

EXECUTIVE SUMMARY

1. In general, there are two types of post-office restrictions: post-office restrictions on political activities and commercial activities respectively. These restrictions aim to maintain a certain standard of conduct of members of government so as to preserve public confidence in and integrity of government.

Post-Office Restrictions for Heads of Government

2. There is no written rule governing post-office activities undertaken by former heads of government in France and the United States (US). However, media comments, hostile public reactions and convention appear to have the effect of deterring unethical behaviour of former heads of government in these two countries.
3. In the United Kingdom (UK), the Ministerial Code requires former heads of government on leaving office to seek advice from the Advisory Committee on Business Appointments about any appointments they wish to take up within two years of leaving office. Former heads of government in the UK generally follow the Ministerial Code.
4. In California and Ontario, post-office restrictions for former heads of government are underpinned by statute. These restrictions include restrictions on dealings with the government and future employment taken up by former heads of government.

Post-Office Restrictions for Senior Members of Government

5. While there is no legislation governing activities undertaken by former ministers of government in France, there is a decree governing activities undertaken by former members of ministerial cabinets within five years after leaving office.
6. In the UK, post-office restrictions for former ministers are the same as those for former heads of government. Although there is no requirement that ministers must abide by the rules laid down in the Ministerial Code, they generally follow them.
7. In the US, California and Ontario, there is legislation governing post-office restrictions for former senior members of government.

Post-Office Restrictions for Senior Civil Servants

8. Except in Ontario where we have not received any information on post-office restrictions for senior civil servants, there are written rules

governing activities undertaken by former senior civil servants in all of the other four countries and places studied.

Post-Office Benefits for Senior Members of Government

9. Various post-office benefits have been provided to former senior members of government in all of the five countries and places studied. The most common one is pension. While in the UK and Ontario, factors leading to Prime Ministers/Premiers and ministers leaving office (such as resignation, retirement or dismissal) do not affect their entitlement to these post-office benefits, in the US, conviction of impeachment or removal for misconduct may affect the entitlement of Presidents and senior political appointees to post-office benefits. We have not received any information on the above arrangement in France and California, or any information indicating the existence of factors affecting senior civil servants' entitlement to post-office benefits in all of the five countries and places studied.

Mechanism Relating to Post-Office Restrictions

10. In France, the government is required to consult the Ethics Commission about the suitability of employment intended to be undertaken by members of ministerial cabinets and senior civil servants within five years of leaving government. The final decision, however, rests with the government.
11. In the UK, former heads and ministers of government, by convention, seek advice from the Advisory Committee on Business Appointments about appointments they intend to take up within two years of leaving office. However, the Advisory Committee will not take any action against any person if he does not follow its advice. Senior civil servants in the UK are required to obtain government approval before taking up any employment within two years of leaving government.
12. In the US, Ontario and California, there is no requirement for members of government to seek approval for their job plans. However, any person engaging in conduct constituting an offence of the legislation governing post-office restriction shall be subject to a fine and/or imprisonment or any other actions specified in the legislation.