

TRIBUNAL OF INQUIRY
into certain
PLANNING MATTERS
and
PAYMENTS

TRANSCRIPT OF PUBLIC HEARING HELD AT
THE PRINTWORKS BUILDING, DUBLIN CASTLE ON
WEDNESDAY, 3RD DECEMBER 2008

917

I hereby certify the following to be a true and accurate transcript of my shorthand notes of the above named proceedings.

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Telephone (0404) 64355
Fax (0404) 64354
Email info@pcr.ie
Website www.pcr.ie

1 MR. QUINN: Good morning sir. We have -- the tribunal is assembled this
2 morning for the purpose of the registrar reading into the record the
3 evidence given by Mr. Gerry Carroll at, evidence taken by way of commission
4 on the 19th of November 2008.

5
6 Before Mr. Kavanagh commences I would like to correct an error in a
7 transcript on Day 617 at question 47, Ms. Dillon is incorrectly recorded
8 as having refereed to a sum of £365,000 in fact she was referring to a sum
9 of £3,650. It's evidence given by Mr. Kitt on that date, I just wish to
10 make that correction for the record. Otherwise I think Mr. Kavanagh can
11 commence.

12
13 REGISTRAR: "THE MEETING TOOK PLACE AT THE OFFICES OF THE TRIBUNAL,
14 DUBLIN CASTLE, ON WEDNESDAY 19TH NOVEMBER 2008,
15 AND COMMENCED AS FOLLOWS:

16
17 MS. ANNETTE FOLEY, COMMISSIONER (sworn)

18
19 STENOGRAPHER (sworn)

20
21 MR. QUINN: Before we commence Mr. Redmond, this is a taking of evidence on
22 commission of Mr. Gerry Carroll who has previously given evidence to the
23 Tribunal and it is to afford you, Mr. Redmond, on your request, an
24 opportunity to further cross examine Mr. Carroll. The evidence is being
25 taken by way of Commission. Ms. Annette Foley has been appointed
26 Commissioner by the Tribunal and you will have witnessed Ms. Foley swearing
27 herself as Commissioner, the stenographer, Yvonne D'Arcy swearing herself
28 in as Stenographer and Mr. Carroll taking the oath. Also present in the
29 room is Mr. Thomas Harrison who is dealing with the documentations which
30 will appear on screen and Ms. Sarah O'Connell, a barrister at law and

1 myself, Pat Quinn, senior counsel and you have spoken previously to Mr.
2 Donal King, instructing solicitor who is also present. So that having been
3 said Mr. Redmond I think you can commence your further cross examination of
4 Mr. Carroll on that basis.

5

6 MR. GERRY CARROLL (sworn) EXAMINED BY MR. GEORGE REDMOND

7

8 Q. Mr. Carroll, the acoustics -- I am hearing all right at the moment, so
9 I would ask you to understand I have a hearing impairment. So one query
10 before we start to the Commissioner. Commissioner, have you been appointed
11 by formal order of the Tribunal?

12

13 MS. FOLEY: I have Mr. Redmond.

14

15 MR. REDMOND: Yes. That's fine. Now Mr. Carroll, the reason and I regret
16 that you have to come back here but the reason for it is because of
17 decisions of the higher courts. At one stage early in the days of the
18 Tribunal under the sole person, there was an action taken by the late Mr.
19 Lawlor in relation to interviews which were taken by the Tribunal staff.
20 The courts held that the interviews were unlawful and the decision that was
21 made at the time was that the records of such interviews should be
22 destroyed and I was involved in that module of the Tribunal's activities
23 and in my case my solicitor was assured that the records were destroyed but
24 it turned out that in my case, in the case of my interviews the records
25 were kept and in fact they were circulated this year. Now we have a new
26 Tribunal or new membership of the Tribunal and they have written to me to
27 say they can offer no explanation but that court decision didn't effect
28 you. Your evidence was given later to the Tribunal which was examining the
29 Carrickmines and other matters in County Dublin and in that case it was Mr.
30 O'Callaghan took action against the Tribunal who were unwilling to give him

1 records of interviews which were held in their opinion quite lawfully and
2 in confidence but in any event the issue went to the Supreme Court and in a
3 judgment, I remember Judge Hardiman was very much involved, the Tribunal
4 was directed to circulate the interviews which up to that date had been
5 kept as confidential which was what they understood the legal position to
6 be. I understand that.

7

8 Now that resulted in a whole series of interviews being circulated to
9 people who are involved. I can only speak for myself. I got boxes of
10 interviews and included in the interviews were two interviews of your
11 goodself. One was by Mr. Quinn who was senior counsel and the second one
12 was by Mr. Quinn and Mr. Gallagher. Now the position I found myself in was
13 that having read the statements, sorry not statement, having read the
14 interviews it was quite apparent that your statement, the statement that
15 you made to the Tribunal was really based and flowed from the interviews.
16 And when I was brought down from prison, I was in prison as you are aware
17 for 12 months on a charge that was quashed but nonetheless I was there I
18 had to serve it except for two weeks but I was brought down. Your cross
19 examination was based on the interviews. I mean reading them it was
20 conducted in the main by Mr. Gallagher and of course I knew nothing about
21 the interviews. So the position I was facing when I got the interviews
22 that I asked the Tribunal to give me an opportunity to cross examine you on
23 the matters that had -- fresh matters that had arisen. Now I want to make
24 it clear to you at this stage that I have no intention of going into the
25 major issues which your involvement gave rise to, that is handing a map to
26 a man who was a very good friend of yours at the time, Mr. Finnegan. I
27 have -- that is a matter for -- the evidence is there. It is your
28 evidence, he doesn't contradict it and that is essentially a matter for the
29 Tribunal to consider and make up their mind about. All I want to clear up
30 with you, is to go through the interview and pick out a number of

1 references which were to me of course. I have no interest, as I said I
2 have no interest in anything or anybody else and that is the extent of it.
3 So I will just so you will know what it is all about. As I say the main
4 event is not going to be touched on by me. It is sufficiently covered.
5 Now just a few questions, first of the questions and I think I am aware you
6 are retired, is that so?

7 A. Yes.

8 Q. When did you retire roughly?

9 A. The end of 2004, before I last gave evidence.

10 Q. 2004?

11 A. About a week or so before ...

12

13 MS. FOLEY: Sorry Mr. Redmond, sorry Mr. Carroll would you be able to speak
14 a little bit louder for the stenographer because of the machine?

15 A. October/November 2004.

16

17 MR. REDMOND: You are okay, at that level I can pick that up all right. If
18 I have any trouble I will let you know.

19 A. Sorry before we go any further. There was only three people were
20 taking an oath.

21

22 MS. FOLEY: Yes Mr. Carroll, you as the witness, the stenographer to swear
23 that she records everything correctly and me as the Commissioner to swear
24 that I will, without any partiality to any party, take the examinations and
25 depositions. Mr. Redmond is merely representing himself and he is asking
26 you questions.

27 A. Well Mr. Redmond has made a statement -- no, no, what I am asking you
28 as a representative of the Tribunal is all that true?

29

30 MR. QUINN: Well Mr. Redmond is here to ask you questions Mr. Carroll and

1 certainly Mr. Redmond commenced his examination of you with quite a
2 substantial statement, which wasn't anticipated. It would have been
3 preferable I think if Mr. Redmond had merely commenced his cross
4 examination of you. So you should just answer the questions that Mr.
5 Redmond is asking of you.

6 A. That's no problem.

7

8 MR. REDMOND: I can assure you Mr. Carroll I haven't been administered the
9 oath of the -- the Commissioner is perfectly entitled to give it to me and
10 I will take it. I won't tell you any lies. I am telling you the position
11 as I understand it and it can be -- I am sure it will be confirmed. Just
12 one thing I think I should mention in my own and in your interest,
13 representation, you are entitled to representation if you want it, it
14 hasn't been mentioned.

15

16 MR. QUINN: Mr. Redmond, I think you are here to conduct the cross
17 examination of Mr. Carroll and you should continue on that basis. I think
18 you should stop making statements on fairness and just conduct the cross
19 examinations.

20

21 MR. REDMOND: I wouldn't take advantage of a man either.

22

23 MR. QUINN: Mr. Carroll knows his rights and you can take it Mr. Redmond
24 that you don't have to tell him his rights. So I think you should continue
25 with your cross examination now.

26

27 MR. REDMOND: No I disagree with you Mr. Quinn, the position is now we are
28 in a different forum, we are in a Commission.

29

30 MS. FOLEY: I am sorry Mr. Redmond, at the moment the function here is for

1 you to ask questions of Mr. Carroll. Mr. Carroll is here solely for that
2 purpose. Any conversations that you wish to have or submissions that you
3 wish to make may be made subsequently to the Tribunal.

4

5 MR. REDMOND: 2004 and that was before normal retirement age, compulsory
6 retirement age?

7 A. On health grounds.

8 Q. Sorry?

9 A. On health grounds.

10 Q. Oh on health grounds. Yes, I see, on health grounds. And was it the
11 same health impairment that you are suffering from because of being here?

12 A. Pardon?

13 Q. I mean the reason, as I understand it, the reason there is a Commission
14 was because of certificates in relation to your health and I am only asking
15 ...

16

17 MR. QUINN: I think Mr. Redmond it would -- Mr. Carroll's health is not a
18 matter which would be appropriate for a cross examination by you at this
19 stage.

20

21 MR. REDMOND: I am sorry Chairman, I am going to ask you to be impartial.
22 I am asking him now at this stage, he is going out on a pension, is it the
23 same illness.

24

25 MR. QUINN: You are here Mr. Redmond to ask Mr. Carroll questions arising
26 out of his prior statement to the Tribunal. Mr. Carroll's health is not a
27 matter or an appropriate matter at this stage for questioning.

28

29 MR. REDMOND: I am going to put the question, he needn't answer it, that's
30 my -- that's the position. Is it the same health problem?

1 A. With all due respects to you Mr. Redmond it is none of your fucking
2 business.

3

4 MS. FOLEY: Sorry, Mr. Redmond the Commission here ...

5

6 MR. REDMOND: I have heard the reply.

7

8 MR. QUINN: Mr. Carroll, I think you might refrain from ...

9 A. I am sorry for the language used but it is still none of his business.

10

11 MR. REDMOND: Well the next question is can we take in the case of your
12 certificate to this Tribunal, the members consider it that it should go to
13 a medical referee. Did the County Council send you to a medical referee?

14

15 MS. FOLEY: Mr. Redmond, may I just again please outline that the
16 Commission is for the purpose of cross examining on the interviews which
17 you have been furnished with and those matters are outside the examination.

18

19 MR. REDMOND: No, sorry, it is not specific, I am here to cross examine the
20 witness, there is no restriction on what I may ask him if it is relevant to
21 the Tribunal.

22

23 MR. QUINN: Mr. Redmond, you did have an opportunity and I think you
24 availed of it on a previous occasion to cross examine Mr. Carroll and
25 indeed at that time Mr. Carroll had already left his employment and I think
26 that evidence was given by Mr. Carroll at that time. This facility has
27 been granted to you because you have been furnished as you were entitled to
28 with a copy of Mr. Carroll's prior interview.

29

30 MR. REDMOND: Well the position is anyway apparently I take it from you

1 that you weren't referred to a medical referee?

2 A. Pardon?

3 Q. At the time of your retirement or just pre retirement was the
4 statements made by Mr. Finnegan generally known, were they known at that
5 stage?

6 A. Sorry, what is he talking about, what statements?

7 Q. The statement he made to the Tribunal about you?

8 A. About retiring at that stage.

9 Q. Oh no, no, at the time you were retiring, when you were ill, was the
10 statement, did the manager at that time for that example no about
11 Finnegan's statement?

12 A. I don't know if he did.

13 Q. You were never questioned on it?

14 A. No, no.

15 Q. You were transferred from planning duties?

16 A. Pardon?

17 Q. Your own evidence was you were taken off the development plan duties
18 and put on other duties?

19 A. I would have seen that as a promotion at the time.

20 Q. Well as a result of Finnegan's statements involving you there was no
21 suspension for enquiry in the County Council?

22 A. I am not aware of any statements of Mr. Finnegan involving me except
23 from evidence that he subsequently gave to the Tribunal.

24 Q. Well that's the only one I know about.

25 A. No, there was none.

26 Q. There was no enquiry in the County Council and you were never
27 suspended?

28 A. Not that I am aware of.

29 Q. Not that you are aware of. In so far as the Tribunal is concerned did
30 they ever seek bank accounts from you?

1 A. No.

2 Q. Never?

3 A. No.

4 Q. Well they are the preliminary questions I wanted to ask. Now, during
5 your formal cross examination under oath, coming to the conclusion of it,
6 this is in the year 2004 you will probably recall, you made a particular
7 allegation against me.

8 A. Sorry, are we talking about the evidence to the Tribunal or the
9 interview with the Tribunal.

10 Q. Sorry?

11 A. Are we talking about the evidence to the Tribunal and not the interview
12 with the Tribunal.

13 Q. Not the interview, we are talking at this stage about the evidence
14 which you have on oath and the reference to it is page number 115 and I
15 won't go into the earlier bits of it, it is 447 "Oh yes, I did but I was
16 very careful because I remember the four or five draftsmen that you had
17 removed from office because you found them..." In this case just the
18 earlier references was to engaging in private work and the question I put
19 to you at the time was "can you name the draftsmen?" and your answer was "I
20 can, I could write it down, I'll write it down". Continue reading, "write
21 it down please", this is my reply, no sorry, this is another question from
22 me, "write it down please because if you are making statements on oath your
23 worship and he is prepared to write names down these are things that can be
24 verified, that's the reason for that, if you are going to make these
25 statements on oath be sure you write them down, I just warn you now, by all
26 means write them down". So it wound up that at the time you couldn't
27 remember but the Judge said well if you can't remember them sure you can
28 come back with them and write them down and I know it is four years later
29 but can you name them now please Mr. Carroll?

30 A. Can I name them? No, I can't name them for the simple reason is that

1 under oath I now realise that I cannot be sure or certain right that it was
2 because of you that those four or five people left. There is one alive
3 that I know of, there is two dead that I know of, right.

4 Q. So is this hearsay?

5 A. Can I answer it. In reality what I am saying now it would have been
6 hearsay and commonly held that it was you who was responsible but could I
7 say on oath that you were responsible, no, because I have no knowledge
8 except hearsay that it happened.

9 Q. But now we are talking about what you are saying is removal from
10 office, are you still talking about removal. Were all these men, were they
11 removed from office. The point I made to the Judge at the hearing was in
12 my time I never removed anyone from office, least of all draftsmen. So the
13 position Mr. Carroll is there has never been a draftsman removed from
14 office for doing nixers, never. Your evidence to the Judge, is the
15 evidence false?

16 A. No.

17 Q. Well if you can't give me the names ...

18 A. It was as I understood it at the time. Removed might be a little bit
19 strong but I will say resigned.

20 Q. Sorry, the statement you made was removed from office and you repeat it
21 in the interviews. I will be coming to the interviews next. I mean the
22 position at this stage at that hearing you describe me as tyrannical,
23 brutal?

24 A. I wouldn't use those two words.

25 Q. Sorry?

26 A. Those two words wouldn't be in my vocabulary.

27 Q. Which words?

28 A. Tyrannical and brutal.

29 Q. Do you want me to go to the trouble of turning them up?

30 A. Perhaps but I don't think they would.

1 Q. But the position is this is -- you are giving evidence against me in a
2 Tribunal. We are both agreed we never knew each other. I never met you in
3 my life. Never heard of you. Isn't that true?

4 A. That's true, well I don't know.

5 Q. Well as far as you are concerned you never spoke to me?

6 A. No.

7 Q. Never spoke to me?

8 A. And I don't really want to again.

9 Q. Well that's a different matter because I was brutal ...

10 A. No, no, they are your words. My words would have ...

11 Q. Sorry, the evidence, your words are there?

12 A. My words, from my recollection at this stage, would have been you were
13 a bully.

14 Q. That was another description?

15 A. That I consider to be accurate.

16 Q. Yes, well if you are making those statements and then you come along
17 and you make a statement to support that, to support bullying or tyranny or
18 whatever. Vindictiveness is another word that. you used. You say I
19 removed four men, that is a serious allegation. Now you are saying it was
20 not true?

21 A. No, I am not saying it is not true.

22 Q. I am sorry, you better make up your mind. I mean the records are
23 there. I have invited the Tribunal to look for the records. There was no
24 one ever removed. You better make up your mind now what is true and what
25 is not. I mean -- Mr. Carroll are you saying ...

26 A. No, no, hold on ...

27 Q. Sorry, hold on me ...

28 A. You asked the question, I will answer it. How many questions do you
29 want answered?

30

1 MS. FOLEY: Gentlemen please.

2

3 MR. REDMOND: Are you putting it to the Tribunal that if you make a
4 statement there on oath and you change your mind later on that it is to be
5 completely dismissed?

6 A. Oh I didn't say it was to be completely dismissed but what I am saying
7 is that I have no evidence of it. It was hearsay and innuendo.

8 Q. Well in other words ...

9 A. And I believed it at the time to be true, I believed it at the time to
10 be true and with due respects to you I did not know the difference between
11 suspecting right and proving.

12 Q. So in other words are you saying that a lot of the things which you
13 have said ...

14 A. No sir, I didn't say a lot of the things. What I am saying at the
15 moment here is that with regard to the dismissal of the draftsmen, right,
16 hearsay and innuendo and I can't prove but it was generally held. That's
17 my evidence.

18 Q. So some of your other evidence could be similar?

19 A. I am not referring to any of the other evidence what I am answering is
20 the question that you have asked and the question is can I prove it. The
21 answer is no, I cannot prove it but I still suspect it.

22 Q. So what you are saying is it was hearsay but you gave it as evidence on
23 oath. You know now it is hearsay?

24 A. But I believed it and still believe it to be true. Is there a
25 difference?

26 Q. You believe it to be true?

27 A. I still believe it to be true.

28 Q. But there has to be evidence, you can't just believe a thing. You are
29 a man of faith, so you say?

30 A. I believe in God, but I can't prove to you that he exists.

1 Q. Anyway I have put the question, that was part of his evidence and I
2 submit to the Tribunal that they must take that into account in assessing
3 his credibility as a witness, particularly in view of his persistence?

4 A. I beg your pardon?

5 Q. Particularly in view of your persistence?

6 A. Persistence in what?

7 Q. Persistence that whatever you said was all right?

8 A. I didn't say it was all right, I said I believe it.

9 Q. Now to get back to -- down to -- oh incidentally I spoke and I
10 mentioned the statement made by Mr. Finnegan who was your friend, I don't
11 know whether he is still your friend, concerning you. When was the first
12 time that you were informed of that Mr. Carroll?

13 A. When was I informed of what?

14 Q. Of Mr. Finnegan's statement?

15 A. He was either on before or after me at the Tribunal the first time I
16 was there, that was the first time I was aware of what Mr. Finnegan had
17 said.

18 Q. So that when you went into to give your own evidence, did he give his
19 evidence first?

20 A. I don't -- that is back in, the first time Mr. O'Neill.

21 Q. Had the Tribunal at that stage furnished you with any of his
22 statements?

23 A. The only thing that I was furnished with you was my own statement, my
24 own statement and a copy of the transcript of my interviews. Other than
25 that nothing.

26 Q. You say so that -- well we will be going through your statement and we
27 will see. In your statement which was before your cross examination, there
28 is clear evidence that you knew about the allegation?

29 A. Is there?

30 Q. It was discussed so I mean it wouldn't be true for you, as you say now

1 that the first time you heard it was when you were in the witness box.

2 A. Sorry, exactly what are we talking about, I am not quite sure.

3 Q. Very, very simply I am trying to ascertain ...

4 A. Ask me the question and I will answer it.

5 Q. Sorry, I am trying to ascertain at what point in time you became

6 formally aware of Mr. Finnegan's allegation. Now what you have said is

7 that you didn't know it until he gave evidence?

8 A. Sorry, what is Mr. Finnegan's allegation, what exactly are we talking

9 about, that I gave him the map of Carrickmines.

10 Q. That's all, nothing more than that. That's all I am trying to

11 establish, that he gave him a map?

12 A. There is no doubt, I gave Frank Finnegan a map.

13 Q. That's right, well then the only thing I will say ...

14 A. And I knew it from the time I gave it to him back in '89.

15 Q. But all I am trying to ...

16 A. But when did I know that Frank Finnegan had given it?

17 Q. And told the Tribunal.

18 A. Sorry?

19 Q. And told the Tribunal?

20 A. I would have imagined it was at his evidence.

21 Q. When?

22 A. I imagine it was at his evidence.

23 Q. Well I am telling you that the evidence from the narrative ...

24 A. Well okay, if you have it show it to me.

25 Q. Well that's what your statement is, we will come to it later anyway.

26 The position is in so far as Mr. Finnegan is concerned -- have you been

27 provided with this book, his statement, well it is there anyway, it was a

28 very long process. His interviewing started in February 2000 and the whole

29 range of interviews and statements, sorry, don't put your hands up -- I am

30 just coming to the point.

1 A. No, sorry, I thought I was to be cross examined on the evidence that I
2 had given to the Tribunal which would be my two statements, sorry, oh yes
3 my two statements, my two interviews and the evidence given at both the
4 sittings of the Tribunal.

5 Q. I don't know who told you that?

6 A. Well it is written down on the letter that I was invited to -- you
7 requested as far as I know to interview me on the evidence that I had given
8 on your previous evidence, as far as I remember.

9 Q. I put no question to you. I am just explaining to you ...

10 A. Look will you ask the question please. Do I have to sit here and
11 listen to you personify, go on and on about what you think you know and you
12 know, ask me the question.

13 Q. I am afraid you will have to endure me. If you didn't have to endure
14 me you might have senior or junior counsel, now that's your position?

15 A. Are you threatening me.

16 Q. I am not threatening anybody.

17 A. It sounds like a threat to me, if I don't I will and so on and so
18 forth. I am here to answer the questions, not listen to you and if this
19 continues right?

20 Q. Yes?

21 A. That you are going to continue to write the Gospel according to George
22 Redmond, not under oath and this is me speaking right, I will ask the
23 Tribunal ...

24 Q. Sorry, repeat that, my hearing?

25 A. Sorry?

26 Q. Repeat it, I missed it, I missed what you said that's all.

27

28 MR. QUINN: Mr. Redmond, I think it might be more appropriate if you were
29 to ask Mr. Carroll questions rather than making statements in so far as you
30 can.

1

2 MR. REDMOND: You are counsel, you know you have to build up to these
3 things and the only thing I am going to say ...

4

5 MR. QUINN: No, you shouldn't say anything other than you should express
6 yourself in the form of a question Mr. Redmond.

7

8 MR. REDMOND: You are not aware of -- just one thing I was going to say was
9 that -- his questioning, this is Finnegan, started in 2000. He makes not a
10 single reference to you, not one until the end of 2000, December and that
11 is nearly three years. He made no reference. Obviously he had his own
12 reasons.

13

14 MR. QUINN: That is a comment on Mr. Finnegan's evidence.

15

16 MR. REDMOND: So the question is do you know what he said when he made the
17 statement?

18 A. No.

19 Q. Well I think you should know because ...

20

21 MR. QUINN: Unless you are asking a question Mr. Redmond.

22

23 MR. REDMOND: I am going to ask a question at the end of it. I think -- it
24 is fair, as you say you don't know?

25 A. I don't really want to know.

26 Q. He says "I do apologise for any inconvenience that I have put the
27 Tribunal to. Believe me it wasn't intentional and it is my genuine and
28 sincere attitude to be of whatever assistance and with Gerry Carroll's map
29 I would ask to be not forgiven but to be understood in that he was a
30 colleague of mine over a number of years. I knew disclosure of that was

1 going to present him with problems but I realised that non disclosure has
2 meant far more problems for me in credibility than it could ever have for
3 him in dealing with his action he has to answer for". So clearly he was
4 very concerned about what he was doing.

5 A. What is the question?

6 Q. Would you agree with him that his statement really gave you trouble?

7 A. No, not at all, no trouble.

8 Q. Although early -- well I will be coming up later on in the first
9 statement interview with Mr. Keane, he used the expression the matter put
10 me in a bind. What would putting you in a bind mean. You are saying the
11 statement gave you no trouble?

12 A. Sorry, what matter put me in a bind?

13 Q. The statement put you in a bind?

14 A. I don't remember discussing any statement.

15 Q. I will come to it. I will read it to you.

16 A. Would you read it clearer than the last time -- it doesn't matter.

17

18 MR. QUINN: It might be appropriate Mr. Redmond to read it to the witness
19 at this stage.

20

21 MR. REDMOND: Read what?

22

23 MR. QUINN: What it is you intend to read to him at a later stage, to do it
24 at this stage in fairness to the witness.

25

26 MR. REDMOND: I will read it, it is a question of finding it. I think it
27 is -- I will come to it in due course. I mean I haven't got it marked. I
28 will come to it in due course. Could I have something to drink please? In
29 '89/90, that period, what grade -- you were a draftsman technician?

30 A. Grade one.

1 Q. Grade one, that is the first promotion?

2 A. It is the first step up.

3 Q. Sorry?

4 A. It is the first promotion.

5 Q. The first promotion, the other grade would be just draftsman technician
6 and then grade 1 is above that?

7 A. Technician Grade 2, then technician Grade 1, Executive, Senior and
8 Chief.

9 Q. And reading your record, a particular record in the 1980's, not so much
10 in the earlier period, you worked with the Development Plan Team?

11 A. That's correct.

12 Q. And the man who was in charge of that up to the completion of the 93
13 plan, that is as far as I am going, was Mr. Enda Conway?

14 A. That's correct.

15 Q. And there is no doubt about that, he was the man in charge?

16 A. He was the man in charge.

17 Q. And there would have been planners under him, I just remember one of
18 them, it will probably come to me. Was there a senior or Chief Draftsman
19 then?

20 A. Mr. Daly, Denis Daly.

21 Q. Mr. Daly and then yourself and some others?

22 A. And some others.

23 Q. And that was the group but there would have been a number of planners?

24 A. Oh yes.

25 Q. Yes and according to his own evidence he said that after 83 in so far
26 as the development plan was concerned, say 84 or 85, most of the work have
27 been related to updating the maps?

28 A. Sorry, who said that?

29 Q. Mr. Conway?

30 A. Right.

1 Q. You would agree with that?

2 A. Yes.

3 Q. And you would have been involved in that, putting housing in where it
4 wasn't on the ordnance sheets?

5 A. That's correct.

6 Q. That sort of thing?

7 A. Yes.

8 Q. That's fair enough, I understand that from my own experience and his
9 evidence was that -- the law was the plan had to be reviewed in five years.
10 So 1988 was the due date for the plan, although were you aware that in
11 previous plans they always had run over in time?

12 A. Perhaps.

13 Q. You would agree with that?

14 A. Yes, they would run over in time.

15 Q. So his evidence was that they didn't really start on the review until
16 mid 87/88. Do you accept that?

17 A. Probably, yes.

18 Q. I just want to get the structure of the planning department at that
19 time, when you were working in it. This is the professional side, not the
20 administrative side. It would have been a planning officer, there were two
21 deputy planning officers.

22 A. Probably, yes.

23 Q. And the next grade was the Chief Planning Officer, that was Mr.
24 Conway's ...

25 A. Yes.

26 Q. And there would have been a number of those two doing different things,
27 development control and then there would be planning assistance,
28 development control assistance, there was a whole hierarchy of professional
29 grades as well, isn't that right but in so far as you were concerned there
30 was no ambiguity about who was the man in charge and it was a tight group.

1 You didn't sort of wander off into other things, you know special amenity
2 area orders or development control. Your job was the development plan?

3 A. That's correct, yes.

4 Q. And as you say a lot of the work was revising maps and bringing them up
5 to date and you know getting them to different scales and things like that.
6 Now in so far -- the first phase of the work according to Mr. Conway was
7 the preparation of the written statements, you are far more close to this
8 than I, working papers and that meant -- you probably had some input into
9 that in relation to numbers of houses and acreages, you would feed the
10 planners with information?

11 A. Yes.

12 Q. And -- oh yes, they would be constantly on your shoulder looking for
13 information I am sure but the position anyway when it came down to planning
14 issues, that is for example change in zoning, introducing a special amenity
15 area or an open space or adding, that would be purely for the planners?

16 A. Yes.

17 Q. And I mean that would in so far as you and your colleagues and
18 draftsman are concerned, according to your own evidence it would be --
19 Denis, is that his name?

20 A. Mr. Daly, yes.

21 Q. Denis would get his instructions and he would come down and greet you
22 and say this is what we have to do, that was the situation?

23 A. That's correct.

24 Q. So there is a lot of evidence you know -- you were interviewed by Mr.
25 Gallagher and Mr. Quinn but you had no involvement in the issues of the
26 development plan?

27 A. No.

28 Q. None absolutely, that was it, they were doing and they kept it very
29 much to themselves. Now in 88, I presume -- I could ask you did you read
30 the working papers, I suppose you had an interest in them?

1 A. I was mainly involved with any maps that were relating to it.

2 Q. Yes but Mr. Conway's evidence was that the 1972 plan was a 20 year
3 plan?

4 A. I always thought that it was a five year plan.

5 Q. Well he said -- no, no, it was a 20 year plan?

6 A. I thought they were obliged to review the development plan every five
7 years.

8 Q. That is true, you are absolutely right that but what he was saying the
9 span and the vision contained in the 72 plan and some of the provisions,
10 some of the zoning provisions, they provided for population up to -- for 20
11 years, that would bring it up to 1992 and he said the conclusions he drew
12 and his team and it seems -- and the planning officer was that in the
13 beginning of '89 when the working papers were completed that there was more
14 than an adequate amount of zoned land. The view he took throughout the
15 county, which he informed the members of the council and the County Manager
16 that all the assessments that had been made was that there was more than
17 sufficient land available for the next five years and an top of that there
18 were thousands of permissions extant, that had never been used?

19 A. Is that a statement or a question?

20 Q. Were you aware of that?

21 A. Well if Mr. Conway said it I am sure it is true.

22 Q. But in the office, I mean -- I am sure you spoke about something apart
23 form private work or anything like that in the office ...

24 A. Did I hear you say -- did I hear you correct.

25 Q. Sorry?

26 A. Are you trying to lead me?

27

28 STENOGRAPHER: Sorry, I didn't get what you said there?

29 A. Are you trying to lead me?

30

1 MR. REDMOND: Now the evidence which he gave very recently was that he was
2 absolutely satisfied in his professional estimation there was absolutely no
3 need for the zoning of additional lands. That's what he said and you would
4 accept that he was the expert?

5 A. He is the expert.

6 Q. You wouldn't argue with him?

7 A. No.

8 Q. He was asked about the South County area and he said yes, the South
9 East area there was adequate land there. In so far as Carrickmines is
10 concerned, he said it never entered into the arena at all at that stage.
11 He said there was nothing, he never was involved in any mapping or anything
12 showing any expansion of Carrickmines at that stage. Would you accept
13 that?

14 A. If Enda said that.

15 Q. If Enda said it, yes, he seems to be very straightforward and he is a
16 very knowledgeable man on his subject. At that stage I had -- the Tribunal
17 had provided me with a copy of the DP register. I am sure you knew and
18 were familiar with its operation?

19 A. Yes.

20 Q. And reading through it, it certainly looked to me who was an outsider
21 that everything that is ever undertaken it went into the register with
22 somebody's name on it as being responsible, probably the planner's name and
23 then the draftsman name, is that so?

24 A. Yes but in looking at that did you see the DP number of the draft
25 development plans or the development plans themselves?

26 Q. I don't remember that.

27 A. I don't think you would have seen them.

28 Q. Well anyway ...

29 A. You were an outsider.

30 Q. Exactly. I remind you that I am in my 85th year now. It is not easy

1 for me being here?

2 A. The draft development plans from my recollection did not have a DP
3 number. They were referred to as map number 1 to I think it was 28 in that
4 development plan.

5 Q. The position as far as Mr. Conway's evidence is concerned was that as
6 far as he personally was concerned there was never anything in his mind
7 about that there was any need for development or for additional zoning in
8 Carrickmines. He also acknowledged that and I don't know whether you would
9 be aware of this but I am asking were you aware that the sanitary services
10 conference wrote to the principal officer saying that the prospects of that
11 drainage scheme were remote and it should be any -- in doing the review
12 they should discount it. Would you have known that?

13 A. No.

14 Q. I don't think you would?

15 A. No.

16 Q. But Mr. Conway acknowledged it and he said he accepted that that was
17 the position which it was. Now, there was the first map, in the DP
18 Register, related to Carrickmines. There was one prepared in November '89
19 by a Mr. Neville Davin, who died rather prematurely. You were asked
20 questions about that, well I am not going to trick you into a position, you
21 said you didn't know anything about it?

22 A. I knew Mr. Davin all right.

23 Q. Now this Advance Planning Group, these are something outside of the
24 Development Plan Review Team is that so?

25 A. Sorry, I don't what you are talking about.

26 Q. Did you know Mr. Neville Davin?

27 A. I knew Neville well, Lord have mercy on him.

28 Q. And did you know that he had a team working under him called the
29 Advance Planning Group?

30 A. No, I am not aware of that, I don't remember that.

1 Q. You don't remember it, that's all right but ...

2 A. Could you be confusing that with the Forward Planning Section.

3 Q. Ah you are right, that's the trouble when you get old Mr. Carroll,
4 words, the Forward Planning Group, you are quite right, you are absolutely
5 right, the same as you have corrected me on the working papers, that is the
6 correct expression. You knew about their activities did you?

7 A. They were working in concert as were the groups for three new towns,
8 the North County and the South County, they would have had the Forward
9 Planning sections.

10 Q. But they were separate to the review group?

11 A. Yes.

12 Q. Well that's just what I wanted -- anyway the first map that appears,
13 his name is on it. I can't remember the name of the draftsman who was
14 responsible and Mr. Conway said he knew nothing about it and wasn't
15 involved in its preparation. Would you accept that Mr. Conway says that?

16 A. If he said that, yes.

17 Q. So if that was the case you were never involved in it but it would have
18 been in the cabinet?

19 A. Yes.

20 Q. It would have been in the cabinet?

21 A. Yes.

22 Q. And in so far as the cabinet is concerned -- well again Mr. Conway's
23 evidence and I could ask you do you agree or disagree with it was that the
24 people working in the section on the review they understood clearly that
25 the work they were doing was of a confidential nature and should not be
26 disclosed or released. Would you agree with that?

27 A. All work in planning was considered to be confidential.

28 Q. I asked him was there a circuit -- no, he said there wasn't.

29 A. It was understood.

30 Q. It was understood but there doesn't seem to have been any major

1 security control over the cabinet, would you agree with that?

2 A. Apart from the last thing at night it would be closed, not necessarily
3 locked.

4 Q. Sorry?

5 A. Apart from it being locked at night because perhaps of a fire hazard.

6 Q. But in the daytime?

7 A. No.

8 Q. So that there was nobody controlling it. If somebody wanted to take
9 out a sheet and have a look at it, whatever it was, no one would stop them?

10 A. Oh they would.

11 Q. Who would stop them?

12 A. Anybody in the office.

13 Q. Ah no, I am talking -- I am not talking about outsiders coming in but
14 the people in the office?

15 A. I am talking about planners as well.

16 Q. Sorry?

17 A. Planners as well.

18 Q. Oh yes?

19 A. The only ones that had access to the cabinets and drawings were the
20 technicians or draftsmen. If they wanted something they would ask for it.

21 Q. Yes, but the only point I am making is that in so far as confidential

22 ...

23 A. The only time that those confidential documents would be out of the
24 cabinet would be when they were being worked on or whether they were being
25 printed.

26 Q. Yes. So the position is maps were accessible but there was clear
27 understanding in so far as confidentiality is concerned?

28 A. Yes.

29 Q. Now continuing the cross examination of Mr. Conway, he refers to the
30 fact that it was in the 1990's that the question arose of perhaps providing

1 some zonings for future development in the Carrickmines area. Were you
2 aware that was when -- I mean you made great reference to the 90 maps and
3 you seem to have known about them but I mean were you aware ...

4 A. You are talking about 18 or 19 years ago.

5 Q. Sorry?

6 A. You are talking about 18 or 19 years ago, nearly 20 years at this
7 stage. I have an exact recollection, right, of when and the sequence of
8 what happened I can't be sure but if Enda Conway says whatever Enda Conway
9 says I would go with.

10 Q. Ah yes and I think it is borne out by whatever files have been ...

11 A. What does Enda say about the ERDO maps.

12 Q. The ERDO maps?

13 A. The ERDO recommendation.

14 Q. Well I mean I will tell you what you said, you said it was shot out of
15 the water before it got anywhere. That was Mr. Len O'Reilly's proposal but
16 Enda recognised that they had suggested that there could be development,
17 well the area they said was Shanganagh but he said that it probably meant
18 the general area and I accept that. The ERDO map was there but it looked
19 to me as if or from what Enda said that he didn't push it, that it may have
20 been the deputy planning officer, it may have been Neville Davin but it
21 worked its way into the system in the 90's.

22 A. If he says so.

23 Q. Well that's what he says and it seems -- the report say that it was the
24 Manager's report but as you say yourself the Manager's report is really the
25 planning officer's report, he had to put his name on it and that was it.
26 So that's the position but as far as Mr. Conway is concerned his evidence
27 was that there was nothing available in relation to Carrickmines until
28 Neville Davin's map in November '89?

29 A. If that's what Enda says that's what's there.

30 Q. You accept that?

1 A. Yes.

2 Q. I can't go much further than that on that Mr. Carroll. I will just
3 see if there is anything else on Enda Conway. And he says the plans would
4 eventually end up in the register. That's fair enough but I have no issue
5 about what Mr. Conway said. As you say it is how many, 20 years ago. So
6 now we will come to the interviews. And what gave rise to the interviews.

7 You received a letter from the Tribunal asking you would you come into
8 discuss certain things and to answer certain questions about certain
9 people. The map that was referred to in the letter was DP, the 90 map?

10 A. I don't remember exactly the letter but my recollection of it was that
11 I was asked first to come in to be interviewed.

12 Q. Sorry?

13 A. I was asked first to come originally, and two interviews, sorry, there
14 was two interviews. The first interview I was invited in to be interviewed
15 and it was straightforward and I was interviewed. At the end of the
16 interview I was asked to make a statement.

17 Q. I think I have the interviews here, so if I go through them with you
18 and I will be as brief as I can?

19 A. No, are you talking you about the first interview or the second
20 interview.

21 Q. No, I am talking about the first one, the first interview was carried
22 out by Mr. Quinn and it is on the 18th December and no time. And the
23 reason he gave for asking you was they had sent you a letter and the
24 members were anxious to see could you throw any light on 90/123 and to
25 answer questions about certain people and I presume the persons were named.
26 I have never received a copy of that letter but it is not the relevant. It
27 just establishes that that is what they were doing and I have the
28 transcript. Has Mr. Carroll got a transcript? I presume at some stage --
29 just to have it in front of him.

30

1 MR. QUINN: Just hold on a second and we will organise that.

2

3 MR. REDMOND: Of course. How long do you intend to stay?

4

5 MS. FOLEY: It is 3.30 now Mr. Redmond and we started at 2 o'clock and
6 subject to the availability but I think we may need to finish by five,
7 that's my understanding from the stenographer.

8

9 STENOGRAPHER: No, I am fine.

10

11 MR. REDMOND: We may not finish by five, just telling you so that you can
12 think about it.

13

14 MS. FOLEY: Mr. Carroll, what is your availability?

15 A. I don't know after today.

16

17 MS. FOLEY: And have you a specific engagement this evening or do you need
18 to be gone out of here by a specific time?

19 A. I have no specific engagement this evening as such.

20

21 MR. REDMOND: Well I myself can't go on, there is a limit to what I can do.
22 I will try and get through it.

23

24 MS. FOLEY: If you get through as much as you can Mr. Redmond.

25

26 MR. REDMOND: Well the end part of it is more important.

27

28 MS. FOLEY: Would you like to deal with the more important stuff earlier on
29 Mr. Redmond?

30

1 MR. REDMOND: Ah, it has a sequence.

2

3 MR. QUINN: Would you like to continue on, Mr. Carroll you don't have any
4 objection?

5 A. No.

6

7 MR. REDMOND: Anyway as I say this interview was conducted by Mr. Pat Quinn
8 and he thanked you very much for coming in because you were a voluntary
9 witness and he assured you that what transpired was confidential and that
10 was the position at that stage, he was right to tell you that at that
11 stage, that was before the Supreme Court decision. You didn't get any
12 warning there or advice in relation to your right to legal representation?

13 A. I presume I was told, like most people are, whatever it was.

14 Q. Sorry?

15 A. I presume I may have been.

16 Q. No, it is not recorded?

17 A. Well then you know the answer to the question, why ask me.

18 Q. No, I have to -- you have to put up with me?

19 A. With all due respect I have to put with it?

20 Q. Sorry, I do want to say you have to put up with me as a person. I
21 can't help it. All I am trying to do -- I made the point that you were
22 told it was confidential. All I am saying is you weren't told that you were
23 entitled to have representation, that is important because ...

24 A. Are you telling me what is important?

25 Q. No, it is the Tribunal?

26 A. Are you telling me that it was the remiss of the Tribunal not to tell
27 me that I could have had representation.

28 Q. No, I am going to ...

29 A. Well then what are you talking about please?

30 Q. I will put it to you this way that the hearing in connection with Mr.

1 Conway you raised the fact that you told during the interview that you
2 weren't well, you were under medication and sorry, what happened then was
3 ...

4 A. Please stop, go on, where did I say I was on medication? Look we are
5 talking here and I am getting impatient now. Sorry, you might have all the
6 patience in the World, I am getting impatient. I was asked to answer
7 questions, not listen to you read into evidence everything right that you
8 feel like, make a statement that you feel like making and you are not under
9 oath.

10

11 MR. QUINN: Mr. Redmond ...

12

13 MR. REDMOND: "I am currently on medication."

14 A. Where is that?

15 Q. Page 91?

16 A. Page 91 of what?

17

18 MR. QUINN: I think Mr. Carroll that Mr. Redmond is referring to the second
19 interview and if you look at, it is to be found in brief page 5105, I think
20 in the second interview you said the following. You said that "I suffered
21 in 1984, I was the youngest grade one in the County Council ever in age.
22 When the regrading came right I reckon I was knobbed right. I didn't get
23 a promotion and it effected me. I became quite depressed, I lost about 18
24 months. The same year my mother died, that is neither here nor there".

25 A. Now what we have here right is my fucking business, sorry, with all due
26 respects we have my business right, my business, my medical record being
27 made public. That is one of the reasons why I was reluctant to come here
28 today because I would become upset again. I have for the last four years
29 right and I have to say it now being medicated, being weaned of my
30 medication until I come to a balance. SAD, call it what you will, manic

1 depression was the old one right, bi polar is what it is called now. I am
2 telling you what you have done now is right you have it made known to the
3 World and its mother or for anybody who wants to access the site right, my
4 medical condition and it is nobody else's business except mine and my
5 doctor and you have done that and that right is what you have done. I have
6 been medicated right since and before. I eventually have got now to having
7 a reasonable, or have had a reasonable balance right that I am off
8 medication. I am back on it again, right. Are you happy now?

9

10 MR. REDMOND: I have nothing to say about it.

11 A. You have nothing to say, when it doesn't suit you, you have nothing to
12 say. You bring it up and I said why did you bring it up, why did you bring
13 it up, why? I have made a statement and my statement says right that I was
14 instructed or received instructions to prepare a map right and I believed
15 to have come from the Manager's office right. To prepare that map and make
16 it available to be collected. It was collected by Frank Finnegan. Where
17 it wound up after that, excuse me, was none of my business and that is what
18 I am saying right, where -- was I convinced right -- okay, let us wind back
19 for a minute. Confidentiality in the planning department, yes. I had
20 received instructions ...

21 Q. Sorry ...

22 A. No, I had received instructions from the Manager's office. As far as I
23 was concerned I had received instructions from the Manager's office to
24 prepare a map and make it available. I did that. I don't deny that.

25 Q. I didn't raise that at all?

26 A. I raised it because that is the nub of it. That is. I prepared a map.
27 Frank Finnegan got it from me and what happened it after that is another
28 matter but I prepared it on instructions, right.

29 Q. Sorry, can I get on with my cross examination please, no more of that.

30

1 MS. FOLEY: Mr. Redmond.

2

3 MR. REDMOND: The interview was opened anyway and in the early part of it,
4 Mr. Quinn, he went through your experience and coming into the council,
5 that's all right. I have no interest -- as I say I have very little
6 interest in, I have only interest in two or three issues?

7 A. Well get to it will you. Get to them please.

8 Q. Do you recall Mr. Carroll what you said about and I am sure you don't
9 at this stage but do you recall what you said about ERDO's proposals at
10 this interview and can I tell you?

11 A. Apart from the fact -- no I don't recall but what I would imagine I
12 said that they were proposals for the South East.

13 Q. Yes, well I will just read out. It is just for the record. Well
14 ERDO's proposals for that area suggested a development in that area. I
15 don't know who shot it down. It was Len O'Reilly's baby. It was shot down
16 before we started the plan. He was a Deputy Planning Officer who had been
17 seconded to ERDO, isn't that right?

18 A. Yes.

19 Q. That's all I am doing. You made no reference in any of this to Mr.
20 Finnegan and you make no reference to me until question 374?

21 A. Sorry, there was no full stop or comma there.

22 Q. Sorry?

23 A. You said I made no reference to you or Mr. Finnegan.

24 Q. So far?

25 A. And then after about 20 seconds you said 'until'.

26 Q. Oh well you will have to -- as you say I should be taking into account
27 your problems?

28 A. Sorry, I mean if you are going to continue -- with all respects if you
29 are going to continue this, 'taking into account my problems', what are my
30 problems? You said you were going to take into account my problems, what

1 are my problems, what are my problems that you are talking about. You are
2 slipping in innuendos all the time and I can go back over it and I remember
3 it.

4 Q. Excuse me, I just said that my name didn't come up until number 374?

5 A. Fine.

6 Q. I was trying to find it, that's all it was.

7

8 MS. FOLEY: Please gentlemen?

9 A. Sorry, what did you say.

10

11 MR. REDMOND: I said nothing. At 374, can I read out what you said, have I
12 your permission?

13 A. You have my permission but I would prefer if it was a question.

14 Q. Well then I will ask you did you say it or read it out. "George
15 Redmond hounded two draftsmen out of the service for doing extensions,
16 that's all I will say to you. He had somebody go and look at whether the
17 applications were being made and he actually hounded them out of it. Do
18 you know that to be a fact?

19 A. Asked and answered earlier. You asked that question earlier. Excuse
20 me, you asked the question earlier and I answered it and I told you it was
21 hearsay and innuendo. Right, it was understood to be true and I understood
22 it to be true and I have no reason to believe that it wasn't true.

23 Q. And the same applies to these two?

24 A. Pardon, it is the same thing you are talking about.

25 Q. Except in the other case the words you used was removed from office.
26 "Do you know George Redmond".

27

28 MR. QUINN: Mr. Redmond, I think you should ask the question in fairness
29 now to the witness.

30

1 MR. REDMOND: Yes.

2

3 MR. QUINN: So what question do you want to ask the witness?

4

5 MR. REDMOND: The question that arose ...

6

7 MR. QUINN: But what question do you want to ask of Mr. Carroll?

8

9 MR. REDMOND: That when you were making this statement is it true that the
10 only thing that really you knew of me at that stage, we agree that we never
11 met, we never spoke, our paths never crossed, that I played squash over in
12 the Leisure Centre attached to the Irish Life, isn't that so?

13 A. That's correct, yes.

14 Q. And isn't it also the case that you couldn't abide me, you couldn't
15 abide me, for actually why I don't know. That whatever the reason you had
16 -- abide in the Oxford Dictionary is can't tolerate, abhor. You had some
17 sort of a feeling against me, maybe quite justified but I mean it is there,
18 you accept that do you?

19 A. Oh yes, I wasn't like the only one.

20 Q. Oh sorry, I am only asking you?

21 A. Well I am only answering it as well and I am telling you that I wasn't
22 the only one. It actually surprises that there are those people who I
23 consider friends who hold you in high regard.

24 Q. Was it a hatred?

25 A. Oh no not at all, you were just considered to be an obnoxious little
26 bully.

27 Q. An obnoxious bully?

28 A. Little bully, yes, they used to say that you had lifts in your heels
29 and you used to stand on your toes, that you actually had them especially
30 made.

1 Q. That's all you said in that interview. That's the end of that one.

2 Now again at that interview were you aware that Mr. Finnegan had made a
3 statement earlier in the month of December, that was when he made it,
4 earlier that month. In other words when they sent you for you they had a
5 statement, were you aware of that?

6 A. Again, no.

7 Q. Now the next interview was a lengthier one, although it started very
8 late in the evening and it was conducted by Mr. John Gallagher who was the
9 leading -- he was the leading counsel at the time. By the way Mr. Carroll
10 at this time the Tribunal was under the aegis of the sole person, in other
11 words it wasn't the three judges, Judge Mahon and his colleagues, this was
12 Judge Flynn, just a point of clarification that's all?

13 A. Judge Flynn or Judge Flood?

14 Q. Flood, Flood. I am only clarifying it just to make it clear that it
15 was a different Tribunal?

16 A. Does it make any difference?

17

18 MR. QUINN: It wasn't a different Tribunal actually. The current members
19 of the Tribunal were members of the Tribunal in 2003.

20

21 MR. REDMOND: Yes, anyway the position at the beginning of this cross
22 examination you were once again assured by Mr. Gallagher and by Mr. Quinn
23 that anything you would say would be absolutely confidential, there would
24 be transcripts and it would be a matter for the sole person whether he put
25 confidentiality. On top of that Mr. Gallagher advised you of your rights,
26 that is in relation to counsel, which is an exhaustive recommendation as to
27 your rights. Now earlier than this Tribunal, it is recorded in the
28 Tribunal ...

29 A. Are you talking about my evidence?

30 Q. That before the interview you made a telephone call to the Tribunal and

1 spoke to a Ms. Gilvarry who was a solicitor. Have you any recollection?

2 A. I have.

3 Q. You have?

4 A. I have, yes.

5 Q. Can you tell us what you recall?

6 A. What I recall was that I was asked to make a statement on the
7 transcript of the interview.

8 Q. On the previous interview?

9 A. On the previous interview and I was asked in particular with reference
10 to Frank Finnegan, Jim Kennedy and yourself, they are the three and I said
11 -- from what I can recollect I said that Jim Kennedy is from Abbeyleigh,
12 hardly know him, spoke to him once or twice in my life, never spoke to you,
13 Frank Finnegan is a friend of mine.

14 Q. That's all right, that's enough for me, you told her. Anyway they
15 brought you in and John Gallagher started off the question ...

16 A. Excuse me, I wasn't finished the answer.

17 Q. Okay?

18 A. Then I spoke to the girl, again I can't remember the name but I said
19 Frank Finnegan, I said I suppose I better tell you about the map, the map I
20 gave him and with that she said she would call me back. She called me back
21 and said would I come in for interview, whether it was the day after or two
22 days after but I came in for interview.

23 Q. Well that seems to fit in with the account.

24 A. Do you have an account of that phone call?

25 Q. Sorry?

26 A. Do you have an account of that phone call?

27 Q. No, I haven't an account only what you said yourself?

28 A. I just wondered did you have the account of the name that I wrote down,
29 did you have a copy of the name that I submitted after this interview.

30 Q. I had the name of Ms. Gilvarry, that is mentioned. No, it is simple

1 enough and I will ask you do you agree with this as the recollection. "I
2 rang up to find out whether I would actually have to write out the whole --
3 you know, how often I would meet him, all that sort of stuff, I rang up
4 about that, more or less to clarify because I could be writing from here
5 until Monday and still not have it. So what I thought I might be best to
6 come in and discuss it with you and see exactly what you wanted". That's
7 it, that's what you said?

8 A. Exactly.

9 Q. The evidence in the early part of this I think it was just simply that
10 you were assisting Denis Daly on the plan and you were aware of Neville
11 Davin, that's all, there is nothing in the earlier part of it at all. In
12 so far as the telephone call is concerned, the only question I have to
13 raise here about it, it came in about 4.30 in the afternoon, your
14 recollection 4.30 pm in the afternoon and at the time there was nobody
15 around.

16
17 MR. QUINN: I think you should clarify the phone call of which you speak
18 Mr. Redmond. You are dealing with a phone call received by Mr. Carroll
19 which led to the map being issued.

20
21 MR. REDMOND: I am not disputing the phone call.

22 A. The last phone call on the transcripts was my phone call to the
23 Tribunal.

24 MR. QUINN: Sorry, Mr. Carroll, just to avoid confusion Mr. Redmond you are
25 now dealing with a phone call that Mr. Carroll said he received which led
26 to him giving the map, isn't that right.

27 Q. Yes, and the only point that I have to raise about the phone call is
28 that it came in at 4.30 and there was no one around, that's your
29 recollection, that's all, I am asking you is that the position, your
30 recollection?

- 1 A. My recollection would be that neither Enda Conway or Denis Daly were
2 around and that's the nobody we are talking about.
- 3 Q. Yes, well it says what you said was "there was nobody around", I mean I
4 can't -- "there was nobody around".
- 5 A. Okay, I was on the building, in the building, on my own with no one
6 only the porter.
- 7 Q. Well I know nothing about that. Mr. Gallagher put the question, that
8 when you were making the copy was it the current proposal?
- 9 A. Yes.
- 10 Q. It was. And when was this?
- 11 A. When I made the map.
- 12 Q. Yes, but what date?
- 13 A. I don't know what date it was.
- 14 Q. You have no idea when it was?
- 15 A. No, no idea.
- 16 Q. That's your up to date ...
- 17 A. Sorry, the only thing that I can be sure of is that you were manager at
18 the time.
- 19 Q. So it didn't matter that if there was no zoning map of Carrickmines at
20 the time, which was Mr. Conway's evidence, that didn't matter once I was
21 manager. It had to be there when I was manager?
- 22 A. I didn't say it had to be there. What I am saying is it was there when
23 I made it and you were the manager.
- 24 Q. There is absolutely no evidence and no one has ever been able to
25 produce evidence of any mapping of that area before June '89, no one?
- 26 A. Are you saying that.
- 27 Q. I am saying it because if you read the evidence, read Mr. Conway's
28 evidence, his evidence to Mr. Quinn, he was in the witness box for a huge
29 -- there is no evidence that there was any map made?
- 30 A. The only thing I can say is ...

1 Q. You say you don't know when it was. The only thing you are saying is
2 that it had to be when you were there?

3 A. No.

4 Q. Oh yes you are?

5 A. Excuse me for a minute. You are playing with words here all evening
6 right, so you are. The only thing I am saying is that it was when you were
7 there, not that it had to be, it was when you were there.

8 Q. Are you saying ...

9 A. Are you telling me what I am saying?

10

11 MR. QUINN: Let him answer his question Mr. Redmond.

12 A. The reason I realise right because of the lateness of the hour and
13 because if the map wasn't produced there would be hell to pay. Don't puff
14 like that, right. Your reputation preceded you and you weren't going to
15 bully me or I wasn't going to be the cause of you making an early morning
16 phone call and lifting Enda or Denis out of it. I produced the map, right.
17 Now John Prendergast would not have been like that or I would not have had
18 the reaction with John Prendergast at that late hour. I would probably
19 have said the machine is turned off, we can't make the copy but when I
20 considered it was you I said I better get the bloody map done or there will
21 be hell to pay with somebody. That's what I am saying, otherwise -- that's
22 how I remember it.

23

24 MR. REDMOND: I will go through the questions. At that interview you were
25 asked when was it and you said what you said to me now, some time ago. I
26 am not sure of the date. Mr. Gallagher asked you who was the manager at
27 the time and you answered him and I would ask you is this -- "it was George
28 Redmond or was it, I don't know. I thought it was George Redmond". Now
29 that's what your thoughts on the subject was then, true or false?

30 A. Sorry, what is true or false, that those were my thoughts and my

1 thoughts now.

2 Q. At the time you say "it was George Redmond or was it, I don't know. I
3 thought it was George Redmond". You agree that my name was never mentioned
4 in the telephone call?

5 A. You were never referred to as anything only 'the manager', you were
6 never referred to in the Planning Department only as 'the manager'.

7 Q. Now Mr. Quinn asked a few questions. He was endeavouring to establish
8 the date and the answer you gave him, the previous answer I gave you there
9 was to "I would make a guess it was in or around the nineties or the early
10 nineties" and then Mr. Quinn or you said or Mr. Quinn said "early 90's?"
11 and you said "early 90's", there was an emphasis, you answered twice. Do
12 you accept that?

13 A. I accept that is the answer.

14 Q. That's all I want to know?

15 A. Is that clarified further down?

16 Q. I beg your pardon?

17 A. Is there any reference to the map further down?

18 Q. Oh we will be coming, I will get on to that. Mr. Quinn asked -- this
19 is in relation to the maps, could it have been '89, you are saying early
20 90's and he says "could it have been '89?"

21 A. Pardon?

22 Q. "Could it have been '89?" and you said "I don't know, I doubt it". I
23 mean the evidence was that in so far as dates ...

24 A. Excuse me, are we questioning now or are you making statements?

25 Q. Yes, is it not a fact that at that stage you had doubts about dates,
26 you weren't certain about dates?

27 A. Correct.

28 Q. You weren't certain about dates?

29 A. I wasn't certain about dates, that's correct, yes.

30 Q. That's all I wanted and it is a long time ago as you say?

1 A. Oh I know.

2

3 MR. KING: It might help if you indicate what page you are referring to.

4

5 MR. REDMOND: Page 69. Now we are still with Mr. Quinn. "Okay, what fixed
6 the 90's in your mind?" and your answer to that was "because of the map you
7 showed me the other day with the year and the date on it". It is a
8 statement, I presume it is true, you based it on a map you had been shown.

9 So I take it that the answer ...

10 A. Sorry?

11 Q. I take it that that answer that you gave ...

12 A. What map was I shown.

13 Q. You accept it?

14 A. What map was I shown, is there a reference to the map that I was shown
15 the other day.

16

17 MR. QUINN: It actually says "which map is this now?" and the answer is
18 "the 90/123 map", that is in the transcript.

19

20 MR. REDMOND: Do I accept that in so far as the records are concerned and
21 Mr. Conway's evidence the only maps that come up for mention in relation to
22 zoning is in Carrickmines, it is DP '89, that is Neville Davin and this is
23 DP 1, 2, 3; they are the only ones that come up for discussion ...

24 A. Those are the only ones that have a DP number.

25 Q. Yes. Mr. Gallagher asked you, he addressed you as "Gerry, who is the
26 manager at the time?" and what you said, you were responding to the
27 manager.

28 "Q: Now who is the manager?

29 A: I obviously thought, I know now who it is". He knows now, this is ten
30 years later, twelve years later.

1 A: "But I thought at the time it was George Redmond, sorry, I thought this
2 morning it was George Redmond. I didn't remember. Tom or John
3 Prendergast, Prendergast that is who it was because I asked who was the
4 manager in the early 90's", it is twelve years after the event. Would you
5 agree that that implies a sort of a confused recollection Mr -- it is a
6 long time ago, we both agree that?

7 A. But in the end of the day ...

8 Q. That statement you gave was it John Prendergast?

9 A. Laterally or towards the end of that what conclusion did I come to?

10 Q. One of the conclusions was, "sorry I thought this morning".

11 A. No, no, that is not what I asked you. Are you reading it or will I
12 find it, what page are we on?

13 Q. Page 73, question 131.

14

15 MR. QUINN: Page 16 of the white book and it is, sorry page 73 of the white
16 book and it is page 5087 of the brief.

17

18 MR. REDMOND: Page 73.

19 A. I can't find it at the moment but my recollection would be that before
20 the interview concluded right and subsequent to what I had said in the
21 course of the interview, that -- and it might shorten things for you, my
22 memory was that the manager at the time when I prepared the map was George
23 Redmond and by virtue of the fact that George Redmond in whatever time he
24 retired in so it must have been prior to that and that is what placed it in
25 my mind.

26 Q. Okay, that's true, that's what you said?

27 A. Yes, that's what I said.

28 Q. Now, John Gallagher again "forget about the 90's, forget about the
29 time, who did you believe was the manager who asked for this document to be
30 left?

1 A: I didn't even think about it, that's being honest about it." and the
2 question I have to ask you is -- well you thought, you didn't think about
3 it at that time?

4 A. I thought I was doing it for the manager.

5 Q. He asked you was the manager and he said you didn't even think about
6 that. This particular question said ...

7 A. I was doing it for the manager.

8 Q. But he ...

9 A. I was doing it for the manager, so if I said I didn't think about it I
10 didn't think about it.

11 Q. Yes, but Mr. Gallagher says "who did you believe is the manager" and
12 you said you didn't even think about that. I will leave it at that.

13 Obviously you accept that you made that reply?

14 A. Yes.

15 Q. That's fair enough. You refer later in your evidence to a call which
16 came in sometime later and that call related to ...

17 A. West Blanchardstown.

18 Q. Castaheany to give it its name and what you said in a report on that at
19 this interview was "as far as I was concerned the phone call that came in
20 was not for Gerry Carroll, this is the call relating to Castaheany, the
21 phone call was for the Development Plan office right? A girl asked me who
22 was that and I said Gerry Carroll, right. Are you working for Development
23 Plan. I said yes", that's yourself. "The manager wants a copy of the
24 current plan for the Carrickmines area", right, and a month later you got
25 one for Castaheany. That's the position anyway?

26 A. Sorry, I am confused if I read that transcript there.

27 Q. Sorry?

28 A. I am confused.

29 Q. I am confused too a little bit.

30 A. What you are after reading confuses me.

1 Q. It started off with the question "who was the manager who asked you to
2 send you the file on Castaheany?

3 A: Castaheany? The phone call happened, this is in relation to Castaheany
4 about a month after that".

5

6 MR. QUINN: This is at brief page 5091.

7

8 MR. KING: Page 78.

9

10 MR. REDMOND: "And I had been weary after the phone call so I said right, I
11 am going to kick him for touch. Right if the manager wants it let him
12 right Enda. As far as I was concerned the phone call came in not for Gerry
13 Carroll. It was the Development Department" etcetera, etcetera. That's
14 all. I am not making an issue of it. Incidentally apropos Castaheany what
15 do you recall Castaheany?

16 A. It was out to the west of ...

17 Q. What do you recall of its zoning or its make up or anything else?

18 A. Generally as far as I can remember it was residential.

19

20 MS. FOLEY: Sorry, Mr. Carroll, if you can speak up a little bit.

21 A. I think it was residential.

22

23 MR. REDMOND: Yes, well the position is the Commissioner before the
24 meeting, before this matter started I asked the Tribunal could they supply
25 me with a 1983 map, that is the Development Plan of 83 and also the 1993,
26 they are there. Certainly I am sure they can be made available to Mr.
27 Carroll and I inspected them and the position in 1983 is that that townland
28 was entirely zoned for residential A1. And the 1993 position is that it is
29 the same, the only difference in the two maps is the latter map, that is
30 the 1993 map has been brought up to date. In order words there is a lot of

1 new housing shown, which obviously the draftsmen would have put in. Other
2 than that I just make the point. It is very difficult to see how and why
3 anybody would be looking for Castaheany and would you agree with that Mr.
4 Carroll. If there is no change in the zoning would you agree that it is a
5 pointless question really?

6 A. Pointless?

7 Q. Looking for a map that you know showed zoning in 83 and no difference
8 in 93?

9 A. Was the request not for the current zoning.

10 Q. The two of them are the same, they are identical, there is no change?

11 A. Well how would you know unless you have seen the map?

12 Q. Well I got them ...

13 A. Sorry, no, how would you know that before you had a map.

14 Q. But why would there be any interest in it?

15 A. I didn't ask the manager why ...

16 Q. Well I am only making the point, I am not ...

17 A. The only point I am making is, I don't know what the point you are
18 making is, but you are saying that zoning has to change.

19 Q. It hasn't changed?

20 A. But I was asked, as far as I remember the Castaheany thing was for the
21 current zoning.

22 Q. Was what?

23 A. Current, c u r r e n t zoning, is that not what I was asked for.

24 Q. Are we ready, finished, that's okay. And you were asked by Mr.

25 Gallagher "who was the manager at the time you were allegedly asked for
26 Castaheany site?

27 A: It would have been the same manager.

28 Q: Who was that, who do you think it was?

29 A: Prendergast, Prendergast, was he the manager at that time. I presume
30 he was the manager at the time, he followed George" that's me "in planning

1 and he followed George in O'Connell Street".

2 A. Sorry, was he the manager at the time.

3 Q. Sorry?

4 A. I am asking was he the manager at the time.

5 Q. "Prendergast, was he manager at the time, I presume he was manager at
6 the time. He followed George in planning and he followed George in
7 O'Connell Street.

8 Q: What makes you say it was Prendergast?

9 A: Was he not the manager at the time.

10 Q: At the time, you see it depends on what you mean by the times". Now
11 your answer to that was.

12 A: Well I am saying to you that it was in or around 1990 or early 90's or
13 91, who was the manager then?

14 Q: Could it have been 1988?

15 A: No, because we wouldn't have been that far progressed with the plans.

16 Q: Okay, could it have been '89?

17 A: It could have been '89 right, likewise it could have been 1991 but I
18 think we had a display before that and as far as I know it was before the
19 first display".

20 The only question about the second phone call is that the statement you
21 made at that time seemed to suggest that you thought it was in 1990's,
22 that's all I am making, they are your statements, do you accept that?

23 A. I accept those are my statements but what was my last conclusion in
24 those.

25 Q. Sorry?

26 A. What was my last conclusion?3.

27 Q. We will come to that ...

28 A. No, at this stage what is the conclusion. Before you read into
29 evidence, it could, it couldn't, my recollection is that you were the
30 manager when I received the phone call from the Manager's office.

1 Q. The conclusion is that you agreed with Mr. Gallagher's interpretation
2 of the position?

3 A. That is your interpretation.

4 Q. Well we are going to try and finish before five. It is at this stage
5 that I am more concerned with the questions which were being put by counsel
6 rather than your answers. Your answers, they are what they are and we
7 can't change them and I am not going to try and twist you on that or
8 anything. I am just -- now it is Mr. Gallagher and he says "now at this
9 stage I take it that you put two and two together?"

10 A: Yes".

11 A. Where is this.

12 Q. This is 87.

13

14 MR. QUINN: Which is brief page 5101.

15

16 MR. REDMOND: And I will have an overall question. I will just read it
17 down and I will have an overall question. "Yes, what answer did you come
18 up with that someone had got the map for Frank, who got the map for Frank?"

19 A: Whoever rang me got it. Whoever knows the system. If a thing is right
20 that you don't believe me, tell me, right because I didn't come here for
21 the right. I will tell you anything you want to know that I know because
22 that's who I am.

23 Q: I am asking you who do you think arranged to get a map for Frank
24 Finnegan?

25 A: Who did I think, who did I know".

26 A. "Who did I think or who did I know".

27 Q. "Q: No, I am asking you what did you think?"

28 A: I thought it was for Redmond. I thought he had his claws around the
29 place and I felt a fool for being coddled by him".

30 A. That should be "I still thought".

1 Q. Well we have to take it as it was then.

2 A. No, no, read it properly. "I thought it was Redmond", 27 right, "I
3 still thought he had his claws around the place and I felt a fool for being
4 coddled by him".

5 Q. That's right, but in so far as you are concerned I never spoke to you
6 in my life, didn't know you?

7 A. That's right.

8 Q. And a question was put to Mr. Conway as to his department and I knew
9 Mr. Conway reasonably well from his early days in the 70's and I asked him
10 "did he during my entire term of office ever receive a telephone call from
11 me about anything?" He had no recollection of ever receiving a call about
12 anything. I am just making the point. That was his evidence, a man who
13 you respect. You respect Mr. Conway?

14 A. I know of another man who after a certain incident never received a
15 phone call from you either.

16 Q. Sorry?

17 A. I said I know of another man who never received a phone call from you
18 either.

19 Q. Well I am only talking about ...

20 A. Mr. Conway.

21 Q. Mr. Conway is the only one whose evidence I heard. In so far as
22 preparing the map late in the evening and no one being there or at least
23 you are certain that Denis wasn't there or Mr. Conway wasn't there, were
24 you living in Dublin at that stage, you were?

25 A. Yes.

26 Q. I see. So that you went home that evening, if Denis saw Enda had been
27 there you would have gone to them with a query or passed it on to them?

28 A. They would have the query, yes.

29 Q. They would have the query, which I accept but anyway they weren't there
30 and you prepared the map because the tyrannical whatever he was over the

1 place, anyway you have made your own monster who will tear you to bits?

2 A. No, I didn't say he would tear me to bits.

3 Q. Tear them?

4 A. He would cause hassle.

5 Q. Well that's fair enough.

6 A. Cause trouble as usual.

7 Q. You were on flexi time in the planning office at that time, so were you
8 an early starter?

9 A. No.

10 Q. You were a late starter?

11 A. I chose to let the traffic off and get in for 10 and I would cover then
12 from say four until six.

13 Q. Well when you came in Mr. Carroll, there would have been lots of people
14 in the office at that stage, assuming normal attendance, it is four floors,
15 planning officer, two deputies, chiefs, grade ones, Mr. Conway possibly,
16 Denis the Principal Officer, there were four floors of people. Now fair
17 enough you were on your own the previous evening, you are not on your own
18 anymore. You have had an evening to reflect. Did you not ask anyone?

19 A. Ask anybody what?

20 Q. Did you ask anyone was it in order for you to hand out a plan?

21 A. You do it for the manager.

22 Q. Sorry?

23 A. You do it for the manager.

24 Q. Sorry, you never heard anything from the manager. You say -- your own
25 evidence was that it was some girl who is un named. I mean you are
26 supposing that. I mean you can't do it. They could say it was the Angel
27 Gabriel, not the manager, the manager never called. You said some young
28 lady ...

29 A. I don't know whether she was young.

30 Q. Said it was the manager?

1 A. No, she said she was from the manager's office.

2 Q. Well the manager's office, whatever it was but I am putting it to you,
3 you have been told by your principals about the confidentiality of it and
4 you are in, in the morning. Now you had some excuse in the afternoon or
5 you are giving yourself some excuse. You said you rushed to the power
6 points because you thought it was the manager.

7 A. Say that again.

8 Q. It was said -- there was no pressure on you. All you had to do was go
9 down and tell them, open the envelope and show them what you were doing.
10 Why didn't you do that?

11 A. I didn't do it.

12 Q. Why did you not do it. Look did you not know ...

13 A. You see you are at it again. I prepared a map right for what I thought
14 was the manager.

15 Q. Yes, but you had no grounds for so thinking. Somebody rings up out of
16 the blue?

17 A. I got a call from the manager's office, how many times do I have to say
18 this?

19 Q. I mean it is your piece and you are going to say it and I am not going
20 to object?

21 A. Well I will say it. With all respects if I had my statement I would
22 read the statement that I made right.

23 Q. Sorry ...

24 A. No hold on, it is very clear in that, clear and unambiguous and in
25 actual fact subsequent to my -- all this stuff that you are going on with,
26 he said that you said that I said that she said, right, okay. In the end
27 of the day right what I said was I got a phone call and it now works out as
28 I thought from the manager's office. I prepared the map and left it for
29 collection. It was collected by Frank Finnegan right and you were the
30 manager at the time and I presumed or thought ...

1 Q. Thought.

2 A. I thought it was from you, you being the manager.

3 Q. Well that's fair enough?

4 A. Now you were asked a question by one of the judges the last day at the
5 end of the evidence and you never answered it at the time. Do you
6 remember?

7 Q. I am not here to answer questions.

8 A. That's what I am saying, you are not here to answer questions but the
9 Judge summed up and she said something which I hadn't thought about
10 beforehand but I now think about it, right. And it is obvious that you are
11 not here to answer questions, you are here to -- I don't know what you are
12 here to do, right, but you are doing a very good job of it.

13 Q. Anyway -- well the position was you are in the office, you have come in
14 the office, the envelope is still there. There is no one there the
15 previous evening but the place has all the personnel that you would want
16 and I make the point that you are very junior?

17 A. I have answered that question already and the answer to that question
18 was I had instructions from the manager and that is what I had done.

19 Q. Well why didn't you tell the other people. You hadn't instructions
20 from the manager, you had instructions from a female voice which said it
21 was for the manager and that is what you said. You have to be accurate --
22 it has to be fair to me?

23 A. I am being fair to you and so was the Judge when she said ...

24 Q. I ...

25 A. Excuse me, when she said the very thing that you are after saying but
26 you weren't listening, look back and see it.

27 Q. You thought it was the manager?

28 A. Yes.

29 Q. You thought, that's okay. So anyway the next event in your story,
30 sorry, narrative is Frank Finnegan coming in to the office. Now in so far

1 as Mr. Finnegan's is concerned there is some disagreement with him and
2 yourself?

3 A. Well that's between Mr. Finnegan and myself.

4 Q. That's true, I only mentioned it. I am just making the point that he
5 is not ad idem with you, he says it could well have been handed over in the
6 office but he also says that it could have been handed over in either his
7 house or your house because you were both friends and frequent visitors to
8 each other, that's what he said, do you accept that?

9 A. Yes.

10 Q. But however we will get to the point where and we will take the first
11 statement, your statement and his possible statement, that it was in the
12 office. When you saw him, when you saw him, again confusion, he says you
13 went to him but I am not going into that but when you saw and you are going
14 to give it to him at some stage. Surely at that stage, surely, if it ...

15 A. Sorry, what did you say, are you for real.

16 Q. Sorry?

17 A. I saw Frank Finnegan and I had an envelope that I was going to give to
18 him.

19 Q. Well is that not what happened, did he not collect an envelope from
20 you?

21 A. He did, yes.

22 Q. Well that's what I am saying, it had to be handed to him?

23 A. Yes, it was handed to him.

24 Q. Well that's what I am saying?

25 A. I never denied it.

26 Q. I know you didn't, I am not disputing that at all. All I am putting to
27 you we have -- you are in, in the morning and there is ample opportunity
28 for it to be raised?

29 A. We have gone over this. Will you get to the question, I am losing
30 patience with you.

1 Q. I know you are, well I can understand that?

2 A. What do you mean you can understand it, you dodderly old -- don't be
3 playing that game with me, that you can hear, you can't, you can hear what
4 you fucking want to hear and you say what you want to say without being on
5 oath and that's what pissing me off let me tell you.

6 Q. Sorry.

7 A. No, don't be sorry, you have done it all your bloody life and that is
8 the way you work, chip, chip, chip.

9

10 MS. FOLEY: Gentlemen please.

11

12 MR. REDMOND: Sorry Mr. Carroll, I am sorry?

13 A. You are not sorry one bit.

14 Q. I am sorry that you have to address me the way you addressed me, that's
15 the position. In any event Mr. Finnegan appears. Surely at that stage,
16 having regard to the issue of confidentiality and all the rest you would
17 have held back, surely, I am being reasonable, surely you would have held
18 back. You were a friend of his ...

19

20 MR. QUINN: Lets move on.

21

22 MR. REDMOND: Sorry ...

23 A. Don't be sorry, ask the question, what question is it?

24 Q. You were very much involved?

25 A. Excuse me, hold on, very much involved?

26 Q. As I say with Mr. Finnegan ...

27 A. What do you mean involved with Mr. Finnegan, I was a friend of Frank's.

28

29 MS. FOLEY: Let Mr. Redmond finish the question please Mr. Carroll.

30

1 MR. REDMOND: You were a friend of his and according to his own evidence he
2 corroborated with you in doing drawings in the name of Carroll O'Rourke,
3 that's all. All I am saying to you at this stage, as a council officer, a
4 junior council officer, you have a confidential map in an envelope and you
5 know the instructions about confidentiality, forget about the manager ...

6 A. Please state the question?

7 Q. The position is why did you not hesitate and withdraw at that stage and
8 say I am not handing this out?

9 A. Because the request was from the manager, that's why.

10 Q. You thought it was from the manager?

11 A. But even so -- I wouldn't have done it unless I was sure.

12 Q. Well sorry if the manager wanted it he would have sent over a messenger
13 in livery for it?

14 A. You always sent over when ...

15 Q. I am not saying ...

16 A. Well excuse me you always sent over a messenger for it, did you. When
17 you rang Enda for stuff you always sent over for it.

18 Q. Sorry, can you give us an answer?

19 A. Haven't I given it to you, how many times do you want it. I say the
20 manager told me, you say I thought the manager told me.

21 Q. The manager never told you. A girl rang you and said she was from the
22 manager's office?

23 A. That's all I said but I assumed from the call that the manager wanted
24 it and as I said before what the manager wanted the manager got.

25 Q. The position anyway, I put it to yourself, that at that stage and would
26 you agree, there was an opportunity for you to stop and not give it out and
27 to further consult with your superiors there but you didn't do that?

28 A. You have answered it for me.

29 Q. You didn't do that, you just gave them the thing?

30 A. I gave them the thing.

1 Q. And -- I am not going to raise for the stenographer but I don't know
2 whether you want to read 91, page 15 to 24, I don't wish to raise it but it
3 is what you said about yourself.

4

5 MR. QUINN: Well if you don't wish to raise it ...

6 A. Sure it says already, you brought it in already. Can you not remember
7 back that far. That's my point, me whole bloody point about being here,
8 the World and its mother will know. I am a private person, you don't seem
9 to care one way or the other who thinks what of you, I do, right and it is
10 because I was in the wrong place at the wrong time, right and you are on
11 your horse saying I didn't. I know what you did and I know what you didn't
12 do, right, okay but don't start this thing about my health, right. My
13 health is adversely effected and I feel it now at the moment and I don't
14 mind telling you that.

15

16 MR. REDMOND: Your health, I wasn't going to go near your health?

17 A. What did you say, page 91, 15 to where, what are you talking about.

18 Q. The next paragraph?

19 A. You said from 15 down.

20 Q. The next paragraph is the one I was going to read.

21

22 MR. QUINN: Mr. Redmond I think you said it wasn't relevant and you weren't
23 going to raise it.

24 A. Well then if it is not relevant don't ...

25

26 MR. QUINN: Maybe we will move on Mr. Redmond.

27

28 MR. REDMOND: I am sorry, I am not going to be bullied like this.

29

30 MR. QUINN: You are not being bullied Mr. Redmond.

1

2

MR. REDMOND: I am being, for God's sake, you have never had a witness like this before, I am not being bullied and that's the position I am in.

4

5

MR. QUINN: Mr. Redmond, nobody is trying to curtail you.

6

7

MR. REDMOND: Well I will continue reading from your own statement.

8

A. Mr. Redmond, I am warning now, I am not warning you, I am asking you.

9

10

MR. QUINN: Mr. Carroll, please. Mr. Redmond, if there is something you want to raise it.

11

12

13

MR. REDMOND: I can't raise it.

14

15

MR. QUINN: No, you can raise what you wish Mr. Redmond but I understood you to say in relation to Mr -- the passages which relate to Mr. Carroll's health that you weren't going to raise them and you had no questions in relation to them.

16

17

18

19

20

MR. REDMOND: I don't.

21

22

MR. QUINN: Well if you don't then perhaps we can move on to something that you do want to raise.

23

24

25

MR. REDMOND: Well it is in relation to his conversion unless he objects?

26

A. Sorry?

27

Q. I am just raising what you said yourself about your conversion, if it is all right?

28

29

A. Excuse me, that's my business between myself and my God. If you want to talk about it, talk about it, I will talk about it all day for you.

30

1 Q. No, I am only ...

2 A. Well, why wouldn't you say from 20 down, why didn't you say from 20
3 down, not 15?

4 Q. Well the position is you made your statement there?

5 A. I made my statement in private at the time.

6

7 MR. QUINN: Mr. Redmond ...

8

9 MR. REDMOND: You are referring at this time about the map at Castaheany
10 and at that stage you said and you haven't disputed it here, I can't supply
11 it and Mr. Quinn said "do you know what?" and it stops and it said "it is
12 mainly housing out there", which of course is the case, "do you know who
13 owned the lands or what the story was?

14 A: No idea. As I said early 90's, about 90/91. Then on the question of
15 dates to Mr. Quinn would you accept Mr. Carroll that you did say that to
16 Mr. Quinn?

17 A. It is recorded in -- and I probably said it a number of times and I
18 probably also said that I was confused about the dates.

19 Q. Yes but ...

20 A. Excuse me, if you want me to finish. Do you want me to finish.

21 Q. I can't stop you.

22 A. I said I was confused and it is true from the transcript that I was
23 confused about the dates but what placed it for me was when I remembered
24 that you were the manager.

25 Q. That's fair enough. Well anyway in this case what you are saying is
26 again I refer to you and you say on oath now that you accept that that is
27 what you said?

28 A. Excuse me, I know I am on oath, I am on oath, you are not and you are
29 slipping in all sorts of little weird little things so you are, typical.

30 Q. I volunteered to take the oath. "I have no idea, as I said early

1 90's/1991.

2 Q: It was in the months?

3 A: It was in a month of that.

4 Q: So therefore the other one would have been in the early 90's again" and
5 this is what you said to him and your answer was "I remember it happened,
6 right, put it out of my mind, right, because I wanted to be friends with
7 people" etcetera, etcetera but I mean you didn't contradict the 1990, these
8 are the statements you made and I take it you accept you made them at the
9 time.

10 A. I am after telling you that two minutes ago. How many more of these
11 are we going on for?

12 Q. Now the next part. On the question of my retirement, it was Mr.
13 Gallagher brought that up. He says "my recollection is that he retired in
14 June 1989", this is the first reference to my retirement.

15

16 MR. QUINN: Page 5112 of the transcript, of the brief.

17

18 MR. REDMOND: And what you said after that, "I said today, right, I thought
19 it was Redmond, right, and then I asked somebody when did Redmond retire,
20 how long has he gone, instead I thought it was 86 and then I had my doubts,
21 I was coming in here, I said I am after telling a lie, now what happens".

22 So that's just what you said and I am not asking you to confirm or
23 otherwise. Now it is Mr. Gallagher, "it is not a lie, it is a recollection
24 but what I am pointing out to you is that your recollection and
25 understanding, what you have explained to us, that George, through his
26 secretary had arranged for this and Frank had come in at a later stage,
27 within a month with a similar request, that's the Castaheany request and it
28 was your belief that it was George. If your understanding was correct",
29 this is where the date business is being put to you in a leading question
30 by Mr. Gallagher. "If your understanding was correct, it must have

1 happened sometime before you, '89". He is establishing the date, Mr.
2 Gallagher.

3 A. Can I make a comment. I think what Mr. Gallagher is establishing is
4 the date you retired.

5 Q. He is what?

6 A. I think he is establishing the date that you retired.

7 Q. That's right.

8 A. You said he was establishing the date.

9 Q. No, he is said "if your understanding was correct, it must have
10 happened sometime before '89?"

11 A. As a consequent to you retiring in June '89, that's as I understand it.

12 Q. No, it means that...

13 A. No, no, don't tell me what it means. What your interpretation is and
14 at the end of the day what I realise is that for all this evidence and for
15 everything that is going in here, the only people to decide will be the
16 three Judges and they will determine as to who or what they believe, right.
17 And my evidence is as it stands, right?

18 Q. And way in this case I put it to you that Mr. Gallagher's leading
19 question was ...

20 A. Sorry ...

21

22 MR. QUINN: Ask your question Mr. Redmond.

23

24 MR. REDMOND: If your understanding was correct it must have happened
25 sometime before '89 and your reply to that was at the time "oh if you say
26 so, I don't know, I can find out" but it is if you say so, that is what he
27 said?

28 A. Excuse me, is there a question here?

29 Q. I am going to ask you the question. The only question I say is that an
30 accurate statement, is that what happened?

1 A. Your interpretation of it is incorrect.

2 Q. If you say so.

3 A. I would right and I would understand that to say that my answer was "if
4 you say so, I don't know, I will find out, if you say so that George
5 Redmond in June '89 I will accept it that is what I don't know but I can
6 find out".

7 Q. Anyway what you say is "if you say so".

8 A. No, no, that's what I have said.

9 Q. Yes?

10 A. And you are telling me what I mean. Now you are talking about leading
11 questions, the only one that is leading question, the only one that is
12 asking me the questions is you.

13 Q. The next question is Mr. Gallagher ...

14

15 MR. QUINN: Ask your question to Mr. Redmond.

16

17 MR. REDMOND: He puts it to you ...

18 A. I read that, so that's what we were talking about, we were talking
19 about the date that George retired.

20 Q. He retired in June '89?

21 A. That's what we were talking about. "If you say so, I don't know, I can
22 find out", that's what we were talking about.

23 Q. The next sentence is "you can take it that George Redmond retired in
24 June '89". Now it means therefore, if that is correct and it is, and you
25 can take it as sure as you see me across the table, that he retired in June
26 '89, that the events you have described must have taken place before June
27 '89?

28 A. Well if you were as observant as Mr. Gallagher was there you would say
29 the same thing.

30 Q. That's the assessment Mr. Gallagher made. He says, now not your words,

1 he says "they must have happened before '89".

2 A. What did I say?

3 Q. Well you said ...

4 A. Oh no, no, go back, go back, because you are confusing the issue. What
5 I said was that I believe, I thought, I think, am sure, was sure at the
6 time that George Redmond was manager at the time that I produced the map,
7 now I am told when he retired, so it must have been before he retired.

8 Q. That's it.

9 A. Because he was manager.

10 Q. So your answer anyway to that, and that is really the assessment, the
11 charge?

12 A. Charge, charge?

13 Q. Your answer to that is fine, in other words I take it. Would you say
14 that you agree with that, fine means with you agree with that?

15 A. That George Redmond retired in June '89?

16 Q. Yes?

17 A. Ah yes, I agree with that and I also agree that George Redmond was the
18 manger at the time.

19 Q. And he repeats the question, isn't that right, this is Mr. Gallagher,
20 and again you say "fine" and then he says, Mr. Gallagher says "will you
21 accept it on that basis", in other words Mr. Gallagher, I put the point to
22 you, Mr. Gallagher has achieved what he wanted to do from you?

23 A. I don' know what Mr. Gallagher ...

24 Q. Well ...

25 A. Excuse me, you are asking me a question. You have put it to me that
26 Mr. Gallagher achieved -- I don't know what Mr. Gallagher wanted to
27 achieve. The only thing I know is that I said ...

28 Q. Well ...

29 A. Excuse me, excuse me! Do you want an answer to a question or don't you
30 because if you don't allow me answer right, the answer to the question

1 right, if it was a question, that Mr. Gallagher established that you
2 retired in June '89. It was established before that in the interview
3 right, and I have to work this out now so as I get it clear so as you
4 understand it, that you were the manager when I got the request from the
5 Manager's office. Therefore, and this is what we were clearing up,
6 therefore it must have been before June '89.

7 Q. Although according to Mr. Conway and the other evidence of records,
8 there was nothing for zoning of Carrickmines at that date?

9 A. There was no DP's.

10 Q. You said anyway "I have no problem with that".

11 A. No.

12 Q. Now we have another development here at this stage and this is the last
13 phase of it. Now that's the interview as it were almost finished. Mr.
14 Quinn says we do need a narrative statement. Now this is something new,
15 the statement ...

16 A. Excuse me, that's what I was there for.

17 Q. Sorry?

18 A. That's why I was back because I was asked to make a statement.

19 Q. Well I am only ...

20 A. Excuse me, hold on a minute, I was asked to make a statement after the
21 first interview and a letter came out to that effect and before I made the
22 statement, which there is two of them there, one of them I had to take your
23 name out of because you weren't at liberty to attend at the time, right.

24 The next time I included it.

25 Q. Well all ...

26 A. This might save you a while.

27 Q. But there is no statement at this stage?

28 A. The reason I came in because they wanted to further interview me
29 because I had said that I gave Frank Finnegan a map.

30 Q. Well now the position -- I mean I don't want to make this anyway

1 complicated for you because it relates more to the Tribunal cross
2 examination.

3 A. Where I think you are coming from now or going to is your
4 interpretation of the cross examination, would that not be correct.

5 Q. No, it is not for me to interpret the questions?

6 A. But you are.

7 Q. I am not interpreting ...

8 A. Is that not an interpretation?

9 Q. No, it is a question for the Tribunal. I am only trying to establish
10 the facts and dates, nothing more?

11

12 MR. QUINN: This isn't a cross examination Mr. Redmond, you are dealing
13 with an interview here.

14

15 MR. REDMOND: Well it is an interview as you rightly say. The position
16 anyway is that Mr. Quinn said we need you to do a statement and Mr.
17 Gallagher agreed with that and he said "a short statement, we don't want a
18 great long", "on what" you asked and Mr. Gallagher "just simply on the
19 line". Now you were at this stage Mr -- and it is important, in the early
20 preamble when Mr. Gallagher spoke to you he advised you of your rights, now
21 the taking a statement or getting a statement is something quite different
22 than having an interview. A statement is altogether a different thing in
23 legal terms. Now ...

24 A. Listen if I need legal advice I will get it.

25 Q. Sorry?

26 A. If I consider I need legal advice I will seek it or get it.

27 Q. No, I am not saying that at all, I am only saying that in so far as the
28 procedures, you weren't given any warning at that stage in relation to the
29 new situation which had now come up and that was they wanted a statement?

30 A. Sure they wanted it said before I came in at all.

1 Q. Sorry?

2 A. At this stage, I was in on the first proper request to make the
3 statement.

4 Q. Yes but the legal -- there is a legal obligation on Tribunal officers
5 taking statements. In fact I don't know what the history is ...

6

7 MS. FOLEY: Sorry Mr. Redmond if you have any questions for Mr. Carroll if
8 you could put them because it is now coming to five to five.

9

10 MR. REDMOND: Yes, but this is a most important section.

11

12 MS. FOLEY: And if there is anything you wish to make by way of submission
13 you can send in to the Tribunal.

14

15 MR. REDMOND: No, I have to make it here, I have to make it. This is going
16 to be published, so I want ...

17 A. That's my point, everything that is said here will be published and
18 read into the record and there is nobody that can challenge George Redmond,
19 he can say what he likes.

20 Q. I haven't said anything ...

21 A. Excuse me, what I said was George Redmond can say what he thinks fit,
22 okay, I am bound by oath and if you want to go back to the Medjugorie
23 thing, that is still ...

24 Q. I am not ...

25 A. Excuse me, you were about to bring it up. That stills holds with me.
26 I don't take lightly that I swore on the Bible.

27

28 MR. QUINN: Mr. Redmond, you are here to cross examine the witness, you
29 shouldn't abuse the opportunity. If you have a question in relation to
30 this you should put it.

1

2 MR. REDMOND: Well anyway the statement they said they wanted at this
3 stage, not having given you any advance notice as recorded ...

4 A. Can I again correct you. Now I am going to correct you on this one.

5 The reason I was in for the second interview, it was on the foot of a
6 request to make a statement on my first interview and in relation to Jim
7 Kennedy, George Redmond and Frank Finnegan, right and go back to the phone
8 call. The phone call, don't know him, don't want to know him, Jim Kennedy
9 grew up in the town, yes, Frank Finnegan, where do you start, I suppose I
10 will have to talk or tell you about the man. I knew that I was going in
11 there to make a statement and I knew right that on the basis of the
12 interview, this interview, would be my statement.

13 Q. The only point I am making is ...

14 A. That's the only point I am making!

15 Q. Sorry, I accept that, I am not disputing ...

16 A. You are telling me that I need legal representation ...

17 Q. I am ...

18 A. Excuse me for a minute. And you are telling me that the counsel, Mr.
19 Gallagher and Mr. Quinn were remiss by not warning before I make a
20 statement that I should get legal counsel.

21 Q. Yes?

22 A. That's a threat, that's your usual old style bully tactics that you
23 used to take on HRH with and what's more is take in people, right, get
24 their confidence and then go back and ring HRH, you know, we will leave it
25 so. I know the way you operate. And you came here to upset me, to get me
26 to say what you want said. I have had enough of you, the sight of you is
27 enough!

28

29 MS. FOLEY: Gentlemen please.

30 A. And I mean that, I am sorry.

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MS. FOLEY: Mr. Carroll, would you like a couple of moments?k?

A. No, I don't, I want to get this over and done with. I mean the question is and he is going to lead on, right, and I will tell you where you are coming from, right, I said to the Tribunal, I will short circuit it, what do want, and it may not necessarily be the words, what do you want based on my evidence because I didn't want the whole stuff about being sick, about Medjugorie, I didn't want all that coming up. That's nobody's business because at the beginning of this I am told it is private, confidential and kept directly or whatever way it was, and kept to the Tribunal, right. Now George gets his hands on it and he publishes it. You might as well have put it on the fucking net, so you might as well the way you are operating. You might as well have got your PDF and stuck it up on the website. Now I am telling you my statement and I said to the Tribunal, I said to Mr. Quinn and Mr. Gallagher and there was another girl there and the stenographer and the rest of them and I said to him, look what statement do you want based on my evidence, give me a draft, I will look at it and change it and sign it if necessary. That's what I did, okay. Now subsequently when I had it, right, when I had it signed and you were mentioned to be manager at the time and there are two statements there, because you were in prison at the time and were not able to attend it was thought that I shouldn't name you, right. No answer? So I didn't name you and I think it said "the manager" and subsequently when you wanted to cross examine me you were named in it. I was led through it by maybe Mr. Quinn, right and then you cross examined me for the rest of the day.

MR. REDMOND: Sorry, would you let me get on with it, I have a few more questions?

A. But I have answered any questions you want and those are the questions you are going to have surely.

1 Q. Now, you asked about the statement, do I get a copy before it, do you
2 agree with that?

3 A. What?

4 Q. Mr. Quinn "a copy of the transcript but we would want it done
5 relatively quickly. There would a transcript early next week and we want
6 it almost immediately" and you said "if I have a transcript I have no
7 problem with it". There is no argument about that, I mean I take it that
8 you would agree with that, that is the statement at the time?

9 A. Yes.

10 Q. That's all right. Now the next statement is Mr. Gallagher, who was the
11 leading counsel?

12 A. Is it a statement?

13 Q. Sorry?

14 A. You said the next statement.

15 Q. No, Mr. Gallagher, the next question I should say.

16 A. Next question, sorry, I thought it was a statement.

17 Q. Mr. Gallagher "would you like us to draft?" and it dies there and what
18 you said to him "if you want to simplify it for me draft it. What I am
19 saying is if you want to draft it I have no problem with it because I will
20 only sign up to whatever".

21 A. Excuse me, there is a word that is not in there, "to whatever I agree
22 with", it is not there but it is implied.

23 Q. Well say that, they will take a note of that?

24 A. But they have already because every word that is being said is being
25 written down, remember that.

26 Q. Anyway the point I am just making is do you agree that at this stage
27 you were agreeable that Mr. Gallagher should do the draft, prepare a draft?

28 A. I was agreeable, in fact I requested that a draft be made and why did I
29 request a draft be made? What I will ask you to is I will ask you to read
30 the next answer, if you want to embarrass me ...

1 Q. No, I don't, no.

2 A. Otherwise understand that's why I did it.

3 Q. Yes, of course, I understand that?

4 A. Do you?

5 Q. Oh I do of course. What you have said and I have asked ...

6

7 MR. QUINN: Mr. Carroll doesn't need to be reminded what he said Mr -- I
8 think if you have a question, it has now gone 5 o'clock Mr. Redmond, I
9 would appreciate if you would just ask the questions.

10

11 MR. REDMOND: I accept fully what Mr. Carroll's view on that subject is.

12

13 MR. QUINN: It is at page of 5113 of the brief. Perhaps you would get on
14 Mr. Redmond, it has gone 5 o'clock, if you have questions, more questions
15 for the witness you might put them to him.

16

17 MR. REDMOND: In so far as the draft the only instruction you gave them ...

18

19 MR. QUINN: Have you got a question Mr. Redmond?

20

21 MR. REDMOND: I am asking him does he agree.

22

23 MR. QUINN: It might be easier to ask the witness if he agrees that this is
24 a transcript of what transpired at the interview.

25

26 MR. REDMOND: I am nearly finished. "If you don't get me wrong, what I say
27 is if you want to say I mean and go through that and you can go to the
28 essence of it. I don't have that, I could ramble if you want to do that or
29 if you want to give me guidelines, bullet points, I can flesh them out",
30 that is more or less the instruction you gave them and I have no quarrel

1 with that. Do you accept that?

2 A. Do I accept what, that I asked them to make a draft, prepare a draft?

3 Q. Yes, well that statement you made ...

4 A. What is a draft, do you know what a draft is, a document that you look
5 at and change if you so wish, that's what a draft is.

6 Q. Anyway the next issue is that Mr. Gallagher on behalf of the Tribunal,
7 "all I want is to get a short statement dealing with the circumstances
8 concerning the preparation and the handing over of the map, instructions
9 ..."

10 A. Sorry you left out a word "the instructions".

11 Q. "the instructions that you got, the phone call you got" and you said "I
12 can actually give it now". That's all, I mean you accept it, that's what
13 you wanted and you said "I can actually give it to you now".

14 A. Sorry, what did he want?

15 Q. He just wanted a statement about the telephone call and that's all?

16 A. That's the statement he wanted?

17 Q. That's all he wanted. "I can actually give it to you now", now that's
18 what you said and Mr. Gallagher "we will get it and get it typed up.

19 A: Now what I am saying I can basically say now, write and speak clearly".
20 So in other words there was no disagreement between yourself and counsel as
21 to what was to go in the statement, I make that. Mr. Quinn said "now if we
22 furnish you with a statement just along the lines", this by the way is
23 number 323, "the lines that you have just finished dictating now" and you
24 say "I will look at it, I will sign it now if you want" and Mr. Quinn said
25 a very significant thing at that stage, "well we can't do that but there is
26 no issue". Mr. Gallagher says "what we will do for you is we will extract
27 a statement setting out what you have here" and you answer "I will tell you
28 what you do if I may. You probably don't do it in Word, now we will get it
29 ..."

30 A. No, no, "we will get it", it is not "now we will get it".

1 Q. Sorry, I must apologise to you all. "All I am saying is that if I
2 could do it myself without getting other people to it and ..." There is
3 only one point I will put to you Mr. Carroll, having read the evidence
4 today and the numerous answers you gave when asked about date there was a
5 great lack of certainty and in fact if you examine the dates most of them
6 would tend to be towards the end of '89 and 90. Now I haven't referred at
7 all to Mr. Finnegan's interest on the dates and handover, that's the first
8 thing?

9 A. Did he not say that he thought he got the map in '89.

10 Q. He did, he said, he linked it to a cheque that he got in December '89
11 and he said it was a few weeks before that but that is not for here, that
12 is a matter for the Tribunal?

13 A. Sorry, linked it to a cheque, what cheque?

14 Q. He got a cheque from a solicitor?

15 A. Oh, sorry, that's all I wanted to know because the inference was and
16 this is your case that there was a cheque, he linked it to getting a
17 cheque.

18 Q. Well ...

19 A. Excuse me, you mentioned a cheque in the same breath as you mentioned
20 the map that Frank got.

21 Q. Sorry ...

22 A. Do you not know what you are at, you are not that stupid, are you.

23 Q. Sometimes I think I am very stupid ...

24 A. You are not!

25 Q. I think what you said was ...

26 A. I will remind you of something, the three W's.

27 Q. Sorry, I am just finishing off on this.k?

28 A. Are you finishing off with a question or are you finishing off with a
29 statement?

30 Q. No, no, you raised the question of '89 and I explained how Mr. Finnegan

1 related it to a cheque, that's all I know about is what I read in the
2 evidence. The last point I want to put to you, and as you say you are a
3 man of God, there is no evidence. In fact all the evidence was contrary,
4 that there was no zoning map of Carrickmines in the 1989, relying on people
5 like Mr. Willie Murray, the Deputy Planning Officer?

6 A. Well he had nothing to do with the Development Plan at that time.

7 Q. He gave evidence, I am just saying I am relying on his evidence?

8 A. He had nothing to do with the Development Plan.

9 Q. I am relying on Mr. Conway's evidence, I am relying on the records of
10 the office and the only record that there is, is the November '89 map. I
11 put it to you Mr. Carroll that your acceptance of the scenario put forward
12 by Mr. Gallagher is untrue. I am just saying it is untrue, you may say it
13 is not untrue but I put it to you that it is untrue?

14 A. I put it to you it is not untrue.

15 Q. Well that's the end of the interview from my point of view.

16

17 WITNESS CROSS EXAMINED BY MR. QUINN

18

19 Q. Mr. Carroll, I am just going to ask you one or two questions on behalf
20 of the Tribunal. I am going to be relatively short I think. Just on that
21 last, on that second last point related by Mr. Redmond. It is true that
22 Mr. Finnegan gives various dates for the receipt of the map. However, on
23 day 531, at question 39 he says the following, "yes, but I am trying to
24 relate it to the dates that we have established so far. First, you think
25 it was in May or prior to May?

26 A: I would be open to contradiction. I would put it as Julyish.

27 Q: Julyish?

28 A: Yes".

29 So at least in some of the evidence Mr. Finnegan dates the receipt of the
30 Map to July 1989. Were you aware of that?

1 A. Pardon?

2 Q. Were you aware of that?

3 A. The only thing I was aware of was when I got the various bits and
4 pieces, I am trying to remember, I mean I have the thing here, I couldn't
5 bear to read it to be quite honest with you. What I am saying is I went to
6 the website and I saw Mr. Finnegan's evidence and it referred to a date in
7 June or July of '98.

8 Q. '89 I think is what you are trying to saying. Now just on another
9 point, just on a housekeeping matter Mr. Carroll, there have been added to
10 the brief a series of maps at the request of Mr. Redmond and he made
11 reference to them when he was cross examining you. The first is map number
12 11, it is the Development Plan map for 1983 for the Castaheany lands and
13 that map is to be found at brief pages 5283 and then there are two maps by
14 way of the draft Development Plan 1993 amendment maps, 13 and 14, and they
15 are at pages 5284 and 5285 and the maps, 13 and 14, which are the actual
16 Development Plan maps of 1993 are at 5282 and 5281. You may or may not
17 have received those?

18 A. No, I didn't.

19 Q. They are there, the relevant maps.

20

21 MR. REDMOND: Just on a point of order or clarification, I was retired in
22 July '89.

23

24 MR. QUINN: Yes, now just in relation to the issue of retirement Mr.
25 Carroll, Mr. Redmond asked you some questions in relation to your
26 retirement. I think you retired you said in late 2004?

27 A. That's correct, October/November.

28 Q. 2004 and I think you gave evidence on this issue when it was dealt with
29 it initially ...

30 A. December 2003.

1 Q. I think you gave your statement in March 2003, isn't that right?

2 A. Somewhere around that time, yes.

3 Q. Sorry, you gave evidence on the 26th March 2003, is that correct,
4 initially in relation to ...

5 A. Initially, shortly after, whatever date is on the statement.

6 Q. Now just in relation to the actual maps that were retained in the
7 cabinet. What maps were retained in the cabinet, Mr. Carroll, the cabinet
8 that you refer to?

9 A. The Development Plan maps, the drafts, there would be 1 28 in it and
10 I think if you look at the first evidence you will see that Ordnance Survey
11 Base, which we spoke about earlier on, revising, we then sent it out and
12 got it reduced and we made what is known as a composite. If you look at
13 that there, those lines there ...

14 Q. You are pointing to a map, just for the point of the transcript?

15 A. Sorry, I am pointing to map 13.

16 Q. And in referring to that map you are saying?

17 A. That's the map for Castaheany, there is a grid on it. The grid lines
18 equate to the Ordnance Survey sheet numbers. So what we would have done is
19 we would have taken the Ordnance Survey sheets at 1 and 2,500 and we would
20 have revised them. We sent them out and had them reduced to a scale of
21 1,500 and had composites made to cover the areas which if you look at it,
22 up in the top right hand corner of the map, are number 1 to 28 or whatever
23 it is and those were the maps. Some were in landscape and one or two, as
24 far as I remember, may have been portrait.

25 Q. And are those the maps ...

26 A. Those are the maps that I remember. They would be the base maps that
27 we used all along and on top of that to show the zonings, what we would
28 have, we would have what was known as overlays, a transparent plastic which
29 we would write on and when you print it, it appears to be one.

30 Q. And where would those base maps and overlays be kept?

1 A. In the Development Plan cabinet and they were not always kept together.
2 They were kept in the same cabinet but they were not always fixed, there
3 was registration -- there used to be registration points in top and bottom.

4 Q. And would it be fair to say that you might have to get a base map and
5 an overlay map to determine what the current zoning on a particular area
6 was?

7 A. That was my point the first time about the delay that would have
8 happened and that is why I made the actual map because I would have had to
9 put the two together and register them, in other words getting one on top
10 of the other, sticking down and taking them over to the machine and print
11 it and had I done that that would have been the end of it.

12 Q. Now Mr. Redmond has dealt with a planning register which is a DP
13 register. Has that register any application to those base maps that you
14 have just referred to?

15 A. No, what I said before was that the Development Plan maps and the
16 Development Plans, right, did not get a DP number. What you had is you had
17 the Development Plan map number. Don't be confused about DP and plan
18 number, right, that's all I will say to you, is that there was no number
19 and those were identified solely by the one, which is the index up to 28 of
20 the various maps that were for County Dublin.

21 Q. Mr. Redmond has correctly pointed out that if one looks at the DP
22 register the first reference to Carrickmines map is in November 1989, six
23 months after Mr. Redmond retired.

24 A. Well ...

25 Q. Just wait for my question Mr. Carroll. And if the map that you had
26 access to was that first map, that DP '89 map created or registered in
27 November '89, obviously it is a map that would have been in existence long
28 after Mr. Redmond had retired, do you understand?

29 A. Yes.

30 Q. Now is it your evidence to the Tribunal that you did not have reference

1 to that map or similar map, that it was an entirely different set of maps?

2 A. I don't know what that map is, the maps that I referenced for or I
3 looked at were the maps in the Development Plan cabinet, the Development
4 Plan maps and current situation.

5 Q. And they are different to the maps contained in the DP register?

6 A. Oh yes.

7 Q. That's the point I wanted to know.

8 A. The point I made before is that these maps were not in the DP register.

9 Q. And your evidence to the Tribunal today seems to be that it is your
10 express recollection that you believe that a phone call that was being made
11 was being made on behalf of Mr. Redmond and that is what motivated you to
12 prepare the maps that evening, is that correct?

13 A. That's correct.

14 Q. And is that your current recollection?

15 A. That is still my recollection.

16 Q. In relation to your interview, your two interviews and your evidence,
17 would you agree with me that your evidence has been consistent with your
18 statement and your statement has been based on the interview that you had
19 with the Tribunal legal team in 2003?

20 A. I would say yes and in saying so I would say that my evidence today is
21 consistent with the evidence that I have given twice with the statements
22 that I have issued and as far as I am concerned with the two interviews.

23 Q. Yes and ...

24 A. What appears to me, from my point of view, there seems to be confusion
25 about the establishment of the date that I prepared the map.

26 Q. Yes, because you were suggesting I think that you believed that the
27 phone call that you received was made on behalf of Mr. Redmond ...

28 A. No, because I was confused at the time as to when -- I mean we are not
29 taking, we were talking 10 or 15 years prior to that and one year rolls
30 into another and when you are working on the Development Plan, working from

1 1988 up to 93 on the one set of maps and they evolve, that's the best way I
2 can say it, they evolve, as to when it happened. I cannot tell you or I
3 cannot remember why we had to go back and revisit every map after the first
4 draft. You might have a recollection of this Mr. Redmond, that there was a
5 local election and when the new councillors came in they decided that they
6 wanted to revisit every map. So we had to start from scratch. So that's
7 why from 88, and you mentioned it before, from 88 to 93, that was the delay
8 for the Development Plan and there had been no plan since 83. There was a
9 ten year gap, not a five year gap and the map that actually issued in 93
10 had evolved since 88 and beyond that from various surveys and earlier
11 studies that had been done but again what I would say is that as far as I
12 was concerned the phone call I got was from the Manager's office. That is
13 as far as I am concerned.

14 Q. Yes, but I think your evidence also was that it was your belief that
15 the manager at the time was Mr. Redmond?

16 A. No, it is my belief but I was saying earlier on was that I said early
17 90's but when you are talking in 2002, right, early 90's, late 80's, over
18 the period of the preparation of the plan, can you understand what I am
19 saying. I wasn't clear to begin but I do know, right, that George Redmond
20 was manager at the time.

21 Q. Yes, that is what I wanted to establish. Is it your evidence to the
22 Tribunal and are you satisfied that if Mr. Redmond was the manager at the
23 time you believed you would have received a phone call from the Manager's
24 office and you prepared the map that evening because you believed you were
25 preparing it for Mr. Redmond and you did so that evening because you
26 believe that because it was Mr. Redmond that Mr. Redmond might cause
27 trouble for your immediate superiors if it weren't ready that evening?

28 A. If it would please Mr. Redmond to say I prepared it for the manager and
29 Mr. Redmond was the manager at the time.

30 Q. That's the issue Mr. Carroll but I just want to clarify your evidence.

1 Just bear with me. As I understand what you have said to Mr. Redmond in
2 the course of the afternoon, is that you had been working in the planning,
3 mapping section, since 1988. You had some involvement in relation to the
4 Development Plan at the time. There were two different types of maps.
5 There is the DP maps which are contained in the planning register and then
6 there are other maps which -- a base map and another overlay put together
7 can lead one to understand what the zoning is on a particular piece of
8 property at any particular time. It was those maps that you went to, which
9 were in the cabinet?

10 A. In the Development Plan cabinet, not the DP cabinet.

11 Q. Yes, in the Development Plan cabinet and it was from those maps that
12 you created this?

13 A. That I created the map that I subsequently gave.

14 Q. At the time you created the map you believed you were doing so on that
15 evening for Mr. Redmond?

16 A. For the manager.

17 Q. For the manager, Mr. Redmond, even though Mr. Redmond's name wasn't
18 mentioned?

19 A. But I believed him to be the manager at the time.

20 Q. And is it still your belief that Mr. Redmond was the manager at the
21 time when you created those maps?

22 A. I still believe that. Likewise ...

23

24 WITNESS RE-EXAMINED BY MR. REDMOND

25

26 Q. I have arising out of your -- go ahead.

27 A. We had a small discussion earlier on, right, at the end of my evidence
28 in public to the Tribunal, right, Mr. Redmond annoyed me so much that I
29 made an accusation which I find now I unable to substantiate because I
30 don't have evidence, that's what I am saying.

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MR. QUINN: This is the reference ...

A. This is the reference to the people who were obliged -- let me put it this way, who I considered at the time, were obliged to resign because of Witch hunts, right, and at the end of the day if you want to make that public go back to my statement, the second statement and read out the two names that I mentioned there or go back to the one name I had written down. I cannot say for sure that it was you who caused them to resign, right, but generally at the time it was held that you did.

MR. REDMOND: Well just as we are on that, just on a point of clarification which I have asked you to accept, you mentioned a man named William White.

MR. QUINN: I don't think we should mention names Mr. Redmond.

MR. REDMOND: When I saw the name I took the trouble of going to the Corporation and trying to get the background to it and the position apparently, now the clear position was he was a draftsman in the Housing Architects Department, which was up in Mountjoy Square and he had never any connection with the planning or any other department like that. He had a very extensive practice in relation to small things. In so far as numbers are concerned it would have been one of the biggest practices in the Country, he made the applications in his own name and made no bones about it and the position, my understanding was, he retired to give his full time to the planning or architectural profession. That is the position.

A. When did you hear about him retiring?

Q. Sorry?

A. When did you hear about his retirement?

Q. After you put his name down?

A. You didn't hear about it at the time?

1 Q. I may have but I don't ...

2 A. Sorry, in your office the day he retired and handed you his
3 resignation.

4 Q. Well I don't remember, all I know is ...

5 A. That's fair enough.

6 Q. The statement I made.

7 A. Did you say you don't remember?

8 Q. I don't remember anything about him. The second thing is that in those
9 days as long as he wasn't associated with the planning department there was
10 no -- I mean it was fully accepted that people did drawings. Now the other
11 thing I want to put to yourself is that when Mr. Conway gave his evidence,
12 Mr. Gannon, (sic) in relation to the maps and there were 28 of them but in
13 so far as the map or perhaps two maps being related to the Carrickmines
14 Valley, there was no zoning or anything else when I retired. He made it
15 quite clear that Carrickmines never came up and the position was, as you
16 agree yourself, he was the one who would have given the instructions but
17 from the point of view of Mr. Quinn's situation it would be totally wrong
18 to think there were phantom maps that are now coming out. Mr. Conway was
19 adamant that -- and he was the man in charge and Mr. Gannon (sic) agrees
20 that there is no question about it, he was fully in charge. It wasn't for
21 draftsmen, you know, to put in colours and he said that Carrickmines wasn't
22 on the agenda at that stage and didn't come on to the agenda from his point
23 of view until the 90's. However it seems to have been brought on the
24 agenda by the, what did you call them, the Advance Planning Team, is it?

25 A. Forward planning.

26 Q. Forward Planning. That's the only point I make.

27 A. Sorry, can I ask you a question. You mentioned phantom maps. What
28 phantom maps are you talking about?

29 Q. Sorry?

30 A. Phantom, phantom?

1 Q. I am just saying with zoning of Carrickmines on it in '89, he said
2 there were none. I mean I am only going on the word of the head of the
3 department, the man who was there, who was commanding the situation.

4 A. Do you know what was on the proposed draft zoning map at the time?

5 Q. I have no idea at all. I am only relying on the witness.

6 A. Excuse me, you have no idea and I am telling you that the map that I
7 prepared was based on a draft. A draft is a work in progress. As we
8 mentioned about draft earlier on if there is something in it you don't like
9 you change, if there is something that is not true in it you change and
10 what I am saying is that I prepared a map on the draft development plan
11 that was available currently. That was the request, the current zoning and
12 that's what I am saying. You see you are used to the word phantom, it
13 basically says that those maps did not exist. Excuse me, you said that he
14 said right, I am saying to you that maps existed at the time which were
15 draft development plan maps which contained the evidence that I drafted on
16 the map that I gave to Frank Finnegan on the assumption that you had
17 requested.

18

19 MR. QUINN: I think we can leave it at that gentlemen. Thank you very much
20 Mr. Carroll for attending and Mr. Redmond also.

21

22 MR. REDMOND: Oh just to the Commissioner just before we end up, in so far
23 as there were a number of points that I was going to raise during the
24 Commission but at this stage -- is the position Commissioner that if I
25 raise things with you or should I go directly to the Tribunal?

26

27 MS. FOLEY: If you wish to raise matters now relating to this Commission
28 you raise them now, I note them and then the members will rule upon them.

29

30 MR. REDMOND: Well just one question. Will we be getting a transcript

1 before it goes, you know, to the Tribunal?

2

3 MS. FOLEY: I don't fully understand your question.

4

5 MR. REDMOND: You know what has happened today?

6

7 MS. FOLEY: Yes.

8

9 MR. REDMOND: Will myself and Mr. Carroll get copies of that and have an
10 opportunity to go through it before the formal submission to the Tribunal?

11

12 MR. QUINN: It will all happen in around the same time Mr. Redmond in that
13 what will now happen is that the Tribunal will reconvene when the
14 transcript is to hand and the registrar to the Tribunal will read the
15 transcript of this afternoon's proceedings to the members of the Tribunal.

16

17 MR. KING: He wants when they will receive notice?

18

19 MR. QUINN: You will have a day's notice or a couple of day's notice and we
20 can if necessary try and provide you with a copy of the transcript in
21 advance of that. The contents of what is in the transcript will be
22 certified as true by the Commissioner, that's the process that will take
23 place.

24

25 MR. REDMOND: I take it, you are not correct in saying that it would go to
26 the Tribunal first. The Commissioner will deal with it first.

27

28 MR. QUINN: Absolutely, the Commissioner will certify it as being correct
29 and then it is read into the Tribunal.

30

1 MR. REDMOND: As I said but in so far as my making observations?

2

3 MR. QUINN: They are matters of submission Mr. Redmond and you will be
4 invited like all other witness in this module to make your submissions on
5 the evidence including whatever submissions you wish to make on the
6 evidence given by Mr. Conway and others and indeed Mr. Carroll and indeed
7 your own evidence. That is a matter in due course. Thanks very much."

8

9 CHAIRMAN: All right. Thank you Mr. Kavanagh. The transcript of the
10 evidence given on commission has now been read into the record of the
11 tribunal and as far as the status of the sworn evidence requires of the
12 tribunal. So that concludes the business for today. Thank you.

13

14 **TRIBUNAL ADJOURNED**

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