

Trends in Public Consultation in Canada

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Executive Summary

In the context of a four year legislative capacity-building project, the Canadian Parliamentary Centre in partnership with China's National People's Congress Research Office, is organizing a Canadian study tour for a number of Chinese officials. The focus of the study tour is to explore practical elements involved in planning and implementing public consultations. This briefing paper which precedes the study tour provides an overview of trends of public consultation in Canada and how public consultation relates to Canada's system of government.

The paper sets out the Canadian context in terms of the system, structure and role of government and the constitutional and jurisdictional relationship among the three levels of government (national provincial/territorial and municipal). From the perspective of the federal government, the role of the Prime Minister, Ministers and the public service is outlined as is the relation between the policy making process, including the legislative process and public consultation. In particular, it highlights Canada's regulatory policy which requires federal departments and agencies to demonstrate that Canadians have been consulted and that they have had an opportunity to participate in developing or modifying regulations before they are approved by the appropriate authorities. The Regulatory Impact Assessment Statements and the Canadian Environmental Assessment Act are presented as two examples of legislated requirements for public consultation.

Recent trends in the political climate are discussed. These include an increasing decentralization of power from the federal government to the provinces and territories, a growing democratic deficit, a citizenry who is looking for a space to engage in public policy discussions and decisions between elections, and efforts by governments to address public dissatisfaction and improve accountability to citizens.

A model of the policy making lifecycle made up of six stages is presented along with dimensions of citizen involvement at each stages. As well, the paper presents the public involvement spectrum ranging from information, consultation, involvement, collaboration to empowerment. A participant commitment spectrum relates level of commitment (time and effort) required by citizens as the shift moves from information to input and discussion and dialogue. Principles of good public involvement are highlighted along with the challenges to public involvement in Canada. In the face of these challenges, the paper gives evidence of the experimentation in public consultation methodologies that is occurring across the country and in all sectors.

In the final section of the paper, a number of case studies are provided. The majority of the case studies relate to consultations undertaken by the federal government. Three consultations are highlighted, representing three different types, perspectives and leadership. The first case describes an innovative Royal Commission. The second case study looks at Parliamentary

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Committees and their interest in electronic consultations as a complement to their traditional approaches. The final example illustrates culture change within a federal government department, whereby consultations are beginning to be included as part of its policy development processes. There is also a discussion of the democratic reform and renewal initiatives underway in five provinces, including British Columbia and Ontario. The Listening to Toronto initiative was chosen as an example of municipal government consultations.

In the conclusion, the paper remarks that in spite of the differences in the Canadian and Chinese systems of government, there are similarities in terms of their complexity and multitude of public policy issues. The lessons learned and the Canadian experience can be leveraged and utilized by the Government of China as it searches how to engage its citizens in the development or application of its policies. We hope this paper and the time spent by the visiting group examining public consultation in Canada will offer effective and practical support in that direction.