



Ecology Action Centre

Keeping the “Know” in Nova Scotia: Public Consultations

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Introduction

Public consultation is an integral part of a functioning democracy. It is crucial that the public, Indigenous Rights Holders and stakeholders have their concerns heard and meaningfully considered – whether it's for a development that could affect adjacent communities or a proposed change to laws and legislation.

But unless a consultation process is done properly, it can end up being nothing more than a performative exercise or the checking of a box. Having checked that box, decision makers can then use it to fabricate social license in order to push bad decisions forward.

This fact sheet outlines some of the elements that make up a good consultation process – and red flags that signal that a process may be an exercise in political theatre.

Elements of a Good Public Consultation

1. **There should be an expectation that feedback obtained will be meaningfully considered and implemented.** The very point of a consultation is that feedback has the power to affect end results. If this is not the case, then a consultation is merely performative.
2. **Public feedback should be gathered before decisions have been made.** Simply put, if decision makers are seeking feedback after making their decision, then what's the point of asking at all?
3. **There should be a reasonable window of time for people to review relevant material and respond.** If the timeline is too short for participants to review, understand and reflect on the information provided before responding, this can limit people's ability to participate meaningfully.
4. **A consultation should be open to all those who may be affected by a decision.** Any attempt to exclude participants is undemocratic, and can silence the voices of key stakeholders.
5. **Participation should be free.** If participating in a public consultation costs money, at best it risks limiting responses. At worst, cost can be used as an intentional barrier to low-income communities, whose voices are already often excluded from decision making.

Elements of a Good Consultation (continued)

6. **Consultations should be well advertised.** People need to know a consultation process is happening and how they are able to participate.
7. **A consultation should include a follow-up.** A summary of feedback and the manner in which it will affect decisions should be shared back to the public to ensure accountability. An example of this is a “what we heard report.”
8. **If the consultation process involves a focus group or panel,** there must be broad representation across sectors and communities.
9. **Participants should be able to provide specific, detailed feedback.** A proper consultation should not restrict responses or create unnecessary parameters that limit the scope of feedback (examples of this could include unnecessary word limits on responses or presenting false black-and-white choices).

Red Flags

The following are just a few things to look out for.

- Word/character restrictions that limit feedback
- Leading questions (questions that are framed to lead respondents to answer in a certain way)
- A process built around a predetermined outcome
- Consulting people on surface issues while ignoring important topics (i.e., avoiding the real issue)
- Not enough information for people to respond properly
- Not enough time to properly participate
- Decision makers withholding results
- The exclusion of specific demographics or communities
- A process that is held at a time when people are known to be less likely to engage (e.g., Christmas holidays, summer vacation)
- A process that ignores (or tries to overwrite) clear results of past public consultations on the topic
- A survey/form that is so long or involved that people are likely to give up before completing it
- The exclusion of relevant data that would help inform responses