

THE HEARING RESUMED ON THE 15TH OF DECEMBER, 2000, AS

FOLLOWS:

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CHAIRMAN: Good morning everyone.

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MR. GALLAGHER: Mr. Lawlor please.

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MR. LIAM LAWLOR RETURNS TO THE WITNESS-BOX AND CONTINUES TO
BE EXAMINED BY MR. GALLAGHER AS FOLLOWS:

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1 Q. MR. GALLAGHER: Good morning Mr. Lawlor?

A. Morning Mr. Gallagher.

2 Q. Yesterday we dealt with a number of matters, including the
accounts of Advance Proteins Limited, they are the two
accounts in Bank of Ireland. You remember that we, you
gave evidence in relation to these matters and among the
questions you were asked was a question in relation to the
draft of the 10th of December of 1987, which you said that
to the best of your recollection and belief, it had been a
refund of monies to Goodman, arising from and following the
advance by that individual, or organisation, of --

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CHAIRMAN: Mr. Gallagher, you are not coming across very
loud.

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MR. GALLAGHER: Sorry?

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CHAIRMAN: You are a little far from the microphone.

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3 Q. MR. GALLAGHER: I beg your pardon. I am sorry.

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You said that, to the best of your recollection and belief
that a refund of monies to Goodman International or to the
Goodman Organisation, wherever it came from, arising from
the advance by that organisation or individual.

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Now, I must put it to you Mr. Lawlor, that in fact that
draft was a draft which was not made payable to Goodman,
but was made payable to Binchy and Partners?

A. It might have gone --

4 Q. Sorry?

A. It might have gone to their lawyers.

5 Q. To your lawyers?

A. No, to Goodman's lawyers.

6 Q. Can I just put to you a copy of the draft, if I could
please? If you would please look at it for me?

A. Sure. (Draft handed to witness)
yes, Chairman I have that.

7 Q. That is a draft dated the 10th of December of 1987?

A. Yes.

8 Q. And as you can see, it is payable to Binchy and Partners,
solicitors?

A. Yes, I think that would have been probably on the
instructions of Goodman, of the Goodman Organisation.

9 Q. Why would the Goodman Organisation be instructing Binchy
and Partners? Are Binchy and Partners your solicitors?

A. They had acted for me in the sale of the 23 acres.

10 Q. Were they your solicitors in December of 1987?

A. Yes, and I think they probably acted for the Goodman
Organisation also.

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11 Q. So can you explain how it came to pass that your draft for 203,000 was sent to your solicitors?

A. No, that would have been the request. That is whatever the request was that was acted upon.

12 Q. Would you not consider that it would be more usual for you to, or for Advance Proteins Limited, to simply write a cheque for the sum of ú203,125.61 and send it on?

A. No. To the best of my recollection, the request or the instruction, that was what was acted upon. It is a matter for Binchy solicitors and the Goodman Organisation after that. That is what was done.

13 Q. You see it is a very precise figure, as you can see?

A. Yes.

14 Q. Clearly arrived at after some calculations had been made?

A. Well, I don't have the details - that was the request and I acted upon it.

15 Q. I mean, one could understand that if they were seeking a refund of monies they might very well say: "Please send back ú200,000, or 205,000, or 220,000", but they would be unlikely to say: "Please send ú203,125.61"?

A. You know it is their figure, it is not mine.

16 Q. I see.

A. I can't elaborate other than that was the request and that was what was acted upon.

17 Q. I take it that you would have no objection to the Tribunal having access to the files of Binchy and Partners in relation to this transaction?

A. That is nothing to do with me, absolutely nothing. I was only acting on the instruction of Goodman International.

18 Q. Binchy and Partners were your solicitors?

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A. Not in this matter. Binchy and Partners acted for me and - you are quite entitled to - well, I have given you the details of the sale of the 23 acres. They acted for me in that context, which was selling land in County Dublin which might obviously be of some interest, although I don't know the detail of the interest it might be to the Tribunal.

19 Q. Mr. Lawlor, I earlier asked you the following

Question: "Why would the Goodman Organisation be instructing Binchy and Partners, are Binchy and Partners your solicitors?"

Your answer was: "They have acted for me in the sale of 23 acres".

The question I then asked: "Were they your solicitors in 1987?"

Answer: Yes. And I think they probably acted for the Goodman Organisation also."

A. With due respects Chairman, I think if you have an interest in Binchy acting for the Goodman Organisation, that is not relative to me. That is a matter for solicitors acting for a third party. As I answered in my question yesterday, and I repeat the answer to you today, Binchy and Partners acted for me in the sale of the 23 acres.

20 Q. Did they act for you in 1987?

A. They acted for me back over the years, they acted for me dealing with the banks, with judgements, building societies, for many years they acted for me, yes.

21 Q. Did they act for you in 1987?

A. I assume so, I can't be absolutely precise.

22 Q. I take it if they acted for you in 1987 that you would have no difficulty with authorising them to disclose all files

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and records in their possession, to the Tribunal, in relation to that period?

A. I am - Binchy and Partners acted for me in dealing with banks, they acted for me in the sale of 23 acres and I have no problem with Binchy and Partners being as helpful to the Tribunal in that respect, none at all. I can provide you with whatever limited information I have about that period, possibly I have invoices from Binchy and Partners. They acted for me dealing with the various banks that were pressing for settlements and so forth.

23 Q. Mr. Lawlor, if and when I want material from Binchy and Partners in relation to the sale of the 23 acres, I will make that request. At the moment the request is, are you prepared to authorise Binchy and Partners to release to the Tribunal, all files and records they have in relation to their work for you, or for Advanced Proteins Limited, or any company or entity with which you were associated, in the 1987 period? The answer to that is "yes" or "no"?

A. I need to be precise. From Binchy's point of view, where Binchy has acted for me, and I can inform this Tribunal or be as helpful as I can, if they acted for third parties it is nothing whatsoever to do with me.

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CHAIRMAN: You are not being asked anything about acting for third parties?

A. I think I am.

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CHAIRMAN: We are asking you in relation to your affairs only. I am not interested in any third party. I require to know are you going to give the Tribunal consent, or a

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Letter of Consent to Binchy and Partners furnishing to the Tribunal your files of transactions carried out by them as your solicitors during the period 19 - during the 12 months of 1987, yes or no?

A. I have no problem regarding Binchy. I will consult with Binchy and I will provide to the Tribunal whatever information is relevant to my, or they acting on my behalf. That is what I am prepared to do, Chairman.

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CHAIRMAN: Very good. I will have a letter prepared --

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MR. GALLAGHER: Sir, can I suggest it might be an appropriate position, or situation, to issue a summons requiring the production of all files?

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CHAIRMAN: That is the simpler way to do it.

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MR. GALLAGHER: Directed to the partners of Binchy and Partners, including consulting partners.

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CHAIRMAN: If you produce the summons to me, I will issue it. That is the simple way of dealing with it.

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MR. GALLAGHER: Thank you.

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CHAIRMAN: It is now limited to transactions by Binchy and Partners for and on behalf of the witness in the witness-box.

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MR. GALLAGHER: And on behalf of his companies --

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CHAIRMAN: Yes, his companies, yes.

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MR. GALLAGHER: In the affidavit. That is in respect of the period 1987/'88 approximately.

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CHAIRMAN: Very good. I will do that. Our solicitor will produce a summons and we will serve it immediately.

24 Q. MR. GALLAGHER: Mr. Lawlor, I just now want to return, if I may, to the affidavit you swore on the 6th of November. The 6th company which you identified, which you had a recollection --

A. Sorry Chairman, what page?

25 Q. Sorry, it is on page 66. The 6th company which you identified?

A. The 6th?

26 Q. Yes. It is page 66.

A. What I have been handed goes to page 19, Chairman, sorry. It is in one of the schedules, is it? Sorry, I have it here now. No. 6? Yes, on page 12. Eastern International is it?

27 Q. Eastern International. You say, and I quote:

"Eastern International - This company was formed to target Eastern European and Middle Eastern markets, but never traded. The VAT information provided."

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Can you tell the Tribunal the address of the registered office of that company please?

A. I can't, other than I would guesstimate that it might have been my own address in Somerton, or maybe it was the

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accountant's address, or the solicitors that registered the name.

28 Q. In fact it was, I can tell you, Somerton House, Lucan. The company number was 154561. It was incorporated on the 5th of February of 1990. The last annual return was filed on the 31st of December of 1994. You, your wife Hazel and I think your son Niall, were directors, is that correct?

A. Yes, that would be correct.

29 Q. And FG Blake and Co. of 288 Harolds Cross Road were the accountants?

A. The accountants?

30 Q. The auditors. Did that company have any bank account, Mr. Lawlor?

A. To the best of my recollection, no. Possibly may have, but I just - I don't have any record of it, I don't remember Eastern International having a bank account, and possibly some print bills may have been paid, either for the company or through the company. I don't have a record of the bank account, if there was one.

31 Q. There is a balance sheet attached to the company office documents that I have been provided with. First of all, can I ask you, did you make any inquiries from the Companies Office in relation to any documents that might be available in relation to this company before you swore the affidavit?

A. No, I didn't, because Eastern International never, had never anything to do with anything in County Dublin and anything to do with planning or payments to politicians or any other body, so I didn't see it as relevant to the inquiries of the Tribunal. And you know, registered

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information and the date of registration and so forth, is possibly of a passing interest, but I didn't see it in that context, Chairman.

32 Q. You see, I find that there is an apparent inconsistency in what you have just said, with the fact that you swore an affidavit on the 6th of November in which you included this as a company which was relevant to the matters into which the Tribunal is inquiring. You identified this and other companies in your affidavit.

A. Well, you know, I probably should have sworn the minutes of every Dublin County Council meeting of which I ever made a decision on behalf of any planning application, and waste - not waste my time providing any of this company information which I never foreseen as having the slightest thing to do with the workings of this Tribunal. I came here thinking, it seems incorrectly from Mr. Gallagher's point of view, however I would have a different view, that I was going to be questioned and asked to account for my decisions as an elected member of Dublin County Council when making decisions regarding planning and zoning and material contraventions and Section 4's. That is what I assumed I was coming here, Chairman, to address and deal with for you in your very complex and difficult work.

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However, if Eastern International, who never made representations or did anything related to those matters, then I didn't see the need to be writing to the Companies Registration Office and accountants, and so forth, when in my opinion, the company hadn't any relevance to the work that you are endeavoring to do, Mr. Gallagher.

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33 Q. Did you read the witness summonses dated the 21st of September 2000 that were served on you?

A. What --

34 Q. Did you read the summons dated the 21st of September, 2000, that were served on you?

A. Mr. Gallagher, I will answer your questions --

35 Q. Please - if you let me --

A. What I did was --

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CHAIRMAN: Mr. Lawlor.

A. Sorry Chairman.

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CHAIRMAN: Mr. Lawlor, will you please answer the question you are asked. Stop --

A. I will explain --

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CHAIRMAN: No. You will answer the question you are asked. You may explain your answer, if it is necessary to explain it, when you have answered the actual question you are asked.

A. I am so aware and would have read the three areas under which I believe I came to the Tribunal to cooperate, under companies, bank accounts and Tax Amnesty.

36 Q. MR. GALLAGHER: You are to give evidence to the Tribunal in relation to the documents mentioned in paragraphs A, B and C of the Order. That's --

A. That's what I did.

37 Q. -- that is all documents and records in your power and possession in relation to companies, in relation to bank accounts and in relation to a tax amnesty. That is what

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you are to give evidence about. Isn't that right?

A. I would be delighted to provide --

38 Q. Isn't that what you were required to give evidence about?

A. I will give you every evidence you want.

39 Q. Mr. Lawlor, isn't that what you were required to give evidence of?

A. That is what I am endeavoring to do.

40 Q. That, again, is a matter for the Sole Member to judge.

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Now, the records of the company Eastern International Limited, filed in the Companies Office, indicate that there was a balance sheet prepared as of the 31st of March, 1991. Do you know anything about that?

A. No.

41 Q. Did you make any inquiries from Mr. --

A. The balance sheet prepared by who?

42 Q. The balance sheet is signed by your son and your wife?

A. A balance sheet. If you give me a copy of it, I will confirm it?

43 Q. I have to confess that it didn't appear to be - it is being passed up to you now. (Document handed to witness).

A. Thank you. What are you classifying as a balance sheet please, which page?

44 Q. It is on page 40. The reference LLL Co 09 - 40.

A. Sorry, it is here. "Balance sheet: Current assets - nil. Cash in hand - ú3". Yeah.

45 Q. The reason I ask you about the balance sheet is that it would suggest that there was some activity in relation to the company, however minuscule, or however insignificant?

A. Hardly worth wasting the time of the Tribunal, I suggest,

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Mr. Chairman.

CHAIRMAN: Would you just answer - would you answer the question?

A. I have a sheet here that says there was ú3 --

46 Q. MR. GALLAGHER: Mr. Lawlor, I am interested in bank accounts and any other records that you might have. I am asking you do you have any bank accounts or records in relation to that particular organisation, that company?

A. Chairman, I have provided whatever records I have in compliance with the requests made to me on foot of the three orders. And I don't have any other information, and we are dealing with something in 1991, I believe there is a statutory requirement of six years. I don't have anything else and I can't be absolutely sure one way or the other, whether the company ever opened a bank account.

47 Q. The accountants to that company and the auditors to that company are FG Blake and Co., and they did, prepared a report under Section 18(4) of the Companies (Amendment) Act 1976 on the 20th of April, 1991. Did you communicate with that company - sorry with that firm of chartered accountants to see what records, files, invoices, receipts or other documents they might have, that you could produce to the Tribunal?

A. No, I didn't, but I can do so for you.

48 Q. You will see that they have certified on the 20th of April, 1991, that they examined the financial statements of the company for the year ended the 31st of March, 1991.

A. I would suggest, Chairman, that over a number of periods there was nil returns formally returned to keep the name

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registered, but I don't think there was any activity, to the best of my recollection, and I think eventually the company, in order to not be wasting everyone's time as it wasn't trading, it was struck off. I don't believe it traded. It may have taken a couple of print bills that may have been paid directly, or indirectly, on his behalf for the production of paper and stuff like that. It was the intent, at the time, that it might concentrate on various matters in Eastern Europe and the Middle East. It just was a registered name targeting that part of the world. I don't believe it ever traded or did any business.

49 Q. Does it follow from that, that you did not receive any income by way of salary or dividends, or in any other fashion from that company?

A. No. Anything that would have, would have been - if it ever had a bank account, if it ever had a bank account, Chairman, I would assume that in my request to the banks that I recall having dealings with, that they would have provided me with the information, maybe they have. I just at this moment cannot say if there was a bank account and whether there was ever any monies paid out of the account, and any monies paid into it, I don't have the detail in front of me here.

50 Q. Do you have any recollection of ever being paid a salary or ever being paid dividends or drawing monies from that company?

A. No, I wasn't paid a salary or dividends, no.

51 Q. The next company you referred to is Demographic and Strategic Consultants. We referred to that yesterday as the company whose records you furnished to the Tribunal,

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having been directed to do so earlier this week by the Sole Member?

A. Could I just say on that Chairman, that is the most recent bank account that is active, and we went back ten and 15 years and we forgot the most up-to-date account. I apologise for that. We, that was just remiss. I listed it as a company or as a consultancy, it had a bank account, has a bank account, and as I told you yesterday was still active and registered and paying VAT and so forth. So, it was remiss of me not to provide you with that, not to provide that information to the Tribunal.

52 Q. That is a company that, or at least a business name, a business that commenced in --

A. '97.

53 Q. September of 1998?

A. '98, I am sorry.

54 Q. I haven't had an opportunity of examining the documents that you have furnished, so I will pass from that. I will pass from that if you don't mind?

A. Sure.

55 Q. The next company mentioned in your affidavit is Menolly Homes Limited, a housing construction company. "I have a 20 percent shareholding in this company, which is in dispute before the High Court currently."

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Now, can I ask you if you are a registered shareholder in this company?

A. No, not currently, Chairman.

56 Q. Have you ever held shares, as such, in the company?

A. No, not yet, subject to the Court's decisions, I may.

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57 Q. Do I take it that when you say "I have a 20 percent shareholding in the company" what you mean is that you are claiming that you have a 20 percent shareholding in the company?

A. Yes, in order to be as informative to the Tribunal I listed it in that way, which is in dispute, so I have a 20 percent shareholding in this company, but that is obviously in dispute before the High Court at the moment.

58 Q. And that is a land-owning and house building company, is that right?

A. Yes. In - concentrating in the Castaheny and Phibblestown area of County Dublin and the Fingal area. It is currently constructing a, or has the potential to construct a couple of thousand houses.

59 Q. What area of land approximately are you talking about?

A. About 200 acres.

60 Q. And do I take it that your claim against the company relates to the share that you say you are entitled to in that company and in that land?

A. Yes, on foot of an agreement with two other parties.

61 Q. And has that agreement been admitted or denied?

A. Well, the High Court has decided that it went through the first process, you are more familiar, Mr. Gallagher. It went, the High Court judge recently decided that, felt that there was a case to be heard.

62 Q. I see. But I take it that the Defendants in that case, Menolly Homes or the directors of Menolly Homes and/or Others, have denied that you are entitled to any shareholding in the company, is that fair?

A. One of the two parties.

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63 Q. One of the two parties?

A. Yes, who is the principal, currently, of the company.

64 Q. Of the company. What about the other party?

A. The other party, on foot of the agreement that was signed, would have a claim to 40 percent of the company, and is awaiting the conclusion of these proceedings.

65 Q. I see. So that the holders of the shares in Menolly Homes; and for this purpose they are the only parties that the Tribunal would be interested in; have denied that you have an entitlement to 20 percent of the shares of that company, is that correct?

A. Yes, and the High Court has decided otherwise.

66 Q. I understand that. It is a matter that is pending. On the one hand you say you are entitled 20 percent?

A. Correct, yes.

67 Q. They say you are not entitled to 20 percent, or any shares, isn't that right?

A. Yes. They are, I just want to be clear on that. Yes, absolutely.

68 Q. I can take it and the Tribunal can take it that you have not had any income from that company?

A. No. Again Chairman, there is quite a lot of, you know, I can elaborate and provide the Tribunal with any, you know on discovery, now I mentioned that there is a signed agreement --

69 Q. Well, that is, I don't want to get into - that is a personal matter between you and - I was simply interested in your claim that you still --

A. It is surprising in a company that there is a land interest in the whole area of planning and it is of no interest to

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the Tribunal. I thought it should be.

70 Q. It is a personal matter between you and the company or whoever else you are litigating with. I just wanted to clarify what you meant by you had a 20 percent shareholding, that is all.

A. In dispute in the High Court.

71 Q. Now, Food Industries plc, you said is the next company that in, your affidavit. You said, it is number 9.

"It was a public company of which I was a Non-Executive Director. I have no records or paperwork. My recollection was that it was in the late 1980's, early 1990s."

A. I think, Chairman, in the supplementary affidavit I provided some paperwork that we discovered after swearing that affidavit.

72 Q. Where was that additional paperwork discovered?

A. Which is the second affidavit, Mr. Gallagher.

73 Q. Where was the paperwork discovered?

A. In my office.

74 Q. Why was it not discovered before you swore your first affidavit? Was it because there was no search made for it?

A. It was the third search, but we ended up going to boxes of documentation that had been sort of discarded if you like, and because, because you know I set about endeavoring to produce every piece of paperwork I could for the Tribunal, and/or misfiled, and you will see the paperwork provided, it is not in any filed order. This is going back ten years or so, and the company has been disposed of in various ways and it was of no longer relevance to be holding documents and paperwork, but we discovered what we did eventually and we have provided it to you.

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75 Q. Did you receive an income from Food Industries plc?

A. Well, I would have got Director's Fees and I think we are allocated certain shares at the outset, and I think there is some detail in what I provided you with.

76 Q. Can you tell the Tribunal how much you received by way of Directors Fees from Food Industries plc?

A. I can't offhand, but --

77 Q. Can you give an approximation?

A. I would suggest I was on the board for about two years, maybe a little more, and I would suggest that I recovered expenses and was paid maybe 5,000 a year or something. I can't remember the exact amount, but I would have been paid Directors Fees. I think there are some copies of some payments that I discovered in the documentation I provided you with.

78 Q. You appear to have held 8,000 Ordinary Shares, beneficial shares in the company in the year 1990 and 2,988 non-beneficial shares, according to the returns, is that correct?

A. That would be correct, yeah.

79 Q. And you appear to have resigned as a director of the company in November of 1991?

A. Yes, which would be widely known on the examinership of the Goodman International Group as part of the settlement with the banks. The various divisions of Food Industries plc was disposed of to various companies, Goldenvale, I think, bought the dairy division.

80 Q. Tell me, how much approximately, did you receive by way of remuneration as a director from the company during the periods we are talking about, 1990?

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A. I don't have the exact figure here, Chairman.

81 Q. I am not asking you the exact figure, approximately?

A. Approximately, if I was on the board for about two or three years, it probably would have been about 15,000 - 5,000 a year, approximately, I can't --

82 Q. Of that order?

A. I think so, yeah.

83 Q. Yes.

A. And then I would have recovered fairly substantial, recovered fairly substantial expenses as I was travelling to meetings in Baileboro and Westmeath where we had two very successful takeovers of two Co-ops, there was quite a lot of involvement --

84 Q. What role did you play in that takeover?

A. Winning the votes of the farmers.

85 Q. Winning the votes of the farmers?

A. 4,000 farmers in Bailieboro voted their co-op into Food Industries and the Westmeath Co-op membership did the same.

86 Q. Is that an area in which you had particular expertise?

A. I would suggest, yes, having fought eight General Elections, one was capable of organising meetings and communicating competently; and it was quite a major turn around for the dairy processing sector, that it was agreed that way, and probably - well, I would never get the credit for it, but we made co-op shares worth money to the Irish dairy farmer, and effectively changed the landscape of the Irish dairy processing sector.

87 Q. Did this involve going out and persuading people to support the project which you were, which you were endorsing and supporting?

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A. What happened was there was various area meetings called --

88 Q. Just so I understand that, was that work by you, work that involved going to various shareholders and individuals and persuading them to support the project which you, in turn, were supporting?

A. Well, there was quite a team of people, and I would have organised the agenda for the meetings, the type of communication that would come from the platform, addressing the various aspects of what Food Industries proposed to do, if successful. And it was really a series of farmer meetings where the platform was outlining if successful, I would have been involved in the organising and --

89 Q. Are you saying that you were effectively devising and implementing the strategy for this take-over?

A. You could say I directed the campaign.

90 Q. I see.

A. I should suggest, Chairman, there was quite a large team of people, it was far from being myself. There was a number of other experts in all areas of the particular activity.

91 Q. Tell me, Mr. Lawlor, you mentioned expenses in the context of this attempt to persuade people to support your particular project. I take it that these were expenses to reimburse you for out-of-pocket expenses by you?

A. Mileage, hotel expenses, meals and so forth, yes.

92 Q. These were not payments by way of salary or otherwise?

A. No, no.

93 Q. So it was reimbursing you for what you had paid out of your own pocket?

A. That is what I said earlier. As well as being paid a Directors Fee I was, I also recovered my outgoings which

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would have been would have been the mileage rate and whatever the going mileage rate was in the industry at the time, whatever other out-of-pocket expenses one would have had.

94 Q. And if there was any monies left over, as it were, if you got expenses in excess of what you, what you actually paid out of your own pocket, it would be a marginal amount we would be talking about?

A. You would have, as you know --

95 Q. If you --

A. If you recover a mileage rate, well it may be in excess of the amount of petrol you put in the car, but there is a wear and tear dimension etc.

96 Q. It would be something in the order of 60 or 70 pence per mile or maybe 40, 50, or 80 which might, at the end of the day, give you a marginal amount more than you actually expended?

A. It would have run into a number of thousands of pounds, because over a period of time it was quite a lot of involvement.

97 Q. I see. Now, you say that in summary the 10 companies that you identify in that affidavit are, and I quote:

"To the best of my recollection the companies I have held executive and non-executive and shareholding positions in over the last 30 years."

A. Yes, that is to the best of my recollection, yes.

98 Q. And what records did you check, or what inquiries did you make to ensure that this was a comprehensive list of companies?

A. Well, I am effectively going on memory and going on the

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bank accounts and what ever other activities were going on then. It is a very indepth endeavour to provide what I can recollect over 20 odd years. When we first started here, Chairman, on the first day you were dealing with Irish Refrigeration, which was founded in the sixties as a small company, and I have tried to bring it right up-to-date.

99 Q. Are you now satisfied that you have identified all the companies with which you were associated?

A. I can't, Chairman, be absolutely satisfied, but to the best of my endeavours, I have provided you with what I can recollect.

100 Q. Well, you did receive a letter of the 5th of December from the Tribunal, outlining the defects and deficiencies in the initial affidavit that you swore? And I take it that as a result of that, you made renewed and perhaps more diligent efforts to obtain further information and retrieve documents that you hadn't earlier --

A. I have done the best I can to provide the Tribunal with everything, yes.

101 Q. That you couldn't recover?

A. If there is any other information that you have that I can confirm is factual and accurate, I would be pleased to do so.

102 Q. Mr. Lawlor, you will understand that your duty, as a result of being served with the order of this Tribunal and the order of the High Court, is that you make the efforts and you produce to the Tribunal your documents?

A. Well, I would suggest, Chairman, that the orders to the banks have probably been more fruitful than my efforts with the banks.

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103 Q. Indeed they may well have been.

A. And your efforts in other areas might have been equally more effective, but if you want me to confirm anything for you or answer any questions about any other company that you may wish to put to me, I would be delighted to try and cooperate with you. I can't really do better than that, unfortunately, for you.

104 Q. Now, in relation to the ten companies concerned, can I just go through them briefly by way of summary, if I may?

A. Could I ask, Chairman, do you have any other company that I haven't disclosed to you?

105 Q. You may ask certainly, Mr. Lawlor, certainly?

A. You are not prepared to answer, no? So we are back on "entrapment" again today, are we?

106 Q. No, we are not.

A. I think we are. Forget it.

107 Q. We are not back on "entrapment". We never were on "entrapment"?

A. Nothing else other than, in my opinion, but however --

108 Q. I just want, if I may, to just refer you to the companies you identified in that statement, in the affidavit we have just dealt with.

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Irish Refrigeration Limited was a company that was incorporated in 1989, '69 and was dissolved in 1989. You were a director of it, according to the records?

A. That's correct, yes.

109 Q. From the 25th June, 1969, to the 30th of November, 1976?

A. I entered public life in '77.

110 Q. I beg your pardon?

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A. I entered public life in 1977.

111 Q. Yes.

A. Which is the relevance of why we are here today. But go on, I started Irish Refrigeration in the sixties.

112 Q. I am just trying to establish the dates.

A. Yes.

113 Q. Now, that company merged with HALL Thermotank in the early 1970's?

A. That's right, yes.

114 Q. And you were a director of HALL Thermotank, which was incorporated, which was formally known as Irish Air Conditioning Engineers 1974 Limited, and you were a director of Irish Air Conditioning Engineers 1974 Limited and later known as HALL Thermotank Ireland Limited, from its incorporation in 1974 to the 21st of October 1981?

A. Yes.

115 Q. Isn't that right?

A. Managing Director actually.

116 Q. Now, Irish Insulations was the third company. Irish Insulations 1974 Limited, to give it its full title, with a registered office at Hall House, Main Street, Rathcoole, and that, I think, eventually merged its activities into Modular Cold Store Manufacturers?

A. That's correct, yes.

117 Q. And you were a director of that company in the - sorry, just looking for the date on it, Mr. Lawlor. I am afraid there doesn't appear to be a date on the return that has been --

A. I would suggest, Chairman, that company probably ceased trading around 1976, because the then Minister for Industry

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and Commerce, Justin Keating, opened that factory a couple of weeks before the 16th of June 1977, which was an election period.

118 Q. Liam Lawlor and Patrick Beirne were appointed directors on the 24th of the 7th, 1980, and you resigned, it would appear, as a director on the 22nd of December, 1982?

A. I think we have provided to the Tribunal on the second affidavit, details of the sale of my shares on that.

119 Q. Yes, all right. Mr. Lawlor, can you give the Tribunal any indication of what your net income by way of salary or Directors Fees or other income, other than expenses and reimbursement of expenses etc., you would have received from those various companies?

A. I would suggest, Chairman, I think my salary was around ú26,000, as I referred to yesterday, when I was elected in '77, and the Dail salary was 16,000. So I would have possibly had ú10,000 of income from Irish Insulations that would have been paid by way of Directors Fees and so forth.

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Something similar over the years of Modular Cold Store Manufacturers. There would have been some form of a dividend, maybe five or ú10,000. Then on the disposal of my shareholding in Modular Cold Store, we provided that information. So it would have been in that region, would be my recollection.

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FG Blake and - Coopers and Lybrand would have done the accounts for HALL Thermotank Ireland Limited and FG Blake for Irish Insulations, and I communicated by phone with the

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accountants overnight after the first day of my evidence, and they gave me a letter confirming that they didn't have records for those companies going back to that period of time.

120 Q. And can you recall what you received for the disposal of shares in the various companies?

A. I think I discovered that to the Tribunal. You should have it in the note there, the accurate detail of it. I think the accountant provided the briefing note on the second affidavit, if you have it there you can put it on the screen.

121 Q. Perhaps would you identify that, if we give you a copy of the affidavit. (Document handed to witness).

A. I think it refers to a company called Hazelwood Contractors, which I couldn't even remember until the accountant gave me the schedule. It refers - was it subcontracting to Irish Insulations at the time, but it is identified that there was a sale of, I think €27,000 for the shares in Modular and €10,000 for the shares to Hazelwood Contractors Limited, which I am at a loss to sort of reconcile the interchange situation, but they were two companies.

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It is a company that wasn't discovered because I didn't have the detail until the accountant gave me the share disposal note, which I don't have, I don't know if this is in this document, from FG Blake & Co..

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Sorry, I just don't have it. I just see here under 11:

"Modular Cold Store Manufacturers, Hazelwood contractors."

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But there is a note from FG Blake & Co. which was the tax computation, I think, for the disposal of the shares.

122 Q. Is that a note that you sought from FG Blake after you received the Tribunal's letter of the 5th of December last?

A. Yes. What I did was I took an extract from the letter that was applicable to the issues raised regarding FG Blake, and I wrote to the accountants and asked them would they trawl through their records and try and respond to the issues raised by the Tribunal, so that we could respond as fully as possible to you.

123 Q. Yes. Tell me, I just see a reference here?

A. I don't seem to have that.

124 Q. It is in the first schedule, the second part. I don't have the note here just readily available. I do see a reference to it?

A. "Minutes of the meeting - details of the financial agreement regarding disposal of the shares."

That is what I am referring to.

125 Q. I see. I am looking at a document which is on page 114 of my folder here. It may not be, it may not have been scanned into the Tribunal's records at this stage.

It is the second schedule, sorry it is the first schedule, second part of your affidavit of the 11th of December, which refers to companies?

A. Yes.

126 Q. And you talk about a memo from FG Blake & Co. and the reference of the 29th of July, 1982, for the attention of yourself and some others?

A. Yes.

127 Q. Another memo of the 7th of December, 2000, and then a

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letter from Davy Stockbrokers, dated the 6th of November, 1990. "1. Re: Gandon Holdings plc - six percent subordinated loan stock".

When did you acquire that loan stock and out of what account did you acquire it and how much did you pay for it?

A. I can't be absolutely - no, I can't remember the detail of it. I know it was a pretty small amount. I think there was a cheque enclosed which doesn't actually address itself to the name of the company that I received as sort of a dividend or payment from Davys at the time, which is number 4, I think, if it could be brought up?

128 Q. So, are you suggesting that the --

A. A copy of a cheque.

129 Q. -- copy of the cheque from Davy Stockbrokers for ú991.60 relates to your shareholding --

A. I believe so, I can't be certain.

130 Q. Of Gandon Holdings?

A. The cheque doesn't refer to Gandon, so I can't be absolutely certain, I assume that was what it was, yes.

131 Q. Did you have any other dealings or shares with Davy Stockbrokers, that you can recall?

A. No, I have no other --

132 Q. Did you have any other investments in relation to companies in this jurisdiction, that you can recall?

A. Shareholdings in any other company?

133 Q. Yes. Did you invest in shares?

A. No, I think my wife is one of the unfortunate ones that has some shares in Eircom. I can't remember any other shareholding that I can discover to you.

134 Q. Was Gandon Holdings Limited an Irish registered company or

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a UK company?

A. It was one of those, it is down in the IFSC. It is quite a large company - I really don't have any great detail about Gandon Holdings other than what, what I discovered in trawling through the files. I discovered that paperwork and provided it to the Tribunal, but I really don't have anything more than what I have provided to the Tribunal, and I can't be terribly specific, because it was a very small shareholding. I think that ú991 was proceeds of the sale of it. I think it might have been allocated shares and then they were disposed of. I don't think I had much involvement for a very long time, with it.

135 Q. I also see on that page of your affidavit, a reference to Lloyds Underwriting, and I know that in the earlier affidavit you had referred to the fact that you had been, as I recall it, a name at Lloyds, is that right?

A. That's correct, Chairman, yes.

136 Q. And what monies did you have to invest or put on deposit, which you would become a name at Lloyds?

A. You didn't actually. The procedure, Chairman, with becoming an underwriter at Lloyds, you provided some sort of bank comfort or confirmation that you were liable rather than actually providing funding. You were providing a guarantee that if there was a call on funding you would have to meet the call if the underwriting in the aviation syndicate or the general accident syndicate; and as you will probably be aware, Chairman, there was a lot of publicity, long since after I was a Lloyds underwriter, where people suffered very heavy losses. But you didn't provide any funding, as such.

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137 Q. I see.

A. You provided a guarantee, I think, from the bank, probably AIB in Dolphins Barn, provided a letter saying, as I recall, back in those days, that the figure of €75,000 comes to mind, as being the letter of comfort that the bank would have given, as part of your application for membership.

138 Q. Do you have any correspondence with Lloyds relating to your membership of that institution or organisation?

A. Mr. Chairman, --

139 Q. Any records?

A. Mr. Chairman, I have provided you with a tome of information.

140 Q. Do you have any records about becoming a member, or the security that you could provide, the reassurance that you could provide to them --

A. No, whatever information I provided which I think is quite extensive, is what I have in my possession, and it is - actually the accountant had more detail of it. Again, in the initial round I didn't see it as relevant because you queried the tax amnesty utilisation, and we provided you with a very extensive detail regarding that matter.

141 Q. Yes. Now, the other company that you referred to is Economic Reports Limited. You say that that never traded? I take it that did not provide you with an income or with a salary?

A. No, it had, I think it got a bank facility from Bank of Nova Scotia for €50,000 of a loan which was used as, if you classify a bank borrowing as "income" and the facility was used to pay various debts and so forth, and on-going

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outgoings.

142 Q. Yes. You don't, by any chance, remember an investment of
ú15,000 in Gandon Investments Limited?

A. Gandon, that would have been what we referred to earlier,
obviously.

143 Q. Sorry.

A. I say, I assume that is what we were talking about earlier,
Gandon.

144 Q. That appears to be --

A. Yes. So possibly used the loan facility provided by Bank
of Nova Scotia to take up those shares, if that is what
happened at the time.

145 Q. Now, we have established that Economic Reports never
generated any income?

A. Well, if you talk about bank borrowings, it generated a
bank loan and possibly other --

146 Q. Generated income, as being money making?

A. There could have been other cheques deposited into the
account which are on the statements that have been
provided, and you probably got the same information from
Bank of Nova Scotia.

147 Q. Where would they have come from? What earnings would they
have come from?

A. I don't have the details, but if there is income on the
statement then there was monies put into that account at
the time. At the time I had, as you will see, about four
or five different bank accounts. Some of them were
overdrawn and there was quite a bit of bank pressure, one
could have been endeavoring to try and keep a number of
banks happy at the time, with great difficulty.

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148 Q. I mean, what you are suggesting is that monies were being transferred by you from one account to the other on a --

A. Yes. Economic Reports would have got the facility from Bank of Nova Scotia, would probably have paid money into Bank of Ireland, Lucan, to reduce an overdraft or part overdraft and so forth.

149 Q. Then when pressure would come from one other, from one manager, a cheque would come from a different source, is that what you are saying?

A. And eventually as you know, later on we had to make arrangements to try and clear up all those bank difficulties.

150 Q. Now, you also say that Advance Proteins Limited never traded and never generated income as such?

A. No, it never went into the production of what it was intending to do. So therefore it never had invoicing to, for proteins or whatever other product it was proposing.

151 Q. And the same position obtained in relation to Eastern International?

A. Yes, it would be the same, yes. Now, they could have taken in debts for various, as I mentioned earlier, print bills and various outgoings, and some of the outgoings in the office, phone bills, etc., could have been paid out of those accounts.

152 Q. If it paid out bills, it was paying it on the basis of bank borrowings, is that what you are saying?

A. Well, yes. The ordinary cost of running an office for three or four staff, constituency activity, everything else associated with same. Some of those accounts would have been discharging the on-going weekly and monthly outgoings.

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153 Q. Now, as I understand it, and you will correct me, no doubt, if I am wrong; the position, therefore, appears to be that prior to becoming a member of the Oireachtas in 1977, or thereabouts, you were employed, and indeed were a director of Irish Refrigeration Limited, Irish Air Conditioning, Irish Insulations, those companies and you had an income from those, and I understood you to say that the income was of the order of ú15,000 per annum. I may be wrong in that?

A. No, I think as Managing Director of HALL Thermotank I think I was on ú26,000.

154 Q. I see.

A. And provided with a car etc., and then I would have had various incomes from the other - it was mainly Irish Insulations. Irish Air Conditioning was formed with a view to - and it secured a franchise from the Train Corporation of the United States to look towards the air-conditioning market, which was beginning to develop in computer rooms in banks and so forth, and clean air conditions for pharmaceutical conditions and so forth, but --

155 Q. That was a company that was incorporated in 1974?

A. Yeah.

156 Q. So that was for a three year period, you were Managing Director before you became --

A. Before we merged the two contractings, Irish Insulations was a different type of business, which we decided to --

157 Q. Did I understand you to say - I am sorry to cut across you.

A. That is all right.

158 Q. Did I understand you to say that you resigned your directorships when you became a member of the Oireachtas?

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A. No, I think I would have carried on as a director in Modular Cold Store Manufacturers or Irish Insulations. I carried on for, I don't know, maybe six months or a year.

159 Q. In fact --

A. In HALL Thermotank.

160 Q. -- in fact the records show that you resigned as a director on the 22nd of December, 1982?

A. In '77 I was elected.

161 Q. Would you identify to the Tribunal how much, approximately, you received by way of salary, or remuneration or Directors Fees from those companies in the period 1977 to 1982?

A. I would be guestimating 30 or ú40,000 a year, possibly with expenses and car provided and so forth, and the Irish Insulation Company, I think I - well, the disposal note, that is what we spoke about, I am not sure how long I remained involved there, but the reason that that change came about was that Irish Insulations Limited was an importer of polyurethane panels. I was, I couldn't believe why we couldn't manufacture such facilities here, so we decided to go and do an import substitution and go down to an employment black spot and form a company, take over an IDA advanced factory and commence manufacturing here in Ireland, for the first time, polyurethane panels. And to this day that company is thriving in Mohill and has been quite a success. So I remained on in Irish Insulations, possibly after I ceased my involvement with HALL Thermotank, I can't be sure.

162 Q. Can the Tribunal take it that your accountant would have, or should have records in relation to your tax affairs for those years which would show what income you received from

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these, from the various companies, and your income as a member of the Oireachtas?

A. Yes. Just for clarification, Chairman, Coopers and Lybrand were the accountants who are now, who have now merged several times since then, for HALL Thermotank (Ireland) Limited.

163 Q. Who was the name of the individual who dealt with the accounts in that company?

A. The principal partner in those days --

164 Q. No, the person who actually dealt with the accounts that you --

A. Sorry Chairman, the principal partner dealt with the account, he was a Mr. Paddy Burns, son of the late Alfie Burns, and Mr. Paddy Burns, B-U-R-N-S, of FG Blake now. And they would have dealt with the Irish Insulation incomes so it would be Coopers and Lybrand for HALL Thermotank and then FG Blake.

165 Q. Do you have any difficulty with the Tribunal having access to all the records of FG Blake, and Mr. Burns dealing with the companies we have referred to?

A. No, none Chairman. None whatsoever.

166 Q. And with your own accounts?

A. No, not at all. If you write to me or write to, write directly to them, or I will write to them and ask them to provide you with whatever they have.

167 Q. Why haven't they already been produced as required under the orders that have been made by the Tribunal and by the court?

A. Because they never had anything to do with planning in County Dublin, to the best of my recollection. I don't

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know what I could have been doing in making decisions, running or involved as director of those companies that have any relevance to what the Chairman is trying to look into in detail.

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CHAIRMAN: Would you like to take a short break at this point or do you wish to complete this topic and then take a break?

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MR. GALLAGHER: I think perhaps a very short break, if we can, then --

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CHAIRMAN: Say 12 o'clock?

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MR. GALLAGHER: It is now 25 to 12. Can I say 10 to 12?

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CHAIRMAN: Certainly.

A. Thank you.

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THE HEARING THEN ADJOURNED FOR A SHORT BREAK AND RESUMED AGAIN AS FOLLOWS:

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168 Q. MR. GALLAGHER: My apologies Sir.

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Mr. Lawlor, I want to move on to another important topic shortly, but can I just endeavour to summarise what we have been talking about?

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If I am incorrect in my understanding, please correct me.

My understanding is that after, in or about 1982 you had no

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income from the companies that you have referred to: That is the Irish Refrigeration Limited, Irish Air Conditioning Limited, Modular Cold Store Manufacturers, HALL Thermotank Limited and Irish Insulations Limited?

A. Yes, I terminated my involvement and disposed of my shareholdings on the date provided.

169 Q. I see. And that's in 1982, approximately?

A. Approximately, yes.

170 Q. So from the beginning of 1983 we can take it that you were dependant on your income as a member of the Oireachtas?

A. Yes, and I had substantial bank debts also, or on-going facilities provided by banks.

171 Q. And none of the other companies which you have referred to in your affidavit were trading companies which generated profit or a salary for you, isn't that correct?

A. That's correct, yes.

172 Q. Now, on that basis, Mr. Lawlor, it seems to me that there is a significant amount of money that you have not accounted for to this Tribunal, based on the accounts that we have looked at.

A. I think I endeavoured to suggest, Mr. Chairman, yesterday, that I would provide the Tribunal with what I would classify as "political contributions" that came in over a 15 or 20 year period, and I will endeavour to provide that to the Tribunal within the next week.

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There would have been substantial income over that lengthy period.

173 Q. Well, it seems to me that there is a substantial amount of money that you have not accounted for to the Tribunal, and

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I am wondering is there any other source of income that you had in the period from 1983 to date that might help to explain to the Tribunal where the monies came from?

A. What I have disclosed to the Tribunal is every penny or pound I have ever lodged to any bank account, and you know, I will endeavour to provide additional information to the Tribunal; but you know, I have disclosed exactly what the incomes were, and what the amounts of the banks were, and the borrowings from the banks.

174 Q. I have done an analysis, and I readily accept that my mathematics is not my forte, if I can just put on the screen for you an analysis of what appears to me, to be the position arising from the affidavit that you have shown to us. (Document handed to witness)

Your net lodgements to the 18 accounts which you identified in your Affidavit of Discovery of the 6th of November, 2000, which exclude inter-account transfers, appears to be ú4,659,000.

A. I would suggest that is not a correct figure, but what I will do is have the accountants look at it in detail and confirm it back to you. If it is an accurate figure I would have thought that the figure would - I will have it analysed in detail and concur with the detail if it is correct, Mr. Gallagher.

175 Q. You can take it that it has been analysed by the Tribunal and that that is the figure that appears to emerge as net lodgements, excluding inter-account transfers for the period from 198 - sorry, just bear with me please - from 1983 to date.

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Now, on the assumption that that figure is correct, it would appear that your salary and expenses came to approximately ú510,000 in that same period, that is your Dail salary and expenses?

A. Sorry, I instructed to get that information, but you have it obviously. The other day you asked me to provide you with that and I sought it from the Dail. I didn't realise you had it. Why did you ask me to get it, if you had it?

176 Q. You were asked to get the documentation for the Tribunal.

A. Yes.

177 Q. That is an approximation. It also --

A. Mr. Chairman, I will have my accountants check and confirm that that is their understanding of every bank account that I have declared to them and to the Tribunal, certainly. I have just been handed this list of figures, I will get it checked in detail, Chairman, and concur with it if I agree with it, that it is the correct figure.

178 Q. If there is anything you disagree with in this, please you can point out any error or defect in these figures.

A. Sure.

179 Q. When you next give evidence.

A. Sure.

180 Q. Now, allowances have been made for the sale of your lands at Somerton for ú410,000.

A. Yes.

181 Q. Allowance has been made for what you describe as the "Goodman payments" yesterday. That is the ú365,000 to Advance Proteins Limited?

A. Sure.

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182 Q. And that brings the, allowing for all of those, there is
ú3,374,000 unaccounted for which are shown as net
lodgements in the 18 accounts that you showed in your first
affidavit. Now, this does not include the ten accounts
which are included in your second affidavit.

A. Could I explain, Chairman, that my accountants have been
doing a very extensive trawl of all this information and I
will respond to the Tribunal fairly quickly with a detailed
response to the figures you are providing me with and what
they have.

183 Q. Mr. Lawlor, the response was the response that you have
given and the response that I am going to going to ask you
to give in relation to those and other figures.

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It has made, making allowance for the loan of ú600,000 from
the Morgan Family Trust, that is the Liechtenstein monies
that you have already referred us to, that of ú600,000,
that brings the amount down to ú2,774,000?

A. Yes.

184 Q. Allowing the deduction of ú38,000 in that figure in respect
of the evidence you have given in relation to the Frank
Dunlop payment, that brings the sum down to ú2,736,000?

A. Yes.

185 Q. And reducing that again by an estimated ú20,000 in respect
of the consultancy you have referred to, relating to M&E
Rotary payments, that brings the figure down to
ú2,716,000.

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There are then other payments. There is ú74,000 in respect
of the National Toll Roads payments?

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A. That's correct.

186 Q. Which you told us about yesterday. And there are political contributions which you have identified and which you have returned to the appropriate authorities under the Ethics in Public Office Act?

A. Could I just say on that, Chairman, I would have thought that there is another year or two that are not listed.

187 Q. -- of ú16,600.

A. I think you will find that there is another year or two.

That is only showing one year's declaration in five years.

188 Q. That is all that is declared, Mr. Lawlor, according to our investigation, if there is another ú17,000 to be taken off the bottom line I am, we will be quite happy to do it.

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Those figures together come to ú91,600. And on that basis and giving you due allowance for everything you have told us about in relation to the accounts that we have looked at so far, and the accounts which you have furnished to the Tribunal with your first affidavit, there are unexplained lodgements of ú2,624,000 approximately?

A. So, what we will do, Chairman, is I will endeavour to explain the different figure and clarify it for the Tribunal. I would be very pleased to endeavour to do so in as much detail as I can provide. As I confirmed to you yesterday, there is political contributions for the period prior to the declaration requirement which I have got to endeavour to establish and provide that information to you.

189 Q. Mr. Lawlor, I wonder can you now offer any explanation to the Tribunal as to where those monies came from? How they

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were earned by you, or by companies or business names or anything else with which you were associated and which came to be lodged to the 18 accounts disclosed in your affidavit of the 6th of November of 2000?

A. With your agreement, if agreeable to you, Chairman, what I will do is I will respond in detail to these figures and provide a written detail of the best explanation I can for the amounts concerned.

190 Q. Mr. Lawlor, these are your figures, these are at least figures that were extracted from documents that you furnished to the Tribunal.

A. I appreciate that.

191 Q. I am asking you here to tell the Sole Member, on oath, what explanation you have as to how these monies were earned by you, what company or companies earned them in respect of what service or services they were earned, and what invoices, what records etc. exist in respect of them?

A. Well, Chairman, if I had been given these figures I would have had them checked. I don't want to start attempting to give explanations until I check them for you and give you exactly factual information that I can provide you with, and if that is agreeable to you, Chairman, I will do that as quickly as I humanly can, and as I say the accountants are already endeavoring to establish all that information, and I will be delighted to provide to the Tribunal as detailed an explanation as I can.

192 Q. Mr. Lawlor, will you not --

A. I can't really do anything further for you today.

193 Q. Will you now tell the Tribunal what explanation, if any, you now have for any of the monies that are set out in that

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list, other than the monies that have already been discussed?

A. I propose to give you a very detailed written explanation.

194 Q. No, I am not asking for a written explanation. I want an answer, and I want an answer now, as to what explanation if any, you have for any of the unexplained lodgements of 2.6 million pounds, approximately.

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MR. DELAHUNT: I wonder, Sir, in the circumstances where this particular document has just come to light this morning, Mr. Lawlor hasn't seen it. I accept what Mr. Gallagher is saying in relation to the figures, but I would respectfully submit, Sir, that Mr. Lawlor should be afforded an opportunity perhaps, as he has requested, to have the figures looked at by his particular accountants, Sir. That could be done within a very short time, Sir. It is the first occasion in which this document has been brought to his attention. It is based on the Tribunal's calculations, Sir. I would hope to have those looked at as well by Mr. Lawlor's accountants also, Sir.

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MR. GALLAGHER: Sir, we received four folders of documents from Mr. Lawlor. I would say that approximately 90 percent of those documents consisted of copies of bank statements furnished by banks with which Mr. Lawlor had been dealing. They also consisted of cheques and other documents, lodgement slips, credit transfer documents and photocopies thereof.

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All of which were furnished, in the first instance, by the

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banks to Mr. Lawlor before he sent them to us. Having received those records, those 18 documents which arrived in a box at the offices of the Tribunal on the evening of the 6th of November last, the Tribunal set about analysing them to see how much and what they showed.

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And they showed that there were lodgements in the, of the order that I have set out, and that appear on the list.

That simply is a compilation of, it is an analysis worked out of the documentation that Mr. Lawlor has had in his possession, certainly since the end of October or early November and that could have been available to him at any time since the order of the Tribunal was made in June last. And presumably had been made available to him from time to time since 1983 when these first accounts, these accounts first came into, came into existence.

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Now, Mr. Lawlor, in the High Court and the Supreme Court, argued that he knew that he would have to explain about those documents and answer questions in relation to their contents. He wanted to do so in private at that stage.

And he now comes to you, Sir, and says that he will provide you with a written response to the questions that I am asking him on your behalf.

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I suggest, Sir, that it is imperative that he should answer the questions that are now asked. They are not unfair questions. They do not, and should not, take Mr. Lawlor by surprise. And they are crucial questions and the answers, the answers to those questions are crucial answers insofar

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as the investigations of this Tribunal are concerned.

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I therefore suggest, Sir, that you would direct that Mr. Lawlor should answer those questions insofar as he can possibly do so today.

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CHAIRMAN: Well, the situation as far as I see it is this: The sworn affidavits which are presented to us are namely two, the 6th of November and one of December, which necessarily imply, if they are truthful affidavits, that there are no other documents relevant to these matters.

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The extrapolation that we see on the screen is entirely based upon the documents which have been furnished, and they are Mr. Lawlor's documents. There is nothing being added by the Tribunal in any way to the content of the documents which have been furnished to them.

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The end product, give or take a marginal error, is a substantial product. And I find it hard to believe that any person could have that net balance over from his day-to-day earnings/acquisitions covering business activities and earnings as such, without knowing, broadly speaking, where the money comes from.

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I find that almost difficult - may I put it this way, I will put it more neutrally; I find it difficult to understand, there may be an explanation, and I await the explanation from him.

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There are other, the only documents that I think he requires, and which I require if he has an income of 2.6, 2.5 million, I would assume that there is a very simple way of finding out whether that is correct or not. Because no doubt as a member of the Oireachtas he will have obeyed the laws and he would have paid his taxes. And no doubt the returns on his, to the Revenue Authorities will rapidly facilitate, in matter of fact I would be quite surprised if he doesn't remember the returns and the amounts he has paid, because to my mind they would have to be very significant.

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Consequently, I see no need for anything but his own recollection, and that must be forthcoming today. If he wants a short time to reflect on his problems and to possibly make - I don't want to be, to copy from any other institution, to make a phone call?

A. Ring a friend.

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CHAIRMAN: It might be, I would quite afford him that sort of information. I now require to know are those figures, in his opinion, a fair assessment of the situation, or what his explanation for the balance that is shown there is.

I want that information, and I want it now.

A. Mr. Chairman, could I ask you where is the bank debts in the figure?

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MR. GALLAGHER: I beg your pardon?

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CHAIRMAN: The bank debts, there was very substantial

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monies provided by banks.

195 Q. MR. GALLAGHER: They are the lodgements. They are the lodgements to your various accounts. I will take you through those accounts in just a moment, those accounts, I haven't already taken you through. They are lodgements, Sir. And they exclude interbank lodgements, in other words inter-account transfers. So if you had one account in Lucan and you had another account in Naas, and you had transferred monies from one of those accounts to another account, they exclude those figures.

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They are, I should stress, not audited figures in that sense. They are a calculation based on the figures that you have given, and if you haven't already done such an analysis, or if somebody, your accountant on your behalf hasn't done such an analysis, and if they do it and find that there is any error I will be more than happy to correct that error and have you do so, and publicly acknowledge that there is an error.

A. Yes.

196 Q. You can take it, Sir, that this is intended to show what we understand the factual position to be based on the documents that you have produced on your documents, and if we are wrong in any sense, it is a straightforward simple error, perhaps a serious error, but it was an error and will be apologised for. You will receive a full apology if I am wrong on it.

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MR. DELAHUNT: I wonder, Sir, you very kindly, a few moments ago, offered the opportunity to rise for a few

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minutes to consider the matter. I would like to avail of that opportunity at this juncture.

A. Could I just say, Chairman, before you decide on that request please, that I mean - the analysis is on-going and it is available, but I just need time to provide as accurate information as I can on this matter. I have no problem in endeavoring to deal with it for you Chairman, but I can't deal with it by way of a phone call or by way of a ten or 15-minute break. I can probably provide it, I believe the Tribunal is probably sitting next week, and one of the days, if you set a time next week, I will provide what I can by way of an explanation of this sheet of figures.

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Now, I mean it is very substantial numbers and it is very difficult just to respond specifically without effectively providing another set of figures alongside, and I have to say that the 4.6 million figure is something that I provisionally disagree with, but I have to just go and have a, have it identified, because it doesn't seem to me to be a figure that comes to mind, but I just need a couple of days to clarify it for you Chairman, and I would be very pleased to do so if that is acceptable to you.

197 Q. MR. GALLAGHER: Sir, can I suggest that we go through some of the accounts, because through the documents that Mr. Lawlor has produced, and he perhaps can, in fairness to him, the documents may jog his memory and may assist him in identifying the sources of the various monies and where they came from and why they were paid etc.

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And I propose to do so, with your permission, in respect of the account in respect of NIB in Naas, an account which is a recent account; recent in the sense that it was opened in 1995, and appears to have been closed in 1999, so far as one can judge. And you will see that over the five-year period in question of 1995 to 1999, there appears to have been a sum in excess of ú700,000 lodged to that account.

The documents relating to that account are here and I would, with your permission, propose to ask Mr. Lawlor about them, because it appears that, for example, there are a number of account transfers from abroad into those accounts, and the Tribunal will be anxious to have his explanation about those transfers, and others.

CHAIRMAN: I think that is appropriate, for the simple reason that this balance, or call it what you will, this computation is essentially a computation of receipts, and anything that, any information that we have available to us at the moment in relation to receipts should be investigated in public and Mr. Lawlor can respond to it. Having done that, it may well be that we must make, he must make a further response at another time, I don't know. I am not going to second-guess that at the moment, we should go through them at this moment. If we have information, I didn't realise that you had additional information.

198 Q. MR. GALLAGHER: Mr. Lawlor, there are two books, two folders more correctly, which contain the documentation which I wish to draw to your attention, about which I wish to ask some questions. These are your books of course,

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they are folders, what I describe as 1 and 2. The references on the folders are LLL DISC 2.1, DISC 2.2, 2.3 to 2.6.

A. Could I just say on, I think you have mentioned the figure of 700,000, Mr. Gallagher.

199 Q. Sorry?

A. You mentioned a figure of 700,000.

200 Q. Yes?

A. In NIB from '95 to '99.

201 Q. Yes?

A. My recollection is that probably about half of that figure, or maybe slightly less than half, would be the overseas loan account. The itemising of the balance, I just can't instantly do for you, but I know from the '95 period on, because I was drawing down the loan, then trying to resolve all of the various bank debts I had. Now, what confuses me about the figure is that there was monies advanced by banks, and are you saying to me that that money is totted in this lot?

202 Q. I am saying that these are all lodgements that you, that were made to your account, and I understood you yesterday to say that there were no more debts, that your debts were paid to the banks, that you discharged all your debts when you sold your property in Somerton for ú410,000, and that some of the monies that you borrowed, which are, which are recorded there in respect of which you are, as it were, if you excuse the expression "given credit" I don't mean that in any other way - there is an allowance made for that ú600,000 on that sheet.

A. What I am asking, Chairman, where is the discharging of the

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debts from the loan account? Because the gross figure you have here is nothing, that is the point I am trying to establish Chairman. That there were monies owed to banks, that was part paid to banks in settlement and so forth. And those bank monies advanced in the first instance are not reflected in the figures.

203 Q. Mr. Lawlor, all I am telling you is that they are figures extracted from your records.

A. I appreciate that.

204 Q. What I am --

A. I am trying to be helpful, Chairman. What I am saying, Chairman, is there is a column of figures of a substantial bank number that has to go in in the first instance. Then there is the political contributions, which I thought there was two or three years of declaration, you say there is just 17,000, I recall having a golf classic that yielded 25 or 30,000, I might be wrong; then prior to the declaration requirement, I undertook yesterday to provide what I can by way of a recollection of political donations over 15 to 20 years. And that would, in some way, attempt to go towards explaining the numbers that are before me. But I just can not do it here on-the-spot.

205 Q. Mr. Lawlor, you have known for many months that you were going to be called to give evidence to this Tribunal. You were summonses to give evidence as far back as last September. You knew exactly what you were going to be questioned about.

A. No, Chairman, on a point of information, I did not.

206 Q. Mr. Lawlor, just allow me once more, this is the last time

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A. Let it be the last time you raise the matter, because it is a repetitive --.

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CHAIRMAN: Mr. Lawlor, please.

207 Q. MR. GALLAGHER: It is the last time I will do it, Mr. Lawlor, because you seem to be determined to ignore what seems to me to be the obvious.

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You are determined to ignore the order of the High Court, the summons, the two summonses issued by this Tribunal. You were required, in the first instance to make discovery on oath and to produce to this Tribunal, on or before the 23rd day of June of 2000, all documents and records in your possession, or power, relating to any accounts held in any financial institution, either within or outside the State, in your own name, either individually or jointly, or for your benefit, or into which you made lodgements of money, or into which you caused or procured lodgements of money to be made, or into which lodgements of money were made for or on your behalf.

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You were also required to discover on oath and produce all documents and records in your possession or power, relating to any interest held by you in any company and all documents and records in your possession or power relating to any accounts held by or on behalf of such companies in any financial institution either within or outside the State.

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And you were further ordered, to make discovery on oath and

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produce to the Tribunal before the 23rd of June, 2000, all documents and records in your possession or power, relating to the tax amnesty and the monies in respect of which such amnesty was availed of, including records relating to the source or sources of such money, and the account or accounts in which they were held.

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Now, you chose, sir, not to comply with that order. You chose not to comply with summonses which issued in September, on the 21st of September, 2000, which required you to attend before this Tribunal on the 10th of October, 2000 at 10:30 a.m. and to have with you and there and then produce and hand over to the Tribunal, the documents and records mentioned in paragraphs A, B and C of the order of the Tribunal of the 8th of June, 2000, which I have just read.

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You were also served, sir, on the same date, with a summons which required you to attend before this Tribunal on Tuesday the 10th of October, to give evidence to the Tribunal in relation to the documents and records mentioned in paragraphs A, B, and C of the order of the Tribunal dated the 8th of June, 2000, which I have just read.

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You did not comply with that summons. You chose to challenge that. You chose not to turn up on the date on which you were suppose to turn up. You chose, you forced the Tribunal to go to the High Court in an effort to enforce its orders. And having obtained an order in the High Court to compel you to comply with the order of the

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Tribunal, you chose, as was your right of course, to apply to the Supreme Court by way of appeal. That appeal again was unsuccessful.

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There is an order of the High Court in place ordering you to do all the things that this Tribunal wanted you to do. In particular, there is an order requiring you to give evidence, evidence on oath in public at this Tribunal today. Not an order requiring you, or advising you, or requesting you to go to your accountant to compile an analysis or to go anywhere else to see can you get information that might be of assistance and that might help you explain.

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That, Mr. Lawlor, is what you were required to do. That is what you are here to do, and you are obliged to do it by order of the High Court and under pain of such sanctions as the High Court may seek to impose if you don't comply with that order.

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Now, I propose to ask you about the account in NIB based on your documents. You can explain to this Tribunal here today what these documents mean and what they show, where the monies came from, what the monies were used for, and the basis on which they were earned by you or received by you.

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Now, I have two folders that I have asked that you be given. They are two folders of your documents. There is the first one is discovery 2.1 and 2.2. The second one

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contains documents 2.3 to 2.6, inclusive.

The first document I am putting to you, Mr. Lawlor, is a document 2.1 - 3, which is a copy of the bank statement. I am not going to put this on screen. It is a copy of the bank statement which shows that on the 22nd of September, 1995, a sum of ú159,973.58 was lodged to that account. That appears to be the opening lodgement to the account, is that correct?

A. That's the NIB statement. Yes. Mr. Chairman - you made a very long speech Mr. Gallagher.

208 Q. Mr. Lawlor --

A. Are you suggesting that I am willfully withholding information? What you have just outlined --

209 Q. Mr. Lawlor, I am not suggesting anything.

A. You are actually, yes, you have suggested that I haven't disclosed information to this Tribunal in my possession.

210 Q. Mr. Lawlor, I am asking you --

A. Now I, I just, Mr. Chairman - Mr. Chairman, you have outlined in great detail your view of the matter. I understand exactly what you are outlining. I am saying to you, Chairman, that matters of companies that don't, or are not applicable to planning or payments to politicians in County Dublin, I did not interpret were the business of this Tribunal, and if I have withheld information, under a wrong premise, I will provide it, if I have it. Now, I cannot --

211 Q. Mr. Lawlor --

A. Now just a second now, please. I have listened to the points you have raised.

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212 Q. It is not a question of listening.

A. It is important that I explain it to you.

213 Q. Mr. Lawlor, will you please answer the questions, that is what you are here to do.

A. I have already said that I reckon on a cursory comment to you about these statements, that ú300,000 plus of the 700 that you referred to is part of the drawing down of the overseas loan. So that is a 50 percent explanation of what I can provide you with on that matter.

214 Q. Would you please look at that folder that I asked you?

A. I can't provide you with an itemised comment on the rest of the statement.

215 Q. I will provide you with the other documents that --

A. I don't need to see them. I know exactly what is in them.

216 Q. Mr. Lawlor, will you please answers the questions?

A. I don't know the details of answers for you.

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CHAIRMAN: Mr. Lawlor.

A. Yes, Chairman.

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CHAIRMAN: Mr. Lawlor, will you kindly answer the question that you are asked?

A. I have answered the question.

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CHAIRMAN: You have not answered the question you are being asked, you have made a speech. It is the last speech I am going to tolerate from you. From now on it is a simple answering of the questions asked by Counsel in relation to a bank account, which is yours. You lodged them, you made the lodgements to it. You should know what they are. And

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you can explain each item of lodgements. They are, in fact on the page I am looking at, three in number?

A. I don't believe I can, unfortunately, Chairman. I will attempt to.

MR. GALLAGHER: Will you just look --

CHAIRMAN: Let's start off by finding out what you have got to say about the lodgement that was referred to, of the 22nd of September, 1995. In the sum of ú159,973.58. It is a significant sum of money, it is something which I doubt you have forgotten.

A. I would suggest that as --

CHAIRMAN: You don't suggest, you tell me what it is.

A. I believe it to be, subject to confirmation, a drawdown from the overseas loan account.

217 Q. MR. GALLAGHER: Do you mean that that is part of --

A. That is my answer. That is what I believe it to be. I cannot elaborate further on it. Looking at the statement, I believe that is where those funds came into that account.

218 Q. Are you referring to the account in Liechtenstein which you referred to earlier in the week in your evidence, and in respect of which, from which you say you received approximately ú600,000?

A. Yeah, and it is my understanding that approximately 300 odd thousand of that drawdown, of that loan is in that account. And then the other drawdowns went to the Ulster Bank account which totalled in excess, I believe, of the ú600,000 mentioned there, but probably not, maybe 40 or

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ú50,000 of - the 600 maybe should be 650,000, I can't be absolutely accurate.

219 Q. Now, Mr. Lawlor, that 159,900, effectively ú160,000 or 159,000, call it what you wish. You say that that came from Liechtenstein. Did that come on the basis of an instruction that you gave to Mr. Kiber, or to some other official in the bank in Liechtenstein?

A. Yes, having had approval from the Morgan Trust.

220 Q. Well, did you in respect of that amount send out forms or instructions, written forms or instructions, similar to the forms or instructions that you referred to in the letter that was opened here the other day?

A. I could have either issued, if I was in Prague, so I think that probably the instruction was requested from Prague to be transferred into the National Irish account.

221 Q. But would it follow that, whether you were in Prague or elsewhere, that some form of written instruction would have had to issue from you, indicating that the monies should be transferred?

A. Yes. Confirmation that that was the account I wished it to be transferred into. Some form of - it would in the first instance have arisen by approval with the Longwater Investment Company, and that was the first drawdown from that loan.

222 Q. Talking about Longwater just for a moment, I know I digress, is there any significance in the, in the names Longwater and Long Associates?

A. No.

223 Q. Long - Patrick Long etc.

A. No, none at all.

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224 Q. I see. So that monies, you say you believe would have come

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A. Correct, yeah.

225 Q. -- from Liechtenstein, directly to who? Bank of Ireland
International, or somebody like that?

A. I think National Irish must use Bank of Ireland for some
purpose on the international financial side of things.

226 Q. Well, did you authorise anybody to write on your behalf or
give such instructions to the bank in Liechtenstein on your
behalf?

A. And instructions would have gone from the Prague office for
that drawdown, as far as I recall.

227 Q. Who would have issued that from the Prague office?

A. I would have issued it.

228 Q. Yes. So do I take it that nobody, except yourself, would
have authority to --

A. Nobody, no.

229 Q. -- to contact or write to the Liechtenstein bank to
authorise the transferal of the monies?

A. No, they would have approved. I would have informed them
that I was wanting to draw that part of the loan and they
would have agreed that.

230 Q. That would have been done in writing?

A. I would have telephoned them and asked them, and told them
that I wanted to make that drawdown and I would have
specified that amount. It would have been agreed. Then I
would have asked Mr. Kiber to make that transfer.

231 Q. You see, in the letter that you wrote to your bank manager
in Naas the other day, in which - sorry which was opened
here the other day, you told him that you had completed the

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necessary forms, or completed the necessary documentation
and had --

A. Yes.

232 Q. So do I take it that in all cases Mr. Kiber would require
some form of written documentation or authorisation from
you to transfer the monies into whatever account you
directed?

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MR. DELAHUNT: He, I believe Mr. Lawlor has already given
quite detailed information in relation to this aspect.

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CHAIRMAN: Please do not interrupt.

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MR. DELAHUNT: I am just pointing out that quite detailed
evidence was given.

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CHAIRMAN: Please do not interrupt. It is not the
function of counsel to interrupt an examination by another
counsel.

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MR. DELAHUNT: I would just like to say, Sir, for the
record, quite detailed cross-examination of Mr. Lawlor has
been carried out by Mr. Gallagher over a number of days in
relation to it.

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CHAIRMAN: Mr. Gallagher is inquiring from Mr. Lawlor as to
the circumstances under which he came to come into
possession of a sum of money on transfer from
Liechtenstein.

A. Chairman, how many times do you want me to answer the same

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question? I mean, I have answered the question. So you know, I don't have any further explanation for you. And the other drawdowns that refer to international banking is in the same category.

233 Q. MR. GALLAGHER: Well now, just if you bear with me Mr.

Lawlor, I understood you to say that in relation to this particular drawdown of almost ú160,000, that you would have filled in some documentation, or you would have written a letter to Mr. Kiber authorising the transfer from his bank into NIB in Naas on your behalf, is that correct?

A. Yes; and possibly on some of the occasions the Longwater Investment company might have issued the instruction. I can't recollect in detail, but there was a request and I know the first, I can recall the first drawdown, the second drawdown the ú20,000 BOI draft, NIB - sorry they are debits - but each of the drawdowns of the international division. Now, for the 10th of November, 69,973.50 I think that is probably a figure, because the odd figures are, I think the account might have been in Deutschemark.

234 Q. I see.

A. And the conversion rate explains the odd figures.

235 Q. Well now, where are the copies of the documents which you

sent to Mr. Kiber in relation to that withdrawal or transfer, more correctly, of ú159,973.58?

A. Any information regarding the overseas loan is in the Prague office where all the paperwork, all my commercial dealings in the Czech Republic are held at Prague. I don't have them back here. And I think we signed for you yesterday, an order to allow the bank to provide you with all that information. So I think it would be rather

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prudent to wait and get the factual information from the bank.

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CHAIRMAN: Well just on that answer, just on that question, you say they are in the Prague office, which sounds as though it is an existing institution. Who is in charge of the Prague office and who, in whose possession are those documents at the moment?

A. Well, it is not manned since the permanent executive that was running it --

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CHAIRMAN: In whose possession are the documents?

A. They are in my possession.

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CHAIRMAN: Where?

A. In the Prague office.

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CHAIRMAN: In what form?

A. In the form of whatever documentation there are, regarding all the --

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CHAIRMAN: That is not what I mean. Are they in the custody of an institution? Are they in a safe? Where are they?

A. They are in a filing cabinet in the Prague office.

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CHAIRMAN: And the Prague office has somebody occupying it?

A. No, it does not, no.

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CHAIRMAN: It is a closed office?

A. It is a closed office that I have the use of.

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CHAIRMAN: And the address of it is?

A. It is the address that was identified in Prague 5 --

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CHAIRMAN: What is address?

A. It is Hallsavisch (SIC), it is as detailed there on the documentation.

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CHAIRMAN: No, I didn't ask you what --

A. It is Hallsavisch.

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CHAIRMAN: I asked you for the address.

A. Hallsavisch, Prague 5, Chairman.

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CHAIRMAN: Are you saying that nobody can get into that office to acquire those documents, to transmit them by fax to Dublin?

A. No, it would necessitate myself going there.

236 Q. MR. GALLAGHER: Mr. Lawlor, you have been back and forth to Prague on a number of occasions, as I understand your evidence. Would you please give the full address of the office in which you say these documents are to be found, the precise and full address?

A. It is in Hallsavisch, Prague 5.

237 Q. I mean that is like saying --

A. That is the name of the house.

238 Q. -- that is like saying "Dublin 4"?

A. No, it is not. It is Hallsavisch is the area and it is

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the, it is a house in Prague 5, Hallsavisch.

239 Q. What house in Prague 5 is what I want to know?

A. I will give you the exact postal address, I can get it and fax it in from my office to you.

240 Q. Tell me, who occupies the house, apart from the office which you say is --

A. Mr. McElliott did occupy it.

241 Q. Mr. McElliott, as we know, has passed away?

A. Yes, I think he came home and went into Saint Vincent's Hospital.

242 Q. Yes, who occupies the, who occupies the house, Mr. Lawlor?

A. It is, there is a number of tenants occupying it. It is --

243 Q. Who owns the house?

A. It is a Czech property company.

244 Q. From what, from whom or what company do you rent the office?

A. The rent is paid to the landlord and it was discharged after Mr. McElliott terminated his use of the office we just retained some of the documentation and paperwork there. We are not actively, with a full-time presence, in Prague currently.

245 Q. I had understood you to say that this was an apartment that Mr. McElliott was living in?

A. He was living in, yes.

246 Q. So it is not an office?

A. Well it is a, it doubled up as an office and an apartment.

247 Q. So we have a situation where Mr. McElliott unfortunately has died. When did he die approximately?

A. '95 or '96.

248 Q. '95 or '96. The documents are in Prague since then?

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A. The documents, sorry, yes, in Prague since.

249 Q. And the office, the apartment that he occupied in Prague presumably has not been occupied by him since 1995 or 1996?

A. That's correct.

250 Q. And who has occupied it in that, in the intervening period?

A. There is a new tenant there now.

251 Q. Who is that new tenant?

A. I don't - I have nothing to do with the new tenant.

252 Q. Why do you permit papers that are important to you and relate to your business, to remain in the office or in an apartment which is occupied by somebody you don't know?

A. Well, some of the documents are there and some of them are in Dr. Kavalak's office, who I mentioned to you yesterday.

253 Q. Well, tell us, the documents that are in the apartment, what is the, what type of documents, what is the nature of the documents?

A. There would be the details regarding the various property projects that we, I thought, spoke about yesterday.

254 Q. That you refused to speak about yesterday?

A. Yes. You know the Alpha Building, Pilsen, etc.

255 Q. And what are these important documents doing in an apartment occupied by a total stranger?

A. Mr. Chairman, they are not in the possession of a total stranger.

256 Q. Well, who are they --

A. The loan account information is with Longwater Investments. They are the people that provided the loan. They are the people who have provided the facility and they have a joint venture, a profit-sharing agreement with me.

257 Q. Mr. Lawlor, you said that the documents were in your

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possession. You were asked where they were and you said that they were in an apartment that was formerly occupied by Mr. McElliott, I think you said, who died some four years ago.

A. Yes, and any documentation associated with my Prague interests are either there in the filing cabinet or were taken to Dr. Kavalak's office.

258 Q. How do you know they were in a filing cabinet there?

A. Because when I was there last, when we were vacating the building there was some paperwork we left there, and the rest was transferred to Dr. Kavalak's office.

259 Q. What do you mean "when we were vacating the building"?

A. Well, after Mr. McElliott died there was no permanent resident there managing the Irish Consortium.

260 Q. You were vacating an apartment occupied by Mr. McElliott, that was his apartment?

A. The apartment was an office as well. Can you understand that an apartment can be an office, a joint apartment/office?

261 Q. Why didn't you take the documents away from that apartment/office and put them into a safe and secure place?

A. They are in a safe and secure place.

262 Q. And who, to whom do we write or to whom do we telephone if we want to ensure that and to confirm that this cabinet is there?

A. I have proved yesterday - I approved yesterday that you write to the bank to get the information you want. That is what I am prepared to do. I have approved the bank getting the information.

263 Q. Mr. Lawlor, if the Tribunal wants, on its own initiative to

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telephone the present occupier of the apartment/office in question, where does it find the telephone number, or where does it find his or her name?

A. The Irish Consortium doesn't occupy that address since Mr. McElliott vacated the building. And if you want this information, Mr. Chairman, I have approved that the bank give you the records.

264 Q. Wait now, the Irish Consortium didn't occupy the address as I understood you, it was Mr. McElliott that was occupying it, the apartment?

A. Mr. McElliott was occupying it for the Irish Consortium.

265 Q. Where did the Irish Consortium arrange to transfer its records to, following Mr. McElliott's demise?

A. Some of them were in storage.

266 Q. Where?

A. Sorry?

267 Q. Where?

A. Associated with the lawyers office.

268 Q. What lawyer?

A. Dr. Kavalak.

269 Q. What is Dr. Kavalak's address please?

A. It is in Central Winchester Square. I will provide you with the details of it.

270 Q. Can you give his telephone number, do you have it there?

A. No, I don't.

271 Q. I see. Well perhaps you would get it for us over lunch and be in a position to give his address and telephone number to the Tribunal after lunch?

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Why did you not make some effort to retrieve those

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documents and provide them to the Tribunal before you swore your affidavit?

A. Because drawing down a loan account doesn't appear to me to have the slightest interest to this Tribunal. If I borrowed 600 or 6 million pounds, I don't know the bearing it has on the granting or refusing of zoning or giving planning permission in County Dublin. I fail to understand that I am three or four days in this witness-box, Chairman, and I haven't even addressed County Dublin and planning and payments to politicians, which I thought I was coming here to do; not to deal with my business affairs in the Czech Republic.

272 Q. Mr. Lawlor, the business affairs we are dealing with here are your affairs, the accounts that you have, the records you have produced. I would have thought that in circumstances where your records were going to disclose evidence of monies coming in from an account outside the jurisdiction, and where you could almost certainly have anticipated being asked questions about that, you would have had, you would have taken all necessary steps to provide the documentation to show the authenticity of the evidence and the authenticity of the records rather, that relate to that account, to show that it was an account and that you can satisfy the Tribunal that it was a bona fide loan given to you, repayable to --

A. I can do that for you, Mr. Chairman, the lawyers for the Longwater Investment Company can provide that information.

273 Q. Right.

A. And you know, I did not come here to address the Czech Republic, as I don't see where it refers to anything that,

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in any of the business that this Tribunal is endeavoring to deal with.

274 Q. Now, we will just turn to another document which appears to relate to that ú159,973. Can I refer you to document reference 2.3 - 4? It is in the second folder, Mr. Lawlor. Perhaps I can put it on screen, it might be convenient for you. Do you have that book Mr. Lawlor?

A. Yes.

275 Q. Do you have the record?

A. Sorry, I have --

276 Q. Yes. That is it there. Yes, it is on screen now, you will see it is 2.3 -4?

A. Yes.

277 Q. It is also at -6. That is a record of a lodgement to account number 01016237 with the National Irish Bank?

A. That's correct.

278 Q. In Naas. And the account name is Liam Lawlor and it appears to have been paid in by --

A. It must be somebody in the bank, I presume. John --

279 Q. Can you decipher that?

A. No, I can't. That is a National Irish document, so --

280 Q. I see. Anyway, that is a lodgement slip which relates to that particular lodgement?

A. Transfer, yes.

281 Q. Now, the next lodgement on the 10th of November is also shown on that page. I am referring to your account which is in the name of "Liam Lawlor and Another"?

A. Yes.

282 Q. Whose name has been obliterated. I don't want you to say that in public. Have you any, have you any objection to

00070

writing down the name of the co-holder of that account, in writing it down - do you have any objection to writing it down?

A. No, none at all.

283 Q. Thank you.

(Paper handed to witness, witness writes down name, handed to Solicitor to Tribunal, then handed to Counsel for Tribunal, handed to registrar.)

Now the next lodgement is a lodgement from the International Division on the 10th of November, 1995, for ú69,973. Essentially ú70,000. The page reference --

A. I have it here.

284 Q. It is 2.1 -3. The address of that account is care of

Brennan Governey and Co., Chartered Accountants, Kildress House, Pembroke Row, Lower Baggot Street?

A. Yes.

285 Q. Are they your accountants?

A. It was an accountant arranging the opening of the National Irish loan in Naas, I knew the manager there.

286 Q. And did that firm of accountants do work for you?

A. No, they didn't actually do any tax work, it was just that he facilitated the opening of the loan, and for a period of time the statements went there and were passed on to me.

287 Q. Can I ask you, did they do any work for you other than tax work?

A. They did, no, they didn't do any, the principal of the practice is a personal friend of mine. He knew the bank manager in National Irish in Naas, and I went down by arrangement, and opened that account and the statements

went to the accountant's address for a period of time for sending on to me, and then eventually, I think it was transferred into the name of my Secretary and for convenience, because there was no point in them continually going to the accountant's office.

288 Q. Can you give any explanation to the Tribunal as to why you used the office of the firm of chartered accountants rather than your home address?

A. No, there was no particular explanation other than it was through that accountants' office that the account was opened.

289 Q. Did it not involve you having to call into their office in Pembroke Road, which is some distance from the Dail, for example, to get documents that could be more readily forwarded to you at your home address?

A. It wasn't any big deal, and eventually we switched the address to a more convenient situation in Lucan.

290 Q. That was after four years, was it not?

A. It could have been, yeah.

291 Q. Did you inquire from that firm of accountants as to whether they held any other records or documents relating to the opening of this account, or their correspondence with the manager in Naas?

A. No.

292 Q. No?

A. No, I didn't. As far as I know whatever information, the copies of the statements that I discovered to you was all that was in that office. They were discovered to the Tribunal.

293 Q. I take it that you would have no objection to their

00072

furnishing to the Tribunal any documentation they may have?

A. None whatsoever, Chairman.

294 Q. There is a further lodgement then into your account, a credit of ú79,973 approximately on the 10th of October. Sorry, I beg your pardon, it is the 10th of April I think, of 1996. It is on page 2.1 - 6. Do you see that?

A. In what section, sorry? Yes.

295 Q. Do you see that, Mr. Lawlor?

A. That's the - what are you directing my attention to, please?

296 Q. Do you know where that money came from?

A. Sorry, which --

297 Q. That is the 79,000?

A. I suggest it was the same source, it was the overseas loan, transferring that amount.

298 Q. I see.

A. I think, as I said earlier, you will probably find that there was about 300 odd thousand transferred into that account, possibly more. Then the balance of the overseas loan would have been transferred into the Ulster Bank in Lucan for convenience rather than Naas.

299 Q. Now, at 2.3 -10 we see that there is a lodgement of, I believe it is ú1,107.20. Which appears to be a payment to you from the office of the Oireachtas, it is on 2.1 -5. It is also, a copy of it is at 2.3 -10.

A. 2.3? It goes up to 2.2.

300 Q. I am sorry, I will put it up on the screen, Mr. Lawlor?

A. Okay, fine.

301 Q. It is 2.3 -10. It is a paying order drawn on the account of the Office of the Houses of the Oireachtas?

00073

A. Yes.

302 Q. And that appears to have been lodged into this account also, isn't that right?

A. That would be correct, yes.

303 Q. Yes.

A. Okay, thanks.

304 Q. Now, if we look at the lodgement of ú79,973.50, that appears to have been referred to in a bank giro credit which is to be found at 2.3 -12.

A. Yeah.

305 Q. Do you see that?

A. I do, yeah.

306 Q. Do you recognise the writing on that bank giro credit?

A. I don't actually, no. I would suggest that is somebody in the bank exercising the transfer, to be honest with you.

307 Q. Well, on page 14 there is a reference from, a reference to "Treasury and International"?

A. Yes, that would be the bank transferring the paperwork internally, rather than my signature or my doing any paperwork. Because my recollection is the international banking process just deposited the sum.

308 Q. On page 15 also there is a reference to that. Do you see, this appears to be a copy of a fax document, some description relating to the sum of ú79,988. Do you see it close to the right-hand side of the screen, close to the arrow?

A. I think, Chairman, whatever non international banking arrangement National Irish Bank seem to have, that they use some other bank in the international sector; namely I think, did I see Bank of Ireland referred to there? Which

00074

would have nothing to do, from my point of view, with the transaction.

309 Q. Bank of Ireland - the ordering customer is described as "one of our clients". Do you see that on the left-hand side?

A. Yes, that, I assume, is relating to me being a client of National Irish Bank in the North Main Street, Naas.

310 Q. And the "beneficiary customer" then was shown as yourself and the co-holder of the account?

A. Correct, yes. Now, I don't know who Mr. Brendan McDermott is, it must be a bank official, or something.

311 Q. Can I just refer you back to page 14 for a moment please?

There is some, there is a handwritten note on that. It is "confirmation" it looks like "J Mc" - can you assist?

A. I assume all of those documents are internal bank documents, Mr. Gallagher. They are not documents I was asked to sign by the bank, or ever signed, or have ever seen.

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MR. GALLAGHER: It is now one o'clock, Sir. I wonder perhaps if we might --

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CHAIRMAN: Very good. We will sit at ten past two.

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MR. GALLAGHER: Thank you.

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THE HEARING THEN ADJOURNED FOR LUNCH.

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THE HEARING RESUMED AS FOLLOWS AFTER LUNCH:

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MR. GALLAGHER: Mr. Lawlor please.

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MR. LAWLOR RETURNS TO THE WITNESS-BOX AND CONTINUES TO BE
EXAMINED AS FOLLOWS BY MR. GALLAGHER:

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312 Q. MR. GALLAGHER: Mr. Lawlor, before lunch we were looking at
your accounts with NIB, Naas, and I was asking you about
some lodgements that I specified.

.
Can I refer you to a cheque which you will find at 2.3 -
20? This was a cheque which appears to have been lodged to
your account with NIB Naas?

A. 2.3? What number is that?

313 Q. It is No. 20, Mr. Lawlor.

A. Sorry 2.3 - 10?

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CHAIRMAN: Page "302" at the bottom in handwriting.

.
314 Q. MR. GALLAGHER: Do you see that?

A. I do, yes.

315 Q. Do you see the figures "302" in handwriting at the bottom
right-hand corner?

A. 302? Yes.

316 Q. Yeah. Do you know what those figures indicate?

A. 302 on the sheet?

317 Q. Yes.

A. I don't, no.

00076

318 Q. These are yours because - as they came in.

A. I see. No, I don't know what that means.

319 Q. This is a cheque for €1,000?

A. Yeah.

320 Q. Dated 27th of April of 1996. It is a cheque drawn by,
drawn on the account, at least, of Rotary and M&E Services
(Ireland) Limited payable to the Irish Consortium?

A. Sure, right.

321 Q. Can you explain how a cheque payable to the Irish
Consortium was lodged to your account in NIB in Naas?

A. I can't actually, it was the - I assume that is the monthly
retainer of a thousand pounds. I can't understand why it
is the "Irish Consortium", it should be my own name or the
Demographics' account. I can't explain why it is made out
to the Irish Consortium.

322 Q. Can I refer you to page 22 in the same book?

A. 22. Yeah.

323 Q. That's a further cheque, it is in the same sequence. The
first cheque number was 028765, that's at No. 20?

A. Sure.

324 Q. And you will see from the stamp on it that it was lodged to
your account in NIB on the 7th of June of 1996?

A. Okay.

325 Q. Do you see that?

A. Yeah.

326 Q. Do you see the following cheque is, has the number 028766.
It is also dated the 27th of April, 1996, drawn on the same
account of Rotary and M&E Services (Ireland) Limited and
payable to the Irish Consortium, and it is --

A. It is the same cheque, is it?

00077

327 Q. No, not the same cheque. If you look at the number on the extreme bottom left-hand corner of the cheque you will see the one on screen to be found at page 22.

A. No, sorry it is 667.

328 Q. No, that's 766.

A. Yeah, and 767, yes.

329 Q. And on page 20 it is 765.

A. Oh - we are talking about three or two?

330 Q. If you look --

A. Three cheques we are talking about, 765, 766, is it, and 767?

331 Q. That's correct.

A. Yeah.

332 Q. And they are all dated the 27th of April, 1996. They are all drawn by Rotary and M&E Services (Ireland) Limited, all payable to the Irish Consortium.

A. Right.

333 Q. All lodged to your account on the 7th of June of 1996, isn't that right?

A. Yeah, I think probably recovery of expenses or something.

334 Q. I see. If you look at the document on page 18?

A. Yes.

335 Q. Can you confirm that that's a lodgement slip that was completed by you?

A. 3,000, yeah --

336 Q. Completed by you --

A. That's correct, yes.

337 Q. -- in respect of the ú3,000 that, that's a lodgement slip date stamped the 7th of June, 1996?

A. Yes, that's correct.

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338 Q. And we see that, the sum of ú3,000 was credited to your account on the 7th of June, 1996?

A. Yes.

339 Q. As appears on page 2.1 - 7 of Book No. 2, the other book in other words?

A. Sorry --

340 Q. ú3,000 as shown as a lodgement to your account?

A. Oh I see, yeah, that's it. Correct.

341 Q. So three separate cheques all payable to the Irish Consortium were lodged personally by you to your account on the 7th of June, 1996?

A. Yes.

342 Q. Now, can you explain how those three cheques which were drawn on the same day, are in strict sequence, came to be lodged to your account although payable to the Irish Consortium?

A. I think probably recovery of various expenses that I had related to the Irish Consortium. I think cheques probably should be made out to me rather than the Irish Consortium.

343 Q. But here, whether it should have been made out, the fact is that it wasn't made out to you, it was made out to the Irish Consortium?

A. That's true, possibly what it should have been.

344 Q. Mr. Lawlor, you got cheques addressed to the Irish Consortium. As I understand, you had no bank account in the name of the Irish Consortium?

A. That's correct.

345 Q. Monies - you had no interest in the Irish Consortium, save as being a member of the Board of Supervisors, supervisory board, is that correct?

00079

A. And I recovered expenses on behalf of the various air fares, expenses and so forth.

346 Q. Where are the documents that would provide backing for those three cheques? Where are your invoices?

A. I think - well if they were recovery of expenses there wouldn't be invoices. I think --

347 Q. Where are they?

A. I referred yesterday to the, the main recovery of my outgoings regarding the Czech Republic.

348 Q. Mr. Lawlor, sorry, just confine yourself to those three cheques and those three amounts?

A. I don't have any banking document, I am making the suggestion to you, I am telling you the answer to your question, Mr. Chairman, is that they were made out as recovery of expenses over whatever period.

349 Q. Did you do work on behalf of M&E Rotary which resulted in the issuing of invoices for ú3,000?

A. M&E Rotary, yes that's the company I have had a consultancy with.

350 Q. The question is: Did you do work on behalf of M&E Rotary which resulted in the issuing by you of invoices for ú3,000?

A. I could have, yes.

351 Q. Now, Mr. Lawlor, you have just told us of lodging ú3,000 payable to the Irish Consortium into your account?

A. That's correct, yes.

352 Q. The money wasn't payable to you and yet it was lodged to your account, isn't that right?

A. But it was for me because it was --

353 Q. How do you know it was for you when your name isn't on it?

00080

A. If they gave me the cheques it must have been for me.

354 Q. Why would they describe you as the Irish Consortium?

A. Well, if the expenses were incurred on behalf of the Irish Consortium, they have put them down to the Irish Consortium but due to me for expenses I will have incurred on behalf of the Irish Consortium. That's an error in the way they were presented but that's the reason why I would come to be paid those expenses.

355 Q. Where would the Tribunal find back-up documentation in relation to the work done for the Irish Consortium?

A. It is in 1996, I don't believe I have the back-up documentation. That's the explanation.

356 Q. Why don't you have the back-up documents?

A. Because I don't have it, and if I had I would have given it to you.

357 Q. Have you searched for it, Mr. Lawlor?

A. Yes.

358 Q. I see. The address that's shown on that lodgement slip is that, the address of the firm of accountants who introduced you to the bank?

A. Kildress, yeah, Brennan and Governey.

359 Q. Kildress House. The next lodgement I want to refer you to, Mr. Lawlor, is to be found on 2.1 - 8.

A. 2.1?

360 Q. - 8.

A. Thank you.

361 Q. It is a lodgement of 21,000 --

A. What page?

362 Q. Sorry page 8, 2.1?

A. Sorry, sorry.

00081

363 Q. It is a lodgement of ú21,926.90 on the 19th of August?

A. Yeah I see that, yeah.

364 Q. August 1996. Have you any idea what that's about?

A. I would say that's a transfer, as we have already addressed.

365 Q. Yeah, perhaps --

A. I would assume so.

366 Q. In fairness to you, I should draw your attention to a document on page 26 of 2.3?

A. 26 did you say? Page 26?

367 Q. Yes.

A. Yeah. That's a lodgement from Ganley International which is, where were they in?

368 Q. That's from the International Division, is it?

A. Yeah.

369 Q. Can you tell the Tribunal what that --

A. Yeah --

370 Q. -- that payment was for?

A. It is, I would suggest it is a recovery of expenses associated with what we discussed yesterday regarding Albania, and probably an element of a political contribution.

371 Q. How much of it was an element of a political contribution?

A. I couldn't be precise, but it would have been a breakdown of both.

372 Q. How much of it did you return as a political contribution?

A. I don't have the details, I will just have to get you the details on 29,926, whatever the recovery of expenses, and I may have received independently of that a political contribution from Ganley. And I would have - the

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political contribution, Chairman, would have been earlier than that.

373 Q. You said it probably was an element of a political contribution?

A. I know I received a political contribution from Ganley and Associates, and I also received recovery of expenses for a number of outgoings that I had.

374 Q. How much did you receive as a political contribution from that organisation?

A. I can't be exact as to the amount now, I think it would have been possibly a thousand, ú2,000 or whatever.

375 Q. So the balance of ú21,000 --

A. I think the political contribution was a lot earlier than that.

376 Q. I see. So this is expenses?

A. That is expenses recovery, yes.

377 Q. I take it that you will have receipts and vouchers and correspondence, Letters of Request to Ganley to forward to you reimbursement for expenses that you incurred on their behalf?

A. I don't know that I have. If I had I would have discovered it, I don't have it. And I am not sure that I have the date of the political contribution but that's what I propose to try and list for you in the list I propose to present to the Tribunal.

378 Q. Have you looked for any of those documents, invoices, receipts, vouchers?

A. No, again because I didn't see Ganley International as being applicable to the process that we are, I assumed you were wanting me to respond to, here at the Tribunal.

00083

379 Q. You see, these are your accounts again --

A. I understand that, but Ganley International I don't think does any business in Ireland at all. So if they weren't involved in developments in County Dublin I didn't see them as having any applicability to the Terms of Reference of the Tribunal.

380 Q. The next lodgement, Mr. Lawlor, I would refer you to is --

A. Sorry, if I can just take the date so I can endeavor to clarify that for you.

381 Q. Just a moment, if you bear with me please. It is a

lodgement on the 11th of September on page 10, page 2.1 - 10.

A. Could I just ask, is there a date of that particular Ganley International?

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CHAIRMAN: The date of the lodgement appears to be the 9th of August, 1996?

A. 9th of August.

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CHAIRMAN: It looks to be that.

A. 1996. Okay, thank you Chairman. Sorry, I see it, yes.

.

382 Q. MR. GALLAGHER: Mr. Lawlor, on page 2.1 - 10 --

A. 2.1 - back here?

383 Q. There is a lodgement of ú4,016.10?

A. Yes.

384 Q. From Anglo Adriatic?

A. That's an associate company of Ganley's, that's the company that they traded under in - well, that's a registered name of that company, if I recall, yeah, and again that would

00084

have been recovery of expenses.

385 Q. Do you have any receipts or vouchers or other documents relating to that?

A. No, I don't have any details, it is back in 1996 and I don't have any detail of it.

386 Q. Mr. Lawlor, can I refer you to a lodgement on the 11th of November of 1996, ú2,175.25?

A. What number is that please?

387 Q. It is on page 12, 2.1 - 12.

A. Yes. Which lodgement are you referring to?

388 Q. I am referring to the lodgement of ú2,175.25?

A. Sure, yeah.

389 Q. That appears to have been a composite lodgement, two lodgements of ú1,000 each. You will see on page 30, there is a cheque drawn again on the Rotary and M&E Services (Ireland) Limited account, Lower Baggot Street, payable to Eastern International?

A. Right.

390 Q. It is 2.3 - 30?

A. Yeah, I have it there.

391 Q. And there is another cheque following it on, also lodged on the same date, drawn on the 25th of the 10th, '96, "Eastern International"?

A. Yeah.

392 Q. And there is a further cheque for ú175?

A. I see.

393 Q. On page 34, which seeks to make up the total --

A. Sure.

394 Q. -- of ú2,175. Can you explain, Mr. Lawlor, how it happened that Rotary, M&E Rotary Services (Ireland) wrote

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cheques to Eastern International, which is very close to the name of a company which you have identified in your affidavit?

A. Yeah, and as I mentioned this morning, it didn't have a bank account, and again it would be recovery of outgoings to Rotary and then we changed the name further on to Demographic and Strategic Consultants.

395 Q. But how come you were lodging to your personal account, monies payable to Eastern International?

A. Well, it was a registered name that I had, I don't think it was active at the time, but --

396 Q. Eastern International, as I recall, is a limited liability company which had its registered office at Somerton House and was registered on the 5th of the 2nd, 1990?

A. Yeah.

397 Q. Now, how come that monies payable to Eastern International were being lodged to your personal account?

A. Just the same as the Irish Consortium, same explanation.

398 Q. Do you have any records or accounts or invoices or receipts or vouchers or letters of thanks?

A. Not going back to '96, no, I don't, no.

399 Q. This is going back to 1996. This is going back just four years?

A. No, I don't have any details.

400 Q. Have you looked for them, Mr. Lawlor?

A. I have done an absolute trawl, yes.

401 Q. Have you looked specifically for any of those documents, any of those records or invoices?

A. I haven't, because I again, they weren't dealing with what I perceived to be, what I was coming here to deal with,

00086

nothing to do with planning in County Dublin.

402 Q. Can I refer you to page 38?

A. Yes, I have it here. There is another one there.

403 Q. Another sum of €1,000 --

A. Yeah.

404 Q. -- payable by the same company, M&E Rotary Services
(Ireland) to Eastern International?

A. Yeah.

405 Q. And lodged to your account. What service did you provide
for that, Mr. Lawlor?

A. Well, it was outgoings, recovery of expenses, and as I
mentioned earlier I was advising that company for a number
of years and they had an office in the Czech Republic.

406 Q. Yes.

A. We advised them there also.

407 Q. Yes. That's the cheques cashed on the 24th of December.

You see the endorsement on it, on the next page, on 39? It
looks like "E, INT", isn't it?

A. That would be the endorsement on the back.

408 Q. Is that your handwriting?

A. I would suggest it is, yes.

409 Q. Now, if you go on to page 43, to 43 we see that there is a
further lodgement from the House, from the Office of the
Oireachtas?

A. That's it.

410 Q. That's salary cheque, I take it?

A. What's the amount? Can you identify, like, if it is the
monthly salary then --

411 Q. The Office of the Oireachtas --

A. It might have been an expenses cheque, that's what I mean,

00087

or a salary cheque, it would have been one or other.

412 Q. It looks to me as if 1,295.95?

A. It could be either salary or expenses. If it is expenses it would be over a number of months, and if it was salary it would be monthly salary.

413 Q. Can we go then to page 49?

A. 49.

414 Q. 49, page 50 and page 51. The lodgement of €15,885 which appears to have been transmitted through Bank of Ireland International, and the ordering customer was one of our clients and the beneficiary customer is described as "L Lawlor" and another person whose name you have in fact provided to the Tribunal.

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Can you say where that money came from?

A. I would suggest it was a drawdown on the loan account.

415 Q. The loan account of €600,000?

A. Yeah.

416 Q. I see. Can you say where is the copy of the written instruction that you would have sent to the bank in Liechtenstein directing them to forward that money to your account?

A. I don't know, I don't have it.

417 Q. You don't have it. Have you looked for it?

A. I know I don't have it.

418 Q. Have you looked for it?

A. I have looked for everything I could.

419 Q. Mr. Lawlor, Mr. Lawlor, I am asking you a specific question. Have you looked for a copy of --

A. I have searched every file I could for that, yes.

00088

420 Q. If you just wait for the moment until I ask you the question. Have you looked for a copy of the authorisation or letter you wrote to the bank in Liechtenstein authorising the bank to forward to your account in NIB the amount of 15,000, whatever it is, nearly €16,000?

A. Yes, I have Chairman.

421 Q. Did you look for it?

A. I looked, and I would hope by signing the letter I did yesterday, that whatever documentation is available will be provided to the Tribunal.

422 Q. Where did you look for it, Mr. Lawlor?

A. I looked for it in my office, searched every file I have in my office.

423 Q. Did you look in Prague, because I understand that some of the documents you told me this morning were retained in Prague?

A. I didn't, because I didn't believe they were any of your concern.

424 Q. But if you didn't think they were part of our concern, why did you bother looking for them at all in your office at home?

A. Because anything I had in my office in Dublin I discovered to this Tribunal, and I have said it here yesterday morning, and we suggested that we would go to the High Court to clarify whether this Tribunal can concern itself with my business interests in the Czech Republic. I am now four days in the witness-box and you haven't even touched on your Terms of Reference yet, Chairman.

425 Q. Mr. Lawlor, may I refer you to a lodgement of €10,000 to the account on the 30th of May?

00089

A. Yes, 2354.

426 Q. That's right. Can you tell me what that related to?

A. I think it is a transfer from the Ulster Bank, Lucan.

427 Q. Yes.

A. I just see "Address: UBI".

428 Q. Why was it transferred into your account?

A. I am suggesting to you it is a transfer from my other current account in Ulster Bank in Lucan.

429 Q. Can I refer you to page 56?

A. Maybe not, I see "UBI Lucan." I assume Ulster Bank, Lucan, where I have a current account.

430 Q. Can I refer you to the Document No. 56?

A. Yeah.

431 Q. Does that assist your recollection in anyway?

A. Drawn by - it was drawn on the account of Pat Murphy in my favour, is that what it says?

432 Q. Yes, P&C Murphy. Can you tell me what that cheque was for?

A. I can't, other than Pat Murphy gave me a cheque for €10,000 and I may have given him a cheque or, I really don't know the reasoning, but I had dealings with Pat Murphy, but I don't know the actual reasoning for that particular €10,000 cheque.

433 Q. Why would you give him a €10,000 cheque in return for another €10,000?

A. No, I think that might have been his - he may have an account in Ulster Bank, Lucan also.

434 Q. Yeah, but he has paid you apparently €10,000 which you lodged to your account?

A. Yes.

435 Q. And you can see that it is a lodgement document, bank giro

00090

credit document on page 54 for €10,000?

A. Sorry, it is on page 54?

436 Q. Yes.

A. Yeah.

437 Q. Whose writing is that?

A. I don't believe it is mine. I am not sure whose writing it is.

438 Q. Is it your personal secretary's writing?

A. No, I don't think so. No.

439 Q. Well, it shows that there is a sum of €10,000 in cheques lodged to your account, it looks to be Ulster Bank Limited, from the Ulster Bank Limited, Lucan?

A. Sure.

440 Q. It appears to have been a cheque drawn by P&C Murphy, and it is Cheque No. 000188. Why were P&C Murphy paying you €10,000 on that occasion?

A. Well I - I don't have a specific answer, other than to suggest, Chairman, that I may have given Pat Murphy a cheque and he may have provided me with cash, a sum of - and gave me a cheque for the balance.

441 Q. What cheque did you give him?

A. I don't know, I am just putting forward, and it may be the explanation. I am not absolutely certain of why that €10,000 cheque was drawn by Pat to me.

442 Q. I don't - forgive my lack of understanding, Mr. Lawlor, I don't understand - I do understand, let me tell you what I do understand. I understand somebody going into a pub and cashing a cheque. I don't understand somebody going into a pub and handing in a cheque and asking for a cheque in return?

00091

A. No. And that's - I addressed that matter in my answer.

I said I may have - Pat Murphy also farmed the land, Pat Murphy - I have had lots of contact with him over 20-years. I don't have an absolute clear understanding of why Pat gave me that cheque, and I am putting forward to you that it may have been a cheque that I gave Pat and he gave me some cash and gave me a cheque for the balance, because I may have needed to lodge a cheque in National Irish Bank to cover the overdraft or whatever and that's, that's what I can say is the actual possibility of that, and I can't be absolutely definitive about it.

443 Q. I see. So if that were so, it means that he received from you a cheque for more than €10,000?

A. Could have, yes.

444 Q. How much more?

A. I don't - I don't know. I don't have the cheque and I am not saying that that is and, you know, all I can do is see can Pat Murphy, under his cheque stub, have any explanation of why he was drawing a cheque. He was farming the land for years, etc..

445 Q. Mr. Lawlor, yesterday you told us he was paying you approximately €1,000 per annum, which when you paid for water didn't leave much change?

A. That's right.

446 Q. Now, this is €10,000 of a cheque?

A. Yeah.

447 Q. Can I refer you to page 77, Mr. Lawlor?

A. Sure.

448 Q. Sorry, in fact first of all can I refer you to 2.1 please, 2.1 - 21. That's, we see that there is a lodgement on the

00092

6th of August of ú5,000, and on the 7th of August there is a lodgement of ú14,896. Isn't that right?

A. That's correct, yeah. Sorry, yes.

449 Q. I am not, as you will appreciate I am not going through all the lodgements that are shown on this account. Can I refer you then to Document 2.3 - 77?

A. Sorry. Yes, Chairman.

450 Q. That's a cheque, Mr. Lawlor, as I read it, for ú14,896 which was lodged to your bank in Naas?

A. Sorry, did you say 23 - 77?

451 Q. 23 - 77, it is on the screen here.

A. The "2" looked like "78", sorry. 14,896, sorry it is not very clear.

452 Q. Is that drawn, also drawn by Mr. Murphy?

A. Yeah, I think, yes - yeah.

453 Q. What was that cheque for, Mr. Lawlor?

A. I don't know, I don't know the exact reasoning.

454 Q. Can you give any explanation as to what it might relate to?

A. No I can't, I can't give you any reason. It is '97, I can't, I can inquire into it.

455 Q. Can I refer you to the cheque on page 81 of the book that you are looking at?

A. Yeah.

456 Q. That's a cheque for ú3,000 from Mr. Murphy, isn't that right?

A. Yeah.

457 Q. Do you know what that's about?

A. No, I don't. I don't know the exact reasoning.

458 Q. Have you ever done any work for Mr. Murphy, provided any consultancy service or --

00093

A. No, I didn't, no.

459 Q. Why would Mr. Murphy then - did you ever sell him any goods or anything like that, that would --

A. No, but I might have, you know, again as I was explaining to you earlier, provided him with some other cheque, some other cheque from one of my other accounts and he might have given me some cash and didn't have the balance and gave it to me in a cheque form so I could lodge it in the account.

460 Q. Are you suggesting that he gave you a cheque in exchange for a cheque that you gave him?

A. Possibly, yeah, and a balance of cash which I have already explained to you. So if I had a cheque and I wanted it cashed, and he didn't have the cash, he might give me a couple of thousand pounds and the cheque could have been a ú5,000 cheque, and he gave me ú2,000 cash, that I wished to get lodged to the bank.

461 Q. Those cheques would obviously be third party cheques?

A. Or they could have been an inter-account.

462 Q. Why --

A. If I wanted some cash --

463 Q. Why an inter-account? If you wanted cash, when you go into the account in the bank you say "Give me a cheque for 3,000 and give me 2,000 cash"?

A. All I am saying is that's my recollection and explanation of the reason why Pat Murphy might have given me a cheque for ú3,000.

464 Q. Clearly if you were looking for cash from Mr. Murphy, and you had your cheque --

A. Couldn't have been a, could have been a third party cheque,

00094

yes.

465 Q. Almost certainly the position that they were third party cheques?

A. They could be, yeah.

466 Q. Most things could be, isn't it almost certainly the fact that they were third party cheques. If you were writing your own cheque you would have written it for ú100, ú200, ú300, ú400, ú500 or whatever you want and say "Pat, would you cash that for me?"

A. Sure.

467 Q. Here you are going in with cheques which you are giving to him which are in excess of the amount of the cheque that you wanted back from him, and I suggest that that indicates almost beyond question, that these were third party cheques that you were cashing through him?

A. Could have been, yes.

468 Q. And therefore they wouldn't appear in your bank accounts?

A. Yes, that's correct, and I might have wanted to lodge one in one bank account and some cash in or pay some accounts that I was paying.

469 Q. Can I refer you to page 105, Mr. Lawlor, please?

A. Yeah.

470 Q. That's a cheque for ú16,760, again payable by Mr. Murphy --

A. Yeah.

471 Q. -- to you. What was that for?

A. Again, just the same explanation as I gave you earlier, Mr. Chairman, that Pat Murphy was giving me a cheque. It could have been a cheque for ú20,000. He gave me cash and the balance in a cheque because he didn't have cash or that was the amount of cash he had.

00095

472 Q. Sorry?

A. Exactly as I have already explained to you.

.
CHAIRMAN: He was carrying a cash balance of 14,000 -
sorry 16,700. Was it a Monday night?

A. Probably after a bad weekend.

.
473 Q. MR. GALLAGHER: You said it could have been about a cheque
for ú20,000?

A. Could have been.

474 Q. Could have been. Could it have been for ú30,000?

A. Possibly, yes.

475 Q. Could it have been for ú40,000?

A. I don't have a number, I can't tell you what it could or
might have been.

476 Q. Well, Mr. Lawlor, you are the man that introduced what it
could be, you said it could be for ú20,000, I am just
exploring --

A. I am endeavoring to try and give you an explanation for
it, I can't be specific, if I could I would, obviously.

477 Q. I just want to know how certain you are that it is likely
to be ú20,000. Could it have been for ú30,000?

A. No, what I would assume is that whatever it might have
been, would show up in Pat Murphy's bank account.

478 Q. I see. Can you not recall going into Mr. Pat Murphy and
having a situation where he returns to you, gives to you a
cheque for ú16,760?

A. No, I can't.

479 Q. Not 7 - 61, or 167 or 16, but the precise amount --

A. Chairman, I don't have any specific recollection of that

00096

particular cheque and transacting it with Pat Murphy, and if I had I would be delighted to provide the Tribunal with the answer to it. I don't have a specific detailed answer that I can give you, Mr. Gallagher.

480 Q. Mr. Lawlor, can I refer you to Document No. 85 in the same book? .

A. Is it going back, Chairman?

481 Q. Yes, it goes back.

A. Going back. Yeah.

482 Q. Am I correct that the amount of that cheque is ú5,404?

A. That's correct, yeah.

483 Q. Was that lodged to your account in NIB in Naas?

A. I would suggest so, yes. I can't be absolutely certain, but it is made out - yes, I would say it was lodged to the, from the nominee Ulster Bank account in Lucan.

484 Q. It is stamped the 22nd of September, 1997, isn't that right?

A. That's correct, yes.

485 Q. Who is the cheque payable to?

A. It is the other name on the account.

486 Q. Sorry, I daren't - who is it payable to is the question?

A. The account in NIB --

487 Q. Sorry, you say that was the co-holder of the account?

A. Yes, correct yes, a son of mine.

488 Q. All right. Who is the cheque drawn by?

A. It is drawn by Pat Long, John Long, PJ --

489 Q. Sorry, which now - a John Long account?

A. Well, it is P John, JP, he is called various - but that account was opened, as I explained to you yesterday --

490 Q. Just one second now, if you take it please slowly. The

00097

name of the account is John Long?

A. That's correct, yes.

491 Q. You said he is Pat Long, is he also called Pat Long?

A. Correct, yeah.

492 Q. Is there an account in the name of Pat Long?

A. There is, yes.

493 Q. Who is the beneficial owner of that account?

A. I am.

494 Q. Who opened that account?

A. Well, he did on my behalf.

495 Q. On your instructions?

A. Yes.

496 Q. And at your request?

A. Sorry?

497 Q. At your request?

A. Correct, yes.

498 Q. And with money provided by you?

A. Yes.

499 Q. Why didn't you do all that yourself, Mr. Lawlor?

A. For the very detailed reason I gave you yesterday, that I was travelling a lot. I was in Prague a lot at that time.

And Pat was working with me here, and for convenience sake and for payments and so forth, we have disclosed all that account detail to the Tribunal.

500 Q. No, this is John Long now, you are talking about Pat Long?

A. Yeah. It is one and the same person.

501 Q. John Long and Pat Long?

A. Well, like, people do have - Pat John, PJ would be Pat John, so it is PJ Long, and for the purpose of this he is John Long, having signed the form in the bank.

00098

502 Q. I see. What is your full name as a matter of interest,
Mr. Lawlor?

A. Liam Anthony.

503 Q. Liam Anthony?

A. Yeah, L.A..

504 Q. Did you ever open an account, or have you ever opened an
account or operated an account in the name of Anthony
Lawlor?

A. No, L.A. Lawlor.

505 Q. Or Tony Lawlor, Tony Lawlor?

A. There is no ulterior motive in "Pat Long". I am telling
you, Chairman, that I had two nominee bank accounts, one in
the Ulster Bank under the name of John Long. I queried it
at the time and said "Why isn't it Pat?" And he said on the
card he signed he might have had an account in one of the
banks. He is known to me as Pat Long but his initials are
PJ Long, and he has two nominees accounts that he operated
on my behalf.

506 Q. Do I understand from you that Mr. John Patrick Long,
otherwise John Long, otherwise Pat Long, otherwise PJ Long,
that he operated two separate accounts on your behalf in
two different banks, and that this all happened within the
last couple of years?

A. That's 19 - yeah, whatever, we discovered all those bank
accounts.

507 Q. Now, where did the monies come from that went into those
accounts, Mr. Lawlor?

A. The Ulster Bank probably, because I was in Prague so often
they were transferred. I am sure you have the statements
there.

00099

508 Q. Just tell me --

A. From the loan, the overseas loan account.

509 Q. Pardon?

A. The overseas loan account.

510 Q. Which account are you referring?

A. The Ulster Bank, I think there was some transfers into that.

511 Q. Ulster Bank where?

A. In Palmerstown.

512 Q. I see. Was that an account that was opened in 1997?

A. It would have been around that time, yes.

513 Q. And did you ask Mr. Long to go in and give details of himself and his address and his employment and all that sort of thing?

A. Yes.

514 Q. That would be the normal kind of information you give to a bank, wouldn't it?

A. Correct.

515 Q. What information did you tell Mr. Long to give to the bank when he was opening this account with your money and on your behalf?

A. I didn't give him any specific instructions, I just asked him to open an account, and I was going to transfer monies in and he would pay out monies when I was abroad and so forth.

516 Q. Did you say to him, "Open this account now, John Long, care of Somerton."?

A. No, I didn't.

517 Q. What name did you tell him to open the account in?

A. I didn't tell him what name to open the account in.

00100

518 Q. What instructions did you give him?

A. As I have already said, I asked the chap to open an account in Ulster Bank in Palmerstown, which I transferred money into, and he paid out those payments on my behalf.

519 Q. Are you saying they are the only instructions you gave?

A. That's all, yeah.

520 Q. Why then didn't he open the account in the name of Liam Lawlor?

A. He may have put reference down to me that if, he was my nominee if he referred to me that's fine.

521 Q. Did you tell him to do that?

A. No, I didn't.

522 Q. Did you direct him or require him to obtain for you a mandate which would ensure that you were a co-signatory on the cheque?

A. As you can see I am not.

523 Q. That's not the question.

A. I am not a co-signatory on the cheque.

524 Q. Did you provide a mandate --

A. If Pat Long or John Long, when he went into the branch and opened the account put a reference to me that was quite in order because he was opening as a nominee of mine.

525 Q. What happened if Mr. Long was unfortunate enough to pass away or indeed pass out of the jurisdiction, what would happen to your money?

A. Total trust for the last 30 years in Pat Long, he has been associated for, with me for 30 odd years. If he passed away, I suppose there would be some matters that would have to be addressed and wouldn't have concerned me because the matter would be resolved.

00101

526 Q. Did you tell Mr. Long where the money was coming from?

A. I did yes, I told him it was being transferred, I just told him it would be transferred from over seas from the loan account.

527 Q. Yeah, you therefore told him you had an arrangement to have monies transferred from overseas from Liechtenstein to an account?

A. I didn't get into the details, specifics. What I told him was, I asked would he open an account in Palmerstown. I was back and forth to Prague virtually every second week, and I would transfer in various monies to discharge various outgoings, and we have discovered all that for you in statements we provided you with, and it had absolutely nothing to do with planning in County Dublin.

528 Q. Mr. Lawlor, did you tell Mr. Long to tell the Manager in Palmerstown, the Ulster Bank in Palmerstown where and in what circumstances he acquired the monies that were being transferred into the account?

A. No, I didn't specify in detail, I just told Pat Long the money would be coming from overseas and to discharge various debts, I didn't - that's as much as I had discussed with John, Pat at the time.

529 Q. Did you personally have any communication with any member of the staff of Ulster Bank in relation to this particular account?

A. No, I don't recall having any specific dealings.

530 Q. I am not asking about specific dealings, I am asking do you recall having any communication, discussion or telephone call or otherwise with any official or member of the Ulster Bank either in Palmerstown or Lucan?

A. I have an account in Ulster Bank in Lucan, so I had discussion or contact. I can't recall having any contact with Ulster Bank, Palmerstown, maybe I did but I can't recall the specifics.

531 Q. I am talking about this particular account. I am asking did you speak to anybody or tell anybody that you were the beneficial owner, when I say "anybody" I mean any official or employee of Ulster Bank, that you were the beneficial owner of the monies lodged to its account of John Long in Palmerstown? Now, if the answer is "yes", I don't want you to name the person, to write it out?

A. No, my recollection is I didn't - you know, I can't recall a reason why I might have, but I could have, but I can't recall discussing with any specific member of the Ulster Bank in Palmerstown this account, that's, you know, and I think my recollection is that all my dealings with that account was through John Long.

532 Q. My understanding is that you instructed John Long to go into the Ulster Bank in Palmerstown, is that right?

A. I probably did. I mean, there was no specific reason why it was Palmerstown, it was just convenient.

533 Q. Well, it wasn't as convenient as Lucan?

A. Well, it was convenient. I am not sure that I instructed or requested, but we opened the account in Ulster Bank, Palmerstown. There was no specific reasoning why we opened it there.

534 Q. Without giving Mr. Long's address, would you tell me what village he lives in?

A. He lives in Lucan.

535 Q. I see. There is a branch of the Ulster Bank in Lucan?

00103

A. There is, yeah.

536 Q. Now, when you sent Mr. Long to the Ulster Bank or when he went to the Ulster Bank in Palmerstown, what information did he have from you in relation to the account, or what instructions did he have from you in relation to the account?

A. I mean, I don't recall any information, and the discussion was that, "Would you open an account?" And he went and opened the account. I don't have anything more specific in detail than that. I would have said "Put various transfers in and discharge various debts. And I will be away for a few weeks and be back and forth. If you would deal with it that way." - that's the way it was dealt with, and I have discovered those accounts and declared them to you and given you every statement that I got from the bank, and I can't elaborate in any greater detail.

537 Q. Mr. Lawlor, you live in Somerton in Lucan, isn't that right?

A. Since 1973.

538 Q. How many times a day or perhaps how many times a week in average would you pass by Palmerstown on your way to or from your home or to or from Lucan?

A. Normally I pass morning and evening, and Palmerstown was pretty much the heart of my constituency with Lucan, so very regularly with Palmerstown.

539 Q. Say ten times a week?

A. Minimum.

540 Q. And yet you asked Mr. John Long, otherwise known as John Patrick Long to open an account on your behalf, and you simply asked him to do that without giving him any details

00104

as to where --

A. There could have been weeks I mightn't be in Palmerstown at all. I don't know what the specifics of, the purpose of the question is. If you can be a bit more specific with what you are trying to ask I can endeavor to help. Why Palmerstown, Lucan, Ballyfermot, Inchicore? What's the relative difference?

541 Q. Indeed. I would have thought that, well sorry, why - are you saying you were not Ireland when you opened this account?

A. I was back and forth very regularly.

542 Q. No, that wasn't the question. The question was --

A. Well, I didn't open the account so I don't know whether I was in Ireland on the day the account was opened.

543 Q. I see. Was it convenient for you to open the account in Ireland if you had so wished?

A. I did it the way I did it. It is there.

544 Q. Indeed.

A. So elaborating, discussing it ad nauseum I don't know is going to achieve a whole lot of further information to you.

545 Q. How many permanent staff did you have employed at Somerton at that time?

A. Probably three.

546 Q. Why - did you have, include among that staff or did you have among that staff a personal secretary?

A. I have had a secretary since I went into commercial life in the 60s.

547 Q. Do you have somebody who is particularly a personal secretary?

A. No, I have three staff at the office.

00105

548 Q. Well, if you wish I can take you through the, these cheques and other documents to show that a particular member of your staff dealt with many of your financial transactions, lodgements, etc..

A. Yes.

549 Q. Is there one particular member of the staff?

A. Yeah, I have a secretary, an assistant secretary and a chap there that does research and drafting speeches and constituency work and so forth, so three people working at the office. The secretary I have is employed from the Dail.

550 Q. Yes. The secretary whose name I don't recall seeing on the list of names that you gave to me yesterday?

A. The list of names?

551 Q. Yes, if you bear with me I will get it for you. In any event, you had a staff of three employees, I am aware of the names.

A. Yeah, I am not sure, maybe in giving you the list yesterday, I am not sure if my current secretary --

552 Q. Would you give me the initials of your current secretary?

A. A now married AP.

553 Q. What was her maiden name?

A. AY.

554 Q. I see. So that's the same lady?

A. Yes.

555 Q. She dealt with many of your financial transactions with this bank, made lodgements, made telephone calls on your behalf, day-to-day errands and made calls etc. for you, isn't that right?

A. On and off, yes. In the main, Pat Long would have operated

00106

or John would have operated that account and would have --

556 Q. Why didn't you get her or ask her, or indeed your wife or the co-signatory on the NIB account in Naas, to open an account for you, that would facilitate your, the operation of your affairs?

A. Mr. Gallagher, I did what I did and I am explaining to you that a nominee of mine, called Long, who is associated with me for 20, 30 years opened two accounts on my behalf, and why I didn't do it with this one or that one or the other one is quite irrelevant.

557 Q. You see, the account was opened in 1997, Mr. Lawlor, and it appears from the documents that you have produced to us that €25,404 was lodged to that account in the name of John Long in the Ulster Bank in Palmerstown in 1997, and in the same year you lodged 204,956 to your National Irish Bank in Naas. Now why, given that you had such an active account in Naas during 1997, did you feel it necessary to open another account in the name of Mr. Long who was to write cheques on your behalf in your absence in Prague and elsewhere?

A. Because Naas was a rather inconvenient location, and the reason I went to Naas in the first place, as I have already informed you this morning, that the accountant opened the account in Naas. It was somewhat inconvenient. It was much more convenient in Palmerstown, and that's why that was done.

558 Q. Why didn't you close the account in Naas and bring it all to Palmerstown?

A. In more recent time it is has been inactive and I haven't been using the account at all actually.

00107

559 Q. In the following year --

A. What does it matter whether it is active or not active, I am entitled to operate whatever bank account I wish. When it is active or when it is not active, there is no particular reason other than convenience. Mr. Chairman, is there relevance to the questions and time delaying going on or what's the purpose?

560 Q. Mr. Lawlor, during the year of 1998 you lodged €117,000 plus to your NIB account in Naas?

A. Yeah.

561 Q. And in the same year you lodged 75,000, nearly 76,000 to the account in Palmerstown in the name of John Long?

A. Yeah, and discharged it out, and you have all the statements to do with it, I can't be of any further assistance to you, and not one penny of it is from any planning or zoning or anything else.

562 Q. Was all of - was this account disclosed to the Revenue Commissioners in your returns?

A. Sorry? Every account I have was disclosed to the Revenue, that I have. You have discovered all sorts of hire-purchase agreements and you are calling them bank accounts.

563 Q. The name of - has the account in the name of John Long been disclosed to the Revenue Commissioners?

A. That's a matter between me and the Revenue Commissioners and my accountants, Chairman.

564 Q. Do I take it that you are refusing to answer that question?

A. Everything I can disclose has been disclosed to the Revenue Commissioners, Chairman.

565 Q. Mr. Lawlor, I will ask you once more.

00108

A. I have answered your question. Every detail of what I have financially has been disclosed to the Revenue Commissioners.

566 Q. Have you disclosed to the Revenue Commissioners the fact that the account in the Ulster Bank in Palmerstown in the name of John Long was held beneficially for you?

A. Correct, yes. I said I disclosed every account that I have any records of or as a nominee by me has been disclosed.

567 Q. So that account has been disclosed to the Revenue. When was it disclosed, as a matter of interest?

A. It is information I don't have here in front of me.

568 Q. Sorry?

A. It is information I don't have in front of me. My accountants dealt with it.

569 Q. Approximately when?

A. It has been disclosed.

570 Q. Now, Mr. Lawlor, can you return to page 33 of Book 2.3?

A. Yeah.

571 Q. That's a cheque for €35,000 from Mr. and Mrs. Murphy, or the Murphy account?

A. Yeah, sure.

572 Q. What was that paid to you for, Mr. Lawlor?

A. I don't have the details here in front of me of what its for.

573 Q. Without having the details, what was the purpose of the payment?

A. I don't know the details of the purpose of the payment. However, I will see can I establish the purpose with Pat, with Pat Murphy.

574 Q. Did you ask Mr. Murphy to furnish you with details or to

00109

assist you in your recollection as to what ú35,000 was paid to you for?

A. No, Chairman, I didn't.

575 Q. On the 17th of the 6th, 1990?

A. No, because I didn't think it was relevant.

576 Q. You didn't think it was relevant?

A. I didn't believe it was relevant, in that it is not for the reasons this Tribunal is investigating, planning in County Dublin and if, you know, I am quite happy in my mind that I have never received incorrectly one penny for that public duty I exercised from 1979 until 1991 on Dublin County Council.

577 Q. Mr. Lawlor, you told us you don't know what the money was paid for. If you don't know how can you say it was, it wasn't paid for planning or whatever?

A. Because I know how I have exercised my public duties since entering public life.

578 Q. Is it possible it was for the sale of lands or sale of goods for Mr. Murphy?

A. No, not that I am aware of.

579 Q. I take it that you have receipts or vouchers or invoices or some documentation in relation to that sum?

A. I don't, but I will endeavor to establish in consultation with Pat Murphy if he can give me an explanation why that cheque was paid at that time.

580 Q. Can you give me an explanation as to why you weren't registered for VAT, given the volume of money passing through your various accounts?

A. Well, that wasn't the trading function. If I was trading I would have been registered for VAT. I think Demographic

00110

and Strategic Consultants registered for VAT.

581 Q. You can't recall what this sum of ú35,000 --

A. No, I can't Chairman.

582 Q. Can I ask you to turn to page 131? Is that a lodgement slip in respect of the sum of ú35,000?

A. Sure.

583 Q. Is that lodgement slip signed by your personal secretary?

A. That's correct.

584 Q. Whom you identified earlier?

A. Yes.

585 Q. Are you aware of any lodgement slip or any document relating to your NIB account that was signed on your behalf by Mr. Long?

A. I am not so aware, but I trust that the Tribunal has been provided with any documentation associated with the account.

586 Q. Mr. Lawlor, can I refer you to page 148 please?

A. Yeah.

587 Q. This is a letter from National Irish Bank from your bank to the Manager of Irish Permanent plc. It relates to Cheque No. 23, a cheque dated July 22nd, 1998. Cheque amount 2 - ú2,500. Drawn by Pat Long in favour of cash?

A. Yeah.

588 Q. Do you know anything about that account in the name of Patrick Long?

A. That is the account, that's the second nominee account that I informed you about.

589 Q. That's a nominee account with the Irish Permanent Building Society?

A. That's correct, in Lucan, yes.

00111

590 Q. When was that account opened?

A. I don't have the date. We sought all the information on that account, and I am not sure whether it has been all received and forwarded. They were taking a hell of a long time to get the information for us when we went looking for it from the Irish Permanent.

591 Q. Yeah. You didn't disclose that in your sworn affidavit of the 6th of November, sure you didn't?

A. The Pat Long account, I was looking for the information to disclose it, and it is on your list, as far as I know.

592 Q. Mr. Lawlor, you swore an affidavit, as I have told you before, on the 6th of November, and you did not disclose a significant number of accounts, including this account in the name of Pat Long?

A. Yeah, I don't think we had the detail at the time.

593 Q. Pardon?

A. We didn't have the detail, but we sought the information to disclose it.

594 Q. But you knew it. You knew about - didn't you know about the account, Mr. Lawlor? Didn't you know about the account at this time? Didn't you at all times? Didn't you know such an account had existed and it was there for your benefit?

A. There was no implication.

595 Q. Mr. Lawlor, did you know it was there and held for your benefit in the name of Pat Long?

A. It was not withheld from you. If it wasn't disclosed like Demographics yesterday, it was an error, and I had been ringing Pat Long incessantly to find and get the details so I can provide it to the Tribunal.

00112

596 Q. Did you know that there had been an account held for your benefit by Pat Long in the Irish Permanent Building Society?

A. Going back over all the accounts I had, there were a number that I didn't have details of to disclose and swear in the affidavit.

597 Q. Mr. Lawlor, I am asking you a question which allows for a very simple answer, "yes" or "no". Were you aware that an account had been held for your benefit by Pat Long in the Irish Permanent Building Society, yes or no?

A. When I was making my affidavit I didn't have the detail, and I have disclosed that to the Tribunal and to the Revenue Commissioners.

598 Q. Mr. Lawlor, were you aware that an account had been held for your benefit by Pat Long in the Irish Permanent Building Society, yes or no?

A. If Chairman, I omitted that account when making the sworn affidavit, it is because I didn't have any detail in my possession at the time.

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CHAIRMAN: Now, would you kindly answer the question that you are asked?

A. I am answering the question, Chairman.

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CHAIRMAN: You are not answering the question. You were asked: "Did you know there was an account held by one Patrick Long in the Irish Permanent for your benefit?"

A. It was, it was inactive, I didn't recall it would be --

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CHAIRMAN: Wait now, no, no, no, just take it easy, in

00113

1998?

A. I didn't recall until --

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CHAIRMAN: No, did you know in 1998 when the cheque was issued?

A. Sorry, did I know when the cheque was issued?

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CHAIRMAN: No, did you know there was an account in the Irish Permanent Building Society in the name of Patrick Long which was effectively for your benefit, and that cheque was issued now?

A. When that cheque was issued, of course. I don't think that was the question, Chairman.

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CHAIRMAN: I am asking, the question I am asking --

A. Sorry, I thought Mr. Gallagher was saying when I swore the affidavit.

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CHAIRMAN: First of all, start with the time the cheque was issued?

A. Yes, I was very much aware.

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CHAIRMAN: You were very much aware. When did you start forgetting?

A. I didn't forget, Chairman. I take grave exception to your "when did I start forgetting". I didn't forget. And I disclosed it to you.

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CHAIRMAN: When?

A. I am here for three or four days, I would appreciate if you

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deal with what I am here to deal with and not be time
wasting going through these accounts. It is quite
irrelevant to the workings of this Tribunal.

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I disclosed everything I have and had and will continue to
do so for this Tribunal. And I can do no more than
that.

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599 Q. MR. GALLAGHER: Mr. Lawlor, isn't it the position that you
did not disclose the existence of this account until the
Tribunal, until after the Tribunal wrote to you on the 5th
of December, and you disclosed it for the first time in
your Supplemental Affidavit sworn on the 11th of December?

A. Yes, and there could be another account which I haven't
disclosed which I will disclose when it comes to pass.

600 Q. Really, where is that?

A. I said "if" there is another account. And you have put an
order on 224 financial institutions and you are wasting my
time in the office, trying to prepare information for you
which you already have in your possession.

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Mr. Chairman, I want to put it to you, I don't understand
the reasoning why the time wasting goes on and on, if the
information is within the possession of the Tribunal, but
you appear to seem to think that if there is information
belonging to my personal bank accounts, or any company,
that I am not entitled to have it. I am supposed to
disclose going back 20-years. If I have the information,
Mr. Chairman, you can willingly have it, and if I omitted
disclosing anything, I apologise to you. It most

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definitely was not intentional.

601 Q. Mr. Lawlor, do you now or have you at any time had any credit cards?

A. Yes.

602 Q. Where, in what organisations or institutions have you had such credit cards?

A. Over the last 20-years I have had quite a number of credit cards.

603 Q. Will you tell us where you have your current credit cards, what bank you have them with?

A. I have a number of credit cards and I will provide you with the details.

604 Q. Just tell the Tribunal what credit cards you have at the moment, with what organisations?

A. I have a credit card with National Irish, associated with the bank, which I don't use.

605 Q. Where is that? What address do you use for that?

A. Sorry?

606 Q. What address do you use for that?

A. What address?

607 Q. Yes.

A. Use for --

608 Q. In relation to that card?

A. In relation to that card, my address is, I think it is my secretary's address.

609 Q. Sorry?

A. My secretary's address, National Irish Credit Card, the accounts go there for convenience.

610 Q. Is that Kildress?

A. No, that's in Lucan.

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611 Q. I see. And is it, in Hillcrest View?

A. Yes, it was.

612 Q. Hillcrest View?

A. It was my secretary's address.

613 Q. I see. Why do you use your secretary's address?

A. For convenience of the collecting the post and reconciling and looking after the paperwork. There is no particular reason other than administrative convenience.

614 Q. But would administrative convenience not provide for the furnishing of your home address at Somerton?

A. Well, you know, if I decided to put to my secretary's address that's my decision.

615 Q. Of course, I am just asking why?

A. Just for administrative convenience.

616 Q. I see. I see. Have you used any other dress in relation to credit cards?

A. No, I think that address has been changed from Hillcrest to a new address because the secretary moved house.

617 Q. I see. And did you move the - for administrative convenience, did you move the address for the credit cards to her new address?

A. Correct, yes.

618 Q. Is that the Old Forge address?

A. That's correct, yes.

619 Q. I see. And did you disclose the existence of that credit card account in your affidavits or either of them?

A. I don't see credits cards as having anything to do with this Tribunal, and if I had I would have disclosed it. I mean, what has my credit card got to do with the workings of the Flood Tribunal?

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620 Q. What other credit cards do you have, Mr. Lawlor?

A. I have, whatever other credit cards I have they are of no relevance to this Tribunal.

621 Q. Have you disclosed any of them?

A. No I didn't, I didn't think it was relevant.

622 Q. They are accounts with financial institutions?

A. They are, but not - unfortunately, Chairman, I didn't appreciate that they came within "accounts within financial institutions", as I didn't appreciate hire-purchase agreements when you wrote me a letter asking for those, that's why we disclosed all the different new accounts to you.

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Mr. Chairman, you itemised in your letter hire-purchase agreements up to then, I didn't appreciate that I should have disclosed to you hire-purchase agreements.

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CHAIRMAN: I am going to rise for five-minutes, just for five-minutes as a very, very short break.

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THE HEARING THEN ADJOURNED FOR A SHORT BREAK AND RESUMED AGAIN AS FOLLOWS:

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623 Q. MR. GALLAGHER: Sorry, Sir, if you bear with me for just a second.

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Mr. Lawlor, before the break we had, I had asked you about any credit cards that you might have had. And I understood you to say that you had credit cards with, a visa card with NIB, as I understand it, is that correct?

A. Mr. Chairman, what has my credits cards got to do with this Tribunal? It wasn't specified that I was to disclose credit card accounts when you sought the information from me. If I was asked for it I could have provided it. I don't believe I was asked for - you are classifying hire-purchase agreements as bank accounts, I unfortunately didn't, and credit cards, I don't know what relevance they are.

624 Q. Mr. Lawlor, didn't you furnish to the Tribunal as part of your affidavit some credit card accounts. Can I refer you, for example, to your discovery at 2.3, commencing at page 209? And at 210, sorry 210. Do you see page 210?

A. 2.7?

625 Q. 2.3.

A. Sorry, the number again, Mr. Gallagher? 251?

626 Q. 251. Sorry, I beg your pardon 210, 210?

A. 210. Just a second. Is that LL DISC 23 - 201?

627 Q. 210. Sorry, 210.

A. Yeah, I think what happened there, Chairman, is obviously National Irish Bank when I wrote looking for accounts they provided that information. They just provided whatever information they had on that particular card.

628 Q. Is that a statement from National Irish Bank relating to a visa card number 4547-7878?

A. I wasn't aware it was discovered to be honest.

629 Q. Mr. Lawlor, is it number 4547-7878-3010-5627?

A. That's correct, yeah.

630 Q. Yeah.

A. If I had known that it was there I would have actually taken it out of the discovery because I wouldn't have seen

it as relevant to be honest, but National Irish gave me whatever they gave me and I passed everything I got onto the Tribunal.

631 Q. And you passed it without examining it?

A. There is so much of it, yes, absolutely yeah. I wrote saying "Could you provide me with every bit of information you have regarding any account I held in your possession." I wouldn't have classified a credit card as having an account in the strict sense, and if I had seen that there I would have removed it from the discovery.

632 Q. And I suggest, Mr. Lawlor, that reflects the importance that you attached to the Order of the High Court?

A. No, it is not.

633 Q. That you simply acted as a conduit for material provided to you by your bank and sent it onto the Tribunal without even looking at it?

A. No, Mr. Chairman, the reason I did was I automatically assumed that the bank's records would be so much more thorough than mine, that the most effective way to discover what I could for the Tribunal was to ask the banks to give me any information they had. If I had given you limited information and the bank had more information you would be criticising me for not having looked for it, so I looked for it from the banks. I got it from the banks, I gave it to you.

634 Q. Mr. Lawlor, how could you prepare to give evidence to this Tribunal without carrying out an examination of the documents which you knew were going to be the subject of the questions which were to be asked?

A. Well, what I didn't predict was that my credit card would

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be the subject of any inquiry from the Tribunal or any other source.

635 Q. Why did you not list your NIB visa card among the accounts in your affidavit of the 6th of November?

A. Because I didn't see my visa card as being of any relevance to this Tribunal.

636 Q. Tell me, do you have any other credit cards other than the NIB visa card?

A. I see no relevance to my credit cards to this Tribunal. If you specify or wish to specify in the documentation - nowhere does it specify, to my recollection, referring to credit cards in the Order of the High Court.

637 Q. Mr. Lawlor, it refers to any account in which monies were paid by you or on your behalf. Was money paid by you or on your behalf into National Irish Bank visa?

A. No I paid, that was an outgoing not an incoming.

638 Q. You see, there are monies, for example, in relation to the cheques that you have, that were paid to you by Mr. Murphy where you suggest that you were paid some cash in addition to being paid the cheques in return for a large third party cheque that you would have received.

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Now, can you indicate to me how and where all of these card outlays were discharged, in other words who and where and when did you pay the visa bill?

A. Well, to the best of my recollection this card was on a standing order from the bank account.

639 Q. Mr. Lawlor, did you hold any other cards other than the NIB visa card?

A. I repeat, Chairman, I don't see them as being relevant to

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this Tribunal. Now, you know, you are asking me credit cards, I see absolutely - what has it to do with planning in County Dublin?

640 Q. That, sir, remains to be seen.

A. It does, yeah and, you know, and the sooner we get to it and deal with that matter, competently and efficiently.

641 Q. In due course, Mr. Lawlor, in due course.

A. Well, you know the sooner the better, Chairman.

642 Q. Do you now or have you had at any time any card, credit card other than the NIB visa card you have been referred to here?

A. I have had no reference or notice that you require any details about my credit cards and I have no intention of giving you any detail.

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CHAIRMAN: Mr. Gallagher --

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643 Q. MR. GALLAGHER: Sorry, can I just ask one further question, Sir, before you - tell me, did Mr. Long have any credit card or cheque card in relation to either the account with Ulster Bank --

A. He could have had, yeah.

644 Q. Pardon?

A. He could have had, yes.

645 Q. Did you authorise him to obtain a credit card based on that account?

A. Yeah, I think on that account, yeah he could have, yeah.

646 Q. What organisation did he have the credit card with?

A. I have no idea, whatever associated credit card arrangements were related to that particular bank, I think

various banks are allied to different credit cards.

647 Q. Did he give you copies of the credit card statements or receipts which he would have obtained when he signed a credit card pay slip or debit slip? Did he give them to you?

A. If they were in the office they would have been discovered to you.

648 Q. Did he give them to you, Mr. Lawlor?

A. He didn't give them to me, no. I don't think he gave them personally to me.

649 Q. He must have them?

A. Or maybe he might have left them in the office. They wouldn't have been discovered because he wouldn't have seen them as relevant.

650 Q. Did you ask him for all the records?

A. No, I didn't ask him for any credit card details whatsoever.

651 Q. Did you ask him for any records?

A. Mr. Chairman, I don't see its relevance to the Tribunal - I didn't ask him for the records. If I had appreciated that it was relevant I would have provided it.

652 Q. Sir, have you had a Brown Thomas credit card?

A. Mr. Chairman, I am not proposing to --

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CHAIRMAN: Would you answer the question?

A. No, Mr. Chairman.

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CHAIRMAN: Would you answer the question?

A. No, I don't propose to answer the question about my credit cards, because I wasn't aware --

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CHAIRMAN: Very good. Thank you very much, Mr. Lawlor.

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MR. GALLAGHER: Sir, I am not finished, I have further questions for Mr. Lawlor but --

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CHAIRMAN: With all due respect, I don't intend to sit here for any longer. These proceedings flow from an Order of this Tribunal dated the 8th of June, requiring Mr. Lawlor to make discovery of all documents and records in his possession or power relating to any accounts held in any financial institution, either inside or outside the State, in his own name or for his benefit, or into which he made lodgements of money or into which he caused or procured lodgements of money, etc.. These Orders have been opened and there was a complete refusal to comply with them.

A. That is incorrect.

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CHAIRMAN: Consequent upon that --

A. That is incorrect.

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CHAIRMAN: -- consequent upon that, I issued two subpoenas requiring him to attend here to give evidence to produce the documents, number one, and to give evidence in relation thereto.

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The validity of those subpoenas and the original Orders were challenged in the High Court, and they were upheld as valid Orders. The Supreme Court varied the High Court

Orders in very minor detail, but effectively held that it was a valid requirement.

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So that's the basis on which I sit here today, and have sat here for the last couple of days, asking Mr. Lawlor to produce documents and information which in relation to the two affidavits of his discovery dated the 6th of November and the 10th of December.

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I have listened carefully to his evidence so far, in relation to this documentation and his explanations of the transactions set out in the accounts.

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It is clear to me that Mr. Lawlor has failed to date to comply with the Order of the High Court, as varied by the Supreme Court, both with regard to the extent of the documents discovered and provided to the Tribunal, and in respect of the evidence which has been given in relation to the matters covered by those Orders.

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In these circumstances I do not believe that I can further advance inquiries until such time as there has been a compliance with the Orders of the High Court.

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Accordingly, I intend to stand down this witness and instruct counsel on behalf of the Tribunal to apply to the High Court for Enforcement Orders made to date, and for such further Orders as the High Court may direct.

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Accordingly, I'm adjourning these proceedings until - the

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proceedings of the Tribunal until Monday, for other matters, and I am standing down this witness until such time as the High Court proceedings have been completed.

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MR. GALLAGHER: Yes. I did indicate Sir, or attempted to indicate that there are further questions I wish to put to Mr. Lawlor in relation to various accounts already furnished.

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CHAIRMAN: Frankly Mr. Gallagher, there has been such a negative input, to date, in clarifying any aspect of the discovery, with any degree of credibility, that it is a matter now for the High Court to consider whether or not, in their opinion, this order has been complied with and to take such action as the High Court may deem appropriate.

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MR. GALLAGHER: Thank you Sir.

The Century inquiry, that part of the inquiry, will recommence at 10:30?

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CHAIRMAN: Will resume at 10:30 on Monday morning.

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THE HEARING THEN ADJOURNED TO MONDAY THE 18TH DECEMBER, 2000 AT 10:30 AM.

