

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

**AT THE OPENING SESSION OF THE**  
**TORONTO COMPUTER LEASING INQUIRY**  
**ON MONDAY, SEPTEMBER 30, 2002**

Good morning, ladies and gentlemen. Welcome to the opening session of the Toronto Computer Leasing Inquiry. My name is Denise Bellamy and I am a judge of the Superior Court of Justice in Ontario. I have been appointed by the Chief Justice of that Court to be the Commissioner of this independent Inquiry.

Toronto City Council voted unanimously to hold this Inquiry. The terms of reference they gave me can be found on the city's website or on ours at [www.torontoinquiry.ca](http://www.torontoinquiry.ca). Briefly, the terms of reference call for a judge to examine what happened with respect to certain computer and software leasing contracts between the City of Toronto and MFP Financial Services, and between the City and Oracle Corporation. By calling for a judicial inquiry, City Council purposely took the matter out of their own hands and asked that an outsider conduct an independent and impartial inquiry and do so in public. I interpret that to mean that Council and the Mayor were concerned enough to want to uncover the truth and to receive useful recommendations with respect to the terms of reference.

Public inquiries are an important component of Canadian society. Traditionally, they play a key role in fact-finding and in educating and informing concerned members of the public. They also play a role in restoring public confidence in governmental institutions. In the end, they make recommendations that are designed to ensure that the problem that gave rise to the inquiry will not happen again.

Having said that, it is important to understand what a public inquiry is and what it is not. A public inquiry is an investigation into a matter of substantial public interest to a community. An inquiry has the power to summons witnesses, to compel the production of documents and to accept evidence. However, it is not a trial. No one is charged with any criminal offence. No one is being sued. As a Commissioner, I have no right to find anyone guilty of a criminal offence nor can I establish civil responsibility for damages. The distinction between a public inquiry and a trial will be important to keep in mind, for reasons I will give shortly.

Throughout the summer, Commission counsel have worked diligently preparing for this day, so that we would be in a position to start this hearing on schedule. They collected thousands of documents. They consulted experts and interviewed about 100 witnesses, many of them more than once. Many of the other people in this room have also been working extremely hard to prepare for today.

Despite this, for the following reasons, I have concluded that I must adjourn this Inquiry.

Last week, Commission counsel uncovered new information that, if true, could result in criminal charges being laid against one or more potential witnesses to this Inquiry. We contacted the police and brought the existence of these allegations to their attention. In my view, the public interest required that this be done.

The Ontario Provincial Police has now begun a criminal investigation into the alleged wrongdoings.

Late Friday, I received a request from the Commissioner of the OPP asking that the Inquiry not proceed during this critical initial stage of the police investigation. After carefully considering this over the week-end, I have decided that the request is reasonable and I will agree to it.

I am well aware that the very existence of this Inquiry has created a great deal of stress for many people, that their lives have been – and will now continue to be - in limbo. However, as Commissioner, it is my obligation to ensure that the hearings are as public as possible while maintaining the essential rights of individual witnesses whose activities may be scrutinized in the course of the police investigation.

For the following two important reasons, I have decided it would not be in the public interest to proceed with the Inquiry at this time: First, I want to ensure that the interests of those individuals whose right to a fair trial, should it come to that, are not detrimentally affected by the Inquiry's process. Second, at this juncture, I do not believe the Inquiry should impede or otherwise interfere with the early stages of the criminal investigation.

The OPP has agreed to provide me with a status report of their investigation within two weeks. At that time, I will re-assess the situation and will decide whether this Inquiry should continue to be delayed any further.

After I leave, Commission counsel, Ron Manes, will be available to answer questions from the media. I know you will understand that, given the police investigation, he must necessarily be circumspect in his responses to you.

The other Commission counsel, Pat Moore & Daina Groskaufmanis, are available to meet immediately with counsel for the parties with standing. Commission counsel will keep them apprised of any new developments that we are in a position to share with them.

As well, I have directed our media contact, Peter Rehak, to update our website regularly and to continue to cooperate with the media to ensure that the public is kept informed. Our website, as I mentioned earlier, can be found at [www.torontoinquiry.ca](http://www.torontoinquiry.ca).

In the meantime, I assure you that I am committed to continuing the Inquiry as soon as it is feasible to do so.

The Inquiry is adjourned until further notice. Thank you.