

EXECUTIVE COUNCIL

CONFIDENTIAL

Title of Report: Appointment of FIDC Selection Panel

Paper No: 125/13

Date: 3rd June 2013

Report of: Marc Boucher, General Manager - FIDC

1.0 Purpose

- 1.1 This paper is to recommend the nomination of four individuals which will constitute the selection panel, which is to make recommendations to the Governor as to the appointment of the Chair and Vice Chair of the FIDC Board and one other member of the FIDC Board. This is in accordance with the Falkland Islands Development Corporation (Transitional Provisions) Order 2013.

2.0 Recommendations

That Executive Council approve the appointment of following individuals to the selection panel of the Chair and Vice Chair of the FIDC Board and one other member of the FIDC Board;

- Mr Keith Padgett, Chief Executive, Falkland Islands Government
- Mr Jamie Fotheringham, Head of Policy, Falkland Islands Government
- Mr Alex Reid, owner of Seaview Limited and Seaview logistics Limited
- Mr Jimmy Moffatt, co-owner of Lifestyles Limited

3.0 Summary of Financial Implications

- 3.1 None.

4.0 Background

- 4.1 At its meeting of 24 April 2013 Executive Council considered and approved the structure of the selection panel to advise the Governor on the appointment for the Chair and Vice Chair of the FIDC Board and one other member of the FIDC Board. Executive Council approved the following composition;

- two private sector representatives, to be nominated by private sector bodies currently represented on the FIDC Board (Chamber of Commerce, FIFCA, FITB and RBA); and
 - two representatives from FIG who will be the Chief Executive and the Head of Policy.
- 4.2 On 10 May 2013 agreement was reached on the two individuals to represent the private sector by representatives of private sectors bodies currently represented on the FIDC Board;
- Mrs Cheryl Roberts representing Falkland Islands Fishing Company Association;
 - Mr Roger Spink representing the Falkland Islands Chamber of Commerce;
 - Mr Tony Mason representing the Falkland Islands Tourism Board;
 - Mr Tony Blake representing the Rural Business Association.
- 4.3 The two individuals nominated to the selection panel by the four private sector representatives were;
- Mr Alex Reid, owner of Seaview Limited and Seaview logistics Limited; and
 - Mr Jimmy Moffatt, co-owner of Lifestyles Ltd.
- 4.4 The Rural Business Association did raise concerns, by way of the attached letter (Appendix B) to the GM FIDC, over the potential lack of representation on the future FIDC Board of Rural Business Association members.
- 4.5 A response from the General Manager, FIDC to the Rural Business Association is also attached (Appendix C) outlining the several opportunities for the nomination of a representative of the Rural Business Association to a position on the future FIDC Board.
- 4.6 FIDC staff will provide secretariat support to the selection panel in the implementation of the selection process of the three FIDC Board positions, as described in Appendix D. FIDC will provide the following, as well as any other support required; drafting of agenda, minute taking, promotion, and submission of draft job descriptions.

5.0 Financial Implications

- 5.1 There are minimal financial implications which will result in advertising costs (newspaper and radio) in the promotion for submission of nominations for the Chair and Vice Chair of the FIDC Board and one other member of the FIDC Board. The required funds will be taken out of existing FIDC budget allocations.

6.0 Legal Implications

- 6.1 There are no legal implications for FIG or FIDC at this time. As the Falkland Islands Development Corporation (Transitional Provision) Order 2013 provides for everyone who is a member of the FIDC Board immediately before the new Ordinance comes into force will remain a member of the FIDC Board while the process is provided for in the regulation.

7.0 Human Resources Implications

- 7.1 There are no human resources implications for FIG or FIDC at this time.

Appendices

Appendix A – Falkland Islands Development Corporation (Transitional Provisions) Order 2013

Appendix B – Rural Business Association letter to GM FIDC

Appendix C – GM FIDC letter to Rural Business Association

Appendix D – Selection Process for the nomination

SUBSIDIARY LEGISLATION

ECONOMIC DEVELOPMENT

Falkland Islands Development Corporation (Transitional Provisions) Order 2013

S. R. & O. No: 6 of 2013

Made: 8 April 2013

Published: April 2013

Coming into force: see article 2

I make the following order under section 26(2) of the Falkland Islands Development Corporation Ordinance (No 4 of 2013) on the advice of Executive Council.

1. Title

This order is the Falkland Islands Development Corporation (Transitional Provisions) Order 2013.

2. Commencement

This order comes into force on a date appointed by the Governor by notice published in the *Gazette*.

3. Interpretation

In this order —

“the old Ordinance” means the Falkland Islands Development Corporation Ordinance 1983 (Title 28.1); and

“the new Ordinance” means the Falkland Islands Development Corporation Ordinance 2013 (No 4 of 2013).

4. Transition from old Board to new Board

(1) Everyone who is a member of the FIDC Board immediately before the new Ordinance comes into force will remain a member of the FIDC Board while the process provided for in this regulation is being followed.

(2) The Governor must appoint a panel to make recommendations about the appointment of the Chair and Vice Chair of the FIDC Board and one other member of the FIDC Board.

(3) The panel must conduct a fair, objective and transparent process before making recommendations to the Executive Council about whom should be appointed to those positions.

- (4) Executive Council must either —
- (a) advise the Governor to make the appointments recommended by the panel; or
 - (b) request the panel to repeat the process of making recommendations to it.
- (5) Either the Chair or the Vice Chair will be appointed until 30 June 2015 and the other will be appointed until 30 June 2017.
- (6) The other member of the FIDC Board will be appointed until 30 June 2017.
- (7) The first set of co-options to the FIDC Board will not be made by the FIDC Board but will be made by a committee consisting of —
- (a) the person appointed to be the Chair of FIDC;
 - (b) the person appointed to be the Vice Chair of FIDC;
 - (c) the person appointed to be the other member of the FIDC Board;
 - (d) the Chief Executive; and
 - (e) one MLA, nominated by MLAs collectively;
- (8) That committee will co-opt —
- (a) two persons to be members of the FIDC Board until 30 June 2015; and
 - (b) two persons to be members of the FIDC Board until 30 June 2017.
- (9) As soon as those co-options have been made —
- (a) the new Board members take office; and
 - (b) anyone who was a member of the FIDC Board but who has not been appointed or co-opted will cease to be a member.

5. Managing Director

The person who is the General Manager of FIDC immediately before the new Ordinance comes into force is to be treated as having been appointed as Managing Director under section 11(1) of the new Ordinance.

6. Financial Controller

The person who is the Financial Controller of FIDC immediately before the new Ordinance comes into force is to be treated as having been appointed as Financial Controller under section 12 of the new Ordinance.

7. Secretary

The person who is the Secretary of FIDC immediately before the new Ordinance comes into force is to be treated as having been appointed as Secretary under section 14(1) of the new Ordinance.

8. Employees

(1) Paragraphs (2) and (3) apply to everyone who is an FIDC employee immediately before the new Ordinance comes into effect.

(2) The repeal of the old Ordinance and the coming into force of the new Ordinance does not affect the continuity of their employment with FIDC.

(3) Their terms and conditions of service will remain the same, unless those terms and conditions are later varied in accordance with paragraph 1 of Schedule 3 to the Ordinance.

9. Property and contracts

For the avoidance of doubt, neither FIDC's property nor its contracts are affected by the repeal of the old Ordinance and the coming into force of the new Ordinance.

Made 8 April 2013

N. R. Haywood C.V.O.,
Governor.

EXPLANATORY NOTE *(not part of the order)*

Section 26(1) of the Falkland Islands Development Corporation Ordinance 2013 (No 4 of 2013) ("the new Ordinance") repeals the Falkland Islands Development Corporation Ordinance 1983 (Title 28.1) ("the old Ordinance").

Section 26(2) of the 2013 Ordinance allows the Governor to make subsidiary legislation dealing with the arrangements for the transition from the old Ordinance to the new Ordinance. This Order makes those arrangements.

Article 4 deals with the transition from the existing FIDC Board to the new FIDC Board:

- The existing members of the FIDC Board will continue to hold office until the new members have been appointed and co-opted.
- The Chair, Vice Chair and one other member will be appointed after a recruitment process has been carried out by a panel appointed by the Governor. Those appointments will be staggered, so that one expires in 2015 and the other two expire in 2017.
- The appointed members, a Member of the Legislative Assembly and the Chief Executive of the Falkland Islands Government will form a committee to consult the private sector and co-opt 4 additional members to the FIDC Board. Again, these co-options will be staggered, so that two expire in 2015 and the other two in 2017.
- Once this process is complete, the new Board will take over from the old Board.

Articles 5 to 9 provides for continuity in relation to FIDC's employees (including its employed office-holders:

- under *article 5*, the current General Manager will become the new Managing Director;
- under *articles 6 and 7*, the Financial Controller and Secretary will remain in office;
- under *article 8*, FIDC's other employees will not be affected by the change from the old Ordinance to the new one; and
- under *article 9*, FIDC's property and contracts will not be affected either.

Rural Business Association
Stanley, Falkland Islands, FIQQ 1ZZ
e-mail: rba@horizon.co.fk • Telephone: (500) 52400

8 May 2013

FIDC Selection Panel
Shackleton House
Stanley

Dear Panel,

We understand that it has been proposed, by other interested parties, that the RBA should not have a representative on the FIDB Selection Panel.

The RBA has been running for 25 years and has over 75 members. We play an important role in the dissemination of information to our members and a vital role in seeking the views of our membership on issues facing our businesses and the local economy. On behalf of our members, we think it is important that we have the opportunity to engage directly with FIDC in order to contribute and participate in the development of our local economy.

As one of the largest employment sectors in the Falklands, agriculture has an important role in our economy. The importance of "Camp" to the economic development of the Falklands has been recognised in Government's Rural Development Strategy. Whilst we are delighted that FIG recognises the importance of the Camp economy, environment and culture in that document, we have an obligation to our members to ensure that the fine sentiment expressed in the RDS is translated into something tangible. To do that, we as an organisation want and need to continue to input into decision making.

Rural businesses and the rural population are always likely to be a minority grouping. As a minority, without representation our voice will not be heard. Given the differences in operating a business in Camp versus Stanley, understanding the rural position from rural operators is important. The difficulties facing the rural economy are best understood by those working directly in that environment.

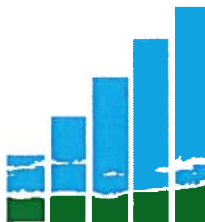
In short, we think it is essential that the RBA continues to be represented on the FIDC Board. As such, we request that an RBA representative is reinstated on the proposed FIDC Selection Panel.

Please do not hesitate to contact me should you like to discuss the above or should you require any clarification.

Kind regards



Justin Knight
Chairman, Rural Business Association



FALKLAND ISLANDS
DEVELOPMENT CORPORATION

Mr Justin Knight
Chairman
Rural Business Association
Stanley, Falkland Islands
FIQQ 1ZZ

13 May 2013

Dear Mr Knight

Thank you for your letter of 8 May 2013, in which you outline the important contributions that the Rural Business Association (RBA) has and is making to the development of the Camp economy. You also state the importance of being able to engage directly with FIDC, in order to contribute and participate in the development of our economy.

Please let me inform you that at this stage, the Selection Panel has the purpose of making recommendations to Executive Council on three appointments of members from the public to the new FIDC Board (Chair, Vice Chair and Member). Once these appointments are made, four additional FIDC Board Members will be co-opted from the public to complete the FIDC Board. The FIDC Ordinance 2013 outlines the composition of the new FIDC Board, which also includes; Chief Executive of the Falkland Islands Government & a Member of the Legislative Assembly.

I would hope that the RBA will be putting forward candidates for one of the positions to be selected by the Panel when advertise, with the additional opportunity to have one of the four co-opted members being from the RBA as well.

Yours sincerely

Marc Boucher
General Manager

Encs; FIDC Ordinance 2013
Economic Development FIDC Transitional Provisions Order 2013.

Appendix D

Selection Process for the nomination of;

FIDC Board Chair

FIDC Vice Chair

Member of the FIDC Board

Process;

1. Initial meeting of the selection panel members to;
 - define the job description for each of the positions;
 - agree on selection criteria for each of the positions;
 - agree on wording of advertising (radio and newspaper);
 - agree on timeline for nominations to Executive Council, including deadline for submission.
2. Advertise in local media (newspapers and radio), duration will be based agreement of selection panel.
3. Review of submissions, against the selection criteria for each of the positions.
4. Establish a short list of interviews for each of the positions, if required.
5. Grade nominees against selection criteria for each of the positions.
6. Make selection of nominees for each of the positions.
7. Confirm with the applicants their interest being nominated for the position being nominated for.
8. Make recommendation to Executive Council for the nomination for the Chair and Vice Chair of the FIDC Board and one other member of the FIDC Board.
9. Advise the nominee of the decision by Executive Council.
10. Advertise in local media the appointment of the individuals to the position of Chair and Vice Chair of the FIDC Board and one other member of the FIDC Board.