

Bylaw 529: Censoring Salt Springers

This coming Wednesday January 12th, 2022, Islands Trust Executive Committee votes on a new bylaw which further weakens democracy and public engagement and threatens to impede open political discourse on Salt Spring Island. (The Executive Committee, comprised of the Chair and three additional Trustees elected by Trust Council, approves bylaws to ensure that they are compliant with the Trust's mandate and Policy Statement.)

On the face of it, Salt Spring's new bylaw, Bylaw 529, is about hosting virtual LTC (Local Trust Committee) meetings. If you read through it, however, you will find a section which empowers the Chair—who is not elected by Salt Springers—to censor any delegation which, in his/her/their opinion, contains a hint of disrespect.

Here is the wording we should all be worried about:

*“The Chair...may deny an individual or delegation a right to address the meeting if, **in the Chair's opinion**, the individual or delegation...speaks disrespectfully of any person.”*

I agree that respect is a necessary and important element of political discourse.

Democracy is predicated on a specific kind of respect called “agonistic respect” in which interlocutors put forth and listen to each other's criticisms and arguments. In a democracy we are expected to disagree with each other. The whole point is to present the positions one holds and listen openly to the arguments and critiques put forth by others. Respect is shown by both presenting one's critiques and arguments as cogently as possible, and by listening to those of others. A functional democracy makes room for critique and the full range of competing analyses.

An important part of a Chair's role is to ensure that agonistic respect is extended to whichever politically engaged citizen has the floor. Unfortunately, our current Chair appears to consider critique—which is fundamental to democracy—to be a form of disrespect. When, in my June 23rd, 2021 delegation, I attempted to speak to the Executive Committee, (the committee voting on Bylaw 529), regarding legitimate concerns shared by many local residents, I was deemed disrespectful and thereby discredited and silenced.

Peter Luckham, a Thetis Island Trustee, is Chair of Trust Council, (the umbrella governance group consisting of all 24 trustees in the Islands Trust region, plus two municipal trustees). He is also the Chair of the Executive Committee, which is comprised of four Trustees, (including Salt Spring Island Trustee Laura Patrick), who are elected by Trust Council. The Executive Committee will be considering Bylaw 529 this Wednesday, January 12th, 2022.

Over the last four years, on both occasions when I braved speaking in front of our local Salt Spring Island LTC (Local Trust Committee) regarding social and political matters, Chair

Luckham interrupted me to discredit my message by (incorrectly) labelling it disrespectful. The first occasion consisted of a relatively mild scolding for having short-handedly referred to the convoluted Bylaw 512 as a “make work project” for staff. On the second occasion he appeared to take my initiative to present a delegation as audacious...as in and of itself a form of disrespect.

On June 23rd, 2021, I attempted to speak for a third time before Chair Luckham. I attempted to present a delegation to the Executive Committee (the only Islands Trust committee Staff would give me an audience with at the time) on the relationship between democracy and environmental protection. I was there to insist upon public engagement on the proposed new Trust Policy Statement. Many of us were feeling alarmed that the proposed new Trust Policy Statement would negatively impact our rural livelihoods. This Policy Statement was about to go to First Reading within a matter of days, yet residents and community groups were only just finding out about it. Many of us felt that we had not been afforded an opportunity to help shape or respond to it. Fear and trepidation were in the air.

I believed, (quite wrongly, as it turns out), that the Islands Trust functioned as a democracy, that it upheld democratic principles, and that, as such, my voice as an involved citizen would be listened to...or at least tolerated.

It was not.

Chair Luckham interrupted my presentation and proceeded to publicly humiliate me, castigating me for what he mistook as disrespect, and apologizing, repeatedly and profusely, to Staff. There is video footage of this in the public record.

Here is a link to the full text of the censored delegation: <https://drive.google.com/file/d/15jotx4fBGGeggBZG-5GLycK4r1xINxeq/view?usp=sharing>

There is no question that the content of this delegation is critical. Critique, however, is not disrespect.

After I was interrupted, censored, humiliated, and reprimanded by the Chair, and after I'd witnessed the profuse apologies to Staff, the Executive Committee, including our own Trustee Laura Patrick, unanimously passed a resolution stating that, henceforth, only delegations which have been submitted in full 14 days prior to a meeting, and are pre-approved by the Chair, will be allowed.

In other words, we, the citizens, are only allowed to say what the Chair says we can say to the Executive Committee.

Salt Spring's proposed new bylaw, Bylaw 529, is not quite as 'over the top'. It states that: “The written request” for a delegation, which must be submitted at least 14 days in advance, “must specify the subject matter of the presentation and include either a copy of the presentation or an overview of the information presented.”

It is not clear to me from reading the draft bylaw who will be pre-approving the delegations under this new law. And it is concerning that, according to the public record, there has been no public feedback on Bylaw 529. Most concerning is that this new bylaw allows for someone we have not elected (the Chair or Staff) to subjectively decide on, control, and subvert delegations containing unwanted critiques.