

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

**AT THE
TORONTO COMPUTER LEASING INQUIRY
ON MONDAY, APRIL 19, 2004**

Good morning. I want to welcome everyone back to what we all expect will be the final evidence phase of the Toronto Computer Leasing Inquiry. When I adjourned the Inquiry in late November, I mentioned that there were two outstanding issues. Both those issues have now been resolved. One of them involved the matter of some banker's boxes belonging to Mr. Jeffery Lyons; the other, was a request to recall four witnesses.

Before we begin hearing evidence today, I want to explain briefly what has transpired since we were here in late November. In January and February 2004, I heard valuable testimony in the Good Government phase from forty-one witnesses. The matter of the banker's boxes was resolved by the Divisional Court in mid-February. Commission Counsel and counsel for Mr. Lyons co-operatively examined the contents of the eighteen boxes. Late last week they were able to resolve which documents are helpful to the Inquiry as well as material that is subject to privilege.

As far as the calling of more evidence is concerned, I want to emphasize that the investigations of Commission Counsel have continued without interruption since the inception of the Inquiry. Whether we were sitting in the hearings, were on a recess from the hearings, or were proceeding with the Good Government phase, the investigations never abated.

New information has come to light which may help me to better understand the evidence and fulfill my Terms of Reference. Because of this, as well as some outstanding issues, Commission Counsel have decided to call a few new witnesses and to recall some who have already testified. For those who have already testified, this opportunity will allow them to explain important contradictions or inconsistencies in the evidence.

I would have preferred to have spared the witnesses from having to return to testify. Testifying at a public inquiry may not always be a pleasant experience. Unfortunately, though, by the time the last witness testifies, it is sometimes helpful to return to earlier witnesses and revisit what they said in light of what has been learned, either because of evidence that was heard from a subsequent witness or because new information has been uncovered. This is not unusual. Indeed when the Inquiry began, I emphasized

that it was not possible to present the evidence all at once and that some of it would come out of order. That is what is happening now.

The testimony that we will hear in the next few weeks is occurring after a break in the Inquiry's proceedings. I remind everyone to please listen to the evidence with an open mind and not to draw any conclusions based on this evidence alone, as the testimony we are about to hear is only a small component of the entire body of evidence that has been presented in this Inquiry. The transcripts of the earlier evidence are available on our website at www.torontoinquiry.ca.

Having decided to call additional evidence in the Toronto Computer Leasing Inquiry, I wish to emphasize that this is not an opportunity for the parties with standing to tie up every loose end in the Inquiry, nor to introduce a lot of new evidence. If I were to allow that, we would never finish, and I remain mindful of the cost to the taxpayer. There needs to be some finality to this.

Accordingly, I have permitted Commission Counsel to call or recall witnesses to address subjects we have already examined only where there is a compelling need to do so. In deciding whether there is such a compelling need, I have considered three key points: what will be helpful to me, what is fundamentally fair to those affected, and what is most efficient and economical.

I know that some of the witnesses, and some of the lawyers representing witnesses or parties with standing, have time conflicts. I do want to complete the evidence in a timely fashion; however, to the extent feasible, I will try to accommodate time constraints of counsel and witnesses. Because of that, there may be days when we will not be able to hold the hearings. I am prepared to begin proceedings earlier, sit later, and shorten the mid-day break. I also expect all counsel to focus their questions tightly, and address only topics that there is a compelling need to address.

We will now hear the evidence. Commission Counsel, David Butt, will take us through the evidence of the first witness and Commission Counsel, Ron Manes, will follow with the next witness.