

THE TRIBUNAL RESUMED AS FOLLOWS ON TUESDAY,

27TH APRIL, 2004 AT 10.30 AM:

CHAIRMAN: Good morning everyone.

MR. GALLAGHER: Mr. Gilmartin please.

Mr. Gilmartin returns to be witness box:

MR. LAWLOR: Mr. Chairman could I raise a few queries before Mr. Gilmartin gives evidence?

CHAIRMAN: If these are matters that you have corresponded with the Tribunal about in recent days, I think you have been informed by letter that they will be dealt with in the ordinary way by correspondence, so there is no point in raising them at this stage.

MR. LAWLOR: Well first of all they are not, and that I'd just like to know when you might be able to give me a date for the ruling on the submission I made.

CHAIRMAN: I think the, you will be written to I think today, that will be indicated in correspondence, in a letter which probably you will receive by lunchtime, but certainly during the day.

MR. LAWLOR: Fine thank you Chairman. Could I just inquire is Mr. Mould fixed for Friday just to make my own arrangements

CHAIRMAN: Mr. Mould is here on Friday.

10:47:45 1 MR. LAWLOR: That's fixed? The other items I will await your response, thank
2 you Chairman.
3
4 CHAIRMAN: Good morning Mr. Gilmartin.

10:47:52 5 A. Good morning.
6
7 MR. GALLAGHER: Mr. O'Neill is asking questions.
8
9 MR. O'NEILL: Good morning Mr. Gilmartin

10:48:01 10 A. Morning.
11 Q. 1 Mr. Gilmartin I don't want to bring you through the entire of your evidence
12 that you spent many days going through, but I do want to ask you to clarify,
13 ask you a few questions and clarify a few issues.
14

10:48:15 15 Now, if I first can deal or ask you questions in relation to your dealings with
16 Mr. Lawlor? You have told the Tribunal you first met him in the Deadman's Inn
17 I think.
18 A. That's right.

19 Q. 2 As a result of contact through Brendan Fassnidge, who in turn was introduced to
10:48:34 20 you by Mr. Sheeran, or your bank manager/friend.
21 A. That's correct.

22 Q. 3 And as I understand it, while you wanted to talk about Quarryvale to
23 Mr. Lawlor, Mr. Lawlor was much more interested in Bachelor's Walk.
24 A. That's correct.

10:48:50 25 Q. 4 And I think he represented himself at that meeting or at that encounter in the
26 Deadman's Inn as being appointed by the government, government's man in
27 relation to Quarryvale, sorry in relation to Bachelor's Walk.
28 A. That's correct.

29 Q. 5 And I think then when we turned up uninvited to the meeting in Arlington he
10:49:14 30 again described himself as the government's man or the government's

- 10:49:18 1 representative in relation to Bachelor's Walk.
- 2 A. That's correct.
- 3 Q. 6 Now, in respect of your dealings with Bachelor's Walk as far as this Tribunal
- 4 is concerned, am I correct that your complaints are in effect confined to the
- 10:49:36 5 dealings that you had with Mr. Lawlor, Mr. Lawlor's requests for money
- 6 etcetera?
- 7 A. That's correct, there was nothing untoward in Bachelor's Walk, there may have
- 8 been some sharp business practice but it had absolutely nothing to do with
- 9 political, other than Mr. Lawlor's involvement.
- 10:49:54 10 Q. 7 Can I ask you, in relation to Mr. Lawlor's involvement generally, and
- 11 particularly in relation to the payments, first the acknowledged payments that
- 12 Mr. Lawlor received 3,500.00 pounds a month from you on behalf of Arlington
- 13 Securities?
- 14
- 10:50:19 15 At the time of the meeting in the Arlington offices, I think you went to a
- 16 hotel you said and Mr. Lawlor joined you subsequently, and you then learned
- 17 that an agreement had been reached whereby Mr. Lawlor was to be paid 3,500.00
- 18 pounds a month.
- 19 A. That's correct. Well I learned it from Mr. Lawlor, who came into the hotel and
- 10:50:42 20 said that he had been appointed by Arlington on a consultancy basis.
- 21 Q. 8 What's -- was there any mention at that stage of the payment being anything
- 22 other than on a consultancy basis?
- 23 A. No.
- 24 Q. 9 Was there any mention at all of political donations?
- 10:51:03 25 A. No.
- 26 Q. 10 Did you subsequently speak to Mr. Lawlor in relation to these monthly payments?
- 27 A. Hmm.
- 28 Q. 11 In terms of the nature of the monthly payments?
- 29 A. Sorry.
- 10:51:16 30 Q. 12 Did you subsequently discuss with Mr. Lawlor the nature of those payments, in

- 10:51:22 1 other words were they political contributions or payments for consultancy?
- 2 A. No they certainly weren't political contributions, he was, he persuaded
- 3 Arlington that they needed him on board, because this was a major scheme
- 4 etcetera and he represented the government, so they felt he done quite a sales
- 10:51:43 5 job in that respect, and they felt that it was better to have him, you know, on
- 6 as a consultant.
- 7 Q. 13 I appreciate that. You did subsequently have contact with Mr. Lawlor in
- 8 relation to these payments, you have given evidence that on a number of
- 9 occasions he contacted you seeking the monthly payment.
- 10:52:04 10 A. That's correct, yes.
- 11 Q. 14 At any stage during those contacts or indeed at any other stage, did Mr. Lawlor
- 12 ever suggest to you that those payments or any of them were political
- 13 donations?
- 14 A. No.
- 10:52:17 15 Q. 15 The payments by and large as we see from the cheques were made to a company
- 16 owned by Mr. Lawlor, Advanced Proteins?
- 17 A. I didn't quite know because he wanted to fill in the payee himself, so we
- 18 didn't quite know who the recipient was, other than the fact that we handed the
- 19 cheque to Mr. Lawlor.
- 10:52:49 20 Q. 16 You had no dealings with Advanced Proteins?
- 21 A. No.
- 22 Q. 17 You didn't know anything about them?
- 23 A. I didn't know of their existence.
- 24 Q. 18 Now, you have told the Tribunal that while in London or after the meeting in
- 10:53:05 25 the Arlington offices, and in the hotel, that Mr. Lawlor asked you or sorry, he
- 26 told you that Mr. Mould had said that you, Mr. Gilmartin, have to give
- 27 Mr. Lawlor half of your stake?
- 28 A. That's correct.
- 29 Q. 19 In Bachelor's Walk, that was half of 20 per cent?
- 10:53:26 30 A. That's correct.

- 10:53:27 1 Q. 20 At any other stage did Mr. Lawlor raise this issue in relation to the half of
2 the 20 per cent?
3 A. No, because I told him that he was not getting it.
- 4 Q. 21 Now the next request I think that you have referred to was a request in
10:53:51 5 Mr. Redmond's office by Mr. Lawlor for the sum of a 100,000 pounds, either for
6 him or for him and Mr. Redmond.
7 A. That's correct.
- 8 Q. 22 What was your response to that request at that time?
9 A. I didn't really give a response to it. I might have said something like I
10:54:13 10 would consider it, but I sort of made excuses and left.
- 11 Q. 23 Did he ever raise the issue of that 100,000 pounds again?
12 A. On the way out to the car he said that he had to, I had to take them on board
13 and I certainly had to take care of Mr. Redmond.
- 14 Q. 24 That was the only, he doesn't subsequently mention it to you are make a request
10:54:39 15 for a 100,000 pounds either for himself or Mr. Redmond?
16 A. No, no.
- 17 Q. 25 He also, I think you said in your evidence, requested a 20 per cent stake in
18 Quarryvale.
19 A. That's correct.
- 10:54:51 20 Q. 26 And I think he did that on site.
21 A. On the site --
- 22 Q. 27 In July, August, September of 1988, roughly that period?
23 A. That's correct.
- 24 Q. 28 And I think he then, did he repeat that request in his constituency office?
10:55:07 25 A. He did. He insisted on a meeting in his home, or I considered his home, it may
26 be his constituency office, and I took Mr. Foreman along with me to that
27 meeting. So he requested -- at the end of that meeting.
- 28 Q. 29 Did he take you aside to make at that request for did he ask you, did he make
29 that request in the presence of Mr. Foreman?
10:55:39 30 A. No Mr. Foreman had walked out in front. We were leaving and he had walked out

10:55:44 1 in front and Mr. Lawlor called me back. He had shown me colour coded maps
2 which he had chests of, you know as I seen it the whole of, I thought west
3 Dublin. And he seemed to be impressing upon us, because there was no real
4 purpose in the meeting other than the fact he seemed to be impressing upon us
10:56:10 5 the knowledge he had of the area.

6 So the meeting sort of finished and Mr. Foreman walked out of the -- it was a
7 shed or an office he had at the side of his building, at the side of his home
8 and then Mr. Lawlor called me back and he again requested it, so I asked him
9 did he know what he was asking for, or the scale of it. So I told him at that
10:56:41 10 time it was just not getting it.

11 Q. 30 What had your response been when he initially asked you on site, back in autumn
12 of 1988, summer autumn of 1988 which what had been response been to his request
13 for 20 per cent?

14 A. I said the site was going to cost at that time, which I estimated the site
10:56:59 15 would cost 10 to 12 million pounds. I asked him did he understand the scale of
16 what he was asking and it was not on.

17 Q. 31 And was that the thrust of your answer also when --

18 A. I told him he was not getting it.

19 Q. 32 Now Mr. Lawlor I think introduced you or put you in touch with Mr. O'Callaghan,
10:57:24 20 is that right?

21 A. That's correct.

22 Q. 33 I think he gave you Mr. O'Callaghan's phone number.

23 A. That's correct. He --

24 Q. 34 I think this was after he told you that you need to deal with Mr. O'Callaghan
10:57:35 25 if Quarryvale is ever to get off the ground.

26 A. That's correct.

27 Q. 35 And just turning to your dealings with Mr. O'Callaghan, I think you met him in
28 the Royal Dublin Hotel on I think, as best you can recollect 7th of December of
29 1988.

10:57:55 30 A. '88.

- 10:57:55 1 Q. 36 And you discussed and I think your evidence is that you reached an agreement,
2 an oral agreement during the course of that meeting, whereby you would buy out
3 his interest in the Merrygrove lands?
- 4 A. That's correct.
- 10:58:11 5 Q. 37 And subsequently the meeting took place on the 31st of January of 1989 at which
6 an agreement was signed.
- 7 A. That's correct.
- 8 Q. 38 Now it may not be of direct relevance to the Tribunal, but you have questioned
9 whether or not the copies that have been produced to the Tribunal are accurate
10 copies, and you have asked I think --
- 11 A. That's not, that copy seems to be one of the drafts that was sent to
12 Mr. Maguire rather than the actual agreed document, but I am not a 100 per cent
13 sure.
- 14 Q. 39 You have asked, you did ask to see the original of the -- there may have been
15 two copies do you have a copy of the original?
- 16 A. Yes. There was alterations made or agreed and filled in in pencil, and on the
17 thing, the dates were filled in on the various payments, and they are omitted
18 from this.
- 19 Q. 40 But do you have, you did ask to see the original, the original may clear up
20 issues. Did you see the original of the agreement?
- 21 A. On that day --
- 22 Q. 41 Sorry I should say do you have it in your possession or under your control at
23 the moment?
- 24 A. No. No, no I don't. I left it with Mr. Maguire at the time and, because I did
10:59:45 25 not feel it necessary for me to take it or bring it back to England with me, so
26 I left it in the possession of Mr. Maguire at the time.
- 27 Q. 42 And did you give it to the Tribunal or not, or had you parted possession with
28 it before the Tribunal became involved?
- 29 A. I don't think I had a copy of it at the time the Tribunal letter of discovery,
11:00:10 30 but they may have got it from Mr. Maguire.

- 11:00:11 1 Q. 43 I am talking about the original. You don't -- at the time the Tribunal's
2 inquiry in 1998, did you at that stage have the original of that agreement in
3 your possession?
4 A. No, I didn't.
- 11:00:23 5 Q. 44 Do you remember what happened to it?
6 A. I left it, I am reasonably certain I left it in the custody of Mr. Maguire.
7 Q. 45 And you are of the view that the copy that's been produced to the Tribunal and
8 indeed two copies I think, one from either side, that those are not accurate
9 copies of the original?
11:00:48 10 A. That's not as I recollect it at all.
11 Q. 46 Can I ask you another issue in relation to Mr. O'Callaghan? We have seen
12 during the course of looking at the documents on screen, that the Gardai
13 contacted Mr. O'Callaghan and asked him if he could persuade you to assist in
14 the Garda inquiry. Did Mr. O'Callaghan ever talk to you about the Garda
11:01:28 15 inquiry?
16 A. No.
17 Q. 47 Did every ask you to cooperate with any inquiry?
18 A. No.
19 Q. 48 Did he ever ask you or did he ever give you any advice in relation to making
11:01:38 20 complaints or pursuing complaints?
21 A. Well other than the comment that I would have just shot me self in the foot.
22 Q. 49 If you did what?
23 A. By complaining.
24 Q. 50 Do you mean he was dissuading you from making complaints?
11:01:53 25 A. Yeah he wasn't the only one, there was a number of them that said I had cooked
26 my own goose by making any complaints.
27 Q. 51 Now, can I ask you in relation to your dealings with Mr. Hanrahan, Finbarr
28 Hanrahan? Your best recollection is that meeting, you met him in Buswell's
29 Hotel, that meeting took place in the last few days of December of 1988.
11:02:22 30 A. That's correct, 28th of December.

- 11:02:24 1 Q. 52 I think there was a difference between you and Mr. O'Callaghan, Mr. O'Callaghan
2 hasn't given evidence yet, but in relation to the statement and indeed
3 statements of some of the people on his team, so to speak, as to who was
4 present in Buswell's and what you told Mr. O'Callaghan after the meeting?
- 11:02:42 5 A. Yeah there is definitely a difference, it's not Mr. Callaghan's statement does
6 not reflect exactly what happened.
- 7 Q. 53 What's not in dispute however, is that you did meet Mr. Hanrahan in Buswell's?
8 A. That's correct, yeah.
- 9 Q. 54 And you say that Mr. Hanrahan asked you for a 100,000 pounds.
11:03:06 10 A. That's correct.
- 11 Q. 55 Mr. O'Callaghan says that when you were leaving the meeting you told him,
12 Mr. O'Callaghan, that Mr. Hanrahan had asked you for a 100,000 pounds?
13 A. No, I did not. The only words uttered was "did he tap you, And asked by
14 Mr. O'Callaghan, my response was "what do you think", and I walked on out of
11:03:32 15 the building.
- 16 Q. 56 Did you subsequently tell Mr. O'Callaghan that Mr. Hanrahan had asked you for a
17 100,000 pounds?
18 A. I possibly did yes.
- 19 Q. 57 Well you must have, because otherwise how did he know that he asked for that
11:03:47 20 amount.
- 21 A. I did, but it was at the next, probably the next meeting.
- 22 Q. 58 Now moving on to 1989, you have given evidence, extensive evidence in relation
23 to the meeting that took place in Leinster House with the various Ministers and
24 as best you can put that the beginning of February, the first few days in
11:04:12 25 February?
- 26 A. That's correct.
- 27 Q. 59 Now you have never described that meeting as a cabinet meeting or formal
28 meeting or anything like that, have you?
29 A. No. Other than quite a number of Ministers were there when I arrived.
- 11:04:26 30 Q. 60 It was a short, from your own evidence as I understand it, it was a very short

11:04:32 1 meeting and you never got an opportunity to sit down or anything like that?

2 A. No I didn't sit down.

3 Q. 61 In and out in a matter of seconds.

4 A. I wasn't invited to sit down. The then Taoiseach came in.

11:04:43 5 Q. 62 I don't think we need -- you have given the evidence, I don't think we need to

6 go through the details of it again. You have also given evidence in relation

7 to the request, demand whatever, that was made of you outside that particular

8 room, for 5 million pounds?

9 A. That's correct.

11:05:04 10 Q. 63 Have you been able to identify the person who made that demand?

11 A. No.

12 Q. 64 Did you ever suggest that the demand was made by Liam Lawlor?

13 A. No.

14 Q. 65 You will have seen, and indeed you have been asked questions in relation to

11:05:23 15 this, the statement or the note taken by Mr. Feeley of the meeting that you had

16 with him later in the month, the end of February of 1989, in which he says that

17 you told him that Liam Lawlor asked you for 5 million pounds?

18 A. No I did not tell him that because Liam Lawlor had not asked me for 5 million

19 pounds, neither had he made any threat to me.

11:05:45 20 Q. 66 Presumably you had been however recounting to Mr. Feeley complaints that you

21 had about Mr. Lawlor?

22 A. Yeah well I didn't quite remember, but they suggested the meeting took three

23 and a half hours so there was various things discussed, including certain

24 complaints made by themselves against the people I was complaining about and

11:06:09 25 there must be some confusion somewhere.

26 Q. 67 The two main people you were complains about were Mr. Lawlor and Mr. Redmond is

27 that correct?

28 A. Pardon, yeah.

29 Q. 68 The two main people and Mr. Hanrahan as well but the two main people were

11:06:23 30 presumably Mr. Lawlor and Mr. Redmond?

11:06:24 1 A. Yes plus I relayed the meeting in the Dail.
2
3 MR. GALLAGHER: I hesitate to interrupt but just would caution that no
4 reference should be made at this stage to any other complaints that might have
11:06:39 5 been mentioned or issues that might have been mentioned that have not been
6 publicised and circulated to parties, I am sure -- perhaps my intervention is
7 not necessary, but I think should be --
8
9 CHAIRMAN: In any event these are matters which these witnesses can deal with
11:06:56 10 when they are giving evidence.
11
12 MR. GALLAGHER: Indeed. I was simply concerned that something new might be
13 introduced that had not been already referred.
14
11:07:05 15 MR. LAWLOR: Or we might get a different version.
16 A. No my version is always the same Mr. Lawlor.
17
18 CHAIRMAN: Mr. Gilmartin we don't want to hear evidence from you as to what
19 complaints other people made to you, in the meetings that we are talking about,
11:07:19 20 those people can give their own evidence.
21 A. Oh I see. Yes.
22 Q. 69 So would it be correct to say then, that during the course of that meeting,
23 whether it took three, three and a half hours or shorter, a significant
24 proportion of that time was spent by you complaining about Mr. Lawlor?
11:07:44 25 A. That would be fair, yes.
26 Q. 70 Now just to concentrate on the difficulties, obstruction, whatever, that you
27 perceived you were facing at that time. Would I be correct in saying that the
28 first time difficulties manifest themselves is when Mr. Redmond cancels the
29 meeting to take place in the County Council offices in February of 1989?
11:08:19 30 A. Well yes, that was, there was a number of things that happened but that was the

- 11:08:32 1 straw that broke the camel's back as it were, because I felt that somebody
2 should do something about it, there should be someone to talk to.
- 3 Q. 71 And that of course, that cancelled meeting of course took place after the
4 meeting in Leinster House with the various Ministers?
- 11:08:54 5 A. That's correct, it was three weeks later, roughly, 22nd of February.
- 6 Q. 72 And at that time just to put it in context, you had received from Mr. McLoone,
7 just before Christmas in 1988, you had received letters from him saying that he
8 was prepared or he was going to recommend to his superiors that the County
9 Council and Corporation lands be sold to you for roughly 40,000 an acre?
- 11:09:22 10 A. That's correct.
- 11 Q. 73 And I think that was the price that you paid or roughly the price that you had
12 paid for the Bruton lands?
- 13 A. That's correct, and Sharp.
- 14 Q. 74 And Sharp.
- 11:09:36 15 A. Yeah the, the total of 60 acres on the Galway Road frontage.
- 16 Q. 75 Now Mr. Dadley, you were present when Mr. Dadley gave his evidence and he
17 described the, I won't use the word "obstruction" but what he said were, he
18 felt doors were closing. Doors previously had been open and now doors were
19 closed.
- 11:10:05 20 A. That's correct.
- 21 Q. 76 And that was in relation to Bachelor's Walk obviously, but I think your
22 complaints in relation to Quarryvale go much further than that. It wasn't
23 doors closed it was actual obstruction.
- 24 A. Yeah well you are obviously aware that this module or so far we are only
11:10:24 25 halfway through the evidence connected with Quarryvale.
- 26 Q. 77 I am really dealing with the complaints that you had or the difficulties that
27 you saw, perceived at this time, in other words in the early months of
28 February, in other words after the meeting in Dail Eireann in late February the
29 complaints that you were relaying to Frank Feeley and others at the time.
- 11:10:51 30 A. That's correct, yes.

- 11:10:52 1 Q. 78 And moving on then to May, at this stage I think Mr. Redmond in your view, has
2 obstructed the approval of the sales of the two pieces of land at 40,000 an
3 acre?
- 4 A. That's correct. That's what was told to me by Mr. McLoone and others, that
11:11:28 5 Mr. Redmond and others had interfered and accused them of cosy deals and this
6 kind of thing. In other words they were trying to blacken the names of these
7 people just to get their own way.
- 8 Q. 79 And I don't want to go through the evidence of that again, but what was decided
9 and what you participated in was a tender situation, whereby you put in a
11:12:05 10 tender in relation to the lands.
- 11 A. That's correct, they had to withdraw the negotiated deal and then put it out to
12 tender.
- 13 Q. 80 And I think the only tenderers were you and Mr. Corcoran, Green Properties.
- 14 A. That's correct.
- 11:12:20 15 Q. 81 And the tender deadline, I think was 19th of May of 1989 we have heard that
16 date and you had your tender in and Mr. Corcoran presumably had his tender in
17 by that date and your tender was the highest.
- 18 A. That's correct.
- 19 Q. 82 That tender of course as you well knew was subject to approval by the elected
11:12:40 20 representatives of both Dublin Corporation and Dublin County Council.
- 21 A. Yes, that was pointed out in the conditions of sale.
- 22 Q. 83 And after your -- you learned shortly after putting in your tender that it was
23 the highest tender.
- 24 A. Yes I was told it was the highest tender, yes.
- 11:13:03 25 Q. 84 And it was now going forward, was now going to go before the County Council or
26 something.
- 27 A. That's correct.
- 28 Q. 85 Or the council, Dublin council?
- 29 A. Yes for approval.
- 11:13:15 30 Q. 86 What was your concern at that stage in relation to the approval of the tender?

11:13:19 1 A. Well after the tender went in, within some days it was due to go, it was due to
2 be whatever committee, I don't know was it the special committee it goes
3 before, for approval, and I was told that there was, they kept getting
4 interference and trying to block it and to withdraw the tender, to withdraw the
11:13:53 5 sale to me.

6 Q. 87 And who was behind that blocking as far as you are aware?

7 A. The only people I understood to be behind it was Redmond and Lawlor, and
8 others, which would have included Green Properties and Mr. Corcoran in
9 particular.

11:14:13 10 Q. 88 But insofar as elected officials or representatives of public bodies were
11 concerned the individuals involved were Mr. Lawlor and Mr. Redmond?

12 A. That's correct.

13 Q. 89 And was it to deal with those difficulties or to remove those difficulties that
14 you contacted Mr. Ahern?

11:14:34 15 A. Yes. I was told by Mr. McLoone and others that it was likely they were going
16 to withdraw the sale completely because of the tender and he asked me if,
17 surely there should be somebody that I could trust, so I felt I could trust
18 Mr. Ahern.

19 Q. 90 And I think he said he asked you if you were ever in difficulty to contact him?

11:15:04 20 A. Yeah.

21 Q. 91 And --

22 A. And Mr. Ahern had already told me at the previous meeting that any problems or
23 difficulties I ran into to let him know, so on that basis I did.

24 Q. 92 And were the difficulties in your view related to the fact that you had refused
11:15:25 25 or, hadn't paid money to Mr. Lawlor and/or Mr. Redmond?

26 A. That was my opinion, yes.

27 Q. 93 Did you tell Mr. Ahern of the difficulties that you were having?

28 A. I did, yes.

29 Q. 94 And did you tell him and I think he said in evidence that you told him you had
11:15:51 30 difficulties in relation to the tender?

11:15:53 1 A. That's correct.

2 Q. 95 And the tender of course was Quarryvale rather than Bachelor's Walk.

3 A. Yes.

4 Q. 96 Did you tell him what those difficulties were?

11:16:02 5 A. Yes I outlined most of the problems and what was happening and the various
6 demands for money.

7 Q. 97 Well in relation to the demands for money, can you be more specific what did
8 you tell Mr. Ahern?

9 A. Well I told him about the demands that was made of me for money, including the
11:16:21 10 five million pounds.

11 Q. 98 Did you tell him about the demands made by Mr. Lawlor?

12 A. The messing up of the meeting arranged for the council engineers, roads
13 engineers and I relayed mostly what I seen as happened to date.

14 Q. 99 Did you tell him about the demands made by Mr. Lawlor in Mr. Redmond's office
11:16:53 15 for a 100,000 pounds?

16 A. Yes I did.

17 Q. 100 And did you tell him, did you tell Mr. Ahern that Mr. Lawlor said that George
18 would have to be looked after, George Redmond would have to be looked after?

19 A. That's correct.

11:17:05 20 Q. 101 Did you tell --

21 A. Sorry I don't know if I said that in full detail other than the fact that the
22 demand was made or the money from me.

23 Q. 102 By Mr. Lawlor?

24 A. Yeah.

11:17:17 25 Q. 103 Did you tell him about the cancelled meeting, the meeting that Mr. Redmond
26 cancelled?

27 A. I did, yes. I explained in general what was going on.

28 Q. 104 I think after that, I think Mr. Burke's name, Joe Burke was mentioned during
29 that conversation by Mr. Ahern as a person that might be able to help you out
11:17:56 30 and that you should contact?

- 11:17:59 1 A. Mr. Ahern told me that he would look into the matter and he told me there was a
2 councillor, I think it was a City Councillor Mr. Joe Burke. He gave me his
3 phone number, he also gave me one or two other numbers to contact him again and
4 he said he would get Mr. Joe Burke to come in and see me, which he did.
- 11:18:26 5 Q. 105 Did he tell you who Mr. Burke was other than being a city councillor, did he
6 tell you he had an involvement in relation to the approval of the tender
7 process?
8 A. No, no he didn't. Other than that he was a city councillor.
- 9 Q. 106 You then, I think, met Mr. Burke, he contacted you rather than you contacting
11:18:50 10 him.
11 A. That's correct. He came to my office in 25 Stephen's Green at the time.
- 12 Q. 107 Did he know of the difficulty, when he arrived did he know of the difficulties
13 that you were experiencing?
14 A. In general he did, yes. Because Mr. Ahern had relayed some of it to him, I
11:19:19 15 don't know how much, but he did indicate that he knew.
- 16 Q. 108 Did he tell you what he knew, I mean --
17 A. No he wasn't.
- 18 Q. 109 What his understand --
19 A. No but he knew the problems I was having.
- 11:19:34 20 Q. 110 Did you relay those problems again to him or, for the first time?
21 A. Yes, yes I did.
- 22 Q. 111 And was that the same information that you had previously given to Mr. Ahern?
23 A. The general, most of the discussion was in connection with the lands at
24 Quarryvale and the tender and while I outlined in general exactly what was
11:19:59 25 going on and the demands made of me, in particular we discussed the
26 interference in the land deal.
- 27 Q. 112 Would it be fair to summarise those problems that were counted by you to both
28 Mr. Burke and Mr. Ahern, as being Mr. Redmond and Mr. Lawlor interfering
29 because you hadn't paid them money?
11:20:21 30 A. Well that was the, as I seen it.

- 11:20:24 1 Q. 113 Would that be a fair summary?
- 2 A. I was not prepared to bribe anybody or pay them, pay bribery to anybody.
- 3 Q. 114 Would that be a fair summary of what you said, it may not be the words used.
- 4 Because you wouldn't pay money to Mr. Lawlor?
- 11:20:39 5 A. That's correct.
- 6 Q. 115 And Mr. Redmond, they were interfering with the approval of the sale?
- 7 A. That's correct.
- 8 Q. 116 Can I turn to your dealings with Mr. Flynn and I don't want to go through all
- 9 the meetings you had, but you had a meeting, I think, on the 19th of April of
- 11:20:58 10 1989 with Mr. Flynn.
- 11 A. Well I, there was a number of meetings before that.
- 12 Q. 117 You had a particular meeting, you had a number of meetings before that?
- 13 A. That's correct.
- 14 Q. 118 You had a meeting on one occasion, I think to the best of your recollection it
- 11:21:12 15 was the 19th of April at which Mr. Dadley was also present?
- 16 A. That's correct.
- 17 Q. 119 And I think you have given evidence that at that meeting you told Mr. Flynn of
- 18 the problems that you were experiencing?
- 19 A. That's correct.
- 11:21:28 20 Q. 120 And again, were those problems in relation to Quarryvale?
- 21 A. Yes. By that time I had already relayed to Mr. Feeley and Mr. Haughey what was
- 22 going on and there was an investigation going on, but at that particular
- 23 meeting I really opened up.
- 24 Q. 121 And did you tell, did you tell Mr. Flynn about the demands for payment of a
- 11:22:03 25 100,00 pounds made by Mr. Lawlor in Mr. Redmond's office?
- 26 A. That's correct. Well, he indicated he already knew about this and that it had
- 27 been passed onto the Garda and they were investigating it.
- 28 Q. 122 Did you talk about the demand for the, or request the for the five million
- 29 pounds?
- 11:22:26 30 A. I am reasonably certain I did, yes, because it was already in the, being

- 11:22:37 1 investigated.
- 2 Q. 123 Now was it after the, after you explained about these problems that Mr. Flynn
- 3 asked for a, or suggested you make a substantial donation?
- 4 A. Yes that if I made a donation to the party, if the party was in need of funds,
- 11:23:01 5 and if I made a donation to the party that it would help to smooth things.
- 6 Q. 124 What did you understand by that, that it would get Mr. Lawlor and Mr. Redmond
- 7 off your back, so to speak?
- 8 A. That's correct. I felt that it was a demand to, a demand to, if I didn't give
- 9 it to them give did to the party.
- 11:23:28 10 Q. 125 Was there any level of --
- 11 A. It didn't mean a great deal of difference to me as to whether Mr. Lawlor asked
- 12 for it or the party asked for it.
- 13 Q. 126 Was there any level of embarrassment?
- 14 A. It had the same impression upon me.
- 11:23:45 15 Q. 127 Was there any level of coyness or embarrassment on the part of Mr. Flynn in
- 16 suggesting you make this donation?
- 17 A. No, no.
- 18 Q. 128 What was your response at the time to that request?
- 19 A. Probably -- I don't know if I made much of a response, I don't think I did.
- 11:24:07 20 Q. 129 You subsequently, as we know, did make a donation of 50,000 pounds to Fianna
- 21 Fail.
- 22 A. That's correct in desperation at the end of the day, because there was nothing
- 23 done whatsoever about what was going on and the interference in what I was
- 24 doing or what I had proposed to do was more widespread as I discovered, it
- 11:24:34 25 wasn't confined to Redmond and Lawlor.
- 26 Q. 130 And what was the purpose of that donation, from your point of view, was it --
- 27 A. My purpose in giving the donation in desperation, I decided well I would give
- 28 the party to see if anything would be done about what was happening to me.
- 29 Q. 131 You didn't want any favours, you simply wanted a level playing pitch.
- 11:25:01 30 A. No I just wanted a level playing field, because I was knocked, I was quite

11:25:10 1 proud actually in persuading some powerful and wealthy people to invest in
2 Ireland at the time. And any involvement of the big money would not be my
3 money, it was only just I had the, I was in a position that I was able to
4 persuade these people to invest in Ireland, which I did with Arlington and
11:25:35 5 others and it was left to me to set up the scheme that they would feel
6 attracted to. So I thought I was doing Ireland a favour, I was quite proud of
7 it, but I was totally disillusioned.

8 Q. 132 Now can I just come back to this payment of 50,000 pounds? Are you clear in
9 your own mind that you told Mr. Flynn that that payment was a donation to the
11:26:09 10 Fianna Fail party as distinct from a donation to Mr. Flynn?

11 A. That's correct. On the day that I decided there was still interference going
12 on in the land deal and I was actually in the Dublin Corporation offices. And
13 I discussed this with friends of mine and with others, including Mr. McLoone
14 and as far as I know Paddy Morrissey and, that a demand was made of me for, to
11:26:46 15 give the party and that it might help to sort out what was going on. But they
16 left it to me as to whether I did or not, so I decided in desperation to do it,
17 so I rung the number I had for Gerry Rice and made an appointment to see
18 Mr. Flynn that evening.

19 Q. 133 But in your mind is there any doubt whatsoever, that the donation you made was
11:27:24 20 to Mr. Flynn on behalf of the Fianna Fail party?

21 A. The donation was made to the party, not to Mr. Flynn.

22 Q. 134 And did you make that clear to Mr. Flynn?

23 A. I did yes. I told him I decided to give the party a donation.

24 Q. 135 And when you met him previously, the meeting of the 19th April, when he asked
11:27:43 25 for a substantial donation, did he say that was a substantial donation or did
26 he suggest a substantial donation be made to the Fianna Fail party or a
27 substantial donation to Mr. Flynn personally?

28 A. No to the party. He indicated the party had grave financial difficulties, that
29 they were in financial difficulties and it was on more than one occasion but on
11:28:11 30 that particular occasion.

- 11:28:11 1 Q. 136 Now the donation you made, 50,000 pounds, was a very substantial donation.
2 Would you have made a donation of that size if, in the first instance you had
3 been treated fairly as far as you were concerned in relation to your dealings
4 and secondly, would you have made a donation of that size if Mr. Flynn hadn't
11:28:44 5 made a request for a substantial donation?
6 A. Well I had to consider what was meant by a substantial donation, since the
7 demands on me were roughly around a 100,000 pounds a time to individuals and
8 there was a five million pound demand in Leinster House. I tried to figure out
9 what they would regard as a substantial donation and I thought to myself well
11:29:15 10 if I give 10,000 that would be considered derisory or maybe 20, so I decided on
11 50.
12 Q. 137 Can I put it another way, if you hadn't, if there hadn't been interference as
13 you perceived in any event, interference by Mr. Lawlor and Mr. Redmond, in
14 relation to the Quarryvale plans, would you have made a donation to Fianna
11:29:42 15 Fail?
16 A. No, I would not.
17 Q. 138 If --
18 A. No, but if somebody came knocking on the door campaigning or something I might
19 have given a minor donation or a small, something like that if I was here but I
11:30:02 20 was in England and I was not a member of any party.
21 Q. 139 But not of the magnitude of 50,000 pound?
22 A. No, no way.
23 Q. 140 And if the amount as I understand it, the amount that you decided on, 50,000
24 pounds, was influenced by the fact that Mr. Flynn had suggested, not that you
11:30:29 25 make a donation but that you make a substantial donation?
26 A. That's correct.
27 Q. 141 At that stage had you made any other political donations of any significant
28 amount?
29 A. No.
11:30:45 30 Q. 142 To any party?

- 11:30:46 1 A. No to any party I've never --
- 2 Q. 143 Either in this jurisdiction or elsewhere?
- 3 A. No.
- 4 Q. 144 We have heard evidence of the fact that Mr. Flynn contacted you in 1998, he
- 11:31:06 5 phoned you on a number of occasions and you have been brought through the
- 6 telephone calls or part of the telephone calls by Mr. Gallagher?
- 7 A. You are talking about -- '98 now.
- 8 Q. 145 1998 yes?
- 9 A. Yes.
- 11:31:20 10 Q. 146 And at that stage can you put in context what the newspapers were saying or
- 11 what was out in the public in relation to your dealings with Mr. Flynn?
- 12 A. Well there was reports in the newspapers that the Tribunal was trying to
- 13 persuade me to cooperate and because of my experience in Dublin and I felt at
- 14 that time rightly or wrongly I, I felt that the Tribunals were a waste of time.
- 11:31:54 15 Q. 147 And to put that in context, the newspaper coverage around that time was that
- 16 money had been paid to Mr. Flynn, and the question was, was it paid to him
- 17 personally or was it paid on behalf of, to him on behalf of Fianna Fail?
- 18 A. Yeah well for a number of years there was a lot of lying and spin in the paper
- 19 with regard to my involvement in Dublin, mostly lies and spin and mostly
- 11:32:26 20 orchestrated or organised by Mr. Frank Dunlop.
- 21 Q. 148 But in 1998 at the time the Tribunal becomes involved and at the time these
- 22 phone calls start for Mr. Flynn?
- 23 A. Yes it appeared in the papers.
- 24 Q. 149 The papers are saying --
- 11:32:42 25 A. The Tribunal was trying to persuade me to cooperate.
- 26 Q. 150 And that was cooperate in relation to a payment, a possible payment to
- 27 Mr. Flynn and whether if that payment was made, it was to him personally or to
- 28 Fianna Fail?
- 29 A. No, well no. As I understood it, it was general investigation into planning
- 11:33:03 30 matters. I felt in that instance with regard to planning, it didn't apply to

11:33:11 1 me anyway because I had no dealings with the planners and at no time, despite
2 the fact it was being stated in the press that I had made allegations against
3 planners, which was a total lie because I had never made an allegation against
4 planners because I had no dealings with planners. I never applied for planning
11:33:32 5 permission and looking at it from probably an unenlightened point of view I
6 felt that the planning Tribunal meant that it was looking into planning
7 corruption rather than political corruption.

8 Q. 151 Now what did you understand to be the purpose of the phone calls that Mr. Flynn
9 made to you at this time, 1998, late 1998?

11:34:03 10 A. Well he made it quite clear what the purpose of the phone calls were, that he
11 would be in severe trouble at that time, he was a commissioner and he would be
12 in severe trouble if I cooperated with the Tribunal and told them the fact that
13 I gave the party a donation because first of all he wanted me to say that he
14 gave me back the money, I told him I couldn't do that. So he was quite
11:34:42 15 desperate. He phoned me on a number of occasions, the second phone call he was
16 telling me that it would cost him over a million pounds and etcetera, he was
17 looking for an extension on the commissioners and if I couldn't say he gave me
18 back the money for me to say that I, that I gave it to him for his own
19 campaign.

11:35:14 20
21 So -- and at that particular time I said well I am not involved with the
22 Tribunal, I am outside the jurisdiction I don't have to cooperate, I have had
23 enough of Dublin, I said I don't want to, I don't ever want to see it again.
24 And he said that you know, that if I did or tell the Tribunal to say it was his
11:35:42 25 own I say you tell them if you want to, because it doesn't matter to me.

26 Q. 152 Was there any suggestion during the course of that telephone conversation that
27 the 50,000 pounds that you had handed over to him in June of 1989 was actually
28 given to him personally?

29 A. No he suggested I should say that, but I didn't.

11:36:00 30 Q. 153 But did he --

- 11:36:02 1 A. It was given as a donation to Fianna Fail.
- 2 Q. 154 Did he ever suggest to you during the course of that conversation, in essence
- 3 that you were mistaken you gave him that money personally Mr. Gilmartin you
- 4 didn't give --
- 11:36:14 5 A. No, no. He was well aware that I gave it to him for Fianna Fail. He was well
- 6 aware that I gave the money to Fianna Fail, not to him, he was the Treasurer of
- 7 Fianna Fail.
- 8 Q. 155 Now, can I move on to your dealings with Mr. Sean Sherwin and Mr. Scollan, you
- 9 have given evidence of meeting first, Mr. Scollan in late 1990 and you have --
- 11:36:44 10 A. Well I did meet him but I met him before that.
- 11 Q. 156 Indeed. But in one particular meeting I he called into your office, I think,
- 12 in late 1990 and you told him you were thinking of getting out of the country.
- 13 A. Yeah.
- 14 Q. 157 And I think --
- 11:36:59 15 A. I did, I told him I had enough of it.
- 16 Q. 158 And he asked you why.
- 17 A. Yes.
- 18 Q. 159 And what did you tell him?
- 19 A. I told him exactly what was going on.
- 11:37:08 20 Q. 160 Well will you tell the Tribunal what you told him, in terms of -- did you tell
- 21 him of the difficulties you had with Mr. Lawlor?
- 22 A. By this time I was aware of widespread interference had a lot more to do,
- 23 rather than, more than Mr. Lawlor or Mr. Redmond, it was a lot wider than that.
- 24 So I was well aware of that so I told him that. I told him the place is
- 11:37:35 25 totally corrupt and I want out. So I said I would get out of it if I could.
- 26 Q. 161 Did you tell him about demands for money that were made of you?
- 27 A. I did, yes.
- 28 Q. 162 And you have given evidence then that he suggested you come down and meet
- 29 Mr. Sherwin.
- 11:37:50 30 A. Yes he said he had a friend that he felt would be able to do something about

- 11:37:57 1 this and that I should meet him. Now he didn't exactly tell me who the man
2 was, and he asked me if I would meet him and I said well I am going back to
3 England tomorrow and I said so I won't be able to meet him for the next week
4 anyway, and he said can I make a phone call, so he picked up the phone and he
11:38:19 5 phoned somebody and he asked me would I come with him to meet this gentleman,
6 and I said yeah, I said who is he? He said he is quite big in Fianna Fail and
7 if any money man would look into what is going on he would be the man. So I
8 went with him and on the way he told me it was a Mr. Sherwin who was the
9 General Organiser, I wasn't quite sure was it the Secretary of Fianna Fail or
11:38:55 10 General Organiser but --
- 11 Q. 163 A senior person within the Fianna Fail administration.
- 12 A. Yes.
- 13 Q. 164 And you met Mr. Sherwin?
- 14 A. Yes we walked from -- Stephen's Green to Mount Street.
- 11:39:11 15 Q. 165 And I think you have told the Tribunal, you have given the Tribunal that
16 evidence. I just want to ask you, when you met Mr. Sherwin, did you explain
17 the difficulties that you described that you had encountered?
- 18 A. Yes Mr. Scollan introduced me to Mr. Sherwin, we waited a while and then
19 Mr. Sherwin came and Mr. Scollan introduced me to him and there was general
11:39:44 20 greetings and then Mr. Scollan asked me to relay to Mr. Sherwin what I had said
21 to him, so I did.
- 22 Q. 166 And again did you refer to demands for money that had been made?
- 23 A. Yes I did.
- 24 Q. 167 Of you, by Mr. Lawlor?
- 11:40:00 25 A. That's correct.
- 26 Q. 168 And you have said that Mr. Sherwin suggested you make a political donation to
27 Fianna Fail.
- 28 A. No, he was talking about the demands for money and he was aware that there was
29 a Garda investigation.
- 11:40:19 30 Q. 169 Mr. Sherwin was aware?

- 11:40:22 1 A. Yeah. So he then said to me, he said if there is any money going the party
2 could do with it and he made some reference to them being three million pound
3 in debt and, that the party could do with it.
- 4 Q. 170 What did you, just if I ask you to pause there. What was your reaction to that
11:40:46 5 request against a background when you had been complaining about corruption
6 that you had been facing?
- 7 A. Well it didn't surprise me, by that time nothing surprised me. But I said to
8 him well I have given the party, already given the party a donation, a
9 substantial donation so -- he said --
- 11:41:06 10 Q. 171 You have --
- 11 A. He didn't realise, or didn't know and I said well I did. And he said, "well
12 who did you give it to" and I said "I gave it to Mr. Flynn, I gave the cheque
13 to Mr. Flynn for the party" so he said well I have no recollection of that or
14 no -- so he said if you excuse me and he went in to a back office somewhere and
11:41:35 15 he came out after about ten minutes or so and he said that the party got no
16 such donation and I said but I did give the party a donation of 50,000 pounds.
- 17 Q. 172 Can I just come back to the to the statement that Mr. Sherwin made to you, that
18 if there was any money going it would be appreciated by Fianna Fail?
- 19 A. That's correct. He said if there is any money going the party could do with
11:42:03 20 it.
- 21 Q. 173 What did --
- 22 A. And he went on to say about it being three million -- I think the figure he
23 mentioned was three million or near three million in debt.
- 24 Q. 174 Did you get an impression that if that payment was made, that life would be
11:42:20 25 easier for you in relation to Quarryvale?
- 26 A. I didn't believe that at that time, if he went down on his knees and said
27 something would be done about it it wouldn't have made any difference.
- 28 Q. 175 Was there any significance in your view, as to the timing of that suggestion
29 that if there was any money or statement if there was any money going that it
11:42:51 30 would be appreciated by the Fianna Fail party?

- 11:42:53 1 A. Well what do you mean by timing.
- 2 Q. 176 You had outlined to Mr. Sherwin and to Mr. Scollan the difficulties you had
3 encountered and the corruption encountered.
- 4 A. That's correct.
- 11:43:07 5 Q. 177 To use your own words. Mr. Sherwin, is it after you make those complaints that
6 Mr. Sherwin then says if there is any money going it would be appreciated by
7 Fianna Fail?
- 8 A. That's correct.
- 9 Q. 178 Did you link the two, in other words --
- 11:43:24 10 A. The same, as I said coming out the door to Mr. Scollan, deja vu.
- 11 Q. 179 What did you mean by that?
- 12 A. What I meant by that is, just exactly as I expected, it was the same again.
- 13 Q. 180 Well I know what deja vu means but what was deja vu?
- 14 A. It was a cryptic remark about the, you know a cryptic remark about, to get
11:44:02 15 anywhere, complain to anybody you still had to pay money to, you still came
16 back to the same thing, you had to pay up to get justice.
- 17 Q. 181 If you pay money your problems will disappear or be made disappear.
- 18 A. Yeah but I didn't believe that at that time.
- 19 Q. 182 Now --
- 11:44:22 20 A. Mr. Sherwin also said that his sister-in-law was running for a councillor or --
21
- 22 MR. GALLAGHER: Sorry I think --
- 23 Q. 183 We can leave that point, I think. In fact I don't need to ask you any more,
24 you have given evidence in relation to the detail of your dealings with
11:44:40 25 Mr. Sherwin. I just wanted to ask you a few questions in relation to that and
26 your dealings with Mr. Scollan.
27
- 28 Can I move to another issue? You have at the time in the late 1980s and in
29 1990s you were living in England, in Luton.
- 11:44:58 30 A. That's correct.

- 11:44:59 1 Q. 184 You are now living in Ireland.
- 2 A. That's correct.
- 3 Q. 185 When did you move back to this country?
- 4 A. About '91.
- 11:45:09 5 Q. 186 2001?
- 6 A. 2001, I beg your pardon.
- 7 Q. 187 And can I ask you why you moved back?
- 8 A. Well mostly because well number one my wife has MS and she is totally disabled
- 9 with multiple sclerosis and her family are, were all back in Ireland mostly.
- 11:45:35 10 Q. 188 So to be close to her family and your own family?
- 11 A. And because of her disability and the level of care for that type of thing in
- 12 England was not that good, so we moved back to Ireland to be nearer the family
- 13 for a start.
- 14 Q. 189 In 1998 when you were first contacted by the Tribunal you were living in the
- 11:46:04 15 UK?
- 16 A. That's correct.
- 17 Q. 190 And at that time in, I think, it was late 1998, would it be fair to say as far
- 18 as you were concerned that your dealings in this country in relation to
- 19 Quarryvale, in relation to Bachelor's Walk were a matter of the past, they were
- 11:46:27 20 dead and buried at that stage?
- 21 A. That's correct yeah.
- 22 Q. 191 And as I understand it, the first contacts made with you were made by the press
- 23 rather than by the Tribunal, is that right, or is that correct?
- 24 A. Well the press had been contacting me, there was various spins and lies being
- 11:46:49 25 printed in the press and usually, but I had no comment, I would not get
- 26 involved in the press or give any statement whatsoever to them about anything.
- 27 Q. 192 And I think your attitude towards the Tribunal initially was somewhat similar
- 28 you did not want to get involved?
- 29 A. No, I didn't.
- 11:47:12 30 Q. 193 It was a matter in the past and let sleeping dogs lie?

11:47:16 1 A. I read about various Tribunals that didn't seem to go anywhere or do anything
2 about what was going on and I didn't have any faith whatsoever, but no
3 disrespect to anybody.

4 Q. 194 As far as you were concerned it was effectively dead and buried, a bad
11:47:37 5 experience but fortunately behind you at this stage?

6 A. Yeah a general comments from various people here were that Tribunals were a
7 waste of time they only go to sand. They were forgotten completely and
8 absolutely nothing is done about what's going on.

9 Q. 195 Now obviously here you are giving evidence to the Tribunal, what changed your
11:48:01 10 mind? How were you persuaded to come and cooperate with the Tribunal?

11 A. Well the Tribunal tried to persuade me at length when they came and tried to
12 convince me that they were involved in a real investigation but I was also
13 aware they were investigating me as well as others. I didn't loose sight of
14 that fact. But the one thing that triggered me into really getting involved
11:48:38 15 with the Tribunal was -- although I did give the Tribunal access to my bank
16 accounts and all that, without cooperating with them, because just to prove I
17 had nothing to hide. I let them have that and I let them have some other bits
18 and pieces of information that they could follow up, if it was helpful to them.
19 But I actually didn't cooperate until Mr. Flynn made the appearance on The Late
11:49:07 20 Late Show.

21 Q. 196 And that --

22 A. That evening triggered my decision to cooperate.

23 Q. 197 And what did he say during that Late Late Show that changed your mind that you
24 were going to cooperate?

11:49:25 25 A. Well he didn't really say a lot but he was asked about the 50,000 pounds the
26 intimation was that I gave it to him and he denied getting it, getting the
27 50,000 and then he was asked about me and he didn't know me and he said yes and
28 he made a reference to me not being well, about my wife not being well. I felt
29 that was a bit of an insult, mentioning my wife in particular and if he had
11:50:04 30 anything to say about me he could say it, but then he intimated on the

11:50:10 1 television that I wasn't well, meaning mentally rather than physically, as I
2 seen it. So I decided then that I would do something about it.

3 Q. 198 Now it's been suggested in essence that you are following an agenda by giving
4 evidence here that you have some vendetta or the like against various people?

11:50:40 5 A. If I had a vendetta I would have been talking to the press from 1987, for the
6 last 10, 20 years but I did not, I never opened my mouth, I left here and I
7 made complaints to people I felt were in authority to do something about it,
8 but instead of doing that they closed ranks and turned their back on me, so
9 therefore I had no faith in anyone doing anything about it.

11:51:15 10 Q. 199 And I think in the course of your evidence, and you have been lead through your
11 evidence by Mr. Gallagher, that in fact you said you had a certain level of,
12 you felt some sorrow or you felt sorry for Mr. Flynn and likewise you felt
13 sorry for Mr --

14 A. Yes I felt sorry because, by then I was well aware that Mr. Flynn wasn't the
11:51:42 15 only one that was pocketing money belonging to the party and other parties, I
16 was well aware of that but I am not going to go into that here, it's nothing to
17 do with this. So he was just one of many, so consequently I had no real reason
18 to have any grudgery or that against Mr. Flynn, and I would also, it was never
19 in my nature to ever damage anybody if I could help it.

11:52:17 20 Q. 200 And you have no hidden agenda here, you haven't an agenda to do down people?

21 A. No.

22 Q. 201 Thank you Mr. Gilmartin.

23

24 CHAIRMAN: Right we'll give Mr. Gilmartin a few minutes break.

11:52:31 25

26 **THE TRIBUNAL THEN ADJOURNED FOR A SHORT BREAK**

27 **AND RESUMED AGAIN AS FOLLOWS:**

28

29

11:52:45 30

MR. GILMARTIN WAS EXAMINED AS FOLLOWS BY MR. GALLAGHER:

- 11:52:45 1
- 2
- 3 MR. GALLAGHER: Good afternoon Mr. Gilmartin.
- 4 A. Good afternoon.
- 12:10:25 5 Q. 202 I want to ask you a few questions arising from the evidence that you have given
- 6 both direct and in cross-examination. And perhaps, before I ask some questions
- 7 as it were, that I had intended to ask myself, I should say that Mr. Madden has
- 8 asked me to deal with evidence that has been given by Mr. Gilmartin both today
- 9 and on a previous occasion in relation to Mr. Flynn and to put it to, put as it
- 12:10:56 10 were what Mr. Flynn is going to say on the record, so that there can't be any
- 11 confusion. Mr. Madden is somewhat concerned that if he or I did not put
- 12 Mr. Flynn's version of events on the record, that there might be a
- 13 misunderstanding or a misconception as to what Mr. Flynn's position is.
- 14
- 12:11:22 15 Mr. Gilmartin, I must put it to you that Mr. Flynn will say that the, that he
- 16 did not in any, in the course of any conversation ask you to say that he had
- 17 repaid the 50,000 pounds.
- 18 A. Yes, he did.
- 19 Q. 203 He will also say that you did not discuss in the course of any conversation the
- 12:11:51 20 fact that he might loose his position as Commissioner in Europe or
- 21 alternatively second term as Commissioner in Europe?
- 22 A. Yes, he did.
- 23 Q. 204 He will also say that there was no discussion in which it was suggested by him
- 24 that the disclosure or the discussion about 50,000 pounds would result in a
- 12:12:25 25 cost of one million pounds to him.
- 26 A. Yes, he did.
- 27 Q. 205 And he will further say in evidence that nowhere and at no time in the course
- 28 of his discussions with you did he ask you not to cooperate with the Tribunal.
- 29 A. He did not ask me not to cooperate with the Tribunal other than to tell a
- 12:12:50 30 different story.

- 12:12:50 1 Q. 206 Well I think, we can take it that Mr. Flynn will say that he did not ask you to
2 tell a different story.
- 3 A. Yes, he did. He had made several phone calls, so what was the purposes of
4 those phone calls?
- 12:13:15 5 Q. 207 I want to deal with some of the evidence that you gave today very briefly about
6 touching on Mr. Scollan, you had already given evidence in relation to
7 Mr. Scollan on a previous occasion to me, and you had given evidence about your
8 meeting with him, do you remember that?
- 9 A. Yes.
- 12:13:47 10 Q. 208 You have, you said in your evidence on day 460, that Colm Scollan called to
11 your office, and he was an acquaintance of yours, and that he telephoned you in
12 England. You said you were acquainted with him and you had one meeting which
13 took place in Mary Street, was that correct?
- 14 A. That's correct.
- 12:14:11 15 Q. 209 Now Mr. Scollan in his statement to the Tribunal, he will be giving evidence in
16 the next day or two, says that while he was at home he received an unsolicited
17 telephone call from you, he had never met or spoken to you before he received
18 that call.
- 19 A. That's not true, that's not correct.
- 12:14:35 20 Q. 210 Well can you say in what circumstances and when you met him before he called to
21 your office in St. Stephen's Green?
- 22 A. I never knew or heard of Mr. Scollan so why would I, you know, pick a name
23 Mr. Scollan out of thin area and ring him? Mr. Scollan phoned me in Luton and
24 wanted to meet me, he phoned my house. He got my phone number from the
12:15:04 25 brochure, he said. He would like to meet me, that he had something to show me,
26 this was in June or July, it was July, sometime in July I am reasonably sure
27 in, of 1990 and so I told him I was coming to Dublin shortly and I would give
28 him the courtesy of meeting him. So I did come to Dublin he had given me a
29 phone number, but I think he contacted me at my office before I phoned, before
12:15:47 30 I got around to phoning him and he arranged for me to meet him in Mary Street,

12:15:55 1 that he had something to show me. So it was at the corner I think of Wolf Tone
2 Street, I don't know if that's the correct street now, but it's opposite the
3 Jervis Street hospital. And I met him there with two other gentlemen, one was
4 a Mr. McFaye who said he was an architect and the other gentleman was
12:16:20 5 Mr. McConnell who said he was an electrical contractor or something and he had
6 something to do with electrics. So he introduced me to both of those gentlemen
7 and they showed me a number of properties on Wolf Tone Street, if it is Wolf
8 Tone Street, I am not a 100 per cent sure, there is a street that's opposite
9 the Jervis Street hospital, off Mary Street.

12:16:47 10
11 And so then they indicated to me that they had interest in that area and wanted
12 to see if I could set up funding for it. And during the course of the
13 conversation he, I discovered that they didn't own the property, that it would
14 be a site assembly job and the like, in light of our experience on Bachelors
12:17:14 15 Walk, I said there was no way I was getting involved or would encourage
16 anybody, if they owned the whole site then and come up with a scheme -- so.

17 Q. 211 When did that happen, approximately?

18 A. That happened around July, sometime in July. It was, I think it was after my
19 presentation in the Berkley Court.

12:17:35 20 Q. 212 And you say that you met Mr. Scollan in October or thereabouts of 1990 and that
21 that was a second meeting?

22 A. No he came to my office.

23 Q. 213 Yes?

24 A. He walked in one evening to my office and that was in sometime in October.

12:17:55 25 Q. 214 Of 1990?

26 A. Yeah.

27 Q. 215 You said that you told him about the that you told him that you didn't see any
28 point in going on with what you had planned to do. On day 460 you said that he
29 was chatting to you about fantastic deals that you had in mind, that was the
12:18:30 30 Quarryvale and the Arlington deal as I understand it, and that he said it would

- 12:18:34 1 be an absolute disgrace if you pulled out of the deals that you were involved
2 in at that stage.
- 3 A. That's correct. I explained, I did explain to him that I had set these deals
4 up to bring investment into Ireland and I persuaded people who trusted me to
12:18:55 5 invest in Ireland.
- 6 Q. 216 Did you --
- 7 A. And I set about setting up those deals and from what happened or what was going
8 on, I decided at the time I was thoroughly fed up and I told him so, that I
9 was, if I could I would pull out now.
- 12:19:16 10 Q. 217 What I want to know Mr. Gilmartin is this, did you give details to Mr. Scollan
11 of the demands for money that you say were made from you?
- 12 A. Yes, I outlined the, as I perceived it was going on.
- 13 Q. 218 What, can you name, can you tell the Tribunal what names, if any, you gave to
14 Mr. Scollan and what demands you told him about?
- 12:19:45 15 A. Well I told him about the demands by Lawlor, Redmond and the various games that
16 was going on, Hanrahan and about the demand for money in the Dail.
- 17 Q. 219 And do you say that you told him about all of those and that you named --
- 18 A. By that time there was quite a lot more that I knew was going on.
- 19 Q. 220 Well are you saying to the Tribunal that you told him the names of those
12:20:09 20 individuals at that meeting in your office in St. Stephen's Green?
- 21 A. Yes, I outlined my reason for wanting to get out.
- 22 Q. 221 And are you telling the Tribunal that following the disclosure of that
23 information or the making of those claims or allegations, that Mr. Scollan
24 arranged to introduce you to Mr. Sherwin?
- 12:20:34 25 A. That's correct. He begged me not to dream of pulling out, that there were two
26 best schemes that Ireland had seen.
- 27 Q. 222 Now --
- 28 A. And not to dream of pulling out and there was somebody that could do something
29 about it.
- 12:20:48 30 Q. 223 Now do you say that you later that day went to Mount Street, accompanied by

- 12:20:57 1 Mr. Scollan and there met Mr. Sherwin?
- 2 A. Yeah, that evening, yes.
- 3 Q. 224 And is it your evidence that in the course of the meeting with Mr. Sherwin,
4 when you told him that about the individuals who you have referred to, that
12:21:14 5 Mr. Scollan was present?
- 6 A. Mr. Scollan was present.
- 7 Q. 225 And did you repeat to Mr. Sherwin what, essentially you had said to Mr. Scollan
8 and named the individuals that you have referred to?
- 9 A. That's correct Mr. Scollan asked me to repeat what I had said to him.
- 12:21:33 10 Q. 226 And you say you did that?
- 11 A. I did that, yes.
- 12 Q. 227 Tell me, did you ever ask for a receipt or for an invoice or for an
13 acknowledgement from Mr. Sherwin or did you ask him to arrange for the
14 provision of a receipt or invoice?
- 12:21:55 15 A. No I did not.
- 16 Q. 228 By Fianna Fail?
- 17 A. No.
- 18 Q. 229 Was there any discussion at any time, in connection with an invoice or with a
19 receipt?
- 12:22:03 20 A. No.
- 21 Q. 230 Or acknowledgement?
- 22 A. No.
- 23 Q. 231 There are a few questions I wanted to ask you in matters I want to clarify
24 arising from your evidence, so if you bear with me I will go through my notes
12:22:23 25 and -- may I have page 2539 please? In the course of cross-examination by
26 Mr. Maguire you said that your solicitor, Mr. Seamus Maguire, had written to
27 the Corporation concerning the pegging out and marking of the boundaries of the
28 Corporation lands?
- 29 A. That's correct.
- 12:22:52 30 Q. 232 The document you see on screen is dated the 6th October 1989, 2539. First of

- 12:23:03 1 all was that letter written on your instructions in connection with pegging out
2 and marking of the boundaries of the lands?
- 3 A. That's correct.
- 4 Q. 233 Can you recall any other letters that were written or recall telephone calls or
12:23:36 5 discussions that were had concerning these --
- 6 A. I had numerous telephone calls with Dublin Corporation because we could not
7 come up with the right acreage, however we tried.
- 8 Q. 234 I think the sale was closed with Dublin Corporation on the 19th of February
9 1990.
- 12:23:52 10 A. That's correct.
- 11 Q. 235 And you were asked about proceedings that were taken by Dublin Corporation, I
12 think that they were proceedings that were commenced on the 19th of April 1993.
13 I don't want to get into them in any detail, it's just for completeness, is
14 that correct?
- 12:24:07 15 A. Yes. They took proceedings for, 400,000 pounds or something, which they deemed
16 was interest due, due to the delay of completion.
- 17 Q. 236 Were these proceedings ever brought to a conclusion?
- 18 A. No.
- 19 Q. 237 Did you ever pay any of the interest?
- 12:24:33 20 A. No. Or no intention of it, it was not our fault.
- 21 Q. 238 Can the Tribunal take it that there was no court hearing whatever in relation
22 to the interest since 1990?
- 23 A. Not that I am aware of, no.
- 24 Q. 239 I should say Chairman, that just for the record, that Mr. Gilmartin's original
12:25:02 25 diaries were made available to counsel appearing for the various parties who
26 wanted to see them to inspect the documents, they have already been furnished
27 with copy of the document, they have had sight of the originals.
28
- 29 In the course of, in answer to Mr. Maguire, Mr. Connor Maguire, you said that
12:25:26 30 Mr. O'Callaghan had applied for planning permission in respect of the Neilstown

- 12:25:30 1 lands in October of '89.
- 2 A. That's correct.
- 3 Q. 240 I suggest to you that the application for planning permission was made in
- 4 December of '89. May I have 2629 please? You see this is a copy of the
- 12:25:56 5 register maintained by Dublin Corporation on planning applications and it shows
- 6 that this application 89A, 2346, was submitted on the 22nd of the 12th '89 by
- 7 Ambrose Kelly partnership on behalf of Merrygrove Limited?
- 8 A. Yes.
- 9 Q. 241 Do you accept that you are mistaken when you said October?
- 12:26:18 10 A. Yes, well I wasn't 100 per cent sure. But I was aware that he had already gone
- 11 into Dublin Corporation and Dublin County Council and announced he was going
- 12 ahead with it, in July.
- 13 Q. 242 You have said to the Tribunal that you were told on a number of occasions by
- 14 Mr. O'Callaghan not to open your mouth and that you were shooting yourself in
- 12:26:58 15 the foot and you said he told you that on at least four occasions?
- 16 A. That's correct.
- 17 Q. 243 You said that on day 464?
- 18 A. That's correct.
- 19 Q. 244 Do you stand over that evidence?
- 12:27:08 20 A. I do.
- 21 Q. 245 I should say Sir, that in the course of cross-examination on day 477 I believe,
- 22 sorry 457 I beg your pardon, page 16 there is a reference to a memorandum from
- 23 Hickey Beauchamp, dated 15th of July 1988 and in the course of the transcript
- 24 the word "possible" appears in fact it should be "impossible" and just mention
- 12:28:15 25 that for the sake of correcting the transcript on that point.
- 26
- 27 Mr. Gilmartin, was Richard Foreman with you on any occasion where you met
- 28 George Redmond in or about the summer of July or thereabouts of 1989 after you
- 29 had --
- 12:28:47 30 A. Well there is at least two if not three occasions.

- 12:28:50 1 Q. 246 Sorry 1774 please?
- 2 A. There is at least two if not three occasions.
- 3 Q. 247 Sorry -- '89, I met '88. You wrote to Mr. Redmond about motorway facilities we
- 4 have had that letter on screen, it is on screen now and he replied to you 1795.
- 12:29:16 5 Was Mr. Foreman with you on any of those occasions?
- 6 A. Well I can't remember the exact dates offhand but he was with us on at least
- 7 two of those occasions, if not three.
- 8 Q. 248 Did he meet Mr. Redmond on any of those occasions?
- 9 A. He did, yes.
- 12:29:37 10 Q. 249 Can you recall what was discussed in general terms on any of those occasions?
- 11 A. Well Mr. Foreman's involvement with Mr. Redmond would be in connection with the
- 12 plan for the site and the roads. We had done a traffic impact study and
- 13 various other investigations into the access and egress from the site and we
- 14 had a thorough investigation and we discussed this with the County Council,
- 12:30:15 15 mostly with the roads engineers but the gentleman we always had to meet was
- 16 Mr. Redmond, the point of contact was Mr. Redmond as being the Assistant County
- 17 Manager.
- 18 Q. 250 In the course of your evidence you talked about funding of a scheme such as the
- 19 Quarryvale scheme, Westpark scheme. Had you had previous experience of funding
- 12:30:45 20 by institutions, pension funds etcetera of schemes?
- 21 A. I did, yes.
- 22 Q. 251 Could you just identify those and identify the, some of them and identify the
- 23 pension schemes or institutions involved?
- 24 A. Well an office block in Milton Keynes we, at that time in Milton Keynes you had
- 12:31:10 25 to have, it had to be an owner or occupier because there was no speculative
- 26 building allowed, and I had been approached from a company that wanted to rent
- 27 space there, it was an American company and I set up the scheme for a 30,000
- 28 foot office, I negotiated with Milton Keynes for the site and that time Milton
- 29 Keynes issued the site on a peppercorn rent for 99 years and once the
- 12:31:42 30 construction got off the ground you had the option of purchasing it, so it was

12:31:47 1 on that basis I set up the scheme and we then negotiated a lease agreement with
2 a company and then we sold the investment on to the institution who took over
3 the complete building. We didn't --

4 Q. 252 Is it normal practice or was it at the time that you were dealing with this,
12:32:12 5 for pension companies to fund the construction of commercial premises, shopping
6 centres retail parks or whatever, once they were satisfied that they would be
7 viable or an attractive investment opportunity?

8 A. That's correct, they took over the complete scheme.

9 Q. 253 Was that a normal commercial practice at that time?

12:32:33 10 A. That was mostly normal practice in England, yes.

11 Q. 254 And had you hoped to replicate that --

12 A. That's exactly, that's exactly what I set about doing in the, in this case,
13 both in Bachelor's Walk and in Quarryvale.

14 Q. 255 It was put to you in the course of cross-examination that, it was mentioned
12:33:00 15 perhaps by you, that there was a reference to a sweet-heart deal in relation to
16 the Corporation lands that the sale, proposed sale to you for 40,000 pounds was
17 in effect a sweet heart deal, i.e. that the lands were being sold at an under
18 valuation?

19 A. That's total --

12:33:21 20 Q. 256 Were you --

21 A. That's totally incorrect.

22 Q. 257 Were you aware of what price the County Council had paid for the lands which
23 they had compulsorily acquired some two years earlier?

24 A. No I had no knowledge of that at all.

12:33:36 25 Q. 258 Did you at any stage learn that they had purchased the lands for approximately
26 28,500 pounds?

27 A. No but I was told that they were selling it for around that.

28 Q. 259 Well may I have 1971 please? This is a letter from Mr. Alan Carthy, Senior
29 Administrative Officer to Mr. McLoone authorising him, enclosing a copy of
12:34:08 30 Mr. Redmond's order, authorising him to enter into negotiations and he, in that

- 12:34:17 1 letter sets out the cost to the County Council of acquiring the two plots of
2 land, that land which amounting to 12.041 acres and as you will see one plot
3 was acquired in November of 1986 at approximately cost of 165,000 and the
4 second plot was acquired in December 1986 at an approx cost of 175,000 and my
12:34:50 5 mathematics are correct that works out at 28 and a half thousand pounds per
6 acre. Did Mr. McLoone or anybody ever tell you that that was the cost of
7 acquisition?
- 8 A. No I am not --
- 9 Q. 260 If that information is accurate it means that if you are selling, if you were
12:35:05 10 offering 40,000 pounds per acre to Mr. McLoone that the Corporation were making
11 something in the order of 11 and a half thousand pounds profit per acre on the
12 lands at that time, 25 per cent approximately profit approximately?
- 13 A. I wasn't aware what they bought the lands for at all, I was only aware that
14 they were selling land in or around, in the 20s rather than the 40,000s an acre
12:35:34 15 and this was industrial land and had been, actually there was no market at the
16 time for it, until I approached them. And the only reason that they insisted
17 on 40 grand an acre was that's what I had negotiated with Mr. Bruton and
18 Mr. Sharp.
19 I don't even believe at the time they expected to get 40 grand an acre but they
12:36:13 20 wanted the same as I paid, they discovered what I paid to Bruton and they were
21 quite happy at the time with that kind of figure.
- 22 Q. 261 Am I correct in thinking that at the time that you signed the contract in
23 relation to the Neilstown lands, that you paid 800,000 pounds and you were to
24 pay 1.35 million by the following October according to the contract that we
12:36:59 25 have seen?
- 26 A. Yeah but that was not the agreement, it was on the anniversary.
- 27 Q. 262 And I think you in fact --
- 28 A. I paid it in accordance with the agreement.
- 29 Q. 263 You would have in fact paid 1.35 million pounds on the 21st of February of
12:37:19 30 1990?

- 12:37:20 1 A. Well I handed the money over on the 19th of February.
- 2 Q. 264 It was debited to your account on the 21st, that's 3646 and that money was
- 3 largely or in total, or in it's entirety the proceeds of the settlement that
- 4 you had reached on the 19th of February 1990 page 2695 please, with Arlington?
- 12:37:47 5 A. Yes.
- 6 Q. 265 Where they paid you off and you would in effect handed over the proceeds of
- 7 that settlement, as the second tranche of the payment to Mr. O'Callaghan and
- 8 his company?
- 9 A. That's correct.
- 12:38:05 10 Q. 266 Mr. Gilmartin, I must put it to you that it is incorrect and you were incorrect
- 11 when you said that you had paid 800,00 pounds plus 1.35 million to
- 12 Mr. O'Callaghan before he applied for planning permission. You gave the
- 13 impression as I understood it that at the time planning permission was sought
- 14 by Mr. O'Callaghan on the Neilstown lands, that you had at that stage paid him
- 12:38:43 15 a total of something like 2.15 million or 2.2 million, I think you may have
- 16 mentioned?
- 17 A. That's obviously correct on the dates, I paid him in February.
- 18 Q. 267 Yes --
- 19 A. Of 1990, the application for the planning was December --
- 12:39:04 20 Q. 268 23rd of December, the previous 23rd of December?
- 21 A. That's correct.
- 22 Q. 269 So, but insofar as your evidence indicated to the Tribunal that at the time of
- 23 the planning application submission by Mr. O'Callaghan, that at that time you
- 24 had paid 2.15 million pounds I suggest to you that --
- 12:39:25 25 A. I had already paid it, yes.
- 26 Q. 270 You paid 800,000 pounds only, you had not paid the balance of 1.35 million
- 27 which was paid in February of 1990?
- 28 A. I paid the first 800,000 in '89, January '89.
- 29 Q. 271 Yes and you paid --
- 12:39:48 30 A. And February 1990.

- 12:39:50 1 Q. 272 Yes you paid the 1.35 million?
- 2 A. Yeah.
- 3 Q. 273 That brought it up to a total of 2.15 million?
- 4 A. That's correct but the planning application was made when?
- 12:40:03 5 Q. 274 The 23rd of December of 1989?
- 6 A. '89.
- 7 Q. 275 Yes?
- 8 A. Oh that's correct yes.
- 9 Q. 276 Do you accept that?
- 12:40:11 10 A. I accept that, yes. There was some confusion with the third payment which was
- 11 another 1.35 million which was not due for another year.
- 12 Q. 277 The meeting that you have referred to as "the aborted meeting" in Mr. Redmond's
- 13 office the meeting that was fixed for the O'Connell Street offices where you
- 14 gather with your advisers in the Gresham Hotel. Would you characterise that as
- 12:40:47 15 a meeting that was intended to deal with the roads issues?
- 16 A. It was mostly to deal with the roads issues.
- 17 Q. 278 Was it to deal with any planning issues?
- 18 A. No.
- 19 Q. 279 Were, the roads issue would not tie in with the planning issue?
- 12:41:03 20 A. It was a technical meeting rather than anything to do with the final layout.
- 21 Q. 280 I accept that. It had nothing to do with the design or the layout of the --
- 22 A. It was more civil engineering.
- 23 Q. 281 But it was to do with the possibility of gaining access from the M50 and indeed
- 24 the Galway Road the N4?
- 12:41:30 25 A. Oh, yes indeed.
- 26 Q. 282 To the site?
- 27 A. That was correct.
- 28 Q. 283 And the traffic volumes would be important in that context, among other things?
- 29 A. Yeah we came up with our own concept of how we would like the access and --
- 12:41:44 30 Q. 284 I appreciate that.

- 12:41:45 1 A. And exits.
- 2 Q. 285 But your proposals related to the intended development of Quarryvale site?
- 3 A. That's correct, the final footprint.
- 4 Q. 286 And you had to obviously give some idea to the Corporation and to the Council
- 12:42:02 5 of the volumes of traffic that you anticipated that would be entering and
- 6 leaving this site at various times?
- 7 A. Yes that's why we done the traffic impact study and we also had to engineering
- 8 wise, discuss with the roads engineers what was acceptable and not acceptable
- 9 in terms of traffic and access.
- 12:42:27 10 Q. 287 So as perhaps a secondary issue, what was being dealt within, or proposed to be
- 11 dealt with in the course of that meeting were planning matters in that sense,
- 12 i.e. what size of development would be permitted, what volume of traffic would
- 13 be generated by it, what -- how many accesses and egresses would be required,
- 14 all of that sort of thing?
- 12:42:52 15 A. Well in that context, to prepare for the proper application for planning we had
- 16 to have all the technical details sorted out.
- 17 Q. 288 Did you employ planning consultants to advise you and to advise Arlington in
- 18 relation to the respective schemes?
- 19 A. Well Arlington employed their own.
- 12:43:15 20 Q. 289 All right Arlington -- well perhaps I will rephrase the question, were planning
- 21 consultants employed to advise you and Arlington in respect of the respective
- 22 schemes?
- 23 A. That's correct yes.
- 24 Q. 290 Did those planners have meetings with the planners employed by Dublin
- 12:43:30 25 Corporation and Dublin County Council at various times, meetings --
- 26 A. Yes Arlington certainly had, but Quarryvale we didn't have actual meetings with
- 27 planners.
- 28 Q. 291 We know that for example on the date very shortly, in February of 1989 that
- 29 there was a meeting in the Planning Department with Mr. Willie Murray, Mr. John
- 12:44:03 30 Higgins and others of Ove Arup, I think, had a planning meeting in connection

- 12:44:10 1 with the --
- 2 A. Well that again was in connection with the technical detail, I was not present
- 3 at that particular meeting.
- 4 Q. 292 No you weren't I am not suggesting you were, I just want to establish if in
- 12:44:19 5 fact you know that such meetings took place?
- 6 A. Oh, yes I was aware that the meetings took place.
- 7 Q. 293 And this was a meeting between planners and consultant planners employed by you
- 8 and planners employed by Dublin County Council?
- 9 A. That's correct.
- 12:44:31 10 Q. 294 The meeting, may I have page 3514 please?
- 11 A. I differentiate between the technical team --
- 12 Q. 295 I understand that.
- 13 A. Such as civil engineers and structural engineers and actual planning
- 14 consultants, Kieran O'Malley was our planning consultant.
- 12:44:53 15 Q. 296 Yes but Taggarts were also there Mr. McCannon, if you look on screen you will
- 16 see that Mr. Murray the Deputy Planning Officer with responsibility largely for
- 17 Dublin County Council at that time his assistant, Mr. Lloyd, Mr. McNeill,
- 18 Mr. McCammon, Mr. Noyce and Mr. Higgins attended?
- 19 A. That's correct.
- 12:45:17 20 Q. 297 And they explored the requirements of EIS regulations and the Ministerial
- 21 Directive was referred to and a number of other matters. The development of
- 22 the Fonthill Road etcetera, and the form the application should take, we see at
- 23 paragraph number 11 on page 3515?
- 24 A. Yeah that was in connection with the preparation of technical detail in the
- 12:45:48 25 preparation to make a planning application, when that time arose.
- 26 Q. 298 Mr. Gilmartin, with the benefit of hindsight do you think that you were unduly
- 27 optimistic in relation to the time scale within which you could achieve the
- 28 development at Quarryvale?
- 29 A. Well that may have been in simple terms, it may have been the case in hindsight
- 12:47:09 30 as you said, but on the enthusiasm that we met from the government and all

12:47:17 1 that, we had good reason to believe that in this instance they wanted the
2 investment brought into Ireland at the time, and the indications were that
3 everything would be possibly done to make sure that those developments were
4 brought in and this investment was brought in.

12:47:41 5 Q. 299 Do you believe that if you had not met the obstacles that you have described,
6 that perhaps other matters that have yet to be dealt within future, that you
7 would have been able to achieve the development of the Quarryvale site?
8 A. Without any question of doubt.

9 Q. 300 And do you believe that you would have achieved it within a time scale that was
10 a realistic and that could be over a period, that the development could be
11 financed without posing a possible restrictions on you and on those associated
12 with you in relation to such development?
13 A. No question. If the site had already been zoned and it was a proper site, say
14 for instance if the Quarryvale site had been the zoned site --

12:48:52 15 Q. 301 But it wasn't Mr. Gilmartin, it wasn't zoned?
16 A. I am just, you are asking me to reflect on hindsight.

17 Q. 302 Yes.
18 A. And I am reflecting on hindsight. If the site that was zoned to put it another
19 way, was the proper site, should I say was a commercially viable site I could
12:49:16 20 have funded it within weeks.

21 Q. 303 Mr. Gilmartin, I have almost certainly have other questions?
22 A. I am talking about commitment, all I had to do was from the enthusiasm and
23 interest from the retailers. And in any of those funding agreements you had,
24 the requirement for bringing the funding in, was letting of about 50 per cent.
12:49:50 25 If you have the proper anchor and you didn't have to even have tenants for all
26 the site, but a 50 per cent letting and we would have had the funding available
27 to us.

28 Q. 304 Mr. Gilmartin, as you are probably aware the Tribunal's inquiries in private
29 are ongoing and I will almost certainly have further questions for you at a
12:50:16 30 later date, arising from those inquiries and indeed arising from the discovery

12:50:24 1 that has been made and perhaps further discovery that will be made. So for the
2 moment, I have no further questions.
3
4 CHAIRMAN: Mr. Gilmartin I just want to ask you one thing, the 50,000 pounds
12:50:37 5 that gave to Mr. Flynn you say was intended for Fianna Fail, Mr. Flynn says it
6 was always understood that he was to get the money himself personally. When
7 you met him subsequently you met him I think on a couple of occasions within
8 months of giving him the 50,000 pounds, would that be right?
9 A. Yes.
12:51:00 10
11 CHAIRMAN: And on those occasions, on either of or on any of those occasions
12 did he mention the donation in any shape or form or thank you for it or
13 acknowledge it or suggest that it was more than he expected or anything of that
14 nature?
12:51:16 15 A. No.
16 Q. 305 And I think you said in evidence that, if you didn't then perhaps you might do
17 so now, did you ever receive any acknowledgement?
18 A. No.
19
12:51:30 20 CHAIRMAN: From anyone?
21 A. No.
22
23 CHAIRMAN: Or a thank you note or anything of that nature?
24 A. No. I didn't seek any acknowledgement or receipt for it. I gave the party a
12:51:44 25 donation.
26
27 CHAIRMAN: Did it surprise you that you didn't receive any acknowledgement or
28 that nothing was said to you by Mr. Flynn about the money?
29 A. Well I hadn't thought about it very much. In that respect. Actually it was
12:52:06 30 only when it was later on, highlighted that the question, I realised I never

12:52:14 1 got a thank you or that for it, but it didn't bother me.
2
3 CHAIRMAN: All right. Thank you.
4
12:52:19 5 JUDGE FAHERTY: One or two matters Mr. Gilmartin, when you had the meeting with
6 Mr. Flynn you say it was the 2nd of June or the early days of June as I
7 understand when you handed over the 50,000 cheque.
8 A. That's correct. It was around the first.
9
12:52:35 10 JUDGE FAHERTY: Yes the first few days, had you had the meeting with Mr. Burke
11 at this stage? Your evidence as I understand --
12 A. Yes I had the meeting in May with Mr. Burke, about a month earlier.
13
14 JUDGE FAHERTY: That was the meeting where Mr. Burke had told you he had been
12:52:55 15 contacted by Mr. Ahern? That's what I wanted to ask you about. You had
16 telephoned Mr. Ahern, isn't that correct?
17 A. That's correct.
18
19 JUDGE FAHERTY: At some point I understood towards the end of May
12:53:07 20 A. It was the end of May, yes.
21
22 JUDGE FAHERTY: And you got a telephone number of Mr. Burke from Mr. Ahern
23 A. I did yes.
24
12:53:14 25 JUDGE FAHERTY: Yes. And at some point Mr. Burke contacts you and you meet in
26 your office in Stephen's Green, isn't that correct?
27 A. That's correct yes.
28
29 JUDGE FAHERTY: What I am asking you is did that meeting take place before you
12:53:27 30 paid over the money to Mr. Flynn?

12:53:28 1 A. It did, yes.
2
3 JUDGE FAHERTY: And just want top ask you Mr, you have told us that Mr. Burke,
4 that he was told or asked by Mr. Ahern to investigate the difficulties you were
12:53:43 5 having?
6 A. That's correct.
7
8 JUDGE FAHERTY: Largely over the sale of the lands. Just I want to ask you,
9 when you left that meeting which obviously occurred sometime before you met,
12:53:54 10 went down to the Custom House to Mr. Flynn, what did you -- why didn't you wait
11 for Mr. Burke to come back to you before you -- what I really want to ask you,
12 what impelled you given that Mr. Burke had discussed the matter with you and
13 said he would investigate what impelled you in those circumstances to pay the
14 payment?
12:54:13 15 A. Because on the 1st of June I was in, the, I was called to a meeting in Dublin
16 Corporation and at that I was told that the Corporation was going to withdraw
17 the site completely.
18
19 JUDGE FAHERTY: I see.
12:54:29 20 A. That was even after Mr. Burke got involved, that they were going to withdraw,
21 because of the controversy that was created etcetera, and they were still
22 ongoing controversy created by, the various newspapers as well, that develop
23 they felt they would have to withdraw.
24
12:54:51 25 JUDGE FAHERTY: Are you saying that was the trigger that made you go down to
26 Mr. Flynn then? That news?
27 A. Well the thing was, I was in a position what the hell could I do about it? If
28 the Corporation withdrew, they finished the complete deal as far as what I had
29 set up and the commitment of funds that I had committed to it.
12:55:15 30

12:55:15 1 JUDGE FAHERTY: Is that why you went to Mr. Flynn then?

2 A. Yes it was that, that day I decided well I would give the party a donation and

3 see if that's going to help to solve or if it will do something about what's

4 going on.

12:55:29 5

6 JUDGE FAHERTY: Very well. Just the other thing, when you met Mr. Burke, prior

7 to that, you told Mr. O'Neill this morning that you discussed the problems with

8 the lands and tender and other matters generally, about the demands by

9 Mr. Lawlor. Did you tell Mr. Burke about the man who approached you demanding

12:55:47 10 the 5 million pounds?

11 A. I don't know if I told Mr. Burke I am not a 100 per cent sure if I did, but I

12 did they will Mr. Ahern.

13

14 JUDGE FAHERTY: Very well. One other question then --

12:55:57 15 A. I can't remember the full conversation I had with Mr. Burke in the office.

16

17 JUDGE FAHERTY: I see. Yes.

18 A. So I am not 100 per cent certain, but I had --

19

12:56:10 20 JUDGE FAHERTY: Yes I have heard yourself.

21 A. I possibly did but I don't know for sure.

22

23 JUDGE FAHERTY: Very well. One final matter going back to the Dail meeting

24 where you met the Ministers and Mr. Haughey, your evidence is when you came, at

12:56:22 25 the end of the that meeting you came out and you were approached by a man from

26 behind, prior to that you said that you observed Mr. Lawlor talking to another

27 man.

28 A. He was talking to another gentleman to the left-hand side of the lobby.

29

12:56:37 30 JUDGE FAHERTY: Yes I recall that, did you know who that, did you see that man

12:56:42 1 that Mr. Lawlor was talking to?

2 A. No because I was almost immediately, I noticed Mr. Lawlor and this other
3 gentleman so I didn't take particular note of and I was almost immediately you
4 know, approached by behind by this other gentleman.

12:57:00 5
6 JUDGE FAHERTY: All right thank you very much Mr. Gilmartin.

7
8 CHAIRMAN: Thank you Mr. Gilmartin. We won't require you for the foreseeable
9 future, thank you for attending to give evidence for such a long period, you
10 may be required at some date in the future, well you will be, but you may be
11 recalled at some stage in the future and we'll contact your solicitors if
12 that's required.

13
14 Thank you 2 o'clock.

12:57:24 15
16 **THE TRIBUNAL THEN ADJOURNED FOR LUNCH.**

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1 **THE TRIBUNAL RESUMED AS FOLLOWS AFTER LUNCH:**

2

3 CHAIRMAN: Ms. Dillon?

4

14:12:54 5 MS. DILLON: Chairman, Mr. Raphael Burke is represent by Mr. Vincent Shannon,
6 Mr. Shannon who was previously granted limited legal representation has an
7 application in relation to this module for limited legal representation.

8

9 MR. SHANNON: That's my application Chairman.

14:13:11 10

11 CHAIRMAN: Yes, granted.

12

13 MR. SHANNON: Thank you.

14

14:13:13 15 MS. DILLON: There are two witnesses this afternoon.

16

17 Mr. William Farrell please.

18

19 **MR. WILLIAM FARRELL, HAVING BEEN SWORN, WAS EXAMINED**

14:13:47 20

AS FOLLOWS BY MS. DILLON:

21

22 CHAIRMAN: Mr. Farrell can you state your full name please?

23 A. Willie Farrell.

24 Q. 306 Good afternoon Mr. Farrell. Can you hear me?

14:14:17 25 A. Yes.

26 Q. 307 You have been involved in politics since 1967, is that correct?

27 A. That's correct.

28 Q. 308 You have been a member of your local authority, I think in Sligo is that
29 correct?

14:14:27 30 A. That's correct.

- 14:14:27 1 Q. 309 And you have also been a member of the Seanad, is that right?
- 2 A. That's correct.
- 3 Q. 310 You are a member of the Fianna Fail party, is that correct?
- 4 A. Correct.
- 14:14:35 5 Q. 311 Now I understand, sorry at least Mr. Gilmartin has told the Tribunal that he
- 6 knew your family and knew you when he was growing up in Sligo.
- 7 A. Yes we were neighbours children.
- 8 Q. 312 Right. And also Mr. John or Mr. Sean Gilbride was also a person who grew up in
- 9 Sligo, is that correct?
- 14:14:55 10 A. Yes another neighbour's child.
- 11 Q. 313 And would you have known Mr. John Gilbride or Mr. Sean Gilbride when you were
- 12 growing up?
- 13 A. Of course I did, yes.
- 14 Q. 314 And you would have known equally Mr. Gilmartin and his family?
- 14:15:07 15 A. Definitely, yes.
- 16 Q. 315 In 1988, Mr. Farrell, in 1988 were you a member of the Seanad at that time?
- 17 A. Yes I was.
- 18 Q. 316 Right. Can you recollect meeting Mr. Tom Gilmartin?
- 19 A. I have, yeah.
- 14:15:27 20 Q. 317 Now before we go into the detail of the meetings or the documents that suggest
- 21 meetings took place, can you recollect approximately in 1988 and 1989, how
- 22 often you would have met Mr. Gilmartin?
- 23 A. I would have met Mr. Gilmartin I would say three or four times. I'd say the
- 24 first time we met we met accidentally, but I would have met him at least three
- 14:15:53 25 or four times, I am not a 100 per cent sure, but roughly about that many.
- 26 Q. 318 Sorry I should have asked you Mr. Farrell, because the Tribunal requires all
- 27 witnesses in this module to be asked, when you received the documentation from
- 28 the Tribunal, you know the brief of papers that you got?
- 29 A. Yes.
- 14:16:11 30 Q. 319 Did you circulate those papers or give those papers to anybody?

14:16:14 1 A. No.

2 Q. 320 Right. Now if we can go back to your meetings with Mr. Gilmartin, can you

3 recollect whether you met Mr. Gilmartin for the first time as it were in your

4 later life. In 1988 or in 1989?

14:16:26 5 A. Yeah I can, yes.

6 Q. 321 Well which was it, 1988 or --

7 A. Oh I wouldn't have a clue whether it was '88 or '89.

8 Q. 322 When you say you met him four times or at least four times, are you saying in

9 that year?

14:16:43 10 A. I said three to four times.

11 Q. 323 Are you saying that's the maximum number of times --

12 A. That would be the maximum as far as I can recall yeah.

13 Q. 324 If I can take you through some documents, Mr. Farrell, in relation to meetings

14 that you may have had with Mr. Gilmartin, the first document please is page

14:17:03 15 2036?

16 A. Pardon.

17 Q. 325 If you just look at the screen beside you Mr. Farrell and I will explain to you

18 what this document is. This is an extract from a 1989 diary kept by

19 Mr. Gilmartin but which was used according to his evidence not as a diary but

14:17:23 20 more as a notebook, do you understand?

21 A. Yes.

22 Q. 326 You will see there under the date January the 1st, halfway down the page an

23 entry that says Willie Farrell.

24 A. That's right.

14:17:34 25 Q. 327 And do you see beside that there is written the words "Eileen Casey"?

26 A. Correct.

27 Q. 328 Did you know an Eileen Casey?

28 A. Yes she was my secretary at one stage.

29 Q. 329 Now if you -- if we can just have the full page on screen for the moment

14:17:49 30 please, if you go down to the second half of that, Mr. Farrell, you will see

- 14:17:54 1 the entry Dr. Michael Woods, meeting in party rooms at 5. Do you see that?
- 2 A. I do yeah.
- 3 Q. 330 And beneath that it says social services in west of Ireland, do you see that?
- 4 A. I do.
- 14:18:07 5 Q. 331 Mr. Gilmartin has told the Tribunal that at a meeting that he dates in January
6 of 1989 in your offices in Leinster House, you had to leave the office and you
7 asked him that if anybody rang to take a message and he took that message for
8 you.
- 9 A. Yeah that could have happened I wouldn't --
- 14:18:28 10 Q. 332 Okay.
- 11 A. Yeah.
- 12 Q. 333 First of all, he also told the Tribunal that Eileen Casey was at that time your
13 secretary?
- 14 A. Yeah she was at that, probably, yeah.
- 14:18:39 15 Q. 334 At that time?
- 16 A. I had a couple of secretaries but Eileen Casey was a secretary of mine yes.
- 17 Q. 335 So Mr. Gilmartin says that that meeting to the best of his recollection
18 occurred around January sometime, that being January 1989, would you dispute
19 that?
- 14:18:54 20 A. I wouldn't dispute that, now anything that happened I am not saying this is an
21 excuse but at Christmas 1989 my wife took ill with cancer, suddenly, and five
22 months later she was dead. So it happened between any time in '89 I wouldn't,
23 I tell you now, T P and his business or the Senates business or it's business
24 wasn't first on my mind.
- 14:19:24 25 Q. 336 Your wife's illness was that Christmas 1989?
- 26 A. No no 1988. She died in 1989.
- 27 Q. 337 If Mr. Gilmartin tells the Tribunal that sometime in January of 1989 he was in
28 your office in Leinster House and that he took that telephone message from you,
29 you don't dispute that, if I understand you correctly?
- 14:19:42 30 A. No way.

- 14:19:43 1 Q. 338 You further confirm that Eileen Casey was at that time --
- 2 A. That's correct yes.
- 3 Q. 339 Your secretary?
- 4 A. Definitely, yeah.
- 14:19:49 5 Q. 340 All right. Mr. Gilmartin has also told the Tribunal that he attended a meeting
6 which he dates to the best of his recollection at being on the afternoon of the
7 1st of February of 1989 in Leinster House with the then Taoiseach Mr. Charles
8 Haughey and a number of other Minister. It's not suggested, Mr. Farrell, that
9 you were at that meeting but Mr. Gilmartin says after that meeting he spoke to
10 you about what had happened and one of the things that Mr. Gilmartin says
11 happened after that meeting, was an unidentified person approached him and
12 asked him for five million pounds to be placed into an account in the Isle of
13 Man. And Mr. Gilmartin says that after that meeting took place on, as he dates
14 it the 1st of February, he met with you and that he discussed with you matters
14:20:15 15 that had happened, including that meeting at that time.
- 16 A. Well now, I have tried to recall all this and I don't remember that, that
17 happening but I do remember this. The last time I met Mr. Gilmartin was when
18 he was going into a meeting in Leinster House. Now I don't know who he was
19 meeting, I thought he was meeting Pdraig Flynn who was then Minister, but he
14:21:14 20 was going into that meeting and he was to contact me when he came out from that
21 meeting, but he didn't contact me, and how I remember it is I was rushing to
22 the Seanad, now I don't know whether it was for a vote or what but I was
23 rushing and I just caught him going out the gate and I thought he might be
24 going across to my office but he didn't and I haven't met him and I seen him
14:21:39 25 here today, but I do remember him going a meeting in Leinster House definitely.
- 26 Q. 341 We have some documents that might help you date that meeting Mr. Farrell. So
27 we'll go through them one by one, if we can first of all have 2155 please? And
28 2156 and could I have 2156 and 2158 together please, what you are about to see,
29 Mr. Farrell, is an extract from the Leinster House visitors book for the 15th
14:22:08 30 of February 1989?

- 14:22:09 1 A. Yes.
- 2 Q. 342 We'll just turn that around. Can we have that in the correct way around so it
3 can be read. You will see there for Wednesday the 15th of February 1989 that
4 there is an entry Mrs. Gilmartin S/I Senator Willie Farrell, do you see that?
- 14:22:38 5 A. I do, I do.
- 6 Q. 343 Right. The second entry that relates to the same day Mr --
- 7 A. That would be now T P's sister, am I right there?
- 8 Q. 344 So Mr. Gilmartin says?
- 9 A. Yeah, yeah she was in another business, now nothing go got to do with the
14:23:01 10 Tribunal or T P. I remember the business she was in about.
- 11 Q. 345 All right. On the same day, which is the 15th of February of 1989 there is a
12 second entry at page 2158, and you see there Tom Gilmartin?
- 13 A. That's right.
- 14 Q. 346 And appears to be signed in by you.
- 14:23:22 15 A. Correct.
- 16 Q. 347 Okay. That would suggest, Mr. Farrell, that on the 15th of February 1989 you
17 had a meeting in Leinster House with Mr. Tom Gilmartin.
- 18 A. That's right we had, we were in the restaurant and had a cup of coffee or a cup
19 of tea.
- 14:23:40 20 Q. 348 Right. Mr. Gilmartin has told the Tribunal that on one occasion you gave his
21 sister a lift to Dublin, do you recollect that?
- 22 A. I don't recollect bringing her to Dublin but I could have, but I know very well
23 the business she was in on that particular occasion but it has no bearing on
24 this so therefore I won't elaborate on it, but I do remember she definitely was
14:24:04 25 in, she could have been up, many people came up and down over the years, I just
26 can't remember.
- 27 Q. 349 He says after you brought his sister to Dublin he met with you in your office
28 in Leinster House and these entries, Mr. Farrell, of the records of Leinster
29 House that are on screen suggest that on the 15th of February 1989
14:24:29 30 Mr. Gilmartin's sister was brought into Leinster House by you and that at a

- 14:24:35 1 different point but on the same day Mr. Gilmartin was brought into Leinster
2 House by you, is that right?
- 3 A. I didn't think the two were the same day, now I am very clear about what
4 Mrs. Gilmartin, and I know that T P was in with me, but we always called him T
14:24:55 5 P, he is Thomas now because his father was Thomas and he was T P, that was the
6 distinction.
- 7 Q. 350 Yes.
- 8 A. Now I definitely remember having him in and having a cup of coffee and a chat.
- 9 Q. 351 But what I am suggesting to you, Mr. Farrell, is that the Leinster House record
14:25:14 10 for the 15th of February '89?
- 11 A. Yeah.
- 12 Q. 352 Suggests very strongly?
- 13 A. Right okay.
- 14 Q. 353 That Mrs. Gilmartin who apparently was Mr. Gilmartin's sister?
- 14:25:23 15 A. Yeah.
- 16 Q. 354 Was signed into Leinster House on that day by you?
- 17 A. That's correct.
- 18 Q. 355 And that at a later point on the same day, Mr. Tom Gilmartin was signed into
19 Leinster House by you.
- 14:25:34 20 A. That could be no doubt we met at least three or four times no question about
21 that.
- 22 Q. 356 Mr. Gilmartin has told the Tribunal that at a meeting in Leinster House at
23 which his sister was present because you had brought her to Dublin and he went
24 in to meet her, that you brought him into your office in Leinster House which
14:25:55 25 he described as being on the left-hand side when you go into Leinster House, is
26 that correct? was your office on the left-hand side?
- 27 A. My you was at that time, yeah it could have been, I was over in Kildare House
28 and I was down in the old -- yeah could be on the left-hand side, could be, yes
29 the office down there too.
- 14:26:17 30 Q. 357 And he said he started to tell you about difficulties he was having and that

- 14:26:22 1 you suggested a meeting that evening in a hotel, and that you met in Powers
2 Hotel that evening?
- 3 A. No I definitely don't recall meeting in the hotel, no.
- 4 Q. 358 Do you say that there was never such a meeting in a hotel?
- 14:26:36 5 A. No, because I never stayed in hotels when I was in Dublin I stayed in bed and
6 breakfasts, so therefore I would have, I can't remember anything in a hotel I'm
7 sorry but I really can't remember the hotel.
- 8 Q. 359 It is not suggested Mr. Farrell that you were staying in Powers Hotel, rather
9 that you arranged to meet Mr. Gilmartin in Powers Hotel, and that you did meet
10 him in Powers Hotel and that after your meeting you went back to your office in
11 Leinster House and he told you in the course of those meetings what had
12 happened at the meeting he says took place on the 1st of February 1989. Now do
13 you recollect any such meetings?
- 14 A. Well I don't recollect, I definitely can't recollect anything about Powers
15 Hotel but he definitely was in the office with me, no question about that and I
16 know he did talk to me about his development that he had in mind.
- 17 Q. 360 Which development was that Mr. Farrell?
- 18 A. I treat it all as the one development now, I didn't segregate between them.
- 19 Q. 361 Did Mr. Gilmartin suggest to you at this time that he was having any
14:27:49 20 difficulties?
- 21 A. He did. He definitely did and my opinion the difficulties were with the
22 planning authorities and the planning people. I remember him telling me that
23 he was being asked for money and that he told them that they made the friendly
24 Mafia look like monks. I remember that statement.
- 14:28:17 25 Q. 362 Do you remember Mr. Gilmartin telling you that he had responded to somebody who
26 had asked him for money, that you make the Mafia look like monks?
- 27 A. I do, I do, yeah.
- 28 Q. 363 Right. Mr. Gilmartin has told the Tribunal that he made that comment in
29 connection with the request for five million pounds that he says was made on
14:28:37 30 the 1st of February of 1989?

- 14:28:39 1 A. No I don't remember anything of five million pounds, definitely not, no.
- 2 Q. 364 All right. But you do recollect that Mr. Gilmartin was complaining about
- 3 people looking for money?
- 4 A. Well I remember that particular, I remember the statement I couldn't forget it,
- 14:28:55 5 you know, but I do remember him telling me like that he, as far as I can
- 6 recollect now he was having trouble and in my opinion the trouble was with the
- 7 planning people and that's why I recommend him to go to see John Gilbride,
- 8 because I felt there was something not right about the fact that they were
- 9 selling him a property and agreed a price and then changed their mind and upped
- 14:29:25 10 the price.
- 11 Now that's not something you expect a reputable people to do like a local
- 12 authority. So therefore I felt there was something definitely wrong there and
- 13 that I thought Sean Gilbride will be his man to go into the County Manager and
- 14 to the planning people and say look this is what's wrong, because as a County
- 14:29:49 15 Councillor myself in Sligo that is what I would have done.
- 16 Q. 365 The matter that you recollect Mr. Gilmartin complaining about to you was the
- 17 fact that an agreement he thought he had made with a local authority to buy
- 18 some land --
- 19 A. Yes.
- 14:29:59 20 Q. 366 Had not been proceeded with and he had to pay a high are price, is that right?
- 21 A. That the price he agreed was not honoured, it wasn't honoured and when he went
- 22 back to, I understood to close his sale, that they had upped the price and put
- 23 it back on the market again and that he was being messed about and I felt all
- 24 that was being done by the local authority, by whoever was in charge in the
- 14:30:29 25 council offices.
- 26 Q. 367 Did Mr. Gilmartin ever mention to you whom he thought was to blame for this
- 27 problem that he was having?
- 28 A. No he didn't mention anyone in particular, that I recollect.
- 29 Q. 368 Is it that you don't recollect --
- 14:30:43 30 A. Because I said to him that I felt that his trouble was with in the planning

- 14:30:49 1 office and with the officials in the council not with anybody else.
- 2 Q. 369 But included in his complaints that were made to you was that there had been a
- 3 request for money made of him, is that right?
- 4 A. Yes, but that was, he definitely made, he did say to me that there was a
- 14:31:07 5 request for money but I don't remember any particular figures.
- 6 Q. 370 But if you are correct that he only complained about local authority officials
- 7 Mr. Farrell it follow that is --
- 8 A. No he didn't complain about authority officials, it was I suggested to him that
- 9 the problem with the local authority officials not with anybody else, that they
- 14:31:24 10 were messing him around.
- 11 Q. 371 Who did you understand had asked him for the money?
- 12 A. I didn't understand who was involved, I had nothing in that at all.
- 13 Q. 372 Was it you that came to the conclusion his difficulties lay with the planners?
- 14 A. It was.
- 14:31:36 15 Q. 373 Rather than Mr. Gilmartin telling you that his difficulties lay with the
- 16 planners?
- 17 A. No Mr. Gilmartin never said, I suggested to him that it was there.
- 18 Q. 374 Mr. Gilmartin has also told the Tribunal that following the meeting he had with
- 19 you where he outlined his difficulties to you you suggested to him that he
- 14:31:55 20 should meet Mr. John Gilbride?
- 21 A. That's correct.
- 22 Q. 375 And you agreed with that?
- 23 A. I do yeah.
- 24 Q. 376 He also says you brought him out to meet Mr. Gilbride?
- 14:32:04 25 A. No I didn't bring him out to the meet Mr. Gilbride but as far as I can, I rang
- 26 John Gilbride and gave him John Gilbride's number to get in contact.
- 27 Q. 377 Are you saying you didn't meet him on, within a short period of time and get
- 28 into a car together and drive out the north side to meet Mr. Gilbride?
- 29 A. No definitely not I can't recollect that, no way.
- 14:32:25 30 Q. 378 Just to be clear about this Mr. Farrell, are you saying that that didn't

14:32:31 1 happen?

2 A. I am, yes, yes. I can't remember that happening, I don't remember taking him

3 out in the car and going out there, I don't.

4 Q. 379 I will just put to you then exactly what Mr. Gilmartin said in evidence day 459

14:32:47 5 please at question 53. And he is talking about the meeting he had with you in

6 Powers Hotel, he says it should come up on screen shortly.

7

8 "Yes Powers Hotel that's it. So I met him there and I was relaying what was

9 going on to him and he kept saying, be quiet, be quiet, don't let anybody hear

14:33:11 10 you. So he then took me up to his room. So I relayed the whole thing to him

11 as to what was going on. So he suggested that there was a councillor from

12 Grange in Dublin County Council a Mr. Sean Gilbride and that he would introduce

13 me to him and since he was a fellow from home he would probably help to monitor

14 what was going on". Do you see that part of his evidence?

14:33:31 15 A. I do yeah.

16 Q. 380 As I understand you Mr. Farrell you have no great dispute with Mr. Gilmartin

17 insofar as that's concerned?

18 A. I dispute the fact that we were in Powers Hotel.

19 Q. 381 All right.

14:33:42 20 A. If I recollect properly when I suggested to T P to see John Gilbride we were

21 walking out from Leinster House on the plinth that I told him that.

22 Q. 382 To meet Mr. Gilbride?

23 A. Yeah.

24 Q. 383 He then goes on to say: "So the following day he gave me, Willie gave me a lift

14:34:05 25 and he was going to the north side somewhere to some club or other, I'm not

26 quite sure what it was a sports club or something on the north side, and he

27 took me there in his car and Sean Gilbride met us there so he introduced me to

28 Sean Gilbride. Now, I did know Gilbride many years ago when he was a youngster

29 in Grange but I hadn't seen him for the best part of 40 years or probably 30

14:34:26 30 odd years". Then he goes onto the conversation he had with Mr. Gilbride. So

- 14:34:31 1 what Mr. Gilmartin has told the Tribunal is that after he complained to you
2 about what happening you suggested he meet Mr. Gilbride you brought him out?
3 A. Correct. No I don't remember bringing him out to the see Mr. Gilbride but I
4 did tell him to contact John Gilbride and I did give him John Gilbride's number
14:34:50 5 I have no doubt about any of that.
6 Q. 384 So it is your recollection that you did not meet himself and Mr. Gilbride
7 together?
8 A. It is.
9 Q. 385 Are you saying that that never happened order simply that you don't recollect
14:35:00 10 it?
11 A. I certainly don't like using the word recollect but I don't remember it, and I
12 certainly I think I should remember that, but I won't dispute with
13 Mr. Gilmartin but I just don't, I can't -- I remember strictly the evening I
14 told him on the plinth to get in touch with John Gilbride but I didn't bring
14:35:23 15 him out no, there was no, I can't recall what so ever.
16 Q. 386 Did you suggest to him at all that he should contact Mr. McSharry?
17 A. No, no I don't think, McSharry I think was out of politics at that stage.
18 Q. 387 He was a commissioner at that stage?
19 A. He was a commissioner so I wouldn't have, no.
14:35:39 20 Q. 388 I think you also met Mr. Gilmartin in June of 1989 Mr. Farrell, because he gave
21 you a cheque at that time for 10,000 pounds?
22 A. That's correct.
23 Q. 389 And if we have 2406 please?
24 A. Now he gave me a cheque but the cheque wasn't for me.
14:35:57 25 Q. 390 I'm going to come to that Mr. Farrell.
26 A. Right.
27 Q. 391 The cheque was for a charitable organisation within the area of the
28 Northwestern Health Board, is that right?
29 A. The cheque was for, in 1982 I was Chairman of the Northwestern Health Board and
14:36:16 30 there was very little help or assistance for disabled people and I myself had

14:36:22 1 an accident through my own fault, I lost my job and couldn't get employment
2 again, despite the fact that I had certificates of medical certificates of
3 fitness and competency, I couldn't get a job, I had to go into self employment
4 I refused to draw the dole, I didn't want charity. I felt that I should
14:36:44 5 highlight the international year of the disabled as it was then known, it is
6 not politically corrected to say so now it is the year of disabilities but
7 Tweedle Dee Tweedle Dum, and I got 1,000 pounds of a Chairman's allowance and I
8 decided I would give it to charity then I changed my mind I said no what would
9 a thousand pounds -- I came up with an idea that I would drive a pony and trap
14:37:09 10 from Bundoran to Ballsbridge in Dublin, take a stand at the show for a week to
11 highlight the needs of disabled people and raise money for a unit which was
12 built in Bundoran and a marvelous extension added on to it. And the present
13 Minister for Health opened the new extension last year to I turned a 1,000
14 pounds into 120,000 for the original and a lot more what's there now. And
14:37:35 15 that cheque was for that, I got it on a Wednesday or a Thursday and the
16 following Monday, I gave it to the personnel in the Health Board, it was lodged
17 in the AIB bank on that Monday or the following Tuesday, it was made out to the
18 project.
19 Q. 392 Insofar as we are dealing with meetings at the moment Mr. Farrell, what this
14:37:54 20 document establishes is that in June of 1989 you had another meeting with
21 Mr. Gilmartin, isn't that right, you met him in June of 1989?
22 A. Yeah probably did yes.
23 Q. 393 Well you had to meet him I suggest Mr. Farrell to get the cheque?
24 A. I did.
14:38:08 25 Q. 394 And you had to ask him for the cheque.
26 A. Pardon.
27 Q. 395 You had to ask him?
28 A. I didn't ask him, no. At a previous meeting he said to me, if you are ever
29 looking for money for anything, I will give you something and I told him that I
14:38:23 30 was working on a unit for disabled in Bundoran and that I was having problems

14:38:31 1 at the time and I was raising money, I took eight or nine years to get it
2 before it was a reality because we had all kind of problems but he said I will
3 give you something towards it and it was another meeting altogether, another
4 day we were walking out and he said here, put that in your pocket for whatever
14:38:47 5 you are doing. And I was surprised when I seen how much it was for, I said
6 look I didn't want anything, I thought a 100 pound would be great, no he said
7 that's it.

8 Q. 396 So you had, the other meeting that you had with Mr. Gilmartin, where you
9 mentioned to him what you were doing in relation to your fund raising or sorry
14:39:02 10 where he mentioned if you were looking for money for something come to me. Was
11 that the meeting in February or did it take place closer to the paying of this
12 cheque in June?

13 A. It was definitely, it could be February or could be March I don't know, I
14 couldn't be sure that have. But when I mentioned to him and he mentioned to me
14:39:28 15 to give me money, again I, it was sometime after that he gave it to me, I
16 didn't have to remind him about it, no.

17 Q. 397 And at these meetings that you had with Mr. Gilmartin, did he continue to
18 update you on what he said was happening with his development, was he talking
19 about his development?

14:39:43 20 A. I remember telling him at one stage that he was, he could get planning
21 permission for a smaller unit and I did say wouldn't he be wise to take the
22 planning permission for the smaller unit and then look for an extension but he
23 didn't seem to think, he said it had to be all or nothing.

24 Q. 398 Do I take it from that then Mr. Farrell that the answer is yes, he was talking
14:40:08 25 to you about his development every time he met you?

26 A. He was, yes.

27 Q. 399 And was he complaining to you about what was happening?

28 A. Well he is not a man to complain now, you know, but and most of the time we are
29 talking about, I remember telling him, I said if I had your money I would take
14:40:27 30 a bloody pad in me hand go to Florida for six months and not get this hassle.

- 14:40:35 1 Q. 400 When you say I won't get this hassle do I take it from that he was getting
2 hassle?
- 3 A. He was getting a bit of hassle, yes.
- 4 Q. 401 You also met him on the 25th of October 1989, page 3328. This is also an
14:40:49 5 extract from the Leinster House visitors book Mr. Farrell, for the 25th of
6 October 1989 and again you will see there you appear to have signed in
7 Mr. Gilmartin?
- 8 A. Yeah.
- 9 Q. 402 And Mr. Gilmartin told the Tribunal that at that stage in October 1989 he told
14:41:09 10 you he was in a position to proceed because the land was more or less assembled
11 and that you were happy with that because it was going to create a lot of jobs?
- 12 A. Well I certainly would have been delighted for him if he had it sorted out, but
13 I just don't -- I don't, I don't remember that now quite honestly, I don't.
- 14 Q. 403 But would you accept that you did have a meeting?
- 14:41:31 15 A. I would have accept having him in, yes there is no doubt about that.
- 16 Q. 404 Did you ever advise Mr. Gilmartin about these problems that he said he was
17 having to keep quiet about them, not to be making a fuss?
- 18 A. No I wouldn't have, I wouldn't have. Because if I was that I wouldn't have
19 told him to go see John Gilbride, but I tell you what would remind me about
14:41:57 20 dates, T P did have, he had a press conference in Dublin for to project his
21 project, publicly. Now I couldn't go to that, I couldn't go to that but those
22 dates was all around that time.
- 23 Q. 405 Yes. I will get you the date for that Mr. Farrell and I will give it to you.
24 If we go back to the complaint that is Mr. Gilmartin made to you early in 1989
14:42:22 25 the first of which was that where he makes the comment "you make the Mafia look
26 like monks" and that people were looking for money from him?
- 27 A. Yes.
- 28 Q. 406 Did you understand those requests to be unlawful requests for money?
- 29 A. Of course they were unlawful.
- 14:42:37 30 Q. 407 Did you advise him to go to the Gardai?

- 14:42:39 1 A. No.
- 2 Q. 408 Why not?
- 3 A. Well I am not a legal advisor.
- 4 Q. 409 It's fully accept that Mr. Farrell, but in circumstances where Mr. Gilmartin is
- 14:42:55 5 telling you that there are unlawful or improper requests for money, why
- 6 wouldn't you advise him to go to the Gardai?
- 7 A. Well why would I? You tell me why I would?
- 8 Q. 410 Well where else do you think he should have gone with his complaint that he was
- 9 being improperly asked for hundreds?
- 14:43:10 10 A. I think he gave him his answer that he wasn't paying money and that was it.
- 11 Q. 411 Mr. Gilmartin has told the Tribunal that you advised him at one of your
- 12 meetings to keep quiet about what was going on?
- 13 A. No, I couldn't, I wouldn't advise him to keep quiet, you wouldn't keep quiet
- 14 about a big project that you are trying to get off the ground, that's the last
- 14:43:33 15 thing you do.
- 16 Q. 412 But you certainly didn't suggest to him when you heard these complaints that he
- 17 go to the Gardai or any other?
- 18 A. No I didn't, no way.
- 19 Q. 413 Okay. The meeting that you are referring to by Mr. Gilmartin of his plans for
- 14:43:45 20 Quarryvale was the 5th of July of 1990 in the Berkley Court. Do you remember a
- 21 minute ago you said --
- 22 A. Oh, yes yes.
- 23 Q. 414 That's the date of that meeting, does that help you?
- 24 A. I don't know but it is around that time that I had been meeting Mr. Gilmartin
- 14:44:02 25 that's the only thing, I didn't go to that because -- he had invited me to it
- 26 but because of business in the Senate I just couldn't go.
- 27 Q. 415 When the Tribunal first contacted you Mr. Farrell and asked you were you aware
- 28 ever of anything in connection with the planning process of anything untoward
- 29 in connection with the planing process did you tell the Tribunal about the
- 14:44:33 30 complaints Mr. Gilmartin had made to you?

14:44:33 1 A. The Tribunal never asked me.

2 Q. 416 Were you asked to fill out a form?

3 A. No.

4 Q. 417 Mr. Farrell?

14:44:39 5 A. No.

6 Q. 418 I will show you a copy of your form Mr. Farrell?

7 A. I wrote in a letter, I faxed in a letter.

8 Q. 419 I am going to hand you a copy of a form that you filled in and that you

9 returned to the Tribunal, is that you?

14:44:53 10 A. That is me, yes I remember that, yes.

11 Q. 420 All right. So if you look at question 21 and question 23 the second last page

12 of the document in your hand Mr. Farrell, you will see that you were asked by

13 the Tribunal were you ever aware of anything untoward ever in connection with

14 the planning process, do you see that?

14:45:09 15

16 CHAIRMAN: Can we have that on screen?

17 Q. 421 I can't because it is not part of the brief.

18 A. I answered no.

19 Q. 422 And the question I have for you, Mr. Farrell, is in the light of the fact that

14:45:24 20 Mr. Gilmartin told you, in 1989 that he was being asked for money and that you

21 and that he was being treated by, badly treated by the local authority at that

22 time did it occur to you when you were providing that information to the

23 Tribunal to provide that information?

24 A. No it didn't, no.

14:45:41 25 Q. 423 Okay. Thank you very much Mr. Farrell. If you would answer any questions that

26 anybody else may have.

27

28

29

14:45:46 30 CHAIRMAN: Anybody wish to?

14:45:48 1
2 MR. O'NEILL: If I may ask a few questions. Good afternoon Mr. Farrell. My
3 name is Hugh O'Neill I appear on behalf of Mr. Gilmartin, T P as you refer to
4 him. I want to ask you about this meeting that took place, that we have now
14:46:03 5 dated as taking place on the 15th of February, that's the date we have, you saw
6 on the screen, the entry in the Leinster House visitors book.
7 A. Yeah.
8 Q. 424 And I think to be fair to you we have told the Tribunal that at that time your
9 wife was seriously ill and your recollection of those events may not be all
14:46:25 10 that it might otherwise be?
11 A. Yes.
12 Q. 425 And also to be fair to you it's 15 plus years ago.
13 A. Yes.
14 Q. 426 Now, what Mr. Gilmartin has said and it doesn't seem to be any controversy that
14:46:42 15 he certainly told you of certain difficulties.
16 A. Yes.
17 Q. 427 He told you for example that people were looking for money from him.
18 A. Yes.
19 Q. 428 And what he says was he started telling you, he met you in your office in
14:46:56 20 Leinster House and you told him keep quiet, keep quiet don't be saying that
21 somebody will overhear that.
22 A. I don't remember that, definitely not.
23 Q. 429 What you suggested was that you would meet later in the hotel across the road
24 in Powers Hotel?
14:47:10 25 A. No.
26 Q. 430 Okay. And what he says, are you saying that didn't happen or you simply don't,
27 with the passage of time and the circumstances recollect it?
28 A. I would think, if any people I ever met in the hotel I went to Buswells because
29 it was right across the road from us, I was very seldom ever in Powers Hotel.
14:47:31 30 Q. 431 My understanding of the purpose of such a suggestion was that you would get,

- 14:47:38 1 Buswell's Hotel as anyone know sincere full of politicians, isn't it?
- 2 A. Not necessarily.
- 3 Q. 432 And other people, but you will frequently meet politicians in Buswell's Hotel?
- 4 A. That's where you generally meet politicians meet people, yeah.
- 14:47:52 5 Q. 433 And I suppose if you wanted to get away from politicians perhaps you wouldn't
- 6 go to Buswell's?
- 7 A. Very seldom, when the Dail or Seanad is sitting you go out of earshot of the
- 8 building because there could be a vote called any time and you have to be in
- 9 running distance so there would be no way I would have go the way down to
- 14:48:20 10 powers, and there is always a danger of votes in the Senate so --
- 11 Q. 434 And what he says is he did meet you and I hear what you say, you have no
- 12 recollection or I don't know whether to put it further than that, you have no
- 13 recollection of meeting him in Powers Hotel, but he says when he met you later
- 14 in Powers Hotel in the evening that he again continued to recount the
- 14:48:42 15 difficulties, that woes that he was facing and you again told him keep quiet
- 16 we'll go back to the office.
- 17 A. No I don't remember any of that. I don't think that -- I would contradict that
- 18 completely now.
- 19 Q. 435 And what he says is the real meeting then took place back in your office that
- 14:48:58 20 evening.
- 21 A. I was definitely meetings took place in the office I met him in the office all
- 22 right and in the restaurant.
- 23 Q. 436 And that would accord with your recollection I think that you told him perhaps
- 24 he should contact Mr. Gilbride when you were leaving Leinster House?
- 14:49:13 25 A. I told him to contact, on the way out from Leinster House, I definitely told
- 26 him I felt that's where his problem was.
- 27 Q. 437 Now what you remember is that Mr. Gilmartin told you that he was having
- 28 difficulty with a contract with the Corporation?
- 29 A. Yes.
- 14:49:31 30 Q. 438 And that people were asking for money from him?

14:49:33 1 A. Yes he did mention that.

2 Q. 439 And as you have told the Tribunal you interpreted that the demands people were
3 making for money from him to be improper demands.

4 A. Well yes they would be.

14:49:47 5 Q. 440 No question about it.

6 A. No question about it.

7 Q. 441 And that these demands were coming from people presumably in a position to
8 influence decisions one way or the other?

9 A. Well I didn't think any politician would be in a position to influence, that's
14:50:06 10 why I don't get, get John Gilbride to go in and talk with the County Manager
11 and planning people, my experience is, at the end of the day it's the County
12 Manager is the final, and the planning officer and engineers who are dealing
13 with it that gives that advice, they are the people you want to talk to and
14 they are the people that have the say.

14:50:27 15 Q. 442 But the people, the demands for money I suggest as far as you understood, you
16 don't remember the names, were from people who were in a position to influence
17 the outcome?

18 A. No I wouldn't say that, I --

19 Q. 443 Would there be any --

14:50:43 20 A. In my opinion no politician.

21 Q. 444 I am not mentioning politicians at the moment, I am simply mentioning people in
22 a position to influence a decision, there is no point if someone comes up to
23 you on the side of the road and says give me money and I will do something if
24 that person has no power to do it. So it must have been from someone in a
14:51:03 25 position to influence the decision, isn't that a fair conclusion?

26 A. I wouldn't have thought that any official at that time would be, would accept
27 money, certainly it wouldn't happen down the country in Sligo or any other
28 country down the way, it would never happen, and I couldn't understand it
29 happening. Anyway, I felt that he was, what he wanted was inside advice and
14:51:23 30 that a local councillor could go into the County Manager and say listen what

14:51:28 1 are we messing this man about over, I want the true story.

2 Q. 445 Well you are faced with the situation where Mr. Gilmartin is telling you --

3 A. Sorry I beg your pardon I should look at the judge, I am looking at the man

4 asking the questions. Apologies.

14:51:43 5

6 CHAIRMAN: You are fine.

7

8 Q. 446 You are in a position where you are being told by Mr. Gilmartin and presumably

9 no reason to disbelieve what Mr. Gilmartin is telling you at the time, that he

14:51:53 10 has been asked improperly being asked to make payments to people, isn't that

11 right?

12 A. Yeah I know he said that he was asked, yes.

13 Q. 447 And you as a public representative presumably would have some interest in

14 finding out, look who are these people making these demands?

14:52:13 15 A. I never asked them the question.

16 Q. 448 But would you not have had interest?

17 A. I tell you I wouldn't -- no I wouldn't have an interest, I tell you I wouldn't

18 be thinking about that but what I would be thinking about was that Mr.

19 Gilmartin is a hard-working honest man like myself, came up the hard way and

14:52:32 20 made a success of his life, and I felt hurt that he was, his good project and

21 his big development was not getting the attention I felt it should get at

22 planning stage and that.

23 Q. 449 But it's much more than that.

24 A. Hmm.

14:52:48 25 Q. 450 It's much more than that Mr. Farrell. He is being asked for money, he is being

26 asked for bribes.

27 A. Money didn't come into it in my -- I didn't, you know, it didn't just register

28 with me, I just said nonsense, it wouldn't register with me, what registered

29 with me was the council was treating him fairly, I was, I felt that he was

14:53:09 30 treated wrongly when he made a price and honoured it and made a deal I presume

14:53:16 1 shook hands on it, that when they went back again, that they put up the price
2 and that it was a whole new ball game and I felt, that's what I felt was wrong,
3 that he wasn't getting justice there.

4 Q. 451 You think that's more heinous than people asking him for money?

14:53:33 5 A. Well I have heard so much about people asking for money over the years, but
6 that doesn't give much value because I will tell you something, let me say this
7 now, I was a Senator for 16 years. Five times I was elected and I seen men
8 going around this country to County Councillors with big wallets, millionaires
9 and I was driving little Citroen Diane, a two cylinder car, and I could get
10 elected and those boys with P R and all the rest couldn't, and I think that's
11 the greatest tribute I could pay to County Councillors of Ireland that they
12 were not taking money because if they were, I would never have been in the
13 Senate and those with the big wallets would be in the Senate, so I think it is
14 all a misnomer that's my experience as a councillor and I never seen any
15 councillor looking for money.

14:54:29 16 Q. 452 I am not mentioning names at the moment, I am simply suggesting that for
17 someone like you, there is no suggestion whatsoever that you were involved in
18 this and never any suggestion of that, but and you have told the Tribunal that
19 that type of activity is an anathema to you effectively, and rightly so?

14:54:51 20 A. I didn't, I didn't, it just didn't register with me that way. My thoughts was
21 on getting his project up and running, and I wasn't just thinking of, of that
22 kind of thing, it didn't register with me quite honestly.

23 Q. 453 But for a man like you, a public representative who wouldn't take money,
24 wouldn't ask for money, I have no doubt.

14:55:14 25 A. No definitely not.

26 Q. 454 To hear from somebody that you have known from childhood, Mr. Gilmartin and you
27 have no reason to believe that he is making up the story that people are asking
28 him for money?

29 A. Well I am saying to you is very clearly that that did not register with me at
14:55:28 30 all.

- 14:55:28 1 Q. 455 Had you no interest in finding out?
2 A. No.
3 Q. 456 Who these people were, who these people were?
4 A. No I wasn't interested in that.
- 14:55:37 5 Q. 457 Why not?
6 A. Because I was more interested, if I gave him any advice was to get his project
7 up and running that was it.
- 8 Q. 458 Was it the atmosphere in --
9 A. If you like to make a big thing out of it, make it on my oath here, that did
14:55:54 10 not register with me whatsoever. What registered with me was the man wasn't
11 getting justice and that he shouldn't have, shouldn't be messed around as I
12 said already, that's what I was, my train of thought was, not anything else.
- 13 Q. 459 With the benefit of hindsight we discovered through the various Tribunals
14 including this Tribunal of the amounts of money being passed around from people
14:56:17 15 to politicians, with the benefit of hindsight, around this time.
16 A. But that never happened in rural Ireland.
- 17 Q. 460 I am not talking about rural Ireland.
18 A. I am talking about where I come from, anything that happened in Dublin wouldn't
19 be, would be out of my league, but I can tell you that that was no such thing
14:56:34 20 as anything like that ever happen down in Sligo or Mayo or Leitrim.
- 21 Q. 461 I am not suggesting it happened in Sligo, Leitrim or anywhere west of the
22 Shannon, what I am talking is Dublin, and I am just asking you, was there an
23 attitude at the time that if there was mention of people asking money you just
24 did not want to know about it, that was the atmosphere at the time?
- 14:56:57 25 A. No it was not the atmosphere as far as I was concerned no way. But T P said to
26 me he was asked for money, I told him what I said and I just thought it was a
27 good answer and that was the end of it, it didn't go any further, end of story.
- 28 Q. 462 And you had heard rumours of such requests for money before, from other people?
29 A. Not until I heard it at the Tribunals.
- 14:57:21 30 Q. 463 No I don't mean requests of Mr. Gilmartin but you'd heard of stories

- 14:57:27 1 circulating at the time of money being paid by other people to politicians
2 etcetera, rumours.
- 3 A. If you heed every rumour you hear I don't where you end up.
- 4 Q. 464 But you'd heard them?
- 14:57:41 5 A. But I use my own experience and I never had any experience of councillors or
6 politicians asking for money and I illustrated very clearly that I seen the
7 boys with the big cars and big wallets going around Ireland and couldn't get
8 elected to the Senate and I could get elected in my two cylinder Citroen Diane
9 and I could get elected. That speaks for itself.
- 14:58:06 10 Q. 465 Now you said you recollect Mr. Gilmartin saying that using the phrase it makes
11 the Mafia look like monks?
- 12 A. Yes.
- 13 Q. 466 And that's the phrase or that's the statement that he says that he made to the
14 unknown person or who asked for the five million pounds in the Dail or in
14:58:30 15 Leinster House?
- 16 A. I don't know who he said it it, I don't know. But he did say it.
- 17 Q. 467 You see, he is very clear that he told you --
- 18 A. I know that, I am not denying.
- 19 Q. 468 You are simply saying you have no recollection?
- 14:58:40 20 A. I have no recollection, I remember the, if he hadn't said about the monks it is
21 wouldn't have registered at all.
- 22 Q. 469 If he hadn't mentioned the monks it wouldn't have registered?
- 23 A. No, no I thought it was just a brilliant answer. That was the end of it.
- 24 Q. 470 Now and the other issue then moving on, there is no dispute but that you
14:59:03 25 recommended that he see Mr. Gilbride?
- 26 A. No, no dispute with that.
- 27 Q. 471 And the only difference in recollection would be that Mr. Gilmartin says and he
28 is quite specific in relation to this that you drove him to some club on the
29 north side of Dublin?
- 14:59:18 30 A. No --

14:59:19 1 Q. 472 And there is nothing wrong with that?

2 A. There is nothing wrong with that but I didn't, I gave him the known number and

3 rang John Gilbride and told him TP would be getting in touch with him.

4 Q. 473 Is it just that you have no recollection of that, you can't say for sure it

14:59:35 5 didn't take place?

6 A. I can't say a 100 per cent but I just don't remember getting in the car I think

7 if I drove out to John Gilbride's house, it is something I would remember.

8 Q. 474 Do you remember where he lived?

9 A. I don't, I don't.

14:59:48 10 Q. 475 Was he Dublin based?

11 A. He is out somewhere in south Dublin.

12 Q. 476 Thank you Mr. Farrell?

13 A. Thank you.

14

15:00:03 15 MR. LAWLOR: Chairman, Mr. Farrell could I ask you, you have been referring to

16 Sean Gilbride going to see the County Manager.

17

18 CHAIRMAN: Mr. Farrell, Mr. Lawlor who is down there on the right-hand side is

19 asking you --

15:00:14 20 A. Yes.

21 Q. 477 Now can I just ask you Mr. Farrell, that you are suggesting that Mr. Gilmartin

22 should go to the County Manager to resolve the land sale problem he was

23 experiencing, isn't that right?

24 A. Yes.

15:00:28 25 Q. 478 You are not familiar that it was --

26 A. I was suggesting he should get John Gilbride to make an appoint or see could he

27 suss out what was the problem.

28 Q. 479 Sure, but could I put it to you just for clarification purposes that

29 Mr. Gilmartin's evidence so far has been that his bone of contention was

15:00:46 30 negotiations he was having with Dublin Corporation not the County Council, he

- 15:00:51 1 has claimed however that the then County Manager, one of the county managers
2 was supposedly interfering in the Corporation transacting the sale of land to
3 himself, you are not familiar with that, are you?
- 4 A. No.
- 15:01:06 5 Q. 480 No. Because therefore the County Manager really had nothing whatsoever to do
6 with the sale of the land that's in dispute between the discussions you were
7 having with Mr. Gilmartin?
- 8 A. The County Manager would be the final man to give the planning permission, it's
9 him that gives the planning permission at the end of the day. It's not -- the
15:01:25 10 planning officer only recommends it the engineers recommend it, all the
11 different people recommend it, but it's the County Manager that is to sign the,
12 the planning permission at the end of the day.
- 13 Q. 481 Well Mr. Farrell that's a separate complaint that Mr. Gilmartin has made to the
14 Tribunal, his first complaint was that his efforts to acquire through a direct
15:01:50 15 valuation submitted by the valuer for the sale of land was frustrated and
16 eventually went to tender, and it's Mr. Gilmartin's contention to the Tribunal
17 that there was interference in the original negotiations which necessitated the
18 land going to tender. Now would you agree that normally local authority
19 disposal of lands tender would be the proper process in the first instance?
- 15:02:16 20 A. Yeah, but I would expect that when they did agree on a price, I understood it
21 was on the market for quite a long time and that when a customer came along
22 they gave them the money they asked for, and made a verbal agreement that they
23 would have honoured that agreement.
- 24 Q. 482 Could I put it to you Mr. Farrell that the valuer sent out an offer without
15:02:37 25 approval from his superiors, so they hadn't actually agreed anything, that was
26 the actual factual situation, could I put that to you?
- 27 A. I don't know.
- 28 Q. 483 And Mr. Gilmartin didn't tell you that?
- 29 A. The factual suggestion as I seen it was that T P gave them the money they asked
15:02:57 30 for and agreed without any messing or any bantering and that they made a deal,

15:03:03 1 but when we went back to finalise the deal that they had gazumped the whole
2 thing.

3 Q. 484 I will put it to you, I just put this question to you, the valuers sent out a
4 proposed offer without prejudice to Mr. Gilmartin, when Mr. Gilmartin accepted
15:03:19 5 the proposal it was then incumbent on the valuer to go to the manager to get
6 his approval and the manager felt the price was too low, you are not familiar
7 with that?

8 A. I would have no idea.

9 Q. 485 I appreciate that, but that's actually what happened?

15:03:33 10 A. Well I don't know anything about that.

11 Q. 486 And it was the Corporation and not the County Manager.

12 A. Sorry.

13 Q. 487 I just want to get it clear because just for the record of the Tribunal.
14

15:03:44 15 MS. DILLON: Just so, Mr. Lawlor, so we can get it clear, Mr. Lawlor knows well
16 that there are two parcels of land in question, one owned by the council and
17 that there is documentary evidence that as far as that land is concerned the
18 then manager formed a view that that price was not sufficient. The second
19 parcel was land is the Corporation land and to the best of my knowledge there
15:04:04 20 is no suggestion that the price of the that land was too low until the tender
21 situation arose with Green Properties so I think Mr. Lawlor in the interests of
22 clarity should inform the witness we are talking about two local authorities
23 and two parcels ever land and two managers.
24

15:04:22 25 MR. LAWLOR: Chairman, in the interests of clarity, could we have
26 Mr. Morrissey's minutes of meeting he had with Mr. McLoone and the Corporation
27 manager stated that the 40,000 pounds an acre was an inadequate price contrary
28 to what has just been said by Counsel for the Tribunal. Though I think
29 Ms. Dillon you should withdraw your attempt to confuse the matter,
15:04:46 30 Mr. Morrissey stated the price of 41,000 pounds an acre was inadequate and

15:04:51 1 instructed the valuer to go back and re negotiate. Now is that right or not,
2 tell the Tribunal yourself now that you did interject?

3
4 CHAIRMAN: Well just while Ms. Dillon is checking that, there seems to be
15:05:04 5 little point in raising these detailed issues with this witness because he says
6 he simply recalls Mr. Gilmartin saying that there was a problem which he
7 understood to be in the local authority and the actual detail as to where the
8 problem was or if there was a problem or who the individual personalities were
9 seems to me to be quite irrelevant, insofar as this witness is concerned.

15:05:30 10
11 MR. LAWLOR: Senator Farrell is a local authority member and he knows how the
12 local authority system land disposal works as well as I or any other elected
13 member.

15:05:39 15 CHAIRMAN: Yes but the detail, I am talking about the detail as to
16 Mr. Gilmartin has given in evidence. Mr. Farrell as we understand it, was
17 never made aware of that detail other than being told by Mr. Gilmartin that
18 there was a problem as he understood it with the planners or with the County
19 Council so they --

15:06:01 20
21 MR. LAWLOR: I will put it another way Mr. Gilmartin. You are not aware that
22 Mr. Gilmartin's problems was with the Dublin Corporation, is that correct?

23 A. Well I wasn't --

24 Q. 488 Just yes or no.

15:06:14 25 A. No I wasn't aware.

26 Q. 489 That's fine. I just want it clear that you weren't aware so therefore in
27 advising Mr. Gilmartin to see Mr. Gilbride, you were dealing with what you
28 thought was a matter of assistance to him to deal with the County Council of
29 which Mr. Gilbride was an elected member, isn't that right?

15:06:32 30 A. Correct.

- 15:06:32 1 Q. 490 And Mr. Gilmartin's problem was with another local authority so I will just
2 leave it at that there is confusion there, you can't be held -- you know that's
3 that.
4 Could I just ask you one other point then, you have mentioned in your evidence
15:06:47 5 there to Counsel for the Tribunal that you recommended to Mr. Gilmartin
6 regarding the size of his project, were you aware that in the first instance
7 that it was probably the largest intended material contravention ever visited
8 on the State, were you aware of that?
- 9 A. Well I knew it was a very big project but and that from what I understood that
15:07:13 10 the guidelines or the plan, the Development Plan dictated that it couldn't be
11 that size, and that was why I recommended take the size he was getting and look
12 for an extension later.
- 13 Q. 491 Could I put it to you that that goes to the very heart of Mr. Gilmartin's
14 problems, that his project A was on none retail shopping centre land, it was on
15:07:37 15 industrial and residential, were you aware that it necessitated a material
16 contravention of the then County Development Plan?
- 17 A. Well as far as, what I did understand if it was in the Development Plan that it
18 should be only X acres, then if it had to be over that the Development Plan
19 would have to be altered.
- 15:07:59 20 Q. 492 And those X acres were actually in another location within the County
21 Development Plan Mr. Farrell, do you know that? You are not familiar with
22 that?
- 23 A. I was dealing with it all as one lot.
- 24 Q. 493 Okay. So therefore your suggestion to Mr. Gilmartin fell on deaf ears, is that
15:08:16 25 right, that he should scale back the size of his project, he didn't entertain
26 that suggestion at all?
- 27 A. No, not really.
- 28 Q. 494 And what, can you recall what he said?
- 29 A. No he said that the whole project was just couldn't do it in bits, but I don't
15:08:32 30 know exactly what he said I said you have your foot in the door, take planning

- 15:08:36 1 permission for what you can get and then look for extensions but he didn't
2 think that was possible.
- 3 Q. 495 He didn't have the ingenuity to take that good advice.
- 4 A. Hmm.
- 15:08:46 5 Q. 496 He didn't have the ingenuity to take that good advice?
- 6 A. Awe no, no I don't think that's fair.
- 7
- 8 CHAIRMAN: It's clear he didn't take his advice whether that was ingenious or
9 not is --
- 15:09:01 10 Q. 497 Mr. Farrell are you familiar that Mr. Gilmartin gave a blank cheque to the then
11 Minister for the Environment for 50,000 pound?
- 12 A. No I knew nothing about that.
- 13 Q. 498 And would that come as a surprise to you?
- 14 A. It did.
- 15:09:13 15 Q. 499 And would it be surprised if it was left blank?
- 16 A. Well I wouldn't know anything about that, I couldn't understand why it should
17 be but on the other hand Mr. Gilmartin gave me a cheque, he gave me was blank
18 but I made sure it was filled in and lodged for the project for which he gave
19 it to me. And it was lodged within three days and you can check up to the bank
15:09:38 20 AIB bank in Bundoran, you will get the record it have lodged immediately
21 straight.
- 22 Q. 500 Sure. Would you be familiar that there was a Ministerial Directive controlling
23 very strictly the size of shopping centres?
- 24 A. I did know at that time, I remember after that there was a debate but, about
15:09:56 25 the size of shopping centres in the house, in the Senate and in the Dail.
- 26 Q. 501 And there was quite a limited size required for various local communities --
- 27 A. Yes there was.
- 28 Q. 502 And would you be familiar with Mr. Gilmartin's project was well in excess of
29 that guideline?
- 15:10:14 30 A. I know it was bigger than the guidelines yes.

15:10:17 1 Q. 503 Would you be further familiar that the only one to abolish the guideline would
2 be the Minister for the Environment?

3 A. I thought it would be, I didn't think the Minister for the Environment would
4 have authority to do that I thought it would be the local authority to do it.

15:10:32 5 Q. 504 No the Minister for the Environment, Mr. Farrell, introduced the guideline
6 actually the former Minister sitting in front of me, introduced the guideline
7 for shopping centres to protect towns like Sligo, Lucan and places you were
8 familiar there was a restriction on what you could build by way of retail
9 centres to protect various location?

15:10:54 10 A. Yes.

11 Q. 505 Would you be familiar that Mr. Gilmartin's project drove a coach and four
12 through it?

13 A. I never seen the de plan design it have, never looked at maps.

14 Q. 506 Well in conclusion then, you would think it odd that the man that might be able
15 to abolish the Ministerial Directive was the one that got a blank cheque for
16 50,000 pound from Mr. Gilmartin. Would that shock you?

17
18 MS. DILLON: The witness shouldn't answer that question. It's solely a matter
19 for the Tribunal.

15:11:21 20
21 CHAIRMAN: He said he was surprised.

22 A. I wouldn't even hazard a guess on that one.

23 MR. LAWLOR: Thank you Mr. Farrell.

24
15:11:26 25 MS. DILLON: One question arising out of that, simply lie the cheque that
26 Mr. Gilmartin gave you. Did I understand you to say Mr. Farrell in reply to
27 Mr. Lawlor, that Mr. Gilmartin when he gave you that cheque that the payee was
28 left blank?

29 A. It was.

15:11:40 30 Q. 507 Did you fill it in or did Mr. Gilmartin fill it in?

15:11:43 1 A. No I didn't know it was blank until I -- then I brought it to the Health Board
2 the next Monday to a meeting I brought it in and I met the CEO and Community
3 Care Manager, I gave them the cheque and I am not sure which of them now, but
4 it was filled in, I know you can check this in the AIB bank it was filled in
15:12:08 5 for the project for which I got it and lodged and that on that Monday or the
6 following Tuesday.

7 Q. 508 That's fine Mr. Farrell. If you just go back to Mr. Gilmartin giving you the
8 cheque, what Mr. Gilmartin gave you was a cheque for 10,000 pounds?

9 A. Correct.

15:12:22 10 Q. 509 It was signed by Mr. Gilmartin?

11 A. It was.

12 Q. 510 The payee was left blank?

13 A. Correct.

14 Q. 511 And he gave you that cheque for the enterprise you were involved in Bundoran?

15:12:30 15 A. Correct.

16 Q. 512 And it was to that account that that cheque was lodged?

17 A. Correct.

18 Q. 513 But you or the Chief Executive Officer filled in the payee subsequently?

19 A. No, I didn't but some Health Board personnel filled in the cheque.

15:12:42 20 Q. 514 Thank you?

21 A. And again check that with AIB bank in Bundoran.

22

23 MR. LAWLOR: Could I just have clarification on the Corporation issue that was
24 raised by Ms. Dillon earlier.

15:12:53 25

26 MS. DILLON: There is no need to clarify it.

27

28 CHAIRMAN: What clarification are you looking for?

29

15:12:57 30 MR. LAWLOR: Just the interjection was that it was suggested that it was County

15:13:01 1 Council land and I was pursuing questioning Mr. Gilmartin about Corporation
2 land and council for the Tribunal decided to try and divert the questioning on
3 Corporation lands to the county which was wholly incorrect and shouldn't have
4 been an interjection at all.

15:13:15 5
6 CHAIRMAN: Well it was in the context of querying the price I think.

7
8 MR. LAWLOR: Just in the context of interjection it shouldn't have happened,
9 simple.

15:13:30 10
11 CHAIRMAN: In any event it's, it is not relevant to Mr. Farrell's evidence and
12 it is not something that we have taken account.

13
14 So thank you Mr. Farrell for attendance.

15:13:40 15
16 **THE WITNESS THEN WITHDREW.**

17
18 MS. DILLON: Mr. Raphael Burke please.

19
20 **MR. RAPHAEL BURKE, HAVING BEEN SWORN WAS EXAMINED**

21 **AS FOLLOWS BY MS. DILLON:**

22
23 Q. 515 Good afternoon Mr. Burke there are four alleged meetings that I want to talk to
24 you about, or that the Tribunal wish to hear your evidence about this
15:14:54 25 afternoon.

26
27 The meeting of the 21st of September '88 involving the local authority
28 officials and members of the government and a subsequent meeting on the 2nd of
29 February '89 in which it appears that the subject was urban renewal, and a
15:15:09 30 meeting that is alleged to have taken place on the 1st of February 1989 at

15:15:14 1 which Mr. Gilmartin says after this meeting a request for five million pounds
2 was made and the fourth alleged meeting is a reference in a document that on
3 the 3rd of February 1989 there was a meeting, the document suggest with you but
4 Mr. Gilmartin has told the Tribunal that you were not at any such meeting.

15:15:36 5
6 I will go through them in sequence but the meeting I want to deal with first is
7 the alleged meeting of the 1st of February 1989.

8 A. Could I just Mr. Chairman have the first one that was mentioned. The meeting
9 with the Corporation officials.

15:15:54 10 Q. 516 The 21st of September 1988.

11 A. I have referred it to myself in my statement but I hadn't got the date.

12 Q. 517 There was two meetings one on the 21st of September '88 and one on the 2nd of
13 February of 1989. Both in relation to a local authority, if I can take you
14 first of all to the 1st of February of 1989 and --

15:16:20 15
16 MR. O'NEILL: Sorry to interrupt Ms. Dillon but I should point out
17 Mr. Gilmartin said first or second, likely the first.

18 Q. 518 First or second of February. At that time Mr. Burke you were Minister for
19 Communications and Minister for Industry and Commerce?

15:16:37 20 A. That's true.

21 Q. 519 The Taoiseach was Mr. Charles Haughey and other members of the cabinet included
22 Mr. Brian Lenihan, Mr. McSharry, Mr. Gerard Collins, Mr. McSharry had resigned
23 in November of '88, Mr. Gerard Collins, Mr. Wilson, Mr. Michael Kennedy, Mr.
24 Albert Reynolds, Mr. Woods, Mr. Pdraig Flynn, Mr. Daly, Bertie Ahern, Mr. Rory
15:17:02 25 O'Hanlon, Mr. Michael Noonan, Mary O'Rourke and Mr. Michael Smith, is that
26 correct? That was the formation of the --

27 A. That sounds like the list yes, Mr. McSharry resigned in --

28 Q. 520 November.

29 A. November yes.

15:17:13 30 Q. 521 Can I ask you first of all, Mr. Burke, in 1989 about the layout of the

- 15:17:20 1 ministerial floor in Leinster House?
- 2 A. Where the ministerial offices are in Leinster House.
- 3 Q. 522 Yes.
- 4 A. Well there is a corridor joining government buildings, a bridge is joining
- 15:17:39 5 government buildings to Leinster House. If you are coming from Leinster House
- 6 you go across the bridge, through a door there is a general area where normally
- 7 one of the ushers of the house is sitting, and then you have a corridor
- 8 straight ahead of you and one to the right. And in both of those there are
- 9 ministerial rooms which are used by the members of the cabinet and Ministers of
- 15:18:15 10 State when the Dail is sitting. Sometimes some of them, including myself when
- 11 I was in Industry and Commerce work most of the time in my office in Kildare
- 12 Street because it was just across from the Dail. And there is a second floor
- 13 of offices as well where Ministers of State had their offices on the second
- 14 floor as well, but it's mainly the cabinet on the first level, on two corridors
- 15:18:47 15 and Ministers of State on the second corridor.
- 16 Q. 523 And the, in 1989 would the Taoiseach have had an office on the ministerial
- 17 floor?
- 18 A. No he never had an office on the ministerial floor. You went from the
- 19 ministerial floor through a connecting door down a long corridor through
- 15:19:14 20 government buildings most people would be familiar with the pictures of
- 21 government buildings from the news, pictures they see on the television, and
- 22 the Taoiseach's office if you are looking from Merrion Street the Taoiseach's
- 23 office would be away on the left-hand side of government buildings, the
- 24 Minister's offices that I would be -- away on the right-hand side towards
- 15:19:41 25 Leinster House. So if you take it, it's three sides of a block, the
- 26 Taoiseach's office would be on the furthest side.
- 27 Q. 524 And would the Tanaiste have an office on the ministerial corridor?
- 28 A. The Tanaiste would have had an office on the ministerial corridor at that time
- 29 yes.
- 15:19:59 30 Q. 525 Would that be the same size office as the Ministers had?

- 15:20:03 1 A. Sorry excuse me that's the Taoiseach's office originally at one stage, prior to
2 the renovations etcetera would have been on the ministerial floor as well, it
3 would have been at the very far end of it.
- 4 Q. 526 When you say that the Taoiseach would have had an office at the end of the
15:20:20 5 ministerial corridor at some stage, by 1989 was that still the position that
6 the Taoiseach did in fact have an office on the ministerial corridor?
- 7 A. I can't be sure of that, I don't know, I won't speculate this is a Tribunal of
8 fact I won't speculate on it Mr. Chairman. The buildings were renovated, the
9 government building was renovated I think it was before 1989 but I better not
15:20:46 10 speculate on it Mr. Chairman.
- 11 Q. 527 And the Taoiseach when he did have an office on the ministerial floor was that
12 a bigger office than everybody elses?
- 13 A. It have wouldn't slightly digger.
- 14 Q. 528 Did it have a separate entrance?
- 15:20:56 15 A. I beg your pardon.
- 16 Q. 529 A separate entrance?
- 17 A. You would have gone through the, along the Minister's corridor, through a small
18 passage way and then into his outer office where his secretaries would have
19 been -- I think in later years that became the Tanaiste's office.
- 15:21:19 20 Q. 530 In relation to the meeting that is alleged to have taken place on the 1st or
21 2nd of February of 1989, the Tribunal wrote to you Mr. Burke and asked you
22 whether you had any recollection of any such meeting, isn't that right?
- 23 A. That's correct, yes.
- 24 Q. 531 And at page 133 you replied to the best of your recollection you had not met
15:21:43 25 Mr. Gilmartin and you did not attend the meeting referred to in February of
26 1989.
- 27 A. That's correct I have no memory of such a meeting at all Mr. Chairman.
- 28 Q. 532 The --
- 29 A. Could I also say Mr. Chairman by the way, that if such a meeting took place, I
15:22:03 30 see nothing wrong with such a meeting, as it would have been part of government

15:22:07 1 policy at that time to encourage investment in Ireland and so the meeting of
2 the, of government members and of a potential investor in Ireland would have
3 had no, would have been no, I would have seen nothing wrong with it. As a
4 matter of fact earlier on in that week in diaries that have been made available
15:22:28 5 to me by the Tribunal in recent weeks, I actually had a meeting in Malahide
6 myself with Irish industrialists on a previous Monday encouraging them to
7 invest in Ireland in a forum in Malahide Castle.

8 Q. 533 Mrs. O'Rourke has told the Tribunal that her recollection of what, that she
9 does recollect such a meeting, that it was a very informal meeting and what she
15:22:52 10 recollects happened was that the then Minister for the Environment, Mr. Flynn
11 came into her ministerial office and asked her to step across the corridor to
12 meet a Mr. Gilmartin who was going to bring jobs and investment and that she
13 went in and she nodded at him, he may have nodded to her and that was the
14 extent of the contact lasting five or ten seconds and the present Taoiseach
15:23:15 15 when he gave evidence, said such meetings as were described by Mrs. O'Rourke
16 were very common on the ministerial corridor where people were asked to meet
17 other people who had been brought in, would you agree with that?

18 A. I would agree that meetings took place regularly on the ministerial corridors
19 where people would be introduced or colleagues would have some delegation in
15:23:43 20 from around the country and he would ask another colleague to go in and meet
21 them just for introduction purposes. But I have no recollection of such a
22 meeting as described by Mrs. O'Rourke which isn't as I understand it from her
23 evidence at the same time as the meeting or in the same place as the meeting as
24 referred to by Mr. Gilmartin, they seem to be, my understand something that
15:24:11 25 Mrs. O'Rourke spoke about this meeting that she is talking about being sometime
26 in the middle of February to early March which doesn't seem to coincide at all
27 with the details of the meetings as outlined in the documentation by
28 Mr. Gilmartin.

29
15:24:25 30 However I want to emphasise this Mr. Chairman, I have no memory of being

15:24:30 1 present at it and from the diaries that I see, the details of the diary that I
2 see that were made available to me by the Tribunal it is obvious that I wasn't
3 in Leinster House at the times that are being spoken about of this meeting that
4 Mr. Gilmartin spoke about, but if it did, I have no difficulty with it, I would
15:24:53 5 have seen no difficulty with the meeting encouraging investment, but I just as
6 a matter of fact and it is a Tribunal of fact, I have no memory of it or no
7 recollection of it.

8 Q. 534 Mrs. O'Rourke describes that she recollects you being present in the room, do
9 you dispute her account where she has an actual recollection that she remembers
15:25:18 10 you being at a meeting at which Mr. Gilmartin was present?

11 A. Well we are in a difficulty Mr. Chairman that we are talking about apparently
12 two different meeting because Mr. Gilmartin's meeting is either the 1st or 2nd
13 of February, Mrs. O'Rourke's evidence as I understand it was mid February to
14 early March.

15:25:43 15
16 CHAIRMAN: I think she said, from early February to mid March

17 A. Yes well --

18
19 CHAIRMAN: But leaving aside the date as we understand your evidence it is
15:25:48 20 that you would see no difficulty or and there is no suggestion that there was
21 anything wrong in having this sort of meeting --

22 A. I accept that, yes.

23
24 CHAIRMAN: Whether you take it as described by Mr. Gilmartin or Mrs. O'Rourke.
15:26:02 25 But that you don't have any recollection of anything as described by either of
26 them?

27 A. I don't, no. I don't. As I say I would have no difficulty with it but I don't
28 have a recollection of either.

29
15:26:11 30 CHAIRMAN: That seems to be --

- 15:26:13 1 Q. 535 And can I just for completeness then Mr. Burke show you your diary or an
2 extract from your diary at page 3865 and 3866, this is an extract from your
3 ministerial diary for the 1st of February of 1989 and you will see at 14.30
4 Mr. Burke on the Wednesday, that there is an entry for P Qs which I assume is
15:26:43 5 parliamentary questions?
6 A. That's correct I was on in parliamentary questions from 2.30 until 3.30 or 3.45
7 I finished and the, that was the end of that, after that as you can see --
8 shall I go through the diary.
9 Q. 536 Yes, yes.
10 A. As you can see I had a meeting at 4 o'clock with Mr. Goodman, that was a follow
11 on from a meeting that was in Malahide Castle on the Monday I assume because he
12 would have been one of the participants at the meeting, he was one of the
13 industrialists that was present. That meeting would have taken place in my
14 office in Industry and Commerce and the other meeting then the next meeting
15:27:30 15 which seems to have been adjourned because one ran over the other seems to have
16 in Leinster House, at 4.30 it was cancelled it seems to have been struck out
17 there. The next one is 5 o'clock with Senator Owen Ryan and I have a specific
18 recollection of that in my office in Kildare Street and if you look at 3867
19 could I suggest, 3867? It's another --
15:28:15 20 Q. 537 It's your second ministerial diary?
21 A. It is the second one yes, it shows that at at 5.30 on that day I was meeting
22 Mr. Conlon after my meeting with Senator Ryan, if you look at the meeting with
23 Senator Ryan you will see after it DPT in the department, and 5.30 with Oliver
24 Conlon so I was at that stage when the supposed meeting was taking place with
15:28:44 25 Mr. Gilmartin in Leinster House from the diary as it is there, I was in my
26 office in Kildare Street. So that's -- that's why I am confirmed again in my
27 situation in relation to it, but I hadn't got that until recently. This was
28 only made available to me recently. So -- but I have no recollection in the
29 world of the meeting.
15:29:13 30 Q. 538 And insofar as the meeting with your then solicitor Mr. Oliver Conlon is

- 15:29:19 1 concerned at 5.30, do you recollect that that was in the department?
- 2 A. I can't be absolutely certain of that but I have gone through the Dail, the
3 record of the Dail, Kildare Street gate visitors book and there is no record
4 whatsoever of Mr. Conlon coming in arranging to meet me there, so it is my -- I
15:29:50 5 have a clear recollection of the Owen Ryan meeting at 5 o'clock because of the
6 circumstances of the meeting, it took place in my office in Kildare Street. I
7 can't be 100 per cent sure but it seems logical that it was immediately after
8 the first one that I then had the second one in the same building.
- 9 Q. 539 And if we turn then to the 2nd of February of 1989 at 3866?
- 15:30:17 10 A. Yes.
- 11 Q. 540 You will see that the, there is a meeting at 3 o'clock re urban renewal in the
12 Taoiseach's office?
- 13 A. That's correct.
- 14 Q. 541 Now where would that Taoiseach's office have been, that's referred to there?
- 15:30:35 15 A. Back to this difficulty that I had, as to whether the building was completed in
16 '89 or not, I am not a 100 per cent sure. I think it probably was but I am not
17 a 100 per cent sure that it was completed in '89. I think it must have been
18 completed in '89 but you can I am sure you have ways of checking these things,
19 as they say. But I am not sure Mr. Chairman as to whether it was -- it would
15:31:11 20 have been in the Taoiseach's office in government buildings but whether it
21 would have been in his the one along the corridor or not I'm not sure.
- 22 Q. 542 Certainly the meetings that had been scheduled or were scheduled at some stage
23 to take place and that have numbers two and three beside them they were
24 cancelled, isn't that right?
- 15:31:32 25 A. I beg your pardon sorry.
- 26 Q. 543 If you look at the diary Mr. Burke you had other meetings one with Federated
27 Union of Employers and then other meetings scheduled that were cancelled?
- 28 A. They seem to have been cancelled that day, yes.
- 29 Q. 544 If one looks at the second version of your ministerial diary for that date
15:31:52 30 which is at 3868.

- 15:31:54 1 A. Yes.
- 2 Q. 545 You will see that the only entry that you have is that meeting in the
3 Taoiseach's office?
- 4 A. That's right yes.
- 15:32:01 5 Q. 546 About urban renewal.
- 6 A. That's right.
- 7 Q. 547 And that I think was the second meeting on the 2nd of February in relation to
8 the government meeting the local authority, isn't that right?
- 9 A. If you say so, I haven't got the dates, I accept what you are saying that -- I
15:32:19 10 had only recalled one meeting with the local authorities apparently there were
11 two, which I am quite prepared to accept I have no memory of it.
- 12 Q. 548 I can take you very quickly through both, through both of those meetings but if
13 you deal very briefly with the meeting of the 1st or 2nd of February of 1989 it
14 is your position, not that such a meeting did not take place, but that you have
15:32:44 15 no recollection of any such meeting?
- 16 A. No no memory of it whatsoever, and from the information of the diary that has
17 been made available by the Tribunal of the, my ministerial diaries that have
18 been made available by the civil service it would be, appear that not appear,
19 it states that I was working in Kildare Street, and on the second date on the
15:33:14 20 Thursday there was a meeting in the Taoiseach's office, I don't think anybody
21 has suggested that Mr. Gilmartin was present at that and that the second,
22 that's the scenario on it. I accept the -- but I have no recollection of
23 meeting Mr. Gilmartin whatsoever.
- 24 Q. 549 If I --
- 15:33:36 25 A. I'd have no problem with it if it did take place but I don't recall it.
- 26 Q. 550 And there are two other meetings that I would like to ask you about very
27 briefly Mr. Burke one is a meeting on the 21st of September of 1988 which
28 apparently was a meeting between the Taoiseach, some Ministers and local
29 authority officials in connection with urban renewal, there is an entry in
15:34:00 30 Mr. Redmond's diary at 1846, which refers to Taoiseach Department 10 on the

- 15:34:12 1 21st September '88 which is followed on the 27th of September at 1852 with a
2 letter to Mr --
- 3 A. Sorry I seem, yes.
- 4 Q. 551 This letter of the 27th of September which is from Mr. Frank Feeley the then
15:34:29 5 Dublin City Manager referring to the meeting on the 21st and talking about tax
6 incentives for designated areas.
- 7 A. Mm-hmm.
- 8 Q. 552 And subsequently on the 1st of February of 1989 at 2119, this was a Department
9 of Finance note that was prepared on the day before the second meeting, which
10 refers to the meeting on the 21st of September where the Minister for the
11 Environment, the Taoiseach and other Ministers including the previous Minister
12 for Finance had met with Dublin city to review urban renewal in the designated
13 areas in Dublin and that dissatisfaction had been expressed at the apparent
14 lack of progress and the Taoiseach had intervened to encourage an
15 intensification of the urban renewal effort in Dublin. Tomorrow's meeting is
16 we gather, a follow up to the September meeting but no specific agenda has been
17 made available. The attached note sets out the overall incentives applying in
18 the Dublin designated area with general comments on the more recent proposals
19 advanced by Minister for the Environment?
- 15:35:20 20 A. Yes.
- 21 Q. 553 That is dated the 1st of February '89 and you saw the entries in your own
22 diary, of the 2nd of February 1989 which is entitled Urban Renewal Taoiseach's
23 office that would suggest the meet of 21st September 1988 and the meeting of
24 the 2nd February of 1989, were concerned primarily with matters of urban
15:35:57 25 renewal?
- 26 A. That's correct and I refer to that in the statement that I made to the Tribunal
27 when I said that in 87/88, I am quoting 134:
28 "Our client attended a meeting in government buildings chaired by an Taoiseach
29 attended by a number of cabinet minsters including Mr. Ahern, possibly Mr.
15:36:14 30 Pdraig Flynn, Mr. Frank Feeley the Dublin City and County Manager together

15:36:20 1 with the team of Mr. Feeley's officials the purpose of the meeting as our
2 client recalls was the government concerned with the need for speedier decision
3 by the local authority so the construction industry could create more jobs to
4 tackle the chronic employment situation at the time. One project specific
15:36:35 5 recalls being referred to was the proposed redevelopment of the Bachelor's Walk
6 Abbey Street area of Dublin city by a company called Arlington".

7
8 That's my recollection of the scenario Mr. Chairman because at the time the
9 quays were derelict and it was a question of trying to create some employment
10 and also to do something with the city of Dublin.

11 Q. 554 Do you think that it's likely Mr. Burke that you were at both meetings?

12 A. It's possible, I recall one but it's quite likely that -- when you refer to the
13 first one on the 21st of September it's probable that I was at both, yes.

14 Q. 555 Mr. Redmond recollects that is you were at both.

15:37:19 15 A. I am prepared to accept that I was at both, Mr. Chairman I don't have a problem
16 with that what so ever.

17 Q. 556 And Mr. Redmond also says that one of the main topics for discussion
18 particularly at the second meeting in February of 1989 was Quarryvale and the
19 fact that Mr. O'Callaghan and Mr. Gilmartin had got together. Do you have any
20 recollection of Quarryvale or Mr. Gilmartin's development at Quarryvale being
21 discussed at either meeting?

22 A. No I don't, I told you the one that I recall being discussed and that was the
23 redevelopment of the city, I don't recall the Quarryvale development being
24 referred to.

15:37:56 25 Q. 557 And insofar as you have a recollection in connection with the development on
26 bachelor's walk, do you have any recollection that Mr. Gilmartin had an
27 involvement in Arlington?

28 A. I am not sure now to be honest with you. Let me think about that for a moment.
29 I don't really, no I can't say Mr. Chairman as fact, that I recall any, it was
15:38:30 30 the name Arlington that struck me that I see it's still there and on a name on

- 15:38:38 1 a hotel down there, that it reminds me of a regularly when I pass by.
- 2 Q. 558 And do you have any recollection Mr. Burke of the extension of the designated
3 area to facilitate as it were, the Arlington development of the Bachelor's Walk
4 site?
- 15:38:58 5 A. No the only knowledge I have of that is the correspondence or documentation
6 made available to me by the Tribunal and I see that that took place in February
7 of '88 apparently. The designation of the Arlington site that there was a
8 letter apparently from the Minister for the Environment informing Arlington in
9 February '88, that the whole of the site of Bachelor's Walk would be
10 designated, I take that from Mr. Gilmartin's statement page 581.
- 15:39:31 11 Q. 559 I think the actual government decision was December of 1987 and it was
12 implemented I think in May of 1988 by statutory instrument, but that there was
13 in fact a letter from the Department of the Environment to, I think it was
14 Mr. Humphrey Price of Arlington in connection with the extension but other than
15:39:53 15 what you have seen in the documentation Mr. Burke, do you have any recollection
16 of any discussions with anybody including Mr. Pdraig Flynn about extending the
17 tax designation, the area or the location at Bachelor's Walk?
- 18 A. No I would have had no reason to have such a discussion with Mr. Flynn or
19 anybody else about it. The first I have ever heard of it, the extension of it
15:40:13 20 was in the studying the documentation provided by the Tribunal and I came
21 across it in Mr. Gilmartin's statement to the Tribunal, that that happened in
22 February of '88.
- 23 Q. 560 And the final document I want to ask you about is just at 3462. This document
24 is a record Mr. Burke, of a conversation that is supposed to have taken place
15:40:39 25 between Mr. Gilmartin and the author of the document who is Mark Pery-knox-Gore
26 at 3462 and you will see have seen in the documentation.
- 27 A. Yes I have it here.
- 28 Q. 561 Do you have the document, you will see in that documentation that it is
29 recorded and I will quote from the document "He" that's Mr. Gilmartin "Told
15:41:07 30 me", that's Mr. Mark Pery-knox-Gore "That he had had a meeting that morning

15:41:12 1 with four government Minister, Ahern, Reynolds, Flynn and Burke. It appears
2 they summoned him over to Dublin to express their annoyance that the fact that
3 Arlington may not, by now, purchase most of the Bachelor's Walk site. The
4 Ministers say Gilmartin gave them assurance that the site would be acquired
15:41:29 5 once the designated area for the urban renewal scheme had been extended for
6 Arlington's benefit. Now it appear that Arlington were awaiting for EC grant
7 approval. The Ministers said that the government had bent over backwards to
8 help Arlington and got nothing in return."
9

15:41:42 10 Mr. Gilmartin in evidence told the Tribunal that that document is incorrect and
11 he that he did not, on the 3rd of February, have a meeting with you and that in
12 fact on the 3rd of February he met only Mr. Padraig Flynn and that that
13 document is incorrect and Mr. Gilmartin told the Tribunal in evidence that the
14 only occasion on which he met you was when he went up in the lift with you on
15:42:05 15 either 1st or 2nd of February and at that meeting that you don't, that you have
16 no recollection of.

17 A. Well I am glad that it has been clarified that that supposed meeting that he
18 referred to in his conversation with Mr. Mark Perry that he clarified that no
19 such meeting of that nature took place, because it never did take place. And
15:42:33 20 as far as the meeting where he says that he went up in a lift with me to a
21 meeting on the fourth or the fifth floor, which seems to be a distinct meeting
22 from the one Mrs. O'Rourke is talking about, that he went up on a lift with me,
23 that I can say to you on the, that I have no memory of that whatsoever. And if
24 it was the 1st I wouldn't have been in the building at the time that he had
15:42:56 25 spoken about between 4.30 and 5.30 and but again I want to emphasise to you,
26 Mr. Chairman, that if such a meeting took place and colleagues were present at
27 it, I see absolutely nothing wrong and it would have been absolutely four
28 square with government policy as far as encouraging investment in the country.

29 Q. 562 And finally, Mr. Burke, in 1990 you would have been Minister for Justice is
15:43:25 30 that correct?

- 15:43:25 1 A. That's correct.
- 2 Q. 563 And you would have had received the final report that was, final Garda report
3 into allegations of planning corruption that had been carried out in 1989 and
4 1990?
- 15:43:38 5 A. It would have come to the department and been sent on to, as I recall, to the
6 Custom House.
- 7 Q. 564 An extract from the document I think was sent onto the department but it would
8 have been furnished to you as Minister for Justice?
- 9 A. It would have gone to the secretary of the department yes and I would have seen
15:43:56 10 part of it, yes.
- 11 Q. 565 Do you have any recollection of reading that document and being aware of the
12 complaints that were being made or had been made by Mr. Gilmartin?
- 13 A. I was aware of the complaint of Mr. Gilmartin, I didn't study the document in
14 detail. The summary of the report was brought to my attention, as I recall it.
- 15:44:25 15 Q. 566 Sorry I should have, Ms. O'Raw reminds me I should have asked you at the very
16 beginning Mr. Burke because the Tribunal directed all witnesses be asked
17 whether you when you, through your Solicitor received the documentation from
18 the Tribunal in connection with this module, whether you disclose the contents
19 of those documents or any of those documents to any third party other than your
15:44:46 20 solicitor?
- 21 A. Mr. Chairman I replied to you in writing to ensure the Tribunal that I hadn't,
22 but can I say this in my dealings with nearly six or seven years of this
23 Tribunal there has been continuous leaks and I have been asked about them on an
24 number of occasions and on each occasion I answered you correctly and not one
15:45:04 25 of those leaks over those years have been in anyway favourable to myself. So I
26 would strongly suggest with the greatest of respect Mr. Chairman that maybe a
27 look closer to home mightn't be a bad idea.
- 28
- 29 CHAIRMAN: Well whatever that means but you say that you are not responsible
15:45:23 30 for any of the leaks

15:45:24 1 A. Well Mr. Chairman, I think in leaks if you look to who benefits from them and
2 over six or seven years there hasn't been one of them beneficial to me, so you
3 can take it from that.
4

15:45:36 5 CHAIRMAN: I will take that as a no
6

7 MS. DILLON: Thank you very much Mr. Burke if you answer any questions.
8

9 MR. O'NEILL: Good afternoon Mr. Burke. I appear on behalf of Mr. Gilmartin.
10 Just a few questions to ask you, first you seem to be at pains to suggest to
11 the Tribunal that the meeting which Mr. Gilmartin says you attended and the
12 meeting that Mrs. O'Rourke says you attended are two different meetings. Is
13 that a fair analysis of what you have been saying?

14 A. Well as reading the documentation Mr. Chairman that has been forwarded to me by
15 the Tribunal, Mr. Gilmartin refers to one of --

16 Q. 567 If you want to answer that yes or no first and then elaborate on it if you
17 wish?

18 A. There appears to have been two meetings from the descriptions of the
19 occurrences as outlined by the two people involved Mr. Gilmartin referring to
20 going up to, in a lift to the fourth or fifth floor into a room with two
21 different doors, people coming in one door out of another door, quite a large
22 room, and outlining the type of room, this as I get it from the documentation
23 and from reading the report.

24 Q. 568 Is the answer yes Mr. Burke?

15:46:53 25 A. And the second one is in relation to the meeting that Mrs. O'Rourke described
26 which is in a different part of the complex of Leinster House, government
27 buildings and it seems to be a totally different meeting. But as I again I'm
28 not making a huge issue one way or another because Mr. Gilmartin makes no
29 allegation of any impropriety against me, I am just being factual with the
15:47:20 30 Tribunal and telling you Mr. Chairman, that I have no recollection of such

15:47:29 1 meetings.

2 Q. 569 Is the answer yes or no?

3 A. Could you repeat the question please.

4 Q. 570 I asked.

15:47:33 5

6 CHAIRMAN: Mr. Burke I think make it is quite clear that he sees a difference

7 between the two meetings described by Mr. Gilmartin and Mrs. O'Rourke in the

8 other, but at the same time he has no recollection of being at either nor does

9 he see anything wrong with either meeting as described.

15:47:52 10 Q. 571 You have suggested that they're different in both time and location, isn't that

11 right?

12 A. No I am not suggesting they are different the evidence that has been given says

13 they are different.

14 Q. 572 You have gone through the evidence obviously quite carefully to see what

15:48:08 15 differences you can find. The first thing you say is they occurred at

16 different times, you have said that Mrs. O'Rourke said the meeting took place

17 between the middle of February and early March. That's not correct. If we can

18 have transcript 472 page 62? We'll put it up on screen you may have all the

19 transcripts with you in any event or some of them.

15:48:39 20

21 If you look at line 16. Line 17. This is Mrs. O'Rourke's evidence in response

22 to questions put to her by Counsel for the Tribunal. "Let's say the beginning

23 of February" this is her dating the meeting "Let's say the beginning of

24 February to the middle of March". Do you stand corrected on that?

15:49:10 25 A. Well I stand corrected on the beginning of February, yes to the middle of

26 March. I have been going on the evidence, or the reports of the Tribunal's

27 sittings from, as per Mr. Brian Dowling on in the Independent and on the 6th

28 April where he says that it happened sometime in February or March and also

29 Mr. Cullen in the Irish Times on the 6th where he said, she believed the

15:49:47 30 meeting had taken place between mid February and March '89 and I stand

- 15:49:51 1 corrected on the basis of the report here when she says beginning of February.
- 2 Q. 573 Now I take it from the fact that you have tried to separate the two meetings
- 3 that you are really not taking issue with Mrs. O'Rourke when she says that you
- 4 attended a meeting she remembers you being at a meeting?
- 15:50:10 5 A. Oh I am taking, I am -- I disagree with her, I have no recollection, no memory
- 6 of that whatsoever.
- 7 Q. 574 Are you saying Mrs. O'Rourke is wrong then when she says you attended a meeting
- 8 between the beginning of January and the middle of March, of the nature she
- 9 described?
- 15:50:33 10 A. I am saying if I was to speculate on it Mr. Chairman, which I am going asked to
- 11 do, I am not going to do that. I am telling you as a Tribunal of fact, that I
- 12 have no memory of being present at any meeting with Mr. Gilmartin and to the
- 13 best of my knowledge, I have never met Mr. Gilmartin full stop. Now that's the
- 14 situation in it Mr. Chairman. But again I emphasise to you, as I think
- 15:51:00 15 Mrs. O'Rourke did when she gave evidence, that she would have seen nothing
- 16 improper with the meeting and neither would I, if I had been there but I have
- 17 no record and no memory of it, it's not a matter of great issue to me one way
- 18 or another but I have no record of it, no memory of it.
- 19 Q. 575 So do I correctly understand you then to say yes, you have no -- I have no
- 15:51:25 20 recollection of such a meeting but I cannot go so far as to say if
- 21 Mrs. O'Rourke said I was at a meeting of the nature she describes, I cannot say
- 22 I wasn't there?
- 23 A. Ah no, no. We are not going down that road now.
- 24
- 15:51:39 25 CHAIRMAN: Mr. O'Neill one seems to contradict the other. If Mr. Burke says
- 26 he has no recollection he doesn't think he was there, but he has no
- 27 recollection.
- 28 Q. 576 But other witnesses have been careful to distinguish between a meeting did not
- 29 take place and I have no recollection of such a meeting.
- 15:51:58 30

15:51:58 1 CHAIRMAN: As I understand Mr. Burke's evidence is he has no recollection,
2 which means if that's correct, that he can't swear one way or the other whether
3 the meeting took place. Or sorry that he can't swear one way or the other
4 whether he was there.

15:52:15 5
6 A. Mr. Chairman can I answer to you, the situation is that the original suggestion
7 was that the meeting was on the 1st and that's what appears in what purported
8 to be Mr. Gilmartin's diary in the afternoon of the 1st, that he met Mr. Lawlor
9 at 4.30 as he says and that the meeting was supposed to be at 5.30 in Leinster
10 House. My diaries which subsequently you made available to me through your
11 offices, show that I would have been in Kildare Street at that time. So and on
12 the second date I was at a meeting with the Taoiseach and the officials of
13 Dublin Corporation which is now come out in today's evidence. So I have no way
14 of saying that I was present at the meeting that Mr. Gilmartin is talking
15 about, all the evidence would suggest I wasn't. But again I want to come back
16 to it, that if such a meeting took place I would have had no difficulty
17 whatsoever with it. That's the situation that I am in. I can't be any clearer
18 than that.
19

15:53:08 20 CHAIRMAN: Yes but --

21 A. Other than that I would be speculating.
22

23 CHAIRMAN: Yes but Mr. Burke Mrs. O'Rourke's evidence was that you were at
24 this meeting, this short meeting and Mr. O'Neill is putting to you do you, are
15:53:36 25 you prepared to accept, given her clear recollection that you were, as a matter
26 of probability, at that meeting because you can't recollect one way or the
27 other?

28 A. No. You can't just take Mrs. O'Rourke in isolation if we are only talking
29 about one meeting because it is Mrs. O'Rourke and Mr. Gilmartin, if you are
15:53:59 30 talking about the 1st and 2nd of February and the situation is that on both of

15:54:03 1 those days I was tied in different ways.

2

3 CHAIRMAN: Well forget for the moment about the date, just taking

4 Mrs. O'Rourke's evidence, that a meeting she believes as described by her,

15:54:16 5 where you were present, took place sometime in February early March, forget

6 about the 1st or 2nd, as I understand your evidence, you are not disputing what

7 she says because you can't recollect one way or the other.

8 A. I am not disputing but I am not agreeing. I don't -- Mr. Chairman I want to

9 make it absolutely clear that what I have said to you already is the fact,

15:54:43 10 anything else would be speculation about being present at a meeting, I am not

11 prepared to go that road. I would be immediately reported as other colleagues

12 have been, a change of evidence, I am not prepared to go down that line. I am

13 here to give you as much co-operation and as much assistance as I can but I

14 don't want to be falsely accused of obstructing work or anything else.

15:55:09 15

16 CHAIRMAN: No no I don't think that arising, but ultimately you can't say --

17 A. How do you prove a negative Mr. Chairman you can't prove a negative.

18

19 CHAIRMAN: No no but we have to decide the evidence on, based on what probably

15:55:23 20 occurred because in many respects and in many issues there is no absolutely

21 clear and agreed account, so Mrs. O'Rourke says that a meeting took place, a

22 brief meeting took place where Mr. Gilmartin was present and where you were

23 present, that's her evidence. You say that you have no recollection of any

24 such meeting.

15:55:50 25 A. And to the best of my knowledge I have never met Mr. Gilmartin.

26

27 CHAIRMAN: All right so you have no recollection of meet Mr. Gilmartin or

28 attending any such meeting.

29 A. That's precisely it.

15:56:01 30

15:56:01 1 CHAIRMAN: That seems to be Mr. O'Neill --

2 Q. 577 And indeed that's what I was attempting to put to Mr. Burke. You say you have

3 never met or should I say you have no recollection of meeting Mr. Gilmartin,

4 Mr. Burke, is that correct?

15:56:18 5 A. That's as far as I know I have never met the man, no.

6 Q. 578 Do you remember saying hello to him in the Park Hotel in Sligo in September of

7 1997 walking by, he was sitting in the foyer and you walked by?

8 A. Mr. Chairman, I mean --

9

15:56:37 10 CHAIRMAN: If you don't remember --

11 A. I don't remember, no. I don't.

12

13 CHAIRMAN: That's fine. There is no problem with that

14 A. No, I don't remember.

15:56:44 15 Q. 579 And Mr. Gilmartin was in the presence of his son at the time, that doesn't jog

16 your memory does it?

17 A. In 1997 Mr. Chairman I was a politician, by the very nature of the beast you

18 walk along and you say hello to people as you stroll along and in hotels or in

19 restaurants, you talk to people, it is, it goes with the territory you just

15:57:17 20 talk to people automatically and in any day or any circumstances I would have

21 met hundreds of people so to have said hello to somebody passing in a corridor

22 or passing in a hotel lobby would not be unusual.

23 Q. 580 He has a clear recollection that you passed by and said "hello Tom" that

24 doesn't assist you?

15:57:40 25 A. It couldn't have happened because I wouldn't have known the gentleman.

26 Q. 581 That is why you he said you see he had met you before, he met you in Leinster

27 House.

28 A. Even by his own recollection of that situation or his own evidence of it as I

29 understand it, it was that he met me according to himself at a lift that we got

15:58:03 30 into the lift that I don't recall that he even said that I spoke to him, that

15:58:09 1 he apparently went on to into a room where I was supposed to have followed on,
2 look I have no conflict with Mr. Gilmartin in relation to this issue, he has
3 made no suggestions of any impropriety against me and I don't want to have any
4 conflict with him. But I just, the man doesn't register on my radar in my life
15:58:36 5 that's the situation.

6 Q. 582 All right we'll move on, can I bring you back to the meeting of the 21st of
7 September of 1988. This is the meeting between the representatives of
8 government and representatives of the Corporation this is a meeting that's
9 referred to in your statement, page 134?

15:58:58 10 A. I haven't got a copy of that -- my own statement, yes.

11 Q. 583 The penultimate paragraph of 1987/1988 our client attending a meeting in
12 government buildings, chaired by an Taoiseach etcetera, that's the meeting I
13 think we have now identified as taking place on the 21st of September of 1988,
14 is that right?

15:59:21 15 A. Well there were two meetings apparently.

16 Q. 584 One in 19 --

17 A. One was '88 and one was the 2nd of February of '89.

18 Q. 585 That's right. We are now talking about the 87/88 presumably the meeting of the
19 21st of September?

15:59:38 20 A. I wasn't sure of the exact dates I put it down as 87/88 it could have slipped
21 into the beginning of '89 as it apparently has done that there was a second
22 meeting.

23 Q. 586 You merely refer to one meeting there?

24 A. Yes.

15:59:50 25 Q. 587 And indeed as Ms. Dillon pointed out, Mr. Redmond, Mr. George Redmond's
26 recollection is similar that you attended among, along with a number of other
27 people the meeting at that took place on the 21st of September of 1988?

28 A. That's correct.

29 Q. 588 And you have said perhaps I can bring up that page 4108.

16:00:18 30

- 16:00:18 1 MS. DILLON: It's 1048.
- 2 Q. 589 It's 4108. You have that there, on the 5th paragraph Mr. Redmond is talking
3 about the first meeting, he goes on the subsequent pages to refer to the second
4 meeting that's the one in February of 1989 he says the following
16:00:51 5 representatives of the government --
- 6 A. Sorry Mr. Chairman this document is --
- 7 Q. 590 This is Mr. Redmond's, one of Mr. Redmond's statement, I should have pointed
8 that.
9
- 16:01:02 10 He made out if I put it more in context if you go back to the end of the third
11 paragraph, the beginning of the third paragraph, he is talking about a meeting
12 between the Taoiseach and a number of front bench Ministers in relation to
13 discussion in relation to planning and development and related matters, he says
14 he can't give a date for the meeting, at the end of that paragraph, there is an
16:01:31 15 entry in my 1988 diary which shows the date but as this is not available to me
16 I cannot give it but I presume the Tribunal may be able to establish the date
17 September '88, I think. And it has now been established as the 21st of
18 September 1988. And he says "Mr. Feeley and the three Assistant Managers
19 assembled at government buildings and we were ushered to the room wherein the
16:01:50 20 meeting took place.
21
- 22 The following represented government Charles Haughey Taoiseach, Albert Reynolds
23 Finance, Ray Burke, Mr. Bertie Ahern Labour, Pdraig Flynn, DOE and he goes on;
24 my recollection is that Mr. Ray McCarthy (I think that should be Mr. McSharry)
16:02:05 25 came into the room and I have no clear recollection of his sitting at the table
26 and getting involved in the meeting/discussion. He was no longer a front
27 bench minister. Now he is the same recollection, in other words that you
28 attended this meeting as did a number of other people, the Taoiseach and the
29 current Taoiseach Mr. Ahern, and that is your recollection?
- 16:02:21 30 A. There was a meeting, yes and it turns out there were two meetings. The meeting

16:02:32 1 had, as I said Mr. Feeley had with him officials from the city and county and
2 if Mr. Redmond was one of them, fair enough, I have no problem with that, is
3 that what I am being asked Mr. Chairman?

4 Q. 591 I am simply asking you in relation, I am simply putting it to you that
16:02:51 5 Mr. Redmond corroborates your evidence insofar as he says yes you were present
6 at the meeting of the 21st of September?
7 A. Yes, I was. I told that to the Tribunal.

8 Q. 592 And also a number of other people, you both said the Taoiseach was there, you
9 both said Mr. Ahern was there, you both say Mr. Flynn was there?

16:03:07 10 A. Yes.

11 Q. 593 And representatives then of the city and county?
12 A. I don't think there is any dispute about that.

13 Q. 594 And you are clear that Mr. Ahern was at that meeting and indeed as is
14 Mr. Redmond?

16:03:18 15 A. Yes, I am.

16 Q. 595 Thank you.
17

18 JUDGE FAHERTY: Mr. Burke, just one question in relation to the urban renewal
19 meetings in government buildings in 1988 and '89; in February '89, just as a
16:03:39 20 matter of interest, where in government buildings would the urban renewal
21 meetings, described in that, in Mr. Redmond's statement, have taken place?
22 A. I am not a hundred per cent sure. Probably in the conference room in
23 government buildings, but I can't be precise at this stage, from this distance
24 in time. Those sort of meetings with officials etcetera would be normally held
16:04:04 25 in a conference room.
26

27 JUDGE FAHERTY: Where is that?
28 A. Well there are a number of rooms. There are various, in the government
29 buildings as they are now there is a conference room in the, outside the
16:04:18 30 Taoiseach's --

16:04:18 1
2 JUDGE FAHERTY: If you try and recollect back to 1989 Mr. Burke.
3 A. That's what I am trying to do. I'm just, I think it was probably in the old
4 government buildings -- I would be guessing and I don't want to do that
16:04:35 5 Chairman.
6
7 JUDGE FAHERTY: So you can't say exactly where?
8 A. I can't say geographically which.
9
16:04:41 10 JUDGE FAHERTY: Which floor or which level?
11 A. No. I couldn't say. It would have been one of the conference rooms, in either
12 the new building or the old building.
13
14 JUDGE FAHERTY: Thank you.
16:04:54 15
16 CHAIRMAN: Sorry, I should have asked Mr. Shannon; do you want to ask your
17 client?
18
19 MR. SHANNON: No Chairman.
16:05:01 20
21 JUDGE KEYS: Mr. Burke when the Taoiseach took up his new office and the
22 Tanaiste took over the old office was the layout of the old Taoiseach's office
23 changed after the renovations were carried out?
24 A. I am not sure, I don't really think so, but they were old buildings and I don't
16:05:20 25 think you could have taken down walls etcetera. But --
26
27 JUDGE KEYS: Basically it remained the same?
28 A. It would have, to the best of my recollection. It would have, yes.
29
16:05:32 30 JUDGE KEYS: Thank you.

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CHAIRMAN: Thank you very much Mr. Burke for attending to give evidence.

Half ten tomorrow.

THE TRIBUNAL THEN ADJOURNED TO THE FOLLOWING DAY,

WEDNESDAY 28TH APRIL, 2004 AT 10.30 AM.