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Delegation Presentation from the Friends of the Gulf Islands Society

June 2024 Trust Council Meeting, Salt Spring Island

Friends of the Gulf Islands represents Trust Area residents and visitors who support the mandate of the Islands Trust Act to “preserve and protect” the unique islands that you as trustees represent, from excessive development and environmental degradation as was intended when the Island Trust was established in 1974. We support the Islands Trust operating, not as a form of local government but as a “trust” with a mandate to protect the Trust Area’s natural environment and rural character for all British Columbians.

We would like to take this early opportunity to make some initial comments on the newest draft of the Trust Policy Statement review, 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 meeting on May 30th.

We recognize that this draft was prepared by staff. We hope trustees will carefully consider the implications of the document as it currently exists. We will certainly have more to say about this current draft and subsequent drafts but for the moment we want to speak 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 or the draft TPS make any reference to the fact that the Islands Trust is in fact 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...”* and as a *“conservation-oriented agency”*.

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 they are a local government whose duty is to primarily represent the voices of their constituents; that the Islands Trust is a product of

trustees elected by and beholden to local residents. And the new draft contains no recognition that Trust Council is supposed to be the voice to ensure that 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 insistence 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”, “strive to ensure”. They 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 that centre the Islands Trust Object in all daily decision-making across the Islands Trust Area by Islands Trust bodies that are bound by the Policy Statement”. The words “intended to” is yet another form of “should” and means the principles are not mandatory. Are LTCs “Islands Trust bodies”? Why not state “all Trust bodies must apply the principles in decision-making”? If 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 of LTC activities, 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 seemingly apologetic wording in other legislation as in people shall strive not to rob banks, or shall consider not speeding.

We also heard this dangerous ambiguity promoted by the facilitator in the COW meeting and he was only challenged by one or perhaps two trustees. The facilitator said when referring to directive policies, "Attempts have been made to not make them too prescriptive" and "if you make them too prescriptive, you don't leave room for innovating and adapting".

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

Policies are implemented through regulations. Words like “consider”, “should” and “strive” 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, including all British Columbians and the natural environment and rural character of the Trust Area to a very conflictive and uncertain future.

If the public assumes that Trust staff and trustees are first and foremost dedicated to carrying out the Object, then the draft TPS is full of contradictions. On the other hand, if the intent is just that land use planning not be encumbered by clear environmental protection policies, this draft TPS may do the trick.

Respectfully submitted for the Friends of the Gulf Islands Society,

Jennifer Margison, President