

**SPEECH BY THE HONOURABLE MADAM JUSTICE DENISE BELLAMY,
COMMISSIONER, AT THE STANDING HEARINGS OF THE TORONTO COMPUTER
LEASING INQUIRY ON MONDAY, JUNE 24, 2002**

Good morning. Welcome to the first public session of the Toronto Computer Leasing Inquiry. My name is Denise Bellamy. I am a judge of the Superior Court of Justice in Ontario. I've been appointed by the Chief Justice of that Court to be the Commissioner of this independent Inquiry. Before we begin with the applications for standing, I am going to make a few preliminary remarks.

Toronto City Council voted unanimously to hold this Inquiry. I see that unanimity as a demonstration of their concern. It's not at all common for a municipal government to call for a public inquiry. To the contrary, it is quite rare. Clearly, Council and the Mayor wanted an impartial outside look at something that they feel went wrong. There have been suggestions of significant cost over-runs, conflicts of interest and poor decision-making. My job is to look into this and get answers to those questions.

Council has provided me with broad terms of reference. Briefly, they want me 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 Database. In looking into this, they have given me the power to ask ANY questions I consider necessary. They want me to scrutinize the evidence and determine what the impact of these leasing contracts has been on the taxpayers of Toronto.

I am going to do this by way of public hearings, and after I'm finished, I will write a report. I have been given the explicit authority to make ANY recommendations that I think are appropriate and in the public interest. In the final analysis, my report should shine a bright light on the issues of concern to City Council and to the taxpayers of this city.

To help me do that, I encourage anyone who has ANY information that they think might be helpful to the Inquiry, whether it involves documents or names of potential witnesses, to provide us with this information as soon as possible. The law offers protection to witnesses to encourage them to come forward in public inquiries.

Let me speak for a minute about what a public inquiry is and what a public inquiry is not. A public inquiry investigates and reports on matters of substantial public interest to a community. A public inquiry is not a trial. No one is charged with any criminal offence, nor is anyone being sued. A public inquiry must be conducted with scrupulous fairness and impartiality.

A public inquiry also needs to be both public and available to the public. I am committed to having open and public hearings. I encourage members of the public to come to the hearings and listen to the evidence. The TTC stops nearby.

Having said that, I recognize that in our busy worlds, not everyone who is interested in the inquiry will be able to physically come and attend. I'm pleased, therefore, to see members of the media present. It is through you that those who are unable to attend can find out what is happening on a day-to-day basis. To ensure that the media can accurately report what is happening at the Inquiry in a timely manner, I have directed Inquiry staff to make materials as accessible as possible to the media.

In another attempt to make information available to the public, we have created a website to provide an open window into the activities of the Inquiry. For example, anyone will be able to access the website at any time and read what a witness has said, word for word, generally by the end of the same day the witness testifies. Our website can be found at torontoinquiry.ca. – that's torontoinquiry (one word).ca.

Today, we begin the process of identifying those persons or organizations who may have a direct and substantial interest in the proceedings of the Inquiry, or whose participation in the Inquiry may be helpful. I'm going to hear submissions from

applicants who have expressed an interest in getting what is known as “standing”. People who are granted standing can take an active part in the proceedings of the Inquiry.

Before I hear the applications for standing, though, I want to BRIEFLY update you with respect to what has been happening since I was appointed to be the Commissioner.

The first thing I did was to choose Commission counsel. Commission counsel are lawyers. They play a critical role in a public inquiry. They are the legal arm of the Commission. Essentially, I am their client, and their only client. The main responsibility I have given to them is to represent the public interest at the Inquiry. They do not represent any particular point of view. They are not prosecutors. Their role is not adversarial nor do they take one side over another. They have a duty, in fact, to make sure that all issues bearing on the public interest are brought to my attention. Their job is to use their skill and experience to present all the available relevant evidence in as fair and thorough a fashion as possible.

I'm fortunate in having been able to put together an outstanding team. This team is headed up by Ron Manes. He is being assisted by Pat Moore and by Daina Groskaufmanis. I would encourage you to check our website for more information about the background of each of these lawyers.

Each public inquiry establishes its own rules. We have drafted our Rules of Procedure in a way that makes sure that the process we follow is open and fair to everyone. We've tried to write the rules in plain language and to keep the legal jargon to a minimum. Our rules explain the process that I intend to follow. They too are posted on our website.

At the moment, these Rules are in draft form. After I've made my decision about who will have standing, I will invite the lawyers representing parties with standing to let

me know if there is anything in the rules that they think should be changed. If there are any changes to the rules, they will be posted on our site.

Commission counsel have also started to pull together and organize many, many thousands of pages of documents. They are beginning to interview people who have knowledge of the issues that I will be examining.

The City has provided us with these premises and we have been here since the beginning of May. I want to take this opportunity to thank the staff in this building for all their cheerful help in getting us up and running.

Our offices and this hearing room are both in the same building at 850 Coxwell Avenue, which is the East York Civic Centre. Before amalgamation, it was the home of City Council for the Borough of East York. We will be holding the Inquiry hearings in this very room.

I'm not yet in a position to announce the date for the hearings. Before we can start public hearings, we have to be sure that we have gathered all the information, that we have interviewed all those who may be helpful, and that we have organized everything for the hearings, so that this information can be presented in an understandable and efficient way.

All this takes time. However, my hope is that we will be in a position to start the hearings in the fall. I encourage you to check our website regularly for updates.

I am now ready to hear the oral presentations for standing. I will hear from the City first and I understand that you have agreed on the order for the remainder of the applicants.

Before I hear you, I want to let you know that after you have all made your applications for standing, I will give each of you the opportunity to comment on whether you think an applicant should or should not have standing.

I understand that some of you want to address the issue of whether there will be funding. As we indicated in our Rules, the terms of reference, which were given to me, do not give me the jurisdiction to order funding. Having said that, last Friday we received a letter from Ms. Anna Kinastowski, the City Solicitor, in which she mentioned that City Council has now invited me to direct that funding up to \$50,000 be provided by the City to individuals who receive standing, in certain circumstances. I would be grateful if the City's lawyer could address that issue in as much detail as possible, and I would ask counsel for the parties seeking funding to take those comments into consideration when making your submissions to me.

Lastly, after hearing all the submissions on standing, I just want to tell you that I will be reserving my decision and will release a written decision on standing and funding shortly thereafter. I will release it to those who have applied for standing, and will ensure that the media and the public are made aware of the decision on the day it is released.