

Learning About Public Involvement in Canada: Program for NPC Study Attachment

Assessment Report

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Background

The Parliamentary Centre (PC) hosted a study attachment to Canada in the fall of 2006 for two researchers with the National People's Congress of China - Ms. Chenfeng Cai and Dr Chunhua Li. The Parliamentary Centre engaged Canadian Policy Research Networks to prepare a learning program, provide ongoing assistance and supervision, accompany the researchers on selective site visits/interviews and provide a final report on what worked well and lessons learned.

The study attachment is part of a four year CIDA funded project with the Parliamentary Centre to help build legislative capacity in the National People's Congress of China. One of the priority areas of this project is to help build capacity for public involvement in the legislative process.

Objectives

The objective of the study attachment was to provide the two NPC researchers with an opportunity for in-depth learning about public involvement in Canada, looking at current trends in different jurisdictions, issues, challenges, and best practices. This was to support them in preparing a summary report on lessons learned and applicability of the findings for the Chinese system.

An explicit objective for the attachment was to contribute to "improved mechanisms and increased awareness for public consultation in the congress system in support of representative legislation, including the views of women, minorities and poverty stricken groups." To this end, the Parliamentary Centre arranged for an expert in gender-related issues to act as an advisor to the researchers.

This summary report provides an overview of the learning program, CPRN's observations and conclusions about what worked well, lessons learned and recommendations for future study attachments. A more complete assessment of the success of the study attachment would require a review of the researchers' consultations guidelines document (translated into English).

Overview of Study Attachment

The study attachment was preceded by a fact-finding mission to Canada by NPC officials in 2005 and a visit to China by the Parliamentary Centre and several Canadian experts (experts from several other countries also participated). This visit helped set the stage for the two researchers in terms of their expectations and requirements of the study attachment.

Prior to their arrival, the researchers indicated a particular interest in learning about Canada's experience with legislative hearings. In addition to ensuring exposure to legislative committee processes and other types of public consultation required by legislation (such as environmental assessment hearings and commissions of

l'Assemblée nationale du Québec), CPRN thought it important for them to experience the full range of public involvement initiatives in Canada to provide an accurate appreciation of the Canadian context. In consultation with the Parliamentary Centre, CPRN prepared a 4 phase learning program (see Appendix 1). CPRN and the Parliamentary Centre jointly coordinated the learning program, which included participating in the key informant interviews and site visits.¹

The learning program was organized around practical aspects of public involvement, using discussions with experts and practitioners at the community, municipal, provincial and federal levels to explore real experiences with public involvement. With advice from CPRN, the researchers developed interview guides to help ensure they were obtaining the information needed to meet their study objectives. The learning process involved relevant readings, key informant interviews with policy makers, academics and practitioners, observation of public involvement initiatives and periodic meetings with CPRN to review progress, consolidate findings, answer questions, and assess needs. During these meetings the NPC researchers began to frame and build their research report.

The study attachment took place from late July through to mid-October 2006 and included on-site visits and interviews in 5 provinces (from coast to coast). Shortly after their arrival in Ottawa, CPRN provided the two researchers with in-depth orientation briefings and reading materials on public involvement theory and practice, including a review of the spectrum of public involvement methods, and considerations on how to match appropriate methodologies to different purposes. The readings included information on many of the initiatives to which they were exposed in the course of their meetings. A full list of reference materials, many with web links to the document or related sites is available at www.cprn.org. This comprehensive learning tool is useful for anyone interested in learning more about public involvement.

While in Canada, the researchers travelled to the Maritimes, Toronto, Montréal, Québec City and Vancouver for key-informant interviews and to observe various public involvement initiatives. They also had a number of meetings in the national capital area. Interviewees elaborated on their respective experiences with public involvement, their guiding principles, criteria for success, challenges and lessons learned. People also gave concrete examples of how (or whether) they try to obtain and incorporate the views of marginalized or "hard-to-reach" people in their consultations (such as women, minorities, and low-income people).

In addition to reviewing a large volume of literature, the two researchers accomplished the following during the course of their stay in Canada:

- Met with well over 100 people involved in public involvement initiatives across Canada, including staff of 5 legislatures (4 provincial and federal), officials of 8 municipal governments and numerous federal and provincial departments,

¹ CPRN accompanied the two researchers on site visits to the Maritimes and Québec. The Parliamentary Centre accompanied them to Toronto / Guelph and B.C. Meetings in the NCR were split between the two organizations.

- private organizations, civil society groups, academics and practitioners working in the field of public involvement;
- Observed 14 public involvement initiatives including legislative committee hearings, neighbourhood citizens committees and an open house held by the Federal Department of Fisheries and Oceans;
 - Were exposed to some leading edge public involvement initiatives including the Ontario Citizens' Assembly on Electoral Reform, participatory budgeting, deliberative dialogues and deliberative polling, as well as the informal setting of the *University of the Streets Café* in Montreal;
 - Attended the annual national conference of the Institute of Public Administration of Canada (theme, "In Search of Democracy") which afforded the opportunity to attend several sessions that explored various facets of public involvement;
 - Gave two presentations on their study attachment and preliminary observations (to the Canadian School of Public Service and CIDA); and,
 - Participated in a CPRN roundtable discussion about institutionalizing and assessing the impacts of public involvement. The roundtable participants included 30 leading Canadian researchers and practitioners.

Observations on Emerging Themes

First, we must emphasize what a pleasure it was to work with both the NPC researchers and the Parliamentary Centre on this project. We were very impressed with the researchers' phenomenal capacity to integrate and assimilate the large quantity of materials received (three full binders) and their insatiable appetite for more. Not only did they study the extensive literature and case examples we had provided, they also did their own research on the different organizations or experts prior to the bilateral meetings. They have set a high standard for other research-study visits that may follow.

To our knowledge, such an extensive and thorough study of public consultation is the first of its kind in Canada. The researchers were exposed to the benefits and challenges of public consultation in many aspects of Canadian governance.

Several common themes emerged over the course of the three month study:

1. Challenges to Public Consultation:

- The less than full consensus among key players in Canada about the value or practicality of public involvement;
- The importance of strong, committed leadership in those cases where public involvement is successful;
- The lack of knowledge transfer about public involvement within and across governments. As noted at the CPRN roundtable discussion, a central coordinating public involvement locus within government could be very helpful to share knowledge and best practices and build capacity;
- The view or fear of some politicians and senior public servants that they will lose power if policy processes are opened up to the public;
- The scepticism of some experts as to the public's ability to add value to complex decisions;

- Concerns about the costs and time required for fulsome public involvement initiatives;
- The difficulty in convincing the general public and marginalized groups, especially, to participate. As mentioned by a number of interviewees, citizens are more likely to participate in a public consultation if the subject matter is highly controversial or of particular interest to them, and if they are specifically invited rather than responding to a passive announcement in the press or government web-site; and,
- There were very few public involvement initiatives offering services such as child-care or interpretation to support participation of those who would otherwise find it a challenge, though some best practices were found.

2. The importance of civil society:

- The existence of a comparatively strong, well-organized civil society, and the heavy reliance of governments on stakeholders and other organized groups to participate in public consultations is in stark contrast to the situation in China.
- In Canada, formal and informal community groups have proven to be an efficient way to reach the public, especially the marginalized. Most public consultation initiatives were publicized through community groups, which in turn encouraged their clients/members to participate. Representatives from these organizations or stakeholders were also the most likely to attend.

3. Process matters:

- There is no “one-size fits all” public consultation process. The method used must match the purpose of the consultation (information, education, empowerment, etc.). Furthermore, the proper method must also be accompanied by trained facilitators.
- Many interviews and experts spoke about Canadians having low levels of trust in government and scepticism about their input being seriously considered in the policy process. Public consultation needs to be open, transparent and genuine. Reporting back to the participants (and general population) is essential. If nothing comes out of the consultation, it will only feed the current legitimacy challenges facing our democratic system.

What Worked Well

1. Broad scope: One of the strengths of the learning program was the broad spectrum of public involvement initiatives it covered. The primary mandate of the NPC researchers was to develop advice and guidelines for a legislative public consultation program. However, exposure to the broader context of public consultation in Canada was constructive as it helped to stimulate their thinking and generate ideas that drew on both successes and challenges in using a variety of methods to engage the public beyond the traditional formal hearings most often used in our legislative process. Without this broader program, much of the richness of innovative public involvement initiatives in Canada would have been missed.

Success in achieving this breadth was made possible by the two researchers' capacity to absorb and analyze a great deal of information. In addition, the three month duration of the program made it possible to go beyond the more superficial aspects of public consultation and integrate detailed information on the requirements and technical aspects associated with different types of consultation.

2. Multi-site geographic visits: Being able to travel across the country to experience public consultation first hand in different contexts and jurisdictions was a strong point of the program. The researchers were exposed to different cultures within Canada and their respective philosophies that influence public consultation initiatives in different provinces and communities.

3. Engaged interviewees with potential for follow up: The positive response rate of key informants to requests for meetings was very high. This might be attributed to the importance they give to public consultation – both for reasons associated with greater legitimacy (of policy process) or on normative grounds (citizens' right to political participation). Many were very interested to learn more about China's interest in public involvement. They were impressed with the study's scope and objectives and most expressed strong interest in receiving a copy of the NPC researchers' final report. The study visit has increased the Canadian public consultation community's awareness about China's efforts and interests and could lead to new relationships and a broader network to share learnings, practices and greater collaboration.

4. Mentor role: Having CPRN or the Parliamentary Centre staff accompany the researchers at the meetings helped to put them at ease in an unfamiliar environment, and minimized potential language or cultural barriers. It also facilitated all parties (NPC researchers, Parliamentary Centre and CPRN) to share a common and up-to-date appreciation of the learnings, make adjustments to the program and / or interview guide and interpret the findings. While this was time consuming, we believe in the long-run, it was important to the overall success of the study.

5. Involvement of the experts who participated in the China visit: The end of July meeting with the Parliamentary Centre, Michel Amar, (a consultant with significant experience in public involvement) and Pauline Rankin, (Associate Professor, School of Canadian Studies, Carleton University and gender advisor to the NPC researchers), to brief CPRN on their China tour and share thoughts and material on the Chinese context was very helpful to CPRN. Michel Amar's involvement at key points throughout the learning program, and particularly in the final meeting, proved beneficial to the researchers in helping them to relate their findings to the Chinese context.

Considerations for Future Study Attachments

1. The timing of the study attachment (late July to mid-October) meant that meetings with different experts, researchers and practitioners were difficult to schedule because of summer holidays. For that reason, the learning program schedule had to be adjusted to book meetings according to availability, learning phase notwithstanding.
2. Likewise, Parliament and provincial legislatures were not in session in August or September. It was difficult to have the researchers observe committees in process or

meet with elected officials (particularly at the federal level). A Fall or Winter program may have facilitated such visits, though it must be noted that legislative agendas are unpredictable.

3. Very few national and provincial public consultations were in progress. This was mainly because of the summer timeframe, but also in part due to a decrease in consultation initiatives at the national level in particular.
4. To make the most of short timeframes and minimize costs, the field visits were tightly - booked, resulting in some instances, in too little time to explore questions in depth. Additional time for these visits would have allowed more in-depth study, more time for reflection about the learning and, certainly, reduced fatigue. It also would have been beneficial to have more time to explore historical and cultural highlights in the cities visited. While this is of less importance to the substance of the study, it is significant to the researchers' experience in understanding Canada.
5. Due to the limited budget for the project, CPRN was unable to participate in the advance visit to China. Participation in that tour would have helped CPRN staff better understand the Chinese context, as well as the mandate and expectations of the researchers and the extent of their public consultation knowledge and experience. This would have facilitated more precise tailoring of the learning program to their needs, and would also have helped with the interpretation of their findings for the Chinese context.

Conclusions and Recommendations

CPRN greatly appreciates this partnership with the Parliamentary Centre. We would welcome the opportunity to be part of subsequent phases of this project with China and with learning programs with other countries. We found it to be a very positive and constructive experience. It has enriched our understanding of China's experience with and interest in furthering public consultation. Additionally, it has strengthened existing ties and developed new ones among CPRN, the PC and public consultation experts and practitioners across Canada. A by-product of this project is a comprehensive set of materials about public consultation across Canada, which can be adapted and updated for use by the Parliamentary Centre and the broader community.

Appendix 1: Summary of Learning Program

Program	Learning Objectives	Activities
<p>Phase 1: Orientation (Late July – Early Sept.)</p> <p>Deliverables:</p> <ul style="list-style-type: none"> - consolidate findings (to inform report); - identify key issues / questions for further exploration; - interview guide; - draft outline for report. 	<ul style="list-style-type: none"> - Overview of public involvement theory, methodologies; review practical examples - Identify areas for in-depth exploration in interviews with practitioners, policy makers - Learn about public involvement practices and challenges at the local, provincial and municipal levels through discussions with officials about real public involvement cases 	<p><i>Orientation:</i> key readings on public involvement theory and practice, presentations by CPRN to provide overview of public involvement in Canada including the continuum from information to engagement, different methodologies for different purposes, review of public involvement initiatives demonstrating different types and methods of public involvement</p> <p>July 31: Preparatory meeting with CPRN, Parliamentary Centre and project advisors: debrief on meetings in China.</p> <p>Aug. 3: Full day briefing and orientation: <ul style="list-style-type: none"> - draft interview guide focussing on areas identified for in-depth exploration </p> <p>Ottawa</p> <p>Aug. 8: Observance of the hearing of the Ontario Legislative Assembly on Bill 107 Human Rights Code Amendment Act</p> <p>Aug. 15: Caroline Andrew, School of Political Studies, University of Ottawa, (focus on municipal consultations in Canada and the participation of marginalized women)</p> <p>Aug. 23: Canada Lands Company to study the case of the Rockcliffe Lands Redevelopment</p> <p>Aug. 24: Nathalie DesRosiers, Faculty of Civil Law, University of Ottawa</p> <p>Maritimes (Charlottetown and Halifax)</p> <p>Aug. 27 to 30: Institute of Public Administration of Canada, Annual National Conference, Charlottetown, Prince Edward Island</p> <p>Aug. 31: Nova Scotia Department of Fisheries and Aquaculture, Nova Scotia Department of Agriculture, (Halifax)</p> <p>Aug. 31: Roundtable Envision Halifax; Voluntary Planning; Community Development, Government of Nova Scotia</p>

Program	Learning Objectives	Activities
		<p>Aug. 31: City of Halifax, Planning Department</p> <p>Sept. 1: Nova Scotia Power Corporation (Deliberative Polling®)</p> <p>Sept. 1: Nova Scotia Legislature: Clerk of the Public Accounts Committee</p> <p>Consolidate Findings</p> <ul style="list-style-type: none"> - consolidate findings, identify areas / key questions for further exploration - revise interview guide for phase 2 - draft outline for report
<p>Phase 2: Site Visits (September)</p> <p>Deliverables:</p> <ul style="list-style-type: none"> - consolidate findings (to inform report); -refine report outline; -identify gaps / areas for further research. 	<ul style="list-style-type: none"> - Fact finding by learning about on the ground public involvement initiatives at provincial and municipal government levels through meetings with officials, practitioners, and academics working in the public involvement area - Identifying best practices / lessons learned to inform report 	<ul style="list-style-type: none"> - Visits with officials and practitioners who have conducted different types of public involvement initiatives in different policy fields and discuss their experience - challenges, lessons learned, etc. Meetings mostly involved bilateral interviews, but also a roundtable discussion and, when possible, observation at public involvement initiative underway. <p>Toronto and Guelph</p> <p>Sept. 5: Guelph Neighbourhood Support Coalition (participatory budgeting)</p> <p>Queen's Park, Ontario Legislative Assembly</p> <p>Sept. 5: Meeting with Interparliamentary and Public Relations Branch and several Standing Committee Clerks and (Standing Committee on Finance and Economic Affairs, Standing Committee on Estimates and the Standing Committee on Public Accounts)</p> <p>Guided tour of the Legislative Building</p> <p>Briefings on the Standing Committee on Estimates and the Standing Committee on Government Agencies</p> <p>Observe scheduled public hearings of the Standing Committee on Estimates (Ministry of Health Promotion)</p> <p>Observe scheduled public hearings of the Standing Committee on Government Agencies (Appointments Review)</p> <p>Sept. 6: Briefings on the Standing Committee on Government Agencies and the Standing</p>

Program	Learning Objectives	Activities
		<p>Committee on Justice Policy</p> <p>Observe scheduled public hearings of the Standing Committee on Government Agencies (Agency Review: Ontario Lottery and Gaming Corporation)</p> <p>Luncheon: with several Standing Committee Clerks</p> <p>Meeting with Committee Clerks to review the procedures for setting-up public consultations</p> <p>Sept. 7: Briefing on the Standing Committee on Justice Policy Observe scheduled public hearings of the Standing Committee on Justice Policy (Bill 14)</p> <p>Teleconference call with Archon Fung, Harvard University to discuss issues of importance for applying consultation guiding principles in the NPC context</p> <p>Meeting with representative of the Secretariat to the Ontario Citizens' Assembly on Electoral Reform: the consultation mandate and mechanisms of the citizens' assembly and the practical aspects of facilitating constructive dialogue with citizens</p> <p>Sept. 8: Group of consultation specialists/practitioners based in Toronto: lessons learned from the leading consultation facilitators; exchange of thoughts and ideas on related issues</p> <p>Meeting with TakingITGlobal: engagement with young people from a local to global scale using the Internet as the key tool</p> <p>Meeting with the Nuclear Waste Management Organization on their public consultation process</p> <p>Sept. 9: Observance of the 1st Learning Session of the Citizens' Assembly</p> <p>Sept. 10: Learning Session of the Citizens' Assembly continued</p> <p>Sept. 11: Halton Region officials (to study the process of developing the consultation guidelines and its application in the local decision-making process)</p> <p>Ontario Ministry of Health Promotion (to study the most recent case of stakeholder and</p>

Program	Learning Objectives	Activities
		<p>expert roundtables on healthy living)</p> <p>Sept. 12: Toronto Community Housing (participatory budgeting)</p> <p>Gatineau Sept. 13: City of Gatineau, Strategic Planning Branch</p> <p>Ottawa Sept. 14: Debrief with the Parliamentary Centre and CPRN on Observations and Lessons Learned from the study attachment</p> <p>Sept. 14: City of Ottawa (re: experience with citizen's engagement in the development and implementation of services plan)</p> <p>Sept. 14: Informal neighbourhood event to meet a candidate running for Mayor in Ottawa Municipal Election</p> <p>Sept. 15: Public Health Agency of Canada (public consultations)</p> <p>Sept. 15: Office of Consumer and Public Involvement, Health Canada (public involvement in health regulations)</p> <p>Sept. 18: CPRN Roundtable with Canadian academics and public involvement practitioners to discuss two research papers: Institutionalizing Public Involvement and Assessing the Impacts of Public Involvement</p> <p>Sept. 19: Canadian Environmental Assessment Agency: the requirements and organization of public consultations in the environmental assessment process</p> <p>Sept. 21: Centre of Excellence for Youth Engagement</p> <p>Sept. 26: Regulatory Affairs and Orders in Council Secretariat of the Privy Council Office: functions and role of the Secretariat as the central agency that oversees the regulatory process; how departments comply with the federal regulatory policy; the requirements for effective public consultation on proposed regulations</p>

Program	Learning Objectives	Activities
		<p>Sept. 27: Human Resources and Social Development Canada : consultation activities to solicit public inputs in the policy-making process</p> <p>Sept. 29: Roundtable, Canadian School of Public Service : Presentations by the two Chinese researchers on public involvement in the Chinese legislative process and synopsis of knowledge gained from the study visit in Canada</p>
<p>Phase 3: Reflection and Writing (October)</p> <p>Outcomes: final report</p>	<p>- consolidate learnings; - test findings / conclusions; - draft report / seek feedback</p>	<p>Montréal and Québec City</p> <p>Oct. 2: Laurence Bherer, <i>University de Montréal</i> and <i>l'Observatoire sur la démocratie municipale</i> : the decision making process in the Québec City municipal council</p> <p>Luncheon - President of <i>l'Office de la consultation publique de Montréal</i></p> <p>Gerardo Sierra, of Concordia University and coordinator of University of the Streets Café: the philosophy of the project and the organization of meetings</p> <p>Oct. 3: Direction des évaluations environnementales Ministère du Développement Durable, de l'Environnement et des Parcs</p> <p>Winnie Frohn, Université du Québec à Montréal</p> <p>Secretariat of the Commissions: how Parliamentary Commissions are composed, their mandate and the different types of public consultation used</p> <p>Québec City's Advisor on public consultation</p> <p>Observe Airport Neighborhood Committee (Loretteville), Québec City</p> <p>Oct. 4 : Les <i>Commission femmes et ville</i> and the <i>Commission familles et ville</i></p> <p>Oct. 5: (in Montréal) Caroline Patsias, Université de Sherbrooke, Department of political science and history: a comparative look at municipal public consultation in Québec and France.</p> <p>Ottawa</p> <p>Oct. 6: Teleconference with TakingItGlobal</p>

Program	Learning Objectives	Activities
		<p>Oct. 10 -11: Interviews and on-site technical exchanges with Library of Parliament staff on methods and tools for effective organization of committee hearings and broader public involvement in the parliamentary process (Senate Committee Studies on Health Care and Mental Health, Standing Committee on Finance)</p> <p>Oct. 11: The National Capital Commission</p> <p>Briefing on engagement in the Canadian International Development Policy</p> <p>Oct. 12: Roundtable Sessions on Public Engagement in the Chinese Legislative Process with the CIDA China Program</p> <p>Oct. 13: Canadian Bar Association: civil society engagement in law reform</p> <p>Ascentum: online consultation</p> <p>Final debrief with CPRN and the Parliamentary Centre</p> <p>British Columbia</p> <p>Oct. 16: Department of Fisheries and Oceans, Government of Canada, Pacific Region: public consultation processes</p> <p>Observance of the Open House Session of the Department of Fisheries and Oceans</p> <p>Oct. 17: Observing Public Hearing of the Select Standing Committee on Health, British Columbia Legislative Assembly</p> <p>Meeting with the BC Electoral Boundaries Commission</p> <p>Information Session on the British Columbia Citizens' Assembly on Electoral Reform – University of British Columbia: Kenneth Carty, Professor and Acting Head, Brenda and David McLean Chair in Canadian Studies, Department of Political Science, and Chief Education Officer for the BC Citizens' Assembly; and Mark Warren, Harold and Dorrie Merilees Chair for the Study of Democracy, Department of Political Science</p>

Program	Learning Objectives	Activities
		Oct. 18: Meeting with several Committee Clerks and staff, Legislative Assembly of British Columbia
Phase 4: Report and Recommendations (November)		CPRN report on project, recommendations