

**NOTES FOR A SPEECH  
BY THE HONOURABLE MADAM JUSTICE DENISE BELLAMY  
COMMISSIONER**

**AT THE  
CLOSING OF THE TORONTO COMPUTER LEASING INQUIRY  
WEDNESDAY, SEPTEMBER 29, 2004**

This brings us to the conclusion of the Toronto Computer Leasing Inquiry. I would like to take this opportunity to make a few remarks.

When I was appointed Commissioner of this Inquiry, I consulted with a number of my colleagues who had direct involvement with other public inquiries, and I reviewed the proceedings of several other public inquiries in Canada. A consistent theme was that public inquiries almost always take longer than anyone thinks they will.

I think it is fair to say that the City of Toronto did not anticipate that the Inquiry would last this long. It initially budgeted for only 40 days of hearings, partly on the assumption that this Inquiry would involve just one file cabinet of documents. At this early stage, City staff did not even think the City required legal representation for the Inquiry.

The reality bears no resemblance to these early assumptions: 70,000 pages from 20,000 documents, 12 parties with standing, 46 lawyers, and almost 130 witnesses who testified during the course of approximately 180 days. Indeed, today is one day short of the second anniversary of the start of our public hearings.

Throughout the entire process, I have always been mindful of the cost of the Inquiry to the Toronto ratepayer. My commitment to controlling costs has placed great pressure upon all those involved, and especially on my Commission Counsel and staff. To date, our cost is approximately \$8 million, less than the \$9.9 million designated by City Council in September 2003. However, unexpected interruptions to the Inquiry, coupled with City Council's decision to proceed with a second Inquiry will likely result in further costs, so I will continue to give very careful attention to our budget in the next phase of the public hearings.

Inevitably, the question arises whether public inquiries have been worth it, whether they have had an impact. Ultimately, it will be for others to assess the value of this Inquiry when I present my report. However, I think it can be stated without reservation that the proceedings in the past two years have focused valuable public attention on how municipal government works.

Throughout all stages of the Inquiry, I have been committed to the following overriding principles: openness and public accessibility, fairness, comprehensiveness and efficiency. My Commission Counsel and I designed the Rules of Procedure that

governed the Inquiry to reflect these principles. We wrote the Rules in plain language and throughout our public hearings tried to keep legal jargon to a minimum.

We created a website at [www.toronto inquiry.ca](http://www.toronto inquiry.ca). This gave the public access to the Terms of Reference, the Rules of Procedure, the list of anticipated witnesses, transcripts of the evidence of the witnesses who had already testified, my rulings, speeches, and other important information. The transcripts were on our site within hours of a witness testifying and have a word search feature that makes it easy to find each topic.

I felt it was critical for this Inquiry to be conducted completely in public. The final report of an Inquiry is important, but equally important is the ability of citizens to follow what is occurring in the hearing room as it happens, and to make their own decisions. In this regard, the media serves an important public function. While media scrutiny has sometimes made it difficult on a personal level for some individual witnesses and their families, the Supreme Court of Canada has recognized that media coverage is an important part of the public inquiry process itself. It proves the adage, which I quoted in one of my earlier rulings, that sunlight is a powerful disinfectant.

At various periods of the hearing process, the Commission was faced with matters beyond its control that extended the length of the Inquiry. These include allegations by a witness of possible criminal wrong-doing which resulted in an OPP investigation, allegations by a City employee of reprisals for co-operating with the Inquiry, a blackout which resulted in the closing of this building to the public, and two court challenges. Court challenges are not unusual in public inquiries and, indeed, are often part of the reason for the length of public inquiries.

None of these interruptions, however, stopped our investigations. Throughout this time, Commission Counsel continued to investigate; new documents emerged, and new issues and questions continued to arise.

My Terms of Reference required me not only to investigate but also to make recommendations to improve the government of the City of Toronto. One can debate which is more important to the public: the hearings themselves or the recommendations. Either way, we all recognize that these hearings have given us a rare chance to see deep inside our City to see how it operates, and to suggest improvements. As a professor recently said, the Inquiry put local government "on the operating table".

Prompted perhaps in part by our public hearings in this Inquiry, a very active public discussion of good government issues occurred during the municipal election campaign. As a result, I decided to accelerate the good government phase of the Inquiry so that the new mayor and Council would have the benefit of our information early in their mandate. I have since provided the Mayor and each member of City Council with a compact disk that assembled all the good government materials, research, and testimony that the Commission had compiled.

During the good government phase in January, I also heard evidence from the CAO of Toronto, Ms. Shirley Hoy, about the changes that have been made in the City to address issues raised during the Inquiry. I am pleased that the City has implemented changes. I encourage the City to continue with necessary changes and not simply to await my recommendations. To that end, I fully expect that the City will be analyzing the comprehensive good government materials that I have provided.

Today marks the end of the evidence in the Toronto Computer Leasing Inquiry. Counsel who choose to make submissions are to send them to the Commission by November 22. These will be posted onto our website shortly thereafter.

On October 18, I will begin the second Inquiry, the Toronto External Contracts Inquiry. Very soon, we will be posting the list of anticipated witnesses on our website.

After all the evidence is heard in both Inquiries, I will issue my report. At the conclusion of the TECI evidence, it may also be necessary to have further evidence on good government matters. This would be to address good government issues that might arise during TECI, and perhaps to learn more from the City about reforms they propose to make or have made since they provided information in January 2004, and since they received the information on good government from me in July 2004.

In closing, I want to acknowledge that it would have been impossible for me to complete all this work without the assistance of a great many people. I wish to single out a number of those who have assisted. They include Commission Counsel Ron Manes, Pat Moore, Daina Groskaufmanis, David Butt and Zachary Abella, as well as Senior Legal Analyst, Ronda Bessner and lawyers, Julia Milosh and Jodie Graham. I would also like to thank Commission staff, the people behind the scenes who ensured that the Inquiry operated so smoothly. They are Clita Saldanha, Heather Hogan, Peter Rehak, Bill Blake, David Henderson, Anne Dancy, Beverley Kozak and Brian Clarke; in the hearing room, Rob Gray, Janet Smith, Joyce Ihamaki, Bernie Sandor, Kevin Best and Cam Wheler, as well as Carol Geehan who has ensured that the transcripts are produced quickly and efficiently.

I would also like to thank the lawyers for the parties with standing for their enormous contribution. And finally, I extend my warm appreciation to the spouses, family and friends of Commission Counsel and staff who have provided us with the support to fulfill this very important public service.