

Delegation Presentation from the Friends of the Gulf Islands Society June 2024 Trust Council Meeting, Salt Spring Island

Good afternoon trustees, staff and members of the public. I am Jennifer Margison, a resident from across the water on Galiano Island, traditional Coast Salish territory, representing Friends of the Gulf islands, a society with members from across the Trust Area.

Friends of the Gulf Islands represents Trust Area residents and visitors who support the original intent of the Islands Trust Act: to “preserve and protect” the unique islands that you as trustees represent, from excessive development and environmental degradation. We support the Islands Trust operating, as a “trust” with a mandate to protect the Trust Area’s natural environment and rural character for all British Columbians. We are in fact "Friends of the Islands Trust" as it was originally intended 50 years ago. "Protection and preservation" are never outdated concepts.

We would like to take this early opportunity to make some initial comments on the newest draft of the Trust Policy Statement, released on May 3. We would also like to comment on some of what was heard regarding the draft TPS in the Committee of the Whole (COW) meeting on May 30th.

We recognize that this draft was prepared by staff and hope trustees will carefully consider the implications of the document as it currently exists. We will certainly have more to say about this draft and subsequent ones, but we want to speak here about two primary concerns with the current draft and what was said in the COW meeting.

1. The very underpinning of this draft Policy Statement is problematic. Neither the current TPS nor the draft TPS make any reference to the fact that the Islands Trust is a “trust”. The current TPS describes it as a *“unique land-use planning agency acting for residents of both the Trust Area and the province generally, and having a special conservation-oriented responsibility...”*.

This draft revision describes it as a *“special-purpose provincial government agency equipped with a suite of land use planning powers and a conservation-oriented mandate”*. Where is the recognition in either version that this unique organization is in fact a "trust"?

The glaring absence of any reference to the "trust" nature and function of the Islands Trust promotes the faulty understanding and behavior of an organization that thinks and acts as if it's a local government whose duty is to primarily or only represent the voices of the individual islands' constituents. The new draft contains no mention that Trust Council is responsible for ensuring the Trust Area is protected for the benefit of all British Columbians.

2. The value of the TPS and its success as a governing document is dependent upon the clarity of its policies and the requirement that they be followed. As in point 1. above, wording is critical and ambiguity is a death knell. This document is rife with slippery words such as “consider”, “should”, and “strive to ensure”. Such words make the policies mere suggestions and could pit trustees and their communities against one another in futile attempts to find coherent direction.

It is stated in the draft that the “Guiding Principles ‘are intended’ to establish general commitments of the Trust Council. The words “intended to” are yet another form of “should” and means the principles are not mandatory. Because carrying out the Object of the Islands Trust Act is primarily achieved through land use regulation by LTCs with Trust Council and its Executive Committee providing regional oversight, these principles should be mandatory.

The ambiguity of the wording contradicts the purpose of a Directive. Indeed, why have Directive Policies if trustees do not have to abide by them? We don’t find this vague, aspirational wording in other legislation—as in people "shall consider" not speeding or "shall strive to" not rob banks.

We also heard this dangerous ambiguity promoted by Tyler Brown, the facilitator in the COW meeting. When referring to directive policies, the facilitator said: "Attempts have been made to not make them too prescriptive." He then added: "You might be assuring certain things but you don't leave room for adaptability, flexibility and innovation."

This apparent move to emphasize a discretionary approach to directives undermines the entire TPS, if not the purpose of the Trust - "preserving and protecting". The intention of the TPS is to have trustees make decisions within the confines of its policies. It defines their duties as trustees.

Policies are implemented through regulations. Words like “consider”, “should” and “strive to” do not carry any weight to influence decisions. They undermine the ability of the Trust to fulfill its mandate under the Act.

We believe the implementation of this Policy Statement or any revision that does not address these two major flaws will consign trustees, the communities they represent, and all British Columbians to a very uncertain future marked by conflict and dissent. If the intent is to ensure Trust staff and elected trustees carry out the Object, then this draft TPS is woefully inadequate.

Respectfully submitted for the Friends of the Gulf Islands Society,

Jennifer Margison, President
Friends of the Gulf Islands Society