 from Frank Dunlop on the day asking where I was because I was expected at a
2 meeting.

3 Q. 319 Yes.

4 A. I was in court from 10 a.m. but my case wasn't called before lunch and then I
12:35:54 5 had to come back after lunch and I -- my recollection of it is that I received
6 a phone call. I know that he has given different evidence but I received a
7 phone call from Frank Dunlop enquiring as to my whereabouts and I told him
8 where I was.

9 Q. 320 Yes.

12:36:07 10 A. So --

11 Q. 321 And was this on the same date as the cheque was written?

12 A. I assume so I am not sure how the debt was discharged. I got the impression on
13 the day that Frank Dunlop knew the solicitor for the plaintiff or may even have
14 been the same solicitor that he used himself or something. There seemed to be
12:36:28 15 a familiarity anyway.

16 Q. 322 At 7319 on the 21st of May 1992, this debit slip records the fact that Mr.
17 Dunlop drew a bank draft in charge of William Fry's in the sum of 10,700 pounds
18 and that happened on the 21st of May of 1992.

19 A. Okay.

12:36:55 20 Q. 323 Now, this is the draft that is used to discharge your debt.

21 A. Okay.

22 Q. 324 And that according to Mr. Dunlop was paid on the day that you made the
23 telephone call.

24 A. Okay.

12:37:04 25 Q. 325 Okay. Now --

26 A. That he made the telephone call.

27 Q. 326 Well leaving aside for the moment who contacted who first.

28 A. Okay.

29 Q. 327 We'll try and establish what the meeting was that you were supposed to have
12:37:14 30 been at. If the date is the date that the invoice is -- that the draft is

- 12:37:20 1 drawn, which is the 21st of May '92.
- 2 A. Yes.
- 3 Q. 328 It follows from that, that you should have been at some meeting with Mr.
- 4 O'Callaghan or with Mr. Dunlop.
- 12:37:31 5 A. Yes, in hindsight that's probably the more likely scenario, yes.
- 6 Q. 329 All right. Now you I think had indicated that you thought it was a council
- 7 meeting.
- 8 A. Yes.
- 9 Q. 330 Isn't, is that right?
- 12:37:42 10 A. My initial meeting was that it was a council meeting. It was a Quarryvale
- 11 related meeting anyway that was the main thing.
- 12 Q. 331 And what I think you had told the Tribunal in your statements in relation to
- 13 this matter is that at 2907, you say that "to the best of your recollection the
- 14 court date clashed with a meeting of the council at which the Quarryvale
- 12:38:07 15 development was on the agenda. Mr. Dunlop undertook to discharge the debt to
- 16 the plaintiff's solicitors on my behalf and the case was not proceeded with."
- 17 A. Uh-huh.
- 18 Q. 332 Now, you will have seen from the documentation, Mr. McGrath, that's been
- 19 circulated, that there was no council Quarryvale connected meeting in May of
- 12:38:24 20 1992, isn't, is that right?
- 21 A. Okay, yes I accept that now, yes.
- 22 Q. 333 Now, and that therefore when you provided that information to the Tribunal that
- 23 information was not correct according to the documentation that there was no
- 24 Quarryvale connected meeting on the agenda of Dublin County Council in May of
- 12:38:42 25 1992?
- 26 A. No, I was mistaken.
- 27 Q. 334 All right.
- 28 A. But I wasn't trying to mislead the Tribunal. That was my best recollection at
- 29 the time.
- 12:38:49 30 Q. 335 Now, looking then at the events of May of 1992, and looking at 7271. And this

- 12:39:00 1 is the week commencing the 18th of May 1992. And the date of the bank draft,
2 Mr. Dunlop, is the 21st of May 1992. And the first thing I want to draw to
3 your attention that on that date, while Mr. O'Callaghan is recorded as being
4 present in Mr. Dunlop's office there is no reference to a meeting with you,
12:39:22 5 isn't, is that right?
- 6 A. I think my feelings, my feelings about the veracity of Mr. Dunlop's diaries
7 have already been expressed quite strongly here so.
- 8 Q. 336 Well there is nothing on the face of the entries on the 21st of May 1992 to
9 indicate that something was originally written there which has been taken out,
12:39:44 10 isn't, is that right?
- 11 A. Not that I can see, no.
- 12 Q. 337 All right. So I mean if what you were suggesting was correct, Mr. McGrath, one
13 would expect to find an entry that you were meant to have been at a meeting
14 with Mr. Dunlop and Mr. O'Callaghan in Mr. Dunlop's diary?
- 12:39:58 15 A. Yes but not necessarily.
- 16 Q. 338 Yes.
- 17 A. The meeting -- my recollection is that the meeting was in Ambrose Kelly's
18 office.
- 19 Q. 339 On the 21st?
- 12:40:07 20 A. That would be my recollection, yeah. Or it could have been Mr. Dunlop's
21 office. But the fact that my name doesn't appear in his diary I don't know why
22 you're attaching so much weight to it.
- 23 Q. 340 I am not attaching any weight to it, I am simply pointing out to you that you
24 have originally told the Tribunal that you were meant to have been at a
12:40:20 25 Quarryvale related council meeting and that there was no such council meeting.
26 You then say that it may have been that you were meant to have been at a
27 meeting with Mr. O'Callaghan. I am simply pointing out to you that Mr.
28 Dunlop's diary records the fact that Mr. O'Callaghan was to meet with him but
29 there is no record in relation to you?
- 12:40:37 30 A. Okay that's fair enough you just have to accept my word for it then, is my

- 12:40:41 1 recollection for it is that I was to be at a Quarryvale relate the meeting that
2 day. It wasn't earth shattering if I wasn't there but that was the substance
3 of the conversation in that on that telephone.
- 4 Q. 341 And at 7295 Mr. Dunlop. Sorry, Mr. McGrath. On the 21st of May 1992, you are
12:40:59 5 recorded as phoning Mr. Dunlop's office at ten past nine.
- 6 A. Yes.
- 7 Q. 342 And can I suggest to you Mr. Dunlop, (sic) that it's likely that that phone
8 call on the 21st of May at 1992, is you telephoning Mr. Dunlop's office in
9 connection with the matter that was urgent on your agenda that day, which was
12:41:33 10 your court case, and the fact that you had a debt that had to be paid?
- 11 A. No, absolutely not! Absolutely not.
- 12 Q. 343 Okay.
- 13 A. And you can see if those attendances are to be believed there is no further
14 phone call from me for the rest of the day. And my -- I was quite happy to
12:41:41 15 proceed with my court case on the day. I had no difficulty with the judge. I
16 was going to make my case before him and accept the judgement and make
17 arrangements to discharge it but all that was superseded by Mr. Dunlop's
18 intervention.
- 19 Q. 344 So what you say happened is that Mr. Dunlop offered to pay the debt for you, is
12:42:01 20 that correct?
- 21 A. Yes, Mr. Dunlop rang me in the early afternoon enquiring as to my whereabouts
22 and I told him where I was and explained. He did not know where I was prior to
23 that. I had not told him nor anyone else, it's not the kind of thing that you
24 would broadcast. I was just going about my business so I can assure you that's
12:42:21 25 what happened. Mr. Dunlop phoned me and asked me where I was. Or else phoned
26 me in the normal course of -- he was phoning me regularly, so I probably told
27 him where I was.
- 28 Q. 345 And did you --
- 29 A. I obviously told him where I was.
- 12:42:34 30 Q. 346 Did you have a mobile phone at that stage, Mr. McGrath, in 1992?

- 12:42:37 1 A. Yes, I did, yes.
- 2 Q. 347 And at if the court case was on on the 21st of May 1992, which is the same day
3 as the bank draft, it is clear from Mr. Dunlop's attendances that at ten past
4 nine you ring him in the morning, isn't, is that right?
- 12:42:52 5 A. Well his attendances are to be believed.
- 6 Q. 348 Yes. If the attendances are correct and these are attendances that are
7 apparently taken by Mr. Dunlop's secretary in Mr. Dunlop's absence?
- 8 A. Well that doesn't add any veracity to them as far as I'm concerned.
- 9 Q. 349 No but I think you have accepted yesterday morning the extent and nature of
12:43:11 10 your contact with Mr. Dunlop's?
- 11 A. Yes there would have been regular contacts.
- 12 Q. 350 Indeed if one looks at the 19th of May 1992 at page 7285, and you will see
13 there at 4:40 "Mr. Jim Bolger" rings and then if you turn the page at 7286.
14 There is a reference to "2:40 Colm McGrath" and then "David Shubotham" followed
12:43:38 15 by "Mr. Liam Aylward" isn't, is that right?
- 16 A. What day are we on now?
- 17 Q. 351 I think that extract is the 19th of May 1992. And I think if you look then at
18 the 20th of May 1992 at 7292.
- 19 A. Uh-huh.
- 12:43:53 20 Q. 352 In fact that last entry is the 17th of May is the 20th of May (sic) Mr. Dunlop,
21 1992. Mr. McGrath, at 7292.
- 22 A. Yes. Okay, yes. Well I don't see it but with however. I don't see where you
23 are going with this, Ms. Dillon.
- 24 Q. 353 The point I am making to you, Mr. McGrath, is that on the day that the bank
12:44:13 25 draft for 10,700 pounds is drawn.
- 26 A. Yes.
- 27 Q. 354 Which is the day that you say that you have your conversation with Mr. Dunlop
28 regardless of who initiates it.
- 29 A. Yes.
- 12:44:23 30 Q. 355 At ten past nine in the morning there is a documentary record of you contacting

- 12:44:28 1 Mr. Dunlop's office.
- 2 A. Yes but are you suggesting that that's connected in some way with my court
3 case.
- 4 Q. 356 Yes.
- 12:44:34 5 A. Well I absolutely refute that.
- 6 Q. 357 All right.
- 7 A. If I. Well I can qualify it even further for you if you like. If I had a
8 difficulty, which I did on the day but I mean I was quite happy to deal with my
9 situation on the day without seeking anyone's assistance. But had I decided
10 that I felt that I needed assistance I wouldn't have phoned Mr. Dunlop.
- 11 Q. 358 Who would you have phoned?
- 12 A. I may have phoned Mr. O'Callaghan but certainly not Mr. Dunlop.
- 13 Q. 359 I think Mr. Dunlop says that you telephoned his office looking at Mr.
14 O'Callaghan. He was at that stage at a meeting with Mr. O'Callaghan when you
15 called. That he took the call, discussed the matter with you and said that
16 he'd contact you later and that he then discussed the matter with Mr.
17 O'Callaghan and Mr. O'Callaghan asked him to deal with the matter on his
18 behalf?
- 19 A. That's not true because I did not discuss the matter of my court case with Mr.
12:45:20 20 Dunlop until the early afternoon on the day of the 21st. I am absolutely
21 positive about that.
- 22 Q. 360 Now, it would appear that there was some discussion between Mr. Dunlop and Mr.
23 O'Callaghan about the matter and did you understand, Mr. McGrath, that it was
24 Mr. Dunlop making the offer, as you say, on behalf of Mr. O'Callaghan?
- 12:45:40 25 A. When the offer was eventually made I assumed that that was going on, yeah.
- 26 Q. 361 That it was Mr. O'Callaghan who was going to pay your debt?
- 27 A. Well not pay it. Discharge it temporarily until I could deal with it.
- 28 Q. 362 Have you ever dealt with it subsequently?
- 29 A. No because it was never sorted out.
- 12:45:57 30 Q. 363 At 7325, Mr. McGrath.

- 12:46:00 1 A. Yes.
- 2 Q. 364 On the 26th of May 1992, which is four days after the draft is drawn, Mr.
- 3 O'Callaghan wrote to Mr. Dunlop in the following terms:
- 4
- 12:46:10 5 "Dear Frank, we had a valuable review meeting on the 21st" and would you accept
- 6 from that that Mr. O'Callaghan and Mr. Dunlop were together on the 21st?
- 7 A. Absolutely. I knew they were. I think that's the meeting I was supposed to be
- 8 at.
- 9 Q. 365 Not the council meeting you had originally thought?
- 12:46:28 10 A. No. I thought it was a council meeting but I knew it was Quarryvale related
- 11 anyway.
- 12 Q. 366 "I will be in touch with you again in relation to the project. I would like to
- 13 thank you for facilitating me by organising a bank draft for William Fry & Co.
- 14 solicitors amounting to 10,700 pounds. Please include this in your next
- 12:46:45 15 invoice to me."
- 16
- 17 And would you accept from that, that it appears clear that the 10,700 pounds
- 18 paid by Mr. Dunlop --
- 19 A. Yeah.
- 12:46:47 20 Q. 367 William Fry and son solicitors on your behalf, was in fact done so at the
- 21 request of Mr. O'Callaghan?
- 22 A. Yes, I accept that, yeah.
- 23 Q. 368 Right. Now, did you you yourself have any discussion with Mr. O'Callaghan
- 24 about the payment of the debt?
- 12:47:03 25 A. No.
- 26 Q. 369 Did you ever subsequently discuss the matter with Mr. O'Callaghan?
- 27 A. I probably did, yes. I don't recall but I'm sure I thanked him when it became
- 28 clear.
- 29 Q. 370 Did you write to him at all about it?
- 12:47:13 30 A. No, it would have been personal.

- 12:47:16 1 Q. 371 No, did you ever discuss the matter with Mr. O'Callaghan?
- 2 A. I may have, Ms. Dillon, but I honestly can't remember.
- 3 Q. 372 Well let's say for example between the time the debt is paid which is May of
- 4 1992 and in May of 1992, 10,700 pounds was a very substantial sum of money,
- 12:47:36 5 isn't, is that right?
- 6 A. Yes, it's quite a large sum of money, yes.
- 7 Q. 373 And between that date and the year 2000, did you ever discuss it with Mr.
- 8 O'Callaghan?
- 9 A. I may have as I say but I don't recall discussing it with him, no.
- 12:47:56 10 Q. 374 Did you discuss it with him in 2000?
- 11 A. Around the time that it was discharged?
- 12 Q. 375 No, in the year 2000?
- 13 A. No, how could I? I couldn't remember, Ms. Dillon.
- 14 Q. 376 All right. I ask you this because you make your disclosure to the Tribunal and
- 12:48:13 15 I pointed this out to you yesterday at 2904.
- 16
- 17 On the 16th of August 2000, you for the first time, disclose to the Tribunal
- 18 through your solicitors in the last paragraph on that page the fact that
- 19 proceedings were issued against you and this related to an unpaid debt of 7,500
- 12:48:35 20 and the debt in and the costs were discharged by Mr. Dunlop and the proceedings
- 21 were struck out.
- 22
- 23 That was your first disclosure to the Tribunal of the payment in relation to
- 24 the 10,700 pounds, isn't, is that right?
- 12:48:45 25 A. Yes.
- 26 Q. 377 And at 13799. On the 14th of July 2000, and you will remember Mr. Dunlop gave
- 27 his evidence in public in April and May 2000. Mr. O'Callaghan wrote to Mr.
- 28 Dunlop in connection with this matter and he said the following "it has been on
- 29 my mind that some monies were paid to a solicitor in Dublin on behalf of Colm
- 12:49:10 30 McGrath. I have no account of this. I am anxious to establish if this has

12:49:14 1 happened or not. It could have been some time in 1992. Can you throw some
2 light on the subject. I have spoken to Colm who has some recollection of this
3 happening but is not quite sure."

4 A. Yeah well that was the way things were at the time. There was such a you know
12:49:28 5 a hullabaloo of things going on. It was quite difficult to keep a track of
6 everything that was happening.

7 Q. 378 Yes but in July of 2000, it would appear that at some stage around that time
8 Mr. Owen O'Callaghan contacted you in relation to an unpaid debt or monies paid
9 to a solicitor, isn't, is that right?

12:49:47 10 A. He obviously did, yeah.

11 Q. 379 Yes. And would you accept that what Mr. O'Callaghan has stated there is
12 correct that he did speak to you?

13 A. Yeah, I said that earlier that he more than likely did speak to me, yes.

14 Q. 380 And that in the course of -- you had some discussion about the unpaid debt
12:50:04 15 isn't, is that right, or the money that had been paid?

16 A. Yes.

17 Q. 381 And it was following that discussion with Mr. O'Callaghan that your solicitor
18 wrote in August of 2000 to the Tribunal, isn't, is that right?

19 A. I am not. Are you tying the two together.

12:50:18 20 Q. 382 Yes.

21 A. Well I don't know.

22 Q. 383 Well it is a fact, Mr. McGrath, that you didn't make any disclosure about the
23 10,700 pounds payment by Mr. Dunlop on your behalf to the Tribunal until the
24 16th August 2000, isn't, is that right?

12:50:39 25 A. Well at that stage I didn't deem it relevant to the Tribunal because it was a
26 business transaction which had been determined.

27 Q. 384 Yes.

28 A. It was only subsequently that it became what I am now calling a donation.

29 Q. 385 I thought that you had originally described it as a loan?

12:50:47 30 A. Originally but I said now I'm calling it a donation.

- 12:50:49 1 Q. 386 And now you call it a donation by who?
- 2 A. Well it's a donation from Mr. O'Callaghan because I never discharged it and he
- 3 never sought it in return and I was -- and even though Frank Dunlop said we
- 4 would sort it out later, he never invoiced me for it.
- 12:51:04 5 Q. 387 And may I ask you this in the books of Clondalkin Distributers or in your own
- 6 books of account was this carried forward as a liability that was due to either
- 7 Mr. Dunlop who had paid it or Mr. O'Callaghan who was the ultimate donor?
- 8 A. No because there was no invoice for it.
- 9 Q. 388 Did you ever ask Mr. Dunlop to provide you with an invoice?
- 12:51:23 10 A. I may have but he didn't.
- 11 Q. 389 Right. Did you, would you have done that by way of writing?
- 12 A. No, I would have asked him what are we going to do about that draft that you
- 13 discharged that day.
- 14 Q. 390 So the situation then is the following. Is that in May of 1992, regardless of
- 12:51:41 15 who contacted who first, a sum of 10,700 pounds is paid to discharge a
- 16 liability of yours including costs, is, is that right?
- 17 A. Yes.
- 18 Q. 391 It is made payable to William Fry & Son solicitors by way of bank draft.
- 19 A. Yes.
- 12:51:53 20 Q. 392 And it is paid by Mr. Dunlop.
- 21 A. Yes.
- 22 Q. 393 Between 1992, when this money is paid and eight years later 2000, when you have
- 23 your discussion with Mr. O'Callaghan, you regard this as a loan to you or your
- 24 business, is, is that right?
- 12:52:05 25 A. Well I regarded it as a loan long before that discussion but however, yes.
- 26 Q. 394 Well you could only have regarded it as a loan from the day it's paid, isn't,
- 27 is that right?
- 28 A. Yes.
- 29 Q. 395 Which is the 21st of May 1992.
- 12:52:17 30 A. Yes.

- 12:52:17 1 Q. 396 From the 21st of May 1992, until some date in 2000 or thereafter you regarded
2 it as a loan from Mr. Dunlop or Mr. O'Callaghan, is, is that right?
3 A. Yes, I suppose that's right, yes.
- 4 Q. 397 And at some stage thereafter it changes its nature and is no longer a loan and
12:52:33 5 becomes a political donation, is, is that right?
6 A. Well, yes, yes but I didn't regard it. I mean, it just was buried in the whole
7 ... it was just buried gone, I didn't think of it.
- 8 Q. 398 Did you ever really expect that you were going to have to repay this,
9 Mr. McGrath?
12:52:52 10 A. I did yes, if we got down sorting it out, yes.
- 11 Q. 399 But nobody ever came to you looking for the money?
12 A. There you go no.
- 13 Q. 400 So the fault then in relation to this loan if loan it is, lies with those who
14 didn't seek to recoup?
12:53:03 15 A. I wouldn't use the word fault.
- 16 Q. 401 But you never carried it in your books as a loan, isn't this right, also
17 Mr. McGrath?
18 A. No because like the debt would have been still appearing in the books but.
- 19 Q. 402 The debt to Durapack Limited, the Defendants wouldn't have been appearing in
12:53:18 20 your books as a creditors listing because they had been paid by the draft
21 payable to William Fry and sons solicitors?
22 A. Yes but technically speaking they probably did still appear in the books
23 because there was no cheque stub from my own payment accounts to discharging
24 the debt if you understand sorry.
- 12:53:32 25 Q. 403 Yes but you didn't carry any liability to either Mr. Dunlop or Mr. O'Callaghan
26 on your books, isn't, is that right?
27 A. No.
- 28 Q. 404 So that in effect what happened here in May of 1992, Mr. McGrath, is regardless
29 of who initiated the request a debt of yours was discharged by effectively
12:53:50 30 Mr. Owen O'Callaghan, using the offices of Mr. Dunlop and that has never been

12:53:55 1 repaid to this day, isn't, is that right?

2 A. That's right, yes.

3 Q. 405 Now, I think that a General Election was called, Mr. McGrath, in November on

4 the 5th of November the of 1992. Did you stand as a candidate in that

12:54:10 5 election?

6 A. Yes, I think I did, yes.

7 Q. 406 You were not successful at that stage in that election, is that correct?

8 A. No, no.

9 Q. 407 Mr. Dunlop has told the Tribunal that in November of 2000 pounds that he made a

12:54:23 10 donation or a payment to you in the sum of 2,000 pounds in cash. Now, do you

11 agree or not with Mr. Dunlop in the first instance that he gave you a donation

12 in or around November of 1992?

13 A. Is this the cash in the Irish Times donation?

14 Q. 408 This is a donation that Mr. Dunlop says that he made to you on a specific date

12:54:47 15 at a pub in Clondalkin in November of 1992?

16 A. I have no recollection of ever meeting Mr. Dunlop in a pub where he gave me a

17 donation.

18 Q. 409 At 8431. You will see there, Mr. McGrath, on the 10th of November 1992 and you

19 may not know this, but on the 10th of November Mr. Dunlop withdrew 55,000

12:55:13 20 pounds in cash from what's known as his Rathfarnham account. And that

21 effectively was a withdrawal out of a sum of 70,000 pounds that had been lodged

22 the same day by Mr. O'Callaghan's company.

23

24 On the 10th of November there are two entries in Mr. Dunlop's diary. One is

12:55:31 25 "Ashtons Clonskeagh OM" do you see that at 5:30?

26 A. I do, yes.

27 Q. 410 If that could be increased, please. And that meeting, Mr. Dunlop says was a

28 meeting at which he paid a sum of 500 pounds to Ms. Mitchell at the request of

29 Ms. Ridge. Ms. Mitchell acknowledges the meeting and that she received a sum

12:55:54 30 of money although she disputes the amount. The second meeting is a meeting at

12:55:58 1 8 o'clock in Clondalkin and there is no name beside that but Mr. Dunlop has
2 told the Tribunal that he went out to Clondalkin to meet you and that you had
3 made a request for a donation for the election from him and in return for your
4 support for Quarryvale and that he met you at a pub in Clondalkin, the name of
12:56:17 5 which he does not know and that he paid you a sum of 2,000 pounds, specifically
6 in relation to your support for Quarryvale?
7 A. None of that is true.
8 Q. 411 None of that is true?
9 A. None of it.
12:56:26 10 Q. 412 Now, did Mr. Dunlop make any payment to you or donation to you in November of
11 1992 for the election?
12 A. It's quite likely he did, yes.
13 Q. 413 Yes. I think at 2936.
14 A. Excuse me.
12:56:40 15 Q. 414 You have indicated in -- through your solicitors in this letter to the Tribunal
16 that you received several political donations from Mr. Dunlop, two or three
17 were cheques associated with golf classics the others were it says case -- were
18 in the amount?
19 A. Cash.
12:56:59 20 Q. 415 Cash, yes in the amount of 1,000 and 2,000 pounds there was also a cheque for
21 1,000 pounds for printing and photocopying?
22 A. Yes.
23 Q. 416 And they you are acknowledged that there were payments in the amount of 1,000
24 and 2,000 pounds in cash.
12:57:12 25 A. Yes.
26 Q. 417 If Mr. Dunlop made a donation to you in November of 1992, would it have been in
27 cash in the first instance?
28 A. I would say so, yes.
29 Q. 418 And again, would you have treated that in the same way as you outlined
12:57:24 30 yesterday to the Tribunal, when you outlined the manner in which you would have

- 12:57:27 1 dealt request cash donations?
- 2 A. Yes I would have yes.
- 3 Q. 419 And that therefore there would be no record of the receipt of those funds
- 4 within your bank accounts, isn't, is that right?
- 12:57:35 5 A. No.
- 6 Q. 420 Right. Now, if Mr. Dunlop made a donation to you in November of 1992, would it
- 7 have been of the order of 1,000 or 2,000?
- 8 A. It's one or the other I'm not quite sure.
- 9 Q. 421 All right.
- 12:57:50 10 A. If we could establish if it's the Irish Times if you know what I mean,
- 11 donation.
- 12 Q. 422 Yes. That was a sum of 2,000.
- 13 A. That was 2,000 yes.
- 14 Q. 423 I can't put words in Mr. Dunlop's mouth but I have, I had understood him to say
- 12:58:05 15 that that meeting which involved the money left in the Irish Times took place
- 16 in your office?
- 17 A. That's right.
- 18 Q. 424 And was a face to face meeting and that it was primarily in the connection with
- 19 I think your support for Carrickmines?
- 12:58:17 20 A. No, well I mean if you are going to make any I of those kind of suggestions I
- 21 just reject them totally. I was paid no money by Mr. Dunlop in connection with
- 22 any development. All donations received from Mr. Dunlop were political
- 23 election donations.
- 24 Q. 425 Leaving aside what Mr. Dunlop says it was for.
- 12:58:36 25 A. Okay.
- 26 Q. 426 And dealing only with the mechanics of where it happened.
- 27 A. Okay.
- 28 Q. 427 Mr. Dunlop appears to suggest that the payment in the Irish Times took place at
- 29 a face-to-face meeting in your office.
- 12:58:46 30 A. Yes I recall that distinctly, yes.

- 12:58:49 1 Q. 428 Now, this particular meeting Mr. Dunlop says took place in a public house in
2 Clondalkin?
- 3 A. No, that never happened.
- 4 Q. 429 Right. Did you ever meet with Mr. Dunlop in a public house in Clondalkin?
- 12:59:01 5 A. I may have yes, but he never gave me a donation. In fact I would have been
6 abhorred if he attempted to give me a donation in a public forum like that.
- 7 Q. 430 Well why was that?
- 8 A. Well it could be misconstrued.
- 9 Q. 431 Well was Mr. Dunlop in the habit of pulling a large amount of cash out of his
10 pocket and -- I don't mean this now in any wrong way. Was that your concern
11 that there would be that type of scene playing out in a public house?
- 12 A. Yes that would be concern me, yes.
- 13 Q. 432 I mean, if Mr. Dunlop was to leave an envelope on the table for you or if he
14 was to give it to you in the Irish Times as previously described that wouldn't
15 have been a concern, is, is that right?
- 12:59:37 16 A. It would have been a concern if it was in a public place.
- 17 Q. 433 Right. Other than being in a public place. I see. Your concern related to
18 you being seen in public receiving something from Mr. Dunlop that might give
19 rise to comment?
- 12:59:51 20 A. Exactly, yeah. And I'm sure he would have been sensitive to that as well.
21 That's why I find it incredulous that he would suggest that it was in a public
22 house.
- 23 Q. 434 Following that and your concern which would have been not to be seen receiving
24 cash or receiving something from Mr. Dunlop in public, does it follow that your
13:00:09 25 meetings with Mr. Dunlop would have taken place at locations other than in
26 public?
- 27 A. Yes absolutely, either in my office or in my home.
- 28 Q. 435 And did Mr. Dunlop come out to your home, Mr. McGrath?
- 29 A. He did, yes.
- 13:00:21 30 Q. 436 And would that have been for the purposes of giving you money?

13:00:24 1 A. Not always but on occasion he did, yes.

2 Q. 437 Again did he attend at your offices in Clondalkin?

3 A. He did yes.

4 Q. 438 And on those occasions did he leave you a donation or give you money also?

13:00:32 5 A. Not always but yes he did.

6 Q. 439 Yes.

7 A. Yeah.

8 Q. 440 And would he have come to your house on more than one occasion?

9 A. That was he his modus operandi.

13:00:42 10 Q. 441 To come to your house.

11 A. If I was in the house he'd come to the house. If I was in the office, he'd

12 come to the office.

13 Q. 442 Would it follow from that, that he would normally ring you in advance?

14 A. Yes.

13:00:50 15 Q. 443 So that he would be able to meet up?

16 A. Yes. He would ring in advance and ask you where you where and then we'd meet.

17 Q. 444 And you would have had a concern at this time when you were meeting with Mr.

18 Dunlop, that you wouldn't be seen in public with Mr. Dunlop receiving something

19 from Mr. Dunlop?

13:01:03 20 A. Well, you see, that question is predicated on your previous hypothetical

21 question.

22 Q. 445 No my question predicated with respect to you, Mr. McGrath --

23 A. Didn't happen, Ms. Dillon, so.

24 Q. 446 Mt question is predicated on your answer as to why you wouldn't have met Mr.

13:01:17 25 Dunlop in a pub because of your concern that the matter could be misinterpreted

26 I think you said?

27 A. Well that would have been one of my concerns. We are in a hypothetical mode

28 there.

29 Q. 447 Well let's move away from hypothetical then and let's deal with what you say

13:01:29 30 actually happened?

13:01:30 1 A. Okay.

2 Q. 448 Your meetings with Mr. Dunlop would have been arranged by telephone first, is,

3 is that right?

4 A. Yes.

13:01:36 5 Q. 449 They took place in two locations as I understand your evidence, either your

6 private domestic home or your office?

7 A. Yes.

8 Q. 450 They were meetings with Mr. Dunlop face-to-face?

9 A. Yes.

13:01:45 10 Q. 451 They were arranged by him and agreed to by you?

11 A. Yes.

12 Q. 452 There was nobody else present?

13 A. No.

14 Q. 453 And Mr. Dunlop made donations to you by way of cash at those meetings?

13:01:55 15 A. Yes.

16 Q. 454 Of which you didn't keep any record and which you put into your drawer and used

17 to defray expenses?

18 A. Yes.

19 Q. 455 And you think that it is more than likely possible that such a donation was

13:02:07 20 paid to you in November 1992, because that was Mr. Dunlop's modus operandi but

21 you don't have a record, is that fair?

22 A. Yes I will accept that.

23 Q. 456 It's one o'clock, Sir.

24

13:02:17 25 Now, at two o'clock Mr. O'Keeffe is giving evidence and that will be concluded

26 by about twenty past two. And if Mr. McGrath is able to return, we will

27 conclude Mr. McGrath's evidence this afternoon.

28

29 CHAIRMAN: Mr. McGrath?

13:02:30 30 A. Yes, Chair.

13:02:31 1 CHAIRMAN: If you be here about twenty past two

2 A. Yes, thank you.

3

4 CHAIRMAN: All right.

13:02:37 5

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

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

13:02:38 1
2
3 MS. DILLON: Good afternoon, Sir. The first witness this afternoon is
4 Mr. Batt O'Keeffe. Mr. Batt O'Keeffe, please.

14:05:03 5
6 MR. O'MAHONY: I wonder, Mr. Chairman, members, if I may ask for
7 representation on behalf of Minister Batt O'Keeffe. I appear instructed by
8 Liam Guidera of Frank Ward & Co. I appear with Deirdre O'Callaghan, BL.

9
14:05:32 10 CHAIRMAN: Very good. That's granted.

11
12 MR. O'MAHONY: Thank you very much.

13
14 **MR. BATT O'KEEFFE, HAVING BEEN SWORN, WAS QUESTIONED BY**

14:05:36 15 **MS. DILLON AS FOLLOWS:**

16
17 CHAIRMAN: Good afternoon, Mr. O'Keeffe.

18
19 JUDGE FAHERTY: Sit down.

14:05:47 20 A. I may sit.

21
22 CHAIRMAN: Yes.

23
24 Q. 457 MS. DILLON: Thank you. Good afternoon Mr. O'Keeffe, the documents to which I
14:05:53 25 am referring will come up on screen beside you, although you may already have
26 hard copies.

27
28 I think that the reason that you are here is that because the Tribunal was
29 originally informed by Mr. O'Callaghan in his first statement to the Tribunal
14:06:07 30 on the 12th of April 2000, that he had made a donation to you in the sum of

- 14:06:18 1 10,000 pounds on the 9th of November 1992, is that right? And you will have
2 seen that in the documentation?
- 3 A. That's correct.
- 4 Q. 458 Now, I think that prior to 1992, you had then elected in 1989 I think, and had
14:06:24 5 subsequently lost your seat been elected in 1987. Subsequently lost your seat
6 in '89, you were standing for election again in 1992, is that right?
- 7 A. That's correct.
- 8 Q. 459 Now, I think that Mr. O'Callaghan then further elaborated on the donation to
9 you at page 3152. When he said that on the 9th of November '92 he had made a
14:06:45 10 contribution to his local Cork TD Batt O'Keeffe, in the sum of 10,000 pounds as
11 a contribution to his election expenses for the General Election of November
12 1992. And that contribution was not solicited by Batt O'Keeffe. And you will
13 have seen that in the documentation, isn't that right?
- 14 A. Yes.
- 14:07:01 15 Q. 460 And I think it's your position also, Mr. O'Keeffe, you didn't solicit this
16 money, isn't that right?
- 17 A. Yes.
- 18 Q. 461 Now, I think at 8422, you will see in the documentation there is a cheque stub
19 dated the 7th of November 1992, made out to Senator Batt O'Keeffe in the sum of
14:07:19 20 10,000 pounds and it's cheque No. 1223, is that right?
- 21 A. Correct.
- 22 Q. 462 And in fact at 8423, there is in fact a copy of the cheque drawn on Mr. Owen
23 O'Callaghan's personal bank account and made payable to Senator Batt O'Keeffe,
24 is that right?
- 14:07:35 25 A. Yes.
- 26 Q. 463 Now, I think that following at 8426, just for completeness. On the 12th of
27 November, cheque No. 1223 in the sum of 10,000 pounds was debited to the
28 personal account of Mr. Owen O'Callaghan, is that right?
- 29 A. Yes.
- 14:07:52 30 Q. 464 Now, were you aware as to whether or not Mr. O'Callaghan was going to be

14:07:56 1 reimbursed or reimbursed by any company within Mr. O'Callaghan's group of
2 companies?

3 A. No.

4 Q. 465 No.

14:08:01 5 A. The cheque I got was a personal cheque and I understood it to be personally
6 from Mr. O'Callaghan.

7 Q. 466 Yes. And I think the Tribunal wrote to you arising out of that sequence of
8 events in October and you responded at page 3390, and in that statement to the
9 Tribunal you confirm in the second paragraph that:

14:08:22 10
11 "Mr. Owen O'Callaghan did make a contribution of 10,000 pounds to me in
12 November 1992. My family and the O'Callaghan family have been friends and
13 neighbours for very many years. Owen O'Callaghan's father and mother lived
14 next door to me at Rosewood Ballincollig and my wife and Owen O'Callaghan's
14:08:37 15 sister, Jean O'Riordan are very good friends. This was the first political
16 contribution Owen O'Callaghan made to me.

17
18 At that time I had been elected to the Dail in 1987 for the first time and then
19 lost my seat in the 1989 General Election. 1992 election was obviously very
14:08:51 20 important to me to win back my seat. I believe the donation was unsolicited
21 and given for the purpose of funding my political career."

22
23 And then you set out that you "believed that you received the money in early
24 November as it was lodged on the 10th of November '92". Isn't that correct?

14:09:05 25 A. Yes.

26 Q. 467 And I think on the following page you set out how the money was "lodged to your
27 account Allied Irish Bank number 12328040 Ballincollig Branch, County Cork on
28 the 10th of November '92 and a portion thereof was lodged into Bank of Ireland
29 account number 11663723 Ballincollig branch, County Cork. Which was a specific
14:09:26 30 General Election expenditure bank account. It is not possible for me at this

14:09:31 1 point for me to say how the money was disbursed. I have requested details from
2 the bank". Is that right?

3 A. Yes.

4 Q. 468 And then you say in the final paragraph "that you do not hold any documentation
14:09:40 5 in relation to the donation, the only documentation which would exist would be
6 bank statements" is that right?

7 A. Yes, yes.

8 Q. 469 And if we look then at the bank statements, Mr. O'Keeffe. And if we look first
9 at the account held by you or the account to which you refer in Bank of Ireland
14:09:57 10 at 26209.

11 A. I didn't hold an account in the Bank of Ireland.

12 Q. 470 Yes I am going to just draw that to your attention now, Mr. O'Keeffe. The
13 letter that I have just opened refers to was lodged into Bank of Ireland
14 account 11663723, and at page 26209, we see that account on screen, is that
14:10:24 15 right?

16 A. That's correct.

17 Q. 471 And that is an account held in the names of Power Murphy Byrne. It's a current
18 account.

19 A. That's correct.

14:10:31 20 Q. 472 Is that the account to which you were referring that a portion of the monies
21 were lodged into that account?

22 A. Yes.

23 Q. 473 And you describe in your statement at page 3391 that, that was a specific
24 General Election expenditure bank account?

14:10:44 25 A. Well we, I suppose I would have more correctly termed it a "general office
26 administration" account at the time. That's the reason it was open.

27 Q. 474 Yes.

28 A. Just to say that it was open for convenience sake. I was going to be
29 canvassing from 11 in the morning until late at night and we needed somebody in
14:11:10 30 the office to meet and defray expenses as they arose.

- 14:11:11 1 Q. 475 Yes. The account at Bank of Ireland which is opened in the name of Power
2 Murphy Byrne is the account that you refer to 3391 as being a specific general
3 election expenditure bank account, isn't that right?
- 4 A. Yes.
- 14:11:19 5 Q. 476 And it is a current account, isn't that the position?
- 6 A. Yes.
- 7 Q. 477 And the purpose of the account according to your statement is that it is to be
8 used for the purpose of the General Election, is that right?
- 9 A. Yes.
- 14:11:30 10 Q. 478 And it relates to expenditure for the General Election and I suggest to you
11 in --
- 12 A. Can I just sorry, Ms. Dillon. Can I just say that the purpose of the account
13 was the convenience but it was I suppose just general administration from our
14 point of view, to make it convenient for the three individuals whose names are
14:11:51 15 on the account to administer that account and to administer any expenses that
16 might arise on a day-to-day basis.
- 17 Q. 479 Was the purpose of that account to administer your General Election expenses?
- 18 A. At that time, yes.
- 19 Q. 480 Yes. And the account is opened for that purpose I suggest to you, Mr. O'Keefe
14:12:08 20 because if you look at 26209. You will see that the account is opened in 1992,
21 is that right?
- 22 A. 27th of April 1992.
- 23 Q. 481 And it says at the top of that if we just have the full document on screen
24 again, you will see where it is noted on the top that the account was opened in
14:12:29 25 April of 1992.
- 26 A. Yes.
- 27 Q. 482 And I suggest to you that that you were anticipating an election, is that
28 right?
- 29 A. We were preparing well for this election.
- 14:12:37 30 Q. 483 Exactly. And you were putting in place, a financial system that would deal

- 14:12:41 1 with your expenditure in relation to any election that would arise, is that
2 right?
- 3 A. Well, it would deal with expenditure that would arise apart from myself.
- 4 Q. 484 Yes.
- 14:12:53 5 A. And I can expand on that if you want.
- 6 Q. 485 Please.
- 7 A. This is an account Murphy Byrne and Power were three associates who were
8 operating my office during the election campaign. And for convenience sake, we
9 decided that we would open this account. That while I was on the field and my
10 family were out canvassing, that if there were requirements to pay particular
11 bills, that they would have a float of money available to cover those expenses.
- 12 Q. 486 Yes. And that is why a current account was opened, isn't that right?
- 13 A. Yes.
- 14 Q. 487 So that a cheque book would be available and somebody would be able to write
15 cheques to defray the expenses of your election, is that right?
- 14:13:31 16 A. Yes.
- 17 Q. 488 And this is not a Fianna Fail account, isn't that right?
- 18 A. No, this is a Murphy Byrne -- I was separate from that account. My signature
19 wasn't on that particular account. These individuals held that account in
20 trust for me.
- 14:13:51 21 Q. 489 Yes. That was the point I was trying to make to you, Mr. O'Keeffe, is that the
22 person who was to benefit from the funds that were lodged to this account was
23 you and not the Fianna Fail constituency in general, is that right?
- 24 A. Correct, correct.
- 14:14:06 25 Q. 490 So this is an account that's being operated by Messrs. Power Murphy and Byrne
26 for your benefit, isn't that right?
- 27 A. Yes.
- 28 Q. 491 And into this account I suggest to you, it is funded in fact you should tell
29 the Tribunal how this account was funded?
- 14:14:19 30 A. Well in the first instance the 10,000 that was given to me by, as a political

- 14:14:26 1 donation, by Owen O'Callaghan 9,000 of that was lodged in a personal account
2 and 1,000 was lodged, was given in cash to the Murphy Byrne Power people to put
3 it into this account to meet with the day on, the day-to-day expenditure.
- 4 Q. 492 Yes. And if we just look at the personal bank account now at 26228,
14:14:53 5 Mr. O'Keeffe?
- 6 A. Yes.
- 7 Q. 493 This is a clearer copy which we only obtained today. But you will see there
8 that on the 12th of November 1992. To the personal account of Batt and Mary
9 O'Keeffe a sum of 9,000 pounds is lodged, is that right?
- 14:15:09 10 A. That's correct.
- 11 Q. 494 And is that the lodgement from Mr. Owen O'Callaghan's donation?
- 12 A. Yes.
- 13 Q. 495 And is it your position then that of the money given to you by Mr. O'Callaghan
14 9,000 pounds was initially put into your joint deposit account with your wife?
- 14:15:23 15 A. Correct.
- 16 Q. 496 And then the balance of that contribution of 10,000 pounds was lodged to the
17 Power Murphy Byrne election account that was being managed in trust for you?
- 18 A. Correct.
- 19 Q. 497 And if we turn to look again at the Power Murphy Byrne account at 26209. Do
14:15:42 20 you say that the 1,000 pounds that was the balance of Mr. O'Callaghan's money
21 forms part of the lodgement of 2,709 pounds on the 16th of November?
- 22 A. I can't be absolutely certain, Ms. Dillon, of that. What I am certain is that
23 1,000 was given to Murphy Byrne and Power for that particular account.
- 24 Q. 498 Yes. And if you -- if we just turn back to look then at he the deposit
14:16:10 25 document at 266201, Mr. O'Keeffe, of the 9,000 pounds to your joint deposit
26 account. This appears to have been lodged by Mary O'Keeffe, is that correct?
- 27 A. That's correct.
- 28 Q. 499 And Mary O'Keeffe is the other deposit holder on that account, is that right?
- 29 A. Mary O'Keeffe is my wife.
- 14:16:28 30 Q. 500 And would that have been a personal deposit account, Mr. O'Keeffe?

- 14:16:32 1 A. That would have been a personal account.
- 2 Q. 501 And at 26228 there is a debit on that account on the 2nd of December 1992, in
- 3 the sum of 10,750 pounds?
- 4 A. That's correct.
- 14:16:43 5 Q. 502 Right. And I think you would accept that prior to the lodgement of 9,000
- 6 pounds to that account on the 2nd of December -- on the 12th of November '92,
- 7 Mr. O'Keeffe, there was a sum of approximately 1,700 Pounds in the account?
- 8 A. Correct.
- 9 Q. 503 And then the 9,000 pounds lodgement is made. And then on the 2nd of December
- 14:17:04 10 '92, there is a withdrawal of 10,750 pounds, is that right?
- 11 A. Correct.
- 12 Q. 504 What happened to that 10,750 pounds, Mr. O'Keeffe?
- 13 A. That was put into another personal account that was yielding a high overnight
- 14 interest rate at the time.
- 14:17:20 15 Q. 505 It was not lodged, isn't it the case, to your election account?
- 16 A. No.
- 17 Q. 506 That is the Power Murphy Byrne account, isn't that right?
- 18 A. No.
- 19 Q. 507 And if we look at 26209 we see that by the 27th of November, there is no
- 14:17:38 20 substantial lodgement and then if we look at 26219, we see that up to the 17th
- 21 of December 1992, there is no lodgement of 9,000 pounds, is that right?
- 22 A. No, no.
- 23 Q. 508 Why did you make the decision to withdraw the sum of 10,750 pounds and put it
- 24 into a high interest earning account, Mr. O'Keeffe?
- 14:18:02 25 A. First of all, Ms. Dillon, you will note that the account was closed. And there
- 26 was an ill balance in that particular account. It was lodged to another
- 27 personal account which yielded a higher interest rate because we were obviously
- 28 anxious that we would, that the account would benefit from any interests that
- 29 were due. And at that particular time in 1992, higher interest rates were
- 14:18:29 30 available within the banking system. Can I explain why it went into a personal

14:18:34 1 account?

2 Q. 509 Yes.

3 A. I want to refer you back to 1992 and just to say to you that there were no
4 rules and no regulations at the time. And it was certainly common practice
14:18:50 5 that you would intermingle personal funds with political donations. It
6 certainly had happened in previous elections. And because there were no rules
7 and regulations, it was common practice to do that.
8
9 Now, in, putting that money into a personal account and I want to point out to
14:19:14 10 you that all of the monies expended by me was expended from my own resources,
11 personal resources. And if you take an election campaign and I think if you
12 particularly take this campaign, Ms. Dillon. I was fighting for my political
13 life. My campaign for the '92 General Election started immediately after the
14 '91 Local Elections.

14:19:42 15
16 And it is, it was a custom at that time that you would spend a lot of your own
17 personal funds in funding your own political career. I certainly, a
18 significant sum of that of my personal funds were expended in the Senate
19 Election of '89 when I had lost my seat. And from the June of '91, I would
14:20:06 20 have spent out of my own personal account all of the expenses that would accrue
21 to a campaign going forward to the next General Election.
22
23 In terms of the election itself, what I'd like to point out to you very clearly
24 and very emphatically, that I was at all times aware that I had received a
14:20:31 25 political donation from Owen O'Callaghan. I was at all times aware that that
26 money would have to be expended for political expenses. And I ensured that any
27 monies that went out and were called for through political expenses, they were
28 paid out of my current account, they would have been paid out of my visa
29 account. Money, when I would lodge a cheque would be taken, deducted from the
14:21:01 30 cheque and cash would be used. But at all times I want to emphasise that I was

- 14:21:06 1 aware that that money would have to be expended for political expenses.
- 2 Q. 510 Yes. If you just look at 26228, Mr. O'Keeffe, and the General Election in 1992
- 3 was called I think on the 5th of November 1992 and polling date was the 25th of
- 4 November 1992. And on the 2nd of December 1992, after you have been elected to
- 14:21:31 5 the Dail, you transfer the sum of 10,750 from this deposit account to another
- 6 high earning deposit account, is that right?
- 7 A. That's correct.
- 8 Q. 511 According it to your evidence. You do not seek to reimburse at that stage,
- 9 your current account for the expenses that you say you have incurred for the
- 14:21:48 10 election in 1992, is that right?
- 11 A. Election expenditure and political expenditure is ongoing. There would be
- 12 three phases. There would be phase during the election itself for the four
- 13 weeks of the election and any monies that I would expend on that campaign would
- 14 be taken directly out of my current account or out of my visa account. That,
- 14:22:15 15 to set the scene for you.
- 16 Q. 512 If you just stick with the question, Mr. O'Keeffe, which is either it's a
- 17 factor it is not a fact. And did you use the 10,750 pounds to reimburse your
- 18 current account or your visa account for the election expenses that you say
- 19 that you incurred in November 1992?
- 14:22:33 20 A. I would say to you in response that every -- that of the 10,000 pounds that was
- 21 given by way of political donation by Owen O'Callaghan. All of that money was
- 22 expended for political expenses. Whether it was during the election campaign,
- 23 expenses don't come to an end when the election day is over. There would be
- 24 post election expenses and there were certainly quite substantial pre-election
- 14:23:03 25 expenses as well. And I am well satisfied in my mind that all of the money
- 26 that I received from Mr. O'Callaghan were expended for political expenses.
- 27 Q. 513 When you transferred the 10,750 pounds from this joint deposit account on the
- 28 2nd of December 1992, did you transfer it into the election account you had
- 29 open and extant at that time?
- 14:23:25 30 A. No.

- 14:23:26 1 Q. 514 Did you transfer any of the portion of that money at that time into your
2 current account?
3 A. No.
4 Q. 515 Did you transfer it into your visa account?
14:23:34 5 A. No.
6 Q. 516 Right. Did you transfer it as you described here today into a high earning
7 deposit account?
8 A. Yes.
9 Q. 517 Was that in your own name or in the name of a similar name to the Bank of
14:23:44 10 Ireland account the Power Murphy Byrne account?
11 A. No.
12 Q. 518 Was it in your own name?
13 A. No, that was into a personal account in the name of my wife's name and my name.
14 Q. 519 And how long approximately did the funds remain on deposit, Mr. O'Keeffe?
14:23:57 15 A. Well in that account off the top of my head I'm not aware but I want to
16 emphasise to you, Ms. Dillon, that there were no rules and there were no
17 regulations in relation to spending at that time. And at that time, I want to
18 assure you that all of the monies given by Owen O'Callaghan were expended in
19 election expenses and in post election and in pre-election expenses.
14:24:26 20
21 And to say to you that our modus operandi at the time was if I got in my salary
22 cheque from the senate, you will also realise that I was lecturing in the Cork
23 Regional College at the time, the Senate sat for two days. So I was lecturing
24 for three days a week in the Regional College. And the cheques that would come
14:24:54 25 in for that into my current account, the money from that would be used to fund
26 election expenses as they arose. And I think it would be only fair to be given
27 the opportunity, Mr. Chairman, to recite for you the type of expenses that are
28 incurred pre-election, during the election and post election.
29
14:25:17 30 And we would have at that time, say, four teams on a full-time basis on the

14:25:22 1 road canvassing, morning until late evening. There would be certainly myself
2 with a team, my wife with a team, my son with a team and there would be one
3 other team, four. There would be expenses for instance in terms of the
4 refreshments, the food, there would be refreshments itself, there would be
14:25:41 5 expenses at a time of election. Everybody seems to want you to buy tickets to
6 in raffles to become involved in draws, to put a team in a golf classics, to
7 attend functions here there and every where. So there were quite substantial
8 expenses involved.

14:25:59 10 On top of that, you would in the evening you could have up to 60 people out
11 canvassing and at the end of that evening there would be expenses whereby those
12 people would have to be, we'd have to buy drink for them at the end of the
13 evening. And it was a custom in those times as well that if there were people
14 in the bar that very often you would buy for the "term" buy for the house. So
14:26:26 15 there were quite substantial expenses involved.

16
17 CHAIRMAN: Mr. O'Keefe, is it your evidence to the Tribunal that you were
18 spending your own money, your own personal funds?

19 A. Yes.

14:26:36 20
21 CHAIRMAN: And this money from Mr. O'Callaghan in effect imbursed those funds
22 although you didn't directly reimburse the accounts concerned?

23 A. No.

14:26:49 25 CHAIRMAN: But are you satisfied that it was spent in that way?

26 A. I am -- it would be the norm up to that election, Mr. Chairman, would be that
27 you would use your own personal accounts.

28

29 CHAIRMAN: Yes, yes.

14:27:01 30 A. And I can assure the Tribunal that as far as I'm concerned I spent more of my

14:27:06 1 personal money than was received from Owen O'Callaghan by way of a donation.

2

3

CHAIRMAN: All right.

4

14:27:11 5 Q. 520 MS. DILLON: Is it case then if I can summarise it, Mr. O'Keeffe, that this is
6 a mental reimbursement. In other words you don't actually transfer any of the
7 10,750 into your current account or into your visa account but you are
8 satisfied that mentally you had expended a sum equivalent to that from your own
9 resources, is that a fair way of putting it?

14:27:33 10 A. I think that you can be absolutely assured at all times I was aware that I had
11 this political donation and that I was spending that donation through my every
12 day current account.

13 Q. 521 The decision to split it as to 9,000 to your joint personal deposit account and
14 1,000 to the election account was that a decision made by you or a decision
15 made by somebody else?

14:27:51 16 A. That was a decision made by myself and my trustees. Because you notice the
17 first payment that went in to the Murphy Byrne Power account was on the 9th of
18 November. Right. At that stage we put in 100 pounds in order to have a float
19 in that account. And we needed money in that account so we put 1,000 in from
14:28:16 20 Owen O'Callaghan's political donation at that time to keep that account afloat.

21 Q. 522 Yes. I think at 26202, Mr. O'Keeffe, Mr. O'Callaghan's money is lodged to your
22 joint deposit account on the 12th of November. And that would be the day I
23 assume that you cashed the cheque from Mr. O'Callaghan and the next lodgement
24 there is the 16th of November in the sum of 2,700 pounds, is that right?

14:28:43 25 A. Yes.

26 Q. 523 So it would follow at 26209 sorry, that if you had given one of the trustees
27 the 1,000 pounds as you describe the next lodgement is made on the 16th of
28 November, is that right?

29 A. That's right. 2,700 on the 16th.

14:29:01 30 Q. 524 On the 16th of November. And you are satisfied that notwithstanding the

- 14:29:07 1 transfer of the 10,750 on the 2nd of December, that you are satisfied in
2 yourself that you spent that on the election, isn't that right, Mr. O'Keeffe?
- 3 A. I am satisfied that I expended that money during the election, post election
4 and in the ongoing expenses that would arise and not taking into account the
14:29:29 5 personal money that I had spent on my campaign from June 1991.
- 6 Q. 525 And notwithstanding having gone to the -- taken the step of opening a specific
7 election account it was your decision not to put the entire of the 10,000
8 pounds into that account?
- 9 A. It wasn't because I was well aware that I was going to face all of these
14:29:47 10 expenses right during the campaign and post campaign and we've done a rough
11 calculation. Or I've done a rough calculation that on an annual basis
12 political expenses that you could not recoup would amount to a minimum of
13 3,500. So that if it wasn't spent, Ms. Dillon, the 9,000 or the 10,000 was
14 given to me on the 9th of November, right in the middle of the campaign two
14:30:18 15 weeks before the election date itself. And that was I suppose it was usual and
16 normal for people to come in late with donations. If they were to give a
17 donation because the hype of the election would be upon them then and the I
18 suppose the acknowledging the recognition of giving a political donation would
19 only occur in the height of an election.
- 14:30:42 20 Q. 526 Yes. In any event, in the middle of that election the 9,000 pounds was lodged
21 by your wife to the deposit account, isn't that correct?
- 22 A. That's correct.
- 23 Q. 527 And the balance given in cash to one of your trustees --
- 24 A. Yes.
- 14:30:55 25 Q. 528 -- on and would it be fair to say it was your decision not to utilise the
26 General Election account for the full sum of 10,000 pounds at that time?
- 27 A. I think I pointed out to you earlier that we opened the Murphy Byrne Power
28 account as a convenience mechanism. There was no requirement on us to do that.
- 29 Q. 529 You misunderstood me, Mr. O'Keeffe. The decision not to lodge the 10,000
14:31:21 30 pounds to the General Election account was that a decision that you made?

- 14:31:21 1 A. That's a decision I made.
- 2 Q. 530 Yes. That was the question that I had asked you. Can I ask you one final
3 thing, Mr. O'Keeffe.
4
- 14:31:25 5 The Tribunal was told by Mr. Dunlop that you were the person that he
6 recollected Mr. O'Callaghan telling him that you had advised Mr. O'Callaghan to
7 make a donation to Mr. GV Wright and you will be familiar with this matter
8 because the Tribunal sent you certain information and you have responded to
9 that information which was put I think to Mr. Dunlop while he was here. But in
10 fairness, do you accept first of all that that's a very short summary of the
11 evidence given by Mr. Dunlop in relation to the matter?
- 12 A. Well that's a short summary of the evidence given, yes.
- 13 Q. 531 Now, the point at issue is a very net point. Is whether or not you ever
14 advised Mr. O'Callaghan to make a political donation to Mr. GV Wright?
- 14:32:06 15 A. I have written back to the Tribunal to categorically emphatically state that
16 there is no truth at all in that allegation. It's totally unfounded.
- 17 Q. 532 Yes. Now, Mr. Dunlop did not suggest that he knew that of his own knowledge.
18 What Mr. Dunlop told the Tribunal is that this is what he was told by Mr.
19 O'Callaghan, do you understand?
- 14:32:26 20 A. I do.
- 21 Q. 533 Yes.
- 22 A. I do. And you understand, Ms. Dillon, that what and I think you quite
23 correctly pointed it out yourself to Mr. Dunlop --
- 24 Q. 534 Uh-huh.
- 14:32:35 25 A. -- that, that was at variance with what Mr. O'Callaghan said in his statement
26 and his evidence to the written evidence to the Tribunal.
- 27 Q. 535 You did provide through your solicitors Frank Ward & Co. at 2550, a letter
28 25550. Yes. And in this in relation to the evidence given by Mr. Dunlop you
29 state through your solicitor, that such evidence is entirely without foundation
14:33:07 30 and is entirely incorrect, isn't that right?

14:33:10 1 A. Yes.

2 Q. 536 And I think that statement was put to Mr. Dunlop and he effectively disagreed
3 with it but that's Mr. Dunlop's position, isn't that right?

4 A. Yes.

14:33:17 5 Q. 537 Thank you very much, Mr. O'Keeffe. If you would answer any questionings
6 anybody else might have.

7 A. Can I, Mr. Chairman.

8

9 CHAIRMAN: Yes.

14:33:24 10 A. Can I just expand on Mr. Dunlop's allegation.
11

12 CHAIRMAN: Yes, certainly.

13 A. I think it's important to set the background. I would like to refer the
14 Tribunal to page 21245 of Quarryvale II.

14:33:39 15

16 CHAIRMAN: Uh-huh.

17 A. Where Mr. Dunlop was, I think it was private evidence, where present was
18 Mr. Gallagher and Mr. Hanratty at the time. And to show that Mr. Dunlop didn't
19 know me. Can I just point out to you that at several stages in that particular
14:34:02 20 piece of evidence he pointed out at one stage that I was Pat O'Keeffe, I think
21 twice he pointed me out some fella called Pat O'Keeffe. On another occasion he
22 called me Mat O'Keeffe. On a third occasion he described me as some guy down
23 in the constituency.
24

14:34:22 25 So it establishes that Mr. Dunlop didn't know me and certainly I don't believe
26 I ever spoke to Mr. Dunlop in my life. But what is more significant still and
27 shows a serious inconsistency in Mr. Dunlop's statement to the Tribunal is
28 this: When he was asked by Mr, I think it was -- it might be Mr. Hanratty if
29 he was told, if he was told who the person down in the constituency that got
14:34:54 30 the donation. He emphatically says no, I was not. Yet four years later in

14:35:03 1 January '08, suddenly Mr. Dunlop realises he is a Minister of State, yes his
2 name is Batt O'Keefe. But yet when he gave the original evidence in 2003 he
3 didn't know my name. I was some guy down in the constituency. And that was
4 nearer to the event and the happenings that took place as against four years
14:35:24 5 later, when he was actually in the Tribunal itself. And I would say to you,
6 Mr. Chairman, that, you know, given -- and I would ask the Tribunal to look at
7 his original evidence and you will see quite clearly that this particular
8 evidence should not be given credence. It is untrue. It is certainly not
9 accurate and I have no hesitation in saying it is unfounded.

14:35:50 10
11 CHAIRMAN: All right. That's very helpful. Is Mr. O'Callaghan's position
12 known? Mr. O'Callaghan doesn't agree that he was so advised by ...
13

14 MS. DILLON: Subject to anything that my friend behind me wishes to say in
14:36:06 15 relation to Mr. O'Callaghan.

16 A. Mr. O'Callaghan in his statement, Chairman, indicates in his statement to the
17 Tribunal that I didn't solicit a donation, yet he claims that Mr. Wright did
18 solicit a donation.
19

14:36:28 20 MS. DILLON: Mr. O'Keefe is mixing up two events Sir, with respect. They are
21 two entirely separate and unconnected matters. The donation of 10,000 pounds
22 that Mr. Dunlop -- that Mr. O'Callaghan says that he made to Mr. O'Keefe and
23 which Mr. O'Keefe admits that he got, was made without solicitation by
24 Mr. O'Keefe. And that statement of Mr. O'Callaghan's has been put to
14:36:44 25 Mr. O'Keefe. What Mr. O'Keefe is doing, I am sure it is erroneously. Is, he
26 appears to be mixing up the evidence with GV Wright with the donation.
27

28 The donation to Mr. O'Keefe is an entirely separate matter to the donation
29 made by Mr. O'Callaghan to Mr. GV Wright. And the substance of Mr. Dunlop's
14:37:05 30 evidence which was given for the first time in the course of this module in

14:37:08 1 relation to Mr. GV Wright was, that he recollected that the name of the person
2 who advised Mr. O'Callaghan to make a political donation or a payment to Mr. GV
3 Wright in November 1992 was Mr. Batt O'Keeffe.
4

14:37:22 5 CHAIRMAN: I think Mr. O'Keeffe understands that. And you say that there is
6 no truth in that.
7

8 MS. DILLON: Yes.
9

14:37:27 10 CHAIRMAN: I was just asking did Mr. O'Callaghan deal with that issue?
11

12 MS. DILLON: Not to my knowledge.
13

14 CHAIRMAN: All right. He can deal with it when he comes in.
15

14:37:33 16 MR. KEATING: Yes, Chairman. I just want to put some brief questions to
17 Mr. O'Keeffe not in relation to that issue.
18

19 CHAIRMAN: All right.
20

14:37:41 21 MR. KEATING: Just issues which should be of assistance to the Tribunal.
22

23 **THE WITNESS WAS QUESTIONED BY MR. KEATING AS FOLLOWS:**
24

14:37:46 25 Q. 538 Minister O'Keeffe, my name is Alan Keating, I represent Mr. Owen O'Callaghan
26 amongst others. And I just want to as you have just heard put a few matters to
27 you. You were elect in the 1987.

28 A. Yes.

29 Q. 539 To the Dail and you lost your seat in 1989.

14:37:57 30 A. Yes.

- 14:37:57 1 Q. 540 And 1992 was an important generally election for you, isn't that correct?
- 2 A. Critical.
- 3 Q. 541 The contribution made by Mr. O'Callaghan was unsolicited by you.
- 4 A. Yes.
- 14:38:10 5 Q. 542 You had, you never had any role in Quarryvale, isn't that correct?
- 6 A. None whatsoever.
- 7 Q. 543 You never had any financial or political interest in that project, isn't that
- 8 correct?
- 9 A. No.
- 14:38:21 10 Q. 544 You were not a member of Dublin County Council or any of its successors between
- 11 the years 1989 and 2002, isn't that correct?
- 12 A. No.
- 13 Q. 545 And this is a bona fide political contribution made to you at a time when it
- 14 was known to your supporters that it was a critical election for you, albeit
- 14:38:42 15 unsolicited?
- 16 A. Yes.
- 17 Q. 546 Thank you, Minister O'Keefe.
- 18
- 19 CHAIRMAN: Dr. O'Mahony.
- 14:38:52 20
- 21 **THE WITNESS WAS QUESTIONED BY DR. O'MAHONY AS FOLLOWS:**
- 22
- 23 Q. 547 DR. O'MAHONY: I wonder if I might ask you, how well did you know Owen
- 24 O'Callaghan or how well did your family know the O'Callaghan family?
- 14:38:56 25 A. I think in my letter to the Tribunal, I would have indicated quite clearly that
- 26 both families would be very friendly. Owen O'Callaghan was borne and bred in
- 27 Ballincollig. I have lived all of my adult life in Ballincollig, 38 years.
- 28 The house that I lived in, in Ballincollig -- my back garden abutted the back
- 29 garden of Owen O'Callaghan's mother and father. His mother was a very
- 14:39:23 30 represented midwife in the town. His father and myself became great friends.

14:39:29 1 We often had a drink together. He was a great gardener. He often gave me over
2 the wall a head of cabbage or a head of lettuce. And my wife and Owen
3 O'Callaghan's sister, Jean, are very good friends and indeed my wife is very
4 friendly with Sheila O'Callaghan, Owen's wife through the flower and garden
14:39:49 5 club. So there would be a tremendous friendship there. And I think it's also
6 important, Dr. O'Mahony, to point out that the, at that particular time it was
7 a unique situation for me as well.

8
9 Because when I lost my seat in '89, Owen O'Callaghan expressed his regret that
14:40:09 10 I had lost my seat, felt that I should have won it and advised me and exhorted
11 me to continue on as best I could in politics and that I win back my seat. And
12 that it came as no surprise to me when Mr. O'Callaghan rang me to assure me of
13 his support for the '92 election.

14 Q. 548 Now, in relation to the donation, were there any favours asked or given,
14:40:37 15 Minister O'Keeffe?

16 A. The political donation was given to me as a political donation. There was
17 absolutely no favour asked for by Mr. O'Callaghan one way or the other. I can,
18 I am absolutely specific on that point that it was a General Election donation
19 with no strings attached good, bad or indifferent.

14:41:03 20 Q. 549 Very good, Mr. O'Keeffe. If I may place on the record, Mr. Chairman. I think
21 Ms. Dillon has already done so in a fashion and almost completely but just to
22 ensure the record reads completely on the point.

23
24 I think it's appropriate that a letter written on January 28th by Frank Ward &
14:41:28 25 Co. on Minister O'Keeffe behalf. And I would like if it would be inserted or
26 installed in the record as appropriate.

27
28 This arises out of the evidence given by Mr. Frank Dunlop on Thursday, January
29 24th before this Tribunal, that was day 811. The letter written on Minister
14:41:48 30 O'Keeffe's behalf reads as follows. And if I may read it into the record.

14:41:52 1 JUDGE FAHERTY: 2550.
2
3 CHAIRMAN: Put it it on screen.
4
14:41:57 5 JUDGE FAHERTY: 25550.
6
7 DR. O'MAHONY: It is in its totality on the record.
8
9 CHAIRMAN: Yes.
14:42:07 10
11 DR. O'MAHONY: That's correct. I am satisfied with that.
12 Q. 550 Now in the critical part of that, that letter is "such evidence as was given by
13 Mr. Dunlop on the 24th of January. Minister O'Keeffe says is entirely without
14 foundation". Could you elaborate on that Minister O'Keeffe just for clarity
14:42:30 15 and to put it beyond doubt?
16 A. That is without foundation that I advised Owen O'Callaghan.
17 Q. 551 Yes.
18 A. To help out GV Wright or indeed for him to give a donation to GV Wright.
19 Q. 552 Yes.
14:42:41 20 A. Well the only elaboration that I can give on it is that it never happened. It
21 didn't occur. I must point out to you again, I didn't solicit a donation for
22 myself from Owen O'Callaghan to say the least that I would solicit a donation
23 for a third party.
24 Q. 553 Very good. Finally and very briefly, Minister O'Keeffe. I wonder might I ask
14:43:06 25 you, are you aware of or did you ever have any involvement with, directly or
26 indirectly, any of the following companies namely O'Callaghan Properties
27 Limited?
28 A. No.
29 Q. 554 Riga Limited?
14:43:21 30 A. No.

14:43:22 1 Q. 555 Merrygrove Estates Limited?

2 A. No.

3 Q. 556 Barkhill Limited?

4 A. No.

14:43:27 5 Q. 557 Did you ever have any involvement directly or indirectly with any of the
6 planning matters touching upon Quarryvale, Liffey Valley, Lucan/Clondalkin town
7 centre, Neilstown or any of these developments the subject matter of evidence
8 before this Tribunal?

9 A. No.

14:43:53 10 Q. 558 Thank you very much, Mr. Chairman, members.

11

12 CHAIRMAN: Thank you very much

13 A. Thank you thank you very much.

14

14:43:58 15 **THE WITNESS THEN WITHDREW.**

16

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

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- 14:44:02 1 **MR. COLM McGRATH, PREVIOUSLY SWORN, CONTINUED TO BE QUESTIONED BY**
- 2 **MS. DILLON AS FOLLOWS:**
- 3
- 4 CHAIRMAN: Good afternoon, Mr. McGrath.
- 14:44:29 5
- 6 Q. 559 MS. DILLON: Good afternoon, Mr. McGrath.
- 7 A. Good afternoon.
- 8 Q. 560 If we could just turn to deal with the events of December 1992, which I think
- 9 you would agree was probably the time at which the critical Quarryvale vote
- 14:44:44 10 took place, is that right?
- 11 A. Yes, I think so, yeah.
- 12 Q. 561 Now, I think if I can show you first at 8757, Mr. McGrath. That on the 13th of
- 13 December 1992, an article appeared in I think the Sunday Business Post, that
- 14 Mr. Gilmartin had been declared bankrupt in England and that was four days
- 14:45:05 15 before the meeting in Dublin County Council at which the fate of Quarryvale was
- 16 going to be deceit decided, isn't that right?
- 17 A. Yes I'll accept that, yes.
- 18 Q. 562 Would you have been aware at the time that Mr. Gilmartin had been declared
- 19 bankrupt?
- 14:45:19 20 A. No, I wouldn't.
- 21 Q. 563 Did you ever have any discussion with Mr. O'Callaghan or with Mr. Dunlop about
- 22 Mr. Gilmartin's financial status?
- 23 A. No.
- 24 Q. 564 At this time was Mr. Gilmartin around at all can you remember, Mr. McGrath?
- 14:45:38 25 A. He was around. My recollection about once a month I think.
- 26 Q. 565 At that time in 1992. Mr. Gilmartin has indicated to the Tribunal that he
- 27 because of his straightened financial circumstances at this time, he was not
- 28 within this jurisdiction very often?
- 29 A. Okay, I accept that whatever.
- 14:45:59 30 Q. 566 I think he did not attend at Dublin County Council for the vote on the 17th of

14:46:03 1 December 1992 and I think that there is no issue about that?

2 A. Okay, okay, yeah.

3 Q. 567 Now, what he does say about the 1992 and about specifically about the meeting

4 in December 17th of December 1992, is that two people came over to meet him in

14:46:23 5 London from Allied Irish Bank thank and that on the 17th and that evening he

6 tried to ring the Council offices to make contact with a person that he wanted

7 to speak with. And he says that somebody manned the phones in the Fianna Fail

8 rooms in Dublin County Council and I wasn't able to get through to the person

9 he wanted to speak to. Do you know anything about that, Mr. McGrath?

14:46:45 10 A. Only that I have read it in the documentation.

11 Q. 568 Yes. In Mr. Dunlop's statement and indeed in Mr. Dunlop's evidence to the

12 Tribunal at 1909. Sorry, if in fact I'll put to you 1590. Which is a

13 statement from Mr. Deane. And in the final paragraph of that statement

14 Mr. Deane says:

14:47:11 15

16 "He was present at the County Council offices on the afternoon of the vote of

17 the 17th of December '92. During the course of the evening he answered the

18 phone call. He recognised that Tom Gilmartin was the person on the other end.

19 He was looking for Councillor McGrath but Councillor McGrath was not in the

14:47:27 20 room at the time. When Councillor McGrath returned to the room I informed him

21 that Tom Gilmartin had telephoned and he was adamant that I would not mention

22 his name while in the company of any other people as the mere mention of his

23 name would revive fears shopping development which Tom Gilmartin was proposing,

24 at a time when it was very difficult to achieve an agreement on a scheme of

14:47:47 25 250,000 square feet.

26

27 Councillor McGrath indicated to me that he would not take a call from Tom

28 Gilmartin unless he was in the room on his own. Tom telephoned several times

29 that evening but on no occasion was Councillor McGrath in the room and alone".

14:48:01 30

- 14:48:01 1 Do you recollect that event as described there as described there by Mr. John
2 Deane?
- 3 A. No, I don't.
- 4 Q. 569 Right. And Mr. O'Callaghan in his statement at 3150 says under the heading
14:48:16 5 "Council vote" and in the second half of that paragraph if it can be blown up:
6
7 "On the evening of the vote, on 17th of December, Tom Gilmartin rang the Fianna
8 Fail offices in Dublin County Council looking for Councillor McGrath. John
9 Deane answered the phone but Councillor McGrath was not in the room. Tom
14:48:30 10 Gilmartin did not give his name but John Deane recognised his voice. When
11 Councillor McGrath returned he informed John Deane that he would not take the
12 call if there were any people in the room, as the mere mention of Tom
13 Gilmartin's name would revive fears of 1.5 million square foot development at a
14 time when achieving 250,000 square feet was proving very difficult."
- 14:48:51 15
16 And in effect Mr. O'Callaghan has a similar recollection to that set out by
17 Mr. Deane in his statement. Does that assist you in recollecting whether or
18 not --
- 19 A. Well you know when you asked me do I recall. I don't recall it but that is
14:49:05 20 likely to have happened, yes.
- 21 Q. 570 First of all would you have had a concern that people would know that Mr.
22 Gilmartin was still on the scene as it were?
- 23 A. Well it was a concern, yes, that Mr. Gilmartin -- he seemed to be holding out
24 for the larger square footage.
- 14:49:22 25 Q. 571 And following the May '91 vote, it had been capped at 500,000 square feet
26 approximately, isn't that right?
- 27 A. Yes yes.
- 28 Q. 572 And is it fair to say that there were negotiations on the 17th of December and
29 indeed prior to the 17th for a reduced cap?
- 14:49:38 30 A. Yes, that's fair to say.

- 14:49:40 1 Q. 573 Mr. Dunlop has described to the Tribunal where he advised Mr. O'Callaghan that
2 half a loaf was better than no bread?
- 3 A. Yes that was the general thinking on it, yes.
- 4 Q. 574 And that he had been advised and that Mr. O'Callaghan was advised that if they
14:49:53 5 didn't agree to the reduction there was a prospect that the matter wouldn't go
6 through?
- 7 A. Precisely, yes.
- 8 Q. 575 Would you agree that Mr. Gilmartin did not want any reduction in the square
9 footage that had been allowed?
- 14:50:05 10 A. Yes, absolutely. Yes.
- 11 Q. 576 Looking back on it now, is it likely that if Mr. Gilmartin had sought to speak
12 with you on the 17th of December '92, you would not have taken the call?
- 13 A. No, because I'd developed quite a personable relationship with Mr. Gilmartin
14 and I wouldn't have been able to accede to what he wanted me to do. So I would
14:50:24 15 say what I decided on the day best just not to talk to him.
- 16 Q. 577 And Mr. Gilbride when he gave evidence to the Tribunal, Mr. McGrath, described
17 on the day before receiving a telephone call from Mr. Gilmartin in which Mr.
18 Gilmartin asked him effectively, not to support the Quarryvale proposal. Did
19 you have any similar telephone call from Mr. Gilmartin?
- 14:50:45 20 A. No, not that I can recall, no.
- 21 Q. 578 I think according to what Mr. Gilbride told the Tribunal, he said that he
22 discussed this with you and that he was of the belief that you had had a
23 similar phone call from Mr. Gilmartin?
- 24 A. Yes, I may have. I am just saying I don't recall it.
- 14:51:02 25 Q. 579 All right.
- 26 A. But it's likely that he would have canvassed me against proceeding with the
27 smaller square footage, yeah, I accept that that may have happened, yes.
- 28 Q. 580 And you yourself had prepared a motion at 1125, effectively seeking to adopt
29 certain elements of the manager's report, is that right?
- 14:51:25 30 A. Yes.

- 14:51:28 1 Q. 581 And the manager's report had advised people to adhere to the original plan
2 because if it was seen abandoned, then the correct zoning to have on the
3 Quarryvale site would be a combined C and E zoning?
- 4 A. Yes, yes.
- 14:51:40 5 Q. 582 And in this motion signed by Mr. O'Halloran, yourself, Ms. Ridge and Mr. Colm
6 Tyndall you were seeking to adopt that portion of the manager's report, is that
7 right?
- 8 A. Yes.
- 9 Q. 583 And I think that there was a second and amendment to that for which there is no
14:51:59 10 documentary record which was to limit the square footage for retail at 250,000
11 square feet?
- 12 A. Yes.
- 13 Q. 584 And then there was a second amendment at 8856. And this was to adopt the
14 managers recommendation that the Neilstown lands should be zoned D with a new
14:52:17 15 specific objective of encouraging specialised commercial recreational
16 industrial and residential uses, isn't that right?
- 17 A. Yes.
- 18 Q. 585 And effectively that was allowing for the development of the Stadium, if that
19 came through?
- 14:52:29 20 A. It would have accommodated a stadium, yes.
- 21 Q. 586 Mr. Dunlop has described to the Tribunal that there are effectively
22 negotiations on the night of the 17th, the evening of the 17th of December '92,
23 and ultimately it was agreed that at 250,000 square foot cap on retail would
24 probably be successful. Would you agree with that?
- 14:52:47 25 A. Yes, I would yes.
- 26 Q. 587 Were you involved in those negotiations?
- 27 A. More than likely, yeah.
- 28 Q. 588 And would you have been negotiating with your colleagues on the council?
- 29 A. Negotiating is a ... well negotiating. I would have been discussing it with my
14:53:02 30 colleagues.

- 14:53:02 1 Q. 589 And would you have been promoting the 250,000 square feet because it was going
2 to be something that would be acceptable to more people?
- 3 A. Yes.
- 4 Q. 590 And therefore you were going to get a development on Quarryvale?
- 14:53:13 5 A. Yes, in my case reluctantly but -- but yes.
- 6 Q. 591 But would you have had a belief at that time that even if it was capped at
7 250,000 square feet, that ultimately you would be successful on lifting that
8 cap?
- 9 A. I was quietly confident, yes.
- 14:53:28 10 Q. 592 Yes. Mr. Keating who will be giving evidence to the Tribunal but who has not
11 yet given evidence at 23558. In his description of the third paragraph in --
12 if we could increase the third paragraph please. And he is describing here the
13 events of December '92.
14
- 14:53:47 15 And he says "The December '92 Council vote confirmed Quarryvale with a cap on
16 its size. That cap was a middle ground between those two totally rejected
17 Quarryvale and those who promoted its rezoning. I did not even on the day of
18 the vote, involve myself in any discussion of a cap but the cap reflected a
19 middle ground viewpoint. I recall one memory of that day in particular. As
14:54:08 20 Councillor McGrath emerged from the Council Chamber after the vote in a
21 bullent form, I overheard him openly and brazenly say "good day's work lads,
22 we'll lift it in the new Council" first of all do you remember saying that?
- 23 A. No, I have no recollection of that.
- 24 Q. 593 Is it likely, Mr. McGrath, because of the view that you have held as you told
14:54:28 25 the Tribunal that you would ultimately be successful in lifting the cap that
26 you would have expressed yourself at that time?
- 27 A. Not in those words I wouldn't think, no.
- 28 Q. 594 And Mr. Tom Morrissey who has given evidence to the Tribunal, also indicated
29 that he was told not by a Councillor but by a developer that he was optimistic
14:54:45 30 that the cap would be lifted and he was told that in December '92. Would it be

14:54:50 1 fair to say that there might have been a view among the Quarryvale team at the
2 time of this meeting in the 17th of December '92, that the cap would be lifted?
3 A. Yes, it's fair to say, yes.
4 Q. 595 Now --
14:55:03 5 A. Eventually, I suppose.
6 Q. 596 Sorry.
7 A. Eventually.
8 Q. 597 Yes. Did you contact Mr. Gilmartin after the vote on the 17th of December '92
9 can you recollect?
14:55:12 10 A. I can't recollect. If I did, was it in writing or on the phone do you mean?
11 Q. 598 Either case.
12 A. I don't recall contacting him no.
13 Q. 599 You had a good relationship at all times with Mr. Gilmartin.
14 A. I had. Well up to the point where he became unreasonable.
14:55:31 15 Q. 600 Yes. Had that point been reached by December '92?
16 A. It had, yes, yeah.
17 Q. 601 But did you discuss with him at any stage what had happened on the 17th of
18 December '92?
19 A. I have no recollection of discussing it with him, no. Does he say I did?
14:55:47 20 Q. 602 No, not in any specific terms but I am just wondering in view of the fact that
21 there had been telephone contact on the 17th of December, that if Mr. Deane and
22 Mr. O'Callaghan are correct, Mr. Gilmartin was seeking to contact you special
23 specifically.
24 A. Yes yeah.
14:56:00 25 Q. 603 And if they are correct you wouldn't speak to him then. Did you subsequently
26 go to him and speak to him about what had happened on the 17th of December?
27 A. I may have, Ms. Dillon, but I don't recall the actual phone call no.
28 Q. 604 It's likely that Mr. Gilmartin would have been deeply unhappy with the events
29 that transpired on the 17th of December 1992, is that right?
14:56:20 30 A. Yes. I may have taken the decision not to ring him because I knew by his

- 14:56:25 1 attitude that he would not have been happy with that decision. And I knew I
2 probably wasn't going to be able to appease him.
- 3 Q. 605 Would you yourself, Mr. McGrath, as one of the main promoters of the Quarryvale
4 project have been reasonably happy with the outcome of the vote on the 17th of
14:56:40 5 December 1992?
- 6 A. I was, I was reasonably happy.
- 7 Q. 606 Yes. And were you quietly confident that that would permit development to
8 commence on Quarryvale?
- 9 A. Yes, yes.
- 14:56:48 10 Q. 607 And if I can move forward then to May of 1993, which is a matter that I had
11 jumped ahead to yesterday. In relation to the articles that were in the
12 newspaper by Minister Michael Smith as he then was. Do you remember those?
- 13 A. Yes, I do yes.
- 14 Q. 608 And in the course of those articles at 25438, Minister Smith was widely
14:57:11 15 reported as referring to zoning in Dublin County Council in particular as a
16 debased currency, is that right?
- 17 A. Yes, he did say that, yes.
- 18 Q. 609 Now, Mr. Smith gave evidence to the Tribunal and he told the Tribunal that
19 following on the publication of these articles that there was a meeting in
14:57:27 20 Leinster House at the request of the Taoiseach Albert Reynolds and it was
21 Mr. Reynolds who contacted him with certain Fianna Fail councillors including
22 yourself?
- 23 A. Yes.
- 24 Q. 610 Do you remember that meeting?
- 14:57:38 25 A. I do yes.
- 26 Q. 611 Would you just outline to the Tribunal first of all why you wanted to meet with
27 Minister Smith?
- 28 A. Well obviously we wanted to discuss, we wanted him to elaborate on what exactly
29 he was saying in relation to the debased currency accusation.
- 14:57:54 30 Q. 612 In general, would you accept that Minister Smith as he then was his comments

- 14:58:00 1 and his articles were critical of councillors and critical of the process in
2 Dublin?
- 3 A. Yes, he was yes and of the process.
- 4 Q. 613 Who else was at that meeting can you remember, Mr. McGrath?
- 14:58:10 5 A. Oh I can't specifically. There was about five or six -- half a dozen
6 councillors anyway.
- 7 Q. 614 Well Minister Smith can only remember Mr. GV Wright, Ms. Betty Coffey and
8 yourself, though he thought there might have been others?
- 9 A. I thought that there would have been others as well, yeah I remember a larger
14:58:29 10 group than that.
- 11 Q. 615 Can you remember who else was at it? Was Mr. Cyril Gallagher at it another
12 name mentioned by ...?
- 13 A. I don't recall him no. I would have thought Pat Dunne would have been at it.
- 14 Q. 616 Mr. Smith did not say that Mr. Dunne was there. Do you remember Mr. Dunne
14:58:44 15 being there?
- 16 A. Well I would have thought he was our whip so ...
- 17 Q. 617 Mr. Smith did say that the councillors each councillor angrily addressed the
18 issues in relation to him and these articles, would you agree with this?
- 19 A. Yes I did myself, yes.
- 14:58:59 20 Q. 618 Why were you angry about it, Mr. McGrath?
- 21 A. Well because for obvious reasons it was painting erroneous picture in our minds
22 as to what was going on in Dublin County Council. Now he may have information
23 that we weren't aware of but we weren't aware of what he was aware of so we
24 just reacted from our own personal standpoint I'm sure.
- 14:59:18 25 Q. 619 Was there any discussion at that meeting about whether money was changing
26 hands?
- 27 A. There may have, yes there probably was. We probably asked him has he any
28 evidence of money changing hands.
- 29 Q. 620 Mr. Smith says that the issue of payments from developers to councillors did
14:59:32 30 not arise. And he didn't put that question to councillors as to whether people

- 14:59:35 1 were being paid. He says that there was no discussion about payments?
- 2 A. Okay well it may have been mentioned though I certainly would have mentioned it
- 3 in my contribution to the meeting. Maybe he doesn't recollect that.
- 4 Q. 621 Right. Would you have disclosed for example the fact that you had received
- 14:59:53 5 10,000 pounds by this stage from a developer who had a substantial development
- 6 going through the Dublin Development Plan?
- 7 A. No, I wouldn't because it wasn't in the same context as he was referring to.
- 8 Q. 622 Right. And did you not feel that it would be relevant to say or not to say.
- 9 Relevant to make the point to Mr. Smith that developers are not paying
- 15:00:16 10 councillors?
- 11 A. Well, you know my position on the word "pay" Ms. Dillon.
- 12 Q. 623 Receiving money then.
- 13 A. Yes. So I mean no. He seemed to be inferring that decisions were made
- 14 directly on the basis of people being paid to make them.
- 15:00:29 15 Q. 624 Yes.
- 16 A. But that was the inference we took from what he was saying.
- 17 Q. 625 Right.
- 18 A. And we were absolutely livid about in a.
- 19 Q. 626 Did anybody at that meeting including yourself disclose that they had received
- 15:00:40 20 substantial political donations or indeed any political donations from
- 21 developers who had matters entrain before the Council?
- 22 A. I don't recall specific reference to it but it may have cropped up.
- 23 Q. 627 Did you yourself make any --
- 24 A. I may have, yes because I think it was important at the time to make the
- 15:00:59 25 distinction. I probably said to Mr. Smith, you are a long-standing politician
- 26 yourself and I'm sure you have fought many an election and you have financed
- 27 your elections through political donations no doubt. So how you are making a
- 28 distinction between the political donations you received and the ones we
- 29 receive. That's the type of line I think I would have taken with him.
- 15:01:17 30 Q. 628 But you have no recollection of raising any such matter with Mr. Smith?

- 15:01:21 1 A. Well, if you are asking me to speculate on what might have happened and that's
2 what I think I would have said to him. That's what I would say to him today if
3 he issued that statement today.
- 4 Q. 629 You raised the name of Mr. Pat Dunne. Mr. Dunne was not a councillor in 1993?
- 15:01:36 5 A. Oh, was he not okay.
- 6 Q. 630 Mr. Quinn informs me that he lost his seat I think in June of 1991?
- 7 A. All right.
- 8 Q. 631 So that would explain why he wasn't at that particular meeting.
- 9 A. Okay.
- 15:01:45 10 Q. 632 Your recollection that there were some other members of Fianna Fail present at
11 that meeting?
- 12 A. I thought it was five or six, yeah.
- 13 Q. 633 Now, in June of 1993, at around the same time that this material is being
14 published in the newspapers, Mr. McGrath, a change was proposed to the written
15:02:01 15 statement in relation to Quarryvale. And there was a motion to the Council at
16 1157. And you will remember that following the decision in December of 1992,
17 that there would have been a change to the written statement due to the capping
18 of the retail element of Quarryvale at 250,000 square feet, is that right?
- 19 A. Yes yes.
- 15:02:27 20 Q. 634 And the proposed change here was that the district town centre shall be in the
21 order of 250,000 square foot retail floor space.
- 22 A. Yes.
- 23 Q. 635 As opposed to shall not be greater than.
- 24 A. Yes.
- 15:02:39 25 Q. 636 Right. Mr. Dunlop has told the Tribunal that he believes this was drafted by
26 Mr. Lawlor?
- 27 A. I would say it probably was, yes.
- 28 Q. 637 I was about to ask you that. Did you draft it?
- 29 A. I may have been present but no I didn't draft it, no.
- 15:02:54 30 Q. 638 And did you obtain any of the signatures on that motion?

- 15:02:59 1 A. No but I see from the page in front of me that you see where the reference
2 5.4.9 is.
- 3 Q. 639 Yes.
- 4 A. That's internal.
- 15:03:09 5 Q. 640 That's paragraph 5.4.9 of the draft written statement?
- 6 A. Yes, so that's not the original motion.
- 7 Q. 641 No what happens as you know, Mr. McGrath, is after the decision in December
8 1992, the manager had prepared an amendment to the written statement to reflect
9 the fact that the retail element had been capped at 250,000 square feet?
- 15:03:31 10 A. Yes.
- 11 Q. 642 Before that went out on the second public display this motion was brought?
- 12 A. Brought from, yes, that's what I'm trying to establish. How was it brought?
- 13 Q. 643 I can only tell you that as you see it, it was brought before the Council on
14 the 3rd June '93, having been lodged on the 27th of April?
- 15:03:54 15 A. Yeah, that's what I wanted to get at. Have we got a copy of what was lodged?
- 16 Q. 644 That is the copy of what the Tribunal has of what was lodged. This is the
17 actual motion.
- 18 A. You see a motion wouldn't have that 5.4.9 reference on it. An original motion
19 wouldn't. It's only when it finds its way into the actual minutes of the
20 meeting that it's given a numerical reference you see.
- 15:04:13 21 Q. 645 This is the motion provided by --
- 22 A. Oh I know, I am not disputing with you. It is the motion. But I am just
23 curious. I would be able to help you more whether I drafted it or not if I
24 could see the original motion.
- 15:04:28 25 Q. 646 This is the original motion.
- 26
- 27 JUDGE FAHERTY: I think what Ms. Dillon is saying, Mr. McGrath, is that the
28 5.4.9 reference may well be the extract -- the proposed amendment of the
29 extract taken from the draft written statement. There would have been as I
30 understand it, a draft written statement in circulation as at time. Am I
- 15:04:43

15:04:47 1 correct in that Ms. Dillon?
2 MS. DILLON: Yes.
3
4 JUDGE FAHERTY: Which would have been circulated to the members. This would be
15:04:49 5 in advance -- this is the manager's proposal for the draft written statement
6 regarding Quarryvale.
7 A. Yes.
8
9 JUDGE FAHERTY: And I think what Ms. Dillon is saying that it may well be that
15:04:59 10 the person who lodged this motion were lodging this -- is what they wanted and
11 that particular portion of the draft written statement.
12
13 MS. DILLON: If we look at 1179.
14 A. I follow you there. But still that would have to be put to the meeting to you
15:05:14 15 understand?
16
17 Q. 647 MS. DILLON: I am going to take you through the meeting that deals with it.
18 This is what happens after the meeting. And what would have been circulated as
19 you know, Mr. McGrath, is a document quite like this, which would have
15:05:25 20 indicated the previous change on paragraph 5.4.9 to the new paragraph 5.4.9 do
21 you understand?
22 A. Yes.
23 Q. 648 And what was being proposed in your motion at 1157.
24 A. Yes.
15:05:37 25 Q. 649 Was a change to paragraph 5.4.9 in other words to amend paragraph 5.4.9.
26 A. Yes.
27 Q. 650 And the motion as lodged with Dublin County Council and subsequently debated is
28 the motion that you presently see on screen?
29 A. Okay.
15:05:50 30 Q. 651 Okay.

- 15:05:51 1 A. Yeah but I am still confused as to why it's in that format, you know.
- 2 Q. 652 That is the format in which it was received as will see by the stamp by Dublin
- 3 County Council?
- 4 A. Uh-huh.
- 15:06:02 5 Q. 653 Right.
- 6 A. Okay. Then the motion was the reference 5.4.9 was typed on to the motion by
- 7 whoever drafted the motion.
- 8 Q. 654 Yes because it was seeking to amend paragraph 5.4.9 of the draft motion?
- 9 A. I can tell you positively that I didn't draft the motion. However I agree with
- 15:06:22 10 the sentiments of it.
- 11 Q. 655 Mr. Dunlop felt that Mr. Lawlor was the author of this particular motion?
- 12 A. I accept that, yeah.
- 13 Q. 656 It came before the Council on the 3rd of June 1993, and while it was debated it
- 14 wasn't voted upon at that stage and on the 4th of June 93 at 1168, and a
- 15:06:42 15 particular paragraph page 1170. It was amended and then passed unanimously and
- 16 the amendment were the amendments at paragraphs 1, 2 and 3 on page 1170. Do
- 17 you see those?
- 18 A. Sorry, yes.
- 19 Q. 657 It was amended.
- 15:07:04 20 A. Yes.
- 21 Q. 658 The motion.
- 22 A. But not exceeding is what that what you are referring.
- 23 Q. 659 I am going to take you through the amendments. That the first amendment was
- 24 deleting the words "district" and replacing it with a district capital D and
- 15:07:18 25 town capital T?
- 26 A. Yes.
- 27 Q. 660 The second amendment was deleting the words "retail floor space" and
- 28 substituting the words of "retail shopping".
- 29 A. Yes.
- 15:07:27 30 Q. 661 And the third amendments was adding the words "but not exceeding" after the

- 15:07:32 1 words "in order of".
- 2 A. Okay.
- 3 Q. 662 So that ultimately, the final motion would read according to the last paragraph
- 4 "it is an objective of the council to foster the creation of employment
- 15:07:44 5 opportunities in the Quarryvale area and to facilitate the provision of a
- 6 district town centre to service the larger community. It is proposed to
- 7 designate a district town centre site at Quarryvale. This district town centre
- 8 shall be in the order of but not exceeding 250,000 square feet of retail
- 9 shopping."
- 15:08:01 10 A. Uh-huh.
- 11 Q. 663 And one of the main differences there is the difference between retail floor
- 12 space and retail shopping.
- 13 A. Yes.
- 14 Q. 664 Isn't that right?
- 15:08:08 15 A. I accept that, yes.
- 16 Q. 665 And that would have meant that in calculating the 250,000 square feet you would
- 17 only be looking at actual shopping, isn't that right?
- 18 A. Net.
- 19 Q. 666 Net.
- 15:08:17 20 A. Yeah.
- 21 Q. 667 As opposed to floor space which would be gross.
- 22 A. Yeah.
- 23 Q. 668 Isn't that right? So this is to the benefit of the developer?
- 24 A. Yes.
- 15:08:25 25 Q. 669 So you, this was while you may not have been the author of the motion you
- 26 certainly were instrumental in promoting it through the Council, isn't that
- 27 right?
- 28 A. Yes.
- 29 Q. 670 With your other colleagues. And I think then that on the 19th of October 1993,
- 15:08:39 30 after the second public display. And I think, Mr. McGrath, the second public

- 15:08:47 1 display.
- 2
- 3 JUDGE FAHERTY: July to August I think.
- 4
- 15:08:50 5 Q. 671 MS. DILLON: At 1173, showed the Quarryvale area with the changes that had
6 been proposed by the December meeting, isn't that right?
- 7 A. I'm sure yes.
- 8 Q. 672 The change to C and E zoning and then the amendment to the written statement
9 following on the meeting of June of 1993, isn't that right?
- 15:09:12 10 A. Uh-huh.
- 11 Q. 673 And in October the matter came back before the Council for the matter to be
12 confirmed, isn't that right? And this would have been the final part at which
13 the councillors had an input, isn't that right?
- 14 A. Yes it would have been, yeah.
- 15:09:26 15 Q. 674 Now, it came back before the Council and was I think ultimately confirmed,
16 certain motions were put in that weren't proceeded with, isn't that right?
- 17 A. Yes I recall that, yes.
- 18 Q. 675 But the decision as made at the meetings in June of 1993 and December of 1992
19 were confirmed, isn't that right?
- 15:09:44 20 A. Yes, I think that's right, yeah.
- 21 Q. 676 And the effect of all of that, Mr. McGrath, in simple terms was that Quarryvale
22 was left with a C and E zoning which permitted commercial development, capped
23 at 250,000 square feet net retail.
- 24 A. Yes.
- 15:09:58 25 Q. 677 Yes.
- 26 A. That was the end result, yes.
- 27 Q. 678 And Neilstown then had its own D zoning with a a special amendment in the
28 written statement?
- 29 A. Yes, that's right, yeah.
- 15:10:07 30 Q. 679 Now, I think that in November of 1993, Mr. McGrath, you received a sum of

15:10:19 1 20,000 pounds from Mr. Owen O'Callaghan, is that right?

2 A. Yes, that's right.

3 Q. 680 Now, Mr. O'Callaghan in his statement at 3152 says:

4

15:10:23 5 "On the 9th of November '93, I paid a sum of 20,000 pounds to Councillor Colm
6 McGrath. The circumstances of this payment are as follows. Councillor McGrath
7 approached me and requested this payment on the basis that he had spent a
8 considerable amount of money on the November '92 elections, as a result of
9 which his business was in serious financial difficulty and he needed some
10 financial help. As Councillor McGrath had supported me in my efforts in Liffey
11 Valley and had supported Tom Gilmartin prior to I becoming involved in
12 Quarryvale, I felt obliged to offer support as a thank you for all of the help
13 and assistance which he had given."
14

15:10:58 15 Now, in the first place do you agree that you approached Mr. O'Callaghan and
16 asked him for the payment because you had spent a considerable amount of money
17 on the November '92 election?

18 A. Well I didn't ask him for a specific amount. I may have spoken to him all
19 right. Mr. O'Callaghan not regularly almost always, when he would meet you
15:11:17 20 would ask you how are things going, how was your business going or something
21 like that he. He would always inquire because he would be aware of the amount
22 of time and commitment that had been put into the Quarryvale thing.
23

24 So yes, I generally agree that arising out of that discussion I obviously told
15:11:34 25 him that the burden of the election expenses together with my non-attendance at
26 my business had put me in a financial bind, yes

27 Q. 681 And is it fair to say that you asked Mr. O'Callaghan for a sum if not this
28 precise sum?

29 A. I may, yes. I probably said something like if there is anything to do to help
15:11:53 30 I'd appreciate it.

- 15:11:54 1 Q. 682 Have and in your statement at 2934 at paragraph 1 subparagraph second
2 paragraph.
3
4 You state "In relation to the 20,000 pounds received from Mr. O'Callaghan the
15:12:05 5 following circumstances pertained.
6
7 My involvement in the Quarryvale development impacted seriously on my business
8 affairs. When Mr. O'Callaghan became aware of my predicament he offered to
9 help out and thankfully he did" and then you talk political income being
10 perpetual and you go on to say "the 20,000 pounds was used to pay creditors and
11 the balance was miscellaneous copies requested from Irish Permanent Building
12 Society" is that right?
13 A. Yes.
14 Q. 683 Now, insofar as the funds are concerned, Mr. McGrath, at 10364. This is an
15 extract from your Irish Permanent Building Society account, isn't that correct?
16 A. Yes.
17 Q. 684 And on the 19th of November '93, you lodge 20,000 pounds, is that right?
18 A. Yes.
19 Q. 685 Is that Mr. O'Callaghan's cheque?
15:12:49 20 A. Yes, that's right.
21 Q. 686 And then you make two withdrawals one on the 13th of January '94 and the other
22 on the 14th of January '94. The first of 8,969.40 pounds and the second of
23 7,818 pounds.
24 A. Yes.
15:13:03 25 Q. 687 And they together total the amount of 16,787.40 you describe as creditors?
26 A. Yes.
27 Q. 688 And is that you utilising Mr. O'Callaghan's funds to discharge liability in
28 respect of your business?
29 A. It is, yes, but you will appreciate that liabilities in respect of my business
15:13:23 30 would have built up as because money that I should have paid to creditors or to

- 15:13:27 1 the Revenue Commissioners was being used for other purposes.
- 2 Q. 689 Yes.
- 3 A. So it's kinds of a roundabout.
- 4 Q. 690 Yes. Now, was this sum -- what exactly was this sum, was this sum a political
- 15:13:43 5 donation?
- 6 A. Yes, absolutely.
- 7 Q. 691 Its not a donation that's used for political purposes, is that right?
- 8 A. Well it is used for political purposes, yes.
- 9 Q. 692 I had understood you to say in writing in that your evidence today was that in
- 15:13:53 10 fact it was used to pay creditors of your business?
- 11 A. Yes, but as I just said to you creditors of my business. I was using my
- 12 political funds -- it's sort of a reimbursement back to my political
- 13 expenditure.
- 14 Q. 693 You had at that stage, still running I think the political account we looked at
- 15:14:09 15 is that right?
- 16 A. More than likely yes.
- 17 Q. 694 Yes. Into which you said generally you put the proceeds of golf classics and
- 18 matters such as that sort, isn't that right?
- 19 A. Yes.
- 15:14:17 20 Q. 695 It is the case is it not that insofar as you deal with the money received from
- 21 Mr. O'Callaghan you do not lodge it to that political account, isn't that
- 22 right?
- 23 A. Yes.
- 24 Q. 696 And you lodge it to the Irish Permanent account and use it for expenses to
- 15:14:31 25 defray your expenses?
- 26 A. Yes. Well my business is business and politics. That was my business.
- 27 Politics was my business at the time.
- 28 Q. 697 And is it your position then that this sum of 20,000 pounds is not, is a
- 29 political donation by Mr. O'Callaghan to you?
- 15:14:56 30 A. It's a political donation, yes.

- 15:14:56 1 Q. 698 It's not a gift in the sense of as Mr. O'Callaghan describes that he felt
2 obliged to offer it to you as a thank you for all your help?
3 A. Well they are his words. As far as I'm concerned it was a political donation
4 to help me to defray election expenses and other expenses constituency office
15:15:07 5 expenses which I had supported which is not an uncommon thing with, you know,
6 by relying on my creditors.
7 Q. 699 Yes.
8 A. But then they come home to roost eventually so they have to be paid.
9 Q. 700 So that insofar as you deal with this money. Effectively what you are saying
15:15:26 10 as I understand it, Mr. McGrath, and correct me if I am wrong is that you had
11 expended money out of your own resources for political purposes --
12 A. Yes and VAT and PRSI, yeah.
13 Q. 701 -- and you used Mr. O'Callaghan's money to repay them -- to yourself
14 effectively those expenses by repaying your creditors?
15:15:46 15 A. Yes, that's quite right.
16 Q. 702 But you don't utilise your political account to deal with this money?
17 A. No because with such a large amount of money you wouldn't put it into a current
18 account.
19 Q. 703 Yes. Was this the single biggest donation you ever received in your life?
15:15:58 20 A. It was yes.
21 Q. 704 In your political life. And was the second biggest, the other sum of 10,000
22 pounds you received from Mr. O'Callaghan?
23 A. Yes, yes.
24 Q. 705 And the 10,700 pounds that we discussed this morning that you now classify as a
15:16:10 25 political donation, that also would have been of the same?
26 A. Yes.
27 Q. 706 Right. So that in total insofar as Mr. O'Callaghan is concerned, to your
28 knowledge he directly contributed 40,700 pounds to you, is that right?
29 A. Yes, that would be right, yes.
15:16:24 30 Q. 707 Okay. Now, did Mr. O'Callaghan confer any other benefit on you can you

15:16:31 1 recollect, Mr. McGrath?

2 A. Directly like.

3 Q. 708 Or on your companies?

4 A. No not directly.

15:16:39 5 Q. 709 I am not making myself clear. Did your companies receive any benefits from

6 businesses associated with Mr. O'Callaghan?

7 A. Not directly, no.

8 Q. 710 Well indirectly did they?

9 A. Yes.

15:16:51 10 Q. 711 In what manner did you receive indirect benefit.

11 A. Well my companies tendered successfully for contracts on the building site when

12 it commenced.

13 Q. 712 If we look briefly just at the history of your indirect involvement with Mr.

14 O'Callaghan. I think at 11604, there is an invoice in January of 1995 for 395

15:17:15 15 pounds, is that right?

16 A. Yes.

17 Q. 713 And then this is in relation to architects and archeological exercise on

18 Quarryvale?

19 A. Yes, that's correct.

15:17:25 20 Q. 714 And at 11605. There is another invoice for 395 pound, is that right?

21 A. Yes.

22 Q. 715 From Essential Services Limited and at 11606. There is a third invoice in

23 April '95, in the sum of 660 pounds.

24 A. Yes.

15:17:42 25 Q. 716 And I think the total amount of those was 1,055 and it was paid at 11607.

26 A. Okay.

27 Q. 717 Would you accept that?

28 A. Oh, yes absolutely yeah.

29 Q. 718 And it would follow from that that that you had a relationship with Mr.

15:17:57 30 O'Callaghan continuing after the rezoning of Quarryvale?

- 15:18:00 1 A. Yes, I accept that.
- 2 Q. 719 And if we look then at again at the period January to April '95 at 10910. This
3 is an invoice from Essential Services Limited to Riga Limited for the provision
4 of security services at Quarryvale in the sum of 8 and a half thousand pounds?
- 15:18:20 5 A. That's right, yes.
- 6 Q. 720 And I think that when you were first asked by the Tribunal about this at
7 interview, that you had thought that the sum was much smaller. I think you had
8 indicated that it was approximately 500 pounds or 600 pounds but in fact in the
9 documentation you provide to the Tribunal it's clear that the figure is 8,500
10 pounds?
- 11 A. Yes, I may have been confused about. There was an initial security provision
12 which was only a small amount of money and then subsequently it was a larger
13 amount.
- 14 Q. 721 Were these security services which were provided between January and April of
15 1995 provided by Essential Services Limited?
- 15:18:53 16 A. They were yes.
- 17 Q. 722 And this is a figure that doesn't appear to include VAT it's a round figure
18 sum, is that right?
- 19 A. Yes because at that time Essential Services had only started and I didn't
15:19:08 20 anticipate at that point that I would have reached a ceiling of turnover for
21 where VAT kicks in.
- 22 Q. 723 And I think --
- 23 A. Sorry to interrupt you. You will see later on in the accounts that once we had
24 hit the Revenue ceiling where VAT becomes applicable, then we started to apply
15:19:30 25 the VAT.
- 26 Q. 724 And I think at 11726. I think by cheque drawn on the 27th of April '95, you
27 were paid that sum, is that right?
- 28 A. Yes.
- 29 Q. 725 And you don't appear to have provided any other security services around this
15:19:46 30 time to Riga, is that right?

15:19:50 1 A. Whatever, I'm not sure, no.

2 Q. 726 Now, it would appear that in April of 199 --

3 A. Sorry. The probable answer to that is that at that point maybe the

4 contributors had moved on to site.

15:20:01 5 Q. 727 And at 26007. There is an invoice from Clondalkin Distributers which is one of

6 your companies to Essential Services for work done for Riga at Quarryvale and

7 for Quarryvale Properties at Citywest 7,500 pounds?

8 A. Yes.

9 Q. 728 And does that relate to the same amount 7,500 pounds, is that included in the 8

10 and a half thousand pounds that Essential Services sent forward to Riga?

11 A. No it's a separate invoice as far as I can see. Sorry I beg your pardon.

12 That's from Clondalkin Distributers to Essential -- that's the same.

13 Q. 729 So what is happen something that one of your companies Clondalkin Distributers

14 is providing securities and invoicing another of your companies Essential

15 Services Limited which in turn invoices Riga?

15:20:47 15 A. Precisely.

16 Q. 730 Is that what happens?

17 A. Yes.

18 Q. 731 Now, I think that there was also at 12217 an invoice to Riga in February of in

19 general of '96, which is also paid at 1220, is that right? It's only a small

15:21:09 20 amount, is that right?

21 A. Yes. I don't see 1220 up here.

22 Q. 732 I beg your pardon. 12220 please. You will see there the cheque from Riga

23 Limited in respect of the invoice on the 29th of February '96, is that right?

24 A. Yeah it doesn't seem to relate exactly to the same amount on the invoice but

15:21:35 25 however.

26 Q. 733 Yes, it would appear at 12217, that they had negotiated you down from the

27 invoice that you had put in, if you just want to clarify that. 12217 if we

28 look at the bottom for the handwriting, you will see "agreed" and a deduction

29 do you see that?

15:21:54 30

- 15:21:55 1 A. Yeah fair enough, I see that yeah.
- 2 Q. 734 And at 12600 in June of 1996, and this appears to relate to the removal of
3 travelling families from the site.
- 4 A. Yes.
- 15:22:09 5 Q. 735 There is an invoice of 363 pounds. And at 12601. There is another invoice in
6 the sum of 511.83 pounds, isn't that right?
- 7 A. Yes.
- 8 Q. 736 And I think they are paid at 12603, is that right?
- 9 A. Yes and you can see where the VAT has started to kick in.
- 15:22:29 10 Q. 737 Yes.
- 11 A. Yes.
- 12 Q. 738 Right. And I think then at 12861 there is in April of '97, a cheque for 500
13 pounds for which there does not appear to be an invoice?
- 14 A. Okay.
- 15:22:47 15 Q. 739 Okay.
- 16 A. I don't know how that happened.
- 17 Q. 740 Now, just moving on then slightly forward in relation to that. If we look at
18 26030. And we see that for November/December '96, that Blue Shields Security
19 Services Limited is providing services to Essential Services Limited, is that
15:23:14 20 right?
- 21 A. Yes.
- 22 Q. 741 Was Blue Shield your company?
- 23 A. No.
- 24 Q. 742 What services was Blue Shield providing to Essential Services?
- 15:23:21 25 A. Security services.
- 26 Q. 743 Right. And were they security services on the Quarryvale site?
- 27 A. Yes.
- 28 Q. 744 Right. And were they providing those services for you at your request?
- 29 A. They were, yes.
- 15:23:31 30 Q. 745 And at this time had you tendered for a contract on the Quarryvale site?

15:23:40 1 A. What dates are we at here now?

2 Q. 746 This is December '96?

3 A. December '96. I'm not sure but the records, there would be corresponding

4 invoices to contractors then if we were. But more than likely the answer is

15:23:55 5 yes.

6 Q. 747 Well --

7 A. Because prior to that we were doing it ourselves.

8 Q. 748 All right.

9 A. Yeah.

15:24:01 10 Q. 749 Because if we look at 25911. Dealing with the period ended January '95, you

11 see there two invoices to Riga from Essential Services Limited?

12 A. Yes.

13 Q. 750 The first of which we have dealt with and I think the second of which we have

14 dealt with?

15:24:17 15 A. Yes.

16 Q. 751 All right. And then if we look at 1996 for the year ended 31st of December '96

17 at 25992. 25992. And there is listed there a schedule of work done

18 effectively for various companies, isn't, is that right?

19 A. Yes.

15:24:44 20 Q. 752 Now can I ask you in relation to Ascon. Were Ascon related to the Quarryvale

21 site?

22 A. They were, yes.

23 Q. 753 Were they the subcontractor's on the site?

24 A. They were one of them.

15:24:54 25 Q. 754 One of them?

26 A. Uh-huh.

27 Q. 755 Insofar as there is there work done for Ascon. Is that a contract that you

28 tendered for on the Quarryvale development itself?

29 A. Yes well we quoted for.

15:25:17 30 Q. 756 Thank you. And did you also quote for Sisks?

15:25:17 1 A. We did yes.

2 Q. 757 And were you successful in your quote for both?

3 A. We were.

4 Q. 758 Are were they providing security services and then some earth work?

15:25:21 5 A. Ancillary services, yes.

6 Q. 759 And you were successful in your contract for both of those in 1996 and 1997, is
7 that right?

8 A. Yes.

9 Q. 760 And what was the value to Essential Services of those contracts, Mr. McGrath?

15:25:33 10 A. Oh, without the accounts with me, I would be guessing now but probably around
11 100,000 per annum I would say.

12 Q. 761 Yes. 100,000 for Sisks and 100,000 for Ascon?

13 A. Yes. Approximately 2,000 Euros or pounds as it were per week approximately.

14 Q. 762 Yes. So of the order of 100,000 pounds per annum for the two companies would
15:25:55 15 be 200,000 pounds per annum for the duration of the contract?

16 A. Yes give or take.

17 Q. 763 And did the contract last for longer than the first year '96?

18 A. Oh, yes.

19 Q. 764 How long did the contract last?

15:26:08 20 A. Contracts.

21 Q. 765 Contracts, yes.

22 A. Well by and large for the duration of the bill of the construction period
23 construction period.

24 Q. 766 And that was approximately a four year period, isn't that right?

15:26:22 25 A. Three and a half to four years.

26 Q. 767 And for the duration of that period, your companies received 200,000 pounds per
27 annum, 100,000 from Ascon and 100,000 from Sisks approximately in respect of
28 services?

29 A. Approximately but it's in the accounts anyway. It could be extrapolated quite
15:26:40 30 easily I would say.

- 15:26:41 1 Q. 768 Yes and I think in fact in the documentation you provided in relation to the
2 year end 31st December '97, you provide at 25996 the figure there is 277,274.76
3 which is related back to individual monthly documentation that you have also
4 provided to the Tribunal, isn't that right?
- 15:27:05 5 A. Yes that's right. That's for your year is it?
- 6 Q. 769 Yeah that for one year.
- 7 A. That would be a gross figure so there would be a VAT element in that.
- 8 Q. 770 Yes.
- 9 A. So ...
- 15:27:14 10 Q. 771 If you look for example at the very first figure for January/February '97 the
11 figure there is 13,772.22 pounds, isn't that right?
- 12 A. Yes.
- 13 Q. 772 And if you look at 25993. You will see that that figure relates to two
14 invoices to Ascon Limited for January and February?
- 15:27:35 15 A. Okay.
- 16 Q. 773 Okay. And if you go back then to 25996, each of the figures in the first
17 column relate to invoices you have issued to either Ascon or to Sisks during
18 that period?
- 19 A. Okay.
- 15:27:49 20 Q. 774 Okay. And that would mean that, for example, by the 31st of December '97, you
21 had made 277,224.78 pounds give or take in relation to your involvement on the
22 Quarryvale site, isn't that right?
- 23 A. Turnover.
- 24 Q. 775 Turnover.
- 15:28:05 25 A. Yeah.
- 26 Q. 776 Isn't that right? But those figures seem to relate to invoices that you have
27 submitted to Sisks or to Ascon or to Quarryvale related matters?
- 28 A. Well to Sisk and to Ascon. That the point in time I was dealing with the
29 contractors.
- 15:28:21 30 Q. 777 Yes there are small invoices to Grosvenor International Holdings Limited as

15:28:27 1 well contained within those figures and I suggest to you that they may also
2 have been Quarryvale?
3 A. Yes, they might have been signs or something.
4 Q. 778 So the position would appear to be that for the year end 31st of December '97,
15:28:38 5 your companies invoiced the contractors and subcontractor's on the Quarryvale
6 site in the amount of 277,274.78.
7 A. Yes.
8 Q. 779 You agree with that?
9 A. I do, yes.
15:28:50 10 Q. 780 And I think in the following year at 26001. For January the figure was 70,000
11 approximately and for February at 26002. The next page please. The figure was
12 72,000 pounds approximately. And then at the next page for May/June, 104,055
13 pounds approximately?
14 A. Uh-huh.
15:29:20 15 Q. 781 This is information that you have provided to the Tribunal, Mr. McGrath, isn't
16 that right?
17 A. Oh, yes yes, yeah.
18 Q. 782 Would you accept therefore looking at that documentation that between 1997 and
19 1998, you received through your companies on an invoice basis to the contractor
15:29:35 20 and subcontractor on the Quarryvale site, a minimum of the order of 300 to
21 350,000 pounds?
22 A. If that's what the books add up to, yes.
23 Q. 783 And that's information that you have provided to the Tribunal, isn't that
24 right, Mr. McGrath?
15:29:46 25 A. Yes but I think just to qualify it and I am not being picky to some of the
26 contractors on the site. We tendered or we quoted for security for other
27 contractors on the site but we weren't successful.
28 Q. 784 But you were successful for some of the tenders obviously, isn't that right?
29 A. We were successful for Ascon, Sisks, Mobile Crushing Services I think was the
15:30:09 30 other one and one other one I can't recall.

- 15:30:22 1 Q. 785 And those contracts lasted three to three and a half to four years, is that
2 fair?
- 3 A. It would depend on what the contractor was doing. If they were doing
4 groundworks, it would have lasted obviously the term of the groundworks. If
15:30:24 5 they were doing building, it would have lasted the term of the building.
- 6 Q. 786 If they were doing security it would have lasted as long as security was
7 required but there would have been variations every year?
- 8 A. Each contractor had its own compound so ...
- 9 Q. 787 It would be fair to say that you didn't have all of these contracts running
15:30:40 10 concurrently all of the time?
- 11 A. Well at one point they would have all been running concurrently. Some would
12 have started and finished and others would have continued on when others had
13 finished.
- 14 Q. 788 Do you know why it was you were successful in tendering for those contracts,
15:30:55 15 Mr. McGrath?
- 16 A. I'd say a combination of factors as I eluded to.
- 17 Q. 789 Would you just enumerate those combination of factors?
- 18 A. Well we were there that was the main thing. We were present on the site from
19 the very outset on the site as you can see from the evidence. We were a local
15:31:10 20 company, as were Sisks and Ascon. And I think it was probably we quoted a keen
21 price.
- 22 Q. 790 And --
- 23 A. And we had local knowledge.
- 24 Q. 791 Now, I think in your original interview with the Tribunal you had indicated I
15:31:28 25 think I can't lay my hand right this moment on the precise, at page 25914. You
26 had been asked and this in fairness to you, Mr. McGrath, was an interview that
27 was taking place I think in 1998. And at 25914, at question 213, you were of
28 the view that you had received approximately 100,000 pounds from Ascon and
29 200,000 pounds from Sisks. But would you accept that the figure is
15:32:03 30 substantially greater than that now?

15:32:06 1 A. Well I said per annum.

2 Q. 792 Yes. So you were receiving of the order of 300,000 pounds per annum at that
3 stage in 1998?

4 A. Yes.

15:32:15 5 Q. 793 Which would appear to accord with the documentation furnished?

6 A. Well I was guessing completely without the benefit of accounts in front of me.

7 Q. 794 And the figure made the documentation shows may be slightly bigger in that it
8 may be 350,000 pounds per annum but it was funds of that order that you were
9 receiving from the contracts on Ascon and Sisks, is that fair?

15:32:37 10 A. Yeah. That's fair enough.

11 Q. 795 And I just want to show you then at 24530. This is a statement Mr. O'Callaghan
12 has made to the Tribunal in relation to the issue of Mr. Colm Tyndall who was a
13 co-councillor of yours and the insurance in relation to Quarryvale. And in the
14 second paragraph he says:

15:32:55 15

16 "At the time of the proposed development for Liffey Valley there was a concern
17 developing locally to the effect that there would be nothing in the development
18 which would be of benefit to the locals. It was asserted from time to time to
19 me that I would simply bring in all my own people and there would be nothing
15:33:08 20 are for the locals. I endeavoured in so far as I could to ensure that people
21 from the local area would be taken on in relation to certain activities. In
22 this regard the following local people were involved in the provision of
23 services to the development:

24 John O'Halloran canteen services, Colm McGrath security services and small
15:33:24 25 plant hire, Colm Tyndall insurance services, Joe O'sullivan security services
26 Colm McHale plant hire.

27

28 In addition I encourage Sisk the main contractors to employ local people. Many
29 of these local people who had sought employment were unsuitable so we initiated
15:33:38 30 following consultation with FAS, a FAS training scheme."

15:33:42 1
2 Do you know whether or not Mr. O'Callaghan was in any way instrumental in
3 getting the contracts for your companies?
4 A. No I don't. If he was I wasn't aware of it.

15:33:51 5 Q. 796 Would it be fair to say Mr. McGrath that in addition to the political donations
6 that you have confirmed to the Tribunal that you had received from Mr.
7 O'Callaghan that you had an ongoing commercial relationship with the Quarryvale
8 development through its contractors and subcontractors that was of substantial
9 benefit to you?
10 A. Well, I suppose if we were to look at profit margins maybe I wouldn't agree
11 with you but ... yeah, I had obviously I mean it's there, there was records
12 there.

13 Q. 797 Yes. And did you discuss at all with Mr. O'Callaghan whether you might be
14 considered in relation to such contracts?
15 A. No.

16 Q. 798 No?
17 A. As you can see from the sequence of events, my -- I had set out initially, not
18 on the road of security. I fell into the security business completely by
19 accident, if you want to refer back to the very original invoices.

15:34:48 20 Q. 799 Yes, I think this was the invoice in relation to ...
21 A. The archaeologist, yes.

22 Q. 800 Which is at 11604. Would you like to saying to the Tribunal about that
23 Mr. McGrath?
24 A. Well only that it's pretty obvious from what happened at the time that there
15:35:12 25 was a problem on the site. Mr. O'Callaghan was at a remove in Cork and he
26 phoned me to intervene, which I did gladly.

27 Q. 801 Yes?
28 A. And that, it developed from there into provision of -- I was initially only
29 asked to show the two archaeologist around the site. It was 180 acre site and
15:35:25 30 I started out by doing that. As I said, I have given this to you in some other

- 15:35:33 1 narrative haven't I'm sure.
- 2 Q. 802 I think you have given this in the private interviews you identified the
3 archaeologist coming on-site and you issuing an invoice in respect of that?
- 4 A. Yes, if you want to bring all of that up. That's the situation. You know how
15:35:46 5 it happened so like no, like that's the way. It almost happened by accident.
- 6 Q. 803 It escalated?
- 7 A. Yes.
- 8 Q. 804 And after you assisted with the archeologist you then assisted with the removal
9 of the itinerants and the problems?
- 15:35:59 10 A. Yes.
- 11 Q. 805 And would it be fair to say on the ground you were a person to whom Mr.
12 O'Callaghan could call on to provide services if he had local difficulties?
- 13 A. Yes.
- 14 Q. 806 Right.
- 15:36:07 15 A. Well he called upon me when he did have local difficulties and I was able to
16 sort them out for him.
- 17 Q. 807 Uh-huh. And that following on that, it escalated you say, into you tendering
18 for certain contracts from the subcontractors?
- 19 A. Yes when the subcontractors arrived on-site to survey the situation for their
15:36:26 20 own quotations, the first people they would have met were my security people.
- 21 Q. 808 If you just excuse me for one moment.
- 22 A. Of course.
- 23 Q. 809 Thank you very much, Mr. McGrath. If you would answer any questions.
24
- 15:36:42 25 MR. KEATING: Chairman, I have just two questions.
26
- 27 **THE WITNESS WAS QUESTIONED BY MR. KEATING AS FOLLOWS:**
28
- 29 Q. 810 My name is Alan Keating, I appear for Mr. Owen O'Callaghan amongst others.
15:36:51 30 Just two questions. The first question relates to the contracts or

15:36:56 1 subcontracts you negotiated with Ascon and Sisk. And I think if I could just
2 call up Mr. O'Callaghan's statement in relation to that, if I could have page
3 25860, please.
4

15:37:13 5 Oh, I'm sorry, Chairman, this is the front page from the private interview
6 disclosing the people who represented the various parties. If I could have
7 instead page 24350. Sorry. I apologise for that, Mr. McGrath.

8 A. I see I was very eminently represented according to that document.

9 Q. 811 In relation to the statement Mr. O'Callaghan, you will see just the paragraph
10 is read out to you "in addition I encouraged Sisk the main contractors" if this
11 could be highlighted or blown up for Mr. McGrath. "The main contributors to
12 employ local people. Many of those local people who sought employment were
13 unsuitable and so we initiated following consultation with FAS, a FAS training
14 scheme".

15:37:59 15
16 Your company was a local company you've said that, isn't that correct?

17 A. Yes.

18 Q. 812 You say that you weren't aware of Mr. O'Callaghan's involvement however
19 peripheral in relation to Sisk and Ascon, you weren't aware of that?

15:38:13 20 A. No, I wasn't aware of that.

21 Q. 813 But I think it was just put to you that it may have been instrumental in
22 relation to Sisk and Ascon taking you on. I just want to put it to you on the
23 text of Mr. O'Callaghan's statement, that he said that he encouraged them to
24 take on local people and Mr. O'Callaghan puts it no higher than that. He
15:38:33 25 doesn't mention anyone specifically, he doesn't mention being instrumental in
26 those contractors taking on specifics of contractors. He puts it no higher
27 than saying he encouraged the main contractors to take on local people. I just
28 want to put that to you.

29 A. Yes well I accept that, yes.

15:38:51 30 Q. 814 The second issue just very briefly, Mr. McGrath, relates to the political

15:38:56 1 contributions made by Mr. O'Callaghan and the 1993 contribution in particular
2 and I think Mr. O'Callaghan's statement at page 3152 was put to you.

3
4 And it starts at paragraph nine. Now, this has been put to you already,
15:39:12 5 Mr. McGrath. I don't wish to put it to you again. It rolls on to page 3153.
6 And Ms. Dillon put to you Mr. O'Callaghan's statement that "he felt obliged to
7 offer support as a thank you for all the help and assistance which he had
8 given" and that was put to you and you mentioned that that was Mr.
9 O'Callaghan's words, which is quite correct.

15:39:37 10
11 I just want to put to you just very briefly, Mr. McGrath, that this is
12 paragraph nine of a list of items starting on page 3151.

13 A. Uh-huh

14 Q. 815 Which as you will see there is listed "political contributions/benefits" and
15:40:05 15 it's prefaced by a general paragraph which reads "I have made a number of
16 political contributions during the period 1st of January 1989 to the 31st of
17 December 1993. I would like to deal with the contributions of 1,000 pounds or
18 more as follows".

19
15:40:15 20 And that list numbers in excess of ten matters. Sorry ten matters precisely
21 your one is at item No. 9 of that list. I just want to put it to you that Mr.
22 O'Callaghan's position was that was a political contribution to you.

23 A. That's my position as well.

24 Q. 816 Thank you very much, Mr. McGrath. I have no further questions.

15:40:33 25
26 CHAIRMAN: Thank you very much

27 A. Thank you, Chairman, and members.

28

29 CHAIRMAN: We are sitting tomorrow at half past ten.

15:40:40 30 MS. DILLON: Yes. To deal with a different witness, yes.

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THE-WITNESS-THEN-WITHDREW

THE TRIBUNAL THEN ADJOURNED UNTIL THE FOLLOWING DAY,

THURSDAY, 21ST FEBRUARY 2008, AT 10:30 A.M.