

**Legislative Council
Panel on Constitutional Affairs**

**Arrangements Applicable to
Heads of Governments after Stepping Down From Office**

Introduction

This paper presents the findings of the Administration's preliminary research on the arrangements applicable to heads of governments after they step down from office in a number of overseas countries.

Background

2. At the meeting of the Legislative Council Panel on Constitutional Affairs held on 19 March 2001, we informed Members that the Administration was conducting research on the arrangements applicable to heads of governments in overseas countries after they stepped down from office. We agreed to share with the Panel the findings of our research.

3. The information set out in this paper are primarily culled from the Internet or obtained from contacts in the overseas governments concerned.

Australia

4. In Australia, the head of government is the Prime Minister.

5. After the Prime Minister steps down from the office of the Prime Minister, there are no specific rules relating to his involvement in political or commercial activities. It is not uncommon for a former Prime Minister to remain active politically even though he ceases to be the Prime Minister.

6. A former Prime Minister can enjoy various benefits. The precise provisions vary depending on whether he remains in Parliament or not.

7. If he remains in Parliament, he will be provided with:

- (a) office accommodation, unlimited free postage for official purposes within the city in which he resides, telephone and facsimile machines as well as a mobile phone;

- (b) two staff members;
- (c) unrestricted first class air travel within Australia for non-commercial purposes, for himself and his spouse;
- (d) travelling allowance when travelling in the capacity of a former Prime Minister;
- (e) unrestricted economy class air travel within Australia for his staff for official purposes;
- (f) a car (plus driver) and access to pool transport in Australia; and
- (g) security protection.

8. After a former Prime Minister leaves the Parliament, he will be provided with:

- (a) a pension;
- (b) office accommodation, unlimited free postage for official purposes within the city in which he resides, telephone and facsimile machines as well as a mobile phone;
- (c) two staff members;
- (d) unrestricted first class air travel within Australia for non-commercial purposes, for himself and his spouse;
- (e) travelling expenses up to A\$15,000 per annum for his staff for official purposes;
- (f) a car (plus driver) and access to pool transport in Australia; and
- (g) security protection.

Belgium

9. In Belgium, the head of government is the Prime Minister.

10. There are no rules governing a former Prime Minister's involvement in

political activities.

11. In the one year after ceasing to be a Member of Parliament, a former Prime Minister is not allowed to take up a civil service post for which salary is paid.

12. As regards commercial activities, a former Prime Minister is not allowed to:

- (a) mention his former title in deeds or publications related to profit-making companies; or
- (b) become a member of the supervisory board or the management of a company which, through his intervention, was declared State contractor when he was in office.

The restriction in (b) above is valid for five years after he steps down from office.

13. The benefits that a former Prime Minister enjoys after stepping down from office include:

- (a) a pension;
- (b) two staff members;
- (c) medical benefits; and
- (d) security protection.

Canada

14. In Canada, the head of government is the Prime Minister.

15. There are no rules governing a former Prime Minister's involvement in political activities.

16. As regards commercial activities, the restrictions applicable to all public office holders, including the Prime Minister, are set out in the "Conflict of Interest and Post-Employment Code for Public Office Holders". Before assuming office, all public office holders, including all Ministers (and the Prime Minister), are required to sign a document certifying that, as a condition of their

holding office, they will observe the Code.

17. Section 28 of the Code sets out the obligations applicable prior to leaving office:

- (a) a public office holder is not allowed to be influenced in the pursuit of his official duties and responsibilities by plans for or offers of outside employment;
- (b) a public office holder has to disclose in writing to the Ethics Counsellor (appointed by the Prime Minister to, inter alia, administer the Conflict of Interest and Post-Employment Code for Public Office Holders and investigate into allegations against Ministers' conflict of interest) all firm offers of outside employment that could place him in a position of conflict of interest; and
- (c) a public office holder who accepts an offer of outside employment is required to immediately disclose in writing to the Ethics Counsellor as well as to his superior, the acceptance of the offer.

18. Sections 29 and 30 of the Code set out the restrictions applicable after leaving office:

- (a) a public office holder is permanently barred from switching sides in any on-going proceedings to which the Government is a party and in respect of which the person acted for or advised the Government;
- (b) a public office holder is permanently barred from giving advice to one's clients using information not available to the public concerning the programmes or policies of the departments with which he was employed, or with which he had a direct and substantial relationship during the year preceding departure from public office;
- (c) within two years after leaving office, a Minister is not allowed to accept appointment to a board of directors of, or employment with, an entity with which he had direct and significant official dealings in the year preceding departure from office; and
- (d) within two years after leaving office, a Minister is not allowed to make representations to any department with which he had direct and significant dealings in the year preceding departure from office.

19. In addition, section 33 of the Code stipulates that incumbent public

office holders who have official dealings with former public office holders are required to report those dealings to the Ethics Counsellor.

20. After stepping down from office, a former Prime Minister enjoys similar benefits as other Members of Parliament. These include:

- (a) a pension provided for under the MP Pension plan;
- (b) medical and dental benefits provided for under the MP Pension plan;
and
- (c) life insurance provided for under the MP Pension plan.

Germany

21. In Germany, the head of government is the Federal Chancellor.

22. There are no rules governing a former Chancellor's involvement in political or commercial activities. The only restriction, which is set out in section 6 of the Federal Ministers' Act, is the requirement to observe "professional secrecy", i.e. restriction from disclosing confidential information known to him as a result of his holding the office of the Chancellor.

23. After stepping down from office, a former Chancellor is entitled to the following benefits:

- (a) a pension;
- (b) office accommodation;
- (c) one staff member;
- (d) a car (plus driver); and
- (e) medical benefits.

Japan

24. In Japan, the head of government is the Prime Minister.

25. There are no rules governing a former Prime Minister's involvement in

political or commercial activities.

26. After stepping down from office, a former Prime Minister is entitled to the following benefits:

- (a) a one-off retirement allowance which is given provided that he has been Prime Minister for at least six months; and
- (b) security protection.

New Zealand

27. In New Zealand, the head of government is the Prime Minister.

28. There are no rules governing a former Prime Minister's involvement in political or commercial activities.

29. After stepping down from office, a former Prime Minister is entitled to the following benefits:

- (a) an annuity;
- (b) reimbursement for international air travel, for non-commercial purposes, for himself and his spouse;
- (c) free domestic air travel on the same basis as a current Member of Parliament, for himself and his spouse;
- (d) free domestic road and rail travel for himself and his spouse; and
- (e) a car.

United Kingdom

30. In United Kingdom, the head of government is the Prime Minister.

31. There are no rules governing a former Prime Minister's involvement in political activities.

32. As regards commercial activities, the relevant arrangements are set out in the "Ministerial Code: A Code of Conduct and Guidance on Procedures for

Ministers”. It is applicable to all outgoing Ministers, including Prime Ministers.

33. Paragraph 129 of the Code requires Ministers, on leaving office, to seek advice from the independent Advisory Committee on Business Appointments about any appointments they wish to take up within two years of leaving office, other than unpaid appointments in non-commercial organisations or appointments in the gift of the Government. If the Advisory Committee considers that an appointment could lead to public concern that the statements and decisions of the Minister, when in Government, have been influenced by the hope or expectation of future employment with the firm or organisation concerned, or that an employer could make improper use of official information to which a former Minister has had access, it may recommend a delay of up to two years before the appointment is taken up, or that for a similar period the former Minister should stand aside from certain activities of the employer.

34. After leaving office, a former Prime Minister is entitled to the following benefits:

- (a) a pension;
- (b) allowance for office expenses; and
- (c) security protection.

United States

35. In United States, the head of government is the President.

36. There are no rules governing a former President’s involvement in political or commercial activities, other than the restriction that a person who has been a President for two terms cannot stand for Presidential election.

37. A former President, other than a President whose service was terminated by removal through the impeachment process, is entitled to receive:

- (a) for the remainder of his life, a monetary allowance equal to the basic pay of the head of an executive department, other than for periods when the former President holds office or position in the Federal Government or the government of the District of Columbia to which is attached a pay other than at nominal rate;
- (b) office staff selected by the former President with aggregate pay not

exceeding US\$96,000 per annum (US\$150,000 per annum for the first 30-month period), provided that the maximum pay for any person cannot exceed the pay applicable to positions at level II of the Executive Schedule (i.e. US\$145,100 per annum);

- (c) suitable office space appropriately furnished and equipped at such place within the United States to be specified by the former President;
- (d) security and travel related expenses of up to US\$1,000,000 per annum (and up to US\$500,000 for the spouse) provided that the former President and/or spouse is not receiving protection provided by the United States Secret Service; and
- (e) protection provided by the United States Secret Service for his children who are under 16 years of age for a period of up to 10 years or until the child reaches 16 years old, whichever is earlier.