

Public Notice Should Reach the Public

A Modern Standard for Public Hearings, Consultations and Government Decisions

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DEMOCRATIC GOVERNANCE | PRIVACY & DATA RIGHTS | TECHNOLOGY GOVERNANCE

Civic Sketches is a series of draft policy proposals by Lawrence Nault — an independent researcher and policy writer based in Alberta's Badlands. These proposals are working drafts, not party platforms or final answers. They are intended to invite discussion, challenge, and refinement across all levels of government and the broader public.

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Policy Proposal

Public notice was designed for a different information environment.

There was a time when publishing a notice in a widely distributed local newspaper provided a reasonable chance that residents would encounter information about a public hearing, rezoning application, infrastructure proposal, regulatory proceeding or government consultation. Local radio and television provided additional common channels through which information could circulate within a geographic community.

That communications environment no longer exists.

Many communities have lost their local newspapers. Others have newspapers with limited circulation or publications delivered alongside advertising and treated as junk mail. Traditional local television and radio reach smaller portions of their geographic communities as residents move to streaming television, podcasts, satellite and internet radio, national and international news sources, and on-demand media.

Government websites make information technically accessible but require people to know that something is happening before they have a reason to look for it.

Social media can distribute information quickly, but algorithms do not show every post to every follower. Not everyone uses the same platforms—or social media at all. Citizens may even be blocked from the accounts of elected representatives who use those accounts to communicate public information.

The result is a growing divide between **information being publicly available and the public actually being notified.**

A modern public-notice system should close that divide.

Its central standard should be:

Public notice must use methods reasonably likely to bring the matter to the attention of substantially all residents in the affected area.

The specific technologies used to meet that standard will change.

The obligation to reach the public should not.

1. Establish an Effective Notice Standard

The legal test for adequate public notice should be based on **effective reach**, not merely publication.

A public body should not satisfy its obligation simply by demonstrating that a notice:

- appeared on a website;
- was printed in a newspaper;
- was broadcast on a radio or television station;
- was posted to social media; or
- was otherwise theoretically accessible to the public.

The governing question should be:

Was the overall notice strategy reasonably likely to bring the matter to the attention of substantially all residents in the affected area?

This is a functional standard rather than a technological one.

No communication method should enjoy a permanent legal presumption of sufficiency simply because it worked in an earlier communications environment.

2. Distinguish Availability From Notice

Information can be public without the public knowing it exists.

A notice buried on a government website may be accessible to almost everyone with an internet connection while reaching almost no one who did not already know to search for it.

Likewise:

A radio station may broadcast throughout a county without most residents listening to it.

A television station may be available throughout a region without most residents watching its local newscast.

A newspaper may circulate within a municipality without reaching most households.

A social-media account may have thousands of followers while an algorithm shows an individual notice to only a fraction of them.

Potential access is not the same as effective notification.

Public-notice law should recognize that distinction.

3. Recognize the Fragmentation of Local Media

Modern public notice should no longer assume that geography determines media consumption. Historically, people living in the same community were more likely to read the same newspaper, listen to the same radio stations and watch the same regional television broadcasts.

Streaming has broken much of that relationship.

Residents may now live in the same town while consuming entirely different media ecosystems. One may watch streaming services exclusively. Another may listen to podcasts. Another may get most information from social media. Another may use no social media and consume national rather than local news.

Local newspapers, television and radio remain valuable tools, particularly where strong local media still exist.

But they should be considered **supplementary channels rather than automatic proof of adequate notice**.

The question is not whether a local medium exists.

The question is whether its use contributes meaningfully to reaching substantially all affected residents.

4. Require Multiple Independent Forms of Notice

Except for minor administrative matters, legally significant public notice should use multiple independent communication channels.

At minimum, significant matters should normally include three different **classes** of notice:

Direct notice

Information delivered toward an identifiable resident or household, such as:

- addressed mail;
- direct household delivery;
- email alerts;
- SMS notifications; or
- direct notification of previously registered participants.

Permanent public notice

A stable and publicly accessible record, such as:

- an official government website;
- a centralized public-notice registry; and
- an archived record of notices and subsequent changes.

Broad awareness notice

Additional mechanisms intended to allow the information to circulate through the community, including:

- newspapers;
- radio;
- television;
- social media;
- community newsletters;
- libraries and community centres;
- public signage;
- community organizations;
- Indigenous or cultural communication networks; and
- other locally appropriate channels.

Using three versions of essentially the same declining media ecosystem should not necessarily constitute three independent methods.

The purpose is to reach **different populations through different pathways**.

5. Build Public Notice Around Geography

The common characteristic connecting people affected by a public decision is increasingly not which media outlet they consume.

It is **where they live and what affects them**.

Public-notice systems should therefore become geographically based.

Residents should be able to subscribe to notices associated with:

- their home address;
- postal code;
- neighbourhood;
- municipality;
- selected geographic radius;
- watershed;
- region; or
- other relevant geographic area.

A resident should not need to know which department, municipality, regulator or level of government has jurisdiction before they can receive information about a proposal affecting their community.

Public notice should follow the resident—not the media platform.

6. Create a Central Public-Notice Registry

Governments should establish standardized public-notice registries capable of receiving notices from municipalities, agencies, regulators and departments.

Residents should be able to search by location, subject, project type or date and subscribe to future notices.

Every record should clearly identify:

- what is proposed;
- where it is proposed;
- who is making the decision;
- who is proposing the project or change;
- when the notice was first issued;
- hearing or meeting dates;
- registration requirements;
- submission deadlines;
- participation methods;
- supporting documents;
- subsequent amendments;
- postponements or rescheduling;
- the eventual decision; and
- the reasons for that decision where applicable.

The system should support email and SMS notifications and provide open RSS feeds or APIs so journalists, researchers, community organizations and civic-information services can independently monitor notices.

Public participation should not require repeatedly searching dozens of unrelated government websites.

7. Social Media Is Amplification, Not Notice

Social media can substantially increase awareness of government proceedings.

It cannot reliably replace public notice.

Following an account does not mean receiving every post from that account. Private platforms decide what appears in individual feeds through ranking and recommendation systems.

Not everyone uses Facebook, Instagram, Threads, Bluesky, Mastodon, TikTok or any other particular platform.

Some residents use no social media whatsoever.

The right to participate in government decisions should not depend on maintaining an account with a private technology company.

Social-media posts should therefore be treated as **amplification** of an official public notice rather than the notice itself.

Where social media is used, every post should point toward a permanent, publicly accessible record requiring no account, subscription or commercial platform to view.

8. Citizens Cannot Be Blocked From Public Notice

A citizen's access to public information should never depend upon whether an elected representative permits that person to view their social-media account.

Residents may be blocked by public officials for political disagreement, criticism, previous interactions or moderation reasons.

Whatever the justification for an individual blocking decision, it should have **no effect whatsoever on access to formal public notice.**

Legally or democratically significant notices should therefore never depend on the personal, political or constituency social-media account of an officeholder.

Official institutional channels should be used instead.

Even institutional social-media accounts should remain supplementary because algorithms and platform membership prevent them from reliably reaching substantially all residents.

A citizen cannot be excluded from notice because they:

- use the wrong social network;
- use no social network;
- do not follow the right politician;
- were not selected by an algorithm; or
- have been blocked by an elected representative.

Public information belongs to the public.

9. Faster Communication May Require Longer Notice

Modern technology can distribute information around the world in seconds.

Paradoxically, that does not necessarily mean public-notice periods should become shorter.

It may mean they need to become longer.

Digital publication occurs almost instantly.

Public awareness does not.

A government may publish a notice on Monday. A community organization discovers it Wednesday. A journalist reports on it Friday. A resident shares the article over the weekend. A neighbour sees the post Monday. An affected household learns about the proposal Tuesday.

The original publication was instantaneous.

Effective notice took more than a week.

Modern information often propagates through several layers:

Government → media or community organization → social network → resident → neighbour → affected household.

Algorithms can slow that propagation further because a post may initially reach only a fraction of the people who might eventually encounter it.

The irony of the modern communications environment is therefore that **information travels faster than ever while meaningful public awareness may take longer to develop.**

10. Notice Periods Must Allow Information to Propagate

A notice period should not merely measure how long information has existed on a government server.

It must provide enough time for people to:

1. encounter the notice;
2. recognize that it may affect them;
3. share it through community networks;
4. locate the supporting information;
5. understand the proposal;
6. discuss it with neighbours or community organizations;
7. seek technical, legal or professional advice where necessary;
8. formulate questions;
9. prepare submissions; and
10. participate meaningfully.

Short notice periods disproportionately favour people and organizations that already monitor government activity professionally.

Developers, lobbyists, industry associations, lawyers, established advocacy organizations and government-relations professionals may discover a proceeding immediately.

Ordinary residents often do not.

A democratic process should not reward people simply for possessing the resources to constantly monitor government websites.

Digital publication operates at machine speed. Democratic participation operates at human speed.

Public-notice periods should be designed around the latter.

11. Establish Meaningful Minimum Notice Periods

Notice periods should scale according to complexity and potential consequence.
As a general framework:

Routine matters

Minimum 30 days

For ordinary statutory hearings, formal consultations and decisions with limited community-wide consequences.

Significant matters

Minimum 45 days

For substantial land-use changes, infrastructure proposals, industrial developments and decisions likely to have broader community effects.

Major or complex matters

Minimum 60 days

For projects involving significant:

- environmental impacts;
- water use;
- electricity or energy infrastructure;
- public expenditure;
- transportation impacts;
- regional planning consequences;
- Indigenous rights or interests;
- public-health considerations;
- major industrial development; or
- long-term changes to community character.

These periods should be treated as minimums rather than targets.
Greater complexity may require additional time.

12. The Clock Starts When the Information Is Available

A government should not be able to announce a hearing 60 days in advance while withholding the documents needed to understand the proposal until shortly before the hearing.

For significant and major proceedings, the notice clock should begin only when the material required for meaningful participation is publicly available.

This should normally include:

- applications;
- maps;
- site plans;
- technical studies;
- environmental reports;
- water requirements;
- infrastructure demands;
- traffic assessments;
- relevant staff reports; and
- other material that will substantially inform the decision.

If significant new information is subsequently released, additional time should be provided.

Time without information is not meaningful notice.

13. Material Changes Require Renewed Notice

Public notice should not expire simply because an original announcement was made.

Material changes should trigger renewed notification.

These should include:

- substantially revised proposals;
- changed project scale;
- changed location or footprint;
- materially different environmental impacts;
- changed water or energy requirements;
- changed hearing dates;
- changed submission deadlines;
- major new technical evidence;
- cancellation and recreation of a hearing; or
- procedural changes affecting whether previous participation remains valid.

People who participated in an earlier stage should receive direct notification of material changes.

If earlier submissions will no longer form part of the official record, every previous participant should be specifically informed that they must resubmit.

A government should never quietly reset a public process while allowing residents to believe their earlier participation still counts.

14. Require Written and Alternative Participation Methods

A public consultation should never depend solely on someone's ability to attend a meeting at a particular place and time.

Every formal consultation or significant hearing should ordinarily provide multiple participation methods, including:

- written online submission;
- email;
- postal submission;
- in-person participation;
- remote participation where practicable; and
- assisted or telephone submission where accessibility requires it.

People may be unable to attend because of:

- work;
- disability;
- caregiving responsibilities;
- transportation;
- geography;
- illness;
- technology;
- financial limitations; or
- scheduling conflicts.

A process that says government wants to hear from the public should provide more than one way for the public to speak.

15. Disclose Registration and Capacity Rules

Where registration is required, notices should clearly disclose:

- whether attendance is limited;
- venue or virtual capacity;
- how participants will be selected if oversubscribed;

- whether registration is first-come, first-served;
- whether speaking opportunities are limited;
- how speaking order is established;
- whether questions are screened or selected;
- whether observers and speakers are treated differently; and
- how people unable to attend can participate.

Registration should facilitate participation.

It should not become an undisclosed mechanism for controlling who participates.

16. Scale Notice to the Consequence of the Decision

Not every public decision requires the same level of notification.

A minor administrative variance should not carry the same notification obligations as:

- rezoning hundreds of acres;
- a major industrial facility;
- a hyperscale data centre;
- a power-generation facility;
- a transmission corridor;
- a mine;
- a major water withdrawal;
- a landfill;
- a large transportation project; or
- a development capable of substantially changing a community.

The greater the consequences, geographic reach, permanence and complexity of a proposal, the greater the government's obligation to actively reach the affected population.

17. Require Direct Notice Around Major Project Sites

Residents, occupants and property owners within an appropriate area surrounding a significant project should receive direct notice.

The notification zone should reflect the **potential impact area**, not simply an arbitrary minimum number of metres from a property boundary.

Potential impacts may include:

- noise;

- traffic;
- water withdrawals;
- groundwater effects;
- emissions;
- power infrastructure;
- transmission lines;
- pipelines;
- emergency risks;
- visual effects; and
- cumulative industrial development.

For some projects, the appropriate notification area may extend well beyond immediately adjacent properties.

18. Preserve the Complete Notice History

Public-notice records should be permanent and auditable.

A notice should not simply disappear when a hearing is postponed or an application changes.

The public record should instead show a chronology such as:

May 2 — Initial notice issued

May 20 — Supporting report added

May 28 — Hearing postponed

June 4 — New hearing date announced

June 18 — Revised application received

July 12 — Hearing held

August 3 — Decision issued

Earlier versions and documents should remain available where legally permissible.

Government should not be able to rewrite the procedural history of a public process simply by replacing a webpage.

19. Require Plain-Language Notice

People should not need specialized legal, planning or regulatory knowledge to understand why a notice matters.

Every notice should clearly explain:

- what is proposed;
- where it will occur;
- who is proposing it;
- what decision is being considered;
- why public participation is being requested;

- the major potential consequences;
- how residents can participate;
- where supporting documents can be found; and
- when participation closes.

Technical terminology and statutory references may still be included. They should not substitute for an understandable explanation.

20. Make Public Notice Accessible

Public notice should comply with modern accessibility principles.

This should include, where appropriate:

- screen-reader compatible pages;
- accessible document formats;
- readable typography;
- captioned video;
- alternatives to visual-only information;
- telephone or assisted participation;
- physical copies where digital access is inadequate;
- translation where substantial affected populations require it; and
- reasonable accommodations for disability.

Accessibility is not an additional service layered onto public notice. It is part of what makes notice public.

21. Measure Reach, Not Just Publication

Governments should maintain an auditable record of how notices were distributed.

For significant proceedings, the public record could include:

- households directly notified;
- emails sent and delivered;
- SMS notifications sent;
- subscribers reached;
- newspaper publication;
- broadcast notices;
- social-media distribution;
- website traffic;
- signage locations;
- community organizations contacted;
- hearing attendance;

- written submissions received; and
- known delivery failures.

These statistics should not create a participation quota.

Their purpose is to allow government and the public to evaluate whether the notice strategy was realistically capable of reaching substantially all affected residents.

22. Allow Inadequate Notice to Be Corrected

Residents should have a simple process for raising concerns that notice was materially inadequate.

Where a hearing or consultation has not yet occurred, the preferred remedy should normally be:

- additional notice;
- additional participation methods; and
- an extension or rescheduling of the process.

The objective should be meaningful participation rather than litigation.

A public authority should not gain procedural advantage from failing to adequately notify the people affected by its decision.

23. Protect Genuine Emergency Powers

There will be legitimate circumstances where ordinary notice periods are impossible.

Urgent public-safety decisions and genuine emergencies must remain possible.

Emergency exceptions should therefore exist, but they should be:

- narrowly defined;
- publicly explained;
- documented;
- proportionate to the urgency; and
- followed by ordinary notice and participation as soon as reasonably possible.

Administrative convenience, political scheduling or a desire to accelerate a project should not constitute an emergency.

A Modern Public-Notice Test

Before proceeding with a significant hearing, consultation or decision, a public body should be able to answer five questions:

Reach: Was our notice strategy reasonably likely to bring this matter to the attention of substantially all affected residents?

Time: Did residents have enough time not merely to receive the notice, but to understand the issue and respond?

Access: Could people participate without belonging to a particular platform, consuming particular media or attending at one particular time?

Information: Did the public receive the material necessary to understand the decision while there was still meaningful time to participate?

Record: Can we demonstrate, after the fact, what notice was given, when it was given, what changed and how participation was handled?

If the answer to any of these questions is no, the public-notice obligation should not be considered complete.

The Principle

The purpose of public notice is not to allow government to prove that information existed somewhere.

It is to inform the people affected by public decisions.

The standard “**likely to bring the matter to the attention of substantially all residents in the affected area**” provides a useful foundation for a modern system because it focuses on the outcome rather than the technology.

Newspapers may change.

Television may change.

Radio may change.

Social platforms will change.

Algorithms will change.

The principle should survive all of them.

Publicly available is not the same as publicly noticed.

Faster communication should improve public participation, not become an excuse for shorter notice.

Public notice should follow the resident—not the media platform.

And a public process should not be considered genuinely public because people *could* have found out about it.

It should be considered public only when the institution responsible made a reasonable, active and demonstrable effort to ensure that the people affected **did** find out about it—and had enough time and opportunity to respond.

About the Author

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