

The Hamilton Spectator

Lift the veils of secrecy

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There should have been absolutely no hesitation or question.

The first report of the interim integrity commissioner should not have been printed on red paper, which signals a city report is confidential.

The whole point of the city having an integrity commissioner is to shine a bright light on city council, not drop a dark cloud over it.

The report -- detailing the ruling on the conduct of Councillor Brad Clark in the so-called "Tape-gate" scandal -- should have been open to public scrutiny as soon as it was available to city councillors.

It should not have taken questions from The Spectator's Nicole MacIntyre for staff to lift the confidentiality stamp on the report.

Interim integrity commissioner George Rust-D'Eye probed whether Clark broke council's code of conduct when he circulated a tape of Mayor Fred Eisenberger having an off-the-record conversation with a reporter. Clark is the first councillor to be investigated under the city's new integrity commissioner bylaw.

Caution is understandable, given it is the first time city staffers have been in a position to deal with a report from the integrity commissioner. But the fact it is the first time also exacerbates the disappointment of the initial secrecy; what should have made Hamiltonians feel better about the workings of our city government has instead left a bad taste in our mouths.

There may have been privacy concerns about third parties mentioned in the report. And there is an argument to be made -- albeit a very weak one -- that there is some ambiguity in the city bylaw governing the handling of a report from the integrity commissioner.

But -- and this is one of a couple of big buts -- the Municipal Act specifies that integrity commissioners' reports "shall" be "made available to the public." That's a pretty clear indication that putting such a report under the shroud of confidentiality -- even for a short time -- is simply not an option.

Any concern over third-party privacy is a red herring. Names can be blacked out or left out entirely when the report is written, given it will be made public. It doesn't take a rocket scientist to figure that out.

And while it's Hamilton's first time for an integrity commissioner's report, other municipalities have trod

this path before, setting clear precedents on how such reports should be handled.

In Toronto, for example, the findings of the integrity commissioner are routinely included as public reports in city council agendas. In Vaughan, the assumption is that any reports from the integrity commissioner's office must be made public on an agenda once they are filed with the clerk. It is also clear at the provincial level that confidentiality is a non-starter; integrity commissioner Lynn Morrison said her reports are publicly available once they've been tabled by the Speaker. If the legislature is not sitting, reports are posted online -- immediately.

Transparency is a must when it comes to our local government, particularly on matters of integrity. This disappointing debut for the work of the integrity office has not served us well.

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